

PRESCOTT CITY COUNCIL
STUDY SESSION
TUESDAY, FEBRUARY 17, 2009
PRESCOTT, ARIZONA

MINUTES OF THE STUDY SESSION OF THE PRESCOTT CITY COUNCIL held on FEBRUARY 17, 2009, in the COUNCIL CHAMBERS located at CITY HALL, 201 SOUTH CORTEZ STREET, Prescott, Arizona.

◆ **CALL TO ORDER**

Mayor Wilson called the meeting to order at 3:00 p.m.

◆ **INTRODUCTIONS**

◆ **INVOCATION:** Rabbi William Berkowitz, Temple B'rith Shalom

Rabbi Berkowitz gave the invocation.

◆ **PLEDGE OF ALLEGIANCE:** Councilman Roecker

Councilman Roecker led the Council and audience in the Pledge of Allegiance.

◆ **ROLL CALL:**

PRESENT:

Mayor Wilson
Councilman Bell
Councilman Lamerson
Councilwoman Lopas
Councilman Luzius
Councilman Roecker
Councilwoman Suttles

ABSENT:

None

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

Mayor Wilson reported that tomorrow night starting at 5:30 p.m. a recap of the most recent Arizona Town Hall on Housing will be held in the Council Chambers and he invited everyone to attend. Also, he invited everyone to attend the Prescott Vision 2050 Open House to be held from 1:00 p.m. to 5:00 p.m. at the Prescott High School at 1050 Ruth Street, on Sunday, February 22.

Mr. Norwood reported that historically January is the lowest travel month for the airport and this year they had just over 800 enplanements, which was still very strong.

I. PRESENTATION

- A. Recognition of "Prescott Lightning" YMCA Gymnastics Team for their win at the Las Vegas Invitational Lady Luck Competition.

Coaches John Sebastian and Lonnie Holme of the YMCA and his Prescott Lightning team were invited up to be recognized for their recent win at the Last Vegas Invitational Lady Luck Competition.

Coach Sebastian said that they brought in different trophies because although the Level 4 has been very successful, they have Level 4 through 8 present and all levels have been very successful. He said that the girls have worked hard to be performers and champions and that is what the program is all about, to do their personal best, work as a team, and succeed.

At this time the girls demonstrated some basic skills on the beam. Coach Sebastian said that he wanted everyone to understand that when they perform they are representing not only the YMCA but also the City of Prescott, and they make them both proud.

- B. Recognition/Remembrance of Ted Edmonson, *Prescott's Singing Cowboy*.

Councilman Roecker said that in any city there are citizens from all walks of life who weave the fabric of history that turn a city into a community. Councilman Luzius recently reminisced about Ethyl Tyson, a beloved teacher. Councilman Lamerson and he often think about Jim Lewis, a cantankerous entrepreneur with a heart of gold that he did not want anyone to know about. He said that Neal Hurt also fit into that category; two grumpy guys that were wonderful people.

He said that in January the City lost another such individual. This time a gentle soul named Ted Edmonson who wrote poems and songs, one of which they would be listening to. He then read some excerpts written by Mr. Edmonson for Sharlott Hall Museum in 1998.

Councilman Roecker said that he first met Mr. Edmonson in 1983 or 1984. He asked Mary Baker from Prescott Valley to come today because in the past they had been toying with the idea of coming up with a song for the City of Prescott because it does not have one. Over the years they talked about it. One day Mary called Ted and he came over with his guitar and played a song for them in the hallway of the Chamber of Commerce Building. He said that for one reason or another they never got around to pursuing it, but they all recognized the moment as something special.

Mary Baker spoke to the audience and said that Mr. Edmonson was a special man. He worked for the company that had the big signs and when he retired they gave him some signs and he met with them at the Chamber. It was the first time they had the opportunity to use the billboards to promote Prescott. At this point the audience listened to the song written and sung by Mr. Edmonson.

