

## 4:00 P.M. MEETING

### 1. CALL TO ORDER

Mayor Nabours called the meeting of December 16, 2014, to order at 4:01 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

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

PRESENT

ABSENT

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

NONE

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

### 3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

#### 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 Regular Meeting of October 21, 2014, and the Special Meeting (Executive Session) of November 25, 2014.

**Moved by** Councilmember Scott Overton, **seconded by** Councilmember Jeff Oravits to approve the minutes of the City Council Regular Meeting of October 21, 2014, and the Special Meeting (Executive Session) of November 25, 2014.

**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.*

Devonna McLaughlan addressed Council to inform them, staff and the audience about the Arizona Charitable Tax Credit also known as the Working Poor Tax Credit. It is an opportunity to support those in need. An individual can donate up to \$200 and a married couple can donate up to \$400 and get it back on their Arizona State Taxes. She urged the Council to assist in trying to increase awareness locally of the program.

**6. PROCLAMATIONS AND RECOGNITIONS**

None

**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.*

**Moved by** Councilmember Scott Overton, **seconded by** Councilmember Jeff Oravits to approve consent item 9-A.

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

- A. **Consideration and Approval to Purchase** : Thirty-Four (34) Panasonic CF-31 Toughbook Mobile Data Computers to be installed in patrol vehicles.

**MOTION:** Approve the purchase contract to the lowest responsive and responsible bid from Creative Communications of Flagstaff, for the purchase of thirty-four (34) Panasonic CF-31 Toughbook Mobile Data Computers for the amount of \$122,501.66, plus applicable taxes.

10. **ROUTINE ITEMS**

- A. **Consideration and Approval of Intergovernmental Agreement:** Agreement for the City of Flagstaff's Owner Occupied Housing Rehabilitation Program staff to administer Coconino County's Owner Occupied Housing Rehabilitation Program.

Deputy Housing Director Sarah Darr stated that this item is the combination of the administration of the County and City's Owner Occupied Housing Rehabilitation Program. This program addresses health and safety hazards in homes occupied by low income homeowners. The City and County programs mirror each other and use similar funding sources and the rehabilitation standards are similar. The City has current staffing capacity to administer the program for both the City and County. She noted that County funds will be spent in the county and the City funds will be spent in the city. The IGA had been approved by the Board of Supervisors on November 18, 2014 and they are awaiting an award of about \$267,000 that they would receive if this is approved by the Council.

Mayor Nabours stated that the agreement does not provide for how the City would be compensated, but understand that the compensation will vary grant by grant. Ms. Darr explained that compensation is done on a reimbursement basis. The Housing Rehabilitation Specialist is a fully grant funded employee so all of his hours are tracked now and paid through grant funds. The time spent on administering the County program will be tracked and billed back to the County. Mayor Nabours asked if staff is confident that the cost to the City will be completely covered. Ms. Darr stated that she is fully confident that all costs will be covered; if the County is not awarded a grant next year, City staff will be doing no work for them. Ms. Darr added that she approached the County about doing this about three years ago. The partnership will provide greater consistency in the programs and greater leverage with other programs as well as providing a centralized location for the community.

**Moved by** Councilmember Coral Evans, **seconded by** Councilmember Karla Brewster to approve the Intergovernmental Agreement (IGA) with Coconino County for the administration of the County's Owner Occupied Housing Rehabilitation (OOHR) Program.

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

- B. **Consideration and Adoption of Ordinance/Resolution No. 2014-41:** A resolution of the City Council of the City of Flagstaff authorizing signatures for checks and payment vouchers (***Authority to Sign Checks***)

Mayor Nabours stated that he has no intention of signing checks and that this resolution is more of an emergency measure should an issue arise.

**Moved by** Councilmember Jeff Oravits, **seconded by** Councilmember Karla Brewster to read Resolution No. 2014-41 by title only.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF SUTHORIZING SIGNATURES FOR CHECKS AND PAYMENT VOUCHERS

**Moved by** Councilmember Jeff Oravits, **seconded by** Councilmember Karla Brewster to adopt Resolution No. 2014-41.

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

- C. **Consideration and Agreement:** Intergovernmental Agreement (IGA) with Arizona Department of Revenue for Transaction Privilege (Sales) Tax Licensing through December 31, 2015.

