

MINUTES

REGULAR COUNCIL MEETING
TUESDAY, JULY 2, 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 4:03 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).

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. **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 (Executive Session) of June 6, 2013; Special Council Meeting (Executive Session) of June 11, 2013; Joint Work Session of June 17, 2013; and the Regular Council Meeting of June 18, 2013.

Councilmember Overton moved to approve [the minutes of the Special Council Meeting (Executive Session) of June 6, 2013; Special Council Meeting (Executive Session) of June 11, 2013; Joint Work Session of June 17, 2013; and the Regular Council Meeting of June 18, 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.

Lucy Huffman, employee, stated that she was leaving the City of Flagstaff to take a position in Oregon, but wanted to publicly tell the Council what a great staff they had in the City's Sustainability Department and she appreciated the opportunity she had been given to work with them.

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**

A. **Consideration and Action on Liquor License Application:** Danny Thomas, "The State Bar", 10 East Route 66, Series 07 (beer and wine bar), Person Transfer and Location Transfer.

Councilmember Overton moved to open the Public Hearing; seconded; passed unanimously.

Agent Danny Thomas introduced himself and then his client, Brian Webb. Mr. Webb gave a brief background of himself and the business he was opening.

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

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

9. **CONSENT ITEMS**

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

- A. **Consideration of Purchase under the Strategic Alliance for Volume Expenditures (S.A.V.E.) Contract:** Contract Employment Program for Retirees - Employee leaseback.
- B. **Consideration and Approval of License Agreement:** National Bank of Arizona License Agreement for temporary use of property for Aquaplex staff parking.

Mayor Nabours stated that Councilmember Overton requested that item 9-A be pulled from the Consent Agenda.

Councilmember Brewster moved to approve the purchase from Smart Works Plus for an annual amount up to \$800,000 plus applicable taxes; seconded; passed 6-1 with Councilmember Overton casting the dissenting vote.

With regard to Item 9-B, Sustainability Manager Nicole Woodman stated that the Bank had requested one change to the indemnity clause within the agreement, a copy of which had been placed on the dais. Assistant City Attorney David Womochil said that Legal was fine with the change.

Ms. Woodman explained that the parking lot would not be open to the public and they would be installing signage to that effect. She had consulted with the Risk Manager, Margaret Penado, and she was okay with it as well.

Councilmember Overton moved to authorize [License Agreement with National Bank of Arizona for temporary use of their property located east of the northeast corner of 4th Street and Route 66 for Aquaplex staff parking through September 30, 2013] as amended; seconded; passed unanimously.

10. **ROUTINE ITEMS**

- A. **Consideration and Approval of Grant Application:** U.S. Department of Justice, FY2013 Edward Byrne Memorial Justice Assistance Grant in the amount of \$23,249 to pay for Police Staff Overtime and 14 ballistic body armor vests for Coconino County Sheriff's Department and authorizing the acceptance upon award of the grant agreement.

Police Chief Kevin Treadway reviewed Items 10-A and 10-B together as they were related. He said that the Edward Byrne Memorial Justice Assistance Grant (JAG) Program allows states, tribes, and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions. JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the flexibility to prioritize and spend funds where they are most needed. The JAG formula program provides agencies with the flexibility to prioritize and place justice funds where they are needed most. The formula calculates direct allocations for local governments within each state, based on their share of the total violent crime reported with the state.

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The City has been certified as disparate and must submit a joint application for the aggregate of funds allocated. The JAG disparate jurisdictions are certified by the Director of the Bureau of Justice Assistance (BJA), based in part on input from the state's Attorney General. The disparate allocation occurs when the City is scheduled to receive one and one half times more than County, while the County bears more than 50% of the costs of prosecution of incarceration that arise for Part 1 violent crimes committed in the City.

City funds will be used to supplement overtime for community policing and property crime interdiction initiatives. As citizens request additional patrols or when they can identify an area that would benefit from additional Police presence, these funds will be a key factor in assuring that they can provide necessary services. As part of the joint application process an IGA is required to be submitted to the funding agency indicating who will serve as applicant/fiscal agent for the joint funds. The IGA will authorize payment to the County in the amount of \$6,975 of the JAG funds.

Mayor Nabours moved to approve the submission of a grant application and authorize acceptance upon award for the U.S. Department of Justice, FY 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) for an amount of \$23,249; and moved to approve the Intergovernmental Agreement with Coconino County for the FY 2013 Edward Byrne Memorial Justice Assistance Grant in an amount of \$6,975 for the purchase of 14 ballistic body armor vests; seconded; passed unanimously.

- B. **Consideration and Approval of an Intergovernmental Agreement:** Between the City of Flagstaff and Coconino County (County) for submission of a grant application to the U.S. Department of Justice, FY 2013 Edward Byrne Memorial Justice Assistance (JAG) Grant.

See motion above.

- C. **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.

Project Manager Bret Peterson reviewed the project and the related transfer of property. He noted that once the project is complete ADOT will be returning the remaining property back to the City.

Mayor Nabours asked if staff was sure this would not interfere with the anticipated substation. Mr. Peterson said that they were as sure as they could be at this point. They do believe they have enough square footage, but they will have to get further along in the planning process to ensure 100%.

