CITY OF PRESCOTT

City of Prescott
City Council - Voting Meeting

January 14, 2025 | 3:00 PM
201 N Montezuma Street
City Council Chambers, 3rd Floor
Prescott, AZ 86301

MINUTES

1. **CALL TO ORDER**
Mayor Goode called the meeting to order at 3:00 p.m.

2. **INTRODUCTIONS / ANNOUNCEMENTS**
Mayor Pro Tem Cantelme announced holiday office and service hours for the upcoming Martin Luther King, Jr. Holiday. She reminded the public that the Prescott Public Library without walls offers eBooks, online resources, streaming video, and more, and is available 24/7 at Prescott Public Library (prescottlibrary.info).

3. **INVOCATION - Minister Anthony Mercadante with QuadCity Church**

4. **PLEDGE OF ALLEGIANCE - Mayor Pro Tem Cantelme**

5. **ROLL CALL**
Phil Goode - Mayor
Connie Cantelme - Mayor Pro Tem
Lois Fruhwirth - Councilwoman
Ted Gambogi - Councilman
Brandon Montoya - Councilman
Eric Moore - Councilman
Cathey Rusing - Councilmember

6. **PROCLAMATIONS**

A. Martin Luther King, Jr. Day of Service - January 20
Councilman Montoya presented the Proclamation.
Mayor Goode requested that a statement he read be included in the official record, that statement is attached to these minutes.

7. **PRESENTATIONS**

A. Presentation Regarding the Downwinders National Day of Remembrance - January 27
Sherrie Hanna provided a presentation regarding Downwinders National Day of Remembrance which will take place on January 27.

Elise Whitman District Staff Assistant from Congressman Crane's Office read a letter of support regarding the RECA program.

8. **OPEN CALL TO THE PUBLIC**

A. Yvonne Dorman addressed the Council regarding fire and water issues in her neighborhood, the fires in California are exactly the issue that she has been bringing before the Council for several years and the lack of connection to fire hydrants is a major problem.

B. Dottie Morris addressed the Council regarding previous fire evacuations and zoning in times of a fire emergency. Her neighborhood of Cathedral Pines is in a very difficult position for evacuation given ingress/egress and access for other communities surrounding them.

C. Christina Johnston Meyers addressed the Council as a local business owner in the downtown area for Not our First Rodeo LLC. They needed a new location for their business and in the interim the Rodeo took and stored their merchandise when they met with people who had done online purchases to sell. Individuals from the surrounding neighborhood stopped her staff and demanded they show their financials, and harass under 18-year old staff members. This is keeping small business owners from being small business owners.

D. Mary Ann Deminsky addressed the Council and introduced herself as the Attorney General's Office local community engagement representative.

9. CONSENT AGENDA

MOTION BY COUNCILWOMAN FRUHWIRTH TO APPROVE CONSENT AGENDA ITEMS 9.A. THROUGH 9.E., EXCLUDING ITEM 9.D.; SECONDED BY COUNCILMAN MONTOYA: PASSED (7 - 0)

A. Approval of Meeting Minutes from the December 3, 2024 and December 4, 2024 Council Retreat Meetings, the December 10, 2024 Executive Session, the December 10, 2024 Study Session and the December 10, 2024 Voting Meeting.

B. Approval of City Contract No. 2024-207A1, an Amendment to City Contract No. 2024-207 with JARD for the 4th of July Event in the Amount of a $125,000 Event Sponsorship Supporting the Planning, Logistics, and Execution of the 4th of July Event. Funding is Budgeted & Available Through Transient Occupancy (Bed) Tax Funds.

C. Approval of City Contract 2025-122, a $211,105.00 Grant with the Arizona Department of Transportation for Pavement Preservation Work on a portion of Runway 21L/3R at Prescott Regional Airport - Ernest A. Love Field with a Local Match Payment in the Amount of $21,110.50. Funding is Available in the Airport Fund.

D. **FNP23-012:** Approval of a Final Plat for South Ranch 2B, Consisting of 51 Single-Family Residential Lots Within the Deep Well Ranch Master Plan West off of Jenna Lane.

Councilmember Rusing pulled this Item from the Consent Agenda for further discussion and expressed her concerns regarding Zone 4 of the OEI Splay and a lack of mention regarding sound-proofing in the area or meaningful disclosure.

