

PRESCOTT CITY COUNCIL  
REGULAR VOTING MEETING  
TUESDAY, AUGUST 9, 2011  
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on AUGUST 9, 2011, 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 3:07 p.m.

◆ **INTRODUCTIONS**

None

◆ **INVOCATION:** Reverend Julia McKenna-Johnson

Councilman Hanna gave the invocation as Reverend McKenna-Johnson was not present.

◆ **PLEDGE OF ALLEGIANCE:** Councilwoman Suttles

Councilwoman Suttles introduced members of the Prescott Explorers Post 778, Joshua Dillenbeck and Michael Sischka, who led the Council and audience in the Pledge of Allegiance.

◆ **ROLL CALL:**

Present:

Absent:

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

None

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

None

## **I. CONSENT AGENDA**

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

**COUNCILMAN HANNA MOVED TO APPROVE CONSENT AGENDA ITEMS IA-IB; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.**

- A. Approval of a professional services agreement with AMEC Earth & Environmental, Inc., for environmental engineering services to develop stormwater pollution prevention plans for City-owned industrial facilities in an amount not to exceed \$19,950.00.
- B. Approval of minutes of the Prescott City Council Special Meeting of July 19, 2011; the Special Meeting of July 21, 2011; the Regular Voting Meeting of July 26, 2011, and the Workshop of August 2, 2011.

## **II. REGULAR AGENDA**

- A. Appointment of Member to the Fire Board of Appeals.

Elizabeth Burke, City Clerk, noted that the Council Appointment Committee had interviewed Mr. King during last year's reorganization and recommended that he be appointed to complete Mr. Valardo's term on the Fire Board of Appeals which would expire in March of 2012. Councilwoman Suttles said Mike King served on the Parks and Recreation Board also and was in the audience. Mr. King stood and was recognized.

**COUNCILWOMAN SUTTLES MOVED TO ACCEPT THE COUNCIL APPOINTMENT COMMITTEE'S RECOMMENDATION TO APPOINT MIKE KING TO THE FIRE BOARD OF APPEALS, TERM TO EXPIRE MARCH 2012; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.**

- B. Approval of purchase of downloadable media for the Prescott Public Library from OverDrive, Inc., in an amount not to exceed \$30,000.00. (Funded by the Yavapai County Library District)

Toni Kaus, Library Director, noted that in 2007 the Prescott Library began to offer patrons downloadable audio books. She noted that once they were offered, the eBooks were an instant success. She gave a demonstration of the download and checkout process. She said it was something that could be done from home when the library was closed, if

the patron had a library card. The site could be accessed at [www.prescottlibrary.info](http://www.prescottlibrary.info)

She noted that this technology was the wave of the future and Amazon customers were buying more eBooks than print books and the Prescott library was seeing a shift among patrons. She noted that the library collection consisted of 1400 downloadable Ebooks.

She said the library would be able to double the number of Ebooks if the item was approved. She noted that funding would come from the book budget which came from the Yavapai County Free Library District.

Councilwoman Suttles asked if Ebooks could be sold when the library was done with them. Ms. Kaus said that they did not have the residual value. She said that they would have an item that could not be stolen, broken or destroyed. She said that some publishers were considering the number of check outs a book could have through that model.

**COUNCILWOMAN SUTTLES MOVED TO APPROVE THE PURCHASE OF DOWNLOADABLE MEDIA FROM OVERDERIVE, INC., IN AN AMOUNT NOT TO EXCEED \$30,000.00; SECONDED BY COUNCILWOMAN LOPAS; PASSED UNANIMOUSLY.**

- C. Approval of Spitfire Films' request to sublease a hangar located at 6575 Crystal Lane to Legend Aviation at the Prescott Municipal Airport, Ernest A. Love Field.

Mr. Vardiman said he received a request from Chris Woods, owner of Spitfire Films and Legend Aviation, to sublease his hanger to Legend Aviation. Mr. Vardiman said the lease allowed the Airport Manager the authority to approve a sublease request, if approved by the Council. He noted that Jerry Lawyer was there for any questions.

