

PRESCOTT CITY COUNCIL
REGULAR COUNCIL MEETING
PRESCOTT, ARIZONA
MARCH 27, 2007

A REGULAR MEETING OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, MARCH 27, 2007, in the Prescott Municipal Building, 201 S. Cortez Street, Prescott, Arizona.

Mayor Simmons opened the meeting at 3:00 P.M. and asked Councilman Roecker to lead the Pledge of Allegiance. Councilman Roecker deferred the honor to Spencer Andrew Parker, 5 week old grandson of Mayor Simmons.

Mayor Simmons asked Clerk Elizabeth Burke to call the roll, which was as follows:

Present:

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

Absent:

None

SUMMARY OF CURRENT OR RECENT EVENTS

Manager Steve Norwood issued a reminder of the Grand Re-Opening of the Nature Center, Saturday, March 31, 2007, at 7:00 AM; there would be guided tours and entertainment; the property was purchased last December and was adjacent to Granite Mountain Middle School.

I. PROCLAMATIONS

A. *Heroica Caborca* – April 6, 2007 - 150th Anniversary

Mayor Simmons read the proclamation and presented it to Sister City representatives Bob Greninger and Ed Williams.

Ed Williams thanked the Council and said he would carry the Proclamation to friends and colleagues in Caborca and present it to the Presidente Municipal; this was a grand celebration in Caborca.

Bob Greninger commented the Sister City Association of Prescott was a very active one, one of the most active small city organizations in the United States; this was an unofficial trip but there were 15 cars and about

50 people making the trip and he thanked the Council for the proclamation.

B. *Water Awareness Month – April 2007*

Councilman Roecker read the proclamation and presented it to Water Conservation Coordinator Shaun Rydell.

Ms. Rydell mentioned there were water conservation kits available at the Public Works building for \$10 and the high water usage season was just beginning; a Water Smart card was going out in all the water bills the next few months to remind everyone to use water carefully.

C. *Fair Housing Month – April 2007*

Councilman Lamerson read the proclamation and presented it to City Grants Administrator Linda Hartmann.

Ms. Hartmann thanked the Council for supporting fair housing and said the City would be working with Southwest Fair Housing to provide education and information to residents, and informational meetings would be held in April.

II. PRESENTATIONS

A. Introduction of New Businesses.

Sam Welchons, Membership and Marketing Director of Chamber of Commerce introduced the following businesses:

1. In Balance Bookkeeping, Carol Gilson, 778-1878
2. A Good Yarn, Deborah Dorell, Firehouse Plaza, 220 W. Goodwin
3. Calivera Board Supply, Bob Culbertson, Skateboards, 226 N. Cortez
4. Prescott Downtown Athletic Club, Julie Ann Ashcraft, N. Cortez Street
5. Synergy Chiropractic and Wellness Center, Gurley Street, Dr. Benjamin Wojjak

B. Presentation by Michael Jacobs re Blazers Baseball Team.

Michael Jacobs, co-owner and manager, of the Prescott Blazers Baseball Club, a non-profit organization whose mission was to provide an opportunity for community involvement for adults addressed the Council, stating it was a collegiate team and affiliated with the Pacific Southwest Baseball League. He said that six teams were involved and were a part of

the National Baseball Conference; it offered athletic, internship and scholastic opportunities; their support came from the community through donations and sponsorships; host families were needed for the players during the National Tournament which would be held July 13-15 in Prescott.

C. Presentation regarding photo enforcement by representative from Redflex.

Mayor Simmons remarked this was a presentation and no public input would be taken today; when it went on an agenda for consideration public input would be taken at that time.

Chief Randy Oaks explained a representative from the company Redflex of Scottsdale would make a presentation and they were the company currently providing radar enforcement in Prescott Valley and would explain how it worked so Council could make a decision later on.

Layne Slapper showed a Powerpoint presentation on their services, which included red light enforcement, fixed speed enforcement, mobile speed enforcement, railroad crossing enforcement, and stop sign enforcement and it was up to each city to decide which type(s) of enforcement they wanted, where they wanted them place, and if they wanted video clips and/or photos.

Mr. Slapper explained the process and they reviewed a violation three times before sending it to the Police Department and said the local Police Department was the final authorizing authority in sending out citations. The company didn't have anything to do with the timing of traffic lights and it freed officers' time.

Questions from Councilmembers:

1. Who decided the location of the radar at intersections?

The local city or town decided where the radar would be set up and how many sides of the intersection would be in view.

