CITY COUNCIL VOTING MEETING

VOTING MEETING MINUTES

TUESDAY, JUNE 14, 2022, 3:00 PM

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

Phil Goode, Mayor

Cathey Rusing, Mayor Pro Tem	Jessica Hall, Councilwoman
Brandon Montoya, Councilman	Steve Sischka, Councilman
Eric Moore, Councilman	Clark Tenney, Councilman

MINUTES OF THE VOTING MEETING OF THE PRESCOTT CITY COUNCIL VOTING MEETING HELD ON JUNE 14, 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 3:41 p.m.

2. **INTRODUCTIONS / ANNOUNCEMENTS**
   Public Works Director Ashley Couch introduced new Public Works employees: Janet Ramsey Deputy Director of Public Works Operations and Steve Olferts Utility Manager.

   Mayor Pro Tem Rusing stated that beginning June 14 Prescott Residents can apply for minor home repair funds through the city's new program which can provide up to $5,000 in funding. She added that Zoo by Moonlight is running now through October at Heritage Park Zoo, and beginning June 15 through July 24 Bill Nebeker's art will be on display at the Phippen Museum.

3. **INVOCATION - Rabbi Julie Kozlow Temple Brith Shalom**

4. **PLEDGE OF ALLEGIANCE - Councilman Sischka**

5. **ROLL CALL**

Phil Goode	Mayor
Cathey Rusing	Mayor Pro Tem
Jessica Hall	Councilwoman
Brandon Montoya	Councilman
Eric Moore	Councilman
Steve Sischka	Councilman
Clark Tenney	Councilman

6. **PRESENTATIONS**
   A. Swearing in - City Attorney Joseph Young

Mayor Goode provided the Oath of Office for Mr. Young.

B. APS Fire Mitigation Annual Update

Northern Arizona Division Director of APS Mackenzie Rodgers provided a presentation to Council regarding Fire Mitigation. Reliability and safety are the APS promise, in 2021 AZ experienced 1400 fires 402 as a result of lightning strikes making it one of the most impactful, and this year is already off to an early start. APS Plan is broken into prevention, mitigation and response. Increased operations protocols during outages in high fire risk season/in the event of an outage APS will not restore power until they can confirm that the lines are not compromised.

Mayor Pro Tem Rusing asked if power is ever proactively turned off in our area.

Ms. Rodgers said they do not do that at this time, however, if in the event of an issue with protection for first responders in a fire fight situation they would do so which may impact power in areas outside the direct area.

Mayor Goode asked about any efforts by APS to address air conditioning use throughout the day.

Ms. Rodgers said this is called pre-cooling and APS does offer smart meters that do this for you, save approximately $100-200 per year depending on increase in degrees you use.

C. Catholic Charities Homeless Presentation

Homeless Program Manager Anthony Cruz provided a presentation to Council regarding programs in the community that are offered. Rapid, Permanent Support (at least one year homeless), recently received a grant from DES which allows for full rental assistance up to six months for any income level that is in need.

Veteran Services Program Manager Jarod Brooks discussed the Veterans Services that are offered through Catholic Charities. Their programs are very well funded but there is a housing crisis happening throughout the country. They would like to address these issues in our community and would like to collaborate with the city and council on that.

Councilwoman Hall thanked them for their time and for the work in the community, wonderful that this is coming to Council to address these issues. She has seen a lot of creative solutions and thinks it would be great for the city to work with them.

Mayor Pro Tem Rusing commented that they have been doing a wonderful job serving the community and added that anyone who has rental properties should contact the organization.

7. PROCLAMATIONS

A. PTSD Awareness Month - June 2022

Mayor Pro Tem Rusing presented the Proclamation.

B. Flag Day - June 14

Councilman Tenney presented the Proclamation.

C. Junior Bonner Week - June 28-July 4

Mayor Goode presented the Proclamation.

8. OPEN CALL TO THE PUBLIC

A. Janet Russell – Waste Management Lack of Spring Bulk Yard Pickup: Ms. Russell addressed Council regarding their neighborhood and her concerns regarding bulk spring pickup of yard waste and this year it was moved to September. Information on webpage was not update and reflected last year's updates. There were over 65 large gallon bags that were ready to be picked up and these were not picked up which was of concern to her. They are worried about wildfire danger and the drought. Should have a fall and spring pickup.

