

## MINUTES

### 1. CALL TO ORDER

Mayor Nabours called the Regular Meeting of the Flagstaff City Council held January 19, 2016, 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 (arrived at 4:06 p.m.)

NONE

Others present: Deputy City Manager Jerene Watson and Deputy City Attorney Sterling Solomon.

### 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 Regular Meeting of November 3, 2015; Regular Meeting of November 17, 2015; and Regular Meeting of January 5, 2016.

**Moved by** Councilmember Scott Overton, **seconded by** Councilmember Karla Brewster to approve the minutes of the City Council Regular Meeting of November 3, 2015; Regular Meeting of November 17, 2015; and Regular Meeting of January 5, 2016.

**Vote:** 7 - 0 - Unanimously

**5. PUBLIC PARTICIPATION**

*Public Participation enables the public to address the Council about an item that is not on the agenda. 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**

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** Mayor Jerry Nabours, **seconded by** Councilmember Coral Evans to approve Consent Agenda Items 9-A and 9-B.

**Vote:** 6 - 0 - Unanimously

- A. Consideration and Approval of Purchase:** One (1) Lubrication and fuel service body to be installed on a City owned cab/chassis.  
Approve the purchase of one (1) lubrication and fuel service body to be installed on city owned cab /chassis from Empire Truck and Trailer (quote JAK0206.6.15) in the amount of \$129,215.95 through the National IPA Co-Op Contract #120377 (National Intergovernmental Purchasing Alliance).
- B. Consideration and Approval of Contract:** Street Maintenance Program, Calendar Years 2016, 2017 & 2018 Professional Design Services. (Approve design services contract with consultant Plateau Engineering, Inc. for street maintenance program).
- 1) Approve the design services contract with Plateau Engineering, Inc., in the amount of \$284,462.74 with a contract time of 1090 days;
  - 2) Approve change order authority in the amount of \$28,446.27 (10%) of the contract amount to cover potential costs associated with unanticipated items of work; and
  - 3) Authorize the City Manager to execute the necessary documents.

## 10. ROUTINE ITEMS

- A. Consideration and Adoption of Ordinance No. 2016-02:** An ordinance authorizing the acquisition and dedication of rights of way and easements for the realignment and improvement of Industrial Drive. (***Dedication of right-of-way for improvements to Industrial Drive.***)

Mayor Nabours noted that the presentation on this item was given two weeks ago, but Mr. McIntire was present to answer any additional questions.

**Moved by** Councilmember Jeff Oravits, **seconded by** Councilmember Karla Brewster to read Ordinance No. 2016-02 by title only for the final time.

**Vote:** 7 - 0 - Unanimously

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AUTHORIZING THE ACQUISITION AND DEDICATION OF CERTAIN REAL PROPERTY AS A PUBLIC RIGHT-OF-WAY AND ESTABLISHING AND PROVIDING FOR THE IMPROVEMENT OF INDUSTRIAL DRIVE*

**Moved by** Councilmember Jeff Oravits, **seconded by** Councilmember Karla Brewster to adopt Ordinance No. 2016-02.

**Vote:** 7 - 0 - Unanimously

- B. Consideration and Adoption of Ordinance No. 2016-01:** An ordinance authorizing the acquisition of certain real property for use as a public right-of-way for a Roundabout at the Switzer Canyon Drive-Turquoise Drive intersection.

Capital Improvements Engineer Bret Petersen briefly reviewed the project with a brief PowerPoint presentation which addressed:

### PROJECT ASSESSMENT

- IGA with ADOT in 2011
- September of 2013 ADOT completed project assessment report

- Mayor of 2014 staff came before Council
- Council voted to pursue design of a roundabout
- ADOT has completed 60% of the design which now allows them to acquire property

#### ALTERNATIVE 1

- Single-lane roundabout
- 7,000 sq. ft. needs from property owners

#### ALTERNATIVE 2

- Traffic signal
- 6,300 sq. ft. needed from property owners

#### ALTERNATIVE 3

- Stop signs
- 6,300 sq. ft. needed from property owners

Vice Mayor Barotz said that it appears that all of the property owners would be impacted; it is just the extent is determined by what option is chosen.

