

FINAL AGENDA

***A M E N D E D**

**REGULAR COUNCIL MEETING
MONDAY
AUGUST 26, 2013**

**COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M. AND 6:00 P.M.**

This meeting is the regularly-scheduled meeting of August 27, 2013, but was rescheduled, by a vote of the City Council on June 4, 2013, to Monday, August 26, 2013, due to a majority of the Flagstaff City Council members being out of town on August 27, 2013.

4:00 P.M. MEETING

Individual Items on the 4:00 p.m. meeting agenda may be postponed to the 6:00 p.m. meeting.

1. CALL TO ORDER

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.

MAYOR NABOURS
VICE MAYOR EVANS
COUNCILMEMBER BAROTZ
COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER WOODSON

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

MISSION STATEMENT

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

4. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- A. Consideration and Approval of Minutes:** 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.

RECOMMENDED ACTION:

Amend/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.

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.

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.

RECOMMENDED ACTION:

Make one appointment to term expiring August 2014.
Make two appointments to term expiring August 2016.

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

RECOMMENDED ACTION:

Make two appointments to a term expiring February 2016.

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

RECOMMENDED ACTION:

Make two appointments to a term expiring April 2014.
Make one re-appointment to a term expiring April 2018.

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

RECOMMENDED ACTION:

Appoint _____ to a three year term to expire September 2016.

8. **LIQUOR LICENSE PUBLIC HEARINGS**

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

RECOMMENDED ACTION:

Open the public hearing.
Receive citizen input.
Close the public hearing.

The City Council has the option to:

- (1) Forward the application to the State with a recommendation for approval;
- (2) Forward the application to the State with no recommendation; or
- (3) Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

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

RECOMMENDED ACTION:

Open the public hearing.
Receive citizen input.
Close the public hearing.

The City Council has the option to:

- (1) Forward the application to the State with a recommendation for approval;
- (2) Forward the application to the State with no recommendation; or
- (3) Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

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

RECOMMENDED ACTION:

Open the public hearing.
Receive citizen input.
Close the public hearing.

The City Council has the option to:

- (1) Forward the application to the State with a recommendation for approval;
- (2) Forward the application to the State with no recommendation; or
- (3) Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

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.

RECOMMENDED ACTION:

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

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.

RECOMMENDED ACTION:

Consider and approve the Intergovernmental Agreement for Courthouse Bailiff Services.

- 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.

RECOMMENDED ACTION:

- 1) Read Ordinance No. 2013-18 by title only for the final time
- 2) City Clerk reads Ordinance No. 2013-18 by title only (if approved above)
- 3) Adopt Ordinance No. 2013-18

- 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.~~ ****THIS ITEM MOVED TO THE 6 PM***

REGULAR SECTION OF THE AGENDA

RECESS

6:00 P.M. MEETING

RECONVENE

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**

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

MAYOR NABOURS
VICE MAYOR EVANS
COUNCILMEMBER BAROTZ
COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER WOODSON

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

13. **PUBLIC HEARING ITEMS**

None

14. **REGULAR AGENDA**

- A. **Consideration and Adoption of Resolution No. 2013-19:** 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.

RECOMMENDED ACTION:

- 1) Read Resolution No. 2013-21 by title only
- 2) City Clerk reads Resolution No. 2013-21 (if approved above)
- 3) Adopt Resolution No. 2013-21

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

RECOMMENDED ACTION:

- 1) Read Ordinance 2013-20 for the first time by title only
- 2) City Clerk reads Ordinance No. 2013-20 by title only (if approved above)
- 3) Move to read Ordinance 2013-20 for the final time by title only on September 17, 2013
- 4) City Clerk reads Ordinance No. 2013-20 by title only (if approved above)
- 5) Adopt Ordinance No. 2013-20 on September 17, 2013

- 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. ****THIS ITEM MOVED FROM THE 4 PM ROUTINE SECTION OF THE AGENDA***

RECOMMENDED ACTION:

- 1) Read Ordinance No. 2013-19 by title only for the final time
- 2) City Clerk reads Ordinance No. 2013-19 by title only (if approved above)
- 3) Adopt Ordinance No. 2013-19

15. DISCUSSION ITEMS

A. Discussion of 2013 Resident Survey

RECOMMENDED ACTION:

Review and discuss the 2013 Resident Survey Instrument/Questions

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

17. PUBLIC PARTICIPATION

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

19. ADJOURNMENT

CERTIFICATE OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on _____, at _____ a.m./p.m. in accordance with the statement filed by the City Council with the City Clerk.

Dated this ____ day of _____, 2013.

Elizabeth A. Burke, MMC, City Clerk

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Elizabeth A. Burke, City Clerk
Date: 08/08/2013
Meeting Date: 08/26/2013



TITLE

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.

RECOMMENDED ACTION:

Amend/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.

INFORMATION

Attached are copies of 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.

Attachments: [06.20.2013.CCSM.Minutes](#)
[06.25.2013.CCSM.Minutes](#)
[06.27.2013.CCSM.Minutes](#)
[07.15.2013.CCSWS.Minutes](#)
[07.16.2013.CCRM.Minutes](#)

SPECIAL MEETING
THURSDAY, JUNE 20, 2013
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M.

1. **Call to Order**

Mayor Nabours called the Special Meeting to order at 4:02 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).

2. **Roll Call**

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

Present:

MAYOR NABOURS	
VICE MAYOR EVANS	COUNCILMEMBER ORAVITS
COUNCILMEMBER BAROTZ	COUNCILMEMBER OVERTON excused
COUNCILMEMBER BREWSTER	COUNCILMEMBER WOODSON

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

3. **Presentation on Principles of Sound Water Management - Water Policies.**

Mayor Nabours said that based on comments from some of the Councilmembers, the meeting would adjourn around 6:00 p.m. and continue next week. He said that he would open it up periodically for input from the public.

Utilities Director Brad Hill said that the goal of these meetings was to get direction and feedback from the Council and the intent was to get guidance on how the utility should run its business. He then began a PowerPoint presentation, which addressed the following:

- SECTION A – Finance (12/4/12)
- SECTION B – Water Resource Management (1/8/13 & 1/29/13)
Reclaimed Water (2/12/13)
- SECTION C – Water Conservation
- SECTION D – Stormwater Management

Utilities Engineering Manager Ryan Roberts continued the PowerPoint with:

•**SECTION E – Infrastructure (6/20/13)**

•**INFRASTRUCTURE**

Policy E1 Water System Capacity Redundancy

Councilmember Woodson referenced E1.2A, noting that it should include the intent of using reclaimed water to assist with recharge of potable water. Mr. Hill suggested wording “to offset the use of potable water, in areas where appropriate.” After further discussion, the wording was changed to, “where allowed by law.”

Mr. Roberts noted that they had a two-year vetting process through the Water Commission and also received a great deal of public input.

•**INFRASTRUCTURE**

Policy E2 Water System Capacity Allocation

Mr. Roberts said that on the sewer side they are held to tracking actual flows while on the water side, they track paper water peak day. He said that the City has a capped well and they are starting design on the pump house. It has already been drilled and tested; this will put it into production. He said that the test pumped at 250 gpm and it is located on McCallister Ranch.

Staff was asked if the City was drawing down the aquifer and when it would be empty. Mr. Hill explained that issue was covered under Water Adequacy; this discussion was focusing on peak demands. Mr. Burke added that back in April the City received the designation from ADEQ of what they believed the aquifers could sustain for 100 years. Mr. Hill said that at the end of the year they look at what they have used and report that to ADWR. He said that they only have to report it annually, but the City monitors it and tracks it daily.

Lengthy discussion was held on whether water rights were transferable. Staff clarified that the City was not selling water rights, but rather guaranteeing that a piece of property had water adequacy for 100 years. Mayor Nabours said that he believed this issue was a policy decision that the Council should be making.

Discussion was held on what was required of homes being built. Mr. Roberts explained that all developments over 700 single family homes have been required to bring in wells and storage tanks, and they are required to provide their average daily demand. The current policy has not been to accept cash advance for wells, but they have for storage tanks. Mr. Burke said that this is where Red Gap may change that policy in the future.

Rudy Preston, Flagstaff, said that he had no comments specific to infrastructure but there have been a lot of comments made about the whole policy and wondered where those changes take place within the process.

Councilmember Barotz said that the last time they met was some time ago, and asked if they were talking about reclaimed water. She requested that they have a chance to

recap as she had a lot of comments regarding reclaimed water and she would like to have an opportunity to voice them.

Mr. Hill said that staff has been taking notes throughout the various meetings and those will all be brought back for direction at a later time. They did not want to give the Council a new version every week. Mayor Nabours said that he could see them going through all of it and identifying what major policy questions they need from the Council.

Kathleen Nelson, Flagstaff, said that she was disappointed that more people did not know about the meeting.

•INFRASTRUCTURE

Policy E3 Sewer System Capacity Allocation

Councilmember Barotz questioned why some of the language included “will” and other included “shall.” Mr. Roberts said that there were several discussions held during review of the Water Commission and this was the approved version from back in November of last year. They were very particular on their choice, believing that “will” gave them a little more wiggle room for interpretation.

Discussion was held on the sewer system capacity. Mr. Roberts said that they were currently flowing at around 54%; however, with the committed capacity, they were getting close to 77-78%. When they get to around 80% that is when they start doing design analysis to build additional capacity. He said that it was different on the water side.

•DEVELOPER’S OBJECTIVE

Mr. Roberts said that a developer cannot sell their sewer capacity or transfer it.

•CITY’S OBJECTIVE

•COMMITTED CAPACITY

Mr. Roberts said that the capacity fees would probably come up during the next rate study.

Councilmember Woodson said that his firm did the Ponderosa Trails project and they had 1500 units, but it took 15 years. It did not come on line the day the plat got approved. Looking at these big projects that are hitting, it does give them time to prepare for that impact.

Brief discussion was held on capacity fees and Mr. Roberts noted that they have a good 13 years before needing to add capacity to the system.

Discussion was held on the ability to indicate within the document which regulations were already codified and which were being proposed.

Mr. Burke said that the numbers do not show up until the ten-year plan. If they started earlier, he asked if they could have a smaller number and a shorter time period.

Mr. Roberts said that they could start earlier and minimize the impact; it is money set aside just for that use. Mr. Burke said that would be a policy consideration when they look at the capacity fees in the future.

Vice Mayor Evans asked if there was something in State Statutes limiting the use of impact fees and a specific time frame. Mr. Roberts explained that there were two capacity fees—water and sewer, and those are another source of funding. He said that when they prepare their CIP they have to differentiate between what is an O&M cost and what is growth-related. The growth-related expenses are the only thing that can be addressed with a capacity fee. Councilmember Woodson said that there were some stipulations with impact fees; he was not sure with capacity fees. Mr. Roberts said that he would need to research that further.

Councilmember Oravits asked if the water capacity fee was being saved to pay for the pipeline, replacing water lines, etc. or to bring in a new well. Mr. Roberts said that the current water capacity fee includes two wells--McCallister and one yet to be defined. It includes water resource fees associated with procuring additional water resources, but does not include the Red Gap development. Back with the rate study they decided not include the costs of the Red Gap development.

Mayor Nabours asked if they start planning when they reach 80% capacity, and start building at 85% capacity if they had the money set aside to build the well. Mr. Roberts said that was the purpose of what they were presenting. They were asking for Council's direction on what policy to be following and to direct staff on how to proceed with planning.

Mayor Nabours suggested that they may need more information. He said that when someone goes in to get a building permit they pay \$10,000 for a \$200 meter and that \$10,000 is the buy-in fee. He asked if that gets put aside to build new water supply sources. Mr. Roberts said that it was; they were held out in a totally separate account and used for growth-related projects and identified in the ten-year CIP.

Mayor Nabours said that they have designed and not yet built the McCallister well. He asked if they had the money to build it. Mr. Roberts replied that they did.

Mr. Hill explained that what the policies, or triggers, will do is tell staff to put this in the next ten-year CIP. When they go through the next rate case that infrastructure gets rolled into it.

Rudy Preston, Flagstaff, said that staff was representing that they were at 55% capacity, but in prior meetings they have some basins that are overfull and he would like to understand how that part of it works. Either he is misinformed or they were overlooking reality.

Mr. Roberts explained that there were different components to the wastewater treatment plant. The plant was designed for incoming solids and effluent for 1.5-1.8% solids. They are seeing a much higher level, around 2.5-2.8%. They take solids from all of the outlying districts and septic haulers. He said that the capacity itself is sufficient, but they are maxed out in their solids handling capacity; they need to expand that part of the process.

Mayor Nabours asked if that was what they were trying to remedy with the big plastic bags. Mr. Roberts replied that was correct. They will be coming back with a more permanent solution in the future.

Discussion was held on the issue of haulers and others using the facility. It was noted that the City was the only facility in northern Arizona that accepts solids outside of the area and they are charging, but not an adequate rate for the impact it is having.

Further discussion was held on the issue and the following questions were generated:

- ◆What would users say if the City stopped providing the service?
- ◆Could the City legally stop providing the service to those outside of the City limits?
- ◆What are other municipalities doing?
- ◆What do others do when it is brought in, and what is the cost?

After further discussion it was agreed that this issue needed more answers and further discussion as it was a policy decision.

•INFRASTRUCTURE

Policy E4 Service Outside City Limits

Mr. Roberts said that they circulate all requests for City service outside City limits into the IDS so that all departments have a chance to provide input. They require unincorporated county areas to be annexed into the City, subject to Council approve. Ultimately it goes through the Water Commission and then on to Council.

**Policy E4 Service Outside City Limits
Existing Steps**

Mr. Roberts reviewed the existing steps for service outside City limits. It was noted that there were unincorporated areas outside of the City receiving City services and staff noted that took place some time ago.

Discussion was held on various options and it was noted that this was a policy decision of providing service outside the City and if so, under what conditions. It was noted that there have been differing interpretations of how rates could be determined for service outside the City limits. It was noted that this same question will need to be answered for water, sewer, reclaimed water, residential, recreational, etc., and any legal ramifications.

Mr. Burke stated that, for the purposes of the document, what they have in front of them is the extension of services outside the City limits for water, sewer, and reclaimed water is permitted, as long as certain conditions are met. If they want to go in a different direction from what the Water Commission has recommended, that is where it will change.

Councilmember Brewster said that some of the places they serve outside the limits, such as the Fire Station and businesses on SR89, all tie into economic development overall, while it is at a higher rate. She said that those businesses provide hundreds of jobs so

she thought it was a broader issue to consider. Mayor Nabours added that this would go on the list of policy questions.

Vice Mayor Evans said that she was not saying not to sell, but she asked when they look at the impact it was having and making sure they were recouping some of those costs. Mr. Burke said that was the policy they were hoping the Council will answer. They were at that juncture and that is the intention of these sessions.

Mayor Nabours said that he was foreseeing that at some point they will get to the end of the policy and will have identified 12 decision points that they need to get back to. Mr. Burke said that this was their first pass-through. They were highlighting the ones that they were not ready to accept as proposed by staff and the Water Commission. On the second pass, they will deal with those individually.

Discussion was held on where the process would continue next week. It was noted that next week's meeting would be starting at 4:30 p.m. due to Fire Chief interviews taking place all day.

Councilmember Barotz said that back in February a CCR had been distributed regarding the various ordinances that deal with reclaimed water and service outside the City limits, and she asked that it be resent. Additionally, Council requested a legal opinion on solids acceptance.

Kathleen Nelson, Flagstaff, said that once they get to the point of talking more about solids, she would like them to discuss helping find ways of implementing something that uses less water.

Rudy Preston, Flagstaff, said they should be focused on the policy of water rates and cost of service, and they should be paying what it is worth. He said that he appreciated all they were doing.

Councilmember Barotz requested that a future agenda item be considered to discuss the policy about street closures.

4. **Adjournment**

The Special Meeting of the Flagstaff City Council held June 20, 2013, adjourned at 6:17 p.m.

MAYOR

ATTEST:

CITY CLERK

MINUTES OF THE SPECIAL MEETING (EXECUTIVE SESSION) OF THE FLAGSTAFF CITY COUNCIL HELD ON TUESDAY, JUNE 25, 2013, IN THE STAFF CONFERENCE ROOM, SECOND FLOOR OF THE FLAGSTAFF CITY HALL, 211 WEST ASPEN, FLAGSTAFF, ARIZONA

1. Call to Order

Mayor Nabours called the meeting to order at 4:01 p.m.

2. Roll Call

Present:

Absent:

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

NONE

Others present: City Clerk Elizabeth A. Burke.

3. Recess into Executive Session

Mayor Nabours moved to recess into Executive Session; seconded; passed unanimously. The Flagstaff City Council recessed into Executive Session at 4:01 p.m.

4. **Executive Session:**

A. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting, pursuant to ARS 38-431.03(A)(1).

i. Annual review of City Magistrates.

B. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property, and discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to ARS 38-431.03(A)(7) and (3), respectively.

- i. Auto Park negotiations.
- C. ***Discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to ARS 38-431.03(A)(3).**
 - i. **Ordinance No. 2002-07 re reclaimed water.**

The Flagstaff City Council recessed Executive Session at 6:00 p.m. and reconvened at 7:57 p.m.

5. **ADJOURNMENT**

The Flagstaff City Council reconvened into Open Session at 8:16 p.m. at which time the Special Meeting of June 25, 2013, adjourned.

MAYOR

ATTEST:

CITY CLERK

MINUTES

SPECIAL MEETING
THURSDAY, JUNE 27, 2013
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:30 P.M.

1. Call to Order

Mayor Nabours called the meeting to order at 4:34 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 special 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 them 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:

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

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

3. Presentation on Principles of Sound Water Management - Water Policies

Utilities Engineering Manager Ryan Roberts continued the presentation from last week, beginning with:

INFRASTRUCTURE

Policy E4 Service Outside the City Limits

- a. Should we continue service?
- b. Should we expand service?
- c. Rates charged to customers?

Further discussion followed on the above questions. Mr. Burke explained at currently if they were seeking water or sewer service outside the City limits, the City requirement was to annex or sign a preannexation agreement. For reclaimed water they currently do not have that same requirement.

Mayor Nabours asked if they were at a point where they need to give direction on what, if any, services would be provided outside of the City limits. Mr. Burke said that they were looking for whether the current policies regarding water, sewer, and reclaimed water were sufficient. If they were not, any changes would have to be formally adopted by Council.

Mr. Burke said that staff had written a policy, it was taken to the Water Commission, and what is before the Council is their recommendation. If the Council agrees with it, it will be brought forward in resolution form. If they change it, they need to do so in the structure of amending the policy.

Further discussion was held on the requirement of annexing or signing a preannexation agreement. Mr. Burke said that a perfect example was the expansion by Gore. It was also noted that there was no intention of revoking any service already established.

Mayor Nabours asked if Flagstaff Ranches came to the City and asked to be a customer of reclaimed water and were willing to run a line, the City would make them a customer or it would have to come to Council. Mr. Roberts said that would come to Council and would require an annexation agreement. Mayor Nabours said that was an example of where if they had the water he would be glad to see the water and would not expect them to annex. That was a policy decision.

Councilmember Barotz said that she thought that both potable water and reclaimed water were important, and to her it was more about the size of the development. She would like to see the Council able to weight in on any project.

Councilmember Oravits asked staff how many they see in a year, on average. Mr. Roberts said that in the past years they maybe had two requests and they went through IDS. The Planning Department required annexation and all the discussion stopped.

Further discussion was held on whether rates should be higher as the usage increased. The question was whether they wanted to have better management or have them individually handled.

Councilmember Barotz said that the ratepayer is paying taxes for services in the City and paying for the water system. They owe it to the public that if there is something big going on they should have Council make that decision and communicate with the public.

Vice Mayor Evans said that they also need to consider what they are using it for. Allowing people to hook into their system, but not requiring that they be annexed, is establishing two systems. Those in the City pay certain taxes.

Discussion was held on the need to further address this issue, and also the issue of bringing water into the City with Red Gap. Councilmember Oravits noted that they already bring in water from outside the City limits through Lake Mary and the Innerbasin.

Councilmember Brewster said that those outside will be paying more for City services, and they are still shopping in Flagstaff and paying sales tax.

Councilmember Overton said that they still had the standpipe point of delivery that should not be overlooked. While there may not be a physical pipe, they provide that to a lot of customers outside of the City limits.

Staff was asked if there were meters outside the City limits. Mr. Roberts said that they had a few customers where the main extends outside the City limits, such as the Arboretum.

Councilmember Overton asked if they saw it as a concern if a main or line was installed outside the City and becomes the City's responsibility, and then the annexation is not completed. Mr. Burke said that they go into that with a conscious decision point. The City may be extending a main for the purpose of looping the system, for better circulation. If someone wants to tap that line they are going to need to either annex or sign a preannexation agreement.

Councilmember Overton asked why they thought it was the City's responsibility for infrastructure outside the City limits, other than the grandfathered ones. Mr. Roberts said that a good example is W.L. Gore. They are investing millions to extend the main and loop the system, and that is all outside the City limits. Gore falls under the Flagstaff Ranches water territory. The City has no plans, nor legally could they, tap the line, but they need it for looping the system. Mr. Burke added that in that example it also allows them to access another well.

Mr. Roberts confirmed that the Snowbowl line for reclaimed water was not a City line. Once it left City limits, it was their property and they are required to operate, maintain, etc.

Vice Mayor Evans asked if anyone had ever completed an annexation after signing a preannexation agreement. Mr. Roberts said that he has been involved with W.L. Gore who signed one five or six years ago. The City was to follow through with the annexation, but did not get that done in the timeframe. The line still exists and it is a City main. They again want to sign an annexation agreement and this time the City plans to follow through. Mr. Burke clarified that the annexation agreement had a term that expired and the State annexation laws have changed. It never became eligible during that time period. Mr. Roberts said that he was only aware of the one preannexation agreement.

Discussion was held on whether this was a decision that should be made by staff or Council.

Rudy Preston, Flagstaff, said that the Snowbowl line was one they want Council to look at, mainly because it is being subsidized by the taxpayers.

Kathleen Nelson, Flagstaff, said that she could see both sides of annexing, but she believed Council should weigh in on whether water gets to them.

Marilyn Weismann, Friends of Flagstaff's Future, said that there were many properties needing to annex. The Regional Plan has an urban growth boundary and when they are talking about providing water and services, they need to keep that in mind. They should not be encouraging people to build golf courses outside the City. The purpose of using

reclaimed water was for them to conserve, as an alternative to use instead of potable water.

Richard Bowen said that from an economic development perspective, he wanted to be sure they maintain some flexibility. Flagstaff is a regional economy; their work force and consumers come from all over. They may not all be using the water system, but they are contributing to their economy.

Dawn Dyer, Flagstaff, said that citizens should not have to subsidize delivery of water outside the City limits. The Water Policy should be a vision for the future. They are already in trouble coming up with reclaimed water for contracts already in place.

Ann Marie Zeller, Flagstaff, said that in the two most recent issues of Cityscape, the City stated that both plants were producing and have been producing A+ quality water, and that Wildcat was a pumping station. Little America wanted to expand, and they have no way to provide them with the water to do that. She believed that all water agreements should go to a public vote.

Klee Benally, Flagstaff, said that it was evident through comments that folks are passionate and concerned with the use of reclaimed water on the San Francisco peaks. With climate change and drought, the issue is wise water use. He said that the Snowbowl was not the heart of matter being discussed, but decisions made could impact what has occurred.

Toby Cat, Flagstaff, spoke against the City selling water to Snowbowl.

Adam Dunstan said that he was a frequent business visitor and environmental scientist. He said that the Council should discuss what has been done with the contract; they should call a meeting with the Navajo Nation to apologize for not honoring their rights; and they should get out of the contract as soon as legally possible.

Councilmember Barotz asked how they were tying the various issues together. Ordinance No. 2002-07 addressed the reclaimed water contracts, and she asked if they wanted that in the Water Policy. Mayor Nabours said that they could not change an ordinance by a policy decision; they could only be changed by another ordinance. He said that before they get to an ordinance, he asked if there was a consensus one way or the other on whether they wanted every request for service outside the City limits to come before Council, or if there was a limit or minimum amount of usage required before it comes to Council.

Councilmember Barotz asked how they could make a policy if there is an ordinance that would be contradictory. Ms. D'Andrea said that if they make a policy inconsistent, the ordinance would prevail. If they wanted to modify the ordinance they could make those changes at another time. Mayor Nabours said that there was no ordinance amendment or a new ordinance before Council tonight.

Mayor Nabours asked the following questions, and Councilmembers responded as indicated:

Should every request for service outside the City limits come to Council? Should they distinguish between potable water, reclaimed water and sewer? Should annexation or a preannexation agreement be necessary to make application?

Councilmember Brewster said that she did not think that everything needed to go to Council. She had no number in mind, but should limit it on the amount of usage, and would let staff recommend the amount.

Vice Mayor Evans said that all commercial requests needed to go before Council. In the cases of residential use, they should set a limit such as staff would address a single house, subdivisions would come before Council.

Councilmember Overton said that annexation agreements should come to Council for approval since there are not many of them. He saw some merit in requesting preannexation agreements, although the rules driven by the Legislature could prohibit them at times. He believed they should have to hear every case.

He also questioned whether they would be encouraging reliance on standpipe users if they discouraged annexations.

Mayor Nabours asked Councilmember Overton if the property could not be annexed because they were not eligible, or there was a reason they did not want to annex, whether he would not consider their application. Councilmember Overton said that he would consider it. He would like to find a threshold on which ones would need to go to Council.

Councilmember Oravits agreed that there should be a threshold; he agreed with Councilmember Overton and Brewster and preannexation.

Councilmember Woodson said that he did not think every request should go to Council. He sees a difference between water, sewer and reclaimed water, and that depends on the other answers. He saw a reason to ask for a preannexation agreement.

Councilmember Woodson said that they need to look at pricing when looking at the different uses as they can encourage or discourage by rates. Mayor Nabours noted that rates would be discussed on another day.

Further discussion was held on what was already in the Code and what was in the policy. Vice Mayor Evans said that she thought it was hard to work on a Water Policy when they have ordinances that are in conflict. Mayor Nabours said that they needed to bite it off a piece at a time. They can look at the policy now and later on either change the policy or change the ordinance.

Councilmember Barotz said that she supports having requests for service outside the City limits go to Council, but not all would need to go before them.

After further discussion, Mayor Nabours said that he was getting a consensus that annexation was an element, but not a requirement. Mr. Burke said that it would be best for staff to have a clear line. That type of discretion on annexations would be more of a policy decision. He suggested that they include annexation and allow Council to object to

the annexation when it comes before them. A process for appeal to Council of the annexation requirement was suggested.

An example presented was Flagstaff Ranches, if they wanted to purchase reclaimed water but not annex. Mr. Burke said that would not be consistent with the policy so it would have to go before Council.

A break was held from 6:30 p.m. to 6:47 p.m.

After further discussion it was agreed that the following questions needed further direction:

- ◆Will the staff have the right to grant services to a property owner if they are not within the City limits and the property owner does not desire or request to be annexed?
- ◆Is annexation or preannexation to be a requirement to get water or sewer services subject to an appeal to the Council?
- ◆Or, is there a consumption amount, up to a certain amount if they think it is a good fit on whether to annex or not?
- ◆If they are over the limit, it is not a staff decision and it goes to Council. Is annexation/preannexation a requirement or is it a consideration?

Councilmember Brewster said that she would like to see those two issues separated.

Mayor Nabours said that at some point they are going to need to look at what the ordinances provide and how they fit within the policy, or how they conflict with the policy.

Councilmember Barotz requested another copy of the February 11, 2013, CCR that had the eight ordinances attached to it.

Mr. Burke recapped the discussion by noting that nothing had changed yet; the closest they came was that any service outside the City would go to Council, but there would be a distinction between the different types. Right now the policy reads that services do not go to Council, but they do require either an annexation or preannexation agreement.

4. Adjournment

The Special Meeting of the Flagstaff City Council held June 27, 2013, adjourned at 6:58 p.m.

MAYOR

ATTEST:

CITY CLERK

MINUTES

SPECIAL WORK SESSION
MONDAY, JULY 15, 2013
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M.

1. Call to Order.

Mayor Nabours called the Flagstaff Special Work Session of July 15, 2013, to order at 4:04 p.m.

2. Roll Call

Councilmembers present:

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

Councilmembers absent:

NONE

Others present: City Manager Kevin Burke; City Attorney Michelle D'Andrea; Community Development Director Mark Landsiedel; Planning Manager Jim Cronk; Zoning Code Administrator Roger Eastman; Nat White, Flagstaff resident and former City councilor; Marilyn Weismann, Friends of Flagstaff's Future; Richard Bowen, ECONA; Julie Pastrick, Flagstaff Chamber of Commerce; Don Walters, Northern Arizona Builders Association and Northern Arizona Association of Realtors; David Carpenter, Chairman of Planning and Zoning Commission; Kent Hotsenspieler, Mogollon Engineering; Maury Herman, Flagstaff 40; Keri Sylvan, Attorney for Michael Manson.

4. Discussion/direction on the Zoning Map amendment process, Division 10-20.50 of the Flagstaff Zoning Code.

Mr. Eastman summarized the direction from Council from the last meeting: Option 4 with option 6, as well as a variant of option 5.

- Concept Zoning Plan
- Maintain small, medium, large
- Add multi-phase
- Two prong approach
 - Direct or 1-step
 - Authorization to rezone
- Conditions – additional public outreach meeting
- Correctional Rezone

Mr. Burke explained that the authorization to rezone is different from the current process. This step would allow a rezone without knowing who the exact end user would be. The applicant would choose an intensity of use and the authorization to rezone would require the end user to be at or lower than the intensity of use identified. This would allow the City to run an impact analysis. It becomes a use by right, if there are changes, the requestor would have to go back through the process.

Mr. Eastman was asked to explain the difference between the changes in 2011 and now. The designations of small, medium, and large came out of the 2011 changes. This new concept preserves those designations and adds the two different track options.

The small scale designation is for projects such as a duplex, there is no infrastructure analysis required. The medium scale is the first threshold that requires an impact analysis and requires a concept zoning plan, depending on the scale of the project. The impact analysis is based on a known use or the requestor can generate a concept plan that would set a maximum threshold based on what the zoning code allows.

The multi-phase projects require an enhanced zoning concept plan; the City will need more information because the size of the project has more impacts. Multi-phase projects are highly complex, often have multiple uses and multiple owners and developers. An example would be Juniper Point.

The developer will come to the City in preparation of the most intensive use allowed at the location unless they commit to a lesser use. The Council has the ability to condition the rezoning based on public input and staff input.

There was discussion on public input and the amount of information the public is offered. Mr. Eastman offered that the concept zoning plan offers just enough information for the public to be informed and make comments and for the Council to make the decision.

The City Council is in agreement to have staff move forward with the proposed draft.

Vice Mayor Evans requested that once the changes go to Council for approval, a fact sheet be developed that lays out all of the changes so that the changes are clear to the public.

5. Adjournment

The Flagstaff City Council Special Work Session of July 15, 2013, adjourned at 5:25 p.m.

MAYOR

ATTEST:

CITY CLERK

MINUTES

REGULAR COUNCIL MEETING
TUESDAY, JULY 16, 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 4:02 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).

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
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:** City Council Work Session of June 25, 2013; the Regular Council Meeting of July 2, 2013; the Special Meeting (Executive Session) of July 9, 2013; and the Combined Special Meeting/Work Session of July 9, 2013.

Mayor Nabours noted that on page 9 of the July 2, 2013, minutes the word *City* should be changed to *County*, which he had already given to the City Clerk.

Councilmember Oravits moved to approve the minutes [of the City Council Work Session of June 25, 2013; the Regular Council Meeting of July 2, 2013; the Special Meeting (Executive Session) of July 9, 2013; and the Combined Special Meeting/Work Session of July 9, 2013] as amended; seconded; passed unanimously.

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:** Magistrates and Presiding Magistrate for the Flagstaff Municipal Court.

Councilman Overton moved to appoint Thomas L. Chotena as Presiding Magistrate [with all compensation increases and benefits to be the same as other City employees, and for a two-year term]; seconded; passed unanimously.

Mayor Nabours moved to appoint Michael Araujo as Magistrate [with all compensation increases and benefits to be the same as other City employees, and for a two-year term]; seconded; passed unanimously.

Vice Mayor Evans moved to appoint Charlotte Beyer as Magistrate [with all compensation increases and benefits to be the same as other City employees, and for a two-year term]; seconded; passed 6-1 with Councilmember Overton casting the dissenting vote.

8. **LIQUOR LICENSE PUBLIC HEARINGS**

- A. **Consideration and Action on Liquor License Application:** Randy Nations, "Sprouts Farmers Market #26", 1540 Riordan Ranch St., Series 10S (beer and wine store), New License.

Mayor Nabours moved to open the Public hearing for both liquor licenses; seconded; passed unanimously.

Agent Danny Thomas noted that he had been asked to stand in for Randy Nations who was unable to attend the meeting.

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

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

- B. **Consideration and Action on Liquor License Application:** Randy Nations, "The Museum Club", 3404 E. Route 66, Series 06 (bar- all spirituous liquor), Person Transfer.

Approved – see motion under 8-A above.

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.

This item was inadvertently skipped earlier in the meeting and addressed at this time.

Dawn Dyer, resident, addressed the Council regarding a request to include Public Participation at the beginning of the 6:00 p.m. portion of each meeting. She also voiced support for bringing Ordinance No. 2002-07 back to a future agenda.

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 Construction Contract:** Route 66
Waterline Woody Mountain Rd. to McAllister Ranch.

MOTION:

- 1) Approve the construction contract with CLM Earthmovers in the amount of \$305,965.00 which includes a \$40,500 contract allowance and a 90 calendar day contract time;
- 2) Approve change order authority to the City Manager in the amount of \$26,547.00 (10% of the contract amount, less allowance) to cover potential costs associated with unanticipated items of work; and
- 3) Authorize the City Manager to execute the necessary documents.

- B. ***Consideration and Approval of Settlement Agreement:** Fred Nackard Land Co, et al v. City of Flagstaff.

MOTION: Approve Settlement Agreement with Fred Nackard Land Company, et al, as previously discussed in Executive Sessions on April 9, 2013 and July 9, 2013.

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

10. **ROUTINE ITEMS**

- A. **Consideration and Adoption of Ordinance No. 2013-16:** An ordinance authorizing the sale of two access easements that encumber a portion of parcel 109-02-001P and benefit parcel 109-05-081A currently owned by Cedar West Capital LLC.

Mayor Nabours declared a conflict of interest and left the dais; Vice Mayor Evans assumed presiding over the meeting.

Councilmember Overton moved to read Ordinance No. 2013-16 by title only for the final time; seconded; passed 6-0 with Mayor Nabours abstaining.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA AUTHORIZING THE SALE OF TWO ACCESS EASEMENTS ENCUMBERING PARCEL NUMBER 109-02-001P AND BENEFITING PARCEL NUMBER 109-05-081A, AS IS MORE FULLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT A, TO CEDAR WEST CAPITAL LLC AND PROVIDING AUTHORITY FOR THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS AND AUTHORITY FOR THE CITY CLERK TO MAKE CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Councilmember Overton moved to adopt Ordinance No. 2013-16; seconded; passed 6-0 with Mayor Nabours abstaining.

Mayor Nabours returned to the dais at this time and assumed presiding over the meeting.