2. How would someone handle a ticket that was not theirs?

Go to the Police Department with their information; they were the only ones who could dismiss a citation.

3. Service of a citation through the mail was not signed by the driver.

It was verified it was difficult to prove service by mail.

4. Who set the amount of the ticket and who received a profit?

The amount of the ticket was set by the court and the city could pay a flat fee, a combination of flat fee or portion of the ticket, or a portion of the ticket to the company and they recovered their costs in 5-7 years. There were no upfront costs to the city.

5. Was there a reduction in crashes where radar was used?

When enforcement cameras were put in place an 8-24% reduction in crashes was observed and the cameras changed driving behavior.

6. Would the project require a bid?

Yes, there were many companies and many different programs available to choose from.

D. 2006 Annual Water Report.

Big Chino Ranch Project Manager Jim Holt gave a brief presentation regarding the 2006 Water Resources Annual Water Report which was required by the 1980 Groundwater Code and provided ADWR with reports on the Annual Withdrawal and Use, Assured Water Supply Provider Supplement, Recovery Wells, and Underground Water Storage. He said the City pumped just under 8,000 acre feet and was charged \$2 an acre foot for an amount due to ADWR of \$16,000.

Mr. Holt continued there were two types of water users – metered and unmetered. Unmetered water usage (exempt wells) had to be estimated and there was lost and unaccounted for water that needed to be reported and the loss was estimated at 8.85% for 2006, which when the age of the water system was considered wasn't a bad percentage.

Councilwoman Suttles asked Mr. Holt to give examples of lost or unaccounted for water and Mr. Holt replied it was through pipe or meter leaks or old meters that didn't give accurate measurements. Production, delivery and use of effluent were also reported and effluent was delivered to turf, sand and gravel operations and was also recharged.

Councilman Blair asked what ADWR did with the fees and Mr. Holt responded the fees were used in the operation of ADWR, and for funding of projects or studies in the AMA.

Councilman Blair asked if Prescott was aggressive with water conservation and if there was turf that didn't need to be watered. Mr. Holt replied there were always opportunities to conserve, and through education residents could learn about landscaping and fixture replacement advantages.

Councilman Lamerson asked if there were any projections as to what water savings could be if the City went to xeriscape plantings for golf courses or municipal properties. Mr. Holt responded the Hassayamnpa Golf Course was a good example of water conservation; they were one of the lowest water users because of their landscaping design.

Councilman Lamerson commented golf courses were one of the biggest effluent customers and he would rather see effluent used for construction purposes. Mr. Holt added "or for recharging".

At this time, Manager Steve Norwood announced Arizona Public Service was reporting six power poles were down on Willow Lake Road due to the high winds and the area was currently without electricity; it was hoped to be restored soon.

III. CONSENT AGENDA

Councilman Lamerson MOVED to ADOPT the Consent Agenda, Items III-A through III-I., which was SECONDED by Councilman Roecker. The motion passed unanimously.

- A. Adopt Resolution No. 3806 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the application for and acceptance of a grant from the Bureau of Justice Assistance, Office of Justice Programs, for funding for officer vests and authorizing the execution of any and all documents to implement same.
- B. Authorize 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.
- C. Approve annual contract with Youth Count in the amount of \$27,500.00 annually.
- D. Adopt Ordinance No. 4581 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the purchase of real property located on the north side of Road 2 South, Chino Valley, and described herein, and exchanging a portion of City-owned property at that location for a portion of Non City-owned property at that same location,

and authorizing the Mayor and staff to execute and any all documents to effectuate said purchase and exchanges of property.

- E. Approve sole source purchase of four traffic signal controller cabinets from Econolite Control Products, Inc., in the total amount of \$44,879.69.
- F. 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.
- G. Adopt Ordinance No. 4583 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, accepting the dedication of certain roadway located within the City of Prescott and referred to as a portion of State Route 89 between the north boundary of the Yavapai-Prescott Indian Reservation and the south edge of Hillside Road, and authorizing the Mayor and City staff to take necessary steps to complete acceptance and dedication as a City of Prescott public roadway.
- H. Adopt 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. (Department of Economic Security/DES)
- I. Approve Minutes of the Joint Study Session/Special Meeting of the Prescott City Council Held on March 6, 2007, the Regular Voting Meeting of the Prescott City Council Held on March 13, 2007, and the Study Session of the Prescott City Council Held on March 20, 2007.