Community Planner Tammy Dewitt responded that information is provided in the sales office and in the recorded parcel the avigation easement is included. This information has also been provided to the Council and Planning & Zoning Commission (P&Z) previously. This is in substantial conformance with the preliminary plat, the Airport has reviewed all of this information and is comfortable with the disclosure items as well. Soundproofing is addressed with building codes and in the Development Agreement.

City Attorney Joseph Young confirmed. He added that conditions are part of the Development Agreement which covers all of the issues raised by Councilmember Rusing.

Ashley Marsh with Gammage & Burnham also addressed the Council regarding the final plat being in substantial conformance with the preliminary plat. The public report which discloses the Airport has to be signed at time of purchase, additionally the CC&Rs which the purchasers sign contain that information. Tract H was specifically addressed with the Airport and is intended as an area for a crash-zone.

Mayor Goode commented that as long as it is in substantial conformance the Council has to approve it.

Mr. Young confirmed and added that it means everything is what it was in the general plat for roads, and homes are generally where they were in the preliminary. Plats are line work.

MOTION BY COUNCILMAN GAMBOGI TO APPROVE ITEM 9.D.; SECONDED BY COUNCILMAN MOORE: PASSED (6 - 1) COUNCILMEMBER RUSING DISSENTING

E. Approval of City Contract 2025-117, with State 48 Public Affairs for Legislative Services on behalf of the City of Prescott in the Amount of $306,000.00. Funding is Available in the City Manager's Fund.

10. CONSENT ORDINANCE

MOTION BY MAYOR PRO TEM CANTELME TO ADOPT CONSENT ORDINANCE ITEMS 10.A. AND 10.B.; SECONDED BY COUNCILMEMBER RUSING: PASSED (7 - 0)

A. Adoption of Ordinance No. 2025-1882 Amending Title 4 of the Prescott City Code to Reflect a Voter-Approved City Transaction Privilege Tax Rate of 2.95%.

Mayor Pro Tem Cantelme thanked the public for adopting Prop 478 and stated that this tax will go a long way in preventing what is unfolding in California at this time.

Mayor Goode concurred and stated that this community has witnessed many dangerous wildfires over the last 10-years and it is important to be proactive in addressing these matters.

B. Adoption of Ordinance No. 2025-1878 Authorizing the Purchase of 131-Acres for $917,000 & Receipt of an Additional 270-Acres of Donated Property from Arizona Eco Development and Approval of City Contract No. 2025-103 a Purchase and Sale Agreement. Such Purchase and Donation was Agreed to by the Parties Pursuant to a Development Agreement Approved July 13, 2021.

Member of the public Michael Chandler addressed the Council and asked what the purpose of the land purchases is, and if more flights would be allowed.

City Attorney Joseph Young responded that this is open space for the purpose of airport protection and were part of a Development Agreement.

Airport Director Rick Crider added that the land will facilitate tanker flight safety and protection of the airport. There would also be the potential for additional air service flights, but it will be a small number in comparison to the Forestry Service flights and the training flights.

11. LIQUOR LICENSE

A. Public Hearing and Consideration for a New Series 12 Restaurant Liquor License Application from Lorie Ann Kapaun, Applicant, for Willow Tree Tapas and Wine LLC. Location: 2889 Willow Creek Road.

City Clerk Sarah Siep informed the Council that this item was previously approved, however, the applicant was asked by the DLLC to pull and resubmit their application due to delays at the location so this additional step is required because of that.

MOTION BY COUNCILWOMAN FRUHWIRTH TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN MONOTYA: PASSED (7 - 0)

MOTION BY COUNCILWOMAN FRUHWIRTH TO APPROVE ITEM 11.A.; SECONDED BY COUNCILMAN MONTOYA: PASSED (7 - 0)

12. REGULAR AGENDA

A. Discussion, Consideration and Possible Action Regarding a Petition Received by the Council at the November 19, 2024 Voting Meeting and Submitted by Bonnie McMinn & Rod Moyer.

City Clerk Sarah Siep introduced the item and discussed how the presentation and discussion would take place. The petition and concerns from staff particularly restrictions on easements and prohibitions that may be an issue for public improvements.