- B. **Consideration and Adoption of Resolution No. 2013-18:** abandonment of a portion of a Vehicular No Access Easement located along the north side of Churchill Dr. on Lot 121 of the Aspen Place at the Sawmill subdivision.

Project Manager Gary Miller reviewed the project, noting that this was to abandon a vehicular no-access easement to provide for the new REI store. He said that as part of the IDS review they did a minor amendment to the Master Plan.

Mayor Nabours added that he understood that the concerns of the other landowners had been resolved. Mr. Miller said that was correct.

Councilmember Woodson moved to read Resolution No. 2013-18 by title only; seconded; passed unanimously.

A RESOLUTION APPROVING AN INSTRUMENT OF PARTIAL RELEASE AND PARTIAL RECONVEYANCE OF A VEHICULAR NON-ACCESS EASEMENT ON LOT 121, ASPEN PLACE AT THE SAWMILL

Councilmember Woodson moved to adopt Resolution No. 2013-18; seconded; passed unanimously.

- C. **Consideration and Approval of an Intergovernmental Agreement:** Between the City of Flagstaff and Northern Arizona University (NAU) for financial contribution to the Innovation Mesa Business Accelerator Project.

Grants Manager Stacey Brechler-Knaggs explained that this item and the next, 10-C, were related to the Innovation Mesa project, and she briefly reviewed the project. She said that this is an agreement with NAU wherein they have committed to providing \$1.1 million toward the project, with \$1 million going toward design and \$100,000 going toward operational expenses.

Ms. Button said that it was a shared vision with federal, state, public and private entities, and she then reviewed the various funding sources.

Mayor Nabours asked if there was a demand for rental of the space. Ms. Button said that there absolutely was a demand, not only from graduates out of NACET, but other tier-two companies. She said that there is a lack of dry lab space and this facility provides that.

Rich Bowen, NAU, said that they were expanding their relationship with NACET and redirecting some of their funding to work closer with them on campus as well as the main NACET facility.

Councilmember Brewster moved to approve an Intergovernmental Agreement between the City of Flagstaff and Northern Arizona University (NAU) for financial contribution to the Innovation Mesa Business Accelerator Project; seconded; passed unanimously.

D. **Consideration and Approval of Consulting Contract:** Innovation Mesa Business Accelerator and Emergency Operations Center.

Project Manager James Duval said that they received eight proposals, and those were short-listed to three, with APMI coming out on top. Their fee was \$564,071 with a \$40,000 allowance, for a total contract amount of \$604,071. He said that the 775 contract days included the post-design phase as well, with the design phase being anticipated at around one year and construction one year.

Mayor Nabours moved to award the Architectural and Engineering Design Professional Services Contract to APMI, Inc. of Scottsdale, Arizona in an amount not to exceed \$604,071, including a \$40,000 contract allowance and a 775 calendar day contract period; seconded; passed unanimously.

Mayor Nabours moved to give Change Order Authority to the City Manager in the amount of \$55,000 (10% of contract amount excluding allowance) for unanticipated or additional items of work; seconded; passed unanimously.

Mayor Nabours moved to authorize the City Manager to execute the necessary documents; seconded; passed unanimously.

E. **Consideration and Adoption of Resolution 2013-17:** A resolution of the City Council of the City of Flagstaff, Arizona, granting a public utility easement to Arizona Public Service Company in Coconino County located at the intersection of Highway 89A and Fairgrounds Road, as more particularly described and depicted in the attachments appended to the staff summary.

Economic Development Manager Sean Ahern said that last week he had presented a PowerPoint on this project, and added that the purpose of this project was to energize the airpark.

Mayor Nabours clarified that this may not be exactly how it will be built because negotiations are still going on. He said that APS did not want their substation to look too attractive so that people would not want to get into it, but they were receptive to making it as attractive as possible. Additionally, he noted that they have been working with the County on this project because it is at the entrance of the County Fairgrounds, even though the property is owned by the City.

Councilmember Woodson moved to read Resolution No. 2013-17 by title only; seconded; passed unanimously.

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL GRANTING AN ELECTRIC SUBSTATION EASEMENT AT APPROXIMATELY THE INTERSECTION OF HIGHWAY 89A AND FAIRGROUNDS ROAD TO ARIZONA PUBLIC SERVICE COMPANY

Councilmember Woodson moved to adopt Resolution No. 2013-17; seconded; passed unanimously.

- F. **Consideration and Adoption of Ordinance No. 2013-15:** Authorizing the transfer of City-owned property to the State of Arizona in accordance with the Purchase Agreement for APN 116-13-001C (Tract No. 1 in Warranty Deed - full taking) and APN 116-13-001D (Tract No. 2 Parcel 1 and 2 - partial taking), located adjacent to existing Beulah Blvd. near Fort Tuthill.

Councilmember Overton moved to read Ordinance No. 2013-15 by title only for the final time; seconded; passed unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AUTHORIZING THE TRANSFER OF TITLE TO CITY PROPERTY WITHIN AND ADJACENT TO THE BEULAH ROAD RIGHT-OF-WAY LOCATED AT APPROXIMATELY AIRPORT ROAD AS IS MORE FULLY DESCRIBED AS TRACT ONE AND TRACT TWO, PARCELS 1 AND 2, IN EXHIBIT "A" TO THE STATE OF ARIZONA THROUGH THE ARIZONA DEPARTMENT OF TRANSPORTATION, AND PROVIDING AUTHORITY FOR THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS AND AUTHORITY FOR THE CITY CLERK TO MAKE CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Councilmember Overton moved to adopt Ordinance No. 2013-15; seconded; passed unanimously.

- G. **Consideration and Adoption of Ordinance No. 2013-17;** An ordinance of the Mayor and Council of the City of Flagstaff, Arizona amending Title 3-10-001-0001, Planning Fees, Section 3-10-001-0002, Engineering Fees, and Section 3-10-001-0005, Recreation Fees; providing for a savings clause; and providing that all ordinances or any part of the Flagstaff City Code in conflict with the provisions of this ordinance shall be repealed upon the effective date of this ordinance.

Management Services Director Barbara Goodrich explained that there were two corrections to be made on the user fees and read the following into the record:

Subdivision plans, IDS Review – remove \$700 and replace with \$355
IDS Site Plan Review Concept – remove \$1,631 and replace with \$355

Councilmember Woodson moved to read Ordinance No. 2013-17 by title only for the final time, as amended; seconded; passed unanimously.

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING TITLE 3, SECTION 3-10-001-0001, PLANNING FEES, SECTION 3-10-001-0002, ENGINEERING FEES, AND SECTION 3-10-001-0005, RECREATION FEES; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING THAT ALL ORDINANCES OR ANY PART OF THE FLAGSTAFF CITY CODE IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE SHALL BE REPEALED UPON THE EFFECTIVE DATE OF THIS ORDINANCE

Councilmember Woodson moved to adopt Ordinance No. 2013-17; seconded; passed unanimously.

RECESS

The Flagstaff City Council meeting of July 16, 2013, recessed at 4:46 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Nabours reconvened the Meeting of July 16, 2013, at 6:07 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**

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
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. **Discussion, consideration and possible adoption of Energy Codes.**

Mayor Nabours explained that this process would require two readings of the ordinance. He said that the Council has received quite a bit of public comment, including correspondence, and they would try to accommodate everyone, asking that the three-minute light be respected.

The following individuals spoke in favor of the Codes indicated:

2006 ENERGY CODE

- Mike Sistik, Chamber of Commerce
- Jeff Knorr
- Joy Staveley
- Bill McCullough
- Travis Estes
- Sophia Katz
- Gaylord Staveley
- David Skofel
- David Monihan

2009 ENERGY CODE

- Richard Bowen
- Andy Fernandez

2012 ENERGY CODE

- Susan Buchan (speaking for Unisource)
- Sallie M. Kladnik
- Alicyn Gitlin
- Shawn Newell
- Robert Breanig
- David Carpenter
- David McCain
- Duffie Westheimer
- Jim McCarthy
- Karen Wadsack
- Moran Henn
- Marilyn Weissman (for Ann Heitland who had to leave)
- Brad Garner
- Sarah King
- Vance Peterson
- Ed Dunn
- Andy Stevenson
- John Grahame
- Kevin Ordean

Staff was asked how remodels done today would be impacted by a change in the Code. Mr. Scheu explained that any additions, remodels or repairs would be required to meet the current Code.

Discussion was held on past codes. Vice Mayor Evans noted that she was on the Council in 2008 when they adopted the 2006 Codes and the big discussion then was why they were not going with more recent codes and many agreed that they would revisit it in six years. She said that she found it interesting that they are now hearing from many of the same people arguing that they need to stay with the 2006 Code.

Vice Mayor Evans said that she has been asking since she got on Council what caused Flagstaff to be at 141% above the norm in housing costs. When she bought her first house in 1997 she paid \$62,000 for a home built in 1942. Two years later it was worth \$217,000 and the government did nothing to that house. She asked what percentage of that increase was due to the Code required of the government.

She said that when they first talked about the Building Codes in June there were four members interested in supporting the 2012 Code. She was disappointed that two weeks ago they removed the Energy Code completely. She appreciated everyone being at the meeting this evening, and at the prior meetings. She, too, was very concerned about affordability and supports the 2012 Code, but she would support the 2009 Code if it would allow them to move forward somewhat.

Councilmember Barotz said that she really believed that the conversation was about whether government should be regulating housing construction. There has been a lot of data presented and she thought that the community overall would like to see some movement. She would support something other than the 2006 Code. She said that the changes between the versions are not that different.

Councilmember Brewster agreed that there were very few differences between the Codes, but what changes there are raise the cost of the house. She asked the audience where they were going to be in fifty years, and if they were going to be an elitist community like Aspen or Vail. She said that she would not vote for the 2012 Code; they need to do something about workforce housing.

Mayor Nabours said that all of the comments made tonight are legitimate. A lot of the things have to do with energy efficiency and it comes down to what they can afford. The market is going to take care of this much better than government can, and he thinks that the people should have options available. The Energy Code does not preclude someone from building to more stringent regulations.

Councilmember Barotz said that she wanted to emphasize how difficult this decision is for all of them. Her interpretation is that it is holistic, but Councilwoman Brewster's view is that not requiring the more stringent regulations is more holistic. She said that this is why it is a policy decision, because there is no right or wrong answer.

Mayor Nabours moved to remain status quo and make no changes to the Energy Code; seconded.

Councilmember Barotz said that there has been a lot of confusion on whether they voted down the 2012 Code. They had not voted it down; they did a first read and then they separated the issues. She has heard a lot of comments over the past weeks regarding government regulation, housing affordability, renters and first-time homebuyers wanting to be in energy-efficient homes, etc. She said that one issue not discussed much is the difference between the performance and prescriptive routes and the Code allows the two paths that someone could follow.

She said that she believed there is a role of government and she would support the 2009 Code with amendments. She said that staying with the 2006 Code sends a bad message to companies coming to Flagstaff and to the community as a whole.

Vice Mayor Evans said that she would not support staying with the 2006 Code. She said that there was mention that the private sector would fix all of it; she was not sure that would occur since the private sector is looking to sell houses, not make them affordable. She asked if the arguments were going to be the same in another six years.

Councilmember Woodson said that he believed in a limited government, but he does believe in the value of a building code. The question becomes when those codes go too far and no one's answer will be the same. It may be that the 2012 Code is too much. Early on he suggested the 2009 Code and would support that, but he would not support staying with the 2006 Code.

Councilmember Oravits said that he thought that the 2006 Energy Code is good and it hit a lot of the low-lying fruit. He could not support the 2012; the 2006 is a good baseline. He said that there are good reasons in arguing the 2012, but those things are still in the 2009.

Councilmember Overton said that one of the striking issues in adopting a discretionary code is there are different interpretations. He did believe that the 2009 and 2012 will have issues; the 2006 has allowed them to wrestle with things. He said that the costs are going to be passed on regardless, but he was not in favor of the 2012. He supported the 2009 a few weeks ago knowing that the most problematic sections were amended out. As they come into the issues they have to be ready to accept common sense solutions and he does not see jumping from the 2006 to 2009 as being irresponsible.

Councilmember Barotz added that she had heard a comment that they should give the 2006 Code a chance because they have not had enough time. They adopted the new Zoning Code in 2011 and they are already looking at amendments to it.

Motion failed with a roll call vote of:

Councilmember Barotz NO

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

Councilmember Woodson moved to move forward with the 2009 Energy Conservation Code and amendments thereto (Version A); seconded; passed 4-3 with the following roll call vote:

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

Councilmember Woodson moved to read Resolution No. 2013-20 by title only; seconded; passed 4-3 with Mayor Nabours and Councilmembers Brewster and Oravits casting the dissenting votes.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK ENTITLED THE "2009 ENERGY CODE AND THE 2013 AMENDMENTS TO CITY CODE/2009 ENERGY CODE, TITLE 4, BUILDING REGULATIONS" AND PROVIDING FOR AMENDMENTS, ADDITIONS AND DELETIONS THERETO

Councilmember Woodson moved to adopt Resolution No. 2013-20; seconded; passed 4-3 with Mayor Nabours and Councilmembers Brewster and Oravits casting the dissenting votes.

Councilmember Woodson moved to read Ordinance No. 2013-19 for the first time by title only; seconded; passed 4-3 with Mayor Nabours and Councilmembers Brewster and Oravits casting the dissenting votes.

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

Councilmember Woodson moved to read Ordinance No. 2013-19 for the final time by title only; seconded; failed 3-4 with the following roll call vote:

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

Mayor Nabours noted that second read and adoption of the Ordinance would be on the agenda for the August 26, 2013, Council meeting.

A break was taken from 7:59 p.m. to 8:14 p.m.

B. **Consideration and Approval of Street Closure(s):** 2014 Dew Downtown Flagstaff Urban Ski and Snowboard Festival.

Glorice Pavey, Recreation Supervisor with the Office of Special Events, gave a brief PowerPoint presentation which addressed:

- PARKING PLAN
- AMBASSADOR PROGRAM
- PUBLIC OUTREACH
- ACCOMMODATING LOCAL BUSINESSES & RESIDENTS
- POSTIVE RECREATIONAL OPPORTUNITIES FOR TEENS/YOUNG ADULTS
- \$1 MILLION GROWTH IN DOWNTOWN REVENUE
- 6.5 MILLION MARKETING IMPRESSIONS
- AMPLICATION EXCEPTION & COURSE STREET CLOSURE
- FESTIVAL – FROM HERITAGE TO SAN FRANCISCO / ASPEN TO BIRCH
- STREET CLOSURE

Mayor Nabours said that there had been some talk that perhaps this would be a three-year proposal, but it appears to only be for FY2014. Ms. Pavey confirmed that was correct—it was just a one-year approval. He then held up his door hangar from his business downtown, noting that they had been distributed.

Councilmember Barotz said that she was supportive of the event in spite of there still being some struggles. She said that there is an additional street closure and asked if they had received any additional feedback from the public regarding it.

Ms. Pavey said that they have received some feedback specific to the Aspen to Birch and it has generally been positive. She said that Karl Eberhart attended the Downtown Business Alliance meeting and they were supportive.

Ms. Pavey said that there were concerns voiced by staff regarding the traffic flow and the plan now includes leaving Birch open to provide for that flow.

Vice Mayor Evans said that she would support the Dew Downtown event, but there are still people with major issues concerning the street closures. She asked when the decision was made to add another street closure to the event. Ms. Pavey said that it was an internal decision made about a month ago. Mr. Burke said that there had been discussion at the last debrief that there was a

disconnect between the course and the festival on Heritage Square. They wanted to pursue moving the festival on to the lower part of San Francisco.

Vice Mayor Evans said that they keep hearing that Dew Downtown is part of a greater event, the Winterfest. She asked who was in charge of Winterfest. Ms. Pavey explained that the Winterfest was run by the Chamber, and it was a month-long series of events.

Councilmember Oravits said that he and his family attended it last year and it was great. He would like to have them ramp it up a little; if it was done right they could draw in more families.

Councilmember Woodson asked what would be on Heritage Square if the festival was moving to San Francisco. Ms. Pavey said that has not been determined. It was agreed that it should be used to compliment the event.

Josh Heydorn, freestyle training supervisor and designer of the course last year, recommended that the Council approve the street closure. They did hear feedback from participants and volunteers saying there was a disconnect between Heritage Square and the San Francisco activities.

Gordon Watkins, Flagstaff, said that he was not there to oppose but rather to remind the Council and staff that every street closure in downtown affects someone negatively and they need to have some established criteria.

Brian Shea, Flagstaff parent, spoke in favor of the event and the positive activities for youth in the area.

Janet Shipley, Flagstaff, said that she had no complaint with the event itself but they have a business downtown and such closures do impact the businesses.

Mayor Nabours asked Ms. Shipley if it was not better to have foot traffic in front of their store than vehicular traffic. Ms. Shipley said that it was not—the numbers prove otherwise.

Councilmember Barotz clarified that the issue on the agenda later in the evening was not for actual discussion, but rather to determine if there were three Councilmembers in favor of placing it on an agenda for discussion.

Mr. Sistik, Chamber, said that he will be sitting on the planning committee for the Dew Downtown representing the Chamber, but he had to plead ignorance on the workings of Winterfest, although he did confirm that it was the Chamber's responsibility.

Vice Mayor Evans said that she did not know that the Chamber was in charge of the Winterfest, but asked that once they get their calendar of events together that it be brought back and shared with the Council. She also asked if during those events they could attempt to incorporate a portable skating rink on the other side of the tracks, and she also suggested that more events be held in the Fourth Street area.

Antonette Beiser, downtown business owner, said that they were concerned with the number of events taking place downtown and the impact it had on their business.

Mark Lamberson, Flagstaff, said that he supports the Dew Downtown, and he would be glad to be part of a committee to look at criteria for street closures.

Councilmember Overton moved to approve the closures and amplification exceptions as set forth in the agenda [1) Approve the street closure at San Francisco Street between Birch Avenue and Dale Avenue on February 6, 2014 at 8:00 pm through February 9, 2014 at 11:59 pm; 2) Approve the street closure at San Francisco Street between Aspen Avenue and Birch Avenue on February 7, 2014 at 6:00 pm through February 9, 2014 at 6:00 am; and 3) Approve the amplification exception (to allow start box commentary, play-by-play commentary) on Sunday, February 9, 2014 between the hours of 8:00 am-12:00 noon]; seconded; passed unanimously.

- C. **Consideration and Approval of Grant Agreement:** with the Arizona Criminal Justice Commission for the Edward Byrne Justice Assistance Grant in the amount of \$293,693.00 for the Northern Arizona Street Crimes Task Force (METRO unit).

Scott Mansfield of the Flagstaff Police Department explained that this funding provided for personnel for police sergeants and a County Sheriff's detective and administrative assistant of the Metro unit, and this was the 27th year of this grant.

Mayor Nabours clarified that the \$293,000 was made up of a federal grant of \$234,000 and City funds of \$58,000 (through the RICO fund for asset forfeiture).

Councilmember Brewster moved to approve the Grant Agreement between the Arizona Criminal Justice Commission (ACJC) and the City of Flagstaff for the Edward Byrne Justice Assistance Grant in the amount of \$293,693.00 [for the FY2014 Northern Arizona Street Crimes Task Force (METRO unit)]; seconded; passed unanimously.

- C. **Consideration and Adoption of Resolution No. 2013-19 and Ordinance No. 2013-18:** A resolution of the City Council of the City of Flagstaff, Arizona adopting a Procurement Code Manual and establishing an effective date; and 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.

Purchasing Director Rick Compau reviewed the specific changes made since the last discussions.

Brief discussion was held on Article 4, definitions, regarding "local vendor." It was agreed that this wording should be amended to include "for a period of six months" at the end of the definition.

It was suggested that they were not done with the "value added" discussion, but adoption of this Code would allow them to move forward as they work out more details. Mayor Nabours said that he was pleased to see that they took out all of the protest hearings, etc. Mr. Compau said that he and Ms. D'Andrea have been working on that.

Amy Kerr, new Manager at Purina, recommended that they move forward with the proposal. She said that they have learned quickly that there is a value added in staying local with contracts. She said that they have a bid process in place and there is a bid exception allowed which requires the engineering manager, controller, and herself, to approve as they see the value in staying local.

Mike Sistik, Chamber, said that he had submitted a letter which he would not review, but with the definition of what is *local*, he thought it was a good step in the right direction and the Chamber would support it. As far as the value added portion, they were recommending three additional items which were outlined in their letter. He said that the City of Yuma actually voted in a charter change and it was signed by the Governor, so the overall issue may not be over yet.

Further discussion was held and Mayor Nabours suggested that some of their discussions may need to take place in Executive Session.

Mayor Nabours asked if they were ready to adopt the Purchasing Manual, knowing they still have more issues to address. Mr. Compau said that he personally respectfully requested that they adopt it and address the other issues at a later date as it will take some time to get the study completed.

Councilmember Woodson moved to read Resolution No. 2013-19 by title only; seconded; passed unanimously.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA ADOPTING A PROCUREMENT CODE MANUAL, AND ESTABLISHING AN EFFECTIVE DATE

Councilmember Woodson moved to adopt Resolution No. 2013-19; seconded; passed unanimously.

Councilmember Woodson moved to read Ordinance No. 2013-18 by title only for the first 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

Councilmember Woodson moved to read Ordinance No. 2013-18 by title only for the final time; seconded; failed 5-2, with Councilmembers Oravits and Overton casting the dissenting votes and a unanimous vote required by Charter.

15. **DISCUSSION ITEMS**

None

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. Street Closure Criteria

Council agreed to place this item on a future agenda for discussion.

B. Ordinance 2002-07 re Reclaimed Water

Councilmember Barotz said that she had made this request because she had attempted to ask questions when they were reviewing the Water Policy and was told that was not permitted. After a brief discussion, it was suggested that any questions could be directed to staff and they could respond either through a CCR or in Executive Session.

17. **PUBLIC PARTICIPATION**

Andy Fernandez, Flagstaff, addressed the Council on a variety of items.

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

Councilmember Oravits requested that a resolution re local food production be placed under Possible Future Agenda Items on an upcoming agenda.

Councilmember Oravits reported that he took a tour last weekend on the Perrin Ranch outside Williams and it was very educational, showing how they thin the forest near stone tanks and reservoirs. He said that he would e-mail his report during the break.

Councilmember Brewster said that she realizes that there is a lot out of their control with regard to affordable housing, but she would look to staff to get with major employers in town, ECONA, the Chamber, etc. to attempt to address this issue.

Councilmember Barotz requested that they revisit the Rules of Procedure, specifically the one that eliminated the Public Participation at the beginning of the 6:00 p.m. portion of the Council meetings. Mayor Nabours reported that they were going to have a meeting in September where they could further discuss that issue and review their goal setting.

Vice Mayor Evans said that she was looking forward to that discussion, and she would also like to get the information from the past Task Force on Affordable Housing.

Mayor Nabours requested that a Possible Future Agenda Item be posted to consider Procurement Codes of other cities and legal advice.

Mayor Nabours said that he, Councilmember Woodson and Mr. Burke met with representatives of the Forest Service regarding the 4FRI project and the recent editorial in the Arizona Republic. They have communicated with the Chamber on how to approach this issue.

19. **ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council of July 16, 2013, adjourned at 10:06 p.m.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

STATE OF ARIZONA)
 ss.)
County of 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 July 16, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26th day of August, 2013.

CITY CLERK

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 08/14/2013
Meeting Date: 08/26/2013



TITLE:

Consideration of Appointments: Parks and Recreation Commission.

RECOMMENDED ACTION:

Make one appointment to term expiring August 2014.
Make two appointments to term expiring August 2016.

Policy Decision or Reason for Action:

By making the above appointments, the Parks and Recreation Commission will be at full membership and will be able to continue meeting on a regular basis. There are three applications on file, they are as follows:

James Baker (new applicant)
Christopher Edward (new applicant)
Jessica Fitchett (new applicant)
Thomas (Tom) Ziegler (new applicant)

Financial Impact:

These are voluntary positions and there is no budgetary impact to the City of Flagstaff.

Connection to Council Goal:

Effective governance.

Has There Been Previous Council Decision on This:

None.

Options and Alternatives:

1) Appoint three Commissioners: By appointing members at this time, the Parks and Recreation Commission will be at full membership, allowing the group to meet and provide recommendations to the City Council.

2) Table the action to allow for further discussion or expand the list of candidates.

Background/History:

The Parks and Recreation Commission consists of seven citizens serving three-year terms. There are currently three seats available.

This commission makes recommendations to the Council regarding City parks and recreational programs, the annual budget and capital improvements for the Parks and Recreation Divisions.

Key Considerations:

It is important to fill the vacancies so as to allow the Commission to continue meeting on a regular basis.

Expanded Financial Considerations:

None.

Community Benefits and Considerations:

The City's boards, commissions, and committees were created to foster public participation and input and to encourage Flagstaff citizens to take an active role in city government.

Community Involvement:

INFORM: The vacancies are posted on the City's website and individual recruitment and mention of the opening by Board members and City staff has occurred, informing others of this vacancy through word of mouth.

Expanded Options and Alternatives:

COUNCIL INTERVIEW TEAM: Councilmember Overton and Mayor Nabours.

Attachments: [P & R Roster](#)
 [P & R Authority](#)
 [P & R Applicant Roster](#)
 [P & R Applications](#)



City of Flagstaff, AZ

PARKS AND RECREATION COMMISSION MEMBERS

<u>NAME</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>	<u>TRAINING COMPLETED</u>
<u>Burley, Denise</u> Senior Manager/Coconino County 3135 W. Brenda Loop Flagstaff, AZ 86001 Cell Phone: 606-1558 Term: (1st 8/09 - 8/11; 2nd 8/11 - 8/14)	10/04/2011	08/14	10/20/2011
<u>Fall, John</u> Retired 2301 W. Constitution Blvd. Flagstaff, AZ 86001 Home Phone: 928-226-0031 Term: (1st 6/11 - 8/12; 2nd 8/12 - 8/15)	09/18/2012	08/15	10/20/2011
<u>Hammersley, Charles</u> Park & Rec Professor/NAU 5950 E. Mountain Oaks Dr. Flagstaff, AZ 86004 Work Phone: 928-523-6655 Term: (1st 10/11 - 8/14)	10/04/2011	08/14	10/20/2011
<u>Kleiner, Greg</u> Retired 2206 N. Twisted Limb Way Flagstaff, AZ 86004 Home Phone: 526-6567 Term: (1st 10/07-08/09; 2nd 8/09 - 8/12; 3rd 8/12-8/15)	09/18/2012	08/15	12/03/2009
<u>Z-VACANT,</u>		08/16	No
<u>Z-VACANT,</u>		08/14	No
<u>Z-VACANT,</u>		08/16	No



City of Flagstaff, AZ

Staff Representative: Brian Grube

As Of: August 22, 2013

CHAPTER 2-03
PARKS AND RECREATION COMMISSION

SECTIONS:

2-03-001-0001 COMMISSION CREATED; MEMBERS:
2-03-001-0002 TERMS; VACANCIES; COMPENSATION:
2-03-001-0003 ORGANIZATION AND RULES:
2-03-001-0004 POWERS AND DUTIES:

SECTION 2-03-001-0001 COMMISSION CREATED; MEMBERS:

There is hereby created a Parks and Recreation Commission for the City, consisting of seven (7) members appointed by the City Council. In addition, the City council may designate a Councilmember representative as a non-voting, ex-officio member of the Commission.

(Ord. No. 2007-11, Amended 02/06/2007)

SECTION 2-03-001-0002 TERMS; VACANCIES; COMPENSATION:

Terms of the appointed members shall be for three (3) years.

The Council shall fill vacancies for the unexpired term of any of the members of the Commission and no member of the Commission shall receive compensation for services thereon. (Ord. 1475, 2-3-87)

SECTION 2-03-001-0003 ORGANIZATION AND RULES:

Upon the taking effect of this Chapter, and when appointed, the members shall meet and organize and elect a Chairman to serve for one year with a new Chairman being elected each succeeding year. The Commission may adopt by-laws, procedures and standards for the operation of the Commission not inconsistent with the provisions of this Chapter. A quorum shall consist of four (4) voting members. The Commission shall meet not less than four (4) times each year.

(Ord. No. 2007-11, Amended 02/06/2007)

SECTION 2-03-001-0004 POWERS AND DUTIES:

The duties of the Commission shall be to advise the Council, through periodic written reports to the Council, recommending policy direction on City lands, structures and facilities that are set aside or should be set aside or dedicated to recreational purposes, including but not limited to parks, swimming pools, playgrounds, playing and sports fields and golf courses. The scope of the activities of the Commission shall also include but not be limited to advising and recommending policy direction in activities involving recreational and cultural pursuits of

the elderly and the young and to otherwise employ in constructive and wholesome manner and leisure time of the citizens.

The City Council may consider the advice and recommendation of the Commission and thereafter give direction through the City Manager to implement the recreational program as they see fit. (Ord. 865, 12-12-72)

The Commission shall review and make recommendation on the annual budget of the Parks Section and Recreation Section prior to the submittal thereof to the City Manager.

(Ord. 1335, 10-16-84)



City of Flagstaff, AZ

PARKS AND RECREATION COMMISSION APPLICANTS

<u>NAME</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>	<u>TRAINING COMPLETED</u>
<u>Baker, James</u> Executive Producer/Self 2028 W. Fresh Aire St. Flagstaff, AZ 86001 Home Phone: 928-556-0326			No
<u>Fitchett, Jessica</u> Asst. To the VP for Finance and Administration/Northern Arizona University 1151 W. University Heights N. Flagstaff, AZ 86001 Cell Phone: 928-607-7664			No
<u>Hughes, Christopher</u> Computer Technician/Independent Contractor 3880 S. Yaqui Dr., Apt. 1A Flagstaff, AZ 86001 Cell Phone: 928-890-8805			No
<u>Ziegler, Thomas</u> Adjunct Instructor/Student Teacher Supervisor/NAU 1455 W. Melissa Dr. Flagstaff, AZ 86005 Cell Phone: 928-637-8568			No

Staff Representative: Brian Grube

As Of: August 22, 2013

Stacy Saltzburg

From: noreply@civicplus.com
Sent: Monday, August 19, 2013 11:45 AM
To: Elizabeth Burke; Stacy Saltzburg
Subject: Online Form Submittal: Board/Commission Application

If you are having problems viewing this HTML email, click to view a [Text version](#).

Board/Commission Application

Important Notice:

The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

Application to Serve on a Board/Commission

Please note that this information is a public record.

Date:* 8/19/2013
Board/Commission you wish to serve on:* Parks Recreation
If applicable, type of seat for which you are qualified:

Your Information

Name:* James Baker Home Phone:* 928 556 0326
Home Address:* 2028 W. Fresh Aire St. Zip:* 86001
Mailing Address (If different from above):
Employer:* Self Job Title:* Executive Producer
Business Phone: Cell: 928 607 5980
E-mail:* zumarooproductions@gmail.com
Indicate preferred telephone:* (X) Home () Cell
() Work

Background Information

Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.*

Six years as President of Woodlands Village Home Owners Association. Five years on De Miguel Elementary School Site Council. NPS Volunteer, Walnut Canyon National Monument.

Why do you want to serve on the board or commission you listed?*

To bring together a coalition of local corporations and developers to help offset the cost of land acquisitions for future park and playgrounds. As Flagstaff grows the need for large parks and outdoor activity areas will only increase. Infill land for such opportunities is decreasing as development is on the rise, and I believe now is the time to implement stronger development requirements for larger parcels to be set aside for parks and recreation.

By submitting this electronic form, I acknowledge that any information provided above is a public record, and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.

* indicates required fields.

The following form was submitted via your website: Board/Commission Application

Date:: 8/19/2013

Board/Commission you wish to serve on:: Parks Recreation

If applicable, type of seat for which you are qualified::

Name:: James Baker

Home Phone:: 928 556 0326

Home Address:: 2028 W. Fresh Aire St.

Zip:: 86001

Mailing Address (If different from above)::

Employer:: Self

Job Title:: Executive Producer

Business Phone::

Cell:: 928 607 5980

E-mail:: zumarooproductions@gmail.com

Indicate preferred telephone:: Home

Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.: Six years as President of Woodlands Village Home Owners Association.
Five years on De Miguel Elementary School Site Council.
NPS Volunteer, Walnut Canyon National Monument.

Why do you want to serve on the board or commission you listed?: To bring together a coalition of local corporations and developers to help offset the cost of land acquisitions for future park and playgrounds. As Flagstaff grows the need for large parks and outdoor activity areas will only increase. Infill land for such opportunities is decreasing as development is on the rise, and I believe now is the time to implement stronger development requirements for larger parcels to be set aside for parks and recreation.

Additional Information:

Form submitted on: 8/19/2013 11:45:11 AM

Submitted from IP Address: 24.121.86.72

Referrer Page: No Referrer - Direct Link

Form Address: <http://az-flagstaff3.civicplus.com/Forms.aspx?FID=166>

Stacy Saltzburg

From: noreply@civicplus.com
Sent: Wednesday, May 01, 2013 3:30 PM
To: Elizabeth Burke; Stacy Saltzburg
Subject: Online Form Submittal: Board/Commission Application

If you are having problems viewing this HTML email, click to view a [Text version](#).

Board/Commission Application

Important Notice:

The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

Application to Serve on a Board/Commission

Please note that this information is a public record.

Date:* 5/1/2013
Board/Commission you wish to serve on:* Parks and Recreation
If applicable, type of seat for which you are qualified: Parks and Recreation

Your Information

Name:* Christopher Edward Hughes Home Phone:* (928) 890-8805
Home Address:* 3880 S Yaqui Dr Apt. 1A Zip:* 86001
Mailing Address (If different from above):
Employer:* Independant Contractor Job Title:* Computer Technician
Business Phone: (928) 890-8805 Cell: (928) 890-8805
E-mail:* littlecomputerservices@gmail.com
Indicate preferred telephone:* Home Cell
 Work

Background Information

Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

I am new to getting involved in community activities but I have a very large field of knowledge and am always looking for new things to learn to improve myself. I am in great shape, and have experience in many different sports, I have taught myself many different skills and have experience in many different areas. I am passionate, strong willed, creative, and have an excellent grasp on reality and have creative ideas on how to make more recreation areas available to people located in all areas of the town.

Why do you want to serve on the board or commission you listed?

I grew up in this town, and now that I have a family of my own and children that I am trying to raise, I want to make sure that this is the best place for them as well as myself. I have a wide range of talents that are currently going unused because I dont have a piece of paper saying that I went to college. I am far more educated and skilled then a majority of people that go to college and have taught myself many different skills utilizing many different free resources. Because of my lack of a "higher education" I have not been able to gain the most lucrative employment in the world. I have lived a rough life due to my own mistakes, I have been at rock bottom and brought myself back up and have become a better man in a couple months. I want to be able to give back the knowledge and experience that I have to make this town a better place. I want my children to grow up and see this town as someplace that they prefer to every other location in the world. I want to make this town a place that we ALL can look at and be proud of. I may not be as rich as some, or as aged, or as smart, or as experienced. But I can say that I am more passionate about wanting to put a positive lasting impact upon everyone that I come in contact with. I know that if givin the chance, we can work together as a team, and not only show ourselves, but show the world that Flagstaff, Arizona is capable of being the most progressive, positive and amazing place in the world. And maybe just maybe, the ideas, growth and skills that I have to offer, and the ideas that I have can not only give our town and breath of fresh air, but our world. My only true goal for serving on this board is to work as hard as I can to provide an amazing everlasting experience of joy, happiness and innovation in all aspects life to all people. And to aid humanity. I know

this is a very big goal, I know that to some this seems unreachable, but I believe that if we come together with one common goal, one dream, that we can create a big enough change to take the depression and strife that our world has been in during the current age and change it. Make a more positive world, so the history books can mark this year, as the year that we began to change our world. I want us to be able to make our world better and it all starts with making our town and community something great. The only thing holding us back from accomplishing this goal is our own fears and doubts, and I believe that it's time to throw them away and start fresh to make our town the cornerstone of improvement and change in our world for years to come.

