

PRESCOTT CITY COUNCIL
COUNCIL STUDY SESSION
PRESCOTT, ARIZONA
MAY 1, 2007

A STUDY SESSION OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, MAY 1, 2007, in the Prescott Municipal Building, 201 S. Cortez Street, Prescott, Arizona.

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

Present:

Absent:

Mayor Simmons (arrived at 3:46 P.M.)
Councilman Bell
Councilman Blair
Councilman Lamerson
Councilman Luzius
Councilman Roecker
Councilwoman Suttles

None

□ SUMMARY OF CURRENT OR RECENT EVENTS

Manager Steve Norwood commented that Mayor Simmons had an emergency at home and would arrive for the meeting shortly. The Spring Cleanup was finished last week and over 370 tons of material was picked up and the tipping fees at the landfill amounted to \$22,000. It wasn't an inexpensive program but was well received by the community and provided residents an opportunity to dispose of unwanted items and trash. He also reported that in the Bond/Buyer magazine was the headline that Prescott Nets Triple Upgrade (in bond rating).

I. PROCLAMATIONS

A. May 2007 – Arizona Historic Preservation Month

Councilwoman Suttles read the proclamation and presented it to Doug Stroh, Preservation Commission Chairman.

Chairman Stroh thanked the Council for their support of the Preservation Commission and appreciated the proclamation; he thanked the Commissioners for their time and efforts in historic preservation and the citizens who complimented the Commission as well. He asked if anyone could imagine what Prescott would look like if the City hadn't embraced preservation 20 years ago; Prescott was known as a heritage tourism destination and benefited economically. The City hired Nancy Burgess 17 years ago and since then over 700 buildings were listed on the National

Register; she was an asset to the City and to Prescott and thanked her for her hard work and mentioned she had won many awards over the years.

B. May 2007 – Teenage Pregnancy Prevention Month

Councilman Luzius read the proclamation and presented it to a representative from TAPP (teenage pregnancy prevention) who thanked the Council for their support and gave Councilmembers a daisy pin which symbolized a baby.

II. PRESENTATIONS

A. Presentation by representatives and landscape architect of Lowe's to update Council on project.

John Jesse, Lowe's representative –

- Construction began the end of January; moved a lot of dirt
- Retaining walls and culvert improvements started in mid-February and should be completed in May
- Walls of the store would begin going up in May and major construction would be during June, July and August
- Paving on the site would be done mid-August
- ADOT improvements to Highway 69 would start in June by adding right-turn lane into the site
- Signal construction and pedestrian crossings would be done during July.
- Landscaping would begin by the end of September and would be done quickly in order to get it established for erosion control.
- Store operations would begin in early November and December
- Opening date of December 18th was being projected.

Mr. Jesse continued, stating that they were designing the site taking into consideration future area development, stormwater mitigation and they would be retaining water on site; cultural and historic preservation had been considered; utility upgrades and infrastructure needs were considered as well as traffic volumes with the roadway being widened for future needs.

Councilmembers encouraged Mr. Jesse to keep in contact with the residents of Prescott Canyon Estates and be sensitive to their concerns.

Jeff Smith, landscape architect, explained the landscaping for the State Land site and retail site would be different with the reestablishment of natural vegetation, natural landscaping and the buffering of the drainage

swales and the building site would have ornamental landscaping and trees. They would be meeting with the residents in the area to discuss ways to mitigate the retaining walls adjacent to the subdivision. The two landscape plans were different but would provide visual continuity by blending the two sites. There would be higher density plantings than required in order to control glare and solar (heat) impacts from the asphalt. The State Land would be hydroseeded along with the natural occurring growth and alligator juniper and pinon pine trees would be planted.

Councilman Blair asked if the color of the downslope drainages would be looked at because grey did not match the soil coloring and he asked why they didn't riprap it. Mr. Jesse said they would use riprap closer to the highway but they would evaluate the color of the drainages at the end of the project.

Jeff Smith said the drainages could be mottled to look more natural; they would temporarily irrigate the landscaping on State Land in order to get the trees and plants established and after two or three years that would be discontinued and the trees would have drip rings and would be irrigated for a longer period of time. The building would be screened from the highway using trees and shrubs.

Councilman Luzius asked how high the retaining walls would be at their highest point and how many lifts there would be. Mr. Jesse replied the highest point of the wall would be 64 feet tall and there would be 5 lifts plus the bottom lift.

