



# CITY COUNCIL MEETING

## VOTING MEETING MINUTES

**TUESDAY, FEBRUARY 11, 2020, 3:00 PM**

Council Chambers, 201 South Cortez Street

Prescott AZ 86303

(928) 777-1272

Greg Mengarelli, Mayor

Billie Orr, Mayor Pro Tem

Steve Blair, Councilman

Phil Goode, Councilman

Cathey Rusing, Councilmember

Alexa Scholl, Councilwoman

Steve Sischka, Councilman

---

MINUTES OF THE VOTING MEETING OF THE PRESCOTT CITY COUNCIL HELD ON FEBRUARY 11, 2020, in the COUNCIL CHAMBERS LOCATED AT 201 SOUTH CORTEZ STREET, PRESCOTT, ARIZONA.

**1. CALL TO ORDER**

Mayor Mengarelli called the meeting to order at 3:05 p.m.

**2. INTRODUCTIONS/ANNOUNCEMENTS**

Mayor Pro Tem Orr welcomed Jeff Timm from Congressman Gossar's Office, and wished the state of Arizona a Happy Birthday as we will celebrate our 108th Anniversary on Friday.

**3. INVOCATION**

Pastor Andrew Gutierrez with Canyon Bible Church

**4. PLEDGE OF ALLEGIANCE**

Councilmember Rusing

**5. ROLL CALL**

Greg Mengarelli	Mayor
Billie Orr	Mayor Pro Tem
Steve Blair	Councilman
Phil Goode	Councilman
Cathey Rusing	Councilmember
Alexa Scholl	Councilwoman
Steve Sischka	Councilman

**6. PROCLAMATIONS**

A. 100th Anniversary of the League of Women Voters - February 14th

Mayor Pro Tem Orr presented the Proclamation to members of the Prescott League of Women Voters.

League President Bill Haas thanked the Mayor and Council for the Proclamation and the League and its purpose to educate and involve the public in voting.

## **7. CONSENT AGENDA**

### **COUNCILMAN SISCHKA MOVED TO APPROVE CONSENT AGENDA ITEMS 7.A. THROUGH 7.C.; SECONDED BY COUNCILMAN BLAIR: PASSED [7-0].**

- A. Approval of Minutes for the 9:30 a.m. January 28, 2020 Special Meeting/Executive Session, the 1:00 p.m. January 28, 2020 Special Meeting/Executive Session, the January 28, 2020 Study Session and the January 28, 2020 Voting Meeting.
- B. Approval to Perform Night Work Between 7:00 p.m. and 6:00 a.m. Sunday through Thursday, for the Installation of New Water, Sewer, Storm Drain and Other Associated Improvements on the Summit Avenue, McCormick Street, Beach Avenue and Goodwin Street Improvement Project.
- C. Approval of City Contract No. 2020-156 for the Purchase of Michelin Tires in the Annual Estimated Amount of \$50,000 Utilizing the City of Mesa's Contract No. 2019209. Funding is Available in the Fleet Maintenance Budget.
- D. Award of City Contract No. 2020-151 to James Holt LLC, for Specialized Technical Support on Comprehensive Agreement No. 1 (CA#1) Regarding Big Chino Water Ranch, in an Amount Not to Exceed \$100,000.00 Annually. Funding is Available in the Water Fund.

This item was pulled from the Consent Agenda by Councilmember Rusing for further discussion.

Councilmember Rusing expressed her concerns regarding the wording of the contract, the non-competition clause and lack of a bidding process for this contract.

Interim City Attorney Matt Podracky stated that professional services agreements are exempt from competitive bidding so there are no issues and reiterated that the boiler plate language included in contracts protect the city.

Water Resources Administrator Leslie Graser addressed Councilmember Rusing's questions and discussed the scientific and consultant agreements which are separate items. She also reviewed the on-call contract through Matrix and Mr. Holt who was formerly employed with them on the contract which ended in September 2019. This will utilize Mr. Holt's specialized expertise in particular matters such as the Big Chino Ranch, Land Management Restoration, Assured Water Supply and more.

