



City of Prescott

City Council - Special Meeting

February 4, 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. 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

3. DISCUSSION & POSSIBLE ACTION

- A. **CONTINUED ITEM:** Discussion, Consideration and Possible Action Regarding Adoption of Ordinance No. 2025-1883 & Resolution No. 2025-1914 Related to a Citizen Petition Received by the Council at the November 19, 2024 Voting Meeting and Submitted by Bonnie McMinn & Rod Moyer.

City Attorney Joseph Young provided a presentation regarding a proposed open space charter amendment presented by citizens Bonnie McMinn and Rod Moyer. The two purposes of the petition were to prevent the city from selling or otherwise transferring open space property. Government uses are exempt from zoning so the language is important. The petitioner's version of the proposal has been updated, and staff feels many issues have been addressed however the open space has not been specifically defined.

Primary Issues with Petition Version:

- * Blanket application of Open Space Designation would include unintended properties
- * Properties outside of city would have less protection
- * Automatic designation to future properties is problematic

Staff has a Recommended Version:

- * Maintains protections against sale, lease, transfer
- * Prohibits uses inconsistent with open space
- *
- * Applies protections to specific designated parcels
- * Additional properties can be added

Differences from Petitioner Version:

- * Major - definition of city-owned open space (specific parcels)
- * Minor - allows for continuation of pre-existing uses, allows for prohibitions in law or pre-existing contractual obligations, allows for leases to providers of one of the approved uses

Protected Properties:

- * Watson Woods
- * Strickland Park Parcel
- * Thumb Butte Viewshed Parcels
- * Ericksson Parcel
- * Storm Ranch Parcels
- * TPL/Payne Parcel
- * Rodeo Grounds/Petroglyphs
- * Hisokota Trust Parcel
- * Granite Gardens Parcel
- * Harold James Trust/Constellation Trails Parcel
- * Granite Haven Parcels
- * Beurie Parcel
- * Centennial/Westridge Parcels
- * Askari/Whispering Rock Parcels
- * AED South Parcel
- * Glassford Hill Parcels
- * Establishes use and transfer restrictions for 2,208 acres
- * Continues protection of Acker Park, Watson Lake and Willow Lake totaling 1,034 acres
- * Protects substantially more than the amount of land purchased through Open Space funds (796 acres)

Additional Potential Properties (of Little Concern from City Staff):

- * Little Thumb Butte Parcel
- * Centennial/Westridge Parcels
- * Boyle/DeBuse Parcels
- * Hisokota Parcels
- * AED South Parcel
- * Watson Lake Parcel

Additional Potential Parcels (May Require Additional Research or Consideration):

- * Used recreationally which wouldn't be allowed unless pre-existing is allowed
- * Little Thumb Buttes
- * Community Nature Center Parcel
- * Upper and Lower Goldwater Lake Parcel
- * Green Parcels
- * Granite Gardens Parcel
- * Watson Lake Parcel

Two Issues for Council Consideration:

- * Which parcels to protect

- * Which uses to allow

Additional Requested Uses to Consider:

- * Recreation space
- * Park & park amenities
- * Campgrounds
- * Amphitheaters and arenas
- * Public safety substations
- * Stables

Additional Requested Changes:

- * Remove ability to lease to providers of approved uses
- * Change "all existing city-owned open space property" to "the city-owned open space property as defined below" in first sentence
- * Add the following to approved uses: "mitigation banking, in-lieu fee mitigation, conservation banking"
- * Change parenthetical following prohibition on leases to "(except for the purposes of managing open space)"

Mr. Young stated that from staff's perspective, the recommended version is better because it removes a lot of the unknowns, but a large part of the discussion needs to be what the Council wants to see listed related to properties.

Councilman Moore asked Mr. Young who requested the additional uses described. Watson Woods has campgrounds and an outfitter, he doesn't think anyone has an issue with that so need to think bigger about open space and not be so restrictive on what uses could be allowed on open space. Need to think ahead and have a bigger vision.

Mr. Young responded that staff met with all Councilmembers in groups of one or two and these were heard during those meetings. He added that with the amount of property being discussed there is a lot of parcels and it is difficult to have a one-size fits all option. These choices are all up to the Council.

Councilman Montoya asked about leasing considerations, similar to what the Highland Center does he doesn't want to box the city or Council out of allowing that usage. He also asked if conservation easements would be ok in Watson Woods.

Mr. Young stated that the parcel in consideration is not part of this list, but if it is then it would restrict those types of uses. The input from Prescott Creeks would need to be considered as it relates to Watson Woods and that is why the information was included in the slides today.

