

PRESCOTT CITY COUNCIL
REGULAR COUNCIL MEETING
PRESCOTT, ARIZONA
MAY 8, 2007

A REGULAR MEETING OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, MAY 8, 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 Bell to lead the Pledge of Allegiance. Mr. Bell thanked everyone for their cards and calls during his recent illness and said when such a life threatening situation occurred it made him appreciate things more; he appreciated what Prescott had to offer, as well as the good care he received at the VA Hospital and the Phoenix Heart Hospital.

Mayor Simmons 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
Councilwoman Suttles

Absent:

None

SUMMARY OF CURRENT OR RECENT EVENTS

Manager Steve Norwood commented he and the Mayor went to Lake Havasu last Thursday evening to watch Economic Development Director Jane Bristol receive an award from the State Economic Development Association; he said that Jane was a true leader in her profession.

Mayor Simmons added the City was very proud of Jane and thanked Karen Greenspoon for setting it up so they would surprise Jane.

I. PROCLAMATIONS

A. May 6 – 12, 2007 – *Youth Week*

Mayor Simmons read the proclamation. No one was present to receive it. He commented he attended the ceremony at the Elks Lodge on Saturday and it was an honor and pleasure to see what the young people were doing and commended the Elks Lodge for recognizing the good things youth were doing.

Councilman Luzius added he helped paint the “P” on Badger Mountain with 51 kids and they did a great job, were very respectful and eager to work and he was honored to be part of it.

II. PRESENTATIONS

A. **Presentation by Tim Hedrick, Prescott Swim Team, regarding a community pool.**

Tim Hedrick explained he was addressing the Council as an advocate for a new community aquatic center. He taught swimming and the YMCA pool and Yavapai College pool did not provide enough space and time for groups such as the Prescott Swim Team to use it. A new 50 meter swimming pool would be a great thing, would bring in some revenue and Prescott had the perfect elevation to offer an optimal area for training.

Ken Lane added there was a swim meet in Flagstaff this weekend and it was a shame to have to go outside the community in order to compete but Prescott did not have the necessary facilities that could be used for competitions and he hoped the City would think about a pool in their next 10-year plan. He said that the YMCA was a great asset and was built 15 years ago with the idea they could hold swim meets but the pool was too busy and the Yavapai College pool also was not adequate. Once the pool was built it could be maintained by various community groups and he thanked the Council for their time and interest.

Mayor Simmons asked how much a 50-meter pool would cost and Mr. Lane said it depended on how grand it was; the pool could be used for many activities and could be included in a water park facility as they had in Anthem. There was a need in the community and the Frontier Rotary was interested in helping raise funds to build it by having a golf tournament or wine tasting.

Manager Steve Norwood commented the Parks Master Plan would be completed this summer and an aquatic center would be near the top of the list. The Capital Improvement Plan would be put together this Fall and it could be discussed then. The Master Plan was the first step in the process.

Councilman Luzius said that he supported a pool and also thought it was something the town needed. Prescott Valley and Chino Valley each had pools, as well as Clarkdale, and the high school needed a pool to use.

Councilman Blair commented the original master plan for Pioneer Park in 1988 included a community pool.

Recreation Services Director Jim McCasland said part of the Master Plan was benchmarking and the City was deficient in aquatics activities; more would be known by the end of July.

Councilman Roecker asked if the pools in the other cities were built for competition and Mr. Hedrick said there were no 50-meter pools in Chino Valley or Prescott Valley; they have to go to Flagstaff or to Phoenix for competitions and a 50-meter pool would draw use from outside the community.

Councilman Lamerson added Prescott had a skate park because they were given the time to put the mechanism in place and if given the time, the mechanism to build a pool could also be put in place.

