

PRESCOTT CITY COUNCIL  
REGULAR VOTING MEETING  
TUESDAY, JUNE 8, 2010  
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on TUESDAY, JUNE 8, 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 PM.

◆ **INTRODUCTIONS** (None)

◆ **INVOCATION:** Pastor Amy Ryland, Church of Nazarene

Pastor Ryland gave the invocation.

◆ **PLEDGE OF ALLEGIANCE:** Councilman Hanna

Councilman Hanna led the Council and audience in the Pledge of Allegiance.

◆ **ROLL CALL:**

MAYOR AND CITY COUNCIL:

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

Absent: None

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

City Manager, Steve Norwood, proffered that the Father-Son Tournament at Antelope Hills Golf Course occurred with approximately 600-800 hotel room nights sold, \$66,000 in revenue for golf only and \$17,000-\$18,000 in restaurant sales. This was a three-day event and many traveled over 1,000 miles to participate. The majority of teams were from out of state; and, the feedback was extremely positive.

**I. PUBLIC COMMENTS**

A. Prescott Western Heritage Foundation re Sam's Crossing.

Mr. Robert Behnke, 1062 Yavapai Hills, representing Prescott's Western Heritage Foundation (PWHF) relayed the importance of Sam's Crossing. Mr. Dennis Gallagher, President, was introduced. The PWHF would like to see a human-size statue, or plaque, of Sam [Steiger] erected to commemorate the event of his painting a crosswalk on a state highway and consequently spending time in jail for doing so. The PWHF would like the City, through legislation, to declare the site as "Sam's Crossing". Mr. Steiger was not only a US Congressman for Northern Arizona for many years, but also mayor of Prescott.

Mayor Kuykendall noted that Mr. Steiger is unable to be present due to health challenges. The Mayor also questioned whether the plaque would come from the PWHF. Mr. Behnke responded by requesting that the City supply the plaque.

B. Bill Bonewitz re Rosser Street improvements and noise.

Mr. Bonewitz, Prescott, noted that the noise on Rosser Street is virtually intolerable and cited a City ordinance from 2000 which is outdated and needs to be reexamined. Mr. Bonewitz cited articles from *Parade* magazine and also ADOT regarding noise levels.

Mr. Norwood noted that there is a plan to reconstruct Rosser with an alternate paving plan; and, he noted that the Unified Development Code Committee can look at the problem.

Councilman Hanna indicated that when the road is reconstructed, the noise will be cut down due to new materials being used. The traffic will continue to flow on Rosser as it is a connector; subsequently, there will be some traffic calming taking place. Councilman Hanna believes a median should be placed on Rosser Street.

Mayor Kuykendall indicated that there will also be neighborhood input.

C. David Hartke re the 30<sup>th</sup> Annual Quad City Pancake Breakfast on June 12, 2010.

Mr. Hartke, representing the Quad-City Pancake Breakfast as well as the Prescott Noon Lions Club, announced the 30<sup>th</sup> Annual breakfast that will occur on Saturday, June 12, 2010, from 7:00 AM until 11:00 AM at the 1<sup>st</sup> Congregational Church, at the corner of Gurley Street and Alarcon Street. Tickets will be \$5.00, and the Mile-High Old Time Fiddlers will be the

entertainment. Mr. Chuck Barker of the Noon Lions Club stated that the pancake breakfast, over the past 29 years, has raised over \$160,000 for charity. This year the proceeds will go to “People Who Care” which helps the elderly, blind and deaf population.

Councilwoman Linn has offered to pay for and donate the books of tickets given to her to persons who are unable to pay to attend.

D. Wayne Daniel re noise abatement.

Mr. Daniel was not present at the Council meeting when this agenda item was called.

E. Frank Creelman re lessons from George Washington.

Mr. Creelman presented a history lesson about President George Washington, the “cherry tree” and honesty. He referenced the Verde River, SRP, and downtown tourism.

## II. PRESENTATIONS

A. Todd Sadow of Epic Rides re the economic impact of the Whiskey Off-Road Bike Race.

Mr. Todd Sadow presented the statistics from this year’s Whiskey Off-Road Bike race which included:

- 1009 registrants with 934 participants
- 75-80% participated two or more years
- hotels had a 97.7% occupancy rate on Friday and 99.3% occupancy rate on Saturday
- 92% indicated they would return for a non-Whiskey Row event
- 83% of participants reporting being “very satisfied” with no one reporting dissatisfaction on the surveys returned
- 94% would return to participate again
  - one pizza owner reported running out of pizza dough, the sales were so high during the event
- Prescott Brewery indicated the sales were up 34%.

Mr. Sadow would like to hold the 8<sup>th</sup> Annual Whiskey Off-Road Bike Race in Prescott next year, from April 29 through May 1, 2011, with pre- and post-race events taking place for three days. It is estimated that 4,000+ persons would attend the event if national and international publicity occurs; subsequently, Mr. Sadow is looking for the City Council to fund a \$20,000 cash prize. As promoter, Mr. Sadow has indicated the target would be 1,400 participants and a 1.9 million-dollar impact to the City from

sales at hotels, restaurants, shops, etc. The funding would be needed by August 1, 2010 in order to successfully advertise the event. Participants' entry fees would pay for the necessary infrastructure: barricades, road safety personnel, sanitation, etc.

Councilwoman Linn thanked Mr. Sadow for his extensive research and noted the fact that 25% brought five or more persons with them as well as 46% ate at least 3-5 meals here.

Councilwoman Suttles asked if the \$20,000 would fall under tourism. Mr. Norwood indicated the event would fall under special events. He also noted the City would expect 1,400 participants and that this event is quickly becoming a major event in Prescott.

Councilman Lamerson asked if the City has an idea of projected economic impact on this particular event. Mr. Norwood indicated that we do not have the figures for the past years, but we are getting that information going forward.

Councilwoman Lopas noted that having the financial statistics is very important to support the program. Mr. Sadow added that Epic Rides has the biggest mountain bike event in Tucson in February with up to 1,700 riders.

Mr. Tommy Meredith, 116 Montezuma Street, noted that while a typical closing of the street is usually reserved for one day or night, his establishment's sales were up 30% the night the event was held. Matt's Saloon is also encouraging this event and the expansion to a three-day event.

