



CITY COUNCIL VOTING MEETING MEETING

VOTING MEETING MINUTES

TUESDAY, OCTOBER 11, 2022, 3:00 PM

201 S. Cortez Street
Prescott, AZ 86303
City Council Chambers

Phil Goode, Mayor

Cathey Rusing, Mayor Pro Tem

Brandon Montoya, Councilman

Eric Moore, Councilman

Connie Cantelme, Councilwoman

Steve Sischka, Councilman

Clark Tenney, Councilman

MINUTES OF THE VOTING MEETING OF THE PRESCOTT CITY COUNCIL VOTING MEETING HELD ON OCTOBER 11, 2022, IN THE 201 S. CORTEZ STREET PRESCOTT, AZ 86303 CITY COUNCIL CHAMBERS.

1. CALL TO ORDER

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

2. INTRODUCTIONS / ANNOUNCEMENTS

Mayor Pro Tem Rusing stated that the Prescott Fire Department in conjunction with the Fire Protection Association has announced National Fire Prevention Week and theme is Fire Won't Wait, Plan Your Escape. Home fire is actually the greatest risk, smoke detectors should be installed throughout the home and tested monthly. There will be a FireWise Festival on Saturday Oct. 15th to celebrate the 100th year. Also, she announced that tickets for the Big Sting It's a Country Thing Event can be purchased on the website bigsting.com.

3. INVOCATION - Father Raj Britto with Sacred Heart

4. PLEDGE OF ALLEGIANCE - Mayor Goode

5. ROLL CALL

Phil Goode	Mayor
Cathey Rusing	Mayor Pro Tem
Connie Cantelme	Councilwoman
Brandon Montoya	Councilman
Eric Moore	Councilman – excused
Steve Sischka	Councilman
Clark Tenney	Councilman - excused

6. PROCLAMATIONS

A. Homelessness Awareness Month - November 2022

Mayor Pro Tem Rusing presented the Proclamation.

B. Fire Prevention Week - October 9-15

Councilwoman Cantelme presented the Proclamation.

7. OPEN CALL TO THE PUBLIC

None.

8. CONSENT AGENDA

MOTION BY COUNCILMAN MONTOYA TO APPROVE CONSENT AGENDA ITEMS 8.A. THROUGH 8.K.; SECONDED BY COUNCILMAN SISCHKA: PASSED [5 – 0].

- A. Approval of Acceptance of a Certified Local Government Pass-through Grant for \$33,334 to be Used for the Historic Preservation Master Plan Update Project.
- B. Approval of City Contract No. 2022-146A1, an Amendment to City Contract 2022-146 with the Arizona Department of Transportation for an Additional \$315,271.67 to be Added to Grant GRT-22-0008543-T for Pavement Preservation Work at the Prescott Regional Airport. The City's 10% Share (\$31,527.17) is Available in the Airport Fund Budget.
- C. Approval of City Contract No. 2023-078 for the Purchase of a TYMCO Model 600 Regenerative Air Sweeper under the Houston-Galveston Area Council (HGAC) Contract No. SW04-20 in the Amount of \$312,865.00. Funding is Available in the General Fund.
- D. Approval of Acceptance of Grant Funds from Arizona Department of Homeland Security in the Amount of \$15,010 for Threat Liaison Officer (TLO) Prescott Intelligence and Information Project and Training and \$8,500 for sUAS Thermal Camera Capability.
- E. Approval of City Contract No. 2023-077 for the Purchase of One (1) 2023 F-350 4x4 Super Cab Pick-Up Truck from Peoria Ford using Arizona State Contract No. CTR059322 Pricing in the Total Amount of \$60,458.84. Funding is Available in the Solid Waste Fund.
- F. Approval of City Contract No. 2023-063 with VersaTube Building Systems, Inc., for the Purchase of Two (2) Steel Structures to Cover De-Icer and De-Icer/Cinder Mix at a Total Cost of \$30,811.53. Funding is Available in the Streets Fund.
- G. Approval of City Contract No. 2023-055 for the Purchase of Five (5) Vehicles. One (1) Ford Ranger and Four (4) Identical F-250 4X4 Utility Body Trucks from Peoria Ford using State of Arizona Contract No. CTR059322 Pricing in the Total Amount of \$273,419.32. Funding is Available in the Facilities Management, Golf Course Maintenances, and the Parks Maintenances Funds.
- H. Approval of City Contract No. 2023-083 for the Purchase of Two (2) Identical 2022 Ford Escape SE AWD Vehicles with Standard Equipment from Peoria Ford using State of Arizona Contract No. CTR059322 with Pricing in the Total Amount of \$67,410.36. Funding is Available in the General Fund.