Mayor Kuykendall asked how they tracked the sales tax. He noted that the original lease was taxable and asked what would happen if the hanger was leased for overnight transit. Mr. Woodfill said the lease for a sublease was not taxable. He said the final lease would be taxable.

Mayor Kuykendall asked if it would be a taxable item if Legend Aviation leased the hanger out for one night. Mr. Woodfill said yes. Mayor Kuykendall asked Mr. Lawyer if that was how he understood it. Mr. Lawyer said no. Mayor Kuykendall said that it needed to be clear.

**COUNCILWOMAN LOPAS MOVED TO APPROVE SPITFIRE FILMS' REQUEST TO SUBLEASE A HANGAR LOCATED AT 6575 CRYSTAL LANE TO LEGEND AVIATION AT THE PRESCOTT MUNICIPAL**

**AIRPORT ERNEST A. LOVE FIELD, AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ANY AND ALL NECESSARY ACTIONS TO ACCOMPLISH THE ABOVE; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.**

D. 2011 Amendments to the Model City Tax Code:

Ms. Burke said the item consisted of two items. The first was a resolution declaring the public record and the second item adopted the public record by reference.

Matt Dunbar, Assistant Finance Director, gave a brief history of the Model City Tax Code and said it was adopted in 1987. He said the State government wanted to take over control of municipalities and how they taxed business. To make sure the cities had the power to tax as they would like, they came up with the Model City Tax Code. He said that changes to the tax code had to go through a process which included:

- ◆ Reviewed by Unified Audit Committee
- ◆ Goes to Arizona Tax Research Association
- ◆ Goes to League of Arizona Cities and Towns
- ◆ Approved by Municipal Tax Code Commission

He noted that the changes made this year were primarily clean up in nature except:

- ◆ Changing the definitions of food and prosthetics. He said those were to clarify and keep consistent with State Statute the taxability of medical marijuana. He said with the passage of that provision, the State of Arizona now allowed medical marijuana sales, pending current litigation.

He noted the state/cities were different in their treatment of taxing that sale. He noted the change would define what was taxable. He said the definition of medical marijuana was there to mirror Arizona Revised Statutes.

- ◆ Owner/builder and speculative builder tax classification had corrections. Also under owner/builder was a change regarding solar devises which were not taxable items that were extended to 2017.
- ◆ He said there was an exemption for changing a rental for leasing. He said it had noting to do with Limited Liability Corporation (LLC). He said if he owned a building and he put that building into a corporation and he personally owned a business and he put that

business as a corporation, any transaction between those two corporations was tax exempt.

- ◆ Collection of taxes
- ◆ Exemption added under use tax for schools

Councilwoman Suttles asked how each one of the items was going to be taxed. Mr. Dunbar said medical marijuana would be taxed as a retail sale which was 2% from the City and the City would be losing 2% tax on commercial rentals that were 80% owned by two corporations.

Mayor Kuykendall asked if he thought it was a mistake that the legislature did not include LLC's, or if he thought that was by intent. Mr. Dunbar said that he thought the intent was to limit the taxability between affiliated companies or persons. He said that they would see a change to include LLC's in the future.

Councilman Lamerson asked if there was a way to dedicate a percentage of money from Driving under the Influence (DUI) tickets to take care of the problem. Mr. Kidd said as far as DUI fines, there were statutes that set up a collection process. He said that if the City did that, the money would go into a General Fund.

Councilman Lamerson said he was referencing marijuana sales. Mr. Woodfill said if someone within the City got one of the franchises to do so and the City collected taxes, it would be two percent. He said one percent would go into the General Fund and one percent would go into Streets and Open Space. He said Council could decide to allocate the tax from marijuana in the budget process.

Mr. Woodfill said Use Tax went fully into the General Fund. Mayor Kuykendall asked if rental tax tagged along. Mr. Woodfill said that all of the tax categories had a set rate.

Daniel Mattson, Prescott, noted that the definition for medical marijuana, in the packet, referred to A.R.S. Section 36-2801. He said that when he looked that up it made reference to hazardous waste disposal and thought the Council should wait to vote until that was cleared up for the Council and the members of the community.

