FINAL AGENDA
A M E N D E D*

REGULAR COUNCIL MEETING
TUESDAY
NOVEMBER 5, 2013

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

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: City Council Special Work Session of September 19, 2013; the Regular Meeting of October 1, 2013; the Work Session of October 8, 2013; the Regular Meeting of October 15, 2013; and the Combined Special Meeting/Special Work Session of October 22, 2013.

RECOMMENDED ACTION:

Amend/approve the minutes of the City Council Special Work Session of September 19, 2013; the Regular Meeting of October 1, 2013; the Work Session of October 8, 2013; the Regular Meeting of October 15, 2013; and the Combined Special Meeting/Special Work Session of October 22, 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: Transportation Commission.

RECOMMENDED ACTION:

Make four total appointments.
Make two Citizen appointments to terms expiring July 2016.
Make one School Representative appointment to term expiring November 2016.
Make one NAIPTA Representative appointment to term expiring November 2016.

8. LIQUOR LICENSE PUBLIC HEARINGS

A. Consideration and Action on Liquor License Application: Navayogasingam Thuraisingam, "Modern Grove", 1020 S. Milton Rd., Suite 102, Series 07 (beer and wine bar), Person Transfer and Location Transfer.

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 the Section 8 Housing Choice Voucher Program:** Payment standards to exceed 110% of the Section 8 Fair Market Rents (FMR) and authorization to submit the request to HUD for final approval.

RECOMMENDED ACTION:

Approve an increase of the Section 8 Housing Choice Voucher Program payment standards to exceed 110% of the Section 8 Fair Market Rents for the purpose of preventing financial hardship for families, to increase the number of voucher holders who become participants upon lease-up and to authorize the submission to HUD for final approval.

B. **Consideration and Approval of Cooperative Contract:** Purchase of black cinders utilizing a Coconino County bid with Miller Mining Inc., bid number 2014-01 for 10,000 tons in the amount of $129,250.

RECOMMENDED ACTION:

Approve purchase of black cinders for ice control utilizing a Coconino County bid with Miller Mining Inc., bid number 2014-01 for 10,000 tons in the amount of $129,250.

10. **ROUTINE ITEMS**

A. ITEM MOVED TO 6:00 PM AGENDA 15-B.

B. **Consideration and Adoption of Ordinance No. 2013-22:** An ordinance of the Council of the City of Flagstaff, Arizona, Amending Title 10, Zoning Code, Division 10-50.100, Sign Standards, Section 10-50.100.080, Sign Districts of Special Designation, of the Flagstaff Zoning Code by adding Section 10-50.100.080.E, Flagstaff Mall and Marketplace District.

RECOMMENDED ACTION:

1) Read Ordinance No. 2013-22 for the final time by title only
2) City Clerk reads Ordinance No. 2013-22 by title only (if approved above)
3) Adopt Ordinance No. 2013-22

C. **Consideration of the Intergovernmental Agreement (IGA)/Joint Project Agreement (JPA)**: 13-0002790-I between the City of Flagstaff (City) and the Arizona Department of Transportation (ADOT) for the FY 2014 Highway Safety Improvement Program (HSIP), Design and Installation of Signs.

RECOMMENDED ACTION:

Approve the Intergovernmental Agreement between the City of Flagstaff and Arizona Department of Transportation for grant funds in the amount of $300,000.

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. PUBLIC PARTICIPATION

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

14. PUBLIC HEARING ITEMS

None

15. REGULAR AGENDA

A. Consideration and Approval of Grant Agreement and Acceptance of Grant Funding: Fiscal Year 2013 Arizona State Parks Growing Smarter Grant.

RECOMMENDED ACTION:

Approve the grant agreement with the Arizona State Parks Growing Smarter Grant Program and authorize the acceptance of grant funding in the amount of $6,000,000.

i. Consideration and Possible Adoption of Ordinance No. 2013-25: Authorizing the purchase of approximately 2,251 acres known as Observatory Mesa.

RECOMMENDED ACTION:

1) Read Ordinance No.2013-25 for the first time by title only
2) City Clerk reads Ordinance No. 2013-25 by title only (if approved above)
At the Special Council meeting of November 12, 2013
3) Read Ordinance No.2013-25 for the final time by title only
4) City Clerk reads Ordinance No. 2013-25 by title only for the final time (if approved above)
5) Adopt Ordinance No. 2013-25

ii. Consideration and Adoption of Resolution No. 2013-27: A resolution of the Mayor and Council of the City of Flagstaff, Arizona declaring for purposes of section 1.150.2 of the Federal Treasury Regulations, official intent to be reimbursed in connection with certain capital expenditures related to Regional Open Space - Observatory Mesa Land Acquisition.

RECOMMENDED ACTION:

1) Read Resolution No. 2013-27 by title only
2) City Clerk reads Resolution No. 2013-27 by title only (if approved above)
3) Adopt Resolution No. 2013-27

B. ***Consideration and Adoption of Ordinance No. 2013-21 and Resolution No. 2013-22 (Zoning Map Amendment):** An Ordinance Adopting That Certain Document Entitled "2013 Amendments to Chapter 10-20, Administration, Procedures and Enforcement," By Reference; and Thereby Amending Division 10-20.50, Amendments to the Zoning Code Text and the Zoning Map, and Division 10-80.20, Definition of Specialized Terms, Phrases and Building Functions; and a Resolution of the Council of the City of Flagstaff, Arizona, Declaring as a Public Record That Certain Document Filed with the City Clerk and Entitled "2013 Amendments To Chapter 10-20, Administration, Procedures And Enforcement."

RECOMMENDED ACTION:

1) Adopt Resolution No. 2013-22 (declaring the "2013 Amendments to Chapter 10-20, Administration, Procedures and Enforcement" as a public record)
2) Read Ordinance No. 2013-21 for the final time by title only
3) City Clerk reads Ordinance No. 2013-21 by title only (if approved above)
4) Adopt Ordinance No. 2013-21

16. DISCUSSION ITEMS

A. **Regional Plan Discussion #10** – Economic Development

THIS ITEM WILL NOT BE DISCUSSED PRIOR TO 7:00 P.M.

RECOMMENDED ACTION:

Staff will present a brief background of data, public comment input and policies for Ch. XIV -Economic Development of the Flagstaff Regional Plan. Council may wish to open the discussion for public comment at this time, followed by discussion on any concerns regarding this chapter or policies to put on the 'Policy Parking Lot' list for further Council discussion, debate and decision in November and December.

17. 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.

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

4. A.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Elizabeth A. Burke, City Clerk
Date:	10/31/2013
Meeting Date:	11/05/2013

TITLE

Consideration and Approval of Minutes: City Council Special Work Session of September 19, 2013; the Regular Meeting of October 1, 2013; the Work Session of October 8, 2013; the Regular Meeting of October 15, 2013; and the Combined Special Meeting/Special Work Session of October 22, 2013.

RECOMMENDED ACTION:

Amend/approve the minutes of the City Council Special Work Session of September 19, 2013; the Regular Meeting of October 1, 2013; the Work Session of October 8, 2013; the Regular Meeting of October 15, 2013; and the Combined Special Meeting/Special Work Session of October 22, 2013.

INFORMATION

Attached are copies of the minutes of the City Council Special Work Session of September 19, 2013; the Regular Meeting of October 1, 2013; the Work Session of October 8, 2013; the Regular Meeting of October 15, 2013; and the Combined Special Meeting/ Special Work Session of October 22, 2013.

Attachments:
CCSWS.09192013.Minutes
CCRM.10012013.Minutes
CCWS.10082013.Minutes
CCRM.10152013.Minutes
CCSMSWS.10222013.Minutes

MINUTES

SPECIAL WORK SESSION
THURSDAY, SEPTEMBER 19, 2013
FLAGSTAFF AQUAPLEX
1702 NORTH FOURTH STREET
8:00 A.M.

1. Call to Order.

Mayor Nabours called the Flagstaff City Council Special Work Session of September 19, 2013, to order at 8:05 a.m.

2. Pledge of Allegiance

3. Roll Call

Councilmembers present:	**Councilmembers absent:**
MAYOR NABOURS	NONE
VICE MAYOR EVANS	
COUNCILMEMBER BAROTZ	
COUNCILMEMBER BREWSTER	
COUNCILMEMBER ORAVITS	
COUNCILMEMBER OVERTON	
COUNCILMEMBER WOODSON	

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

4. Review of Divisional Work Plans

City Manager Kevin Burke gave a brief overview of the process and expectations for the day.

The following staff members then gave a brief review of their respective division's 2013 accomplishments and 2014 goals, through use of a PowerPoint (Exhibit A attached hereto and made a part hereof).

COURTS: Court Administrator Don Jacobson

INFORMATION TECHNOLOGY: IT Director Ladd Vagen

Councilmember Barotz said that she had talked with Mr. Burke awhile ago about the possibility of digitizing the Council votes to provide more transparency in government.

MANAGEMENT SERVICES: Management Services Director Barbara Goodrich

POLICE: Police Chief Kevin Treadway

Chief Treadway asked that the Council consider adding a goal to their list of recruiting to 100% of their force.

HUMAN RESOURCES: Human Resources Director Shannon Anderson

Councilmember Overton asked Ms. Anderson how the Affordable Care Act would impact the City's benefits. Ms. Anderson said that they have been reviewing that issue, and the county has identified they will have several hundred temporaries that will be eligible for benefits. The City is going to take a different approach to identify those and hire more part-time people and continue to hire full-time temporaries. She noted that the deadline has been pushed back to January of 2015.

Discussion was held on the City's Wellness Program. Concerns were voiced by members of the Council with regard to the privacy of information required for participation. Mr. Burke said that the Leadership group just had a presentation given to them about the program that addressed a lot of those concerns and it may be helpful to have a presentation given to the Council as well.

UTILITIES: Utilities Director Brad Hill

FIRE DEPARTMENT: Fire Chief Mark Guillard

5. BREAK

A break was taken from 9:50 a.m. to 10:05 a.m.

6. Review of Divisional Work Plans (Continued)

CITY CLERK'S OFFICE: City Clerk Elizabeth Burke

PUBLIC WORKS: Public Works Director Erik Solberg

COMMUNITY DEVELOPMENT: Planning Director Jim Cronk
- Planning and Development Services
- Engineering
- Housing
- Employer Assisted Housing
- Flagstaff Housing Authority

Discussion was held on adding goals to the Council's goals with regard to housing and affordable housing for veterans. Vice Mayor Evans asked that the goal be more specific.

The following topics were suggested for possible goals: Review of Affordable Housing; Code Enforcement re Slum, Blight and Graffiti; Integration of Planning Documents; Fourth Street Revitalization.

ECONOMIC VITALITY: EV Director Stacey Button

Possible Goals: Encouraging or motivating spec building in commercial/industrial context.

.

CITY ATTORNEY: City Attorney Michelle D'Andrea

Possible Goal: Examine ordinance re performance bonds for subdivision infrastructure.

A break was held from 11:08 a.m. to 11:20 a.m.

7. Review of Council Goals

Mr. Burke reviewed the Goals developed at last year's Council Retreat. After lengthy discussion, the Goals were modified by Council to read as follows:

1. Repair, replace and maintain infrastructure (streets & utilities)
   c. Complete Citizens and Transportation Commission Review of Tax Proposal
   d. Determine placement of a ballot question or not
   e. If placed, support education and outreach efforts individually

2. Fund existing, and consider expanded, recreational services
   d. Determine use, if any, of the $1.1M Bond for Recreation Capital
   e. Review and Adopt/Reject/Modify Bushmaster Park Master Plan

3. Address Core Services Maintenance Facility
   c. Select a site for the Core Service Facility
   d. Complete any negotiations to secure the site
   e. Finalize contract
   f. Commence design for the Facility

4. Complete Rio de Flag
   a. Complete Limited reevaluation report
   b. Complete 100% plans
   c. Legislative Advocacy to achieve continued funding
   d. Repair Clay Ave basin
   e. Construct Phase IIa
   f. Complete the Feasibility Analysis using FEMA Standards
   g. Support WRRDA legislation for self administration

5. Retain, expand, and diversify economic base
   e. Secure 2nd Airline
   f. Increase arts and culture tourism
      i. Support arts incubator
      ii. FCP
   g. Development of adequate infrastructure to support current and expanding economic base
   h. Review/Adopts/Reject/Modify the Infill Development Policy

6. Complete the Water Policy
   b. Red Gap
      i. Delivery issues
      ii. Funding
   c. Reclaim water
      i. Treatment options
      ii. Water quality
   d. Sale and use of water inside/outside city limits
      i. Reclaim

ii. Potable
iii. Rates

e. Funding Sources
f. Separate out policy on reclaim and potable water
g. Set specific milestones in order to accomplish in 2 years
h. Coordination with regional partners
i. Stormwater Policy – LID
j. Water Conservation Policy

7. Review financial viability of pensions
   c. Define and analyze problem
   d. Study of options
      i. Pros and cons of adjustments
   e. Define legislative position

8. Review all Commissions
   a. Number of commissions
   b. Roles
   c. Scope
   d. Reports/Recommendations
   e. Purpose
   f. Use of Ad Hoc committees
      i. Reestablish Citizen's Budget Committee?
      ii. Establish Citizen Charter Committee?
   g. Revise staff summary to note
      i. What commissions have reviewed, when and result?
      ii. Applicability of Regional Plan

9. Zoning Code check in and analysis of the process and implementation
   g. Review/Adopt/Reject/Modify Zoning Code Map Amendment Changes
   h. Review/Adopt/Reject/Modify Zoning Code Sign Regulations
   i. Review/Adopt/Reject/Modify Zoning Code Amendments

8. BREAK

A lunch break was taken from 12:18 p.m. to 12:35 p.m.

9. Discussion on Rules of Procedure

Council discussed potential changes to the Rules of Procedure and directed staff to add Public Participation at the beginning of the 6:00 p.m. portion of the Regular Meetings. Staff was also directed to change wording to allow for amendments to be made to ordinances between the first and second readings.

Vice Mayor Evans reminded everyone that having side conversations at the dais during the meetings was annoying, and they needed to be aware that everything is being recorded.

10. WORKING LUNCH

Lunch held above

11. Discussion on what words are used in the Regional Plan and their definitions

Mr. Cronk reviewed the wording of the Regional Plan, as it is to be a "guideline." He mentioned that in the 2001 Plan the term "private property rights" was mentioned 8 times, while in the proposed plan it is mentioned 73 times. In the current Plan words such as "shall, must, require, and will" were mentioned 842 times, while in the proposed draft it was 262 times.

He said that the Advisory Committee worked hard at the issue with what they were addressing today and made a serious attempt to move in this direction.

Mayor Nabours said that from the discussions they have had, it may help if they could come to an understanding of what is required by the plan and what is suggested. It was suggested that a prefatory statement near the beginning of the document line out that issue clearly.

After a lengthy discussion, staff was directed to bring back some options for Council to consider in the way of prefatory language which would allow them to clarify the intent of the Plan rather than change the hundreds of words throughout the document.

At this time Mr. Cronk notified the Council and public that Kim Sharp had been offered a position in Columbus, Ohio, serving as the Assistant Planning Director. She will be in Flagstaff for two months and will work through the first Public Hearing on the Plan and the first Public Hearing on the Little America project.

The Flagstaff City Council Special Work Session of September 19, 2013, adjourned at 1:51 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

MINUTES

REGULAR COUNCIL MEETING
TUESDAY, OCTOBER 1, 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:

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

Absent:

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

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

The audience and City Council 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 September 10, 2013; Regular Meeting of September 17, 2013; Special Meeting (Executive Session) of September 24, 2013; and Combined Special Meeting/Work Session of September 24, 2013.

Councilmember Woodson moved to approve the minutes [of the City Council Work Session of September 10, 2013; Regular Meeting of September 17, 2013; Special Meeting (Executive Session) of September 24, 2013; and Combined Special Meeting/Work Session of September 24, 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.

None

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:** Personnel Board.

Mayor Nabours moved to appoint Dietrich Sauer to the Personnel Board, term to expire October 2016; seconded; passed unanimously.

B. **Consideration of Appointments:** Board of Adjustment.

Vice Mayor Evans moved to reappoint Jerome Naleski to the Board of Adjustment, term to expire May 2016; seconded; passed unanimously.

C. **Consideration of Appointments:** Beautification & Public Art Commission (BPAC).

Councilmember Oravits moved to appoint Emma Gardner as the Art Profession representative to the Beautification & Public Art Commission, with a term to expire June 2016; seconded; passed unanimously.

Councilmember Oravits moved to appoint Jeff Knorr as an At-Large representative to the Beautification & Public Art Commission, with a term to expire June 2016; seconded; passed 6-1 with Vice Mayor Evans casting the dissenting vote.

Councilmember Oravits moved to appoint Jason Hansenbank as an At-Large representative to the Beautification & Public Art Commission, with a term to expire June 2016; seconded; passed unanimously.

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.

Mayor Nabours said that he would like to take each of the Consent Items individually.