IV. REGULAR AGENDA

A. Discussion with Yavapai County Board of Supervisors on County properties and properties County may consider for purchase.

Supervisor Chip Davis explained the Board of Supervisors had conducted a Capital Facilities Needs Assessment and the City and County had discussed the exchange of the Sundog Ranch Road landfill property and the rodeo grounds but a few obstacles had come up and the Supervisors were seeking Council's input today on properties they were looking closely at; and Administrator Jim Holst and Supervisor Tom Thurman would make a presentation.

Supervisor Tom Thurman began saying they had narrowed down the possibilities to three potential sites that could feasibly work; jails were not penitentiaries and didn't have razor wire or exercise yards; they looked like commercial administrative offices and there was new technology available to keep track of inmates.

Mr. Thurman explained the idea was to move the sheriff's office and jail from the E. Gurley Street building and use the building for additional Court space. This would include moving and consolidating Adult and Juvenile detention and probation offices to be all together at one location. It was emphasized the importance of keeping a County presence in the downtown area.

Mr. Thurman presented the three properties under consideration:

1. Side Road property owned by the Cavan Group.
 - 70 acres
 - City would be putting in an interchange near the property
 - Airport near by
 - property was level and usable
 - property could be annexed into Prescott
 - would have to tie into water and sewer infrastructure when available
 - would have to purchase the property
2. County property/Fain property in Prescott Valley
 - 20 acres were owned by the County
 - Additional 50 acres of Fain property near Yavapai County Fairgrounds
 - Sewer and water were available

- would need an improved road
- would create another entrance into the fairgrounds property
- ADOT had future plans to put in an overpass at Viewpoint Drive
- wasn't far from the airport
- a new connector road would provide access to Chino Valley in the future.

Mayor Simmons commented it was a long way from downtown Prescott and Mr. Thurman replied it would seem like a long way for at least the next 15-20 years but growth was going that way; currently Dewey had to come in to Prescott and that was a long way for them to come to downtown Prescott.

Councilman Roecker asked if 50 years from now, these 70 acres would include the court system moved from Downtown Prescott. Mr. Thurman responded "yes" and Councilman Roecker said he didn't like the idea.

Supervisor Thurman commented in 50 years there might be a million people and they would be located out in this area and the facilities would be convenient for them; growth was occurring north and east and the true hub and the ideal spot would be the Cavan property on Side Road but infrastructure costs and interchange costs would be high. There could eventually be 1,200 to 1,400 beds in the detention centers which would be equivalent to 700 homes.

Councilman Blair wanted County facilities located as close to Prescott as possible to take into consideration travel time for Police Officers, vehicle use, and the officers' time and out of service time.

Councilman Lamerson wanted to be sure to keep the court system in the downtown area.

3. Sundog Property - Supervisor Thurman continued the first idea was to exchange the rodeo grounds for the Sundog Ranch Road property and then realized the values of the two properties were not equal; the Sundog property was:

- only 45 acres
- not centrally located
- could smell the wastewater treatment plant
- Water, sewer, natural gas and fiber optics were available
- Storm Ranch and other development would be occurring
- The Sundog Ranch Road would be extended to Prescott Valley
- The Tribal Connector was on the drawing board

- Was close to downtown Prescott

Councilman Blair suggested putting the juvenile and adult probation and jail at the Sundog Ranch Road property and the administrative building at Side Road.

Supervisor Thurman added they had been offered 30 acres on the Deep Well Ranch on property between Willow Creek Road and Highway 89 near the airport and it could be annexed into the City. The County also had approximately four acres of property in Prescott Valley in the vicinity of the Town Center which could be used as a Court room for the Mayer Justice of the Peace and maybe an administrative building for the Recorder and Assessor personnel; the Board would probably increase to five supervisors by 2012. The current Yavapai County Courthouse was on four acres as a comparison and the Supervisors were looking for direction from the City Council.

Mr. Thurman added the County owned 35 acres at the south end of Marina Street, which was utilized for Development Services and had once been a hospital. He said it was in the middle of a neighborhood and the property would be perfect for apartments.

The County also had 35 acres on Commerce Drive which was the location of the Health Department and Public Works buildings. The impound yard would be removed. Development Services could be moved to that location as well and provide “one-stop shopping”. They also needed to find a place for their Parks Department.

