

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, JUNE 23, 2009
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on TUESDAY, JUNE 23, 2009 in the COUNCIL CHAMBERS located at CITY HALL, 201 SOUTH CORTEZ STREET, Prescott, Arizona.

◆ **CALL TO ORDER**

Mayor Wilson called the meeting to order at 3:00 p.m. He then introduced Jason Frey, who was shadowing him for a few hours. Jason Frey thanked the Mayor for letting him shadow him and teaching him what a Mayor does.

Mayor Wilson also noted that at the request of Duane Adams Item C was being pulled from the agenda.

◆ **INTRODUCTIONS**

◆ **INVOCATION:** Pastor James Taylor, Church on the Street

Pastor James Taylor from the Church on the Street was not there to give the invocation.

◆ **PLEDGE OF ALLEGIANCE:** Councilman Bell

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

◆ **ROLL CALL:**

PRESENT:

Mayor Wilson
Councilman Bell
Councilman Lamerson
Councilwoman Lopas
Councilman Luzius
Councilman Roecker
Councilwoman Suttles

ABSENT:

None

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

Mayor Wilson mentioned that a few people were dressed in Western attire the first two weeks before the rodeo to get the enthusiasm up, and he encouraged everyone to dress up.

He also talked about the Yes for Streets Committee, who wanted the City to be more transparent. He said that they are going to modify the budget process and also how they bring items forward on their agendas to provide additional information and transparency, so people can see how they are spending their money, both for maintenance and new street development. He said that transparency is the aim of the government.

Mr. Norwood announced that enplanements in May were over 1,000 for the two airlines, bringing them to just over 4,000. He said that January and February are usually the worst two months; they will watch the June and July numbers carefully.

I. PUBLIC COMMENT

- A. Jim Howard from the Prescott Bluegrass Events Association to thank City Council for their support.

Jim Howard and John Nielson represented the Prescott Bluegrass Events Association said that they had brought three gifts:

- 1) Mr. Howard read a proclamation to the Council thanking them for their support.
- 2) Mr. Nielson gave the Prescott City Council and its employees a Certificate of Recognition for outstanding service to Bluegrass in Prescott.
- 3) T-shirts were given to the Council.

Mr. Howard introduced the Bluegrass committee members who were present – Scott Curry, President, Jim McCloud and Bob and Karen Lockett.

Mayor Wilson said that the Council appreciated their thanks and that they looked forward to the festival. Councilman Luzius thanked them for the t-shirt.

II. PRESENTATION

- A. Introduction of new businesses.

Susan Cohen from the Chamber of Commerce presented the new businesses.

- ▶ High Desert Sterling

- ▶ One Suite B&B, 247 South Hardin Street, 928.541.1660, onesuitebandb@g.com.
- ▶ Matt's Pet Grooming, 928.778.5820, mattspetgrooming.com.
- ▶ Dondi Sound and Recording

III. **CONSENT AGENDA**

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

COUNCILWOMAN SUTTLE PULLED ITEMS D, F AND H FROM THE CONSENT AGENDA.

COUNCILMAN ROECKER MOVED TO APPROVE THE CONSENT AGENDA ITEMS A, B, C, E, G, I, AND J; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- A. Approve renewal of insurance policies for FY2010 for Excess Public Entity Liability Insurance from Traveler's at \$391,214.00; Property Coverage from the Traveler's Indemnity Co. at \$116,797.00; and Excess Worker's Compensation from Safety National at \$44,307.00.
- B. Approve purchase of one Freightliner 26' MT55 Walk-In Equipment Truck from Utilimaster in the amount of \$174,135.53 including state use tax.
- C. Adopt Resolution No. 3968-0974 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott Fire Department to enter into an Intergovernmental Agreement ("IGA") with Yavapai College to provide vehicular and/or clinical training for students enrolled in emergency medical service courses and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- D. Approve application for Assistance to Firefighters Fire Station Construction Grant for construction of a downtown fire station.

Councilwoman Suttles read the material and asked for clarification from Mr. Norwood. Mr. Norwood said that the grant was part of the economic stimulus package. He mentioned that it would be competitive, and it cannot be used for an administrative component. He said that about 35% of the downtown fire department budget is for administrative charges. The estimated construction costs are around \$6 million; 65% of that would qualify.

Councilwoman Suttles said that if they got extremely lucky and were awarded the grant, then there is still another \$2-3 million to finish that project, and asked where that money would come from.

Mr. Norwood said that there was about \$3 – 4 million in the capital fund that could be authorized for this project. They have 36 months to allocate funding. If they received it in September or October they could wait for the next fiscal year to appropriate the funds.

Councilman Luzius acknowledged that he was pleased that they have applied for this grant. He was speaking with firefighters from Cleveland, who had mentioned that the grant was available. He was pleased to find out that they had already known about it and were applying.

COUNCILWOMAN SUTTLES MOVED TO APPROVE THE APPLICATION FOR ASSISTANCE TO FIREFIGHTERS FIRE STATION CONSTRUCTION GRANT FOR CONSTRUCTION OF A DOWNTOWN FIRE STATION; SECONDED BY COUNCILMAN LUZIUS; PASSED UNANIMOUSLY.

- E. Adopt Resolution No. 3972-0978 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, approving Third Amendment to the Memorandum of Understanding between the City of Prescott and the Central Yavapai Metropolitan Planning Organization for personnel, purchasing and accounting services.
- F. Approve a 60-90 day temporary half street closure of the west end of Glendale Avenue at Coronado Avenue.

Councilman Suttles said that she could see from the materials in the packet from last week that some of the things to be done involved the count and peak traffic hours. She said that they went through a closure not too long ago off of Downer Trail and had neighborhood concerns. She asked if the neighborhood had bought in on to this.

Mr. Norwood answered that this is not as far reaching. There is not unanimous support to do this either, and that is why they are recommending 60-90 days and then evaluate it. They will not start until school starts, and the issue is how it will affect traffic patterns on Park Avenue. They will evaluate it and report back to Council.

Councilwoman Suttles said that she has received some e-mails and they were not in favor. That is why she chose to ask about it.

Mr. Mattingly noted that there was not 100% support and that this was a temporary request. There are one or two residents that were opposed, but

they were in favor of another closure a few years ago. They will receive input from them and the school.

Councilwoman Suttles asked if it would be brought back to City Council. Mr. Mattingly said that the City Council would have the final say.