By submitting this electronic form, I acknowledge that any information provided above is a public record, and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.

* indicates required fields.

The following form was submitted via your website: Board/Commission Application

Date:: 5/1/2013

Board/Commission you wish to serve on:: Parks and Recreation

If applicable, type of seat for which you are qualified:: Parks and Recreation

Name:: Christopher Edward Hughes

Home Phone:: (928) 890-8805

Home Address:: 3880 S Yaqui Dr Apt 1A

Zip:: 86001

Mailing Address (If different from above)::

Employer:: Independant Contractor

Job Title:: Computer Technician

Business Phone:: (928) 890-8805

Cell:: (928) 890-8805

E-mail:: littlecomputerservices@gmail.com

Indicate preferred telephone:: Cell

Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.: I am new to getting involved in community activities but I have a very large field of knowledge and am always looking for new things to learn to improve myself. I am in great shape, and have experience in many different sports, I have taught myself many different skills and have experience in many different areas. I am passionate, strong willed, creative, and have an excellent grasp on reality and have creative ideas on how to make more recreation areas available to people located in all areas of the town.

Why do you want to serve on the board or commission you listed?: I grew up in this town, and now that I have a

family of my own and children that I am trying to raise, I want to make sure that this is the best place for them as well as myself. I have a wide range of talents that are currently going unused because I don't have a piece of paper saying that I went to college. I am far more educated and skilled than a majority of people that go to college and have taught myself many different skills utilizing many different free resources. Because of my lack of a "higher education" I have not been able to gain the most lucrative employment in the world. I have lived a rough life due to my own mistakes, I have been at rock bottom and brought myself back up and have become a better man in a couple months. I want to be able to give back the knowledge and experience that I have to make this town a better place. I want my children to grow up and see this town as someplace that they prefer to every other location in the world. I want to make this town a place that we ALL can look at and be proud of. I may not be as rich as some, or as aged, or as smart, or as experienced. But I can say that I am more passionate about wanting to put a positive lasting impact upon everyone that I come in contact with. I know that if given the chance, we can work together as a team, and not only show ourselves, but show the world that Flagstaff, Arizona is capable of being the most progressive, positive and amazing place in the world. And maybe just maybe, the ideas, growth and skills that I have to offer, and the ideas that I have can not only give our town and breath of fresh air, but our world. My only true goal for serving on this board is to work as hard as I can to provide an amazing everlasting experience of joy, happiness and innovation in all aspects of life to all people. And to aid humanity. I know this is a very big goal, I know that to some this seems unreachable, but I believe that if we come together with one common goal, one dream, that we can create a big enough change to take the depression and strife that our world has been in during the current age and change it. Make a more positive world, so the history books can mark this year, as the year that we began to change our world. I want us to be able to make our world better and it all starts with making our town and community something great. The only thing holding us back from accomplishing this goal is our own fears and doubts, and I believe that it's time to throw them away and start fresh to make our town the cornerstone of improvement and change in our world for years to come.

Additional Information:

Form submitted on: 5/1/2013 3:29:52 PM

Submitted from IP Address: 24.121.232.16

Referrer Page: No Referrer - Direct Link

Form Address: <http://az-flagstaff3.civicplus.com/Forms.aspx?FID=166>

Stacy Saltzburg

From: noreply@civicplus.com
Sent: Thursday, June 20, 2013 6:59 AM
To: Elizabeth Burke; Stacy Saltzburg
Subject: Online Form Submittal: Board/Commission Application

If you are having problems viewing this HTML email, click to view a [Text version](#).

Board/Commission Application

Important Notice:

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Application to Serve on a Board/Commission

Please note that this information is a public record.

Date:* 6/20/13
Board/Commission you wish to serve on:* Audit Committee, Planning and Zoning Commission, Parks and Recreation Commission
If applicable, type of seat for which you are qualified:

Your Information

Name:* Jessica
Home Address:* 1151 W. Univ. Hts. Dr. N.
Mailing Address (If different from above):
Employer:* Northern Arizona University
Business Phone: 9285237151
E-mail:* jessica.fitchett@nau.edu
Indicate preferred telephone:* () Home (X) Cell () Work
Home Phone:* 9287737758
Phone:*
Zip:* 86001
Job Title:* Asst. to the VP for Finance and Admin (Fiscal Operations)
Cell: 9286077664

Background Information

Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

I moved to Flagstaff in 1993 and am at a point in my life that I can give more back to the community that has been so incredible to my family and me. I am approaching my 20th year with NAU. I have two teenagers that will be flying the coop soon. They are both a product of the FUSD and I have been very involved in their education. My undergraduate degree is in accountancy and I just finished my Master's in Public Administration. My knowledge base is broad, but I would like to deepen it with regard to public service. I'm anxious to be a member of a team that continues to help move Flagstaff forward in a positive direction. My budgeting and leadership skills would be a great fit for several of the Boards of Commissions. Thank you for your consideration.

Why do you want to serve on the board or commission you listed?

Audit Committee: I have extensive experience with fund accounting and governmental policies and procedures. I have participated in and reviewed multiple audits in both the public and private sectors with different lens emphasis depending on the governing agencies. I have provided financial literacy training to a wide range of audiences and enjoy working with people as much as I do working with numbers. **Planning and Zoning Commission:** My current position includes limited oversight of capital project budgets at NAU and I would like to grow that part of my portfolio beyond higher education. I have experience with strategic planning and performance measures/outcomes. **Parks and Recreation Commission:** I am an avid user of the Flagstaff Urban Trail System and consider myself a lover of all things outdoors. Flagstaff has an excellent balance of seasonal activities and resources that can be further cultivated for the public good. In my opinion, many of the excellent programs are under-utilized by residents. It would be a privilege to participate in the recommendation process to the Council and potentially grow access and increase use to all our Flagstaff citizens.

By submitting this electronic form, I acknowledge that any information provided above is a public record, and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.

* indicates required fields.

The following form was submitted via your website: Board/Commission Application

Date:: 6/20/13

Board/Commission you wish to serve on:: Audit Committee, Planning and Zoning Commission, Parks and Recreation Commission

If applicable, type of seat for which you are qualified::

Name:: Jessica

Home Phone:: 9287737758

Home Address:: 1151 W. Univ. Hts. Dr. N.

Zip:: 86001

Mailing Address (If different from above)::

Employer:: Northern Arizona University

Job Title:: Asst. to the VP for Finance and Admin (Fiscal Operations)

Business Phone:: 9285237151

Cell:: 9286077664

E-mail:: jessica.fitchett@nau.edu

Indicate preferred telephone:: Cell

Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.: I moved to Flagstaff in 1993 and am at a point in my life that I can give more back to the community that has been so incredible to my family and me. I am approaching my 20th year with NAU. I have two teenagers that will be flying the coop soon. They are both a product of the FUSD and I have been very involved in their education. My undergraduate degree is in accountancy and I just finished my Master's in Public Administration. My knowledge base is broad, but I would like to deepen it with regard to public service. I'm anxious to be a member of a team that continues to help move Flagstaff forward in a positive direction. My budgeting and leadership skills would be a great fit for several of the Boards of Commissions. Thank you for your consideration.

Why do you want to serve on the board or commission you listed?: Audit Committee: I have extensive experience with fund accounting and governmental policies and procedures. I have participated in and reviewed multiple audits in both the public and private sectors with different lens emphasis depending on the governing

agencies. I have provided financial literacy training to a wide range of audiences and enjoy working with people as much as I do working with numbers.

Planning and Zoning Commission: My current position includes limited oversight of capital project budgets at NAU and I would like to grow that part of my portfolio beyond higher education. I have experience with strategic planning and performance measures/outcomes.

Parks and Recreation Commission: I am an avid user of the Flagstaff Urban Trail System and consider myself a lover of all things outdoors. Flagstaff has an excellent balance of seasonal activities and resources that can be further cultivated for the public good. In my opinion, many of the excellent programs are under-utilized by residents. It would be a privilege to participate in the recommendation process to the Council and potentially grow access and increase use to all our Flagstaff citizens.

Additional Information:

Form submitted on: 6/20/2013 6:59:24 AM

Submitted from IP Address: 134.114.24.236

Referrer Page: No Referrer - Direct Link

Form Address: <http://az-flagstaff3.civicplus.com/Forms.aspx?FID=166>

Stacy Saltzburg

From: noreply@civicplus.com
Sent: Thursday, August 22, 2013 11:24 AM
To: Elizabeth Burke; Stacy Saltzburg
Subject: Online Form Submittal: Board/Commission Application

If you are having problems viewing this HTML email, click to view a [Text version](#).

Board/Commission Application

Important Notice:

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Application to Serve on a Board/Commission

Please note that this information is a public record.

Date:* 8/22/13
Board/Commission you wish to serve on:* Parks and Recreation
If applicable, type of seat for which you are qualified:

Your Information

Name:* Thomas (Tom) Home 928-213-9238
Ziegler Phone:*
Home Address:* 1455 W. Melissa Dr. Zip:* 86005
Mailing Address (If different from above):
Employer:* NAU (Part time) Job Title:* Adjunct Instructor/Student Teacher Supervisor
Business Phone: Cell: 928-637-8568
E-mail:* zgtom1@yahoo.com
Indicate preferred telephone:* Home Cell
 Work

Background Information

Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.*

I was principal at Thomas Elementary when we began the push to make Bushmaster Park safer for our residents. I formed a group of citizens and civic leaders who met at the school to work on solutions to the safety issues present. I have currently been an active user of the Thorpe Dog Park and have pushed to see improvements made at that location.

Why do you want to serve on the board or commission you listed?*

I believe that safe public parks that contain the amenities found at parks around the state and country are important to the viability of a city. Visitors from out of town use our facilities and updated, modern parks and recreation facilities have them leave our town with a favorable impression that they pass on to others when they return home. In addition, residents are more apt to use our parks if dollars are allocated to maintain and modernize them regularly. With more residents using the parks for lawful purposes, the non law abiding folks will take their unsavory business elsewhere. I believe my 38 years of working with the public in elementary school education will make me a strong advocate on the Parks and Recreation Commission.

By submitting this electronic form, I acknowledge that any information provided above is a public record, and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.

* indicates required fields.

The following form was submitted via your website: Board/Commission Application

Date:: 8/22/13

Board/Commission you wish to serve on:: Parks and Recreation

If applicable, type of seat for which you are qualified::

Name:: Thomas (Tom) Ziegler

Home Phone:: 928-213-9238

Home Address:: 1455 W. Melissa Dr.

Zip:: 86005

Mailing Address (If different from above)::

Employer:: NAU (Part time)

Job Title:: Adjunct Instructor/Student Teacher Supervisor

Business Phone::

Cell:: 928-637-8568

E-mail:: zgtom1@yahoo.com

Indicate preferred telephone:: Cell

Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.: I was principal at Thomas Elementary when we began the push to make Bushmaster Park safer for our residents. I formed a group of citizens and civic leaders who met at the school to work on solutions to the safety issues present. I have currently been an active user of the Thorpe Dog Park and have pushed to see improvements made at that location.

Why do you want to serve on the board or commission you listed?: I believe that safe public parks that contain the amenities found at parks around the state and country are important to the viability of a city. Visitors from out of town use our facilities and updated, modern parks and recreation facilities have them leave our town with a favorable impression that they pass on to others when they return home. In addition, residents are more apt to use our parks if dollars are allocated to maintain and modernize them regularly. With more residents using the parks for lawful purposes, the non law abiding folks will take their unsavory business elsewhere. I believe my 38 years of working with the public in elementary school education will make me a strong advocate on the Parks and Recreation Commission.

Additional Information:

Form submitted on: 8/22/2013 11:23:54 AM

Submitted from IP Address: 75.172.196.205

Referrer Page: <http://www.flagstaff.az.gov/index.aspx?NID=1886>

Form Address: <http://az-flagstaff3.civicplus.com/Forms.aspx?FID=166>

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 08/14/2013
Meeting Date: 08/26/2013



TITLE:

Consideration of Appointments: Commission on Diversity Awareness.

RECOMMENDED ACTION:

Make two appointments to a term expiring February 2016.

Policy Decision or Reason for Action:

By making appointments to the vacancies, the Commission on Diversity Awareness will be able to once again hold meetings. The Commission has not been able to hold regular meetings due to lack of quorum. There are two new application on file as follows:

Jennifer McAleer (new applicant)
Dorothy Rissel (current member)

Financial Impact:

These are voluntary positions and there is no budgetary impact to the City of Flagstaff.

Connection to Council Goal:

Effective governance.

Has There Been Previous Council Decision on This:

None.

Options and Alternatives:

1) Appoint two Commissioners: by appointing members at this time, the Commission on Diversity Awareness will be able to resume meeting on a regular basis to provide recommendations to the City Council.

2) Table the action to allow for further discussion or expand the list of candidates.



City of Flagstaff, AZ

DIVERSITY AWARENESS COMMISSION MEMBERS

<u>NAME</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>	<u>TRAINING COMPLETED</u>
<u>Albert, Dexter</u> Public Relations Manager/Intrinsic Consulting 14 W. Forest Avenue Flagstaff, AZ 86001 Home Phone: 814-4172 Term: (1st 10/09-2/11; 2nd 2/11 - 2/14)	02/01/2011	02/14	10/20/2011
<u>Boardman, Stephanie</u> Executive Director/Sunshine Rescue Mission, Inc. 3400 N. Monte Vista Drive Flagstaff, AZ 86001 Cell Phone: 928-863-0565 Term: (1st 10/11 - 2/14)	10/04/2011	02/14	02/16/2012
<u>Henley, Susanna</u> Artist 2169 E. Skyline Flagstaff, AZ 86004 Home Phone: 928-522-7028 Term: (1st 10/11 - 2/13)	10/04/2011	02/13	No
<u>Rissel, Dorothy</u> Retired 150 E. Camille Dr. Flagstaff, AZ 86001 Home Phone: 225-1435 Term: (1st 10/09-02/10; 2nd 2/10 - 2/13)	02/16/2010	02/13	03/18/2010
<u>Z-VACANT,</u> ALTERNATE		02/15	No
<u>Z-VACANT,</u> ALTERNATE Flagstaff, AZ		02/15	No



City of Flagstaff, AZ

<u>Z-VACANT,</u>	02/14	No
<u>Z-VACANT,</u>	02/16	No
<u>Z-VACANT,</u>	02/15	No

Staff Representative: April Moyer

As Of: August 14, 2013

CHAPTER 2-08
COMMISSION ON DIVERSITY AWARENESS

SECTIONS:

<u>2-08-001-0001</u>	DECLARATION OF POLICY:
<u>2-08-001-0002</u>	CREATION OF COMMISSION:
<u>2-08-001-0003</u>	TERMS OF OFFICE; COMPENSATION:
<u>2-08-001-0004</u>	FUNCTIONS:
<u>2-08-001-0005</u>	MEETINGS; ATTENDANCE:

SECTION 2-08-001-0001 DECLARATION OF POLICY:

There is hereby established the Commission on Diversity Awareness. It shall be the Commission's duty to advise the City Council on issues and methods in promoting diversity awareness within the City of Flagstaff.

(Ord. 2000-26, Amended, 11/17/2000)

SECTION 2-08-001-0002 CREATION OF COMMISSION:

There is hereby created the Commission on Diversity Awareness which shall consist of seven regular members and two alternate members who shall be appointed by the City Council. A Chairperson shall be selected by a majority vote of those members at a meeting called for that purpose. In addition to the seven regular and two alternate members, the City Council may designate a Councilmember representative as a non-voting, ex-officio member of the Commission.

(Ord. 2001-07, Amended, 03/06/2001; Ord. 2000-26, Amended, 11/17/2000; Ord. No. 2007-06, Amended 02/05/2007; Ord. No. 2011-06, Amended 05/17/2011)

SECTION 2-08-001-0003 TERMS OF OFFICE

Terms shall be for three years except for the first appointments to create staggered terms. The City Council shall appoint three members for three (3) year terms, two members for two (2) year terms, and two members for one (1) year terms. After the initial appointment all terms, including alternates, thereafter will be three (3) year terms. The City Council will make every effort to recruit and appoint those individuals that represents the diverse population of Flagstaff and who have demonstrated an interest in minority issues, or promoting those issues of cultural diversity.

(Ord. 2000-26, Amended, 11/17/2000; Ord. No. 2011-06, Amended 05/17/2011)

SECTION 2-08-001-0004 FUNCTIONS:

The duties of the Commission shall include, but not be limited to:

A. Fostering mutual understanding, tolerance, respect and awareness among all citizens within the City of Flagstaff; recognizing the different economic, cultural, social, racial, religious and ethnic groups within the City; cooperating in the development of educational programs dedicated to improvement of community relations with and to enlist the support of various groups to foster diversity awareness.

B. Developing recommendations for the Mayor and City Council to assist in developing any policies required to respond to the concerns and needs of those in the community and on the Commission in the promotion of diversity awareness.

C. Advising and assisting the City Council on ways to educate the community on diversity awareness and developing ways to disseminate such information through surveys, studies, forums, workshops, brochures or other events.

D. Developing and providing public forums for identifying and discussing issues of interest relating to the area of diversity awareness.

E. Acting as an information or referral group to assist individuals, organizations and employers in an effort to aid the community towards greater understanding and respect for diversity awareness among all individuals.

(Ord. 2000-26, Amended, 11/17/2000)

SECTION 2-08-001-0005 MEETINGS; ATTENDANCE:

A quorum shall be one more than half of the voting membership of the Commission. Alternate members may be counted toward a quorum when there are insufficient regular members to meet the quorum requirement. (Ord. No. 2011-06, Amended 05/17/2011)

The Commission shall meet at such times, dates and locations as determined by the members except that the Chairperson may call a special meeting with not less than 24 hours notice. All other rules or procedures shall be established by the members so long as said rules are consistent with State law, City Charter and this chapter. (Ord. No. 2007-06, Amended, 02/06/2007)

When serving as a substitute in the absence of a regular member, alternate members shall be accorded the full rights of a regular member, including, but not limited to, voting rights. (Ord. No. 2011-06, Amended 05/17/2011)

A regular Commission member who is absent for three consecutive regular meetings may be removed from the Commission by a vote of the City Council upon recommendation of the Commission.

(Ord. 2000-26, Add, 11/17/2000; Ord. No. 2007-06, Amended 02/06/2007;
Ord. No. 2011-06, Amended 05/17/2011)



City of Flagstaff, AZ

DIVERSITY AWARENESS COMMISSION APPLICANTS

<u>NAME</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>	<u>TRAINING COMPLETED</u>
<u>McAlear, Jennifer</u> Corporate Compliance Officer/NARBHA 1374 W. University Heights N. Flagstaff, AZ 86001 Cell Phone: 207-318-9364			No
<u>Rissel, Dorothy</u> Retired 150 E. Camille Dr. Flagstaff, AZ 86001 Cell Phone: 928-255-1435 Term: (1st 10/09-02/10; 2nd 2/10 - 2/13)	02/16/2010	02/13	03/18/2010

Staff Representative: April Moyer

As Of: August 22, 2013

IMPORTANT NOTICE: The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

RECEIVED
AUG 01 2013
BY: 

CITY OF FLAGSTAFF
APPLICATION TO SERVE ON A BOARD/COMMISSION

RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

PLEASE NOTE THAT THIS INFORMATION IS A PUBLIC RECORD.
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!

DATE: 07/26/13

BOARD/COMMISSION YOU WISH TO SERVE ON: Flagstaff Diversity Commission

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED: _____

YOUR NAME: Jennifer McAleer HOME PHONE: 207-318-9364

HOME ADDRESS: 1374 W. University Heights Dr. N. ZIP: 86005

MAILING ADDRESS (if Different from Above): Same

EMPLOYER: NARBHA JOB TITLE: Corporate Compliance Officer

BUS. PHONE: _____ CELL: _____ E-MAIL: _____

PLEASE INDICATE PREFERRED TELEPHONE: HOME WORK CELL 207-318-9364

BACKGROUND INFORMATION: Please explain how your community activities and other relevant experience/interests are applicable to this board or commission. See attached resume and additional sheet.

Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)
See additional sheet.

I understand that any information provided above is a public record and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.


Applicant Signature

JENNIFER L. McALEER

1374 WEST UNIVERSITY HEIGHTS DRIVE NORTH, FLAGSTAFF AZ 86005

207-318-9364 ~ JENNMC@AOL.COM

WWW.LINKEDIN.COM/IN/JENNMCALEER

BACKGROUND INFORMATION

Relevant Experience

With over 15 years serving in the nonprofit sector, I have dedicated both my professional career and personal development to serving the community.

Spanning from the executive level leadership that I have provided for both local and out of state organizations, as well as the volunteer hours I have spent with organizations including those providing hospice services, foster care, animal rehabilitation, HIV prevention in Africa and advocating for LGBTQ issues.

I have served on several nonprofit boards and am very comfortable with and familiar with city and county commission processes, given the levels of interaction that I have had with similar committees. I currently serve on two boards, one for Northland Hospice & Palliative Care here in Flagstaff, where I have served for approximately 18 months, and the other for Point of Prevention, an California-based international nonprofit where I was a co-founder back in 2005.

In addition to my public service, I also hold a Master's in Public Policy and a Master's in Business Administration.

I am attaching to this application two letters of reference: one from former Flagstaff Mayor Joseph Donaldson, and the other from former Flagstaff Mayor Sara Presler.

Why I want to Serve

I have been a citizen of Flagstaff since December 2011, moving here from California. I moved here for a professional opportunity to serve as the Corporate Compliance Officer at NARBHA. Moving to a new town is always difficult in terms of making friends and connections, and finding the best ways of giving back to the community. I joined the Northland Hospice board to accomplish that goal, and I have greatly enjoyed the time that I've served there and I look forward to continued service to that organization.

I heard about this opportunity on NPR and got very excited to hear about this commission, and the potential opportunity to serve on it. Diversity is something that is important to me, and an area that I've dedicated my life advocating for. One of the reasons that I loved living in California was for the diversity that I was able to experience each day, in terms of the people who live and visit there, the cuisine and the social and cultural events that expose people to cultures they might not be that familiar with. I'm still learning about the diversity of Northern Arizona, but am very much enjoying learning about Native Americans, as this is a sub-culture that I have never known much about.

As a lesbian woman who is married to my partner, being in a diverse and open-minded community is important to us, and as we continue to realize the benefits of and the necessity for equality.

I think that I have a lot to offer the City of Flagstaff in this capacity and I would welcome the opportunity to discuss my background and excitement about this commission with you.

- Serve on the Pension Advisory Committee, focusing on asset allocation, hedge funds, investment policies and plan audits.
- Collaborate with the ADHS, AHCCCS and CMS Fraud and Abuse/Program Integrity functions. Participate in statewide Compliance Officer Network Group (CONG) meetings.
- Maintain an active social network with compliance professionals regarding compliance related topics, trainings and resources for providers and NARBHA employees. Contribute to HCCA, SCCE and LinkedIn compliance related discussions.

POINT OF PREVENTION, INC., San Jose, California

Nonprofit international organization providing HIV prevention training and resources to those impacted by HIV/AIDS in Sub-Saharan Africa.

Part-Time, Volunteer Executive Director, May 2005- Present

- Provide oversight to the organization and Board of Directors, guiding the organization and working towards the accomplishment of our strategic goals.
- Successfully write grants to sponsor trips to Tanzania and to date have trained over 2,200 people.
- Development and continued oversight of the scholarship program for children orphaned as a result of HIV/AIDS in Tanzania.
- Continued partnership and sponsorship of Tanzanian Non-Governmental Organizations.
- Continued partnership with Lossimngori Village (Massai), Church of God (works with orphans), and Africa Joy Tours (safari company).

UNITY CARE GROUP, INC., San Jose California

Nonprofit community-based youth organization providing behavioral health, residential and community support programs to at-risk youth and families in the Bay Area.

Compliance Officer, September 2006- December 2011

- Served as member of the executive management team providing support and oversight to staff across organization.
- Participated in decisions including opening and closing programs, personnel management, budgeting, insurance costs and issues, contracting issues, strategic planning, fundraising goals, productivity quotas, clinical models, and other issues related to running a mid-size social service and mental health agency.
- Developed and implemented a compliance program, including corporate, contract and regulatory compliance.
- Developed and/or updated all policies, procedures and forms for agency. Developed resource guides for clinical staff on documentation standards. Conducted all-staff training on compliance.
- Served as internal subject matter expert and served as liaison for all Community Care Licensing regulations, Medi-Cal (EPSDT) billing requirements, County Mental Health Department requirements, HIPAA requirements, and the California Alliance for Children and Family Services accreditation requirements.
- Managed the contract and grant process with multiple government agencies and private foundations. Negotiated the terms of new and renewal contracts and grants.
- Implemented the electronic recordkeeping software (Efforts to Outcomes- "ETO") throughout the agency.
- Served on the Board of Directors' Program Committee.
- Developed an organization-wide Balanced Scorecard/Dashboard (with 4 quadrants- financial, operations, customers & employees).
- Implemented an outcome measurement initiative throughout the organization.
- Developed and chaired the Safety Committee, overseeing all Workers' Compensation activities.
- Managed the Administrative Department.

Interim Mental Health Director, July 2008-March 2009; June 2009-December 2009; June 2010-November 2010

- Served as Interim Mental Health Director intermittently, overseeing the Mental Health Clinic, TBS, Wraparound, Day Treatment Intensive, Intensive Clinical Services programs and intensive Level 14 Residential Foster Care programs.
- Provided supervision and guidance to staff and management, on administrative and programmatic issues.
- Coordinated and assured clinical supervision of staff across all programs.
- Monitored clinical documentation, county authorizations and contract utilizations.
- Monitored productivity levels and contract outcomes and met with staff to creatively strategize on how to increase productivity.

MARTIN'S POINT HEALTH CARE, Portland, Maine

Nonprofit organization providing health care coverage and direct health care to retired military personnel and their dependents (US Family Health Plan), Medicare beneficiaries, and local Maine communities. Ambulatory care centers serving local communities throughout Maine.

Manager Health Plan Compliance, May 2004- August 2006

- Responsible for identifying and coordinating activities across the organization to ensure compliance with contracts as well as other regulatory requirements.
- Developed HIPAA program, including conducting a comprehensive gap analysis, developing and/or modifying policies, procedures and forms, and conducting HIPAA-related training for staff across the organization.
- Reviewed modifications to contracts and prepared impact analyses to support the organization in assigning resources and their prioritization to maintain high levels of compliance.
- Served as an integral contact between the organization and contract regulators to limit adverse impacts to the organization.
- Developed and maintained comprehensive resources that identified contractual and regulatory requirements available to staff for accurate and timely references, including a homegrown Benefits Repository software system, with detailed code specific benefit information utilized by staff across the organization.

Consultant, June 2007- March 2008 (Telecommuting)

- Provided consultative services in reviewing the Department of Defense RFP and contract renewal documents and provided support, as the organization negotiated their new contract.
- Conducted a gap analysis of current compliance with DOD contract and developed an action plan for closing gaps.
- Modified comprehensive online manual to reflect the changes in the new Contract.
- Trained staff to provide organization with internal capacity to take over these functions moving forward.

INGRAHAM (now The Opportunity Alliance), Portland, Maine

Nonprofit organization providing behavioral health, residential and community support services to youth, elderly and dually-diagnosed individuals.

Director, Continuous Quality Improvement, September 2001- April 2004

- Responsible for oversight of behavioral health, developmental disabled and residential programmatic oversight from a quality improvement and compliance standpoint.
- Responsible for expert understanding of all applicable contractual and regulatory requirements for crisis, residential and community support programs.
- Responsible for mitigating outcomes of Critical Incidents and Medication Errors, tracking trends and identifying opportunities for staff education.
- Assisted in development of Employee Assistance Program in ensuring all applicable regulations were complied with.
- Coordinated regular mock reviews of all state licensed programs. Coordinated successful licensing reviews with state regulatory agencies.

CONSULTING POSITIONS

Provided contract and compliance consultation to nonprofit health plans throughout the US who administer the US Family Health Plan.

Brighton Marine/Caritas Christi, Consultant, December 2008- March 2009 (Telecommuting)

- Developed a contract and manual requirement tracking tool, incorporating all of the requirements that the organization and its sub-contractors must comply with.

Pacific Medical Centers, Consultant, June 2009- April 2010 (Telecommuting)

- Developed a contract and manual requirement tracking tool, incorporating all of the requirements that the organization and its sub-contractors must comply with.

PREBLE STREET RESOURCE CENTER, Portland, Maine

Nonprofit community resource center providing shelter, nutrition, health and other supportive services to Portland's homeless community.

Breakfast Coordinator, 1998-2001

- Oversaw the weekend breakfast program, serving 350 individuals and managing 20-30 volunteers per day.
- Coordinated other smaller volunteer events, including food drives, painting parties and special holiday meals.

Conference Coordinator, 2001

- Coordinated the 25th Anniversary Conference which focused on poverty and community solutions.

MEMBERSHIPS AND CERTIFICATIONS

Health Care Compliance Association, 2004-2008, 2010- present

Certified in Health Care Compliance (CHC)- May 2012

National Health Care Anti-Fraud Association, 2012- present

Accredited Health Care Fraud Investigator (AHFI)- November 2012

Society of Corporate Compliance and Ethics, 2011- present

Pursuing ~ Certified Compliance and Ethics Professional (CCEP)- Expected Spring 2013

State of California, Notary Public- Commission expires 2016

VOLUNTEER WORK

- **Northland Hospice & Palliative Care, March 2012- present (Flagstaff, AZ)** – Serve on the Board of Directors of this 501c3 nonprofit organization that provides hospice and palliative services to individuals and their families. Serve as the founding Chair of the Quality Assurance Committee. Also chair the Nominating Committee, Policy Committee and Bylaws Committees, and serve as a member on the Strategic Planning Committee.
- **Court Appointed Special Advocate, 2009- 2011 (San Mateo, CA)** – Served as a CASA volunteer through Advocates for Children, an organization that works with youth in the foster care system to support, mentor and speak on behalf of abused and neglected children. Was assigned to one youth for the entire 2 year term.
- **Sunnyvale Zen Center, 2010- 2011 (Sunnyvale, CA)** - Volunteered in the Dharma Support Association in program development and cultural competence. Partnered with the Abbot to explore mental health related programs.
- **One Brick, 2006- 2011 (San Francisco, California)-** Multiple volunteer assignments (including SF Food Bank and Glide Church Soup Kitchen).
- **Safe and Sound Wildlife Rehabilitation, 2004- 2010 (Gray, ME)** – Served on the Board of Directors for this 501c3 nonprofit organization that rescues and rehabilitates injured, orphaned or distressed wild animals for the purposes of release back into their natural habitat. Coordinated the submission of the 501c3 application with the IRS, and assisted with setting up the business structure to operationalize the mission.
- **Presidential Campaign, June 2007- January 2008 (San Francisco, CA)** - Served as the Congressional District Campaign Manager for a national presidential campaign. Responsible for organizing all efforts related to the campaign in Congressional Districts 8, 9 and 12, in the San Francisco Bay Area. Served as a liaison between local, state and national offices. Oversaw large team of volunteers in the 3 districts. Coordinated and hosted major fundraising and political events with national and local presenters.

Joseph C. Donaldson

1325 East Linda Vista Drive
Flagstaff, Arizona 86004-1733
Home Phone (928) 779-0207
Cell Phone (928) 779-0207

Friday, July 19, 2013
City of Flagstaff
Attn: Stacy Saltzburg
Commission on Diversity Awareness
211 West Aspen Avenue
Flagstaff, Arizona 86001

Dear Ms. Stacy Saltzburg,

I write this letter on behalf of Jennifer McAleer in support of her application to join the Flagstaff Commission on Diversity Awareness. I have known Jennifer in my capacity as the President of the Board of Directors for Northland Hospice & Palliative Care, since March 2012, when she was elected to the Board.

During her tenure on the Board Jennifer has helped NHPC with chairing several key committees, revising the organization's Bylaws, and providing corporate compliance expertise to the Board.

She attends Board meetings regularly, always participates, often asking the hard questions that encourages the Board to move forward, and consistently goes above and beyond the requirements of Board service to assist the organization in running smoothly and accomplishing its goals.

Jennifer is an asset to our Board and will be an asset to the City's Commission on Diversity Awareness.

I recommend Jennifer for service on this Committee and believe the City would be better for having her service in this capacity.

Yours Sincerely,



Joseph C. Donaldson
President, Northland Hospice and Palliative Care
Vice Chair, Coconino Community College Foundation Board
Public Member, Arizona Board of Psychology Examiners

Sara Presler, JD
510 West Lewis
Phoenix, Arizona 85003
sara@sarapresler.com

Dear Flagstaff City Council:

I am writing this letter of support for Jenn McAleer. Ms. McAleer is applying for the Diversity Commission with the City of Flagstaff and I strongly support her application and encourage you to seriously consider her appointment to this important municipal function.

Ms. McAleer is a well-respected, intelligent, and balanced community member. She is employed at NARBHA and understands the important and diverse needs of our community. Diversity comes in many forms and Ms. McAleer is well positioned to both understand and communicate the changing nature of our community. She is an excellent representative in her professional and person life. I trust Ms. McAleer in every interaction. She is married to her partner, resides in a lovely home in Flagstaff, and cares for her rescue dogs and her community.

Ms. McAleer has thoughtfully engaged in our community and would be an excellent choice for the Diversity Commission. I hope you will reach out to me if you have any questions about her application. She is first-rate.

If I were able to come speak in support of Ms. McAleer's application, I would urge you to consider her for a prompt appointment to the Commission. The entire City would benefit from her service and intelligence. She is a fair, team-oriented person, and will do well representing the City of Flagstaff.

Warm regards,
Sara Presler, JD

▶ **NOTE: ALL APPLICANTS MUST LIVE WITHIN THE CITY LIMITS!** ◀

**CITY OF FLAGSTAFF
APPLICATION TO SERVE ON A BOARD/COMMISSION**

RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

**PLEASE TYPE OR PRINT IN BLACK INK
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!**

DATE: 8/20/2013

BOARD/COMMISSION YOU WISH TO SERVE ON: Commission on Diversity Awareness

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED: _____

YOUR NAME: Dorothy Rissel **HOME PHONE:** 928-225-1435

HOME ADDRESS: 150 E Camille Dr **ZIP:** 86005

MAILING ADDRESS (If Different from Above): _____

EMPLOYER: retired **JOB TITLE:** _____

BUS. PHONE: _____ **CELL:** 928-225-1435 **E-MAIL:** Dorothy.rissel@gmail.com

PLEASE INDICATE PREFERRED TELEPHONE: HOME WORK CELL

BACKGROUND INFORMATION: (Please attach a resumé or statement describing your experience, community activities, and other relevant information. Please explain how your background and interests are applicable to this Board or Commission.)

