

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, NOVEMBER 25, 2008
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on TUESDAY, NOVEMBER 25, 2008 in the COUNCIL CHAMBERS located at CITY HALL, 201 SOUTH CORTEZ STREET, Prescott, Arizona.

◆ **CALL TO ORDER**

Mayor Wilson called the meeting to order at 3:00 p.m.

◆ **INTRODUCTIONS**

◆ **INVOCATION:** Major Trimmer of the Salvation Army

Major Trimmer was not present.

◆ **PLEDGE OF ALLEGIANCE:** Councilwoman Lopas

Councilwoman Lopas led the Council and audience in the Pledge of Allegiance.

◆ **ROLL CALL:**

PRESENT:

ABSENT:

Mayor Wilson
Councilman Bell
Councilman Lamerson
Councilwoman Lopas
Councilman Luzius
Councilman Roecker
Councilwoman Suttles

None

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

Mr. Norwood reported that the final enplanements in October were 1167, of which 840 were for Horizon Airlines and 327 for Great Lakes Airlines. He said that if those numbers could continue, they could reach the 10,000 enplanements which would qualify the City for \$1 million of Federal monies.

I. PUBLIC COMMENT (Please limit your comments to five minutes)

- A. Marv Wright re issues with driveway and adjacent property owner at 128 N. Mt. Vernon.

Mr. Wright, 128 N. Mt. Vernon Avenue, presented pictures of his driveway, and how it relates to the adjacent driveway of the church. He said that the church recently expanded their driveway and he now has people driving on his driveway to enter the church parking lot. He has requested from the City the ability to install some sort of a barrier, such as a flower bed, or something to separate the two driveways, but has been told by the City that he cannot do that. He then presented several pictures of his driveway and similar situations in his immediate area. Council

Councilman Roecker asked who owned the property. Mr. Nietupski said that the public right-of-way is owned by the City, but property owners are required to maintain the right-of-way in front on their homes. Councilman Lamerson said that was one of the codes he would like to throw in the garbage.

Mayor Wilson said that the private property usually ends at the sidewalk. Mr. Nietupski said that he had not seen the proposal presented at the meeting today and suggested that staff be permitted to talk with the property owner further. Mayor Wilson asked that staff bring the issue back to the Council once it is resolved.

- B. Councilman Bob Luzius re transparency in government.

Councilman Luzius said that he has a major concern about transparency in government as it applies to the IGA between Prescott and Prescott Valley. He then gave a brief PowerPoint presentation which reviewed sections of the IGA.

He showed a slide of the agreement that Prescott Valley voted on that related to the public relations group stating that it was “by and between the City of Prescott...and the Town of Prescott Valley.” His concern is that the City of Prescott was usurping its responsibilities to the Town of Prescott Valley, and asked what else Prescott Valley could unilaterally do in accordance with the IGA. He said that there has been no invoice rendered to date, and they are doing a cross debt and credit from one account to another, which is not good accounting policy.

He said that in an e-mail he received from Mayor Wilson he was told that this would be discussed in executive session in the near future and he maintains that it should not be discussed in executive session. He then read a closing statement:

“The citizens, myself included, want to know where this money is coming from. In attempting to bring citizens’ concerns to the Mayor, resulted in his snapping CWAG to me which is a water group and there has still been no definitive answer. There have been other citizens that have asked for answers and to my knowledge that have not received any response or definitive answer. According to the contract voted on and executed by Prescott Town Council, reference was made to the City of Prescott Procurement Code Section 16 to justify PV’s action. I have read this code in its entirety, including referenced Section 16, and have found no such justification in that code or section. Stated on the welcome sheet which everyone gets when they obtain a copy of the agenda, which is provided by the City Clerk and is attached to every Council agenda, under the heading of meeting types is described Executive Sessions. The last two lines of which are *executive sessions are held for the purpose of discussion and providing information or advice from staff to Council and informal direction from Council to staff...informal direction from Council to staff. All formal action must be taken at a regular or special Council meeting open to the public.*

Based upon the preceding facts these actions are not transparent and said actions to me are in violation or perhaps a breach of the Big Chino IGA between the City of Prescott and the Town of Prescott Valley. Furthermore, based upon what we have seen in the PowerPoint presentation, I believe this is not a legal document. I would, therefore, respectfully request that this topic be agendized for the next City of Prescott Council meeting and openly discussed by the City Council and our taxpayer citizens.”

