

SPECIAL MEETING

1. CALL TO ORDER

Mayor Nabours called the Special Meeting of the Flagstaff City Council held February 23, 2016, to order at 6:16 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. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

The audience and City Council recited the Pledge of Allegiance.

3. 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: City Manager Josh Copley and City Attorney Michelle D'Andrea.

4. **Public Participation***

Public Participation enables the public to address the council about items that are not on the prepared agenda. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. 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 to have 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.

Mayor Nabours asked Deputy City Manager Jerene Watson to please join him at the public podium. Ms. Watson is retiring and leaving the City on Friday; this is her last Council meeting. Mayor Nabours read and presented Ms. Watson with a City of Flagstaff Service Recognition and presented her with a key to the City and a plaque that thanked her for her service and support. The Council thanked Ms. Watson for her time and service and wished her well on her future endeavors. Ms. Watson stated that it had been a real privilege to serve the City of Flagstaff. She stated that having something, someplace and a group of people and a community so special makes saying goodbye so hard. She thanked the Council, staff and the community for the sense of place they have given her.

Emily Davalos addressed Council requesting a moratorium on high density student housing in historic districts. She also requested that the Council approve the Indigenous People's day request.

Charlie Silver addressed Council with regards to transect zones and stated that he is looking forward to having a discussion with Council and staff about how to make them work better.

Sat Best addressed Council with his concerns about transect zoning and urged the Council to talk with the citizens about the best course forward.

Klee Benally addressed Council in regards to the request for an Indigenous People's Day and urged Council to approve the request.

Dieon Parker addressed Council regarding Indigenous Peoples Day.

5. **Public Hearing, Consideration, and Adoption of Ordinance No. 2016-08:** An ordinance of the Flagstaff City Council amending the Flagstaff Zoning Map Downtown Regulating Plan designation of approximately 0.29 acres of land generally located west of the southwest corner of Mikes Pike and Phoenix Avenue from the T4 Neighborhood 1 - Open (T4N.1-O) and T5 Main Street (T5) transect zones to the T4 Neighborhood 2 (T4N.2) transect zone and of approximately 1.35 acres located at 17 S Mikes Pike from the T4 Neighborhood 1 - Open (T4N.1-O) transect zone to the T5 Main Street (T5) transect zone, conditional. ***(The Hub Zoning Map Amendment)***

Mayor Nabours stated that there has been a lot of discussion about what zoning is currently on the property and what is being requested. He asked Ms. D'Andrea to clarify what the developer can do now without any Council action. Ms. D'Andrea stated that when there is a discussion about building by right it is a discussion about what a property owner is allowed to do under the zoning code. Each piece of property in Flagstaff is located in a zone and the zoning code establishes what they can or cannot build within that zone. In the case of the Hub development they have a choice because they have two types of zoning to choose from, the regular standard zoning and transect zoning. As long as they follow the guidelines set forth in the zoning code for standard or transect zoning they do not have to come to the City Council to ask what they can build. Mayor Nabours added that the zoning has specific regulations on height, parking, density, setbacks, etc. that can vary based on what zone the property is in.

Mayor Nabours offered that there has been a lot of discussion about the Conditional Use Permit (CUP) and what rights there are with a CUP. He learned today that the applicant has withdrawn their CUP application.

Councilmember Putzova asked if Council could have a recap on what zone the applicant is asking to change to and what the intent of those zones are. Planning and Development Manager Brian Kulina stated that the property currently has two zones associated with it, the T4N1 Open and T5. The request before Council is to rezone the portions of the property along Mikes Pike zoned T4N1 Open to T5 and portions of the property along Phoenix to T4N2 zone. The intent of the open zone is the transition from the traditional non-open residential area to a more commercial area. The T4N2 intent is to be used in conjunction with existing zones to create new urban development in an urban walkable setting. Currently there is no properties mapped within the City as T4N2, this would be the first.

Councilmember Evans asked what Core Campus would be getting with the rezone and what the community is getting in return. Mr. Kulina offered that the primary reason for the request is to allow unlimited commercial along Mikes Pike. From a building form stand point, with staff's recommendation, it gains the developer a half story or an additional seven feet. With the rezoning on Phoenix the developer would be allowed to have all residential along Phoenix. The benefit to the community is the implementation of the Regional Plan which calls for this area to be redeveloped as urban density and intensity within urban activity centers.

Mayor Nabours stated that the Council will begin taking public comment. Comments will be taken until 9:00 p.m. this evening with any remaining speaking requests being carried over to the next meeting.

Katy Harding & Allie Weintraub addressed Council and requested that they be able to show a short video.

Moved by Vice Mayor Celia Barotz **seconded by** Councilmember Eva Putzova to suspend the Rules of Procedure to allow the individuals to show the video.

Ms. D'Andrea stated that allowing the video may have ramifications for other people who want to present ideas that may include difficult images or sound. She advised that the Council proceed with caution as the action may set a unintended precedent.