Councilmember Overton moved to read Ordinance No. 2013-15 by title only for the first 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

- D. **Consideration and Adoption of Ordinance No. 2013-13:** AN ORDINANCE LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF FLAGSTAFF, ARIZONA, SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR VARIOUS BOND REDEMPTIONS, FOR THE PURPOSE OF PAYING INTEREST UPON BONDED INDEBTEDNESS AND PROVIDING FUNDS FOR GENERAL MUNICIPAL EXPENSES, ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2014.

Councilmember Oravits moved to read Ordinance No. 2013-13 by title only for the final time; seconded; passed unanimously.

AN ORDINANCE LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF FLAGSTAFF, ARIZONA, SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE;

PROVIDING FUNDS FOR VARIOUS BOND REDEMPTIONS, FOR THE PURPOSE OF PAYING INTEREST UPON BONDED INDEBTEDNESS AND PROVIDING FUNDS FOR GENERAL MUNICIPAL EXPENSES, ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2014

Councilmember Brewster moved to adopt Ordinance No. 2013-13; seconded; passed unanimously.

RECESS

The Flagstaff City Council Regular Meeting of July 2, 2013, recessed at 4:35 p.m.

6:00 P.M. MEETING

RECONVENE

The Flagstaff City Council Regular Meeting of July 2, 2013, reconvened at 6:03 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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11. **ROLL CALL**

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

Present:

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.

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

None

13. **PUBLIC HEARING ITEMS**

None

14. **REGULAR AGENDA**

A. **Consideration and Approval of Street Closure(s):** Hopi Market Arts and Craft Festival.

Ms. Pavey briefly reviewed the application, noting that this was a continuation from the last meeting. The businesses and representatives of the Hopi Market met and the City is providing free encroachment permits to businesses along the closure route.

Lisa Talayumtewa of the Hopi Tribe said that this was their fourth year, but it was the first year they were requesting to close the street.

The following individuals spoke against the street closure:

- Mark Lamberson
- Nancy Wardell

Mayor Nabours said that he needs to hear from people or businesses individually when these types of issues come before the Council.

Brief discussion was held on the need to have a more general discussion in the near future on criteria for street closures in the downtown area.

Councilmember Barotz asked Ms. Talayumtewa if it was their intent to hold the event in the Square should the Council deny the closure. Ms. Talayumtewa said that they would remain in the Square, but it would be only Hopi and not encompass other Native American vendors.

Councilmember Overton said that he does look forward to a conversation in the future, and believes they will need to say no at some point. He appreciated the applicant's wiliness to move the booths out and work with adjacent businesses.

Councilmember Barotz asked Mr. Grube if during his time with the City the Council has ever said no to a street closure request. Mr. Grube said that they have not in his five years with the City. Ms. Pavey said that she has been with the City longer and they have never said no, although they did place time restrictions for Halloween.

Mayor Nabours moved to approve the street closure at Aspen Avenue between San Francisco Street and Leroux Street on 9/28/13 at 6 am through 9/29/13 at 6 pm. He asked Ms. Wardell and Mr. Lamberson, and other merchants as well, to report back to Council and tell them how it worked. He also encouraged that they help start building some criteria for whether it is the right thing to do in the future.

Councilmember Woodson seconded. He said that there has been a lot of good discussion, but they need some criteria; others agreed.

Motion passed unanimously.

- B. **Consideration and Approval of Contract:** Fiscal year 2014 funding for Intake triage Services to include an Alcohol Stabilization Unit (ASU) at the Guidance Center.

Deputy Police Chief Dan Musselman briefly reviewed the request, and introduced Jeff Callohan with the Guidance Center who gave a PowerPoint presentation which addressed:

- ALCOHOL STABILIZATION UNIT (ASU) OVERVIEW
- CHART – REFERRAL SOURCE
- FUNDING
- COMMUNITY BENEFITS

Chief Musselman noted that there was one modification made to the Scope of Work and that modification was placed on the Council dais. He said that if Council were to approve the request, they would ask that it be approved with this amendment.

Councilmember Overton moved to award the service contract to The Guidance Center, Inc. in the amount of \$74,250 for fiscal year 2014 to provide Intake Triage Services to include an Alcohol Stabilization Unit, as amended; seconded; passed unanimously.

- D. **Consideration and Adoption of Ordinance No. 2013-12:** An ordinance of the City Council of the City of Flagstaff, Arizona, adopting the "2012 International Family of Codes, and the 2013 Amendments to City Code, Title 4, Building Regulations, and the ICC A117.1 Accessible and Usable Buildings and Facilities Standard, 2009 Edition" 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.

Brief discussion was held on the effective date of the building portion of codes. Mr. Scheu said that he spoke with the ISO and they go from the effective date, not the date adopted.

Councilmember Barotz asked what the difference was between the 2009 and the 2012 Energy Code with the 4 amendments. Mr. Scheu replied that they were close to the same, but not identical.