A. **Consideration and Approval of Cooperative Contract:** With Coconino County for Bulk Unleaded Fuel, bid number 2014-04 to Pro Petroleum of Phoenix, Arizona in the amount of $.0325 per gallon below O.P.I.S. (Oil Prices Information Services).

Mayor Nabours asked how the cooperative bid came about and whether a person that follows the City's Request for Bids process would be aware of its opening. Senior Procurement Specialist Candace Schroder indicated that all of the vendors on the City of Flagstaff, Coconino County, Northern Arizona University and Flagstaff Unified School District vendor lists were notified of the request for bid.

Mayor Nabours stated that the last time this contract went out for bid was five years ago. Ms. Schroder offered that the City has been doing joint bids for this contract since 1999; the contract is for one year with four one year renewals. Mayor Nabours asked if it is possible for another vendor to bid at the one year renewal time. Ms. Schroder offered that unless there is a problem with the service being received the contract would be renewed without new bids. Mayor Nabours responded that he feels that five years is a long time to lock out other bids.

Councilmember Brewster asked if the price per gallon is set for the whole five years. Mr. Burke indicated that the price is not fixed; the contract locks in a variation to the price. For example, if the market price is $3.15/gallon the contract would allow for $.06 below that and this goes for any fluctuation throughout the contract term.

Mayor Nabours asked why the contract term is set for five years. Ms. Schroder responded that statute specifies that a contract can be for one year with four automatic renewals. Mr. Burke offered that a better price is secured when locking into a longer term.

Councilmember Woodson moved to approve the Cooperative Contract for Bulk Unleaded Fuel with Pro Petroleum; seconded; passed 6-1 with Mayor Nabours casting the dissenting vote.

B. **Consideration and Approval of Contract:** Brannen Homes AZ6-2 Re-Roofing Contract for 22 buildings-46 dwelling units at Brannen Circle.

Mayor Nabours stated that he does not understand how it could be cheaper to hire Centennial Contractors who in turn immediately subcontracts to a local subcontractor. Mr. Burke responded that in this case it was a time issue. These are federal dollars appropriated late and must be spent quickly in order to be in compliance and to have them under construction during this season. Housing Director Mike Gouhin offered that this is a program the City has been using for the last 13 years; the City, County and Housing Authority have used the pricing. Mohave Educational has a system where they lock in prices with contractors such as Centennial. It has been a long time since the City has gone out to bid for these maintenance types of services so it is unknown if there is a savings. The larger construction jobs are bid out but with maintenance, Job Order Contracting is utilized to save time.

Councilmember Overton offered that he would prefer to go through the process of bidding to local contractors. Mr. Burke stated that in the Mohave Contract the rates are set at a time certain before this bid even comes up. When Mohave is used the City is selecting a pre-established price for a particular service. The advantage to this is that there is no wait to advertise a bid and go through the more lengthy process; it cuts the time down in terms of when work can actually begin. The only other instance for using Mohave recently was another time sensitive issue with the berm around the landfill after the Shultz Fire.

Mayor Nabours stated that he would like to keep business local as it seems more efficient. Mr. Gouhin responded that all of the work done with Centennial has been subcontracted to local contractors. Councilmember Oravits asked why Centennial has to be used at all if local contractors are ultimately getting the work. Mr. Gouhin responded that a lot of times it is cheaper to go through Centennial.

Vice Mayor Evans moved to award the Re-Roofing contract to Centennial Contractors in the amount of $114,911.91 and authorize the City Manager to execute the necessary documents; seconded; passed 5-2 with Councilmembers Overton and Oravits casting the dissenting votes.

C. **Consideration and Adoption of Resolution No. 2013-24:** A resolution adopting a new City of Flagstaff 457(b) Deferred Compensation Plan and establishing an effective date.

Human Resources Director Shannon Anderson provided background on the 457(b) Deferred Compensation Plan. Arizona State Retirement System (ASRS) and Arizona State Public Safety Personnel Retirement System (PSPRS) are mandatory contributions for City employees. Deferred compensation is a voluntary plan that employees can contribute to allowing them to build a retirement fund for themselves in addition to ASRS or PSPRS. There was a time that the City contributed $60 per month to the deferred compensation plan for those employees without dependent insurance; the City does not currently pay into the plan.

Mayor Nabours noted that there are various options and alternatives in the staff summary including the City writing its own document. Ms. Anderson offered that the reason the ICMA and ING process is recommended is because it saves the City money on outside counsel. In order to write a document that is legally sound the City would need the assistance of investment professionals and attorneys. Mr. Burke offered that in addition to that, the document has to be sent to the IRS to ensure conformance and have it recognized; there is a time element as well as a cost element.

Council asked if ING requires investment with them. Ms. Anderson stated that there is no requirement to invest with them and there are several different types of funds members can chose from based on age, how aggressive they want to be and other things.

Mayor Nabours asked if the Employee Advisor Committee (EAC) was involved in this issue. Ms. Anderson responded that the EAC did initially recommend ICMA and ING. This particular item was not brought back before the EAC because nothing is changing; it is just an update in the federal language and adding the benefit of the after tax ROTH.

Councilmember Woodson moved to read Resolution No. 2013-24 by title only; seconded; passed unanimously.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, ADOPTING A NEW CITY OF FLAGSTAFF 457(b) DEFERRED COMPENSATION PLAN AND ESTABLISHING AN EFFECTIVE DATE

Councilmember Woodson moved to adopt Resolution No. 2013-24; seconded; passed unanimously.

10. **ROUTINE ITEMS**

A. **Consideration and Approval of Grant Intergovernmental Agreement Amendment #1:** Pine Knoll Drive Safe Routes to School Project.

Project Manager Christine Cameron briefly reviewed the amendment to the original Intergovernmental Agreement to increase funding for design and the Arizona Department of Transportation review fees.

Councilmember Woodson moved to approve Amendment #1 to the existing Intergovernmental Agreement/Joint Project Agreement (IGA) between the City of Flagstaff and Arizona Department of Transportation (ADOT) for additional grant funds in the amount of $90,897.00 for design services and ADOT review fees; seconded; passed unanimously.

B. **Consideration of Ratifying the Grant Agreement:** between the City of Flagstaff and the U.S. Department of Transportation, Federal Aviation Administration for the Westplex Taxi Lanes Reconstruction Project at Flagstaff Pulliam Airport.

Grants Manager Stacey Brechler-Knaggs explained that this grant is ratifying the City Manager's acceptance. The reason for this is due to the federal fiscal year they were pushing out grants quickly and needed the City to sign off on them. The $4.9 million is broken up between $2 million entitlement and $2.9 million discretionary. The Arizona Department of Transportation will have a match of $240,000 that happens after this agreement. The City Council did approve Kimley Horn for design services and Construction Manager at Risk with Banecki Construction contingent on this funding coming through.

Airport Director Barney Helmick provided a scope of the work. It was prepared for construction to start in April of this year but because funding was not coming from the federal sources it was decided to wait until the funding was assured. The project has been broken up into three phases and there is still ongoing discussion on the best way to move with the phases. It will be a hardship on the airport tenants but they have been prepared for this for over a year. Construction will start next spring and it is hoped to be completed in October 2014.

When work is done at an airport there are many federal standards that are not present in street projects that increase costs by about one third. There are also some drainage issues that are being addressed as well. Costs on a typical airport project run 20-30% higher because of the federal requirements; however, those costs are recouped in the federal grant.

Ms. Brechler-Knaggs explained that when staff came before Council back in May with the construction manager at risk, that was based on bids. Since there was such a long delay in the funding the City accepted the grant but notified the grantor that the acceptance is contingent on them understanding that if the proposal needs to be increased because of the time frame additional funding will be requested.

Councilmember Woodson moved to ratify the Grant Agreement with the U.S. Department of Transportation, Federal Aviation Administration (FAA) in the amount of $4,905,017 for the Westplex Taxi Lanes Reconstruction Project; seconded; passed unanimously.

C. **Consideration of Ratifying the Grant Agreement:** between the City of Flagstaff and the U.S. Department of Transportation, Federal Aviation Administration for the Sustainability Master Plan at Flagstaff Pulliam Airport.

Grants Manager Stacey Brechler-Knaggs explained that this is a pilot program with the Federal Aviation Administration (FAA) that started in 2010 and they need to obligate funds by October 2013. The FAA saw that the City was getting ready to do a new Airport Master Plan update and they called and asked if the City would be interested in applying. The FAA considers Flagstaff an environmentally conscience city and if the City were to apply there would be a high chance of receiving the grant. This grant is in the amount of $270,000 with the City share being $13,254.

Mayor Nabours noted that the matching funds from the City had not been budgeted and was curious where the funds would be obtained. Airport Director Barney Helmick explained that the funds would be pulled from the operations account and budget reductions will be made to accommodate that. It will be budgeted as a capital project later on in the next budget cycle. This project is the first in the state of Arizona for an airport to be receiving; there have been about 20 airports in the country brought forth for this kind of project and it is believed that it will eventually become a requirement. It is a reflection on the community and the City's sustainability program that Flagstaff was chosen to be one of the first.

Councilmember Oravits asked what the City will be getting with this project. Mr. Helmick explained that the City is looking at some of the options. It will give a baseline of where the airport exists now environmentally. including the usage of power and ways to reduce some of those costs as well as a baseline of the airport sustainability equipment. Additionally, there will be work with community members to help set some future standards and goals for the City to achieve. These standards and goals will not be mandatory; they will be recommendations that would make the Airport more sustainable in the future. This will also meet what is a portion of the master plan that is required. The master plan allows the City to apply for and get these grants.

Councilmember Barotz moved to ratify the Grant Agreement with the U.S. Department of Transportation, Federal Aviation Administration (FAA) in the amount of $270,000 for the Sustainability Master Plan; seconded; passed 6–1 with Councilmember Oravits casting the dissenting vote.

D. **Presentation of Northern Arizona Public Employees Benefits Trust (NAPEBT) Wellness Incentive Program**

Human Resources Director Shannon Anderson introduced Katie Wittekin, NAPEBT Wellness Coordinator, who provided a brief PowerPoint presentation.

- NAPEBT WELLNESS INCENTIVE PROGRAM
- WHY WELLNESS?
- BEND THE TREND
- MEASURE SUCCESS
- WELLNESS SURVEY RESULTS
- WHAT'S NEW?
- IN THE WORKS

Councilmember Barotz asked if the physical activity tracking form can be found on the website. Ms. Wittekin stated that the form is online and in the information packet.

Mayor Nabours asked if the discount is given once the 15 points are obtained or when someone enrolls. Ms. Wittekin stated that there is no enrollment; an employee is required to get points throughout the year. Once the points are earned the discount will be applied at the beginning of the plan year.

Councilmember Woodson expressed his frustration with the lack of time to input points, the inability to navigate the site and short time frame. Ms. Wittekin explained that last year employees had to wait until January to enter points and this shortened the time frame. That has been changed this year and employees can now enter points at anytime for the savings to apply July 1. This will hopefully offer encouragement to start early.

Ms. Anderson stated that staff is working on a CCR that will contain information on what Blue Cross Blue Shield and Aleer do to protect information with regards to HIPPA.

RECESS

Mayor Nabours recessed the meeting of the Flagstaff City Council held October 1, 2013, at 5:18 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Nabours reconvened the meeting of the Flagstaff City Council held October 1, 2013, at 6:02 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).

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

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 rearranged the agenda to address item 17 first.

17. **PUBLIC PARTICIPATION**

Jeff Knorr, resident, addressed Council about an upcoming open house and barbeque event scheduled for Saturday October 12 from 12:00-2:00 at 4185 E. Huntington to benefit Flagstaff Shelter Service.

Deputy City Manager Josh Copley addressed Council and introduced Dean Coughenour, the new Assistant to the City Manager for Risk Management.

13. **PUBLIC HEARING ITEMS**

None

14. **REGULAR AGENDA**

A. **Consideration and Adoption of Resolution No. 2013-25:** A resolution of the Council of the City of Flagstaff, Arizona concerning Arizona's immigration discussion.

The following individuals addressed Council in support of Resolution 2013-25:

- Anamaria Ortiz
- Gabriela Ruvalcaba Aguilar
- Minesh Patel
- Roz Clark
- Francisco Madrid

- Jeronimo Vasquez
- Moran Henn

Councilmember Woodson asked that the first sentence in the first paragraph that starts with "The essential role…" be changed to include "We recognize the essential role…"

Mayor Nabours urged the public to state the things stated tonight to the Senators and Representatives of the community because that is where it counts. The City is not in the position to remedy these issues. As stated before, he is not in favor of resolutions for political matters.

Vice Mayor Evans moved to read Resolution No. 2013-25 by title only as amended; seconded; passed 6-1 with Mayor Nabours casting the dissenting vote.

A RESOLUTION OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA CONCERNING ARIZONA'S IMMIGRATION DISCUSSION

Vice Mayor Evans moved to adopt Resolution No. 2013-25 as amended; seconded; passed 6-1 with Mayor Nabours casting the dissenting vote.

15. **DISCUSSION ITEMS**

A. **Discussion of the Subsidiary Decision Points that will guide the City's Redevelopment and Infill Policy**

Community Design and Redevelopment Manager Karl Eberhard provided a PowerPoint presentation on the City's Redevelopment, Infill and Reinvestment Policy.

- BACKGROUND
- STAGE SETTING

Mayor Nabours clarified that a district cannot be formed without the consent of a majority of the property owners. Mr. Eberhard stated that there is the exception of an infill incentive district which Council can approve.

Mr. Eberhard continued the presentation.

- PREREQUISITE POLICIES

Mayor Nabours asked if this would just apply only to City owned land. Mr. Eberhard explained that if the City determines an area to put in the infrastructure necessary for redevelopment, the developer can just tap in; it is a public investment in public infrastructure not private development and it provides an incentive. Mr. Burke stated that there is a lot of public infrastructure that surrounds a property, whether it is streets, water, sewer, sidewalks, etc., those are all expenditures that are in place and are typically owned by the City. If the infrastructure is to be improved to support redevelopment it becomes a debate

on who is responsible for upgrades to the system. Mayor Nabours asked if the City will be spending public money to increase the value of a privately-owned parcel, for the purpose of providing an incentive to the owner to do a nice development. Mr. Burke offered that the City is upgrading because the property has served its useful life and needs to be upgraded. The political challenge is in targeting a specific area and why it was chosen over others.

Councilmember Brewster stated that a lot of other communities are doing this in areas where there is not any development or current business. Mr. Eberhard stated that the Town of Gilbert's Capital Improvement Plan has an entire section dedicated to redevelopment.

Mr. Eberhard stated that if the City is trying to promote redevelopment it should focus on improving those areas already developed to increase capacity and encourage new development.

Councilmember Oravits clarified that not only is this an improvement of the public side but also pre-developing on private property. Mr. Eberhard explained that the idea is to make the existing public utilities ready to receive private development in areas already developed.

Vice Mayor Evans asked if this would include rezoning property. Mr. Eberhard stated that there is a difference between the City's land use goals, the Regional Plan and the Zoning Code. The City may want to look at corrective zoning to make the zoning map execute the Regional Plan. Councilmember Barotz asked Mr. Eberhard to explain how correctional zoning as presented here is different than what was discussed at the zoning code meetings. Mr. Eberhard responded that they are the same concept of making the zoning map match the Regional Plan. Where it differs is when the City knows what it wants in a particular area as the Regional Plan lays out, this is an exercise to identify those parcels that the code is requiring something different than what is laid out in the Regional Plan. Councilmember Barotz expressed concern about the fairness of this if the City is requiring property owners to go through the rezone process. Mr. Eberhard explained that the City changing the zoning to accommodate the Regional Plan is different than a private owner changing zoning for their needs.

Mr. Burke offered that the idea is that in order to incentivize reinvestment in an existing developed area, if the City can get the zoning to match the Regional Plan, which is one less step to that development and becomes an incentive. How the zoning is changed to match is a process. The City will not be rezoning private property unless that property owner is on board with that proposal whether it matches or not. It is more the concept of getting them matched rather than the process.

Vice Mayor Evans asked if there is a way to consider a sliding scale for impact fees to encourage redevelopment. Mr. Eberhard stated that there are different impacts depending on where they build. A system where only true impacts are being paid would be an incentive for redevelopment. Impact fees can be waived but Arizona law requires that those fees not be charged to other developers. If

waived, the City would have to find other funding sources to make up what has been waived.

Mr. Burke offered that another way for impact fees to be an advantage is that oftentimes in redevelopment there are multiple owners. If there is a public infrastructure problem such as a storm drain issue, rather than having each property owner deal with the problem individually, have them pay an impact fee for a collective solution.

Mayor Nabours asked if the Council has to designate an area as qualified for redevelopment and how someone would know if a property qualifies for redevelopment. Mr. Eberhard responded that there are two ways to do it. The first is to create redevelopment districts where certain incentives are offered. The second is to establish certain specifications for redevelopment applied on a case by case basis. Mr. Burke stated that this is the first policy question, district versus the toolbox. Without designating a district the City has the ability to target areas within its own budgeting Capital Improvement Plan (CIP) and apply a set of specifications to determine eligibility.

Mayor Nabours stated that there are two different paths; the first is the City's internal decision to target an area because there has been investment in it and the second would be some kind of definition of redevelopment to determine if a property is eligible.