B. Update on the Elks Opera House by Elks Opera House Foundation President, John Olsen.

John Olsen gave a brief recount of their activities since the Foundation was formed as a non-profit organization in 2002. Some of the accomplishments were:

1. Bill the Elk was back on top of the building thanks to donated funds, skills and equipment.
2. The first lobby was restored with a Heritage grant and Forest Service grant.
3. The actors' rooms had been fixed up and there were separate areas for the men and women.
4. The stage had a new lighting bar from the Prescott Area Arts and Humanities Council.
5. New stage equipment and rigging made the stage safer.
6. The box office was accessible during the day and was open Tuesday to Friday for a few hours to allow people to enter and look around.
7. A new coordinator, Joe Place, had been hired recently to handle manage the Elks Opera House.
8. Bronze miniature elk statutes were available for purchase.

Some of the projects still to be done were:

1. Decorative balcony will be restored.
2. Sitting boxes will also be restored.
3. Second lobby would be restored this Fall using a \$40,000 Heritage grant with a match from the Questers.

Councilman Bell commented he had been involved in over 400 performances over the last decade on the Elks stage and he appreciated all the work that was taking place and he was glad to see the new coordinator on staff.

John Olsen gave credit to Elisabeth Ruffner, who had been very instrumental in their fundraising efforts.

C. Presentation to Michelle Stacy.

Mayor Simmons asked Michelle to come forward, and he explained that Ms. Stacy recently received the Army's highest honor, the Valorous Unit Award, at a ceremony in Dallas, Texas, for her work in the Anbar Province of Iraq. The Valorous Unit Award was the second highest award under the Presidential Unit Citation. Ms. Stacy currently works for the Parks and Recreation Department and the City wanted to express their pride and gratitude for her service in Civil Affairs from April to September 2003. Mayor Simmons presented Michelle with a Certificate of Achievement and a turquoise necklace.

Michelle thanked the Mayor and Council and humbly said all they did was their job and they did it with honor, grace and integrity. It was a great honor today and her parents and son were present and she publicly thanked her parents for everything they did while she was gone. She appreciated the recognition.

III. CONSENT AGENDA

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

- A. Adopt 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 of Mesa Air Group to the United States Department of Transportation.
- B. Approve 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.
- C. Adopt Resolution No. 3814 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into a Right-of-Way Agreement with the State of Arizona, Arizona State Land Department, for the Glassford Hill Public Safety Communication Tower Site, which is attached hereto, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- D. Adopt Resolution No. 3815 - A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into a Commercial Lease Agreement with the State of Arizona, Arizona State Land Department, for the Northwest Tank Public Safety Communication Tower Site, which is attached hereto, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

- E. Award contract for disposition of recyclable materials to Norton Environmental at the rate of \$10 per ton.
- F. Adopt Resolution No. 3813 - A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona amending Resolution Number 3389, by amending the Intergovernmental Agreement approved therein to allow for additional work performed at the request of the City of Prescott and authorizing payment therefor.
- G. Adopt Ordinance No. 4591 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona abandoning a portion of unused and unimproved right of way located within the Forbing Park subdivision, and retaining any necessary public utility easements, which property is generally described as a portion of the unimproved Oak Street right of way and authorizing the Mayor and City staff to take all necessary steps to effectuate such abandonment.
- H. Authorize staff to negotiate a contract for boat rental concession services with Prescott Outdoors, L.L.C.
- I. Award bid for the FY07 Small Water Main Replacement Project to Tonto Supply, Inc. in the amount of \$798,460.00.
- J. Tuscan Village:
 - 1. Approve 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. (SP06-006)
 - 2. Approve Water Service agreement with Area Homes for 4.2 acre feet annually for Tuscan Village.
- K. Approve 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

IV. REGULAR AGENDA

- A. **Acceptance of a REDI/Main Street Marketing and Advertising Grant from the Arizona Department of Commerce in the amount of \$9,750.00.**

Economic Development Director Jane Bristol apologized for this not being on the Study Session agenda but said it was received after the agendas were out. The REDI grant program was combined with State tourism funds which was a good thing because tourism grants didn't require a City match. The

grant was restricted to marketing and promotion activities and the grant had five components: 1) to redesign and print the presentation brochures for business prospects; 2) to update, redesign and print the general business information brochure; 3) to prepare a direct mail campaign; 4) to place ads in the Arizona Business Magazine; and 5) to help the Prescott Downtown Partnership with replacing the Welcome banner across Gurley Street and to redesign and put up a new billboard located on the north side of Highway 69 coming into the City which was showing signs of wear.