Councilmember Oravits said that they could put up stop signs without acquiring property. Mr. Petersen said that turning lanes require more property, and if they did not do the turning lanes, they would not be addressing the safety concerns and traffic volumes. Councilmember Oravits said that he believes this is an overreaction.

#### RELATIVE COST ESTIMATE

Mr. Petersen noted that these were not total costs, but allows for "apples to apples" in the costs associated with each alternative.

Option 1: Roundabout	\$1.7 million
Option 2: Signal	\$1.695 million
Option 3: Stop Signs	\$1.5 million

Councilmember Evans pointed out that this has been in the works since 2011. Staff and the Council have been working on it for awhile. One of the things they were trying to do is provide deceleration lanes and turning lanes. If they just put up a stop sign they would find they are not working. She said that it creates a line of cars and takes forever. People start rushing, and that is when the accidents start occurring.

Mayor Nabours asked if the grant was available for any of the options. Mr. Peterson said that it was his understanding that the grant was only available for the roundabout. He said that during the presentation in 2014, the traffic engineer stated that the best cost ratio was not there for a signalized intersection and was not grant eligible. He said that they could appeal that.

#### GRANT COSTS INCURRED TO DATE

•Project Assessment	\$119,927
•Final Design Proposal	\$141,012
•Rough ADOT Cost	\$150,000

Total	\$410,939
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Mr. Petersen said that at this point, \$410,000 has been spent to get them to 60% design. There will be another \$90,000 going to finalize the design.

## RECITALS

- Corrections

The following individuals addressed the Council regarding the project:

- Ken McIntosh, First Congregational Church
- Susan Lamb Bean

Comments received included:

- Their church reaches decisions as a group; they have not had the opportunity to have a whole-congregation discussion.
- He has received input from church members on both sides of the issue.
- Assuming this goes forward, the leadership of the church will try to be very closely involved and they would like to move forward with the City at all stages to meet mutual benefit for all.
- She attends the church. She and a friend stood at the intersection and saw how busy it was, even at 11:00 a.m. on a Tuesday morning.
- Thinks it is a good idea and appreciated Councilmember Evans's comment about the benefits of roundabouts.

The following individuals spoke against the project:

- Gabor Kovacs
- Jill Farrell

Comments received included:

- Lives nearby and travels through the intersection 3-4 times a day in both directions.
- Over the last six years that he has been frequenting the area, he has seen two or three collisions.
- He does not see why the City shouldn't expend more than a few hundred dollars with low-powered, solar-powered flashing lights with stop signs.
- She is a retired professional driver since 1981. She has discovered roundabouts are being installed everywhere and no one is respecting the speed or the curves.
- She believed that stop signs would save a lot of money.

Councilmember Brewster said that she knew they had been studying this location for a long time. Traffic Engineer Jeff Bauman said that it first came up in the 2008 FMPO Study, and the high number of angle crashes at that location, with angle crashes being more severe.

He said that their study showed that for relatively the same cost of a signal, there was a much higher benefit in reducing the severity of crashes. They have a lot of statistics that show a 90% reduction in fatal collisions and a 75% reduction in injury collisions.

Mayor Nabours asked Mr. Bauman what it was that traffic engineers like about roundabouts, other than what was already addressed. Mr. Bauman said that in looking at an intersection, they found several types of collisions. With roundabouts, they have found a reduction in the number of injuries as well as the severity. In this case, with the specifics, a roundabout performs better as far as level of service.

Councilmember Overton said that as a Council they always struggle with underperforming intersections. He sat on the FMPO Board for a number of years, constantly looking at things. They ask their experts to provide solutions. In this case, they not only provided a solution but it came with a grant as well. He did not want to get into the weeds of the project. He is glad and thankful that they take advantage of all levels of government

assistance. He supports the project and hopes it all works out well.

**Moved by** Councilmember Karla Brewster, **seconded by** Councilmember Coral Evans to read Ordinance No. 2016-01 by title only for the final time.