Councilwoman Suttles said that Councilman Luzius has questioned what the Council has done with Prescott Valley, and asked Mr. Kidd if all of his information is correct. Mr. Kidd said that the information presented as far as the sections were correct; however, there is more to the contract. He said that it entails a partnership and there are a few things that Council needs to be aware of. Both entities, under the contract, entered into a mutual IGA and each still retain their ability to do contracts. There are sections that allow Prescott Valley to obtain reimbursement for professional services. There are a number of sections dealing with the contract IGA administration.

He said that the Prescott Valley attorney had written an opinion which Council received relating to the issues in the contract and the sections referenced by Councilman Luzius are part of the contract, but reading the contract as a whole entails going into a cooperative joint enterprise. The opinion of Prescott Valley is that their contract authority is what it is. He said that he would agree with the fact that going through some of the issues regarding the IGA over time there are other issues that were not contemplated when the IGA was first written. Either party under the agreement is entitled to take whatever action is appropriate, as provided in Section 12.5. Section 2.16 actually authorizes the hiring of legal counsel, engineers, appraisals, and hydrologists, so those sections referenced don't really deal with professional services. They have to read the contract as a whole and understand the power of both Prescott and Prescott Valley.

Councilwoman Suttles asked if what they were doing with Prescott Valley was legal. Mr. Kidd replied that it was. Councilwoman Suttles said that they are not trying to scoot anything under the carpet or hoodwink the community. She said that she believes that what Councilman Luzius is trying to do is stir the pot with the water ranch, but she may be wrong. Mr. Kidd said that the contract had a number of sections dealing with administration—4.1, 4.3, 4.4, 6, 7.2, 7.5, 7.6, 7.7, 7.8, 8, 10.3, 12.2, 12.3 and 12.4. There is a lot more in the contract and this issue has been discussed at a staff level. He said that since they are three years into the project and dealing with other issues that were not contemplated at the beginning, if the Council does not like the wording, they could do a one-page amendment. Either way, those powers were within the scope of the power to enter into contracts.

Councilwoman Suttles said that the City of Prescott has a partner in the Ranch and they are trying to work with them. She finds it a little bit of a stretch to bring up something that is so minor. She said that they had a situation where the City of Prescott City Council and Prescott Valley Town Council were at the Elks and they did a full presentation on what is being done on the Internet; now there is “no transparency in their government,” and she finds it hard to believe.

II. PROCLAMATION:

A. November 28, 2008 as *Native American Heritage Day*

Mayor Wilson invited Chairman Jones and members of the Yavapai-Prescott Indian Tribe forward and then called attention to the photo on the easel, noting that in honor of *Native American Heritage Day*, photographer Bruce Roscoe donated the image of Native American Flutemaker Michael Goodlock to the City of Prescott, and he thanked him for that.

He then read the proclamation and presented it to Chairman Jones and the members of the Tribe. Chairman Jones said that on behalf of the Yavapai-Prescott Indian Tribe, and surrounding tribes of Prescott, Prescott Valley and Chino Valley, they appreciated the proclamation of *Native American Heritage Day* on November 28, 2008.

III. PRESENTATIONS

A. Introduction of new businesses.

Susan Cohen, representing the Prescott Chamber of Commerce, then introduced for new businesses in Prescott, and each gave a brief outline of their business:

- ▶ Z's Fitness, 1956 E. Commerce Center Circle, 928.925.2020
- ▶ localgirlsproductions.com, 225. W. Gurley Street
- ▶ Sendoutcards.com, www.sendoutcards.com/karenpalmer,
928.202.8949
- ▶ Mind, Body and Soul, www.mindbodyandsoul.com

B. Update by representatives of Arizona Department of Transportation (ADOT) on the 69/89 Traffic Interchange Project.

Bill Williams with Arizona Department of Transportation (ADOT) said that they were at the meeting to give the Council and the public an update on the project at the 69/89 Interchange and pencil out where they are going in the next several months. They have been doing a lot of public outreach on the project. He then introduced Andy Roth, Resident Engineer for the 69/89 Interchange Project, who then gave an update on the project.