Ms. Bristol added there were stringent performance guidelines and the projects needed to be finished by June 30. She said that she hoped the Council would approve accepting the grant today and added that the City had set aside funds in the amount of \$10,000 for this.

Steve Stazenski of the Prescott Downtown Partnership commented they appreciated Jane and Karen's work in putting the grant application together.

Councilman Blair asked if this was a yearly grant and Ms. Bristol said it was quarterly, and the funds were available statewide so Prescott was competing with many other communities. The funds came from lottery tickets.

Councilman Blair asked that next time they consider new signs on the edges of town to welcome people and give them some history.

Councilman Roecker MOVED to ACCEPT the Arizona Department of Commerce grant award Q044-07-03 in the amount of \$9,750.00 which was SECONDED by Councilman Bell. The motion passed unanimously.

B. Public Hearing 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 today was the public hearing and a request for approval of the FY2007 CDBG Action Plan; the 30-day comment period ended April 25 and no comments or complaints were received; the total amount of the projects was \$299,402, which would be used toward street lighting in Dexter Neighborhood in the amount of \$120,522, \$119,000 toward sidewalk improvements between Division and Lincoln Streets, and \$59,880 for administrative costs.

Councilwoman Suttles mentioned she went out with Linda on a tour of the area and was amazed at what small things in a neighborhood could. She said that the sidewalks gave ownership to the homes and lighting would help a great deal.

Mayor Simmons said when the Lincoln Street bridge project was done the community spirit of that neighborhood was great and he was glad to see the Dexter Neighborhood getting these improvements.

Councilwoman Suttles MOVED to CLOSE the public hearing, which was SECONDED by Councilman Blair. The motion passed unanimously.

Councilwoman Suttles MOVED to APPROVE the FY2007 CDBG Annual Action Plan, which was SECONDED by Councilman Blair. The motion passed unanimously.

C. Public Hearing and 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 today was the Public Hearing on an application for a bingo license from the Adult Center of Prescott, Inc., for the new Prescott Community Center at 1280B East Rosser Street. Following the public hearing, the Council's recommendation, application and paperwork would be sent to the Department of Revenue.

Councilwoman Suttles said this was the first time a bingo license had come before the Council and asked if the revenue from the bingo games went to the Adult Center or other things and Ed Stecki, Adult Center Board representative responded the money would be used to pay out prizes and to be used internally; they could pay some of their operating, equipment and program events and defray the costs.

Councilwoman Suttles asked if they would be hiring someone to do that and Mr. Stecki replied they couldn't hire anyone, but would use volunteers; a bank account had been set up as required by the Department of Revenue and salaries could not be paid from the revenues.

Councilwoman Suttles remarked she was pleased they were finding ways to pay back some of the funds the City used to get the facility built.

Councilman Roecker asked when bingo would be played and Mr. Stecki replied it would take 30 days to get the license approved by the State, then buy the equipment needed and hopefully in about six weeks they could begin, maybe around the Fourth of July.

Councilman Blair asked what the hours of operation for bingo would be and Mr. Stecki explained the Elks had bingo on Monday, Wednesday and Friday and CASA in Prescott Valley had it Tuesday and Saturday, so they were thinking the Adult Center would hold their games on Thursday evening and Sunday afternoon.

Mr. Stecki added they were trying to get more activities on the weekends and expand their evening hours.

Councilwoman Suttles MOVED to CLOSE the public hearing, which was SECONDED by Councilman Lamerson. The motion passed unanimously.

Councilman Lamerson MOVED to APPROVE an application for a Bingo License submitted by the Adult Center of Prescott, Inc. located at 1280 B East Rosser Street, Prescott, Arizona which was SECONDED by Councilman Blair. The motion passed unanimously.