I have served 2 terms on this commission and would like to continue. Please see earlier application

Why do you want to serve on the Board or Commission you listed? (Attach additional page if needed.)

I enjoy working with people from different backgrounds & working toward creating an awareness of diversity

I certify that I meet the City Charter requirement of living within the Flagstaff City limits.
Dorothy Rissel
Applicant Signature

THE CITY COUNCIL MAY CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS IN EXECUTIVE SESSIONS, WHICH ARE CLOSED TO THE PUBLIC, AND THEN MAKE THE APPOINTMENTS IN A PUBLIC MEETING. YOU HAVE THE RIGHT, HOWEVER, TO HAVE YOUR APPLICATION CONSIDERED IN AN OPEN MEETING. IF YOU DESIRE TO HAVE YOUR APPLICATION CONSIDERED OR DISCUSSED IN A PUBLIC MEETING, PLEASE ATTACH A LETTER MAKING SUCH A REQUEST.

The City of Flagstaff is an Equal Opportunity/Affirmative Action Employer

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 08/14/2013
Meeting Date: 08/26/2013



TITLE:

Consideration of Appointments: Industrial Development Authority

RECOMMENDED ACTION:

Make two appointments to a term expiring April 2014.
Make one re-appointment to a term expiring April 2018.

Policy Decision or Reason for Action:

By making appointments to the vacancies, the Industrial Development Authority will be at near full membership. There are three new applications on file and they are as follows:

Daniel Del Monaco (new applicant)
Ted Dwyer (currently serving 2nd term)
Alyn Rumbold (new applicant)

Financial Impact:

These are voluntary positions and there is no budgetary impact to the City of Flagstaff.

Connection to Council Goal:

Effective governance.

Has There Been Previous Council Decision on This:

None.

Options and Alternatives:

- 1) Appoint three Members: by appointing members at this time, the Industrial Development Authority will be at near full membership, allowing the group to continue meeting to provide recommendations to the City Council.
- 2) Table the action to allow for further discussion or expand the list of candidates.



City of Flagstaff, AZ

INDUSTRIAL DEVELOPMENT AUTHORITY MEMBERS

<u>NAME</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>	<u>TRAINING COMPLETED</u>
<u>Chan, Alan</u> Dealer/Babbitt Ford 11 N. Verde Street Flagstaff, AZ 86001 Home Phone: (928) 774-2986 Term: (1st 9/01 - 4/04; 2nd 4/04-4/10)	01/18/2005	04/10	No
<u>Darum, Jack R.</u> Retired 3315 S. Debbie Flagstaff, AZ 86001 Home Phone: (928) 779-1203 Term: (1st 1/05 - 4/10)	01/18/2005	04/10	10/17/2007
<u>Dwyer, Ted</u> Certified Financial Planner/Dwyer Financial 2615 N. 4th Street #5 Flagstaff, AZ 86001 Home Phone: (928) 526-2572 Term: (1st 09/01-04/06; 2nd 4/06 - 4/12)	11/20/2007	04/12	03/15/2006
<u>Fontanini, Roger</u> Community Builder/Directions Home 4042 Fallen Oak Way Flagstaff, AZ 86004 Home Phone: (928) 714-0030 Term: (1st 10/03 - 4/08; 2nd 4/08 - 4/14)	05/06/2008	04/14	10/17/2007
<u>Hoover, Franklin J.</u> Attorney/ Mangum, Wall, Stoops & Warden 100 North Elden Street Flagstaff, AZ 86001 Home Phone: 928-779-6951		Indefinite	No



City of Flagstaff, AZ

<u>Richmond-Bowman, Jean</u>	01/18/2005	04/10	No
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Executive VP/Northern Arizona Builders
Association
1500 E. Cedar Ave., Suite 86
Flagstaff, AZ 86004
Home Phone: (928) 774-7702
Term: (1st 1/05 - 4/10)

<u>Z-VACANT,</u>		04/14	No
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<u>Z-VACANT,</u>		04/18	No
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<u>Z-VACANT,</u>		04/14	No
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Staff Representative:

As Of: August 15, 2013

RESOLUTION NO. 1636

A RESOLUTION OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, REGARDING THE FORMATION AND REINCORPORATION OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF FLAGSTAFF.

WHEREAS, on April 15, 1980, pursuant to an approving resolution of the City Council of the City of Flagstaff adopted on April 15, 1980, The Industrial Development Authority of the City of Flagstaff, Arizona (the "Authority") was formed as a nonprofit corporation and as a political subdivision of the City of Flagstaff, all organized and existing under Title 9, Chapter 11, Arizona Revised Statutes (later renumbered as Title 35, Chapter 5, Arizona Revised Statutes) (the "IDA Act");

WHEREAS, the Articles of Incorporation of the Authority were filed with the Arizona Corporation Commission on April 18, 1980, for the purpose of providing a record of the establishment of the Authority, as required by the IDA Act, and for the precautionary purpose of complying with the general nonprofit corporation law set forth in Title 10, Chapter 5, Arizona Revised Statutes (the "General Nonprofit Corporation Act");

WHEREAS, on January 10, 1986, the Arizona Corporation Commission purported to revoke the filing of the Authority's Articles of Incorporation for failure to file an annual report, as is required for nonprofit corporations organized and existing under the General Nonprofit Corporation Act;

WHEREAS, the Authority has continued to operate as a nonprofit corporation and political subdivision of the City of Flagstaff organized and existing under the IDA Act since January 10, 1986, and, in such capacity, granted preliminary approval on November 20, 1987 (the "Official Action"), for the issuance of multifamily housing revenue bonds to finance the acquisition of land and the construction of a 200-unit multifamily residential rental project located on the west side of U. S. Highway 89-A, north of I-40 (the "Project"), received two allocations by the Director of the Arizona Department of Commerce of portions of the maximum volume of tax-exempt private activity bonds permitted to be issued in the State of Arizona in 1987 and 1989 (collectively, the "Allocation"), and the filing with the Internal Revenue Service of an election to carry the Allocation issued in 1987 forward for a period of up to three years (the "Carryforward Election");

WHEREAS, the City Council of the City of Flagstaff desires to confirm and ratify the actions of the Authority and the individuals acting as the Board of Directors thereof since January 10, 1986, including, without limitation, the Official Action, the receipt of the Allocations, and the Carryforward Election, to affirm the continued and uninterrupted existence of the Authority since April 15, 1980, as a nonprofit corporation and the political subdivision organized and existing under the IDA Act, and, as a precautionary measure, to approve the reincorporation of the Authority under the IDA Act and the General Nonprofit Corporation Act;

WHEREAS, a petition has been filed with the City Council of the City of Flagstaff by three qualified electors of the City requesting permission to form an Industrial Development Authority Board and to reincorporate the Authority; and

WHEREAS, the IDA Act and the General Nonprofit Corporation Act provide for the formation of Industrial Development Authorities and the formation of nonprofit corporations, respectively.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1: That this Council finds and determines that it is wise, expedient, necessary and advisable that the Authority of the City of Flagstaff, Arizona, be formed and reincorporated in accordance with and as provided in the application therefor.

SECTION 2: That, having made application to form and reincorporate the Authority, Dewey "Stretch" Penberthy, Arthur S. "Bud" Anderson, and Hazel Robinson be, and they are hereby, authorized to form and recreate the Authority and to proceed to reincorporate pursuant to and as prescribed by Arizona Revised Statutes and in accordance with the proposed form of Articles of Incorporation which are attached hereto as Exhibit "A".

SECTION 3: That the proposed form of Articles of Incorporation, attached hereto as Exhibit "A", are hereby approved.

SECTION 4: That this Council, as provided in the Articles of Incorporation and the IDA Act, hereby confirm and, to the extent necessary, appoints as members of the Board of Directors of the Authority, as formed and reincorporated, Dewey "Stretch" Penberthy, Arthur A. "Bud" Anderson, Hazel Robinson, Ray Lopp, and Jacqita Bailey, all of whom are qualified electors of the City of Flagstaff.

SECTION 5: That the above Directors are hereby divided into the following three groups:

- Group 1 - Arthur A. "Bud" Anderson
- Group 2 - Hazel Robinson
Jacqita Bailey
- Group 3 - Dewey "Stretch" Penberthy
Ray Lopp

The initial term of office for Group 1 is two years; for Group 2 is four years; and for Group 3 is six years. Thereafter the terms of all Directors shall be six years.

SECTION 6: That the name of the Authority, as formed and reincorporated, shall be "The Industrial Development Authority of the City of Flagstaff, Arizona."

SECTION 7: That the Authority, as formed and reincorporated, is the continuation of the Authority as established in 1980 as a nonprofit corporation and political subdivision organized and existing under the IDA Act, and that the approval of the formation and reincorporation of the Authority is undertaken as a precautionary measure solely in order to dispel any question with respect to the continued existence of the Authority.

SECTION 8: All funds held by the Authority and title to all property held by the Authority which may have vested in the City of Flagstaff solely as the result of the purported revocation by the Arizona Corporation Commission of the filing of the Articles of Incorporation of the Authority shall be assigned, transferred and conveyed to the Authority, as formed and reincorporated pursuant to this Resolution, such assignment to be effective immediately upon reincorporation of the Authority.

SECTION 9: That all actions of the Authority subsequent to January 10, 1986, including specifically, but without limitation, the Official Action, the receipt of the Allocations, and the Carryforward Election shall be, and are hereby ratified, adopted and confirmed as the act and deed of the Authority, acting on behalf of the City of Flagstaff, as of the date of such actions.

SECTION 10: That the Council hereby finds that this Resolution shall IMMEDIATELY become operative and in full force and effect from and after the passage by the Council, pursuant to A.R.S., Section 19-142, as an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City of Flagstaff for the reason that it is in the interests of the citizens of the City of Flagstaff that multifamily, low-cost housing be provided as expeditiously as possible with the best available financing.

PASSED AND ADOPTED by the Council and approved by the Mayor of the City of Flagstaff, this 30th day of October, 1989.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

October 27, 1989

Mayor Chris Bavasi
City of Flagstaff
211 West Aspen
Flagstaff, Arizona 86001

Re: Application for Re-Incorporation of
The Industrial Development Authority
of the City of Flagstaff as a Non-Profit
Corporation

Dear Mayor Bavasi:

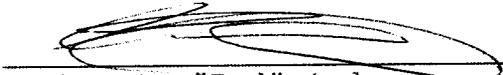
The undersigned, being duly qualified electors residing within the City of Flagstaff, submit the attached proposed Articles of Incorporation for the re-incorporation of The Industrial Development Authority of the City of Flagstaff, Arizona, as a non-profit corporation.

Authority for formation of the Industrial Development Authority and application for incorporation was earlier approved by the Mayor and Flagstaff City Council on April 15, 1980, under Ordinance 1139. The Industrial Development Authority came into existence as a political subdivision of Arizona with the filing of its earlier Articles of Incorporation on April 18, 1980.

Yours very truly,


Dewey "Stretch" Penberthy


Hazel Robinson


Arthur G. "Bud" Anderson

ARTICLES OF INCORPORATION
OF
THE INDUSTRIAL DEVELOPMENT AUTHORITY OF
THE CITY OF FLAGSTAFF, ARIZONA
(A political subdivision of the State of Arizona)

KNOW ALL MEN BY THESE PRESENTS:

That, we the undersigned, whose names and addresses are hereinafter set forth, each of whom are electors of the City of Flagstaff, Arizona, have this day associated ourselves for the purpose of forming an Industrial Development Authority under the laws of the State of Arizona, and for that purpose do hereby adopt the following Articles of Incorporation:

ARTICLE I

The name of this corporation shall be THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF FLAGSTAFF, ARIZONA, and the location of its principal place of business shall be in the City of Flagstaff, Coconino County, Arizona, but the corporation may have offices within the State of Arizona as shall be fixed by the Board of Directors from time to time.

ARTICLE II

The name, residences and post office addresses of the incorporators, each of whom is a qualified elector of the City of Flagstaff, Arizona, and each of whom shall serve as directors until their successors are elected and qualify, are as follows:

<u>NAME</u>	<u>RESIDENCE</u>	<u>POST OFFICE ADDRESS</u>
Dewey Penberthy	5500 E. Mt. Pleasant Dr.	Flagstaff, AZ 86004
Arthur G. Anderson	2000 N. Rio de Flag,	Flagstaff, AZ 86004
Hazel Robinson	4195 N. St. Mortiz Way,	Flagstaff, AZ 86004

ARTICLE III

This Corporation shall serve a public purpose and shall perform an essential governmental function. The initial purposes for which this Corporation is organized and the affairs which this Corporation initially intends to conduct, are:

1. To acquire, own, construct, lease, sell and dispose of all kinds of properties.
2. To promote industry and develop trade by inducing manufacturing, industrial and commercial enterprises to locate and remain in the City of Flagstaff, Arizona;
3. To stimulate and encourage the production, development and use of the agricultural products and natural resources of the City of Flagstaff, Arizona.

4. To assist, financially and otherwise, in the rehabilitation, expansion and development of all kinds of businesses and industries in the City of Flagstaff, Arizona, which will reduce pollution, promote and assure job opportunities and promote and assure an improved standard of living and an increase in prosperity and health;

5. To do any and all things as provided by Title 35, Chapter 5, §§35-701 et seq., as amended, Arizona Revised Statutes, and Title 10, Chapter 5, §§10-1001, et seq., Arizona Revised Statutes.

ARTICLE IV

This Corporation is a political subdivision of the State of Arizona and, in addition to the other powers granted to such Corporation by law, the Corporation shall have those powers, together with all powers incidental thereto or necessary for the performance of those powers, as set forth in Title 35, Chapter 5 §§35-701 et. seq., and Title 10, Chapter 5, §§10-1001, et. seq., Arizona Revised Statutes, as such provisions may be amended from time to time.

ARTICLE V

The Corporation shall be a non-profit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual or corporation, except such reasonable compensation as may properly be paid for services rendered to the Corporation, and no dividends or other pecuniary profits may be declared for the benefit of any director or other individual, and no director or officer shall be entitled to participate for profit in any transaction with the Corporation except as hereinable provided. No part of the activities of this Corporation shall be devoted to carrying on propaganda for or otherwise attempting to influence legislation and this authority shall not participate in or intervene in any political campaign on behalf of any candidate for public office.

ARTICLE VI

The Corporation shall have a Board of Directors in which all powers of the Corporation shall be vested and which shall consist of any number of directors, not less than three nor more than nine, all of whom shall be qualified as provided by law. The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in the performance of their duties in the same manner as is provided for other state officers. No director shall be an officer or employee of the City of Flagstaff. No member of the Board shall have any financial interest in any project or lessee of the Corporation. All directors shall declare any conflict of interest as provided in §§38-501 et. seq., Arizona Revised Statutes, or any successor statutes.

The directors shall be appointed by the Council of the City of Flagstaff, and they shall be so appointed that they shall hold office for overlapping terms. At the time of the appointment of the first Board of Directors, the City Council of Flagstaff shall divide the directors into three groups containing as nearly equal whole numbers as possible. The first term of the directors included in the first group shall be two years, the first term of the directors included in the second group shall be four years, and the first term of the directors included in the third group shall be six years.

The affairs of the Corporation shall be conducted by the Board of Directors and such officers, including a president, vice president, treasurer, secretary and such other officers as the Board of Directors shall elect or appoint. The board of Directors shall have the power to adopt, amend and rescind by-laws and to appoint an executive committee with such powers as the Board may, by resolution, delegate to such committee.

Meetings held by the Board of Directors for any purpose whatsoever shall publically noticed and be open to the public.

ARTICLE VII

The initial Board of Directors shall consist of the initial incorporators (applicants) and the following additional members: Ray Lopp, 2024 N. Crescent Dr., Flagstaff, AZ 86001; and Jacqita Bailey, 515 N. San Francisco, Flagstaff, AZ 86001. They shall serve as Directors until their successors, named by the Council of the City of Flagstaff, are confirmed at the first meeting of the corporation following the naming of the new Board by the Council. The Council of the City of Flagstaff, Arizona, shall name a new Board of Directors, by resolution which shall set terms of each director in the manner provided by Article VI hereof.

ARTICLE VIII

The Corporation shall indemnify any and all of its incorporators, directors and officers against all expenses incurred by them and each of them, including, but not limited to, legal fees, judgments and penalties which may be incurred, rendered or levied in any legal action brought against any of them for or on account of any action or omission alleged to have been committed while acting as promoters or incorporators or while acting within the scope of employment as a director or officer of the Corporation. Whenever any director or officer shall report to the president of the Corporation or the chairman of the Board of Directors that he has incurred or may incur expenses, including, but not limited to, legal fees, judgments and penalties in a legal action brought or about to be brought against him for or on account of any action or omission alleged to have been committed by him while acting within the scope of his employment as a director or officer of the Corporation, the Board of Directors of the Corporation shall, at its next regular or at a special meeting held within a reasonable time thereafter,

determine in good faith whether, in regard to the matter involved in the action or contemplated action, such person acted, or failed to act, or refused to act wilfully, with gross negligence or with fraudulent or criminal intent. If the Board of Directors determines in good faith that such person did not act, fail to act, or refuse to act wilfully or with gross negligence or with fraudulent or criminal intent in regard to the matter involved in the action or contemplated action, indemnification shall be mandatory and shall be automatically extended as specified herein, provided, however, that the Corporation shall have the right to refuse indemnification in any instance in which the person to whom indemnification would otherwise have been applicable shall have unreasonably refused to permit the Corporation, at its own expense and through counsel of its own choosing, to defend him in the action.

The private property of the incorporators, officers and directors of the Corporation shall be exempt from liability for its debts and obligations.

ARTICLE IX

The City of Flagstaff shall not, in any event, be liable for the payment of the principal of, or interest on, any bonds of the Corporation, formed thereby or for the performance of any pledge, mortgage, obligation or agreement of any kind whatsoever which may be undertaken by the Corporation, and none of the bonds of the Corporation or any of its agreements or obligations shall be construed to constitute an indebtedness or obligation of the City of Flagstaff or of the State of Arizona within the meaning of any constitutional or statutory provision whatsoever.

ARTICLE X

Pursuant to §§35-721 et seq., Arizona Revised Statutes, bonds issued under the provisions of Title 35, Chapter 5, Arizona Revised Statutes, as amended, shall be legal investments for all banks, trust companies and insurance companies organized and operating under the laws of this State.

ARTICLE XI

When the board of Directors of the Corporation, by resolution, shall determine that the purposes for which the Corporation was formed have been substantially complied with and that all bonds theretofore issued and all obligations theretofore incurred by the Corporation have been fully paid, the members of the board of Directors of the Corporation shall thereupon dissolve the Corporation in accordance with the provisions of Title 10 of the Arizona Revised Statutes.

ARTICLE XII

Daniel J. Stoops, of 222 E. Birch Avenue, Flagstaff, Arizona 86001, who has been a bona fide, continuous resident of the State of Arizona for more than three years, is hereby appointed the lawful statutory agent of this Corporation for and on behalf of said Corporation, to accept and acknowledge services of all necessary processes and for all purposes required by law. The board of Directors may, at their option, revoke such appointment and shall have the power to fill such vacancy.

ARTICLE XIII

The incorporators herein received permission to organize the Corporation pursuant to a Resolution of the Council of the City of Flagstaff, Arizona, duly adopted and approved by said Council on the _____ day of _____, _____, at a regular meeting of said Board.

IN WITNESS WHEREOF, we the undersigned, have signed our names this _____ day of October, 1989.

STATE OF ARIZONA)
) ss.
County of Coconino)

On this, the _____ day of October, 1989, before me, the undersigned Notary Public, personally appeared Dewey "Stretch" Penberthy, known to me to be the person whose name is subscribed to the above, and acknowledged that he executed the same for the purposes therein set forth.

Dewey Penberthy

Notary Public

My Commission Expires:

STATE OF ARIZONA)
) ss.
County of Coconino)

On this, the _____ day of October, 1989, before me, the undersigned Notary Public, personally appeared Arthur G. "Bud" Anderson, known to me to be the person whose name is subscribed to the above, and acknowledged that he executed the same for the purposes therein set forth.

Arthur G. Anderson

Notary Public

My Commission Expires:

STATE OF ARIZONA)
) ss.
County of Coconino)

On this, the _____ day of October, 1989, before me, the undersigned Notary Public, personally appeared Hazel Robinson, known to me to be the person whose name is subscribed to the above, and acknowledged that he executed the same for the purposes therein set forth.

Hazel Robinson

Notary Public

My Commission Expires:



City of Flagstaff, AZ

INDUSTRIAL DEVELOPMENT AUTHORITY APPLICANTS

<u>NAME</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>	<u>TRAINING COMPLETED</u>
<u>Del Monaco, Daniel</u> Commercial Banker/Alliance Bank of Arizona 3316 S. Debbie St. Flagstaff, AZ 86001 Cell Phone: 928-716-2450			No
<u>Dwyer, Ted</u> Certified Financial Planner/Dwyer Financial 2615 N. 4th Street #5 Flagstaff, AZ 86001 Home Phone: (928) 526-2572 Term: (1st 09/01-04/06; 2nd 4/06 - 4/12)	11/20/2007	04/12	03/15/2006
<u>Rumbold, Alyn</u> Financial Advisor/Edward Jones Investments 3803 N. Swiss Road Flagstaff, AZ 86004 Home Phone: 928-853-1104			No

Staff Representative:

As Of: August 15, 2013

IMPORTANT NOTICE: The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

CITY OF FLAGSTAFF
APPLICATION TO SERVE ON A BOARD/COMMISSION

RECEIVED

DEC 29 2012

RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

PLEASE NOTE THAT THIS INFORMATION IS A PUBLIC RECORD.
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!

DATE: December 28, 2012

BOARD/COMMISSION YOU WISH TO SERVE ON: Industrial Development Authority

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED: _____

YOUR NAME: Daniel Del Monaco HOME PHONE: _____

HOME ADDRESS: 3316 S. Debbie St. ZIP: 86001

MAILING ADDRESS (if Different from Above): _____

EMPLOYER: Alliance Bank of Arizona JOB TITLE: Commercial Banker

BUS. PHONE: 928-214-3410 CELL: 928-716-2450 E-MAIL: ddelmonaco@alliancebankofarizona.com

PLEASE INDICATE PREFERRED TELEPHONE: HOME WORK CELL

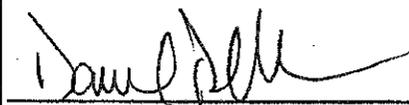
BACKGROUND INFORMATION: Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

Over the past decade I have been involved in many community activities including the Airport Authority Finance Committee, Chamber of Commerce Board of Directors, Kingman Regional Medical Center Foundation, and Mohave County Board of Adjustments to name a few. These boards and commissions have provided many learning experiences given the vast structure of the organizations, development in mission and values, and how to help propel thoughts and ideas into reality. In addition to the previous community activities, I have been very involved in business development and I have a solid understanding of how business operate. I also have a bachelor's degree and two master's degrees.

Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)

I have recently relocated from Kingman, AZ to the Flagstaff market and want to continue to be involved in civic activities by volunteering my time and experience. Given my background and experiences, I believe I could be an asset to the community.

I understand that any information provided above is a public record and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.



Applicant Signature

The City of Flagstaff is an Equal Opportunity/Affirmative Action Employer.

NOTE: ALL APPLICANTS MUST LIVE WITHIN THE CITY LIMITS!!!

CITY OF FLAGSTAFF
APPLICATION TO SERVE ON A BOARD/COMMISSION

PLEASE TYPE OR PRINT IN BLACK INK
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!

DATE: 8 June 2001

NAME: Ted Dwyer

HOME PHONE: 526-2572

HOME ADDRESS: 3823 N. Forest Brook

ZIP: 86004

EMPLOYER: Dwyer Financial

JOB TITLE: certified financial
planner

BUSINESS ADDRESS: 2615 N 4 st #5

ZIP: 86004

BUS. PHONE: 774-7679

PLEASE INDICATE PREFERRED MAILING/DELIVERY ADDRESS: _____ HOME _____ BUSINESS

BOARD/COMMISSION YOU WISH TO SERVE ON: Industrial Development Authority

BACKGROUND INFORMATION: (Please attach a resume' or statement describing your experience, community activities, and other relevant information. Please explain how your background and interests are applicable to this Board or Commission.)

See Attached items.

Business owner, Flagstaff resident for
over 13 years. Served on the
Recycling Committee several years ago.

Why do you want to serve on the Board or Commission you listed? (Attach additional page if needed.)

Natural interest in financial matters, desire
to serve my community, I understand you need
some new members.

RETURN TO: CITY MANAGER'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

THE CITY COUNCIL PREFERS TO CONSIDER APPOINTMENTS TO BOARDS AND COMMISSIONS IN EXECUTIVE SESSIONS, WHICH ARE CLOSED TO THE PUBLIC, AND THEN MAKE THE APPOINTMENTS IN A PUBLIC MEETING. YOU HAVE THE RIGHT, HOWEVER, TO HAVE YOUR APPLICATION CONSIDERED IN AN OPEN MEETING. IF YOU DESIRE TO HAVE YOUR APPLICATION CONSIDERED OR DISCUSSED IN A PUBLIC MEETING, PLEASE ATTACH A LETTER MAKING SUCH A REQUEST.

PROFESSIONAL BIOGRAPHY OF

THEODORE DWYER

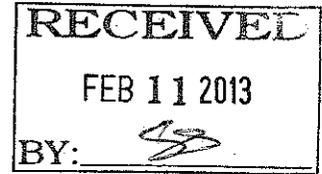
Ted Dwyer is President of the Arizona Financial Education Association which is an affiliate of the Society for Financial Awareness, a non-profit 501(c)3 educational organization based in San Diego.

Ted holds a B.S. degree in Business from The University of Florida and is a Certified Financial Planner and a Chartered Financial Consultant. He is the Senior Partner of Dwyer Financial and a Registered Principal and Partner of United Planners' Financial Services of America.

With a long-standing desire to help people plan their financial futures, Ted is committed to providing meaningful financial education to a wide variety of people.

Stacy Saltzburg

From: noreply@civicplus.com
Sent: Monday, February 11, 2013 4:16 PM
To: Elizabeth Burke; Stacy Saltzburg
Subject: Online Form Submittal: Board/Commission Application



If you are having problems viewing this HTML email, click to view a [Text version](#).

Board/Commission Application

Important Notice:

The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

Application to Serve on a Board/Commission

Please note that this information is a public record.

Date:* 02/11/2013
Board/Commission you wish to serve on:* Industrial Development Board
If applicable, type of seat for which you are qualified:

Your Information

Name:* Alyn S Rumbold Home Phone:* (928) 853-1104
Home Address:* 3803 North Swiss Road Zip:* 86004
Mailing Address (If different from above):
Employer:* Edward Jones Investments Job Title:* Financial Advisor
Business Phone: (928) 774-5993 Cell:
E-mail:* alynsrumbold@msn.com
Indicate preferred telephone:* (X) Home () Cell
() Work

Background Information

Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

In the course of my 20+ years of experience in my work, I have had numerous opportunities to communicate with business leaders in this community, as well as assess business plans and strategies. I think it has helped me to develop an awareness of the need for Flagstaff to develop a healthy and well-paying employment base to help meet the goals for the community at large as well as for prospective and existing employers seeking to establish their enterprises in this city.

Why do you want to serve on the board or commission you listed?

I think it fits the skill set my professional background has provided me with, and I have the available time and interest to do it.

By submitting this electronic form, I acknowledge that any information provided above is a public record, and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.

* indicates required fields.

The following form was submitted via your website: Board/Commission Application

Date:: 02/11/2013

Board/Commission you wish to serve on:: Industrial Development Board

If applicable, type of seat for which you are qualified::

Name:: Alyn S Rumbold

Home Phone:: (928) 853-1104

Home Address:: 3803 North Swiss Road

Zip:: 86004

Mailing Address (If different from above)::

Employer:: Edward Jones Investments

Job Title:: Financial Advisor

Business Phone:: (928) 774-5993

Cell::

E-mail:: alynsrumbold@msn.com

Indicate preferred telephone:: Home

Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.: In the course of my 20+ years of experience in my work, I have had numerous opportunities to communicate with business leaders in this community, as well as assess business plans and strategies. I think it has helped me to develop an awareness of the need for Flagstaff to develop a healthy and well-paying employment base to help meet the goals for the community at large as well as for prospective and existing employers seeking to establish their enterprises in this city.

Why do you want to serve on the board or commission you listed?: I think it fits the skill set my professional background has provided me with, and I have the available time and interest to do it.

Additional Information:

Form submitted on: 2/11/2013 4:15:55 PM

Submitted from IP Address: 71.223.86.93

Referrer Page: <http://www.flagstaff.az.gov/index.aspx?nid=1886>

Form Address: <http://az-flagstaff3.civicplus.com/Forms.aspx?FID=166>

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Barbara Goodrich, Management Services Director
Date: 08/05/2013
Meeting Date: 08/26/2013



TITLE:

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

RECOMMENDED ACTION:

Appoint _____ to a three year term to expire September 2016.

Policy Decision or Reason for Action:

The NAIPTA TAC Rules of Procedure, Section 8.4, calls for the appointment of alternate members to the TAC. Shari Miller was appointed as the NAIPTA TAC representative on October 16, 2012, but an alternate was not designated at that time. The appointment is to be made by the City Council.

Financial Impact:

This is a voluntary position. There is no budgetary impact to the City of Flagstaff.

Connection to Council Goal:

Effective governance.

Has There Been Previous Council Decision on This:

No.

Options and Alternatives:

1. Make the appointment from the available roster of candidates.
2. Table the appointment to allow time for further discussion or to expand the list of candidates.

Background/History:

The NAIPTA TAC reviews the draft Board of Directors' agenda and offers recommendations on transit-related issues within the NAIPTA boundary. The TAC meetings are generally held on the first Thursday of the month. Shari Miller was appointed as the NAIPTA TAC Citizen Representative on October 16, 2012 for a three year term. The Rules of Procedure also call for an alternate to attend in case the Representative has to be absent.

Key Considerations:

The appointment will assist the NAIPTA TAC in maintaining full board representation and avoid quorum issues. When the City of Flagstaff originally recruited for this appointment two applications of interest were received. One from Shari Miller (who received the appointment) and the other from Al White.

Al White was contacted to see if he had continued interest to serve on the NAIPTA TAC as the Citizen Representative Alternate and he does.

Expanded Financial Considerations:

None.

Community Benefits and Considerations:

The Citizen Representative, either personally or through the Alternate, plays an important role in being the voice of the general public for important transit issues and helps shape the future of transit for Flagstaff.

Community Involvement:

CONSULT: Feedback on issues brought to the NAIPTA Board of Directors through their regular monthly agenda will be sought and processed prior to the Board meeting.

Expanded Options and Alternatives:**COUNCIL INTERVIEW TEAM:**

Vice Mayor Evans
Councilmember Brewster

Attachments: [NAIPTA Rules of Procedure](#)
 [NAIPTA TAC Application - White](#)

RULES OF PROCEDURE
OF
NORTHERN ARIZONA INTERGOVERNMENTAL
PUBLIC TRANSPORTATION AUTHORITY (“NAIPTA”)
(A corporate body and political subdivision
of the State of Arizona)

ARTICLE I – STATEMENT OF PURPOSE

Section 1.1 General Purposes. The Authority is a corporate body and political subdivision of the State of Arizona, established pursuant to state law for the purpose of designing, operating, and maintaining a public transportation system in the authority.

ARTICLES II – DEFINITIONS

Authority. Authority means the Northern Arizona Intergovernmental Public Transportation Authority, also known as “NAIPTA.”

Board of Directors (“BOD”). Board of Directors means the Board of Directors of NAIPTA, consisting of representatives of member agencies, appointed by the agency’s governing body.

Transit Advisory Committee (“TAC”). Transit Advisory Committee means the Committee consisting of the administrative head of each member agency, or the administrator’s designee.

ARTICLE III – POWERS AND DUTIES
OF THE BOARD OF DIRECTORS

The powers and duties of the Board of Directors include, but are not limited to:

- (a) Conduct a periodic survey of public transportation needs in the authority and determine an appropriate transportation system to meet those needs and the means to finance the system and produce a five-year public transportation program that is consistent with the regional transportation plan approved by the regional council(s) of governments.
- (b) Coordinate and implement the establishment and development of the public transportation system within the authority and among the participating governmental entities.

- (c) Adopt rules that are proper and necessary to regulate the use, operation and maintenance of the public transportation systems, property, facilities and services.
- (d) Employ a general manager and other employees as may be necessary and prescribe the duties, terms and conditions of employment.
- (e) Appoint an authority treasurer or may enter into an intergovernmental agreement with the county treasurer to provide financial services for the authority.
- (f) Manage, set policy and conduct the business of the Authority. Determine its organizational and procedural structure; adopt, amend and repeal bylaws and rules consistent with the requirements of state law, and prescribe an accounting system for the Authority.
- (g) Provide for payment of all debts and appropriate claims from the appropriate funds.
- (h) Issue an annual report on or before December 1 of each year, containing a full account of its transactions, activities and finances for the preceding fiscal year and other facts and recommendations, and transmit copies of the report to each member municipality, university and county, to the secretary of state, to the Arizona state library, archives and records, and, on request, to any member of the public.
- (i) Cause an annual audit to be conducted of the public transportation authority fund by an independent certified public accountant within 120 days after the end of the fiscal year.

ARTICLE IV – MEMBERS

Section 4.1 Initial Members. The initial Members of the Authority are Coconino County, Yavapai County, the City of Flagstaff, the City of Sedona, the City of Cottonwood, and the Arizona Board of Regents acting for and on behalf of Northern Arizona University (“Northern Arizona University”). Coconino County, Yavapai County, the City of Sedona, the City of Cottonwood and Northern Arizona University each have one representative on the initial BOD, appointed by its governing body; the City of Flagstaff has two representatives on the initial BOD, appointed by its governing body.

Section 4.2 New Members. Incorporated cities and towns within Coconino and/or Yavapai County may join the authority by petitioning the board of supervisors of the county or counties in which they are located and entering into the Master IGA by and between the Initial Members and dated on or about March 15, 2006, as the same may be amended (the “Master IGA”), provided that membership is to be apportioned among the participating municipalities according to their respective populations.

Section 4.3 Voting Rights of Members. Each member of the BOD and the TAC shall have one (1) vote. Other elected officials, staff members and citizens may attend public meetings and participate as provided by law, but may not vote.

Section 4.4 Voting Rights of the Chair. The Chair has the same voting rights as any other member.

Section 4.5 Dues, Fees, and Assessments. Each Member must pay, within the time and on the conditions approved by the Members, the dues, fees, and assessments in amounts to be fixed from time to time by a majority of all the Members.

Section 4.6 Resignation of Members. In the event that one or more Members resigns from the Authority, the resigning Member(s) shall no longer be represented on the Board. Vacancies on the Board shall be filled by the remaining Members as provided by the Master IGA and these Rules of Procedure.

ARTICLE V – OFFICERS

Section 5.1 Officers of the Authority. The officers of the Authority, who must also be Members of the BOD, shall be a Chair, a Vice Chair, and a Secretary.

- (a) A person may only hold one office at a time.
- (b) In the event of a vacancy in an office, a new officer shall be appointed as provided in Section 9.3 of these Rules.

