

MINUTES

REGULAR COUNCIL MEETING
MONDAY, AUGUST 26, 2013
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M. AND 6:00 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.

Present:

Absent:

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

None

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

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

The 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.

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

- A. **Consideration and Approval of Minutes:** Special Council Meeting of June 20, 2013; Special Council Meeting (Executive Session) of June 25, 2013; Special Council Meeting of June 27, 2013; Joint Work Session of July 15, 2013; and the Regular Council Meeting of July 16, 2013.

Councilmember Oravits moved to approve [the minutes of the Special Council Meeting of June 20, 2013; Special Council Meeting (Executive Session) of June 25, 2013; Special Council Meeting of June 27, 2013; Joint Work Session of July 15, 2013; and the Regular Council Meeting of July 16, 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 (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.

Joanna Estes, resident, addressed the Council about the Food Safety Modernization Act and urged Council to place the Food Freedom Resolution on a future agenda for consideration.

Bill Gonzales addressed the Council asking for consideration of allowing a love conference center to be constructed in Flagstaff.

Mayor Nabours thanked Stacey Brechler-Knaggs for coordinating the City team for the Climb to Conquer Cancer; the team raised more than \$3000 for cancer research.

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:** Parks and Recreation Commission.

Mayor Nabours moved to appoint Christopher Hughes to a term expiring August 2014, and Jessica Fitchett and Tom Ziegler to terms expiring August 2016; seconded; passed unanimously.

B. **Consideration of Appointments:** Commission on Diversity Awareness.

Mayor Nabours noted that there are a number of vacancies available on this commission, if anyone is interested in serving please submit an application by going to the City's website.

Mayor Nabours moved to appoint Jennifer McAleer and reappoint Dorothy Rissel to terms expiring February 2016; seconded; passed unanimously.

C. **Consideration of Appointments:** Industrial Development Authority.

Mayor Nabours explained that this board only meets as necessary to consider Industrial Development bonds. The terms of some of the people on this board have expired years ago and it has not been an issue because the board has not had recent business to address. Mayor Nabours requested that staff look at possibly making the Industrial Development Authority an ad hoc or standing board with interested people on standby if needed.

Councilmember Woodson noted that this board also has several vacancies and reappointments that should be pursued.

Councilmember Woodson moved to appoint Daniel Del Monaco and Alyn Rumbold to terms expiring April 2014 and reappoint Ted Dwyer to a term expiring April 2018; seconded; passed unanimously.

D. **Consideration of Appointments:** Northern Arizona Intergovernmental Public Transportation Authority (NAIPTA) Transit Advisory Committee (TAC) Citizen Appointment - Alternate.

Councilmember Brewster moved to appoint Al White to a three year term as an Alternate to expire September 2016; seconded; passed unanimously.

8. **LIQUOR LICENSE PUBLIC HEARINGS**

Councilmember Overton moved to open the Public Hearing on all three applications; seconded; passed unanimously.

Mayor Nabours explained that the Police Department, Code Enforcement and Sales Tax had offered no reasons why any of these licenses should be denied.

There was no public comment during the Public Hearing.

Mayor Nabours moved to close the Public Hearing on all three applications; seconded; passed unanimously.

- A. **Consideration and Action on Liquor License Application:** Randy Nations, "Majerle's Sports Grill", 102 E. Route 66, Series 12 (restaurant), New License.

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

- B. **Consideration and Action on Liquor License Application:** Jared Repinski, "Sitto's", 117 S. San Francisco St., Series 12 (restaurant), New License.

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

- C. **Consideration and Action on Liquor License Application:** Creag Znetko, "Senor Pickles", 7 N. San Francisco St., Series 12 (restaurant), New License.

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

Councilmember Barotz requested information on how many liquor licenses had been approved in the last two years in the downtown area.

Mayor Nabours requested that the total number of liquor licenses be provided with a breakdown of the licenses by type.

Additionally, Council would like to know the implications of not making a recommendation to the State.

9. **CONSENT ITEMS**

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

- A. **Consideration and Approval of Settlement Agreement:** George Nackard v. the City of Flagstaff, CV2012-003499.

MOTION: Authorize payments not to exceed \$30,000 to settle all claims relating to this litigation.

Councilmember Woodson moved to approve Consent Agenda Items 9-A; seconded; passed unanimously.