D. Continuation of Public Hearing and consideration of a liquor license application from Hector Evaristo Gonzalez, agent for H.D.H.R.L.G. Group, L.L.C., for a new Series 10, Beer and Wine Store, License for Tri J Market and Deli located at 701 E. Gurley Street.

Ms. Burke explained the public hearing had been continued from the April 10 meeting for the liquor license application from Tri J Market; this was a new Series 10, Beer and Wine Store license; a liquor license had existed at this location since 1975; there were questions regarding the application and the main issue was the map showing liquor licenses in the area but did not include the one mile radius. Mr. Gonzalez was present today. Staff met with him following the April 10 meeting and the public hearing was continued to today's meeting.

Mayor Simmons apologized to Mr. Gonzalez for the difficulty Mr. Gonzalez had encountered at the previous meeting and Mr. Gonzalez said several staff members had apologized to him but he felt Mr. Luzius should apologize; he didn't appreciate the personal attack by Mr. Luzius at the previous meeting and everyone else had been nice to him; he had mailed the amended map to the State Liquor Department.

Councilman Lamerson said he appreciated Mr. Gonzalez letting the Council move the public hearing to today's meeting; otherwise it would have been a 2-2 vote and thanked him for completing the application.

Mr. Gonzalez added after reviewing the application with staff it seemed there was only one page that needed to be amended and that was the map showing the full mile radius from his store and there were a lot of liquor businesses in the two mile perimeter.

Councilman Luzius commented he thought there was going to be a modified liquor license application and he hadn't seen one and he didn't believe that he owed Mr. Gonzalez an apology. He added that Mr. Gonzalez was very remiss in filling out the application; he used old information and getting a liquor license was not a right, but a privilege.

Mr. Gonzalez responded this wasn't the Council's line of work that it was the State that reviewed the application and he had met with them several times and gone through the application and he had provided the information they requested. He said that if there was a mistake he amended it and everything was done the way the State wanted it done. He had not been prepared for what Mr. Luzius had brought up and the comments that he was trying to hide things, that it was shady and the questions about his name and he hadn't been prepared to defend himself. Mr. Luzius didn't know him and to attack him personally was offensive and he should be treated with respect.

Councilman Luzius said he didn't think he was disrespectful toward Mr. Gonzalez; Council had to make a decision and couldn't do that without all the facts; if others on the Council didn't care that was their business but he cared; he thought the application was not complete and was invalid; he wanted Mr. Gonzalez to fill out a new application and he hadn't seen it; the State didn't know anything about how many liquor licenses there were within a radius of 1 mile, and there were 65 and if they weren't all listed the application was in error.

Mayor Simmons interjected the applicant was required to file a new application but the establishment had been there for 25 years and he didn't think anyone cared how many other licenses were around them; no changes were being made and the application and approval should have just been a technicality.

Councilman Lamerson clarified Mr. Gonzalez was making some good changes to the building and had been a gentleman.

Councilman Lamerson MOVED to CLOSE the public hearing, which was SECONDED by Councilwoman Suttles. The motion passed unanimously.

Councilman Lamerson MOVED to APPROVE a liquor license application from Hector Evaristo Gonzalez, agent for H.D.H.R.L.G. Group, L.L.C., for a new Series 10, Beer and Wine Store License for Tri J Market and Deli located at 701 E. Gurley Street, which was SECONDED by Councilman Blair. The motion passed 6-1 with Councilman Luzius casting the DISSENTING vote.

E. Public Hearing and 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 this application was for a new, original Series 12 Restaurant license for the Firehouse Kitchen, to be located at 220 West Goodwin Street; the property was posted April 10 and no public comments had been received.

Councilwoman Suttles remarked this was across from the middle school recreational area and inquired about the distance requirements and Ms. Strong replied there had been a liquor license previously at a restaurant in the old fire station and they would only be serving on the premises with dinner.

