

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, MARCH 24, 2009
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on TUESDAY, MARCH 24, 2009 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:** Pastor Jessie Liles, Willow Hills Baptist Church

Pastor Liles gave the invocation.

◆ **PLEDGE OF ALLEGIANCE:** Councilman Lamerson

Councilman Lamerson 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*

*participated telephonically for a portion of the meeting

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

I. PROCLAMATION

A. March 24, 2009 – *Safety is Good Business Day*

Mayor Wilson read the proclamation proclaiming March 24, 2009, as *Safety is Good Business Day* and presented it to Rick Jones of the State Compensation Fund and Sheri Swain, City of Prescott Risk Manager.

B. April 2009 – *Water Awareness Month*

Councilwoman Lopas read the proclamation proclaiming April 2009 as Water Awareness Month and presented it to Shaun Rydell, City of Prescott Water Conservation Coordinator, and Gene Schmidt of the Water Conservation/Safe Yield Committee, along with Management Analyst Connie Tucker.

II. PRESENTATIONS

A. Introduction of new businesses.

The following new businesses were introduced and each gave a briefing on their business:

▶ Serfco – (Self Employed Retirement Funding Co.) – 928.778.2985

▶ Empire Beautify School - 928.778.5064

▶ Mallory Jackson Make a Wish Foundation – 105 E. Gurley, 928.443.9474 www.wishaz.org

▶ Visiting Angels - 928.759.2321, kathleen@kathleendunbar.com

At this time Frank Creelman attempted to speak, but Mayor Wilson explained that he was not on the agenda and was not permitted to speak. Mr. Creelman said that he would be filing a lawsuit.

B. Recognition of Kiwanis for donation of water fountain at the Mike Fann Community Skate Park.

Parks and Recreation Director Debbie Horton gave some background information on the Skate Park, noting that the users take a lot of pride in the park and they recently had a clean up day. She said that users often are thirsty and do not always have money for a soda. She said that the Kiwanis group was setting up for their annual auction and she saw an item being auctioned off which was a drinking fountain. She had kiddingly mentioned how nice it would be for the park and within 24 hours they had called and donated it to the park.

She said that it was recently installed and will be used and enjoyed by all ages. At this time Council Roecker presented a plaque in appreciation of the donation to Ken Foote and Tim McShane. Mr. McShane thanked the City and mentioned that the Kiwanis annual action was going on this week on Access13 every evening from 7 to 10 p.m.

Councilman Roecker said that this was just one small thing that the Kiwanis does year in and year out for the community. Mr. Foote said that they exist to give monies and projects like this for the youth. He said that they have a symbiotic relationship with the City as the City supports them with the use of the armory for them to hold their auctions, and that money goes directly back into the community.

C. Presentation on 2008 Annual Water Reports to the Arizona Department of Water Resources.

Connie Tucker gave a PowerPoint presentation, Exhibit A attached hereto and made a part hereof, on the 2008 Annual Water Reports that addressed the following:

- ▶ Water Year in Review
- ▶ Peak Demands
- ▶ Key Factors
- ▶ Groundwater Withdrawal
- ▶ Water Loss
- ▶ Effluent
- ▶ Value
- ▶ Water Management
- ▶ Conservation
- ▶ 2009 Conservation Program

Councilman Lamerson said that, in regard to the new requests that will be coming before Council during the budget process, they were looking at \$85,000 for the incentive program that could provide a savings of \$2.5 million. He said that when this does come forward he wants his fellow Council members to understand why it is coming forward.

Councilman Luzius asked for clarification on the numbers listed on Slide 10, Conservation. Ms. Tucker said that the number of incentive applications increased by 25% from 2007 to 2008. The amount of incentives that they paid out increased by 30% and the cumulative water savings was estimated at 128 acre feet annually, on a continuous basis. Councilman Luzius asked where the \$32,000 figure came from.

Ms. Tucker said that was the 128 ac. ft. converted into a 100-year assured supply.

Mayor Wilson said that it was an outstanding year for the program and he was very gratified by the results.