Councilman Blair asked if Prescott Canyon Estates would have ingress/egress across their property and Mr. Jesse said they had made provisions to allow a curb cut if the road was allowed across private property and it was between Jim Sarti, the private property owner, and the Prescott Canyon Estate homeowners association to come to an agreement on the road.

Manager Steve Norwood commented the roadway was not listed on the agenda for discussion and he would have Community Development Director Tom Guice look into it.

B. Presentation by representatives of Prescott Alternative Transportation re Bike Month.

Councilman Roecker presented the proclamation that was read last week to a representative of the Prescott Alternative Transportation group.

Jim Knaup, Co-Chairman of the Prescott Bicycle Advisory Committee, explained there would be over 50 events during the 31 days of May and

one of the events was a Ride to Work with the Mayor event on Friday, May 18. Mr. Knaup listed other events during the month. A short video was shown from last year's ride.

Mayor Simmons arrived in Council Chambers at 3:46 P.M.

III. DISCUSSION ITEMS

- A. Adoption of Resolution No. 3816** – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, in support of the Essential Air Service application for the Prescott Municipal Airport to the Federal Aviation Administration.

Airport Manager Rick Severson explained the original airport terminal was built in 1948 and during the last 30 years airline service had been subsidized; the current two-year federal contract for Great Lakes Airlines to receive an Essential Air Service subsidy from the US Department of Transportation was about to expire. The USDOT advertised for proposals for a new contract to begin on July 1, 2007 and two proposals were received, one from Great Lakes Aviation and the other from Mesa Air Group. An option to be considered was a daily flight to Las Vegas.

Mr. Severson noted that a representative from Mesa Airlines was present today to discuss their proposals and USDOT requested the City make a recommendation on the preferred carrier and service option before the end of May. A resolution in support of a specific airline proposal would be on the May 8 Voting Session agenda. Three factors to be considered were 1) connecting passengers to Phoenix and to their final destination; 2) an alternative destination – a daily flight to Las Vegas; and 3) airport development – the funding of airport improvement grants from the State and Federal government depended on the number of passengers.

Mr. Severson reviewed the proposals:

Mesa Airlines –

- Flew into Terminal 4 (80% of flights out of Phoenix left from Terminal 4)
- Connecting flights from Terminal 4
- Security check only one time at the beginning
- Bags checked in Prescott and transferred to next airlines in Phoenix, except to Southwest Airlines
- Ticketing process connected with Phoenix
- Option of one flight to Las Vegas
- One way ticket to Phoenix would be \$49, to Las Vegas would be \$59 one way.

Great Lakes Aviation –

- Flew into Terminal 2 (20% of flights out of Phoenix left from Terminal 2)
- Majority of passengers had to go to Terminal 4 for connecting flight
- Baggage had to be handled and go through security a second time
- Ticketing process was through United Airlines
- One way ticket to Phoenix was \$87, to Las Vegas would be \$71 and Great Lakes was negotiating with McCarren Airport to be allowed to fly into Las Vegas
- Option of one flight to Las Vegas if receive approval or 3 flights into Phoenix per day

Jeff Hartz, Mesa Airlines, expressed interest in returning to Prescott as the Essential Air Service carrier and said many people from Prescott currently were taking the airport shuttle to Phoenix instead of flying from Prescott.

Councilmembers asked questions about daily schedules and the airfares and Mr. Hartz responded Mesa Airlines, if chosen, hoped to show area residents flying was a better option than driving or taking the shuttle to Phoenix and making a connecting flight.

Councilman Lamerson clarified ADOT was not involved and the Council could make the recommendation to USDOT. Mr. Severson replied adoption of a resolution next week would include the recommended option and carrier from the Council and the State was not involved.

Councilman Bell asked if the other cities (Kingman, Page, Show Low) were contacted to see which airlines they wanted and Mr. Severson said only Kingman was contacted as they were linked and they were interested in having Mesa Airlines and would be contacted again once Prescott made their recommendations.

Mr. Norwood added he had received five e-mails from the public and they strongly recommended Mesa Airlines over Great Lakes Aviation.

Speakers:

William Cheek – An economic study was done for the airport last May and a survey included questions about the air carrier and service to Prescott. Comments included the need to improve air service and no one was in favor of Great Lakes; the service was inadequate for the community and the connection from Terminal 2 to go to Terminal 4 was difficult. He strongly urged Council to support Essential Air Service renewal and request Mesa be the carrier.

John Solomon – Air service should be convenient; access to Terminal 4 was very important for users; more ground transportation services were springing up and were carrying 100,000 people to Phoenix; thought that could be changed by awarding the airline service to Mesa Airlines.