Councilman Luzius commended Ms. Strong on the completeness of her application and clarified he had checked into this and a restaurant was not required to be 300 feet from a school; but if the license was the type Mr. Gonzalez applied for, it would have to be 300 feet.

Councilman Bell MOVED to CLOSE the public hearing, which was SECONDED by Councilman Lamerson. The motion passed unanimously.

Councilman Bell MOVED to APPROVE 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, which was SECONDED by Councilman Lamerson. The motion passed unanimously.

Mayor Simmons asked Ms. Strong what type of restaurant it would be and Ms. Strong said it would be dinner only and fresh, comfort foods and they would have seating for 48 patrons at 13 tables which would be cozy and comfortable.

F. Public Hearing and 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 this application was for a new, original Series 12 Restaurant license for Sweettart to be located at 123 North Cortez Street; the property was posted April 16, no public comments had been received and the applicant was present.

Councilman Lamerson MOVED to CLOSE the Public Hearing, which was SECONDED by Councilwoman Suttles. The motion passed unanimously.

Councilman Lamerson MOVED to APPROVE 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, which was SECONDED by Councilman Roecker. The motion passed 6-1 with Councilman Luzius casting the DISSENTING vote.

Mayor Simmons commented they served the finest pastries and asked the applicant what their plans were and Judy Culbertson responded they currently were a full café and served breakfast, lunch and Saturday night dinner and

recently had the opportunity to expand into the next building and they decided to do that to provide more space for their customers.

- G. Adopt 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 the Council authorized the sale of bonds on April 24 and the bonds were sold today at 10:00 A.M. and Ordinance No. 4592 approved the sale. It was a small issue but seven brokerage houses bid on it and Wells Fargo Bonds had the best interest rate of 3.8% for a 10-year term; this ordinance completed the sale and the emergency clause was included so the transaction could be preserved at 3.8%. The Municipal Property Corporation bonds also sold today; they were a negotiated sale with an interest rate beginning at 4.34% and after all costs were included the rate agreed on was 4.55%.

Councilman Roecker MOVED to ADOPT Ordinance No. 4592, which was SECONDED by Councilwoman Suttles. The motion passed unanimously.

- H. Park West Commercial Center:**

Community Development Director Tom Guice explained today was the Public Hearing for rezoning the property at the intersection of Pioneer Parkway and Willow Creek Road and he had no new information to present; Guy Donohue (developer) was present if Council had questions.

Councilwoman Suttles said today was for the public hearing on changing the zoning but there had been a number of letters about traffic issues and the commercial and traffic issues would come up later. She asked if there had been a situation when a commercial plan was ready to begin but a decision on ingress/egress had not been made and Public Works Director Craig McConnell replied a considerable amount of analysis, traffic projections, questions about getting in to the property had already been done; a traffic impact analysis was required by the Land Development Code and that had been prepared, reviewed and was acceptable. The TIA took into consideration the opening of the center and build-out and examined that in the context of the city road and street network. Projects prospectively commercial and retail development were located at intersections of two arterial streets and this was properly located. One thing that was different was that no access was proposed or recommended for Pioneer Parkway into this property; instead there would be two driveways off Willow Creek Road. A complicating factor was that Pinon Oak Drive was located too close to

Pioneer Parkway and with or without this development it would become increasingly difficult to turn left from Pinon Oak. A traffic signal at Pinon Oak Drive would be close to the Pioneer Parkway light. A light was being suggested at one of the two driveway entrances into the shopping center or a roundabout would be considered. A contract would be coming to Council next week to look at the feasibility of six roundabouts in the City; if it was feasible it would be pursued, if not it wouldn't be. Today was discussion on the rezoning and was not a final site plan or final plat.

Councilwoman Suttles concluded the residents of the subdivision were only asking to be part of negotiations regarding the traffic study and she wanted the neighborhood to be able to provide feedback as more information became available.

Mr. McConnell responded they had to look at all factors and balance traffic needs and needs of the subdivision. The residents could consider using Symphony Drive to get onto Pioneer Parkway.

