

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, APRIL 14, 2009
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on TUESDAY, APRIL 14, 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.

◆ **INTRODUCTIONS**

◆ **INVOCATION:** Eunice Webb of Genesis

Ms. Webb gave the invocation.

◆ **PLEDGE OF ALLEGIANCE:** Councilman Roecker

Councilman Roecker 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 reported that there was a news conference at 1:00 p.m. on the Side Road Traffic Interchange so there would probably be something in the paper tomorrow morning.

I. PROCLAMATIONS

A. April 12-18, 2009 as *National Public Safety Telecommunications Week*

Councilwoman Suttles invited the Communications Department to come forward, read the proclamation proclaiming April 12-18, 2009 as *National Public Safety Telecommunications Week*, and then presented it to Paul Laipple, Manager of the Communications Department.

Mr. Laipple thanked the Council for their support over the year and then introduced each of their employees.

B. April 13-19, 2009 as *Support Friends of Yavapai College Art Week*

Councilman Roecker read the proclamation proclaiming April 13-19, 2009 as *Support Friends of Yavapai College Art Week* and presented it to Ray Weisbach, President of Friends of Yavapai College Art. Mr. Weisbach thanked the Mayor and Council for the proclamation and for their support. He noted that it is all a volunteer effort, with no public funds used. He said that it was developed over the past 25 years and still being invested in. Once they make an investment it is then turned over to the College. He then introduced Tony Reynolds who handles their publicity and Pat Williams who was Chair of their Membership Group.

C. April 14-May 15, 2009 as *Prescott's Bike Month*

Mayor Wilson then read the proclamation proclaiming April 14 through May 15, 2009 as Prescott's Bike Month, and presented it to Jim Knaup. Mr. Knaup said that on behalf of the Prescott Bicycle Advisory Committee they were well on their way to the presentation of their update to the 2003 Bicycle Master Plan, an effort undertaken in-house without outside consultants or expenses.

He said that Lisa Barnes and the crew at Prescott Alternative Transportation has been hard at work and successful for bringing in grants for the Safe Routes to Schools program, and recently completed their Complete Streets Town Hall and they will see some of their other impacts with the new multiuse path at the 69/89 interchange, and soon more enhancements at the south entrance to town on White Spar Road.

Mr. Knaup said that lately they have been consumed with this year's Bike Month calendar, which offers 32 days of activities including several rides, free seminars by bike shops, weekly bike-theme movies at the Raven Café, and cultural events like Meet Tim and Cindy Travis, Prescottonians that have been traveling the world by bike for the last seven years. There are activities involving PAT's Safe Routes to Schools partner schools, etc.

and the kick-off party was being held at Coyote Joe's after the Council meeting this evening.

Lisa Barnes said that Prescott should be very proud of having a full month of events. She has been told that no other community does that, not even Portland.

D.* April 13-19, 2009 as *Experimental Aircraft Association Week*

Councilwoman Lopas invited everyone involved in the events to come forward. She then read the proclamation proclaiming April 13-19, 2009 as *Experimental Aircraft Association Week* and presented it to Dave Roy, President of the Local EAA Chapter. Mr. Roy said that what was before the Council and audience was a bunch of airport supporters and aircraft enthusiasts. He said on Saturday they were going to kick off Wings and Wheels, which is a fly-in and car show activity at the airport. He said that they will have a number of war birds and special interest aircraft, automobiles, free rides for kids, helicopter rides, etc. Additionally, there will be a pancake breakfast and bratwurst lunch. He thanked the City for support their efforts.

Councilwoman Lopas said that she does not fly, but she would be bringing out an antique car.

II. PUBLIC COMMENT

A. Currie Lee regarding the security program at Prescott Municipal Airport.

Currie Lee, 710 Black Drive, Prescott, said that he was President of the Prescott Airport Users Association. He said that in mid-December 2008 he was informed that the Transportation Security Administration (TSA) had come out with a mandate that they increase security at the airport, based on the fact that they had commercial air service. He said that the airport administrator, instead of directing it to the commercial side, directed the program at the general users of the airport.

He said that he had provided copies of the City's application in the Council meeting packet that requires a badge for anyone wanting to enter the airport property. He said that there were two other documents he wanted to include, but he could not obtain copies as they were classified as secured information, but he understood that the airport manager did have them today if the Council wished to see them.