**Vote:** 6 - 1

NAY: Councilmember Jeff Oravits

*AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY AS A PUBLIC RIGHT-OF-WAY FOR CONSTRUCTION OF A ROUNDABOUT PROJECT AT THE INTERSECTION OF SWITZER CANYON DRIVE AND TURQUOISE DRIVE*

**Moved by** Councilmember Karla Brewster, **seconded by** Councilmember Coral Evans to adopt Ordinance No. 2016-01.

**Vote:** 6 - 1

NAY: Councilmember Jeff Oravits

- C. Consideration and Approval:** Arizona State Forestry Grant Agreement Wildland Fire Hazard Fuel (WFHF) 15-202.

Wildland Fire Manager Paul Summerfelt said that this was a 90%/10% grant and would go toward work on Observatory Mesa.

**Moved by** Councilmember Scott Overton, **seconded by** Councilmember Jeff Oravits to approve the WFHF 15-202 grant award and agreement between the City of Flagstaff and the AZ State Forestry Division for grant funds in the amount of \$135,000 (with a City match of \$15,000).

**Vote:** 7 - 0 - Unanimously

- D. Consideration and Approval of Contract:** Flagstaff Watershed Protection Project (FWPP) Phase I and Phase II, Dry Lake Hills Preparation, Participating Agreement Supplemental Project Agreement (PA-SPA), with US Forest Service (Coconino National Forest).

Approve the FWPP Phase 1 and Phase II, Dry Lake Hills Preparation, PA-SPA between the City of Flagstaff and the US Forest Service (Coconino National Forest) in the amount of \$654,761.02.

Mr. Summerfelt gave a brief update on the Dry Lake Hills SPA between the City and the U.S. Forest Service. He said that this would fund underground work for USFS employees for the next two years on work related to removal of trees along with a variety of tasks. He said that they do inventories to determine where it is needed.

Mike Elsen with the USFS said that Phase I will begin this summer with 390 acres of hand-thinning and 690 acres of mechanical harvesting. Phase II cutting will be initiated in 2017/18 with 3800 acres, involving all treatment methods. He gave a PowerPoint presentation which addressed:

LOCATION MAP

PROJECT UPDATE: Key Benchmarks  
 PROJECT UPDATE: Public Outreach  
 TACTICAL  
 EVENTS  
 QUESTIONS

Councilmember Overton said that as he read this, it was a gigantic benchmark. He said that it is not political drama and flies under the radar, but he wanted to assure them that it did not go unnoticed. He applauded them for getting this far through the process. It was the last big check in the term of agreement before actual physical work starts. He congratulated them all on the tremendous amount of work done since the bond passed.

**Moved by** Councilmember Scott Overton, **seconded by** Councilmember Coral Evans to approve the FWPP Phase 1 and Phase II, Dry Lake Hills Preparation, PA-SPA between the City of Flagstaff and the US Forest Service (Coconino National Forest) in the amount of \$654,761.02

**Vote:** 7 - 0 - Unanimously

### **RECESS**

The 4:00 p.m. portion of the January 19, 2016, City Council Meeting recessed at 4:52 p.m.

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

### **RECONVENE**

Mayor Nabours reconvened the January 19, 2016, City Council Meeting at 6:02 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:

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

ABSENT:

NONE

Others present: Deputy City Manager Jerene Watson and Deputy City Attorney Sterling Solomon.

**12. PUBLIC PARTICIPATION**

Dawn Tucker, Flagstaff, addressed the Council regarding the Flagstaff Regional Plan and Zoning Code conflict with one another, and said she hoped that it could be rectified.

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

None

**14. PUBLIC HEARING ITEMS**

None

**15. REGULAR AGENDA**

**A. Parking Program**

- i. **Consideration and Adoption of Ordinance No. 2016-05** - An ordinance of the City Council of the City of Flagstaff, Arizona, amending Flagstaff City Code Title 9, TRANSPORTATION, Chapter 9-01, TRAFFIC CODE; creating the Office of Parking Manager; modifying the duties of the Traffic Engineer accordingly; modifying and adding traffic violations necessary for permit parking and pay-to-park programs; authorizing the Parking manager to implement the Comprehensive Parking Management Program for the downtown, southside and surrounding areas with the installation of parking meters, signage, and other improvements for permit parking and pay-to-park programs; and establishing a special revenue fund for revenues generated by implementation of the Comprehensive Parking Management Program.