III. CONSENT AGENDA

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

COUNCILMAN LAMERSON MOVED TO APPROVE THE CONSENT AGENDA ITEMS III-A THROUGH III-I; SECONDED BY COUNCILMAN ROECKER; PASSED UNANIMOUSLY.

- A. Approve grant funding as recommended by Prescott Area Arts and Humanities Council in the amount of \$52,354.00.
- B. Approve contract with Prescott Frontier Days, Inc. in the amount of \$51,054.00.
- C. Authorize purchase of one stationary breathing air compressor station from LN Curtis & Sons in the amount of \$30,865.50, tax included.
- D. Adopt Resolution No. 3947-0946 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona repealing Resolution No. 3923-0929 and adopting a new resolution to establish the *“Prescott: The Arizona Centennial City Committee”*.
- E. Adopt Ordinance No. 4692-0935 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona authorizing purchase and acceptance of real property from Barbara J. Funk for the Downer Trail Pavement and Utility Reconstruction Project, and declaring an emergency.
- F. Adopt Ordinance No. 4694-0937 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona authorizing purchase and acceptance of real property from various owners for right-of-way for the Demerse Avenue Reconstruction Project.
- G. Approve the Revision of Plat for the Ranch at Prescott Retail Center, Owner: Bullwhacker Assoc., Agent: Scott Lee, APN: 103-49-005. RP09-001.

- H. Adopt of Resolution No. 3945-0951 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the General Plan Land Use Map pertaining to that certain property generally located at the southwest corner of Fair Street and Gail Gardner Way and along the east side of Gail Gardner Way from Fair Street to Westridge Drive, described as Assessor Parcel Numbers: 111-11-001A, 111-11-067, 111-11-068, 111-11-069, 111-11-070, 111-11-071, 111-11-078, 111-11-079, 111-11-090, 111-11-092, 111-11-093, 111-16-001, 111-016-002, 111-16-003, 111-16-004, 111-16-005, 111-11-006, 111-16-007, and 111-16-011 (a portion thereof), from “Low-Density Residential (1-7 DUA)” to “Mixed Use”; and Assessor Parcel Numbers 115-08-033B (a portion thereof) and 155-08-081 (a portion thereof), from “Low-Density Residential (1-7 DUA)” to “Commercial”.
- I. Approval of the Minutes of the Prescott City Council Study Session of March 3, 2009 and the Regular Voting Meeting of March 10, 2009.

IV. REGULAR AGENDA

At this time Councilwoman Suttles joined the meeting telephonically.

- A. Appointment of Don Shaffer as additional member to the *Prescott: The Arizona Centennial City Committee*.

COUNCILMAN BELL MOVED TO APPOINT DON SHAFFER AS AN ADDITIONAL MEMBER TO THE *PRESCOTT: THE ARIZONA CENTENNIAL CITY COMMITTEE*; SECONDED BY COUNCILWOMAN LOPAS; PASSED UNANIMOUSLY.

Mr. Shaffer came forward and thanked the Council for his appointment.

- B. Consideration of request from Great Lakes Airlines for letter of endorsement to USDOT regarding changes to service destinations and further authorizing the Mayor and City Staff to execute any and all related documents.

MAYOR WILSON MOVED TO APPROVE A LETTER OF ENDORSEMENT FOR GREAT LAKES AIRLINES TO USDOT REGARDING CHANGES TO SERVICE DESTINATIONS AND FURTHER AUTHORIZING THE MAYOR AND CITY STAFF TO EXECUTE ANY AND ALL RELATED DOCUMENTS; SECONDED BY COUNCILMAN ROECKER.

Kathryn Defrades, Station Manager for Great Lakes Airlines, said that she has had a lot of comments regarding the flight to Denver and while this may not be the ideal time for the flight, it gives them a starting point. She

said that they have tried to do Phoenix traffic, and even when they had a good schedule, there was only one good flight. She believes this will be a good flight.