Ms. Elizabeth Ruffner, Prescott, wanted equal time for the arts and submitted that this year 10 organizations split \$15,000 and that last year 17 organizations split \$50,000. She stated that the organizations are made up of volunteers who haven't had the time or opportunity to obtain the information like what is being presented today. She will go to the tourism department with statistics for next year's request, and would like full attention.

Mr. Gordon Maddox, Prescott, stated he spent 25 years covering events for ABC sports around the world and feels he knows a great event when he sees one. He indicated he didn't have a clue about this event until his son, a pilot living in New Mexico, called him and told him he was coming to ride in the event. Mr. Maddox observed great organization and remarked it was absolutely the best community event he has ever seen.

- B. Presentation of plaque from The Associated General Contractors of America by representatives of Asphalt Paving and Supply.

Mr. Pete Thompson, Asphalt Paving & Supply, and Chris Graff, 2425 N. Glassford Hill, Prescott Valley, attended Council to present an award from AGC, Arizona branch, for outstanding projects throughout the state. Project criteria include: state of the art advancement in construction, project management, client services, optimum safety records, community contributions, environmental sensitivities, and meeting challenges of a difficult job while striving to build a quality project on time and within the approved budget. This award is only one of six given in the state and has been given for the Copper Basin Project. The award category is for the “Best Project in the Public Municipal Division of More than \$10,000,000.” We are here to thank the Council, Public Works and Mayor as well as the City of Prescott.

Mayor Kuykendall accepted the award and called Tim Burkeen and Ben Mohktari, Project Manager, Public Works, to the podium to acknowledge their work on behalf of the City.

- C.\* Presentation by Councilwoman Tammy Linn re Volunteers in Prescott (VIP) and Town Square Ambassadors.**

Councilwoman Linn gave a PowerPoint™ presentation, Exhibit “A” attached hereto and made a part hereof by reference.

Councilwoman Linn noted that many departments in the City already have volunteers. She has developed the VIP program as the result of the current economic situation. There are six phases to the program with target dates spanning June 27 through September 30, 2010. Ms. Margo Christensen, Vice-President for Market Strategy, Ponderosa Hotel Management Services, described the Town Square Ambassador Program. The Town Square Ambassadors will help enable a positive experience for out-of-town visitors as well as to residents. The program will work very closely with the tourism director. Applications are available for potential volunteers.

Councilman Lamerson thanked Councilwoman Linn for bringing a fresh, new idea to City Council.

Councilman Blair offered to donate this month’s stipend, in the amount of \$500, for vests and buttons needed for volunteers.

Councilwoman Suttles noted that there are situations such as trail work and that the program can be extremely beneficial especially when the services available are limited.

Ms. Sharon Bell, representative of the Prescott Convention and Visitors Bureau (PCVB), 101 S. Cortez Street, thanked Councilwoman Linn for her work and noted that there are already programs in place which provide concierge services. The Prescott Downtown Partnership and Chamber of Commerce do some of the same things. She is grateful for the Shady Ladies, Regulators, Elks Opera House, Victorian Society, etc. The PCVB cannot be outside, but need to be inside to answer questions from walk-in tourists.

Mr. Monte Crooks, Prescott, for 12 years was an interpretive Park Ranger with the National Park Service. This proposed program cannot happen without volunteers and he looks forward to its success.

### **III. CONSENT AGENDA**

**CONSENT ITEM A THROUGH B 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 III-A and III-B; SECONDED BY COUNCILMAN LAMERSON; APPROVED UNANIMOUSLY.**

- A. Adoption of Ordinance No. 4746-1043 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, accepting the grant of a Public Utility Easement from TWC-Prescott Mall, LLC, owner of the Prescott Gateway Mall, and authorizing the Mayor and City staff to take all necessary steps to effectuate such acquisition and dedication.
- B. Approval of the Minutes of the Special Meeting of the Prescott City Council held on May 20, 2010; the Workshop held on May 24, 2010; the Special Meeting of May 25, 2010; and the Regular Voting Meeting held on May 25, 2010.

### **IV. REGULAR AGENDA**

- A. Public Hearing and consideration of State Liquor License Application No. 10133217, for a new Series 10, Liquor Store License for Michael Francis Lewis, applicant for Mike's Mini Market located at 924 East Gurley Street.

Ms. Dudek reviewed the application. Mayor Kuykendall asked if there were any questions. The applicant, Michael Lewis, was present to answer questions. No questions were asked.

**COUNCILWOMAN SUTTLES MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.**

**COUNCILWOMAN SUTTLES MOVED TO APPROVE STATE LIQUOR LICENSE APPLICATION NO. 10133217, FOR A NEW SERIES 10 LIQUOR STORE LICENSE FOR MICHAEL FRANCIS LEWIS, APPLICANT FOR MIKE'S MINI MARKET LOCATED AT 924 EAST GURLEY STREET; SECONDED BY COUNCILWOMAN LINN; PASSED UNANIMOUSLY.**

Councilman Lamerson thanked the applicant for investing in Prescott.

- B. Appointment of members to the Advisory and Appeals Board, Fire Board of Appeals and Prescott: The Arizona Centennial City Committee.

Councilwoman Suttles read the names of the appointees to the various boards, commissions, and committees.

**COUNCILWOMAN SUTTLES MOVED TO APPOINT THE FOLLOWING: SHARON NORDYKE, FIRE BOARD OF APPEALS, TERM EXPIRES 03/2013; GEORGE SHEATS, ADVISORY AND APPEALS BOARD, TERM EXPIRES 03/2012; AND, FLO DAY, PRESCOTT: THE ARIZONA CENTENNIAL CITY COMMITTEE, TERM EXPIRES 03/2012; SECONDED BY COUNCILWOMAN LINN; PASSED UNANIMOUSLY.**

- C. Adoption of Ordinance No. 4745-1042 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, declaring that it is necessary to acquire portions of Yavapai County Assessor's Parcel Numbers 115-01-055, 115-01-056, 115-01-061A, 115-01-065 and 115-01-001F under the power of eminent domain for an authorized public use and need and authorizing and directing the City Attorney to condemn and acquire such property as necessary and declaring an emergency.

Mr. Kidd noted that Council asked for only those parcels which had to come before Council and that a map be provided with the parcels. Some of the parcels have been worked out. The only remaining parcel owner that the City has not obtained a response from is Mr. Long. The parcels are located in Shadow Valley Ranch. Mr. Long's lots are the two most southerly lots. The City is continuing to discuss with Mr. Gene Neil whether the 17' parcel running along the west side of Williamson Valley Road should be decided by the court as to whether it is a dedication or a reservation. To do that, without eminent domain proceeding, discussions have occurred with Mr. Neil to allow the court make a determination. Only two lots, both owned by Mr. Long, have not been acquired. The other lots can now be omitted from the proposed ordinance.