- I. Approval of Payment to Arizona Department of Revenue for the City's Share of the Modernization of the State's Integrated Tax System in the Amount of \$31,064.57. Funding is Available in the General Fund.
- J. Approval of City Contract No. 2023-082 with Granite Mountain Training to Provide Clinical Opportunities and Supervision for Emergency Medical Services Training.
- K. Approval of City Contract No. 2023-080 for the Acceptance of a \$1,003,930.00 Grant from Arizona State Parks for the Granite Creek Corridor Project.

9. LIQUOR LICENSES

- A. Public Hearing and Consideration for a New Series 9 Liquor Store Liquor License Application from Arif Hakamali Samnani, Applicant, for Mike's Mini Market. Location: 924 E Gurley Street.

**MOTION BY COUNCILMAN MONTOYA TO CLOSE THE PUBLIC HEARING;
SECONDED BY MAYOR PRO TEM RUSING: PASSED [5 – 0].**

**MOTION BY COUNCILMAN MONTOYA TO APPROVE ITEM 9.A.; SECONDED BY
MAYOR PRO TEM RUSING: PASSED [5 – 0].**

10. REGULAR AGENDA

- A. Adoption of Ordinance No. 2022-1801 Eliminating the 0.75% Transaction Privilege Tax Dedicated to Paying Down the City's Unfunded Liability in the Arizona Public Safety Personnel Retirement System.

Mayor Goode commented that this is a monumental day.

Finance Director Mark Woodfill provided a presentation to Council regarding the transaction privilege tax. The unfunded liability was a significant problem for the community prior to the transaction privilege tax and the Council looked at several possible options one of which was the option for payment of the unfunded liability in order to free up money in the General Fund.

Prop 443 passed by 54%, with the ending to be by December 31, 2027 or at such a time the unfunded liability was \$1.5 million or less. In addition to the dedicated tax, proceeds from sale of the fire station #7, sale of hotshot buggies, state contribution to hotshot liability (over \$10 million paid to date). City Council further decided that the Annual Required Contribution would be continued to be paid out of the General Fund/coupled with the stronger than anticipated sales tax growth brought unfunded liability from \$86,432,608 and 30.1% funded to \$8,316,131 and 94.4% funded as of June. This has saved the city's service levels.

Mr. Woodfill continued that there are some "headwinds" on earning actuaries. He would like to see it trending down more quickly, however there are no new employees going into Tier 1 and Tier 2 as

those are not actuarially sound. He is confident that the city will accomplish the \$1.5 million goal by Dec. 31, 2022 in accordance with adoption of this Ordinance.

Next Steps:

- * Adopt Ordinance No. 2022-1801
- * Work with Dept of Revenue to remove tax and notify the taxpayers of the change
- * Use social media, city website and local newspaper to get the word out
- * Update city's pension policy as part of FY24 budget process
- * Staff recommends creation of a PSPRS stabilization fund to address market fluctuations in the City's trusts to include – desired balance of stabilization reserve, approach to funding reserve, when and how the reserve will be used

Mayor Goode thanked staff for their presentation.

Mayor Goode added that by the time the tax is expired at the end of the year there will be six additional months of tax collections to reach the goal amount of \$1.5 million. Will continue to closely monitor this because of the deficiencies of the investment process at the state level, but believes we will be able to manage this successfully going forward.

Councilman Sischka commented that it is difficult to imagine what this would look like if the city didn't do what they did. He recognized the citizen committee who worked so hard on this and former Mayor Pro Tem Billie Orr. The goal was accomplished in five years which is absolutely incredible, not having to brown out fire stations or have lower levels of safety personnel or close the library on certain days. This is monumental and an awesome example of bipartisanship that he has ever seen.

Mayor Goode echoed Councilman Sischka's comments and added that he feels we'll see more activity in our retailers.

Member of the public Peg Travers addressed Council and recognized all of the people of Prescott for the sacrifices and difficulties they had prior to the passage of this. So proud of the community effort that brought us here, this was a wonderful group of people who did this.