### **COUNCILWOMAN SCHOLL MOVED TO APPROVE CONSENT AGENDA ITEM 7.D.; SECONDED BY COUNCILMAN SISCHKA: PASSED [7-0].**

## **8. CONSENT ORDINANCE**

- A. Adoption of Ordinance No. 2020-1709 Amending Title IV, Chapter 4-4 Related to Peddler and Solicitors

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE IV, CHAPTER 4-4 (PEDDLERS AND SOLICITORS), SECTIONS 4-4-4, 4-4-6, 4-4-7, 4-4-11, AND 4-4-13; AND ADDING SEVERANCE AND PENALTY PROVISIONS.**

- B. Adoption of Ordinance No. 2020-1707 Authorizing the Sale of Real Property and Granting of a Temporary Construction Easement, to the State of Arizona Department of Transportation, for the Road 1 North and SR 89 Roadway Project.

**ADOPT ORDINANCE NO. 2020-2017 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE SALE OF CITY REAL PROPERTY AND GRANT A TEMPORARY CONSTRUCTION EASEMENT TO THE STATE OF ARIZONA AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID SALE AND GRANTING OF EASEMENT.**

- C. Adoption of Ordinance No. 2020-1708 Authorizing Abandonment of the Easement as Recorded in Book 503 Pages 274-276 in the Office of the Yavapai County Recorder, Yavapai County, Arizona.

**ADOPT ORDINANCE NO. 2020-1708 OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE ABANDONMENT OF THE EASEMENT RECORDED IN BOOK 503 PAGES 274-276 IN THE OFFICE OF THE YAVAPAI COUNTY RECORDER, YAVAPAI COUNTY, ARIZONA AND AUTHORIZING THE MAYOR AND STAFF TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE SAID ABANDONMENT OF EASEMENT.**

**COUNCILMAN SISCHKA MOVED TO ADOPT CONSENT ORDINANCE ITEMS 8.A. THROUGH 8.C.; SECONDED BY MAYOR PRO TEM ORR: PASSED [7-0].**

## **9. LIQUOR LICENSE AGENDA**

### **A. NEW LICENSES**

1. Public Hearing and Consideration for a New Series 14 Club Liquor License Application from Edward Lee Kellerman, Applicant, for Phippen Museum; Location: 4701 Highway 89 North.

Applicant Edward Kellerman was present and addressed Council regarding growth at the Phippen Museum and the opportunity to have a blanket license for the many events they host throughout the year.

Mayor Mengarelli thanked Mr. Kellerman for his work at the Phippen and stated that he is excited for the events.

**MAYOR PRO TEM ORR MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN SISCHKA: PASSED [7-0].**

**MAYOR PRO TEM ORR MOVED TO APPROVE ITEM 9.A.1.; SECONDED BY COUNCILMAN SISCHKA: PASSED [7-0].**

**10. REGULAR AGENDA**

- A. Adoption of Resolution No. 2020-1734 Supporting the Second Amendment of the Constitution of the United States and Declaring the City of Prescott a "Second Amendment Sanctuary City"

Mayor Mengarelli thanked the public for being present and asked that everyone respect decorum and limit comments to two minutes without repeating comments previously made.

City Clerk Sarah Siep read the proposed Resolution.

Councilman Goode commented that the intent of this proposed Resolution is to send a clear message to the state legislature that the City of Prescott City Council will reaffirm their oath to support the Constitution of the United States and laws of Arizona. Here in AZ and elsewhere we are seeing increasing legislation that will violate rights protections under the 2<sup>nd</sup> Amendment. He addressed comments that he has heard regarding this item as follows:

1. Concern: This is only a Resolution and not an Ordinance and therefore has no force of law; Response: the intent is clear.

2. Concern: A Resolution isn't necessary since our rights are already protected; Response: there are three laws proposed that will likely infringe on 2nd Amendment protections (HB2321, SB1164, and SB1626)

3. Concern: Yavapai County already approved a Resolution so this is redundant; Response: we have our own law enforcement agency which has rights within city limits and could be put in danger while enforcing proposed seizure laws. Four other counties in Arizona have adopted such Resolutions Mohave, La Paz, Apache and Yavapai Counties and Bullhead City as well.

4. Concern: It is not up to Prescott City Officials to determine what laws are constitutional or unconstitutional; Response: he acknowledges this is fact, which is why Section 3 is included in the Resolution

5. Concern: Potential economic damage from state budget consequences to the adoption of this Resolution; Response: public policy should not be held hostage to speculative possibilities and our constitutional rights are not for sale.