Councilman Hanna asked about the two remaining parcels. Mr. Kidd answered that the APNs are 115-01-055 and 115-01-056. Once the ordinance is passed, a notice must be sent to purchase the parcels at the appraised fair market value. Hopefully, at that point, the City would get some contact with Mr. Long prior to filing eminent domain action. The City thinks that there is a dedication, and, if so, a judgment action would need to be filed. If successful, the City wouldn't have to pay anything; however, if unsuccessful, the City would have to pay the appraised fair market value. Right now, the only process they have is eminent domain.

Councilman Lamerson offered that the reason the City is widening Williamson Valley Road is for a safety issue because that section of road handles a great amount of traffic. In the absence of Mr. Nietupski, Councilman Lamerson asked City Manager Norwood what would happen if we do not widen Williamson Valley Road. Mr. Norwood responded that the road will stay in its current configuration. There are some utility and pavement issues. The problem is not going away, it will only get worse. There is no state law that requires roads to be in good condition.

Councilman Lamerson submitted that if the Council votes for eminent domain, it doesn't necessarily mean it will happen; however, he questioned what assurance the City has if eminent domain is declared. City Attorney Kidd stressed that Mr. Long would be treated, like the other property owners have been treated, in negotiating a fair market value. If Mr. Long conceded that the parcel is City property, he could deed the property without charge. If eminent domain is taken, the property owner must be paid a fair market value. Many times eminent domain action is filed and one or both parties agree upon a price.

Councilman Hanna noted that either party involved in eminent domain is undesirable and he is not in favor of it. The only reason he will vote for it is lack of contact with the property owner.

Councilwoman Suttles alluded to paying more than the fair market value for the Indian Hill Water Tank. She questioned what happens if the City has to pay more for the outstanding properties. City Attorney Kidd noted that it will have to be brought back before Council to consider the appraised value as well as the public need; consequently, a third appraisal could be made or the two parties could meet somewhere in the middle.

Councilwoman Lopas leans against eminent domain and noted that it is very difficult when no contact occurs between the owner and the City.

Mr. Michael Peters, Prescott, stated that in his 35 years of practice he was never involved in condemnation. He indicated condemnation renders full

value to the properties. In the condemnation, Council may be paying for the entire property use and not just the 17'.

Mayor Kuykendall asked if the 17' applied to all the properties. City Attorney Kidd noted it is the same 17' and none of the properties are rendered valueless or useless. It was intended, on the plat, that the 17' would not be built on. This was shown when the property was purchased and a building envelope is available.

Councilwoman Lopas noted that there is a hill there and the 17' is basically unbuildable. This is on the very edge of the property and drainage is included as well.

Mr. Bob Luzius, Prescott, stated he is opposed to eminent domain, and asked why this is declared an emergency. City Attorney Kidd responded by stating the emergency is usually in real property ordinances to get an appraisal at the time the ordinance is effective. If an emergency is not declared, a waiting period of 30 days could result. The appraisal needs to be close to the market value at the date the letter is sent to the owner.

Mr. Wayne Willette, Prescott area, said that he would be affected as the issue travels further down the road. Mr. Willette thinks it is grossly unfair of the City Council to take action in view of the current real estate market. Real estate moves in cycles and unfortunately he feels the market is close to the bottom. He feels Williamson Valley Road is no less safe than other roads in the City. He also believes that this request is due to pressure from the County on the City to continue with the widening effort. Mr. Willette also noted that a 4- or 5-lane road is unnecessary and that the road going to Wickenburg is only two lanes wide as is Hwy. 89A. The County is spending money with the majority of the citizens opposing the road.

Councilwoman Suttles asked if these were the last of the properties that need to be purchased. Mr. Lloyd noted that the parcels are the last parcels he is aware of. Mr. Willette's problem is with the Yavapai County, not the City.

Ms. Karen Huff noted that the accident rate has not lessened on Hwy. 69, but has increased.

Councilman Hanna asked if the Williamson Valley Road project was voted on by the County. It was indicated that the County Supervisors voted on the issue, and the issue had nothing to do with the City.

**COUNCILWOMAN LOPAS MOVED TO ADOPT ORDINANCE NO. 4745-1042, INCLUDING PARCELS 115-01-055 AND 115-05-056, AND EXCLUDING PARCELS 115-01-061A, 115-01-065, AND 115-01-001F; SECONDED BY COUNCILWOMAN LINN; PASSED UNANIMOUSLY.**

- D. Approval of Lease Agreement with MH Properties, LLC (Guidance Helicopters) for approximately .395 acres of airport property at Ernest A. Love Field.

Mr. Ben Vardiman, Airport Manager, noted that in March 2010, the Airport published a Request for Proposals (RFP) to develop aviation services at the Prescott Municipal Airport. Mr. John Stonecipher, MH Properties, LLC, owner of Guidance Helicopters, has asked for five years to evaluate and construct improvements on the property. There was not enough time to prepare a site plan. Mr. Stonecipher is experiencing student growth and will need two years to submit a site plan and three years to complete needed construction. The lessee requests a 30-day period for environmental assessment.

Councilwoman Suttles queried if five years was normal policy. Mr. Vardiman noted that, typically, two- to four-years is offered. This is fairly standard. Mr. Vardiman indicated the initial lease is for a 20-year term with three options to extend it. Each option is a five-year option. The lease rate is \$1,000.08 per month, or 69.7¢ per square feet per year. Previous lease rates range from 35¢ to 42¢ per year. The lease contains standard rate increases of not less than 3% and not more than 9%.

Mayor Kuykendall referenced that this project is at the front door of the airport. At this time, with that type of building, when they know in a few years the entrance might be changed, he asked if they really want to lock in a 20-year lease. The building is not that large, and the permitted uses do not allow an airplane to access the property as the taxiway is not tied to the building.

Mr. Vardiman believes that there is enough property within the airport for expansion of this business. The City may want to take over the lease in 20 years. However, going through the Master Plan process, there is enough room to allocate this project to the permitted uses. The building is small, but it does not negate the use. Mr. Stonecipher may want a larger facility, with manufacturing, but it would have to fall within the Industrial Use zoning. There is enough land to make the project viable for redevelopment. Mr. Stonecipher is aware of the limitations of the property and that there is no dedicated aviation access to the existing building. He does have other facilities and leases on the airfield with aviation access.