Community Design and Redevelopment Manager Karl Eberhard showed a slide of the problem, recommended solution and outcome, noting that it would establish a Parking Manager position; authorizes installation of meters; creates a special revenue fund with money reserved for capital improvements; and requires mailed notice of changes to parking violations within the code.

He said that the change in the Comprehensive Parking Program from that which was shown in December removed "proposed." He said that they had missed a lease payment in the first year of funding and this afternoon they received an amended pro forma.

With regard to handicap-accessible parking, they are working on that at the Leroux lot and it is part of the plan, but it has not been written into the ordinance.

Mayor Nabours asked if they could include wording that in the first few years the City could recoup the initial costs without getting into the 20% and if they would need to modify that in order to do that. Mr. Eberhard said that the ordinance or resolution does not address return of funds, but they should be able to meet that and they could add that provision.

Vice Mayor Barotz said that they should also include language that requires an ad be placed in the newspaper and on the website, in addition to written notification.

Mayor Nabours said that there is some concern that future councils may change the ordinance, and asked if there was any way to preclude a future council of doing that.

Mr. Solomon said that the ordinance is drafted with strong language, but they could not bind a future council so they would be able to amend the ordinance.

Shari Peralta, Flagstaff, addressed the Council to thank them for the new ADA signs at City Hall, the Library and Wheeler Park, and she asked if there was a way to publicize that change so the disability public was aware. She said that the disability community was in full favor of the parking plan because they know it requires more spaces with new striping or new construction. She said that the only thing that concerns her in reading the ordinance is that nowhere is accessible parking mentioned in the ordinance, and she asked if wording could be added to require compliance with ADA.

Vice Mayor Barotz said that her understanding was that this ordinance does not address specific issues. There will be a separate set of administrative guidelines and there is much more to happen under the administrative side of the house.

Charlie Silver, Flagstaff, indicated support for the Comprehensive Parking Management Program. He said that the Plan levels the playing field and the stakeholder needs are addressed. He applauded Mr. Eberhard and staff for continuing to engage the public in the discussions.

Terry Madeksza, Downtown Business Alliance, said that their organization has been engaged through this process and are in support of the ordinance. She thanked the Council for being interested in finding language to further protect the funds. The goal for everyone is to see additional supply of parking.

Jeff Meilbeck, NAIPTA, said that they also supported the Plan, noting that it not only provides resources to build additional supply, but is managing to the best of their ability the existing supply.

Councilmember Evans said that she appreciated the Council looking into the issue of parking. She thinks that the majority of business owners and students are looking forward to this solution. When they first roll it out, there may be a need to have some adjustments and the stakeholders need to stay engaged.

Vice Mayor Barotz said that the Plan is a delicate balance and a lot of stakeholders have participated. One thing important to her as they move forward into the administrative end is that they remember that they all have different interests, but equity is important.

Councilmember Brewster said that there have been many stakeholders involved and that is a good thing. It is important that it is not a "one size fits all" and there are different parts of town. What has been decided on with this Plan has been tailored to that area.

**Moved by** Vice Mayor Celia Barotz, **seconded by** Councilmember Eva Putzova to read Ordinance No. 2016-05 by title only for the first time, amended to include an addition to Page 10, Section 9-01-001-0016(B) to require notice to be mailed by first class mail, to place on the home page of the City of Flagstaff website; and placed as an advertisement in the local newspaper.

**Vote:** 7 - 0 - Unanimously

*AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, AMENDING CERTAIN TRAFFIC AND PARKING REGULATIONS BY AMENDING THE FLAGSTAFF CITY CODE TITLE 9, TRANSPORTATION, BY AMENDING CHAPTER 9-01, TRAFFIC CODE; SECTION 9-01-001-0001, TRAFFIC LAWS ADOPTED; SECTION 9-01-001-0003, STOPPING, STANDING AND PARKING RESTRICTIONS; SECTION 9-01-001-0007, OFFICE OF TRAFFIC ENGINEER CREATED; 9-01-001-0008, MUNICIPAL PARKING LOTS; BY ADDING SECTION 9-01-001-0014, OFFICE OF THE PARKING MANAGER CREATED; AND BY ADDING SECTION 9-01-001-0015, COMPREHENSIVE PARKING MANAGEMENT PROGRAM SPECIAL REVENUE FUND, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AND EFFECTIVE DATES*

- ii. **Consideration and Adoption of Resolution No. 2016-01** - A resolution of the City Council of the City of Flagstaff, Arizona adopting the COMPREHENSIVE PARKING MANAGEMENT PROGRAM, NOVEMBER 2015 and declaring an effective date.