Councilman Luzius said that he viewed the DVD of last week's Council meeting and Mr. Mattingly indicated that traffic will be maintained both ways except where barricaded. He asked if those living there can use it in both directions. Mr. Mattingly said that they could. The closure would restrict entry from Coronado eastbound, but within the block, two-way traffic would be maintained.

Councilman Luzius said that was what he thought he had heard. He said that there was also a tree leaning toward street and there is concern that it may fall over (on the corner of Coronado and Glendale). He asked to have it looked at. Mr. Mattingly said that he would do that.

COUNCILWOMAN SUTTLE MOVED TO APPROVE A 60-90 DAY TEMPORARY HALF STREET CLOSURE OF THE WEST END OF GLENDALE AVENUE AT CORONADO AVENUE; SECONDED BY COUNCILMAN LUZIUS; PASSED UNANIMOUSLY.

- G. Adopt Ordinance No. 4701-0944 - An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona repealing Ordinance No. 4656-0858 adopted June 24, 2008 and authorizing the purchase of real properties, easements and improvements from Donald A. Guzzo; Nicholas and Lorraine Guzzo; Donald and Joan Guzzo and Nicholas and Lorraine Guzzo Joint Tenants with Rights of Survivorship; Michael S. Drew; Rutkowski Family Trust; and Dale and Vanessa Coffman; Robert and Michele Flori for the widening of Williamson Valley Road, and authorizing the Mayor and City staff to take all necessary steps to effectuate said purchases.
- H. Approve payment to Arizona Public Service in the amount of \$58,798.96, for streetlight installation associated with the Iron Springs Road Improvement Project.

Councilwoman Suttles said that this money was coming out of 1% for streets and open space, and asked if it was not put in the project. Mr. Norwood replied that it was part of the project. He said that APS was late in finishing the install; they did not finish it until November, after the project was completed. The City did not receive the bill until June, but this was always contemplated and it is for 17 street lights.

Councilwoman Suttles asked if the \$58,000+ was always on this project and is the project finished. Mr. Norwood said that Iron Springs was finished.

Mr. Nietupski noted that during the next round of Council meetings, there will be a last right of way acquisition. Mr. Kesterson owned property along there, but he had passed away and his estate has been in probate for a long time. It is just now getting to bring that to Council.

COUNCILWOMAN SUTTLE MOVED TO APPROVE THE CONSENT AGENDA ITEM H, APPROVE PAYMENT TO ARIZONA PUBLIC SERVICE IN THE AMOUNT OF \$58,798.96, FOR STREETLIGHT INSTALLATION ASSOCIATED WITH THE IRON SPRINGS ROAD IMPROVEMENT PROJECT; SECONDED BY COUNCILMAN BELL; PASSED UNANIMOUSLY.

- I. Award Fiscal Year 2010 legal publications to Prescott Newspapers, Inc. at the rate of \$11.16/column inch for straight copy and \$9.30/column inch for camera-ready copy.
- J. Approval of the Minutes of the Prescott City Council Joint Special Meeting/Study Session of May 19, 2009; the Budget Workshop of May 21, 2009; and the Regular Voting Meeting of May 26, 2009.

IV. REGULAR AGENDA

- A. Adoption of Resolution No. 3964-0970 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into an Amended Development Agreement with WESCAP Investments, LLC, for “Amendment No. One to the Development Agreement McDonald/Bradshaw Drive (City Contract No. 96-150)”, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above. (The Bradshaws)

Mr. Guice noted that all of the changes had been made.

Mr. Kidd said that he met with Mr. Peters and worked on some of his changes and incorporated those into the draft. Also the attorney for the applicant reviewed the document and made a few changes. Everyone was happy with the wording. Councilman Luzius said that he was happy that everyone was happy after three revisions.

COUNCILMAN BELL MOVED TO ADOPT RESOLUTION NO. 3964-0979; SECONDED BY COUNCILMAN ROECKER; PASSED UNANIMOUSLY.

B. Approval of the Open Space Master Plan. (Pulled from Consent Agenda by Councilman Lamerson)

Councilman Lamerson said that he pulled the item because as he read it, there were employees being requested that came directly under the direction of Council which he feels is in direct conflict with the charter. At this time frame in economic history, he is not for expanding bureaucracy and does not intend to support it.

Mayor Wilson asked him to explain the first part of his comment.

Councilman Lamerson said that there was a request for an Open Space Manager that answers directly to the City Council and not the City Manager. Councilwoman Lopas said that was not the intent. As Open Space grows, they will need an Open Space Manager. In the meanwhile, a recommendation was made to change from an advisory committee to a commission so it can help with Community Development and stream lining the process. There are two separate things. One is not under the other.

Councilman Lamerson added that he did not support the concept of more employees. He does not like employees going directly to the Council. Councilwoman Lopas said that it is not what it does. The employee would be under Parks and Recreation or a separate department as a future plan. They have additional language indicating Plan A and Plan B.

Dan Campbell, 2077 Meadowbrook Road, said that he is the Co-chair of the Open Space Acquisition Advisory Committee. He was pleased that it has taken them over a year to have in front of them, a document that Council has all seen. It has been reviewed by every department that is critical in the City and has gone through a number of citizens review commissions. It is as complete as any plan that has been brought before City Council. They did have a recommendation to make.

There is a slight change, in number 12, to add a phrase that says: *established when funding is available, the position for a Full Time Open Space Manager to be responsible for continued development of the Open Space Program and management of the Open space properties as acquired.*

This would not be an employee of the City Council or the new commission, but a member of the Parks staff. They recognize that this would not be the right time to suggest such a hire.

He said that the citizens group was cognizant of the financial issues. They were successful in raising the first \$60,000 to create an endowment for the management and the partial payment for such a person in the future. It is

their intention to continue raising funds to continue to support the Open Space acquisitions. He said that is was a Yavapai County Committee Foundation Fund which is well managed. These are funds that they would like to help the Council and City in the management of its Open Space portfolio.

Councilwoman Suttles said to Ms. Horton that they had talked about the Open Space Master Plan. At that time they moved from the committee who suggested the property and if it was purchased it then went to the Parks & Recreation Director. She asked if Ms. Horton had been able to manage that open space up to now. Ms. Horton said that they had; however, the trails that they would like to build have not been accomplished. With volunteers, they have done a lot of expansion.

Councilwoman Suttles asked if Ms. Horton had people who took care of the trails. Ms. Horton said yes.