Mr. Woodfill said the reference in the Resolution 36-2801 was the new reference with the new law passed in the last legislative session which would go into effect 90 days after the legislation was done. He noted that new copies were probably not out yet. He said they should be available on the Arizona Legislature's web site.

Mr. Kidd said it was passed by initiative. The Legislature went back and went through the definitional provisions. He said they went through a series of definitions to implement the proposition.

Mr. Kidd said he had to go to the Arizona Legislative Services, which had the most recent updates. Mr. Mattson asked if any of the Council read that, or if they were just assuming. He asked if they were accepting a definition other than what the voters intended. He asked if they should research it and find out what the definition was.

Mr. Kidd said that he saw the updated changes to the statute. Mr. Mattson said he felt that it was an important point and should be well understood by the public before it was accepted.

Councilman Scamardo said his understanding to the amendments to the Model City Tax Code were that the City was mirroring the definition of Arizona Revised Statutes. He said they did the same thing when they zoned for medical marijuana. He said if the State got challenged, the City's definition would be changed as well. He felt that Mr. Mattson had a valid point and there was an inconsistency between what he had in his hands and what the attorney was telling them.

Mr. Woodfill said that what the Council was considering was just referencing how something was taxed, not whether it could be sold.

Mr. Mattson said that if it was defined as hazardous waste it would restrict its sale and the conditions under which it could be sold.

Councilwoman Lopas said she thought he was correct and that it was a political thing in the State. She asked if they could leave in A.R.S and take out Section 36-2810 and be done. Mr. Woodfill said that the reference would stay. He said that the definition might change.

Councilwoman Suttles noted that whatever the State chose to do would be what the City would do.

Councilman Blair agreed with Mr. Mattson. He asked why they would be passing a revision when it had not been clarified through the State. He thought they should table it. Mr. Dunbar said medical marijuana sales started in July. He wanted to get it into the Tax Code because the sales were allowed. He said that when it was clarified, Prescott wanted to be ready to go. Councilman Blair said he did not know that sales had already begun and if that was the case, they should go ahead.

Councilman Lamerson asked what would happen if they did not revise the Tax Code. He said the only logic he had heard was to do it because the City found something else they could tax. Mr. Dunbar said there was no requirement to do it. He said the downside would be that when the City adopted the Model City Tax Code it was so they would all be consistent. He noted the State had a push by the industry to take over the tax code for all municipalities that followed Arizona Revised Statute. He said the more municipalities from the standardized Model City Tax Code, gave more fuel to the fire.

Councilman Lamerson said they were not all the same and he had objected to the Tax Code in the past. Mr. Dunbar said the Tax Code kept Prescott different from other communities. He said once the State said it was their Tax Code or no Tax Code, it would then be out of the City's hands.

John McAfee noted that it would have been helpful to his mother to have medical marijuana in 1991 when she had colon cancer. He asked what taxes had to do with stopping someone's pain.

Councilman Hanna said that he did not see a problem adopting the amendments. He said that it appeared that it was giving the City the opportunity to be separate from the State.

Councilman Lamerson said that he did not like taxing things that were meant to help people.

1. Adoption of Resolution No. 4094-1204 – 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 "2010-2011 Amendments to the Model City Tax Code."

**COUNCILWOMAN SUTTLES MOVED TO ADOPT RESOLUTION NO. 9094-1204; SECONDED BY COUNCILMAN HANNA.**

Councilman Scamardo said they ran into the same situation when they were trying to adapt zoning regulations for medical marijuana. He said as a body they decided not to get into the moral issues. He noted that they had a Model Tax Code with definitions in it. He said whatever the State eventually defined as Medical Marijuana was what they would have.

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

2. Adoption of Ordinance No. 4804-1204 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, relating to the privilege license tax; adopting “The 2010-2011 Amendments to the Model City Tax Code” by reference and providing for severability and providing penalties for violations.

**COUNCILWOMAN SUTTLES MOVED TO ADOPT ORDINANCE NO. 4804-1204; SECONDED BY COUNCILMAN HANNA; PASSED 5-2 WITH COUNCILMEN BLAIR AND LAMERSON CASTING THE DISSENTING VOTES.**

- E. Approval of Revision of Plat, Lots 14 and 16, Block C Original Townsite of Prescott to create one additional lot (14R-B). Owner/Applicant: Don L. Karcie Trust, APN 113-15-021, File No. RP11-002.