Mayor Nabours offered that a large part of the settlement is being paid by the insurance company; the full amount is not coming from the City budget.

10. **ROUTINE ITEMS**

- A. **Consideration and Approval of Intergovernmental Agreement:** Between the City of Flagstaff (City) and Coconino County (County) for the purposes of

providing security and screening services to the Municipal Court in the form of Superior Court Bailiffs.

Court Administrator Don Jacobson provided Council with a modification to the originally submitted Intergovernmental Agreement (IGA) and a financial breakdown on the cost of the positions. The County Attorney requested changes under section 1-A that allows for the agreement to be renewed administratively or by the City Council or County Board of Supervisors.

Council inquired about the savings associated with making the sworn positions civilian. Mr. Burke stated that it was about \$20,000 per officer and the savings was in the Police Department.

Council expressed concern about the County being the actual employer of the bailiffs and how this could affect vacancies when they occur. Mr. Jacobson explained that this could be a factor if the City had hired the employees directly, however with a pool of bailiffs to pull from the City can always use them if vacancies arise. There is greater flexibility with the pool of bailiffs. Additionally, in the event that the County fails to provide the services for any reason there would be a decrease in cost and the City would bring in temporary help as needed.

Council asked about the salaries of the bailiffs and the notification of increases associated with them. Mr. Jacobson explained that the County is required to give the City ample notification on any potential increase in salary so there is time to adjust the budget and respond. Should the cost become too great the City could re-evaluate the payment of the IGA as there is a 30 day clause to exit if the need arises.

Councilmember Oravits moved to approve the Intergovernmental Agreement with Coconino County for Courthouse Bailiff Services; seconded; passed unanimously.

- B. **Consideration and Adoption of Ordinance No. 2013-18:** An Ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code, Title 1, Administrative Chapter 1-20, Contracts and Property Transactions, by repealing Section 1-20-001-0004 Determination of Responsibility of Bidders and providing for a new Section 1-20-001-0004 Procurement Code Manual relating to City procurements of goods, services and construction, and disposal of surplus personal property; providing for repeal of conflicting Ordinances, severability, authority for clerical corrections and establishing an effective date.

Rick Compau, Purchasing Director, explained that the proposed Ordinance will repeal current City Code provisions relating to the responsibility of Bidders and make it consistent with the Purchasing Manual that was approved in July.

Mayor Nabours moved to read Ordinance No. 2013-18 by title only for the final time; seconded; passed unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 1, ADMINISTRATIVE CHAPTER 1-20, CONTRACTS AND PROPERTY TRANSACTIONS, BY REPEALING SECTION 1-20-001-0004 DETERMINATION OF RESPONSIBILITY OF BIDDERS AND PROVIDING FOR A NEW SECTION 1-20-001-0004 PROCUREMENT CODE MANUAL RELATING TO CITY PROCUREMENTS OF GOODS, SERVICES AND CONSTRUCTION, AND DISPOSAL OF SURPLUS PERSONAL PROPERTY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS AND ESTABLISHING AN EFFECTIVE DATE.

Mayor Nabours moved to adopt Ordinance No. 2013-18; seconded; passed unanimously.

RECESS

The Flagstaff City Council meeting of August 26, 2013, recessed at 4:44 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Nabours reconvened the Meeting of August 26, 2013, at 6:07 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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11. ROLL CALL

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

Present:

Absent:

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

None

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

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

None.

13. **PUBLIC HEARINGS**

None.

14. **REGULAR AGENDA**

- A. **Consideration and Adoption of Resolution No. 2013-21:** A resolution of the Council of the City of Flagstaff, Arizona, repealing resolution Nos. 1422, 1534, and 1674 adopted by the Flagstaff City Council respectively on September 17, 1985, February 16, 1988, and June 19, 1990, regarding the Real Estate Proceeds Trust Fund.

Management Services Director Barbara Goodrich provided a PowerPoint presentation outlining the proposed changes to the Real Estate Proceeds Trust Fund.

- ▶ WHY ARE WE DOING THIS?
- ▶ HISTORY
- ▶ CURRENT REQUEST
- ▶ OPTIONS

Lease proceeds do not go into the Real Estate Proceeds Trust Fund, they are instead put into the General Fund.

Mayor Nabours stated that some of the proceeds in the fund are already restricted and asked if the Resolution would change that. Ms. Goodrich responded no; the restrictions would remain intact. Mayor Nabours also stated that all lands sales must be approved by Council and asked if that would be the time to designate proceeds for a certain purpose. Ms. Goodrich responded that Council has that ability now and that would not change.