Section 5.2 Duties of Officers.

- (a) *Chair.* The Chair shall: 1) preside at all meetings of the BOD; 2) sign all documents on behalf of the Authority; 3) be an ex-officio member of all committees.
- (b) *Vice Chair.* The Vice Chair shall have all the powers and assume all of the duties of the Chair in the Chair's absence.
- (c) *Secretary.* The Secretary shall keep or cause to be kept, at the Authority's Principal Office or such other place as the Board may direct, a book of minutes of all meetings, proceedings, and actions of the Board, of committees of the Board, and of members' meetings. The minutes of meetings shall comply with the requirements of the Arizona open meeting law. The Secretary shall keep or cause to be kept, at the Principal Office, a copy of the articles of the Rules of Procedure, as amended to date.

Section 5.3 Election and Re-election of Officers. Officers shall be elected each year at the first BOD meeting held after July 1. An officer who has served in the same office for two consecutive terms shall be ineligible for nomination or election to that office for the term immediately following the completion of the said consecutive terms. The said officer shall, however, become eligible for nomination and election to the same office for later terms, subject always to the aforementioned limit of two consecutive terms.

Section 5.4 Absence or Disability of Chair. In the absence or disability of the Chair, (1) the Vice Chair of the Board, (2) the officers in order of their rank as fixed by the members or, if not ranked, (3) an officer designated by the members, shall perform all duties of the Chair. When so acting, the Vice Chair of the Board or officer shall have all powers of, and be subject to all restrictions on, the Chair. The said Vice Chair or officer shall have such other powers and perform such other duties as the members or the bylaws may prescribe.

ARTICLE VI - MEETINGS OF MEMBERS.

Section 6.1 Regular Meetings of Board of Directors and TAC. Regular meetings of the BOD shall be held at least once each quarter, at a place and time designated by the Board in the notice of meeting. Regular meetings of the TAC shall be held at least six (6) times per calendar year, at a place and time designated by the TAC in the notice of meeting.

Section 6.2 Special Meetings. The Chair of the body may call a special meeting of the BOD or the TAC for any lawful purpose at any time.

Section 6.3 Notice Requirements for Meetings. Notice of meetings shall be provided to the members of the body and the public as provided in the Arizona Open Meeting Law, A.R.S. §38-501 *et seq.* Additional notice may be provided as the BOD deems advisable.

Section 6.4 Quorum. A majority of members of the BOD or the TAC shall constitute a quorum for the transaction of business at any meeting of Members.

Section 6.5 Conduct of Meetings. In all matters not addressed by these Rules or Arizona law, meetings of the BOD and the TAC shall be governed by Robert's Rules of Order.

ARTICLE VII – TRANSIT ADVISORY COMMITTEE

Section 7.1 Members. The Transit Advisory Committee (“TAC”) shall consist of the Manager of each Member county, city or town or the Manager’s designee; the Vice President of Administration of each Member university or college or designee; and one citizen from each Service Area to be appointed by its governing body. The corporate

boundaries of each of the Member municipalities and counties constitutes a Service Area for the purpose of this Section 7.1.

Section 7.2 Term of Office of Citizen Members. Citizen members shall serve for terms of three years each.

Section 7.3 Responsibilities. The TAC shall: have the duties and responsibilities provided in the Master IGA and in such position descriptions and policy handbooks as are reviewed by the TAC and approved by the BOD.

Section 7.4 Officers. The officers of the TAC shall consist of a Chair, Vice Chair, and Secretary. The Chair and Vice Chair must be members of the TAC. The Clerk of the Board shall serve as Secretary.

Section 7.5 Duties of Officers.

(a) Chair. The Chair shall: 1) preside at all meetings of the TAC; 2) sign such documents as may be necessary on behalf of the TAC.

(b) Vice Chair. The Vice Chair shall have all the powers and assume all of the duties of the Chair in the Chair's absence.

(c) Secretary. The Secretary shall keep or cause to be kept, at the Authority's Principal Office or such other place as the Board may direct, a book of minutes of all meetings, proceedings, and actions of the TAC. The minutes of meetings shall comply with the requirements of the Arizona open meeting law.

Section 7.6 Election and Re-election of Officers. Officers shall be elected each year at the first TAC meeting held after July 1. An officer who has served in the same office for two consecutive terms shall be ineligible for nomination or election to that office for the term immediately following the completion of the said consecutive terms. The said officer shall, however, become eligible for nomination and election to the same office for later terms, subject always to the aforementioned limit of two consecutive terms.

ARTICLE VIII – VOTING PROCEDURES FOR THE BOARD OF DIRECTORS AND THE TRANSIT ADVISORY COMMITTEE

Section 8.1 Manner of Casting Votes. Voting may be by voice or ballot at the discretion of the chair.

Section 8.2 Voting. Each member appointed pursuant to Article 4 of these Rules shall be entitled to cast one vote on each matter submitted to a vote of the Members.

Section 8.3 Approval by Majority Vote. If a quorum is present, the affirmative vote of the majority of the voting power represented at the meeting, entitled to vote and voting on any matter, shall be the act of the members, unless the vote of a greater number is required by Arizona law or these rules of procedure.

Section 8.4 Alternate Members of BOD and TAC. The governing body of each Member shall designate an alternate representative to both the BOD and TAC. The alternate representatives shall be authorized to attend BOD or TAC meetings and vote on all issues coming before the body, in the event that the regular representative is unable to attend a meeting. Members of the BOD or TAC may participate in a meeting by technological means, provided that the member can hear and participate in all discussions and the public can hear all statements made by the member so participating.

ARTICLE IX – AMENDMENTS

New bylaws may be adopted or these bylaws may be amended or repealed by the approval of a majority of all the appointed members of the BOD, provided, however, that any provision of these bylaws that requires the vote of a larger proportion of the Members than otherwise is required by law may not be altered, amended, or repealed except by vote of that greater number. No amendment may extend a director's term beyond that for which the director was elected.

DATED this 19th day of March, 2012.


Chair of the Authority

ATTEST:

Rhonda Cashman
Clerk of the Authority

IMPORTANT NOTICE: The City Council may consider appointments to boards and commissions in executive sessions which are closed to the public, and then make the appointments in a public meeting. You have the right, however, to have your application considered in a public meeting by providing a written request to the City Clerk.

**CITY OF FLAGSTAFF
APPLICATION TO SERVE ON A BOARD/COMMISSION**

RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

**PLEASE NOTE THAT THIS INFORMATION IS A PUBLIC RECORD.
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!**

DATE: 9-14-12

BOARD/COMMISSION YOU WISH TO SERVE ON: Transit Advisory Committee

IF APPLICABLE, TYPE OF SEAT FOR WHICH YOU ARE QUALIFIED: Citizen at Large

YOUR NAME: Al White HOME PHONE: (928)527-8567

HOME ADDRESS: 4385 E. Winter, Flagstaff, AZ ZIP: 86004

MAILING ADDRESS (If Different from Above): _____

EMPLOYER: Self JOB TITLE: CEO

BUS. PHONE: _____ CELL: (928)699-2916 E-MAIL: bosco8567@msn.com

PLEASE INDICATE PREFERRED TELEPHONE: HOME WORK CELL

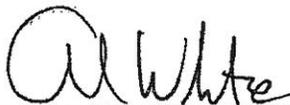
BACKGROUND INFORMATION: Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.

I had extensive experience on the board of directors for the Northern Arizona Intergovernmental Public Transit Authority (12 years). I have helped further para-transit development and can represent disability issues for consideration. I am aware of budgetary concerns.

Why do you want to serve on the board or commission you listed? (Attach additional page if needed.)

I think I can bring some experience to the advisory committee. I understand the practice of not having a citizen involved in more than one board at a time and I serve on the board of the Flagstaff Housing Authority currently. If you wish to accept this application I would be willing to do both and believe I can help Transit as well.

I understand that any information provided above is a public record and I certify that I meet the City Charter requirement of living within the Flagstaff City limits and have read and understand the right to have my application considered in a public meeting.



Applicant Signature

The City of Flagstaff is an Equal Opportunity/Affirmative Action Employer.

R.O.S. 9/18/12 EAB

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 08/14/2013
Meeting Date: 08/26/2013



TITLE:

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

RECOMMENDED ACTION:

Open the public hearing.
Receive citizen input.
Close the public hearing.

The City Council has the option to:

- (1) Forward the application to the State with a recommendation for approval;
- (2) Forward the application to the State with no recommendation; or
- (3) Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

Policy Decision or Reason for Action:

Randy Nations is the agent for a new Series 12 (restaurant) liquor license for Majerle's Sports Grill. This is a new business in a new location.

Financial Impact:

There is no budgetary impact to the City of Flagstaff as this is a recommendation to the State.

Connection to Council Goal:

Effective governance (Regulatory action)

Has There Been Previous Council Decision on This:

Not applicable.

Options and Alternatives:

- (1) Table the item if additional information or time is needed.
- (2) Make no recommendation.
- (3) Forward the application to the State with a recommendation for approval.
- (4) Forward the application to the State with a recommendation for denial, stating the reasons for such recommendation.

Background/History:

An application for a new Series 12 liquor license was received from Randy Nations for Majerle's Sports Grill. Mr. Nations is the agent for the liquor license application.

A background investigation performed by Sgt. Matt Wright of the Flagstaff Police Department resulted in a recommendation for approval.

A background investigation performed by Gregory Brooks, Code Compliance Officer resulted in no active code violations being reported.

Sales tax and licensing information was reviewed by Ranbir Cheema, Tax, Licensing & Revenue Manager, who stated that the business is in compliance with the tax and licensing requirements of the City.

Key Considerations:

Because the application is for a new license, consideration may be given to both the location and the applicant's personal qualifications.

A Series 12 license allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

The deadline for issuing a recommendation on this application is August 30, 2013.

The applicant is not required to provide the distance between the applicant's business and the nearest church or school for government (Series 05), hotel/motel (Series 11), or restaurant, (Series 12) liquor license applications; and the State does not require a geological map or list of licenses in the vicinity for any license series.

Expanded Financial Considerations:

This business will contribute to the tax base of the community.

We are not aware of any other relevant considerations.

Community Benefits and Considerations:

The application was properly posted on July 17, 2013.

No written protests have been received to date.

Attachments: [Majerle's Letter To Applicant](#)
 [Hearing Procedures](#)
 [Series 12 Description](#)
 [Majerle's - PD Memo](#)
 [Majerle's - Code Memo](#)
 [Majerle's - Tax Memo](#)

OFFICE OF THE CITY CLERK

August 14, 2013

Majerle's Sports Grill
Attn: Randy Nations
PO Box 2502
Chandler, AZ 85244

Dear Mr. Nations:

Your application for a new Series 12 liquor license for Majerle's Sports Grill at 102 E. Route 66, was posted on July 17, 2013. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on **Monday, August 26, 2013 which begins at 4:00 p.m.**

It is important that you or your representative attend this Council Meeting and be prepared to answer any questions that the City Council may have. Failure to be available for questions could result in a recommendation for denial of your application. We suggest that you contact your legal counsel or the Department of Liquor Licenses and Control at 602-542-5141 to determine the criteria for your license. To help you understand how the public hearing process will be conducted, we are enclosing a copy of the City's liquor license application hearing procedures.

The twenty-day posting period for your liquor license application expired on August 6, 2013 and the application may be removed from the premises at this time.

If you have any questions, please feel free to call me at 928-213-2077.

Sincerely,

Stacy Saltzburg
Deputy City Clerk

Enclosure



City of Flagstaff

Liquor License Application Hearing Procedures

1. When the matter is reached at the Council meeting, the presiding officer will accept a motion to open the public hearing on the item.
2. The presiding officer will request that the Applicant come forward to address the Council regarding the application in a presentation not exceeding ten (10) minutes. Council may question the Applicant regarding the testimony or other evidence provided by the Applicant.
3. The presiding officer will then ask whether City staff have information to present to the Council regarding the application. Staff should come forward at this point and present information to the Council in a presentation not exceeding ten (10) minutes. Council may question City staff regarding the testimony or other evidence provided by City staff.
4. Other parties, if any, may then testify, limited to three (3) minutes per person. Council may question these parties regarding the testimony they present to the Council.
5. The Applicant may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of the Applicant.
6. City staff may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of City Staff.
7. By motion, Council will then close the public hearing.
8. By motion, the Council will then vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

License Types: Series 12 Restaurant License

Non-transferable

On-sale retail privileges

Note: Terms in **BOLD CAPITALS** are defined in the [glossary](#).

PURPOSE:

Allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:

An applicant for a restaurant license must file a copy of its restaurant menu and Restaurant Operation Plan with the application. The Plan must include listings of all restaurant equipment and service items, the restaurant seating capacity, and other information requested by the department to substantiate that the restaurant will operate in compliance with Title 4.

The licensee must notify the Department, in advance, of any proposed changes in the seating capacity of the restaurant or dimensions of a restaurant facility.

A restaurant licensee must maintain complete restaurant services continually during the hours of selling and serving of spirituous liquor, until at least 10:00 p.m. daily, if any spirituous liquor is to be sold and served up to 2:00 a.m.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept **DELIVERY** of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.

A log must be kept by the licensee of all persons employed at the premises including each employee's name, date and place of birth, address and responsibilities.

Bar, beer and wine bar, and restaurant licensees must pay an annual surcharge of \$20.00. The money collected from these licensees will be used by the Department for an auditor to review compliance by restaurants with the restaurant licensing provisions of ARS 4-205.02.

MEMORANDUM

Memo # 13-083-01

TO: Chief Kevin Treadway

FROM: Sgt. Matt Wright

DATE: August 9, 2013

RE: LIQUOR LICENSE APPLICATION – SERIES 12- FOR “Majerle’s Sports Grill”

On August 9, 2013, I initiated an investigation into an application for a series 12 (restaurant) liquor license filed by Randy Nations (Agent), Dan Majerle, Albert Sulka, and Russell Youngs (Controlling Persons). Dan Majerle, Albert Sulka, and Russell Youngs are the owners of Majerle’s Sports Grill located at 102 E. Route 66 in Flagstaff. Randy Nations the listed agent is listed for administrative purposes only. Majerle’s Sports Grill is currently under renovation and an opening date is unknown. This application is for a series 12 license #12033348.

I conducted a query through local systems and public access on Randy Nations, Dan Majerle, Albert Sulka, and Russell Youngs. I found no derogatory records on Dan Majerle or Albert Sulka. I found Russell Youngs was cited for failing to notify reference an accident with an unattended vehicle. This citation was later dismissed by Parker Justice Court. I learned Dan Majerle, Albert Sulka, and Russell Youngs own three other series 12 restaurant licenses for Majerle’s Sports Grill. These other restaurants are all located in the Phoenix area. These restaurants have received five administrative violations. The Majerle’s restaurant in Phoenix received two violations on August 13, 2008, for failing to keep records for two years and for failing to have a manager’s agreement form on file. A fine was received and paid. The Majerle’s restaurant located in Scottsdale received administrative violations/fines for purchasing from other than a primary source and failing to derive 40 % of income from food. Both fines were paid on February 13, 2013. The Majerle’s restaurant in Goodyear received one violation for purchasing from other than a primary source on September 22, 2011. The fine was paid. Albert and Russell have taken the mandatory liquor training course and provided proof.

As a result of this investigation the recommendation to Council is for approval of the series 12 license.



Planning and Development Services Memorandum

August 12, 2013

TO: Stacy Saltzburg, Deputy City Clerk

THROUGH: Roger E. Eastman, AICP, Comprehensive Planning and Code Administrator

FROM: Gregory Brooks, Code Compliance Officer II

RE: Application for Liquor License #12033348
102 E. Route 66, Flagstaff, Arizona 86001
Assessor's Parcel Number 101-21-012
Randy Nations on behalf of Majerle's Sports Grill

This application is a request for a Series 12 (Restaurant) new liquor license from Randy Nations on behalf of Majerle's Sports Grill, located in the Central Business (CB) Zone. This district allows for restaurants.

There are no active zoning code violations associated with Randy Nations or Majerle's Sports Grill at this time.

This liquor license is recommended for approval.

Memo

To: Stacy Saltzberg, Deputy City Clerk

From: Ranbir Cheema - Tax, Licensing & Revenue Manager

Date: August 07, 2013

Re: Series 12 Liquor License – New License – Majerle's Sports Grill

Majerle's Route 66 LLC DBA Majerle's Sports Grill is licensed with the City of Flagstaff for the Sales Tax purposes. They have not yet started operating in the City therefore no returns are due at this time. They are currently in good standing with the Sales Tax Section.

/liquor licenses/Majerles.doc

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 08/14/2013
Meeting Date: 08/26/2013



TITLE:

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

RECOMMENDED ACTION:

Open the public hearing.
Receive citizen input.
Close the public hearing.

The City Council has the option to:

- (1) Forward the application to the State with a recommendation for approval;
- (2) Forward the application to the State with no recommendation; or
- (3) Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

Policy Decision or Reason for Action:

Jared Repinski is the agent for a new Series 12 (restaurant) liquor license for Sitto's. This is a new business in a new location.

Financial Impact:

There is no budgetary impact to the City of Flagstaff as this is a recommendation to the State.

Connection to Council Goal:

Effective governance (Regulatory action)

Has There Been Previous Council Decision on This:

Not applicable.

Options and Alternatives:

- (1) Table the item if additional information or time is needed.
- (2) Make no recommendation.
- (3) Forward the application to the State with a recommendation for approval.
- (4) Forward the application to the State with a recommendation for denial, stating the reasons for such recommendation.

Background/History:

An application for a new Series 12 liquor license was received from Jared Repinski for Sitto's. Mr. Repinski is the agent for the liquor license application.

A background investigation performed by Sgt. Matt Wright of the Flagstaff Police Department resulted in a recommendation for approval.

A background investigation performed by Gregory Brooks, Code Compliance Officer resulted in no active code violations being reported.

Sales tax and licensing information was reviewed by Ranbir Cheema, Tax, Licensing & Revenue Manager, who stated that the business is in compliance with the tax and licensing requirements of the City.

Key Considerations:

Because the application is for a new license, consideration may be given to both the location and the applicant's personal qualifications.

A Series 12 license allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

The deadline for issuing a recommendation on this application is September 22, 2013.

The applicant is not required to provide the distance between the applicant's business and the nearest church or school for government (Series 05), hotel/motel (Series 11), or restaurant, (Series 12) liquor license applications; and the State does not require a geological map or list of licenses in the vicinity for any license series.

Expanded Financial Considerations:

This business will contribute to the tax base of the community.

We are not aware of any other relevant considerations.

Community Benefits and Considerations:

The application was properly posted on August 5, 2013.

No written protests have been received to date.

Attachments: [Sitto's Letter To Applicant](#)
 [Hearing Procedures](#)
 [Series 12 Description](#)
 [Sitto's - PD Memo](#)
 [Sitto's - Code Memo](#)
 [Sitto's - Tax Memo](#)

OFFICE OF THE CITY CLERK

August 14, 2013

Sitto's
Attn: Jared Repinski
PO Box 6252
Chandler, AZ 85246

Dear Mr. Repinski:

Your application for a new Series 12 liquor license for Sitto's at 117 S. San Francisco St., was posted on August 8, 2013. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on **Monday, August 26, 2013 which begins at 4:00 p.m.**

It is important that you or your representative attend this Council Meeting and be prepared to answer any questions that the City Council may have. Failure to be available for questions could result in a recommendation for denial of your application. We suggest that you contact your legal counsel or the Department of Liquor Licenses and Control at 602-542-5141 to determine the criteria for your license. To help you understand how the public hearing process will be conducted, we are enclosing a copy of the City's liquor license application hearing procedures.

The twenty-day posting period for your liquor license application expires on August 25, 2013 and the application may be removed from the premises at that time.

If you have any questions, please feel free to call me at 928-213-2077.

Sincerely,

Stacy Saltzburg
Deputy City Clerk

Enclosure



City of Flagstaff

Liquor License Application Hearing Procedures

1. When the matter is reached at the Council meeting, the presiding officer will accept a motion to open the public hearing on the item.
2. The presiding officer will request that the Applicant come forward to address the Council regarding the application in a presentation not exceeding ten (10) minutes. Council may question the Applicant regarding the testimony or other evidence provided by the Applicant.
3. The presiding officer will then ask whether City staff have information to present to the Council regarding the application. Staff should come forward at this point and present information to the Council in a presentation not exceeding ten (10) minutes. Council may question City staff regarding the testimony or other evidence provided by City staff.
4. Other parties, if any, may then testify, limited to three (3) minutes per person. Council may question these parties regarding the testimony they present to the Council.
5. The Applicant may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of the Applicant.
6. City staff may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of City Staff.
7. By motion, Council will then close the public hearing.
8. By motion, the Council will then vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

License Types: Series 12 Restaurant License

Non-transferable

On-sale retail privileges

Note: Terms in **BOLD CAPITALS** are defined in the [glossary](#).

PURPOSE:

Allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:

An applicant for a restaurant license must file a copy of its restaurant menu and Restaurant Operation Plan with the application. The Plan must include listings of all restaurant equipment and service items, the restaurant seating capacity, and other information requested by the department to substantiate that the restaurant will operate in compliance with Title 4.

The licensee must notify the Department, in advance, of any proposed changes in the seating capacity of the restaurant or dimensions of a restaurant facility.

A restaurant licensee must maintain complete restaurant services continually during the hours of selling and serving of spirituous liquor, until at least 10:00 p.m. daily, if any spirituous liquor is to be sold and served up to 2:00 a.m.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept **DELIVERY** of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.

A log must be kept by the licensee of all persons employed at the premises including each employee's name, date and place of birth, address and responsibilities.

Bar, beer and wine bar, and restaurant licensees must pay an annual surcharge of \$20.00. The money collected from these licensees will be used by the Department for an auditor to review compliance by restaurants with the restaurant licensing provisions of ARS 4-205.02.

MEMORANDUM

Memo # 13-082-01

TO: Chief Kevin Treadway

FROM: Sgt. Matt Wright

DATE: August 9, 2013

RE: LIQUOR LICENSE APPLICATION – SERIES 12- FOR “Sitto’s”

On August 9, 2013, I initiated an investigation into an application for a series 12 (restaurant) liquor license filed by Jared Repinski (Agent), Christopher Dimieri (Controlling person) and Francesca Dimieri (Controlling Person). Christopher and Francesca are the owners of Sitto’s located at 117 S. San Francisco in Flagstaff. Sitto’s is under renovation with plans to open for business around November of 2013. This is an application for a new series 12 license #12033349.

I conducted a query through local systems and public access on Jared Repinski, Christopher Dimieri and Francesca Dimieri. I found no derogatory records. I spoke with Jared Repinski who stated he was the listed Agent for administrative purposes only and both Christopher and Francesca would be running the day to day operations. Both Christopher and Francesca have taken the mandatory liquor law training course and provided proof. Jared stated neither Christopher nor Francesca have owned or been named on any other liquor licenses.

As a result of this investigation, I can find no reason to oppose this series 12 liquor license application. Recommendation to Council would be for approval.



Planning and Development Services Memorandum

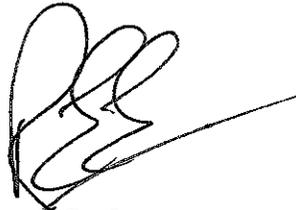
August 12, 2013

TO: Stacy Saltzburg, Deputy City Clerk

THROUGH: Roger E. Eastman, AICP, Comprehensive Planning and Code Administrator

FROM: Gregory Brooks, Code Compliance Officer II

RE: Application for Liquor License #12033349
117 S. San Francisco St., Flagstaff, Arizona 86001
Assessor's Parcel Number 103-08-024A
Jared Repinski on behalf of Sitto's



This application is a request for a Series 12 (Restaurant) new liquor license from Jared Repinski on behalf of Sitto's, located in the Community Commercial (CC) Zone. This district allows for restaurants. This district does not allow for bars or taverns.

There are no active zoning code violations associated with Jared Repinski or Sitto's at this time.

This liquor license is recommended for approval.

Memo

To: Stacy Saltzberg, Deputy City Clerk

From: Ranbir Cheema - Tax, Licensing & Revenue Manager

Date: August 12, 2013

Re: Series 12 Liquor License – New License – Sitto's

Sitto's LLC is in process of remodeling the premises and have not yet started operating this business. They tentatively plan to open on November 1, 2013. Per Mr. Repinski, they will comply with all requirements of the City Sale Tax Section before starting operations. At this time, I do not have a reason to hold up this liquor license approval.

/liquor licenses/Sitto's.doc

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 08/14/2013
Meeting Date: 08/26/2013



TITLE:

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

RECOMMENDED ACTION:

Open the public hearing.
Receive citizen input.
Close the public hearing.

The City Council has the option to:

- (1) Forward the application to the State with a recommendation for approval;
- (2) Forward the application to the State with no recommendation; or
- (3) Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

Policy Decision or Reason for Action:

Creag Znetko is the agent for a new Series 12 (restaurant) liquor license for Senor Pickles. This is a new business in a new location.

Financial Impact:

There is no budgetary impact to the City of Flagstaff as this is a recommendation to the State.

Connection to Council Goal:

Effective governance (Regulatory action)

Has There Been Previous Council Decision on This:

Not applicable.

Options and Alternatives:

- (1) Table the item if additional information or time is needed.
- (2) Make no recommendation.
- (3) Forward the application to the State with a recommendation for approval.
- (4) Forward the application to the State with a recommendation for denial, stating the reasons for such recommendation.

Background/History:

An application for a new Series 12 liquor license was received from Creag Znetko for Senor Pickles. Mr. Znetko is the agent for the liquor license application.

A background investigation performed by Sgt. Matt Wright of the Flagstaff Police Department resulted in a recommendation for approval.

A background investigation performed by Gregory Brooks, Code Compliance Officer resulted in no active code violations being reported.

Sales tax and licensing information was reviewed by Ranbir Cheema, Tax, Licensing & Revenue Manager, who stated that the business is in compliance with the tax and licensing requirements of the City.

Key Considerations:

Because the application is for a new license, consideration may be given to both the location and the applicant's personal qualifications.

A Series 12 license allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

The deadline for issuing a recommendation on this application is August 28, 2013.

The applicant is not required to provide the distance between the applicant's business and the nearest church or school for government (Series 05), hotel/motel (Series 11), or restaurant, (Series 12) liquor license applications; and the State does not require a geological map or list of licenses in the vicinity for any license series.

Expanded Financial Considerations:

This business will contribute to the tax base of the community.

We are not aware of any other relevant considerations.

Community Benefits and Considerations:

The application was properly posted on July 8, 2013.

No written protests have been received to date.

Attachments: [Senor Pickles Letter To Applicant](#)
 [Hearing Procedures](#)
 [Series 12 Description](#)
 [Senor Pickles - PD Memo](#)
 [Senor Pickles - Code Memo](#)
 [Senor Pickles - Tax Memo](#)

OFFICE OF THE CITY CLERK

August 14, 2013

Senor Pickles
Attn: Creag Znetko
7 N. San Francisco St.
Flagstaff, AZ 86001

Dear Mr. Znetko:

Your application for a new Series 12 liquor license for Senor Pickles at 7 N. San Francisco St., was posted on July 8, 2013. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on **Monday, August 26, 2013 which begins at 4:00 p.m.**

It is important that you or your representative attend this Council Meeting and be prepared to answer any questions that the City Council may have. Failure to be available for questions could result in a recommendation for denial of your application. We suggest that you contact your legal counsel or the Department of Liquor Licenses and Control at 602-542-5141 to determine the criteria for your license. To help you understand how the public hearing process will be conducted, we are enclosing a copy of the City's liquor license application hearing procedures.

The twenty-day posting period for your liquor license application expired on July 28, 2013 and the application may be removed from the premises at this time.

If you have any questions, please feel free to call me at 928-213-2077.

Sincerely,

Stacy Saltzburg
Deputy City Clerk

Enclosure



City of Flagstaff

Liquor License Application Hearing Procedures

1. When the matter is reached at the Council meeting, the presiding officer will accept a motion to open the public hearing on the item.
2. The presiding officer will request that the Applicant come forward to address the Council regarding the application in a presentation not exceeding ten (10) minutes. Council may question the Applicant regarding the testimony or other evidence provided by the Applicant.
3. The presiding officer will then ask whether City staff have information to present to the Council regarding the application. Staff should come forward at this point and present information to the Council in a presentation not exceeding ten (10) minutes. Council may question City staff regarding the testimony or other evidence provided by City staff.
4. Other parties, if any, may then testify, limited to three (3) minutes per person. Council may question these parties regarding the testimony they present to the Council.
5. The Applicant may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of the Applicant.
6. City staff may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of City Staff.
7. By motion, Council will then close the public hearing.
8. By motion, the Council will then vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

License Types: Series 12 Restaurant License

Non-transferable

On-sale retail privileges

Note: Terms in **BOLD CAPITALS** are defined in the [glossary](#).

PURPOSE:

Allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:

An applicant for a restaurant license must file a copy of its restaurant menu and Restaurant Operation Plan with the application. The Plan must include listings of all restaurant equipment and service items, the restaurant seating capacity, and other information requested by the department to substantiate that the restaurant will operate in compliance with Title 4.

The licensee must notify the Department, in advance, of any proposed changes in the seating capacity of the restaurant or dimensions of a restaurant facility.

A restaurant licensee must maintain complete restaurant services continually during the hours of selling and serving of spirituous liquor, until at least 10:00 p.m. daily, if any spirituous liquor is to be sold and served up to 2:00 a.m.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept **DELIVERY** of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.

A log must be kept by the licensee of all persons employed at the premises including each employee's name, date and place of birth, address and responsibilities.

Bar, beer and wine bar, and restaurant licensees must pay an annual surcharge of \$20.00. The money collected from these licensees will be used by the Department for an auditor to review compliance by restaurants with the restaurant licensing provisions of ARS 4-205.02.

MEMORANDUM

Memo # 13-084-01

TO: Chief Kevin Treadway

FROM: Sgt. Matt Wright

DATE: August 9, 2013

RE: LIQUOR LICENSE APPLICATION – SERIES 12- FOR “Senor Pickles”

On August 9, 2013, I initiated an investigation into an application for a series 12 (restaurant) liquor license filed by Creag Znetko and Socorro Znetko (Controlling Persons). Creag and Socorro are the owners of Senor Pickles located at 7 N. San Francisco in Flagstaff. Senor Pickles was recently purchased by Creag and Socorro from the previous owner Donald Grosvenor who also operated the business with a series 12 license. This is an application for the new series 12 license #12033341. The old license will become inactive upon issuance of the new license.

I conducted a query through local systems and public access on Creag and Socorro. I found no derogatory records. I spoke with Creag who stated he and Socorro would be running the day to day operations. Creag said he has taken the mandatory liquor law training course and provided proof. Creag stated neither he nor Socorro have owned or been named on any other liquor licenses.

As a result of this investigation, I can find no reason to oppose this series 12 liquor license application. Recommendation to Council would be for approval.



Planning and Development Services Memorandum

July 8, 2013

TO: Stacy Saltzburg, Deputy City Clerk

THROUGH: Roger E. Eastman, AICP, Comprehensive Planning and Code Administrator

FROM: Gregory Brooks, Code Compliance Officer II

RE: Application for Liquor License #12033341
7 N. San Francisco St., Flagstaff, Arizona 86001
Assessor's Parcel Number 100-20-001B
Creag Znetko on behalf of Senor Pickles



This application is a request for a Series 12 (Restaurant) new liquor license from Creag Znetko on behalf of Senor Pickles, located in the Central Business (CB) Zone. This district allows for restaurants.

There are no active zoning code violations associated with Creag Znetko or Senor Pickles at this time.

This liquor license is recommended for approval.

Memo

To: Stacy Saltzberg, Deputy City Clerk

From: Ranbir Cheema - Tax, Licensing & Revenue Manager

Date: August 06, 2013

Re: Series 12 Liquor License – New License – Senor Pickles

Znet Corp DBA Senor Pickles is in compliance with the City of Flagstaff for sales tax licensing, tax remittance and returns filing requirements. They are currently in good standing with the sales tax section.

/liquor licenses/Senor Pickles.doc

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Jim Wine, Interim Risk Manager
Co-Submitter: Michelle D'Andrea, City Attorney
Date: 08/06/2013
Meeting Date: 08/26/2013



TITLE:

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

RECOMMENDED ACTION:

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

Policy Decision or Reason for Action:

To obtain a full release of all claims against the City brought forth in the litigation.

Subsidiary Decisions Points: none

Financial Impact:

The City's Self Insurance Trust fund covers the first \$50,000 in defense costs and settlement costs with City's insurance carrier, Travelers, to pay the balance of all costs associated with the claim. To date legal defense fees are \$30,833.24 plus any additional amounts associated with the mediation process and those fees necessary to finalize and execute the Settlement Agreement. Therefore the City SIR will pay \$19,166.76 to exhaust its SIR and Travelers will be responsible for the remaining amounts, approximately \$12,000 for final settlement and attorney's fees.

Connection to Council Goal:

Effective governance

Has There Been Previous Council Decision on This:

Yes, Executive Session July 9, 2013.

Options and Alternatives:

The Council could deny the Settlement Agreement and direct the City Attorney to continue in the litigation process. The advantage of pursuing litigation as opposed to settling is that the City could prevail in trial and not be responsible for any award to Mr. Nackard. The disadvantage of this option is that the cost to continue the litigation process (discovery, motions) and conducting the trial would exceed the cost of settlement without a certain outcome at trial.

Background/History:

G. Nackard was arrested on September 17, 2011 at the Municipal Court by officers of the Flagstaff Police Department for Disorderly Conduct, Resisting Arrest and Failure to Comply.

Key Considerations:

All parties agree that in lieu of expending additional costs of litigation a settlement of all claims is in their best interest. The City's Insurance carrier is in support of the claim settlement.

Expanded Financial Considerations:

The City is responsible for the first \$50,000 in all claims expenses including settlement, which are budgeted for in the City Self Insurance fund Account # 600-8901-590-2005.

Attachments:

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Don Jacobson, Court Administrator
Date: 08/13/2013
Meeting Date: 08/26/2013



TITLE:

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.

RECOMMENDED ACTION:

Consider and approve the Intergovernmental Agreement for Courthouse Bailiff Services.

Policy Decision or Reason for Action:

As part of the FY14 budget reduction process, the Flagstaff Police Department modified the use of sworn police officers in providing screening and security services at the Flagstaff Municipal Court. By making these positions civilian, the PD saved a portion of their budget to help offset other expenses within the City. In order to best use the funds made available for the security needs of the Court we are requesting to enter into an intergovernmental agreement with the County to use their trained and experienced court security personnel to replace the police officers that were previously providing this service.

Subsidiary Decisions Points: The decision to use Superior Court Bailiffs in providing this service provides the Court with trained and experienced personnel without having to hire and train those individuals as City employees.

Financial Impact:

The Flagstaff Municipal Court has budgeted \$95,099 in account 001-6504-570-28.11 to cover the costs of this IGA.

Connection to Council Goal:

Effective governance.

Has There Been Previous Council Decision on This:

Council considered and approved the use of alternative security as part of the FY14 budget process.