Interim City Attorney Matt Podracky addressed Council regarding the proposed Resolution and the responsibility of the city attorney's office to review the practical real world effects on law enforcement and the potential "chilling effect", if there is a potential possibility of a loss of federal and/or state funding with adoption of Resolution. His concern primarily stems from the potential impacts related to SB1487 which states that at request of one or more member of legislature the Attorney General may investigate action taken by the body that may violate state law or the constitution of the state of Arizona. In addition, there is potential legislation being introduced (HB2093) which

would look to legislature to review what is constitutional and then could cause issues with SB1487 and having Prescott be investigated with adoption of the proposed Resolution. If this were to happen state shared revenue would be frozen immediately and this would have a major impact on our budget, so Council must be cognizant of this. Finally, Mr. Podracky addressed the fact that the city would be covered by the county's Resolution.

Councilman Goode asked that if HB2093 were to pass and therefore lead to a challenge, could the Resolution preemptively be rescinded.

Mr. Podracky confirmed that was an option.

Public Comment:

Warren Darrow, member of the public, addressed Council asking them to not adopt the Resolution as it involves a heated divisive political issue that raises partisan temperatures. He asked why Council would address this Amendment and not others, and stated that this would undermine our welcoming environment in Prescott.

John Starr, member of the public, thanked Council for their service and stated that he moved here because it was safe. His concern with the word "sanctuary" is that as he understands it would remove the need for a background check. He addressed that he feels it is ludicrous to pass a redundant Resolution at the chance of having to rescind it anyway. Another right is that to life and he doesn't want that threatened by people who should not have firearms.

Tamara Fearn, member of the public, addressed Council as a gun user with two Marine sons. She stated that this country exists because of the second amendment and we should be ashamed that this issue is even being discussed because it is our heritage.

Barbara Jacobson, member of the public, thanked Council for their time and stated that this type of negative rhetoric is unnecessary, the state and federal government will handle this; we don't need to do this.

Greg Feans, member of the public, addressed Council as a gun owner and veteran. Part of the history of our country is fighting for our rights and he believes in the constitution and upholding its values.

Donna Vermer, member of the public, addressed Council as the Founder of Well Armed Women and expressed her support for the Resolution.

Jan Baron, member of the public, addressed Council stating that she chose Prescott because the open carry law made her feel safe. She doesn't feel the Resolution is redundant because our gun rights are under attack and we need to stand strong.

Steve Zipperman, member of the public, addressed Council regarding the addition of the second amendment in our constitution and the importance of this issue with the

threat of proposed red flag laws. He feels Council must make it their job to protect our rights and take that seriously, it is important to make a statement.

Ross Dowland, member of the public, feels that this is not the type of thing that should not be on the Agenda. He feels Council is going down a slippery slope by doing this and opening the door to other things that should not be on the Agenda. Council and city business is streets, sewer, water and utilities, etc not constitutional laws.

Patty Willis, member of the public, addressed Council as a pastor in the community regarding the divides that issues like this cause. It is not a good idea or the time for a Resolution that will elevate everyone's differences, we need to talk and find a way to come together. She encouraged Council to vote no on this Resolution and it will only divide us further.

Myrna Lieberman, member of the public, addressed Council in support of the Resolution that is a preemptive strike against proposed red flag legislation. Women in Arizona and across the country should be able to arm themselves for self defense especially when the government cannot be trusted to protect us.

Jeff Timm, representative from Congressman Gossar's Office, addressed Council with a letter of support of Resolution No. 2020-1734 from Congressman Gossar and his stance on the proposed red flag legislation.

Robert Shimizu, member of the public, addressed Council as a concealed carry owner in support of the constitution and the Resolution.

Phil Whitehead, member of the public, addressed Council as a county resident for more than 30 years regarding matter of redundancy, comments that have come up and the need for multiple things to make sure there is support. He commented that talking will not make the problems go away, and that when seconds count the cops are minutes away and people need to be able to protect themselves.

Glenn Martin, member of the public, addressed Council regarding opposition to anti-constitutional red flag laws. We don't want people who are a threat to have guns but due process and unlawful search and seizure are important rights. Thanked Councilman Goode for standing up for the constitution. Council swore an oath to defend the Constitution and this is where the rubber meets the road so he encouraged Council to vote in support of this Resolution.