Mayor Simmons commended the Supervisors for the long-range planning they were doing; the Verde Valley facilities needed to be enlarged as that area was growing; he liked the Sundog Ranch Road property as the site for the jail, Sheriff’s Offices and probation/detention facilities and infrastructure was already in place; the fairgrounds property in Prescott Valley was too far away.

Supervisor Carol Springer said she didn’t have a lot to add to the presentation; her philosophy was that every single County department was at or above their physical capacity; the focus, however, was primarily on jails and detention centers. They were trying to do some long-range planning and were looking at capital expenses as well as operational expenses and trying to plan for efficient operations in the future. She liked the campus idea and clustering buildings and putting in infrastructure to allow for expansion of the buildings and infrastructure in the future. She envisioned a campus with two clusters – the first would be the justice center complex, with the jail located next to the court house and buildings provided for the county attorney, public defender, clerk of the court, adult

probation and the juvenile detention center which all interacted and made sense to cluster them together. The other cluster would be the administration building for the Board of Supervisors, Recorder, Assessor, and Treasurer.

Ms. Springer said one location was best that was easily accessible; growth was to the north and northwest and the Cavan property or Sundog Ranch Road property were the most central locations. She was concerned about putting a court house in an industrial area near a wastewater treatment plant; the problem with the Cavan property was the interchange; possibly they could work out some assistance from the city with the infrastructure costs; the County complex/rodeo grounds were worth approximately \$10 million and the Sundog Ranch Road property was not that valuable. The Supervisors had been working on a plan for two years and needed to make a decision very quickly and needed the City Council's input and ideas.

Mayor Simmons remarked the resolve of Council regarding the purchasing of the rodeo grounds on Fair Street had not wavered.

Councilman Blair thanked the Supervisors for coming to the Council meeting today and noted that what affected the County affected the City. He City needed to secure the rodeo grounds and he was willing to negotiate whatever was needed for the Cavan property. The City was also out of space and by centralizing facilities and using accessible property they could make anything work.

Councilman Lamerson wanted to see the Courts stay in downtown Prescott and keep the County seat in Prescott.

Councilman Luzius said he agreed with Councilman Lamerson, that it was very important to keep the Courts and Court system in downtown Prescott and make arrangements to acquire the rodeo grounds; the Sundog Ranch Road property seemed like a perfect spot and the 49 acres would be enough to grow for a number of years.

Councilwoman Suttles agreed that a decision needed to be made and move forward; and it wasn't just a matter of where the facilities would go but financially as well; she wanted to know where the courts would be, where the jail would be located etc., and asked if the City Council was to select a site or what kind of direction the Supervisors were looking for.

Supervisor Springer added the Cavan property was the most ideal for long-range planning but the issue was a lack of utilities and when the Side Road interchange would be built by the City, and then the property would be annexed into the city. The best 45 acres they owned was where they

currently were located on Fair Street and if the rodeo grounds were moved they would have enough room for their complex and she was not willing to part with valuable property unless they got a reasonable balance in exchange; the goal had been to exchange properties as a “no money” transaction.

Supervisor Chip Davis asked how many times Prescott had been the Capital of Arizona (twice) and said Prescott would always be the County seat of Yavapai County. They had a lot invested in Prescott with many facilities around Prescott and they weren't going away. Their decisions depended on their partners and they had needed to know the significant impacts of their decisions; they needed to know the City wanted to keep the Courts downtown; they needed to know the City wanted to follow through on the rodeo. The process had paid off and there would be a mix and match of properties. He vowed that he and the Mayor would see the exchange take place between the Sundog Ranch Road property and the rodeo grounds. They would get it done and retain equity for their taxpayers; it might be necessary to retain some of the rodeo grounds property until the City could buy and if that's what it took, that was what they would do. He said everyone was ready to make a decision; they had heard from Prescott Valley and from Prescott and would be discussing this at their next meeting on Monday, April 2 at 9:00 a.m.

Mayor Simmons said that he appreciated the regional cooperation that was being shown and thanked the Supervisors for their concern for the history of Prescott.

Speakers:

Candice Fabrie, 4121 Bonita Way, Prescott Valley, shared her concerns and thoughts as a sophomore at the Tri-City Prep School. She said she felt the site was inappropriate being near a high school with young students; inmates could harass the students as they were transported into and out of the facilities; they could whistle at the students, copy down license plate numbers from students' cars. She felt there would be too much traffic if the jail was sited there and more accidents would occur. The Sundog Ranch Road property was a perfect site as it was not near any schools and wouldn't be a problem should there be a breakout and require the school to be locked down for several hours; the safety of the student body was top consideration.