MOTION FAILED 2-5, WITH ALL BUT MAYOR WILSON AND COUNCILMAN ROECKER CASTING THE DISSENTING VOTES.

- C. Award of bid and contract to A. Miner Contracting Inc. for the Zone 39 Water Mains and Pump Station Upgrade Project in an amount not to exceed \$3,167,367.00.

Mr. Nietupski briefly reviewed this project and said that they did provide some responses to Ms. Kaukol in writing and they will respond to any additional questions as well.

Councilman Lamerson said that he would support the agenda item if they limited it to the contractor's bid. He said that the professionals know what they can do the project for and he did not see the necessity of adding another \$3 million to the project. **COUNCILMAN LAMERSON MOVED TO AWARD THE BID AND CONTRACT TO A. MINER CONTRACTING INC. FOR THE ZONE 39 WATER MAINS AND PUMP STATION UPGRADE PROJECT IN AN AMOUNT NOT TO EXCEED THE CONTRACTOR'S BID AMOUNT.** There being no second, the motion failed.

Mr. Norwood said that they met with Council on this issue a few months ago. Mr. Nietupski did a presentation on this as it relates to change orders. If the Council wants to do it for the initial amount that is fine, but it is a unit price contract. He said that the proposed motion would not give them any more than what is bid, it just eliminates bringing it back to Council every time a quantity may change. He said that this was based on past Council direction and does not guarantee carte blanche.

Councilman Lamerson said that he asked the same question last week of why they would not leave the accountability to strive to get to the agreed upon amount and then have each change order go back to the Council for approval. Mr. Nietupski said that if that is the Council's desire they could do it the other way. He said that the reality is that if they go that route there may be some delay in work which could mean added costs, if they have to stop and bring it to the Council each time. He said that it would not be his recommendation to come back for every change order.

Councilman Roecker asked Councilman Lamerson if he was concerned about the lack of transparency, or about the ultimate responsibility of the Council rather than the City Manager and engineers. Councilman Lamerson said that he was concerned over the accountability of the bid.

Councilwoman Lopas said that this just gives a ten percent allowance; the City Manager still has the right to over the changes and determine if they are appropriate. She said that they are not giving the contractor carte blanche. She said that the Council had come to the decision to operate in that manner.

Councilman Bell said that they could make the argument both ways. It boils down to the Council having trust and faith in their staff and the City Manager to make good decisions. He said that he understood what Councilman Lamerson was saying, but he felt that the ten percent was fine, as long as it was being reviewed. He said that he has trust in the administration.

Mr. Nietupski added that part of the policy they had previously discussed was that any time the Manager was asked to exceed the award amount the Council was apprised of the reasons/justifications. If there was a concern at that point it could be brought into the public for further discussion.

Councilman Lamerson said that he thought that was a heavy burden to put on the City Manager and it puts him in the crosshairs of the public with regard to some of the issues that have come before Council in the past.

Mayor Wilson said that he appreciated all of the comments, but he concurred with the issue of trust.

COUNCILWOMAN LOPAS MOVED TO AWARD THE BID AND CONTRACT TO A. MINER CONTRACTING, INC. FOR THE ZONE 39 WATER MAINS AND PUMP STATION UPGRADE PROJECT IN AN AMOUNT NOT TO EXCEED \$3,167,367.00; SECONDED BY COUNCILMAN BELL; PASSED 5-2 WITH COUNCILMEN LAMERSON AND LUZIUS CASTING THE DISSENTING VOTES.

D. Prescott Boulders – A Prescott Retirement Community:

Councilman Luzius asked if they could vote on the Development Agreement first. Mr. Kidd said that in order for the Development Agreement to be valid it would depend on the zoning, but they may wish to consider discussing both items at the same time.

Mr. Guice said that the public hearing for the rezoning had been scheduled for today's meeting. He said that pursuant to the discussion last week there was a change to the Development Agreement included in the packet with a stipulation that would not allow construction access to the subject property from Sun Street. Additionally, he said, yesterday staff had

received a letter from the developer's attorney with proposed language that would allow construction traffic on Sun Street, during restricted times, for the Council's consideration.