Member of the public Sherrie Hanna addressed Council on this great day and commented that when they first sat down with 20 people on a committee the only solution was more revenue and brought the tax proposal forward. There was a great deal of opposition but the goal was to protect Prescott. Recognized the members that couldn't be here today, she thanked the citizens and tourists who have helped get the community to this point.

MOTION BY COUNCILMAN SISCHKA TO ADOPT ITEM 10.A.; SECONDED BY COUNCILMAN MONTROYA: PASSED [5 – 0].

- B. Adoption of Ordinance No. 2022-1813, Amending Prescott City Code 3-10-8(F): Water Conservation Code, Incentive Program.

Deputy Public Works Director Gwen Rowitsch provided a presentation to Council regarding the code updates. Staff has been working on an overhaul of the program and have researched/compared

Prescott's rebates to other communities. Also visited local retailers and suppliers to get actual figures on how the rebates are working for the citizens. Goal was to reach a rebate of 20-40% of the cost of the device. Subcommittee on Water Issues recommended credits on water bills rather than actual checks being cut.

Current Rebates/Incentives:

- * Rainwater Cisterns & Barrels – Prescott rebate maximum of \$500 (100-gallon capacity minimum per gallon of storage; can be in combination). On average 10-20 rebates per year on this device, but solely based on the amount of precipitation so gallons saved vary dramatically
- * Turf Incentives – number one return of water savings of all offers. 200 square foot minimum for residential/1,000 sq foot minimum for non-residential (\$.50 rebate). On average 10-13 rebates per year but they save more water than other device. In FY21 PUSD replaced the grass football field with turf and saved 11.6 acre feet or 3,799,244 gallons. 500 sq feet = 2.5 parking spaces
- * Toilet Incentives - \$75 for 1.28 GPF, \$100 for 1.0 GPF OR 1.28 Dual Flush and \$50 for septic. In 2019 did a city hall retrofit with low flow toilets, can be interest in the commercial community for these incentives as well. Most popular rebate/second highest water savings in the program
- * Commercial Urinal Incentive – low incentive requests, \$50 rebate if it is 1 quart or less; flushless design flush once at specified intervals

Recommendations for Revisions:

- * Water Cistern barrels with 50-65 gallon capacity - .50cent per gallon of storage
75+ gallon capacity - \$1 per gallon of storage with maximum of \$500 rebate
- * Turf Removal on site/in adjacent public ROW - \$1/sq foot and remove minimum area size requirement
- * Toilets – 3-tiered approach (1.0 GPF=\$150 rebate, 1.0/1.28 dual =\$125 rebate, 1.28 gallons = \$100 rebate)
- * Urinals – minimum EPA standard 0.125 gallons per flush (0.50 quart) -\$100 rebate

Ms. Rowitsch stated that on average save over 2 million gallons per year over a period of 5 years, turf is the number one water savings and toilets are the second highest followed by rain barrels.

Councilman Montoya thanked staff for spearheading the program and building upon it and working with YCCA to get insight from the private sector on this. He added that there is a certain dollar amount allocated annually for this program, but there is not a cap with regard to how many things a person can do or in the fiscal year. He asked if there a regional framework around water conservation and for staff to comment on possible funding for additional conservation programs.

Ms. Rowitsch confirmed and said that the fund is adjusted each fiscal year budget process depending on how the previous year went. She added that nobody is turned away as long as they meet the criteria of the program. It is her understanding that surrounding jurisdictions do not have a program, however staff has been in contact with them regarding creating one, and that staff will look into any additional opportunities.

Mayor Goode added that he has met with the other municipalities regarding these programs.

Mayor Pro Tem Rusing stated that this program is available to all All water service area customers , even those outside of city limits..

Ms. Rowtisch confirmed.

Councilman Sischka asked how the city of Prescott stacks up to other communities. He also asked about hot water circulation system rebates which are difficult to retrofit in older homes, but there is a valve that can be added which is less expensive that will work for that so could we expand our program to include that.

Ms. Rowtisch responded that the city has been recognized as one of the most robust water conservation programs in the state so we do very well. We offer the widest variety of devices that can be eligible for a rebate. Additionally, she confirmed staff can look into adding the valve to the program.

Councilwoman Cantelme added that this is good on many fronts particularly because it allows the homeowners an opportunity to do their part. She asked about what type of outreach will be done, and if it would be possible to do target marketing to builders in the community or if the information could be handed out when people come in to obtain a permit.