II. DISCUSSION ITEMS

- A. Approval of expenditure of \$58,355.53 to Arizona Emergency Products, for emergency vehicle equipment builds.

Police Chief Randy Oaks said that they went out to bid on the item and received three bids, with the low bidder from Arizona Emergency Products. He said that they did the upfitting on the Department's last batch of vehicles two years ago. They have had good service and warranty service with them.

Chief Oaks said that they get a manufactured police car with no equipment and take it to the equipper where they install all of the emergency equipment, such as prisoner seat, guards on windows, lights, sirens, cameras, etc.

- B. Approval of a Management Agreement with Prescott Downtown Partnership.

Economic Development Director Jane Bristol said that this was an annual event that the City does with the Prescott Downtown Partnership (PDP). She said that the PDP works with the Arizona Main Street Program and they have achieved national Main Street status which was a goal set by the Council for them. The Board members and staff participated regularly in the Focus Future II strategic planning process and are responsible for holding certain events on the Yavapai County Courthouse Plaza.

She said that the contribution given to PDP is used to pay for some of the funding for the Manager's position. In return, that Manager works with Yavapai County to organize events so the more successful they are, the more funding they get. They receive 60% of the City's \$25 vendor or transient merchant fee; this year that payment amounted to \$15,585 from monies collected last year.

Ms. Bristol made one correction in her memo. It had stated that it was budgeted through the Bed Tax fund, but that was not correct. The revenue is deposited into the General Fund and then paid out of the General Fund.

Also, part of the contract does require PDP to present annual reports to the Council and they will do that today.

Cliff Petrovsky, local downtown business owner, property owner, and currently President of the PDP, said that he appreciated the opportunity to update the Council of their activities last year. He then gave a report which addressed the following:

- ▶ 2008 Accomplishments
- ▶ Courthouse Lighting
- ▶ Holiday Light Parade
- ▶ Old West Oktoberfest
- ▶ Sidewalk Buttlers
- ▶ Second Annual Acker in the Park
- ▶ Rediscover Historic Downtown
- ▶ Commercials
- ▶ Plan of Work – 2009

Councilwoman Suttles thanked him for all they do for the City. She said that she believed that the passion is there and, people come to Prescott to go downtown, so they are a big part of that.

Councilman Lamerson also thanked the Board of the PDP and asked Ms. Bristol for clarification on the pass-through funding. He said that if it were not for the events on the square they money that passed through the General Fund would not be there to begin with. Ms. Bristol said that is how the money is allocated by the Council so without another funding source, it would have to go to another pot of General Fund money. Councilman Lamerson said that the money generated by the vendors on the Square gets deposited and they get a percentage of that. Ms. Bristol said that was correct.

- C. Adoption of Resolution No. 3936-0942 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, approving a Sewer Service Reimbursement Agreement between Linda Johnson and the City of Prescott, and authorizing the Mayor and staff to take any and all steps deemed necessary to accomplish the above.

Mr. Nietupski said that Ms. Johnson had designed and constructed a sanitary sewer main line, 456 feet, completed in June of 2008 at a cost of \$61,400.62. The reimbursement district provides for proportionate reimbursement of the parties that could benefit from tying onto the line in the future. The agreement would remain in effect for 15 years, or as soon as all of the parties identified on the map have connected to the line, whichever comes first.

He said that the City collects the reimbursement amounts of \$12,366.32 when a property is permitted for connection and those reimbursement funds are returned to Ms. Johnson when that development occurs. The City does still collect and retains all of the customary fees associated with sewer service in the City.

- D. Award of a contract with Thatcher Company of Arizona for the purchase of gas chlorine in 2000 pound cylinders at \$850.00 each, 100 or 150 pound cylinders at \$1.13 per pound; and granulated calcium hypochlorite in 100 pound containers at \$174.00 each for wastewater treatment and collections.