Thomas Kack, developer's attorney, said that in the past the question had come up as to how much time could be saved on the project if they had access on Sun Street for construction purposes. He said that their general contractor has said that if they were not able to use Sun Street, there would be a three to four month delay, so they have proposed some use of the street, on a limited basis of 12 hours per week and it would be barricaded when not being used. He said that it would be for deliveries only and would assist in developing the first paved road and parking lot for storage.

Ed O'Clair, 8434 N. 90 Street, Suite 150, Scottsdale, AZ 85258, contractor for the developer, reviewed the construction staging of the project. He said that they would build the staging area first to create an all-weather surface for the materials. They would bring in the deliveries to that staging area and would exit onto Canterbury.

Mayor Wilson asked Mr. O'Clair to review how they would prohibit access. Mr. O'Clair said that they could prohibit it by having a monitor, if that was necessary. From 8 a.m. to noon on certain days they will be open and after that they will shut it down with a gate, but they would have a monitor if it became necessary.

Councilman Luzius asked what there would be to keep a truck from going down at a time that the gate was closed and they would have to back down Sun Street. He said that there are a few houses, two churches and students at Prescott High School, as well as residents at Las Fuentes. He said that it is a safety issue and he did not want to see it used at all. He challenged the other Council members to say if this happened in their neighborhood if they would want the traffic on their street. He said that he was against the use of Sun Street, although he supported the project.

Mayor Wilson said that he would take Councilman Luzius's challenge and ask the residents on Sun Street what they would prefer. He said that Mr. Spring contacted Gary Falk who replied through an e-mail stating, *"per our conversation about construction traffic on Sun Street, while I think that a delay of three or four months is an exaggeration, I would be willing to have the deliveries come on Monday, Wednesday and Friday between 8 a.m. and noon if that will help get the project finished on time."*

Councilman Luzius said that he received that e-mail and Mr. Falk had called him and although he accepts his opinion, the fact of the matter is

there are 1900 students at Prescott High School and it is a heavily traveled road as well as those living in Las Fuentes.

Councilwoman Lopas said that school will be in session between 8 a.m. and 12 noon. Additionally, she said, Prima Vera School is located on Copper Basin Road and she did not feel the children have been endangered, and there are still people walking their dogs up and down the road. The people that drive that equipment know what they are doing, and it is about scheduling. She said that it is something that works and helps to get it done sooner.

Councilwoman Suttles clarified that a yes vote would allow the project to continue, and they would be voting in order of the items on the agenda.

Steve Blair, 1802 Northside, said that he was a Prescott native and both Las Fuentes I and II, as well as the American Lutheran Church and other facilities were all developed over the last 30 years, using not only Scott Drive but Sun Street. To allow them to say to someone new in town that they cannot use Sun Street is appalling. He said that the Council was elected to do the most good for the most people and this developer is bringing in jobs and taxes to the community.

John Hanna, 2503 Willow Creek Road, said that it seems like common sense is thrown out the window as this project will benefit the residents. He asked how many of the high school students drive. He said that this project is good to Prescott and to turn it down for the inconvenience of a very small amount would not be right.

William Spring, 2305 Edgewood Drive, Sedona, said that access on Sun Street would be to serve the building of a parking lot and it is hard to build a bridge from one side, and it will primarily serve the assisted living building at the top of the hill, which is one quarter of the project; the rest would come through Canterbury.

Mr. Spring said that they would not interfere with rush hour. Also, they will have a weekly construction meeting and the rules of the road are reviewed each week, as required by HUD and also for traffic monitoring. He said that four of the neighbors have spoken, two of them said it would shorten up the project and the third was the one received today. He was also told by his attorney today that they received a letter from the Connollys, residents of Las Fuentes saying they need to get it done. He said that HUD has the final go round and they have to approve the traffic plan as well.