John Stalmach, 1607 Idylwild – commented on Supervisor Springer's theory of grouping the buildings together for more convenience, such as the courts and jails in close proximity and the support that went with it. He said, however, at this time terrorism would never be stopped in their lifetime and if the complex was clustered a person with a bomb in their

vehicle could drive in and park in the middle and that would do more damage than if the buildings were separate and suggested not clustering the buildings.

Mary Ellen Halvorson, 2965 Pleasant Valley Drive, said she owned property on Side Road and had talked with the parents and students and she brought their concerns and thoughts to the Council. Of 365 responses, most were against having a jail next to the school. There was a concern expressed by Supervisor Thurman about putting a jail near the wastewater treatment plant because of the smell but Tri-City Prep had a concern about having the jail as a neighbor. The Courts would not be a problem.

She had recently worked with the City on water and sewer issues and had worked out an agreement, but she had just been told that there wouldn't be enough gallons per minute to support a sprinkler system and fire hydrant on the 10 inch line from Centerpointe; the closest water line was on Willow Creek Road. There were four main concerns – a jail placed next to a school; the cost of purchasing the land versus the Sundog property that could be exchanged and would be less costly; the intersection and traffic; and lastly Prescott not losing the County Seat. She didn't think consolidation was always better and it might be more convenient to the community to spread the facilities out.

George Seaman, 1830 Idylwild Hill, asked if during the negotiations the City and County had considered an intergovernmental agreement for co-ownership of the rodeo grounds, with the County getting the Sundog Ranch Road property and Heritage Funds were available for the purchase of the rodeo grounds.

Mayor Simmons remarked the County needed the money for building what they need to and this had started with the idea of an even trade.

Mr. Seaman responded the County offered to hold some of the property into the future in the swap and they could continue to own the property.

County Administrator Jim Holst said an appraiser had looked at all the information and it had come down to a difference of about five acres and the County could preserve the five acres for the City until funds were available.

Supervisor Thurman suggested a right-of-first refusal agreement and then invited the Council to attend their meeting on April 2 at 9:00 A.M.

Manager Norwood updated the audience on the downed power lines on Willow Lake Road --- at least 2,000 homes were without power in the

beginning and as of 30 minutes ago there were just 50 without power; the motorists caught in the mishap were not hurt; the lift stations and pump stations were using generators and the situation could have been worse.

- B. Adoption of Resolution No. 3807 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, repealing Resolution No. 3712 adopted on October 25, 2005, and adopting that certain document entitled “City of Prescott 2005-2010 Water Management Policy, Amendment #1, Dated March 27, 2007,” and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.**

Management Analyst Connie Tucker explained the changes to the current policy beginning with:

- First Change - the Analysis of Water Demand.

No comments were made.
- Second Change – the conversion of property that would require an allocation of alternate water and assessing of fees.

No comments were made.
- Third Change – the budget and tracking of the alternate water supply. City looked at vacant parcels that had no commitment of water. Asked to identify demand and set aside the water, 1360 af. Subtracted water commitments and took vacant parcel demand, leaves 832 ac at start of 2007 to meet new demands. When vacant parcels are developed it will be taken from 1360 af. Others would come out of 832 acre feet. Significant change in way of tracking.

No comments were made.
- Fourth Change - Workforce Housing – 20% of the 200 acre feet of water budgeted for allocation each year (40 acre feet) was available for workforce housing projects. The previous policy identified potential homebuyers as being at 87% of median income or less. Kathern Mitchell, Affordable Housing Resource, stated 120% of median income would be difficult for a potential homebuyer to find a home in Prescott to buy. The policy wording was changed after last week’s Study Session and the Water Allocation Committee would develop something for the Council following public input, using different formulas for small or large

families and there would be a scoring criteria developed for the Water Allocation Committee to evaluate each project.

Councilman Luzius wanted to have the workforce housing issues settled before adopting the Water Management Policy.

Mayor Simmons disagreed with that and said he didn't want to hold up the adoption of the newly revised plan.

Councilman Blair added every development project was different; the Water Allocation Committee made a recommendation and Council considered the project a couple times on their agenda.

