

COUNCIL MEMBERS:

SHAWN BARIGAR	DON HALL	SUZANNE HAWKINS	GREGORY LANTING	JIM MUNN, JR.	REBECCA MILLS SOJKA	CHRIS TALKINGTON
<i>Vice Mayor</i>		<i>Mayor</i>				



MINUTES
 Meeting of the Twin Falls City Council
Monday, March 4, 2013
 City Council Chambers
 305 3rd Avenue East -Twin Falls, Idaho

4:00 P.M.

Adjourn to Executive Session:

Executive Session 67-2345(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

5:00 P.M.

- PLEDGE OF ALLEGIANCE TO THE FLAG
- CONFIRMATION OF QUORUM
- INTRODUCTION OF STAFF
- CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:
- PROCLAMATIONS: None

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of a request to approve the accounts payable for February 26 – March 4, 2013, total: \$1,203,722.93. March 1, 2013, Payroll, total: \$121,469.07 Fire Payroll, total: \$50,331.23 2. Consideration of a request to approve the February 11 and February 18, 2013, City Council Minutes.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan Leila Sanchez
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request to reappoint Jason Derricott to serve a second three year term and Gerardo "Tato" Munoz and Nikki Boyd to a three year term on the Planning & Zoning Commission. 2. Consideration of a request to reappoint Tennille Adams, Tony Brand, and Carl Legg to serve a three year term on the Parks & Recreation Commission. 3. Consideration of a request to accept a portion of Lot 1 Block 1 of Morrison Subdivision from Halene and Neal Morrison. 4. Consideration of a request to receive the Citizens Committee's infrastructure report on the recommendation for improvements to the City's waste water treatment facility and sewer collection lines; and, Consideration and possible action on Ordinance 3048, an ordinance calling for a special revenue bond election for the purposes of submitting to the qualified electors of the City of Twin Falls the question of the issuance of up to \$38,000,000 in revenue bonds for the purpose of providing for the acquisition, construction and improvement of wastewater collection and treatment facilities, and other related improvements, equipment, items and costs. 5. Public input and/or items from the City Manager and City Council.	Action Action Action Action	Rene'e V. Carraway, Dennis Bowyer Troy Vitek Travis Rothweiler
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. 1. Consideration of a request to reconsider conditions placed on an amendment to the WS&V R-6 PRO PUD Agreement #263, approved October 22, 2012.	PH	Rene'e V. Carraway
V. <u>ADJOURNMENT:</u>		

**Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.*

4:00 P.M.

Present: Don Hall, Suzanne Hawkins, Greg Lanting via telephone at 5:00 P.M., Jim Munn, Rebecca Mills Sojka, Chris Talkington
Absent: Shawn Barigar
Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Zoning & Development Manager Rene'e V. Carraway, Assistant City Engineer Troy Vitek, Parks & Recreation Director Dennis Bowyer, Deputy City Clerk/Recording Secretary Leila Sanchez

Adjourn to Executive Session:

Executive Session 67-2345(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

Acting Mayor Hall called the meeting to order at 4:00 P.M.

MOTION:

Councilperson Talkington made a motion to adjourn to Executive Session 67-2345(1)(f) as per cited in City Code. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

MOTION:

Councilperson Talkington made an amendment to add Executive Session 67-2345(1)(e) to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

MOTION:

Councilperson Hawkins made the motion to adjourn to Executive Session 67-2345 (1)(f) and 67-2345(1)(e), as per cited in City Code. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

Adjourned to Executive Session at 4:10 P.M.

Reconvened at 5:00 P.M.

5:00 P.M.

Acting Mayor Hall called the meeting to order at 5:00 P.M. He then invited all present, who wished to, to recite the pledge of Allegiance to the Flag with him. Acting Mayor Hall introduced staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None

PROCLAMATIONS: None

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of a request to approve the accounts payable for February 26 – March 4, 2013, total: \$1,203,722.93.
March 1, 2013, Payroll, total: \$121,469.07
Fire Payroll, total: \$50,331.23
March 4, 2013, Prepay, total: \$100.00
2. Consideration of a request to approve the February 11 and February 18, 2013, City Council Minutes.