City Attorney Joseph Young began the discussion and stated that the primary concerns from staff centered around the vagueness of the petition which should be cleaned up as well as restrictions on easements and prohibitions that may be an issue for public improvements. He also discussed a meeting he had with the petitioners in December regarding these revisions which they stated they were willing to do and those revisions were included in the memo. He feels the Council should provide clarifying language regarding these matters and may then move

forward with action on this item as they see fit.

Councilmember Rusing read a statement regarding changes that were made following the petitioners meeting with the City Attorney. She stated that the voters should have a say in the sale of city property particularly open space.

Councilman Montoya asked Mr. Young to address what specific details he would like to see clarified related to "city use".

Mr. Young responded that something like a parks, trail facilities, buildings, bathrooms, etc. could be done but isn't addressed in the petition. Overall staff recommendations from legal would include the following: limiting only non-utility easements (already agreed to by petitioners), clarifying language reflecting ability of city to use and build on land, removal of "redesignated", clarifying language regarding city uses, removing reference to 2008 Open Space Master Plan and removing reference to easement rights. The City Charter is broad enough that action has to be taken on this petition, but that action may be whatever Council deems appropriate.

Mayor Pro Tem Cantelme commented that there have been many meetings regarding Open Space in areas like the Granite Dells Park, and at some point a visitor center or something similar may be needed so, while she supports protecting property the Council needs to be careful about not tying hands in the future to make sure it is as specific as possible.

Mayor Goode agreed, it is important to consider all of the potential unintended consequences of this type of amendment. He is generally supportive of this initiative, but this is a major commitment to future open space protection.

Mr. Young reiterated that all options are open to Council now, he asked the City Clerk to address when language would need to be finalized.

Ms. Siep confirmed that late February is when the language needs to be finalized. She added that language is important and something that the Council should consider before taking action on this.

Mayor Goode agreed and stated that the Council should conduct a Special meeting to discuss this item specifically in order to meet that February timeframe and firm up the language of the amendment.

Councilman Moore stated that Charter Amendments can be voted on at any time through an election, so this could always come back onto a ballot in the future if the Council and voters wanted to do so.

Mr. Young added that conservation easements would be protected.

Councilwoman Fruhwirth stated that she feels continuing in good faith to work with the petitioners to get the language right and come to alignment on things before moving it forward is the best way to address this.

Councilman Gambogi commented that there doesn't seem to be consensus on this item and suggested moving it forward to the next meeting.

Mayor Pro Tem Cantelme added that in order to address concerns regarding costs of elections, the Council could stipulate that this only be allowed on an already scheduled election.

Ms. Siep confirmed and clarified all the overall costs associated with conducting an election whether it is on or off cycle.

Public Works Director Gwen Rowitsch addressed the Council regarding public infrastructure being maintained in open space and ensuring that access still be available with protection. She added that extending future roadways is also something to take into consideration. Additionally, there is property that is owned that is not zoned open space which also needs to be considered. For example the Granite Dells park has come in as R2-D Zoning, also there is a distinction between city open space and open space within developments.

Fire Chief Holger Durre continued the discussion regarding potential Fire Department impacts, for example secondary points of ingress/egress and impacts on construction costs and similar concerns to public works regarding servicing of aging infrastructure. When considering more open space there is responsibility in maintaining it and potential wildfire risk is important to consider as well.

Mayor Goode asked if the Council were to adopt this and then emergency access was restricted in an emergency situation could there be liability to the city for that.

Mr. Young responded that it could, however, he doesn't feel that is an issue specific to this item.

Councilman Moore commented that most of the city's open space is not developable and for that he is very grateful, the areas that the Council wants to protect would likely never be developed anyway.

Mayor Pro Tem Cantelme concurred, she asked where Chief Durre would like to see fire mitigation on open space.

Chief Durre responded that proactive protection like firebreaks are the most appropriate types of mitigation that would be tied in. A plan could be provided but it would take time to highlight out what that would look like.

Councilman Moore asked about the process of getting land rezoned.

Community Development Director Chelsea Walton responded that there are notification requirements, meeting with Planning & Zoning Commission and then approval by the Council so it would be the usual process.

Mr. Young responded that anything that is zoned open space and anything that is on the General Plan Use map would be part of the protected space through this

petition.