Doug Bristol, Chamber representative – Chamber wrote a letter stating the airline connection between Terminal 4 and Prescott was critical to their members and the reasonableness of fares was important. They also supported the Las Vegas flight option and thought Prescott's population was large enough to provide an opportunity for routes out of the area. An impact study commissioned by the Chamber showed the airport had an economical impact of \$69,000,000 into the economy and was a major economic engine in Prescott and in the County. Passenger service was a key factor and based on the two proposals received they believed Mesa Air Group's proposal should be the one recommended.

Councilman Bell asked if the airlines could build enplanement to the 10,000 passenger a year level, if Prescott would qualify for terminal funding and Mr. Severson replied that was correct; grants would be available for the construction of a new airport terminal and lengthening the runway for a larger plane that Mesa could use.

Councilman Bell asked how far along the design of the terminal was. Mr. Norwood replied 60% of the design was done and the remaining 30% would be in next year's budget for grant funding.

Marlin Kuykendall, 6000 Willow Creek Road – it was important to make it convenient for people to get to Phoenix and important for Prescott to get the passenger traffic back so something could be done about the terminal. Discussion regarding a new terminal had gone on for many years but could not be built due to the lack of passengers. He urged Council to accept the proposal from Mesa Air Group.

Council consensus was to recommend Mesa Air Group and Option 2 (2 Phoenix flights and 1 Las Vegas flight daily).

B. Approval of application to the Governor's Office of Highway Safety for FY2008 grant funds in the amount of \$44,350.00 for the continued operation of the Northern Arizona DUI Task Force.

Police Chief Randy Oaks explained this item was to approve submitting an application to receive grant funds from the Governor's Office of Highway Safety for FY2008 funding of the Northern Arizona DUI Task Force. The application needed to be submitted by May 14, 2007, and would request funding in the amount of \$44,350 which would be allocated to pay overtime and employee-related operating costs for officers in participating

agencies to work special DUI traffic and aggressive driver enforcement and public educational details. Any remaining funds would be used to purchase two new laser speed detection instruments and additional breath alcohol testing equipment.

- C. Adoption of Resolution No. 3814** – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, accepting a Right of Way Agreement issued by the State of Arizona, Arizona State Land Department, providing access to the Glassford Hill Public Safety Communications tower site. (State Contract No. 18-110914)

Police Chief Randy Oaks explained Resolution No. 3814 would approve a Right-of-Way Agreement with the State Land Department and would provide the City with access to complete the infrastructure needed to activate the Glassford Hill public safety communications site and was part of the regional public safety communication upgrade project. The Glassford Hill site would also be used as the regional hub for statewide interoperability, connecting the Prescott area with the State Communications System.

Regional Communications Center Director Paul Laipple added the City needed to have an agreement in place in order to drive to and from the tower site and there were three other right-of-ways going to the site as each entity using the site needed their own agreement with the State Land Department.

Councilwoman Suttles asked if the property were traded or sold if the easement would remain; Mr. Laipple said it would.

- D. Adoption of Resolution No. 3815** - A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, accepting a Commercial Lease Agreement provided by the State of Arizona, Arizona State Land Department, for the Northwest Tank Public Safety Communications tower site. (Lease No. 03-111311)

Police Chief Randy Oaks explained Resolution No. 3815 would establish a Commercial Lease Agreement with the State Land Department for the Northwest Tank Public Safety Communications tower site as part of the regional public safety communication upgrade project to improve radio communication in the Prescott area. The annual lease rate would be \$18,000; the term of the agreement was 10 years; the location was off Pioneer Parkway near Williamson Valley Road.

Councilman Blair asked why the previous item was a right-of-way agreement and this was a lease and Chief Oaks replied the other one was

for the use of right-of-way to go over State Land and this one was to put up a wireless telecommunications monopole tower and antennae facility.

Councilman Roecker asked where the amount of \$18,000 came from and Mr. Laipple said the State prepared an appraisal of the property.

Councilman Roecker asked if there were other options and Mr. Laipple replied possibly the amount could be legally appealed and Attorney Kidd could look into that.

Councilman Blair asked if the tower could be put on private property and Mr. Laipple responded four of the towers were going on City property and two on State Land.

Councilman Blair suggested talking with residents in the area about locating the towers on their property or on National Forest land.

Mr. Laipple commented the City had a large water tank on this site also.

- E. Award of contract for **disposition of recyclable materials** to Norton Environmental at the rate of \$10 per ton.