Revenue Director Andy Wagemaker addressed Council stating that both items 10-C and 10-D are Intergovernmental Agreements with the Arizona Department of Revenue. Originally, as part of the sales tax simplification process, the changeover date was to be January 1, 2015 but it has been extended to January 1, 2016. This agreement will allow the City to continue doing business as usual and staff will be back before Council in the summer or fall with a comprehensive IGA to start the January 1, 2016, process.

Mayor Nabours asked if a new business will be able to come to City Hall to get a sales tax license after January 1, 2016. Mr. Wagemaker stated that sales tax licenses will be handled by the Department of Revenue and staff would have to direct any customers coming to get sales tax licenses to the Department of Revenue. Business licenses are a separate license for the City and staff will be bringing that discussion to Council in the near future. Mr. Wagemaker stated that in terms of auditing, the way it will work is that the City will have its own audit staff but will be auditing under the blessing of the Department of Revenue. When staff reaches the final stage of assessing a taxpayer, that is funneled through the Department of Revenue who will actually assess the tax.

Mayor Nabours asked if the State has to authorize the City to do an audit. Mr. Wagemaker explained that the State is currently working through that process; the City can conduct an audit without authorization but the State would have to authorize and approve any final assessment to the taxpayer.

Councilmember Overton stated that the contracting line has been split and there have been questions from the community on how the tax is collected and assessed. He asked if there is any planning sessions for community outreach. Mr. Wagemaker stated that the Department of Revenue has taken the lead on that information. There has been informational fliers sent out but every project and question is different and staff prefers for people to call in and talk with them individually to be sure to get them the assistance they need.

**Moved by** Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to approve IGA with Arizona Department of Revenue for Transaction Privilege (Sales) Tax Licensing through December 31, 2015.

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

- D. **Consideration and Approval of Agreement:** Intergovernmental Agreement (IGA) with Arizona Department of Revenue for Transaction Privilege (Sales) Tax Auditing through December 31, 2015 (*IGA for Sales Tax Auditing*)

**Moved by** Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to approve IGA with Arizona Department of Revenue for Transaction Privilege (Sales) Tax Auditing through December 31, 2015.

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

- E. Consideration and Adoption of Resolution No. 2014-39 and Ordinance No. 2014-32:**  
Amending the Employee Handbook of Regulations and Flagstaff City Code by adopting those amendments as shown in "2014 Addendum 6 of the Employee Handbook of Regulations" relating to the Employee Advisory Committee (***Employee Advisory Committee election terms; updates***)

Human Resources Director Shannon Anderson provided a PowerPoint Presentation that covered the following:

- EMPLOYEE ADVISORY COMMITTEE
- RECOMMENDATIONS TO CITY MANAGER
- MATCHES ORGANIZATION STRUCTURE
- REDUCE LENGTH OF TERM
- CHANGING ELECTION TIMEFRAME
- NEW TWO-YEAR TERM
- EAC MEETINGS
- EAC PROCEDURES
- HOURS WORKED

Mayor Nabours asked if EAC approved the items presented. Ms. Anderson stated that the EAC brought these forward and worked with the City Attorney's office on them.

**Moved by** Vice Mayor Celia Barotz, **seconded by** Councilmember Scott Overton to read Resolution No. 2014-39 by title only.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING THAT CERTAIN DOCUMENT KNOWN AS THE "2014 ADDENDUM 6 OF THE EMPLOYEE HANDBOOK OF REGULATIONS" AS A PUBLIC RECORD, AND PROVIDING FOR AN EFFECTIVE DATE

**Moved by** Vice Mayor Celia Barotz, **seconded by** Mayor Jerry Nabours to read Ordinance No. 2014-32 for the first time by title only.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF RELATING TO THE EMPLOYEE ADVISORY COMMITTEE, AMENDING THE EMPLOYEE HANDBOOK OF REGULATIONS AND FLAGSTAFF CITY CODE BY ADOPTING THOSE AMENDMENTS AS SHOWN IN "2014 ADDENDUM 6 OF THE EMPLOYEE HANDBOOK OF REGULATIONS" BY REFERENCE, RATIFYING THE 2014 ELECTION RESULTS AND TWO-YEAR TERMS, PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

**F. Consideration and Approval of Two (2) Year Lease Amendments: United States Geological Survey (U.S.G.S.) for Buildings 3, 4 and 5 (Amendment of U.S.G.S. Leases) *(Approve Two (2) Year Amendments to Building Leases with U.S.G.S.)***

Assistant to the City Manager for Real Estate David McIntire addressed Council asking for any questions or clarifications on the item.

