

PRESCOTT CITY COUNCIL SPECIAL MEETING A G E N D A

**PRESCOTT CITY COUNCIL
SPECIAL MEETING
TUESDAY, AUGUST 30, 2011
3:00 P.M.**

**City Hall Council Chambers
201 South Cortez
Prescott, Arizona
(928) 777-1100**

The following Agenda will be considered by the Prescott City Council at its **Special Meeting** pursuant to the Prescott City Charter, Article II, Section 13. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

- ◆ **CALL TO ORDER**
- ◆ **PLEDGE OF ALLEGIANCE**
- ◆ **ROLL CALL:**

MAYOR AND CITY COUNCIL:

Mayor Kuykendall
Councilman Blair
Councilman Hanna
Councilman Lamerson

Councilwoman Lopas
Councilman Scamardo
Councilwoman Suttles

- I. [Acceptance of a grant from the Federal Aviation Administration in the amount of \\$6,769,559.00 Federal share \(City match \\$178,147\) for Phase 2 funding of construction of the Runway 21L-3R Safety Improvements at Prescott Municipal Airport, Ernest A. Love Field.](#)
- II. [Acceptance of a proposal by the Yavapai-Apache Nation to dismiss its appeal with prejudice and authorization of legal counsel to take any steps necessary to effectuate the dismissal.](#)
- III. [Presentation by the Human Resources Department and Council discussion of the internal search and search alternatives for the City Manager position.](#)
- IV. Possible recess into Executive Session.

V. EXECUTIVE SESSION

A. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, pursuant to ARS §38-431.03(A)(1).

1. Discussion of the qualifications and possible interviews of applicants for the City Manager position:

- a. Dawn Foster
- b. Craig McConnell

VI. POST EXECUTIVE SESSION

A. Possible action regarding the City Manager position.

VII. ADJOURNMENT

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.

Elizabeth A. Burke, City Clerk

COUNCIL AGENDA MEMO – August 30, 2011

DEPARTMENT: Airport

AGENDA ITEM: Acceptance of a grant from the Federal Aviation Administration in the amount of \$6,769,559 (federal share) for Phase 2 funding of construction of the Runway 21L-3R Safety Improvements at Prescott Municipal Airport, Ernest A. Love Field

Approved By:

Date:

Department Head: Benjamin Vardiman, ACE, Airport Manager

August 22, 2011

Finance Director:

City Manager: Craig McConnell



8-24-11

Background

This item is for acceptance of a federal grant for upcoming Phase 2 construction of the Runway 21L-3R Airport Safety Improvement project (see diagram of affected areas on Page 2). In March 2011, Council accepted the Phase 1 grant from the FAA for design of the improvements. Engineering began shortly thereafter and has been proceeding at an accelerated pace.

In concert with the Prescott Airport Users Association, the City has pursued revision of one project element located at the South Ramp. The modification, which has been verbally approved by the FAA, allows 10 aircraft parking spaces to remain on the southern half of the South Ramp, and eliminates the run-up/holding bay at Taxiway C1. The associated design update is being funded by the City in the amount of \$4,898.60.

The project schedule contemplates advertisement for bids by early October 2011. On August 18th, staff was informed of the availability of funding for Phase 2. Due to the uncertainty arising from the lack of a multi-year federal appropriation and the succession of continuing resolutions funding the FAA, this grant must be accepted by the City of Prescott prior to September 12, 2011.

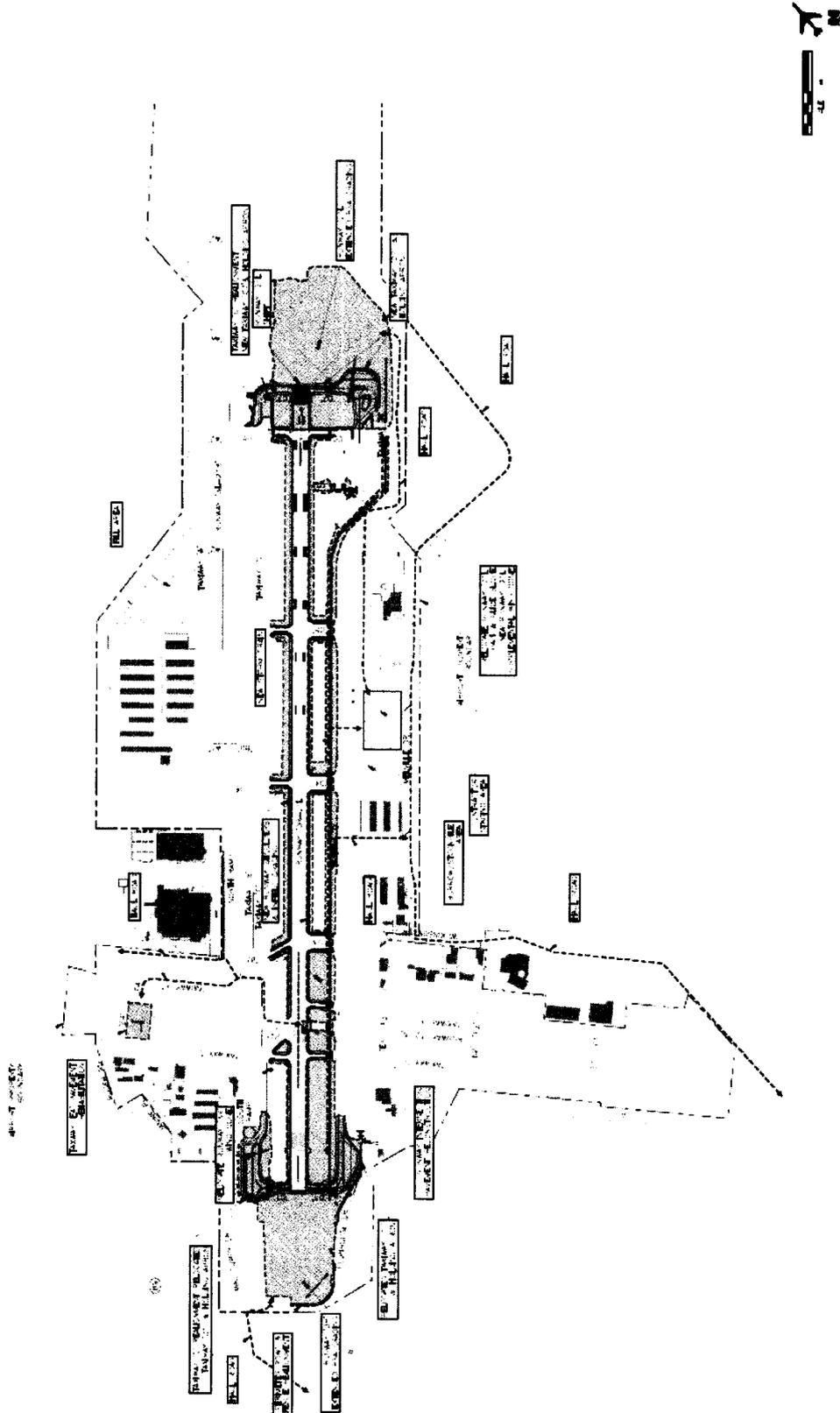
Budget

Phase 2 will be 95% grant funded by the FAA (\$6,769,559) and 2.5 % grant funded by ADOT Aeronautics Division (\$178,147), with the remaining 2.5% (\$178,147) the City's local match responsibility. Budgeting and expenditures for the project will span two fiscal years, FY 12 and FY 13; the source of City funds is the Capital Improvement Fund.

Recommended Action: **MOVE** to accept a grant from the Federal Aviation Administration in the amount of \$6,769,559 (federal share) for Phase 2 funding of construction of the Runway 21L-3R Safety Improvements at Prescott Municipal Airport, Ernest A. Love Field; and further authorizing the Mayor and City staff to execute any and all necessary related documents.

Agenda Item: Acceptance of a grant from the Federal Aviation Administration in the amount of \$6,769,559 (federal share) for Phase 2 funding of construction of the Runway 21L-3R Safety Improvements at Prescott Municipal Airport, Ernest A. Love Field

PROJECT OVERVIEW



COUNCIL AGENDA MEMO – August 30, 2011

DEPARTMENT: Legal

AGENDA ITEM: Acceptance of a proposal by the Yavapai-Apache Nation to dismiss its appeal with prejudice and authorization of legal counsel to take any steps necessary to effectuate the dismissal

Approved By:

Date:

Department Head: Gary D. Kidd	
Finance Director: Mark Woodfill	
Acting City Manager: Craig McConnell <i>Craig McConnell</i>	8-26-11

Item Summary

The Yavapai-Apache Nation (YAN), through its legal counsel, has proposed a resolution of the last remaining issues it has in the longstanding litigation over the City of Prescott's Designation of Assured Water Supply (DAWS).

The appeal that YAN filed was recently decided in favor of Prescott and the Arizona Department of Water Resources (ADWR). YAN appealed certain rulings in the trial court regarding their standing to participate in the administrative process conducted by ADWR and the Arizona Office of Administrative Hearings (OAH) pertaining to Prescott's DAWS. In the trial court, YAN and others contended that ADWR's refusal to hear their objections to Prescott's Assured Water Supply application in the administrative process was either (1) a misreading of the statute granting limited standing to object; or that it (2) resulted from an unconstitutional law that deprived YAN of equal protection or due process.

Prescott moved for summary judgment on these issues in the trial court, and the trial court granted Prescott's motion (and also denied YAN's and others' cross motion on the same subject). YAN and others timely filed a notice of appeal to the Arizona Court of Appeals. All others, except YAN and the Ft. McDowell Indian Community, eventually dismissed their appeals. The YAN filed an opening brief and the matter was briefed in response by Prescott's and ADWR's attorneys and submitted to the court. The Court of Appeals issued a formal opinion on the matter on July 21, 2011, affirming the trial court's ruling and effectively dismissing the YAN appeal. The Court of Appeals also ruled that because the Ft. McDowell Indian Community did not file an opening brief, only the YAN appeal remained at issue. The deadline for YAN to file a petition for review to the Arizona Supreme Court has expired, and this portion of the YAN litigation is now over.

The only remaining litigation by YAN stemming from the efforts by the City of Prescott to obtain a modification of its DAWS to include groundwater from the Big Chino Sub-basin are two counts in the amended YAN complaint relating to the proposed service of water to Prescott Valley within the DAWS. On Thursday, August 25, 2011, YAN, through its legal counsel, indicated it is agreeable to dismiss these two remaining counts with prejudice, if the dismissal would provide that each party bear its own fees and costs.

Agenda Item: Acceptance of a proposal by the Yavapai-Apache Nation to dismiss its appeal with prejudice and authorization of legal counsel to take any steps necessary to effectuate the dismissal

The dismissal now being proposed by YAN will mean that the Superior Court cases and all of the appeals involving YAN will be final and the rulings in favor of Prescott will stand and not be subject to any further appeal.

Recommended Action: MOVE to authorize acceptance of the proposal of the Yavapai-Apache Nation to dismiss its appeal with prejudice, and authorize legal counsel to take any steps necessary to effectuate the dismissal.

COUNCIL AGENDA MEMO – August 30, 2011
DEPARTMENT: Human Resources
AGENDA ITEM: Discussion and action regarding appointment of City Manager

Approved By:**Date:**

Human Resources Director:	Mary Jacobsen	
Finance Director:	Mark Woodfill	
City Manager:	Craig McConnell <i>Craig McConnell</i>	8-26-11

Item Summary

At their meeting of August 9, 2011, the Council directed the Human Resources Department to post the City Manager position for an internal (City) recruitment. This was accomplished, and four (4) applications were received by the closing time/date of 5:00 pm, Tuesday, August 23, 2011. Upon screening of the applications, it was determined that two (2) applicants do not meet the minimum education requirement, and of these one (1) is also ineligible pursuant to Article III, Section 1, of the City of Prescott Charter. The results of the screening were reviewed individually with Councilmembers on August 25, 2011.

Consistent with Council discussion and direction received at their August 23, 2011, meeting, this item for further dialogue and action regarding the City Manager position is being placed on the agenda of the August 30, 2011, Special Meeting. The suggested sequence of Council consideration of the subject is as follows.

- I. Presentation by the Human Resources Department and Council discussion of the following topics in public session:
 - A. Results of the internal search; candidates and their qualifications
 - B. Search alternatives
 - Appointment of a candidate from the internal recruitment as City Manager
 - Extend the search externally, to be conducted by the Human Resources Department
 - Extend the search externally, to be conducted by a search firm
 - C. Other related items and comments
- II. An executive session, if deemed necessary, for discussion of the qualifications and possible interviews of the two (2) candidates determined qualified: Dawn Foster, Craig McConnell.
- III. Council action in public session regarding the City Manager position

Agenda Item: Discussion and action regarding appointment of City Manager

Alternative Motions

The Council can select one of the following draft motions, revise or create another motion.

- A. **MOVE** to appoint _____ as City Manager, with an employment agreement to be brought back to Council for approval.
- B. **MOVE** to extend the City Manager search externally, to be conducted by the City Human Resources Department.
- C. **MOVE** to extend the City Manager search externally, to be conducted by a search firm, with the City Human Resources Department to bring back to Council for approval a recommended firm and agreement not to exceed \$20,000.
- D. **MOVE** to _____ (other motion created by Council).

Recommended Action: Council's pleasure (motion listed above or other created by Council).

MOVE to _____.