Field Operations Manager Chad McDowell explained the City currently had an Intergovernmental Agreement with Flagstaff to dispose of recyclable materials through the curbside recycling program; the materials were transported to Flagstaff, processed and sold by Norton Environmental. The City paid Flagstaff \$30 a ton and received 40% of the profits Flagstaff received from Norton; however the costs of transporting the materials and the revenue did not cover the operation costs. In December 2006 the City solicited RFP's for residential recycle materials and received two responses. Staff was recommending an award of a contract for processing and disposition of residential recyclable materials to Norton Environmental in the amount of \$10 per ton which included transporting costs. The contract would be for a period of 10 years with the option to extend the contract for an additional three years. The change should provide an estimated cost savings of \$60,000 per year.

Councilman Luzius asked if Norton would accept glass in the future and Mr. McDowell replied glass was not profitable and had no value in the recycle market.

Councilman Bell remarked he had toured the Norton facility a couple years ago and was very impressed with the cleanliness and efficiency of the operation and the Council should proceed with the award of this contract.

Councilwoman Suttles asked if Norton had an area warehouse to do the recycling in Prescott and Mr. McDowell replied Norton would put trailers on site at the transfer station and then transport the trailers to Flagstaff; the City would only deliver the recycled materials to the transfer station.

Councilwoman Suttles remarked this would save the City \$60,000 a year and Mr. McDowell commented if the City were to heavily promote recycling the City could save up to \$100,000 a year.

- F. Adoption of Resolution No. 3813** - A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona approving Amendment Two to Intergovernmental Agreement JPA 01-128 with the State of Arizona for improvements to State Route 89.

Engineering Services Director Mark Nietupski explained Resolution No. 3389 approved an Intergovernmental Agreement with ADOT for the improvements to State Route 89 between Willow Lake Road and Sundog Ranch Road, which portion had been put under Prescott control. Amendment No. 2 would authorize final payment to ADOT in the amount of \$27,467.05 for the cost of additional work during the project, which included a sewer lift station, traffic bollards and a retaining wall.

- G. Adoption of Ordinance No. 4591** – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona abandoning a portion of Oak Street right-of-way within Forbing Park subdivision.

Mr. Nietupski explained a request was received from Edward Cesena to abandon an unimproved portion of Oak Street right-of-way in the Forbing Park subdivision off Iron Springs Road. This piece of property was a remnant following the acquisition of right-of-way for the Iron Springs Road project; another portion had been abandoned to Flowerfields (Watters Garden Center) and Mr. Cesena was purchasing the other portion of this parcel and would pay the City \$12,219.32; a portion of the abandonment would be retained as a public utility easement and was sold to Mr. Cesena at 25% market value.

- H. Authorization to staff to negotiate a contract for boat rental concession services with Prescott Outdoors, L.L.C.**

Recreation Services Director Jim McCasland explained proposals were received April 23 for Boat Rental Concessionaire Services at Willow, Watson and Goldwater Lakes and staff was recommending the award of a contract be made to Prescott Outdoors, LLC, who had a contract since 2002 for this service. The proposed fee schedule was 0% of the first \$5,000 of rental income in any calendar month; 5% on the next \$5,000 of sales in any calendar month; and 10% of any sales over \$10,000 in any

calendar month. The business was very popular and successful and there was no cost to the city.

I. Award of bid for the FY07 Small Water Main Replacement Project to Tonto Supply, Inc. in the amount of \$798,460.00.

Public Works Director Craig McConnell explained this was an ongoing project to replace and upgrade small, undersized and aging water mains; a list of the streets that would be affected was in the staff report; the first bids received in February 2007 were determined to be excessive and they were rejected. The project was reconfigured and construction time was increased to 135 days. The project would begin on First and Second Streets where the mains were undersized and upgrading them would provide better service to this area. The low bid was from Tonto Supply, Inc. of Colorado City, AZ, in the amount of \$798,460.00 and staff was recommending award to them. Their references had been checked and would be a new contractor in Prescott. The project would begin in May and would be completed in September.

Councilman Roecker commented the memo stated there were reports regarding a concern about on-site supervision and he asked if the City could assure the citizens things wouldn't go awry. Mr. McConnell replied they had discussed these concerns with Tonto Supply and had been assured there would be adequate supervision; a performance bond was required for the project and City staff would be paying attention to the on-site supervision and quality of work and make sure the City got a good product. Staff examined the City Procurement Code to determine if there was anything that could justify not awarding to low bidder but found nothing definitive.