Councilman Luzius wanted to know who the Traffic Impact Analysis was acceptable to and Mr. McConnell said it met the requirements of the Land Development Code.

Councilman Luzius commented a second light at Pinon Oak Drive would be too close to the Pioneer Parkway light but the lights could be synchronized; it seemed the cart was put before the horse and he would like to see the traffic issues for Pinon Oaks Subdivision approved before anything else was done; this project would greatly affect them.

Mr. McConnell commented traffic engineers had prepared the TIA and if Council wished, they could send this to the Transportation Coordinating Committee, a City advisory committee, which was made up of retired traffic engineers and no City employees or anyone else and ask them to make a recommendation if that would make Council more comfortable.

Councilman Lamerson clarified the area was identified in the Airport Specific Area Plan, the Willow Lake South Area Plan and the General Plan and 70% of the community had voted for the General Plan. The property was annexed in order to pursue the commercial development and today Council and the public were only to discuss the rezoning of the property to commercial and were not to talk about the kind of development and Mr. McConnell said that was correct.

Councilman Blair said the light at Black Drive worked fine and it was close to the one at Gail Gardner Way on Willow Creek. He said that Walgreens and the Credit Union were to have two accesses and pressure was put on the City to have only one and there were traffic issues now. He suggested looking at a timed traffic signal at Pioneer Parkway and have the TCC look at it.

Councilman Roecker wanted to clarify that action today was independent of any future disposition of what was going to happen on this property and if Council didn't like the traffic studies the development could be turned down but today was rezoning only. There would be more discussion in the future but first a complete traffic study needed to be done with recommended options before any development began.

Mr. McConnell reiterated the rezoning was separate and distinct from a site plan and the plat would set forth the use of the property and indicated where the ingress/egress points were.

Mayor Simmons opened the discussion to the public and reminded them the issue today was rezoning and traffic would be discussed at another date.

Bernie Petsche, 732 Pinon Oak Drive, wanted to know what happened to Proposition 400 and why it didn't apply to this area; he urged Council to look at the growth here and take a hard look at where the community was going. The people in Pinon Oaks did not want this and there would be approximately 40,000 to 60,000 cars a day through there. He asked the Council to please take this and shove it; it would be a total mess; there would be crime in the area; the airplanes already disturbed the quiet; 28% of the people who lived in Pinon Oaks were senior citizens; there wasn't water to supply a commercial center.

Phaedora "Dora" Jones, 6148 Antelope Villa Circle, Vice President of the Homeowners Association at the Villas at the Ridge, said they supported the project and made the following points:

- Once completed Pinon Oaks residents wouldn't have to drive as far to get to Fry's or another shopping center.
- There would be a change in speed limit from 45 to 30 mph.
- The shopping center would keep traffic local.
- People flying in to the Airport would have a shopping center nearby with restaurants, shopping, etc. and if the terminal were improved and Mesa Airlines came back that would create more users.
- Property values would increase in the area.
- The new shopping center would provide jobs and keep some commuters from having to go further into town to their jobs.

Lee Petsche, 732 Pinon Oak Drive, remarked the list of things just mentioned were why they lived where they did in order to avoid them, such as fast food, and no passengers from airplanes would be looking to go shopping. This plan was not acceptable to anyone; many people couldn't attend the meeting today to voice their opinions because they were working or were senior citizens; it was their home that was going to be affected and it seemed the bottom line was commerce and money and the heart and soul of the people

had a home in this area. The project would create a disaster area and property values would not be going up; it would devalue their homes and Pinon Oaks was a lovely place to live.

Councilman Blair commented Pinon Oaks was developed in the County and Prescott annexed them in. There was a major plan called the Willow Lake South Area Plan (WLSAP) that identified that specific corner as a commercial location; the property was also identified in the General Plan that was voted on by the voters as being commercial. Some audience member were telling the Council this was the wrong thing to do but the plans had been in place for a long time. There was an Airport Avigation Easement in place as well and homeowners had to sign a paper that said they knew about it.