Randy Hayes, member of the public, addressed Council regarding the animosity and negativity that this proposed Resolution is causing, the second amendment is guaranteed by the Constitution. There are over 300 million guns in this country, there is no way the government could come and take them all. He stated that this type of Resolution causes issues in the community and opens the city up to liability in the case of wrongful deaths.

Russ Pilcher, member of the public, addressed Council as a gun owner and retired marine. He is not anti-gun but is intolerant of unrestricted access to weapons, and if this Resolution passes you are opting to ignore laws then I will assume you are giving me the right to ignore the laws as well.

Maria Lyman, member of the public, addressed Council regarding her family's history of service to this Country but said she is opposed to the Resolution, particularly because there is already discussion regarding rescinding it in the future. She encouraged Council to join Mayors Against Illegal Guns to end gun violence nationwide. Council should be proactive and bring everyone together rather than splitting them apart.

Regina Pecorino, member of the public, addressed Council regarding her work with the VFW in the community. If our officers have to face red flag laws, that will put them in danger and negatively impact their families. She stated that criminals do not fill out forms or answer questions regarding their status when obtaining a gun anyway.

John Stankewicz, member of the public, addressed Council stating that he has trained military and civilians all of the world and he is hearing from most of them that they feel the amendments to the Constitution need to be protected. This Resolution is important to send a message, and he supports it.

Ken Fritts, member of the public, addressed Council in support of the Resolution and asked Council to vote in support of this protection of our constitutional rights.

John Schuderer, member of the public, addressed Council as a survivor of family suicide and discussed the impact that guns have with regard to suicide. He stated that he questions the need for a Resolution like this as it pours gasoline on an already volatile topic.

Ralph Hess, member of the public, addressed Council regarding the fact that he feels the language in the Resolution is simply a reiteration of the oath they took, and how does a sanctuary city look different from what we have now. This doesn't really have an Everybody's Hometown look or feel to it, and he encouraged Council to do something that may actually help such as challenging the legislature at a higher level.

Larry Jacobs, member of the public, addressed Council regarding issues that impact law enforcement officers when they have an officer involved shooting. Response times are anywhere from 3-5 minutes and would like support of second amendment and resolutions like these, he encouraged Council to vote yes on this Resolution.

Mark Smith, member of the public, addressed Council thanking them for their consideration of adoption of the Resolution even though it carries no force of law. Judicial review takes many years, and therefore the Resolution is not even as adequate as he would like, the supreme law of the land should be enforced as such.

Steve Tureaud, member of the public, addressed Council regarding his leaving California because of threats to his rights, deserves to live with freedoms granted by constitution. He asked Council to protect the constitution.

Craig Kiggins, member of the public, addressed Council regarding the founding fathers and their love of our country. There is a continuous assault in this country to infringe on our rights in the constitution, and he respects the police but they are minutes away and there are soft targets all around us. This is not redundant, but is affirming our rights.

Richard Thompson, member of the public, addressed Council regarding his support of the Resolution.

Linda Thompson, member of the public, addressed Council regarding her support of the Resolution. She said that she doesn't understand people who are against this when the second amendment is being threatened.

Mayor Pro Tem Orr commented that she has lost a lot of sleep over this item, and that when she took her oath of office she intended to to protect all 27 amendments to the Constitution and do what is best for the citizens of Prescott. She has friends on all sides of this, and feels that we can do something without becoming a “sanctuary city” as she is opposed to that language and would rather reaffirm Council's commitment to the Constitution without having that. This fight needs to go to the legislature, Council's job in the city does not involve the red flag laws. She recommended that this item be tabled until that actually happens. Her concern is that the risk of losing shared revenues, that everyone works together to get is too great.

There was a motion by Mayor Pro Tem Orr and second by Councilman Sischka at this time to table the item.

Councilmember Rusing thanked everyone for attending the meeting and participating in the discussion, and read the second and fourteenth amendments. She stated that she opposes red flag laws because there is no due process involved, but that she is not in favor of voting on this item today as it should be on the ballot so the citizens have a say about it.