Councilwoman Suttles commented they had worked in some of the other nearby communities and she was excited about getting some new contractors bidding on City projects and they had done everything they need to do.

J. Adoption of Ordinance No. 4592 - An ordinance of the Council of the City of Prescott, Yavapai County, Arizona approving and authorizing the sale and issuance of City of Prescott, Arizona **General Obligation Bonds, Series 2007, in the total aggregate principal amount of \$1,510,000 and all matters related thereto; awarding contract for the purchase of such bonds; ratifying the distribution of a Preliminary Official Statement; approving a Final Official Statement and declaring an emergency.**

Budget and Finance Director Mark Woodfill explained a resolution was approved last week to order the sale of GO bonds and Ordinance No.

4592 would approve and authorize the sale and issuance of General Obligation Bonds in the amount of \$1.5 million to complete the acquisition of Willow and Watson Lakes and associated development projects. The bonds would be sold at a competitive sale at 10:00 A.M. on Tuesday, May 8. This was the final step in issuing the GO bonds and the emergency clause was included to allow the bonds to be delivered immediately to preserve the interest rate that was bid.

- K. Notice of Public Hearing** (May 8, 2007) and approval of the FY2007 CDBG (**Community Development Block Grant**) **Annual Action Plan** for submittal to the US Department of Housing and Urban Development.

Grants Administrator Linda Hartmann explained the public hearing would be held next week and Council would approve the Annual Action Plan for submittal to HUD.

L. Tuscan Village:

1. **Approval of Preliminary Plat** for Tuscan Village, a Planned Area Development subdivision containing 12 lots on 1.41 acres; property is located on First Street and Navajo Drive; owner is Area Homes (Ralph Burleson & Jan Hogenhout), APNs are 113-03-015B, 016, 024B & 041A.
2. **Approval of Water Service agreement** with Area Homes for 4.2 acre feet annually for Tuscan Village.

Community Development Director Tom Guice explained this was a two-part application – 1) the approval of a 12 lot PAD, and, 2) a Water Service Agreement for 4.2 acre feet of water annually. Lot sizes would range between 1,295 to 1,320 square feet with homes between 1,500 to 1,800 square feet in 3-story buildings. The two car garages would occupy most of the first floor. Access would be a private drive off First Street. The Planning & Zoning Commission discussed this project in March voted unanimously to approve the preliminary plat; the developer had agreed to pave the street to City standards. Representatives were present to answer specific questions.

Councilman Luzius commented if 40% plus property was undisturbed open space that meant 60% would be disturbed and as there was a lot of rock he asked if there would be blasting. Mr. Guice replied under a PAD smaller footprints for the homes was allowed.

Jan Hogenhout, developer, said they would disturb only the site for the home and driveway and they had worked with the City for a long time on this and that was one of the major requirements to make this project

happen. It was zoned to allow 20 plus units and they were going to put in 12 units and it would look aesthetically very nice.

Councilman Roecker asked if the collection point for garbage cans was in one location because of the steep grade and Mr. Guice replied it was a private street and a central location was more efficient for the City garbage truck.

M. Park West Commercial Center:

1. Notice of Public Hearing (May 8, 2007)
2. Adoption of Ordinance No. 4593 - An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona rezoning property from Rural Estate (RE-2) to Business Regional (BR) on 42.34 acres for the Park West Commercial Center, located on the southeast corner of Willow Creek Road and Pioneer Parkway; owner is Diamond E Partnership; agent is Park West Development Company, APN 106-02-001N (RZ06-010).

Community Development Director Tom Guice explained this was a 42 acre site at the intersection of Willow Creek Road and Pioneer Parkway; the property had been annexed into the City and designated as commercial property; the applicant had a development agreement that allowed them to not have to go through the preliminary plat process and go directly to Final Plat; the developer would go through the City's plat and site plan review process which would address any concerns about roadways, traffic signal placement, parking, landscaping and other issues before any building permits would be issued. Access would be provided at two locations onto Willow Creek Road, with no access onto Pioneer Parkway. Area meetings had been held and the residents of Pinon Oaks were concerned about traffic and traffic circulation. The public hearing would be held next week and the notice of publication would allow discussion today if desired. The Planning and Zoning Commission unanimously approved the rezoning request at their April 12 meeting and Mr. Donohue was present to answer questions.

Councilwoman Suttles commented she lived in Pinon Oaks and knew this property would be commercial and she had no problem with that but asked the developer to be sensitive to the concerns of the nearby residents and to include the neighborhood in discussions regarding traffic lights, ingress/egress, etc.