Councilwoman Fruhwirth commented that the schedule provided by Council for their availabilities in the upcoming months would be helpful in scheduling a special study session.

Councilman Montoya commented on the importance of doing the language properly.

Council consensus to schedule a special meeting within the next three weeks to discuss the language that can be agreed upon.

Mayor Goode opened the floor to public comment.

Member of the public JD Greenberg addressed the Council regarding the petition and her involvement in the Open Space Alliance. Prescott residents have consistently expressed their desire to protect open space in the community. There is a provision for utility access within this proposed Ordinance. Recreation and open space are a draw to the community and provide a better quality of life for our residents.

Member of the public Dottie Morris stated that it is imperative to protect this land, it is not a massive open park with swing sets and parking etc.

Member of the public Walt Anderson addressed the Council regarding the intent of the petition being written to be adjusted by the Council and staff in order to create a win-win for everyone. He commented on conservation easements being managed by a land trust or outside agency. This is what the people want.

Member of the public Roy Smith addressed the Council in support of the open space initiative and echoed comments from Mr. Anderson and Ms. Morris. He added that a citizen petition was abused by a previous Council and that cannot happen here, the Council has an obligation to protect this land.

Member of the public Barbara Jacobson addressed the Council on behalf of Tana Karen who commented on the importance of open space in the community. Open space should be kept safe forever.

Member of the public Joanne Oellers addressed the Council representing Save the Dells in support of moving the Charter amendment forward to a vote of the public.

Member of the public Ralph Hess addressed the Council and stated that he is happy to hear the consensus of the Council is to have this item on the Primary Election ballot. He doesn't feel that a study session is necessary and they could adopt the modified language today and reviewed the comments and concerns raised by staff.

Member of the public Jim Garing addressed the Council stating that he agrees with the direction Council is going but cautioned them regarding the length of

easements.

Member of the public Steven Munsell addressed the Council regarding West Granite Creek Park as an example of how things can move and how things can change. He is in support of the petition.

Member of the public James Knaup addressed the Council regarding his support of this petition, he hoped that the Council would decide to review this further and move forward with something. He added that there is nothing stopping the Council from providing a policy direction to protect this land as if it is already in the Charter.

Member of the public Leslie Loomis addressed the Council and stated that she moved here in 2001 because of the open space and echoed previous citizen comments regarding moving this forward and onto the ballot.

Petitioners Rod Moyer and Bonnie McMinn addressed the Council regarding having to act within 60-days of the submission of the petition. They did make modifications to their petition following a meeting with the City Attorney, he added that there are things that could be done even within the bounds of the petition which would alleviate some of the staff concerns expressed today and urged the Council to approve the petition today with modifications. Ms. McMinn continued the presentation regarding not being able to predict any contingency and that is why it is so important to let the voters decide. She feels that staff objections are the exact reason for this amendment, this is a legacy in preserving the history of Prescott.

Mr. Young added that his largest issue is ensuring that there is clarity in the proposal to avoid future issues.

Councilman Gambogi commented that this is micromanagement. He discussed Prop 478 and the campaigning that was done and the concept that there was going to be some future devious Council that is going to come in and do the opposite of what the voters want. This proposal looks like California and he isn't comfortable with that. There are times when the Council needs to act and having to wait for an election could cause a problem with that.

Councilmember Rusing addressed the 2001 ballot measure that wasn't worded properly and has caused problems since. She believes having a special meeting to firm up the language and get this on a ballot.

Mayor Goode concurred and stated that the meeting should take place no later than February 7.

MOTION BY COUNCILMAN GAMBOGI TO DENY THE CITIZEN PETITION PENDING THE SCHEDULING OF A SPECIAL CITY COUNCIL MEETING TO REFINE LANGUAGE AND TAKE FURTHER ACTION NO LATER THAN FEBRUARY 7; SECONDED BY COUNCILWOMAN FRUHWIRTH: PASSED (7 - 0)

B. Approval of New Rates and Fees at the Prescott Regional Airport - Ernest A.

Love Field.
Airport Director Rick Crider provided a presentation to the Council regarding new rates and fees at the Prescott Regional Airport. These fees will highlight local vendors and businesses to advertise in the public as well as fees for auto parking fees within the Airport. These will also be updated with budget cycles.

Councilwoman Fruhwirth asked for clarification on whether the fees are monthly or annual.