Mr. Guice said the request was to create an additional lot by taking portions of the two existing lots. He said the staff recommended approval of the request. He noted that Mr. Karcie was present for any questions.

**COUNCILMAN LAMERSON MOVED TO APPROVE REVISION OF PLAT NO. 11-002; SECONDED BY COUNCILMAN HANNA, PASSED UNANIMOUSLY.**

- F. Adoption of Ordinance No. 4806-1206 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the purchase of real property from Reva K. Fredericksen for construction of the Zone 19 Pump Station, and authorizing the Mayor and staff to execute any and all documents to effectuate said purchase.

Mr. Nietupski said this was to improve the water system and improve delivery to southwest property owners of the City. He said it would allow for construction of a new pump station which was part of the overall Zone 19 improvements. He said the purchase price was \$6,000 and noted the escrow fees would increase that cost somewhat. He said the property was appraised by a state certified appraiser.

Councilman Scamardo asked if it would even out the pressures. Mr. Nietupski said Zone 19 was one of several utility improvement projects. He said it was a zone that was defined as having some deficiencies and this would be an improvement in that zone.

**COUNCILMAN SCAMARDO MOVE TO ADOPT ORDINANCE NO. 4806-1206; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.**

- G. Adoption of Ordinance No. 4805-1205 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, abandoning a sewer easement and accepting public utility easements for “The Bradshaws” and authorizing the Mayor and City staff to take all necessary steps to effectuate such abandonment and acceptance of public utility easements.

Mr. Nietupski said the item was an affordable housing unit for families and seniors. He noted there was a change in easement lines and the sewer easement was being abandoned. In place of it was a Public Utility Easement.

Mayor Kuykendall said that he and Councilman Blair looked at where the garbage receptacles were located. He asked if that was taken care of. Mr. Nietupski said yes.

Councilman Blair asked if the utility easement was for combined utilities. Mr. Nietupski said it would be available for water, sewer and other utilities. He said that it included some drainage facilities that were within the easement. Those were maintained by the property association.

Councilman Blair asked if someone had to work in that easement, would they notify the property owner or the City of Prescott. Mr. Nietupski said if it was a Public Utility Easement that was recorded as such; they would contact the property owner.

Mr. Blair noted that the property owner was responsible for the drainage in the easement and asked what would happen if a utility came in and damaged the drainage. Mr. Nietupski said the utilities were required to obtain permits for work they perform. The City would review the intended work to see if there were any conflicts with wastewater facilities and address them at the time of permitting.

**COUNCILMAN SCAMARDO MOVED TO ADOPT ORDINANCE NO. 4805-1205; SECONDED BY COUNCILMAN BLAIR; PASSED 6-0 WITH COUNCILWOMAN LOPAS OUT OF THE ROOM MOMENTARILY.**

- H. Discussion and action regarding City Manager search procedure.

Ms. Jacobsen said they had three options: internal recruitment, regular recruitment which would go outside the City and the use of a search firm.

Councilwoman Suttles said they voted to do a search a few months back. She said that Craig McConnell was then appointed for six months and appointed again through January. She said that she thought they had settled what they were going to do. She brought the item back to see

where they were going to go with it. She said they needed to make a decision.

Councilman Blair said he thought they instructed the Human Resources Department to look for a search firm. Councilman Hanna said that was also his understanding. He thought Ms. Jacobsen would look into the cost of a search firm. He said that they did not give her the okay to hire a firm.

Councilwoman Suttles said there was a question over the dollar amount for the search firm. Councilman Hanna said they were to find out what the dollar amount would be. He said he voted against it the first time around and said he did not know why they would go out and get someone to come into a bad situation. He asked why they would spend money when the taxpayers did not want them to spend money. He said the City had a gentleman who was doing the job and doing it better than anyone he had seen for a long time. He suggested that they post the job in-house for 14 days and see if Mr. McConnell or someone else from the City was interested.

Councilwoman Suttles said that the discussion of the \$20,000 as limit for a search firm was just a discussion. She wanted to find out from Council what they planned to do.