Mayor Nabours stated that the lease term that is being extended is rather extensive and he is concerned that there is not an additional obligation that is being taken up by extending the term. Additionally, there are a number of items that are required such as water fountains and flagpoles; he would like to know if these are new requirements or existing requirements.

Mr. McIntire stated that the terms are identical with the terms in agreements past; the intent is to extend the existing term as it is until the Federal government would do a new Request for Proposals which the City would respond to proposing a remodel of the whole campus.

**Moved by** Mayor Jerry Nabours, **seconded by** Vice Mayor Celia Barotz to approve the amendment of the leases with the United States Geological Survey (U.S.G.S.) represented by the Government Services Administration (GSA) for an additional two (2) years.

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

**RECESS**

The Regular Meeting of the Flagstaff City Council held December 16, 2014, recessed at 4:31 p.m.

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

**RECONVENE**

The Regular Meeting of the Flagstaff City Council held December 16, 2014, reconvened at 6:18 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 BAROTZ  
 COUNCILMEMBER BREWSTER  
 COUNCILMEMBER EVANS  
 COUNCILMEMBER ORAVITS  
 COUNCILMEMBER OVERTON  
 COUNCILMEMBER PUTZOVA

NONE

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

Mayor Nabours stated that item 16-C has been withdrawn from the agenda. Additionally, he will be taking items 15-B and 15-C later in the agenda to allow for Council to address the Walnut Canyon item earlier in the meeting.

**12. PUBLIC PARTICIPATION**

David McCain, President Elect of Friends of Flagstaff's Future Board of Directors, addressed Council with a brief background on what Friends of Flagstaff's Future does. He welcomed the new Council and expressed excitement with getting to work with the Council in the future to improve the City.

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

None

**14. PUBLIC HEARING ITEMS**

- A. Public Hearing, Consideration and Adoption of Ordinance No. 2014-34:** An Ordinance of the City Council of the City of Flagstaff amending the Flagstaff City Code, Title 3, *Business Regulations*, Chapter 3-05, *Privilege Taxes*, levying a local transaction privilege tax increase of 33 cents per \$100 of taxable gross income (sales) as approved by the majority of the qualified electors of the city voting in the November 4, 2014 General Election, Proposition 406, "Road Repair and Street Safety Initiative"; providing for use of tax revenues, providing for penalties, repeal of conflicting ordinances, severability, authority for clerical corrections, and establishing an effective date (***Transaction Privilege Tax - Road Repair and Street Safety Initiative***)

Assistant to the City Manager Stephanie Smith addressed Council stating that the item is procedural only and allows the City to levy the recently approved sales tax as approved by City voters. The sales tax increase is set to begin on January 1, 2015. Mayor Nabours asked if the sales tax can go into effect before the second read of the Ordinance. Ms. Smith explained that it can go into effect and be retroactive.

Mayor Nabours opened the public hearing. Having no public comment Mayor Nabours closed the public hearing.

**Moved by** Councilmember Jeff Oravits, **seconded by** Councilmember Karla Brewster to read Ordinance 2014-34 for the first time by title only.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF AMENDING THE FLAGSTAFF CITY CODE, TITLE 3, BUSINESS REGULATIONS, CHAPTER 3-05, PRIVILEGE TAXES, LEVYING A LOCAL TRANSACTION PRIVILEGE TAX INCREASE OF 33 CENTS PER \$100 OF TAXABLE GROSS INCOME (SALES) AS APPROVED BY THE MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING IN THE NOVEMBER 14, 2014 GENERAL ELECTION, PROPOSITION 406, "ROAD REPAIR AND STREET SAFETY INITIATIVE"; PROVIDING FOR USE OF TAX REVENUES AS APPROVED BY THE ELECTORS, PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

15. **REGULAR AGENDA**

A. **Consideration of Construction Contract Change Order #1** : Flagstaff Urban Trail System (FUTS) Signage Project (***Approve Change Order #1 to FUTS Signage Project contract***)

Councilmember Oravits stated that he has no problem with the original contract but has problems with the way it has been done. He will be voting against it simply because of the process.