9. CONSENT AGENDA

Items listed on the Consent Agenda may be enacted by one motion and one vote. If discussion is required by members of the governing body, the item will be removed from the Consent Agenda and will be considered separately.

MOTION BY COUNCILMAN MONTOYA TO APPROVE CONSENT AGENDA ITEMS 9.B. THROUGH 9.I.; SECONDED BY COUNCILMAN SISCHKA: PASSED [7 -0].

A. Approval of Minutes from the May 17, 2022 Budget Workshop, the May 24, 2022 Executive Session, the May 24, 2022 Study Session and the May 24, 2022 Voting Meeting.

This Item was pulled from the Consent Agenda for further discussion.

Mayor Pro Tem Rusing stated that she had a correction on page 10 of the May 17 Budget Workshop Minutes in the first paragraph under water capital projects. Staff stated that there is a Phase I and Phase II of the project at $38,850,000 funded through WIFA Loans for a total of $77.7 million. She would like the minutes amended to reflect the multiple phases and total dollar amount.

City Clerk Sarah Siep said staff will review and make the necessary revisions.

MOTION BY COUNCILMAN SISCHKA TO APPROVE ITEM 9.A. AS AMENDED; SECONDED BY COUNCILMAN MONTOYA: PASSED [7 – 0].

B. Approval of Multiple On-Call Contracts for Operated Hauling Services in the Amount of $50,000.00 Each as Follows: 1) City Contract No. 2022-210 with Asphalt Paving & Supply, Inc.; 2) City Contract No. 2022-211 with BLA Trucking Inc.; and 3) City Contract No. 2022-212 with Fann Contracting, Inc. Funding is Available in the Streets, Water and Wastewater Funds.

C. Adoption of Resolution 2022-1822 Approving City Contract No. 2022-220 an Intergovernmental Agreement with City of Glendale to Utilize Their AZ Tax Central Application. Funding is Available in the General Fund.

D. Approval of City Contract No. 2022-223 with Exerplay for the Purchase and Installation of Playground Equipment at Pepper Tree Park Using 1GPA Contract No. 18-04P-03 in the Amount of $54,341.44. Funding is Available in Risk Management Fund.

E. Approval of City Contract No. 2022-224 with American Fence Company of Arizona for Transfer Station Fence Improvements Utilizing State Contract # CTR045278, in the Amount of $41,500.00. Funding Is Available in the Solid Waste Fund.

F. Approval City Contract No. 2022-181 with Tyler Technologies for Annual Support and Licensing of the MUNIS Financial System in the Amount of $159,901.08. Funding is Available in Various City Funds.

G. Approval of City Contract No. 2022-225 with Sadie Sarti Design Company in an Amount not to Exceed $41,000 for Web Design and Consultation Professional Services. Funding is Available in the IT Budget.

H. Approval of City Contract No. 2022-168A3, an Amendment to City Contract No. 2022-168 for Airspace Analysis Work Under the On-Call Planning & Environmental Services Contract with Dibble in an Amount not to Exceed $30,589. Funding is Available in the Airport Fund.

I. Conflict Waiver with Snell & Wilmer Law Firm for Legal Representation with SAFE (Strategic Academic Flight Education) Complex.

10. LIQUOR LICENSES

A. Public Hearing and Consideration for a New Series 14 Club Liquor License Application from Theresa June Rose, Applicant, for Fraternal Order of Eagles. Location: 530 S Montezuma Street.

39. Elizabeth Frost Eagles Board Trustee addressed Council regarding the new location and their financial stability. They have solidified the new location and have begun construction, smaller club with occupancy of 39. Added that organization has been active and meeting at various locations since closure of Cortez Street.

Mayor Goode commented that having them back in operation at a location is a great thing to have.

MOTION BY COUNCILMAN MONTOYA TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN TENNEY: PASSED [7 – 0].

MOTION BY COUNCILMAN MONTOYA TO APPROVE ITEM 10.A.; SECONDED BY MAYOR PRO TEM RUSING: PASSED [7 – 0].

11. REGULAR AGENDA

A. Legislative Update.

Deputy City Manager Tyler Goodman provided a presentation to Council regarding the ongoing legislative session. Budget discussions are ongoing, and it is likely that it will be presented and voted on by the week of June 20th. This will include $1million payment for Hot Shot funding.