Gary Hudder, Asphalt Paving & Supply, 2425 N. Glassford Hill Rd. said that on behalf of developer, they were doing a project in Prescott Valley for him, an apartment expansion funded by HUD. He said that similar concerns were raised in the preconstruction process as there are a lot of children, etc. in that area. He could speak soundly to Councilman Luzius's concerns on the safety record and control mechanisms they have in place and he would expect no less of them on this project.

Councilman Bell said that his background is also general contracting and he thought the three to four months was actually longer than it would take. Mr. O'Clair said that they were trying to be conservative, but the key to it is getting weather-proofed as soon as possible. Councilman Bell said that his comments about a hard surface for unloading materials is critical. He agreed with Councilwoman Lopas in that the students will be in school. He said that because of all the benefits of the project he is in favor of letting them go ahead and use Sun Street as proposed, but understanding that they will revisit it if anything happens that they are not anticipating.

**MAYOR WILSON MOVED TO CLOSE THE PUBLIC HEARING;
SECONDED BY COUNCILMAN ROECKER; PASSED UNANIMOUSLY.**

1. Public Hearing and adoption of Ordinance No. 4693-0936 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, amending the zoning of certain property within the City of Prescott generally located at the north end of Canterbury Lane from Single-Family 9 (SF-9) to Multi-Family High (MF-H) consisting of approximately ±6.27 acres.

**COUNCILMAN ROECKER MOVED TO ADOPT ORDINANCE NO.
4693-0936; SECONDED BY COUNCILMAN LAMERSON;
PASSED 6-1 WITH COUNCILMAN LUZIUS CASTING THE
DISSENTING VOTE.**

2. Adoption of Resolution No. 3946-0952 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona authorizing the City of Prescott to enter into a Development Agreement with Arcadia Housing, LLC as the Assignee of Forest Glen, Inc., for "The Boulders, a Prescott Retirement Community", a Planned Area Development, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

Mr. Guice put up the proposed wording on the overhead to review the wording that would be amended in the Development Agreement. Mayor Wilson said that it is incumbent to work closely with the contractor as the project gets started to ensure that what was agreed to takes place. He thinks that it is a win/win but it has

to work as discussed. Councilman Roecker agreed, stating that he thought it was a good compromise.

COUNCILMAN ROECKER MOVED TO ADOPT RESOLUTION NO. 3946-0952, AS AMENDED; SECONDED BY COUNCILMAN LAMERSON; PASSED 6-1 WITH COUNCILMAN LUZIUS CASTING THE DISSENTING VOTE.

- E. Approval of letter to Central Yavapai Metropolitan Planning Organization (CYMPO) regarding transit implementation.

Mr. McConnell said that the Council last saw the letter at their meeting of March 10, 2009 and at that time the matter was tabled pending some additional discussion outside of the Council meeting. That discussion has occurred. A group met and looked at the bullet points presented in the draft letter. What is in the packet for the meeting today is two versions of a draft letter. Version 1 was as written in the March 10 meeting packet, and he highlighted in yellow and underlined in red what the difference is between the two versions of the letter.

He reviewed the changes involved, first with the LTAF funding. He said that Version 2 allows the Council to consider replacing the LTAF funding through their annual budget process, should that funding go away.

He said that the second change pertains to the transit administrator. The original version said that the transit administrator position would be filled when two things occurred: 1) assured funding source was available; and 2) enabling legislation for a transit authority in place. It was pointed out during the discussion that one of the key and essential roles of the administrator would be to secure available funding and work on the enabling legislation. Version 2 states that in concert with Prescott Valley and Yavapai County the City, contingent upon the availability of Federal grant funding, which they anticipate will be available, the City would support contributing the City's proportionate share toward creating and filling of the transit administrator immediately.

Mr. McConnell said that Version 2 was created by the group that included two council members, a representative of Northern Arizona Interfaith Council and Territorial Transit.

Councilwoman Lopas said that one of the reasons that she wanted to work on the revision is that she feels that Version 1 ties the hands of future councils. They have a Council election this year and they do not know who is going to win and she would like to keep that open. Version 2 allows each Council to "consider" as they go. This is the first step in

seeing where it goes and getting an administrator in place to help secure the funding.