Councilman Blair suggested someone look at the traffic lights being tied in tandem like on Gail Gardner and Willow Creek where they were close together and it seemed to function well.

Mr. Guice clarified Council would see the final site plan and that was the best time to look at traffic concerns and options the Council wanted; the item before Council was the rezoning request.

Councilman Luzius remarked this happened over and over where an area was annexed, then rezoned and traffic issues were addressed at final plat or site plan time and that seemed late in the process. Residents in the Mount Vernon Street area were an example where adjacent areas kept developing and traffic circulation wasn't handled. He said this was an opportunity to do some long range planning and look at traffic patterns so Pinon Oaks residents didn't suffer and weren't penalized and he would like to see the process changed so traffic was addressed before the zoning was changed.

Guy Donohue, Park West commercial developer, said they were very much aware of the traffic situation and had done an extensive traffic analysis and were coordinating with City Traffic Engineer Ian Mattingly. There were some restrictions on traffic lights being too close together and they would be looking at this situation very closely and he would keep in touch with neighbors.

Councilman Blair asked who imposed the restrictions and Mr. Donohue replied it was the City or County he thought and it was a cueing issue as it was a major intersection but they would be looking at this closely and were aware of the problems.

Tom Britzman, 1698 Goldenrod Way, clarified they were not restrictions but were recommendations and the recommendation was there be 1,320 feet between signal lights but between Pioneer Parkway and Pinon Oak Drive there was only 825 feet. He had followed this rezoning request the past several weeks and appreciated the P & Z Commission members and City staff for taking the time to answer questions and inquiries. The City of Prescott had the authority to address the concerns regarding the development. Traffic would be a challenge in the near and far future and the City traffic engineer said there were in excess of 24,500 vehicles on a weekend past this site and that would increase to 60,000 when it was commercially developed and in 15-20 years the volume would be 80,000 vehicles each week day. Mr. Britzman said he was not against the development but the main entrance to Pinon Oaks Subdivision would become very restricted and traffic considerations must be addressed from the start. He said the Planning and Zoning Commission must also be involved and that should start now with this rezoning request.

Nikki Krause, 1092 Pinon Oak Drive, said she lived two blocks from Willow Creek Road and heard Councilman Blair say he didn't like traffic lights and

Pinon Oaks residents could use Symphony Drive to access the subdivision. She had driven the route and found it to be 2-1/3 miles further and that wasn't acceptable with the high price of gasoline. She said the subdivision didn't have a formal homeowners association or a group within the subdivision who could speak for everyone or have any authority to work with developers to come up with agreeable situation. They had an informal group made up of 100 of the 520 residents that called themselves the Pinon Oaks Folks group and hoped they would be notified so they could be part of the planning. There were only two ways out of the subdivision and they didn't want to hear about plans late in the process when they couldn't do anything about them, and just wanted to be kept informed about the plans.

Councilman Lamerson said he had many concerns regarding traffic and the effects development would have on the neighborhood, but today Council was only looking at the rezoning request; the property was purposely annexed into the City to be a commercial site and it was in conformance with the General Plan and the Airport Specific Area Plan, and nothing else should be discussed at this time.

Mr. Guice commented that was correct and today discussion was only about rezoning the 42 acre parcel; the public hearing would be held next week; traffic and traffic circulation would be part of the site plan approval and Council had sole discretion on the approval of the site plan and final plat.

Councilman Luzius clarified this would not be on the Consent Agenda because of the public hearing and residents would be able to speak again next week and Mr. Guice replied that was correct.

N. Approval of Final Plat for Enchanted Canyon Estates, a Planned Area Development containing 72 residential lots on 67.28 acres; property is located south of Iron Springs Road and west of Downer Trail; owner is John Finn; APNs are 115-10-024U & 115-10-024X. (FP06-22)

Community Development Director Tom Guice explained this project was a PAD with 72 units on 67.28 acres. The lots would be from 37,000 square feet to a maximum of 47,000 square feet. It was going to be a gated community with private streets and the gates would be opened during the day to allow access to trails, open space and the scenic outcroppings; the petroglyph park would be dedicated to the City upon recordation of the final plat; there would be an emergency crash gate at Dalke Drive and Woods Trail within Forest Trails from Enchanted Way. The private streets would be 28 feet wide with parking on one side, curb and gutter and a four-foot sidewalk. Open space would comprise 31%; 12 parking spaces would be available for the park on Tract C

Tract A, B, and C were open space. The Forest Trails Homeowners Association wrote a letter in opposition to the request for a waiver to bring in 5,000 cubic feet of dirt per lot for Lots 40 and 41 in order to raise the level of the two lots; staff was recommending approval of the final plat with notes regarding the fill on Lots 40 and 41 and Mr. Finn was present to answer questions.