SB1082 Prepayment ASRS Employer Contributions – failed in the House which is surprising, and he will get additional information on that. Would have helped with funding.

AZ Water Authority is still being discussed and does have any additional information at this time.

Mayor Goode asked about the budget information that has been released.

Mr. Goodman responded that there is a lot of back and forth happening and the partisan margins are very slim. Governor's budget, state budget and senate budget are all under discussion. Skinny budget is a possibility, and he has heard that next week there will be a push to get it to the Governor to avoid a government shutdown.

Councilman Sischka asked staff to address what the biggest effect on Prescott city government would be if there is a shutdown.

Mr. Goodman stated that he has never experienced that, it would likely be state level services that would experience something.

Finance Director Mark Woodfill stated that it is generally non-essential services and typically doesn't impact local jurisdictions. Shared revenues depend on what is in the budget, income tax percentage approved last year goes up next fiscal year.

This item was for discussion only, no formal action was taken.

B. Adoption of Resolution No. 2022-1823 Approving Transfer of Certain Fiscal Year 2022 Budget Appropriations.

Finance Director Mark Woodfill provided a presentation to Council regarding the transfer of Fiscal Year 2022 budget appropriations. These are purchases throughout the year that are not budgeted for but are available through contingencies as well as additional grants/trust funds that are received throughout the year. Council approved all of these expenditures throughout the year.

Community Outreach Manager John Heiney added that they approved funding for the Courthouse for $160,000 and there were other expenditures related to marketing and tourism that Council approved over the course of the year.

Mayor Goode commented that management at the Golf Course has changed and should be updated on the forms.

Mr. Woodfill said staff will correct.

MOTION BY COUNCILMAN TENNEY TO ADOPT ITEM 11.B.; SECONDED BY MAYOR PRO TEM RUSING: PASSED [7 – 0].

C. Adoption of Resolution No. 2022-1824 Adopting the Tentative Budget for Fiscal Year 2023, and Setting the Public Hearing for the Final Budget, Expenditure Limitation and Tax Levies for the City of Prescott.

Finance Director Mark Woodfill provided a presentation to Council regarding adoption of the tentative budget and reviewed the budget process. These are the legal forms that are being approved today and set the maximum amount of the budget for the next fiscal year, at the Public Hearing on June 28th the budget can only be lowered once tentatively adopted today.

<u>Proposed City Budget:</u>
* Total - $281,220,203 which includes a $5 million grant contingency and $30 million contingency for other future considerations that have not already been contemplated such as land purchases or early payoff of PSPRS tax so as not to cut off other projects during the budget year.

Mr. Woodfill stated that action today will set the public hearing for June 28th for final budget adoption, alternative expenditure limitation and property tax levy and adoption of final budget. At July 12th Council will adopt the property tax levies.

Mayor Pro Tem Rusing stated that in February 2020 Save the Dells went down to the legislature and discussed the formation of a regional park in and around, the latest she heard is that the state was going to appropriate the money to the State Department and purchase the land so funds didn't have to be used from the city's budget to purchase. Based on this she feels the contingency is too high.

Mr. Woodfill responded that the contingency is a placeholder, if Council doesn't want to keep it or wants to lower it they may do so. It can be pulled at Council's discretion. He added that there is an IGA that spells out how the funds will be done for Glassford Hill and does include city funding.

Mayor Pro Tem Rusing also expressed her concerns regarding the WIFA loan for the Intermediate Pump Station. She stated when she recalls when it was presented last year it was done so as a design project, but she is concerned because in multiple phases this should have been brought to the ballot for a vote. She stated that she wants more information about the project in a separate study session to address the specifics and any potential issues with Prop 401.

Mr. Woodfill responded that staff has conducted a number of study sessions related to this topic already and can certainly do another one if Council wishes to have that. He added that this project has been going for several years and will continue. As far as meeting the Charter Requirements related to Prop 401 this project includes the replacement of equipment as well as statutorily required changes and therefore would not violate Prop 401. He reiterated that this will impact water services to the whole of the city.

Mayor Goode concurred that a workshop would be appropriate, because this is located within the Deep Well Ranch Development so it would be good to clarify that this is a broad benefit to the community and not subject to Prop 401.