Vice Mayor Evans stated that she would like an amendment to this resolution to state that the use of any proceeds has to be designated at the time of sale. Mayor Nabours stated that the Council already has that option on any sale; the Council would discuss whether or not to designate the funds and for what.

Mr. Burke offered that there is a safeguard when the land is being sold where Council can make the statement in the ordinance authorizing the sale. The other safeguard is the budget, when Council goes to expend the dollars from the fund the Council will have to make the designation in the budget documents.

Councilmember Overton moved to read Resolution No. 2013-21 by title only; seconded; passed 6 – 1 with Vice Mayor Evans casting the dissenting vote.

A RESOLUTION OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, REPEALING RESOLUTION NOS. 1422, 1534, AND 1674 ADOPTED BY THE FLAGSTAFF CITY COUNCIL RESPECTIVELY ON SEPTEMBER 17, 1985, FEBRUARY 16, 1988, AND JUNE 19, 1990, REGARDING THE REAL ESTATE PROCEEDS TRUST FUND.

Councilmember Overton moved to adopt Resolution No. 2013-21; seconded; passed 6 – 1 with Vice Mayor Evans casting the dissenting vote.

- B. **Consideration of Ordinance No. 2013-20:** An Ordinance adopting the prohibition of intentionally, knowingly or recklessly feeding wildlife.

Deputy Police Chief Walt Miller introduced Larry Phoenix, Field Supervisor of Arizona Game and Fish Department in Flagstaff, and Marianne Sullivan, Assistant City Attorney. Deputy Chief Miller provided a PowerPoint presentation on the ordinance proposed for the outdoor feeding of wildlife.

- ▶ OUTDOOR FEEDING & PROTECTION OF WILDLIFE ORDINANCE
- ▶ PUBLIC OUTREACH
- ▶ WHY AN ORDINANCE?

Mr. Phoenix continued the presentation.

- ▶ DISEASE PROBLEMS
- ▶ WHAT ARE YOUR NEIGHBORS DOING?

Deputy Chief Miller continued the presentation.

- ▶ OTHER ORDINANCES/LAWS
- ▶ THE ORDINANCE
 - EXCEPTIONS
- ▶ ENFORCEMENT ACTIONS
- ▶ QUESTIONS

Vice Mayor Evans asked if the ordinance would include the feeding of stray cats in the neighborhood. Deputy Chief Miller responded no, this ordinance would not prohibit that activity.

Vice Mayor stated that several times during the presentation there was reference to eliminating disease and spread of disease; tree squirrels and rodents carry many diseases, and she asked for an explanation on why the ordinance is not concerned with them. Mr. Phoenix responded that the intent is not to hamper the normal feeding of birds and this includes feeding the tree squirrels as well. The squirrels are not considered to be the problem.

Vice Mayor Evans pointed out that the Arizona Game and Fish Department (AZGFD) considers water and access to water an attractant and that those things should be removed to discourage the attractant of wildlife. She would like to know how the ordinance would address giving access to water. Mr. Phoenix responded that the ordinance is not to stop a city from being a city. Cities have

ponds, lakes, etc. The ordinance is to address the humans deliberately feeding wildlife.

Vice Mayor Evans asked how the ordinance would affect the planting of native plants to attract wildlife as suggested on the AZGFD website. Mr. Phoenix offered that the ordinance is not attempting to prevent people from enjoying their landscape, it is an attempt to prevent the deliberate feeding and hand feeding that cause the animals to be habituated to humans.

Vice Mayor Evans then asked about fruit that falls from trees; seniors and people with disabilities may have difficulty with removing that fallen fruit. Mr. Phoenix indicated that it would have to first cause an issue with the wildlife and someone would have to call AZGFD to report. An officer would notify the individual and give time to rectify the situation. It is ultimately the responsibility of the individual to make arrangements to have the fruit picked up if they are unable.

Vice Mayor Evans asked for examples of other crimes that would result in a \$750 fine and 30 days in jail. Ms. Sullivan offered third degree trespassing and criminal damage as examples. Class 3 is the lowest misdemeanor crime. With any misdemeanor offense it is up to the judge to decide the punishment up to \$750 and 30 days in jail.