Ms. Rowitsch responded that there will be a water conservation website, staff goes out into the public and speaks at a number of group meetings. Could also put small inserts in the water bills, but face to fact is the best opportunity and they will look into the other suggestions.

MOTION BY COUNCILMAN MONTOYA TO ADOPT ITEM 10.B.; SECONDED BY MAYOR PRO TEM RUSING: PASSED [5 – 0].

- C. Approval of City Contract No. 2021-181A3, an Amendment to City Contract No. 2021-181 with Fann Contracting, Inc., for Additional Road Construction Associated with Miller Valley Road in an Amount not to Exceed \$264,443.73. Funding is Available in the Wastewater & Streets Funds.

Capital Program Manager Tim Sherwood provided a presentation regarding the contract amendment associated with the Sundog Trunk Main project which has experienced significant delays and additional expenses. Due to the timeframe and the access to the rodeo grounds staff gave the contractor a specific deadline, now all utilities have been done and will just be routine maintenance moving forward.

Mayor Pro Tem Rusing commented that the piles of dirt and deepness of the trenches indicated that it was a huge project, but she was happy to see it was done on time.

Mayor Goode said the cost was substantial but the fact that engineer estimates and award costs are significantly higher, so this percentage is smaller than we are seeing in other cases.

MOTION BY MAYOR PRO TEM RUSING TO APPROVE ITEM 10.C.; SECONDED BY COUNCILMAN SISCHKA: PASSED [5 – 0].

- D. Approval of Four (4) Job Order Contracting (JOC) Contracts for Construction and Maintenance Services as Follows: 1) City Contract No. 2023-067 with Fann Contracting, Inc.; 2) City Contract No. 2023-068 with Ridgeline Builders, LLC.; 3) City Contract No. 2023-069 with Haley Construction Company, and 4) City Contract No. 2023-070 with Kinney Construction Services. Funding is Available in Multiple Department Funds.

Deputy Recreation Services Director Tim Legler provided a presentation to Council regarding the contracts, procurement requirements were received over a period of time. These are fixed term maximum dollar amount or term limits within which the contractors can do various jobs within the contract, these will be for a term limit rather than a dollar amount. If the bid falls under \$25,000 staff will move forward with a purchase order, if it is over \$25,000 is returned to Council for review and approval.

Mayor Pro Tem Rusing commented that most of the contractors are local and thanked staff for supporting them.

Mayor Goode said many of these small projects require prompt attention and ensuring the contractors are available from an approved list so this will ensure that.

MOTION BY COUNCILMAN SISCHKA TO APPROVE CITY CONTRACT NO. 2023-067; SECONDED BY MAYOR PRO TEM RUSING: PASSED [5 – 0].

MOTION BY COUNCILMAN SISCHKA TO APPROVE CITY CONTRACT NO. 2023-068; SECONDED BY MAYOR PRO TEM RUSING: PASSED [5 – 0].

MOTION BY COUNCILMAN SISCHKA TO APPROVE CITY CONTRACT NO. 2023-069; SECONDED BY MAYOR PRO TEM RUSING: PASSED [5 – 0].

MOTION BY COUNCILMAN SISCHKA TO APPROVE CITY CONTRACT NO. 2023-070; SECONDED BY MAYOR PRO TEM RUSING: PASSED [5 – 0].

- E. Approval of Items Related to Runway 3R-21L Rehabilitation Project at Prescott Regional Airport as Follows: 1) City Contract No. 2023-060 with Maxwell Asphalt, Inc. for Rubber Removal, Crack Seal, Seal Coat and Pavement Markings in an Amount not to Exceed \$438,341.75 and 2) Approval of Night Work. Funding is Available in the General Fund.

Airport Director Robin Sobotta provided a presentation to Council regarding the runway project, since the previous rehabilitation of the runway the airport has had a significant increase in use, so this project is necessary. She added that the bid came in under engineer's estimate which is wonderful. Work will take place both during the day and at night.

Mayor Goode said it is good to see some additional local contractors for good work.

MOTION BY COUNCILMAN MONTTOYA TO APPROVE CITY CONTRACT NO. 2023-060; SECONDED BY COUNCILMAN SISCHKA: PASSED [5 – 0].

MOTION BY COUNCILMAN MONTOYA TO APPROVE NIGHT WORK; SECONDED BY COUNCILMAN SISCHKA: PASSED [5 – 0].