Mayor Wilson said that early on they had meetings with the businesses along Gurley, and asked if they still have them involved in signage. Mr. Roth said that they are still working with City staff for coming up with non-standardized signs for the Aven Drive configuration. They do not have it completely figured out yet, but they are working on it and will find a solution.

Councilman Roecker said that he has said a lot of rotten things about ADOT over the years, and although they got a rough start on this project, he wanted to compliment them now for their communication and said they were doing a terrific job and thanked them.

Councilman Roecker said that he has received comments from some citizens that when they are coming into town it is difficult to get across two lanes of traffic for making turns. Mr. Roth said that was their biggest issue,

and there is not an easy solution, but it is temporary. He said that the preferred method for people coming into town from is to go past the college, and use Rush Street.

Councilman Luzius said that it works equally as bad if they are coming south on 89. He asked if they have had any complaints about the large jackhammers running at 3:00 a.m. Mr. Roth said that because they cut the access off under the bridge, the original plan was to do it at night, but now they are doing it during the daytime. He has not had any comments. Councilman Luzius said that he lives one mile away and heard it, and was glad to hear they were curtailing that activity at night.

Mr. Norwood asked if there were any plans for ADOT to make improvements to Rush Street since it will now be getting much more use with the new configuration. Mr. Roth said there was nothing he was aware of. There was something in the IGA about Prescott Lakes Parkway, but nothing for Rush. Mr. Norwood said that with the additional traffic being put on Rush, any consideration would be appreciated. Mr. Roth said that they would see what they could come up with.

Mr. Roth then provided information on how to contact ADOT regarding the project:

- ▶ 1-888-236-4374
- ▶ prescottdistrictupdates@azdot.gov
- ▶ www.azdot.gov/highways.projects.prescott_district_projects

Mayor Wilson said that he assumed they were ahead of schedule, since they were able to change the access under the bridge. Mr. Roth said that they are on schedule and hope to continue.

IV. CONSENT AGENDA

CONSENT ITEMS A THROUGH L LISTED BELOW MAY BE ENACTED BY ONE MOTION. ANY ITEM MAY BE REMOVED AND DISCUSSED IF A COUNCILMEMBER SO REQUESTS.

COUNCILWOMAN SUTTLES MOVED TO APPROVE CONSENT ITEMS IV-A THROUGH IV-L; SECONDED BY COUNCILMAN BELL; PASSED UNANIMOUSLY.

- A. Adopt Resolution No. 3920-0926 – A resolution of the Mayor and City Council of the City of Prescott, Yavapai County, Arizona, authorizing the formation of an Enterprise Zone; designating the boundaries of the Enterprise Zone; appointing representatives from the Prescott Council to serve on the Enterprise Zone Commission; and authorizing the City to

- enter into an Intergovernmental Agreement with Yavapai County to form the Enterprise Zone Commission.
- B. Approve Water Service Agreement with Granite Gate Retirement Community.
 - C. Approve Amendment One to Contract No. 2008-180 with HydroSystems, Inc., for Underground Storage Facility Permit Renewal Hydrological Study.
 - D. Approve acceptance of 410-Federal grant funds in the amount of \$60,000.00 from the Governor's Office of Highway Safety.
 - E. Approve purchase of one 2009 GMC Sierra 2500HD 4WD Pickup Truck from Midway Chevrolet, through use of State of Arizona Contract #SCC090000-6, for the amount of \$26,887.73.
 - F. Approve purchase of three 2009 Ford Crown Victoria Police Interceptor Vehicles from Five Star Ford, through use of Arizona State Contract P71/SCC070008-2, for the amount of \$80,270.61.
 - G. Award contract with Datamatx for billing and mailing services.
 - H. Approve an agreement with Prescott Alternative Transportation to provide advance funding in the amount of \$25,000.00 for implementation of the ADOT Safe Routes to School Program.
 - I. Approve purchase of a new Interactive Voice Response (IVR) Software Program for the Trak-It IVR System, in the amount of \$54,500.00 from Tele-Works, Inc.
 - J. Approve replat of a portion of Lots 407 and 420 of the Idlywild Tract Subdivision, located at 125 Josephine St., Applicants: David and Tanya Janssen, APN 111-08-027, (RP08-005).
 - K. Adopt Ordinance No. 4683--0926 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending Title X, Land Development Code, of the Prescott City Code by providing for changes to Section 6.4.3 and Section 6.4.7 (Fences), Table 6.2.9 (Drive-thru stacking), Section 6.11.3 (Outdoor Lighting), and Table 6.12.5 (Temporary Signage/Banners).
 - L. Approve the Minutes of the Prescott City Council Joint Workshop/Special Meeting of October 28, 2008; the Workshop of November 4, 2008; the Combined Study Session/Regular Voting Meeting of November 4, 2008; the November 5, 2008 Special Council Meeting (in their role as members of the Regional Association of Local Governments); the Special Meeting

