

MINUTES

REGULAR COUNCIL MEETING
TUESDAY, SEPTEMBER 3, 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 4:08 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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

2. **ROLL CALL**

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

Present:

Absent:

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

COUNCILMEMBER OVERTON

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 Special Meeting (Executive Session) of August 26, 2013; and the Regular Meeting of August 26, 2013.

Councilmember Woodson moved to approve the minutes of the City Council Special Meeting (Executive Session) of August 26, 2013; and the Regular Meeting of August 26, 2013; seconded; passed unanimously.

5. **PUBLIC PARTICIPATION**

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

Gary Robbins, a local attorney representing the 12 Step Meetings at the Amtrak Station, stated that he had dropped off a letter earlier in the day and he thanked Mr. Burke and Ms. Button for meeting with him.

Mayor Nabours stated that the Council was aware of the situation and were trying to accommodate it as much as possible.

Annette Zinky, NACET, introduced Jerome Harris, a student from France, working with NACET to create his own company. Mr. Harris gave a brief recap of what he has been working on.

Dr. Elizabeth Caspian, speaking on behalf of several physicians, addressed the issue of hunting within the City limits and its interaction with pedestrians on the City's many trails. She said that she has addressed it with Game and Fish and asked that the City address the issue as well.

6. **PROCLAMATIONS AND RECOGNITIONS**

None

7. **APPOINTMENTS**

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that the City Council may vote to go into executive session, which will not be open to the public, for the purpose of discussing or considering employment, assignment, appointment, promotion, demotion, dismissal,

salaries, disciplining or resignation of a public officer, appointee, or employee of any public body...., pursuant to A.R.S. §38-431.03(A)(1).

None

8. **LIQUOR LICENSE PUBLIC HEARINGS**

None

9. **CONSENT ITEMS**

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

With regard to Item 9-B, Mayor Nabours asked why the City would be spending so much with the Vacaville Reporter. CVB Director Heidi Hansen explained that this was done through the RFP process and this organization was selected to provide their services for internet advertising. She said that they are able to buy network digital advertising at a lesser rate than the City and can reach far greater areas.

Councilmember Oravits asked why item 9-A was considered an emergency. Ms. Hansen explained that it was simply the title of the item on the agenda. It was specifically a sole source purchase; the emergency did not apply.

Councilmember Woodson moved to approve the Consent Agenda Items; seconded; passed unanimously.

- A. **Consideration and Approval of Emergency/Sole Source Purchase:** Purchase of advertisements from Republic Media (Arizona Republic, AZCentral.com, Sedona Publishing, etc.)

MOTION: Approve the purchase from Republic Media in an amount not to exceed \$85,000.

- B. **Consideration and Approval of Contract:** CVB Online Display Advertising and Pay Per Click (PPC) Campaign Management: RFP No. 2013-46

MOTION: Accept the proposal and approve the contract from The Reporter under Request for Proposal (RFP) No. 2013-46 in an amount not to exceed \$135,000 for fiscal year 2014.

10. **ROUTINE ITEMS**

- A. **Consideration and Adoption of Ordinance No. 2013-06:** An Ordinance amending Flagstaff City Code Title 2, Boards and Commissions, Chapter 2-12, Transportation Commission, for the purpose of changing the membership of the Transportation Commission, and removing the Commission's appellate authority.

Mayor Nabours said that right now the Transportation Commission had the ability to overrule the engineering department and Council did not think that was the correct way to do things.

Traffic Engineer Jeff Bauman then reviewed the proposed changes in the ordinance:

- 1) It proposes a change from six citizen members and one representative from FUSD, to five citizen members and the FUSD and NAIPTA members would become actual voting members with terms.
- 2) Meetings would be switched from monthly to quarterly.
- 3) Removing the Commission's ability to recommend something such as a signal, in opposition of the Traffic Engineer.
- 4) A change from appeals of the Traffic Engineer's decision going to the Commission, to going to the City Engineer.