- F. Approval of PLN21-007, Preliminary Plat of South Ranch at Deep Well Subdivision, Units 1, 2 & 3. Zoning: Special Planned Communities (SPC). Property Owner: James Deep Well Ranches #1, LLC. Location: APN 102-05-036A.

Planning Manager George Worley provided a presentation to Council regarding the plat which was reviewed by the Planning & Zoning Commission (P&Z) a few weeks ago. The proposal for 359 lots on 87 acres (4 units per acre) which is low density for the area. This will eventually tie into Willow Creek Road via Jenna Lane, and it is anticipated that the streets will loop on the final plat which is good for fire prevention. P&Z voted 6-0 in favor of the proposed preliminary plat.

Mayor Goode commented that the maps provided by staff are horrible and useless, there is no indication of where the subplat occurs and stated that there is an abandoned portion of Willow Creek Road shown on the map.

Mr. Worley responded that the road still exists, the maps are based on parcel values because that is how the information is presented.

Mayor Pro Tem Rusing echoed Mayor Goode's comments and directed this issue to City Manager Michael Lamar. She stated that the airport runways need to be included in the maps as well, the complete airport needs to be legibly shown. This is extremely important. She asked for clarification on the loop roads for fire safety/how the cul-de-sacs connect and stated that there isn't much meaningful open space in this area.

Mr. Worley said that the bulb on the ends of the cul-de-sacs will maintain the open space, but they may also lose a few lots on this, however loop roads are preferable.

Mayor Pro Tem Rusing expressed her concerns regarding the width of the roads, she feels that the plat will include a great deal of amendments and therefore it is not ready for approval by the Council.

Councilman Montoya asked what the stipulations were that the developer and staff came up with which were discussed by P&Z.

Mr. Worley responded that will be part of the airport's presentation on this item.

Mayor Pro Tem Rusing asked how many homes will be sprinklered.

Mr. Worley responded that based on the cul-de-sac connections most of the houses will not be required to have sprinklers unless the developer chooses to put them in but it is not required.

Councilman Sischka asked what the approval responses are under the master plan (MP), how many fire accesses there will be.

Mr. Worley stated that approvals are left to the city's zoning code, this is treated as part of the overall Master Plan (MP), any allowances align with that. There are two main roadways and accesses on each side and all streets will be looped.

P&Z Chairman Don Michelman stated that many of the same questions were asked by the Commissioners during their review. The connectivity is greater in these plats than they've seen before. Commission as a whole felt the plan was good though.

Councilwoman Cantelme asked about city code with regard to sprinklers (3000 sq feet or more) and if there are specifications from the fire department with regard to turn around for the trucks. She also asked if it would be possible to have a scale drawing for Council's review.

Mr. Worley confirmed and said that all departments are part of initial plat reviews and must approve before it moves forward to P&Z so this has been addressed already. He added that the plot attached in the agenda packet is to scale.

Mayor Pro Tem Rusing said multiple engines go to a fire not just one, and she would like to see a better plat that shows how the cul-de-sacs will be looped.

Mr. Worley responded that the internal roadways are standard city size and reiterated that the fire department has reviewed and approved the preliminary plat.

Councilman Montoya commented that he received an email from P&Z Commissioner Gambogi regarding the impact of the splay for this SPC and it was his impression that this has changed since that time.

Mr. Worley said the Airport presentation will have a better-defined picture of the splay.

Councilman Sischka asked what the standard width of a city street is

Mr. Worley responded that 28 ft without curb and gutter or 32 with curb and gutter, these roads are standard.

Mayor Goode commented that even though the preliminary plat is approved they may have to meet additional requirements for approval of permits based on proximity to the airport. He added that there have been issues in the past with the contractors not lowering cranes when they need to be so that is a concern for him.

Mr. Worley confirmed, there will be a series of reviews as this project continues. He stated that Ash-Dorn is the subdivider and the builder in this case which will make control of the conditions of the subdivision plat and is a positive.

Mayor Pro Tem Rusing asked about the zoning and potential amendment to the plat in the future for apartments.

Mr. Worley stated they could but, would have to go through the process of approval from the Council. MP is reviewed on what they are asking for now, if that changes in the future this process begins all over again.