MOTION:

Councilperson Munn made a motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to reappoint Jason Derricott to serve a second three year term and Gerardo "Tato" Munoz and Nikki Boyd to a three year term on the Planning & Zoning Commission.

Zoning & Development Manager Rene'e V. Carraway explained the request.

On February 19, 2013, a selection committee consisting of Mayor Greg Lanting, Councilperson Rebecca Mills Sojka, Councilperson Suzanne Hawkins, and Vice-Chair Lee DeVore of the Planning & Zoning Commission interviewed five applicants. The selection committee submits the following recommendations: Re-appoint Jason Derricott to his 2nd three (3) year term on the Commission and appoint Gerardo "Tato" Munoz and Nikki Boyd to a three (3) year term on the Commission.

Councilperson discussion followed.

Councilperson Talkington made a recommendation to the Councilpersons who served on the committee to provide assurance that with the nominations the Planning & Zoning Commission will have an equal or a broad representation of all aspects of the economics of the Commission.

Mayor Lanting explained that he selected the top two candidates. Nikki Boyd is involved in building and real estate and Gerardo "Tato" Munoz is in the banking industry.

Zoning & Development Manager Carraway explained that Commission members currently serving are in construction, real estate, semi-retired, retired, and employed by KMVT, and are varied in ages.

MOTION:

Councilperson Hawkins made a motion to approve to reappoint Jason Derricott to serve a second three year term and appoint Gerardo "Tato" Munoz and Nikki Boyd to a three year term on the Planning & Zoning Commission. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

2. Consideration of a request to reappoint Tennille Adams, Tony Brand, and Carl Legg to serve a three year term on the Parks & Recreation Commission.

Parks & Recreation Director Bowyer explained the request.

Mayor Greg Lanting, Liaison Shawn Barigar, Chairman Kevin Dane and Dennis Bowyer have reviewed the requests for reappointments.

The Mayor and staff recommend that the City Council reappoint Tennille Adams, Tony Brand, and Carl Legg to the Parks & Recreation Commission.

MOTION:

Councilperson Talkington made a motion to reappoint Tennille Adams, Tony Brand, and Carl Legg to serve a three year term on the Parks & Recreation Commission. The motion was seconded by Councilperson Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

3. Consideration of a request to accept a portion of Lot 1 Block 1 of Morrison Subdivision from Halene and Neal Morrison.

Assistant City Engineer Vitek explained the request.

The City has pressure sewer mains that bisect the parcel which is located in the fills slope of Addison Avenue. The Morrisons have agreed to dedicate the parcel to the City of Twin Falls which is located adjacent to the Rock Creek Lift Station. This parcel offers no benefit to the Morrisons and is occupied by City utilities.

Staff recommends that the Council approve the request as presented.

Council discussion followed.

MOTION:

Councilperson Talkington made a motion to accept a portion of Lot 1 Block 1 of Morrison Subdivision from Halene and Neal Morrison, subject to the condition of a clean title. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

4. Consideration of a request to receive the Citizens Committee's infrastructure report on the recommendation for improvements to the City's waste water treatment facility and sewer collection lines; and, Consideration and possible action on Ordinance 3048, an ordinance calling for a special revenue bond election for the purposes of submitting to the qualified electors of the City of Twin Falls the question of the issuance of up to \$38,000,000 in revenue bonds for the purpose of providing for the acquisition, construction and improvement of wastewater collection and treatment facilities, and other related improvements, equipment, items and costs.

City Manager Rothweiler explained the request.

Co-Chairs Lori Ward and Chris Reid are present to make presentation.

A revised Ordinance was handed out to Council.

Council discussion followed.

Co-Chair Chris Reid explained that on January 11, 2013, thirty-seven members of the community with diversified backgrounds were gathered together for the purposes of advising the members of the City Council on how to fund improvements needed for the City's waste water treatment plant and collection systems. Over the course of nearly two months, members of the committee learned about the current condition of the City's waste water treatment plant and collection system, capital funding options provided for in the Idaho Code, and modern and innovative waste water technologies.