**Moved by** Councilmember Karla Brewster, **seconded by** Vice Mayor Celia Barotz to approve Change Order No. 1 with Conco Concrete Specialist LLC in the amount of \$80,000 and extend the contract by 60 calendar days.

**Vote:** 6 - 1 Passed

NAY: Councilmember Jeff Oravits

B. **Draft 2015 City of Flagstaff State & Federal Legislative Priorities Agenda**

Deputy City Manager Jerene Watson reviewed the legislative process and stated that the League has adopted a new, year long process that will allow ideas and suggestions to be submitted year round.

Ms. Watson provided a PowerPoint presentation that covered the following:

- GUIDING PRINCIPLES
- STATE LEGISLATURE
  - State Shared Revenues
  - HURF Funding Levels Increase
  - Pension Reform
  - Energy Districts
  - Forest Health
  - Procurement Law Change
  - Restoration of Housing Trust Fund

- Support Economic Development Tools
- STATE GOVERNOR
  - Red Gap Right of Way
  - Veterans Affair

State Lobbyist Richard Travis continued stating that he would like to go over some of the things that are expected to be seen in the 2015 legislative session. There is the same Republican/Democrat split as before and President Biggs will lead the Senate and a number of key committee chairs will remain the same. New for 2015 will be a new Speaker and a number of new members and committee chairs, a new Governor, and new budget challenges.

The budget will likely consume a majority of time and effort this session. The budget deficit is about \$1 billion which is about 10% of the overall budget. Unfortunately, many of the tactics used to address previous deficits are gone. The State drained many funds such as the State Aviation fund, the State Lake Improvement fund, and many other fund balances. Those funds have not been returned so there is no balance to sweep again. This Legislature is also coming in with a no new tax pledge and a Governor who stated that education and public safety will be priorities. Taking the funds necessary for the K-12, Public Safety and Healthcare off the table the State is left with only about \$2.4 billion left in the budget to cut the \$1 billion shortfall from. Included in the remaining \$2.4 billion is every other state agency not named as well as community college funding and the universities. There has been a disproportionate hit to community colleges and universities because the Legislature feels that they can always raise tuition to compensate.

In addition to those already mentioned, shared revenue will be part of the mix and there will be the need to educate and reeducate legislators. There is not a strong possibility of the HURF reversion being reversed, it is believed that the legislature will start to phase that in but will be difficult to do in this cycle. Money for new projects will be difficult to get. In discussions about the Veterans Home the effort will be to try and get a commitment for FY2017 to show the Federal government that there is a commitment.

The good news is that there are important issues that don't require money. Pension reform; one of the strongest proposals for pension reform does not require additional State dollars. Additionally, the Red Gap Waterline does not require State dollars and the Energy Districts may not require State dollars. The hope is to have a package to try and protect the resources in the community and move forward with those that do not require additional funding.

Mayor Nabours asked the best way to get these points across to the legislature and if there is any concern about contacting legislators directly. Mr. Travis stated that he does not feel that the League would mind any direct contact. There will be different coalitions formed to address the issues and it will be important to have more than one voice, a few of the issues have a statewide concern and making sure cities, towns, and counties are active and a part of the discussion is vital.

Councilmember Overton stated that Flagstaff has done well with tax credits such as education and working poor; he asked if the legislature has ever looked at sweeping any of those. Mr. Travis explained that there has been discussion about that especially over some of the education tax credits. Most of the conversations have been around delaying the tax credits that were put in place as part of an economic stimulus package that will phase in. Councilmember Overton stated that Flagstaff has done a good job of directing those tax dollars and if that were threatened the City may need to take that on to ensure that those dollars stay local.

Mr. Burke introduced Bob Holmes, the City's Federal Lobbyist at Nexxus Consulting, who is attending telephonically. Mr. Burke provided a PowerPoint presentation on the Federal portion of the legislative agenda that covered the following:

- PUBLIC SAFETY
- RIO DE FLAG FLOOD CONTROL PROJECT

Mayor Nabours asked if there is still a concern that the LRR show board a 1 for 1 benefit ratio. Mr. Burke stated that at this point it does not seem to be a principal concern. Mr. Holmes stated that the benefits/cost ratio as far as the LRR is concerned is irrelevant; it could affect the project during the appropriations process but do not see that as a problem at this time, it is more important to get the LRR done and be a part of the appropriation.