Mayor Kuykendall said that he opposed a 20-year lease on the property due to the fact that a group will be put together to examine what the airport should be in 20 years. They may want a new terminal and other things there in 20 years. A five-year lease with renewable options by the City could be further looked at.

Councilwoman Suttles asked if the lessee would be opposed to negotiate the length of the lease. Mr. Vardiman did not know if that was possible, and he indicated that Mr. Tom Reilly, the architect was present.

Mr. Reilly stated that he is present in Mr. Stonecipher's stead. Guidance Helicopters is a training school. Mr. Stonecipher would like to develop the property along with the growth of his school. Mr. Reilly presented a preliminary floor plan and redesign of the building's exterior. Mr. Reilly commented that to put considerable money into the plan does not make any sense if the lease is for less than 20 years. The option is to continue with the RFP process set up by the City. The owner is willing to make \$60,000 to \$100,000 worth of improvements to the existing building and to remove the eyesores of the trailers in the area. Future development would be based on how well the school does and other aspects of growth at the airport, including what the airport management and Council would like.

Councilwoman Lopas emphasized that Guidance Helicopters has been a great asset to Prescott and a 20-year lease is not uncommon. She supports the proposal. The project is part of the Airport Master Plan process. Renovation of the airport could be 10 or 15 years down the road.

Councilman Blair wanted to know if there was a buy-out clause in the lease. City Attorney Kidd noted that it is a standard contract that has been used in the past. Mr. Vardiman stated that Article 14 addresses termination of the lease which contains a buy-out clause. The City could go back and purchase the property. City Attorney Kidd noted that there are FAA requirements that would also enable termination.

Mayor Kuykendall stated this is the first time he has looked at the proposal, and believes that, as a policy-making body, Council should be asked in advanced what it wants to do with the property for 20 years. The Council has not been asked that. The new group, *i.e.*, the present Council, should be a determining factor in what the airport will look like, and they need some time to study the matter. They should not be in a big hurry. Mr. Reilly added that Mr. Stonecipher has commissioned him to complete this request by August 15, 2010.

Councilwoman Linn, who has not seen the RFP, inquired about the RFP timelines, and asked about the immediacy. Mr. Vardiman noted that the respondents were given a rough timeline to examine their finances.

Mr. Stonecipher would like the project accomplished by the fall to accommodate the students coming into his program. Mr. Vardiman noted Mr. Stonecipher initiated the discussions.

Mayor Kuykendall submitted that there has been an increase through the Federal government to increase the funding to full fare for returning veterans for education in helicopter schools. How long the program will last is up to the Federal government.

Mr. Bob Luzius, Prescott, indicates this is the kind of industry the City is looking for. When he was on Council, one of the goals was to bring in clean industry, and he supports the request.

City Manager Norwood indicated the item could be tabled for two weeks. Mr. Stonecipher could be asked if he would renegotiate.

Mayor Kuykendall asked if Mr. Stonecipher had other properties located in the airport and whether he did the tenant improvements. Mr. Vardiman indicated Mr. Stonecipher has other leases, one with about 15 years remaining and another with about 17 years. Mr. Stonecipher did not do the tenant improvements, but purchased the properties that had previously been negotiated in the 80s with 40-year terms. Mr. Stonecipher's administrative offices are under a month-to-month agreement. An RFP for the administrative offices will be coming out soon.

Mayor Kuykendall asked if Mr. Stonecipher's other leases are all within the airport fence. Mr. Vardiman replied that was correct.

Mr. Michael Peters, Prescott, observed that the item should be tabled for two weeks with a contingency clause to ante-up \$80,000 to \$100,000. The lease then could be given with a capital infusion amount. Councilman Hanna indicated that the buy-out is already in there.

Councilman Lamerson denoted that it would be counterproductive not to pursue a piece of property which is now sitting fallow. He supports the project.

Councilman Hanna does not have a problem with the 20-year lease. He wants to insure that the capital is coming back into the City. Council has not looked at what happens if the business goes under; and, he calls for a vote to be taken today.

Councilwoman Lopas emphasized that if Council does not like a 20-year lease, it should be talked about prior to an item coming before Council for a vote.

Councilwoman Suttles noted that they talked about the airport as well as the road to nowhere. She has an issue with 20 years. The owner has other property at the airport.

Mayor Kuykendall stated a \$60,000 to \$80,000 investment is only \$4,000 to \$5,000 per year and is not a major investment. This project will always be on the corner of the golf course which is the main entrance to the airport. A Master Plan that will develop within three or four years may call out something vastly different. Five-year lease options leave the City some room for change. He has a concern with the vagueness and the expansiveness of uses in the future.

Mr. Reilly offered to negotiate away some of the uses. Councilman Blair notes that there are options that relieve the City of its involvement. He then called for the question.

**COUNCILWOMAN LOPAS MOVED TO APPROVE THE LEASE AGREEMENT WITH MH PROPERTIES, LLC (GUIDANCE HELICOPTERS) FOR APPROXIMATELY .395 ACRES OF AIRPORT PROPERTY AT ERNEST A. LOVE FIELD AND AUTHORIZE THE MAYOR AND CITY STAFF TO EXECUTE ANY AND ALL RELATED DOCUMENTS NECESSARY FOR THE LEASE; SECONDED BY COUNCILMAN LAMERSON; PASSED 5-2 (KUYKENDALL, SUTTLES).**

E. The Homestead:

1. Adoption of Resolution No. 4027-1057 - 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 Tenney Homestead, LLC, and Jeanne Tenney Brown, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

Mr. George Worley, City of Prescott Planning Manager, noted that the request contains of four parts: a rezoning, a development agreement for off-site improvements, a preliminary plat and a water service agreement. The request today includes a public hearing. City staff has received a number of letters of opposition which requires a super majority vote, i.e., 6 out of 7 votes, to pass. The applicant/agent, Carl Tenney, is in the audience and will make a presentation.

