

MINUTES

REGULAR COUNCIL MEETING
TUESDAY, MARCH 5, 2013
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M. AND 6:00 P.M.

4:00 P.M.

1. **CALL TO ORDER**

Mayor Nabours called the meeting to order at 4:04 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.

Councilmembers present:

MAYOR NABOURS
VICE MAYOR EVANS
COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER WOODSON

Councilmembers absent:

COUNCILMEMBER BREWSTER
COUNCILMEMBER BAROTZ

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

3. **PLEDGE OF ALLEGIANCE AND MISSION STATEMENT**

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

MISSION STATEMENT

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

Mayor Nabours reminded everyone that next week there would be no Work Session, but there would be a Joint Work Session with the Board of Supervisors on Monday (March 11, 2013) at 4:00 p.m.

4. **APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

- A. **Consideration of Minutes:** Special Budget Meeting of January 22, 2013; Regular Council Meeting of February 19, 2013; Special Meeting (Executive Session) of February 26, 2013; and the Work Session of February 26, 2013.

Councilmember Overton moved to approve [the minutes of the Special Budget Meeting of January 22, 2013; Regular Council Meeting of February 19, 2013; Special Meeting (Executive Session) of February 26, 2013; and the Work Session of February 26, 2013]; seconded; passed 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).

- A. **Consideration of Appointments:** Airport Commission.

Councilmember Overton moved to appoint Terry Marxen to the Airport Commission, with a term to expire October 2013; seconded; passed unanimously.

- B. **Consideration of Appointments:** Transportation Commission.

Councilmember Oravits moved to appoint Gary Robbins to the Transportation Commission, with a term to expire July 2015; seconded; passed unanimously.

- C. **Consideration of Appointments:** Public Safety Personnel Retirement System Board.

Mayor Nabours explained that this Board was different in that the statutes require the Mayor to make the appointments, on approval of the Council.

Councilmember Overton moved to approve Mayor Nabours' appointment of Dave VanBoxtaele to the Public Safety Personnel Retirement System Board, with a term expiring January 2015; and Rodney Peterson, with a term expiring September 2015; seconded; passed unanimously.

8. **LIQUOR LICENSE PUBLIC HEARINGS**

- A. **Consideration and Action on Liquor License Application:** Lauren Merrett, "Maverik", 1690 W. Rte 66, Series 09 (liquor store - all spirituous liquor), Person Transfer and Location Transfer.

Mayor Nabours moved to open the Public Hearing; seconded; passed unanimously.

There being no public input, **Councilmember Oravits moved to close the Public Hearing; seconded; passed unanimously.**

Councilmember Woodson moved to forward the application to the State with a recommendation for approval; seconded; passed unanimously.

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.

None submitted.

10. **ROUTINE ITEMS**

- A. **Consideration and Approval of Proposal and Award of Contract:** Residential & Commercial Plan Review Service.

Councilmember Overton asked if there was a not-to-exceed amount associated with this contract. Mr. Scheu replied that at this point they anticipated a small

amount (possibly \$20,000) for the rest of this year; next year they have up to \$75,000 budgeted. He added that it was a different company than has been providing the service.

Mr. Scheu said that when a request comes in they determine what is currently in the box for approval. If it will be awhile to reply, based on the timelines established via SB1598, they will send it out for review by this company. It was also possible for an applicant to pay a higher fee to have their plans expedited.

Councilmember Woodson moved to approve the proposal and award the contract to Brown & Associates at 65% of the adopted plan review fee or \$80.00 per hour; seconded; passed unanimously.

B. **Consideration of Audited Financial Reports:** Year ending June 30, 2012.

Mayor Nabours said that this item was being moved to the 6:00 p.m. meeting to allow Councilmember Barotz to attend telephonically.

C. **Presentation and Consideration of Possible Amendment to City's Legislative Agenda:** Al White re Federal Legislative Issues regarding Flagstaff Housing Authority (FHA).

Al White, Chairman of the Flagstaff Housing Authority, said that they had scheduled a comprehensive retreat to bring their members up to date on issues, but they postponed that so that Mayor Nabours could attend. What was on their agenda was a timely issue since the City's delegation was soon going to Washington DC.

He said that Mr. Gouhin had told him about services that used to be provided when someone exceeded the income or the need to be in the housing assistance program. He said that they have prepared a "leave behind" packet on information and were asking that they leave the packet with the City's representatives to be reviewed, understanding that the delegation had very limited time.