- FOREST HEALTH
- FAA (AIRPORT)

Councilmember Overton asked why the City has to specify a non-revenue parking structure. Mr. Burke stated that it means the City cannot charge a fee to park in it because if a fee is charged the City would become ineligible for Federal funding. Councilmember Overton asked if it would have to remain non-revenue in perpetuity to which Mr. Burke stated that it would have to remain non-revenue generating.

- RAILROAD REVERSIONARY CLAUSE
- TRANSPORTATION

Mayor Nabours asked if the City wanted to push for funding to widen the Fourth street bridge over I-40 where that process would start.

Mr. Holmes explained that there first has to be a need. The City would then need to talk with congressional representatives, Senators and the Department of Transportation after which it would need to be put into a bill. One of the things that have been done with the surface transportation bill is that earmarks are now prohibited by the rules of the House of the Senate. When the Army Corp submits their work plan Congress will be able to exclude or include projects not on that list. Mr. Holmes suspects that there may be a way to push projects in through that mechanism, otherwise it will be necessary to go to the Department of Transportation to get on their five year plan.

Councilmember Overton asked Mr. Holmes to give a rundown on the State of the Nation and how realistic is it to get things done. Mr. Holmes stated that there is really only a year to get things done. If things are not done in 2015 it will all be predicted by politics in 2016. It is anticipated that there will be an attempt for 2015 to be a productive year. Congress usually comes in the first week of January and then takes three weeks off; they will be working those three weeks this year as they have some big ticket items with Map 21 and the 2015 budget.

**Moved by** Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to adopt the policy points set forth as the state and federal legislative agenda and guiding principles.

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

- C. **Consideration and Adoption of Resolution No. 2014-43:** A resolution of the Council of the City of Flagstaff, Arizona, ordering questions be submitted to the qualified electors of the City with respect to amendments to the Flagstaff City Charter, said questions to be submitted at a City Special Election to be held on May 19, 2015 (***Calling a Special Election and approving ballot language for Charter amendments***)

City Clerk Elizabeth Burke reviewed each of the proposed charter amendments and the ballot language associated with them.

Vice Mayor Barotz asked on Question 1 if by setting the date that a term commences by ordinance it could become a political issue where the seated Council postpones voting on the ordinance. Ms. D'Andrea explained that while it is a valid concern at a certain point the delay would become a legal issue.

Mayor Nabours asked if the language could be written to say that the term begins so many days after the election. Mr. Burke stated that he prefers the proposal because there is uncertainty on whether there is going to be a November or May election. One of the challenges in May is that one Council creates the budget and the new Council adopts the budget. The November challenge is that Council is knee deep in the budget cycle and that is disrupted with a new Council. The proposal just provided some flexibility.

It was suggested that Question 1 be postponed to a later election. Ms. D'Andrea stated that it is critical to get this item on the May ballot because if the City wants to go back to a spring election at the time that the court rules, then the Charter needs to allow that to occur.

Council agreed that setting the date for new Council to be seated should be the 2<sup>nd</sup> regular meeting following the canvass of election. Ms. Burke clarified that this would apply to Questions 1, 2 and 3.

Mayor Nabours asked if EAC had been notified about the possible changes in Question 9. Ms. D'Andrea stated that Human Resources Director Shannon Anderson had been informed and she recently sent an email to EAC making them aware of the possible changes but EAC has not had an opportunity to formally meet and discuss the item at a regular meeting.

Vice Mayor Barotz stated that she feels that Question 9 should be removed from the May ballot because it is more policy in nature. A majority of Council agreed.

Vice Mayor Evans asked if there was a reason why Question 10 would be lessening the requirement for two reads of an ordinance in the same night. She stated that she feels that by having the two reads in one night it takes away public input and consideration of the ordinance. Ms. D'Andrea explained that currently there is a difficult standard for declaring an emergency and the Council cuts off all the voters rights to a referendum with the action. An emergency measure only requires a  $\frac{3}{4}$  vote; to require a higher standard to do a first and second read seems counter-intuitive since the Council is not taking away any rights of the voters. Two reads of an ordinance is not required by State statute only the City Charter.