Councilwoman Cantelme asked why the city isn't issuing stop work orders when the contractors are violating codes. This is a serious issue and there is a disconnect with what needs to be done from the top down with these contractors. She added that there is no overflow parking in this at all, and asked if there was any kind of analysis done related to that.

Mr. Worley said if their department is notified staff goes out and addresses those issues, however there aren't necessarily inspectors present when concrete is being poured. He added that a process needs to be sorted out for going on-site outside of normal inspections which requires additional staff time. Complaints and violations should be routed to the Building Department. He continued that parking for single family developments are based on two spaces in a garage and two in a driveway with a minimum of 20 feet of space between edge of garage and end of road so four cars per single-family home. It is not usual to see group parking in single-family developments. As this is only a subdivision preliminary plat none of the buildings are shown, but the properties will have garages.

Mayor Pro Tem Rusing stated that prevention is the best medicine, she suggests that part of this plat approval contain a stipulation that there is an agreement in writing related to who will do what when a construction boom is out there so the pilots can be briefed. Need to have some teeth here and be coordinated.

Councilman Sischka asked if these concerns can all be addressed as the process goes forward.

Mr. Worley responded that some of these concerns are building permit concerns, agreements in advance of calling inspections and how that is handled staff can address but could be addressed before a final plat is approved.

City Attorney Joseph Young commented that part of the stipulations are for a memorandum related to grading and building permits which deals with the cranes and obstructions which the developer has already agreed to. Enforcement is a question for the departments to decide how they'll handle.

Councilman Montoya commented that one P&Z Commissioner commented on the avigation easement not being sufficient only when a home is first purchased and asked if that is a stipulation worth considering exploring. It would be nice to see some capacity to avoid issues in the future.

Mr. Young said disclosure notices can potentially go out at time of purchases rather than at closing. This is something that is being contemplated in the AVO, these disclosures now are with the developer and first purchaser of the home.

Mayor Pro Tem Rusing stated she feels this is trying to put a square peg in a round roll, this plat should not be exempt from the Airport Vicinity Overlay District (AVO). She would prefer to deal with the AVO first and have this under that.

Councilman Sischka asked if the airport was involved in these negotiations.

Airport Director Robin Sobotta responded that she was involved and provided suggestions with what needed to be done and the plans came back significantly changed but she does have some additional information to review. She continued with an overview of the commercial service runway and its surrounding impact zones as well as the airline splay.

Councilman Montoya asked what her specific concerns are.

Dr. Sobotta continued with her specific issues:

- * FAA Part 77 Airspace Cases – have not yet submitted temporary obstructions (90-110' cranes) and past problems with Dorn (49 incidents of improper reporting of cranes)
- * Deep Well Ranch (DWR) Required Disclosure for Development – CC&Rs revised August 2022 but omitted average daily aircraft operations counts (882/day)
- * Impact Zones Risk and Open Space Guarantees – clarify risk for future residents (Zone 6 “low” versus Zone 4 “moderate”) and clarify/formally protect Airline One Engine Inoperative (OEI) Open Space agreed in recent meeting
- * OEI Splay (Center 10' limit, outer 40' analysis) – need reliable reporting procedures for cranes/equipment, need enforcement mechanism, need CC&Rs and/or plat protections for the future (temp or perm objects and natural growth)

OEI Departure Boundary Protections:

- * Center Surface Aerodata/Skywest Boundary - vertical component based on FAA Advisory Circular 150-5300-18B obstacle limitation surface over existing terrain/grade
- * Outer Service All Airline/All Vendor Boundary - vertical component based on FAR Part 25/121/135/91 subpart K first principles OEI used by other airports and limits permanent obstructions with temporary to be coordinated

Mayor Pro Tem Rusing stated that she is not comfortable voting on this at this time and would recommend sending this back to P&Z and legal to get things put into writing and have official agreements or we will lose the leverage to work with the builder.

Councilwoman Cantelme commented that if the airport has 882 operations per day it doesn't seem possible that the contractors would even be able to operate the cranes/booms. Is it possible to set a 2-hour window? She stated that she wants a list of the conditions that were agreed upon without everyone being fully informed on this decision.

Dr. Sobotta said outside of setting a timeframe window, finding out how high the approaches are, and being able to stop the crane or boom from operating if the approaches will be broken. Additionally,

impacts depend on how many approaches are impacted, but she is open to working with the developer on these issues.