Councilwoman Scholl thanked the public for attending and read the following prepared statement regarding the proposed Resolution:

"Adopting this Resolution makes a statement that we, as a City, will pick and choose which laws we direct our police department to enforce. This contradicts the oaths of office that we took. Not only did we swear that we would uphold the Constitution of the United States, but we also swore that we would uphold the Constitution and Laws of the State of Arizona. We are not judges. This council does not perform judicial review. Therefore, we should not be making determinations on which state laws we choose to enforce.

Additionally, the language outlined in the proposed Resolution is no different than what is currently being enforced. If after complete judicial review, a law is deemed to be



unconstitutional, it would no longer be a law and not enforceable. With or without this Resolution, the City of Prescott would not enforce laws that have been found to be unconstitutional by the courts. This Resolution doesn't change anything and is simply a political statement, and I don't think that the City should be in the business of making political statements on state and federal issues. It's beyond the scope of City business.

I am disappointed to be put in a position where some may perceive my position on this Resolution to mean that I do not support the Constitution of the United States. I take my oath of office seriously and would never purposefully choose not to defend the rights of Americans that are outlined in the Constitution and the Bill of Rights. In fact, as a direct descendant of George Read of Delaware, who signed both the Declaration of Independence and the Constitution of the United States, I greatly understand the gravity of protecting our rights as citizens. I personally do not have an issue with people choosing to responsibly exercise their Second Amendment rights. However, I do not feel that declaring Prescott as a 'Second Amendment Sanctuary City' is necessary and in the best interests of the City."

Councilman Goode stated that when he suggested the option of rescinding the Resolution, it was that it would be an option to deal with consequences of a potential investigation from the passing of proposed legislation but it would not be his intention to do that. It is not good public policy to assume things that might happen. He also commented that a ballot initiative is not likely because of the high cost for a special election and that it would come after the legislative session closes anyway. He moved to approve the Resolution the way it is currently written.

There was no second to Councilman Goode's motion.

Councilman Sischka stated that he supports the second amendment and that he believes the biggest issue with the situation is the word "sanctuary" which is very misunderstood and muddies the waters. He is willing to review something like this in the future but would not agree with moving forward with it today.

Mayor Pro Tem Orr reiterated that Council can reaffirm their commitment to the Constitution without designating Prescott as a sanctuary city. SB1497 is a reality and it could hurt our city. She again moved to table the item and think of another way to do it.

**MAYOR PRO TEM ORR MOVED TO TABLE ITEM 10.A.; SECONDED BY COUNCILMAN SISCHKA: PASSED [6 TO 1], COUNCILMAN GOODE DISSENTING.**

B. Legislative Update.

Assistant to the City Manager Tyler Goodman provided a presentation to Council with an update on the ongoing Legislative Session. Over 1500 bills dropped to date, and the legislature has until February 21st to hear bills in their chamber of origins.

Review of Bills:

\* HB2284 State Park Funding: has passed through committee

- \* SB1154 Short Term Rentals: impacts local control; this is not yet on an agenda
- \* HB2313 Fire Sprinklers in Existing Buildings: this is not a good bill but has passed through rules committee and will go to floor in the next week
- \* HB1459 Private Attorney Retention: would require municipalities to receive approval from AG's Office before entering into contingency fee arrangements with private attorneys; passed Senate judiciary committee
- \* SB1160 PSPRS Cancer Assumption: passed through rules committee; still trying to find out details regarding funding for this item but it will likely pass
- \* SB1280 PSPRS Expenditure Limitations: would allow for dollars being spent paying down liability to not go against city's expenditure limitation; has passed through finance committee
- \* HB2348 TPT/Residential Rentals: city couldn't levy a residential rental tax to more than 5%; passed ways & means committee
- \* There are two bills related to the Second Amendment (HB2093 and SB1164) which are not yet on any agendas

Mayor Pro Tem Orr asked what the Council or our lobbyist could do in order to convey that we are not in support of red flag laws.

Mr. Goodman stated that with Council's permission we could request that if either of the proposed bills make it onto an agenda we have Barry Aarons attend to speak on the city's behalf.

Interim City Attorney Matt Podracky confirmed that the lobbyist could be utilized for that purpose.

Councilman Goode asked for additional details regarding SB1164.

Mr. Goodman reiterated that the bill is still not on an agenda, but that Mr. Aarons could represent our interests in that if it begins to move forward.

Mayor Mengarelli asked that Mr. Goodman continue to keep Council updated on those types of bills right away if there are any changes.