Councilman Lamerson said they had discussed a not to exceed \$20,000 price cap. He thought Human Resources would try to find a list of search firms and their qualifications and what they would expect from the Council. He said that he had not seen that list.

Councilwoman Lopas said they had voted on going forward with looking for search firms. She said that they had not seen anything and they needed an update. She hoped that everyone who voted to go in that direction still intended to do that. She noted that in-house people could still apply if they did a broader search. She said she still supported going forward with that plan.

Councilman Blair said he thought they should go in-house first or do the search simultaneously. He said they should go in-house to see if there was a qualified candidate. If they did not, they should go to the next level. He said that he did not support a search firm at that time.

Ms. Jacobsen said they solicited pricing and qualifications from various firms. She said that nine companies responded. She noted that when Mr. McConnell was appointed until January, they called the search firms and said to put it on hold. She said there was no point in recruiting if Mr. McConnell was going to be in that position until January.

Mayor Kuykendall said if they decided to go in-house, they could still make a decision to go to a search firm if there was not a qualified person in-house. Ms. Jacobsen said that if they did not come to a consensus concerning a qualified candidate, Human Resources would do whatever the Council instructed them to do.

Councilman Scamardo said that they owed it to the City employees to take 14 days to see what kind of interest there may be. He said the Council could then make a decision at that time.

Councilwoman Suttles asked Councilman Blair if he suggested using a search firm and going in-house. Councilman Blair said no. He said that he wanted to do an internal search first and then go outside.

Councilwoman Suttles asked if they did the internal search and they found a person, they would still go out and search or would they say they were done searching. Councilman Blair said at that point, they should take a vote and if they did not get enough votes, they should go out for the search. He asked why they would go further if the majority of people approved of the people who applied. She said she thought it was fine to give the employees a chance to apply. She said that they did not know what was out there. Councilman Blair said that they did not know what was in-house. Councilwoman Suttles said that she did.

Councilwoman Lopas said that there were probably people in the City who were qualified. She said that they should not choose from one to three applications from a position that is so huge. She said she did not feel that they were doing the City right and that it was a disservice to the citizens not to do a full, national search. She said that no one wanted to spend money but they would not know who was out there until they looked for it. She noted that Mr. McConnell had a lot on his plate and Ms. Horton was not there for the long term. She said that they should have someone in place by the time the contract with Mr. McConnell was up.

Councilman Lamerson said one of the reasons he agreed to go out was he did not think there was anyone in house that wanted to apply for the job. Since that time it had become apparent that there were people that may be interested. He said it put in-house employees in an awkward position if they were asked if they wanted to apply for a job and then the City decided to look outside. He said they would be subordinate to the new guy, when the employee wanted that job.

Councilman Hanna said if there was someone suitable for the job, in-house, they should not go any further.

Daniel Mattson, Prescott, said that they had previously decided on a hybrid search. He said that firm would get a list of perspective candidates and they would have a committee narrow it down. He said that he thought there was a discussion to wait until the final selection process would take place with the new Council in place. He noted that no one brought up that point.

Councilman Hanna said that there would be new council members every two years.

Bill Kindig, Prescott, said he used to be a consultant for Price Waterhouse. He said his clients insisted that they help in recruiting the best people for certain jobs. He said the City would spend \$20,000 on a consultant, bring four to five candidates to town, with travel expenses and then have substantial moving costs for the new employee. He noted the staff time involved and they would spend approximately \$100,000 to recruit. He said that the \$100,000 could be used elsewhere if they chose to look inside. He also mentioned the learning curve for the new employee.

He said the risk would be not knowing the new recruit as well as they would know the person who may be currently working for the City. He noted that the salary range for the position was \$170,000 - \$200,000. He suggested that they look internally first.

Chris Kuknyo, Prescott, said that it was an important decision and that he had great experiences with Mr. McConnell. He said there were only two people that would be on Council for sure in the next two months. He thought the candidates should be a part of choosing the new manager. He said he thought it would be a mistake to appoint someone when four to five people could be on their way out.