Recreation Services Director Joe Baynes added that there are 7-acres cut out on the Seevers property. We don't know what that looks like in the future, but this would preclude expanded uses in that area. This is typically something that staff would need to investigate thoroughly and he doesn't feel there has been enough time for property due diligence.

Councilmember Rusing commented that as it stands today four Councilmembers could sell city-owned property. Need to hash out what the Council wants to save and grandfather infrastructure that already exists. Wants to get this on the ballot and let the voters decide.

Mayor Pro Tem Cantelme expressed her concerns regarding "recreation" not being further defined, for example off-road vehicles can cause issues in open-space areas and she wouldn't want to see that happen. Is there a way to limit campgrounds.

Mr. Baynes responded that motorized traffic is not allowed on trails per city code and is already prohibited. Consideration of the additional requested uses would help to not have unintended consequences in the future.

Mr. Young stated that if there was a parcel by parcel discussion that is a very difficult document.

Mayor Goode commented that while people want to protect the open space they also want to be able to enjoy them, and there are so many different ways of defining recreation. As we dig into the details this proposal becomes more and more complicated, and contemplating language that the average voter would be able to understand is difficult. For example Goldwater Lake, no other playground set or development at lower Goldwater would be possible with the charter amendment. Amending the Charter is not a simple process. Would like to see the voters ultimately make the decision but in a way that is understandable.

Councilmember Rusing stated the reason the Council is here is to protect property from being sold, the fine points of uses can be done through zoning changes, ordinances, etc.

Mr. Young responded that the first paragraph of the document is a prohibition on selling the property, but government uses would be allowed and then discussed later.

Councilman Gambogi said that he would like to hold his comments until after citizens have an opportunity to speak.

Councilman Montoya asked how much time could be spent diving into this and then come back with a document that avoids unintended consequences.

Mr. Young responded that if the Council wants to have a simple prohibition on selling or transferring the property, if it is a property-by-property discussion that would take months.

Petitioner Rod Moyer addressed the Council and thanked staff for their time and comments, since the January 14 meeting he and Ms. McMinn met with staff and heard many of their concerns regarding the unintended consequences and potential issues in the original petition. They did revise the petition to what they thought the Council and staff could live with and that language is in both documents provided in the packet today. The pre-existing uses would likely

address the concerns regarding the list of additional properties on the third slide, they also stated they were ok with listing properties specifically within the language. Hopes the Council will consider having as many properties as possible in the amendment.

Councilmember Rusing commented that Peavine Trail is not included in any of the versions by staff, and it should be.

Mr. Moyer concurred.

Staff clarified that it is included, and is listed in the parcel numbers on the "protected properties" slide of the presentation.

Petitioner Bonnie McMinn addressed the Council and echoed Mr. Moyer's comments regarding collaboration with Mr. Young. While there has been discussion regarding unintended consequences, this is an opportunity to take everything to the voters. There is camping at Watson Lake and could be looked at in the future, the pre-existing clause handles those concerns and any future development of campgrounds should require permits/votes etc. She further discussed the city's background with open space purchases and provisions of the General Plan related to open space as well. People come to Prescott for our open space and environment, even in the community survey it ranked higher than public safety. Frustration, distrust and fear exist in the community because of the history surrounding this issue. She requested approval of the city's version today with all of the properties listed and would like to have the opportunity to review and approve the list.

Member of the public Jim Garing addressed the Council and stated the petitioner version should be adopted, existing uses would continue and if there is a speed bump it would be addressed in the future. Anything related to city open space should have to go to the voters, and any new properties acquired could be addressed when that comes. He also discussed the beauty in Watson Lake even in areas that people may not know about which is why all existing properties should be protected.

Member of the public Michael Byrd addressed the Council regarding a letter submitted earlier today from Prescott Creeks related to concerns, they are in favor of protecting open space, but there is a long-standing partnership with the city as it relates to Watson Woods Riparian Preserve and the existing lease which may be revised due to a conservation easement project. Prescott Creeks and staff have invested thousands of hours of time into that over the years, and he appreciates staff addressing that in the proposed language. Nature preserves are included in the language, but there is nothing specific to the in-lieu program, mitigation or conservation banking which may come into play with future city projects and the Watson Woods Riparian Preserve.

Member of the public Greg Murray addressed the Council and thanked the speakers for pointing out the complexity of this issue that everyone may not see immediately. He advocated for keeping the language as simple as possible to promote natural open space for passive recreation as most people think of the

use of open space. Live in an increasingly crowded space, and he hopes that as this process moves forward decisions made now will make people that come after us proud.