Councilman Lamerson added that affordable housing was a moving target; maybe a candidate for housing only had 2 people in the household, or 4, 5 or maybe single; water should not be used to deny equal opportunity to live in Prescott but the high cost housing did that and some water needed to be reserved for affordable housing for the elderly, handicapped and professional people, like nurses, teachers, and firefighters. He said it was unknown how long it would take to put together a workable formula and criteria and he didn't want to see this postponed.

Ms. Tucker commented a development agreement would be generated for a workforce housing project to keep it designated as that in the future.

- Fifth Change - Ms. Tucker explained the last change was to the policy that previously stated a development was not allowed to get a water allocation for an entire project and the developer was required to come in with each phase and request water for that phase and there was no assurance the water would be there for them. The proposed change to the policy would reserve water for an entire master-planned project and gave as an example an allocation of 200 acre feet for an entire project and there would be a Council-determined deadline that the Final Plat for the last phase of that project must be done by, so water wasn't held forever.

George Seaman expressed concerns over the point system applying to a project with mixed values, some considered affordable, and there was no incentive for a builder to build homes for the people that were at the 87% of median income, they would build homes at the 120% of median income level and if there was a review date on the 120%; Ms. Tucker said it was a five year policy.

Councilman Lamerson remarked the Council had the flexibility to approve or disapprove a water allocation for any project. Kathern Mitchell worked for subsidized housing and because of there not being an inventory of housing available in the \$135,000 unit price category they couldn't qualify people for the housing available in the \$200,000-\$300,000 range and this change would provide that opportunity. He thought there were subsidizing agencies that helped pay a portion of the costs of the homes for lower income families.

Councilman Roecker suggested having Ms. Mitchell or another expert provide examples to help address Mr. Seaman's concerns and discuss it at a Water Allocation Committee meeting and then bring the information to the Council.

Mayor Simmons concluded saying he didn't want the flexibility taken away.

Councilwoman Suttles MOVED to ADOPT Resolution No. 3807, and direct preparation of City Code amendments relating to water development fees which are necessary to implement the City of Prescott 2005-2010 Water Management Policy, as amended, which was SECONDED by Councilman Lamerson. The motion passed 6-1 with Councilman Luzius casting the DISSENTING vote.

- C. Adoption of Resolution No. 3808** – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into an Amended Development Agreement with Prescott Land and Development, LLC for Canterbury Gardens Senior Community, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above. (#03-201/Forest Glen, Inc.)

Community Development Director Tom Guice explained Resolution No. 3808 would amend the development agreement for the Canterbury Gardens Senior Community project.

Councilman Roecker said his concerns about access had been addressed and the woman (Jane Jones, 403 Sun Street) who lived close to this would keep her property whole.

Councilman Luzius stated the following concerns:

- the ingress/egress to the project
- an outdated traffic impact analysis information
- 24 foot width of the street and not the current code requirement of 28 feet

- left turns or no-left turns allowed or right-turn only on Canterbury
- the bottleneck that would be created at Whipple/Montezuma Street
- whether a traffic impact or mitigation plan to be prepared

Public Works Director Craig McConnell clarified the traffic information provided at the Study Session was current and this was a comparison of the type of development and this development type was not a major generator of traffic. Whipple/Montezuma Street was an arterial street and traffic volumes increased at certain times during the day on workdays. Left turns onto major streets were difficult and was the price paid by a community that was developing, and drivers modified their behavior when they found it difficult to make a left turn they would turn right and then make a left turn in another location.

Mayor Simmons asked if there were times during the day when a left turn could be made and Mr. McConnell replied “yes” and there was a center left-turn lane they could enter before merging into traffic.

Councilman Luzius added Sonic, which was across the street, had a “no left turn” sign and it was mostly ignored; however, it was difficult to make a left turn onto Whipple/Montezuma Street from Sonic and there was a sight distance problem; it wouldn’t be any easier coming out on Canterbury and trying to get onto Whipple and he suggested putting a similar sign at Canterbury.

Mr. McConnell responded the traffic engineer evaluated the site and felt the proposed plans for ingress and egress were adequate; the exit from Sonic was from private property and this street was public.

Councilman Luzius said he had asked Fire Marshal Ted Galde to look at this site and he understood when the project was approved many years ago it was okay with a 24 foot wide roadway, but the new unified development code called for 28 feet and didn’t know why the developer didn’t have to comply with the new standards.

Mayor Simmons responded approval for 24 feet was granted many years ago before the new code was approved.

Councilman Luzius remarked their time had run out.