Deborah Thurston, Prescott, said she did not know that they did not have the right person. She said they should not take it lightly. She noted that the Mayor was currently in a position of trying to take on the role of Economic Development because there was not an Economic Development team. She said that they needed a City Manager with strong Economic Development skills. She said they would be doing the City a disservice if they did not do a nationwide search for a new City Manager. She said that it did not make a difference whether that person came in now or after the new Council was voted in.

Mayor Kuykendall said they were talking about the process that day. He noted that Mr. McConnell was the only person there who they recognized as an in-house employee that might be interested. He said he thought

there would be more. Ms. Thurston said the process should include an in-house and nationwide search.

Deborah Sellers, Prescott, thanked Councilwoman Lopas for her comments. She said irrespective of whether they had suitable people working for the City, the City needed someone that would be excellent in the position. She said if they did not go out for a nationwide search, they would not get the excellent person that economic times demanded.

John Sellers, Prescott, said he had worked with local city managers and supervisors on a regular basis. He said that the current City Manager may be the right guy for the job and that he did not have an opinion. He said that Mr. McConnell was a key person for the Big Chino. He said key attributes for a city manager were a private sector approach, without losing public sector values, leadership in transparency and a risk management approach. He said that meant telling city attorneys to take a hike on occasion. He said that he was not sure why the City needed a search firm. He said that putting the word out should do. He felt that there were a couple of good candidates who lived in the City as well as on the staff.

Dave Maurer, Chief Executive Officer Prescott Chamber of Commerce, said he could understand the thought process the Council was going through. He said they did not know until a few days ago the Mr. McConnell may be interested in the position, which may be perfect. He said they should still go through some process to get to that point.

Al Bradshaw, Prescott, said they should do a two to three week search to look at existing staff members. He said if they did a wide search and found someone outside the area; it would take that new person at least one year for a learning curve that they could not afford.

Yvonne Dorman, Prescott, asked what the qualifications for the job were and if they could be posted in the paper with a big ad.

Councilman Blair said the description of a city manager may be something different than what the Council was looking for. He said if someone in the City hired a Public Works Director as their new City Manager, as Prescott Valley did, it may leave qualified people out.

Ms. Jacobsen said she put together a description that they could look at, which was up for revision. She said it would be posted on the City's website with a short blurb in the paper steering the reader to the website. She noted that the search firm would do other things.

Councilman Blair said that they owed it to the employees to get someone who would be stable in that position. He said they needed a City Manager who could deal with economic development people who came in, so the sooner the better.

Councilwoman Lopas noted that the search firms narrowed it down and they could say what they prefer for a candidate.

Ms. Sellers said that she worked in New York for one of the largest international search firms. She said when job listings go out and all of the resumes are received, those doing the search were making judgments based on their experience. She said even if their experience did not match, they would present only those that could do the job. She said that whether someone came from within the City or not, a City Manager would know how to handle colleges, businesses and local issues. She said that was what they did.

John Sellers said the biggest cost component of a City Manager was the retirement.

**COUNCILMAN HANNA MOVED TO CREATE A 14-DAY IN-HOUSE POSTING FOR A CITY MANAGER TO SEE IF THERE WAS A QUALIFIED APPLICANT IN THE CITY; SECONDED BY COUNCILMAN BLAIR**

Mayor Kuykendall said they had the minutes from when they started the process and there was a question between Ms. Hadley and Councilwoman Linn as to whether it would be a hybrid process. He noted there was talk of having three Council people and four members from the public to look at the process or applicants. He said there was conversation that the committee should be less than seven. He said there was never any real definition of what the final process would be. He said he did not think they were violating any previous commitments in doing what they were doing.

Councilwoman Suttles asked if there was a motion or a vote at the end of the minutes. Mayor Kuykendall said the vote was 5-1 and Councilman Blair moved to go out for a Request for Qualification (RFQ) not to exceed \$20,000 for a search firm. He noted that Councilman Hanna voted no.

Councilwoman Suttles noted that Ms. Jacobsen went out and found search firms and they had not spent any money. Mayor Kuykendall said that was not the vote. He said the vote was to go out for an RFQ to look at qualifications, not to establish a process. Councilwoman Lopas noted that Councilwoman Suttles was not saying a process. She noted that

Ms. Jacobsen had nine firms that met the qualifications. Mayor Kuykendall said that it was to look at the qualifications, but not to use the money.