Councilmember Evans asked if the items referred to in Question 14 would come back for final approval by the City Council. Mr. Burke explained that the action would ultimately require final approval by the Council. Mayor Nabours suggested adding "subject to Council approval" at the end of the sentence to make it clear. Council agreed with that recommendation.

Ms. Burke explained that she will go back and make the requested changes and bring the final version back to Council for approval at the first meeting in January.

**16. DISCUSSION ITEMS****A. Discussion : Walnut Canyon Study boundary discussion**

Sustainability Manager Nicole Woodman provided a PowerPoint presentation that covered the following:

- WALNUT CANYON STUDY BACKGROUND
- WALNUT CANYON STUDY OPTION 2: SUPPORTS CONGRESSIONAL SPECIAL MANAGEMENT DESIGNATION
- BASED ON CITY COUNCIL COMMENTS – FOUR BOUNDARY ALTERNATIVES FOR CONSIDERATION
- ALL BOUNDARY ALTERNATIVES
- BOUNDARY OPTION A: WALNUT CANYON STUDY AREA BOUNDARY
- BOUNDARY OPTION B: WALNUT CANYON STUDY BOUNDARY, LESS STATE AND PRIVATE LAND AND LAKE MARY WATER TREATMENT PLANT
- BOUNDARY OPTION C: NATIONAL PARK SERVICE KEY RESOURCE VALUES AREA
- BOUNDARY OPTION D: OPTION C WITH SKUNK CANYON, FAY CANYON AND CAMPBELL MESA
- NEXT STEPS

Councilmember Oravits asked the reasoning for going up on the northeast corner to include that in two options. Ms. Woodman explained that she was not part of this process and deferred the question to a community member who was part of the process. Ralph Beierlein addressed Council stating that the group looked into that and he and Sarah Dechter had asked the Park Service about it as well; it was an oversight and no one understands why the area above the purple line and below the green line was left out. It is an area that has no particular archeological value, the Park Service was interested in it because it would allow them to better control motorized access and vandalism to the Canyon itself. The private land in the northeast corner was never intended to be in the study area and map B does eliminate that area.

Councilmember Putzova asked for staff to describe the process that went into developing the four options. Ms. Woodman explained that as a result of the July 8, 2014 meeting there were a lot of questions about the premise for the boundary areas. Staff brought forth the National Park Service Key Resources map and from there looked at key criteria that would support the overall goals of the boundary area. She deferred information on Option D to the City Manager. Mr. Burke explained that he had suggested an Option D that kept Skunk Canyon and Fay Canyon while excluding the private land and Lake Mary Water Treatment Plant. Additionally, as it relates to State Land, this was an agreement that the prior Planning Director Jim Cronk had negotiated during the Regional Plan process where Sections 22 and 28 were anticipated to be ripe for inclusion in some sort of land preservation. Section 30 was a parcel the State was interested in developing and it was agreed that units would be preserved; however, they'd be moved to the northern portion. It was a compromise that did not make it into the Regional Plan because there was an interest in keeping the urban growth boundary in Parcel 30 because it was not set for development within the next 10 years. Otherwise, including Campbell Mesa which is not in the key resource area, yet is a vital part of the recreation community, is an attempt to try to preserve that piece as well in the process. For those reasons Option D seemed different from A, B and C and offered different values to be achieved.

Councilmember Brewster asked about water issues. Utilities Director Brad Hill stated that Utilities has had a look at the four options and have found that there are two wells written

within all four maps and three water transmission lines that snake in a out of the map on the north side of Lake Mary Road that would be included in the study area. Councilmember Brewster asked if there are impacts to them being included within the study area. Mr. Hill explained that it will depend on how Federal legislation is drafted. Councilmember Brewster stated that she is concerned with Congressional legislation over City things and it creating a problem over time.

Mr. Burke stated that the Resolution before the City Council recognizes the stipulation with the United States Forest Service from 2001 and the City's right to use those water resources within any special designation area. In terms of federal regulation, Mr. Hill is right, Utilities has not seen actual documents and does not know what restrictions will be placed.