Member of the public Bruce McKeeman addressed the Council in support of the Prescott Creeks letter and protection/management of open space. There is nothing wrong with leases or conservation easements as they also protect open space, and the amendment from staff protects that. The focus should be on uses and ensuring that there are not inappropriate uses in open space.

Member of the public Dorothy Morris addressed the Council and expressed her concerns regarding the fact that Prescott is a Charter City which sets the boundaries, the Council shouldn't be making every decision. Getting into something so complicated if we don't push forward to an August vote, need to keep it simple.

Member of the public Michael Parrish addressed the Council and echoed Mr. Morris' comments, need to keep this simple. Believes that the community should have the opportunity to decide if something should be sold or not. The language proposed by the City Attorney's office and agreed to by the petitioners is appropriate. If this was sent to the voters as it stands it would pass.

Member of public Dan Prijic addressed the Council regarding the fact that the majority of people live here at least in part because of the opportunities that open space gives them. Maintenance and modernization should be allowed in the language, but removal of legacy uses would revert space back to simple uses. Unintended consequences do need to be considered, and need to make sure that the intended use of passive recreation as intended is kept.

Member of the public Joe Trudeau addressed the Council and commended Ms. McMin and Mr. Moyer for continuing the work of Save the Dells that began in 2016. He highlighted a Talk of the Town article he wrote in 2020 related to open space and the need for a regional Open Space group to discuss regional parks and open space in the area. The large issue seems to be allowable uses and getting lost in the weeds/getting too complicated when the voters just want something simple.

Member of the public Tammy Lambert addressed the Council as a long-time resident and would like to avoid a Hassayampa Lake situation in the future. She feels that the staff's version is too complicated. She added that utilities need to be specified though.

Member of the public Sue Knaup addressed the Council as a citizen who is working to protect West Granite Creek Park which will be discussed at the Tuesday, February 11 Study Session. Selling isn't the only issue, misuse of these spaces is a problem as well. This is not included in the materials presented today and she is troubled by that, it should be on the list.

Councilman Moore commented that he asked about West Granite Creek Park and wants staff to address that as well, but this is a city park and is not zoned

the same.

Member of the public Kathleen Murphy addressed the Council as a longtime Prescott resident and discussed history of open space acquisitions in the city of Prescott. Additional properties need to be included, open space acquired with taxpayer money should be protected.

Member of the public Sanford Cohen addressed the Council regarding the first solar powered FM radio tower placed at the top of Glassford Hill in 1986, Rowle Simmons approved the road that allows access to that area. Clearly doesn't want to see buildings on every mountain top, but this particular one is important for a variety of reasons, primarily the fact that this has been the primary method of communication in times when there wasn't anything else. When considering improvements on Glassford Hill there should be a right-of-way going up to the site that is within the city boundaries to preserve that telecommunications asset, and there is a lot of emotion related to open space but there are public safety interests that supersede some of that as long as a balance is struck.

Member of the public Patricia Betzhold addressed the Council regarding reducing "Disneyland" aspect of the Prescott Valley side of Glassford Hill, she applauded Prescott citizens for their involvement in protecting the resources here. Protection of open space is a mind boggling task, but clearly the public wants it protected. These areas are used for passive recreation, and the Council should move forward with amending the City Charter with grandfathered in uses, define park versus open space. More afraid that a majority of the Council could sell open space than they are of unintended consequences.

Member of the public Tony Hamer addressed the Council regarding looking forward from a balanced planning standpoint, everyone is speculating at this point. Pointed out reasons like evolving city needs, planning flexibility, changing priorities over time (schools, hospitals, infrastructure needs), conflicts with other priorities, affordable housing, transportation infrastructure, resources and maintenance costs, etc. There is always a benefit and a cost. We all enjoy the benefits of open space, but not designating them in perpetuity would allow for more flexibility and adaptability for the community. He is surprised this is the highest priority for the Council and the legacy left shouldn't be an anchor for future Councils.

Member of the public Tom Rusing addressed the Council and stated that any concerns would be addressed by the voters, and shared a letter from JD Greenberg who stated she was in favor of protecting city-owned open space in the Charter. She supports the city's version of the petition language. Trust is important in reuniting the community.

Councilmember Rusing commented that this has been a wonderful collaboration and asked Mr. Young for clarification on the proposals. City staff's list of protected properties, wants the additional properties with little concern added to that list as well as the others with for a total of 38 properties to be included in the list.