Councilman Lamerson said that when the past City Manager returned from Pflugerville, there was an opportunity to offer a multiyear contract. He said there were some concerns with incoming candidates during the election process. He said that there were some very good employees working for the City. He asked if they were putting them in harm's way by taking this thing round and around.

He said that he had some problems with the way this was going. One of the reasons he agreed to extend Mr. McConnell's contract was to get through the election process. He thought there was a time frame, when Ms. Hadley left, that there was no interest by people in the City to fill those shoes. He said that things may have changed, but they still had an Acting City Manger until January. He said that they put the City employees in harms way if the told the citizens that those employees may want that job. He said that he had not seen the qualifications from the search firms who replied. He said that he would like to see what the search firms expected from the Council.

Councilwoman Suttles asked if the Council would vote for the person who applied for the job from in-house, or if they would look outside for whatever may be out there.

Councilman Blair said they could not answer that until they saw who applied. Councilwoman Suttles asked if they would have a vote after the in-house search to approve the person or go to an outside search. Councilman Hanna said they would not vote for the person. They would see if there was interest in the job.

Councilwoman Suttles said they would get interest from in-house and that was why they were discussing it. Councilman Hanna said they would come back and discuss the people who had shown interest and pick one or decide to go further.

Councilman Blair said he had no less than five phone calls from employees in the City of Prescott who were not qualified to see if the City was going to look in-house.

Mayor Kuykendall said that he received a newspaper from the National League of Cities and it was not unusual for there to be one to three advertisements for a City Manager. He said that it might be three to four lines saying that they were accepting resumes and a column of qualifications. He said the ad may tell about the community as well. He asked Ms. Jacobsen what she thought about that.

Ms. Jacobsen said they would do a standard posting in-house. She said an email would go out to everyone with a City email address. She said the instructions would be there to fill out the application and a resume. She said if they recruited, they would advertise on the League web site. She said it would be appropriate to advertise Prescott as a good place to work.

Councilwoman Lopas said, at the very least, it was insulting to any employee who may apply and then the Council may hem and haw. She said that not at least going statewide, was insulting to the employees. She said that she could not go along with the vote.

Councilman Scamardo asked if she was asking Mr. Blair to modify his motion. Councilwoman Lopas said, if he so chose.

Councilman Hanna said that he did not choose because Prescott was not New York and the employees knew the problems that Prescott faced better than anyone. He said it would be insulting to ask someone to come in and give their opinion as to what was going on in the City.

Councilman Lamerson said that he found it ludicrous to have someone volunteer to do a job knowing full well that they were going to look for someone else as soon as they found out that the volunteer wanted the job. He said that should either post it in-house or go out on a national search. He said it was disingenuous to put someone's career on the line knowing that it did not matter how qualified they were, because they were going to hire someone else.

He said that when they voted on the process before, they did not have anyone who indicated they were interested in the job.

Councilwoman Suttles said there were not city managers or finance directors who always lived in the town. She said that was a profession. She said that when she heard that no one knew it better than Prescott, they have had city managers who were not always local. She said they should give it a chance to see what was out there. She said that she was concerned about her vote. She said if the "in-house" came through, that would be the vote of the Council, instead of looking at anything outside of the City.

Councilwoman Suttles said Mr. McConnell took his current job to get the City through a period to find a City Manager. She said that they would not be doing their job if they were worried about him being a volunteer to the person who may be hired.

Councilman Blair said that when they started talking about finances of the community and knowing what the budget was, if they brought in a City Manger from outside it would cost close to \$200,000. If they did that the citizens would say that they were a bunch of fools.

**MOTION PASSED 5-2 WITH COUNCILWOMEN LOPAS AND SUTTLES  
CASTING THE DISSENTING VOTES.**

**III. ADJOURNMENT**

There being no further business to be discussed, the Regular Voting Meeting of the Prescott City Council held on August 9, 2011, adjourned at 5:10 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 August, 2011. I further certify the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

AFFIX  
CITY SEAL

\_\_\_\_\_  
ELIZABETH A. BURKE, City Clerk