He said, additionally, that they were asking the Council to consider amending their Federal Legislative Agenda to include the wording suggested by Mr. Burke to, "*Housing – Improve the efficiency and productivity of Public Housing and Section 8 Rental Assistance through reallocations, consolidations and increased funding.*"

Councilmember Woodson said that he could not personally support the talk of increased funding. He suggested perhaps "appropriate funding." After further discussion, it was agreed that Mr. Burke would make edits to the handouts to eliminate the implication of "full" funding.

Mayor Nabours moved to add an element on HUD to the Federal Legislative Agenda; seconded; passed unanimously.

RECESS

The Flagstaff City Council Meeting of March 5, 2013, recessed at 4:37 p.m.

6:00 P.M. MEETING

RECONVENE

The Regular Meeting of March 5, 2013, reconvened at 6:02 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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

11. **ROLL CALL**

Councilmembers present:

Councilmembers absent:

MAYOR NABOURS
VICE MAYOR EVANS
COUNCILMEMBER BAROTZ (telephonically)
COUNCILMEMBER BREWSTER
COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER WOODSON

None

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

Mayor Nabours reminded everyone that next week there would be no Work Session, but there would be a Joint Work Session with the Board of Supervisors on Monday at 4:00 p.m.

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

Consideration of Audited Financial Reports: Year ending June 30, 2012.

Mayor Nabours stated that this item had been moved forward from the 4:00 p.m. portion of the meeting to allow Councilmember Barotz to participate telephonically as she was a member of the Audit Committee.

Finance Director Rick Tadder gave a PowerPoint presentation which addressed:

- FISCAL YEAR 2012 ANNUAL FINANCIAL REPORTS

- WHAT'S A CAFR – Comprehensive Annual Financial Report
- ROLES AND RESPONSIBILITIES
- INDEPENDENT AUDITORS
- WHAT'S A SINGLE AUDIT
- HOW DID WE GET HERE TODAY?

Councilmember Oravits asked a question on page 57, Investments. Mr. Tadder said that Mary Ellen Pugh would be able to answer that question but she was not present, and said he would need to get back to him with the answer.

Councilmember Oravits asked what the total \$80 million in investments was for. Mr. Tadder said that they were for capital projects, with a majority of the balance in the general fund, but it also included other funds. He explained there were restrictions on special revenue funds. In looking at the total fund about \$75.2 million were restricted funds.

Mr. Tadder explained that they go through a capital improvements five-year plan. In the last fiscal year, they reappropriated some of the funds into one-time, capital or operating.

Councilmember Oravits asked what as earmarked for specific projects. He said that he would like to see a list of projects to determine if there may be some projects that are not as viable as first considered, and those funds may be available for something else. Mr. Tadder said that they would not see a direct correlation in the Financial Reports; it would be clearer to review the Budget Document.

Mayor Nabours said that they were getting off track with this discussion, although they were good questions. He suggested that they be addressed further in a CCR or during the budget process.

Mayor Nabours said that they hire an independent CPA firm to conduct the audit; it is then presented to the Audit Review Committee, on which they have three CPA's and Councilmember Barotz, along with the City Manager and Ms. Goodrich. He said that the Audit showed there were a few corrections needed, but they found no discrepancies about the financial transactions, bill pay, etc., and handling of the funds. Mr. Tadder said that was correct.

Councilmember Barotz said that the members of the Audit Committee asked very good questions and demonstrated a strong understanding of the document.

Councilmember Barotz moved to approve the June 30, 2012, Comprehensive Annual Financial Report and the Single Audit Report as recommended by the City of Flagstaff Audit Committee; seconded; passed unanimously.

13. **PUBLIC HEARING ITEMS**

None submitted

14. **REGULAR AGENDA**

- A. **Consideration of Ordinance No. 2013-08:** An Ordinance of the City Council of the City of Flagstaff, Arizona, amending Flagstaff City Code Title 14, Human Relations, by adding Chapter 2, Civil Rights.

Deputy City Manager Josh Copley briefly reviewed the processed to date, noting that the first reading of the Ordinance was held on February 19, 2013, and if Council wished to moved forward they would hold second read tonight along with the adoption.