Councilmember Woodson offered that 20 years ago the City did improvement on the north side of downtown and there followed redevelopment. Recently there is improvement in southside and there is redevelopment currently happening there. Some of those were intentionally done because projects caused improvements that created the desire to redevelop. He believes that the 4th Street overpass is a big reason why Walgreens built on the corner there. The City did not pay Walgreens to develop there but a lot was put into the overpass and that brought the development along with it. The key is to identify where redevelopment will happen on its own or where a kick start might be needed. Infill can help reduce sprawl.

Councilmember Overton stated that where improvement is needed is in making the right investment in the CIP to match the private action. The City is not going to be able to improve all the private parcels but convincing the private sector to buy in will be important. It is important to look at the City's smart investment dollars and the private sector smart investment dollars to identify good projects.

Mayor Nabours requested that if the City is going to invest a lot of CIP dollars into a particular area to incentivize the redevelopment, a district be created to offer waivers and other incentives; the area needs to be identified first. Mr. Eberhard explained that a redevelopment policy would be to modify the CIP system to recognize in favor of redevelopment.

A break was called from 7:21 p.m. to 7:32 p.m.

B. **Regional Plan Discussion #5 - Ch. VIII. Community Character, Prefatory Language**

Comprehensive Planning Manager Kimberly Sharp provided a PowerPoint presentation on Chapter VIII of the Regional Plan.

- THE PUBLIC REALM
- HOW PRIVATE DEVELOPMENTS AFFECT THE PUBLIC SPACE
- COMMUNITY CHARACTER
- SUB-SECTIONS
- SCENIC RESOURCES AND NATURAL SETTING VISTAS AND VIEWSHEDS
- "GREAT STREETS" AND GATEWAYS
- HERITAGE PRESERVATION
- COMMUNITY DESIGN
- ARTS, SCIENCE AND EDUCATION

Mayor Nabours asked for the criteria used in determining a historical district. Ms. Sharp explained that the group worked closely with Historic Preservation Officer Karl Eberhard and both federal and local historic guidelines were used in making those designations. Mr. Eberhard stated that two types of districts were identified, the first was the National Register of Historic Places which is based on inventories done in the 1990's; those have limited reflection in their current regulative processes. Secondly, in Flagstaff there are three local districts: the Downtown District, Townsite District and Landmarks Overlay District. Mayor Nabours asked why the Sunnyside area was designated a Historic District when it is not as old as some other areas along Route 66. Mr. Eberhard stated that it is believed that it is a printing error and the map needs to be corrected.

Mayor Nabours stated that one of the greatest impacts on the view shed is overhead power lines; there is a very brief reference on page 22 and he requested that a more specific goal or a sub-goal in eliminating them in the more important view shed areas be included. Ms. Sharp indicated that there had been very robust discussions with APS regarding overhead power lines. The item was added to the parking lot to come back with some of the APS discussion details. Councilmember Woodson noted that Flagstaff already has policies in place; new construction has to underground most utilities except for very high voltage. Perhaps this is full circle with the previous discussion. This is one of the policies that can be incentive and the City may need to put money in to an area that otherwise would not be required to underground the utilities.

The following individuals spoke regarding the Regional Plan:

- Michelle Thomas
- Charlie Odegaard
- Mike Oxtoby
- Joy Staveley
- David Wilcox
- Gaylord Staveley
- Carol Kendall

Comments received included:

- Thank you for noting that the current commercial corridors are not conducive to pedestrian safety or transit oriented design.
- Would like to see more language that specifically draws on the connection between the policies and ideas in the Regional Plan such as pedestrian safety and access to public transportation.
- Request more explicit language about health.
- Consider putting disclaimer from the front of the document at the beginning of each chapter to reaffirm the Council's intent.
- Two policies that could be strengthened are CC4.4 and CC5.4.
- Make it a priority to finish sidewalk projects, enforce the snow policy, and ensure public safety in all neighborhoods.
- Add "unless the land is privately owned" to the end of policy CC1.3.
- Do not reduce parking; it is already a problem downtown.
- Respect diversity and personal preference in community design outside of downtown.
- This section calls for radical and costly changes to the City infrastructure while limiting individual choice to meet design standards.
- Section limits personal choice too much.
- Pleased that the plan has called attention to cultural resources.
- Map 12 does not show where cultural resources are, it is a likelihood map.
- Take proactive measures when cultural sites are found. More work is needed on direction on what to do when things are found.
    - Mr. Eberhard noted that with the new Zoning Code passed in November large undeveloped properties are required to have cultural resource studies and also requiring cultural resource studies for archeological purposes.
- Plan should include the possibility of land exchanges with the Forest Service.
- Map numbers need to be corrected.
- Restrictions could hamper diversity and innovation.
- Concerned with the limits on personal transportation.

Mr. Burke expressed concern about the plans directed to outside groups; he asked if the policies are intended for City execution or community execution or if there is no distinction. Ms. Sharp stated that there is no distinction and offered that the policies are for the vision of the community to be implemented whether by public/private partnership, city government, county government, NAU, etc. it is not always pointed out. It really is the community working together to fulfill the community vision.

Vice Mayor Evans stated that she agrees that Sunnyside is not designated as a historic district, but wanted to mention that Sunnyside was home to an encampment of Buffalo Soldiers. The Pioneer Museum has extensive records on that and nowhere is that mentioned.

Vice Mayor Evans pointed out the Arts box on the bottom page 8-27. This is a good box to highlight the diversity of people, thoughts, and ideas in the City of Flagstaff and she requested that the addition of the Celtic and Pride Festivals be added to that because it really encompasses the amount of diversity there is in this community.

Vice Mayor Evans requested that institutions of higher education both public and private be included in the Educational Resource Box. She also requested that the Joe Montoya Senior Center be included as well in the section that discusses community because it shows diversity in facilities and activities for different ages.

Vice Mayor Evans also pointed out that Sunnyside played a huge role in moon landing and that Lowell Observatory may have more info on that.

Mayor Nabours asked the purpose of page 27. Ms. Sharp stated that it was the Citizens Advisory Committee's prerogative to describe the character of the community; they felt that people and assets are the huge contributors and arts, science and education are the largest contributors to the people. It is important to them to point out that this is just as important, if not more, than the assets or built environment.

Councilmember Overton asked if the Zoning Code rewrite consolidated urban growth boundaries one and two. Ms. Sharp offered that this Regional Plan combines the two. Planning Director Jim Cronk stated that the current zoning code is still two boundaries because the CAC recommendation of combining the two had not come through yet. This is a good example of where things will need to be adjusted once the Regional Plan is adopted.

The following items were placed on the Parking Lot list:

- Overhead power lines.
- The use of the word required in policy CC3.1
- The addition of the Celtic and Pride Festivals to the art box at the bottom of page 8-27.
- Institutions of higher education both public and private be included in the Educational Resource Box.
- Inclusion of the Joe Montoya Senior Center in the section related to public facilities because it shows diversity in facilities and activities for different ages.

Ms Sharp continued the presentation.

▸ SCHEDULE FORWARD

Mr. Cronk continued the presentation

▸ IDEAS FOR PREFACE LANGUAGE

This statement will be on the very first page of the document to stand out as a preamble statement.

Council briefly discussed the options and agreed that option two is preferred but without the word toolbox. Mr. Cronk stated that a few different options of two would be brought back to Council for further discussion.

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 Councilmember Oravits to place on a future agenda possible financial assistance for Flagstaff Shelter**

Councilmember Oravits is requesting a future agenda item to discuss and possibly vote on assisting Flagstaff Shelter Service with emergency funding in order to facilitate their opening for overnight services starting October 15. Council agreed to add this item to a future agenda.

B. **Request by Vice Mayor Evans to hold a future Work Session on a Veterans issues update**

Vice Mayor Evans stated that there may be a request to include this item on a joint meeting with Coconino County.

Mr. Burke asked for clarification on the staff preparations anticipated. Vice Mayor Evans indicated that she would like to invite the new head of the State Veteran's Affairs Department to come and give the City Council a report on activities that were said to be completed such as the cemetery and convalescent home in Bellemont as well as a general update on the backlog in the claims processing and appeals process. Also there are concerns with electronic records at a new clinic in Flagstaff. Supervisor Metzger expressed that she would like to have this discussion as a joint meeting because it affects the County as well.

17. **PUBLIC PARTICIPATION**

None

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

Councilmember Brewster reminded Council about the Governor's Economic Development conference starting tomorrow morning.

Councilmember Woodson requested the presentation from Karl Eberhard be sent separately from the agenda.

Mayor Nabours stated that three executives of the new 4FRI contractor that has replaced Pioneer were at City Hall today and met with staff, ECONA and Economic

Development. There are a lot of good ideas and he got them in touch with local forest contractors that have been in business. They want to show a presence in Flagstaff, get an office and start being visible. This is a good sign.

19. **ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held on Tuesday, October 1, 2013, adjourned at 8:47 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 October 1, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of November, 2013.

_____
CITY CLERK

MINUTES

WORK SESSION
TUESDAY, OCTOBER 8, 2013
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
6:00 P.M.

1. Call to Order.

Mayor Nabours called the Flagstaff Work Session of October 8, 2013, to order 6:05 p.m.

2. Pledge of Allegiance.

The City Council and audience recited the Pledge of Allegiance.

3. Roll Call

Councilmembers present: **Councilmembers absent:**

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

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

4. **Public Participation**

Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. 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 to have 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.

None

5. **Preliminary Review of Draft Agenda for the October 15, 2013, City Council Meeting.***

**Public comment on draft agenda items may be taken under "Review of Draft Agenda Items" later in the meeting, at the discretion of the Mayor. Citizens wishing to speak on*

agenda items not specifically called out by the City Council for discussion under the second Review section may submit a speaker card for their items of interest to the recording clerk.

Councilmember Barotz reported that she had a list of questions for Flagstaff Shelter Services and had requested a list of financial contributions made to the Shelter since its inception, including the lease. She would also like their financial statements, list of Board members, number of staff, annual budget, etc. Additionally, she had also requested information on the fund itself and its use in prior years as well as its overall purpose. She also would like to have the Shelter explain what the money would be used for (e.g. salaries, utilities, mortgage). She said that she also assumed that it would be handled like any other similar requests, as a contract for services.

Councilmember Overton, in referring to Item 14-B, Pine Canyon Agreement, said that the staff summary stated that the regional park funds of $130,000 would be returned. He asked if that was because the land trade fell through or because they do not feel there is another appropriate place to put those funds.

6. **Discussion on a draft Food Freedom Resolution in support of the rights of individuals and groups to grow their own food for themselves and their families.**

Mayor Nabours said that Councilmember Oravits had first asked that this item be placed on a future agenda. There have been several drafts of a proposed resolution prepared and the public may not be aware of all of them. Mr. Burke noted that they do have them available for the screen.

Mayor Nabours said that there was some concern about whether or not this was intended to be a change in the Zoning Code or would result in a change to the Zoning Code, or if it was a contradiction to the Zoning Code.

Councilmember Barotz gave some history of the resolution, noting that she sat with the Flagstaff Liberty Alliance Initiative for a long time to try and help them understand the process of getting a new ordinance drafted. She thought they came to her because she cared about food production. They went back and forth and she, as someone who supports local food product, felt she was being misunderstood. The reason they parted ways was she felt she could not support anything that would urge the citizens to not comply with state and federal laws.

She said that with that being said, it does not mean that she does not support local food production. That is where there has been a convergence in the community. She thought this was a great opportunity for all of them to come together to find language they could all agree on.

Councilmember Oravits said that he submitted the new version, but it was the group that originally submitted it, after hearing concerns throughout the community.

Vice Mayor Evans said that she keeps hearing “resolution” and “ordinance” being used, and she wanted to clarify that it would be a nonbinding resolution that would not be changing the LDC.

Cindy Dorfsmith, president of Flagstaff Liberty Alliance, said that local food is something she was passionate about. After changes were made to the language and Councilmember Barotz decided to not support it, they talked with Councilmember Oravits who was supportive. She said that they were supportive of the changes that were recently made, and they had also presented the resolution to the Sustainability Commission and they unanimously supported it. She believed that the amended resolution still held to the spirit of the original one, and they supported the amended one submitted by Councilmember Oravits.

Councilmember Barotz said that the words removed were the ones that were problematic for her, so she believed they were all on the same page. She said that it was unfortunate that it happened the way it did.

Vice Mayor Evans asked if the group was able to talk about the resolution with other food-related groups, such as Farmers Market. Ms. Dorfsmith said that they tried to circulate it through Facebook, etc., but they did not get the resolution out to individuals. She said that the Sustainability Commission voiced an opinion on the original resolution, but they had not yet reviewed the amended resolution. She said that they got a lot of signatures during First Friday and never received any negative feedback.

Joanna Estes, resident, said that she has read through the amended versions and believes that the amended resolution submitted by Councilmember Oravits held true to the underlying message that they were hoping to put forward. They believe that Vice Mayor Evans' version sidetracked that original message, to support the rights of individuals.

She said that under Vice Mayor Evans' version there was still quite a bit of room for legislation that would hinder those rights. She said that several counties have passed laws, in the spirit of a possible drought, hindering people using water in their yards and that could stop gardening.

Councilmember Barotz asked Ms. Estes her thoughts on the issue of nuisances, with residents raising their own livestock. Ms. Estes said that she would hope they would think through the idea of legislation, and recognize the benefit to the community to produce their food. If there was a nuisance, she would hope it could be handled individually rather than through sweeping legislation.

Vice Mayor Evans said that she believed there was something contained in the Water Policy that there would be restrictions if the water level was low, and she would like to get a copy of that section. Mr. Burke said that he believed it was the drought ordinance.

Marilyn Weismann, Friends of Flagstaff's Future, said that the essence of the original resolution was to ensure individual rights, and it appeared they wanted the Council to override laws. It appears that even in the revised resolution they were still trying to subvert the system.

Karna Ottem, resident, said that they did not support nor oppose the resolutions, but was interested in a broader conversation with all organizations, from those involved with growing, producing and accessing local foods.

Joy Staveley said she was not a member of the Flagstaff Liberty Alliance, but wanted to speak in favor of the resolution put forth by Councilmember Oravits. She had signed the original petition some time ago and supported it, and she could not imagine why anyone would be against it.

Lisa Rayner said that she supported Vice Mayor Evans' version and she wanted to see the City Code promote local food production. She was disturbed with the original, as well as the revised, versions as she saw the content of the earlier version showing anti-government sentiments.

Elisha Dorfsmith said that it was never to be a freedom of government resolution, and he supported Councilmember Oravits's version. He said that they now have about 400 signatures, and a bunch have not been turned in.

Vice Mayor Evans said that she did not mean any disrespect with writing her own, but she has had the opportunity to interact with Mr. Dorfsmith in the past and both times were negative. She was not sure they could move past that and thought it could be sent to the City Attorney and discussed this evening.

Jonathan Allen said he was born and raised in Flagstaff and society argues over everything. He was encouraged by the resolution and the response received across the political spectrum. Originally the FFF supported it and he has heard nothing but praise for it until the last few days. He said that he supported the resolution and would support bringing forth a binding ordinance.

Dan Frazier said that he, like Mayor Nabours, did not really support nonbinding resolutions and he felt the newest drafts were meaningless. Of the three versions presented he prefers that of Vice Mayor Evans, mainly because it came from her. He said that they need to look at the source of any resolution or ordinance. The group bringing this issue forward is not a food group—it is a rights group. He felt it could have some Tea Party influence.

James Burton said it was a fundamental right for people to grow their own food.

Councilmember Oravits said that he was trying to help a group that did a lot of outreach carry forward with their intent. There have been significant changes made; two paragraphs were completely removed, and legal concerns were addressed. He was disappointed that it became political as that was never the intent.

Councilmember Brewster said that she did not support the original one; she liked the one on the screen (Councilmember Oravits's) but perhaps they could incorporate some of Vice Mayor Evans's into it.

Councilmember Overton said that he would pass on all three versions.

Vice Mayor Evans said that she supported her version. She agreed that it was disappointing, and she was irritated with people saying that she did not support food rights.

Mayor Nabours noted that the Regional Plan already addresses this issue. Councilmember Overton agreed that the Regional Plan already talks to the elements. He said that he did not feel like they were disallowing it now and he was not interested in any of them. He was not there to kill it, but he did not it as a useful resolution in any of the forms.

After further discussion it was agreed that Vice Mayor Evans and Councilmember Oravits would work together on a resolution to address both sides of the issue and bring it forward for further discussion.

A break was held from 7:20 p.m. to 7:30 p.m.