Councilman Luzius said that they thought this was the more broad-based approach to achieving the ultimate goal of forming a transit system and in order to do that they have to have an administrator so this gives them the means to achieve that, as long as the funding is available. They are in no way obligating any of the jurisdictions, including the City of Prescott, to spending any money until those funds are there.

Councillman Lamerson said that neither one of the versions constrain any City Council from making a choice during the budget time. Mr. McConnell said that was accurate.

Councilman Roecker said that he was going to oppose it, not because he does not want to see buses, but in the uncertain conditions that the country is in right now even the implication that they would be taking something out of their general account without thoroughly looking into the whole process is a mistake. There are monies available for people who cannot get to the places they need to get to, through the voucher program.

Councilman Bell asked Mr. McConnell if there was any indication from the other principals in CYMPO on their feeling on this. Mr. McConnell said that there was a letter in the packet of March 3 from the Public Works Director of Prescott Valley reporting the Town Council's deliberation of the matter. They supported the enhanced voucher program leveraging the Federal funds; they were less definitive on funding the transit administrator.

Councilman Lamerson said that Version 2 empowers the community to move forward at a different rate than Version 1, and that is what he sees is the difference. Mr. McConnell said that it relates to the bullet referring to the transit administrator being an important resource to facilitate the groundwork, but understanding that at the end of the day the budget approval process is what it is.

Lindsay Bell, 368 Dogwood Lane, Prescott, thanked the Council for deferring their action two weeks ago and allowing the group to work together on the bullets. She said that they did not really change the meaning of the text so much as add a little flexibility, which they thought was very important to do and the last bullet point dealing with the transit administrator is probably the most important piece of it. The City of Prescott, along with its other partners in CYMPO, has been part of a five-year process of planning and progressing towards a regional transit system. This is not the time to slow that process around. They all

recognize that in the economic environment it is not wise to move forward with Phases II or III of the Transit Implementation Plan, fixed routes and flexi-routes. The letter does not commit them to taking those steps. Those are the expensive steps. The first year of doing that would require approximately \$140,000 of in-kind match from the City of Prescott.

Moving forward with what they are suggesting at this point still continues the process, but it allows them to hire a transit administrator which they believe is the single most important step to take at this time to continue to move forward. The administrator, if the LTAF monies go away and the City has to pay for it out of general funding, would be approximately \$6,000 to \$7,000 per year. Without that administrator they are not going to be able to make the legislative changes to create the governance structure that will work in Prescott and they would not be able to have a full time person to secure the funding for the larger process. She said that she would urge the Council's approval of the revised language in Version 2.

Tammy Linn, 1401 Claiborne Circle, said that she would strongly encourage the Council to support the revised version. She said that \$6,000 or \$7,000, after investing five years, is a no-brainer. They just approved a \$3.2 million budget previously. She said that goes on top of her experience in getting hundreds of calls. If the voucher system goes away people in the community will be in a very devastating situation. She said that when she was at United Way she would take the calls and she could not imagine that they would not step up and take care of the citizens like they should, or give the flexibility to the next Council. She said that she thought they were both good changes and she applauded the Council for working on them.

COUNCILMAN LUZIUS MOVED TO APPROVE VERSION 2 OF THE LETTER TO CENTRAL YAVAPAI METROPOLITAN PLANNING ORGANIZATION (CYMPO) REGARDING TRANSIT IMPLEMENTATION; SECONDED BY COUNCILWOMAN LOPAS; PASSED 5-2 WITH COUNCILWOMAN SUTTLES AND COUNCILMAN ROECKER CASTING THE DISSENTING VOTES.

V. ADJOURNMENT

There being no further business to be discussed, the Regular Voting Meeting of the Prescott City Council held on March 24, 2009, adjourned at 4:37 p.m.

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 Voting Meeting of the City Council of the City of Prescott, Arizona held on the 24th day of March, 2009. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2009.

AFFIX
CITY SEAL

ELIZABETH A. BURKE, City Clerk