The following individuals spoke against the proposed ordinance:

- Mark Haughwout
- Katie Lanting
- Tom Cutlip
- Donald Garrett
- Louise Miller

The following individuals spoke in favor of the proposed ordinance:

- Gordon Watkins
- Kathryn Jim
- Lisa Rayner
- Marilyn Weissman

Councilmember Woodson asked for clarification from the City Attorney with regard to prior statements made on prohibiting the printing of statements showing discrimination. Mayor Nabours said that they could not print anything in the solicitation for prospective employees that facilitates discrimination. Ms. D'Andrea said that she concurred. It goes back to the early Civil Rights Days when there used to be ads in the paper prohibiting African Americans from renting. She said that it was found to be prohibited under the Civil Rights laws and free speech rights did not override that.

Mayor Nabours thanked everyone that expressed their opinion tonight, and on many other nights. He said that he could speak for the entire Council that they tried to balance all of these interests, businesses, proponents, Constitutional issues, religious, etc. They have honed this ordinance from its original draft. They have heard and considered their points; nothing has been ignored. They have tried to come up with something that was acceptable to as many people as possible.

Vice Mayor Evans moved to read Ordinance No. 2013-08 by title only for the final time; seconded; passed unanimously.

An Ordinance of the City Council of the City of Flagstaff, Arizona, amending Flagstaff City Code Title 14, Human Relations, by adding Chapter 2, Civil Rights.

Vice Mayor Evans moved to adopt Ordinance No. 2013-08; seconded; passed unanimously.

- B. **Consideration and Adoption of Resolution No. 2013-02:** A Resolution of the City Council of the City of Flagstaff designating the "2013 City of Flagstaff Parks and Recreation Organizational Master Plan" as a public record and adopting the 2013 City of Flagstaff Parks and Recreation Organizational Master Plan.

Mayor Nabours said that he had previously requested the postponement of adoption so he could have more time to review the document. He met with Mr. Grube and Mr. Solberg and his questions have been answered.

Councilmember Woodson said that in reading the Staff Summary it indicates that there is no financial impact in adopting the Plan, but he believes it does have a financial impact. Mr. Grube said that this was a guiding document with recommendations in the plan, but it was not policy. If the Council or Parks and Recreation Commission chose to go a different direction it would not have to be amended to do so.

Councilmembers thanked everyone for their tremendous effort in getting this plan in place. Mr. Grube said that it had been a labor of love, and he also thanked the Mayor and Council for their contributions. He believed they now have a living and breathing document.

Mayor Nabours moved to read Resolution No. 2013-02 by title only; seconded; passed unanimously.

A Resolution of the City Council of the City of Flagstaff designating the "2013 City of Flagstaff Parks and Recreation Organizational Master Plan" as a public record and adopting the 2013 City of Flagstaff Parks and Recreation Organizational Master Plan.

Councilmember Brewster moved to adopt Resolution No. 2013-02; seconded; passed unanimously.

15. **DISCUSSION ITEMS**

Mayor Nabours said that they would not be taking any public input on these items because they were not on the agenda for discussion, but rather to determine if a majority of the Council wished to place it on a future agenda for discussion.

- A. **Discussion Item and Possible Action:** Discontinuance of the Izabel Homes Project.

Councilmember Oravits said that he is asking this be placed on an agenda sooner rather than later because of the budget coming up. He said that they have all received the report and letter he put together, as well as letters from several realtors on where the market is. He said that looking at the market and the length

of time that the City's housing has been on the market, he believed it was time to stop the project and use that funding for some other type of housing assistance.

Discussion was held on the prior discussion during the budget work session and what each member understood the direction to be. Some believed they were voting to stop the program now, while others believed they agreed to finish the Izabel Homes project and then consider how the funding could be used in the future on other housing assistance programs.

Vice Mayor Evans said that this is the second time she has been confused with the wording of the item on the agenda and because of the way it was written she was opposed. Councilmember Barotz agreed that if the intent was as stated, she would not support it either.

Mr. Burke said that his office prepares the agenda. Coming out of the mini Budget Retreat the direction he was given was to explore how the funds could be used on other housing assistance on completion of the Izabel Homes project. He had asked Ms. Darr to prepare a memo, which explained that the project would not be complete for two years. He said that the policy question is whether they stop the program now or later.

Councilmember Overton said that he was up for the discussion now. He said that they have infrastructure in place and a project moving forward with final completion in the next two years. He would be alright with putting it on the agenda to consider Izabel Homes project with alternatives.