(for Executive Session) of November 7, 2008, the Workshop of November 18, 2008 and the Study Session of November 18, 2008.

V. REGULAR AGENDA

- A. Reappointment of members to the City of Prescott Industrial Development Authority.

COUNCILMAN LUZIUS MOVED TO ACCEPT THE COUNCIL APPOINTMENT COMMITTEE'S RECOMMENDATION TO RE-ELECT WILLIAM F. FULLER, RICHARD A. JACOBS AND PAUL MADDEN TO THE CITY OF PRESCOTT INDUSTRIAL DEVELOPMENT AUTHORITY, TERMS TO EXPIRE NOVEMBER 2014; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.

- B. Approve Agreement for Services with Prescott Area Arts and Humanities Council for 2009.

Ms. Bristol said that they reviewed the 501(c)3 designation and found there was a misunderstanding of it, and it was removed from the contract. She noted that Elisabeth Ruffner with PAAHC was present if they had any questions.

Councilman Lamerson said that he was listening to the news today regarding the state of the economy and while he loves the arts and promotes the arts, he is sensitive to the economy. He said that while he may help the arts on a personal level, he does not see the need at this time from the City and this is one of those items he may not be able to agree with.

Councilman Roecker thanked them for removing the 501(c)3 item as it bothered him. He said that he agrees with Councilman Lamerson and remembers when they started the program it was originally set to create stipends for local artists to get started. He said that now it has turned into something bigger than that and the money keeps going up. He said that he appreciates the arts and supports the arts in different ways, but he would like to take another look at it.

COUNCILWOMAN LOPAS MOVED TO APPROVE THE AGREEMENT FOR SERVICES WITH PRESCOTT AREA ARTS AND HUMANITIES COUNCIL FOR 2009 FOR A PERIOD OF ONE YEAR FROM JULY 30, 2008, WITH TWO ADDITIONAL ONE-YEAR PERIODS; SECONDED BY COUNCILMAN LUZIUS.

Councilwoman Suttles asked where the funding would go if it was not approved. It was noted that the funding was bed tax money and would stay there. Mayor Wilson said that if it was not approved, they would need to reconsider it pursuant to councilman Roecker's suggestion.

Councilman Bell said that at the previous meeting he had asked if they would bring the spending of the funding back for Council authorization and was told that would occur. Ms. Bristol said that was correct; it would be presented based on the process outlined in the agreement. She said that the Council could fund any, all or none. Councilman Bell said that in that case he would support it.

MOTION PASSED 5-2 WITH COUNCILMEN LAMERSON AND ROECKER CASTING THE DISSENTING VOTES.

- C. Public Hearing and Adoption of Resolution No. 3921-0927 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the General Plan Map to reflect the likely future land uses of approximately 2600 acres west of the Prescott Airport Love Field.

Mr. Guice said that this is a continuation of the public hearing on a general Plan amendment for approximately 2600 acres west of the Prescott Airport Love Field. He said that the Planning and Zoning Commission did make a recommendation at their October 9, 2008 meeting, 5-0, to recommend approval.

COUNCILWOMAN LOPAS MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN LAMERSON.