Vice Mayor Barotz stated that in light of the advice from the City Attorney she will withdraw her motion. Councilmember Putzova also withdrew her second. Vice Mayor Barotz encouraged the speakers to forward the Council the video via email or Facebook.

The following individuals addressed Council in opposition of the proposed Zoning Map Amendment:

- Gloria Valencia
- Tory Syracuse
- Luann Meek
- Susan Thomas
- Dawn Tucker
- William Ring
- Maury Herman
- Marie Jones
- Duffie Westheimer
- Dean Bonzani
- Juan Carlos Ortiz
- Anamaria Ortiz
- Roabie Johnson
- Julia Olquin
- Leslie Connell
- Charlotte Madden

- Mary McElroy
- Leslie Pickard
- Pat Loven
- Adam Shimoni
- Eli Nelson
- Jane O'Donnell
- Sallie Page

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

The following comments were received:

- Students do not drive safely and this development will add more students.
- I am worried about Flagstaff becoming a metropolis.
- Please come and spend time in the neighborhood to understand the issues that will be further compounded by this development.
- Friends of Flagstaff's Future is opposed to all new projects until a plan is developed for high density housing.
- This is the wrong project in the wrong place.
- These large student housing developments have a negative impact on the community.
- Traffic congestion will increase and parking will become impossible.
- A code change is needed that would require the City Council to approve a project if the square footage, height or density exceed a certain limit.
- This project disregards the community character.
- Current rental rates for the Hub in Tucson are at \$920 per person, students cannot even afford this.
- There are several problems with the Traffic Impact Analysis and a new one should be demanded.
- This project will not survive on 200 parking spaces.
- This project will change the character of the neighborhood.
- Flagstaff is a city full of people who care about place, the scale of this design does not honor the place.
- Urge the Council to use the Regional Plan to guide the development.
- Thank you for preserving Agnes' house.
- This whole process is very confusing and people do not know how to respond because it is hard to understand the code and what it means.
- Transect zoning is not by right.
- The City needs to be consistent with its Regional Plan.
- The purpose of the provisions in the Regional Plan and the zoning code are there to ensure development that compliments the existing character of the surrounding neighborhood.
- The scale of the Hub is 218,000 gross square footage which is equivalent to a Super Walmart.
- This is a large commercial block structure and the regulating documents indicate it is in the wrong location.
- The intent of T4 zones is to reinforce established neighborhoods and to maintain neighborhood walkability.
- The T5 primary intent is to revitalize the area of downtown, the zone and the subzone are intended to preserve and build upon the existing development and should be in character and scale of existing value patterns.
- The character of the surrounding community is so important with regard to building type.
- The Hub belongs in T6 or on the NAU campus.
- Building type actually comes first when applying transect zoning.
- There is not a traditional community plan for the Southside; the code allows the City to require the development of a traditional community plan.

- There is not a business in this area that feels the Hub will be beneficial to their business.
- The Council does not risk a Proposition 207 claim if their vote this rezoned down.
- The City should obtain outside counsel from a major land use law firm to advise on transect zoning.
- The community is not ready for a development like the Hub.
- The report for the Hub misrepresents the primary intent of the rules and policies set forth in the Regional Plan.
- The project does not meet the rules of transect zoning and is not eligible for its benefits.
- Deny the request. The developer is free to apply with a project that complies with the transect zone or they can choose to design within the current zoning.
- The building types are all described but none of them describe the Hub.
- Transect zones are not places for a massive project like the Hub. It should only be built in a non-transect zone.
- The report suggests that this project will set the stage and guide future development.
- Uphold the rules, then Flagstaff can begin to build a reputation that they adhere to their rules. Please vote no and dismiss the staff report.
- This location is an area to be embraced and not recreated.
- The building does not fit.
- The development is not good for the historic area.
- Parking is already a difficult situation in this area. This development will make it even worse.
- The traffic study is deplorable and parking has not been adequately addressed.
- We need to keep sharing the history of Flagstaff, not get rid of it.
- The Hub, or any project like it, does not belong in Flagstaff.
- Bad parking, bad traffic, and no connection to the valuable history of Flagstaff.
- Please do not approve this, it doesn't belong in our community or in the heart of Southside.
- I am not against students but I am against this kind of off campus student housing.
- We should learn from the Grove, off campus housing is detrimental to the community.
- If NAU wants and needs more student housing it should be built on campus.
- This project is a violation to those of us who have worked so hard to make Southside what it is.
- The size of the building and the amount of beds is inappropriate.
- My yoga customers often drive around for 10 or 15 minutes looking for parking and eventually give up and go home. The Hub will make the situation worse.
- We do not want to feel like we are walking around on campus.
- Save the Southside before it is too late.
- I have collected over 400 signatures on a petition that opposes the HUB.
- Transect zoning is not meant to go from 0 to 60, the redevelopment needs to be a more gradual process.
- It is obvious there is wide spread concern and fear that if the zoning is granted others will follow and our sense of place and culture will be lost.
- Concerned about the effect the Hub will have on the history and culture of the Southside.
- Walk down on the Southside, you will be amazed at what is down there. Pay attention to the residences and other buildings and ask yourself the impact of this development.
- Do what is right for this neighborhood and Flagstaff.
- Check for the actual owners of that land, it was originally tribal in nature and they are not public domain and must revert back to the tribe.
- This development belongs on the NAU campus.
- Listen to the law and the hearts of the people who live here.
- Let the campus police deal with the problems of student housing.
- This neighborhood already has challenging problems related to parking.
- There are four dangerous intersections near the Hub and the added foot traffic will create a bigger problem of safety.