Councilwoman Suttles asked if there was a problem with the trails. She sees one more layer of government coming in with this committee as to a volunteer group. Her concern is payment of that person because it still falls under the City. With their efforts of collecting money, she asked what they would do in 3, 5, or 7 years when it is established. She asked Ms. Horton if she was able to handle what she had right now. Ms. Horton said that they are handling what they have.

Mayor Wilson said that the operative phrase in the revised recommendation is - *when funding is available*. Everyone needs to be cognizant of the economic situation and that this puts them under no obligation to hire anyone. He does not think that it is a true statement to imply that there will be another layer of government.

Councilman Roecker asked Ms. Horton if she foresaw the possibility of reassignment within the department to cover these positions without creating a new position. Ms. Horton answered that as soon as the budget allows and economy turns, then absolutely.

Councilman Roecker said that he was talking about the reassignment of someone who already works for the City. Ms. Horton said that would be ideal because they would have the knowledge and the experience.

Councilman Roecker commented that he sees this as an opportunity to get the citizens closer to the issue and make it more transparent on its own. He thought that they could do this without growing the bureaucracy.

Mr. Norwood said that they were missing something along the way. The Parks & Recreation department had been cut drastically. They are at a

point where he will not support reassigning anyone from existing help. If they have to on a special situation, he will. If they did not have the volunteer base, they could not maintain these trails. They do have some staff but without volunteers, there is no way to keep up. They all keep relying on volunteers. On the Parks side, they are cut as far as they can go without impacting services.

Councilwoman Lopas commented that what is being missed is that this is a plan for the future. Whether they purchase Open Space, whether it is contributed to the City through PAD, a donation from State Trust Plan, whatever, as cities grow and add open space; they did a lot of research which took 1 ½ years to put this together. The committee has started the foundation which will be a perpetual funding source. They could take it out of the City budget entirely and pay for that Open Space Manager which is the ultimate goal. The plans can change as things grow. This is an idea to strive for. Today \$15 million has been spent but there is no plan for maintenance. The ultimate goal is to manage it in house and eventually with a manager.

The other part of the plan is for the Committee to become a Commission, because informally, developers come to the committee. They have not had a negative discussion with developers. They just want to make the process a little more formal.

Dan Campbell said the final conclusion that they have come to was on page 33. They have made some recommendations that with its becoming a commission, they take on responsibility of coordinating volunteers and the relative merits of different organizations. They have identified organizations who are interested in trails or Natural History or other things. They do not intend to sit still and watch the new acquisitions wither. There will be a lot of citizen involvement in their management.

Councilman Luzius said that he echoes Councilwoman Lopas's comments. It is important that they have the group changed from an advisory committee to commission. So oftentimes, developers will come in and go through procedures in planning, and somehow the Open Space aspect is overlooked. This would give the probability of all of the issues being addressed by the commission. He supports the plan.

Councilman Bell asked if this commission would be at the same level as Planning & Zoning.

Mayor Wilson said that the difference is moving it from a Mayor-appointed committee to a Council-appointed commission. The Mayor's committee only lives with the term of mayor. This would ensure continuity of the Open Space Commission. He is in favor of it because of the amount of money

they are talking about. It deserves to be at that level. This is not any extra money, it is all volunteers.

Councilwoman Lopas said that it is not all acquisitions; it is also with PADS and planning that with the developers. It is part of the development process, but it is ignored. Developers have struggled with that in the past. There is no one at the City level that supports it, and everything gets bounced back to the committee. She asked why they do not make a commission if the committee is dealing with it anyway.

Councilwoman Suttles said that she did not think that the Open Space Committee has ever been dissolved. Mayor Wilson said that if she read the Charter, all Mayor-appointed committees are automatically resolved on the transition to a new Mayor. Everything has to be reappointed by the incoming Mayor.

Councilwoman Suttles said that for the five years that she has been there, they were never dissolved. Councilman Roecker said that Mayor Simmons started the first one and Mayor Wilson has continued it.

Councilman Bell said that he had a problem with some of the recommendations. If he was assured that these would come back to Council for review and they would not have people saying that “they had adopted the Master Plan, it has to be that way”.

Mayor Wilson asked him what he was concerned with. Councilman Bell said certainly number 12. They are asking the City to revise ordinances to increase incentives. He hates to put additional work on staff. They should all be addressed individually and they should not be locked in just because they like the Master Plan.

Councilwoman Lopas said that on number 4, there is a Form Based Zoning Committee that is being formed to look at things like that. They are not reinventing the wheel. The groups can work together.

Mayor Wilson said that on number 6 where they say review and revise City ordinances, they have to approve those anyway. It has to come back to Council. Councilman Bell pointed out number 4 where it says create a position on the City of Prescott Review Committee.

Councilwoman Lopas said that was because a PAD had to go through a PAC to start with anyway, so they need that information on the front end. Sometimes the developers do not get the information on the front end and it comes up later and they have to do a redesign.

Mayor Wilson explained that currently the way the process works with the Development and Review Committee, is that they get notified via email. He will look and see if it is relevant or not. He will attend some of meetings. This will formalize that process. They will include a review of Open Space just like fire flow and other important aspects to the City.

Councilman Bell asked how they would select members of the commission. Councilwoman Lopas answered that there is already the committee in place. They would start with them with a tiered commission. There would be four at two years and three at three years.

Mayor Wilson said that they would go through the normal process beyond that which is a standardized process for all.

Council Bell asked Mr. Kidd if it is allowed by charter as it currently reads. Mr. Kidd said yes. They have done this method of appointment by ordinance and resolution before.

Dan Campbell said that he would like to thank both Rowle Simmons for creating the committee and Mayor Wilson for continuing it. As Councilman Roecker noted, he and Councilwoman Lopas served as the original liaisons and Councilman Luzius carried on. He thinks that they have done an outstanding job for the citizens of Prescott. It was not an easy thing to say that they were back in business.

Mayor Wilson asked for the members of the Open Space Committee members to stand up.

COUNCILMAN LUZIUS MOVED TO APPROVE THE OPEN SPACE MASTER PLAN AS REVISED WITH RECOMMENDATION 12; SECONDED BY LORA LOPAS; PASSED 5-2 WITH COUNCILWOMAN SUTTLES AND COUNCILMAN LAMERSON CASTING THE DISSENTING VOTES.

- C. Adoption of Resolution No. 3973-0979 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into an Animal Shelter Service Agreement with Yavapai Humane Society, and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above. (Pulled from Consent Agenda by Councilman Lamerson)

This item was pulled at the beginning of the meeting by Mayor Wilson.