**Moved by** Mayor Jerry Nabours, **seconded by** Councilmember Coral Evans to read Resolution No. 2016-01 by title only.

**Vote:** 7 - 0 - Unanimously

*A RESOLUTION OF THE CITY OF FLAGSTAFF, ARIZONA ADOPTING THE COMPREHENSIVE PARKING MANAGEMENT PROGRAM, NOVEMBER 15*

**Moved by** Mayor Jerry Nabours, **seconded by** Councilmember Coral Evans to adopt Resolution No. 2016-01.

**Vote:** 7 - 0 - Unanimously

Mr. Eberhard said that this was eight years in the making and he thanked the Council and stakeholders involved.

- B. **Consideration and Adoption of Ordinance No. 2015-17:** An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code, by deleting Chapter 6-03, *Animals*, in its entirety and adopting revised Chapter 6-03, *Animal Keeping*; providing for severability, authority for clerical corrections, and establishing an effective date. (***Animal Keeping Code***)

Sustainability Specialist McKenzie Jones gave a PowerPoint presentation which addressed:

#### PRESENTATION OUTLINE

Brief discussion was held on miniature pigs. She said that there were two options and staff was recommending Option 1. She said that apparently there are ethical issues with breeding in that people are given piglets and told they are miniature, but they turn into a full size hog at 500-700 pounds.

COMMON DOMESTIC HOUSEHOLD PETS  
SMALL ANIMAL SLAUGHTER

FOLLOW UP  
BEEKEEPING

Discussion was held on beekeeping. Ms. Jones said that it has been happening without any regulations for a long time. Discussion continued with regard to the need to notify neighbors.

The following individuals addressed the Council:

- Regan Emmons
- Elizabeth Taylor
- Gabor Kovacs
- Cynthia Dorfsmith, Flagstaff Liberty Alliance
- Emma Krug
- Jared Hart

Comments received included:

- The Sustainability Office has done a thorough job. She would recommend Option 2 to allow for slaughter in the City of chickens and rabbits.
- She is very active in support of the local food community, specifically beekeeping.
- Bee stings are not a common source of mortality; those deaths that occur are likely from wasps.
- They could probably live with a registration, but the next step really does not make a lot of sense.
- Wholeheartedly supports having small animals for sustainability and the pleasure of owners.
- Do this with reason and he thinks the proposal has gone in the right direction.
- Ultimate sustainability in this program would also include roosters; they are part of the sustainable backyard.
- Excited to see this considered; it is a balanced ordinance that addresses the concerns of all.
- Beehives are naturally occurring and people take precautions.
- Taking the extra step to remove hives is a step that does not need to be taken.
- She had a micro miniature pig that stayed in the house and was housetrained.
- A beekeeping registry is opening up a can of worms

Written comments in support of the ordinance were received from:

- Elisha Dorfsmith
- Rosemary Logan
- Bryn Rose Aumack
- Charlie Silver

Councilmember Oravits said that he appreciated everyone coming out and the time that has gone into this ordinance. He fully supported the slaughter of chickens and rabbits if it is shielded. The goal is to increase local food production. He did not see a need for registration of bees.

Mayor Nabours said that he has mixed emotions. He wants to see the Code made more specific and liberal, but wonders what kinds of problems it may create within neighborhoods and among HOA's. He was concerned with notification for beekeeping, and was not sure about slaughtering goin on next door. He would like to see better definitions on the miniature pigs. He said that he understood the issue with a sunset clause, but they need to have an escape value if it turns out to be a big problem.

Councilmember Evans said that she would be fine with micropigs up to a certain amount of weight. She was okay with slaughter, but it should be worded that it would only be for residential consumption.

Councilmember Putzova suggested that they change the definition of domestic pets so they did not need to include wording associated with miniature pigs.