Mr. Bauman was asked why he thought there was such a lack of agenda items as they often hear about various issues throughout the community. Mr. Bauman said that he fields calls and complaints every day and they usually work through them. The Traffic Commission deals with larger policy issues.

Mr. Bauman also confirms that these changes were reviewed by the Traffic Commission members and they support its passage.

Staff was asked if FUSD and NAIPTA were fine with the understanding that they would be limited to two terms and staff replied they were both fine with that requirement, and also that they needed to be Flagstaff residents which they both are.

Councilmember Woodson moved to read Ordinance No. 2013-06 by title only for the first time on September 3, 2013; seconded; passed unanimously.

AN ORDINANCE AMENDING FLAGSTAFF CITY CODE TITLE 2, BOARDS AND COMMISSIONS, CHAPTER 2-12, TRANSPORTATION COMMISSION, FOR THE PURPOSE OF CHANGING THE MEMBERSHIP OF THE FLAGSTAFF TRANSPORTATION COMMISSION, AND REMOVING THE COMMISSION'S APPELLATE AUTHORITY

RECESS

The Flagstaff City Council Meeting of September 3, 2013, recessed at 4:34 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Nabours reconvened the September 3, 2013, meeting of the Flagstaff City Council at 6:03 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 (telephonically)
COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON (telephonically)
COUNCILMEMBER WOODSON

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

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

None

Mayor Nabours stated that he would like to move up this item on the agenda at this time.

17. **PUBLIC PARTICIPATION**

The following individuals spoke about the need for Council to support net metering and solar power, and consider adopting a resolution directed to the Arizona Corporation Commission to oppose the efforts of Arizona Public Service to reduce the payback to APS solar customers:

- Martos Hoffman
- Daniel Paduchowski
- Derek Turner
- Hadassah Ziegler
- Erin Evans
- Michael Griffis

Spencer Larson, Troop 288, asked how moving Harkins and the DES benefit the citizens of Flagstaff. Mayor Nabours asked him to send him an e-mail and he would be happy to answer that question.

John Hales, Merit Badge Counselor, asked what the Council's priorities were with revenues going up in the City. Mayor Nabours stated that the Council would be holding a half-day special meeting on September 19, 2013, and one of the items was setting goals for the coming year.

13. **PUBLIC HEARING ITEMS**

None

14. **REGULAR AGENDA**

None

15. **DISCUSSION ITEMS**

A. **Flagstaff Regional Plan Discussion #1 - Process and Introduction**

Mayor Nabours reviewed the process being followed for the Regional Plan discussions, noting that they were doing it in ten evenings. At each meeting they will address a particular section of the Regional Plan and will take public comment on that portion of the Plan. They would like to try and avoid getting too fragmented. He said that they were not making any decisions tonight or during the next several meetings. They will get comments from the public and Council and start making a list of issues, and they will then come back and address those issues.

City Manager Kevin Burke said that it was a privilege to be introducing the Public Hearing Draft of the Regional Plan. They were at a point tonight where the Citizens Advisory Committee, with great assistance from staff, has brought forward a draft that is ready for public review and input. He then began the review of the PowerPoint presentation which addressed:

•OVERVIEW

He said that they were dividing it into an administrative perspective which he would cover and a legal perspective which would be covered by City Attorney Michelle D'Andrea.

•PROCESS FOR COUNCIL REVIEW

He said that the main point he wanted to make was that the goals and policies were not exclusive at that level; it is a vision. Policy decisions have no right or wrong answers. When the time comes to make a decision, the Council may be looking at the Regional Plan by itself, or with other considerations. There are a few occasions, such as a rezone or major plan amendment, when they have to look at the Regional Plan, but there are other times when they look to it as a value.

Ms. D'Andrea said that only zoning decisions are subject to legal challenge. By ordinance the Council has to consider whether a rezone is consistent with the

Regional Plan. When they are making decisions they will look at the Goals and Policies in the Regional Plan. She said that there are likely to be conflicts with the language, but it will be up to Council to decide in each setting. As long as they have considered the Regional Plan they are okay.