Mr. Young responded that the properties provided by the petitioners are included on the "additional properties" list, including the Peavine properties as stated earlier.

Councilman Gambogi commented that when open space was first proposed to the Council there were three other proposals that he agreed with, but not in the manner that it was proposed. In terms of sustainability, it isn't just more of something it is having a prosperous community that is safe and healthy, his issue with open space impugns the integrity of future Councils, this is a constitutional republic with representative government. From a technical perspective this is just not ready for prime time and this is one more thing that pits Prescotttonians against Prescotttonians, he suggested a Steering Committee to iron this out because there are unintended consequences and everyone has their own interpretations. Everyone wants to protect open space but this isn't going about it in the right way.

Councilwoman Fruhwirth stated that protection of city-owned open space is unanimous from both sides of the aisle and so she wants to put something before the voters, however, she recognizes confusion around the language and specific list of properties so she asked about timing for language on ballot. It needs to be ironed out before it is adopted.

City Clerk Sarah Siep responded that language would have to be adopted by the March 25, 2025 meeting to meet the August 5 ballot language deadline.

Councilman Montoya echoed Councilwoman Fruhwirth's comments, the confusion around parks and open space is an issue. Additionally, he heard people say that they support the petition version but the petitioners support the staff version so obviously things need to be cleaned up. He is dedicated to protecting open space but wants to make sure it is done right, should take time to get it right.

Councilmember Rusing said that the clock is ticking and she wants a clean version produced by the legal department to vote on before that March meeting, so she would like to see it at the February 25 meeting to be reviewed.

Mayor Pro Tem Cantelme added that she is largely supportive of the collaborative version, need to do the right thing.

Councilwoman Fruhwirth commented that Acker Park and Watson Lake are clearly outlined in the charter already so that is important here as well. Additionally, a working group should look at the ballot text and make sure that it is understandable to voters. She asked what staff needs from the Council.

Mr. Young responded that when it comes down to it they are talking about uses and properties. A simple version would be not including the uses or properties, but a blanket not allowed to be sold or developed.

Mayor Goode commented that he would like it to be simple but pre-existing uses being allowed, but it seems that there is consensus from Council regarding

wanting a list of properties. He also added that the community survey was a very small sample of the people that actually live here, he finds it unacceptable to say that should guide future decisions. Something of this magnitude does require placing something on the ballot.

Mr. Young stated that there could be a simple version that doesn't included uses, depends on what the Council wants. That isn't what the petitioners asked for, but it would list all of the properties, prohibit sale and development but protects pre-existing uses.

Councilman Moore stated that he supports the intent of the citizens petition, as he read the three versions there is a glaring challenge. "All existing city-owned open space property should be held in perpetuity" but then there is a list so there is incongruence in the draft. Thinks we should vote on it today as it is written.

Councilmember Rusing stated that a lot of work went into the drafting of these, and in her opinion the pre-existing use clarifies and govern uses. Wants to tack on a complete list to the version presented by staff and have it on the Feb. 25 voting meeting.

Mayor Pro Tem Cantelme stated that she would support that. The crux of this is ensuring that open space is not developed, she is not for leaving this up for interpretation. Can't anticipate everything in the future but can incorporate that the city will not be sold or developed.

Councilman Montoya commented on that section of the Charter that references the Lakes and Acker Park which are protected, he feels that not defining uses is appropriate. Would it be best to just add the comprehensive list of properties to the existing section of the charter.

Councilwoman Fruhwirth stated that she is in favor of Option 2 that was included in the packet because it allows emergency ingress/egress in areas where it is necessary. She feels that a level of specificity allows people to understand what they are voting for.

Councilmember Rusing commented on paragraph 3 related to uses was to address the concerns of city staff.

Mr. Young confirmed and was to make it clear what people are voting on.

MOTION BY COUNCILMAN GAMBONI TO POSTPONE VOTE ON THIS ITEM UNTIL THE FEBRUARY 25, 2025 VOTING MEETING RETURNING WITH REVISED DOCUMENTS BASED ON COUNCIL DIRECTION; SECONDED BY COUNCILMEMBER RUSING: PASSED (6 - 1) COUNCILMAN MOORE DISSENTING

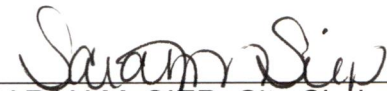
4. ADJOURNMENT

There being no further business to discuss, Mayor Goode adjourned the meeting at 5:20 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 February 4, 2025. I further certify the meeting was duly called and held and that a quorum was present.



Sarah M. Siep, City Clerk