**Moved by** Councilmember Jeff Oravits, **seconded by** Councilmember Coral Evans to read Ordinance No. 2015-17 by title only for the first time with the following additions: select Option 2 (purpose) to select microminiature pigs as common household domestic pets; select Option 2 to allow slaughter as proposed by staff, with addition of for personal consumption...in compliance with all county, state and federal regulations and laws; and paragraph F regarding beekeeping be deleted in full.

**Moved by** Councilmember Eva Putzova to amend the motion that the discussion of microminiature pigs be taken up later; and if registration is going to be required it should be required by everyone involved, whether they already have them or not; **seconded by** Councilmember Jeff Oravits; passed unanimously.

**Vote:** 7 - 0 - Unanimously

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, BY DELETING TITLE 6, POLICE REGULATIONS, CHAPTER 6-03, ANIMALS, IN ITS ENTIRETY AND ADOPTING REVISED CHAPTER 6-03, ANIMAL KEEPING; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE*

Ms. Jones asked for clarification on whether they wanted staff to bring back possible wording with regard to registration for beekeeping.

Councilmember Putzova said that it goes back to what the intent is. One option would be to provide information for where bees are located. Vice Mayor Barotz said that she would like to see options. Councilmember Putzova said that she would like to hear from beekeepers if they found any benefit in having any type of registration.

A break was taken from 7:47 p.m. to 8:02 p.m.

**C. Consideration and Approval of Contract:** Intergovernmental Agreement between the State of Arizona (Department of Transportation) and the City of Flagstaff - Red Gap Ranch Longitudinal Waterline Along an Access Controlled Interstate Facility (Interstate 40). ***(IGA with ADOT to establish the permit process for Red Gap Ranch Pipeline in I-40)***

Utilities Director Brad Hill gave a brief background on how they had arrived at this time on this issue, noting that staff has been working with ADOT for the last six years. He acknowledged that the District Engineer, Audra Merritt, was also present.

John Nauman, Flagstaff Water Group, said that they supported the process with the caveat that Red Gap Ranch not be viewed as the only alternative; they need to look at conservation and development of enhanced water treatment for wastewater as indirect or direct, potable usage in the far future.

Mayor Nabours thanked Mr. Hill, noting that this has been quite a battle and it has taken a long time because ADOT was not sure they wanted water lines in their right-of-way. It took some convincing for them to open that door.

Audra Merritt addressed the Council thanking everyone, including Brad Hill, Stephanie Smith and Sterling Solomon.

Councilmember Oravits also thanked the Mayor for his work through his relationship with the Governor.

**Moved by** Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to authorize the City Manager to approve the Intergovernmental Agreement for the permit process between the State of Arizona (Department of Transportation) and the City of Flagstaff - Red Gap Ranch Longitudinal Waterline Along an Access Controlled Interstate Facility (Interstate 40).

**Vote:** 7 - 0 - Unanimously

#### D. **Marriott Project**

- i. **Consideration and Adoption of Ordinance No. 2016-03:** An ordinance of the Flagstaff City Council authorizing the acquisition of certain real property as a public right-of-way for the possible widening of Humphreys Street between Route 66 and Cherry Avenue. *(In addition, a Development Agreement with additional terms of the purchase will be considered at second reading of the ordinance.)*

Planning Director Dan Folke gave a PowerPoint presentation which addressed:

APPROVED SITE PLAN  
DEVELOPMENT AGREEMENT TERMS  
WHY WIDEN HUMPHREYS STREET

Vice Mayor Barotz said that it sounds like what is in the study are options that were identified and evaluated with implementation guidelines. She was trying to understand what the process was when this kind of study is done, asking how they got from the Urban Mobility Study to now.

FMPO Manager David Wessel addressed the question, stating that the Urban Mobility Study was an ADOT study. The FMPO, as a result of the recently-completed Regional Plan in 2001, wanted full participation so they put money forward and ADOT hired a consultant to bolster their multimodal approach to planning.

The Regional Plan they had in place had aspects of the transportation element coming out of it and wanted to explore a variety of alternatives. There were focus groups and meetings. Evaluation was quantitative and qualitative and modeling was used as well as looking at social impacts, environmental, etc. The recommendation coming out of that plan was what they see in the Regional Transportation Plan adopted in 2009, as well as the Regional Plan recently adopted.