- D. Adoption of Resolution No. 3952-0958 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott Fire Department to enter into an Intergovernmental

Agreement (“IGA”) with Chino Valley Fire District to share personnel resources and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above. (Pulled from the Consent Agenda by Councilwoman Lopas)

Councilwoman Lopas said that she had this pulled so other Council members could weigh in on it. There was also an announcement that there was some new grant funding available. She did not know if they needed to rework anything with the new information.

Chief Willis said that the grant funding is just like the fire station. They have always put in for it but have never been successful for personnel. They are going to continue to do their due diligence for safer or staffing grants through FEMA and Homeland Security. He had some conversations with people about the second issue.

There were two key reasons why they wanted to get this established: 1) they took an 80% cut in amount of overtime that they normally pay for constant staffing of the Fire Department. They have an agreement with their labor organization and internally with their administration that they will use their people first. They do not know what the future holds and they had to come up with a plan. If things continue the way they are, they will have to cut their budget. They have two choices, lay people off, or close fire stations. They felt this plan was a lot better for citizens and the employees, so they have a back up plan. They do not anticipate using this, but they could. He said he was willing to look at it for a year to see how things work out.

Councilman Luzius commented that in looking at both agreements, he was concerned with how it will affect the fire department. He is concerned with morale. No one likes to see a pay cut. Also, the guys like to know and be sure that the guy going in the building next to him knows what he is doing. The City of Prescott is a top fire department. He would want to know that he would have someone as good as him if he had to go into a burning building. By bringing in a reserve from another municipality, they do not know how good that person is. He understands that they are certified.

He said that he thinks the fire department has given up a lot. They have frozen advancements. He is also aware of the overtime. Their base salary is predicated on a certain amount of overtime because of the amount of hours that they work. There is an agreement that in order to get them at base pay, they have to be paid a certain amount of overtime. His major concern is that they are going to bring in reserves and put them on the front lines and eventually replace permanent paid firefighters from the City

of Prescott. He wants to see some type of guarantee that it is not going to happen.

Chief Willis said that he cannot guarantee the economy is going to improve. The people that have concerns have agreed to this. They would support it. It is a last resort. They are not going to implement this tomorrow and replace overtime that they have for constant staffing with reserves.

He said that he did want to clarify some things; the people that are reserves for Central Yavapai Fire Department and Chino Valley Fire Department have taken a 12 credit hour class. They are certified as Fire Fighter 1 & 2 which is the same standard as the City of Prescott has for a new recruit. They are EMTs which is a 6 hour credit class. They went through 180 hours of additional training under the auspices of their training officer over a nine week period. These people have more training than most recruits.

If they had an opening today, all they would require is the Fire Fighter 1 & 2 and EMT. If some great candidate came through, and passed the test, he would get 40 hours and be on a truck. These standards are actually higher than the current hiring standards. He thinks that if they just try it for a year, rather than just hoping that the economy will change, they should give it a try.

Councilman Luzius asked if they could come back in a year to review how things were going. Chief Willis said that was guaranteed.

Councilman Bell asked if they could bring it back in six months. Chief Willis said yes. Councilwoman Lopas said that she would also like a six month review.

Councilman Lamerson expressed his concern with using reserves to take place of full time firemen. He does not support not having a trust fund or fund set up for overtime in case of emergencies, but supports using fully certified fire fighters. He asked if Prescott ever had a Reserve Program.

Chief Willis said that they did but they could not fund it. In 1987 there were some budget issues and that it was a management decision to do away with it.

Councilman Luzius asked if the Police Department goes to Prescott Valley or Chino Valley if they have excessive overtime. Chief Oaks said that they did not have such a plan in place; however, they do interchange personnel from time to time. There are times like when they have their annual awards; Prescott Valley will send officers to police the streets.

They reciprocate and cover the Town of Prescott Valley while they were having their ceremony. They have mutual aid agreements where they can replace them for short periods of time.

Mayor Wilson wanted to clarify that reserves are not to replace current fire fighters. Chief Willis said that was correct. It is a temporary staffing issue for a major event or incident. It will be on a random basis. They do have money for overtime and they are going to pay their permanent full time people until that runs out, but they have situations that come up like the military has given orders for someone to be gone for two years. To keep that position open they need to staff it. People get hurt on and off duty. They will have to cover those people. That is when they use this. Or, they could have 3-4 people ill at one time or having babies. There is a fire fighter right now whose wife is going to have a heart transplant. He will be off for an extended period of time.

Mayor Wilson said that his second point was that by using this process, they get a look at potential new recruits. Chief Willis said that they do have that opportunity. There are several of these people from Chino Valley and Central Yavapai. They maintain three different lists; a reserve could be on all three lists.

Councilman Lamerson said he thought he heard something about them laying off people. Chief Willis said that if the economy does not turn around and they are asked to balance the budget and take reductions like all departments have, the only place that Prescott Fire Department can go is to reduce the force. They are at a point where the fluff is gone. They will have to decrease the amount of budget, and reduce personnel. One of the areas that they could reduce is the \$25,000 to \$30,000 overtime money. The next step is people.

Councilwoman Suttles said that she feels like they are grilling Chief Willis on keeping his department together and asking for six month chance.

COUNCILMAN BELL MOVED TO ADOPT RESOLUTION NO. 3952-0958 WITH THE CONDITION THAT IT BE BROUGHT BACK BEFORE COUNCIL IN SIX MONTHS; SECONDED BY COUNCILWOMAN LOPAS.

Councilman Luzius said that he was going to vote no but will vote yes because he has a great deal of respect for Chief Willis. He knows that the Chief will look out for the betterment of the fire department.

Councilman Lamerson said that he intended on voting no; however, with the six-month review he can live with it and he hopes the firemen can.

MOTION PASSED UNANIMOUSLY.

- E. Adoption of Resolution No. 3956-0962 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott Fire Department to enter into an Intergovernmental Agreement (“IGA”) with Central Yavapai Fire District (CYFD) to share personnel resources and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above. (Pulled from the Consent Agenda by Councilwoman Lopas)

COUNCILMAN BELL MOVED TO ADOPT RESOLUTION NO. 3956-0962 WITH A CONDITION THAT IT BE BROUGHT BACK IN SIX MONTHS; SECONDED BY COUNCILMAN ROECKER; PASSED UNANIMOUSLY.