Options and Alternatives:

Should the Council prefer not to enter into an IGA the following alternatives may be considered:

- 1) Contract out for security services. While this does fit within the current budgeted amount it generally provides less professional coverage and issues with background and consistency.
- 2) Resume use of FPD officers. While this provides the highest level of service it does not fit within the current budget.
- 3) Hire additional staff. While we would be able to retain and train these individuals and they would provide good service they may be issues with keeping this cost within budget and providing adequate coverage.

Community Involvement:

Inform

Attachments: Bailiff IGA

INTERGOVERNMENTAL AGREEMENT

BY AND AMONG

COCONINO COUNTY AND CITY OF FLAGSTAFF

FOR COURTHOUSE BAILIFF SERVICES

THIS INTERGOVERNMENTAL AGREEMENT, dated this ___ day of _____, 2013, by and between City of Flagstaff, a municipal corporation of the State of Arizona (hereinafter "City"), and Coconino County, a political subdivision of the State of Arizona (hereinafter "County"), witnesses as follows:

RECITALS:

WHEREAS, Section 11-952 of the Arizona Revised Statutes authorizes the various political subdivisions of the State to enter into agreements providing for the joint exercise of their respective governmental powers for the public benefit; and

WHEREAS, City staffs and operates a limited jurisdiction, non-record court, to wit: the Flagstaff Municipal Court (hereinafter "Municipal Court"); and

WHEREAS, County staffs and operates a general jurisdiction, court of record, to wit: the Coconino County Superior Court, which is located within the corporate limits of City (hereinafter "Superior Court"); and

WHEREAS, Arizona State Constitution at Art. VI § 1 dictates all judicial power be vested in an integrated judicial department, and at Art. VI § 3 that the Supreme Court shall have administrative supervision over all courts of the State, and that Administrative Order 93-30 IIIA stipulates that the presiding judge of the County shall exercise administrative supervision over all the courts in the county, including justice and municipal courts, and that Administrative Order 95-45 mandates uniform education standards and policies for all the courts; and

WHEREAS, the Municipal Court, Flagstaff Justice Court and the Superior Court (hereinafter collectively the "Courts") share commonalities in practice and procedure in many areas including bailiff/security, interpreting, automation, court rules, court procedures, appellate procedure, case management, collections, probation, and other business and judicial practices; and

WHEREAS, the City and the County have entered into a previous intergovernmental agreement to provide for the consolidated administration of the Courts; and

WHEREAS, it is the intent and desire of the parties hereto to provide for uniform and consistent professional bailiff services in the Courts to the greatest extent possible under the laws of the State of Arizona.

WHEREAS, the Municipal Court is seeking coordinated bailiff services from the Superior Court.

NOW, THEREFORE, in consideration of the mutual promises and obligations set forth, the parties agree as follows:

1. TERM

A. The initial term of the Agreement shall be from the date first indicated above, for five consecutive fiscal years with option to renew for an additional five-year term. The parties agree that the option to renew may be executed administratively by a writing indicating consent by the City Manager and the County Manager.

B. In recognition of and deference to the budgeting needs and obligations of the parties hereto, any party wishing to terminate the provisions of this Agreement may do so without penalty by providing written notice to the other not later than the first day of February of the calendar year in which such termination shall take effect. No such termination shall take effect until the first day of July following the provision of such notice.

2. UNIFIED IMPLEMENTATION OF BAILIFF SERVICES FOR COURTHOUSE SECURITY

A. This Agreement authorizes the Courts to work together in developing cooperative efforts in providing bailiff services to the mutual benefit of the Municipal Court and the Coconino County Courts located in Flagstaff, Arizona.

B. The County shall provide bailiff services for courthouse security and other related duties (hereinafter "Bailiff Services") for the Municipal Court during normal operational business hours and special court events.

C. Normal operational business hours include Monday through Friday, from 7:30 a.m. to 4:30 p.m. unless modified, or for other special court events with prior notice to the Coconino County Courts Chief Bailiff as indicated in Section 3, paragraphs a-c below.

D. The City will provide funding for two additional full-time-equivalent Bailiff II positions to work in the coordinated court effort. The City will also pay for operational expenses related to the positions.

E. The two bailiffs will be regular employees of the Superior Court. The County shall retain these individuals as employees of the County pursuant to all applicable employment requirements of the County. Direct supervisory responsibility for the bailiffs will belong to the Coconino County Courts Chief Bailiff and Deputy Chief Bailiff. The County shall recruit, hire, supervise, insure, manage, evaluate and train the Bailiff staff. The County will also maintain a work schedule for all Bailiff operational activities in coordination with the City Deputy Court Administrator.

F. The two City-funded Bailiffs will be pooled with the current County bailiff full-time

equivalents. These bailiffs will be assigned work duties for both the County and the City. These work assignments may be on a rotational basis.

G. In the event of an extreme staffing shortage, the County may not be able to facilitate Bailiff Services at both the City and County. Should this event occur, the City will temporarily provide its own Bailiff Services until adequate staffing levels can be reestablished and the City will not be billed for any services during this time period.

3. DUTY SCHEDULE & OTHER NOTICES

A. The City will provide the Coconino County Chief Bailiff and the Deputy Chief Bailiff with a weekly copy of the Municipal Court calendar no later than 2:00 p.m. on the Friday prior to the following week's court schedule. This is to ensure adequate bailiff coverage for any events requiring Bailiff Services.

B. The City must contact the Coconino County Chief Bailiff or the Deputy Chief Bailiff for any communication, schedule changes, personnel issues, or special requests with at least a 48 hour notice, if possible. The County must contact the City Deputy Court Administrator for schedule changes, personnel issues, special requests or any other relevant matters with at least a 48 hour notice, if possible. Contact may occur by e-mail, telephone call or message, or other reasonable means.

4. FUNDING

A. The City will fund two new full-time equivalent Bailiff II positions along with operational expenses related to these two positions

Although these are County positions, the two Bailiff positions are to be fully (100%) funded by the City and as delineated below. Percentages of funding will not be changed unless agreed to in writing by the City Manager and the County Manager.

B. The City is to provide full (100%) funding of total salary and employee-related expenses for the two bailiff positions. This percentage will remain the same should the County modify its salary structure, provide for salary increases or decreases for any reason or provide merit, overtime, incentive or any other type of compensation or benefit. The County shall, however, provide notice to the City Deputy Court Administrator of all salary changes and all substantial increases in benefits that will result in increased payments by the City to the County within 30 days of the change. All overtime must be approved by the City Deputy Court Administrator before the hours are worked. Should City funding not be available for any reason, then the County will not be responsible to continue the positions or fund the positions.

5. THE COURTS TO RETAIN SEPARATE IDENTITIES

Notwithstanding the provision of the Agreement, each of the Courts shall, at all times, retain its separate, legal identity

6. FUTURE CONSIDERATIONS

This Agreement shall not limit future considerations of cooperation and consolidation of Courts in regard to shared facilities, unified personnel systems, traffic school contracts or any other aspect of administration or court operations.

7. NOTIFICATION OF TERMINATION

All notices or demands required to be given pursuant to this Agreement, except for those indicated in Section 3 above, shall be given to the other parties in writing, delivered by hand or U.S. Mail, at the address given below. Notices shall be deemed received on the date delivered, if delivered by hand, and on the date of mailing if mailed.

8. APPROVAL OF PRESIDING JUDGE REQUIRED

Notwithstanding any of the provisions of this Agreement, it shall be of no force and effect until and unless approved by the Presiding Judge of the Superior Court of the State of Arizona in and for the County of Coconino or by his or her attorney.

9. AMENDMENTS; INTEGRATION

This Agreement constitutes the entire agreement of the parties relating to the subject matter hereof. All amendments or modifications of the Agreement, except as otherwise specifically indicated in this Agreement, shall be in writing and approved by the Coconino County Board of Supervisors, the Flagstaff City Council, legal counsel for both such Board and City Council and legal counsel for the Presiding Judge of the Superior Court of the State of Arizona in and for the County of Coconino.

10. DISPUTE RESOLUTION

If a dispute arises out of or relates to this Agreement, and if the dispute cannot be settled through negotiation, the parties agree first to try in good faith to resolve the dispute by mediation before resorting to arbitration, if required under A.R.S. § 12-1518, litigation or some other dispute resolution procedure. Mediation will be self-administered and conducted under the CPR Mediation Procedures established by the CPR Institute for Dispute Resolution, 366 Madison Avenue, New York, NY 10017, (212)949-6490, www.cpradr.org, with the exception of the mediator selected provisions, unless other procedures are agreed upon by the parties. Unless the parties agree otherwise, the mediator(s) shall be selected from panels of mediators trained under the Alternative Dispute Resolution Program of the Coconino County Superior Court. Each party agrees to bear its own costs in mediation. The parties will not be obligated to mediate if an indispensable party is unwilling to join the mediation. This mediation provision is not intended to constitute a waiver of the parties' right to initiate legal action if a dispute is not resolved through good faith negotiations or mediation, or if a party seeks provisional relief under the Arizona Rules of Civil Procedure.

11. STATUTORY REQUIREMENT OF CANCELLATION FOR CONFLICT OF INTEREST

This Agreement may be cancelled for conflict of interest in accordance with the requirements of Section 38-511 of the Arizona Revised Statutes.

12. DISPOSITION OF PROPERTY

Upon termination of this Agreement, any property purchased by any one of the parties for purposes of carrying out its obligations under this Agreement shall be returned to the party that purchased the property.

13. INSURANCE

The County (for itself and the Superior Court) and the City of Flagstaff shall maintain in force and effect during the term of this Agreement commercial general liability no less than One Million Dollars (\$1,000,000) per occurrence and property insurance in an amount sufficient to cover any property used by any of the parties to fulfill their obligations under this Agreement.

14. MUTUAL INDEMNIFICATION

Except as provided below and to the extent permitted by law, each party to this Agreement (as “Indemnitor”) agrees, to defend, indemnify, and hold harmless the other parties, and such party’s officers, officials, employees, agents, and directors (collectively, “Indemnitees”) from and against any and all claims, demands, losses, liabilities, causes of action and costs (including expert witness fees, reasonable attorney fees and costs of defense and appellate appeal) herein referred to as “Claims”, which may be imposed upon, incurred by or asserted against the Indemnitees, attributable (directly or indirectly) to, or arising in any manner by reason of, the negligence, acts, errors, or omissions of any agent, officer, servant, or employee of the Indemnitor, or anyone for whom the Indemnitor may be legally liable, in the performance of this Agreement.

Notwithstanding the mutual indemnification provisions above, the City agrees to defend, indemnify, and hold harmless County, and their officers, employees, agents and directors, when any County officer, employee, agent or director is acting in the capacity of an agent of the City when enforcing City ordinances. The City’s indemnification under this paragraph shall apply to any and all claims, demands, losses, liabilities, causes of action and costs (including expert witness fees, reasonable attorney fees and costs of defense and appellate appeal) herein referred to as “Claims”, which may be imposed upon, incurred by or asserted against the Indemnitees, attributable (directly or indirectly) to, or arising in any manner by reason of, the negligence, acts, errors, or omissions of any agent, officer, servant, or employee of the Indemnitor, or anyone for whom the Indemnitor may be legally liable, in acting as the City’s agent when enforcing City ordinances.

15. NOTICES

All notices or demands, unless as otherwise specifically indicated in this Agreement, shall be given to the other parties in writing, delivered by hand or U.S. Mail, at the address given below. Notices shall be deemed received on the date delivered, if delivered by hand, and on the date of mailing if mailed.

Coconino County:
County Manager
Coconino County
219 E. Cherry Ave

City of Flagstaff:
City Manager
City of Flagstaff
211 W. Aspen Avenue

16. CANCELLATION FOR CONFLICT OF INTEREST

Pursuant to the provisions of A.R.S. §38-511, a party may cancel any contract or agreement, without penalty or obligation if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of the party is, at any time while the contract or any extension thereof is in effect, an employee of any other party to the contract in any capacity or a consultant to any other party to the contract with respect to the subject matter of the contract.

17. NON-DISCRIMINATION

The parties shall comply with the provisions of Arizona Executive Order 2009-09, which is incorporated into this Agreement by reference as if fully set forth herein.

18. WORKERS COMPENSATION

Pursuant to A.R.S. §23-1022E, employees of each of the parties are deemed to be employees of the public agencies who are parties to this Agreement for purposes of workers' compensation. A notice to this effect, as required by A.R.S. §23-1022E, shall be posted by each of the parties in their principal office or human resource office.

19. AMENDMENTS

This Agreement may be modified or amended only by mutual written consent of the parties, with approval by the County Board of Supervisors and the Flagstaff City Council, and their respective legal counsel.

20. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement of the parties. This Agreement terminates and supersedes all prior understandings, agreements, and administrative orders of the Superior Court on the subject matter hereof.

21. IMMIGRATION LAW COMPLIANCE

Under the provisions of A.R.S. § 41-4401, each party hereby warrants to the other that the each party and all of its subcontractors (if any) will comply with, and are contractually obligated to comply with, all Federal Immigration laws and regulation that relate to their employees and A.R.S. § 23-214 (A) (hereinafter "Contractor Immigration Warranty").

A Breach of the Contractor Immigration Warranty shall constitute a material breach of this Agreement and shall subject the breaching party to penalties up to and including termination of this Agreement at the sole discretion of the non-breaching party.

B Each party retains the legal right to inspect the papers of any contractor or subcontractor employee of the other party who works on this Agreement to ensure that the contractor or subcontractor is complying with the Contractor Immigration Warranty. Each party agrees to assist the other party in regard to any such inspections.

C. Each party may, at its sole discretion, conduct random verification of the employment records of the other party and any of its subcontractors to ensure compliance with Contractor's Immigration Warranty. Each party agrees to assist the other party in regard to any random verifications performed.

D. A party will not be considered in material breach of this Agreement or the Contractor Immigration Warranty if the party establishes that it has complied with the employment verification provision prescribed by sections 274A and 274B of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. § 23-214, Subsection A.

E. The foregoing provisions of subparagraphs A-E of this article must be included in any contract that a party enters into with any and all its subcontractors who provide service under this Agreement or any subcontract.

F. Pursuant to A.R.S. §§ 35-391.06 and 35-393.06, each party certifies that it does not have a scrutinized business operation as defined in A.R.S. §§ 35-391 and 35-393 in either Sudan or Iran.

IN WITNESS WHEREOF, the governing bodies of the COUNTY, and the CITY have approved and executed this Intergovernmental Agreement as of the day and year first above written.

COCONINO COUNTY:

By: _____
Elizabeth Archuleta, Chair

Attest: _____
Clerk of the Board

CITY OF FLAGSTAFF

By: _____
Jerry Nabours, Mayor

Attest: _____
City Clerk

Approved as to form and found to be within the power and authority of each respective governing body by its undersigned legal counsel:

Deputy County Attorney
Attorney for Coconino County and
Presiding Superior Court Judge

City Attorney

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Rick Compau, Purchasing Director
Date: 07/22/2013
Meeting Date: 08/26/2013



TITLE:

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.

RECOMMENDED ACTION:

- 1) Read Ordinance No. 2013-18 by title only for the final time
- 2) City Clerk reads Ordinance No. 2013-18 by title only (if approved above)
- 3) Adopt Ordinance No. 2013-18

Policy Decision or Reason for Action:

On July 16, 2013, the City Council adopted a Resolution establishing a Procurement Code Manual that will provide comprehensive, fundamental principles, practices and guidelines for City Procurements of goods, services, and construction, and disposal of surplus personal property in accordance with applicable laws and City policies. The objectives of this Procurement Code Manual is to outline staff procedures in order to provide and preserve a high standard of integrity and transparency with the City's procurement process and demonstrate leadership in the stewardship of taxpayer dollars involving the procurement of goods, services and construction.

The proposed Ordinance will repeal current City Code provisions relating to the responsibility of Bidders, since Bidder responsibility will be addressed in the Procurement Code Manual. The proposed Ordinance also provides that the City Council may adopt a Procurement Code Manual by resolution and that it will be posted on the City website for public accessibility.

Financial Impact:

None

Connection to Council Goal:

Effective Governance

Has There Been Previous Council Decision on This:

City Council has discussed this item at the **March 26, 2013; April 9, 2013** and **June 11, 2013** City Council Work Session meetings. Additionally, on July 16, 2013, the City Council adopted Resolution No. 2013-19 approving a Procurement Code, and held first read of Ordinance No. 2013-18.

Options and Alternatives:

- 1.) Adopt Ordinance
- 2.) Provide alternative language for adoption
- 3.) Recommend other policy decisions

Background/History:

The City of Flagstaff has always followed State of Arizona Procurement Codes, as well as Article VIII, Section 1 through 10 of the Flagstaff City Charter, but has never had a formal, comprehensive, Procurement Code Manual. The purpose for developing this Procurement Code Manual is to incorporate State of Arizona Procurement Codes, as well as the procurement rules outlined in the Flagstaff City Charter to provide comprehensive, fundamental principles, practices and guidelines for City Procurements of goods, services, and construction, and disposal of surplus personal property in accordance with applicable laws and City policies. The objectives of this Procurement Code Manual is to outline staff procedures in order to provide and preserve a high standard of integrity and transparency with the City's procurement process and demonstrate leadership in the stewardship of taxpayer dollars involving the procurement of goods, services and construction.

The Procurement Code Manual also implements Council policy to make good faith efforts to purchase goods and services from local vendors for informal purchases of less than \$50,000 and to consider local experience in Request for Statements of Qualifications for professional services for public works construction.

Key Considerations:

Adopting a Procurement Code Manual and establishing an effective date, will provide a comprehensive, fundamental principles, practices and guidelines for City Procurements of goods, services, and construction, and disposal of surplus personal property in accordance with applicable laws and City policies. The objectives of this Procurement Code Manual is to outline staff procedures in order to provide and preserve a high standard of integrity and transparency with the City's procurement process and demonstrate leadership in the stewardship of taxpayer dollars involving the procurement of goods, services and construction.

Community Involvement:

Inform and involve

Attachments: [Ord. 2013-18](#)

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

RECITALS:

WHEREAS, the Flagstaff City Council desires to adopt a Procurement Code Manual by resolution.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General.

The Flagstaff City Code, Title 1, *Administrative*, Chapter 1-20, *Contracts and Property Transactions*, Section 1-20-001-0004, *Determination of Responsibility of Bidders*, is hereby repealed in its entirety, and shall be replaced with the new text as set forth below (shown as capitalized text):

1-20-01-04 PROCUREMENT CODE MANUAL:

THE CITY COUNCIL MAY ADOPT A PROCUREMENT CODE MANUAL BY RESOLUTION TO GOVERN CITY PROCUREMENTS OF GOODS, SERVICES, AND CONSTRUCTION AND DISPOSAL OF SURPLUS PERSONAL PROPERTY IN ACCORDANCE WITH THE FLAGSTAFF CITY CHARTER AND APPLICABLE LAW. A TRUE AND CORRECT COPY OF SUCH PROCUREMENT CODE MANUAL, AS MAY BE AMENDED, WILL BE MAINTAINED BY THE CITY CLERK AS A PUBLIC RECORD AND MAINTAINED ON THE CITY WEBSITE FOR PUBLIC ACCESS. THE PURCHASING DIRECTOR MAY RECOMMEND PROCUREMENT CODE MANUAL AMENDMENTS FROM TIME TO TIME. A VIOLATION OF THIS SECTION IS NOT SUBJECT TO THE GENERAL PENALTY CLAUSE (CITY CODE SECTION 1-04-001-0001).

SECTION 2. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed. Ordinance No. 1945 is hereby expressly repealed.

SECTION 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. Clerical Corrections.

The City Clerk is hereby authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary related to this ordinance as amended herein, and to make formatting changes needed for purposes of clarity and form, or consistency within thirty (30) days following adoption by the City Council.

SECTION 5. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this _____ day of _____, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Barbara Goodrich, Management Services
Director
Date: 08/05/2013
Meeting Date: 08/26/2013



TITLE:

Consideration and Adoption of Resolution No. 2013-19: 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.

RECOMMENDED ACTION:

- 1) Read Resolution No. 2013-21 by title only
- 2) City Clerk reads Resolution No. 2013-21 (if approved above)
- 3) Adopt Resolution No. 2013-21

Policy Decision or Reason for Action:

The prior resolutions allowed for interest earnings to be used for real estate purchases. This resolution will allow principal, interest, and any other deposits made to the Real Estate Proceeds Fund to be budgeted and expended per Council direction.

Financial Impact:

The City will have authority to spend all fund proceeds.

Connection to Council Goal:

Effective governance

Has There Been Previous Council Decision on This:

Not on this proposal. The Council has considered the purpose of the Real Estate Proceeds Fund in the past and that information is contained in the Background Section on the next page.

Options and Alternatives:

- 1) Approve the resolution as written which allows for the expenditure of all funds received.
- 2) Do not approve the resolution as written and have staff follow the current guidelines in Resolution 1674 that requires only interest be spent on capital and infrastructure needs and that principal would be held.
- 3) Do not approve the resolution as written and eliminate the Real Estate Proceeds Fund. Future proceeds would be deposited into the General Fund unless otherwise obligated for repayment to another fund.

RESOLUTION NO. 2013-21

**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**

RECITALS:

WHEREAS, the City of Flagstaff owns certain real property that has been held as investments;
and

WHEREAS, it is the desire of the City Council that the property be sold from time to time; and

WHEREAS, the Flagstaff City Council considered the restrictions placed upon funds obtained
by sale of property owned by the City in the prior resolutions; and

WHEREAS, the City Council wishes to remove those restrictions by repealing all prior
resolutions restricting the use of the proceeds obtained by the sale of the real property owned
by the City.

ENACTMENTS:

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF,
ARIZONA AS FOLLOWS:**

SECTION 1. Resolution Nos. 1422, 1534, and 1674, adopted by the Flagstaff City Council on
September 17, 1985, February 15, 1988 and June 19, 1990, respectively, are hereby repealed.

SECTION 2. The proceeds from the sale of property purchased by the General Fund shall be
deposited in this fund, unless otherwise directed by Council.

SECTION 3. The monies in the Real Estate Proceeds Trust Fund shall be invested in the
same manner as other City funds.

SECTION 4. Both the land sale revenue and the subsequent interest earnings are available
for appropriation by Council for funding infrastructure or other capital building projects.

SECTION 5. This resolution shall become effective thirty days following adoption by City
Council.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 26th day of August, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

RESOLUTION NO. 1422

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, ESTABLISHING A TRUST FUND OF THE CITY TO BE TITLED "REAL ESTATE PROCEEDS TRUST FUND", PROVIDING FOR MONIES TO BE DEPOSITED TO SAID FUND AND LIMITING EXPENDITURES OF MONIES IN SAID FUND TO INTEREST EARNINGS.

WHEREAS, the City owns certain real property which has been held as investments; and

WHEREAS, it is the desire of the City Council that said property be sold; and

WHEREAS, the City Council wishes to preserve the proceeds of the sale;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1: That there is hereby established a Trust Fund within the treasury of the City to be titled "Real Estate Sale Proceeds Trust Fund".

SECTION 2: That proceeds from sale of property scheduled to be sold at this time and, unless otherwise directed by the City Council, at future dates shall be deposited in the Real Estate Sale Proceeds Trust Fund.

SECTION 3: That monies in the Real Estate Sale Proceeds Trust Fund shall be invested in the same manner as other City funds.

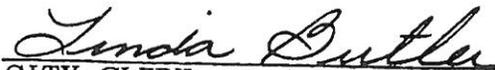
SECTION 4: That the amounts received from real estate sales shall not be expended.

SECTION 5: That the annual appropriations from the Real Estate Sale Proceeds Trust Fund shall be limited to the amount of investment earnings anticipated to accrue to the fund each year plus any unexpended investment earnings of previous years and shall be appropriated solely for the purpose of funding infrastructural capital projects.

PASSED AND ADOPTED by the Council and approved by the Mayor of the City of Flagstaff, this 17th day of September, 1985.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:

ATTORNEY

RESOLUTION NO. 1534

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING RESOLUTION NO. 1422, TO ALLOW FOR EXPENDITURE OF "REAL ESTATE PROCEED TRUST FUND" PRINCIPAL TO PURCHASE CERTAIN REAL ESTATE.

WHEREAS, the City needs to purchase certain real estate; and

WHEREAS, it is the desire of the City Council to purchase said real estate with proceeds from prior property sales;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1: That there is hereby established a Trust Fund within the treasury of the City to be titled "Real Estate Sale Proceeds Trust Fund".

SECTION 2: That proceeds from the sale of property scheduled to be sold at this time and, unless otherwise directed by the City Council, at future dates shall be deposited in the Real Estate Sale Proceeds Trust Fund.

SECTION 3: That monies in the Real Estate Sale Proceeds Trust Fund shall be invested in the same manner as other City funds.

SECTION 4: That the amounts received from real estate sales shall ~~not be expended~~ only be expended for purchase of real estate as the City Council may deem necessary.

SECTION 5: That the annual appropriations from the Real Estate Sale Proceeds Trust Fund shall be limited to the amount of investment earnings anticipated to accrue to the fund each year plus any unexpended investment earnings of previous years and shall be appropriated solely for the purpose of funding infrastructural capital projects.

Additions indicated by underline, deletions by ~~strikeout~~.

RESOLUTION NO. 1674

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING RESOLUTION NO. 1422, TO DESIGNATE THE PURPOSES FOR WHICH INVESTMENT EARNINGS OF THE "REAL ESTATE PROCEEDS TRUST FUND" MAY BE EXPENDED.

WHEREAS, it is the desire of the City Council to restrict the use of investment earnings of the "Real Estate Proceeds Trust Fund";

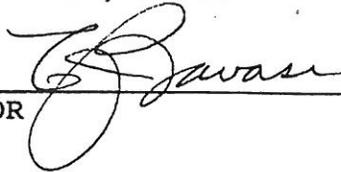
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1: That Section 5 of Resolution No. 1422 be amended to read as follows:

That the annual appropriations from the Real Estate Sale Proceeds Trust Fund shall be limited to the amount of investment earnings anticipated to accrue to the fund each year plus any unexpended investment earnings of previous years and 50% shall be appropriated in fiscal year 1990-91 solely for the purpose of funding capital projects. For fiscal year 1991-92 and all subsequent years investment earnings will be expended only for the purchase of real estate as the City Council may deem necessary.

PASSED AND ADOPTED by the Council and approved by the Mayor of the City of Flagstaff, this 19th day of June, 1990.

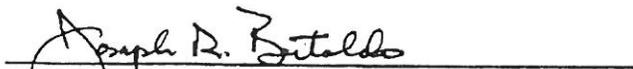
MAYOR



ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

Additions indicated by underline, deletions by ~~strikeout~~.

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Walt Miller, Deputy Chief
Date: 08/14/2013
Meeting Date: 08/26/2013



TITLE:

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

RECOMMENDED ACTION:

- 1) Read Ordinance 2013-20 for the first time by title only
- 2) City Clerk reads Ordinance No. 2013-20 by title only (if approved above)
- 3) Move to read Ordinance 2013-20 for the final time by title only on September 17, 2013
- 4) City Clerk reads Ordinance No. 2013-20 by title only (if approved above)
- 5) Adopt Ordinance No. 2013-20 on September 17, 2013

Policy Decision or Reason for Action:

The Flagstaff Police Department, in collaboration with the Arizona Game and Fish Department, is requesting the approval of Ordinance 2013-20, which would prohibit the feeding of wildlife, with exception to birds and squirrels.

Financial Impact:

There is no financial impact to the City of Flagstaff by adopting this ordinance.

Connection to Council Goal:

Effective governance by addressing constituents' concerns.

Has There Been Previous Council Decision on This:

Yes, there has been prior discussion of a proposed ordinance. During the Council work session on May 14, 2013, Larry Phoenix with the Arizona Game and Fish Department presented Council with the Power Point presentation, "Wildlife Anti-Feeding Ordinance". At the conclusion of the presentation staff was directed by Council to move forward with review of an ordinance.

Options and Alternatives:

- 1) Adopt Ordinance 2013-20 making it unlawful to intentionally, knowingly or recklessly feed wildlife
- 2) Do not adopt Ordinance 2013-20
- 3) Amend the ordinance with consideration of the following options

Options within the ordinance include all three culpable mental states of intentionally knowingly or recklessly which are defined as follows in A.R.S. Section 13-105 (10)

- “Intentionally” or “with the intent to” means, with respect to a result or to conduct described by a statute defining an offense, that a person's objective is to cause that result or to engage in that conduct.
- “Knowingly” means, with respect to conduct or to a circumstance described by a statute defining an offense, that a person is aware or believes that the person's conduct is of that nature or that the circumstance exists. It does not require any knowledge of the unlawfulness of the act or omission.
- “Recklessly” means, with respect to a result or to a circumstance described by a statute defining an offense, that a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard of such risk constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but who is unaware of such risk solely by reason of voluntary intoxication also acts recklessly with respect to such risk.

Possible penalties include the following:

- A) Petty Offense maximum is three hundred dollars (\$300.00)
- B) Class 3 misdemeanor maximum is five hundred dollars (\$500.00) and thirty (30) days in jail
- C) Class 2 misdemeanor maximum is seven hundred fifty dollars (\$750.00) and four (4) months in jail
- D) Class 1 misdemeanor maximum is two thousand five hundred dollars (\$2,500.00) and six (6) months in jail

Background/History:

In the past several years the Arizona Game and Fish Department has received several complaints from citizens in Flagstaff regarding the intentional feeding of wildlife, specifically deer and elk. Intentional feeding attracts wildlife to a specific area and over a very short course of time they become habituated to humans and become a nuisance. It has also been reported they damage the property of homeowners. Once attracted and habituated to humans they pose a public safety concern as wildlife become dependent on humans for food, less wary of humans and may become dangerous, unpredictable and aggressive. Feeding will also create unnatural crowding and can attract predators such as coyotes, lions, bobcats and bears. One person feeding could potentially cause problems for themselves and surrounding neighbors by drawing predators into the area. There are also concerns that the food source that is being used can actually harm wildlife as it is usually not formulated for consumption by wildlife and can especially harm young animals. Feeding will also concentrate wildlife and increase animal to animal contact further spreading disease such as eye and respiratory infections and in many cases rabies.

The City of Flagstaff and the Flagstaff Police Department have worked in collaboration with the Arizona Game and Fish Department on drafting this ordinance in an effort to address public concerns, public safety and the welfare and safety of wildlife.

Key Considerations:

It is hoped that by adopting Ordinance 2013-20 it will regulate the intentional feeding of wildlife by taking a proactive approach to feeding issues that are a concern to the citizens of Flagstaff and the Arizona Game and Fish Department at both the state and regional level. This ordinance will help address public safety and nuisance wildlife issues associated with feeding activities. Any peace officer in the state may enforce revised statutes and many city ordinances. It is intended that an officer with the Arizona Game & Fish Department can enforce this ordinance as the Flagstaff Municipal Court will accept citations issued by a state certified law enforcement officer .

Arizona Revised Statute Sec. 13-2927 does prohibit the feeding of wildlife; however it only applies in counties with a population of more than two hundred eighty thousand (280,000) persons. (Coconino County's population is 134,511 as per the 2011 census.) Therefore, there are no state statutes or county ordinances that prohibit the feeding of wildlife. The Flagstaff Police Department has been in communication with the Coconino County Sheriff's Department and they have had recent discussions

with County administration about adopting an ordinance as well. The Arizona Game and Fish Department has approached the Coconino County Board of Supervisors on three separate occasions, but for reasons unknown, the ordinance has not gained any traction.

Within the State several other counties and municipalities including Navajo, Cochise, and Gila Counties, as well as the cities of Pinetop-Lakeside and Showlow have adapted wildlife feeding ordinances. However; they are specific to the issues regarding bears, coyotes, javelinas, and mountain lions. In 2012, the City of Scottsdale enacted an ordinance prohibiting the feeding of wildlife; however this is specific to their city parks only and does not encompass other properties, public or private within the city limits.

Community Benefits and Considerations:

The Flagstaff Police Department and the Arizona Game and Fish Department believe that increased education is the key element of this ordinance. It will also deter individuals from feeding wildlife in areas that are impacted by wildlife. The ordinance will be enforced based only on complaints generated by the public.

Community Involvement:

The Flagstaff Police Department and the Arizona Game and Fish Department believe that increased education is the key element of this ordinance. It will also deter individuals from feeding wildlife in areas that are impacted by wildlife. Once again, the ordinance will be enforced based only on complaints generated by the public.

The proposed ordinance and staff summary will be posted in accordance with law, and interested persons are invited to comment at the City Council meetings at which the ordinance will be under consideration.

A public outreach meeting was held on July 22, 2013, at the Flagstaff Police Department and a second public outreach meeting was held on August 12, 2013, at the Arizona Game and Fish Department. The meetings were advertised in the Arizona Daily Sun, The City of Flagstaff web page, the Flagstaff Police Department Facebook page and Twitter.

On July 22, 2013, the first of two public meetings was held. A Power Point presentation was given by Game and Fish Officer Larry Phoenix, and Assistant City Attorney Marianne Sullivan was present to answer legal questions. There were twenty (20) people in attendance with a group of five (5) people who are opposed to the ordinance. Some that are opposed to the ordinance voiced concerns that the City does not need any more ordinances, while at least one individual voiced concerns that the ordinance was specific to the homeowners of Continental Country Club. One individual felt that the feeding of deer and/or elk was not the reason for attracting wildlife, but instead the availability of water in the area. At the conclusion of the meeting the question of whether or not the proposed ordinance could be put to a vote by City residents, rather than decided by the City Council was raised. Four (4) people in attendance voiced support for the ordinance with the remaining eleven (11) not voicing support or opposition.

On August 12, 2013, the second public meeting was held at the Arizona Game and Fish Department. Game and Fish Officer Larry Phoenix gave a Power Point presentation and Assistant City Attorney Marianne Sullivan was again present to answer legal questions. There were twelve (12) people in attendance; seven (7) in attendance were present at the last meeting. Out of the twelve (12) citizens in attendance only two (2) voiced opposition to the ordinance. Four (4) in attendance voiced support, with the remaining six (6) not voicing support or opposition.

Much of the opposition revolved around the information provided by Larry Phoenix. He was continually challenged over the habituation of wildlife to humans, the attraction of wildlife due to intentional feeding and the concentration of wildlife to a specific area, which increases animal to animal contact further spreading disease such as eye and respiratory infections and in many cases rabies. One citizen in

opposition stated, "Feeding wildlife is a distraction, habituation to humans is not an issue nor is the concentration of wildlife." This citizen believes that there is no harm in the intentional feeding of wildlife. He adamantly refutes any negative impacts feeding has on wildlife and also refutes any dangers wildlife may pose to humans.

Those that voiced support, all of whom live in Continental Country Club, felt that the City in collaboration with the Arizona Game and Fish Department has a responsibility to not only protect the citizens but also to protect wildlife. One citizen stated, "As a community member who lives in the Country Club area I support the ordinance. The entire City has a responsibility to assist with wildlife issues." This citizen further stated that she would support anything that would "keep wildlife wild. I appreciate the ordinance." Another citizen also stated she lives in the Country Club area and said that her neighbors were feeding deer. What began with six deer has now turned into thirty and the neighbors have since moved. The deer have now become a nuisance on her property.

At the conclusion of the meeting, Marianne Sullivan responded to the question of whether or not the Council had the option of sending the ordinance out to the public for a vote. She advised that the Council did not have that option, and if the ordinance were to be placed on a ballot, there would need to be a referendum sponsored by a citizen or citizen group. In response, one citizen stated that if the ordinance passed, he would sponsor a referendum to repeal it.