Joyce Mackin, 1235 Merrell Drive, resident of Williamson Valley Estates, asked that the Council consider redesignating the zoning to low density, or one house per two acres, where it borders Williamson Valley Estates, to leave those living there with the illusion that they are living in a rural area. She said that she still looks forward to working with the City Council if the plan is approved and the development is annexed, on open space a trails.

MOTION PASSED UNANIMOUSLY.

COUNCILMAN BELL MOVED TO ADOPT RESOLUTION NO. 3921-0927; SECONDED BY COUNCILMAN ROECKER; PASSED 6-1 WITH COUNCILMAN LUZIUS CASTING THE DISSENTING VOTE

- D. Award bid to D & K Farming Enterprises, LLC, for transportation and disposal of bio-solids from the Sundog and Airport Wastewater Treatment Facilities including Bid Alternate A and Bid Alternate B unit prices.

Mr. Nietupski said that last week they discussed the item and in response to a couple of questions that were raised, that found that ADEQ does an annual inspection of their sites that have been permitted for the application of bio-solids for land applications. It is a one-year cycle, but if they have information that leads them to believe that they need to inspect more frequently they take that initiative. He said that the contract was reviewed through Risk Management and the Legal Department, and they do believe the contract does comply with EPA regulations with respect to the obligations of the parties. It does not release anyone from any responsibility of compliance, either for the City or the contractor.

Mr. Nietupski said that the contract has identified the proposed site in the letter and permit to ADEQ, and it appears to be in order from the City's perspective.

Councilwoman Suttles asked where the site was located. Mr. Nietupski said that it was on the Hauser & Hauser Farms in the Verde Valley.

Tom Slaback, 715 E. Goodwin, said that he has been told that they are looking at 15005 S. US 80 in Arlington, Arizona, and it is 330 acres in size. If it is going there, that is too small of a property for year-round application of sewage sludge. If it is going to the leased Hauser Farms on each side of the Verde River below Camp Verde, there is an issue with the floodplain.

Mayor Wilson asked if that was part of the law. Mr. Slaback said that it is not part of the law, but the problem is that they should be looking at the highest moral obligation of where they put their sludge. Mayor Wilson said that they do not have a legal problem, but a problem that Mr. Slaback has. Mr. Slaback said that they have a problem with morality of polluting their rivers, waterways, and all of those are drinking water sources. They need to be looking at a much higher entity than the law. He said that ADEQ only has one inspector and he does not have the time to visit every site every year, so he only visits those that have written complaints filed against.

COUNCILWOMAN SUTTLES MOVED TO AWARD THE BID TO D & K FARMING ENTERPRISES LLC FOR TRANSPORTATION AND DISPOSAL OF BIOSOLIDS FROM THE SUNDOG AND AIRPORT WASTEWATER TREATMENT FACILITIES, INCLUDING BID ALTERNATE A AND BID ALTERNATE B UNIT PRICES; SECONDED BY MAYOR WILSON; PASSED 6-1 WITH COUNCILMAN LUZIUS CASTING THE DISSENTING VOTE.

- E. Approval of Amendment Two to City Contract No. 07-271, Copper Basin Road Improvement Project, with Asphalt Paving & Supply, Inc., in the amount of \$495,491.00.

Mr. Nietupski said that after last week's discussion regarding traffic control associated with Arbuckle Wall, it was just shy of \$13,000. He said that they have had conversation with Kimley Horn and they are keenly interested in meeting with the City to work through the problems. He said that City staff indicated to them that they were very interested to see a prompt resolution to the problems. Once they have an opportunity to review the records he anticipates they will be in contact with the City for a face-to-face.

Mr. Norwood said that they sent a six page demand letter, and he then asked Mr. Nietupski who was in the meeting. Mr. Nietupski said that they had a conference call with the chairman of their organization, so they did get their attention.

Councilman Lamerson asked if they could meet with them before they give money for the change order. Mr. Nietupski said that the change order was relative to the construction costs that the City will incur to complete the project. The contract and their performance having nothing to do with Kimley Horn and it would not be appropriate to withhold the money.

Mr. Nietupski said that the payment for fuel and asphalt is a cumulative adjustment up through October. Potentially, as they go forward if market prices change for oil the City could see some benefit in a return for costs. The \$84,000 was for the prior months.