Co-Chair Lori Ward explained that presentations were made to the committee on the technical and financial aspects of the waste water treatment plant improvements. The committee members were asked to provide guidance to the City Council on specific questions. Their collective, unanimous responses are:

1. Do you recommend the City make improvements to the waste water system at this time?

Response: Yes.

2. How do you propose the City fund the improvements?

Response: Revenue Bond.

3. How much do you recommend the City spend on the improvements? (Which Phase)?

Response: \$38 million to cover Phase 1 of the City's waste water treatment plant master plan and areas of the City's collection system.

4. If a revenue bond is selected as the funding vehicle of choice, what term does the committee recommend (15, 20, 25 years)?

Response: 20-year, "wrapped" issuance.

5. If a revenue bond is selected, when do you recommend the City hold the election? May or November?

Response: May 2013

6. Do you believe the recommended project scope and proposed technology is in the long-term and best interest of the City and its growth plans?

Response: Yes

If the bond passes, a residential customer will see a \$5.21 per month increase to the sewer portion of the utility bill to cover the new debt. Industrial users would pay their proportionate share, which amounts to an average increase of 27% for the City's industrial customers.

Council discussion followed.

- Cost of \$5.21 per residential user
- Tested technology of the IFAS and IBBR technology
- Consequences of not moving forward with waste water treatment plant improvements
- Chobani's Development Agreement relating to a flat rate cost
- Industrial User City of Kimberly
- CH2M Hill overhead costs for maintaining improvements
- Why proposing a May election

- Possible prepayment of bond
- Cost to purchase waste water capacity

City Manager Rothweiler explained that the cost per residential owner of \$5.21 is based on actual use and is not a flat rate.

Shawn Moffitt, CH2M Hill, explained that the technology of IFAS has been used since 1980 and currently 600 plants are using the technology.

Bill Leaf, CH2M Hill, explained that the IFAS and NBBR technology has been proven and IFAS will fit within the existing infrastructure.

City Manager Rothweiler explained that staff participated in the selection process of the IFAS and NBBR technology and found the technology to be most effective treatment and cost friendly. Staff will request that CH2M Hill provide a list of references.

The waste water treatment plant is at capacity. If improvements are not made, the city cannot provide service to residential or commercial businesses. Building permits will be issued to those who hold a will serve letter. He explained the importance of remaining compliant with the City's NPDES permit.

In 2003, it was recognized that the City may possibly be running out of water in the community. The lack of water drove the City to not compete in wet industry. The Facility Plan, crafted in 2008, shows that the City can gain an additional one million gallons of capacity by making additional \$3,000,000 expenditure. The \$3,000,000 expenditure was paid for by Chobani. The City negotiated with the State and captured the Sunnybrook Springs rights. It allowed the City the opportunity to take advantage of the agricultural sector.

The City of Kimberly is an industrial user and will pay their proportionate costs.

Shawn Moffitt, CH2M Hill, explained that the improvements would add electrical costs to the plant but he does not foresee a significant increase in operational costs.

City Manager Rothweiler explained that discussions have been made with Chobani relating to the flat rate for waste water as indicated in their Development Agreement. If Chobani chooses to maintain their flat rate, they will pay \$300,000 more this year than they would if they paid per volume unit.

Chris Reid explained that the Committee recommended to hold a revenue bond election in May for the following reasons: Interest rates on a \$38,000,000 bond could increase within a six month period, because of an upcoming election the committee did not want this to become a political issue, and if the revenue bond is passed the process can take up to three years.

City Manager Rothweiler stated that the City cannot prepay the bond and explained the payment process of the debt. The cost of purchasing capacity at the waste water treatment facility is a mathematical driven process based on BOD and TSS, which are measured in pounds. The City accesses a cost for pounds and a cost for flow, which is a uniform rate that is assessed. He continued to discuss the benefits to the city.