Councilman Montoya expressed his reservations regarding the $30 million contingency. He feels this is a lot of money and debt issuance is not a financing option, his preference would be to lower the contingency.

Mr. Woodfill reiterated that if Council wishes to reduce or completely remove it that is their choice, however, there would not be any funding for a future need that comes in the fiscal year.

Mayor Goode commented that the potential regional park and the issues with obtaining a qualified appraisal for the area at Glassford Hill could impact funding needs in the coming year. He feels the contingency amount could be reduced but is also concerned because if Council doesn't budget something they wouldn't even be able to accept and spend grant funding that would allow moving forward with a project because it wasn't budgeted for.

Councilman Tenney asked if the Council is required to spend a contingency if it is placed in the budget and if there is any benefit of reducing or eliminating it.

Mr. Woodfill confirmed there is no requirement to spend the contingency and added that it would give Council the ability to spend money on a project or accept grant funding etc. if needed. He added that reducing the contingency could potentially make Council or public feel more comfortable but there is nothing specifically beneficial about reducing it. Doing so could be limiting.

City Manager Michael Lamar added that numbers that are tied to appraisals or incoming appraisals could change. It seems foolish to eliminate a contingency, but to tweak it is Council's decision.

Mayor Pro Tem Rusing commented that there is a need for fire station funding and asked if there are any new updates on that.

Fire Chief Holger Durre addressed Mayor Pro Tem's question regarding the two potential proposed new stations that the city is in need of. Nothing has changed since the budget workshop and it is included in that information.

MOTION BY COUNCILMAN SISCHKA TO ADOPT ITEM 11.C.; SECONDED BY COUNCILMAN MOORE: PASSED [7 – 0].

D. Adoption of Ordinance No. 2022-1789 and Resolution No. 2022-1809 Amending Prescott City Code, Chapter 8-2, Right of Way and Adding Pavement Restoration Fees.

Deputy Public Works Director Gwen Rowitsch provided a presentation to Council regarding proposed amendments related to Rights-of-Way. This has been brought forward regarding issues with failure to perform and lack of formal guidelines, have met with a stakeholder group several times over the last several months and staff feels this is a better code because of that. This is mostly addressing franchise utility and city performance.

Franchise Utilities:
* Changes required by public improvement
    - Exception easement interest
    - Relocation at licensee expense
* Design Performance Criteria
    - 30 days – existing utility maps
    - 60 days – changes of replacement/required not required (preliminary design)
    - 90 days – or mutually agreed upon timeframe for final design

Construction Performance Criteria:
* Within 60 days or mutually agreed upon timeframe commence construction
* Preliminary construction schedule
* Mutually agreed completion date
* Delays
* Weather delays
* Monetary penalty for actual cost recovery
* Conflicts franchise agreement shall prevail

Also added definitions to the Code, including new streets; street cuts 0-2 years and all street cuts. Proposed fees have been posted on the website since December 2021. Cease and desist order language has been newly added stating that city may order any and/or all work to be stopped and valid permits must be on-site at all times.

Public Utility Abandonment:
* Disruption to traffic or threat to public safety
* Cost exceeds public benefit
* No conflict with future city improvements
* Cutting pavement less than five years
* Requirements - own, map and locate abandoned facilities, maintain minimum separations, and conflicts with city projects – utility pays for removal

Non-Public Utility Abandonments:
* Abandonment presumed after 180 days after expiration of permit
* Includes structures, cable, equipment or other facilities left in right-of-way

Ms. Rowitsch added that all of the stakeholders have been highly complimentary of the process and staff is happy with the product. There was a public capital project where we were waiting for relocation of existing facilities, and contractor had to be pulled of a job because of the wait which caused the city to incur fees. The goal is to improve communications.

Mayor Goode commented that if we take the time to plan with our franchisees for reasonable accommodations, we sound much nicer. This is a good example of how looking at agreements/contracts and putting them together in a way that is beneficial for everyone.

Councilman Tenney thanked staff for their work on this and asked for an example of a time when an exception for street cuts would exists.

Ms. Rowitsch responded that if a personal sewer line needed to be replaced that is an essential service and would require a cut. Staff is developing an interactive map for the city webpage which will allow you to put in a location and see the age of the street.

Mayor Pro Tem Rusing asked if these changes affect developers.