Mr. Carl Tenney, applicant and agent for his sister Jeannine Tenney Brown, 2191 N. Val Vista Drive, Chino Valley was present to answer the questions and concerns. He noted:

- the request is for approval of approximately 17 acres to be rezoned from SF-35 to SF-18 which includes 33 lots
- the approval of a development agreement with the City
- the abandonment of three wells on the property in exchange for a water service agreement for 11.55 acre feet per year for the subdivision, one capped in Phase I, the other two wells capped in Phase II
- we received the Planning & Zoning Commission's support in April and the Water Commission's approval in May
- the neighboring lots, *i.e.*, Summit Pointe, contain clustered open space on the west side on the steep canyons off Haisley Road
- the lots in The Foothills are SF-12 PAD
- this is a transitional area and the proposal has similar-sized lots to those in the surrounding neighborhoods;
- the proposal conforms to the City's General Plan
- the traffic will not have a major affect per the City's traffic engineer
- we will contribute \$28,000 towards the construction of a left-turn lane at Senator Highway and Nathan Lane if the City desires
- Nathan Lane will be changed to City Lights
- traffic will be minimized on City Lights
- an additional access will be provided to Senator Heights for neighbors in Summit Pointe Estates and The Foothills
- a \$20,000 donation will be made to Acker Park for improvements and accessibility with additional parking and trail connectivity being provided
- a pedestrian pathway from City Lights to Teeples Lane will be provided to reach Acker Park
- a regional drainage and stormwater control plan has been worked on with the City's engineer to benefit not only the Tenney project but The Foothills and Summit Pointe as well
- at the beginning of Phase II, \$120,000 will be contributed for the drainage basin's construction
- the lots are very buildable and comparable to the neighbors to the west and east—the minimum lot size is 18,000 SF to 19,000 SF
- the proposed lot configuration of 1/3- to 1/2-acre lots is compatible with adjacent lots
- there will be two phases to the build out
- financial assurances for the left-turn lane, Acker Park, and detention basin will be required to be posted at the time Phase II begins.

Councilwoman Suttles noted that there is always opposition to development and for maintaining open space. Mr. Tenney has jumped through every hoop since 2006. She asked if the applicant was comfortable with donating \$20,000 on Acker Park Improvements. Mr. Tenney responded that he is very comfortable. Amenities on the south side of the park are lacking, and he would like his residents as well as the public to garner a greater use of the park.

Councilman Lamerson stated that this is a very good project and the Tenney family has been a good steward to the land. The project is compatible with the neighboring projects.

Councilwoman Lopas queried whether the Friends of Acker had been contacted. Mr. Tenney responded by stating “yes.” Councilwoman Lopas also wanted to know if Mr. Tenney had talked to Crystal Creek to which he responded he talked to Mr. Beshers who felt that he didn’t get what he wanted a few years ago. He did get a benefit in that he can now add one additional lot.

Public comments include:

Mr. Jeff Carmen, Prescott, pointed out that his lot is one of the most affected by the rezoning; and, instead of having an adjacent home with a 1-acre lot, he will now be encapsulated by six houses. He is trying to maintain the value of his land. The view of rooftops does not preserve his land’s value. He has concerns with the configuration of the streets as well as the traffic generation.

Mr. Ralph Rodarte, Prescott, noted that 5,000 to 9,000 cars go by his home each day. He explained that you just have to live with it and adapt to it. The Tenneys have been good neighbors and he supports the project.

Mr. Donald Pratt, Prescott, called attention to the 50 signatures of support. Not everyone in The Foothills opposes the project. He is not concerned with the approximately 30-car increase to traffic. The Tenneys have gone out of their way to meet every requirement and request that the opposition has made. The plat has been altered at least three times, and Crystal Creek’s opposition would most likely be due to competition for lot sales.

Mr. Jay Collier, Prescott, supports the project. He lives in Quail Hollow and the homeowners association supports the project because it would complement the area. The traffic impact would be minimal.

Mr. Ron Williams, Prescott, lives above the area, *i.e.*, The Foothills, Summit Pointe and the Tenney Homestead. He has lived there for 25 years. He maintains that his quality of life has not changed, he still has the coyotes, deer and javelina. He supports the project.

Mr. Randy Nieffenegger, Prescott, notes that The Foothills accesses Penn, Newport and Robinson via McDonald Drive to get across town. Quail Hollow is SF-18 and it is impossible to eliminate rooftops within the sightline. Acker Park improvements are desirable, especially the increased access. He is in support of the project.

Ms. Sue Carmen, Prescott, stated when she moved she and her husband did the due diligence and expected to see only one house per acre. She does not expect double density.

Mr. Roger Swenson, Prescott, lives across from the Carmens. The Foothills, a Planned Area Development (PAD) is 100 acres with 87 lots, *i.e.*, less than one dwelling per acre. Summit Pointe was denied SF-18 zoning so the lots in that development were clustered. The lots may be close to the same size, but in lining up the lots like “ducks-in-a-row,” houses will just be “plopped” down. Contours are lacking and that is part of the objection. The traffic issue will benefit City Lights. With Safe Yield and Prop 400, the City can’t solve the problem if the project fails. He asked what the 30- to 40-year outlook would be. Today’s wants with open space are tomorrow’s needs. The City could preserve a wildlife corridor from Acker Park to the National Park.

Mr. Swenson questioned the validity of the petition and suggested that 50 people, or 31 properties, say it is a good project. He could find 100 to say the project isn’t a good project. A formal petition which goes to referendum would be more valid.

Councilman Hanna recounted that he had the privilege to grow up with the Tenneys, and he supports the project. The project will be good for the area.

Mayor Kuykendall proffered that his vote is on the basis of the [Planning & Zoning] Commission’s approval 6-0 on the rezoning and 5-1 on the preliminary plat.

Mr. Swenson stated the City’s General Plan was written so broadly that they [Commission] are saying this fits the plan. Council is the decider. Mayor Kuykendall remarked that the P&Z Commission

spends lots of time examining projects and they do not move on the sole basis of the General Plan.

**COUNCILWOMAN SUTTLES MOVED TO ADOPT RESOLUTION NO. 4027-1057; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.**

2. Public Hearing and adoption of Ordinance No. 4747-1044 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona amending the Zoning Map pertaining to that certain property generally located north of Nathan Lane and West of Summer Field, described as Parcel Numbers: 110-06-005R, 110-06-005Q and 110-06-006A from “Single-Family-35 Zoning” to “Single-Family-18 Zoning”.