Councilperson Talkington made a motion to suspend the rules and place Ordinance No. 3048, entitled:

AN ORDINANCE PROVIDING FOR THE ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS TO THE WASTEWATER COLLECTION AND TREATMENT FACILITIES OF THE CITY OF TWIN FALLS, IDAHO; CALLING FOR A SPECIAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY THE QUESTION OF INCURRING AN INDEBTEDNESS AND ISSUING THE REVENUE BONDS OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$38,000,000 TO PAY ALL OR PART OF THE COST THEREOF; ESTABLISHING THE DATE AND TIME OF ELECTION; APPROVING A FORM OF BALLOT AND PROVIDING FOR NOTICE OF THE SPECIAL BOND ELECTION; PROVIDING FOR REGISTRATION OF VOTERS; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE

on first reading by title only.

The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Deputy City Clerk Sanchez read the ordinance title.

5. Public input and/or items from the City Manager and City Council.

Recess at 6:16 P.M.
Reconvened at 6:26 P.M.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS: None

Acting Mayor Hall reconvened the meeting and explained the public hearing process.

IV. PUBLIC HEARINGS: 6:00 P.M.

1. Consideration of a request to reconsider conditions placed on an amendment to the WS& V R-6 PRO PUD Agreement #263, approved October 22, 2012.

Zoning & Development Manager Carraway explained the request using overhead projections. She also gave a history on the property by reviewing the details of the staff report.

The City Council is being asked to reconsider their approval of this request from their October 22, 2012, meeting. Staff and the Planning & Zoning Commission recommended that the request be approved as it was at that October 22, 2012, meeting.

Doug Vollmer, applicant, stated that submitted in the PUD process were photographs and site plans of what was envisioned for the project. This included pictures of apartment complexes, office buildings, assisted living, and other various things found in this type of project. In the PUD Agreement some uses require a Special Use Permit, such as apartment complexes and there are some uses that are outright permitted. He does not want to come back through the amendment process each time he has a project on one of the lots that is not outright permitted. For instance, he can have one office building of 14,000 sq. ft. or 16,000 sq. ft. per lot and if he wanted to make two 7,000 sq. ft. or 8,000 sq. ft. office buildings on one lot, he is required to go back through the PUD Amendment process. Right now he does not have to go through the amendment process if he puts in one 14,000 sq. ft or 16,000 sq. ft. office building or an assisted living center. If he were to build two assisted living centers on one lot, he is required to come back through the amendment process, which makes the process redundant. The PUD Amendment is presented to the Planning & Zoning Commission for a public hearing, and then to the City Council for a public hearing.

There is concern from the public that the apartment complex will be low income housing and they want to see what is being proposed. He stated that if he wants to put in a single apartment complex, he is required to go back through Planning & Zoning Commission for a Special Use Permit. He is requesting that he be required to obtain a Special Use Permit if he chooses to do another 50 or 60 unit apartment complex. A Special Use Permit requires a public hearing before the Planning & Zoning Commission. If the Commission approves or disapproves the recommendation, either party can make an appeal to the City Council.

In addition to the original PUD, discussion was made on landscaping and what is envisioned for the project. Staff has the ability to review the proposal and state whether it meets the spirit of the PUD Agreement. The applicant can change the proposal or appeal it to Planning & Zoning Commission and the City Council. Apartment complexes are sensitive, therefore, he did not fight the fact that he is required to go through the Special Use Permit process. He stated that he thought this was understood with staff members prior to the meeting in October. He stated that at the last minute the whole scenario fell apart and he was unable to reiterate to the Council what he wants to do. He stated he was confused and felt so were other council members.

Council discussion followed.

Councilperson Talkington asked the applicant what the difference is between the concept of the Master Development Plan and what is being proposed.

Doug Vollmer stated that he thought he had a project that would allow him to move forward with more than one building on one lot without having to go through the PUD Amendment process, with the exception of apartment complexes.

Acting Mayor Hall opened up the public testimony portion of the hearing.