Ms. Rowitsch stated that this affects all city streets, after the first two years developers would be subject to the code. Applies to anyone wanting to cut the pavement.

Mayor Goode commented that he would be tempted to vote no on this because of an issue he sees in formatting. He suggested that any changes made to Code be highlighted in red so that anyone reviewing them can clearly understand what is being modified and changed.

Staff will do so moving forward.

Member of the public Sandy Griffis addressed Council regarding the collaborative effort on the updates to this code. The experience has been top notch, this was relatively seamless and enjoyable. This is a fantastic working document and shows the importance of bringing in partners and stakeholders.

MOTION BY COUNCILMAN SISCHKA TO ADOPT ORDINANCE NO. 2022-1789; SECONDED BY COUNCILMAN MONTOYA: PASSED [7 – 0].

MOTION BY COUNCILMAN SISCHKA TO ADOPT RESOLUTION NO. 2022-1809; SECONDED BY COUNCILMAN MONTOYA: PASSED [7 – 0].

E. Adoption of Resolution No. 2022-1825, Approving City Contract No. 2022-222 an Intergovernmental Agreement with Yavapai County for the Pioneer Parkway and Commerce Drive Roundabout Intersection Improvement Project in the Amount of $750,000. Funding is Available in the Streets Fund.

Public Works Director Ashley Couch provided a presentation to Council regarding the proposed IGA. There was a Study Session on this topic a few months ago, some of this is triggered by the Hidden Hills Subdivision and some Developer Impact Fees will go toward this project and will be triggered with the Final Plat of Phase II. Exact dollar amount hasn't been determined but likely half to 2/3 of the city's share. Bids came in lower than engineer's estimate and the requested dollar amount for the city's contribution has decreased from $1million to $750k. This is on a downgrade and traffic study has identified speeds that exceed what is safe for a traffic signal. Construction will begin after July 4th and conclude by the end of the year.

Mayor Pro Tem Rusing asked for confirmation on the Developer Impact Fees.

Mr. Couch responded that approval of Final Plat of Phase II would be contingent upon payment of their portion, the amount is estimated and not confirmed at this time and will be negotiated with the developer based on the impact of the development on traffic at the intersection based on the Traffic Analysis that has already been completed, it is proportional to the impact.

Deputy Public Works Director Gwen Rowitsch added that improvements in a traffic analysis are defined, and the developer is aware of having to pay them or an in-lieu of fee because of necessary safety impacts. The developer is obligated to pay for their share of a traffic signal/acceleration/deceleration lane regardless of whether the roundabout is built.

Councilman Tenney commented that he is in favor of this for public safety and is happy to see that the bids came in under the engineer's estimate decreasing the request from the county to the city and that the developer will have to contribute a significant amount to that. He added that we are often in situations where we need to have cooperative agreements with our neighboring agencies, and it behooves us to participate.

Mayor Pro Tem Rusing commented that we need to focus on the region and the investment for the future.

Mayor Goode commented that Pioneer Parkway is the primary responsibility of the County, this roundabout is being sold as a benefit to the city and in fact there is limited benefit to the city. Growing developments in Williamson Valley, Stringfield Ranch, Hidden Hills will be using Pioneer Parkway and the County will benefit significantly from these developments. The City of Prescott and our taxpayers shouldn't have to foot the bill for something that is more beneficial for the County. He does not support this; a signalized intersection would be a reasonable cost.

Councilman Moore commented that he respectfully disagrees with the Mayor, the developer will contribute a significant amount bringing the city's total down to approximately $300,000 that is at the intersection that is used by thousands and thousands of city residents at the recreation facilities. This will be a huge safety impact for Prescott citizens.

Councilman Sischka commented that cooperation needs to begin somewhere, and this is a good place to start.

Mayor Pro Tem commented that many of the car dealerships go out to Pioneer Parkway and need a safe area.

MOTION BY COUNCILMAN SISCHKA TO ADOPT RESOLUTION NO. 2022-1825; SECONDED BY COUNCILMAN TENNEY: PASSED [6 – 1] MAYOR GOODE DISSENTING.

MOTION BY COUNCILMAN SISCHKA TO APPROVE CITY CONTRACT NO. 2022-222; SECONDED BY COUNCILMAN TENNEY: PASSED [6 – 1] MAYOR GOODE DISSENTING.