He said that this intersection was not even included in the scope originally, but because of back-ups occurring back then the study was expanded to include the downtown and they ended up looking at 13 options in downtown that were reduced to 4, including this widening option. He said that it was a study, but was adopted formally by ADOT. It was part of the Regional Transportation Plan and, by and large, was a strong input to the Regional Plan

that was adopted.

He said that the Route 66/Humphreys intersection is addressed in the goals within the Regional Transportation Plan and Regional Plan that speak to safety and lack of storage for left-hand turns.

Vice Mayor Barotz said that his answer was confusing. Councilmember Putzova asked what opportunity they were preserving.

Community Development Director Mark Landsiedel said that this preserves the option of widening the road in the future. The staff has done the right thing in looking to the future and requesting that the building be pushed back so that if and when the roadway is widened in conformance with the Regional Plan they are not having to relocate a building. He said that it was ADOT's road today, but it could end up being a route transfer of the City at some time in the future. They do not know that at this time.

Mr. Landsiedel explained that some time ago the FMPO did a study with the County, State, etc. to look at state routes running through the City for municipal use. They continue to have discussions with potentially transferring routes to the City under circumstances that are advantageous to both. A recent example was the Lonetree Traffic Interchange.

If the City does not look to the future, and five years from now ADOT decides to widen the road, then it is a resource they have to contribute as a matching contribution. They felt it was in the City's interest to do the acquisition.

Councilmember Putzova said that she felt that such route transfers would be a policy decision and there are huge financial implications for the City. She said that they just voted on acquisition for a roundabout on Switzer Canyon. In this case, the development agreement was negotiated before Council even knew about the project. She asked how the Council makes a policy decision on one project but in this instance it is staff's decision.

Mr. Landsiedel noted that one is a capital project. Through ADOT the roundabout is a capital improvement project and it is a much more structured process. When it comes to development projects they come in and staff does not control when they come in. Staff made the right call. They have a Regional Plan that said this should be a four-lane facility. It made sense to not allow a hotel to be built in such a way that would prohibit that. Staff has not made any decision. They have put together a development agreement and the decision is strictly the Council's.

Councilmember Putzova said that it appears that several steps were skipped in the process and the Council was not involved in it.

Councilmember Evans said that she has been on the FMPO Board for eight years. The concept of Humphreys being an arterial road has been there the whole eight years. They brought the document before Council several times to talk about the issue of Humphreys, including the discussion related to snow play. It is unfortunate that they are having the conversation, but as Marriott came and said they bought the project and have a right, staff had the foresight to see that even though they have been planning the widening for awhile, if it was built in a certain manner it would take away the option.

She said that the newspaper reporting that they were widening the road was a mistake. They are exercising the right to have a discussion in the future.

APPROVED SITE PLAN  
BUILDING DEPARTMENT FEES - MARRIOTT RESIDENCE INN

Councilmember Oravits asked if there was a sales tax impact with the project. Mr. Folke said that the estimates based on a valuation of \$8.5 million, there is a general sales tax of \$52,212 and then some more broken out for road repair and street safety initiative, transit, street improvements. etc.

Charlie Silver, Flagstaff, said that the staff report said that the item required a partnership between the City, ADOT and the FMPO. He hoped that was a real scenario and the City was not left holding the bag. He said that it also mentioned that the south parcel would be developed as surface parking. He asked if that would include general public parking or for the hotel exclusively. Mr. Folke said that the surface lot is the Marriott's property. If a parking garage is built hopefully there would be a lot more space than on the surface lot.

Steven Shumway, representing Marriott, said that he was a sixth-generation member of Arizona. Although they may not know of any of their dealings, they have always worked under partnerships. That is what they have tried to do in this case. They do not need to be here tonight; they were there because staff asked them to come. They can build the hotel through current entitlements, as designed, or differently. They have reduced 47 rooms in size that they will not be able to make as one-room suites, to come as a partner to the table. This is good for the City, good for the community and it can be good for them.

He said that this resolved some major issues regarding future widening of Humphreys and they commended staff for looking to the future. They have had significant discussions with the Downtown Business Alliance, NAU and the City about a parking garage and it has been good working with the City staff. They hope to continue those partnerships.