- F. Approval of a Real Estate Purchase Agreement with John & Judy Beurie for approximately 15 acres of real property near Willow Lake for Open Space purposes.

Ms. Horton said that total acreage for the property was 13.9 acres. The price per acre was \$60,000, a total to \$834,000. The seller has agreed to have the City of Prescott pay over two years. The first payment would be for \$450,000, leaving a balance of \$484,000.

She wanted to remind Council that this was the last remaining privately owned piece of property on Willow Lake. The City can annex Willow Lake and its shoreline in its entirety. It also allows her department to complete a trail around the lake which would give them about a seven mile trail connected with the new Willow Dells trails with a total of 20-22 miles of trails. That is a distance that people really seek out in the hiking world.

Councilman Bell asked for clarification of the second payment. Mr. Kidd mentioned that they had reduced first payment to \$420,000 and the remaining portion is balance. The second payment would be \$414,000.

Councilman Lamerson asked Mr. Woodfill when they take money out of the Street and Open Space funds for such purchases, what happens when they are short money for streets. Mr. Woodfill said that this year the deferrals have been street related. They have not deferred any open space.

Councilman Lamerson asked where they get the money to fix those streets. Mr. Woodfill answered that at this time they rearrange projects. There is no other funding source available.

Councilman Lamerson said that while he thinks the property is nice, he thinks they need to focus on other priorities. He cannot support this.

Michael Alan Peters, 640 West Lee, asked if the payments had any interest rate and what the rate was. In addition, he wanted to know what the taxpayers would be obligated to pay. Mr. Kidd said that there was no interest in the contract.

Walt Anderson, 1964 Sherwood Dr., thanked the committee and Mayor for passage of the Committee's Open Space Plan. He said that this piece of property is special because it does complete the linkage around the lake. It allows the completion of the trail system. It is beautiful piece of property. He sent Councilman Roecker some photos of that site that he hoped were distributed. He felt that it was an opportunity that they cannot miss. The Council would be very proud of this.

Judy Beurie, 3240 North Highway 89, said she wanted to be there for any questions and to let them know that she and her husband support the City buying the land for Open Space. It seems to fulfill all of the Council needs and it is also a prudent and frugal investment because it is a one time buy. It will be there for future generations and there is basically no maintenance, or limited maintenance; that would be the City's choice. In her heart, it also completes a corridor for animals that are displaced due to construction. Hopefully, it will keep many of them off of Highway 89 and out of residential areas.

Jim Lawrence, 345 High Chaparral Loop, said he felt that this was an excellent opportunity from the open space standpoint, and the pictures show that. It is also an opportunity from the standpoint of Willow Lake. It is not as officiated as its sister lake. The other portion on this, as important as these two factors are, is also a possibility of activity that many have been working on for a lot of years, the possibility of having a lake to lake trail to tie in to the Peavine, Iron King and Circle Trails. This could be an economic engine for Prescott that would be unmatched anywhere.

Councilman Roecker said that this Council will look really smart about 50 years from now if they pass it.

COUNCILMAN LUZIUS MOVED TO APPROVE A REAL ESTATE PURCHASE AGREEMENT WITH JOHN AND JUDY BEURIE FOR APPROXIMATELY 15 ACRES OF REAL PROPERTY NEAR WILLOW LAKE FOR OPEN SPACE PURPOSES; SECONDED BY COUNCILWOMAN LOPAS; MOTION PASSED 5-2 WITH COUNCILWOMAN SUTTLES AND COUNCILMAN LAMERSON CASTING THE DISSENTING VOTES.

- G. Continuation of public hearing on Granite Dells Ranch Rezoning RZ09-001 from June 23, 2009, to July 14, 2009.

Mr. McConnell noted that at the Study Session last week there was discussion of the proposed annexation of a portion of the Granite Dells Ranch. The items on the study session agenda included the Development Agreement, Master Plan, two plan amendments and annexation itself. At that time there was also discussion of a possible impact fee moratorium. No one knows if there will be a moratorium; however, if that passes and becomes law it will materially affect the financing of infrastructure in Prescott and elsewhere.

With that and the concurrence of Granite Dells Ranch, last week the discussion was to defer consideration of that until the legislature had completed their action. There was and is a public hearing, which was noticed today on the rezoning, and the recommendation of the City Attorney was to continue that to a date certain. The recommendation is that the Council continues the public hearing on the Granite Dells Ranch rezoning until July 14.

Councilman Luzius thought that it was a good idea to defer this and wondered if they were going to continue working on a process or program regarding the crossing of the Peavine Trail.

Mr. McConnell said that they are continuing work on that and continue dialogue. At their trails workshop, the recommendation was that the crossings be addressed on a case by case basis. With this item, the Development Agreement does address Centerpointe East crossing. The public will have opportunity to discuss this with or without policy.

COUNCILMAN BELL MOVED TO CONTINUE THE PUBLIC HEARING ON GRANITE DELLS RANCH REZONING RZ09-001 TO A SPECIAL MEETING TO BE HELD ON JULY 14, 2009, IMMEDIATELY FOLLOWING THE REGULAR 3:00 PM COUNCIL MEETING ON THAT DATE; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY

- H. Discussion of election process including roles and responsibilities and verification of candidate petitions. (Requested by Councilwoman Suttles and Councilman Lamerson)

Councilman Lamerson said that there was an important statement to be made. He felt that he was someone sitting there who swore to uphold the laws of Arizona, took an oath of office to defend both the Federal and

State constitutions. In the last couple of years they have had several initiatives and ballot processes be questioned and the initiatives be questioned. He thinks that it deserves public airing as to what the law is.

Ms. Burke showed a PowerPoint Presentation on the process, including the role of the City Clerk. She said that she used the City Charter, City Code, Arizona Revised Statutes, and the Arizona Constitution. She also referred to the Municipal Elections Manual prepared by the League of Arizona Cities and Towns.

Mayor Wilson said that they have to work through the process and talk with the legislators and say that there is a flaw in the election law. They need to decide who the independent party will be. He thinks that it should be the County Attorney if there is a complaint.

Mr. Kidd said that historically the campaign finance issues were handled by complaints to the Attorney General's office. That allowed an independent agency to look at those issues. Now cities look at those issues. There are issues of neutrality and the Clerk's role has to be one of neutrality. He agrees with the Mayor that a local agency, not connected with the election, should look into complaints. Now a taxpayer has to go out of pocket to challenge things they feel are unfair. He thinks that it should be drafted in the form of a League Resolution to see if somebody will be interested in the issue.