Mr. Crider confirmed they are annual.

Mayor Pro Tem Cantelme asked what the total overall increase is.

Mr. Crider responded that it is $0.40 and $0.50 annually so a few cents per month amounting to approximately $10,000 annually for the airport, bringing us into more modern methodology and industry standards.

Councilmember Rusing asked what the feedback has been from the hangar lessees.

Mr. Crider responded that staff has communicated with them and alleviated any concerns from the public, he added that the Airport Advisory Committee is in support of these updates.

MOTION BY COUNCILWOMAN FRUHWIRTH TO APPROVE ITEM 12.B.; SECONDED BY COUNCILMEMBER RUSING: PASSED (7 - 0)

C. Approval of Night Work on SR89, Between Phippen Trail Roundabout and Willow Lake Road Roundabout.

Capital Program Manager Tim Sherwood provided a presentation regarding night work on Jan. 27-Jan 31 from 7 pm - 5 am. Traffic impacts will be minimized by the work being done at night.

Councilman Moore commented that this area is in the county.

Mr. Sherwood confirmed and added that even though it is outside city limits it is in city right-of-way.

Mayor Pro Tem Cantelme commented on the closure recently taken place and asked about noticing.

Mr. Sherwood responded that residents will be able to come and go as needed, but notice will be provided regarding the detours and closure. Message boards will be up at least a week in advance and flyers will go out as well.

Mayor Goode asked that staff ensure there be large language regarding time of closures and for how long.

MOTION BY COUNCILMAN GAMBOGI TO APPROVE ITEM 12.C.; SECONDED BY COUNCILMAN MONTOYA: PASSED (7 - 0)

D. **WSA24-045 & WSA24-046**: Approval of Two Water Service Applications Submitted by Dibble Engineering, on Behalf of Owner, Embry-Riddle Aeronautical University. Location: APN 106-03-004, Comprising 240 Acres, in T14N, R02W, Section 03, SE 1/4.

Water Resource & Environmental Services Manager Brian Ruiz provided a presentation regarding the water service applications for two residential hall buildings at Embry Riddle University. Demand analysis at 28 acre-feet/year, plus water for landscaping at 6 acre-feet/year making the total 34 acre-feet/year. In accordance with the Amended 2022 Water Policy no application can be approved if it is over 50% of the allocated water budget which is what the applicant has chosen to do at this time. The applicant has provided an overview of the financial and overall benefit they provide to the community.

Councilwoman Fruhwirth commented that the benefits had to be specific to the City of Prescott for the appeal, and thanked Embry Riddle for their specificity in their response on the appeal.

Councilman Moore stated that the property is currently very native and commented that they shouldn't need that much water for landscaping.

Embry Riddle Representative Chris Hardisty addressed the Council regarding the landscaping which will be minimal. He added that many students choose to live on campus and take advantage of the services offered there.

Mr. Ruiz added that these estimates are on the higher side to make sure they don't go over.

Mayor Goode responded that he thinks it would be wise to reduce the amount.

Mr. Ruiz responded that they tend to put in a higher estimate so they do not exceed it. This is something that is being examined in the long-term water management plan and how best to strategically utilize the WRMM.

Mayor Pro Tem Cantelme asked if xeriscaping is a consideration for the campus.

Mr. Hardisty responded that they do look at that and apply where appropriate.

MOTION BY COUNCILMAN GAMBOGI TO APPROVE WSA24-045 & WSA24-046; SECONDED BY COUNCILMEMBER RUSING: PASSED (7 - 0)

E. **CSP24-001:** A Proposed Comprehensive Sign Plan for the New Findlay Hyundai for Two (2) Monument Signs. Location: 1315 Auto Park Drive, APN 102-05-032T. Property Owner: Cedarwood Ranch LLC. Applicant: Grace Signs Arizona LLC.

Community Planner Tammy Dewitt provided a presentation regarding the proposed sign plan for the dealership at two locations along and off of Willow Creek Row. The dealership will also be building a new road called Auto Park Drive off of Willow Creek Road where the dealership will be located. The Deep Well Ranch monument sign is across the street from this property. Per LDC freestanding monument signs are to be a maximum of 12' in height, only two of

the other dealerships asked for changes and those are at 20'. She reviewed the proposed signs and stated that Planning & Zoning Commission (P&Z) voted to approve the signs at the same height of 22' and with the stipulations that the signs be turned off one hour after closing or 10 pm whichever is later.