**This item was for presentation only, no formal action was taken.**

- C. Approval of Water Service Agreement Application No. WSA20-001 by Alexander Lazar Representing Ocean Blue Willow Creek LLC, for Commercial Water Supplies on APNs 106-20-497 and 106-20-498.

Water Services Administrator Leslie Graser provided a presentation to Council regarding the proposed Water Service Agreement Application for a new car wash location at the Willow Creek and Willow Lake intersection. Per new policy Council will vote on item after applicant has spoken to Development Review, PAC, submitted applications and demand analysis and gone through the Water Issues Subcommittee. She discussed the water recycling that takes place at these types of car washes and reiterated that Council is voting on the application and the water that is required for it.

Councilmember Rusing commented that her main concern is about the recycling aspect. She feels that car washes are a vital part of community because if a resident is washing their car in the driveway a lot of water is lost, but wants to confirm that staff was able to verify the apparatuses used for the recycling and what is used at the current car wash location on Iron Springs Road.

Ms. Graser commented that the engineer did exactly that on this application. She also stated that there was a leak at the Iron Springs location so the uses at the new location may end up even being less. There are no inspections done following issuance of the water that she is aware of for the apparatuses.

Councilman Blair stated that this is a great opportunity particularly because 90% of everything goes back to treatment plant and there is very little loss and he is happy that a business is opening up on the north side of town. This is all positive for Prescott.

Mayor Pro Tem Orr echoed Councilman Blair's comments. This is a very efficient system and she is happy to see it.

Councilman Goode commended that a highly efficient operation like this is valuable, and he hopes that we can capture some of the commuters using the new location for some TPT revenue.

**COUNCILMAN BLAIR MOVED TO APPROVE ITEM 10.C.; SECONDED BY  
MAYOR PRO TEM ORR: PASSED [7-0].**

- D. Approval of PLN19-020 a Proposed Rezoning of 600 and 621 E. Rosser Street (APN 105-03-007B) from its current Single Family 35 (SF-35) Designation to Multi-Family Medium Density (MF-M). Property Owner: Pine Creek Leasing LLC. Applicant/Agent: Keith Hughes

Community Planner Tammy Dewitt provided a presentation to Council regarding the proposed rezoning of 1.91 acres on Rosser. Current zoning would allow the property to be split into two lots, but applicant is proposing to have 20 ft building separation and three single-family 1200 square foot 3 bedroom 2 bathrom homes under one ownership intended to be rental homes which requires the new zoning. The property is impacted on opposite side of Rosser in the flood plane which is why it has not previously been developed. The surrounding neighborhood Cloudstone Development, allows for 10 ft building separation, and zoning in an adjacent area is multi-family. The proposed homes would not impede any views of the homes in Cloudstone and the property is currently vacant.

A letter of opposition was received from an adjacent property owner, however, notices were sent out in December as required by state statute to surrounding properties.

Councilman Blair commented that he loves seeing this type of thinking outside the box development. While multi-family sounds bad to the area the reality is that it will be under

one owner with rental properties which we are lacking in the community. He supports this.

Councilmember Rusing asked if there is one or multiple water meters proposed for homes.

Ms. Dewitt stated that each house would have it's own unless the applicant requests only one meter which it would be qualified for.

Mayor Pro Tem Orr commented that this is a wonderful infill project which should be encouraged.

Councilman Goode commented that he understands the Planning & Zoning Commission was split on their vote and asked why that was the case. He also shared his overall concerns regarding changing the zoning to higher density as it could make the property potentially more valuable and he feels that when someone purchases a property they should be prepared to build or develop based on the zoning it has at that time. We are creating a precedent for exceptions and that is an issue.

Interim City Attorney Matt Podracky stated that the Planning & Zoning Commission spent a lot of time tying the project to the site plan and requirements for compliance to that which alleviated any of the concerns stemming from the split vote, and will ensure that it does not open the development up to any additional units. He also advised Council that they have the authority to make their motion subject to substantial compliance to site plan as presented.

Ms. Dewitt stated that Planning & Zoning Commission approved with a 4-1 vote and that Commissioner Roop voted against because he felt new zoning is not compatible with zoning in the area due to the size of the homes, and confirmed that strict adherence to the site plan was the recommendation of the Planning & Zoning Commission as well.