City Manager Michael Lamar said that both parties left the meeting feeling as if a compromised had been reached, when this came off of impasse it made sense. However, since that time what was discussed at the meeting didn't make it onto paper so that is what needs to be addressed.

Councilman Montoya stated that conditions should have been memorialized on a preliminary plat. Doesn't feel sending this back to P&Z is appropriate, that is an undue burden. However, in his opinion 49 instances is the definition of bad faith on the part of the developer. He doesn't feel he can support this as it stands today.

Mr. Lamar said another option can be putting teeth into something rather than hiring additional inspectors, for example fines for these types of instances.

Mayor Goode concurred. The impacts can be significant, and the terms must be specifically agreed to and monitored or have adequate fines associated. He asked if P&Z would review again. Feels the Council is not prepared to make a vote on the Preliminary Plat at this time. P&Z Chairman Michelman said he doesn't feel that would be an issue.

Mayor Pro Tem Rusing asked if the AVO vote is coming to Council in the near future.

Community Development Kirby Snideman responded that P&Z will review again on Thursday and can make a decision of whether they would like to forward to Council or review further at that level.

Mr. Lamar said that is reasonable because they have a lot to get their arms around and they need to be respectful of that.

Ashley Marsh with Gammage & Burnham addressed Council and thanked them for their comments. She added that this is a preliminary plat which is subject to entitlements/zoning/MP. It should be judged against already entitled rights, and it is an administrative function of this body to look at those and ensure they are met based on the current entitlements. It is not a determination of whether it is subject to future entitlements. Seeking a preliminary plat review to see if the proposal meets what they are entitled to do. They have met with Airport Director and City Attorney extensively to try and develop a construction plan as the project moves forward but approval of the preliminary plat is required before any of that can happen. She reiterated that the preliminary plat checks all of the necessary boxes it is required too, and they will still need to return to Council throughout the process and with a final plat that will be in substantial conformance. Stipulations can be tied to future processes and permit applications. They intend to work diligently with the Airport to make sure the concerns are addressed and tied to specific processes to be conditioned at the appropriate timing. This is a working document with the Planning Department and City Attorney to outline these permits and processes. The developer has agreed not to pull at risk permits and are already working with FAA on the required materials with an expectation of formal sign-off tomorrow. They are in fact, ahead of schedule on those matters. She respects the fact that future coordination and agreements need to happen. This is initial grading and feedback from departments.

Mayor Goode commented that lots 1-23 are of concern due to their proximity to the airport. Once a preliminary plat is approved and they are in substantial conformance the final plat has to be approved but building, grading and construction permit stipulations can all be worked out in the future.

Mr. Young confirmed and added that lots 1-23 were approved by the Airport Director. Any potential issues will come with temporary obstructions related to construction and those will have to be worked out.

Dr. Sobotta said the houses themselves are appropriate, but the developer has to work on the 7460s for the temporary obstructions because that is a deal breaker if it obstructs the approaches which is paramount to her.

Principle Engineer for Dibble Charlie McDermott stated that the construction is what could be problematic with the FAA so he would encourage the developer to get those submitted quickly.

Ms. Marsh reiterated that the developer has already submitted the necessary paperwork and the 7460 Analysis is supposed to come back to them from the FAA tomorrow, that is a construction issue. Even if it is not approved there is time in the process to rectify and correct any issues with those approvals before they even begin that. There are many demarcations to move through which are very important, have secured 7460 earlier than would normally be done. Temporary obstruction is a construction issue and not a preliminary plat issue.

Councilman Montoya asked staff to address approval of the preliminary plat and stated that not knowing about the stipulations before he walked in here today is a failure.

Mr. Young responded that the stipulations were covered by Dr. Sobotta, they were not conveyed to Council because the approval of the preliminary plat is unrelated to the stipulations which is what Council is looking at today. The stipulations can be tied to permits and future processes.

Ms. Marsh responded that the working document will tie notifications to specific permits.

Mayor Pro Tem Rusing stated that a final plat will be exempt forever from the AVO and she believes that is the goal of the developer.

Ms. Marsh commented that this is a delicate issue, the plat is subject to the vested rights. They have been working on this for several years and they do have entitlements. The preliminary plats came forward in June before the AVO was even discussed. They would like to continue to work with staff on the preliminary plat.

Councilwoman Cantelme asked if the builder has recognized the fact that they'll need an approved list of trees.