Councilman Luzius thanked Councilwoman Suttles and Councilman Lamerson for bringing this to the agenda. It disturbs him that they have to have the conversation. He agrees with the Mayor that they should go to legislation and get it changed, but that could take forever. He recommends that they make a change to the Charter so they can nip it in the bud. He does not want it to resurface in another two years. For transparency it has to be addressed quickly.

Councilman Bell said that Mr. Kidd answered his question. He asked if they could begin this with an initiative to the League with the Resolutions Committee and get some backing. There are bound to be others having same problem. They can make recommendation to legislature to change the laws. Mr. Kidd said that he felt that it would be the best way to do it and that every city has these issues come up.

Councilman Lamerson thanked Ms. Burke for the presentation. He said that as far back as Prop 400, the streets initiative and now with a new expenditure limitation initiative, there seems to be a disconnect between understanding the requirements on the petitions. He thinks that it is important from time to time to publicly air the right way and what is

acceptable. The law is the law with regards to some of these circumstances.

Councilman Roecker asked if it would be proper to instruct staff to prepare something for the next League Meeting and see how it goes there. If they get no support, then they can pursue a charter change.

Mayor Wilson answered that he would think they could have the City Attorney work with Connie Tucker and Councilman Lamerson will replace Mayor Wilson on the Resolution Committee. Mr. Norwood said that they have 30-45 days to get this submitted to the League.

Jeri Smith Fornara, 405 Park Place, said she had lived in Arizona nearly all of her life carrying petitions for all parties since she turned 21. She put two initiatives through the Arizona Consumers Council and they won bread, milk and sugar price fixing cases here. She has been at every level, national, state, county and city. She congratulated Tammy Linn for what she knows is a hard thing to do. She also said to the Clerk that during the period of Marie Watson's time, she did check even though that was not the law. She wanted to say that she thinks they need to change the charter. When Rose Mofford with Secretary of State, they had people in that office who checked everything. She again congratulated Tammy Linn for taking time to do this because it should have been done many elections ago.

Michael Alan Peters, 640 West Lee Blvd, said that they have had their civics lesson, and wanted to share his legal perspective of what he believed was the directives imposed on the clerk. The issue is not only does the City Clerk have the duty to make sure that there are the right number of signatures, but that same language imposes legally, a duty to make sure that each petition is in substantially in regular form. He would suggest that "substantially regular form" imposes on the City Clerk an obligation to make sure that they do not have signatures on that petition that show the residency is in some other jurisdiction. If that is on the petition, then he thinks the duty, under the Clerk's obligation, must be substantially and regular form. The affidavit on the back of each petition must be there. He asked why they would impose requirements if they are not to be followed. He thinks the clerk has a legal obligation to exclude those signatures that do not have and meet that prerequisite.

If signatures are obtained which predate the certification statement of organization, which is required to be filed, those, on their face, are to be excluded under the duty of the City Clerk. The circulator affidavit has to be sworn to as required.

This is not a matter of neutrality of the City Clerk, but a matter of correctness of the face of the petition. It does not invade the neutrality of the City Clerk to make sure that the petitions are in regular form. He thinks and believes that it is her duty. Whether the laws or case law, has not defined the clerk in determining the number of valid signatures, they impose the duty to make sure that each signature, each petition, is substantially in regular form.

If they need wiggle room, without changing the charter, he thinks that they can rest assured in the City Clerk's duties, that when she is counting the signatures she could also make sure that they are in regular form.

Steve Blair, 1802 Northside Drive, commented that it takes a big person to step up and file a lawsuit. He thinks that there should be a Charter change and the County should oversee the complaints. He thinks that they should ask the public that vote on how they want it to read. They do not need to look to the State or League to do it. They need to do it in the City of Prescott. He is setting up a legal defense fund for Tammy Linn. People can e-mail him at sblair1802@cableone.net because he thinks it is unfair that someone should have to spend \$1000 to \$2000 to rectify something they should be doing in their Charter.

Mayor Wilson asked if there was general agreement to go forward with legislative solution. Councilwoman Suttles asked if he was going to wait and go through the legislative process.

Mayor Wilson said that he though that they should go through the legislature. He wanted to see if he could get a feeling from the Council to instruct staff to start working on what it takes to bring it forward to the League of Cities and talk to the representatives. They can prepare both if they would like.

Councilwoman Lopas said that she would like them to prepare both. They will be too late to get it on the ballot this year. If they do not get League support, they can still do it next year.

Mayor Wilson said that they would prepare both approaches and take it forward to the League this year and Mr. Lamerson will be working on the Resolution Committee on the day of the election.

I.* Discussion and possible action of Initiative Process and required signatures.

Mr. Kidd said that Councilman Roecker and Councilman Bell asked to have this put on the agenda for discussion purposes. When the process on this item was brought to the Clerk's office, she followed Title 19. That is

the process for initiatives for charter amendments which is provided by State Statute. She advised the individuals who were taking out the petition that was the process, and that is a process that has used by the state for some time. It is also the process that the City of Prescott has used in the past.

He said that part of his department's reviews is to flag election issues. A number of years ago they had Prop 400. There were a number of issues during that time, regarding signature requirements; there was a challenge. The City became involved in that matter, as a friend of the court. There were additional issues that had to be interpreted by resolutions.

When he did the research he also had Matt Podracky work on it. In conjunction with other issues, they discovered that their Charter refers back to the Arizona Constitution.

The problem with the Charter is that it does not mention what section of the Constitution it refers back to. In general legal interpretation you go to the one that applies to Cities. There is a section in the Arizona Constitution, Article 13 which pertains to municipalities. That article, in section 2, says that charters may be amended by petitions. When going through the charter process for amending charter it refers to a board of free holders and a calculation of 25% signatures and another section that deals with what a petition is.

Title 19 also references 25%. When he became aware of the problem he sent an e-mail to the City Manager, City Clerk and the Mayor to advise them that there was a potential legal issue. The Mayor set up a meeting and he presented information he had found. The Mayor asked the City Clerk to send a letter to the initiative group to advise them of a potential issue and then asked Mr. Kidd to write a legal opinion. They cannot provide private legal advice. He issued that opinion at that time.

They felt that they needed to make the people aware of the potential legal issue. Some feel there is a big conspiracy. There is a statute that says one thing and a charter that refers to the Constitution. In his legal opinion, the Constitutional section that pertains is the one that deals with the city charter amendments, which is article 13. There is a problem between the State Statutes and the Constitution.