Mayor Nabours asked if there might be additional wells within the study area. Mr. Hill stated that in terms of infrastructure there are no additional wells. Inclusion of the stipulation in the resolution ensures that the agreements made with the United States Forest Service (USFS), National Park Service (NPS) and City is not compromised by action taken tonight.

Mayor Nabours clarified that in looking at the final study that was released it is very specific that the options do not apply to private or State Trust lands. He asked if it was necessary to have these different maps carving out exclusions when the study says "not applicable to private, state trust, mineral rights." Ms. Woodman stated that her understanding is that State and private lands are preserved.

Councilmember Oravits asked about any impacts if other wells are brought into the area. Mr. Hill stated that the stipulation signed by USFS, NPS and City of Flagstaff preserves the City's rights and all future rights to pump so many acre feet of water within that area. Councilmember Oravits asked if staff is comfortable that the City can maintain existing and if necessary expand per the settlement. Mr. Hill stated that he is comfortable with that statement.

Mayor Nabours asked if the State land is exempted how access would be obtained to parcel 22. Comprehensive Planning Manager Sarah Dechter stated that in discussions she had with State Land regarding sections 20 and 22, there is a road to access section 22 on the southwest corner and since that is an existing access and the study indicates that existing access would continue, they assume they would be able to access using that road. Mr. Beierlein stated that Old Walnut Canyon road is passable most times of the year. The road goes from the Country Club area, past Campbell Mesa and cuts through portions of section 28 and 22 and makes its way over to the paved Walnut Canyon entrance road. There is traffic there all year long. He added that the State Land Department has done a good job of protecting section 28 by coming in from forest road 301 and building zig zag log fences that keep people from riding their ATV's off into the woods.

The following individuals addressed Council in favor of a special designation:

- Anthony Quintile
- Ralph Beierlein
- Maryilyn Weissman
- David Wilcox
- Betsy McKellar
- Alicyn Gitlin
- Tom Bean

Comments received included:

- Supportive of protecting the biking trails in the area and for protecting as much as what was proposed in the study for protection.
- Support option 2.
- It is politically best to choose the map that excludes the State Trust lands.
- Support inclusion of the entire map boundary.
- Support option A and hope the Council will join with Coconino County
- The City Council needs to send a strong message.
- Supportive of the highest level of protection.
- North Ranch Homeowners Association is totally within the boundary of the study; they are unanimous in their support of protecting the entire area.

Michael Tentido addressed Council in opposition of the special designation stating that the Council should let the government work to build off the accomplishments of the past.

Written comment cards in support of a special designation were submitted to the Council from the following individuals:

- Susan Hueftle
- Roseana Cruz Kirgis
- Rhea Nanni
- Nick Kowall
- Sarah Johnson
- Peter Bungart
- Dawn Dyer
- Cathy Ann Trotta
- Richard Resnick
- Joel W. Dugdale
- Jason Henrie
- Evelyn Billo
- Robert Mark
- Betty Hoyt
- Earle Hoyt
- Dillon Scott Metcalfe
- Anya Metcalfe
- Sharon Edgar
- Shirley Cannon
- Ian Harrison
- Karen Enyedy

Mayor Nabours asked Ms. Cook-Collins from the NPS if she had any background information on the Park Service Key Resource Value Area and why it is drawn where it is. Ms. Cook-Collins stated that the NPS identified areas that they felt merited protection. There were cultural resources in the area but they had not been researched yet. There were concerns of development pressures and how it might change resources within area. Mayor Nabours asked if the boundary line was drawn so that it would include key resources or just to study key resources. Ms. Cook-Collins stated that there were known key resources in the area and the lines were created with a buffer in mind.

Councilmember Oravits asked the reasoning for option C to cut through section 30 and

section 22. Ms. McKellar stated that the key to the NPS map was that the areas needed to be protected in order to maintain the existing values within the monument itself. NPS felt anything less than that would damage the existing value of the monument. The reason it does the lower half of section 30 is because it is so close to Fisher Point and it is the only easily accessible area to get into the bottom of the canyon which is where most of the critical wildlife and cultural resources are.

Mayor Nabours stated that the City is not putting restrictions on or being asked to put restrictions on its own land. The City is being asked to make a recommendation to the Federal government for what they might do. Ms. Woodman stated that if the City Council passes a resolution, it would simply be a statement of support.