Councilmember Rusing thanked Findlay for investing in the community, and she asked how tall the Deep Well Ranch windmill is and if the height of these signs will be an issue for the airport.

Ms. Dewitt responded that they did do the required FAA investigations and were approved at that height for the area.

Councilman Moore asked how they came up with the 22' when there are others in the area at 20'.

Ms. Dewitt responded that it was because they wanted it to match the other sign further down the road.

Member of the public Gary Wendell addressed the Council regarding the signage should be turned off one-hour after closing but no later than 10:00 p.m. would be better so the sign isn't on until 11 pm or later.

Ms. Dewitt responded this language is from the Commercial Corridor overlay, but could be changed if Council wanted to.

MOTION BY COUNCILWOMAN FRUHWIRTH TO APPROVE CSP24-001 WITH STIPULATIONS AS PROPOSED; SECONDED BY COUNCILMEMBER RUSING: PASSED (7 - 0)

F. Public Hearing & Adoption of Resolution No. 2025-1911 and Ordinance No. 2025-1879 Establishing an Airport Vicinity Overlay District with Specific Requirements and Exemptions.

Community Development Director Chelsea Walton provided a presentation regarding the proposed AVO. She reviewed the existing avigation easement boundary in effect since 2004 in comparison to the proposed AVO. She reminded the Council that the AVO cannot be applied to property outside of the city boundaries, and is exempting property with existing entitlements and safeguarding already established uses. Applicable to new properties coming in and those without already existing uses.

<u>Existing ANO:</u>
* Noise compatibility zones
* Uses restricted by noise zones
* Mapped noise contours
* Allows sound reduction construction bonuses
* Requires noise and avigation easement

<u>Proposed AVO:</u>
* Noise compatibility zones
* Uses restricted by noise zones

* Mapped noise contours
* Does not allow sound reduction construction bonuses
* Requires noise and aviation easement
* Adopts safety impact zones
* Requires fair notice disclosures
* Protects airspace from encroachment of tall objects

Ms. Walton continued with an overview of the proposed zoning map.

History of Airport Protection Actions:
* 2001 - city adopted the Airport Specific Area Plan (ASAP)
* 2002 - city adopted the Land Development Code (LDC) with an Airport Noise Overlay (ANO)
* 2003 - city enacted a General Plan with recommended protections for the airport
* 2011 - city approved an Airport Master Plan with land use protection recommendations
* 2015 - city enacted a General Plan with recommended protections for the airport
* 2017 - city updated the ASAP allowing for accommodation of "holistic land use plan"

Planning & Zoning Commission Meetings:
* July 19, 2022 - joint meeting with the City Council
* August 11, 2022
* August 25, 2022
* September 8, 2022
* October 13, 2022
* October 27, 2022
* December 8, 2022 - P&Z voted to recommend the AVO by a 5-1 vote

Noise contour depict a contiguous future 60 DNL line are the modifications for the Ordinance.

Councilmember Rusing commented that Deep Well Ranch is exempt and asked what else is.

Ms. Walton responded that the AVO applies to property within the City limits so anything that is annexed in would apply. Section 5.2.2 second paragraph indicates that existing development rights which are exempted from the provisions of the AVO.

Airport Director Rick Crider commented that the Airport Advisory Committee is in favor of this and feels it will set the stage for future Development Agreements.

Mayor Goode commented on the potential YRMC North proposal and asked if this has been discussed with them.

City Attorney Joseph Young responded that staff has informed them and that it would be exempted based on the development agreement.

Councilwoman Fruhwirth asked about the other subdivisions south of Deep Well, like Pinion Oaks and the other neighborhoods.

Ms. Walton responded that all areas which are covered through Development Agreements in the area would be exempt. Pinion Oaks is not part of a DA but they do have already established units and are nearly built out, and are a platted subdivision (5.2.2 exemption).

Mr. Young added that this primarily impacts things that are currently zoned commercial and industrial and really impacts future rezoning as well as fair disclosure.

Councilwoman Fruhwirth asked if something is built in the County and is not annexed, but then is annexed in the future would it be exempted.