The Mayor and City Clerk opted to make that opinion public and now they have an issue that has not been cited. A good argument can be made that the Constitution provided for amendment to charters and wanted 25% of people to sign those petitions. Just like they wanted 25% of the people to create the original charters, so that they would be able to create Home Rule Charter Cities.

The flipside of that argument is that the State Statute dealing with elections, in the League Manual, deals with the signature requirement of 15 %. It is based on the normal initiative and referendum, from the State Constitution, which provides that initiative and referendums require 15% signatures. The intent was to flag for the Council and the citizens that there is a legal issue.

He does not know how to reconcile the State Statutes and the State Constitution. There are some inherent problems in the process. To be conservative and safe, he would recommend the 25%. He acknowledged that the State Statute is different. He also acknowledges that they have told the citizens differently.

Mayor Wilson said that there has been some discussion by the public that they changed the rules in the middle of game and that is illegal. He asked Mr. Kidd to address that. Mr. Kidd said that he was sent a copy of State Statutes Section 19-117, but there has been no case on that particular point.

Mayor Wilson asked if they let the 15% go, if a citizen would then have an opportunity to challenge that on the Superior Court level and invalidate what had been done by the citizens. Mr. Kidd said yes. After the petitions were filed and it was going to the ballots, an elector could file a challenge.

Councilman Roecker said that it boils down to a fairness issue. This organization was told 15%. They are three weeks ahead of the due date and they are changing the rules. It is inherently unfair to require that. He does not agree with the initiative but he does think the process is being handled incorrectly. He asked if that body has the authority to accept 15% as the number to qualify to be put on the ballot.

Mr. Kidd answered yes, in his opinion. He said that he, as the City Attorney, gives the Council opinions and they have the ability to accept the recommendation from the City Attorney or not. If they were to make that decision, he would honor that.

Mr. Roecker said that after the discussion he will be making that motion.

Councilman Bell asked Mr. Kidd if he knew of any municipality, in the state that required 25%.

Mr. Kidd said that he did not know of any, but they did talk with Cathy Connolly who worked for the League of Cities for a number of years. She is the most learned expert in election law, and her opinion was 25%.

Councilman Bell said that the perception is that they brought this issue up because they were trying to stifle this initiative, and that was untrue. The people passing these petitions are entitled to do that. He said that he would be seconding Councilman Roecker's motion.

Councilman Luzius asked what prompted this inquiry. Mr. Kidd said that he had initially flagged it as an election issue to research the process. There were a number of discussions with staff members and other individuals over the last few months relating to the legality of this. The reason he did not get to it was because he was involved with AP&S and the SRP lawsuit.

Councilman Luzius asked him if it was his own initiative and not from anyone on the Council. Mr. Kidd said that it was his own initiative. There was not a single Council member who told him to find something wrong with that item.

Staff members do not like elections because there are inherent issues. Not a single Council member directed them to find a problem with that. When he became aware of the problem, he advised the City Clerk and the Mayor and they promptly released that opinion to let people know that there was a legal issue out there. He thinks that what the Mayor and the Clerk did was in the best interest of the people.

Councilman Luzius said the Mr. Kidd has told them that if it seems like a conflict of interest, it should be considered. His position is that if they think this is an issue of conspiracy it could be taken as that. Mr. Kidd said that he does not think there is any conspiracy whatsoever.

Councilman Luzius said that in retrospect it appears that there could be and for appearance sake he would like to echo what Councilman Bell and Roecker have said, that he thinks it is unfair to change the rules midstream. He would support what they are going to nominate and second.

Councilman Lamerson did not think that they were changing the rules. They are acknowledging that they did not know the rules. He commends Mr. Kidd for saying they fouled up. Everyone swore to uphold the Constitution and obey the laws of Arizona. He is not willing to vote against the Constitution or laws of the State of Arizona.

Councilwoman Lopas said that between this issue and the last agenda issue, it seems that there is some Charter ambiguity and asked when the last time was that the Charter was updated. She thinks they need to take a hard look at the Charter because they have some loopholes and something is wrong. She does not know how they should do it.

Councilwoman Suttles said that she appreciated Mr. Kidd's explaining of where they are. She said that they are in a gray area. They read it and had it presented to them. To sidestep the issue at that time, she does not think that is the right thing to do. She does understand the group finding out very late. She said that if they had done any of their homework and asked for any of the information, they would have seen it just like the Council did. No one is trying to hold them back. They need to clean some of this up and it is the Charter that they need to get on. She is going to back the City Attorney.

Councilman Roecker asked if there was anything illegal if he made the motion to go with 15%. Mr. Kidd said no, but there are some legal issues. If Mr. Roecker were to make that motion he would be following what the State Statute and the League Manual says to do. He would be following the referendum process in the State Constitution. He would be not complying with the other section of the State Constitution.

Councilman Roecker asked if there was a case law to say which one overrides the other and if either one could be a legal decision until challenged. Mr. Kidd said that was correct.

Mayor Wilson said that they tried to do the right thing when the legal opinion went out. There was no conspiracy. They did not have to release that. They released it to benefit those circulating petitions. If they move forward and say that it is 15%, it just says go out and do it. It does not say they cannot be sued for 25%.

Jerry Smith-Fornara, 405 Park Avenue, said that in 1964 she and the late Dr. Kern Sheils, head of Political Science section in the graduate school of the University of Arizona, founded the Arizona Consumers Council. They put forth and got tax law prescriptions and many other things through the years. Always through those statewide referendums, they were required to have 25% - no less and no more. Anyone that has looked at the state law since that date has known that it has been 25%. She does not know why anyone who started an initiative/referendum did not bother to look at State Statutes.

Brad DeVries, 444 Campbell, said he was the Chair of the Taxpayer Protection Committee. The City Attorney noted that if they look at the State Statute it is clear that it is 15%. They are confident that come November, no matter what happens, it will be on the ballot. They believe that for a number of reasons, because they believe they are on firm ground. Every city has interpreted the same Constitution for the last 97 years. That has been the rule and that has been the law and what they were told.

Mr. DeVries said that he could add a fairly clear chronology to the discussion. On April 15, he and John Danforth went into the City Clerk's office and requested petitions for the initiative. She told them that they would need 2,057 (2,058) valid signatures, which was 15%. They would be due the beginning of July. One and one half months later, approximately two-thirds of the way through the signature gathering process, they got a letter from the City Clerk, which he then read. It was recommended that they discuss the issue with their attorney and did not definitively state that the number would, in fact, be 25%. On June 8, they received a letter from the Mayor which was a cover letter over the City Attorney's legal opinion. He said that they may want to consult with their attorney about the issues raise in the memorandum. They did that. They firmly believe they are on firm ground insisting on 15%.

The section of the Constitution that the City Attorney is basing 25% on refers to the election to a board of freeholders to form a new city charter. There may be some ambiguity there, but it is very clear that it is about forming a new city charter. He urged them to go back and read that section of the Constitution in full.

On June 11 he received a letter in response to a June 10 document request. He thanked the City Clerk for a one day turnaround on the request. They asked for documents related to this. The Clerk responded that she had queried city clerks around the state, Tempe, Tucson, Phoenix, Flagstaff, and Bisbee. They all responded that they required 15% for Charter Amendments pursuant to the Constitution and State Statute.

On June 17, they finally received confirmation that the City would require 25%, two weeks before the conclusion of their signature gathering period. The City first said 15%, and then they said they were not sure, and then two weeks before signatures were due, they said 25%.

They believe the action is misguided and an attempt to abridge the public's right to the initiative process. They asked for it to be reversed. They would like to see a resolution before the City Council that does that, that evening. He would like to see that no city funds be expended in order to raise that limit to 25% at a later date.

Jim Lawrence, 345 High Chapparal Loop, commented that the City Attorney mentioned from a historical standpoint Prop 400. He said that in a weaker moment he had agreed to be the treasurer of Prop 400. Unfortunately, it almost cost him a 58 year marriage. When they applied for the initiative they received the count that was necessary based on 15% of the election. A few days after that, they found out, through an error, that the wrong election was used so the 15% was not quite 15%. Fortunately, that was early on in the process.

They were sued by an organization challenging their signatures. The City of Prescott was also named in the suit, as was the county. One of the leading law firms challenged not only the signatures, the validity of them, number of them, and in some cases, alleged there was fraud on the signing of them. But, the situation, in reality, even though this was a prestigious law firm and possibly the best authority on this, they did not win. Finally, there was a unanimous verdict of the Supreme Court and they went ahead and got a good election. The thing that confuses him was that this law firm did not challenge on them on 25%, it used the 15%.

COUNCILMAN ROECKER MOVED TO APPROVE A 15% REQUIREMENT FOR BALLOT SIGNATURES TO PLACE THE TAXPAYER PROTECTION INITIATIVE ISSUE ON THE 2009 BALLOT; SECONDED BY COUNCILMAN BELL

Councilman Lamerson asked Mr. Kidd if Proposition 400 changed the Charter. Mr. Kidd answered yes.

Councilman Lamerson asked Mr. Kidd if he was correct that 15% was not in the Constitution. Mr. Kidd said that there was no case on point. He is convinced that with about an 80% chance, that is the correct legal opinion. He does think that there are problems with the Statutes and some ambiguities in the Constitution. There is a fair degree of uncertainty and there is no case law on that point.

Mayor Wilson asked Mr. Kidd if this got on the ballot at 15%, if someone could still bring a court case. Mr. Kidd said that there was nothing that they could do to preclude someone from challenging putting that issue on the ballot.

Councilman Roecker asked if the 15% is approved, and this passes, if it would become invalid if it were challenged on the 15% level. Mr. Kidd said that he did not know. The issue is whether once the election has passed, they can go back and open it up. There are some weird nuances in terms of constitutionality of ordinances or things that are passed. They can often be filed without regard to any statute of limitations. If they find anything is unconstitutional based on the statute of limitations, they can challenge it at any time. The other issue is by lapse of time, the failure to object to a ballot measure before it was passed, and that may prevent them from making the challenge.

THE MOTION PASSED 5-2 WITH COUNCILWOMAN SUTTLES AND COUNCILMAN LAMERSON CASTING THE DISSENTING VOTES.

- U.*** Public Hearing on the Final Budget for Fiscal Year 2010 including expenditure limitation and proposed tax levy.

Mr. Woodfill said that this was the public hearing for the 2010 budget and also for the City of Prescott expenditure limitation for 2010 and for the property tax levee for 2010. He said that the budget was \$180,818,693.00 proposed for 2010, it was published by the City Clerk, twice in the paper, along with the hearing date.

Councilman Lamerson said that as he has stated in the past, he does not support the budget or the inclusion of items in the budget, specifically more money for Open Space. He is not in agreement of funding the Meals on Wheels. While they spend money on firecrackers and lightings, he thinks that their priorities are screwed up and the budget is a good indication of that.

COUNCILWOMAN LOPAS MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN ROECKER; PASSED 6-1 WITH COUNCILMAN LAMERSON CASTING THE DISSENTING VOTE.

VI. ADJOURNMENT

The Regular Voting Meeting of June 23, 2009 adjourned at 5:30 p.m.

SPECIAL MEETING

1. Call to Order.

The Special Meeting was called to order at 5:30 p.m.

2. Adoption of Resolution No. 3974-0980 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, finally determining and adopting estimates of proposed expenditures for the Fiscal Year 2010, and declaring that the same shall constitute the budget for the City of Prescott for said fiscal year and establishing the expenditure limitation, approving and updating the job roster for the City of Prescott and setting forth its determination as to unfunded capital and other unfunded budgetary requests.

Mr. Woodfill explained that this was the actual resolution to adopt the final 2010 budget.

Gary Edelbrock, 3155 North Highway 89, said that he was before the Council as Chairman of PACT (Prescott Area Coalition of Tourism), to thank the Mayor and Council for funding their organization. He said that they recognize that things change and the budget has been cut across the board, and should any

opportunity arise to restore some of the funding, they would appreciate it. He said that they will be looking into social media and they promise to be good stewards of the money they do receive from the City.

**MAYOR WILSON MOVED TO ADOPT RESOLUTION NO. 3974-0980;
SECONDED BY COUNCILWOMAN LOPAS; PASSED 6-1 WITH
COUNCILMAN LAMERSON CASTING THE DISSENTING VOTE.**

3. Adjournment of Special Meeting.

There being no further business to be discussed, the Special Meeting of the Prescott City Council of June 23, 2009, adjourned at 5:52 p.m.

JACK D. WILSON, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Voting Meeting of the City Council of the City of Prescott, Arizona held on the 23rd day of June, 2009. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2009.

AFFIX
CITY SEAL

ELIZABETH A. BURKE, City Clerk