F. Approval of City Contract 2017-024A7, an Amendment to City Contract No. 2017-024, with Fann Environmental, LLC, for Construction Rehabilitation of Production Well No. 3 Chino Valley, in the Amount of $2,584,585.00. Funding Is Available in the Water Fund.

Capital Program Manager Tim Sherwood provided a presentation to Council regarding the proposed projects. Wells are in significant need of improvements; Council approved the program in February of 2017, and this is the third well as part of that project. Construction is scheduled to begin in October of 2022, due to delays staff is requesting the order of products as soon as possible due to delays.

Mayor Pro Tem Rusing asked if the well will be drilled deeper.

Mr. Sherwood responded it will not, this is a rehabilitation project.

MOTION BY COUNCILMAN MONTOYA TO APPROVE ITEM 11.F.; SECONDED BY COUNCILMAN MOORE: PASSED [7 – 0].

G. Approval of City Contract No. 2022-221 with MSW Consultants to Conduct a Solid Waste Rate Study, in the Amount of $34,980.00. Funding is Available in the Solid Waste Fund.

Public Works Director Ashley Couch provided a presentation to Council regarding the proposed contract for a Solid Waste Rate Study. Have used this consultant in previous years, want to ensure that the rates being charged are commensurate with the service. Costs have been escalating in solid waste as with everything, operating transfer station on $2.94/ton. Industry standard for fleet is 7 years for replacement and our average is 6.7 years old on much of our equipment. Staff has also seen increased use at the transfer station much of which is a regional service. Will bring the results of the study back in December to review the potential of adjustment in the solid waste rates.

Councilman Moore asked if the rate study would look at having a different rate for non-community members to use the transfer station or our services.

Mr. Couch responded that it could be a possible option for Council to consider following the study. However, many people may not be residents of Prescott, but they are providing services in the city of Prescott.

City Manager Michael Lamar commented that if the city wants to be a regional servicer and that can be something that the rate study looks at.

Mayor Pro Tem Rusing asked if this will impact the mulch program.

Mr. Couch responded that this is just a rate study, there are plans to reconfigure the transfer station moving forward and that can be looked at in the future.

Mayor Goode commented that this type of analysis is long overdue, we have become a primary transfer station for a wide range of the County now.

MOTION BY MAYOR PRO TEM RUSING TO APPROVE ITEM 11.G.; SECONDED BY COUNCILMAN SISCHKA: PASSED [7 – 0].

H. Adoption of Ordinance No. 2022-1802, a Request for a Rezoning from RE-2Acre (Rural Estate 2 Acre) to Business General (BG) to Allow for an Indoor Self-Storage Facility on Parcel No. 106-02-052C Located at 5900 Willow Creek Road. Property Owner: Granite Property Investments LLC. Applicant: Granite Basin Engineering.

Community Planner Tammy Dewitt provided a presentation to Council regarding the proposed Zoning Change. Within the General Plan this is a commercial zone and that has not changed in the last two General Plans. This allows for a variety of commercial uses, the parcel is currently zoned based on County zone that was designated as a holding zone and is adopted into the city in the same manner. Business General zoning allows for more uses along a collector or arterial street which is what this area is. Proposal has gone through several meetings with the Planning & Zoning Commission, previously had the storage facility as well as another commercial building but a traffic impact analysis had not yet been done so it was postponed. April 14, 2022 Planning & Zoning Commission reviewed again and the applicant requested to remove the commercial building and add an additional storage facility based on the needs in the community, returned in May and was sent for review with multiple department save for drainage improvements (which were done) there were no other issues for the facility. Proposal is 20 ft (they are allowed up to 50 ft with the zoning), additional landscaping and buffering is required because of the commercial zoning and has to go through Conditional Use Permitting process with the Board of Adjustment before anything is approved. Traffic impact analysis was done and included the storage facility and commercial building, the impacts are less with just a storage facility but there are improvements that will need to be made to Pinion Oaks Drive. Planning & Zoning Commission unanimously recommended approval of the rezoning of the revised site plan. Would have to come back if any changes are made in the future because it is tied to the site plan.

Councilman Tenney thanked staff for their presentation, he commented that when a recommendation comes through unanimously from an advisory board, ihe is inclined to agree with their recommendations however, in this case we are being asked to change the zoning. He feels there should be clear benefits with something like that and in this scenario, he doesn't see that.