Ms. Marsh responded that a condition could be added which has been discussed as part of a landscape plan etc. The HOA tracks will include vegetation at highest point of 10 ft and would be a condition. Traditionally landscape plans are approved as part of the process and are very routine so they would be prepared to deal with staff on how to do that.

Councilman Sischka commented that the process is in question and is somewhat reticent to say that he wouldn't vote for this preliminary plat, he asked staff what the Council's responsibility is under the MP and is the Council holding up the overall process by not approving the preliminary plat, doesn't this approval just get the overall process started.

Mr. Worley responded that this is a legal question, the MP sets the process for a preliminary plat and final plat following the city zoning code. The process involves looking at line work, layout of lots, streets and connections etc. Many details happen between preliminary plat and final plat, for example the landscape plan is part of a final plat process. There can be a staged series of reviews for subdivision plats. It is not uncommon to have a whole page of notes associated with the plats.

Mayor Goode commented that the plat meets the requirements that Council would expect within the MP and all of the Council's concerns will be addressed after approval of the preliminary plat and they get into the permitting, etc.

Mr. Young confirmed.

Councilman Montoya stated that in light of this clarification he can find his way in getting to yes but he has concerns regarding Dorn and he wants the Community Development Department to step up their game on enforcement. This is a very important job from now to approval of the final plat when it comes back. Would've appreciated more coordination prior to this, and Dorn has to be better.

Mr. Lamar concurred and said that the city needs to be more draconian about their statements.

Dr. Sobotta said that the conditions to be addressed be part of the approval of the preliminary plat. The stipulations to be addressed through the process are: 1. Follow-up Letter items, 2. Conditions covered in her presentation today and 3. "Should there be an adverse FAA finding affecting safety or normal aircraft operations as we move toward final plat approval we do reserve the right to object to any proposed structures temporary or permanent based on the temporary obstruction finding, which would mean that we would protest against it should the cranes affect our approaches".

Ms. Marsh commented that her issue is how the stipulations will be enforced for final plat approval. When they return for a final plat they are looking for substantial conformance, so the Council's direction needs to be in where the enforcement will be. Their preference is to continue to have staff direct them on what Ash-Dorn needs to do as they submit permits for approval.

Councilwoman Cantelme asked if the Council approves this today will they have to comply with the AVO.

Mr. Young said he reluctant to give advice on that because it involves E-Session discussion.

Councilman Montoya asked if the preliminary plat is approved, and they don't comply when they are applying for a permit, and it is denied can they state we are at an impasse again.

Mr. Young said they could restart the impasse but it would be separate.

Mayor Pro Tem Rusing commented that the attorney is here to let Council know that if they don't let it move forward they are going to sue the city. She is not comfortable with this and the whole point is to get this rammed through so the AVO doesn't apply.

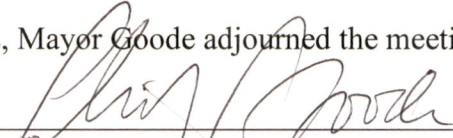
MOTION BY COUNCILMAN SISCHKA TO APPROVE ITEM 10.F.; SECONDED BY COUNCILMAN MONTOYA: FAILED [2 – 3] MAYOR GOODE, MAYOR PRO TEM RUSING AND COUNCILWOMAN CANTELME DISSENTING.

MOTION BY COUNCILMAN MONTOYA TO APPROVE ITEM 10.F. WITH STIPLUATIONS AS DISCUSSED; SECONDED BY COUNCILMAN SISCHKA: PASSED [4 – 1] MAYOR PRO TEM RUSING DISSENTING.

11. ADJOURNMENT

Quote: "Work Hard. Do your best. Keep your word. Never get too big for your britches. Trust in God. Have no fear; and never forget a friend." - Harry Truman

There being no further business to discuss, Mayor Goode adjourned the meeting at 6:03 p.m.



PHILIP R. GOODE, Mayor

ATTEST:



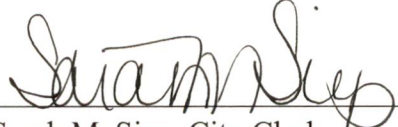
SARAH M. SIEP, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Voting Meeting of the City Council Voting Meeting of the City of Prescott, Arizona held on October 11, 2022. I further certify the meeting was duly called and held and that a quorum was present.

Dated this 28 day of October, 2022.





Sarah M. Siep, City Clerk