Councilwoman Suttles said that she appreciates the efficiency in what the City was trying to do with Kimley Horn, but they still employ them on another project, and she thinks they should get through these before bringing them back in for another job. She understands there is a laundry list of mistakes they did on Copper Basin, and she certainly hopes they are able to collect on some of that. She said that the work needs to be done, but until the money comes back in from Kimley Horn it is coming out of the budget. She said that the efforts have been good, but she will not vote for the contract amendment.

Councilman Luzius said that last week he had asked if there was any possibility of breaking out the fuel index increases. He said that he understands the reason for the increase in fuel and that was in the contract. The other costs he cannot support. He would rather vote separately on the items, but if it has to be voted together, he will vote no.

Councilman Nietupski said that he respected Councilman Luzius's position, but staff's recommendation was for the full contract amendment.

Councilman Lamerson asked what would happen if they voted no. Mr. Nietupski said that they have authorized the contractor to proceed with the wall construction and have agreed under the contract terms to make payment for the adjustments, so they could be in default of the contract. Mr. Kidd said that they would be in default and they would have to look at contract remedies; they could be sued.

Councilman Bell said that they have to fulfill their contractual obligations with the contractor. He said that if they voted no they would not only be sued, but they would immediately stop work.

COUNCILWOMAN LOPAS MOVED TO APPROVE AMENDMENT TWO TO CITY CONTRACT NO. 07-271, COPPER BASIN ROAD IMPROVEMENT PROJECT, WITH ASPHALT PAVING & SUPPLY, INC., IN THE AMOUNT OF \$495,491.00; SECONDED BY COUNCILMAN BELL; PASSED 5-2 WITH COUNCILWOMAN SUTTLES AND COUNCILMAN LUZIUS CASTING THE DISSENTING VOTES.

- F. Consider appointment of Mayor Pro Tempore.

MAYOR WILSON MOVED TO APPOINT COUNCILMAN BELL AS MAYOR PRO TEMPORE FOR A ONE-YEAR PERIOD; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- G. Combining the December 16, 2008 Study Session and December 23, 2008 Regular Voting Meeting, to be held on December 16, 2008, due to the Christmas holiday.

COUNCILWOMAN SUTTLES MOVED TO COMBINE THE DECEMBER 16, 2008 STUDY SESSION AND DECEMBER 23, 2008 REGULAR VOTING MEETING, TO BE HELD ON DECEMBER 16, 2008; SECONDED BY COUNCILMAN ROECKER; PASSED UNANIMOUSLY.

- H. Recess into Executive Session.

MAYOR WILSON MOVED TO RECESS INTO EXECUTIVE SESSION; COUNCILMAN LAMERSON OBJECTED TO GOING INTO EXECUTIVE SESSION AS THEY HAVE HAD THINGS LEAK OUT OF EXECUTIVE SESSION AND HE THINKS AT THIS POINT IN TIME IT IS NOT IN THE BEST INTEREST OF THE CITY TO HAVE EXECUTIVE SESSIONS KNOWING THAT THEY HAVE A BREACH OF SECURITY; SECONDED

BY COUNCILWOMAN LOPAS; PASSED 6-1 WITH COUNCILMAN LAMERSON CASTING THE DISSENTING VOTE.

The Prescott City Council recessed into Executive Session at 4:16 p.m.

I. EXECUTIVE SESSION

1. Discussion or consultation for legal advice with the attorney or attorneys of the public body and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to A.R.S. §§38-431.03(A)(3) and (4).
 - a. Big Chino Water Ranch.
 - b. Easement contractual issues for properties located north of the existing City limits.
 - c. Continuing water service to Wilhoit Water Company.

VI. ADJOURNMENT

The Prescott City Council reconvened into Open Session at 5:16 p.m. at which time the Regular Meeting of the Prescott City Council held on November 25, 2008, adjourned.

JACK D. WILSON, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the City Council of the City of Prescott, Arizona held on the 25th day of November, 2008. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2008.

AFFIX
CITY SEAL

ELIZABETH A. BURKE, City Clerk