Councilman Montoya concurred and expressed his concerns regarding the issues that have been raised by the Planning & Zoning Commission. He feels neighborhood-oriented business in this area makes sense, they aren't opposed to commercial they just want to make sure it won't negatively impact their way of life. The neighborhood is walkable, and this will take that away, he expressed that the developer has worked well with the city and he appreciates that. He asked what the traffic improvements would have to be done for approval.

Ms. Dewitt responded that improvements would include traffic circulation improvements and restriping. Most of the concerns are coming from the north proposal which is separate. Once this is developed it is the least amount of traffic you can have for a commercial project.

Mayor Pro Tem Rusing asked to hear from the applicant. She stated that this project will mostly cater to Embry Riddle students to store their belongings when school is out of session and it will be managed online, is that correct.

Developer Representative Bill Watson commented that this project would have the least impact on traffic for a commercial project. He confirmed that is one of the uses for the project, he added that there isn't much storage space in the city and the county and there is a need for that. This also provides an interior for movement once things are offloaded into the space there is no impact to the outside.

Mayor Goode asked about the plans for landscaping to the properties adjacent.

Mr. Watson responded that they want to be a good neighbor and will limit the height of the building, protect their privacy, happy to landscape in a way that makes them happy.

Councilman Moore expressed his concerns that the Planning & Zoning Commission would give unanimous approval for a business fronting Willow Creek Road with access off Pinion Oaks Road, believes if Council approves this project, it will be the beginning of the end for commercial development along that corridor. He added that he also had concerns with commercial lighting that would abut private property.

Councilman Sischka stated that he is also concerned about the lighting in close proximity to the neighborhood and asked the owner to address the type of lighting. He likes the idea that this is a low traffic impact type of situation, neighborhood business could be quite busy which is something to take into consideration. Asked staff why Planning & Zoning Commission unanimously approved.

Mr. Watson commented that security lighting would be necessary but not all night long, motion detection type lighting for approaches to the building. The building is 20-25 feet max and will only come in at the adjacent church foundation as their height is much taller. Will operate during daylight hours/no access after dark.

Ms. Dewitt responded that the developer addressed all issues, there is no significant traffic impact, have to meet dark sky ordinance with regard to lighting, landscaping can also help minimize impact of the lighting. Board of Adjustment will look at Conditional Use Permit process for any additional protections to shield the residents that are adjacent to the commercial zone which also caused them to unanimously approve.

Councilman Sischka added that he can't imagine trying to turn in further down off of Willow Creek and asked if there is any opportunity to improve the intersection to benefit the area.

Ms. Dewitt responded that the traffic impact analysis looked at that, will have to improve Pinion Oaks Drive by widening and two turn lanes. Will also have additional future improvements.

Mr. Watson responded there are 5-7 cars in and out of the facility on any given day.

Councilwoman Hall asked about the current zoning and what it would allow. She also asked if anything previously unanimously approved by Planning & Zoning Commission has been rejected by the Council, and asked staff to address a market demand for this type of building.

Ms. Dewitt responded that it would allow one house per two acres, this cannot be split and could be developed with a single-family residence and two accessory buildings. Was annexed in under the aligning zoning to the county.

Planning Manager George Worley responded that Council has rejected unanimous recommendations from Planning & Zoning Commission, but it is not common. They have thoroughly reviewed proposals before they come to Council but they are simply reviewing applications for good planning.

Mr. Watson added that there is a big demand for this type of business in the area.

Mayor Pro Tem Rusing commented that at the same Planning & Zoning Commission Meeting they were also looking at a project to the north and it was a lot of fast food which made this one look good. She expressed her concerns that this will decrease property values for the residents.

Councilman Tenney commented that people were aware of being adjacent to a commercial corridor and if it were already business general this meets an expectation, but this is not that and should have every reasonable expectation that this is what would go in. He is not comfortable changing the zoning because of the impact on the property owners.

Councilman Moore commented that business access would be off a private residential street and he is not in favor of that. He asked if there was any discussion of a deceleration lane on Willow Creek.

Ms. Dewitt responded that because of the terrain on Willow Creek it is not possible, she added that Pinion Oaks is a city street and not a private road.