Vice Mayor Evans asked about Coconino County and their stance on the matter. Deputy Chief Miller stated that there had been conversations with the Sheriff's department recently and they are in favor of moving forward with discussions with the Board of Supervisors and would be in favor of an ordinance. Mr. Phoenix added that the AZGFD had gone to the Board of Supervisors on three separate occasions and for reasons unknown the Health Department was not as cooperative in getting the ordinance through. The issues exist mainly within the City limits and not the unincorporated areas in the county.

Vice Mayor Evans asked for information on deer or elk attacks on humans. Mr. Phoenix stated that there have been situations where AZGFD have responded to cases where wildlife has been aggressive to humans.

Councilmember Barotz asked about the 60 day period to remediate and what happened on the 61st day. Ms. Sullivan responded that the process would start over if reported on the 61st day; one way to address that would be to extend the waiting period.

The following individuals spoke against the wildlife feeding ordinance:

- Joe Ray
- Joe Farnsworth
- Luis Anderson
- Shireene Higgins

The following individuals spoke in favor of the wildlife feeding ordinance:

- Lou Diesel

- Dan Caputo
- Arizona State Representative Bob Thorpe

Councilmember Barotz stated that exception number five should be reworded to reduce the burden of picking fallen fruit up off the ground.

Councilmember Oravits suggested removing exception number five all together as it is a seasonal thing and not an ongoing problem.

Mayor Nabours suggested that the exception should be growing plants or the parts that have dropped directly from that plant.

Mayor Nabours moved to read ordinance by title only amending Section B with option three; changing exception five to read “growing plants or parts of growing plants or the parts that have dropped directly from that plant”; and increase the days in Section H - 2 to 90 days; seconded.

Vice Mayor Evans expressed her curiosity about a lot of the facts with the conversation. She does not understand the disconnect with the water in the community as well as not including squirrels. Additionally, she would like to understand why it is difficult for an Homeowners Association to change its bylaws to allow fences. The City is going to have a law on the books that is aimed at a couple of people and there is concern that this is how abuses start happening. She is not in support of the ordinance.

Councilmember Oravits indicated that the intention of the ordinance is good but he has concerns with the way it is written; he would support looking at it again but he is not supportive of the way it is now.

Councilmember Barotz commented that the Council has spent considerable time considering this ordinance, but rejected an opportunity to even discuss a texting while driving ordinance that would protect human life. She will vote to support in the spirit of modifying language with the second read.

The motion passed 5 - 2 with the following roll call vote:

Councilmember Barotz	YES
Councilmember Brewster	YES
Councilmember Oravits	NO
Councilmember Overton	YES
Councilmember Woodson	YES
Mayor Nabours	YES
Vice Mayor Evans	NO

AN ORDINANCE AMENDING TITLE 6, POLICE REGULATIONS, CHAPTER 6-01, GENERAL OFFENSES, BY ADDING SECTION 6-01-001-0023, PROHIBITING THE FEEDING OF WILDLIFE WITHIN FLAGSTAFF CITY LIMITS; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE.

A break was held from 7:32 p.m. – 7:43 p.m.

- C. **Consideration and Adoption of Ordinance No. 2013-19:** An ordinance adopting the *"2009 Energy Code and the 2013 Amendments to City Code/2009 Energy Code, Title 4, Building Regulations,"* by reference and fixing the effective date thereof; repealing all sections of said code in conflict with this ordinance; preserving rights and duties that have already matured and proceedings that have already begun thereunder and providing penalties for the violation thereof.

Building Official Mike Sheu provided a very brief update and opened the floor for questions.

The following individuals spoke against adopting the 2009 Energy Codes:

- Gaylord Staveley
- Joy Stavelly
- Terry O'Neal
- Joanna Estes

The following individuals spoke in favor of adopting the 2009 Energy Codes:

- Vance Peterson
- David McCain

Mayor Nabours stated that staff has compiled a list of available energy efficiency rebates and incentives and it is available on the City's website. There also seems to be some confusion on remodeling and how much of a home must be brought up to code in order to remodel. Mr. Scheu explained that the portion of the home that is permitted for remodel is the only portion that must be brought up to code. An example would be if someone is re-roofing their house, they would not need to bring the attic up to code. If someone is doing an addition such as a bedroom, that area is the only area that is required to be up to the current code.