7. **Discussion regarding proposed amendments to City Code Division 8-03-002 of the Flagstaff City Code to create revised standards allowing for sidewalk cafes and sidewalk vending carts.**

Mr. Eastman gave a PowerPoint presentation that addressed the following issues:

- MEETING PURPOSE
- THE CURRENT CODE – DIVISION 8-03-002
- INTRODUCING THE DRAFT DIVISION 8-03-002
- PRELIMINARY – A STARTING POINT
- APPLICATION FEE
- LOCATION RULES FOR SIDEWALK CAFES
- INTRODUCING AN IDEA – PARKING SPACE FOR SEATING
- ISSUES FOR WHICH DIRECTION/CLARIFICATION IS NEEDED
- APPLICABLE TO SIDEWALK CAFES
- APPLICABLE TO SIDEWALK VENDING CARTS

Mayor Nabours asked how the proposed ordinance differed from the existing one. Mr. Eastman replied that it addresses the inequality of the use fee, that area outside of downtown, establishes easier rules for carts and cleans out the ambiguity.

Councilmember Overton said that he thought they were headed down the right court. He would like to be certain that the downtown business owners have predictability, so it is equitable for all.

Councilmember Barotz said that one thing she has been concerned with is the local businesses being at a disadvantage and there being unintended consequences.

Councilmember Brewster said that she was glad it was brought to Council. It included good ideas. She asked what communities had already incorporated these ideas into their downtown area, and she said that she would like to get a list of them.

Vice Mayor Evans said that she would like to know more about the compliance. She gets called a lot on accessibility for wheelchairs and individuals not able to get around the downtown area.

Mr. Burke said that there is a philosophical question—is the sidewalk a community product? Are they allocating it to one business for a private gain? Is there a gift aspect?

On the reverse side they may see it as a public asset that is developing a community gain by having a vibrant area that sees people inside and outside businesses.

Mayor Nabours asked if they could prohibit the serving of liquor before 11:00 a.m. in the morning outside, as well as the issue of amplification. Mr. Eastman said that they could discuss those issues with Legal.

In referring to the issue of vending carts receiving approval of adjacent property owners, she said that she would support giving as much input to the locals as possible as long as they think through the mechanics so it does not backfire.

Mark Lamberson, business owner in the downtown and involved with the DBA, said that he appreciated the outreach and Council comments, but he respectfully suggests that they had a "solution in search of a problem." He said that the City Manager mentioned the vitality, variety, authenticity of the downtown area, and he believed they have done a good job with it. Their bigger challenges are coming up with Heritage Square, street closures, etc.

Mayor Nabours said that no one on Council was trying to stop that. There have been concerns with accessibility on the sidewalks downtown, and perhaps it was more of an enforcement issue. He asked Mr. Lamberson, as a retailer, if he liked the idea of a retailer next to him putting up a rack outside of his business on the sidewalk. Mr. Lamberson said that it would not bother him; competition is good; and the same with the restaurants.

Mayor Nabours asked if there was any chance they would form a Special District and take all of the holistic problems into account. Mr. Lamberson said that the downtown improvement district was ready to come forward to Council with more than 50% in support of a district that would be self-assessing, self-taxing, to take these issues on the plate of the Council.

Councilmember Barotz asked Mr. Lamberson if he felt that some of the recommendations brought forth by Mr. Eastman would be harmful in terms of what the visitor experiences. Mr. Lamberson said that they cannot deal with problems individually. The downtown district has all of the overlaying needs for services. They have an incredible mixed-use downtown that needs to be protected. The best way is to allow them to move forward to bring ideas to the Council. The encroachment onto the sidewalks is far down the list; they have more pressing issues such as sanitation, water/sewer, Heritage Square, closure of Aspen, etc.

Councilmember Barotz said that she was glad to hear Mr. Lamberson say it was a "solution looking for a problem" but she hears from other locals expressing their concerns.

Councilmember Brewster said that she appreciated the comments, and he made a good point about needing a holistic approach. She was thrilled that they were going to bring the Downtown Business District plan forward.

Joan Pevarnik said that she was still concerned with vending carts. If they do have the district it would be a mute point, but she does not want to see more competition. She would like them to consider not allowing the vending carts.

Mayor Nabours asked Ms. Pevarnik her thoughts on a retail rack outside on the sidewalk. Ms. Pevarnik said that they have had a lot of arts and crafts fairs downtown and people go to that but do not go inside. She sensed that the vending carts might create the same type of problem.

Holly Stahl, downtown business owner, said that she did not think it was necessary to change the current code to allow vending carts. Everyone that uses the sidewalk should pay the same fee.

George Averbeck said that he could only think of one or two retailers that put items outside. The sidewalk usage is pretty much contained to the bars and restaurant. They do not want vendors. They had an interesting summer when they found out that Heritage Square was rented out for every Sunday throughout the summer. He did not think it was the City's job to lease out Heritage Square. If someone rents out Wheeler Park they pay $500 or more, but if someone rents Heritage Square it is only $50. He suggested that they put Heritage Square on the agenda for discussion when talking about the street closures.

Kaelin Foster said that she was concerned with the parking spaces being used. Putting people at Heritage Square is better since there is more room.

Councilmember Overton said that they have a long way to go on the carts. He was hoping to have discussion so everything is equitable, but items will continue to crop up.

Program Manager Reid Miller said that the current ordinance reads that in order to obtain a cart permit, they have to obtain 100% approval from the competing businesses within 145' from the location. They have a map that defines the areas that are acceptable, but they will generally have at least one of the competing businesses say no.

Mr. Eastman said that there were prior comments about book stores and benches having items on the sidewalk, but technically those are not permitted. When he first started seven years ago, the DBA was not supportive of that and asked Code Enforcement to step in. They were much more interested in the vitality and while staff realizes those were violations, they have let them be.

Vice Mayor Evans said that perhaps they need to make a concerted effort to remind people that the sidewalks are used by those in wheelchairs, walkers, crutches, etc. and they need to remain accessible.

Mr. Eastman said that they would come up with a lease rate and application rate, and bring something back.

8. **Regional Plan Discussion #6 - Ch. XII. Public Buildings, Services, Facilities and Safety; and Ch. XV. Recreation**

THIS ITEM WILL NOT BE DISCUSSED PRIOR TO 7:00 P.M.

Planning Manager Kim Sharp reviewed Chapters XII and XV of the proposed Regional Plan, noting that both chapters were mandated.

The following individuals addressed the Council regarding these sections of the proposed Regional Plans:

- Michelle Thomas
- Terry O'Neal
- Angela Horvath
- Gaylord Staveley
- Charlie Odegaard
- Jean Myers
- Jeff Knorr
- Richard Mihalik

Comments made included:

- Supports the goals of these sections
- County residents would like to vote on the Plan
- Commended CAC on focusing on public safety goals and supports them
- Supports the Plan; asked that they not make major changes

Staff was asked to Place F2.2 in the Parking Lot. Ms. Sharp was also asked to include a definition of "civic design" and Vice Mayor Evans noted that Murdock was misspelled.

9. **Review of Draft Agenda Items for the October 15, 2013, City Council Meeting.***

**Public comment on draft agenda items will be taken at this time, at the discretion of the Mayor.*

Angela Horvath noted there were changes made to the schedule and the web needed to be updated with those changes.

10. **Public Participation**

None

11. **Informational Items To/From Mayor, Council, and City Manager, and Requests for Future Agenda Items.**

Councilmember Brewster reminded everyone that Thursdays was the Arizona Bio Awards and W.L. Gore was receiving an award for Research Company of the Year.

Mayor Nabours reported that they were in the middle of the National Park closures and it was greatly hurting Tusayan. Flagstaff was asked by Tusayan to 1) write a letter in

support of getting the Park opened; and 2) consider a monetary match with hotels, etc. Council agreed to support the letter but not the monetary commitment.

Mayor Nabours reported that they had recently received a request by Vice Mayor Evans and Councilmember Barotz to place on a future agenda the issue of hunting within City limits, but they just had a meeting with Game & Fish and they had requested to take that item off the table.

Joy Staveley, representing the river outfitters, said that her industry depends on a full schedule in October with people coming in from other countries and the Park closure has killed their businesses.

12. **Adjournment**

The Flagstaff City Council Work Session of October 8, 2013, adjourned at 9:33 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

MINUTES

REGULAR COUNCIL MEETING
TUESDAY, OCTOBER 15, 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 4:05 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 BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER WOODSON

Absent:

Others present: City Manager Kevin Burke; Deputy City Attorney Sterling Solomon.

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

The audience and City Council recited the Pledge of Allegiance and Mayor Nabours read the Mission Statement of the City of Flagstaff.

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

Consideration and Approval of Minutes: City Council Special Work Session of September 30, 2013, and the Special Meeting (Executive Session) of October 8, 2013.

Mayor Nabours moved to approve the minutes of the City Council Special Work Session of September 30, 2013, and the Special Meeting (Executive Session) of October 8, 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.

Carol Curtis of the Coconino County Career Center and Russ Yelton with NACET addressed the Council regarding Manufacturing Month and presented each of the councilmembers with material on their recent local efforts. Additionally, they invited everyone to an Open House at NACET on October 28, 2013, from 10:00 a.m. to 12:00 noon.

Abraham Letter, resident of the Rain Valley community (within Flagstaff City limits), addressed the Council regarding a water line on one meter which services five homes.

Joe Shannon, resident representing the Flagstaff cycling community, said that they were interested in adding cycling corridors to the Transportation Program (tax) on which the City was working, to allow people to get through town safely.

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.

None

10. **ROUTINE ITEMS**

A. **Consideration and Approval of Final Plat** for Southside Development, LLC for Elden Townhomes subdivision, a six-lot, single-family, attached residential subdivision. The site is 11,342 square-feet (.26acres) in size and is located at 307 South Elden Street, (SW corner of Elden Street and Butler Avenue). The site is zoned both HR, High Density Residential and T4N1 Transect zones.

Planning Development Manager Neil Gullickson said that the Preliminary Plat for this development had come before Council in April 2013 and today they were presenting the Final Plat. He said that it was a proposal to trade the unused portion of lot 1 to the developer if the developer would dedicate one of the developed lots to the City's Land Trust for Affordable Housing. In this case the developer will either directly or through a third party sell the residential building to a qualified buyer, while the City will retain ownership of the subdivision lot, and provide the buyer a long term lease for the land. The target set for affordability is a family making no more than 80% of the Area Median Income (AMI).

Councilmember Woodson moved to approve the final plat, and authorize the Mayor and City Clerk to sign documents as necessary [both the plat and City/Subdivider Agreement]; seconded; passed unanimously.

B. **Consideration and Approval of Intergovernmental Agreement/Joint Project Agreement:** City of Flagstaff Maintenance of Beulah Blvd.

Public Works Director Erik Solberg reviewed the project, noting that it was an IGA/JPA with ADOT and the County for continued maintenance of Beulah once it is realigned. He said that the City has been maintaining the road from Forest Meadows by Wal-Mart down to 200 feet north of the Airport road. He said that the scope of work would not change. If a decorative fence is installed at Fort Tuthill, it will be maintained by Fort Tuthill.

Staff was asked about the timeline of the project. Project Manager Bret Peterson said that he was confirming with ADOT this morning. ADOT plans to advertise for construction next week with construction starting in February, with a 210-220 day project. They are estimating about 150 working days to be available before shutting down for 2014 winter and then finishing up the project in 2015.

Councilmember Brewster moved to approve the IGA/JPA as recommended [with the Arizona Department of Transportation (ADOT) and Coconino County for the maintenance of Beulah Blvd. after construction of the roadway realignment to accommodate ADOT roundabouts]; seconded; passed unanimously.

C. **Consideration and Adoption of Resolution No. 2013-28:** A resolution of the City Council of the City of Flagstaff, Arizona approving an instrument of partial release and partial re-conveyance of a vehicular, non-access easement and a landscaping buffer easement at Lot 29A Woodlands Village Unit 3.

Real Estate Manager David McIntire reviewed the plat, noting that the purpose for the nonvehicular easement in the past was due to the City's FUTS trail in that area. In speaking with Martin Ince, the City was okay with this secondary access as long as the developer was willing to make modifications to the FUTS trail in that area, which they are willing to do.

Mayor Nabours moved to read Resolution No. 2013-28 by title only; seconded; passed unanimously.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, APPROVING AN INSTRUMENT OF PARTIAL RELEASE AND PARTIAL RECONVEYANCE OF A VEHICULAR NON-ACCESS EASEMENT ON LOT 29A, WOODLANDS VILLAGE UNIT 3

Councilmember Overton moved to adopt Resolution No. 2013-28; seconded; passed unanimously.

D. **Consideration and Approval of Amendments:** Flagstaff City Council Rules of Procedure.

City Clerk Elizabeth Burke reviewed proposed changes based on previous discussion at the recent Council Retreat. Staff was directed to reword Rule 5.01 and bring it back for further discussion at the 6:00 p.m. portion of the meeting, to allow for someone to read a statement for another and speak themselves, as long as it was done within the three-minute time period.

RECESS

The Regular Meeting of the Flagstaff City Council held on Tuesday, October 15, 2013, recessed at 4:37 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Nabours reconvened the Regular Meeting of the Flagstaff City Council held on Tuesday, October 15, 2013, at 6:05 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

Others present: City Manager Kevin Burke; Deputy City Attorney Sterling Solomon.

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

Ms. Burke presented five options for the Council to consider, which had been drafted by Mr. Solomon.

Councilmember Woodson moved to approve Option 5 [If the Chair recognizes a speaker, the Chair shall limit the period of speaking to a reasonable period of time of no more than three minutes per person, at the discretion of the Chair and a speaker may address the Council with the speaker's own statements, and the statements of other persons within the three minute period, but that shall be the speaker's only opportunity to address the Council on that issue], plus the other two amendments [adding Public Participation at the beginning of the 6:00 p.m. meeting and allowing for amendment of an ordinance between first and second read]; seconded; passed unanimously.

PUBLIC PARTICIPATION

Joe Ray, resident, presented a copy of a recent staff report (regarding the Wildlife Ordinance) that had written comments at the bottom of it, and said he would commend whoever made the notes.

Additionally, he challenged the Council regarding the previous statements of there being so many incidents involving deer in the past two years.

Joe Shannon, resident, requested that the Council, Mayor and City staff investigate a hardline item for safe cycling in Flagstaff. On completion of his comments, Mayor Nabours asked that he leave his phone number with the Mayor to further discuss the issue.

The following individuals addressed the Council in support of bicycle safety and asked them to include such in the upcoming transportation tax consideration:

- Kim Allen
- Aeddon Allen
- Alex Winkler
- Eck Doerry
- Dave Able
- Art Keith

Joe Farnsworth, resident, said that when the Council passed the ordinance (re wildlife) they took away his rights.

13. **PUBLIC HEARING ITEMS**

A. **Public Hearing, Consideration and Adoption of Ordinance No. 2013-21 and Resolution No. 2013-22:** An Ordinance Adopting That Certain Document Entitled "2013 Amendments to Chapter 10-20, Administration, Procedures and Enforcement," By Reference; and Thereby Amending Division 10-20.50, Amendments to the Zoning Code Text and the Zoning Map, and Division 10-80.20, Definition of Specialized Terms, Phrases and Building Functions; and a Resolution of the Council of the City of Flagstaff, Arizona, Declaring as a Public Record That Certain Document Filed with the City Clerk and Entitled "2013 Amendments To Chapter 10-20, Administration, Procedures And Enforcement."

Zoning Administrator Roger Eastman gave a PowerPoint presentation which addressed:

- AMENDMENTS TO DIVISION 10-20.50
- MAINTAIN SCALES
- DECOUPEL DETAILS FROM ZONE CHANGE:
- CHOICE TO DEVELOPER
- FLOW CHART
- CONDITIONS OF APPROVAL
- PLANNING AND ZONING COMMISSION RECOMMENDATION
- RECOMMENDED ACTION

Councilmember Barotz said that she was not clear with the recommendation of the Planning and Zoning Commission and whether it would go into the ordinance or not. Mr. Eastman said that it would not be in the ordinance because the ordinance does not include the submittal requirements. Their recommendation would be included in the submittal requirements separately.

- CONDITIONS OF APPROVAL

Mayor Nabours asked if a request for rezoning went to Council and they had additional requests, if they could be imposed at that time. Mr. Eastman replied that they could.

Mr. Eastman said that a developer could come in and base his zone change application on what he wants to do with the project in a general way and that would define the level of impact analysis. They will have already narrowed their uses. As an example, they may say they want a rezoning for a retail/commercial project. At that point they could say it makes no sense to have some of the permitted uses and in negotiations with the developer the City could take some of those uses off the table. He said that if the developer did not know for sure what they were looking at, staff would look at the remaining uses still on the table and require analyses for the use with the highest impact.

Planning Director Jim Cronk said that staff would be looking to the Regional Plan as well, and if there were, as an example, 30 uses left, there may only be 10 of those 30 that were compatible with the Regional Plan. Staff would then say they would only support a rezone for those ten uses. It would then go to the Planning and Zoning Commission and then on to the Council.

Councilmember Barotz asked what staff presented back in 2011, and how it was different than what was being presented currently. Mr. Eastman replied that in 2011 it was a concept zoning plan idea, referred to as a concept plan. They had tied the concept plan as a preliminary step to the site plan review through IDS, but it got complicated following SB1598 which made it difficult for a municipality to provide good customer service to clients.

Referring back to the Conditions of Approval slide, Councilmember Barotz asked if the Council could require the developer to hold an additional public meeting.

Councilmember Barotz said that what she was having a problem with is that a group of people could talk at such a required meeting; however, it would be after the fact and would not leave them any leverage. Mr. Eastman said that they would see that meeting as a free exchange between developer and attendees, for the developer to show the community that they have adhered to and implemented all of the conditions imposed by the Council.

Further discussion was held on the recommendations of the Planning and Zoning Commission, noting that it was his understanding that if they wanted to include any of them the Council would need to add them to the ordinance. Mr. Eastman explained that if the Council wanted to include them, they would be added to the submittal requirements rather than become part of the ordinance as none of the other submittal requirements were in Code, but in a separate document.

Vice Mayor Evans asked what exactly was required at the public hearings. She said that she attended a public hearing last Wednesday and the information being presented was not clear.

Mr. Eastman reviewed the formal public hearing process, noting that the purpose is stipulated in Arizona Revised Statutes. For any zone change application a

public hearing has to be scheduled. That is different from a public meeting, and the public hearing requires at least 15-days' notice with a certain size ad. In addition to the public hearing, the applicant is required to host a neighborhood meeting prior to the public hearing. There are two public hearings required with a Major Regional Plan Amendment or a Comprehensive Amendment, both before Planning and Zoning.

Mr. Burke said that he believed that the meeting Vice Mayor Evans had attended was a neighborhood meeting. Mr. Eastman said that he did not know what neighborhood meeting was held. If it was associated with an application, staff would not be there; it is for the developer to obtain comments from the public. He said that staff does attend meetings from time to time and make presentations, but they are not associated with a project.

Vice Mayor Evans said that she was not sure that the individuals were given the information they needed. It sounded more like a sales pitch and she would have walked out of that meeting thinking it was a done deal.

Mr. Cronk said that there are developer-required neighborhood meetings in which they have to notify people within a certain distance; there are HOA meetings; and they have meetings on their own. Oftentimes developers get invited to attend those other types of meetings, and sometimes staff is invited. He said that the meetings that are required of the developer require them to call the meeting and the City approves what is going to be presented. The results of the meeting then come back to the City and are attached to the staff summary of the Planning and Zoning and Council meetings.

When the City gets ready to have their Planning and Zoning Commission public hearings and the City Council public hearing, they do a new notice, put an ad in the newspaper and post signs on the property.

In reviewing the diagrams, Councilmember Brewster asked what the green boxes were indicating. Mr. Eastman replied that they were the opportunities for public participation within the process.

Councilmember Brewster asked what the difference was with the current process versus the proposed process. Mr. Eastman said that there was no change in terms of the public participation process.

At this time, Mayor Nabours reported that if anyone was present for the Regional Plan discussions, they would not be getting to it this evening. The next discussion would be after 7:00 p.m. on October 22, 2013.

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

Mayor Nabours said that they had held considerable discussion about the issue and he was going to limit the public input to 30 minutes. He asked that everyone respect the three-minute lights. The following individuals then addressed the Council:

- Nat White
- Sat Best
- Marilyn Weismann
- Julie Pastrick, representing the Flagstaff Chamber of Commerce
- Carrie Sylvan, representing several landowners
- Rich Bowen
- Moran Henn

Comments received included:

- Would be reversing what the immediate previous Council did in 2011.
- It is a bad thing to make changes within two years and not having the process work.
- It is a bad thing to make changes when they have not seen facts that it would be a good thing to do.
- The prior Council had a lot of discussion about small, medium and large designations and there was a lot of compromise. The larger developments requires greater detail and was closer to what was in the LDL, which made sense since the largest developments have the potential for positive and negative impacts.
- The developer/investor of a large-scale project should spend time and money to demonstrate their commitment to the project, not the zone change.
- Primary concern was democracy in the process. The proposed changes appear to be weighted in favor of development; needs to be balance.
- One of only two members of the committee that did not represent development
- Proposed changes make it easier for development
- Requested that the Planning and Zoning Commission recommendations not be adopted.
- The current Zoning Code did have a Catch 22; the proposed changes are critical to responsible and balanced growth – supports the changes and it accompanies the certified site program.

Councilmember Barotz said that she understood the decoupling of the zoning from the site plan, but did not understand why they believed the public engagement process would still be effective and fair under the proposed changes. Ms. Sylvan used the property development at the corner if I-40 and Butler as an example. She said that the property is zoned as rural residential, but the Regional Plan shows it as General Commercial, and it makes sense to be zoned commercial. If the property owner wants retail, he may not have the specifics, but there are many uses within the commercial designation that could be eliminated. Their ultimate goal is to have the hearings before Planning and Zoning and Council be as smooth as possible, so they will want to do their homework.

- Was opposed to proposed changes as they felt it bypassed a substantial part of the public participation process

Mayor Nabours said that there were just a few more comments and **moved to close the Public Hearing; seconded; failed 2-5 with all but Mayor Nabours and Councilmember Oravits casting the dissenting votes.**

- Norm Wallin voiced opposition to the proposed changes, noting that those voting for the change should be ashamed of themselves
- Tadd Riggs spoke in support of the changes
- Michelle Thomas said that it was an inaccessible and confusing agenda item, and she was opposed to the amendment

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

A break was taken between 7:58 p.m. and 8:11 p.m.

Mayor Nabours asked if Council members had any questions on the additional suggestions of the Planning and Zoning Commission.

Mr. Eastman clarified that if changes were needed to the submittal requirements, they would be done by staff, but not unilaterally; it would be at the direction provided by the Council.

Further discussion was held on the Commission recommendations. Staff concurred that it a project did not require the submittal of certain items, staff could eliminate that requirement; but they could also add an additional item if it was deemed necessary by staff.

Councilmember Barotz asked if the Commission specified that the requirements not be in the ordinance. Mr. Eastman said that the discussion involving that question was confusing, but his understanding was that they were submittal requirements; they do not go into the Code, but rather into the separate submittal requirement document.

Mr. Burke said that the Council could set it up any way they want. Given that it was not specified, staff put it where the other submittals were included.

Councilmember Oravits said that he understood why they do the submittals the way they do, and he recognizes that staff is in a good position to determine what they need to move forward. He was not interested in Commission Recommendations 1 or 3, but he was okay with #2.

Councilmember Woodson said that today they have standards/regulations in place that dictate conditions of development. There are all sorts of analyses and they were created with public input. He said that the difference in the Zoning Code that exists today and the proposed, is a level of specificity of use and design.

He said that if a developer gets the zoning and wants to do something different from what is allowed in the Zoning Code, they would have to go back to square one.

Councilmember Brewster said that the City was in competition with everyone else in the state for businesses. It was about job creation and raising income levels. She was in favor of the less up front specificity and she thought it would draw in more business, and the public would still have at least two public hearings before the Zoning was done.

She said that the Certified Sites program was a big issue as the Arizona Commerce Authority was endorsing all communities with them and to try and do that with the current code was impossible.

Vice Mayor Evans thanked everyone that came out to be a part of the stakeholders' meetings held and also for the discussion today. She said that she understood there were major issues with the LDC and there were several pieces of legacy properties. She had previously suggested an overlay zone, but was told they needed to rewrite this. They were told of the importance of having shovel-ready properties, and she understands all of those issues.

She continued, noting that she also understood personal property rights, but when a property owner goes before the Council for a rezone, it becomes a public issue and the public wants to know certain things. She said that before last Wednesday she was in agreement with the change in the Zoning Code, but then she experienced a neighborhood meeting. Right now she does not want to do anything that is going to have a negative impact with addressing things that are going to impact the public.

Mayor Nabours moved to read Resolution No. 2013-22 by title only with the amendment that the maximum building envelope for all uses be an additional submittal requirement; seconded by Councilmember Oravits.

After further discussion, **Mayor Nabours amended his motion to read Resolution No. 2013-22 by title only; Councilmember Oravits seconded; passed unanimously.**

A RESOLUTION OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "2013 AMENDMENTS TO CHAPTER 10-20, ADMINISTRATION, PROCEDURES AND ENFORCEMENT"

Councilmember Overton moved to direct staff to add Bullet #2 from the Planning and Zoning Commission recommendations of 9/11/13, "a maximum building envelope shall be defined for all proposed uses" to the submittal requirements (separate from the ordinance); seconded; passed unanimously.

Mayor Nabours moved to read Ordinance No. 2013-22 for the first time by title only; seconded; passed 5-2 with Vice Mayor Evans and Councilmember Barotz casting the dissenting votes.

AN ORDINANCE ADOPTING THAT CERTAIN DOCUMENT ENTITLED "2013 AMENDMENTS TO CHAPTER 10-20, ADMINISTRATION, PROCEDURES AND

ENFORCEMENT," BY REFERENCE; AND THEREBY AMENDING DIVISION 10-20.50, AMENDMENTS TO THE ZONING CODE TEXT AND THE ZONING MAP, AND DIVISION 10-80.20, DEFINITION OF SPECIALIZED TERMS, PHRASES AND BUILDING FUNCTIONS

B. **Public Hearing, Consideration and Adoption of Ordinance No. 2013-22:** An ordinance of the Council of the City of Flagstaff, Arizona, Amending Title 10, Zoning Code, Division 10-50.100, Sign Standards, Section 10-50.100.080, Sign Districts of Special Designation, of the Flagstaff Zoning Code by adding Section 10-50.100.080.E, Flagstaff Mall and Marketplace District.

Mr. Eastman reviewed the application, noting that this was one of the stipulations of the Settlement Agreement, and then reviewed some distinguishing facts that were not in the staff summary. He said that the Planning and Zoning Commission was not pleased with the way it was approached and there was a 5-0 vote to not approve the amendment.

Mr. Eastman clarified that the sign, as designed and illustrated, was consistent with what the sign program says and it was consistent in area and height.

Councilmember Overton asked if there was an opportunity for the developer to ask for another sign at another location. Mr. Eastman said that they could, but whether it would be approved is another question, and they would have to amend their Comprehensive Sign Plan. This was their only off-site location.

Councilmember Oravits asked if the proposed sign met the current Sign Code. Mr. Eastman replied that it was consistent with the Comprehensive Sign Program already approved. The only purpose of the district was to allow this sign to be located off-site.

Councilmember Oravits asked if the opportunity existed for other businesses in Flagstaff to develop off-site sign districts. Mr. Eastman replied that this was unique to the Mall. If they had any other unique situation come before them to warrant such a district, it could be considered.

Mr. Burke said that it was his understanding that the Zoning Code allows for the creation of sign districts. Mr. Eastman said that was correct; there were two very old and well-established sign districts in the downtown area.

Mayor Nabours said that he did not personally think that all off-premises signs were bad, although he was not supportive of billboards; and, additionally, this grew out of a settlement with a recorded easement.

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

The following individuals spoke to this issue:

- Nat White
- Carol Kendall

•Jim McCarthy

•Attended the Planning and Zoning Commission meeting and was also involved in the discussions regarding signs that took place back in the 1980's. The first domino flipped with the Auto Park Sign, and was concerned. Believed that they have opened Pandora's Box.
•First thought it would be good, but after seeing the proposed location, believed it would be a waste of money and could lead to a lot of frustrated customers.
•The people on the Council make a Pledge of Allegiance, which talks about "liberty and justice for all." Off-site signs are not allowed under the current City Code and this would give a landowner a right that no one else can get; it was not equal. Support for this sign would be in opposition to open government.

Mayor Nabours moved to close the public hearing; seconded; passed unanimously.

Brief discussion was held on whether to go into Executive Session to discuss specific issues.

Garrett Newlin, Vice President of Development for Macerich Development, said that there was time sensitivity to the project. He said that their company worked hard with the City for over two years to negotiate and reach a settlement, which they believed to be fair. Some would argue that neither party was completely happy. He said that they had a signed easement and the easement had already been recorded. He said that they were very pleased with the Mall and the Marketplace, and believed they had a good working relationship with the City. He said that they were working with a major tenant at the second phase and the sign is a major consideration of that tenant.

Councilmember Overton moved to recess into Executive Session for legal advice regarding the ordinance and Settlement Agreement; seconded; passed 6-1 with Mayor Nabours casting the dissenting vote.

The Flagstaff City Council recessed into Executive Session at 9:08 p.m. and reconvened into Open Session at 9:26 p.m.

Mayor Nabours moved to read Ordinance No. 2013-22 by title only for the first time; seconded; passed unanimously.

Councilmember Woodson said that the staff report was a little misleading in that the actual size was larger than the 216 sq. ft. indicated. He has looked through the agreement and would vote in favor of it, but in looking to the future in review of the Sign Code, if this is good for them, it is probably good for others. He said that they could get this one up and see what they think of it.

Councilmember Oravits said that he has been asking to review the Sign Code, and it is disappointing that it is going to be past the new year before they do that. He said that he does not mind off-site signs so much, but he believes it is an equity issue. He would support this tonight, but he thought there was a precedence being set.

Councilmember Overton said that he did not support changing the entire Sign Code based on one issue. Vice Mayor Evans echoed that thought. She was not interested in changing the entire Code.

Mayor Nabours noted that there were some unique features about this location and this business and they need to keep those in mind, such as:

1. The Flagstaff Mall and Marketplace is a unique regional shopping center that draws people from outside the immediate Flagstaff area. Large signs are, therefore, helpful for people to locate the retail center.
2. The site area of the Flagstaff Mall and Marketplace is over 40 acres (excludes the Flagstaff Autopark).
3. The original Mall was first opened in 1980 while the existing Marketplace expansion was approved in 2004 and opened in 2006.
4. This is the largest shopping mall in Flagstaff and it results in significant employee and customer traffic.
   Existing floor area data:
   Mall Over 350,000 sq. ft.
   Marketplace Over 250,000 sq. ft.
   Total existing Est. 600,000 sq. ft. of retail/restaurant space
5. Undeveloped Marketplace Est. 150,000 sq. ft.
6. Total existing/proposed retail, restaurant, and theatre floor area - over 750,000 sq. ft.
7. Number of tenants:
   Flagstaff Mall 67
   Marketplace 7
8. Total tax revenue for the Flagstaff Mall and Marketplace for the past four years is provided in the table below. This tax revenue is based on the 1% general sales tax, 0.721% transportation sales tax, and 2% BBB sales tax.
9. The proposed sign is consistent with the Comprehensive Sign Program for the Mall

Calendar Year	Flagstaff Mall	Marketplace	Total
2009	$1,396,777	$851,973	$2,248,749
2010	$1,374,713	$831,496	$2,206,209
2011	$1,126,081	$912,416	$2,038,497
2012	$1,005,611	$1,040,503	$2,046,114
Annual Average	**$1,225795**	**$909,097**	**$2,134.892**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING TITLE 10, ZONING CODE, DIVISION 10-50.100, SIGN STANDARDS, SECTION 10-50.100.080, SIGN DISTRICTS OF SPECIAL DESIGNATION, OF THE FLAGSTAFF ZONING CODE BY ADDING SECTION 10-50.100.080.E, FLAGSTAFF MALL AND MARKETPLACE DISTRICT

Mayor Nabours explained that ordinances required two readings, so the second reading and adoption would occur at the November 5, 2013, Council meeting.

Vice Mayor Evans left the dais from (9:31 p.m. to 9:36 p.m.)

Councilmember Woodson declared a conflict of interest on the next item and left the dais (at 9:31 p.m.)

C. **Public Hearing, Consideration and Adoption of Ordinance No. 2013-23:** An ordinance amending the Flagstaff Zoning Map designation of approximately 3.15 acres of real property located at 601 East Piccadilly Drive from HC (Conditional), Highway Commercial Conditional, to HC (Conditional), Highway Commercial Conditional, by removing, modifying and replacing those conditions previously imposed.

Planning Development Manager Elaine Averitt reviewed this application through a PowerPoint which addressed:

- HOW THE MASTER PLAN HAS CHANGED
- SITE PLAN
- REGIONAL PLAN
- ZONING STANDARDS VS. PROPOSED AMENDMENT
- DESIGN REVIEW

The Planning and Zoning Commission added a condition that the color is complimentary to commercial and residential areas; developer agreed and it will be added to the Development Agreement.

- CITY SYSTEMS IMPACTS
- PUBLIC INPUT
- WHAT IS CHANGING?
- DEVELOPMENT AGREEMENT
- RECOMMENDATION
- ENTITLEMENT SCHEDULE – 2013

Ms. Averitt said that she did not believe that everything would come together until the November 19, 2013, Council meeting.

Mayor Nabours asked if the proposed height was the same as the Groves. Ms. Averitt said that the Groves were four stories, or 52-53 feet high; this was a little higher than the Groves.

Councilmember Brewster said that she was excited as she sees it as a good mixed use development. She asked if the garage would be available for the public visiting the retail areas. Ms. Averitt said that part of it was for the retail shoppers and part was for the residents.

Vice Mayor Evans said that she had received a public notice and had the opportunity to sit down with the engineer. She was excited, especially that they thought about parking, and she was looking forward to seeing this move forward.

Councilmember Overton moved to open the Public Hearing; seconded; passed 6-0 with Councilmember Woodson abstaining.

There being no public input, **Councilmember Overton moved to close the Public Hearing; seconded; passed 6-0 with Councilmember Woodson abstaining.**

Councilmember Barotz moved to read Ordinance No. 2013-23 by title only for the first time; seconded; passed 6-0 with Councilmember Woodson abstaining.

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AMENDING THE FLAGSTAFF ZONING MAP DESIGNATION OF APPROXIMATELY 3.15 ACRES OF REAL PROPERTY LOCATED AT 601 EAST PICCADILLY DRIVE FROM HC (CONDITIONAL), HIGHWAY COMMERCIAL CONDITIONAL, TO HC (CONDITIONAL), HIGHWAY COMMERCIAL CONDITIONAL, BY REMOVING, MODIFYING AND REPLACING CONDITIONS PREVIOUSLY IMPOSED

Councilmember Woodson returned to the dais at this time (9:51 p.m.)

14. REGULAR AGENDA

A. **Consideration of Financial Assistance:** Flagstaff Shelter Services

Deputy City Manager Josh Copley said that he had provided his staff summary along with a number of documents provided by both the City and Flagstaff Shelter Services (FSS). He noted that Lori Barlow from FSS was also present to speak. He said that previously they had discussed use of the Emergency Housing Fund, and it was thought the tent was for forest closures; however, he found that it had a much broader purpose than that. One example was if the City were to condemn a property the fund could be used to assist those displaced. He said that the City does have a policy that prohibits organizations that receive funding (through United Way or Flagstaff Cultural Partners).

Ms. Barlow, Board President and Interim Director of Flagstaff Shelter Services, said that a lot of people did not know what they did. They provide overnight emergency services to the critically and chronically homeless. The only requirement is that they be able to follow basic instruction and not impose an immediate threat to staff or the other patrons.

She said that last December they became aware of a large population of homeless women in the area and they contacted the City's first responders. They brought in blankets and cots and had women showing up. One was 92 years old who stayed with them for six weeks. She said that they have been impacted by adding the women's shelter and also moving from a $1 year lease into a new location where they pay rent and utilities. Additionally, the missed a critical CDBG grant funding, and they are currently facing a shortfall of nearly $27,000.

Ms. Barlow said that they are now expected to be closed the week of Thanksgiving, the entire month of January and again in February for one week.

Those temporary closures are because they do not have funds to cover payroll. She said that they have not asked the City for direct assistance, although they believe that the City should provide assistance.

Councilmember Oravits asked if someone would address their policy on public intoxicants. Ms. Barlow said that they do allow people under the influence and those that are visibly insane; the only requirement is that they can follow basic direction and not pose an immediate threat.

Mayor Nabours asked how many women they could house. Ms. Barstow said that they finished their renovation, but have not yet received their Certificate of Occupancy, but they anticipate housing about 15 women. She said that won't be enough, but that is their capacity.

Councilmember Barotz said that she noticed on the web that they recently made a presentation to the Winslow Council. Ms. Barlow explained that one of their Board members had business there, and they found out that there is not a shelter service there. FSS is the only shelter in Northern Arizona with a "no questions asked" policy. He was there and reported it as a "by the way" presentation. She said that they were looking at a grant provided by the Department of Transportation for a 12-passenger van. She said that they are trying to let neighborhood communities know and open up the discussions on how to use that van.

Councilmember Barotz asked if they would be seeking financial support from Winslow. Ms. Barstow said that they could not provide support to them unless there was financial support. It was more of an opportunity for the Board member to provide information.

Councilmember Overton said that he had not had the opportunity to meet Ms. Barlow prior to the meeting. He has sat on Council since 2006 and seen mayors and councilmembers come and go, and he does not know that it has been explained what the FSS does. He said that he is in an uncomfortable position because the Council has elected to use United Way for providing funding to various nonprofit organizations with which they contract. He said that it was his understanding that if they came before Council directly for funding, that they would be eliminating their ability for funding through United Way.

Ms. Barlow said that she has received a lot of education on the issue over the past few days. She said that they have been waiving their white flag for awhile and there was a concerned citizen that came before Council and voiced concerns. Councilmember Oravits then requested to put it on the agenda.

She said that she understood that it was not a simple yes or no; but, her job as Board President, was to say, "vote how you want," but she did not want to call them up Thanksgiving morning and tell them they were closing for a week.

She said that she was meeting with the United Way President in the morning. She said that it was not stated in their contract that they would lose United Way

funding if they went before Council directly, but they will be reviewing the entire process.

Brief discussion was held on what had been provided in the last for funding and where the funding came from. Mr. Copley noted that last year they had a situation with some veterans staying at a local shelter and the City asked them to open weeks earlier. That request was City-initiated and the funding came from the emergency housing fund.

Councilmember Oravits asked if there was a waiver of the City's policy because they received United Way funding, and if it was an administrative decision. Mr. Copley said that they could have used any number of vendors, but it was convenient that FSS was in a position to provide that service and they felt I was in keeping with their policy.

Discussion was held on the Emergency Housing Fund. Housing Manager Sarah Darr provided some history on the funding, noting that it originated from the Flagstaff Interagency Task Force and it started before her tenure. She said that it started in the late 1990's when Chateau Royale was redeveloped. The City and County were all setting funds aside for actions such as a condemnation. She said that in 2007 Council awarded $20,000 to FSS through a contract with United Way to pay for rent and/or vouchers.

Mayor Nabours asked if the Shelter received CDBG operating funds in past years. Ms. Darr said that they received operational assistance in 2008, 2009, 2012 and 2013, between $20,000 and $32,000, depending on award year for operational assistance.

Councilmember Barotz said that they were also awarded support for rehab and purchase of their building, at $174,000 and $124,000, respectively.

Councilmember Barotz said that the City has been nothing but supportive in their efforts, and that is beside the prior lease and funding through United Way.

Vice Mayor Evans said that she had the opportunity to speak with Ms. Barlow and listened and read notes from the Winslow presentation. She said that she has also struggled with the way the request came before Council. The City goes through the United Way process which allows an equal playing field for everyone. She said that the Sunnyside group where she works is also a United Way agency and when they apply for funds through united Way they have people come out and look at the organization. They have a lot to offer and when she spoke with Ms. Barlow she had suggested using some of their services. She said that with all of the organizations in town it allows the Council to have an arm's length distance. They even had some Councilmembers stating the City should not be giving government money to charities at all.

Vice Mayor Evans said that they have a homeless population that needs assistance, and she sees a nonprofit that is in desperate need. She believed that their nonprofit has struggled since its beginning; they need some management assistance. She told Ms. Barlow that United Way provides more than just money;

they will assign a United Way Board Member to look at her organization. She said that in her mind they could give them the $20,000, but she did not think that would solve the problems.

Ms. Barlow said that until she met with Vice Mayor Evans she was not aware that United Way provided additional services, and that was when she called to schedule a meeting with them (for tomorrow morning). She said that their Board does recognize that they have had a lot of holes and processes that need to be improved. She said that they have gone through a rough six months and a house cleaning process. These financial impacts they were feeling now are the residual effect of what has been going on.

Ms. Barlow said that about 30% of their funding comes from the State, on a reimbursement structure. They went from 2 FTE's to 14 FTE's and because they need all that staffing due to the nature of the clientele, that is their biggest hit.

Matt Mansfield, FSS Board member, said he has listened in the meeting and everyone has made great points. They are in a unique situation. There is a process in place and everyone has worked in that process, but the shelter is in a difficult position as well. The City is sitting on a $20,000 fund that can only be used for certain things. If the Shelter is forced to close in November people are likely to die. If they are forced to close in January, people will die.

Mayor Nabours noted that if the FSS had made their CDBG application in a timely manner, they would have probably received $30,000, but he did not want it to come across as a "teaching a lesson" issue. He said that the City does have that fund and he would propose that they give a grant of $5,000 to get them through the end of the year. Additionally, this is a facility/organization for which the public can received a state tax credit and perhaps the Board should take that opportunity to pound the ground and share that message.

Vice Mayor Evans said that she did not think it was a matter of "teaching them a lesson." She said that if they were going to give the FSS $5,000 then she would suggest that they give it to them through United Way with specific oversight. She believed that the issue is that FSS is not solvent, and they have not been.

Councilmember Oravits said that he would support the $5,000 grant without prejudice to future fundraising. He thought it was a unique situation. He said that he would encourage them to give the funding directly so that United Way did not keep the 12-15% that they normally keep.

Councilmember Barotz said that she found the entire process incredibly uncomfortable. She said that they have an entire board saying they are asking for money, but she believed that Vice Mayor Evans pointed out the central issue-accountability and management. She said that she was originally inclined to not support the request, and she was still not sure. The only way she would vote for it is if it went through United Way. She felt it would be irresponsible to do anything else.

Jill Briggs, President and CEO of Flagstaff United Way, addressed the Council and thanked them for grappling with the issue. She said that they do have partnerships with the City and the community to make sure services are available. She said that she was meeting with FSS tomorrow to talk about strategic business planning to keep them afloat. She said that sometimes it is an issue of cash flow and they are always willing to be flexible and help in any way possible.

Ms. Briggs said that there have been some things that have occurred at the Shelter that have prevented them from participating in their partnership. It requires the partners to let United Way know when of specific issues so they can begin working together to address them. She did not believe it was United Way's fault or Flagstaff Shelter Services' fault, but rather a lack of communication.

Mayor Nabours moved to give Flagstaff Shelter Services a $5,000 grant from the Housing Contingency Fund, with the City Manager to write the terms of its use; seconded; failed 3-4, with Vice Mayor Evans and Councilmmembers Barotz, Overton and Woodson casting the dissenting votes.

Due to the lateness of the hour, staff was directed to add the remaining items to the next week's agenda.

B. **Consideration and Approval of Agreement**: With True Life Companies (TLC) D.B.A. Pine Canyon regarding a modification of an existing zoning condition and disposition of fees.

C. **Consideration and Approval of Preliminary Plat PPPL2013-0005:** Miramonte Homes for Forest Springs Unit 2 subdivision, a residential townhouse subdivision with seventy (70) lots/units. The site is 15.1 acres in size and is located at 1115 North Flowing Springs Trail in the MR, Medium Density Residential zone.

15. DISCUSSION ITEMS

A. **Regional Plan Discussion #7 - Ch. X. Transportation and Ch. XI. Cost of Development and Prefatory Language**

THIS ITEM WILL NOT BE DISCUSSED PRIOR TO 7:00 P.M.

This item was not discussed, as directed earlier in the meeting.

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.

None

17. **PUBLIC PARTICIPATION**

None

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

Vice Mayor Evans reported that at last Tuesday's Council meeting she and Councilmember Oravits were given direction to move forward and draft a fourth iteration of the Food Rights Freedom Resolution and she was looking forward to working with him. However, the next day she read a blog that made some unfortunate statements, and due to those statements she was no longer interested in working on the project.

Vice Mayor Evans asked that the Council consider for a Possible Future Agenda Item the discussion of a relocation ordinance.

Councilmember Brewster reminded everyone that the upcoming weekend was Homecoming Week with the football game and parade on Saturday.

19. **ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held on October 15, 2013, adjourned at 10:55 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 October 15, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of November, 2013.

_____
CITY CLERK

MINUTES

COMBINED SPECIAL MEETING/SPECIAL WORK SESSION
TUESDAY, OCTOBER 22, 2013
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
6:00 P.M.

1. Call to Order.

Mayor Nabours called the Flagstaff Combined Special Meeting/Special Work Session of October 22, 2013, to order at 6:00 p.m.

2. Roll Call

Councilmembers present:	**Councilmembers absent:**
MAYOR NABOURS	COUNCILMEMBER WOODSON
VICE MAYOR EVANS	
COUNCILMEMBER BAROTZ	
COUNCILMEMBER BREWSTER	
COUNCILMEMBER ORAVITS	
COUNCILMEMBER OVERTON	

Others present: City Manager Kevin Burke; Deputy City Attorney Sterling Solomon.

4. **Public Participation**

Public Participation enables the public to address the council about items that are not on the prepared agenda. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. 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 to have 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.

Dr. Kathleen Ferraro, Chair of the Coconino County Domestic Violence Review Team, provided Council a brief update on the projects that are being done within the group. There has been training from national experts to examine the ways the community is responding to domestic violence and how the system protects victims and holds offenders accountable. With the assistance of Chief Treadway and Sheriff Pribil a risk assessment tool has been developed to identify risk markers to prevent homicide; that tool will be implemented in January.

Michelle Thomas, resident, addressed Council with her thoughts on in-fill and re-zoning and the recent events with the Arrowhead Mobile Home Park. She asked for a relocation ordinance to be enacted to protect residents.

5. **Special Introduction**

A. **ICMA Fellows from New Zealand**

Assistant to the City Manager Stephanie Smith introduced Naomi Woodham and Rebecca Williams who are local government professionals in different locations in New Zealand. They have come to Flagstaff in partnership with the State Department and ICMA. Flagstaff was one of five communities selected to host international fellows. Ms. Woodham and Ms. William are in Flagstaff for the next two weeks taking part in the City's operations. This opportunity offers a great chance for both them and the City of Flagstaff to learn things about the different organizational structures, challenges and opportunities.

Naomi Woodham introduced herself. She is from the Hurunui District Council which is a small county council and has a population of just over 11,000 people. The area is similar to Flagstaff but without the population. There are many similarities with planning issues and she is looking at some of the City's successes and challenges to take back with her.

Rebecca Williams introduced herself. She is the Events and Community Development Manager at Dunedin City Council. Dunedin is a City of 120,000 people, 20,000 of which are students. She expressed excitement to see the town and gown relationships of Flagstaff and looks forward to learning more about the community.

Mayor Nabours stated that there will be a symposium at City Hall tomorrow for Ms. Woodham and Ms. Williams to give a slide show and answer questions about New Zealand and their home towns.

6. **REGULAR AGENDA**

A. **Consideration and Approval of Agreement**: With True Life Companies (TLC) D.B.A. Pine Canyon regarding a modification of an existing zoning condition and disposition of fees.

Current Planning Manager Mark Sawyers stated that the agreement addresses a couple of remaining issues from the previous Development Agreement that expired. It extends the transportation impact fee, returns the original regional park impact fee back to the owner as originally agreed upon, and the developer is asking for a directional sign to be constructed by the City at JW Powell and Lake Mary Rd. The agreement also sets forward staff support for a zoning condition from the previous rezoning ordinance that states that all the roads within Pine Canyon would be open to the public and never gated, staff supports keeping those roads open to the public but gated at night.

Mayor Nabours stated that there have been multiple discussions working on this agreement and it shows some good cooperation and give and take with the impact fees.

Mayor Nabours moved to approve the Agreement between TLC PC Infrastructure, LLC and the City of Flagstaff and authorize the Mayor to sign the Agreement and any other necessary and appropriate documents; authorize staff to take other actions as needed to further Council direction; seconded; passed unanimously.

B. **Consideration and Approval of Preliminary Plat PPPL2013-0005:** Miramonte Homes for Forest Springs Unit 2 subdivision, a residential townhouse subdivision with seventy (70) lots/units. The site is 15.1 acres in size and is located at 1115 North Flowing Springs Trail in the MR, Medium Density Residential zone.

Planning Development Manager Elaine Averitt offered a PowerPoint presentation.

- FOREST SPRINGS TOWNHOMES UNIT 2
- LOCATION
- SITE PLAN
- LOT LAYOUT
- STREETS
- ELEVATIONS
- NATURAL RESOURCE PROTECTION STANDARDS
- SYSTEMS ANALYSIS
- RECOMMENDATION

Mayor Nabours asked if the plat meets all current requirements as the standards have changed from the time it was first platted. Ms. Averitt stated that it does meet the current requirements with the technical exception of the street standards. The current engineering standards would require private streets to be constructed to public street standards, however unit one and unit two were all platted to a preliminary plat level but only unit one went through final plat. When this plat came back it had to meet the LID standards and the resource standards, but in order to get up to the current engineering standards the developer would have had to redesign all of unit two. The engineering and traffic staff decided to let unit two continue with the sidewalk on the one side so the two units would match.

Ken Hottsenfeller of Mogollon Engineering and Survey stated that this project was platted in 2001 as part of a master plan done in phases. With phase two staff had some issues to resolve with LID drainage and tree resource plan. LID was incorporated wherever it could be in unit two. Additionally, the forest resources were recalculated with the new code. The traffic impact analysis was done for the entire project and this development did not decrease the level of service at that time and it built up the street on Fourth Street, incorporated FUTS trails and dedicated land for drainage.

Mayor Nabours asked if the same number of lots is planned now as was originally platted. Mr. Hottsenfeller responded yes, the number of lots has stayed the same.

Councilmember Oravits moved to approve the Preliminary Plat as recommended by the Planning and Zoning Commission; seconded; passed unanimously.

7. **Adjournment**

The Special Meeting of the Flagstaff City Council held on Tuesday, October 22, 2013, adjourned at 6:26 p.m.

SPECIAL WORK SESSION

1. **Call to Order**

Mayor Nabours called the Flagstaff Special Work Session of October 22, 2013, to order 6:26 p.m.

2. **Presentation on Water Policies, Section D. Stormwater**

Malcolm Alter of the Stormwater Management Section offered a PowerPoint Presentation on the Stormwater section of the Water Policy.