She said that the court would almost never overturn a zone change as they will give great deference and will not scrutinize. She said that the purpose of the Regional Plan is to help them make decisions based on the vision made by the citizens of Flagstaff.

Mr. Burke continued, stating that they need to answer the question, "Can you live it?" versus, "Is it perfect?" He said that they were asking for Council to lend this document their expertise, political sense, and help identify policies that may have unintended consequences.

- PROCESS FOR COUNCIL REVIEW

Ms. Sharp then reviewed the process they would follow for Council review and she reviewed the calendar.

- AT EACH OF THE TUESDAY COUNCIL REVIEW SESSIONS

- COUNCIL WILL DISCUSS "PARKING LOT"

Ms. Sharp said that she would be reviewing the Process and Chapters One through Three which are the Introduction; there would be no goals or policies address tonight.

Councilmember Brewster thanked everyone that had worked on this. She asked why Economic Development was last in the Plan as she thought it drove everything else. Ms. Sharp said that a lot of the chapters, particularly Land Use and Transportation, that feed into the Economic Development Chapter, which is why it was last.

- TABLE OF CONTENTS

- THIS IS OUR PLAN

- WHY HAVE A REGIONAL PLAN?

Councilmember Oravits asked that staff clarify the issue of the City and the County each having their own document and each body deciding the final outcome. Ms. Sharp said that was correct. Both elected bodies would be reviewing the document and suggesting changes, and that is why staff was suggesting the Joint Meetings.

Ms. Sharp explained that years ago the City Council and Board of Supervisors decided that a Regional Plan was a smart way to move forward so they shared resources and opened up public hearings together, but before they are finalized, the Council would give the Board of Supervisors their suggestions and the Board

of Supervisors would give the Council their suggestions. She said that they have been trying to carefully coordinate an exchange of information. Ms. D'Andrea said that this process was fine, but voting would need to be done separately.

Councilmember Oravits asked if they would have two different parking lots. Ms. D'Andrea said that there was no authority for him to give direction to the County and the same with the County giving direction to the City. She said that the direction would be recorded separately and direction given to the appropriate entity.

- WHERE WE ARE TODAY
- DEMOGRAPHICS
- GROWTH CONSTRAINTS
- FUTURE POPULATION PROJECTIONS
- CONSTRAINTS: LAND, WATER, GROWTH SCENARIOS
- PROCESS TO DEVELOP THIS PLAN
- GOAL IS TO ENSURE TRANSPARENCY
- HOW WILL THE REGIONAL PLAN BE USED?
- IMPLEMENTATION
- ANNUAL PLAN REVIEW AND MONITORING
- PARTIAL FUTURE SCHEDULE

Mayor Nabours said that it would be helpful if Ms. Sharp and Mr. Eastman could give the Council two or three examples of where a project would come in, where they would look to the Regional Plan to determine if it is consistent, etc. Ms. Sharp said that she would work with Mr. Eastman and provide those at the September 10, 2013, meeting.

Councilmember Barotz noted that when staff summaries come through to the Council, by the time it gets to them it has already gone through this process with the Planning and Zoning Commission.

Mayor Nabours said that he would also like them to review the purpose and binding nature of the maps.

Mr. Burke said that they were hoping to spend about an hour for each review, so everyone needs to be prepared. He asked that they let staff know if they did not think the process was working.

Councilmember Oravits said that he appreciated that there were time constraints, but it was a four-year process and there are a lot of people that felt left out of the process. They need to be prepared for allowing for more time.

Councilmember Oravits then began a review of suggested changes he would propose, as indicated in Exhibit A, attached hereto and made a part hereof.

Councilmember Barotz said that she was confused; she asked if they were going to rewrite the Plan from the dais. It was noted that it would take four members of the Council to incorporate the suggested changes.

Councilmember Overton apologized for not being present in person. He said that it reminded him of the rewrite of the Zoning Code. He had numerous issues and constituent concerns early on. He said that they used the worksheet process that allowed them to list the proposed changes and get them resolved.