Councilmember Putzova asked if there was any discussion with the City's congressional representatives about the issue. Ms. Woodman stated that she was not involved in any discussions. Ms. Gitlyn stated that the Sierra Club did bring the topic up with Representative Kirkpatrick during her previous term and at that time there was no discussion of the boundary but she is aware of the issue.

Mayor Nabours expressed concern about getting cross-ways with the State Land Department and trying to respect their request to be excluded; however, he is concerned about making the state parcels just islands and feels that there would have to be some kind of right of access that is not precluded by whatever the City does. Assistant City Attorney David Womochil reminded the City Council that the City does not have the authority to require access, this is USFS land and all the City would be doing is making a statement of recommendation in the resolution.

Councilmember Evans stated that the process has been going on for a long time. She feels that the final study shows a good compromise. She does not feel that there is an issue with State Land if the City forwards a resolution in support of Option 2 with the original boundaries. Throughout the document it was clear that State lands are excluded unless they are purchased by the Federal government or exchanged.

Councilmember Brewster stated that she is most in favor of Option B.

Mayor Nabours stated that he is in favor of Option C but that he would exclude the State parcels.

Councilmember Putzova stated that the City just went through the Regional Plan adoption and it was clear that the community did not want to divide up section 30; she is concerned about the message it would send if section 30 was excluded from the boundary. She would be in favor of protecting the entire study area.

A majority of Council is in favor of moving forward with option 2, map A.

A break was held from 7:47 p.m. through 7:59 p.m.

**B. Discussion: Student Housing Symposium After Action Report**

Mr. Burke stated that what is being presented is a summary and possible action items related to student housing. There have been some projects that have come forward that have created some challenges on both a process and political standpoint. A symposium led by Supervisor Archuleta was held in conjunction with the City, Friends of Flagstaff's Future, Northern Arizona University, the Flagstaff Chamber and a number of neighborhood organizations. The possible action items have been presented to and reviewed by President Chang and she has agreed that they are all workable items.

Mr. Burke provided a visual of the document labeled "Student Housing Possible Action Items" that was reviewed by the City Council. He asked for any edits or discussion and stated that once approved it will be moved forward into a resolution.

Councilmember Overton stated that there is an influx of students living in single family residences; he asked if there is a role for communication with property owners and/or homeowner's associations to help get messaging out to the tenants about parking, behaviors, trash, and other items. There needs to be messaging in place for the homeowners associations that ask for help in regulating behavior. The City does not have a legal ability to regulate who lives in what communities but if the communities took a proactive approach it could be effective.

Vice Mayor Barotz suggested requiring a neighborhood presentation prior to there being a lot of plans being done. Ft. Collins had a similar issue and changed their process to address this so that might be a good resource to look at.

Mr. Burke stated that he will work on these suggestions and will bring back the action items as a resolution for adoption.

Written comment cards in support of a Student Housing Resolution were received from the following:

- Sallie Kladnik
- Friends of Flagstaff's Future
- Marilyn Weissman

- C. **Discussion** : Potential provision of City owned land on McMillan Mesa (the area currently used for materials storage) to the Arizona Department of Veteran's Services for the construction and operation of a Veteran's Facility. ***(Use of City land for a Veteran's home)***

**This item was pulled from the agenda; it will be placed on a future agenda for discussion.**

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.*

None

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

All of Council wished a Merry Christmas and Happy Holidays.

Councilmember Evans requested a CCR on how many body cameras the City has for its Police Officers and what percentage of Police Officers have them. Additionally, she would like information on how the public can go about requesting the footage from those cameras.

Councilmember Putzova requested information on the process for requesting information

from City Council members and how those requests are logged.

Councilmember Oravits offered congratulations to Mayor Nabours for being selected as the Best Ever Elected Official for Flagstaff's Best Of 2014.

**19. ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held December 16, 2014, adjourned at 9:46 p.m.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

CERTIFICATION

STATE OF ARIZONA            )  
  ) ss.  
Coconino County             )

I, ELIZABETH A. BURKE, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the Meeting of the Council of the City of Flagstaff held on December 16, 2014. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 3rd day of February, 2015.

\_\_\_\_\_  
CITY CLERK