Expanded Options and Alternatives:

Do not adopt Ordinance No. 2013-20

Amend Ordinance No. 2013-20

Attachments: Wildlife Feeding Ord.
 Ord. 2013-20
 PowerPoint Presentation

**Wildlife Feeding Ordinances: Navajo, Cochise, Gila
Counties and the Cities of Scottsdale, Show Low and
Pinetop-Lakeside**

**ARS 13-2927: Feeding Law for Maricopa and Pima
Counties**

1/c



Ordinance No. 09-10

An Ordinance of the Navajo County Board of Supervisors, Amending the Navajo County Animal Control Ordinance, Ordinance No. 02-06, by Adding a New Article 4 Concerning Remedial Actions to Avoid Contact between Humans and Bears, Coyotes or Javelinas

WHEREAS, the Navajo County Animal Control Ordinance, Ordinance No. 02-06, comprehensively regulates the keeping of dogs and other animals in the unincorporated areas of Navajo County; and

WHEREAS, in the interest of public safety, and specifically in the interest of minimizing contact between humans and potentially dangerous species of wildlife, numerous jurisdictions across the United States have adopted regulations prohibiting conduct that tends to attract dangerous species in inhabited areas; and

WHEREAS, the Arizona Game and Fish Department has encouraged local jurisdictions to adopt similar regulations to minimize potentially dangerous contacts between humans and wildlife; and

WHEREAS, the Board of Supervisors has been informed of potentially dangerous contacts occurring in Navajo County as the result of carelessness in regard to the placement or storage of trash, food and other items that tend to attract dangerous species,

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors that the Animal Control Ordinance is hereby amended by the insertion of the following new Article 4, with the current Article 4 (Penalties and Enforcement) being renumbered as Article 5:

Article 4 – Remedial Actions to Avoid Contact between Humans and Certain Dangerous Species

It shall be unlawful for any person to fail to take remedial action to avoid contact between humans and bears, coyotes or javelinas after having been notified by the Code Enforcement Agent, an officer of the Arizona Game and Fish Department or any peace officer that bears, coyotes or javelinas are in the area and that remedial action should be taken. Such notice may be oral or written. Remedial action shall take the form prescribed by the official giving such notice and may include without limitation actions to secure or remove outdoor trash, cooking grills, pet food, bird feeders and any other food source or attractant likely to attract

bears, coyotes or javelinas. In addition, it shall be unlawful for any person, after an initial contact or conflict with a bear, coyote or javelina on property owned or occupied by the person (including a sighting of a bear, coyote or javelina on or in close proximity to the property) to fail to take prompt remedial action to secure or remove outdoor trash, cooking grills, pet food, bird feeders and any other food source or attractant likely to attract bears, coyotes or javelinas. The obligation to take remedial action under this Article shall continue for the period prescribed by the official giving notice or for a period of not less than 30 days after the initial contact or conflict, as the case may be.

PASSED AND ADOPTED by the Navajo County Board of Supervisors on May 11, 2010.

Navajo County Board of Supervisors

By Jesse Thompson
Jesse Thompson
Chairman

ATTEST:

Melissa W. Buckley
Melissa W. Buckley, Clerk of the Board

Board of Supervisors

Richard R. Searle
Chairman
District 3

Patrick G. Call
Vice-Chairman
District 1

Paul Newman
District 2



Michael J. Ortega
County Administrator

James E. Vlahovich
Deputy County Administrator

Katie A. Howard
Clerk

RESOLUTION 08-*06*

A RESOLUTION OF THE COCHISE COUNTY BOARD OF SUPERVISORS ADOPTING AN ORDINANCE REGULATING CONTACT BETWEEN WILDLIFE AND HUMANS WITHIN COCHISE COUNTY IN AN EFFORT TO PROTECT THE WELFARE AND SAFETY OF THE PUBLIC

WHEREAS, by Arizona Revised Statutes Title 17, the Arizona Game and Fish Commission is established and tasked with the responsibility to manage wildlife in Arizona; and

WHEREAS, the Board of Supervisors, pursuant to A.R.S. § 11-251.31, may make and enforce all local, police and sanitary regulations not in conflict with general law; and the issue of humans feeding wildlife and leaving human food and garbage available for wildlife has created and continues to create public safety concerns; and

WHEREAS, the frequency of wildlife/human public safety conflicts within Cochise County are escalating and pose a potential threat to the welfare and safety of the public; and

WHEREAS, the attraction of javelina, a primary prey animal for mountain lions, tends to attract mountain lions into the communities where these animals are being fed, and mountain lions are predators that have harmed humans in our state in the past by predatory attacks; and

WHEREAS, the Board of Supervisors has determined that the intentional, careless, negligent or reckless placing, storing or discarding of garbage, refuse, human and animal food or edibles contributes to the frequency of potentially dangerous contacts between humans and wildlife such as bears, coyotes, and mountain lions,

NOW, THEREFORE, BE IT RESOLVED that the Cochise County Board of Supervisors hereby adopts the Ordinance regulating contact between Wildlife and Humans Within Cochise County in form and substance as attached hereto. Said Ordinance shall become effective thirty (30) days after the date hereof.

Board of Supervisors

Richard R. Searle
Chairman
District 3

Patrick G. Call
Vice-Chairman
District 1

Paul Newman
District 2



Michael J. Ortega
County Administrator

James E. Vlahovich
Deputy County Administrator

Katie A. Howard
Clerk

ORDINANCE NO. 36-08

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA, WHICH REGULATES CONTACT BETWEEN WILDLIFE AND HUMANS WITHIN COCHISE COUNTY IN AN EFFORT TO PROTECT THE WELFARE AND SAFETY OF THE PUBLIC

WHEREAS, by Arizona Revised Statutes Title 17, the Arizona Game and Fish Commission is established and tasked with the responsibility to manage wildlife in Arizona; and

WHEREAS, the Board of Supervisors, pursuant to A.R.S. § 11-251.31, may make and enforce all local, police and sanitary regulations not in conflict with general law; and the issue of humans feeding wildlife and leaving human food and garbage available for wildlife has created and continues to create public safety concerns; and

WHEREAS, the frequency of wildlife/human public safety conflicts within Cochise County are escalating and pose a potential threat to the welfare and safety of the public; and

WHEREAS, the attraction of javelina, a primary prey animal for mountain lions, tends to attract mountain lions into the communities where these animals are being fed, and mountain lions are predators that have harmed humans in our state in the past by predatory attacks; and

WHEREAS, the Board of Supervisors has determined that the intentional, careless, negligent or reckless placing, storing or discarding of garbage, refuse, human and animal food or edibles contributes to the frequency of potentially dangerous contacts between humans and wildlife such as bears, coyotes, and mountain lions,

NOW, THEREFORE, BE IT ORDAINED that the Cochise County Board of Supervisors supports the enforcement of regulations for feeding certain wildlife, as follows:

Section 1. Wildlife feeding regulations

Subsections:

- 1.01 Feeding or attracting bears, javelina, coyotes and mountain lions prohibited
- 1.02 Definitions
- 1.03 Applicability
- 1.04 Exceptions
- 1.05 Enforcement

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First offense: The violator is provided information about the ordinance and the public safety hazards associated with feeding or attracting wildlife and given a verbal warning.

Second offense: The violator is issued a citation for violating this section of the Cochise County Ordinance.

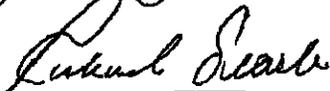
1.06 Separate offenses.

Each violation (after a first offense) pursuant to this section shall constitute a separate offense and each day a violation remains unabated may constitute a separate offense.

1.07 Penalty.

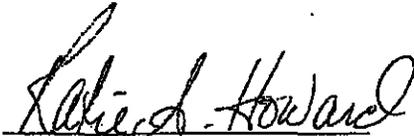
Pursuant to A.R.S. § 11-251.05A.2, a violation of this section constitutes a Class 1 misdemeanor and is punishable by a fine of not more than \$2,500, 6 months in jail, 3 years of probation, or any combination thereof.

PASSED AND ADOPTED by the Cochise County Board of Supervisors this 15th day of January, 2008. Effective date of the Ordinance shall be thirty (30) days, hereafter.



Richard Searle, Chairman
Cochise County Board of Supervisors

ATTEST:



Katie A. Howard,
Clerk of the Board

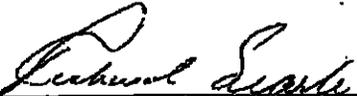
APPROVED AS TO FORM:



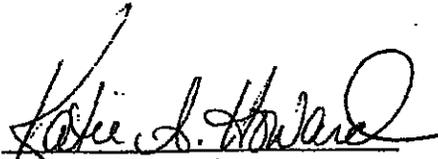
Britt W. Hanson,
Chief Civil Deputy

080101719

APPROVED AND ADOPTED in Formal Session this 15th day of January, 2008


Richard Searle, Chairman
Cochise County Board of Supervisors

ATTEST:


Katie A. Howard,
Clerk of the Board

APPROVED AS TO FORM:


Britt Hanson,
Deputy County Attorney



FEE # 080101719
OFFICIAL RECORDS
COCHISE COUNTY
DATE 01/22/08 HOUR 4
REQUEST OF
COCHISE COUNTY BOARD OF SUPV
CHRISTINE RHODES-RECORDER
FEE : PAGES : 5

080101719

After recording, please deliver to: Marian Sheppard, BOS

ORDINANCE

No. 01-1

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF GILA COUNTY, ARIZONA, WHICH REGULATES CONTACT BETWEEN BEARS AND HUMANS WITHIN UNINCORPORATED GILA COUNTY IN AN EFFORT TO PROTECT THE WELFARE AND SAFETY OF THE PUBLIC AND OF THE BEARS.



WHEREAS, the Board of Supervisors, pursuant to A.R.S. §11-251 and §11-251.05, may make and enforce all local, police and sanitary regulations not in conflict with general law; and

WHEREAS, the frequency of bear/human contacts within unincorporated Gila County are escalating and pose a potential threat to the welfare and safety of the public and to the welfare and safety of the bears; and

WHEREAS, the Board of Supervisors has determined that the intentional, careless, negligent or reckless placing, storing or discarding of garbage, refuse, human and animal food or edibles contributes to the frequency of bear/human contacts.

NOW, THEREFORE, BE IT ORDAINED that the Gila County Board of Supervisors supports the enforcement of regulations for bear/human contacts, as follows:

SECTION 1. Bear regulations

Subsections:

- 1.01 Definitions
- 1.02 Feeding or attracting bears prohibited
- 1.03 Applicability
- 1.04 Exceptions
- 1.05 Enforcement
- 1.06 Separate offenses
- 1.07 Penalty

1.01 Definitions

- A. "Feeding" is defined as the intentional placing of water, animal or human food, or edibles to a bear or bears.

1.06 Separate offenses

1.07 Penalty

1.01 Feeding or attracting bears, javelina, coyotes and mountain lions prohibited.

It is unlawful for any person to intentionally feed bears, javelina, coyotes or mountain lions, or to attract them by intentionally, negligently or recklessly placing water, garbage, refuse, human or animal food, or edibles in a place that is physically accessible to such wildlife.

1.02 Definitions.

- A. "Feeding" is defined as the intentional provision of water, animal or human food, animal carcasses, or edibles to wildlife.
- B. "Attracting" is defined as placing water, animal or human food, edibles, animal parts or carcasses, garbage, or refuse in an area where a reasonable person would be aware of the potential presence of wildlife.

1.03 Applicability.

This ordinance applies within all unincorporated areas of Cochise County.

1.04 Exceptions.

This ordinance does not apply to:

- A. Public employees or their agents acting within the scope of their authority for public safety or wildlife management purposes.
- B. Feeding or attracting wildlife as permitted by Arizona law and not prohibited by any Arizona Game and Fish Commission Rule or Order.
- C. Food or edibles that are being transported, consumed, or prepared for human consumption.
- D. Garbage or refuse that is being transported to an approved landfill or disposal facility.
- E. Water, food, edibles, garbage, or refuse located in a residence, sealed vehicle or storage building, or in a camping storage unit that is constructed of solid, non-pliable material.
- F. Food, edibles, garbage or refuse suspended at least ten feet above the ground and four feet horizontally from a post, tree trunk or other object on which a bear can climb.
- G. Food, edibles, garbage or refuse stored in a covered and locked container made of sturdy, non-pliable material provided, however, that refrigerators or freezers that are placed outside, even if locked, are not exempt under this ordinance.
- H. Municipal and commercial zoos or Arizona Game and Fish Department licensed wildlife rehabilitation providers.
- I. Provision of feed exclusively for livestock, horses, swine, poultry, or fowl.
- J. Feeders placed to attract birds or other wildlife that do not pose a public safety issue, nor attract bears, javelina or coyotes.

1.05 Enforcement.

An animal control officer or any state certified peace officer may issue a citation for the violation of this ordinance subject to the following provisions:

- B. "Attracting" is defined as placing water, animal or human food, edibles, garbage or refuse in an area where a reasonable person would be aware of the potential presence of bears.

1.02 Feeding or attracting bears prohibited

It is unlawful for any person to intentionally feed a bear or bears, or to attract bears by intentionally, negligently or recklessly placing water, garbage, refuse, human or animal food, or edibles in a place that is physically accessible to bears.

1.03 Applicability

This section applies within all unincorporated areas of Gila County, including, but not limited to, those areas within any Federal Land, or State, or National Park that lie within the geographical boundaries of unincorporated Gila County.

1.04 Exceptions

This ordinance does not apply to:

- A. Public employees acting within the scope of their authority for public safety or wildlife management purposes.
- B. Feeding or attracting bears as permitted by Arizona law and the Arizona Game and Fish Commission.
- C. Food or edibles that are being transported, consumed or prepared for consumption.
- D. Garbage or refuse that is being transported.
- E. Water, food, edibles, garbage or refuse located in a residence, sealed vehicle or storage building, or in a camping unit that is constructed of solid, non-pliable material.
- F. Food edibles, garbage or refuse suspended at least ten feet above the ground and four feet horizontally from a post, tree trunk or other object on which a bear may climb.
- G. Food, edibles, garbage or refuse stored in a covered and locked container made of sturdy, non-pliable material.
- H. Municipal and commercial zoos.
- I. Provision of feed for livestock, horses, swine, poultry or fowl.

1.05 Enforcement

An animal control officer and any state certified peace officer may issue a citation for the violation of this ordinance.

1.06 Separate offenses

Each violation pursuant to this section shall constitute a separate offense and each day a violation remains unabated may constitute a separate offense.

1.07 Penalty

A violation of this section constitutes a Class I misdemeanor and is punishable by a fine of not less than \$ 500.00, nor more than \$ 2500.00, 6 months in jail, 3 years of probation, or any combination thereof

SECTION 2. That all ordinances and parts of ordinances in conflict with this ordinance be hereby repealed to the extent of such conflict.

SECTION 3. That if any part of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. Due to the summer recreation season and the recent bear encounters, this ordinance is enacted as an emergency measure to be effective immediately.

PASSED AND ADOPTED this 10th day of July 2001.

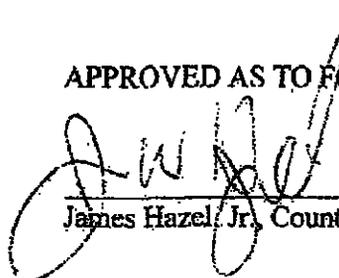
GILA COUNTY BOARD OF SUPERVISORS




Cruz Salas, Chairman


Steven L. Besich, Clerk

APPROVED AS TO FORM:


James Hazel, Jr., County Attorney

ORDINANCE NO. 4016

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING SECTIONS 20-30, 20-31 AND 20-34 OF CHAPTER 20, PARKS, RECREATION AND CULTURAL AFFAIRS, OF THE SCOTTSDALE REVISED CODE, RELATING TO ARTICLE III, GENERAL PARK RULES.

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Section 20-30. Scope, of Chapter 20, Parks, Recreation and Cultural Affairs, is amended as follows:

Sec. 20-30. Scope.

The provisions of this article shall apply to public parks within the city limits, which shall be referred to in this article as *city parks*. This article shall not apply to city parks to which specific provisions of this Code apply, or to public lands within the boundaries of the McDowell Sonoran Desert Preserve. In the event of a conflict between the provisions of this article and any provision of this Code relating to a specific city park, the provisions relating to the specific park shall apply. *General manager*, as used in this article, means the general manager, whose duties include administering the city parks, or the community services department, or the general manager's designee.

Section 2. Section 20-31. General rules for use, of Chapter 20, Parks, Recreation and Cultural Affairs, is amended as follows:

Sec. 20-31. General rules for use.

(a) All persons using city parks shall comply with all federal, state, county and city laws, rules and regulations.

- (b) All persons using city parks shall also comply with the following:
- (1) ~~No deadly weapons are permitted in city parks, except firearms by persons who possess a permit issued pursuant to A.R.S. § 13-3112. A "deadly weapon" as used in this subsection is anything designed for lethal use and it includes firearms and knives with blades longer than three and one half (3 1/2) inches. This subsection shall not apply to special public events or instructional classes being held pursuant to a city permit at which weapons are used for show or demonstration purposes. Reserved.~~
 - (2) No person shall discharge a firearm in a city park, except that blank cartridges may be discharged using a firearm during special events, when authorized by the general manager.
 - (3) No person shall consume spirituous liquor from an open container, or possess spirituous liquor in an open container, in a city park. *Spirituous liquor* includes alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor or malt beverage, absinthe, a compound or mixture of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol,

any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one percent of alcohol by volume. The only exception to this subsection is that beer in an open container may be consumed or possessed pursuant to a permit issued by the city, as provided in section 20-34 of this article.

- (4) All persons fourteen (14) years and older who are fishing in city lakes must be in possession of a valid fishing license and any other license or permit as may be required by law.
- (5) No person shall harm, injure, remove from, or release into any city park any animal, without approval of the general manager. Except as otherwise provided by law, no person shall feed, touch, tease, frighten, hunt, kill, wound, or intentionally disturb wildlife in any city park, without authorization from the general manager. No person shall remove plants, wild animals, wildlife or natural materials found in a city park, except the lawful removal of fish from a lake. Wildlife means all undomesticated and feral animals, and includes birds, coyotes, javelinas, feral cats, eggs and nests.
- (6) No motorized vehicles shall be allowed in a city park, except in designated parking areas. This subsection shall not apply to: (i) city employees or others authorized by the city to perform inspection, repair or maintenance work; (ii) persons providing emergency, search and rescue, medical or veterinary services; (iii) the use and operation of a motorized wheelchair by a person who ordinarily uses such equipment (iv) vendors, on park related business, with the permission of authorized city staff.
- (7) The sale of food, beverages or other merchandise is prohibited unless specifically authorized by permit issued by the city.
- (8) Lakes, fountains and other waterways shall not be used for swimming, wading or bathing.
- (9) No person shall throw or deposit any litter, garbage or debris in or upon a city park, or park premises, in violation of sections 18-2 and 18-4(e) of this Code.
- (10) Public boating shall be confined to Chaparral and McKellips Lakes. Watercraft used in public boating must be registered in accordance with state law. Watercraft, as defined in A.R.S. § 5-301, means "any boat designed to be propelled by machinery, oars, paddles or wind action upon a sail for navigation on the water". Use of watercraft in public boating in a city park shall be limited, however, to sailboats, rowboats, canoes or boats with electric motors.
- (11) No person shall undertake mechanical repair or maintenance of any vehicle in a city park, including but not limited to automobile oil changes and engine tune-ups, except in the case of an emergency when the vehicle is inoperable. No commercial or professional washing or waxing of vehicles shall be permitted in parks.
- (12) No person shall be in or on park premises at any time other than those times authorized for public use, as provided in section 20-35, below.
- (13) No person shall use any city park facility, or any area in a city park, which has been declared "closed" and which has been so posted by the city, except as authorized in writing by the general manager.
- (14) Horses are prohibited in city parks, except on bridle paths, equestrian trails, or in equestrian areas that are designated by posted notices. This subsection shall not apply to: (i) horses being used by the police department in the course of their official duties; or (ii) public events or classes held pursuant to a city permit.

- (15) Practice golfing is prohibited in city parks, except for public events or classes held pursuant to a city permit.
- (16) Gas powered model airplanes and incendiary model rockets are prohibited. Model boats may be operated only in McKellips Lake and Indian School Park Lake and any other areas that may be designated by the city for such purpose. Model boats may be operated only between the hours of 9:00 a.m. and sunset.
- (17) No person, or person who has custody of a dog, horse or other animal, shall cause or permit damage to any park property, including but not limited to trees, shrubs, plants, turf and landscaping, or digging holes in or removing turf or ground from a city park.
- (18) No open fires are permitted, unless specifically authorized by permits issued by the city and the fire department. Charcoal only may be used in fixed grills provided in city parks and charcoal fires shall be attended at all times.
- (19) No glass, ceramic or easily broken plastic food or beverage containers are permitted in the park.
- (20) No person shall knowingly and intentionally throw, toss, propel, or break any glass object in a city park.
- (21) No person shall participate in archery or willfully, negligently or recklessly discharge, use or propel any object or projectile capable of causing serious physical injury, including but not limited to an air gun, BB gun, pellet gun, dart gun, crossbow, slingshot, blowgun, javelin or spear. "Serious physical injury" includes physical injury which creates a reasonable risk of death, or which causes serious and permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb. This subsection shall not apply to special public events or classes held pursuant to a city permit issued for such activities.
- (22) No person shall tether, launch or land a hot air balloon in a city park, except in the case of emergency, or unless expressly authorized to do so, in writing, by the general manager.
- (23) The owner or person in custody of a dog shall immediately pick up all dog droppings (fecal matter) place them in a closed or sealed container and deposit them in a park trash receptacle or remove them from the park, as provided in subsection 4-18(f) of this Code.
- (24) No person shall throw, deposit or place any commercial or non-commercial handbill in or upon any unattended vehicle parked or located in a city park.
- (25) Smoking is prohibited in any enclosed public place in a city park, as provided in section 19-16 of this Code, except in areas designated for smoking by the general manager.
- (26) All motor vehicles operated in a city park must have current legal registration, display number plates for the current registration year and be operated only by properly licensed drivers.
- (27) A maximum speed of five (5) miles per hour shall be in effect at all times for motor vehicles.

(c) *Person*, as used in this section, includes a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

Section 3. Section 20-34. Beer permits, of Chapter 20, Parks, Recreation and Cultural Affairs, is amended as follows:

Sec. 20-34. Beer permits.

(a) No person or members of a group or organization shall consume beer from an open container, or possess an open container of beer, in a city park without first having obtained a permit pursuant to this section. Beer means any beverage obtained by the alcoholic fermentation, infusion or decoction of barley, malt, hops, or other ingredients not drinkable, or any combination of them. A condition of any permit shall be that the person or member of a group subject to the permit shall comply with all state liquor laws. The person to whom the beer permit has been issued must be present for the permit to be valid and the permit must be displayed at the request of any park employee or police officer. A permit is invalid in any park areas where the consumption or possession of beer is prohibited by the city.

(b) Application for a beer permit shall contain the applicant's name, address, telephone number, date of birth and age and the number of persons to which the permit will apply. The applicant shall show proof of age in one of the following forms: (i) an unexpired driver license issued by any of the United States or Canada, provided such license includes a picture of the licensee; (ii) a nonoperating identification license issued by the State of Arizona; (iii) an armed forces identification card; or (iv) a valid unexpired passport. When applying for a permit by phone or other means, the only acceptable form of identification is an unexpired driver license issued by any state or a nonoperating identification license issued by the State of Arizona. The applicant must provide the number and any additional license information to the reservation agent.

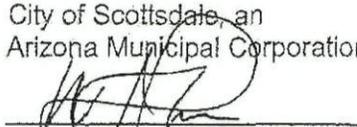
(c) ~~An application for a beer permit shall be accompanied by a fee of five dollars (\$5.00). An application for a beer permit shall be accompanied by the current council approved fee.~~ Upon the satisfaction of the terms and conditions of this section, the city shall issue a permit, which shall be valid for one day only, which shall be shown on the permit. A separate permit is required to reserve a park facility.

(d) The beer permit shall be revocable by the city for any violation of this article, any provision of the state liquor laws, or any other condition of the permit. Any person who has had a permit revoked by the city shall not be entitled to apply for another such permit until the expiration of sixty (60) days from the date such revocation occurred.

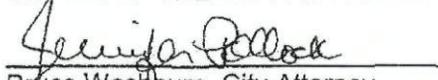
PASSED AND ADOPTED by the City Council of the City of Scottsdale, Arizona this 15th day of May, 2012.

ATTEST:


Carolyn Jagger, City Clerk

City of Scottsdale, an
Arizona Municipal Corporation

W.J. "Jim" Lane, Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY


Bruce Washburn, City Attorney
By: Jennifer Pollock, Assistant City Attorney

CITY OF SHOW LOW ORDINANCE NO. 2010-13

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SHOW LOW, ARIZONA, AMENDING SECTION 6-1-14, **WILD ANIMALS**, OF THE SHOW LOW CITY CODE BY ADDING ADDITIONAL LANGUAGE CONCERNING REMEDIAL ACTIONS TO AVOID CONTACT BETWEEN HUMANS AND **BEARS**, COYOTES, JAVELINAS, OR OTHER WILD ANIMALS

Section 1

Section 6-1-14, **Wild animals**, of Chapter 6, *Animals*, under Article 6-1, *Definitions*, of the Show Low City Code shall be amended and renumbered as follows:

(1) Any property owner who fails to take remedial action to avoid contact between humans and bears, coyotes, javelinas, or other wild animals after having been **notified in writing by animal control or any peace officer** is guilty of a civil violation. Remedial action may include, without limitation, actions to secure or remove outdoor trash and any other food source or attractant likely to attract bears, coyotes, javelinas, or other wild animals.

(2) Any property owner who knowingly or purposely leaves garbage, refuse, debris, or any other attractant outside in order to attract bears, coyotes, javelinas, or other wild animals shall be guilty of a civil violation.

(3) Exhibitions or parades of wild animals may be conducted only upon securing a permit from the city unless the exhibition or parade is conducted by another government agency or adequately covered under another city permit.

OFFICER:

DATE:

NAME:

ADDRESS:

REMEDIAL ACTION:

PINETOP-LAKESIDE CITY ORDINANCE

**Chapter 6.04
ANIMAL CONTROL**

6.04.290 Wild animals.

A. An individual and/or property owner who leaves garbage, refuse, or debris outside that results in attracting bears, coyotes, javelinas, or other similar wild animals shall be given a verbal or written warning advising them that a second violation will result in a civil citation.

B. An individual and/or property owner who fails to take remedial action to avoid contact between humans and bears, coyotes, javelinas, or other similar wild animals after having been notified by Animal Control or any peace officer is guilty of a civil violation. Remedial action may include, without limitation, actions to secure or remove outdoor trash and any other food source or attractant likely to attract bears, coyotes, javelinas, or other similar wild animals.

C. Exhibitions or parades of wild animals may be conducted only upon securing a permit from the Town unless the exhibition or parade is conducted by another government agency or is adequately covered under another Town permit. (Ord. 10-343 § 2)

OFFICER:

DATE:

NAME:

ADDRESS:

REMEDIAL ACTION:

Pima and Maricopa Counties

13-2927. Unlawful feeding of wildlife; classification

A. A person commits unlawful feeding of wildlife by intentionally, knowingly or recklessly feeding, attracting or otherwise enticing wildlife into an area, except for:

1. Persons lawfully taking or holding wildlife pursuant to title 17 or pursuant to rules or orders of the Arizona game and fish commission.
2. Public employees or authorized agents acting within the scope of their authority for public safety or for wildlife management purposes.
3. Normal agricultural or livestock operational practices.
4. Tree squirrels or birds.

B. This section applies in a county with a population of more than two hundred eighty thousand persons.

C. Unlawful feeding of wildlife is a petty offense.

ORDINANCE NO. 2013-20

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

RECITALS:

WHEREAS, feeding wildlife may attract uncontrollable numbers of animals which may result in damage to property and irritation to surrounding property owners; and

WHEREAS, uneaten food may attract rodents, insects and other pests, thereby increasing the potential for transmittal of disease to other animals and humans; and

WHEREAS, providing wildlife with an artificial supply of food may lead to the production of animal families larger than the natural food supply can support; and

WHEREAS, feeding wildlife may cause wildlife to lose their natural fear of humans, thereby increasing the risk of injury from wild animals.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General

The Flagstaff City Code, Title 6, Chapter 6-01, General Offenses, is hereby amended by adding the following section:

SECTION 6-01-001-0023 OUTDOOR FEEDING AND PROTECTION OF WILDLIFE

A. Definitions. In this Section unless the Context otherwise requires:

1. "Feeding" or "to feed" means placing edible material in a location where it can be consumed by wildlife.
2. "Attracting" or "to attract" means placing edible material in a location likely to entice wildlife to the source of the edible material.

3. "Edible material" means any human or animal food, food by-product, salt organic material, refuse, garbage or water.
4. "Wildlife" means all wild mammals and/or wild birds.
5. "Public employees" means any federal, state, county or city employees.

B. Feeding or attracting wildlife prohibited

Option (1)

It is unlawful for any person to knowingly feed wildlife or to attract wildlife.

Option (2)

It is unlawful for any person to intentionally or knowingly feed wildlife or to attract wildlife.

Option (3)

It is unlawful for any person to intentionally, knowingly or recklessly feed wildlife or to attract wildlife except.

C. Applicability

This section applies to all areas within the Flagstaff city limits.

D. Exceptions

This section does not apply to:

1. Public employees, or their authorized agents, acting pursuant to A.R.S. Title 17 or Game and Fish Commission rule or order or acting, within the scope of their authority for public safety or wildlife management purposes.
2. Edible material located in a residence, closed vehicle, fully enclosed storage structure, or in a closed trash container.
3. A person feeding their own horses or domestic animals.
4. Seeds, nectar, and other material for birds or squirrels placed specifically for attracting wild birds and/or tree squirrels in a closed top container placed at least four (4) feet above the ground.

5. Growing plants or parts of growing plants if attempts are made to frequently remove attractants such as dropped or ripened fruits, vegetables, grains or nuts.
6. Compost piles that are fully contained and made inaccessible to wildlife.

E. Limitations to Exceptions

The exceptions do not apply to any person who knows or has reason to know that an activity is attracting wildlife other than birds or tree squirrels. To avoid a violation, a person shall modify placement of any edible material, immediately cease the activity, or take such actions as the situation may require.

F. Enforcement

An Arizona Game and Fish officer, animal control officer or any state certified peace officer may issue a written warning or citation for the violation of this section.

G. Separate Offenses

Each violation pursuant to this section shall constitute a separate offense and each day a violation remains unabated may constitute a separate offense.

H. Penalties

1. Upon a first violation of this section, an officer shall issue a written warning and provide the person with wildlife educational materials.
2. If there is a violation of this section within sixty (60) days from the date a warning was issued, the new violation is a petty offense punishable by a fine not to exceed one hundred and fifty dollars (150.00).
3. If there is a violation of this section and the person has previously been convicted within ninety (90) days of violating this section it is a petty offense punishable by a fine not less than one hundred and fifty dollars (\$150.00) and not more than three hundred dollars (\$300.00).
4. If there is a violation of this section and the person has previously been convicted two or more times within one hundred and eighty (180) days of violating this section, it is a class three misdemeanor punishable by a fine of not more than seven hundred and fifty dollars (\$750.00) and thirty (30) days in jail and up to one year of probation.

SECTION 2. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent decision, such decision shall not affect the validity of the remaining portions thereof.

SECTION 3. Clerical Corrections.

The City Clerk is hereby authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary, related to this ordinance as amended herein, and to make formatting changes needed for purposes of clarity and form or consistency within thirty (30) days following adoption by the City Council.

SECTION 4. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this _____ day of _____, 2013.

MAYOR

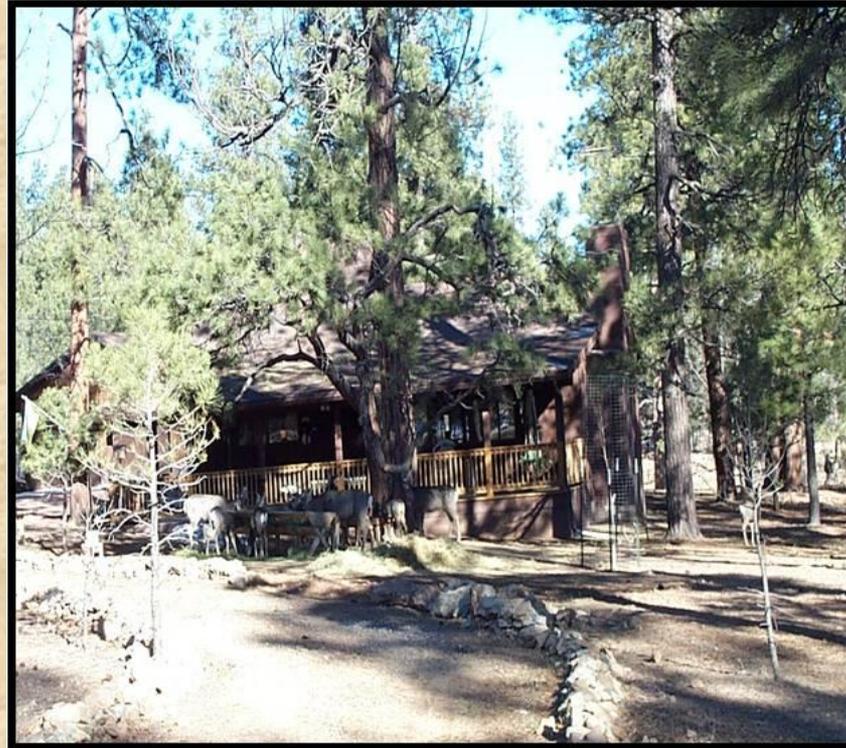
ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Outdoor Feeding and Protection of Wildlife Ordinance



Presented by:
Arizona Game and Fish Department
Flagstaff Police Department



Outdoor Feeding and Protection of Wildlife Ordinance

- What we will cover:
 - Public outreach
 - Why an ordinance?
 - Proposed Outdoor Feeding and Protection of Wildlife Ordinance (2013-20)
 - Questions?



Outdoor Feeding and Protection of Wildlife Ordinance

- The Game and Fish Dept.
- Flagstaff Police Dept.
- City of Flagstaff

- Proactive approach to address:
 - Public concerns
 - Public safety
 - Welfare and safety of wildlife



Public Outreach

- Held two public outreach meetings
 - Monday, July 22, 2013
 - Monday, August 12, 2013
 - Arizona Daily Sun (Article after each meeting)
 - City of Flagstaff web page
 - Flagstaff Police Department Facebook page and Twitter



Why an Ordinance?

- Arizona Game and Fish Dept. are responsible for the management of the wildlife within the state
- Keep “Wildlife Wild”
- Intentional or Unintentional feeding causes changes in the natural behavior of wildlife
 - Habituated to humans
 - Dependent on humans
 - Less wary and lose their natural fear of humans
 - Become dangerous
 - Unpredictable
 - Aggressive



Why an Ordinance?