Councilman Blair stated that he would recommend the homes be individually metered and site plan is adhered to as well.

Councilman Goode agreed with Councilman Blair's comments regarding metering.

Ms. Dewitt confirmed that it would be possible to ensure each home has its own meter.

Applicant Keith Huges addressed Council regarding the property and his plan for the three single family homes. He stated that he has no issue with individual meters and that his goal is to build these homes as proposed. He feels this is the best usage of the property, and is happy to be offering nice single family homes.

Mayor Mengarelli asked if the individual meters should be noted on the site plan.

Mr. Podracky stated that it could be included in the motion as a requirement.

Councilman Sischka commented that there is a very similar group of homes below his home in Forest Highlands and that he likes that they are a single owner and will be kept attractive in a nice area. It is a good option to have at the entrance of his neighborhood.

Public Comment:

Debra Allshouse, member of the public, addressed Council regarding her opposition to this rezoning. She has been in Cloudstone for many years and wants to see ownership and not rentals which she feels will bring down their property value. She encouraged Council to consider what they would want in their own neighborhood and to keep the original zoning.

Brian Allshouse, member of the public, addressed Council regarding his concern about the homes being rental properties and also the issues with traffic flow and safety along Rosser by adding multiple properties. He feels there are plenty of rentals in the community and they don't want them in their neighborhood.

Elayne Tempel, member of the public, addressed Council regarding her opposition to this because it was zoned for single families, and stated that she chose her property in Cloudstone because it is a property owner occupied area. Single owner doesn't matter when you have renters. Came into Prescott wanting to be surrounded by homeowners and doesn't want renters around her.

Ken Mabarak, Planning & Zoning Commissioner, addressed Council regarding the Commission's decision on this item. He addressed the decision to only have one driveway given the traffic issues along Rosser, and that development in this way is as close to single family as you can get. At times zoning must be changed because of the way city code is written, this isn't really a "multi-family" build and there was a great deal of consideration that went into this.

Councilman Sischka asked for confirmation that Cloudstone overlooks this lot.

Mr. Mabarak confirmed.

Councilman Rusing commented that this seems to her like trying to put a round peg in a square hole, and she does not support it because it is non-conforming. She feels one of the things that makes Prescott special is our neighborhoods and homeowners and we need to take care of them.

Mayor Pro Tem Orr commented that she appreciates that this will allow for affordable homes to be available to families in our community.

Councilwoman Scholl stated that often times "affordable housing" comes with a lot of negative connotations, but there are professionals in our community that cannot afford to buy a home here and we need to find ways to provide options for them. They are our teacher, firefighters, etc. This infill project will benefit our community.

**MAYOR PRO TEM ORR MOVED TO APPROVE ITEM 10.E. SUBJECT TO THE PROPERTY BEING DEVELOPED TO SUBSTANTIAL COMPLIANCE WITH THE SITE PLAN AS PRESENTED AND THE UTILITIES BE INDIVIDUALLY METERED; SECONDED BY COUNCILMAN BLAIR: PASSED [5 TO 2], COUNCILMAN GOODE AND COUNCILMEMBER RUSING DISSENTING.**

- E. Approval of SIG19-006. a Comprehensive Sign Plan for The Burmister 120 W. Gurley Street (APN 115-15-115). Property Owner: Zee Zee LLC.; Applicant: Morgan Sign Co. (Stephan Markov).

Community Planner Tammy Dewitt provided a presentation to Council regarding the proposed comprehensive sign plan which will match approval for Bashford Court to keep consistency between both buildings. This item was reviewed by the Prescott Preservation Commission and the Planning & Zoning Commission and both unanimously approved it.

**COUNCILMAN SISCHKA MOVED TO APPROVE ITEM 10.E.; SECONDED BY COUNCILMAN BLAIR: PASSED [7-0].**

## 11. ADJOURNMENT

Quote: "Those who deny freedom to others deserve it not for themselves; and, under a just God, cannot long retain it." - Abraham Lincoln

There being no further business to discuss, Mayor Mengarelli adjourned the meeting at 5:39 p.m.

\_\_\_\_\_  
GREG MENGARELLI, 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 of the City of Prescott, Arizona held on the 11th day of February, 2020. I further certify the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020.

AFFIX

CITY SEAL

---

Sarah M. Siep, City Clerk