

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, FEBRUARY 9, 2010

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on TUESDAY, FEBRUARY 9, 2010, in the COUNCIL CHAMBERS located at CITY HALL 201 SOUTH CORTEZ STREET, Prescott, Arizona.

◆ **CALL TO ORDER**

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

◆ **INTRODUCTIONS**

Councilman Lamerson acknowledged past Council members Bob Luzius and Dick Cooper and thanked them for attending.

◆ **INVOCATION:** Pastor Hylyard Irvin, Church of Nazarene

Pastor Irvin gave the invocation.

◆ **PLEDGE OF ALLEGIANCE:** Councilwoman Linn

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

◆ **ROLL CALL:**

PRESENT:

Mayor Kuykendall
Councilman Blair
Councilman Hanna
Councilman Lamerson
Councilwoman Linn
Councilwoman Lopas
Councilwoman Suttles

ABSENT:

None

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

I. **PROCLAMATION**

A. February 8-14, 2010 as *Salute to Veteran Patients Week*

Councilwoman Linn read the proclamation and presented it to Dr. Susan Angell and Amy Callahan of the Veterans Administration Hospital. Dr. Angell thanked the Mayor and Councilwoman Suttles to visiting with the

the veterans and she understood others would be coming out later in the week. She said that it meant a lot to their patients.

Councilman Lamerson acknowledged the arrival of past Councilmember Bob Bell.

II. PUBLIC COMMENTS

A. Carol Friedman of Yavapai Symphony Guild re Music Memory Concert.

Ms. Friedman said that every year the Symphony Guild goes out to every third, fourth and fifth grade classroom in the County and teaches them four pieces of classical music. In March they bring in 4,390 students to Tim's Toyota Center and the Prescott Pops plays their music.

She said that today she brought one of the books that each of the children get and on the back they thank those that have made it possible, including the City of Prescott through the Acker Trust. She also presented tickets to the Council members.

B. John Nielsen re Prescott Bluegrass Events Association.

Mr. Nielsen thanked the City for helping support the Blue Grass Festival with stage, street closure, generator, and logistics to put it on in downtown. He said that in 2010 it will be the 29th annual festival. In 1997 they moved it from the Watson Lake area to downtown and in 2006 they became a nonprofit 501(c)(4) with 4 officers, 3 directors and 12 committee members.

He then gave a brief PowerPoint presentation which showed some of the past performers and outlined the economic benefit that the festival brings to the City.

Mayor Kuykendall thanked them for all they do adding that they were an important part of the tourism package, and hopefully this year they will see a renewed vigor to participate in tourism. He then asked all of those involved with the festival to stand and be recognized.

C. Victor Wrublik re City of Prescott water in the Mountain Club area.

Not present

D. Frank Creelman re Gateway Mall Shootout.

Mayor Kuykendall said that this had to do with something awhile back and asked Mr. Creelman to refrain from talking about specific personalities.

Mr. Creelman briefly reviewed the incident and the evidence reports received from the Police Department. He said that the manner in which it was handled by the Police Department was not proper.

III. CONSENT AGENDA

CONSENT ITEM A THROUGH F 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 AGENDA ITEMS III-A THROUGH III-F; SECONDED BY COUNCILWOMAN LINN; PASSED UNANIMOUSLY.

- A. Approve contract with Commercial Glass Company in an amount not to exceed \$40,040.22 for window, door and glass replacement through an Energy Efficiency Conservation Block Grant (EECGB), with a 90-day contract term.
- B. Adopt Resolution No. 4004-1034 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott Fire Department to enter into a Base Hospital Agreement with the Yavapai Regional Medical Center for medical control, direction and paramedic level care (Advanced Life Support) and a Business Associate Agreement as an amendment thereto and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- C. Award funding, in the amount of \$50,231.10, not including tax and shipping, to Telewave, Inc., for 3 Channel VHF Combiners and 3 Channel VHF RX Distribution Systems for the Indian Hill, Mingus Tank, Northwest Tank and Yavapai Hills Communications sites.
- D. Adopt Resolution No. 4002-1032 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, declaring, for purposes of Section 1.150-2 of the Federal Treasury Regulations, official intent to be reimbursed in connection with certain capital expenditures relating to the “Water System Fund – Distribution System Program,” and “Wastewater System Fund – Collection System Program.”
- E. Adopt Resolution No. 4003-1033 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, adopting a Council policy regarding contracts with the City by public officers and employees of the City.

- F. Approval of the Minutes of the Prescott City Council Workshop of January 19, 2010; the Study Session of January 19, 2010; the Workshop of January 26, 2010; the Regular Voting Meeting of January 26, 2010; the Workshop of February 2, 2010; the Study Session of February 2, 2010; and the Workshop of February 3, 2010.