Mr. Nietupski said that this item was for the purchase of chlorine gas and powered chlorine and calcium hypochlorite for wastewater treatment. He said that it is a process used throughout the industry for disinfectant purposes. The City uses around 24,600 pounds of chlorine gas and about 4,800 pounds of granulated chlorine a year. He said that three bids were received and the low bidder was Thatcher Company of Arizona, with a three-year term and it has a provision for annual adjustment according to the US Department of Labor Producer Price Index for Chemicals and Allied Products.

- E. Award of a bid to Balar Equipment Corporation, Phoenix Arizona for the purchase of two solids dewatering boxes in the amount of \$80,280.08 for wastewater treatment.

Mr. Nietupski said that these dewatering boxes help eliminate/reduce odors at the Sundog Treatment Facility.

Councilman Luzius asked to clarify that these units do not use the polymer discussed at the last meeting. Mr. Nietupski said that was correct. He said

that the units are for filtering and separating the floating debris; no chemicals are used.

Councilwoman Lopas said that she was glad to see this and the prior bid being won by Arizona companies.

- F. Approval of a Comprehensive Sign Plan for The Bradshaws located at 133 Bradshaw Drive, CC08-002.

Community Planner Mike Bacon said that this sign package is for The Bradshaws located on Bradshaw south of Gurley Street at the intersection of Stetson. They are proposing two signs along Bradshaw. They are entitled to 3 signs that would permit 96 sq. ft. but they are requesting two signs totaling 86 sq. ft., which is 8 feet over what the Code would allow for two signs.

He said that overall the Planning and Zoning Commission recommended unanimously to approve this. He noted that both the applicant and the architect were present.

Councilwoman Suttles asked why they are requiring the additional signage on a project that she would think everyone will know about.

Architect Chris Fergis, 7227 N. 16 Street, Phoenix, said that they have been approved for four phases, which will provide for several signs. They were approved a monument sign for each phase. They opted to not go with an individual sign for each phase and mix it up with three or four different signs that promote a sense of unity or sense of community within the development. The sign "The Bradshaw" is their monument sign for the development and the use of the larger lettering was to help promote a hierarchy, sense of arrival, place and community. They felt that the larger lettering helped differentiate from the Senior Development or the Family Development within the community.

Councilwoman Suttles said that she appreciates them giving up one of the signs on Stetson, but in her opinion, in order to do that maybe they did not need to do something that large.

Councilman Lamerson thanked the developer for bringing a much-needed project to the area. He asked Mr. Bacon if a larger sign posed a health or safety issue. Mr. Bacon replied that it did not.

Councilwoman Lopas echoed Councilman Lamerson's comments. She said that it is much needed and beautiful. She said that she believed the signs fit the scale and it lent elegance to the project. She thanked them for a great project.

Councilman Luzius said that he drives by that location quite a bit and has no problem finding a sense of place. He would like the item removed from the Consent Agenda.

Councilman Bell said that he saw Planning and Zoning Commissioner Len Scamardo in the audience and asked him his thoughts on the project.

Len Scamardo, 314 Double D, Prescott, said that when they had the sign package come to them, they had a major problem originally with the location because of the mass grading. He said that the developer did an excellent job and has an elevated parking space on the south side of the building, saving a large number of trees and built retaining walls. He did a great job as far as the building and cleanliness of the site during construction. He said that members of the Commission said it was not objectionable being eight square feet more than would be allowed, and felt it would be something to reward the developer for doing such a great job.

Mayor Wilson reminded everyone that they could have had three signs (allowing 96 sq. ft.) but they were only asking for two. He echoed what Councilman Lamerson and Councilwoman Lopas said, that it was a badly needed project and he commended the developers for bringing it to Prescott. He saw no problem with the signage requested.

G. The Boulders, A Prescott Retirement Center:

Mr. Bacon said that this project is located just north of Whipple at the terminus of the current Canterbury Lane and also on the western end it terminates at Sun Street. There are single-family uses to the west as well as to the east, and Las Fuentes Retirement Center to the north. He said that the proposal is for 132 units, 44 units of assisted living and 88 units of independent living. He said that this project, over the last ten years, has seen numerous revisions of the development agreement and site plan. He said that today it is before the Council as a \$20 million project, and the architect and property owner was present.