J.D.May, 2029 Stadium Blvd., representing homeowners at Fieldstone Subd. and his daughter Anne Heider, spoke against the request. He stated that Doug Vollmer's request is the reconsideration of the October 22, 2012, decision of the City Council. The reason appears to be confusion and possible misunderstanding. It is his understanding that when one disagrees with the decision of

the City Council that there is an appeal above that, which is judicial review in district court. In any case there ought to be some new evidence or a change of circumstance that would require the City Council to reconsider a decision that was made four months ago that the people have relied on for that period of time. Legally, there should not be a reconsideration of the request. There should have been a judicial review in district court, and the decision of the City Council should stand. The Planning & Zoning Commission understood the applicant's request on the consideration on the amendment for the entire 20 acres and discussed it at length. If approval had been made for the 20 acres there could be 240 units of residences allowed and up to 60 six-plexes. The Council considered a \$33,000,000 bond because capacity in sewer system has been met. The City cannot attract industry or allow for future development and yet the proposed project runs a risk of having units going in.

The Planning & Zoning Commission and City Council have made it clear to limit the applicant's development of multi-family units to only five acres of the project.

Erika Willsy, 1242 Silvercreek Way, spoke against the request. She stated the following concerns: Ineffective notification process of property owners within 300', excessive development in the area, roads need to be addressed, and the need for fences between schools and developments.

Gerardo Munoz, 1410 Aspenwood Drive, stated that by changing the decision made by the City Council due process has not correctly been followed. He is in favor of the current process that is in place in which the applicant is required to go before the Planning & Zoning Commission and City Council for a public hearing.

Mark Lambert, 1036 Skyline Drive, spoke against the request. He stated that he serves on the Xavier School Board and his children attend the school. He made it clear that he is not speaking on behalf of the Xavier School Board. He stated that whatever is developed in the project will affect the Xavier School. He stated his concerns of excessive traffic and different types of industry.

The public testimony portion of the hearing was closed.

Doug Vollmer stated that multi-family is economic driven and currently the feasibility studies in the community say that Twin Falls can handle 150 individual multi-family apartment units, in which 60 individual multi-family apartment units have been approved. The feasibility study is considered when a lender is looking at financing an apartment complex.

Doug Vollmer stated that the Fieldstone Subdivision is related to his project because of what Brad Wills is planning for the property.

Zoning & Development Manager Carraway stated that she has not received the final plans for the Fieldstone Professional PUD & Subdivision. On overhead projection she showed an amendment that came through as an R-2 several years ago. The developer came back through the public hearing process and made some changes for property along proposed future Cheney and then down Fieldstream Way. The property has a professional overlay and some cottage type single family housing. She stated that she has not received a final agreement at this time. The ordinance that was approved for the property was a zoning action. The zoning was approved as R-2 and an R-4 PRO PUD on a portion of the platted Fieldstone residential subdivision property.

Doug Vollmer stated that to the east of his project is a change from an R-2 project to R-2 or R-4 PUD with Professional Overlay, in which the tone of that will change. The residents present at the meeting are to the east of the location. The residents' impact is minimal with the exception of the person who spoke on traffic. There will be three outlets out of the project. On the west side of the R-6, Creekside will go out to Pole Line Road as projects continue on. There will be an outlet out of Pole Line Road, and an outlet to Cheney and Grandview, which will relieve traffic on College Road. The four way stop sign on Grandview Drive and College Road creates a problem. The PUD he submitted shows all of the uses for the project, required landscaping, and elevations. He stated this is the sixth or eighth public hearing and it is the first time the public has shown up. The project is advertised in the newspaper and property owners within 300' feet are notified.

Council discussion followed.

Councilperson Munn asked what would be required from Mr. Vollmer in the event that he would consider the development of another multi-unit structure in the other four lots.