After further discussion, **Mayor Nabours moved to put this item on a future agenda as "Continuance, Discontinuance or other alternatives of the Izabel Homes project; seconded; passed unanimously.**

Mayor Nabors said that they had touched on an issue regarding a gap in the Council's Rules of Procedures and they will be addressing that at a future retreat, as to when public participation is permitted.

B. **Discussion Item and Possible Action:** Ordinance re feeding of wildlife.

Mayor Nabours said that he has received requests from the Country Club HOA and Game and Fish to consider an ordinance to prohibit the feeding of wildlife. He has asked the Police Department for the number of vehicle collisions with wildlife and over the last two years there have been 28 of them. Game & Fish has a whole presentation they would like to give about damages to animals, etc. He said that they were looking more at bear and deer, not things like birds.

Councilmember Overton said that he would support moving it forward. Councilmember Brewster asked why the HOA did not adopt rules if they were against it. Councilmember Oravits said that he would support putting it on the agenda for discussion, but he does have reservations.

Vice Mayor Evans said that she was personally against it and she has a petition with 75 signatures of Country Club residents opposed to such an ordinance. She said that if Game and Fish wants to address the issue perhaps they should address it with the state legislators.

Mayor Nabours said that all of these issues could be considered if they were to place it on a future agenda, which was all he was asking for at this time.

Mayor Nabours moved to place on a future agenda a possible ordinance regarding the prohibition of feeding wildlife; seconded.

It was noted that Game and Fish had a presentation to be given and also had a draft ordinance that could be considered, so staff would not have to spend much time on the issue.

Motion passed 4-2 with Vice Mayor Evans and Councilmember Brewster opposed and Councilmember Barotz not voting as she was unable to hear the discussion telephonically.

16. **PUBLIC PARTICIPATION**

Marilyn Weissman, Friends of Flagstaff's Future, said that she could not make it earlier and had to wait through the whole meeting to find that they would not allow public comment on the discussion items. She suggested that the agenda include wording to that affect.

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

Councilmember Woodson reported that he would not be at the meeting in two weeks as he would be in Washington DC.

Vice Mayor Evans reported that she would not be at the Joint Meeting next Monday as she had a prior engagement. She asked when they would be discussing the Rules of Procedure and public participation issue. Mr. Burke said that he plans to have that on the agenda for discussion at the April budget retreat.

Mayor Nabours reported that on February 28 there was a public forum put on by the Flagstaff Unified School District regarding school safety, and Police Chief Treadway and School Resource Officers were there. They gave a good presentation and were a good representation on behalf of the City and he was impressed that the City's efforts have been in place for several years.

Councilmember Brewster reported that she attended the President's Breakfast at NAU.

Councilmember Overton said that he would like some further information regarding the Rio de Flag project and what its impact was on NAU, as well as what NAU's position was with the realignment. Also, he has had a few businesses complain on the southside about the big parking lot for RV's. He said that they have been getting a lot of tickets for

parking because it is limited to RV's. Additionally, he asked when the signage issue would be discussed. Mr. Burke said that it making its way through Planning and Zoning right now.

Councilmember Oravits said that he has received some proposals about A-frame signs. It was suggested that they be directed to Roger Eastman at this time to be considered through the current process.

He also said that as a town relying heavily on tourism he believed that the main roads need to be swept more often. It was agreed that this would be discussed at the time they also discuss plowing. Vice Mayor Evans said that it was important to have the overall conversation. They were told they were not using cinders anymore, but people need to understand they use a mixture.

Councilmember Oravits also showed a piece of roadway that someone had given him. He said that he would like to see all of the options available to address the improvement of roads and possible revenue sources. Mr. Burke said that he was planning to have a portion of the April 9 Work Session include discussion about transportation infrastructure. Councilmember Brewster said that she would like to see options, but also the pros/cons of each.

Councilmember Barotz asked that the Council consider adding one additional person to the April 8 Work Session re the Zoning Map Amendment Process. She recommended Nat White, as a prior Councilmember and for his knowledge about land use. Council agreed.

Mr. Burke reported that he appreciated the editorial in Sunday's paper but he would be adding comments on the website to provide some factual structure on how different taxes work. He believed there was a blending of options.

18. **ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council adjourned at 7:20 p.m.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

ARIZONA)
) ss.
Coconino)

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 March 5, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 19th day of March, 2013.

CITY CLERK