Mayor Nabours stated that there has been a lot of discussion with the residential aspects of the Energy Code; in reviewing the code for commercial requirements, there is a table that dictates how many lumens a commercial building can have. It seems that it is the architects' job to determine how much lighting is needed and where.

Mayor Nabours moved to delete the interior lighting schedule in Section 505.5 and read Ordinance 2013-19 by title only for the final time; seconded.

Mr. Scheu suggested that if the table is deleted it would make sense to just delete the entire section of 505.5.

Councilmember Barotz stated that she does not feel comfortable with the deletion as she has not had time to research it fully. She will be voting no because she is unable to make a decision on a very technical amendment and would have voted yes to the code as it was originally voted on at the first read.

Mayor Nabours amended his motion to delete section 505.5 in its entirety and read Ordinance No. 2013-19 by title only for the final time; seconded as amended; passed 5-2 with the following roll call vote:

Councilmember Brewster	YES
Councilmember Oravits	YES
Councilmember Overton	YES
Councilmember Woodson	YES
Mayor Nabours	YES
Vice Mayor Evans	NO
Councilmember Barotz	NO

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, ADOPTING THE "2009 ENERGY CODE AND THE 2013 AMENDMENTS TO CITY CODE/2009 ENERGY CODE, TITLE 4, BUILDING REGULATIONS", BY REFERENCE AND FIXING THE EFFECTIVE DATE THEREOF; REPEALING ALL SECTIONS OF SAID CODE IN CONFLICT WITH THIS ORDINANCE; PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF (AS AMENDED).

Mayor Nabours moved to adopt Ordinance No. 2013-19 as stated and amended; seconded; passed unanimously with the following roll call vote:

Councilmember Oravits	YES
Councilmember Overton	YES
Councilmember Woodson	YES
Mayor Nabours	YES
Vice Mayor Evans	YES
Councilmember Barotz	YES
Councilmember Brewster	YES

15. **DISCUSSION ITEMS**

A. **Discussion of 2013 Resident Survey**

Kim Ott, Assistant to the City Manager for Communications, addressed Council to discuss the selection of a vendor for the 2013 Citizen's Survey and review the questions.

Ms. Ott stated that it has been over a year since the City went out to bid for a vendor on the Citizen Survey. There were 19 responses which were narrowed down to five finalists, then narrowed down again to three. After a thorough review National Research Center (NRC) was selected. Ms. Ott reviewed the various qualifications of NRC.

Ms. Ott stated that in order to maximize the data a mail survey is the desired tool to make sure they are getting all elements of the community. Additionally, mail in surveys generates more honest/candid responses. Many people do not have

land lines any longer and it is getting harder and harder to get people to respond to phone surveys. In 1997 the telephone survey response was 37% and today it is 9% participation. With a mail in survey the anticipated response is 25-40%.

Council asked about how the information was going to be used. Ms. Ott stated that the report is distributed internally to Divisions as well as to the Council. The results allow staff to gauge over time the responses of the community and address trends and discrepancies. There are some very pointed questions where the intent is to gauge citizen input on ballot issues. This information was helpful and used in the last election for the BBB tax.

Council expressed concern over the wording of many of the questions and that they lacked context. Council did not feel that many of questions would garner responses that would be useful. Making decisions based on bad information can be detrimental. It was suggested that the wording be re-evaluated to make sure the intent is clear.

Council inquired about the timeline. Ms. Ott offered that once approved by Council the survey will be finalized and translated to Spanish. The survey period will be from September 23, 2013 through November 8, 2013. A postcard will be sent out to the selected survey participants to notify them that they were selected and that a survey would be coming in the mail. There will also be a web option for those that would like to submit the survey online.

Ms. Ott stated that it is possible to extend the timeline if Council wanted more time to look at the questions and the wording. There is one time sensitive question related to the transportation tax that would miss the deadline but if Council felt that more time is needed, that can be arranged.

There was additional discussion about not doing the survey at all and reallocating the funds to other things. The feedback is important to Council and staff and it is a useful tool. While some of the questions may provide some meaningless information it is important to get the survey done in the original time frame.

Mayor Nabours asked Council to provide Ms. Ott with any comments and suggestions as soon as possible for consideration and directed staff to move forward with the prescribed time line.

16. **POSSIBLE FUTURE AGENDA ITEMS**

Verbal comments from the public on any item under this section must be given during Public Participation (#5) near the beginning of the meeting. Written comments may be submitted to the City Clerk. After discussion and upon agreement of three members of the Council, an item will be moved to a regularly-scheduled Council meeting.