Mayor Simmons asked if the Forest Trails Homeowners Association's only objection was in regard to the fill on Lots 40 and 41 and Mr. Guice said that was staff's understanding; there was a common property line with Forest Trails.

Councilman Lamerson said that when a final plat project conformed to the Preliminary plat substantially Council couldn't say no; but when something was added and the waiver requested would affect the guy next door, Proposition 207 kicked in and he asked who was liable for what the waiver did to the guy next door. Attorney Kidd responded the adjacent properties could sue for loss of value to their property but so far there had been no cases in Arizona since passage of Prop 207; if a plat was in conformity with all the City's requirements Council didn't have the discretion to not approve it. Waivers were vested in the Council and Council could decide to approve or disapprove the request for a waiver.

Richard Straub, 1927 Forest View, commented he lived behind Lot 40 and Lots 40 and 41 were higher; grading on the lots had been taking place since last Fall and they were still 15 feet higher than adjoining properties, additional fill would raise the elevation. The lots were on a ridge that ran north and south.

Mayor Simmons asked if Lots 40 and 41 were being elevated to put them level with Lot 44 or if it was higher.

Mayor Simmons confirmed Mr. Straub (ex-Yavapai County Public Works Director) was working for the developer and Mr. Straub said he was not.

Mike Haywood, 115 E. Goodwin Street, agent for the applicant, said they had worked very hard on the development plans and the petroglyph park would be deeded to the City; there would be public access during the day for vehicular and pedestrian access to the trails and the park; 31% of the subdivision would be open space. The fill on Lots 40 and 41 would be used to sculpt the lots to match the existing slope and they didn't think the request for a waiver was out of the ordinary. This was going to be a very exclusive development with a cheap lot going for about \$250,000 and would be beautiful when completed. Their other request was to remove the fencing requirement adjoining Lots 13, 14, 15 and 17 adjacent to the

park area as it would be detrimental to the appearance of the area; they had very restrictive CC&R's.

Councilman Blair commented he was not comfortable with the changes and with not having the Planning and Zoning Commission weigh in on the slopes, fencing, and dirt; the final plat wasn't in conformance with the Preliminary Plat and it should be sent back to P&Z, allow the neighbors to speak, and then it would come back to Council.

John Finn, developer, commented there was a high point between the road and the two lots; he would withdraw his request for a waiver to put the fill on those lots and just get a grading permit at a later date; no views would be obstructed by putting in the fill and they would put in a 3 to 1 slope instead of 2 to 1 but they needed approval of the Council. He said that the fencing requirement around the petroglyph park would make it look too commercial; he had been working on this development plan for two years and had a lot of money invested so far and wanted to be able to proceed so he was willing to take the grading out of the equation.

Mr. Guice clarified the Final Plat was consistent with the Preliminary Plat except for the request of a waiver to bring in fill on Lots 40 and 41 and if Council wanted to do away with the fence requirement that was their option; Plat Note No. 9 on the final plat designated the trail system and the City maintenance responsibility and Parks and Recreation were okay with that; he had a concern that there was a need for additional language that the City would not maintain the private sidewalk as it was not a trail, even though sections of the sidewalk were part of the trail and Mr. Finn said he was comfortable with that.

Councilman Lamerson remarked it looked like a very nice project and he supported it but he didn't know how much 10,000 cubic yards of dirt was and what effect it would have on someone's back yard; he had no problem with the Preliminary Plat or the Final Plat but wasn't comfortable with the variance requests and Mr. Finn responded he was fine with withdrawing that request.

Mayor Simmons said he agreed with Mr. Finn and Mr. Haywood about the fence; that it would be repulsive and ruins the whole effect.

Councilman Roecker said the Open Space Committee had looked at this property and the park and discussed the fence being made of wrought iron and didn't know how they would feel about removing the requirement; also he thought a conservation easement versus deeding the petroglyphs to the City because a future Council could change it and a conservation easement precluded that from occurring.

Mr. Haywood added there was a rezoning request in to the City to rezone it all to Natural Open Space.

Councilman Roecker asked if there were any places where the trails became sidewalks and if the sidewalks were maintained by the homeowners and the answer was yes to both questions. Mr. Finn clarified the public had access via the sidewalks to the trails and that was on the final plat map and he didn't want to have the area turned into a future recreational site by a future council.