- Feeding
 - Creates unnatural crowding
 - Often attracts predators
- Feeding wildlife exposes them to
 - Harassment and/or attacks from our pets
 - The pets usually loose!
- In all cases both people and the wildlife are effected



Why an Ordinance?

- Food being fed to wildlife is usually not formulated for consumption by wildlife – alfalfa
- Wildlife need to depend on THEIR own ability to find and utilize natural foods
- Wildlife that are fed become a nuisances and may have to be removed from area and killed

A fed _____ is a dead _____!



Disease Problems

- Feeding will artificially concentrate wildlife
- Increases animal to animal contact
- Further spreading disease and parasites



What are your neighbors doing?



- One person feeding usually creates problems for the surrounding neighbors.
- Wildlife do not understand fence lines or property boundaries.

Other Ordinances/Laws

- Navajo County – Ordinance w/in the unincorporated portions of the county
- Cochise County – Ordinance w/in the unincorporated portions of the county
- Gila County – Ordinance w/in the unincorporated portions of the county
- Pinetop/Lakeside – City Ordinance
- Show Low – City Ordinance
- Scottsdale City – Ordinance related to City Parks
- Maricopa, Pima, & Pinal Counties – State law: ARS 13-2927
280,000 population

The Ordinance

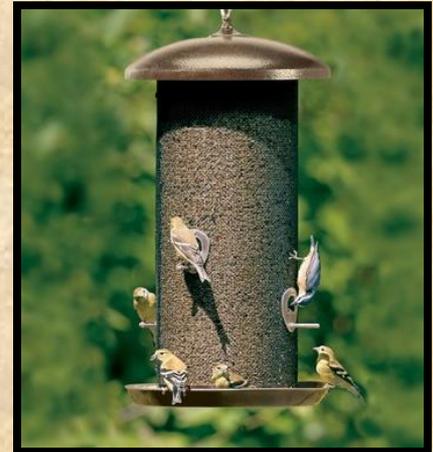
- This is that next step to proactive management of wildlife
- The ordinance will regulate the intentional feeding of wildlife in an effort to protect the welfare and safety of the public and the wildlife
- Unlawful for any person to knowingly (intentionally, recklessly) feed or attract wildlife
- Within Flagstaff city limits



The Ordinance

There are several exceptions within the ordinance which includes:

- Seeds, nectar and other material for birds and squirrels placed specifically for attracting wild birds and/or tree squirrels in a closed top container placed at least 4 feet above the ground
- Edible materials located in a residence, closed vehicle, fully enclosed storage structure, or in a closed trash container
- A person feeding their own horses or domestic animals



The Ordinance

Exceptions con't:

- Growing plants or parts of growing plants if attempts are made to frequently remove attractants such as dropped or ripened fruits, vegetables, grains of nuts
- Compost piles that are fully contained and made inaccessible to wildlife
- Public authorities doing regular duties



The Ordinance

- The exceptions do not apply to any person who knows or has reason to know that an activity is attracting wildlife other than birds or tree squirrels.
- To avoid a violation, a person shall modify placement of any edible material, immediately cease the activity, or take such actions as the situation may require.
- The ordinance addresses blatant feeding of wildlife except birds and tree squirrels.



Enforcement Actions

- There have been four people cited in Arizona for feeding wildlife after all other measures were taken to convince them to stop
- Two people cited in Pima County
 - The first was a woman that was feeding bears (Before the statewide no feeding law)
 - The second was a woman that was feeding Ravens dog food
- Two people cited in Maricopa County for feeding javelina
 - One person was cited for feeding javelina dog food. Nine javelina had to be euthanized because they became habituated and aggressive.
 - One person was cited for feeding javelina restaurant scraps
 - A third person is under investigation for feeding javelina

Enforcement Actions

- This ordinance will be enforced based on complaints generated from the public
- Officers will not be out patrolling neighborhoods
- There must be contact by an officer
- Game and Fish personnel regularly contact people who are feeding wildlife. In most situations the individuals don't realize the real problem and stop after hearing that feeding wildlife is not the right thing to do.



Enforcement Actions

- First violation: An officer will issue a written warning and provide wildlife educational materials. There will be a discussion regarding the type of feeding the person is doing including recommendations. The person will receive a follow-up letter from the Game and Fish Dept. outlining the situation.



Enforcement Actions

- Second violation w/in 60 days: The new violation is a petty offense punishable by a fine not to exceed \$150.00.



Enforcement Actions

- Third violation where the person was previously convicted w/in 90 days: The new violation is a petty offense punishable by a fine not less than \$150.00 and not more than \$300.00.



Enforcement Actions

- Fourth violation where the person was convicted two or more times w/in 180 days: The new violation is a class 3 misdemeanor punishable by a fine not more than \$750.00 and 30 days in jail.



Questions?



**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Michael Scheu, Building Official
Date: 08/15/2013
Meeting Date: 08/26/2013



TITLE:

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. ****THIS ITEM MOVED FROM THE 4 PM ROUTINE SECTION OF THE AGENDA***

RECOMMENDED ACTION:

- 1) Read Ordinance No. 2013-19 by title only for the final time
- 2) City Clerk reads Ordinance No. 2013-19 by title only (if approved above)
- 3) Adopt Ordinance No. 2013-19

Policy Decision or Reason for Action:

At the July 16, 2013, Council Meeting discussion was held on staying with the 2006 Energy Conservation Code and amendments thereto, adopting the 2009 Energy Conservation Code and amendments thereto (as directed at the July 2, 2013 Council meeting), or adopting the 2012 Energy Conservation Code and amendments thereto. A majority of the Council ultimately adopted the 2009 Energy Conservation Code through Resolution No. 2013-20 and held first read of Ordinance No. 2013-19. Section read and adoption of the ordinance has been scheduled for the August 26, 2013, Council meeting.

Financial Impact:

There will be a cost of approximately \$3,500 for new code books and \$2,000 for training of the plans examiners and inspectors. (See Page 2 under Expanded Financial Impact for further information)

Connection to Council Goal:

11. Effective governance - By adopting the 2009 Energy Code, there will be approximately a 15% or 30% reduction in energy consumption in residential and commercial buildings.

Has There Been Previous Council Decision on This:

Yes. The 2012 International Energy Conservation Code was brought before the Council for adoption on July 2, 2013. In July of 2011, Council voted to bypass the 2009 International Energy Conservation Code. The 2006 International Energy Conservation Code was adopted July 2011. An extensive public hearing was held on the subject of the Energy Conservation Code on July 2, 2013, and on July 16, 2013, and a majority of Council voted to move forward with the 2009 Energy Conservation Code.

Options and Alternatives:

- 1) Adopt Ordinance No. 2013-19
- 2) Not adopt Ordinance No. 2013-19

Background/History:

The Building Safety Program is responsible for reviewing and adopting building codes in consideration of current life safety issues and building industry standards. Since April 13, 1937, the City of Flagstaff has been reviewing and adopting various building, plumbing, mechanical, electrical, gas and fire code to better serve the community. The last code review and adoption was the 2012 Edition of the International Codes, by Ordinance 2012-13, on July 2, 2013. In 2011, the Council approved going to a 6-year code cycle instead of a 3-year cycle.

Key Considerations:

In the Energy Conservation Code, Chapter 4 contains the residential requirements and Chapter 5 contains the commercial requirements. Most of the sections are prescriptive requirements but there are some mandatory requirements also. Section R405 allows for a performance-based compliance developed on simulated energy performance which shows that the proposed design will have an annual energy cost that is less than or equal to the annual energy cost of the standard reference design. In both sections, there are certain "mandatory" requirements that are required for the prescriptive and performance methods of compliance. This will allow a builder to be innovative to find other methods to meet the energy saving goals.

Expanded Financial Considerations:

2009 Edition: There will be some increased costs due to some of the changes in the building codes. For the energy conservation code, a 15% increase in energy efficiency over the 2006 energy conservation code will incorporate numerous changes. According to a Department of Energy Report and a National Association of Home Builders energy report (see attached), there is an average additional cost between \$1,219.00 to \$3,245.00 over the 2006 Energy Conservation Code for a 2,000-2,580 square foot home. (See Table 1)

If the 2009 Energy Conservation Code is adopted, the following amendments are recommended:

- 1) Sections C101.2 & R101.2 by adding an exception for Group R-2 occupancies to be able to comply with either the residential or commercial requirements of the Energy Conservation Code.

Community Benefits and Considerations:

By adopting the 2009 International Energy Conservation Code, the community is expecting that new structures and additions and modifications on existing structures will save on energy, thus enhancing a viable sustainable future.

Community Involvement:

Involve - Public code forums were held from February 2012 to January 2013 with a suspension from May 2012 to October 2012 due to work load. Information and invites were sent to NABA, F3, local architects and engineers, NAGBC, local contractors and designers plus individuals who asked to be placed on the email list, the Sustainability Commission and on May 8, staff will be meeting with the Chamber of Commerce. Coconino County will be considering adopting the 2012 Codes later this year.

Attachments: Ord. 2013-19
 Res. 2013-20

ORDINANCE NO. 2013-19

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

RECITALS:

WHEREAS, that certain document known as the *“2009 Energy Code and the 2013 Amendments to City Code/2009 Energy Code, Title 4, Building Regulations”*, the three copies of which are on file in the office of the City Clerk of the City of Flagstaff, Arizona, made a public record by Resolution No. 2013-20; and

WHEREAS, the City Council has determined that adoption of the *“2009 Energy Code and the 2013 Amendments to City Code/2009 Energy Code, Title 4, Building Regulations”* is necessary for the issuance of permits and collection of fees pursuant thereto, and for implementing and enforcing each and all of the regulations, provisions, penalties, conditions and terms of an updated Flagstaff Building Code.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED by the Flagstaff City Council as follows:

Section 1: THAT certain document known as the *“2009 Energy Code and the 2013 Amendments to City Code/2009 Energy Code, Title 4, Building Regulations”*, three copies of which are on file in the office of the City Clerk of the City of Flagstaff, Arizona, which document was made a public record by Resolution No. 2013-20 of the City of Flagstaff, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, the provisions thereof to become effective on _____.

Section 2: THAT any person found guilty of violating any provision of this code shall be guilty of a class one misdemeanor. Each day that a violation continues shall be a separate offense punishable as herein above described.

Section 3: THAT the Flagstaff City Code and all ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, effective as of _____.

Section 4: THAT the repeal of prior ordinances and parts of ordinances reference in Section 3 above does not affect the rights and duties that matured or penalties that were incurred and proceedings that were begun before the effective date of the repeal.

Section 5: THAT if any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 26th day of August, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

RESOLUTION NO. 2013-20

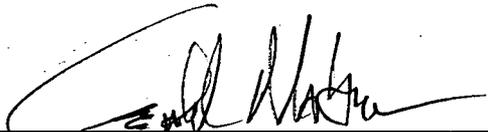
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK ENTITLED THE "2009 ENERGY CODE AND THE 2013 AMENDMENTS TO CITY CODE / 2009 ENERGY CODE, TITLE 4, BUILDING REGULATIONS" AND PROVIDING FOR AMENDMENTS, ADDITIONS AND DELETIONS THERETO

ENACTMENTS:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

That certain document entitled "2009 ENERGY CODE AND THE 2013 AMENDMENTS TO CITY CODE / 2009 ENERGY CODE, TITLE 4, BUILDING REGULATIONS" three copies of which are on file in the office of the City Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the City Clerk.

PASSED AND ADOPTED by the City of Flagstaff Council and approved by the Mayor of the City of Flagstaff this 16th day of July, 2013.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

EXHIBIT 'A'

**2013 AMENDMENTS TO FLAGSTAFF CITY CODE -
2009 ENERGY CONSERVATION CODE, TITLE 4, BUILDING CODE**

CHAPTER 4-09

INTERNATIONAL ENERGY CONSERVATION CODE

Sections:

4-09-001-0001 AMENDMENTS, ADDITIONS, AND DELETIONS

Section 4-09-001-0001 Amendments, Additions, and Deletions

The following provisions shall have the effect of either amending, adding to, or deleting from the International Energy Conservation Code adopted in Flagstaff City Code, Title 4, Building Regulations, Chapter 4-01, Administrative Enactments, Section 4-01-001-0002, Adoption.

Chapter 1, ADMINISTRATION

Amend Sections R101.2 and C101.2 Scope by adding:

Exception: Group R-2 occupancies to be able to comply with either the residential or commercial requirements of the Energy Code.

CHAPTER 4, RESIDENTIAL ENERGY EFFICIENCY

Add the following amendments to Chapter 4:

Amend Section 402.1.1 by adding:

Insulation values in 2x6 wall construction will remain the same at R-19.

Exception: Insulation values in existing 2x4 wall construction will remain at R-15 (high density).

(Amended Ord. No. 2011-12, July 19, 2011)

Amend Section 402.1.3.1 Window Fenestration

All new construction and replacement windows to have National Fenestration Rating Council (NFRC) total unit U-factor of 0.45 or less. Windows shall also be low-E where practical (not recommended for southern exposures) or not being used for solar heat gain to fuel a solar massing device. (Amended Ord. No. 2011-12, July 19, 2011)

~~Amend Section 403 by adding:~~

~~Section 403.1.2 All new construction and replacement heating units (optional for hydronic in-floor heating systems) will have Programmable thermostats.~~

~~(Amended Ord. No. 2011-12, July 19, 2011)~~

**2013 AMENDMENTS TO FLAGSTAFF CITY CODE -
2009 ENERGY CONSERVATION CODE, TITLE 4, BUILDING CODE**

Section 403.7 Furnaces: All furnaces installed in new construction shall be 90% condensing type furnaces.

Exception: Replacement furnaces are to be voluntarily 90% condensing type furnaces.

(Amended Ord. No. 2011-12, July 19, 2011)

~~Section 403.8 Water heaters shall either be insulated using exterior "jackets" or for "Energy Star" or energy conservation rated appliance that have pre-installed insulation. The insulation information must be available on the appliance installed at the time of final inspection. A minimum total insulation value of R-16 must be achieved. (This applies to new installation or replacements.)~~

~~Exception: The R-16 is not required when the existing room size prohibits the larger sized water heater and the Manufacturer's listing prohibits the use of insulation jackets.~~

~~(Amended Ord. No. 2011-12, July 19, 2011)~~

~~Section 403.9 A carbon monoxide (CO) detector shall be installed at the house/garage entry door and within each utility room where combustion appliances are used (sealed combustion appliances are exempt). A laundry room which uses gas appliances would require a detector.~~

Section 403.10 All hot water supply lines (both ½" and ¾") will be insulated with a minimum of R3.6 wrap insulation; or ½" foam covers. All joints between sections of insulation will be snugly butted together and wrapped with duct tape.

Section 403.11 All newly installed toilets must be "high efficiency toilets" (HET) units which have a maximum of 1.3 gallons for solids. (Special attention to this change needs to be addressed by suppliers and home improvement centers which stock the older style units).

~~Section 403.13 A construction waste reduction/reuse plan will be written and provided at the time of building permit submittal for new construction of all new commercial projects (apartments and condominiums), townhouse subdivisions and or single family detached builders who submit for more than 15 permits within a subdivision during any one calendar year. The plan must address construction waste to include cardboard, drywall, foam, metal, concrete, masonry and asphalt.~~

~~Section 403.14 All appliances, refrigerators, freezers, washers, dryers, cook stoves, that are supplied by the contractor shall be Energy Star.~~

(Amended Ord. No. 2011-12, July 19, 2011)

~~Amend Chapter 4 by adding Section 405.~~

~~Section 405 Best Practices: The following items are recommended but not required in all new residential construction.~~

**2013 AMENDMENTS TO FLAGSTAFF CITY CODE -
2009 ENERGY CONSERVATION CODE, TITLE 4, BUILDING CODE**

~~Section 405.1: Future Solar Water Heater. All new residential construction shall be built so as to accommodate a future installation of a solar water tank. Ceilings within the water heater compartment shall be a minimum 8 foot in height. Either insulated plumbing for standard inter-connect to a roof mounted system will be pre-plumbed or adequately sized chase/access panel provided between the water heater compartment and the attic space will be installed.~~

~~Exception: Single story single family dwellings.~~

~~Section 405.2: Future Solar Photovoltaic. All new residential construction shall be supplied with a minimum ¼ inch electrical conduit, with a pull wire, for the future installation of a solar photovoltaic system. The conduit shall be run from the inside of an accessible attic crawl space to the electrical service entrance section.~~

~~Section 405.3: Future Alternative Energy Systems. (Wind Turbines or geothermal): Working drawings prepared by the owner, builder, contractor, draftsman or design professional should indicate possible location of expansion to accept alternative energy systems. This can be demonstrated by indicating location of future accessory service panels for electrical systems or expansion capability of mechanical rooms for boilers and control systems.~~

~~Section 405.4: Voluntary Sustainability Programs. This allows the voluntary use of LEED, Coconino county sustainable checklist, National Green Building Standard, NAHB 2008, ICC 700-2008. This allows the builder or property owner to participate in sustainable programs that are not listed in the International Energy Conservation Code, 2006 edition.~~

~~Section 405.5: Jump Ducts. Provide an air balancing device between adjoining rooms to allow equalization of air pressure and temperatures between rooms.~~

~~Section 405.6: Exterior Wall Insulation. Contractor to increase R-19 to R-24 insulation using high density or spray applied foam insulation in exterior framed walls.~~

~~Section 405.7: Protection of Cold Water Supply Lines. Add R-19 insulation to water supply lines that are exposed in crawl spaces.~~

~~Section 405.6: Lighting. At the time of final inspection, the builder, contractor, or owner may install compact fluorescent lights (CFLs), other fluorescent, LEDs or other energy efficient lighting equivalent to or better than fluorescents in the high use areas for new construction. High use areas are typically defined as kitchens, living room, family room, and dining area. Specialty type lighting fixtures shall be of a low wattage or low voltage type.~~

~~Exception: Specialty lighting (chandeliers and under counter halogen lights) may be used in living rooms, dining rooms and kitchens. Recessed spot lights will use CFL's or LED's and recostats must be rated for their use.~~

**2013 AMENDMENTS TO FLAGSTAFF CITY CODE -
2009 ENERGY CONSERVATION CODE, TITLE 4, BUILDING CODE**

~~Section 405.7: Wood floors in new construction may have an insulation value of R-30.~~

~~Section 405.8: Insulation in contact with the ground may be extruded polystyrene or other foam products other than expanded polystyrene.~~

~~Section 405.9: Hot water re-circulating pumps are to have a programmable timer, an on/off switch, and ¾ inch foam pipe insulation.~~

Section N1105.10 Dual Plumbing. All new residential single family detached units are "voluntarily" requested to install the piping only for dual plumbed for "gray water" disposal and conservation efforts. Access for future valving must be provided and the initial installation will be connected to sanitary sewer. The piping shall be installed in accordance Appendix C, Gray Water Recycling Systems, of the International Plumbing Code, 2009 Edition, and the regulations established by ADEQ. Reference Type 1 General Permit Best Management Practices for the 13 points of using gray water, at www.adeq.state.az.us or call at 1-800-234-5677.)

(Amended Ord. No. 2011-12, July 19, 2011)

CHAPTER 5 COMMERCIAL ENERGY EFFICIENCY

Amend Chapter 5 by deleting Sections 505.6.1 through 505.6.2 and replace with:

City of Flagstaff has an exterior lighting permit requirement, enforces a "Dark Sky Ordinance" and requires review by zoning enforcement and the Project Management Section prior to installation. Lumen calculations are required and amounts are limited by property size and use.

(Amended Ord. No. 2007-47, 12/18/2007; Amended Ord. 2007-48, 01/15/2008; Amended Ord. No. 2009-06, 07/18/2009; Amended Ord. No. 2011-12, July 19, 2011)

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Kimberly Ott, Public Information Officer
Date: 08/06/2013
Meeting Date: 08/26/2013



TITLE

Discussion of 2013 Resident Survey

RECOMMENDED ACTION:

Review and discuss the 2013 Resident Survey Instrument/Questions

INFORMATION

Resident surveys are important and extremely helpful in gauging our residents' thoughts and impressions about City government services, programs, taxes and issues. The results provide a comparison to previous years, and show improvements or continued challenges. These surveys can also help identify the need for additional resources or public education, and determine the placement of future ballot issues. This year's survey will also allow Flagstaff to compare or benchmark ourselves with other communities around the nation.

The last residents' survey was completed in 2009. While a survey had been administered annually since 2000, financial limitations during the recession moved this to a lower priority until money was budgeted last fiscal year. Timing is critical in the administration of the survey, so the money to complete the survey was rolled over to this fiscal year to allow the survey to take place in the fall and before the holiday season.

National Research Center from Boulder, Colorado was selected through a highly competitive RFP process. The City sought assistance in rating and comparing survey companies from an individual at Northern Arizona University, who previously administered the City's survey for the Social Research Lab before it closed. A significant difference in this year's survey will be that it will be administered by mail and online rather than phone calls. NRC believes that the success rate is higher with an online and mail-in survey due to that fact that land lines are disappearing and identifying cell phones in a geographic area is difficult and not as accurate. The cost for the survey project is just under \$20,000.

The survey will be mailed to 1,500 randomly selected Flagstaff residents. The City will begin promoting the survey and the importance of participation throughout the months of September, October and November. A prenotification postcard will be sent the week of September 23. The first wave of surveys will be sent the week of September 30 and will include a letter from Mayor Nabours asking for their participation. The second wave of surveys will be sent the week of October 7. NRC will have all data back by November 8 at which time they will begin analysis. Council will receive the final report before the end of December.

Attachments: Draft Survey

City of Flagstaff 2013 Resident Survey

Please select the response (by circling the number or checking the box) that most closely represents your opinion for each question. Your responses are anonymous and will be reported in group form only.

1. Please rate each of the following aspects of quality of life in Flagstaff:

	<i>Excellent</i>	<i>Good</i>	<i>Fair</i>	<i>Poor</i>	<i>Don't know</i>
Flagstaff as a place to live	1	2	3	4	5
Your neighborhood as a place to live.....	1	2	3	4	5
Flagstaff as a place to raise children	1	2	3	4	5
Flagstaff as a place to work.....	1	2	3	4	5
Flagstaff as a place to visit	1	2	3	4	5
Flagstaff as a place to retire.....	1	2	3	4	5
The overall quality of life in Flagstaff.....	1	2	3	4	5

2. Please rate each of the following characteristics as they relate to Flagstaff as a whole:

	<i>Excellent</i>	<i>Good</i>	<i>Fair</i>	<i>Poor</i>	<i>Don't know</i>
Overall feeling of safety in Flagstaff.....	1	2	3	4	5
Overall ease of getting to the places you usually have to visit	1	2	3	4	5
Quality of overall natural environment in Flagstaff.....	1	2	3	4	5
Overall "built environment" of Flagstaff (including buildings, parks and transportation systems)	1	2	3	4	5
Health and wellness opportunities in Flagstaff.....	1	2	3	4	5
Overall opportunities for education and enrichment.....	1	2	3	4	5
Opportunities to attend cultural activities	1	2	3	4	5
Opportunities to participate in social events and activities	1	2	3	4	5
Overall economic health of Flagstaff	1	2	3	4	5
Sense of community	1	2	3	4	5
Overall image or reputation of Flagstaff.....	1	2	3	4	5

3. Please indicate how likely or unlikely you are to do each of the following:

	<i>Very likely</i>	<i>Somewhat likely</i>	<i>Somewhat unlikely</i>	<i>Very unlikely</i>	<i>Don't know</i>
Recommend living in Flagstaff to someone who asks	1	2	3	4	5
Remain in Flagstaff for the next five years	1	2	3	4	5

4. In the time you've lived in Flagstaff, do you think the City has become a better place to live, it has stayed about the same or has become a worse place?

- Better
 Stayed about the same
 Worse
 Don't know

5. Over the last 12 months, would you say that the quality of life in your neighborhood has gotten better, stayed about the same or gotten worse?

- Better
 Stayed about the same
 Worse
 Don't know

6. What is the ONE thing the City can do to most improve your quality of life in Flagstaff?

7. Which ONE of the following statements best represents your feelings about making purchases?

- I want to get the lowest price, even if I have to shop outside of Flagstaff or online
 I am willing pay up to 5% more to make a purchase in Flagstaff
 I am willing pay up to 15% more to make a purchase in Flagstaff

City of Flagstaff 2013 Resident Survey

8. In the last 12 months, how many times, if ever, have you or another household member done each of the following?

	<i>Never</i>	<i>Once or twice</i>	<i>3-12 times</i>	<i>13-26 times</i>	<i>More than 26 times</i>	<i>Don't know</i>
Driven out of the city to buy something you couldn't find in Flagstaff	1	2	3	4	5	6
Used the Internet to buy something that you couldn't find in Flagstaff	1	2	3	4	5	6

9. If you or another household member used the Internet at least once in the last 12 months to buy something online that you couldn't find in Flagstaff, what kinds of things were purchased? (Please select all that apply.)

- | | | |
|--|--|--|
| <input type="radio"/> I did not buy anything on the Internet | <input type="radio"/> Recreation equipment | <input type="radio"/> Furniture |
| <input type="radio"/> Electronics | <input type="radio"/> Groceries | <input type="radio"/> Entertainment (e.g., digital media, Netflix, electronic books) |
| <input type="radio"/> Medication | <input type="radio"/> Automotive supplies | <input type="radio"/> Other |
| <input type="radio"/> Apparel/Clothes | <input type="radio"/> Health/beauty supplies | |
| | <input type="radio"/> Art | |

10. In the last 12 months, how often, if ever, have you done each of the following?

	<i>Never</i>	<i>Once or twice a year</i>	<i>Several times a year</i>	<i>Monthly</i>	<i>Weekly</i>	<i>Don't know</i>
Flown from Flagstaff Pulliam Airport	1	2	3	4	5	6
Driven to the Phoenix Metropolitan area to fly	1	2	3	4	5	6

11. If you fly from Phoenix instead of Flagstaff, where are you typically flying to? _____

12. What one city or region would you most like to see air service to/from Flagstaff? _____

13. In the last 12 months, how frequently, if ever, have you or another household member used the bus service, Mountain Line?

- Never Once or twice 3-12 times 13-26 times More than 26 times Don't know

14. The transportation system in our region consists of roads, buses, sidewalks, Flagstaff Urban Trails System (FUTS) trails and bike facilities. Overall, how well, if at all, does the current transportation system meet your travel needs?

- Very well Somewhat well Not too well Not at all Don't know

15. Please rate the quality of each of the following services provided in Flagstaff.

	<i>Excellent</i>	<i>Good</i>	<i>Fair</i>	<i>Poor</i>	<i>Don't know</i>
Fire department	1	2	3	4	5
Garbage collection services	1	2	3	4	5
Libraries	1	2	3	4	5
Parks.....	1	2	3	4	5
Police department	1	2	3	4	5
Planning and building services.....	1	2	3	4	5
Recreation programs	1	2	3	4	5
Recycling services	1	2	3	4	5
Sustainability and environmental programs.....	1	2	3	4	5
Sewer services.....	1	2	3	4	5
Water services	1	2	3	4	5
Utility billing services	1	2	3	4	5
Snow removal operations	1	2	3	4	5
Street maintenance	1	2	3	4	5
Traffic signals	1	2	3	4	5
Streetscapes (making street medians and sides of streets attractive)	1	2	3	4	5
Public art.....	1	2	3	4	5
Heritage preservation	1	2	3	4	5
Mountain Line (bus service throughout Flagstaff).....	1	2	3	4	5
Overall quality of City services.....	1	2	3	4	5

16. How important, if at all, is each of the following public safety issues for the City?

	<i>Essential</i>	<i>Very important</i>	<i>Somewhat important</i>	<i>Not at all important</i>	<i>Don't know</i>
Enforcing traffic laws	1	2	3	4	5
Providing neighborhood police patrols.....	1	2	3	4	5
Preparing the City for emergencies	1	2	3	4	5
Providing crime prevention programs	1	2	3	4	5
Investigating criminal activity	1	2	3	4	5
Maintaining emergency response time for police, fire, ambulance	1	2	3	4	5

17. Please indicate how frequently, if at all, you have done each of the following in the last 12 months. Then, please rate the quality of customer service during your interaction.

	<i>Frequently</i>	<i>Sometimes</i>	<i>Never</i>	<i>Excellent</i>	<i>Good</i>	<i>Fair</i>	<i>Poor</i>	<i>Don't know</i>
Called City Hall	1	2	3	1	2	3	4	5
Visited City Hall	1	2	3	1	2	3	4	5
Used the City's website or online services.....	1	2	3	1	2	3	4	5

18. Please rate the following categories of City of Flagstaff government performance:

	<i>Excellent</i>	<i>Good</i>	<i>Fair</i>	<i>Poor</i>	<i>Don't know</i>
The value of services for the taxes paid to City of Flagstaff government.....	1	2	3	4	5
The overall direction that City of Flagstaff government is taking.....	1	2	3	4	5
The job City of Flagstaff government does at welcoming citizen involvement	1	2	3	4	5
Overall confidence in City of Flagstaff government.....	1	2	3	4	5
Generally acting in the best interest of the community	1	2	3	4	5
Being honest	1	2	3	4	5
Treating all residents fairly	1	2	3	4	5

19. Considering budget constraints, what single service would you recommend the City reduce or eliminate to balance the budget?

20. In November 2012, Flagstaff voters approved a \$10 million bond to fund the Flagstaff Watershed Protection Project (FWPP, previously known as "Question 405: Forest Health and Water Supply Protection Project") which will plan and implement forest treatments designed to reduce the risk of severe wildfire and subsequent post fire impacts such as flooding. How familiar are you, if at all, with the Flagstaff Watershed Protection?

- Very familiar
 Somewhat familiar
 A little bit familiar (heard of it)
 Not at all familiar

21. What do you think will be the outcomes of the Flagstaff Watershed Protection Project? Please select up to three options below.

- The impact will be minimal or negative
- Protection of city water resources (quality and quantity)
- The money will be used efficiently
- Reduction of the risk of post-fire catastrophic flooding
- This investment will help avoid future costs to the Flagstaff community
- Reduction of the risk of catastrophic fire
- The City and Forest Service will waste the money
- Poor air quality due to smoke effects of restoration
- Too few trees in the forest
- Other _____

22. To what extent do you support or oppose the City doing each of the following?

	<i>Strongly support</i>	<i>Somewhat support</i>	<i>Somewhat oppose</i>	<i>Strongly oppose</i>	<i>Don't know</i>
Not plowing neighborhood streets when there is 4 inches of snow or less	1	2	3	4	5
Using prescribed or controlled burns to maintain a healthy forest	1	2	3	4	5
Requiring that property owners meet a minimum standard of removing excess vegetation around their property to help protect the City from wildfires	1	2	3	4	5
Banning plastic bags at stores in Flagstaff	1	2	3	4	5
Charging a per bag fee for plastic bags at stores in Flagstaff.....	1	2	3	4	5
Closing Downtown streets for parades and festivals.....	1	2	3	4	5
Changing City Hall hours to four, 10-hour days (open Monday-Thursday, closed on Friday)	1	2	3	4	5
Eliminating the City news magazine, Cityscape	1	2	3	4	5

23. The condition of City streets can be rated on a scale of 0 to 100, where at least 70 is an “acceptable” condition. Because of declining revenues, the City has not been able to devote the resources necessary to maintain all City streets at an acceptable condition. A majority of Flagstaff streets are in the range of 60 and below. In order to bring all streets up to an acceptable condition, \$50 million would be required. While the City Council has increased funding to address the condition of City streets, it is not enough to bring our roads to an acceptable condition. The current local sales tax rate is 1.72%. To what extent do you support or oppose an increase of 0.28% in sales tax (for a total sales tax of 2.00%), which would be dedicated to street improvements in Flagstaff?

- Strongly support
- Somewhat support
- Somewhat oppose
- Strongly oppose
- Don't know

24. How familiar are you, if at all, with the Flagstaff Regional Plan?

- Very familiar
- Somewhat familiar
- A little bit familiar (heard of it)
- Not at all familiar

25. The Flagstaff Regional Plan is a development and preservation guide for the City and its surrounding region. How likely or unlikely are you to approve the plan at the upcoming election in May 2014?

- Very likely
- Somewhat likely
- Somewhat unlikely
- Very unlikely
- Don't know

26. If you currently rent and want to own your own home, what is preventing you from reaching that goal?

- I already own
- I rent and don't want to own
- Availability of homes for sale in my price range
- Ability to qualify for a loan
- Don't know how to get started
- Lack the down payment necessary
- Other

27. How likely or unlikely are you to leave the community because housing costs too much?

- Very likely
- Somewhat likely
- Somewhat unlikely
- Very unlikely
- Don't know

28. How familiar, if at all, are you with each of the following?

	<i>Very familiar</i>	<i>Somewhat familiar</i>	<i>Not at all familiar</i>	<i>Don't know</i>
The services provided at the Flagstaff Visitor Center	1	2	3	4
Flagstaff365 (www.Flagstaff365.com)	1	2	3	4

29. Thinking about the amount of information you have about City of Flagstaff issues, services and programs, would you say that you have too little, the right amount or too much information?

- Too little
 Right amount
 Too much
 Don't know

30. Which of the following sources is your most preferred source of information about City of Flagstaff issues, services and programs? (Please select only ONE source.)

- Newspaper (Arizona Daily Sun)
 Flagstaff 365
 Inserts in utility bills
 Cityscape magazine
 Radio
 Other
 Social Media (Facebook, Twitter, etc.)
 Streamed City Council work sessions
 None of these
 City website
 Other television program

Our last questions are about you and your household. Again, all of your responses to this survey are completely anonymous and will be reported in group form only.

D1. How many years have you lived in Flagstaff?

- Less than one year
 11-20 years
 1-5 years
 More than 20 years
 6-10 years

D2. Are you a full-time or part-time resident of Flagstaff?

- Full-time
 Part-time

D3. Do you own or rent your home?

- Own
 Rent

D4. About how much is your monthly housing cost for the place you live (including rent, mortgage payment, property tax, property insurance and homeowners' association (HOA) fees)?

- Less than \$300 per month
 \$300 to \$599 per month
 \$600 to \$999 per month
 \$1,000 to \$1,499 per month
 \$1,500 to \$2,499 per month
 \$2,500 or more per month

D5. Do any children 17 or under live in your household?

- Yes
 No

D6. In which category is your age?

- 18-24 years
 55-64 years
 25-34 years
 65-74 years
 35-44 years
 75 years or older
 45-54 years

D7. What is the highest grade of school or year of college that you have completed?

- Grade school
 High school degree
 Some college/ Associate's degree
 Bachelor's degree
 Post-bachelor's degree

Please respond to both questions D8 and D9:

D8. Are you of Hispanic, Latino, or Spanish origin?

- Yes
 No

D9. What do you consider your primary race to be?

- American Indian or Alaska Native
 Asian, Asian Indian or Pacific Islander
 Black or African American
 White
 Other Race

D10. How much do you anticipate your household's total income before taxes will be for the current year? (Please include in your total income money from all sources for all persons living in your household.)

- Up to \$9,999
 \$75,000 to \$99,999
 \$10,000 to \$24,999
 \$100,000 to \$149,999
 \$25,000 to \$49,999
 \$150,000 or more
 \$50,000 to \$74,999

D11. What is your gender?

- Female
 Male

Thank you for completing this survey. Please return the completed survey in the postage-paid envelope to: National Research Center, Inc., PO Box 549, Belle Mead, NJ 08502