IV. REGULAR AGENDA

- A. Public Hearing and consideration of liquor license application submitted by Aaron David Meisheid, applicant for M & A Restaurants LLC, for a new Series 12, Restaurant, license for Firehouse Kitchen located at 220 West Goodwin Street, Suite 101.

Ms. Burke reviewed the application. There being no public input, **COUNCILMAN BLAIR MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.**

COUNCILMAN BLAIR MOVED TO APPROVE THE LIQUOR LICENSE APPLICATION SUBMITTED BY AARON DAVID MEISHEID, APPLICANT FOR M & A RESTURANTS LLC, FOR A NEW SERIES 12, RESTAURANT, LICENSE FOR FIREHOUSE KITCHEN LOCATED AT 220 WEST GOODWIN STREET, SUITE 101; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.

- B. Lease with Adult Center of Prescott, Inc.
1. Adoption of Resolution No. 4005-1035 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, declaring as a public record that certain document filed with the City Clerk and entitled the “*2010 Lease with the Adult Center of Prescott, Inc. for Lease of a portion of the Rowle P. Simmons Community Center.*”

COUNCILMAN LAMERSON MOVED TO ADOPT RESOLUTION NO. 4005-1035; SECONDED BY COUNCILWOMAN LOPAS; PASSED UNANIMOUSLY.
 2. Adoption of Ordinance No. 4723-1020 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona adopting by reference that certain document entitled the “*2010 Lease with the Adult Center of Prescott, Inc. for Lease of a Portion of the Rowle P. Simmons Community Center,*” made a public record by Resolution No. 4005-1035 and approval of said lease.

**COUNCILMAN LAMERSON MOVED TO ADOPT ORDINANCE
NO. 4723-1020; SECONDED BY COUNCILWOMAN LINN;
PASSED UNANIMOUSLY.**

- C. Discussion of Possible changes to Prescott City Council Rules of Procedure.

Councilman Lamerson said that they should review the Rules of Procedure and adhere to the ones they have, and not let someone abuse the privilege of addressing the Council and not obstructing the Council from doing the public's work during regular sessions. At times it has become apparent that when someone stands before the Council for long periods of time in less than what one would call a constructive scenario they were not adhering to the Rules of Procedure (basically five minutes).

Councilwoman Linn said that she concurred with Councilman Lamerson but said that on page 4 she would personally like to see them change the limitation of someone from the public being able to address the same issue to every three months rather than the current six months, for a period of five minutes, with the discretion of the Mayor and Council to extend that time if needed. Councilwoman Suttles suggested that Public Comment be moved to the end of the meeting because it sets the page of what they were trying to do, depending on who speaks and what they say. Councilman Hanna said that he agreed 100% of what she was saying.

Bill Richards, Prescott, addressed the Council and read some recommendations with regard to the proposed changes which included: scheduling public workshops as needed; making sure the Mayor and Council was reasonably available; and scheduling informal small group meetings between citizens. He said that the 90-day trial period was reasonable, as well as the five-minute limit; however, there should be some flexibility to allow it to go longer if needed. He also said that the rule which prevents a member from speaking on the same topic more often than once every six months should be repealed as it was unfair, unreasonable and was probably unconstitutional.

Mayor Kuykendall said that the crucial issue was keeping the lines of communication open. He said that the Council has agreed to be sure someone is at City Hall during working hours and they have also gone out and met with various homeowners associations. Mr. Richards said that he was glad to hear that and suggested that they put a summary together of the different efforts being made.

Mr. Kidd indicated that he believed the three-month or six-month requirement was constitutional and in accordance with the Arizona Revised States.

Frank Creelman, Prescott, said that the Arizona Revised Statutes say that the public “may” speak to the public and that was unconstitutional. He said that he submitted a petition some time ago regarding the previous Police Chief and it has not been responded to, which was a violation of the Council’s own rules.

Bob Luzius, Prescott, said that he was concerned with the way things were going. He did not agree with everything that Mr. Creelman said, but he agreed with his right to speak. He said that to limit him to every six months, or three months, was wrong and a violation of his civil rights.

Mr. Luzius also said that he was not happy with the meetings going to twice a month. He added that the Council should not have to “draw straws” to be at City Hall; it was their responsibility.

V. ADJOURNMENT

There being no further business to be discussed, the Regular Voting Meeting of the Prescott City Council held February 9, 2010, adjourned at 3:40 p.m.

MARLIN D. KUYKENDALL, 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 9th day of February, 2010. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2010.

AFFIX
CITY SEAL

ELIZABETH A. BURKE, City Clerk