

PRESCOTT CITY COUNCIL
SPECIAL MEETING
TUESDAY, JUNE 19, 2012
PRESCOTT, ARIZONA

MINUTES OF THE SPECIAL MEETING OF THE PRESCOTT CITY COUNCIL held on JUNE 19, 2012, 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 1:00 p.m.

◆ **PLEDGE OF ALLEGIANCE**

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

◆ **ROLL CALL**

Present:

Mayor Kuykendall
Councilman Arnold
Councilman Blair
Councilman Carlow
Councilman Kuknyo
Councilman Lamerson
Councilman Scamardo

Absent:

None

I. REGULAR AGENDA

- A. Adoption of Resolution No. 4135-1245 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to extend for one year an Intergovernmental Agreement with Yavapai County for consolidated court services, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.

City Manager McConnell introduced the item and noted that it would extend the agreement for one year. He noted that the City and County would then have a discussion about the workload.

Councilman Carlow asked if Yavapai County had already approved the agreement. Judge Markham said they would officially consider it on

July 2, 2012. Councilman Lamerson noted that 25% - 30% of all the sales tax generated was in the City of Prescott and he appreciated the County and Supervisors working with the City.

Judge Markham said that it was appropriate that the Board of Supervisors and the City of Prescott looked at the arrangement to see if it was in the best interest of both entities. He urged the renewal of a one year contract. He said they were in the middle of a ten year contract. He noted that perhaps the City could appoint a committee to look at the long term planning and the agreement the following year. He said it would be a good idea if the County did the same.

COUNCILMAN LAMERSON MOVED TO ADOPT RESOLUTION NO. 4135-1245; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.

- B. Approval of Consent to Modification and Confirmation of Ground Lessor Agreement for National Bank of Arizona and Prescott Gateway Holdings, LLC (The Shops at Prescott Gateway).

Mr. Guice noted that Red Development requested that their lender increase their construction line of credit from \$4,330,000.00 to \$5,580,000.00. He said the approval would show National Bank of Arizona that the City of Prescott remained the sole owner of the property under the project and that the ground lease had not been modified.

Randy Shield, Red Development, said they were currently working on PAD A and on the construction of PADs B and C. He said their leasing activity was strong for the entire project. He noted that the House of Bread was open and the vitamin store may be open in a month. He noted that they also signed a deal for a yogurt shop. He said there was a lease for PAD B with a mattress firm and they were negotiating with three tenants for PAD C. PAD D had no perspective tenants.

He noted that the retaining wall on Lee Boulevard was going well and the business was great at Trader Joe's. He said it would be a very busy, successful corner.

COUNCILMAN ARNOLD MOVED TO APPROVE THE MODIFICATION AND CONFIRMATION OF GROUND LESSOR AGREEMENT; AND AUTHORIZE THE MAYOR AND STAFF TO TAKE ANY AND ALL STEPS DEEMED NECESSARY TO ACCOMPLISH THE FOREGOING; SECONDED BY COUNCILMAN SCAMARDO; PASSED UNANIMOUSLY.

C. Appointment of Interim City Attorney.

Mr. McConnell noted that Mr. Kidd would retire on July 6, 2012. He said an interim City Attorney would be appointed to maintain official business. On behalf of the City, Mr. Gene Neil had agreed to serve on an interim basis. Mr. McConnell said that a suggested motion was given to the Council in the event the Council wished to appoint Mr. Neil.

COUNCILMAN ARNOLD MOVED TO APPOINT GENE NEIL AS INTERIM CITY ATTORNEY ON A CONTRACTUAL BASIS, EFFECTIVE JULY 9, 2012, FOR A PERIOD NOT TO EXCEED 120 DAYS, AT AN HOURLY RATE OF \$135.00, WITH THE AVERAGE WORK WEEK ANTICIPATED TO BE 20 HOURS OR LESS, AND AUTHORIZE THE MAYOR TO SIGN THE CONTRACT FOR ENGAGEMENT ON BEHALF OF THE CITY; SECONDED BY COUNCILMAN CARLOW; PASSED UNANIMOUSLY.

D. Recess into Executive Session.

COUNCILMAN LAMERSOM MOVED TO RECESS INTO EXECUTIVE SESSION; SECONDED BY COUNCILMAN BLAIN; PASSED UNANIMOUSLY.

The Prescott City Council recessed into Executive Session at 1:15 p.m.

II. EXECUTIVE SESSION

A. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to ARS §38-431.03(A)(4).

1. Vicente v. City of Prescott
2. Riley v. City of Prescott
3. McBurnie v. City of Prescott
4. The Crossings
5. Solid waste collection ordinance enforcement

B. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purpose, sale or lease of real property, pursuant to ARS §38-431.03(A)(7).

1. Potential acquisition of property in north Prescott

III. ADJOURNMENT

The Prescott City Council reconvened into Open Session at 4:28 p.m. at which time the Special Meeting of June 19, 2012, adjourned.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

KIM WEBB, Interim City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting of the City Council of the City of Prescott, Arizona held on the 19th day of June, 2012. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2012.

AFFIX
CITY SEAL

KIM WEBB, Interim City Clerk