Councilman Sischka asked the residents to address what they would even consider in that area, feels Councilman Tenney and Councilman Moore have given good reasons to vote no, but also doesn't like the idea of the fact that this could render this property useless.

Ms. Dewitt added that a use under the current zoning would be the church.

Member of the public Robbie Graves addressed Council regarding the fact that Pinion Oaks is a residential street and things shouldn't have business access to it. This development would hurt the property values and impact their quality. She can't understand how this got passed the Planning & Zoning Commission, and asked Council to consider what this will do to their neighborhood.

Member of the public Susan Wade addressed Council and expressed her concerns regarding safety related to this proposal. Many in the neighborhood walk either early in the morning or later at night and she worries that people coming to the storage facility wouldn't be looking for pedestrians. While the developer may want to cater to just Embry Riddle students that isn't a reality and she doubts there would be only 5-6 cars a day in the area. Should have a business interest off Willow Creek Road.

Member of the public Steve Antol addressed Council regarding his proximity to the parcel which will be 10 feet from his property line. Ingress and egress off Pinion Oaks, the traffic on Willow Creek Road is a freeway already with 27,000 cars a day. Agrees these units are necessary, but the owners don't give a damn what they leave behind when they bring in a commercial facility and this will make the traffic in the area much worse. Feels there is a better location where this could be placed.

Member of the public Tim Welte addressed Council regarding the impact to his property and view if this proposal happens. He expressed his concerns with what could be stored in the units and asked if the Fire Department does inspections on facilities like this. This is already a dangerous intersection, asks Council to think about whether they would want something like this in their back yard.

Member of the public William Ray addressed Council and stated that he would like to see neighborhood compatible development and a buffer between those and the residents. Hope to see the zoning be for a neighborhood business. No sidewalks or streetlights which they don't want, but with these additions it would make walking in their neighborhood dangerous.

Mr. Watson reiterated that Embry Riddle will be a big customer of theirs, they own five other storage facilities and they know how to operate them. Have people standing in line for other facilities that would move into this location immediately. Couldn't ask for a quieter less obtrusive business to go into this location and they have tried to accommodate everyone's needs with this proposal.

Mayor Goode commented that this property is zoned residential 2 acre and the people who bought property next to it knew that and had a reasonable expectation of their future based on that. This rezoning would be a significant change, even though this is a low impact development it changes the future zoning for this area/not knowing what the future environment would be and that would be substantially different than what is proposed today. Proposed project has a lot of merit to it, but that doesn't negate the concerns of the neighborhood and Council.

Mayor Pro Tem Rusing commented that the neighborhoods in Prescott are what make it wonderful, and we need to look at them to preserve our quality of life. Mini storage belongs in an industrial area not next to a community.

MOTION BY MAYOR PRO TEM RUSING TO DENY ITEM 11.H.; SECONDED BY COUNCILMAN MOORE: PASSED [6 – 1] COUNCILWOMAN HALL DISSENTING.

12. ADJOURNMENT

There being no further business to discuss, Mayor Goode adjourned the meeting at 7:10 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 June 14, 2022. I further certify the meeting was duly called and held and that a quorum was present.

Dated this 1 day of July, 2022.

AFFIX
CITY
SEAL

Sarah M. Siep, City Clerk

Temple B'rith Shalom

Prescott City Council
201 S. Cortez Street
Prescott, Arizona
86303

July 18, 2022

Dear Mayor Goode,

It has been brought to my attention that on June 14, 2022, Rabbi Julie Kozlow delivered the Invocation at the City Council meeting. Rabbi Kozlow was recognized as the rabbi from Temple B'rith Shalom twice on the Live Prescott Council Video after which Rabbi Kozlow stepped to the podium to deliver the invocation.

As President of Temple B'rith Shalom, I would like to correct the record in that Rabbi Kozlow has not been Temple B'rith Shalom's rabbi for nine months. Our synagogue has a new rabbi, Rabbi Susan Schanerman, who I'm sure would be happy to deliver the City Council's Invocation in the future. In addition, may I request your meeting meetings reflect this correction.

I look forward to hearing from you, Mayor Goode.

Thanking you in advance, I remain,

Sincerely,

Trudy Steinhauer, President
Temple B'rith Shalom

2077 Brohner Way, Prescott, AZ 86301 • Phone: 928-708-0018 • www.brithshalom-az.org