The following individuals spoke in opposition to the new 2012 Energy Code:

- Dylan Lefler
- Bill McCullough
- Joy Staveley
- Judy Louks
- Keith Sherman
- Mike Sistik
- Ryan Mann

The following individuals spoke in favor of the new 2012 Energy Code:

- Ed Dunn
- Amanda Acheson
- Eva Putzová
- Eric Marcus

Councilmember Barotz asked if the County was in a process similar to this one. Ms. Acheson replied that they were currently looking at adopting the 2012 Codes, including the 2012 International Energy Conservation Code. They would like to align with the City to make it easier.

Councilmember Barotz asked Mr. Sherman if he was familiar with the energy efficient mortgages. Mr. Sherman replied that he was more on the commercial side of mortgages and was not familiar with them.

Councilmember Oravits asked Mr. Mann to explain how appraisals work. Mr. Mann replied that appraisers look at various things such as square footage, age built, proximity to other homes, condition, amenities, upgrades, etc., but if they are not visual they do not get realized.

A break was held from 7:30 p.m. to 7:39 p.m.

Richard Bowen then addressed the Council regarding the Codes. Councilmember Barotz said that she could not understand his comments and asked what he would urge the Council to do. Mr. Bowen suggested that they focus on what they already have with the Sustainability Office, educating businesses and individuals the value, socially, economically, and financially, of being more environmentally green. He was concerned that if they imposed the 2012 Code they could push builders away. He said that he would suggest they stay with the 2006 Code and work that trade-off.

Councilmember Barotz asked Mr. Bowen how he would feel in another six years if they had stayed with the 2006 Code. Mr. Bowen said that it would depend.

Vice Mayor Evans asked Mr. Bowen if he was speaking on behalf of himself or ECONA. Mr. Bowen said that he agrees with the building and safety codes, but they have to draw the line of balance.

Public comment continued with the following individuals speaking against the 2012 Codes:

- Gabor Kovacs
- Andy Fernandez
- Rob Wilson
- Terry O'Neal
- Joanna Estes
- Daniel Edel

The following individuals spoke in favor of the 2012 Code:

- Tom Broderick
- Vance Peterson
- Justin Erickson

Mayor Nabours moved to amend Resolution No. 2013-10 by excluding the 2012 Energy Code and amendments thereto; seconded; passed 6-1 with the following roll call vote:

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

Mayor Nabours moved to read Ordinance No. 2013-12 by title only for the final time, as amended to remove the 2012 Energy Code and amendments thereto, with an effective date of September 10, 2013; seconded; passed 6-1 with the following roll call vote:

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, ADOPTING THE "2012 INTERNATIONAL FAMILY OF CODES, THE 2013 AMENDMENTS TO CITY CODE, TITLE 4, BUILDING REGULATIONS, AND THE ICC A117.1 ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES STANDARD, 2009 EDITION AS AMENDED ON JULY 2, 2013, TO EXCLUDE THE 2012 ENERGY CODE AND AMENDMENTS THERETO", 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

Mayor Nabours moved to adopt Ordinance No. 2013-12 as amended to remove the 2012 Energy Code and amendments thereto, with an effective date of September 10, 2013; seconded; passed 6-1 with the following roll call vote:

Mayor Nabours	YES
Vice Mayor Evans	NO
Councilmember Barotz	YES
Councilmember Brewster	YES

Councilmember Oravits	YES
Councilmember Overton	YES
Councilmember Woodson	YES

Councilmember Barotz moved to bring back the 2009 Energy Code for discussion and possible action at the next meeting; seconded; passed 5-2 with the following roll call vote:

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

Ms. Burke noted that there was a Combined Special Meeting/Work Session on July 9, 2013, and first read of the 2009 could be considered at that time, with second read and adoption to take place on July 16, 2013, before the Council went on break.

Councilmember Overton said that he would also like to be able to further discuss the 2006 Code at the same meeting.

- C. **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 meeting room. Project Manager Gary Miller briefly reviewed the request.

Councilmember Woodson moved to read Ordinance No. 2013-16 by title only for the first 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

Mayor Nabours returned to the meeting at this time.

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.

Councilmember Barotz and Vice Mayor Evans both requested that Ordinance No. 2002-07 regarding reclaimed water be placed on the next agenda for Possible Future Agenda Items.

17. **PUBLIC PARTICIPATION**

Andy Fernandez, resident, spoke on a variety of issues.

Joanna Estes, Flagstaff Liberty Alliance, spoke on a possible resolution regarding local sustainable agriculture. Mayor Nabours asked her to contact him directly to see if he could assist her further.

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

Vice Mayor Evans reported that she would not be at next week's meeting, but would be calling in and asked the Mayor to have the Building Code discussion at the front of the agenda. Councilmember Woodson noted that he would be absent from next week's meeting as well.

Further discussion was held and it was agreed that adoption of the Energy Code was not time sensitive so they would have first read of any ordinance at the July 16, 2013, meeting when everyone could attend and final read and adoption when they return from break.

Councilmember Barotz acknowledged Cindy Cole from the Arizona Daily Sun and thanked her for her service to the community, as she was leaving Flagstaff.

19. **ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held July 2, 2013, adjourned at 9:06 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 2, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 16th day of July, 2013.

CITY CLERK