**COUNCILWOMAN LINN (1) MOVED TO CLOSE THE PUBLIC HEARING AND (2) MOVED TO ADOPT ORDINANCE NO. 4747-1044; SECONDED BY COUNCILWOMAN SUTTLES; PASSED 6-1 (LOPAS).**

3. Approval of Preliminary Plat (PP09-002) for the Homestead.

**COUNCILWOMAN SUTTLES MOVED TO APPROVE THE HOMESTEAD PRELIMINARY PLAT #09-002 SUBJECT TO THE CITY DEPARTMENT COMMENTS WITHIN THE STAFF REPORT DATED JUNE 08, 2010; SECONDED BY COUNCILMAN LAMERSON; PASSED 6-1 (LOPAS).**

4. Approval of Water Service Agreement (10-001), property is generally located east of Senator Highway and west of Summer Field. APN's 110-06-005R, 110-06-005Q, 110-06-006A.

**COUNCILMAN LAMERSON MOVED TO APPROVE WATER SERVICE AGREEMENT NO. 10-001; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.**

- F. Award of bid for the FY2011 Chip Seal and Various Pavement Repairs Project to Cactus Asphalt, a division of Cactus Transport, Inc., in an amount not to exceed \$1,445,090.00.

Mr. Tim Burkeen, Capital Projects Manager, noted that the project includes the rubberized chip seal program for 240,000 square yards of rubberized chip seal, or 17 centerline miles on various City streets. Additionally, 44,000 square yards of conventional chip seal or approximately three centerline miles, some in conjunction with chip seals and some stand-alone repairs, is part of the request.

Councilwoman Suttles inquired why the engineer's estimate has been lower. Mr. Burkeen noted that the rubberized chip seal was \$2.83 per square yard last year; however the cost went up 20% to \$3.40 per square yard, which is above the 10% increase factored in by Engineering.

Additionally, Councilwoman Suttles queried what would determine the streets getting the chip seal if the project funds are insufficient to cover all the street segments identified. Mr. Burkeen responded by noting the three-pronged approach: the chip seals, the ACFC's and the rehabilitation which is a removal and replacement. It is prudent to move forward with the chip seal, and that will keep the streets from moving into the rehab category. There is a liquidated damage clause in the contract.

**COUNCILWOMAN LINN MOVED TO AWARD THE BID FOR THE FY2011 CHIP SEAL AND VARIOUS PAVEMENT REPAIRS PROJECT TO CACTUS ASPHALT, A DIVISION OF CACTUS TRANSPORT, INC., IN AN AMOUNT NOT TO EXCEED \$1,445,090.00; SECONDED BY COUNCILWOMAN LOPAS; PASSED UNANIMOUSLY.**

Mayor Kuykendall inquired whether the public would be made aware of when the resurfacing would take place. City Manager Norwood will get an estimate on the work dates. Mr. Burkeen noted that door hangers will be placed by the contractor before work is done, and a public service announcement a week or two prior to the project's start will be made.

- G. Award of bid for the FY2011 AR-ACFC Overlay Project to Grady's Quality Excavating, Inc., in an amount not to exceed \$319,982.00.

Mr. Burkeen the project is to overlay 36,000 yards with a layer of asphalt rubber concrete friction course on the following: 1) Demerse Avenue from Whetstine Avenue to Montebello Lane; 2) Rosser Street from Willow Creek Road to Campbell Avenue; and 3) Gail Gardner Way from Fair Street to Iron Springs Road.

Councilman Blair noted that he has never been pleased with the paving between Montebello and Whetstine; and, he wanted to know who will fix the road that is under warranty. Mr. Burkeen noted that both contractors guarantee the work for two years. At least two different engineering firms have done cores and recommended that the cement is stable and will perform and that the surface course will provide smoothness and quietness.

Councilman Hanna pointed out his biggest concern will be that it will take more than two years for the project. City Manager Norwood indicated that the Legal Department will handle any concerns.

Councilman Blair noted that if the road fails, the citizens shouldn't have to wait two years for the problem to be rectified while someone is sued over poor workmanship.

**COUNCILWOMAN LINN MOVED TO AWARD THE BID FOR THE FY2011 AR-ACFC OVERLAY PROJECT TO GRADY'S QUALITY EXCAVATING, INC., IN AN AMOUNT NOT TO EXCEED \$319,982.00; SECONDED BY COUNCILWOMAN SUTTLES; PASSED 6-1 (BLAIR).**

- H. Consideration of co-sponsorship of resolutions to be submitted to the League of Arizona Cities and Towns for the 2011 Legislative Session.

Mr. Joe Brehm, Intern, reviewed the process which was discussed at the May 25, 2010 Council meeting. Each year the League of Arizona Cities and Towns holds an annual meeting to let member cities and towns submit resolutions that are broadly applicable and can be passed on to the State's legislative session. When requesting legislation, each item must be co-sponsored by at least two cities or towns.

Resolution #1 regarding liquor laws is being has been co-sponsored by Prescott Valley, Bullhead City, and Avondale. This resolution will be submitted to the League.

Resolution #2 to allow cities and towns to request a price range in a request for proposals or statement of qualifications was co-sponsored by Prescott Valley and Avondale will be submitted to the League.

Resolution #4 amending Title 16, Chapter 3, Article 3 to modify signature requirements has been co-sponsored by Prescott Valley and is on Chino Valley's agenda for June 10 with the deadline for submission to the League being June 11, 2010.

As presented, the City of Prescott has received a request for co-sponsorship from the City of Yuma. The two resolutions requiring co-sponsorship include:

1. Amend the laws and regulations concerning the Certificate of Necessity (CON) processes and requirements to grant cities and towns the authority to provide emergency ambulance transportation services within their jurisdictions. The State should issue a CON to any city or town that has the ability to provide such services to persons in such jurisdiction.
2. Requests that statutes, including A.R.S. §39-204, requiring publication of notices, agendas, reports, and other statutorily mandated publications,

in a newspaper, be amended to allow cities and towns the option to publish on an official website.

Mayor Kuykendall wanted to know if the CON would automatically make two ambulance services available. Mr. Brehm noted that this would allow towns and municipalities via the Department of Health Services to apply for and make a second service available if that is the direction Council wanted to take.

Mayor Kuykendall then commented that this could allow for a private business to compete with a city ambulance service. Mr. Brehm stated “yes, Sir.”

Mayor Kuykendall asked Finance Director Mark Woodfill what the City spends per year on legal advertising. Mr. Woodfill replied the amount is approximately \$20,000.

