



CITY COUNCIL EXECUTIVE SESSION MEETING

EXECUTIVE SESSION AGENDA

TUESDAY, DECEMBER 13, 2022, 10:00 AM

201 S Cortez Street

Prescott, AZ 86303

Lower Level Conference Room

Phil Goode, Mayor

Brandon Montoya, Mayor Pro Tem

Connie Cantelme, Councilwoman

Eric Moore, Councilman

Cathey Rusing, Councilwoman

Steve Sischka, Councilman

Clark Tenney, Councilman

The following Agenda will be considered by the Prescott **City Council Executive Session** at its **Executive Session** pursuant to the Prescott City Charter, Article II, Section 13. Notice of the meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02. One or more members of the Council may be attending the meeting through the use of a technological device.

1. **THIS AGENDA WAS AMENDED AT 10 A.M. ON MONDAY, DECEMER 12 TO ADD ITEM 4.A.**

Call to Order

2. **Roll Call**

3. **Call to Enter Executive Session**

4. **LEGAL MATTERS**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Prescott City Council and to the general public that the Prescott City Council will hold a Meeting at 10:00 a.m. on Tuesday, December 13, 2022, in the Lower Level Conference Room for the purpose of deciding whether to go into executive session. If authorized by a majority vote of the Prescott City Council, the executive session will be held immediately after the vote and will not be open to the public. The agenda for the meeting is as follows:

A. Discuss and Consult with the City's Attorneys for Legal Advice and to Consider the City's Position and Instruct its Attorneys Regarding Contemplated Litigation Against City and City Official and Related Request to Resolve Threatened Litigation by Retraction of Statements Made Outside of Official City Course of Business, Pursuant to A.R.S. § 38-431.03(A)(3) and A(4).

B. Discuss and Consult with the City's Attorneys for Legal Advice and to Consider the City's Position and to Instruct its Attorneys Regarding a Request for Annexation from Dry Gulch Steakhouse, Pursuant to A.R.S. § 38-431.03(A) (3 & 4).

C. Discuss and Consult with the City's Attorneys for Legal Advice and to Consider the City's Position and to Instruct its Attorneys and Necessary City Employees Regarding Pending Updates to the Airport Vicinity Overlay District (AVO) and Related Matters, Including Possible Property Acquisition and Dispute Resolution, Pursuant to A.R.S. § 38-431.03(A)(3, 4 & 7); and Following a Possible Executive Session to Discuss and Consult with the City's Attorneys for Legal Advice and to Consider the City's Position and to Instruct its Attorneys and Necessary City Employees Regarding Pending Updates to the Airport Vicinity Overlay District and Related matters, including Possible Property Acquisition and Dispute Resolution, Pursuant to A.R.S. § 38-431.03(A)(3), A(4), and A(7), Possible Action Regarding Same.

5. ADJOURNMENT OF EXECUTIVE SESSION & RECONVENING OF A REGULAR PRESCOTT CITY COUNCIL MEETING FOR DISCUSSION AND POSSIBLE ACTION REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION

6. Adjournment

EXECUTIVE SESSION

Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

- (1) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1));
- (2) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2));
- (3) Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));
- (4) Discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid litigation (A.R.S. § 38-431.03(A)(4));
- (5) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03(A)(5));
- (6) Discussion, consultation or consideration for negotiations by the city or its designated representatives with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city (A.R.S. §38-431.03(A)(6);
- (7) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03(A)(7)).

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. With 72 hours advanced notice, special assistance can be provided for sight and/or hearing-impaired persons at this meeting. Reasonable accommodations will be made upon request for persons with disabilities or non-English speaking residents. Please call the City Clerk (928) 777-1272 to request an accommodation to participate in this public meeting. Prescott TDD number is (928) 445-6811. Additionally, free public relay service is available from Arizona Relay Service at 1-800-367-8939 and more information at www.azrelay.org

Confidentiality

Arizona statute precludes any person receiving executive session information from disclosing that information except as allowed by law. A.R.S. §38-431.03(F). Each violation of this statute is subject to a civil penalty not to exceed \$500, plus court costs and attorneys' fees. This penalty is assessed against the person who violates this statute or who knowingly aids, agrees to aid or attempts to aid another person in violating this article. The city is precluded from expending any public monies to employ or retain legal counsel to provide legal services or representation to the public body or any of its officers in any legal action commenced for violation of the statute unless City Council takes a legal action at a properly

noticed open meeting to approve of such expenditures prior to incurring any such obligation or indebtedness. A.R.S. §38-431.07(A)(B).

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on _____ at _____ m. in accordance with the statement filed by the Prescott City Council with the City Clerk



Sarah M. Siep, City Clerk