Councilman Roecker responded he didn't want to see that either. The concept had been successful with private property and the public and trails in Hassayampa Village; everything should be crystal clear on the Final Plat with the trails maintained for public use in perpetuity and the vehicle to get that done was in place.

Attorney Kidd added that a minor change to Note No. 9 could indicate the deed or reservation of those easements was for natural open space and for purposes of public ingress/egress and/or in the deeds of dedication to the City the developer was dedicating the property for the specific request they be used for natural open space.

Councilwoman Suttles asked if there was another way to get in without going through the development and where the cars and bikes would be parked. Mr. Haywood replied that vehicular access to the park would come in the southern boundary or public access would be available from Dalke Trail and Woods Trail along the sidewalk. Vehicles would park in the subdivision in front of the petroglyph park; the gates would be open during daylight hours as noted in the plat and the parks and trails would be restricted to a sunrise to sunset timeframe.

Councilman Roecker asked the requirement for the fence remain until the Open Space Committee could discuss it and if they felt the area would be more natural to not have it then the requirement could be removed.

Mr. Haywood asked if Attorney Kidd would approve of approving the Final Plat next week and the decision about keeping or removing the fence come later and Mr. Kidd said a plat note could be made that the Open Space Committee would review and make a recommendation on the waiver of the fence requirement around the petroglyph park.

Mr. Haywood said they needed approval on the final plat next week and Mr. Roecker thought the Open Space Committee could call a meeting to discuss it and make a recommendation before next week and he didn't want to see this delayed.

Councilman Blair asked if fences were allowed in this development and Mr. Haywood said he did not believe they were. Councilman Blair said he had no problem with dropping the fence requirement if they weren't allowed in the rest of the subdivision.

Recreation Director Jim McCasland said they would get the committee together as quickly as possible. This was a public area and there was always the potential for conflict when private property owners or the public encroached on each other's property. If there wasn't going to be a fence there should be delineation between private and public property but didn't want to see No Trespassing signs put up. There had been minor conflicts in other areas.

- O. Notice of Public Hearing** (May 8, 2007) for consideration of an application for a **Bingo License** submitted by the Adult Center of Prescott, Inc. located at 1280 B East Rosser Street, Prescott, Arizona.

Clerk Elizabeth Burke explained an application had been received from the Adult Center of Prescott for a bingo license for the new community center on Rosser Street. The notice of public hearing had been published in the newspaper and following Council action the recommendation would be forwarded to the State Department of Revenue.

Councilwoman Suttles asked if this was just an activity or if it was for the revenue and Ed Stecki from the Adult Center Board replied they were looking for activities to be able to have the center open every day of the week and it was a money producer to help them pay the bills.

Councilwoman Suttles asked if a person would be appointed to manage the activity and Mr. Stecki responded they could not hire anyone and would have to rely on volunteers.

- P. Notice of Public Hearing** (May 8, 2007) for consideration of a liquor license application from Sheryl Eileen Strong, Agent for Prescott Kitchen, LLC, for a New, Original Series 12, Restaurant, License for the **Firehouse Kitchen**, to be located at 220 West Goodwin Street.

Ms. Burke explained the Public Hearing would be held next Tuesday for a new Series 12 Restaurant license for the Firehouse Kitchen to be located at 220 West Goodwin Street. The property was posted April 10 and the applicant had been requested to attend the Council meeting next week.

- Q. Notice of Public Hearing** (May 8, 2007) for consideration of a liquor license application from Alain Marcel De La Cruz, Agent for De La Cruz, Alain Marcel, ETAL, for a New, Original Series 12, Restaurant, License for **Sweettart**, located at 123 North Cortez Street.

Ms. Burke explained the Public Hearing would be held next Tuesday for a new Series 12 Restaurant license for Sweettart to be located at 123 North Cortez Street. The property was posted April 16 and the applicant had been requested to attend the Council meeting next week.

- R. Approval of Minutes** of the Regular Voting Meeting of the Prescott City Council held on April 24, 2007, and the Study Session of the Prescott City Council Held on May 1, 2007.

- S. Selection of items** to be placed on the **Consent Agenda** for the Regular Voting Meeting of May 8, 2007.

Councilman Lamerson selected Items A, B, C, D, E, F, G, H, I, L, and R for placement on the Consent Agenda..

IV. ADJOURNMENT

There being no further business to come before the Prescott City Council, Mayor Simmons ADJOURNED the meeting at 5:40 p.m.

ROWLE P. SIMMONS, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk