

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

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11. **ROLL CALL**

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

Present:

Absent:

MAYOR NABOURS
VICE MAYOR EVANS
COUNCILMEMBER BAROTZ
COUNCILMEMBER BREWSTER
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