A. **Local Food Production Resolution requested by Councilmember Oravits**

Councilmember Oravits asked for Council to support putting this item on a future agenda for discussion. The Resolution would encourage food production and

reaffirm the right for people to raise their own food on their own land in accordance with City code. The Sustainability Commission unanimously supported the resolution in addition to a number of people from the community.

Councilmember Barotz stated that she supports the rights of people to grow their food, but is not sure that is what the resolution says. Because of the way the resolution is worded she is uncomfortable with it moving forward and would not be supportive of putting it on a future agenda.

Councilmember Oravits stated that he is not asking for direct support today, the document is a draft that is open for rewording and further research.

Vice Mayor Evans requested the minutes from the Sustainability Commission that discussed the resolution.

Councilmember Brewster and Mayor Nabours voiced their support in moving the item to a future agenda. With three in support, Mayor Nabours asked that the item be scheduled on a future agenda.

Mr. Burke requested that staff put an analysis together that takes the resolution submitted and identify what conflicts there are with the currently existing codes and identifying what is in the code that may be limiting. It will not be a recommendation but informational for Council.

Councilmember Barotz asked that the analysis be applied to both the whereas and therefore statements.

17. **PUBLIC PARTICIPATION**

Terry O'Neal, resident, offered a thank you Vice Mayor Evans for the research she did earlier on the wildlife ordinance.

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

Councilmember Brewster requested information about enrolling Flagstaff in the 2013 Earth Hour City Challenge; the challenge encourages businesses and residents to turn off the lights for one hour. She asked if it would be possible for staff to look at this further to see if it is something worth doing.

Councilmember Brewster also suggested to the Mayor to propose hosting the League of Cities and Towns in Flagstaff next year as a way for people to get out of the heat during the summer.

Mark Woodson reported that he had constituents contact him about issues at Heritage Square; he would like to have a discussion about the downtown policies and how the City deals with permits in the downtown area sometime in the future.

Mr. Burke stated that staff is working on a downtown street closure item and that a public meeting/open house is scheduled for this week to gather information. This may address some of the issues but not all of them.

Vice Mayor Evans stated that she had heard that City staff is working with the Chamber on an earth weekend type of event; it appears that they are looking to extend the Earth Hour challenge to an entire weekend.

Vice Mayor Evans also reported that there needs to be a change of traffic sign placed on Birch between Verde and Elden. It is now a two way road and people are thinking that it is still one way. Signs are needed to make the public aware of the change.

Councilmember Barotz attended the ribbon cutting ceremony for the Modern Grove Eatery and one of the co-owners had nothing but praise for the City of Flagstaff Economic Vitality staff.

Councilmember Barotz also received great feedback from the Museum of Northern Arizona and thanked Mike Sheu and Karl Eberhard for all their work.

Councilmember Barotz requested a copy of the study on composting.

Councilmember Barotz announced that she is joining the board of NACET next week and has accepted a position with the Museum of Northern Arizona to help move the museum to the next level.

Councilmember Overton reported that he attended an Arizona Game and Fish hearing and that it was a great event to participate in. They talked a lot about urban boundaries and the Regional Plan. There was also a lot of discussion about the Forest Service Travel Management Plan. He feels that it would be in the City's best interest to have Earl Stewart with the Forest Service come and give an update on where they are at with the plan. It is a confusing topic and he would like to see where they are going with it.

Mayor Nabours made the following possible future agenda item requests to appear on Section 16 of the agenda.

- Review of the ordinance that prohibits overnight RV parking in private property with the permission of the property owner such as Wal-Mart.
- The non – smoking ordinance has nothing that prohibits smoking in front of a door or window of someone else's apartment door or window within an apartment complex.
- Look at a possible change to transaction privilege ordinance, to exempt land value from sales tax on new home construction.
- Look at the adoption of community banking program. Tucson has this, it is where the city deposits money with a bank, bank is then obligated to use that deposit to make local business loans.

Mayor Nabours also reported that at The Modern Grove there is an item called the "Mayors Pizza" and when ordered a part of the proceeds go to the Flagstaff Lions Club.

19. **ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council of August 26, 2013, adjourned at 9:30 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 August 26, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 3rd day of September, 2013.

CITY CLERK