Zoning & Development Manager Carraway referred to Mr. Vollmer's letter which states; "Multiple buildings are allowed on one lot for the purpose of a residential development under one ownership for Lot 1, Block 1 of the PUD or by Special Use permit for any other Lot within the PUD" and stated staff is concerned that this would allow for a Special Use Permit only and would not require an amendment to the PUD. She clarified that the property is zoned R-6 PUD. R-6 is a residential zoning designation, which allows one building per lot. On overhead projection she showed that when the development plan comes through in an R-6 zoning, one building is

allowed per lot. Any type of development on any one of the lots would take an amendment so it would be easily identified as to what that development would be. R-6 is also limited in land uses. Some of the examples that were submitted through the PUD in 2010 were diagrams of the Locust Grove PUD, in which the property is commercially zoned. There are different kinds of development allowances that were provided for and as far as showing what the development may look like, the diagrams are acceptable, but under a PUD it is required to have a complete Master Development Plan identifying the specific development project. From staff's perspective the concern is not the 85% residential that the amendment allows, but the fact is that there is no further public process before the City Council.

Councilperson Hawkins asked staff to address the waste water issue and the applicant's will serve letter.

City Manager Rothweiler stated that will serve letters can be requested to be modified as long as the pipe in the ground is not changed. The pipes have to support the loadings. Modeling is done by an engineering firm out of the area. Doug Vollmer has not received the modeling results as of yet.

Councilperson Mills Sojka stated that she understood that a PUD Zoning is a zoning district unto itself. Once a PUD is approved it stays with the parcel. An approved PUD does not have to go through the public process if it fits within the limits of the PUD zone. A deviation from the PUD zone requires the applicant to apply for an amendment which would require public hearings before the Commission and the City Council and would require public notification before both public hearings.

Zoning & Development Manager Carraway answered in the affirmative. She explained the legal aspects of a PUD zone. The PUD Zoning is a zoning district unto itself. If there is a PUD that is zoned R-4, it can't be deviated from those uses to allow a commercial building.

Councilperson Munn asked that as the PUD Agreement is written and approved, if Mr. Vollmer would be required to go back through the process if he wants to develop in the other lots. Mr. Vollmer is requesting to amend 4. A. and 4. B. to allow him not to have to go back through the process except for multi-unit apartment complexes.

Zoning & Development Manager Carraway explained that it's not the fact that Mr. Vollmer would like to have more multi-family residential. In an R-6 zone a single lot may have one building under the PUD he would be able to put a single apartment building on each single lot. In discussions with the Field Stream Apartment Complex, they were looking at platting the property and in order to be compliant with the PUD, the applicant would have to address some access issues and site improvements through the subdivision platting. As this was an Amendment, the Council agreed that they could put all the buildings on one lot under the identified plan. This satisfied the PUD land uses and landscaping and development requirements.

Doug Vollmer stated in 2010, he debated with staff and thought it was understood that this would not be in the PUD Agreement.

Zoning & Development Manager Carraway responded stating it has been consistently presented what would not be allowed under the current zoning and that neither staff nor the Commission supported the project without a complete Master Development Plan for each phase of the development.

Acting Mayor Hall closed the public hearing.

Deliberations.

Councilperson Mills Sojka stated that whether there was a disagreement between the city staff and the applicant, the 2010 PUD Agreement was signed by both the applicant and the Mayor. In reviewing the September 25, 2012, Planning & Zoning Commission meeting minutes, and being present at the meeting, Commissioner Gray asked about the amendment applying to the entire acreage and clarified it. The Commission had discussion as to whether the amendment should apply to all 20 acres or should it come back through the Commission and the Council as an amendment. The Commission unanimously agreed with staff recommendations that it should go through the process of a zoning amendment. In the October 22, 2012, City Council minutes, Councilperson Barigar is recorded as asking if the applicant disagreed with staff's recommendations. The applicant responded by stating yes they disagreed and would prefer the recommendations would be applied to the entire 20 acres. No new information has been presented by the applicant that should reverse a decision that was made four months ago.

Councilperson Talkington made a motion to reconsider the conditions of the Amendment of WS& V R-6 PRO PUD Agreement #263, approved October 22, 2012.

Councilperson Talkington asked if the motion was made correctly.

City Attorney Wonderlich stated that the motion should be made in the affirmative to approve the request of the applicant or deny the request of the applicant.

MOTION:

Councilperson Munn made a motion to grant the request made by the applicant. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted against the motion. Failed 6 to 0.

V. ADJOURNMENT: The meeting adjourned 7:24 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary