

REGULAR COUNCIL MEETING  
TUESDAY, SEPTEMBER 16, 2014  
COUNCIL CHAMBERS  
211 WEST ASPEN AVENUE  
4:00 P.M. AND 6:00 P.M.

## 4:00 P.M. MEETING

### 1. CALL TO ORDER

Mayor Nabours called the meeting to order at 4:02 p.m.

#### NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

*Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).*

### 2. ROLL CALL

PRESENT

ABSENT

MAYOR NABOURS  
VICE MAYOR EVANS  
COUNCILMEMBER BAROTZ  
COUNCILMEMBER BREWSTER  
COUNCILMEMBER ORAVITS  
COUNCILMEMBER OVERTON  
COUNCILMEMBER WOODSON

NONE

Others present: City Manager Kevin Burke; City Attorney Michelle D'Andrea.

### 3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

The audience and City Council recited the Pledge of Allegiance and Mayor Nabours read the Mission Statement of the City of Flagstaff.

#### **MISSION STATEMENT**

*The mission of the City of Flagstaff is to protect and enhance the quality of life of its citizens.*

### 4. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- A. Consideration and Approval of Minutes : City Council Work Session of June 24, 2014; Special Meeting (Executive Session) of August 25, 2014; Regular Meeting of September 2, 2014; and the Special Meeting (Executive Session) of September 9, 2014.

Councilmember Brewster requested that the meeting at which she was shown as being absent include the fact that it was an excused absence.

**Moved by** Councilmember Mark Woodson, **seconded by** Councilmember Jeff Oravits to approve the minutes of the City Council Work Session of June 24, 2014; Special Meeting (Executive Session) of August 25, 2014; Regular Meeting of September 2, 2014; and the Special Meeting (Executive Session) of September 9, 2014; as amended.

**Vote:** 7 - 0 Passed - Unanimously

**5. PUBLIC PARTICIPATION**

*Public Participation enables the public to address the Council about an item that is not on the agenda (or is listed under Possible Future Agenda Items). Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.*

None

**6. PROCLAMATIONS AND RECOGNITIONS**

**A. Inner Basin Water Supply Pipeline Reconstruction Project Award**

Grants Administrator Stacey Brechler-Knaggs introduced the Inner Basin Team of the project that recently received both a state and a federal award. She then showed a short video that was shown during the award ceremony that was held in Toronto, Canada. She said that the project partners were the US Forest Service, Federal Emergency Management Administration (FEMA), US Department of Homeland Security, Arizona Department of Emergency Management (ADEM), US Fish & Wildlife, Arizona Game & Fish, Jacobs Engineering, Shepherd-Wesnitzer, Inc., Hunter Contracting Co. and Transwestern Pipeline. Additionally, she thanked Hunter Contracting for funding a City staff member to attend the conference at which the awards were given.

Utilities Director Brad Hill said that he could not emphasize enough the demand this line puts on the City's water source and it was important to note that it came in under budget and early. He also recognized Stacey Brechler-Knaggs and Mark Richardson for their work on this project.

Earl Stewart, Forest Supervisor, said that as with any situation, managing Federal lands is always an honor, with the USFS representing 67% of the water supply for all users across the country. He said that this is one of those projects he has been very proud of with his staff and the entire team. He appreciated the continued support of the City of Flagstaff.

Mr. Hill then presented both awards to Mayor Nabours on behalf of the City of Flagstaff.

**7. APPOINTMENTS**

*Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that the City Council may vote to go into executive session, which will not be open to the public, for the purpose of discussing or considering employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of any public body...., pursuant to*

A.R.S. §38-431.03(A)(1).

None

8. **LIQUOR LICENSE PUBLIC HEARINGS**

None

9. **CONSENT ITEMS**

*All matters under Consent Agenda are considered by the City Council to be routine and will be enacted by one motion approving the recommendations listed on the agenda. Unless otherwise indicated, expenditures approved by Council are budgeted items.*

A. **Consideration of Construction Contract** : Flagstaff Urban Trail System (FUTS) Signing Project (***Approve contract with Conco Concrete Specialists, L.L.C. in the amount of \$152,632.00***)

Project Manager Randy Whitaker said that this project would be installing 325 signs along the FUTS trails. Three bids were received with the low bid coming from Conco Concrete Specialists who has a good reputation and no outstanding issues with the Registrar of Contractors. The contract is for 150 days and they will be working through the winter.

Martin Ince, FMPO, then reviewed the specifics of the project and explained the various types of signs which will be installed over the 56 miles of trails. He noted that this also included the development of guidelines which will be available for future signs which may be installed at a later time so they remain consistent.

•PRIMARY TRAILHEAD

General Info with a map - 9 in total which will be installed at trailheads, parking areas and staging areas

•SECONDARY TRAILHEAD

Specific to individual trails with more detailed information re destinations, length, surface, grades, and installed at each end of trail. Will include FUTS fencing on the longer trails - 10 planned with the initial project

•TRAILBLAZER

Guidance – to get through the tricky intersections for extra guidance

•DIRECTIONAL

Work like street signs and installed where two trails intersect; the backbone of the system. Provide direction, distance, etc. to more prominent locations such as the Museum, NAU, Downtown, etc. There are six different types and these are the most numerous - 107 total

•REGULATORY AND WARNING SIGNS

Select traffic regulations, such as stop and yield, but also include "no vehicles" signs. Also include warning signs for unanticipated conditions - 78 regulatory and 42 warning signs in total

•BOUNDARY MARKERS

Used wherever the FUTS system crosses City parks and open space, or major property owners. Include a statement to "please stay on the trails and respective private property owners" - 35 to be installed

•INTERPRETIVE

Provide information about sites of historical or natural value. Not included in this project, but staff will be working on information for second phase

•ADOPT-A-FUTS

Provide recognition where volunteers clean up the trail six times a year. There are 72 signs programmed, but they expect that number to grow in the future.

Mayor Nabours asked how many existing signs there currently were on the trails. Mr. Ince said that they do not have an inventory of the current signs as it was their plan to start from scratch because they are not consistent or numerous enough.

Councilmember Oravits said that sometimes he will have people want to volunteer and in the past he has directed them to Tom Boughner. He asked Mr. Ince if he should be directing them to him. Mr. Ince said that he would be glad to speak with them, but he would eventually be directing them to Mr. Boughner as well.

Mr. Whitaker said that they expect to get the contract awarded within the next two to three weeks. He said that this is funded 35% from the City and 65% from a grant. Because they have grant funds available and the bids came in lower they are talking with Arizona Parks about getting the grant to pay a larger percentage; they should have an answer within a few weeks.

Mr. Ince said that the City's portion was being funded out of the FUTS Trail account which is funded by the 2000 Transportation Tax. Maintenance is covered by the BBB capital fund.

**Moved by** Councilmember Mark Woodson, **seconded by** Councilmember Karla Brewster to award the construction contract to Conco Concrete Specialists, LLC of Lakeside, Arizona in the total award amount of \$152,632.00, which includes \$15,000.00 in Contract Allowance with a contract period of 150 calendar days; authorize Change Order Authority to the City Manager in the amount of \$5,000.00 for unanticipated additional costs; and authorize the City Manager to execute the necessary documents.

**Vote:** 7 - 0 Passed - Unanimously

## 10. ROUTINE ITEMS

- A. **Consideration and Adoption of Ordinance No. 2014-26:** An ordinance of the City Council of the City of Flagstaff, Arizona, repealing Ordinance No. 1951 related to City of Flagstaff Primary and General Election dates and Councilmembers terms, severability, and establishing an effective date. (***Repealing prior ordinance setting election dates - future election dates to be considered at a later date***)

**Moved by** Councilmember Jeff Oravits, **seconded by** Councilmember Mark Woodson to read Ordinance No. 2014-26 by title only for the final time.

**Vote:** 7 - 0 Passed - Unanimously

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, REPEALING ORDINANCE NO. 1951 RELATED TO CITY OF FLAGSTAFF PRIMARY AND GENERAL ELECTION DATES AND COUNCIL MEMBER TERMS, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE*

**Moved by** Councilmember Jeff Oravits, **seconded by** Councilmember Karla Brewster to adopt Ordinance No. 2014-26.

**Vote:** 7 - 0 Passed - Unanimously

- B. **Consideration and Approval of Final Plat:** A request by Flagstaff Christian Fellowship for Tract A of Equestrian Estates at the Flagstaff Riding Club, a subdivision of 4 single-family residential lots and one non-residential parcel on approximately 14.4 acres located at 2600 W Kiltie Lane within the Rural Residential (RR) zone

Planning Development Manager Brian Kulina reviewed the application, stating that it was being processed in accordance with the established modified subdivision standards found within Section 11-20.90 of the Subdivision Code, which states that when a subdivision contains four or fewer lots, the modified subdivision may be utilized and that the requirement for Planning Commission review of a preliminary plat may be waived at the request of the subdivider. To accomplish this request, staff follows the final plat process outlined in Section 11-20.70.030.F of the Subdivision Code, which states that upon receipt of a final recommendation from the Community Development Director and City Engineer, the City Council shall review the final plat for final approval. Final approval indicates that the plat meets the requirements of the Zoning Code, the Subdivision Code, and the Engineering Design Standards and Specifications for New Infrastructure. He said that Mogollon Engineering and Surveying, Inc., on behalf of Flagstaff Christian Fellowship, is requesting final plat approval to subdivide four (4) single-family residential lots and one (1) non-residential parcel containing approximately 14.4 acres from Tract A within the Equestrian Estates subdivision. The subject property is currently zoned Rural Residential (RR).

On April 12, 1990, the City Council approved a Revised Final Plat for Equestrian Estates at the Flagstaff Riding Club that created 38 single-family residential lots and Tract A. On August 19, 1993, the City Council approved a Final Plat of a Resubdivision of Equestrian Estates at the Flagstaff Riding Club that created 50 single-family residential lots and Tract A. On December 26, 2002, the Coconino County Recorder recorded a Results of Survey & Split of Tract A that created one single-family residential parcel containing approximately 1.8 acres, one commercial parcel containing approximately 3.9 acres, and Tract A.

Brian Wilson, representing the Property Manager, and John Fisher, President of the HOA, both addressed the Council with concerns that the prior requirement that the four lots be included in the HOA as a condition of final plat approval had been removed from the plat. While they expect it to be approved by the HOA, it has not yet occurred as they are meeting later this month.

It was noted that recent legislation has prohibited such a condition of approval. Staff had recommended that it be included in the HOA, and Council understood their concerns, but it was a civil matter and they had no authority under which to make it a requirement for approval of the final plat.

Bill McCullough, representing Flagstaff Christian Fellowship, said that they have owned the property since September 2005 and for the past several months they have been working with the HOA to move forward with this project and have it included in the HOA. He noted that there is still a statement on the final plat that it is the intent of the property owner to request the four lots to be included in the HOA. Mayor Nabours said that he would caution having that language in there and they may want to discuss that further with staff, and possibly remove such language.

Vice Mayor Evans apologized to the neighborhood for staff having previously placed that statement on the final plat, and the awkward position in which it put the Council.

**Moved by** Mayor Jerry Nabours, **seconded by** Councilmember Mark Woodson to approve the final plat and authorize the Mayor to sign both the final plat and the City/Subdivider Agreement when notified by staff that all documents are ready for signature and recordation.

**Vote:** 7 - 0 Passed - Unanimously

**RECESS**

The Regular Meeting of the Flagstaff City Council held September 16, 2014, recessed at 5:00 p.m.

**6:00 P.M. MEETING**

**RECONVENE**

The Regular Meeting of the Flagstaff City Council held September 16, 2014, reconvened at 6:08 p.m.

**NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION**

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**11. ROLL CALL**

*NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.*

PRESENT

ABSENT

MAYOR NABOURS  
VICE MAYOR EVANS  
COUNCILMEMBER BAROTZ  
COUNCILMEMBER BREWSTER  
COUNCILMEMBER ORAVITS  
COUNCILMEMBER OVERTON  
COUNCILMEMBER WOODSON

NONE

Others present: City Manager Kevin Burke; City Attorney Michelle D'Andrea.

**12. PUBLIC PARTICIPATION**

None

**13. CARRY OVER ITEMS FROM THE 4:00 P.M. AGENDA**

None

**14. PUBLIC HEARING ITEMS**

None

**15. REGULAR AGENDA**

- A. Consideration and Adoption of Resolution No. 2014-32:** A resolution of the City Council of the City of Flagstaff naming the outer loop trail in Buffalo Park the "Nate Avery Trail" (*Approve Buffalo Park trail dedication*).

Public Works Section Head Mike O'Connor said that Resolution No. 2001-73, states that the criteria for naming a City facility (including trails) may be accomplished through a petition process with the appropriate commission. If the proposed name is that of an individual, the person must have been deceased for two years, unless it is an individual who has contributed outstanding civic service to the City. Facility names may be changed by City Council approval. City staff and the community would like to commemorate the efforts of this man by dedicating the trail in his honor. Nate Avery meets the criteria.

Nathan Carrington (Nate) Avery was born in Flagstaff, Arizona and graduated from Flagstaff High School in 1985. Nate enrolled at NAU with an undeclared major and began working part-time for Northern Pipeline. Soon thereafter, Nate decided to pursue his true passion and switched his major to Pre-medicine. He was then elected to the Student Senate where he met Student Body Vice President Annette Wildes, who would later become his wife. Always seeking the next adventure, Nate began working for Hatch River Expeditions as a Grand Canyon river guide during the summer months. Nate was admitted to the University of Arizona, College of Medicine in 1990 and completed a neurosurgery residency in 2000 from the University of Kentucky. He went on to complete a one-year pediatric neurosurgery fellowship at the University of Utah. While on fellowship, Nate drew on his architectural background, his surgical training, and a youth spent working on cars to invent and patent a cervical plate for children who suffered injuries to the junction of the head and spine.

Nate and his family returned to Flagstaff in 2001. Nathan was deeply committed to the Flagstaff community, volunteering and supporting numerous organizations including the Whale Foundation and Flagstaff Public Schools. Although he did not serve on any organized boards or committees, Nate chose to support his community through healing one by one. His volunteer hours consisted of bedside support, a gentle hand, a supportive hug, and a listening ear to patients, friends, children, family, and strangers. The group that he touched was diverse. No one was a stranger to Nate and he made everyone feel like they were his best friend. Nate was a hero and healer to all whom he encountered.

Nate loved Flagstaff, and he loved Buffalo Park. He only ran the loop at Buffalo Park. Nate would run around the loop once and say he ran 4 miles. The next day he would run the loop again and report that he ran 7 miles. On any given day, one loop could equal anywhere from 2 to 10 miles but it always put a smile on his face. After any run, hike, day at the lake, or wood cutting adventure, he often remarked that this was the "Best Day Ever". The community chooses to remember him now by knowing he lived his "Best Life Ever" and would want everyone to do the same. The community would like to honor its hometown hero by naming the Buffalo Park outer loop trail to the "Nate Avery Trail" and remind those in the community to always live their best life ever!

The following individuals spoke in support of this resolution:

- Dave Stilley
- Walt Taylor
- Aaron Ells

Mr. Stilley further explained that there was a benefit run scheduled for this Saturday at Buffalo Park and there would be activities for all ages. Mrs. Avery then addressed the

Council and said that they have been through a process since Nate's passing, and one thing they would like to portray that takes advantage of Buffalo Park is his saying to, "Live Your Best Life Ever." She said that they did the memorial bench there and put the BLE emblem on it, and they would like people in 20 years to remember him and to *live their best life ever* .

Councilmember Barotz shared a story of Dr. Avery and said that nothing would give her more pleasure to name the loop in his honor.

**Moved by** Councilmember Celia Barotz, **seconded by** Mayor Jerry Nabours and the entire City Council to read Resolution No. 2014-32 by title only.

**Vote:** 7 - 0 Passed - Unanimously

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA NAMING THE OUTER LOOP TRAIL IN BUFFALO PARK THE "NATE AVERY TRAIL"*

**Moved by** Councilmember Mark Woodson, **seconded by** Councilmember Celia Barotz and the entire City Council to adopt Resolution No. 2014-32.

**Vote:** 7 - 0 Passed - Unanimously

**B. Vintage Partners:**

Mr. Kulina reviewed the requests, noting that the first item was a Development Agreement and the second item was the final plat, but he would review them together. Based on previous Council policy decisions and Capital Improvement Program budgeting, the City has agreed to cover the Developer's contributions to the Fourth Street overpass bridge of Interstate-40 and improvements to the Oakmont Drive/Country Club Drive intersection.

Prior to the final platting on any parcel in Unit II, the City and the Vintage Partners will work on an amendment to the agreement that will address improvements to the Soliere Avenue crossing of the Fanning Wash including proportional cost associated with those improvements. At this time, it is anticipated that the funding for the City's share of improvements will come from the City Transportation Fund for street improvements.

Councilmember Brewster asked how the Fanning Crossing would be improved. Stormwater Manager Malcolm Alter said that it was a dip crossing right now. The concept design right now shows this as a double-cell box-culvert under that road. The design challenge is that there are seven to nine feet difference between the new culvert and where the ADOT culvert lets out. That is one of the design challenges they will address when they get into Unit 2.

Mr. Kulina said that Wood/Patel, on behalf of VP I-40 & Country Club, LLC, is requesting final plat approval to subdivide approximately 9.59 acres into 7 commercial lots within the Highway Commercial (HC) zone.

On March 18, 2014, City Council approved the Country Club & I-40 Preliminary Plat for the subdivision of approximately 95.5 acres into two units containing 12 parcels located at 1201 N Country Club Drive within the Highway Commercial (HC), High Density Residential (HR), and Rural Residential (RR) zones subject to the following three conditions:

1. Prior to Final Plat submittal for Unit I, a Concept Master Plan shall be submitted, reviewed, and accepted. In addition to any submittal items identified on the

established Concept Plan checklist, the Concept Master Plan shall identify solutions for building placement, water and sewer infrastructure, circulation and parking, and drainage.

2. Prior to Civil Plan Review submittal, the following shall be submitted for review and approval: a revised grading plan reflecting the most recent changes to the Soliere Avenue cross section; revised earthwork calculations indicating that the necessary compensatory volume is maintained; and, revised earthwork calculations modeling inputs/outputs.
3. Any subsequent final platting of any unit within the boundaries of the preliminary plat must include all necessary infrastructure (permanent/interim) to allow the development to be self sufficient with regard to transportation, sewer, water, stormwater, and franchise utilities.

Staff believes that these conditions have been met through the design of the final plat. Any outstanding issue related to Condition 3 will be addressed prior to the recordation of the final plat through the recordation of an Easement and Maintenance Agreement and a Declaration of Temporary Drainage Easements.

Mayor Nabours said that there has been a lot of work done on the Development Agreement and he was assuming that it was in a form acceptable to the applicant. Walter Krutchner, Vice President said the short answer was "yes." The long answer was that, first, it was humbling to come up following the Nate Avery's dedication and it reminded him that communities are about people. It has taken them two years to get to this point and sometimes they can get lost in the details and frustration, but he was very hopeful and encouraged about the status of where they were at. He said that there were things they needed to learn. His family has been in Flagstaff for four generations and they have worked out a great relationship with staff moving forward.

Councilmember Overton said that they have watched this application go through Preliminary Plat, rezoning, etc. and while those conversations are sometimes painful and regulations are interpreted differently, at the end of the day they worked it out and the developers stayed adamant and engaged. He said that in looking at the east side corridor, they are pulling things out of the floodplain and while it is an open space parcel, it is a better use and he liked the idea of breaking it into two phases, laying the groundwork for moving forward with Phase 2 in the future. Mr. Krutchner thanked him for those comments. He said that it was a collective process that required a lot of work on everyone's part. He thought they were well positioned for the future, taking a 96 acre parcel that has sat there for years and move in forward in a positive benefit for all.

- i. **Consideration and Adoption of Resolution No. 2014-34:** A resolution authorizing the execution of a Development Agreement between VP I-40 & Country Club, LLC ("Vintage Partners") and the City of Flagstaff related to the development of approximately 93 acres of real property generally located at 1201 N Country Club Drive

**Moved by** Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to read Resolution No. 2014-34 by title only.

**Vote:** 7 - 0 Passed - Unanimously

*A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN VP I-40 & COUNTRY CLUB, LLC AND THE CITY OF FLAGSTAFF RELATED TO THE DEVELOPMENT OF APPROXIMATELY 93 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 1201 NORTH COUNTRY CLUB DRIVE*

**Moved by** Councilmember Jeff Oravits, **seconded by** Councilmember Karla Brewster to adopt Resolution No. 2014-34.

**Vote:** 7 - 0 Passed - Unanimously

- ii. **Consideration and Approval of Final Plat:** A request by Vintage Partners for Country Club & I-40 Unit I, a subdivision of 7 commercial lots on approximately 9.59 acres located at 980 M Country Club Drive within the Highway Commercial (HC) zone

**Moved by** Councilmember Scott Overton, **seconded by** Vice Mayor Coral Evans to approve the final plat and authorize the Mayor to sign both the final plat and the City/Subdivider Agreement when notified by staff that all documents are ready for signature and recordation.

**Vote:** 7 - 0 Passed - Unanimously

16. **DISCUSSION ITEMS**

None

17. **POSSIBLE FUTURE AGENDA ITEMS**

*Verbal comments from the public on any item under this section must be given during Public Participation near the beginning of the meeting. Written comments may be submitted to the City Clerk. After discussion and upon agreement of three members of the Council, an item will be moved to a regularly-scheduled Council meeting.*

A. **Request by Mayor Nabours to place Procurement Preferences on a future agenda**

Mayor Nabours said that he had requested this item be placed on a future agenda to discuss what possibilities were legally available for the City to consider in procurement procedures for companies that have employees with disabilities, the impact of a company's carbon footprint, winter shutdown, etc. After a brief discussion, there were several members of the Council interested in moving this topic forward to a future agenda.

18. **INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND STAFF, REQUESTS FOR FUTURE AGENDA ITEMS**

Councilmember Overton reported that the Flagstaff Sunrise Lions would be set up at the Buffalo Park trail dedication this Saturday from 3:00 p.m. - 6:00 p.m. and he encouraged all to attend.

Vice Mayor Evans reported that she and Councilmember Oravits has utilized the new crosswalks on Fourth Street and it was great to see a majority of the drivers slow down.

Councilmember Brewster reported that she and the Mayor attended the groundbreaking for the new Student Services building at NAU which would eliminate a lot of running around for new students. She said that the services would all be housed in the one building, located right next to the parking garage.

With regard to the improvements on Fourth Street, Councilmember Woodson said that he was receiving questions which indicated to him that more outreach efforts were needed in the area.