Councilwoman Lopas is glad to see resolution #1 from Yuma and noted that many citizens are unaware that a fire truck has to roll out each time an ambulance is summoned to a home. It is a double expense absorbed by the City.

Councilman Hanna agrees that, if adopted, this City would not be the only one in the country who has adopted the proposal; and, thousands of cities all over the country have been in competition with the private sector.

Councilwoman Suttles inquired about the resolution dealing with the number of copies being made. City Manager Norwood attested that they are pushed to the line—is it based on hours, volume, etc.

Mr. Thomas Slaback, Prescott, was given the task to study the third proposal (located in the May 25, 2010 packet). This is not the correct time to be advocating anything that appears to be lessening transparency in government. It is the people’s right to know everything going on in government. Before any consideration of search fees, hourly employee cost, etc., the City must show these costs have actually risen compared to the historic past’s costs. The legal war between the City and SRP is an anomaly and should be taken out. Any judicial or quasi-judicial body asking for information are exempt from charges. They need to find ways to lower the cost of access of information: all information should automatically be placed on the website; provide information on disk; or, anyone may come into the City during business hours to view documents. Perhaps a person should be allowed to make the search themselves.

Councilman Lamerson wanted to hear from the Fire Chief that, by law, includes rolling certain types of equipment. The City receives no compensation while the ambulance company receives compensation.

Chief Martinez stated that the City does not get compensated but is required by law to respond. They do not have the ability to transport because the City does not have a CON. This resolution will ease the process of obtaining a CON for a municipality.

Councilman Hanna asked City Attorney Kidd if they are required by law to give all public records free of charge. City Attorney Kidd responded that they do charge 25¢ per page which is allowed under current statute. Many requests ask for numerous documents, archives, etc., with huge amounts of time incurred to staff. No fee for time expended can be charged at this time.

Mr. Slaback noted that persons requesting records by mail can be charged the mailing costs for records sent. Mr. Slaback explained he never has had trouble getting copies.

Councilwoman Linn responded that sensitive information, including Social Security numbers, may be on the documents. These items will take staff time to redact.

Mr. Frank Creelman noted that he obtained records once the Social Security number was removed from the document he requested. He feels citizens should have access to records.

**COUNCILMAN HANNA MOVED TO CO-SPONSOR THE RESOLUTIONS FROM THE CITY OF YUMA; SECONDED BY COUNCILWOMAN LOPAS; PASSED UNANIMOUSLY.**

- I. Approval of the OSDBA support and Munis software annual support and licensing agreement in the amount of \$91,921.00.

Mr. Woodfill, Finance Director, stated that this is the accounting system for the entire City. The amount is approximately what it was last year.

**COUNCILWOMAN LINN MOVED TO APPROVE THE OSDBA SUPPORT AND MUNIS SOFTWARE ANNUAL SUPPORT AND LICENSING AGREEMENT IN THE AMOUNT OF \$91,921.00; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.**

- J. Adoption of Resolution No. 4025-1055 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, approving the transfer of unencumbered appropriations from the Police Department to the Fire Department and the City Clerk Department.

Finance Director Woodfill explained that City Charter requires movement of budget appropriations between departments. In FY2010 the City Clerk incurred additional costs for the election from the County in the approximate amount of \$40,000. The Fire Department cost estimations were not met as a result of the Wildland Fire recapture that was insufficient. The appropriations for the two items are being moved from the Police Department which does have sufficient funds.

City Manager Norwood proffered that there were sufficient savings in other departments to cover this amount. The City will still be within budget for FY2010.

Mr. Frank Creelman requested a Bluetooth™ for every police officer because money is in the budget and should be set aside.

**COUNCILWOMAN SUTTLES MOVED TO ADOPT RESOLUTION NO. 4025-1055; SECONDED BY COUNCILWOMAN LINN; PASSED UNANIMOUSLY.**

- K. Adoption of Resolution No. 4026-1056 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, adopting a Tentative Budget, expenses for the City of Prescott for the Fiscal Year 2010-11, authorizing and directing publication of Statements and Schedules of the Tentative Budget, together with Notice of Hearing on said Budget and Notice of Date of Final Adoption of said Budget, and Notice of Date of Establishment of the Expenditure Limitation, and Notice of the Date for Fixing a Tax Levy.

Finance Director Woodfill summarized the May 24, 2010 Council workshop and the changes being made to the tentative budget as a result of the workshop. Added are: a possible appropriation for a downtown parking program depending on Council recommendation; an increase to the airport grants; Watson & Willow Lake algae control study in the amount of \$25,000; and a neighborhood clean-up adjustment in the amount of \$10,000. An adjustment to the Big Chino Water Project resulted in removing land acquisition and right of way, leaving the legal services, personnel costs, bond issue debt service and other minor fees relating to the management of the ranch and demolition of some buildings there. This leaves a deduction of \$858,000 making the new budget total of \$153,831,705.

Further, Mr. Woodfill pointed out that compared to last year, there is a 14.9% budget reduction for FY2011. Operating costs have been reduced by 13% and there is a capital reduction of 16.5%. This is a tentative budget proposal; and, if accepted, the Public Hearing date will be set for June 22, 2010 to allow staff to publish in the newspaper as required by State Statute as well as the City Charter. After approval of the tentative budget, the total budget amount cannot be increased.

City Manager Norwood submitted that the parking budget is just an appropriation. If every parking spot is metered, it will cost between \$800,000 to \$900,000. They do not have any final recommendations, only energized conversation. On Tuesday, June 15, Council's directions and thoughts will be explored in regards to parking downtown. If Council wants to move forward, we will at least have an appropriation which need not be spent. If Council doesn't want to move forward, the budget can be decreased by \$1,000,000 immediately.

Councilwoman Suttles would like to see the appropriation for parking removed from the tentative budget; and, she would like the issue pulled today.

Councilman Hanna agrees because the feasibility of costs in the amount of \$700,000 to \$800,000 is ridiculous. The main purpose was to wake people up and utilize the parking garage. Downtown employees should be encouraged to use the garage rather than moving their cars every two hours.

Councilman Lamerson agreed with his fellow Council members. He agreed to take the parking amount off the table. He understands the things included in the budget are not automatic expenditures. Council can say "no" to the things at an appropriate time.

Councilwoman Linn does not support the parking appropriation.