Vice Mayor Evans asked if staff was suggesting that the Council would be going over all of the suggested changes at the November 19, 2013, meeting. Ms. Sharp said that the Public Review Draft was published in March. At that time they began the preparation of a spreadsheet with over 700 suggested comments. She highlighted those that were policy and those that needed CAC review, and they whittled the list down from 734 comments to 300.

Vice Mayor Evans said that she truly appreciated those that have been involved in the process for the past four years. She has also tried to be respectful of the four-year process, but there needs to be a way to hear their concerns and if they're valid, consider them.

Councilmember Oravits said that he, too, respects those that were on the CAC, but he has heard from a lot of people that felt left out of the process. He then continued review of his recommended changes.

Eva Putzova, Flagstaff resident and member of the CAC, said she had not planned to address the Council this evening but she was very concerned about the process. She said that she did feel disrespected, and if they were going to rewrite the entire Plan she questioned why they even had a CAC. She said that they had disagreements, debates, etc.; the document went through a democratic process and the public was always invited to them. She reminded them that it was a vision of twenty plus residents and constituents.

Councilmember Oravits said that he did appreciate their service and he was not trying to exclude that, but he was trying to include those that felt left out.

Mayor Nabours, reading under Human Environment, "providing quality housing," asked Ms. Putzova their intention of that wording. Ms. Putzova said that it was a collective vision of what should be provided, through all kinds of means—government, private, partnerships, etc.

Ms. Sharp said that staff would begin preparing a spreadsheet, similar to what they used for possible changes to Zoning Code, and as Councilmembers had comments they could send them to her. It was noted that a possible retreat day in December has been considered as well, if it is needed to review the proposals.

A break was held from 7:45 p.m. to 7:55 p.m.

B. Discussion of Election Issues

Ms. D'Andrea said that she had previously distributed a confidential memo regarding issues related to the upcoming elections. She then began a PowerPoint presentation and reviewed the status of the recent ruling in Superior Court, noting that the State had a few weeks in which to file an appeal.

- CURRENT LITIGATION

Ms. Burke then continued the presentation which addressed:

- POTENTIAL 2014 FLAGSTAFF ELECTIONS
- COSTS FOR TYPES OF ELECTIONS
- QUESTIONS/ISSUES

Council discussed the various options and timetables involved, and agreed to place an item on the September 17, 2013, Council meeting to possibly call the election for the Spring of 2014.

C. **Discussion of Transportation Tax Proposal**

Executive Assistant to City Manager Stephanie Smith gave a PowerPoint presentation, Exhibit B attached hereto and made a part hereof, on a transportation tax proposal which addressed the following:

- OVERVIEW
- CITY OF FLAGSTAFF STREET MAINTENANCE
- BACKGROUND
- INTERAGENCY CONSIDERATIONS
- CONDITIONS
- BONDS AND REVENUE
- PROPOSAL

- PROPOSAL – OPTION #1

- Question #1
- Question #2A
- Question #2B
- Question #3

- PROPOSAL – OPTION #2

- Question #1A
- Question #1B
- Question #2
- Question #3
- Question #4

- COUNCIL DISCUSSION

Mayor Nabours asked if they did the increase in sales tax of .279% for 25 years if that would generate enough to pay \$50 million in bonds and provide them with some maintenance every year. Mr. Burke said that they were trying to avoid having to do it all over again. They would like to get up to speed and then do annual maintenance to keep it up to standards.

Staff was asked where utilities fell into the scenario and whether they were part of overall plan. Ms. Smith said that when they were reviewing the proposal and

during the QIA they determined that some of the roads were in such poor condition they need to be rebuilt.

Mr. Burke said that they would not be addressed in this proposal. The rate model was set at the end of five years to do two miles of water line and one mile of sewer line a year. They could accelerate that, but in the past it has been more of a "pay as you go."

Vice Mayor Evans said that she was concerned with coupling the proposed tax with the Rio de Flag, as she is not sure the general public understands the impact of the Rio de Flag on the entire community. Councilmember Oravits agreed.