- PRINCIPLES OF SOUND WATER MANAGEMENT
- STORMWATER
- D1 COMPLIANCE
- D2 FLOOD CONTROL
  - FLOOD INSURANCE RATE MAPS
- D3 STORMWATER
  - BOW AND ARROW WASH
  - RIO DE FLAG PROJECT
  - 3 EVENTS WITH 70 FLOODED STRUCTURES
- D4 WATERSHED MANAGEMENT

Mayor Nabours asked if all stormwater runs to the treatment plants and if it gets treated in any way or gets diverted. Mr. Alter stated that stormwater does not go to the treatment plants but it goes into the Rio. Mayor Nabours asked if there is any prohibition of doing this because the water can get nasty some times. Mr. Alter responded that the National Pollutant and Discharge Elimination System (NPDES) program which is an unfunded Federal mandate was developed to regulate this kind of discharge. There are six targeted areas, street sweeping, looking for point source discharge, drainage maintenance, sediment control, etc. that are required to be monitored and Flagstaff is currently the state model. The City does these things as much as it can and stormwater does not have to specifically treat discharge. Currently, there are no known problems of stormwater contaminating the groundwater.

Mayor Nabours noted in July and August of this year there were 70 flooded structures in Flagstaff; he asked if the areas were clustered or scattered all over. Mr. Alter stated that 50% of the structures flooded are in the FEMA floodplain and they were clustered. Mayor Nabours asked if it would have made a difference if the Rio De Flag channel was

in place. Mr. Alter responded that about 50% of the flooding problems would have been solved with the channel but the other 50% would have no difference.

The Council requested a presentation on the flooding events of the summer at a later work session.

Utilities Director Brad Hill stated that this is the last policy to review. He will work with the City Manager's Office to bring back a redline version for evaluation of the entire document and address the number of parking lot issues that Council identified.

Mayor Nabours rearranged the agenda to discuss item four next.

4. **Discussion on Procedure for the October 28, 2013, Property Inventory Meeting.**

Mr. Burke stated that in order to be on the same page for the meeting on Monday, October 28 he would like to set out a guideline for the presentation and public comment.

The meeting will start with a staff presentation on the 17 lots in question; there will be information on the different entities that have given input on the parcel such as the Regional Plan, staff recommendations, and Board and Commission recommendations. This presentation is about 30 - 40 minutes long uninterrupted. Next will be clarifying questions from Council and then public participation, it is anticipated that public comment will be robust and it will be good to know now how that should be managed.

Councilmember Barotz noted that many people will come to speak about the Shultz Pass property and McMillan Mesa and suggested that those properties are discussed first after the public comments.

There was general discussion about how to format this meeting.

Council was not interested in setting any limits on public comment other than the three minute speaking rule. They agreed that all comments will be heard at the meeting and should a second meeting be needed for Council discussion and direction no public comment would be taken at the second meeting.

A break was held from 6:57 p.m. to 7:07 p.m.

3. **Regional Plan Discussion**

THIS ITEM WILL NOT BE DISCUSSED PRIOR TO 7:00 P.M.

A. **Regional Plan Discussion #7 - Ch. X. Transportation and Ch. XI. Cost of Development and Prefatory Language**

Comprehensive Planning Manager Kimberly Sharp offered a PowerPoint presentation on Transportation and Cost of Development.

- REGIONAL PLAN VISION
- GUIDING PRINCIPLES
- PUBLIC COMMENT

- INTRODUCTORY PARAGRAPH
- INSIDE THIS CHAPTER
- HOW WE GET TO WORK
- JOURNEY TO WORK – TRIP LEGNTH
- DEVELOPMENT SCENARIOS
- POTENTIAL GROWTH BASED ON DIFFERENT PLACE TYPES
- GROWTH SCENARIOS
- GROWTH SCENARIOS – SELECT RESULTS

Multi Modal Transportation Planner Martin Ince continued the presentation.

- MOBILITY
- SCENERIO D – LEVEL OF SERVICE
  - TODAY
  - FUTURE – NO BUILD
  - FUTURE – MANAGED
- SOLUTIONS FOR SCENARIO D
- ROAD NETWORK ILLUSTRATION
  - MAP SHOWS NEW ROADS PLANNED
  - EXTENSION OF ANITA FROM LAKE MARY TO LONE TREE
  - EXTENSION OF CLAY AVE
  - ROADWAY ACROSS MCMILLAN MESA
- PLANNING TRANSIT SERVICE LEVELS
- FLAGSTAFF URBAN TRAILS SYSTEM

Mayor Nabours stated that the City Council received a letter from Ponderosa Trails Homeowners Association in objection to the proposed I-17 overpass. Ms. Sharp offered that discussions of the projects began in 2010 and quite a few people from that neighborhood came out. Many objected to the interchange included in the 2001 Regional Plan. This is a connection seen necessary to make the plan work. This is now an overpass rather than an interchange.

Mayor Nabours expressed concerned about there being no vision of an alternative to Highway 180 and asked why an alternative road was not included. Ms. Sharp offered that there were two roads that brought a lot of outcry from the public for various reasons. During the process they were deemed to be removed from the map.

Ms. Sharp continued the PowerPoint presentation.

- MOBILITY AND ACCESS
- SAFE AND EFFICIENT
- ENVIRONMENTAL CONSIDERATIONS GOALS AND POLICIES
- QUALITY DESIGN GOALS AND POLICIES
- TRANSIT GOALS AND POLICIES
- FLAGSTAFF URBAN TRAILS
- BICYCLE INFRASTRUCTURE GOALS AND POLICIES
- PEDESTRIAN INFRASTRUCTURE GOALS AND POLICIES
- HIERARCHY OF ROADS
- AUTOMOBILE GOALS AND POLICIES

- PASSENGER RAIL AND RAIL FREIGHT GOALS AND POLICIES
- AIR TRAVEL GOALS AND POLICIES
- PUBLIC SUPPORT FOR TRANSPORATION GOALS AND POLICIES
- COST OF DEVELOPMENT
- AVAILABLE FINANCING MECHANISMS
- OTHER FINANCING OPTIONS TO CONSIDER
- COST OF DEVELOPMENT GOALS AND POLICIES

Councilmember Overton asked about the Citizen Advisory Committee's (CAC) opinion of the outlying areas and their land use and how it affects the City land use. Ms. Sharp stated that those types of questions were asked and the CAC did not see a theme about the connectivity throughout the region. Councilmember Overton stated that the plan is missing the land use outside the FMPO boundary and how it affects transportation in Flagstaff.

Planning Director Jim Cronk noted that most of the transportation needs are met in these outlying areas with the exception of Highway 180 winter traffic. Mayor Nabours requested that the consideration of a Fort Valley Road alternative be placed on the parking lot.

Vice Mayor Evans asked when the last time cost development fees was analyzed. Ms. Sharp stated that 2007 was the last time they were analyzed. Mr. Cronk offered that this is the cost of development in the Regional Plan which is a ten year cycle. If a city does impact fees, which Flagstaff does for police and fire, that is on a five-year cycle and that is scheduled to start next month and into the spring. The Regional Plan looks at how much it costs to build something.

Councilmember Oravits asked about fair and proportionate share of facilities and if this takes into account the cost to repair all existing infrastructure or just where the development is. Ms. Sharp responded that it is the fair and rough proportional share.

Councilmember Barotz asked staff to discuss the Nolan and Dolan cases from the US Supreme Court. Mr. Cronk offered that the Nolan and Dolan cases both essentially lead to the fair and rough proportionality. Take for example a street out front of a new development. If the development will be putting 100% of traffic on that road their rough and proportionate amount is 100%. If the development will be putting 50% of the traffic on the road then it lowers their proportion to 50%. The problem is when the developer is responsible for less than 100% who pays for the other portion. The City could front the money and make the next developer who comes in reimburse the City or the current developer can wait until another developer or all other parties are ready to pay the monies necessary. There is a timing issue. Impact fees are a way to potentially collect money to help cover the costs associated with fronting those monies to complete the project. It is mainly a new construction issue. Mayor Nabours stated that everything has to be in context to what is proportional. Councilmember Barotz offered that it is the policy that prompts the lawsuits and the court ultimately decides what is fair.

The following individuals addressed Council in relation to Chapter X and XI of the Regional Plan:

- Bryan Burton
- Brittain Davis
- Joy Staveley
- Richard Miller
- David Monihan Jr.
- Angela Horvath
- Gaylord Staveley
- Michelle Thomas
- Moran Henn
- Charlie Odegaard
- Carol Kendall

Comments made by the public included:

- Objection to the proposed overpass at I-17.
- Support of Transportation plan and its encouragement of walkability.
- Suggest including city to city transport.
- Do not want to see more buses on the street.
- Park and ride lots are too costly and are for big cities.
- No mode of travel should take precedent over automobiles.
- This section is overreaching and manipulative.
- Emphasizes walking and biking too much and tries to force everyone into a one size fits all mold.
- Safety is an important element of walking and biking. Would like to see improvements and expansion of FUTS trails as the city grows.
- Good planning is needed to accommodate an auto dominated culture.
- This section promotes a healthy lifestyle with improved walkability, biking and public transit.
- The Regional Plan should not update a methodically updated transit plan.
- Maintaining existing structures is necessary, new developments should not detract from that.
- An alternative to Fort Valley Road should be included in the plan.

Mayor Nabours indicated that there is a statement on page XVII that this plan recognizes that automobiles will be the primary transportation used but does recognize the need to increase pedestrian and bike. There is no mention of eliminating vehicles, while that may be a goal, it is not the intent.

Councilmember Oravits suggested that policies be added in this section that clearly state that the City will maintain the existing streets to high standards, create a four land corridor from Milton to Highway 180, construct an off ramp off I-40 to Lone Tree and strive for a second overpass of the train tracks.

Councilmember Oravits also requested that the words “in order to succeed” in policy 1.6 be removed because it assumes that public/private partnership is necessary.

A break was held from 8:28 p.m. to 8:39 p.m.

Mayor Nabours asked if the proposed roads in the plan can be built without any citizen input. Ms. Sharp stated that the proposed roads will be needed if development comes into the area and at that time there would be a vast public process that has to be gone through before the development can move forward.

B. **Regional Plan Discussion #8 - Ch. IX. Land Use**

Councilmember Oravits stated that the Land Use chapter is one of the biggest sections with over 60 pages and large implications. It appears that there is confusion in the public about when this section was being discussed as there is very little public present. He proposed that this chapter be put on an agenda all by itself to make sure there is as much public participation as possible.

Mayor Nabours offered that the Council is getting behind on agendas and suggested that staff give their presentation and the Council take any public comment tonight and continue public comment at another time.

Councilmembers Barotz and Brewster agreed with Councilmember Oravits and stated support of putting it first on an agenda with additional outreach to the public.

Vice Mayor Evans stated that while there might not be a lot of people at this meeting there are people that came prepared to speak tonight and the Council should hear them.

Council agreed to have a brief discussion and hear public comment first then have the presentation and further comment at a later meeting.

Vice Mayor Evan requested a policy on page 29 that addresses parking in the downtown residential areas.

With regard to reinvestment area, most reinvestment will occur in lower income neighborhoods. There is no mention of the people living in the neighborhoods affected by reinvestment. There should be a relocation policy included with this section.

The following individuals addressed Council in relation to Chapter IX of the Regional Plan:

- Michelle Thomas
- Gaylord Staveley
- Carol Kendall

Comments made by the public included:

- Develop a policy that considers the rights and needs of the residents living in areas of reinvestment and infill.

- Concern that the Regional Plan is a vision for 2030 but transcends plans that are already in place.
- There is a strong focus on compact development. Most people are not in favor of high density residential.
- Expecting people to live and work in the same place is unrealistic.
- Brownfield revitalization is a good idea.
- Compact development discourages gardens.

Council agreed to hold their discussion until further public participation can be gathered. The Land Use chapter will be postponed to a later date and advertised better.

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

Councilmember Overton reported that he and Councilmember Woodson toured Nestle Purina recently. The plant is now at an all time peak for production and the industry is doing well.

Councilmember Overton also expressed thanks to Officer Kraven who took him on a ride along for a Friday night patrol.

Councilmember Barotz requested a future agenda item of a work session presentation by Jeff Hall of Lowell Observatory about lighting issues.

Councilmember Barotz thanked the Disability Awareness Commission for hosting another amazing banquet.

Councilmember Brewster noted that the NAU homecoming parade was on a different route this year and the police department thought things were a little toned down from last year. She believes that better collaboration with the University and bar owners is the reason. She also expressed disappointment in the Council support of the parade, NAU is the largest employer and only two Councilmembers were present.

Councilmember Oravits offered a thank you to the businesses that stepped up and helped raise over $14,000 for the Flagstaff Shelter Services.

Mr. Burke passed out the agenda for the Hopi meeting on Thursday and explained that the idea is not to talk policy but to build relationships. The topic is how each of the governments work.

Mr. Burke also brought up the email Council received with regard to the Sunday editorial with regard to what the City's zoning code does or does not say, he indicated that staff is working on a response.

Mayor Nabours expanded on the agenda request made by Councilmember Barotz. He believes that it is an issue of LED vs. LPS lighting. Council would like an opportunity to get some of the background information, current status and what the issues are.

6. **Adjournment**

The Flagstaff City Council Work Session of October 22, 2013, adjourned at 9:08 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Stacy Saltzburg, Deputy City Clerk
Date:	10/30/2013
Meeting Date:	11/05/2013

TITLE:

Consideration of Appointments: Transportation Commission.

RECOMMENDED ACTION:

Make four total appointments.
Make two Citizen appointments to terms expiring July 2016.
Make one School Representative appointment to term expiring November 2016.
Make one NAIPTA Representative appointment to term expiring November 2016.

Policy Decision or Reason for Action:

By making the above appointments, the Transportation Commission will be at full membership and will be able to continue meeting on a regular basis.

There are four applications on file, they are as follows:

Bob Kuhn (current commissioner)
Jeff Meilbeck (new applicant)
Kevin Parkes (current commissioner)
Jeffrey Stevenson (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:

On September 17, 2013 Council approved Ordinance 2013-06 that amended the makeup of the commission to include voting members from Flagstaff Unified School District and the Northern Arizona Intergovernmental Public Transportation Agency (NAIPTA).

Options and Alternatives:

1) Appoint four Commissioners: by appointing members at this time, the Transportation 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 Transportation Commission consists of seven voting members and two non-voting members. The voting members consist of the Superintendent of the Flagstaff Unified School District (FUSD), a member from the Northern Arizona Intergovernmental Transit Authority (NAIPTA) and five citizen members appointed by Council. The two non-voting members are a City of Flagstaff Police Officer and the Traffic Engineer. There are currently two citizen seats available, one FUSD seat available and one NAIPTA seat available.

Key Considerations:

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

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.

Board members and City staff have informed the community of this vacancy through word of mouth. The vacancies are also posted on the City's website.

Expanded Options and Alternatives:

COUNCIL INTERVIEW TEAM:
Vice Mayor Evans
Councilmember Brewster

Attachments:
- Transportation Roster
- Transportation Authority
- Ordinance 2013-06
- Transportation Applicant Roster
- Transportation Applications
- Transportation Applicant Matrix

City of Flagstaff, AZ

TRANSPORTATION COMMISSION MEMBERS

NAME	APPOINTED	TERM EXPIRES	TRAINING COMPLETED
Jensen, Willis	**10/19/2010**	**07/13**	**10/17/2007**
CITIZEN MEMBER Statistician/W.L. Gore & Associates 2780 N. Eddy Drive Flagstaff, AZ 86001 Home Phone: 226-6948 Term: 3rd; (1st-Partial; 2nd-9/07-7/10)			
Kuhn, Bob		**Indefinite**	**No**
SCHOOL REPRESENTATIVE Flagstaff Unified School District 3285 E. Sparrow St. Flagstaff, AZ 86004 Work Phone: 527-6011			
Kumon, Kara	**02/21/2012**	**07/12**	**No**
CITIZEN MEMBER EIT/Civil Design & Engineering 4415 E. Spring Meadows Cir. Flagstaff, AZ 86004 Cell Phone: 520-205-0218 Term: 1st (partial)			
Miller, Lt. Walt		**Indefinite**	**04/18/2007**
POLICE DEPT. REPRESENTATIVE Lieutenant/City of Flagstaff Police Dept. 911 Sawmill Flagstaff, AZ 86001 Work Phone: 774-3646			

Mullen, Robert Instructor/NAU P.O. Box 3809 Flagstaff, AZ 86003 Cell Phone: 928-600-6643 Term: 1st	**05/03/2011**	**07/14**	**10/20/2011**
Parkes, Kevin CITIZEN MEMBER Budget Officer/Grand Canyon National Park 1738 West University Heights Drive South Flagstaff, AZ 86001 Term: 1st	**10/19/2010**	**07/13**	**No**
Spice, Derik Grand Canyon River Guide/Ski Patroller/Arizona Raft Adventures/Arizona Snowbowl 2008 N. 2nd St Flagstaff, AZ 86004 Cell Phone: 435-901-1302 Term: 1st (partial)	**02/21/2012**	**07/14**	**No**
Z-VACANT, CITIZEN Flagstaff, AZ 86001		**07/12**	**No**

Staff Representative: Jeff Bauman

As Of: October 04, 2012

CHAPTER 2-12
TRANSPORTATION COMMISSION

SECTIONS:

2-12-001-0001 CITY POLICY:
2-12-001-0002 CREATION OF THE FLAGSTAFF TRAFFIC COMMISSION:
2-12-001-0003 TERMS OF OFFICE:
2-12-001-0004 MEETINGS:
2-12-001-0005 FUNCTIONS OF THE COMMISSION:
2-12-001-0006 OTHER POWERS:
2-12-001-0007 APPEAL PROCEDURE:

SECTION 2-12-001-0001 CITY POLICY:

It is the policy of the City, in the exercise of the powers vested in the City Council for the protection of the public safety and promotion of the general welfare, to promote the safety of the traveling public and to improve utilization of the public ways for all forms of transportation.