Councilman Roecker said he was also concerned about the width but the easement would be 25 feet, there would be “No Parking” signs on both sides of the road, it kept Ms. Jones’ property whole and the Fire Department was okay with it and this was his first exception in not voting against a roadway that was less than 28 feet wide.

Mr. Guice added Mr. Malouff said the easement would be 25 feet wide and they could get a 24 foot paved section in there; the Land Development Code was adopted in July 2003 and implemented in January 2005; this plat was approved in 2003 before the new standards were effective.

Fire Marshal Galde said the Fire Department had not changed their position and understood the width was due to constraints on how wide the street could be; wider would be better but because it was a dead-end street and would be “No Parking” signs on both sides of the street the Fire Department could accept it; there was very good circulation around the project and a 20 foot wide Fire Lane, adequate parking and no on-street parking allowed.

Councilman Luzius wanted to be assured the Fire Department was comfortable with the fact that two roads came into the two projects and both roads dead-ended, those being Sun Street and Canterbury Street and the Fire Department could get in and rescue 132 or more senior residents if necessary.

Mr. Galde responded the Fire Department believed they could because a major portion of parking would be underneath the building off Sun Street and because of the access, because of their equipment, and the fact this facility would have a fully-sprinklered system they could carry out a rescue if it was ever needed.

Councilman Blair clarified with Nick Malouff that in an emergency evacuation rescue personnel could enter from Sun Street and exit out Canterbury Street and Mr. Malouff replied it would be possible in an emergency but they would not have public access.

Councilman Blair asked if it was correct the project didn't fail because the plat went away, but that the water allocation went away because it had not been tied to the plat and Assistant Community Development Director George Worley mentioned last week there had been a glitch and the water allocation went away.

Mr. Guice replied the request before Council was to extend the date of final plat submittal from December 31, 2007 to December 31, 2008 and there had been a change in ownership interest—that was the primary reason they were here today.

Councilman Blair asked Mr. Malouff if they could make this new deadline and Mr. Malouff replied they could and clarified the reason they were before Council with an amended agreement was the language in the Development Agreement was vague and after they started their

architectural plans and spent a lot of money they realized the language in the Development Agreement was for a project with independent living without an assisted living component which put them at odds with the Fair Housing Act and they didn't want to be in non-compliance. He said after some research they found they had some issues and then they realized the water service agreement had lapsed.

Councilman Blair concluded saying he believed this was a necessary project, the property was zoned for the project and Council had been dealing with the property since 1999.

Mr. Malouff remarked the revised development agreement cleared up the language and would let the developers respond to the market by giving them some flexibility; the site plan was based on a certain number of units and if anything changed, they would have to comply with parking requirements which were fixed in the development agreement.

Councilman Blair called the question.

Councilman Lamerson MOVED to ADOPT Resolution No. 3808, which was SECONDED by Councilman Suttles. The motion passed 6-1 with Councilman Luzius casting the DISSENTING vote.

- D. 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. (FP05-018)

Mr. Guice started to explain the project and Mayor Simmons interjected that Councilman Luzius had some concerns about the project and had asked it not be on the Consent Agenda.

Councilman Luzius said he had requested it be kept off the Consent Agenda because he wanted to vote no on it; the Planning and Zoning Commission had not approved it and Council had already granted two concessions to the project, setback and parking, and these were more concessions.

Councilwoman Suttles MOVED to APPROVE the 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, with the conditions listed in the Council Agenda Memo dated 03/20/07 & 03/27/07, which was SECONDED by Councilman Lamerson. The motion passed 6-1 with Councilman Luzius casting the DISSENTING vote.

Conditions of Approval:

1. A solid screen of plantings be planted along Stetson Street with a 3-foot high wall or solid/opaque fence.
2. A landscape plan be submitted by the applicant and approved by staff prior to the recordation of the Final Map.
3. A landscape bond be submitted for the landscaping if these improvements are not performed prior to the recordation of the Final Map.
4. Items 1 through 8 of “Operation, Maintenance and Repair of Common Elements and Units” be placed on the final plat as a separate, recorded plat amendment, and included in the CC&R’s provided to all buyers of the condominium units.

V. ADJOURNMENT

There being no further business to come before the Prescott City Council, Mayor Simmons ADJOURNED the meeting at 6:18 p.m.

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 Voting Meeting of the City Council of the City of Prescott, Arizona held on the 27th day of March, 2007. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2007.

AFFIX
CITY SEAL

ELIZABETH A. BURKE, City Clerk