Ms. Walton confirmed, anything that is not developed and then annexed would be subject to the AVO.

Member of the public Michael Schnell addressed the Council as a former resident of Pinion Oaks who moved because of the excessive airport noise. He believes that AVO's are important for the protection of the Airport as well as the residents. The noise contours do not accurately reflect concerns of residents in the area in his opinion though.

Mr. Crider addressed concerns regarding 60 and 65 DNL lines representing a weighted average. Noise monitoring is done in these areas as well to determine where the lines should be.

Member of the public Daryl Austermiller addressed the Council regarding all of the meetings regarding this item. He stated that the FAA has moved forward in efforts to modify the DNL sound levels, evaluate the threshold for the review of these noises and evaluating the effects outside of the 65 DNL. This AVO is a start, but should be considered a living document and citizens should understand the implications of living near an Airport.

Member of the public Jenna James addressed the Council regarding the proposed changes to the map and having a contiguous line as these things should be consistent. The map should also be consistent with the language in the Ordinance, for example if there are exemptions in the Ordinance the map should show that. Additionally, she stated that the map seems to be proposing a future 60 DNL, and addressed an FAA circular that addressed the 65 DNL as the standard. The FAA recommendations have not been changed and the future 60 has not yet been adopted particularly when it is based on projections of what may be happening in the future. Should approve with the current 65 DNL based on the FAAs recommendations.

Councilman Montoya asked Mr. Crider to address Ms. James' concerns about the 60 versus 65 DNL and the extension of the runway.

Mr. Crider responded that sponsors should consider the 60 DNL moving forward because as development increases things change with regard to the noise impacts. This overlay is meant to inform development around the airport, the line is valid even though there is subjectivity to it. Consistent with legislation in 2024 the 60 DNL is appropriate, expansion of the airport would change that and move noise to the north.

Councilmember Rusing stated that this map is not perfect and is never going to be she suggested adopting it today and making changes in the future.

Member of the public Stephen Polk addressed the Council and asked for confirmation that DAs for annexed and un-annexed properties are exempt from the AVO. It is appropriate to exempt Deep Well because the ANO already applies under the existing Development Agreements, the Master Plan meets or exceeds all FAA requirements. He is struggling with the noise contour discussions today, this has been going on for multiple years and has been on pause since 2022 so he has concerns regarding publishing notices about it. The noise contours should be at the current 65 DNL because that is the FAA guidance, they are evaluating whether to change it and whether to even use it in the future so setting it at a future DNL is an overreach especially given that an airport expansion would adjust the lines. Embry Riddle can and should be part of a solution in this area. Finally, he stated that he has concerns with Prop207 violations if a future DNL that isn't reasonable is used. Table 5.2.2.b asterisk should be amended as it goes way beyond current FAA guidance of no residential in Zones 1 and 2.

Member of the public David White addressed the Council on behalf of St. Luke's Episcopal Church and echoed Ms. James' comments regarding the map showing exempted properties, he believes they are exempt but is unclear.

Mr. Young responded that they are not exempt in the same ways as Deep Well Ranch, but they are allowed to continue in the use they are and expand should they choose to do so.

Member of the public Jim Chamberlain addressed the Council and asked if the map of DA properties is attached to the Ordinance.

Ms. Walton responded that it is not, but feels that it may be better to list out the properties within a table so they are specifically listed.

Mr. Young stated that the language of the AVO exempts anything with a DA, but if there was a list of the development agreements.

Councilman Montoya commented that there is more due diligence that needs to be done around this topic.

Mayor Goode asked if the Council could include a map.

Mr. Chamberlain echoed Councilman Montoya's comments, the 65 DNL is inside the airport property and doesn't go out to this future line that is proposed. He also asked that Council look at page 7 of the AVO document with a chart of allowed

uses, this is legislating zones not specific to DNL lines out of potential residential development even in Zones 5 and 6.

Member of the public Robert Maro addressed the Council as a resident in Deep Well Ranch in Westwood, and asked what the city's liability is if a plane crashes.

Member of the public Gary Wendell addressed the Council regarding the DNL line and stated that it doesn't make any sense at all. Sound and planes don't travel in those patterns.

Mr. Crider stated that the FAA puts the ownness on the communities and the sponsors to set protections for the Airport.