- All of us need to take the subject of High Density housing seriously.
- Core Campus is not from here, they do not know what it is like to be from Flagstaff.
- We have heard that this request is technically questionable and not in line with the Regional Plan. You have a responsibility to make decisions on behalf of the community and you should be doing what you can to stop this project and represent Flagstaff.
- Outside counsel should be brought in to interpret the code.
- When looking at the footprint and shadows of these large buildings it is vital to take into consideration the adverse weather in Flagstaff.
- There are 664 rooms, how many times will the toilets flush and where will that water come from.

Written comment cards in opposition to the Hub rezoning request were submitted by the following individuals:

- Jamie Whelan
- Nancy Wardell
- Roberta & Alan Motter
- Frances Joseph
- Sandra Nevills Reiff
- Sereana Bird
- Elizabeth Elgin
- Alycia Lewis
- Dawn Dyer
- Shelby Todacheenie
- Penny Trunzo
- Art Enciso
- Charles Cooper Montgomery
- Jerry Johnson
- Jaime Yazzie
- Glenn Rink
- Lauren Jara
- John Louise Jr.
- Kaylin North
- Daniel Prejs
- Denise Hudson
- Kristi Long
- Roxanne Peshlakai
- Timothy Martin Leavy
- James Anders
- Dawn Dyer
- Edward Taylor
- Jason Alsvig
- Adam Stalvey
- Jean Johnson
- Laura Enciso
- Jim Berthoud
- Karen Enyedy
- Nancy Ryan
- Nigel Sparks
- Ann Walka
- Al White
- Mary Chun
- Dave Lang
- Christini Snyder
- William Kluwin

- Margot Truini
- Joseph Maatman
- Kelly Kralicek
- Marcelle Occomore-Viana
- Lisala Bianca
- Carol Hagen
- Seth Schecler
- Shaunassy Mason
- Kalyn Kisler
- Allison Bank
- Katie Gates
- Astraea Kermoder
- Jean Myers
- Soraya Padilla
- Caitlyn Burford
- Matt Muchna
- Victoria Granade

6. **Adjournment**

The Special Meeting of February 23, 2016, adjourned at 8:50 p.m.

WORK SESSION

1. **Call to Order**

Mayor Nabours called the Flagstaff City Council Work Session of February 23, 2016, to order at 8:58 p.m.

2. **Review of Draft Agenda Items for the March 1, 2016 City Council Meeting.***

** Public comment on draft agenda items will be taken at this time, at the discretion of the Mayor.*

Councilmember Overton asked for additional information on items 10D and 10E ensuring that the abandonments are truly not needed in the future.

3. **Public Participation**

None

4. **Informational Items To/From Mayor, Council, and City Manager; future agenda item requests.**

Councilmember Evans stated that she was contacted by couple of businesses downtown about people utilizing bike racks to store backpacks, pillows and personal belongings. She asked for some information about what might be able to be done about that.

She also asked for a FAIR item to ask the Council to reconsider putting some additional funding towards a Southside Neighborhood Plan.

She asked in regards to a moratorium on high occupancy housing if a lack of parking classifies as a lack of infrastructure. Ms. D'Andrea stated that it is something that can be discussed in an Executive Session. The statute talks about a clear and present danger to health and human safety and to make that finding all over the City one would have to think about if the argument could be made.

Mayor Nabours asked if there was a Southside plan from 2005. Councilmember Evans stated that there is a plan but it was never adopted by Council. The Southside plan would be helpful to the community and developers.

Councilmember Putzova requested a CCR and legal memo that discusses the content neutral approach the Council has been exploring in the context of the sign code and how that may apply to other City assets such as public information boards and other channels of communication the City may utilize.

She also requested some messaging to the public about dogs on a leash on the FUTS trail. The ordinance is not being followed and it is difficult to enforce. Also messaging to the public about people crossing the street.

Councilmember Oravits reported that he and the Mayor went to testify at the Senate Appropriations Committee for the funding on the Veteran's Home and he is happy to report that it passed the committee unanimously. Mayor Nabours added that the real test is the Budget Committee and finalizing the allocation in the budget. Vice Mayor Barotz stated that it is important to recognize Councilmember Evan's efforts as well with moving the Veteran's Home project forward.

5. Adjournment

The Work Session of the Flagstaff City Council held February 23, 2016, adjourned at 9:08 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 February 23, 2016. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 5th day of April, 2016.

CITY CLERK