Councilmember Evans said that she was disappointed that the language regarding a parking garage was so vague. Mr. Shumway said that the preference was to remove it. He said that they are on a timeline to close on the land in a few short weeks. To come to an understanding of who would do what would be difficult to accomplish before that occurred. They did the best they could to say they were interested in this, and they hoped the City would look at their history here. They have a proven track record and are willing to give. They feel they have given a lot more, but they have that same incentive. It will benefit all of them.

**Moved by** Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to read Ordinance No. 2016-03 by title only for the first time.

**Vote:** 7 - 0 - Unanimously

*AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY AS A PUBLIC RIGHT-OF-WAY FOR THE POSSIBLE WIDENING OF HUMPHREYS STREET BETWEEN ROUTE 66 AND CHERRY AVENUE*

Vice Mayor Barotz said that in the future she would respectfully ask that staff allow the direction be given by Council, with recommendations by staff. She said that to her the process is important.

She does approve the Shumways but was uncomfortable with the process. Councilmember Putzova agreed. She said that they were voting on an ordinance to acquire real property for the purpose of widening Humphreys. She felt they did not yet have that community discussion.

Councilmember Oravits said that he did want to thank the Shumways for their investment in the community and their willingness to work with the City. He also commended staff for having the foresight in this project.

Councilmember Evans said that this was one of the few times that the City has tried to get out in front of something. They did not have a lot of that opportunity with Milton; now they are trying to figure out what to do with Milton.

- ii. **Consideration and Adoption of Ordinance No. 2016-04:** An ordinance of the City Council of the City of Flagstaff, abandoning whatever right, title or interest it has in an approximately 82 square foot portion of public right-of-way generally located at the northwest corner of Aspen Avenue and Beaver Street to FMH Enterprises, LLC.

**Moved by** Mayor Jerry Nabours, **seconded by** Councilmember Scott Overton to read Ordinance No. 2016-04 by title only for the first time.

**Vote:** 7 - 0 - Unanimously

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ABANDONING WHATEVER RIGHT, TITLE OR INTEREST IT HAS IN AN APPROXIMATELY 82 SQUARE FOOT PORTION OF PUBLIC RIGHT-OF-WAY GENERALLY LOCATED AT THE NORTHWEST CORNER OF ASPEN AVENUE AND BEAVER STREET TO FMH ENTERPRISES, LLC*

**E. Cancellation of the February 9, 2016, Work Session.**

**Moved by** Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to cancel the February 9, 2016, Work Session.

**Vote:** 7 - 0 - Unanimously

**F. Discussion and Possible Action re: Current Issues Before the Arizona Legislature **(THIS IS A STANDING ITEM - AS OF PUBLICATION OF THIS AGENDA NO ISSUES HAVE BEEN RAISED)****

No discussion

**16. DISCUSSION ITEMS**

None

**17. FUTURE AGENDA ITEM REQUESTS**

*After discussion and upon agreement by a majority of all members of the Council, an item will be moved to a regularly-scheduled Council meeting.*

- A. Future Agenda Item Request (F.A.I.R.):** A citizen petition to support a resolution condemning anti-Muslim, anti-refugee, and anti-immigrant speech from presidential candidate Donald Trump and others.

Mr. Vic Smith address the Council stating that their petition had been filed because they live in a time that has become toxic, with rhetoric blaming people. The threats and hostility toward Muslims have tripled, and although Flagstaff is doing well, people across the country need to stand up.

Gabor Kovacs, Flagstaff, said that there are times when they give credibility to absurdity by recognizing it. This is not the City's business; when they condemn someone for free speech it is wrong on its face, Constitutionally and otherwise.

**Moved by** Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits that they not take any action on this resolution at this time.

**Vote:** 6 - 1

NAY: Councilmember Eva Putzova

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

Councilmember Oravits said that he had e-mailed a suggestion that since there are five weeks in March, and the second regular meeting would be held during the week of Spring Break (March 15) he had suggested that it be rescheduled to March 22.

Councilmember Putzova asked for a CCR on conversations that staff is having with ADOT, and possibly others, regarding route transfers and what the considerations are.

**19. ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held January 19, 2016, adjourned at 9:27 p.m.

\_\_\_\_\_  
MAYOR

ATTEST:

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

## CERTIFICATION

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 January 19, 2016. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 1st day of March, 2016.

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