Mr. Chamberlain added that avigation easements are in place, these are also in the preliminary title reports and other documents.

Mayor Goode commented that the DNL lines are living and will change, need to be able to have this enacted now and have the potential to change in the future. This has been studied and debated to death and it is time for the Council to make a decision.

Councilman Moore commented that he is not ready to move forward, the Council is being asked to make a decision to approve something that was approved by the P&Z in 2022 when some people were not even on the Council. This needs more review and he will not support it.

Councilman Montoya stated that he has similar concerns regarding voting on this. He had a citizen approach him earlier that still really confused about whether or not he is exempted and that is a problem. Needs to be much more clear, he supports passing an AVO but this feels half baked.

Councilman Gambogi stated that everyone is down rabbit holes at this point, he asked the Airport Director if there was anything he has heard that would cause him to change the AVO.

Mr. Crider responded that there is not, he added that residents who have expressed issues with the noise prove that this needs to be passed. This is not perfect but it is a good starting point. The AVO could be modified in the future.

Ms. Walton confirmed but stated that it would be the same process.

Councilwoman Fruhwirth commented that she made a commitment to herself to vote yes when she is positive that it is the right and best thing to do, and she isn't there with this. The discussion around current/future DNLs etc. has her head spinning.

Mayor Goode commented on the fact that if advisory committees vote 5-1 to pass something the Council should take that recommendation, and he isn't prepared to kick this can further.

MOTION BY MAYOR PRO TEM CANTELME TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMEMBER RUSING: PASSED (7 - 0)

MOTION BY COUNCILMEMBER RUSING TO ADOPT RESOLUTION NO. 2025-1911; SECONDED BY MAYOR PRO TEM CANTELME: PASSED (4 - 3) COUNCILWOMAN FRUHWIRTH, COUNCILMAN MONTOYA AND COUNCILMAN MOORE DISSENTING

MOTION BY COUNCILMEMBER RUSING TO ADOPT ORDINANCE NO. 2025-1879; SECONDED BY MAYOR PRO TEM CANTELME: PASSED (4 - 3) COUNCILWOMAN FRUHWIRTH, COUNCILMAN MONTOYA AND COUNCILMAN MOORE DISSENTING.

13. ADJOURNMENT

Quote: "Freedom is a fragile thing and is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free." - Ronald Reagan

There being no further business to discuss, Mayor Goode adjourned the meeting at 7:20 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 January 14, 2025. I further certify the meeting was duly called and held and that a quorum was present.

Sarah M. Siep, City Clerk

CITY OF PRESCOTT
YAVAPAI COUNTY, TERRITORY OF ARIZONA

Martin Luther King Day 2025

Since I decided this year not to endorse or approve today's proclamation honoring Martin Luther King Day, I felt a statement explaining my position is appropriate.

I remember very well the year 1968. Martin Luther King was assassinated in April of that year, presidential candidate Robert f. Kennedy was assassinated two months later in June followed by the Black Power fists raised during a medal ceremony during the summer Olympics in Mexico in October.

I always had such tremendous respect for Dr. King and his efforts to achieve civil rights for minorities through his commitment to non-violent protests, civic action and inspirational oratory.

Because of that respect, I've always supported these annual proclamations honoring Dr. King and the annual day of service. The proclamation in 2023 stated Dr. King's commitment to action by non-violence, advancing equality through his dream of a color-blind society where individuals are judged by the content of their character and not the color of their skin and, also to advocate for a community free from discrimination and harassment.

The proclamation I supported last year again restated that commitment to non-violence, and equality. However, this year's proclamation eliminated any reference to non-violence, not opposing harassment and then replacing equality with the word "equity". These are significant changes which I cannot, in good conscience support.

In an article published by the Pacific Legal Foundation it states that "King's movement for racial equality is unrecognizable today. The belief in equality for every individual has been replaced with a push for "equity" and "inclusion" in a system that favors some people over others based on race. This distortion of the civil right movement is a direct contradiction of MLK's goal to eradicate racial discrimination and segregation".

It's time to draw the line on this detestable, incemental attempt to high jack Dr. King's dream and return to his goal of true equality and equal opportunity for everyone. Let's hope we can do that here in Prescott and return to an appropriately worded public proclamation in 2026.