At the time he put his name on the docket there were several concerns with the application which requires people wanting to come inside the airport fence to be responsible for the entire program. They have to sign

the form and relinquish their rights to privacy as far as social security and identification goes. They are charged with the responsibility of challenging any person they do not know, or does not display proper identification, which creates horrendous liabilities for the City.

He said that the second document is one that has to be signed after TSA has approved them for their badge and is called a training document, when in effect it was a page of more rules, which reiterated their need to challenge on the airport, again creating liabilities. He said that they have to pay a \$20 fee for the badge and it expires on their birthday. He said that some of the issues have been worked out.

He said that the third document was the security plan for the airport itself. He has asked several times to be privy to that and he has been told it is on a need to know basis only. They can make a request and if TSA says yes, fine, but if they say no, they cannot look at it. He suspects by having been employed by government for 25 years, that there are a lot of things in that document that he, or any user at the airport, could be held responsible for without having any knowledge that they exist. If they are held in violation of the items, they can be fined by both TSA and the City up to \$10,000 when the City has already set up a fine structure for the airport that limits fines to \$25,000.

He said that he was before the Council to ask them to consider directing airport management to review the documents with the airport users, to be fair, open and complete so they could understand them. The challenge provision has been changed in both the application and training document, but the document itself still requires that he challenge something. He said that there are a lot of people that are uneasy with that, about 25% of the population of the airport refuses to fill out the application at this point.

Mayor Wilson said that during Public Comment discussion could not take place but he would place it on a future agenda for discussion.

- B. Frank Creelman regarding too many officers at accident/situation sites and lawsuit.

Mr. Creelman was not present. Councilwoman Suttles said that this was the second time he had asked to be on the agenda and not shown up or called. She suggested that they have a policy to address that. Mayor Wilson said that they would need to modify the Council procedures and asked that the item be placed on a future agenda for discussion/action.

III. PRESENTATION

- A. Presentation to *The Friends of the Prescott Public Library* for their outstanding contributions.

Library Director Toni Kaus said that the Friends of the Prescott Public Library first organized in 1968 to help a good library become even better and since that time they have raised over \$2 million.

She invited the viewing audience to join the Friends for as little as \$10 year, or donate their lightly-used books and magazines to the Friends book sale, or attend the Friends After Hour Fundraising Event, Jazz in the Stacks. She said that this year it will be held on Sunday, May 3, 2009 from 4:00 to 7:00 p.m. and tickets are \$25 and available at the Downtown Library and the Prescott Gateway Branch.

She said that the Friends usually support the “icing on the cake,” but this year it has been different. She first asked the Friends to purchase a collection of 450 popular DVD’s, and then she requested they fund a recently-vacated part-time reference librarian position. Without her twelve hours of week they were having a hard time staffing Sunday hours while continuing to support the Library programs funded by the Friends. The Friends came through with a generous contribution which made it possible for the Library to remain open on Sundays. She then presented a plaque to the Friends President, John Danforth, inviting him and all members of the Board present.

Ms. Kaus introduced the members of the Friends Board: Deb McCasland, Claudette Simpson, Barbara Houser, Paul Madden, Swiss Schaeffer, Richard Cady and John Danforth. Missing were Marjory Sente and Jean Canoose.

Mr. Danforth thanked the City on behalf of the hundreds of Prescott residents who routinely contribute to the Friends of the Prescott Public Library because of their love and what it gives to a community. He said that this year their budget was in excess of \$100,000 that they were passing through to help with library programs and facilities, and they are so grateful to be able to participate in that process.

IV. CONSENT AGENDA

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

Councilman Luzius pulled Items A and C from the Consent Agenda.

COUNCILMAN ROECKER MOVED TO APPROVE CONSENT ITEMS IV-A THROUGH IV-E, EXCLUDING ITEMS IV-A AND IV-C; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.

- B. Adopt Resolution No. 3949-0955 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, approving completion of a grant application for grant funding from the U.S. Department of Justice, Bureau of Justice Assistance, in the amount of \$84,057 for the purchase of various items listed herein to be used for training and personnel costs as well as purchasing supplies and equipment that will improve or enhance law enforcement programs, accepting said grant if awarded, and authorizing the execution of any and all documents to implement same.
- D. Adopt Resolution No. 3948-0954 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, adopting a Council policy regarding contracts with the City by public officers and employees of the City.
- E. Approval of the Minutes of the Prescott City Council Joint Study Session/ Special Meeting of March 17, 2009, the Regular Voting Meeting of March 24, 2009, and the Joint Workshop with the Prescott Valley Town Council of April 1, 2009.

- A. Approve completion of a grant application to the U.S. Department of Justice, Office of Community Oriented Policing Services, requesting funds to hire four entry-level police officer positions under the COPS Hiring Recovery Program.

Councilman Luzius said that he was not against the program at all, but he had received a question from a citizen. He asked how many officers the department has per thousand citizens. Chief Oaks said that they are currently authorized at 75 positions, including his, but they are currently staffed at 70, which, compared with the population, comes in at under two officers.

Councilman Luzius asked how many officers they have on patrol at any given time. Chief Oaks said that patrol squads are currently staffed at seven officers and a supervisor, not taking into consideration the hours when they have additional traffic officers, school resource officers, detectives, etc.

COUNCILMAN LUZIUS MOVED TO APPROVE COMPLETION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES,

REQUESTING FUNDS TO HIRE FOUR ENTRY-LEVEL POLICE OFFICER POSITIONS UNDER THE COPS HIRING RECOVERY PROGRAM; SECONDED BY COUNCILMAN BELL; PASSED UNANIMOUSLY.

- C. Award a three-party architectural services contract between the City of Prescott, Otwell Associates Architects and the Elks Opera House Foundation for historic restorations to the Elks Opera House with the City managing the contract and improvements and the Elks Opera House Foundation paying all costs.

Councilman Luzius said that he had a discussion with Mr. Fenech as he had not seen anything in the scope of work applied to sprinkler systems. His opinion is that they need to have it sprinklered.

Mr. Fenech said that the scope of work listed in the packet broke down all of the items totalling \$1.3 million. They were estimates that fit within the Foundation's budget. They are currently out for qualifications for Construction Manager at Risk and when they go through that process that manager, along with the architect, will work toward the available budget and work on each scope. When they get to that point, they will know what monies are still available for the system. It is not a required element in a historic building; however, it is strongly recommended.

Mayor Wilson said that it would need to be placed on the agenda for discussion at a future time.

COUNCILWOMAN SUTTLES MOVED TO AWARD A THREE-PARTY ARCHITECTURAL SERVICES CONTRACT BETWEEN THE CITY OF PRESCOTT, OTWELL ASSOCIATES ARCHITECTS AND THE ELKS OPERA HOUSE FOUNDATION FOR HISTORIC RESTORATIONS TO THE ELKS OPERA HOUSE WITH THE CITY MANAGING THE CONTRACT AND IMPROVEMENTS AND THE ELKS OPERA HOUSE FOUNDATION PAYING ALL COSTS; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

V. REGULAR AGENDA

- A. Reconsideration of request from Great Lakes Airlines for letter of endorsement to USDOT regarding changes to service destinations and further authorizing the Mayor and City Staff to execute any and all related documents.

Councilwoman Suttles said that she and Councilman Bell had asked to have this brought back to the Council for reconsideration hoping that Great Lakes Airlines could give them more information and educate them

on the service going to Denver. Councillman Bell said that they felt they were shorted on some information last time and when it became available the vote might be different.

Mr. Vardiman said that it had been asked earlier what investment the Essential Air Service (EAS) brings to the community. It enhances their ability to obtain FAA grants, and since the 1980's they have received \$24 million in improvements. He could not say it was because of that, but the majority of funds were received because they were a commercial service airport. He said that without the EAS they would not be able to reach the 10,000 enplanement requirement and they would be stuck at \$150,000 to invest in the airport. Additionally, he had invited Chuck Howell of Great Lakes to provide any further information.

Councilman Lamerson thanked Mr. Vardiman for supplying that information regarding the investment of the Airport. He said that it is a piece of City infrastructure and is important that the community understand that the EAS is a part of that investment. Without it they could compromise the viability of their Airport.

Mr. Howell said that they were there to apologize for their ineffectiveness of properly communicating through the channels and helping educate the Council what Mr. Vardiman has uncovered. He said that they do have mutual interests and what is good for the City is good for Great Lakes Airlines, and vice versa. He said that they were there to be long-term partners.

Mayor Wilson said that he asked Mr. Howell to reiterate their co-chair arrangements with other airlines. Mr. Howell said that they do have a co-chair, a marketing relationship, with United and Frontier Airlines, which are the #1 and #2 carriers in the Denver hub. They provide through-ticketing and have their bags transferred.

Councilwoman Lopas said that the Council did receive an e-mail this morning from a pilot for Delta Airlines who commutes out of the area. He asked what the plans were for introducing the Brazilia to this area so they would not have to make a stop in Farmington, NM. She said that they have received a lot of e-mails from citizens not wanting to make the stop in Farmington, NM. She said that the big concern was the turbulent air going over the Rocky Mountains. The Brazilia would be better for everyone on the plane. If they did have air sickness they could easily take care of themselves on the plane.

Mr. Howell said that they do have the ability to fly a larger aircraft; they have six in the fleet of the 30-passenger Brazilias. However, they currently have all of them allocated in current markets today. Under the EAS

proposal, it calls for a 19-seat airplane. They are at a point in EAS funding where they do not think that DOT in Washington would support it initially, but they may support it in the long-term. Today they are not in a position to do that.

Councilwoman Lopas asked if there was anything the Council could do to foster a relationship with DOT. Mr. Howell said that they may want to contact the EAS Department, but the best bet would be to see it change at the next cycle. Councilwoman Lopas asked Mr. Howell if they would be willing to work with the City on the next cycle; Mr. Howell replied that they would.

Councilman Lamerson said that in their conversations earlier, he thought he picked up that, as with Phoenix, they were on a trial basis with the Denver flight. If people are not using the Denver flight it may not continue. Mr. Howell said that was a fair statement. The message is that it is a much more global issue than where they go today; it is how the program has evolved and carriers have diminished and the redistricting of hub airports and viability of them affect communities and them as a carrier. He said that they all need, collectively, to be flexible.

He said that several months ago they came to Prescott and asked for the addition of a flight to the Ontario, California airport, which has moderately been successful. If it had not been successful they probably would have gone back and retreated. The same would be with Denver; if they get down the path and they, as partners, determined it was not a viable option then it would be looked at again.

Mr. Howell said that the key thing is that the airport and air service is important to Prescott, and it is important to them because they are committed, being the largest EAS carrier. The goal for everyone is to find the magic sweet spot that works for them, the consumer and helps the airport grow and increase the enplanements. Councilman Lamerson thanked him for the explanation and his candor.

Councilwoman Suttles said that she thought that the last time they had the presentation they did not have enough information, or was not comfortable enough. Cutting out Phoenix was a big part of what they did in Prescott, although they were pleased to have Great Lakes come in after Mesa left. She said that after the vote they received a number of e-mails and she did not have one e-mail that said to keep Great Lakes going to Phoenix. She said that it is a learning issue for the Council and they are hoping that the Denver flight proves to be successful.

Councilwoman Lopas asked Mr. Howell to stay in contact with the City. He said that he hoped their channel of communication had been opened.

Councilwoman Lopas asked, with regard to communication, if the airline had any type of exit question asking their patrons how their flight was. Mr. Howell said that they typically have cards at the counter to provide an opportunity for feedback. He said that they also have Cathy DeFrais, the Station Manager, who has been in the community for the last 11 years, who they use as a sounding board.

Councilman Luzius thanked them for coming and making the presentation. He said that he, too, received a number of e-mails and forwarded them to the sales manager. The more he saw the more he was convinced that the Denver route was a good one. He was never against it, but his suggestion was to have a route to Denver and to Phoenix. He does understand that economics preclude that, but he would like to see larger planes to Denver so they do not have to make the stop in Farmington.

COUNCILMAN BELL MOVED TO RECONSIDER ACTION BY THE COUNCIL TAKEN AT THE REGULAR VOTING MEETING OF MARCH 24, 2009, REGARDING A LETTER OF ENDORSEMENT FROM THE CITY TO THE US DEPARTMENT OF TRANSPORTATION FOR AN AMENDED DESTINATION UNDER THE ESSENTIAL AIR SERVICES CONTRACT; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.

COUNCILMAN BELL MOVED TO APPROVE THE UPDATED LETTER OF ENDORSEMENT FOR GREAT LAKES AIRLINES TO US DEPARTMENT OF TRANSPORTATION REGARDING CHANGES TO SERVICE DESTINATIONS AND FURTHER AUTHORIZING THE MAYOR AND CITY STAFF TO EXECUTE ANY AND ALL RELATED DOCUMENTS; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- B. Approval of a professional services contract with Black & Veatch for engineering services for the Airport and Sundog Wastewater Treatment Plants Master Plan for Capacity, Technology, and Improvement Projects in an amount not to exceed \$1,167,908.00.

Mr. Nietupski said that this item was discussed last week, and was a professional services contract for the Airport and Sundog Wastewater Treatment Plants Master Plan. Councilwoman Suttles asked if it was just for the engineering. Mr. Nietupski replied that was correct; construction will follow, hopefully the first phase in 2010, and it will be considerably more expensive than the design. Councilwoman Suttles asked if would occur if the engineering is done and then they do not have the money to start the construction.

Mr. Nietupski said that if the financial resources were not available at that time they would not recommend going forward. He said that the proposal is to provide for improvements through 2025 so the information would remain valid.

Mr. Norwood asked that Mr. Woodfill address the issue further. Mr. Woodfill said that the Capital Improvements Plan (CIP) estimates are from anticipated needed improvements that the rate studies are built around. With the rate increases that the Council has voted on, the funds should be available to fund the project. If the construction is not happening as quickly as it used to be, the project may end up being pushed a year or so, but he heard that the information from the engineer would still be good when they get to the capital projects. They are capital needs that have to be done. If growth is too slow, or other things affect it, the next time they do a rate study they will be in there again because they are needed improvements that have to happen.

Mr. Norwood said that the reality is that the Airport plant is in dire need to get expanded so if projects do get delayed, it would not be this project, but others. Mayor Wilson concurred, noting that when they look at the big picture, in terms of capacity and potential violations that would be addressed by ADEQ, they do not want to go there. They are planning for the future. It is one of the touchstones to make sure that they keep the quality of their sewage at the proper level.

Mr. Nietupski said that the capacity issue is significant in that as they contemplate annexation and platting in the airport, in order for them to approve them they have to be able to assure ADEQ that they have the capacity to treat wastewater that would come from those developments.

Councilman Roecker asked, for clarification, if what Mr. Nietupski was saying was that the shelf life of the study is more than adequate to stand a two to three year delay. Mr. Nietupski said that was correct.

Councilman Luzius said that they have talked about public/private partnerships for the Big Chino Pipeline, but he asked if anyone thought about 3P's for this. Mr. Nietupski said that it has not been discussed in his presence. Councilman Luzius said that the reason he asked was that he received a call from someone that provides award-winning water treatment plants, Perc Water Design. He said that they have offered to give a presentation, and he was told that the City would not have to expend the \$1.67 million. They could do the engineering work and the City would not have to spend the money for it. They would provide the financing, engineering, build the system and the City could bill for the sewage through its system. After 30 years the facility would revert back to the City.

Mayor Wilson said that they were getting off the agenda. Councilman Luzius said that he would like to table the item and bring them in for a presentation. Mr. Norwood said that he could assure them that they would not do that pro bono. The work has to be done; it is very detailed, very complicated engineering. They will do the engineering and they may roll it all into construction, but Prescott would pay the finance charge, the construction charge, the profit. He urged the Council to not delay today's action.

Mayor Wilson said that he was not willing to delay it. He sat in on the eight interviews on the public-private partnerships and there are no free rides. It is a different arrangement, but he was willing to place it on a future agenda for a presentation.

Councilman Roecker said that he and Mr. McConnell have talked about 3P's for sewage treatment, and he wants the public to fill at ease that they have had those discussions in the past.

Mayor Wilson asked the City Attorney to determine if they could discuss that issue further. Mr. Podrahky said that, in general, it has to be substantially related to the agenda item. It is a close call so he would say they could discuss it, but not vote on it.

Mr. McConnell said that during the interviews and dialogue with the firms involved with doing 3P's, there were a lot of things discussed. While they were talking about the Big Chino Water Ranch it is the same concept, whether it is a highway, treatment plants, etc. The fact is that it is a different business model and relationship about how to deliver a service, but at the end of the day they have to pay for it. He said that they would have to be very careful about crafting the relationship and do their due diligence to consider it, much less enter into it.

He said that there is no free lunch and what works for Surprise may or may not work for the City of Prescott. He said that this project is about a much-needed improvement immediately to the wastewater treatment plant at the Airport. It is also a matter of doing what the current requirements are and what the anticipated requirements may be. He said that there is a benefit of exploring other approaches, but they would urge that it be done on a separate tract, and very cautiously.

Councilman Luzius said that they would be conservative and do their due diligence on any contract. He would like to hear a presentation. Mayor Wilson asked the City Clerk to make that arrangement.

Mr. McConnell said that his point was well taken. Anything they do with complexity does require due diligence. The point staff was making is that they have considerable experience in engineering, administering, design for existing facilities. When they enter into the realm of 3P's there is a whole different level that they do not have the experience with. Mayor Wilson said that was why they were looking to get a financial advisor on board.

Councilman Lamerson said that he wanted to remind everyone of the discussion today down the road when they discuss 3P's because he does have some concerns on entering into those kinds of associations.

Councilman Roecker asked what kind of deadline or circumstance they would face if they tabled the issue and did more research. Mr. Norwood said that they are at the window right now and any future plans would probably be denied. He said that they could delay it, but he did not think it was a wise thing to do.

Councilwoman Lopas said that they need to get this done and at least the engineering. They need to know what the costs are involved.

COUNCILMAN LAMERSON MOVED TO APPROVE A PROFESSIONAL SERVICES CONTRACT WITH BLACK & VEATCH FOR ENGINEERING SERVICES FOR THE AIRPORT AND SUNDOG WASTEWATER TREATMENT PLANTS MASTER PLAN FOR CAPACITY, TECHNOLOGY, AND IMPROVEMENT PROJECTS IN AN AMOUNT NOT TO EXCEED \$1,167,908.00; SECONDED BY COUNCILWOMAN SUTTLES; PASSED 6-1 WITH COUNCILMAN LUZIUS CASTING THE DISSENTING VOTE.

- C. Adoption of Ordinance No. 4695-0938 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, ordering and calling a Special Election to be held on September 1, 2009, to vote on municipal measures.

Ms. Hadley said that this item was for calling of an election for September 2009. She said that nothing has changed since their last discussion, and this was simply putting a placeholder in line for the election.

Councilwoman Lopas said that when they started discussing this issue she felt that 2009 was the wrong time to go forward and 90% of what she has received from the public says do not do it this year. She said that she understood that it was a placeholder, but she was not comfortable going forward without having the results of the polling. Ms. Hadley said that they would have the raw data available on the 28th of this month. Councilman Lamerson said that he was not comfortable with just some information,

but he was more comfortable than no information.

Councilwoman Suttles said that she disagreed. This was simply a spot to hold it. If the group cannot come up with some type of data and information, she asked how they would expect their constituents to do with it. She said that they have been dealing with it for close to a year.

Councilwoman Lopas said that another concern was that this would be in the paper tomorrow and the polling is taking place. She was concerned with this tainting the polling. She did not like the time crunch and felt it was a bad time overall.

Councilman Luzius said that he understood the polling was happening today and he was disappointed that they did not have the opportunity to vote on it. He understood that it was under \$20,000 and the City Manager could do that, but he was not comfortable doing the polling. He said that they were elected to do a job for the citizens and make a decision.

Councilman Bell said that he agreed with Councilman Luzius. He would feel better going to the citizens, but he was willing to accept that the polling was taking place. He said that since the City Clerk tells them they have until April 28, 2009 to place it on the ballot, he was in favor of waiting until the 28th when they would have some data available from the polling.

Councilman Lamerson said that he was in concert with the others; he was not fond of the polling. He would rather go directly to the citizens, but that was not what the Council chose. They still have an opportunity to hear some of the information and he appreciated some of the Council supporting that position.

Councilman Roecker said that he thought the polling was a good idea, but he agrees they should wait until April 28 to allow them a chance to hear some of the feedback.

Discussion was held on the fact that the Council does not need to vote on the actual wording of the ballot language, but they do need to decide on what percentage, for what purpose and for what length of time, so that arguments for and against can be solicited from the public.

COUNCILMAN BELL MOVED TO DEFER ACTION ON THIS ITEM UNTIL APRIL 28, 2009, SECONDED BY COUNCILMAN LUZIUS; PASSED 6-1 WITH COUNCILWOMAN SUTTLES CASTING THE DISSENTING VOTE.

VI. ADJOURNMENT

There being no further business to be discussed, the Regular Voting Meeting of the Prescott City Council of April 14, 2009, adjourned at 4:25 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 14th day of April, 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