Will Haverland, 786 Panicum Drive, thought a shopping center at this location was a good idea and would be a good addition to the community. Residents in the area wouldn't have to drive long distances to get things they needed.

1. Public Hearing

Councilman Lamerson MOVED to CLOSE the Public Hearing, which was SECONDED by Councilman Blair. The motion passed unanimously.

2. Adoption of Ordinance No. 4593 - An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona amending the zoning of certain property within the City of Prescott located on the southeast corner of Willow Creek Road and Pioneer Parkway and described as APN Parcel No. 106-02-001N from RE2 (Rural Estate) to BR (Business Regional) zoning. (RZ06-010)

Councilman Lamerson MOVED to ADOPT Ordinance No. 4593, which was SECONDED by Councilman Blair. The motion passed 6-1 with Councilman Luzius casting the DISSENTING vote.

I. 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. (FP06-022)

Community Development Director Tom Guice explained this was the Final Plat for Enchanted Canyon Estates, a PAD, with 72 lots on 67-1/4 acres and the motion included conditions of Final Plat approval, which included:

1. the Common Area and Tract C be rezoned to Natural Open Space;
2. Provide appropriate fencing around lots 13, 14, 15, and 17 as they adjoin Tract C within one year of recordation of the Final Plat. If the

Open Space Committee approved, the fencing requirement would go away;

3. Building permits would not be issued prior to completion of the East/West Connector (which should be open within the next 45 days); and,
4. A rock crusher may be operated on site Monday through Friday, 8:00 A.M. to 3:00 P.M. The City Code stipulated Council approval of heavy equipment on a site relating to noise.

Mr. Haywood was present today; staff met with him and made changes to Plat Notes No. 5 and 9 with changes specific to uses of open space and that it would be held in perpetuity.

Mike Haywood, Haywood and Associates, 115 E. Goodwin Street, said he met with staff and the owner's attorneys and City Attorney Kidd and thought everyone was happy with the changes; all requirements had been met and the note on No. 5 said Tracts A & B would be held "in perpetuity" and also Note No. 9 regarding City maintenance, they had added that the easements would be dedicated to the City for natural open space "in perpetuity" and added the City would not maintain the streets and sidewalks, only the dirt trail.

Councilman Roecker commented the Open Space Committee held a meeting over the telephone and the consensus of the Open Space Committee was to keep the requirement to put up the fence around the specific lots mentioned earlier.

Recreation Director Jim McCasland said it would be determined what type of fence would be appropriate between the public and private homeowners.

Councilman Lamerson remarked he was most concerned about the 10,000 cubic yards of fill and asked if the Final Plat was in compliance with the Preliminary Plat and Mr. Guice said "yes".

Councilman Blair MOVED to APPROVE the Final Plat for Enchanted Canyon Estates, a Planned Area Development containing 72 residential lots on 67.28 acres located south of Iron Springs Road and west of Downer Trail, with the following conditions: (1) Common Area and Tract C to be rezoned to Natural Open Space; (2) provide appropriate fencing around lots 13, 14, 15 and 17 as they adjoin Tract C within one year of recordation of the Final Plat. ~~(This requirement may be deleted if the Open Space Committee makes recommendation that fencing is not necessary on these lots);~~ (3) building permits will not be issued prior to completion of the East-West Connector; and (4) a rock crusher may be operated on site Monday through Friday, 8:00 A.M. to 3:00 P.M., which was SECONDED by Councilman Lamerson.

Councilman Roecker asked to AMEND the motion to delete the sentence in parentheses regarding the fencing in condition 2. Both Councilman Blair and Councilman Lamerson approved the deletion of the sentence.

Councilwoman Suttles thanked Mr. Finn for the amount of open space being provided in this project.

Mayor Simmons called for the vote on the motion as amended and the motion as amended passed 6-1 with Councilman Luzius casting the DISSENTING vote.

V. ADJOURNMENT

There being no further business to come before the Prescott City Council, Mayor Simmons ADJOURNED the meeting at 4:53 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 8th day of May, 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