

Minutes of the special meeting of the Winslow City Council held on September 10, 2024 at 5:00 P.M. in the main hall of the Winslow Visitor's Center, 523 West Second Street, Winslow, Arizona.

MEMBERS PRESENT:

Mayor Cano, Councilmember Cake, Councilmember Crisp, Councilmember MacLean, Councilmember McKee, Councilmember Tafoya

MEMBERS ABSENT:

Councilmember Nelson

STAFF:

David Coolidge City Manager, Trish Stuhan City Attorney, Suzy Wetzel City Clerk, Jack Fitchett Economic Development Director

Mayor Cano called the meeting to order. The Pledge was given and the Invocation was offered by Richard Leonard. Roll call was taken and Councilmember Nelson was absent. Motion: Moved by Mayor Cano, seconded by Councilmember McKee, to excuse the absent member. Motion passed unanimously with Mayor Cano and Councilmembers Cake, Crisp, MacLean, McKee and Tafoya voting yes.

COUNCIL CONSIDERATION AND POSSIBLE ACTION

- A. Public Hearing Regarding a Request from a Property Owner to Rezone Approximately 15 acres of Real Property Generally Located on the East Side of Colorado Avenue at the Gilmore and Mahoney Street Alignments, from R1-7 Single Family Residential (7,000) Zoning District to PAD Planned Area Development District in Accordance with Chapter 17.50 of the Winslow City Code, and to Approve a Preliminary PAD Plan of Development for the Property **NOTE: THE APPLICANT HAS REQUESTED A CONTINUANCE AND THIS ITEM MAY BE TABLED BY COUNCIL FOR DISCUSSION, PUBLIC HEARING AND POSSIBLE ACTION AT A FUTURE COUNCIL MEETING****

After Mayor Cano read the property owner's email to the City Manager requesting that his PAD application be tabled indefinitely until he can thoroughly consider the input from the community regarding the project, the City Attorney explained that the Council can make a motion to table the item wherein it is not necessary to open a public hearing or take action on the next agenda item. The City Attorney

further explained that if the applicant comes back to the city to proceed, the items would then be scheduled for a future meeting.

Mayor Cano addressed members of the audience who were in attendance to provide input regarding this item and stated that staff is working with the developer to address concerns that have been raised related to the project. Mayor Cano also discussed comments that have been provided to the Council, both against and in favor of the project, regarding the impact that the project would have on surrounding neighborhoods.

Motion: Moved by Mayor Cano, seconded by Councilmember Cake, to table Item A & B. Motion passed unanimously with Mayor Cano and Councilmembers Cake, Crisp, MacLean, McKee and Tafoya voting yes. Prior to voting on the motion, the City Attorney responded to a question from Carol Hairrell regarding the process if the applicant decides to proceed with the project.

- B. Discussion and/or Action Regarding Approval of Resolution No. 1952 Approving a Preliminary PAD Plan for Approximately 15 acres of Real Property Generally Located on the East Side of Colorado Avenue at the Gilmore and Mahoney Street Alignments, from R1-7 Single Family Residential (7,000) Zoning District to PAD Planned Area Development District, and Requiring a Final PAD Plan be Submitted Within Two Years to Allow for Rezoning by Ordinance**

****See motion under Item A****

MOTION TO ADJOURN TO EXECUTIVE SESSION

Motion: Moved by Councilmember Crisp, seconded by Councilmember Tafoya, to adjourn to executive session. Motion passed unanimously with Mayor Cano and Councilmembers Cake, Crisp, MacLean, McKee, Nelson and Tafoya voting yes.

EXECUTIVE SESSION

- A. An executive session pursuant to A.R.S. § 38-431.03(A)(3), (4) & (6) for discussion or consultation for legal advice with the attorney or attorneys of the public body for legal advice; to consider its position and instruct its attorneys regarding contemplated litigation or settlement discussions conducted in order to avoid or resolve litigation; or negotiations with members of a tribal council for discussion and direction to counsel regarding the Little Colorado River (LCR)**

Adjudication (Apache County Superior Court – *In Re: The General Adjudication of All Rights to Use Water in the Little Colorado River System and Source (CV 6417, CV 6417-200, CV 6417-201, CV 6417-202, CV 6417-300, CV 6417-400)*, involvement with the LCR Coalition and any other legal issues regarding the City's water supply

Motion: Moved by Mayor Cano, seconded by Councilmember Cake, to go back into regular session. Motion passed unanimously with Mayor Cano and Councilmembers Cake, Crisp, MacLean, McKee and Tafoya voting yes.

DISCUSSION OR POSSIBLE ACTION TO APPROVE THE NORTHEASTERN ARIZONA INDIAN WATER RIGHTS SETTLEMENT AGREEMENT

After returning from executive session, Councilmember Tafoya made a motion to approve the Northeastern Arizona Indian Water Rights Settlement Agreement and authorize the mayor, clerk and attorney to execute the agreement, such execution to be effective and dated upon satisfaction of the following conditions:

1. Brown & Brown Law Offices is satisfied that issues related to participation by the United States and the Tribes in the Little Colorado River Adjudication have been resolved.
2. Brown & Brown Law Offices is satisfied that any amendments to the Agreement are acceptable.
3. The Exhibits to the Agreement, including the LCR Judgment and Decree, are acceptable to Brown & Brown Law Offices.
4. Brown & Brown Law Offices is satisfied that the Congressional Legislation implementing the Agreement is acceptable.
5. The city strongly supports passage of the Northeastern Arizona Indian Water Rights Settlement Agreement by Congress without any funding for non-tribal entities.

The motion was seconded by Mayor Cano and passed unanimously with Mayor Cano and Councilmembers Cake, Crisp, MacLean, McKee and Tafoya voting yes.

ADJOURNMENT

Motion: Moved by Councilmember Cake, seconded by Councilmember Tafoya, to adjourn at 6:20 p.m. Motion passed unanimously with Mayor Cano and Councilmembers Cake, Crisp, MacLean, McKee and Tafoya voting yes.

Mayor

Attest:

City Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the Winslow City Council held on September 10, 2024 at 5:00 P.M. I further certify that the meeting was duly called and that a quorum was present.

Dated this *24th* day of *September*, 2024.

Suzy Wetzel

City Clerk