Bill Spring, developer of the project, 2305 Edgewood Drive, Sedona, Arizona, said that the project consists of four buildings. They had three separate feasibility studies performed, including one for HUD, as to the need for this product. The project is dual-zoned, both condo and senior rental. They chose the latter because it is really where the need is. He said that the basic concept is affordable luxury; not real high end, but it will give them that feel.

He said that it will have dining, activities, private van, two separate dining facilities, high definition theater, valet parking, chapel, computer room,

spa/massage. Additionally, they are looking at working with YRMC to have a doctor on board for a certain amount of hours, or certain days. The assisted living unit would have a nurse 24/7.

Mr. Spring said that it was a spectacular site, with views of Thumb Butte. It is difficult to build on because they are building on a granite mountain, the result of which is a \$30 million in costs, including land acquisition. They are attempting, where possible, at having local vendors. They are trying every way they can to use all local vendors. To that effect, they use Civiltec and BMA Landscape Design (both of Prescott), and STGR Architects out of Tucson.

Mr. Spring said that there was a letter from a competitor of theirs at the bottom of the hill which came just before the first Planning and Zoning Commission, who unanimously approved the project. He said that one of the issues addressed in the letter they will try and address as they go along; some of them are really not on target. He said that he was handed a letter this morning from Las Fuentes about notice and the City is in charge of that. He said that this is his sixth meeting, including one private meeting of the neighbors, and there have been many different management personnel from Las Fuentes at each of those meetings. Mayor Wilson said that they also received the letter and he would prefer that they go through the presentation.

Larry Meeks, 1820 E. River Road, Tucson, Arizona, principal of STG Design said that he has been asked to talk about a few specific items and they have shortened their PowerPoint presentation. He first showed a drawing of the old plan which was a monolithic building and showed how it contrasted with the new project.

He said that in the Planning and Zoning Commission meeting there was a lot of discussion on parking. His firm works on a national basis in active adult retirement communities across the country. They currently have three projects in Arizona (Green Valley-68 units of assisted living, 28 parking spaces; Tucson-80 units assisted living, 40 parking spaces) He said that they are currently remodeling a facility in Glendale, 454 units that was originally developed as a free-market apartment complex and was converted later to independent living, now is being converted to assisted living, 360 parking spaces, but in the last year there has never been more than 160 cars parked there. He said that there is a national trend downward in parking, especially for assisted living. That, in combination with valet parking, offers the residents the ability to manage their car.

He said that they have a development agreement that allows them 45 feet in height for the building. Their plan is 45 feet at the facade line of the buildings. The additional height they are asking for is 4.5 feet would be

consumed 100% by the roofs, going back 18 feet and climbing 4.5 feet. That gives them architecture, shade and shadow, and a roof texture. He said that it is all based on aesthetics. He said that the design is a 18% site coverage with a four-story design. They feel that the extra 10% is necessary to have the right kind of marketing and appeal.

He said that another issue that came up in the Commission meeting was the possibility of change of role or usage. He said that they commented there and will state today that this building will go through three different and distinct plan checking processes—City, conformance to HUD construction requirements, and HUD interior allocation by registered architect hired by HUD, and also plan checked at the State Health Department level. The assisted living building is designed 20-25% in excess of base code. The entire project is going to be checked at three different levels. He said that if there are comments back from HUD, they will come back to the City. The project will not close and fund at the HUD level without the City's building permit in hand and the State Health Development permit in hand.

He said that the HUD mortgage runs for 40 years, and they inspect it on an annual basis. If there is any deviation they get noted and have to be corrected. He said that they have done many projects, and they would have to buy HUD out of the deal to make changes.

He said that he did also want to add that the parking provided for in the design does meeting the development agreement.

Mayor Wilson asked how the parking compared with the current Code requirements for parking. Mr. Bacon said that they meet Code 100%.

Councilman Luzius said that a few years back he remembered someone on Oak having an issue with the height of the building, at that time, cutting their views. He asked if those people have complained. Mr. Bacon said that was the reason the exhibit was in the packet, to show that they will still have a good view of Thumb Butte. He said that they have had no complaints. There were concerns voiced at the area meeting, but none expressed at Commission meetings.

Councilman Luzius said that he remembered before that the Fire Department wanted the ability to drive all the way around the facility. Mr. Bacon said that the Fire Department required 360' access and that has been provided. Also, there is a sidewalk for accessibility throughout the development.

Councilman Luzius said that they were requesting that during construction they be able to use Sun Street, but he would strongly discourage that. He

did not think the people on Sun needed to be inconvenienced. Mr. Bacon said that issue did come up and there were some people on Sun Street in favor of it because it would help the development be completed quicker.

Councilwoman Lopas thanked the developer for another great project coming to town, adding that they need them as they have a lot of retirees coming to town. She said that it is a difficult location on which to develop.

Councilman Lamerson asked if the design of the project posed any health or safety issue, by extending the 4.5 feet in height. Mr. Bacon replied that it did not. He said that the traffic generation was the issue in the past, but the City's traffic engineer conveyed that it did not even require a traffic report analysis, including there will be a minimal impact at the intersection.

Councilwoman Suttles asked if the other projects they had done were located in the boulders like this one. Mr. Meek said that they were not; they were on flatter land. Councilwoman Suttles asked if they felt this was going to be more of a project in building. Mr. Meek said that from an architectural point of view they believe they have designed a project that is an appropriate blend of a set of buildings, consulting 18% of the overall square footage of the site, and were organized and designed. They are using color variation, recognized architectural forms to break them into smaller masses. He said that every one of the buildings has a step in the foundation at a point that lets it move up the hillside. The previous plans were very monolithic. These buildings, in contract, are differentiated with gables, recessed balconies, and attention to detail. He said that they have spent a great deal of time working with the land.

Councilwoman Suttles asked how much blasting would be required. Mr. Meek said that their purpose in moving the building up the hill and breaking the foundations into pieces is to minimize the blasting required, if any, to construct this project. Their structural engineer also fully understands what it is like to build on those types of substrates so where they can test and prove that it is viable, they can manipulate the foundation system to take advantage of the rock rather than remove it. He said that the previous scheme was digging an 11' hole across the face of the site and that would have required massive blasting.

Councilwoman Suttles said that they are glad they are in Prescott. They are pleased with their dealings with HUD. She said that they are into a neighborhood and she appreciates them working with the neighbors.

Councilman Luzius asked that the item be pulled from the Consent Agenda.

Councilman Roecker said that the drawings indicated catch basins and drainage, and asked if they were good with that. Mr. Bacon said that this was a site plan, which is conceptual. Those items will be addressed at the building stage.

Councilman Roecker said that there was also a statement about the walkways between the buildings being glass-walled, heated and air conditioned. Mr. Meek said that they have enclosed the connectors that tie all of the buildings together.

Councilman Bell asked Mr. Scamardo if he had any comments on this project. MR. Scamardo said that what they were concerned about was the site plan and when the new one came in it had eliminated most of the cuts. They were fortunate on Planning and Zoning to have two licensed architects who understood grading plans and others that could read a topographical map. He said that was one of the reasons they looked at the project favorably.

Mayor Wilson congratulated the architect and developer. He said that it was not a cheap project and they looked at the site and took a lot of things into consideration. He said that he does have a question for Legal but he'll take all of the public/Council comments first.

Councilman Luzius said that he thinks it is a good project, but it behooves him to not ask if there were complaints. If everyone was happy, he is happy.

Mr. Spring said, in closing thoughts, that in these hard times they will be bringing jobs to Prescott. The estimated net sales taxes going to state and local jurisdictions, is just under \$2 million. The Boulders will generate \$300,000+ of real estate taxes to the community; currently it is around \$8,000.

He said that many projects that the Council will approve, like subdivisions and condo projects, have an incremental, additional school infrastructure cost. Many do not realize that over the life of the development the additional school infrastructure will eat up a lot of the tax revenue. Their average entry age is about 80 and unless they are real active, he does not anticipate a lot children coming out the project.

In terms of traffic, their project will require substantially less parking than alternate uses. A third of them are assisted living. They have 127 total parking spaces for a 132 units conforming to the City's Code as well as the development agreement. The alternative condo project would have to have two parking spaces per unit, 264 spots, so they are below parking and traffic. He said that they are trying to keep it at a low visual impact,

which is why they have the see-through corridors. He said that the 18% site design is nothing short of a miracle. He said that they have a 26' wide looped road. He feels the project compliments the neighborhood and basically is a nontoxic, low-traffic, non-noisy facility.

Janet Hutchison, 201 East Washington St., 11th Floor, Phoenix, Arizona 85004, said that she represents LFRV, the neighbor to the north of the project. They are known as Las Fuentes Resort; they have 16 acres and have been in the community for a long time and a contributing neighbor.

She said that the Council has been presented with a new site plan, but the project is not new. It has been before the Council many times, and she has been in front of Council a few times. She said that they filed a legal protect and the Council has in their packets a letter sent to the Council that outlined some of their concerns with the project.

She said that in addition to reviewing the letter, she hoped that they would review the prior history of the site and the concerns that Council has had in the past because those concerns should still be there and have not necessarily been addressed. She said that if they look at the history and prior plans, they will see that this is not an improvement.

She said that staff has already said it was not in substantial conformance. They have often said that certain items meet the development agreement, but they need to keep in mind that many of the items do not meet the Development Code. Having not been in substantial conformance with the prior site plan that was approved, they have a duty to try and conform with the new Development Code.

She said that they are concerned that over the years the property has been the subject of so much action and the City is once again being asked to make substantial compromises, several of which are in the area of safety. She said that she would focus on just four areas, but as they talk about them they will see they are safety issues—1) licensing, 2) parking, 3) height, 4) all-encompassing safety issue.

She said that if they look back at the prior history, several of the Council members commented and had concerns with density. This project is denser. Some commented about emergency access; this project still does not have what the Fire Department requires. Maybe they have approved it, but it is still not the 28' that the current Development Code requires. She said that traffic was an issue in the past, and this project does not have a current traffic study. The other issue is the left-turns off of Canterbury back onto Whipple. That should still be a concern.

She said that they have said repeatedly that they are going to be meeting all of the standards, but previously it was represented that the facility would be licensed, but there was no reason to not be licensed. The parking may meet the development agreement, but she does not believe it meets the current Code. Also, with independent living, they will be driving. The parking in the new site plan is in the northwest corner, way away from the independent living buildings on a difficult site. If they want to walk to their cars they are going to have a difficult time doing so.

She said that the only justification for more height is to make it prettier, and she did not know that the height issue was presented to the neighbors.

In closing, she said, it was not a matter or question of need or demand. It was a question of whether this site plan is appropriate for that location. They are not afraid of competition. They are pretty full all the time. They are afraid of a poorly designed development.

Councilwoman Suttles asked Ms. Hutchison if she attended the Planning and Zoning Commission meetings. Ms. Hutchison said that she was at the one last Thursday, for which they had one day's prior notice. Councilwoman Suttles asked why they were only notified for one day.

Mayor Wilson said that he believed they should ask the question asked in the letter, and he referred that to Mr. Kidd. Mr. Kidd referred that question to Mr. Worley who said that they send notices regularly for any type of meeting that may affect adjoining property. They use the County records for notice, which tend to be legal addresses. This particular notice was sent to Tennessee based on those records.

Mr. Kidd said that they follow factual notification process, and there is actual notice as well. He said that the final action is not taking place until next week so he does not believe there is an issue.

Ms. Hutchison said that in the file there was a written notice from her client requesting notice and apparently that was misplaced, but it was found on Thursday. She said that the staff report indicates that there was a prior ordinance on the zoning of the property, and then a current ordinance on the property. She said that the ordinance has a requirement in it that zoning on the property was conditioned upon this property being used within five years of the date of the ordinance, and if it was not, it was to revert to the prior zoning. That ordinance, as far as the staff report, appears to still be in effect. The ordinance was dated August 19, 2003, which is beyond the time period. She said they are also beyond the time period for final plat approval. Mr. Kidd said that has far as the zoning, staff can address that issue next week.

Thomas Kack, Musgrove, Drutz & Kack, appearing on behalf of the developer, said that he was there on the site plan and water detention. He said that licensing of the facility is not up to the City, but rather up to the State. It is a rigorous process and they already know that they have to go 25% above codes for the assisted living. They will be inspected and licensed.

He said that they meet the development agreement for parking and the Code. Talking about the development agreement, there is only one that was reached in 2007. The idea that all of the previous zoning went away is wrong because they had a development agreement one year ago that told them they could have 132 units, as allowed in 1999, and it also said it could be assisted, or a combination of assisted and independent living.

He said that with regard to the third item raised today, the height, it is not a monolithic structure, but the way they used to measure in the past is different than today and that is where part of the height difference comes from. It has no more height for most of the project than the previous one and it is much better looking

He said that the idea of safety has been raised, and he would say that the cost of the project has increased by \$2 million because of the additional road. They think it is overkill, but they now have a 360 degree road which they did not have before. He said that in the past with condos the traffic was okay. There is no reason to think it is not okay now. He believes that all of this is a bunch of red herrings. He said he was not being disrespectful and he understands their position.

Mr. Kack said that the last thing that came up was notice. They have already heard that representatives from Las Fuentes have been at various meetings. He said that the night before the January 29 Commission meeting they issued a letter and due to those issues raised in the letter, the public hearing was postponed for two weeks. He said that they had an opportunity to appear then and she was at the meeting today. He said that the project has been going on and on and is now coming to fruition. They finally have their financing and it is getting time-critical. Certain things have to happen now.

Councilman Lamerson asked Mr. Kack who their financing agent was. Mr. Kack said that it was Peregon Mortgage, and all they have done for the last 25 years is HUD finances. Councilman Lamerson asked Mr. Kack if HUD required them to having licensing. Mr. Kack replied that they did.

Gary Falk, 407 Sun Street, said that his house is right across from Las Fuentes. He said that he agrees with Councilman Luzius with regard to

the construction traffic. He lived through the building of Las Fuentes and knows that there will be a lot of trucks and equipment all day long, so he would recommend that at least a majority of equipment come through Canterbury. He said that he has been with the project since day one, and this looks like a good project. Of all those he has seen, this looks good. He would like to see them go ahead and approve it.

1. Adoption of Resolution No. 3937-0943 - Amendment to Development Agreement with Arcadia Housing, LLC for The Boulders, A Prescott Retirement Center located at 910 Canterbury Lane, to amend building height from 45 ft to a maximum of 49.5 ft., and stipulate valet parking required for the project.
 2. Site Plan and Grading Plan Approval for The Boulders, A Prescott Retirement Center, a Planned Area Development located at 910 Canterbury Lane, Zoning MF-H. Owner is Arcadia Housing, LLC, Applicant is CivilTec Engineering, SI08-002.
- H. Approval of the Minutes of the Prescott City Council Study Session of February 3, 2009 and the Regular Voting Meeting of February 10, 2009.
- I. Selection of items to be placed on the Regular Voting Meeting Agenda of February 24, 2009.

Councilman Bell read that the following items would be on the Consent Agenda: A, B (to be corrected), C, D, E, H. The remainder would be on the regular agenda.

III. ADJOURNMENT

There being no further business to be discussed, the Study Session of the Prescott City Council held February 17, 2009, adjourned at 4:53 p.m.

JACK D. WILSON, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk