

PRESCOTT CITY COUNCIL
REGULAR VOTING MEETING
TUESDAY, AUGUST 23, 2011
PRESCOTT, ARIZONA

MINUTES OF THE REGULAR VOTING MEETING OF THE PRESCOTT CITY COUNCIL held on AUGUST 23, 2011, in the COUNCIL CHAMBERS located at CITY HALL, 201 SOUTH CORTEZ STREET, Prescott, Arizona.

◆ **CALL TO ORDER**

Mayor Kuykendall called the meeting to order at 3:00 p.m.

◆ **INTRODUCTIONS**

◆ **INVOCATION:** The Heights Church

No one representing The Heights Church was present; no invocation was given.

◆ **PLEDGE OF ALLEGIANCE:** Councilman Hanna

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

◆ **ROLL CALL:**

Present:

Absent:

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

None

◆ **SUMMARY OF CURRENT OR RECENT EVENTS**

Mr. McConnell, Acting City Manager, noted that the City's Primary Election was on August 30, 2011, and the Council Chambers would be open at 6:00 p.m. for election results following the closing of the balloting. He said Access 13 would provide election coverage from 7:00 p.m. to 8:00 p.m.

I. CONSENT AGENDA

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

COUNCILWOMAN SUTTLES MOVED TO APPROVE CONSENT AGENDA ITEMS I-A AND I-B; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.

- A. Approval of a one-year contract extension with Test America Laboratories, Inc., under the same terms and conditions (\$12,000.00) as the original contract dated April 10, 2010.
- B. Approval of minutes of the Prescott City Council Regular Voting Meeting of August 9, 2011.

II. REGULAR AGENDA

- A. Public Hearing and consideration of a liquor license application from H. J. Lewkowitz applicant for Chipotle Mexican Grill, Inc., for a Series 12, *Restaurant*, license for Chipotle Mexican Grill #1711 located at 351 North Montezuma Street, Suite B.

Ms. Burke reviewed the application, noting that the property had been posted and no public comment had been received.

Ms. Lewkowitz said they were planning to open in the fall. She said it was the 44th Chipotle to open in Arizona and they had not received a liquor violation since the first store opened in 2003.

Councilwoman Suttles asked where they were located in the Albertson's Mall. Ms. Lewkowitz said they were next door to the Starbucks.

COUNCILMAN LAMERSON MOVED TO CLOSE THE PUBLIC HEARING; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.

COUNCILMAN LAMERSON MOVED TO APPROVE THE LIQUOR LICENSE APPLICATION FROM H.J. LEWKOWITZ APPLICANT FOR CHIPOTLE MEXICAN GRILL, INC. FOR A SERIES 12, RESTAURANT, LICENSE FOR CHIPOTLE MEXICAN GRILL #1711 LOCATED AT 351 NORTH MONTEZUMA STREET, SUITE B; SECONDED BY COUNCILMAN HANNA, PASSED UNANIMOUSLY.

- B. Approval to perform night work at the Prescott Municipal Airport for Runway 21L/3R Safety Area Improvement Project.

Mr. Vardiman said the item was a request to conduct night work for certain portions of the project. He said there would be extensive construction work in the area of the runways between the need for a safe operating environment for both the contractor and the citizens using the airport, as well as meeting all of the standards and minimizing the delays. He noted they would move forward for the next six months beginning in January.

Councilwoman Suttles asked if the neighbors had concerns about the work lasting six months.

Mr. Vardiman said it would not be for the entire six month duration. He noted one closure would involve the primary runway and the crosswind runway. He said that it would be a very time sensitive project. He said there had been no public comments.

Mayor Kuykendall said the tower closed at 10:00 p.m. and asked if it would continue to operate when they did the night work. Mr. Vardiman said they would go on the advisory and they would send traffic to the other runways. He said that once the tower shut down it would be broadcast through notices to airmen.

COUNCILWOMAN SUTTLES MOVED TO APPROVE NIGHT WORK AT THE PRESCOTT MUNICIPAL AIRPORT FOR THE RUNWAY 21L/3R SAFETY AREA IMPROVEMENT PROJECT; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- C. Approval to purchase replacement Automated Side-Load Truck Body from Arizona Refuse Sales, LLC, in an amount not to exceed \$110,000.00.

Mr. McDowell said they were just going to replace the body this year because the chassis was in good shape. He was told the new Scorpion body would last about seven years.

Mayor Kuykendall asked if it was the same manufacturer as the body that was being removed. Mr. McDowell said the old body was a Heil, with which they had some problems in the past. He noted that Scorpion was in Phoenix and it would be much quicker to get parts.

Councilman Blair asked if they were going to do it in-house. Mr. McDowell said they would remove the body and do as much as possible with the garage. He said the \$110,000 would cover everything to refurbish the

vehicle. He noted they were doing this due to the emissions guidelines that were coming up.

COUNCILMAN LAMERSON MOVED TO APPROVE REPLACEMENT AUTOMATED SIDE-LOAD TRUCK BODY FROM ARIZONA REFUSE SALES, LLC, IN AN AMOUNT NOT TO EXCEED \$110,000.00; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.

- D. Approval to purchase side-load automated trash carts in a total amount not-to-exceed \$120,000.00 from Otto Environmental Systems, (AZ) LLC.

Mr. McDowell noted that the carts had a ten year warranty. He said they replaced 1700 to 1900 carts in any given year. He said the current carts were past their life span. He noted that Otto Environmental made 95% of carts in the industry and the residents stated those were the carts they preferred.

COUNCILMAN SCAMARDO MOVED TO APPROVE PURCHASE OF SIDE-LOAD AUTOMATED TRASH CARTS IN A TOTAL AMOUNT NOT-TO-EXCEED \$120,000.00 FROM OTTO ENVIRONMENTAL SYSTEMS, (AZ) LLC; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.

- E. Approval of agreement with PSC Environmental Services, LLC, for household hazardous waste collection and disposal services in an amount not to exceed \$60,000.00.

Mr. McDowell said they were taking comments from Council and residents regarding a household hazardous waste collection day. He said the Solid Waste Division would offer the service to the citizens of Prescott. He said they found a contractor called PSC, who the City of Mesa had used. He said they piggybacked off of their contract. He noted that it would be a free service to the citizens on September 25, 2011, at the Transfer Station. It was being offered on a Sunday because the Transfer Station was open Monday through Saturday. He said that they had not held the event since 2008.

Councilman Lamerson noted that the citizens were really paying for the service in their existing bill.

Mr. McDowell said they would take residential tires. Councilman Hanna asked if the event was just for the City residents. Mr. McDowell said it was for the citizens as well as any citizens who they provide service to, outside of the City limits.

Mayor Kuykendall asked if they would need to bring a copy of their bill. Mr. McDowell said yes. He said it would be opened from 8:00 a.m. to noon.

Councilwoman Suttles asked why they had not done that event since 2008. Mr. McDowell said that it had to do with money. He noted that they had a lot of calls about it and it needed to be done.

Councilwoman Suttles asked if PSC would take the refuse with them. Mr. McDowell said yes. He said the City would save some money by processing the paint internally. They will mix the usable paint and use it for graffiti removal.

Daniel Mattson, Prescott, noted that a lot of people went to church on Sunday between 8:00 a.m. to noon. He asked if the hours could be adjusted. Mr. McDowell said that he had thought of that and said that if they arrived at 7:00 a.m. they would be the first ones through the gate. He also suggested asking a neighbor or friend to bring it in for them. He said that once the waste was loaded in their vehicle, they would not have to touch it again as the employees would take it out of the vehicle.

Thomas Slaback, Prescott, agreed with Mr. Mattson and commended Mr. McDowell for bringing the program back. Mr. McDowell said he could extend the program until 1:00 p.m. but did not want to change the day.

Councilman Blair asked if they could run it on Saturday from 4:00 p.m. to 6:00 p.m. and then from 8:00 a.m. to noon on Sunday. Mr. McDowell said it would cost a lot more money because the company was coming up from the valley.

Sandy Griffis said that she had some concerns with the service agreement. She noted that it said service agreement in one spot and independent contractor in another. She said that if it was defined as an independent contractor, the City had to be sure that they adhered to classifications of the Internal Revenue Service and their rules. She also noted that they left out "City as a whole" in Item 8. She was also concerned that they mentioned possible ambiguity in Item 9.

She asked that they receive a hard copy of the Certificate of Liability to cover Item 14. She said they also needed to be named on the endorsement or else it was null and void. She asked if in Attachment A the employees of the company and the drivers of the company would hold the City harmless. She asked if drive time was part of the expense. She also said the contract agreement should state that the equipment was going to be in good working order and condition.

She asked why Prescott Valley was not invited to come on board and absorb the expense. She said that she talked with them and they said no one had talked to them about it, but they would love to participate.

Mr. Kidd said that it was a City of Mesa piggyback contract. He said the Use of Terms Agreement were interchangeable. He said the independent contract provision was something the City had in all of those contracts, which was fairly standard. They did it so they did not have someone contracting with the City that was deemed to be an employee.

He said the public liability was \$5 million and was sufficient with what Risk Management would require. He noted that the reason the individual employees did not have indemnity was because the contract provided for insurance on the part of the entity.

Mayor Kuykendall asked if he was comfortable with the entire contract. Mr. Kidd said yes.

Mr. McDowell noted that PSC had a long term contract with Mesa. He said that the last time Prescott Valley was involved the agreement was really with the County, and each of them contributed a small amount, with Prescott paying \$60,000 for the remainder. It was not very equitable.

Councilman Scamardo said they would learn a lot from this event. He said they would learn if the hours were too short on Sunday and if they should bring in other cities to jointly participate.

Councilwoman Suttles suggested the City include the other entities in the next event and have everyone pay their share. Mr. McDowell said that they had tried to partner on clean up days before and they chose not to be involved, but they would try in the future. He noted that any extra money made went back to the citizens of Prescott.

Councilman Lamerson asked where the \$60,000 came from the last time they held the event. Mr. McDowell said it came out of the same revenue source as they were going though for the current event.

Bob Luzius, Prescott, said it was good for the City to have its own solid waste facility so they could offer the service to their citizens.

COUNCILMAN HANNA MOVED TO APPROVE AGREEMENT WITH PSC ENVIRONMENTAL SERVICES, LLC, FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION AND DISPOSAL SERVICES IN AN AMOUNT NOT TO EXCEED \$60,000.00; SECONDED BY COUNCILWOMAN LOPAS, PASSED UNANIMOUSLY.

- F. Approval to submit application for a Community Partnership Grant through Bikes Belong Coalition.

Mr. Baynes said they would like to apply for the grant for the purchase of a piece of equipment for trail building, which was a mini excavator with a dozer blade attachment. He noted the terrain was difficult on some of the trails and mechanical equipment would be helpful. He said the grant partners were the Prescott Mountain Bike Alliance, who put in over 500 hours of donated service to trail maintenance and Arizona Public Service.

COUNCILWOMAN LOPAS MOVED TO APPROVE SUBMITTAL OF AN APPLICATION FOR A COMMUNITY PARTNERSHIP GRANT THROUGH BIKES BELONG COALITION; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.

- G. Approval of reimbursement of \$24,000.00 in Park Development Funds to Prescott Lakes Community Association for agreed-upon construction of City trails and authorization for the Mayor to execute a Letter of Understanding that the City has met its financial obligation under 4.2 of the Development Agreement.

Joe Baynes noted the City of Prescott was to participate in the original Intergovernmental Agreement (IGA) with Prescott Lakes to develop a series of soft trails in the development. He said the estimate to construct the trails, at that time, was \$155,000. He said in 2008 the Prescott Lakes Community Association approached the City and wanted to develop the trails differently to make a better user experience by using less roadway and more terrain.

He said it was agreed at the time that Prescott Lakes, that a collaborative effort would be made between the City paying the material costs of \$24,000, and volunteers building the trails. He said that it was the staff's opinion that they had built the trails to specifications. He said the City had adopted the trails into the Mile High Trail System and they were signed. He noted that the City had met their financial obligation and the \$24,000 fee would come out of parking fee taxes.

Councilwoman Suttles asked if the \$24,000 was in the Parks Fund. Mr. Baynes said yes. Councilwoman Suttles asked if the money had accumulated and the City knew that they would have to pay it. Mr. Baynes said yes. Councilwoman Suttles asked who would be maintaining the trails. Mr. Baynes said the trails maintenance was taken care of through the City of Prescott, primarily with volunteers. He said that it was not a lot of work. He said the Over the Hill Gang worked for one half of a day every Monday.

Councilman Lamerson said that he thought it was a good thing, but he thought impact fees could only be used for capital improvements, not equipment. Mr. Kidd said that he felt it was an appropriate use of impact fees.

Mr. Baynes noted that this item was for construction of the trails. He said the last item was about the equipment. Mayor Kuykendall asked if the City had any liability if anyone was hurt on the trails, since they were involved in building the trails.

Mr. Kidd said they were public trail systems that would fall within the recreational immunity statutes. He said that was the intent of the original Development Agreement.

Councilman Blair asked if the trails were already built and if the City was just reimbursing Prescott Lakes. Mr. Baynes said that was correct.

COUNCILWOMAN LOPAS MOVED TO APPROVE REIMBURSEMENT OF \$24,000.00 IN PARK DEVELOPMENT FUNDS TO PRESCOTT LAKES COMMUNITY ASSOCIATION FOR AGREED-UPON CONSTRUCTION OF CITY TRAILS AND AUTHORIZATION FOR THE MAYOR TO EXECUTE A LETTER OF UNDERSTANDING THAT THE CITY HAS MET ITS FINANCIAL OBLIGATION UNDER 4.2 OF THE DEVELOPMENT AGREEMENT; SECONDED BY COUNCILWOMAN SUTTLES; PASSED UNANIMOUSLY.

- H. Approval to purchase communication equipment for the Public Safety Communications System from Daniels Electronics in the amount of \$104,347.38, plus tax.

Tad Coyner, Technology Manager for the Communications Center, said the process had been ongoing for the last four to five years. The equipment would align the City into the federally mandated policy. He said Daniels Electronics was the equipment they had in place for Phase I and this item was a continuation of that.

Councilman Lamerson asked how much the tax would be. Mr. Coyner said that it was an out of state vendor, so the tax would be based on use tax. He said that he thought it was around 8.6 percent, but he did not know that for sure. He said that he could check with the Finance Department.

Mayor Kuykendall said there was a considerable amount of money allocated for radio facilities. He asked if there was any money left. Mr. Coyner said the original project was earmarked for \$4.5 million. He

said they whittled it down to \$2.5 million by managing projects internally. He said the majority of the money went towards infrastructure costs.

He noted that there was approximately \$350,000 left in the project fund. He said they would be finishing the project purchases this fiscal year and closing that fund out.

COUNCILMAN HANNA MOVED TO APPROVE PURCHASE OF COMMUNICATION EQUIPMENT FOR THE PUBLIC SAFETY COMMUNICATIONS SYSTEM FROM DANIELS ELECTRONICS IN THE AMOUNT OF \$104,347.38, PLUS TAX; SECONDED BY COUNCILMAN BLAIR; PASSED UNANIMOUSLY.

- I. Approval to enter into an Agreement for Services with the Prescott Area Arts and Humanities Council regarding the licensing of the City's Centennial logo.

Cindy Gresser, Prescott Arts and Humanities Council (PAAHC), said they had worked with Matt Podracky to formulate an agreement for services. She said they were licensing the City Centennial logo to vendors that wanted to create merchandise. She noted there would be two flat fees - \$100 for runs less than 1,000 and \$250 for runs of 1,000 or more. She said that 60 percent of the revenue would go to PAAHC and 40 percent would go to the City of Prescott Centennial Committee.

Councilwoman Suttles asked if the copyright on the logo had been cleaned up. Ms. Gresser said the logo they were using was recreated by Amy Jordan. She said it had been copyrighted and licensed with the state.

COUNCILWOMAN SUTTLES MOVED TO APPROVE ENTERING INTO AN AGREEMENT FOR SERVICES WITH THE PRESCOTT AREA ARTS AND HUMANITIES COUNCIL REGARDING THE LICENSING OF THE CITY'S CENTENNIAL LOGO; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

- J. Award of bid and contract for the Utility Locating and Potholing Project to Badger Daylighting Corp. in an amount not to exceed \$147,940.00.

Mr. Nietupski noted that the item was in regards to services at various sites throughout the City for the location and physical verification for underground utilities associated with drainage and utility projects. He said the service would include locating third party utilities. He said the contract allowed operation staff of water and wastewater departments to continue their scheduled maintenance activities. He said it would require a vacuum truck with high pressure air or water to make the excavations.

He noted there was a pre bid in July 2011 and they received seven bids. He said it was funded by the various projects it was applicable to. He said the contract was extendable two different times for periods up to six months.

Councilwoman Suttles asked if they were blue staking the utilities. Mr. Nietupski said that all utilities were required to blue stake their own facilities. He said the City did their own. He noted that would be physical verification of those facilities after they had been blue staked. He said it was augmenting work that was done through a typical engineering process to design a project.

Mayor Kuykendall said that it would be on an as-needed basis. Mr. Nietupski said yes. Mayor Kuykendall asked how they arrived at the amount if it was a per call charge. Mr. Nietupski said the contractor had the obligation to provide traffic control and excavate up to depths of eight feet or greater. He said they quantified a number of those excavations, based on those depths. He said a minimum would be four excavations for any one event. He noted it was as-needed, but they did have unit pricing that applied to the number of excavations.

Mayor Kuykendall asked if they ever missed it and where the liability would be. Mr. Nietupski said when a utility was blue staked by any company, that blue stake could turn out to be erroneous and there were provisions in the contract for a “dry hole”. He said there were situations that would arise. He said that water lines that were installed 50-60 years ago did not have the benefit of conductivity, where they could locate them with a great deal of certainty. He said that if they did have difficulties, they would dispatch their own crews with a backhoe to augment the search.

Councilman Blair asked how a valley company would respond to an emergency. Mr. Nietupski said it was not an emergency services contract. He said it would be a priority service contract and they could get them to Prescott in 24 hours. He said that emergency blue stakes were normally performed by entities that blue staked their own facilities.

Councilman Blair asked if it was in the contract that they would be there in 24 hours. Mr. Nietupski said he could not say that it said 24 hours, but he believed that Prescott would have prompt service from the company if there was a problem. Councilman Blair asked if there was any credibility in having someone local. Mr. Nietupski said that Fann Environmental was not the successful low bidder and the City was obligated to go with this particular firm.

Councilman Scamardo said that he understood that they were dealing with locating utilities, not fixing breaks. He said that would be totally different work. Mr. Nietupski said that he was correct.

COUNCILMAN SCAMARDO MOVED TO AWARD THE BID AND CONTRACT FOR THE UTILITY LOCATING AND POTHOLING PROJECT TO BADGER DAYLIGHTING CORP. IN AN AMOUNT NOT TO EXCEED \$147,940.00; SECONDED BY COUNCILWOMAN LOPAS; PASSED UNANIMOUSLY.

- K. Approval of a professional services agreement with Atkins North America, Inc., for engineering and construction support services for Zone 39 Water Distribution System Improvements in an amount not to exceed \$98,488.00.

Mr. Nietupski said this became an apparent need during the design review for Zone 27 Pump Station Transmission Main and Reservoir Project which was currently in progress. He said the scope of the work included:

- ◆ EIGHT INCH DISTRIBUTION MAIN INSTALLED WITHIN THUMB BUTTE ROAD FROM HASSAYAMPA VILLAGE LANE TO THE WEST GURLEY/THUMB BUTTE ROAD INTERSECTION.
- ◆ EIGHT INCH WATER MAIN CONNECTION WITHIN PLAZA DRIVE TO CONNECT THE EXISTING MAIN IN PLAZA WEST DRIVE WITH PLAZA DRIVE JUST WEST OF BUTTE CREEK.
- ◆ EIGHT INCH WATER MAIN DISTRIBUTION INSTALLED ON COUNTRY CLUB CIRCLE CONNECTING THUMB BUTTE ROAD TO ZONE 39 DISTRIBUTION SYSTEM IN THE COUNTY CLUB CIRCLE REGION, NEAR CANADA CRESCENT

He said the benefits would include:

- ◆ REDUCTION OF SYSTEM PRESSURES IN LOWER ZONE 37
- ◆ LOOP DEAD-END MAINS
- ◆ REDUCE TOTAL NUMBER OF PRESSURE ZONES
- ◆ IMPROVE ZONE 39 AND 27 FIRE FLOW ABILITIES
- ◆ WATER SERVICE AREA BOUNDARIES WOULD CHANGE TO ENHANCE SYSTEM DISTRIBUTION FOR THE AREA

He gave credit to Craig Dotseth for knowing how the water system worked and identifying the opportunity to save five million dollars in infrastructure.

COUNCILWOMAN LOPAS MOVED TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH ATKINS NORTH AMERICA, INC., FOR ENGINEERING AND CONSTRUCTION SUPPORT SERVICES FOR ZONE 39 WATER DISTRIBUTION SYSTEM IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$98,488.00; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.

- L. Review and direction on the League of Cities and Towns Resolutions Subcommittee Recommendations.

Mr. Brehm said the item was to determine the Council's support or opposition to the recommendations of the League Subcommittee with respect to proposed resolutions developed by Cities and Towns. He noted that the League conducted a yearly process for the development, consideration and approval of resolutions. He said the resolutions were put into four categories which included:

- ◆ RECOMMENDED FOR ADOPTION
- ◆ RECOMMENDED WITH AMENDMENTS
- ◆ RECOMMENDED FOR ADOPTION AS A CRITICAL MUNICIPAL ISSUE
- ◆ NOT RECOMMENDED FOR PASSAGE

Mayor Kuykendall asked if the City had initiated or signed on to any of the resolutions. Mr. Brehm said no. He said they were requested to cosponsor some resolutions, but the resolutions came to the City too late to address at a meeting. Mayor Kuykendall asked if the resolutions had enough support without the City of Prescott. Mr. Brehm said yes.

COUNCILWOMAN SUTTLES MOVED TO APPROVE THE RECOMMEDATIONS OF THE LEAGUE OF ARIZONA CITIES AND TOWNS RESOLUTIONS SUBCOMMITTEE TO BE COMMUNICATED TO THE RESOLUTIONS COMMITTEE AT THE 2011 ANNUAL CONFERENCE; SECONDED BY COUNCILMAN HANNA; PASSED UNANIMOUSLY.

- M. Discussion/direction of possible Special Meeting on August 30, 2011, to consider City Manager recruitment.

Councilwoman Lopas recused herself from the discussion due to a possible conflict of interest, and left the room.

Mr. McConnell noted that they anticipated having a Special Meeting on August 30, 2011, for a grant acceptance on the Runway Safety Project. He said it would be the Council's prerogative if they wanted another item on the agenda.

Councilman Blair said that it would seem appropriate that they put down a placeholder for that meeting for discussion on the City Manager.

Mayor Kuykendall said that at 5:00 p.m. that day, the applications for City Manager were due. He said that they should instruct Human Resources to prepare whatever information had been brought to them within the next day or two for Council's review.

Councilman Lamerson and Hanna agreed. Councilman Hanna asked if they could vote for a City Manager at that time if they approved of an application that they received. Mr. Kidd said that action could be taken at that time.

Councilwoman Suttles said she wanted some choices. She wanted it to say that they could discuss the matter, on the agenda. Councilman Hanna said he thought they would have the A, B and C options, but he wanted to know if they could take action if there was an appropriate action to be taken at the time.

Mr. Kidd said applicants would need a 24 hour notice and their names would have to be on the agenda if they were going to be considered for appointment. Councilman Hanna asked why there would have to be an Executive Session. Mr. Kidd said there would not have to be one. He said it would depend on how the agenda was set up.

Councilwoman Suttles asked if they had an Executive Session, they could vote as to whether they wanted to attend the session or not. Mr. Kidd said yes. He said that if it was not on the agenda, they would not be able to go into an Executive Session.

Mayor Kuykendall asked if they would instruct Human Resources to provide copies of whatever applications they had within the next day or two. Councilman Hanna said that was what he would like to see.

Ms. Jacobsen said they would pick up all of the applications the next morning and get together with the Mayor or a representative group from Council and see how they wanted to proceed. Councilwoman Suttles asked if they were going to have a subcommittee. Councilman Scamardo asked if the Human Resources Department was going to screen them first. Ms. Jacobsen said yes.

COUNCILMAN HANNA MOVED TO SCHEDULE A SPECIAL MEETING AT 3:00 P.M. ON AUGUST 30, 2011, FOR ACTION REGARDING THE CITY MANAGER'S POSITION; SECONDED BY COUNCILMAN LAMERSON; PASSED 6-0 WITH COUNCILWOMAN LOPAS ABSTAINING.

N.* Approval of letter to the Arizona Independent Redistricting Commission forwarding the City's comments re Congressional and Legislative Maps.

Mr. McConnell said the Arizona Independent Redistricting Commission (IRC) was engaged in drawing or establishing Congressional and Legislative districts to reflect the 2010 Census. He said that six goals were identified in the Council memo for configuring district maps. Some examples were:

- ◆ EQUAL POPULATION
- ◆ GEOGRAPHICALLY COMPACT AND CONTIGUOUS
- ◆ BOUNDARIES TO RESPECT COMMUNITIES OF INTEREST
- ◆ DISTRICT LINES SHOULD USE VISIBLE GEOGRAPHIC FEATURES

He noted that the redistricting consisted of four phases:

- ◆ Phase I – CREATION OF GRID MAPS ON THE BASIS OF EQUAL POPULATION. He said there were separate processes running concurrently. He noted that there was a redistricting process for Congressional districts and a parallel process for Legislative districts.
- ◆ Phase II – ADJUSTING THE "GRID MAP" AS NECESSARY TO ACCOMPLISH THE SIX GOALS LISTED ABOVE.
- ◆ Phase III – ADVERTISING THE DRAFT MAPS FOR NOT LESS THAN 30 DAYS FOR PUBLIC COMMENT.

◆ Phase IV – ESTABLISHMENT OF BOUNDARIES BY IRC

He said the Commission had completed Phase I and created the initial grid maps based on equal population. The IRC identified two options for each of the Congressional and Legislative processes. He said it was their understanding that the Commission chose Map Option 2 for each of those processes.

He noted the maps were in the Council packet which was also available on line. He said the public could go to www.arizonareddistricting.org to see the maps and follow the process.

He said with respect to Congressional redistricting, the Option 2 grid map seemed to work pretty well for Yavapai County. They would have their own Congressional district, which would mean direct representation in Congress; rather than being split up into many parts.

He said Option 2 did not work well for Legislative grid maps. He said it would divide Yavapai County into four Legislative Districts diluting the identity of Yavapai County. He noted that there was a draft letter which was being recommended to the Council. He said they could edit the letter or choose not to send it. He said it would confirm that, as a starting point, the Congressional Grid Map 2 was acceptable; however, the Legislative Map 2 was not going in a good direction.

Councilman Scamardo said he had reviewed it and agreed with Mr. McConnell. He said that in the Legislative District, Option 1 made more sense for Prescott and the Yavapai County. He noted that Option 2 worked best for the Congressional redistricting.

Mr. McConnell noted that the grid maps were the starting maps. He said that as the process proceeded the final map may be a hybrid.

Councilwoman Suttles asked how long the process would take. Mr. McConnell said that it would be about three to four months. He said that new maps would be forthcoming. Councilwoman Suttles noted that the Supervisors map took nine months.

Mr. McConnell said the processes were very different. He said the Supervisory District process resided at the Board of Supervisors level. The IRC was created by citizen initiative and took the redistricting responsibility out of the Legislature and put it with a Statewide Redistricting Commission.

Councilwoman Lopas noted that most of them attended a luncheon that day and the guest speaker spoke about redistricting. She said she agreed

with his letter that had been drafted. She said that Option 2 was very lopsided and not what the voters wanted. She noted that the last time they did the redistricting; it was in court for seven years.

Councilman Hanna said he agreed with the letter and also agreed with Councilman Scamardo.

Councilman Lamerson said that he agreed with the letter to some degree. He said it was a blatant attempt to divide Yavapai County, which had been the threshold of values in community relationship over the years, and he would question the way the IRC was made up and who sat on it.

Mayor Kuykendall said his impression, from the meeting they attended, was that the maps were a computer exercise to narrow it down to population. He said the speaker was a member of the IRC. He said he got the impression that it would go in 40 different directions before it was over. He said it was good they were making their preferences known early on.

Mr. Luzius asked if he could speak on Item M. He asked how the vote could be unanimous on the item when Councilwoman Lopas excused herself. Ms. Burke said that the record would show that it was 6-0 with one abstention.

COUNCILMAN HANNA MOVED TO APPROVE THE LETTER TO THE ARIZONA INDEPENDENT REDISTRICTING COMMISSION FORWARDING THE CITY OF PRESCOTT'S COMMENTS; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

NO. Recess into Executive Session.

COUNCILMAN BLAIR MOVED TO RECESS INTO EXECUTIVE SESSION; SECONDED BY COUNCILMAN LAMERSON; PASSED UNANIMOUSLY.

The Prescott City Council recessed into Executive Session at 4:40 p.m.

III. EXECUTIVE SESSION

- A. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, and discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to ARS 38-431.03(A)(3) and (4), respectively.

1. The Crossings legal issues and claims.

IV. ADJOURNMENT

The Prescott City Council reconvened into Open Session at 6:13 p.m. at which time the Regular Voting Meeting of August 23, 2011, adjourned.

MARLIN D. KUYKENDALL, Mayor

ATTEST:

ELIZABETH A. BURKE, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Voting Meeting of the City Council of the City of Prescott, Arizona held on the 23rd day of August, 2011. I further certify the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2011.

AFFIX
CITY SEAL

ELIZABETH A. BURKE, City Clerk