Councilmember Woodson said that he thought the Rio could be a separate ballot question, but on the same ballot. Further discussion was held on the status of the Rio de Flag and Council agreed that it should not move forward at this time.

Mr. Burke asked if there was any interest in having a citizens advisory committee established that would provide input to the City Manager, or to hear from the Transportation Commission. Council agreed to move in the direction of obtaining further input and also looking further into associated underground infrastructure needs.

Councilmember Barotz said that she has been spending time with people in the biking community and they have shared some concerns. She asked if any of this funding would remedy some of the issues with intersections and associated bike lanes. Ms. Smith said that the proposals as they stand do include ancillary and bike lanes, but the intersections have not been addressed at this time.

Councilmember Woodson said that they were asking citizens to approve additional funding. He asked if there was a trade off and he would like to receive a report from staff on whether this was supplanting other projects. He said that they need to explain that it is not the intent, but rather to augment.

Mr. Burke said that is a choice that Council will need to decide, particularly relating to ongoing maintenance. There are some proposals that add money. Councilmember Oravits said that they also need to be looking at trade-offs of other revenue.

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. Request by Mayor Nabours to review the ordinance prohibiting overnight RV parking on private property

Brief discussion was held on this item. Mayor Nabours and Councilmembers Oravits and Brewster requested to move it to a future agenda.

- B. Request by Mayor Nabours to review No Smoking Ordinance re smoking in front of a door/window of someone else's apartment door/window

Mayor Nabours said that there was a gap in the statute and/or ordinance regarding someone smoking outside the window of someone else's apartment. After brief discussion there was not enough interest to move this forward.

- C. Request by Mayor Nabours to consider possible change to transaction privilege ordinance to exempt land value from sales tax on new home construction

After a brief discussion, there was not enough interest to move it forward.

- D. Request by Mayor Nabours to look at adopting a Community Banking Program

Mayor Nabours said that he was interested in obtaining more information on something like the City of Tucson has where the City deposits their money with a local bank and the deposits are used to make loans to local businesses.

Mayor Nabours and Councilmembers Oravits and Brewster agreed to move this forward to a future agenda.

Vice Mayor Evans asked that while staff looks into this further that they also look into the programs of NACET, ECONA, etc. and how those programs would tie into something like this.

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

September 19, 2013, Council Retreat Agenda

Brief discussion was held on what was to be discussed at the September 19, 2013, Retreat. Council agreed that they prefer to have Water discussions in the evening so that would continue with the Special Meeting on September 30, and the Retreat would focus on the departments providing a brief recap of past year accomplishments and Council goals.

Mayor Nabours said that there may be a department or two that has a goal that would be an appropriate goal for the Council to address as well, and he would like to hear about those.

Councilmember Oravits said that while he was attending the League Conference down in Tucson he noticed that they had the left green turn arrows happening after the yellow and asked if the City has ever looked into using that.

Councilmember Oravits asked if the City has booths at the State Fair or anywhere else within the state. He would like a quick e-mail with that answer.

Councilmember Barotz reported that last Friday she and Mayor Nabours toured the Science Center in Phoenix, and she also extended a thank you to the City Manager for agreeing to explore issues related to the 12 Step Program at the Visitor's Center.

Councilmember Barotz asked if they could hold a work session in the future with Game and Fish, and any other related parties, to discuss navigating challenges of hunting and trail users. Vice Mayor Evans said that she would also be interested in that conversation.

Councilmember Woodson said that they have had a lot of rain, yet they have not had a lot of complaints. He asked the City Manager to pass on to staff that they have been doing a good job of dealing with the rain.

Mayor Nabours reported that there was a strong presence of City staff at the recent League Conference, with Brad Hill, Michelle D'Andrea, Councilmember Overton and himself, as well as Russ Yelton and Richard Travis, involved in presentations.

19. **ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held September 3, 2013, adjourned at 9:22 p.m.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

ARIZONA)
) ss.
Coconino)

I, ELIZABETH A. BURKE, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the meeting of the Council of the City of Flagstaff held September 3, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of September, 2013.

CITY CLERK