City Manager Norwood queried Council as to whether the workshop on parking scheduled for next Tuesday, June 15, 2010. Mayor Kuykendall doesn't believe that there is anything wrong with hearing about the problem and that downtown merchants can become involved and become part of the solution.

City Manager Norwood indicated that the report is already done. Perhaps with merchant, Prescott Downtown Partnership and Chamber of Commerce participation, they could get more cooperation. The courts have become lax over the years with jurors being permitted to park around the courthouse the entire day. Businesses should be encouraged to become proactive.

Councilwoman Suttles also wants some buy-in from downtown merchants. The discussion is needed, but it doesn't have to show that Prescott has put \$1,000,000 into the budget in these times. Councilman Lamerson asked that the money be taken out of the tentative budget.

Mayor Kuykendall asked Mr. Woodfill about speculation that the City may be faced with a special election this year, and how that would be handled in the budget.

Mr. Woodfill proffered that the amount would be approximately \$80,000 with additional monies necessary to verify each signature. Councilwoman Linn and Councilman Hanna asked that \$100,000 be placed in the budget. This money doesn't have to be spent if it is not needed.

Mayor Kuykendall asked the City Attorney if the monies removed from the Big Chino are sufficient. Mr. Kidd responded that the issues remaining should be covered by the appropriated monies. Mr. McConnell looked through the items that may be in conflict with Prop. 400 and Prop. 401, and the monies for those items have been removed. The other amount is \$50,000 which has been appropriated for professional support for litigation. Mr. Kidd believes that the City is in compliance with Prop. 401.

Councilman Lamerson asked about the money allocated. Mr. Woodfill replied the amount is \$1,950,280 which includes the outstanding debt service on the existing bonds in the amount of \$641,000.

Mr. Michael Peters, Prescott, stated because of all the other miscellaneous matters being shoved aside, he is requesting voluminous records to clarify Prop. 401 passed in November 2009. *(Mr. Peters passed out a 4-page letter requesting various documents to the Council members at this time. The document Exhibit "B" is attached hereto and made a part hereof by reference).* He believes full disclosure has not been made. He questions leaving the debt service in the budget if it can't be spent legally. The request does not anticipate an election for the citizen taxpayers of Prescott which could occur as early as 2012. He feels it is mindboggling and is being swept under the rug. He wants the voters to determine the Big Chino.

Mayor Kuykendall, representing the Council that was elected in the same election Mr. Peters ran in, noted that in all his years in Prescott he does not know any Council that has swept anything under the rug. He noted that this Council has not, and will not, sweep anything under the rug and he finds the accusations offensive. Mr. Peters stated he can't get an accounting.

Mayor Kuykendall reiterated that Mr. Peters is accusing the Council of something that is not true, that the Council has been elected by the people to represent the community. Council is doing the best job they can. He told Mr. Peters that he was entitled to his opinion and he will protect his right to express his opinion. We said the Council also has the right to express their opinions.

Councilwoman Linn proffered that she will help Mr. Peters and find volunteers to get the records requested because he does not have trust in this Council or any Council.

Mr. Peters previously withdrew his request for documents because there were no problems prior to the withdrawal. Mr. McConnell will help him with the request. Prescott Valley has all this information on a CD. Mr. Peters stated he will be happy to look through the documents as long as they are not just dumped into a box.

Ms. Jan Monroe, Prescott, urged Council not to allow the concept of parking meters downtown. City people should park in the garage. Motorcycles and oversized vehicles should be encouraged to park in the garage without taking up individual parking spaces. The parking structure needs better signage. Clean up Whiskey Row—it needs a power wash to help promote tourism. There are also too many stoplights (17) between here and Navajo.17 Work needs to be done to make a smoother transition into Prescott.

Ms. Judith Merrill, Prescott, voiced the following concerns: moving money designated for Open Space to street improvements; and, too many (9) “no parking” signs on Starview which has one home. She also noted that graffiti placed by City workers marking utility lines on public streets including Sierry Peak. Her xeriscape landscaping has been cut down because it looked too natural.

Mr. Ed Parry, Prescott, has a concern that the budget won’t cover all the items that may be needed and presented the allegory of the long, skinny cowpuncher who cut off the top of the blanket and sewed it to the bottom to cover his feet thereby leaving the top part of his body uncovered.

**COUNCILMAN HANNA MOVED TO ADOPT RESOLUTION NO. 4026-1056, REMOVING \$1,000,000.00 FROM PARKING GARAGE FUND AND ADDING \$100,000.00 FOR A POTENTIAL SPECIAL ELECTION FUND; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.**

**L. Recess into Executive Session**

**COUNCILWOMAN SUTTLES MOVED TO RECESS INTO EXECUTIVE SESSION; SECONDED BY COUNCILWOMAN LINN; PASSED UNANIMOUSLY.**

The Prescott City council recessed into Executive Session at 8:07 p.m.

**V. EXECUTIVE SESSION**

A. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting, pursuant to A.R.S. 38-431.03(A)(1).

1. Annual evaluation of City Manager.
2. Annual evaluation of City Clerk.

**VI. POST EXECUTIVE SESSION**

A. Possible action on Employment Agreement with City Manager.

The Prescott City council reconvened into Open Session at 9:03 p.m.

**COUNCILWOMAN LINN MOVED TO APPROVE A ONE-YEAR EXTENSION OF THE CITY MANAGER'S CONTRACT WITH NO CHANGE IN PAY OR BENEFITS; SECONDED BY MAYOR KUYKENDALL; PASSED UNANIMOUSLY.**

Mayor Kuykendall added that he anticipates a great year and also appreciates City Manager Norwood's efforts to keep the budget healthy.

B. Possible action on Employment Agreement with City Clerk.

This item was postponed until the next meeting (June 22, 2010) due to the City Clerk's absence.

**VII. ADJOURNMENT**

There being no further business to be discussed, the Regular Voting Session and the Executive Session of the Prescott City Council of June 8, 2010 adjourned at 9:04 p.m.

\_\_\_\_\_  
MARLIN D. KUYKENDALL, Mayor

ATTEST:

\_\_\_\_\_  
Kathy Tevault Dudek, *pro tem*  
for 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 and the Executive Session of the City Council of the City of Prescott, Arizona, held on the 8<sup>th</sup> day of June, 2010. I further certify the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of June, 2010.

AFFIX  
CITY SEAL

\_\_\_\_\_  
Kathy Tevault Dudek, City Clerk pro tem  
for Elizabeth A. Burk, City Clerk