SECTION 2-12-001-0002 CREATION OF THE TRANSPORTATION COMMISSION

A. There is hereby created a commission to be known as the Transportation Commission. The Commission shall consist of seven (7) voting members and two (2) non-voting members.

   1. Voting members:

      a. The Superintendent of the Flagstaff Unified School District or his/her designated representative.

      b. Six (6) citizen members appointed by the City Council.

   2. Ex-officio, non-voting members:

      a. One City of Flagstaff police officer appointed by the Chief of Police.

      b. The Traffic Engineer.

   In addition, the City Council may designate a Councilmember representative as a non-voting, ex-officio member of the Commission.

B. Officers of the Commission shall be elected by the voting members of the Commission from the citizen membership.

(Ord. No. 2007-21, Amended 02/06/2007; Ord. 2010-14, Amended 6/15/10)

SECTION 2-12-001-0003 TERMS OF OFFICE:

Citizen members of the Commission shall serve staggered three (3) year terms.

A member's term of office shall commence with the first regular Commission meeting following his appointment and terminate with the regular Commission meeting at which his successor takes office.

A Commission member who is absent from three consecutive regular meetings may have their remaining term terminated by a vote of the City Council upon recommendation of the Commission.

(Ord. No. 1942, Amended, 05/06/97); Ord. 2010-14, Amended 6/15/2010)

SECTION 2-12-001-0004 MEETINGS

The Commission shall meet at least once each month at a regularly scheduled time and place to be designated by the Commission, and shall hold such special meetings as the membership shall decide and at such times and places as the Commission shall specify.
Meetings shall be conducted in accordance with the Board and Commission Members' Handbook adopted by resolution of the Flagstaff City council, and in compliance with all other local, state, and federal laws.

A quorum shall be one more than half the voting membership of the Commission.

(Ord. 2010-14, Amended 06/15/2010)

SECTION 2-12-001-0005 FUNCTIONS OF THE COMMISSION:

The functions of the Commission shall be:

A. To adopt traffic regulations or deny requests for changes in traffic regulations as follows:

1. To investigate and make determinations on traffic regulation items forwarded to it by the Transportation Engineering Program.

2. To hear the appeals of traffic regulation decisions of the Transportation Engineering Program as set forth in 9-01-001-0007 C. of the City Code

3. To forward to the City Council those traffic regulation items which it deems to be of sufficient interest to the general public as to require decision by the Council.

B. To formulate and recommend policies and ordinances to the City Council governing the general operations of the City streets, alleys, sidewalks and bikeways.

C. To review periodically traffic regulation actions of the Transportation Engineering Program.

D. To promote pedestrian, bicycle, transit and driver education programs in the school systems and to disseminate traffic and safety information to the public at large.

E. To annually advise the City Council of the progress and expenditures of the City's Transportation Capital Improvements Program as related to the Election of May 2000. To carry out this function, the Transportation Commission shall:

1. Meet biannually with the City's Capital Improvements and Financial Services Staff to review the progress of the Transportation Capital Improvement Program's ("CIP") planning and programming efforts;

2. Ensure there is a coordinated approach for budgeting and expending transportation sales tax revenues for all transportation modes;

3. Provide input on the Transportation CIP's prioritization scoring criteria;

4. Provide a forum for public comment and input regarding the Transportation CIP;

5. Publish an annual Transportation CIP Advisory Report; and

6. Present the findings of said report to the City Council during a public meeting in conjunction with the annual budget process. At a minimum, the report shall discuss the previous years' income/expenditures, construction projects and planning activities.

F. To perform other duties relating to public safety within the scope of this Commission.

(Ord. No. 2007-21, Amended 02/06/2007; Ord. No. 2010-14, Amended 06/15/2010)

SECTION 2-12-001-0006 OTHER POWERS:

A. The Commission shall have the power to appoint subcommittees for the purpose of defining problems areas of traffic and traffic safety; proposing solutions to defined problems; or for any other undertaking which will reasonably lead to safer and more efficient traffic flow in the City.

B. The City Council hereby establishes the following advisory committees to the TransportationCommission to provide advice on special traffic and transportation topics, and delegates to the commission the power

to appoint members to these committees. No member of the Transportation Commission shall be a member of an advisory committee. The City Council retains the power to remove a member of an advisory committee for the reasons specified in the City's Board and Commission Members' Handbook.

1. Bicycle Advisory Committee: Seven (7) citizen members appointed for a three-year term. No member may serve more than two three-year terms.

2. Pedestrian Advisory Committee: Seven (7) citizen members appointed for a three-year term. No member may serve more than two three-year terms.

C. The Transportation Commission shall define the operating procedures of the advisory committees, assuring compliance with the Arizona Open Meeting Law, and the City's Board and Commission Members' Handbook, including, but not limited to:

1. The advisory committees shall report on their activities to the Transportation Commission at each commission meeting.

2. The advisory committees shall investigate, consider, and make recommendations to the Transportation Commission on items assigned to them by the Commission regarding their respective areas of interest.

3. The advisory committees shall bring to the Transportation Commission items of a planning, design, or regulatory nature that come to their attention regarding the City's pedestrian and bikeway systems.

(Ord. No. 2007-21, Amended 03/06/2007); (Ord. No. 2007-21, Amended 02/06/2007); (Ordinance No. 2010-14, 06/15/2010)

SECTION 2-12-001-0007 APPEAL PROCEDURE:

Traffic regulation decisions of the Transportation Commission, as set forth in Section 2-12-001-0006 A., may be appealed by any aggrieved party to the City Council by presentation of a request for such an appeal in writing to the Traffic Engineering Section within ten (10) working days of the date of the Commission's action. The appeal shall be placed on the currently open agenda for the next regularly scheduled Council Meeting. The Council may hear arguments and shall make the final decision on the matter. (Ord. 1349, 2-19-85); (Ord. No. 2007-21, Amended 02/06/2007); (Ordinance No. 2010-14, 06/15/2010)

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 FLAGSTAFF TRANSPORTATION COMMISSION, AND REMOVING THE COMMISSION'S APPELLATE AUTHORITY

RECITALS:

WHEREAS, the City of Flagstaff established the Transportation Commission, as currently constituted and structured, in 2001 to serve as a citizen advisory group charged with taking a comprehensive, long-range and in-depth look at the broad range of transportation issues facing the City of Flagstaff; and

WHEREAS, in 2006 the City of Flagstaff became a member agency of the Northern Arizona Intergovernmental Transportation Authority ("NAIPTA"), a public transportation agency established and operating pursuant to ARS § 28-9101; and

WHEREAS, input and advice from NAIPTA would further assist the City in matching transportation projects and capital expenditures to long-term City transportation goals; and

WHEREAS, currently, the Transportation Commission is vested with appellate authority, hearing appeals of "traffic regulation decisions" made by the City Traffic Engineer; and

WHEREAS, currently, there are two positions, City Engineer and Community Development Director, that supervise the work of the Traffic Engineer, and ensure that his or her decisions are not arbitrary, that all necessary criteria have been met, and that all positions have been adequately considered.

ENACTMENTS:

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

SECTION 1. That Chapter 2-12, Transportation Commission, is hereby amended as follows:

CHAPTER 2-12
TRANSPORTATION COMMISSION

SECTION 2-12-001-0001 CITY POLICY

It is the policy of the City, in the exercise of the powers vested in the City Council for the protection of the public safety and promotion of the general welfare, to promote the safety of the traveling public and to improve utilization of the public ways for all forms of transportation.

SECTION 2-12-001-0002 CREATION OF THE TRANSPORTATION COMMISSION AND MEMBERSHIP

A. There is hereby created a commission to be known as the Transportation Commission.

B. The Commission shall consist of seven (7) voting members and two (2) ex-officio, non-voting members. Each voting member shall be appointed by the City Council and shall continually reside within the City during the tenure of appointment. The Commission's membership shall be as follows:

1. The seven voting members of the Commission shall consist of all of the following:

   (a) Five at large members selected from the general public.
   (b) One member appointed to represent the Flagstaff Unified School District.
   (c) One member appointed to represent the Northern Arizona Intergovernmental Public Transportation Authority.

2. The two ex officio, nonvoting members shall consist of the following:

   (a) The Traffic Engineer, or his or her designee.
   (b) The Chief of Police, or his or her designee.

~~1. Voting members:~~

~~a. The Superintendent of the Flagstaff Unified School District or his/her designated representative.~~

~~b. Six (6) citizen members appointed by the City Council.~~

~~2. Ex-officio, non-voting members:~~

~~a. One City of Flagstaff police officer appointed by the Chief of Police.~~

~~b. The Traffic Engineer.~~

~~In addition, the City Council may designate a Councilmember representative as a non-voting, ex-officio member of the Commission.~~

~~B~~C. ~~Officers of the Commission shall be elected by the voting members of the Commission from the citizen membership.~~ The commission shall annually select one of its members to serve as chairperson.

(Ord. No. 2007-21, Amended 02/06/2007; Ord. 2010-14, Amended 6/15/10)

SECTION 2-12-001-0003 TERMS OF OFFICE:

~~Citizen~~ M~~m~~embers of the Commission shall serve staggered three (3) year terms. No member may serve more than two three-year terms.

A member's term of office shall commence with the first regular Commission meeting following his appointment and terminate with the regular Commission meeting at which his successor takes office.

A Commission member who is absent from three consecutive regular meetings may have their remaining term terminated by a vote of the City Council upon recommendation of the Commission.

(Ord. No. 1942, Amended, 05/06/97); Ord. 2010-14, Amended 6/15/2010)

SECTION 2-12-001-0004 MEETINGS

The Commission shall meet quarterly and/or at the request of its chairperson for the disposal of such business as may come before it. ~~at least once each month at a regularly scheduled time and place to be designated by the Commission, and shall hold such special meetings as the membership shall decide and at such times and places as the Commission shall specify~~.

Meetings shall be conducted in accordance with the Board and Commission Members' Handbook adopted by resolution of the Flagstaff City Council, and in compliance with all other local, state, and federal laws.

A quorum shall be one more than half the voting membership of the Commission.

(Ord. 2010-14, Amended 06/15/2010)

SECTION 2-12-001-0005 FUNCTIONS OF THE COMMISSION

The functions of the Commission shall be:

~~A. To adopt traffic regulations or deny requests for changes in traffic regulations as follows:~~

~~1. To investigate and make determinations on traffic regulation items forwarded to it by the Transportation Engineering Program.~~

~~2. To hear the appeals of traffic regulation decisions of the Transportation Engineering Program as set forth in 9-01-001-0007 C. of the City Code~~

~~3. To forward to the City Council those traffic regulation items which it deems to be of sufficient interest to the general public as to require decision by the Council.~~

A~~B~~. To formulate and recommend policies and ordinances to the City Council governing the general operations of the City streets, alleys, sidewalks and bikeways.

B~~C~~. To review periodically traffic regulation actions of the Transportation Engineering Program.

C~~D~~. To promote pedestrian, bicycle, transit and driver education programs in the school systems and to disseminate traffic and safety information to the public at large.

D~~E~~. To annually advise the City Council of the progress and expenditures of the City's Transportation Capital Improvements Program as related to the Election of May 2000. To carry out this function, the Transportation Commission shall:

1. Meet ~~biannually~~ annually with the City's Capital Improvements and Financial Services Staff to review the progress of the Transportation Capital Improvement Program's ("CIP") planning and programming efforts;

2. Ensure there is a coordinated approach for budgeting and expending transportation sales tax revenues for all transportation modes;

3. Provide input on the Transportation CIP's prioritization scoring criteria;

4. Provide a forum for public comment and input regarding the Transportation CIP;

5. Publish an annual Transportation CIP Advisory Report; and

6. Present the findings of said report to the City Council during a public meeting in conjunction with the annual budget process. At a minimum, the report shall discuss the previous years' income/expenditures, construction projects and planning activities.

E~~F~~. To perform other duties relating to public safety within the scope of this Commission.

(Ord. No. 2007-21, Amended 02/06/2007; Ord. No. 2010-14, Amended 06/15/2010)

SECTION 2-12-001-0006 OTHER POWERS:

A. The Commission shall have the power to appoint subcommittees for the purpose of defining problems areas of traffic and traffic safety; proposing solutions to defined problems; or for any other undertaking which will reasonably lead to safer and more efficient traffic flow in the City.

B. The City Council hereby establishes the following advisory committees to the Transportation Commission to provide advice on special traffic and transportation topics, and delegates to the commission the power to appoint members to these committees. No member of the Transportation Commission shall be a member of an advisory committee. The City Council retains the power to remove a member of an advisory committee for the reasons specified in the City's Board and Commission Members' Handbook.

1. Bicycle Advisory Committee: Seven (7) citizen members appointed for a three-year term. No member may serve more than two three-year terms.

2. Pedestrian Advisory Committee: Seven (7) citizen members appointed for a three-year term. No member may serve more than two three-year terms.

C. The Transportation Commission shall define the operating procedures of the advisory committees, assuring compliance with the Arizona Open Meeting Law, and the City's Board and Commission Members' Handbook, including, but not limited to:

1. The advisory committees shall report on their activities to the Transportation Commission at each commission meeting.

2. The advisory committees shall investigate, consider, and make recommendations to the Transportation Commission on items assigned to them by the Commission regarding their respective areas of interest.

3. The advisory committees shall bring to the Transportation Commission items of a planning, design, or regulatory nature that come to their attention regarding the City's pedestrian and bikeway systems.

(Ord. No. 2007-21, Amended 03/06/2007); (Ord. No. 2007-21, Amended 02/06/2007); (Ordinance No. 2010-14, 06/15/2010)

~~SECTION 2-12-001-0007 APPEAL PROCEDURE:~~

~~Traffic regulation decisions of the Transportation Commission, as set forth in Section 2-12-001-0006 A., may be appealed by any aggrieved party to the City Council by presentation of a request for such an appeal in writing to the Traffic Engineering Section within ten (10) working days of the date of the Commission's action. The appeal shall be placed on the currently open agenda for the next regularly scheduled Council Meeting. The Council may hear arguments and shall make the final decision on the matter. (Ord. 1349, 2-19-85); (Ord. No. 2007-21, Amended 02/06/2007); (Ordinance No. 2010-14, 06/15/2010)~~

SECTION 2. That the City Clerk be authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary; and that the City Clerk be authorized to make formatting changes needed for purposes of clarity and form, if required, to be consistent with Flagstaff City Code.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 17th day of September, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

City of Flagstaff, AZ

TRANSPORTATION COMMISSION APPLICANTS

NAME	APPOINTED	TERM EXPIRES	TRAINING COMPLETED
Kuhn, Bob			No
SCHOOL REPRESENTATIVE Asst. Superintendant of Operations/Flagstaff Unified School District 3839 E. Foxtail Flagstaff, AZ 86004 Work Phone: 928-527-6010			
Meilback, Jeff			No
NAIPTA REPRESENTATIVE CEO and General Manager/NAIPTA 3773 N. Kaspar Flagstaff, AZ 86004 Work Phone: 928-679-8909			
Parkes, Kevin	10/19/2010	07/13	No
CITIZEN MEMBER Budget Officer/Grand Canyon National Park 1738 West University Heights Drive South Flagstaff, AZ 86001 Home Phone: 928-607-0868 Term: (1st 10/10-7/13)			
Stevenson, Jeffrey			No
Assistant to the CEO/Good Pay Low Rates, Inc. 1741 N. Fairway Dr. Flagstaff, AZ 86004 Cell Phone: 928-522-4133			

Staff Representative: Jeff Bauman

As Of: October 23, 2013

Stacy Saltzburg

From: noreply@civicplus.com
Sent: Wednesday, September 11, 2013 11:58 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:*	09/11/13		
Board/Commission you wish to serve on:*	Traffic comm.		
If applicable, type of seat for which you are qualified:			
Your Information			
Name:*	Bob Kuhn	Home Phone:*	928-526-0775
Home Address:*	3839 E Foxtail, Flagstaff	Zip:*	86004
Mailing Address (If different from above):			
Employer:*	Flagstaff USD#1	Job Title:*	Asst. Supt. of Operations
Business Phone:	928-527-6010	Cell:	928-220-2035
E-mail:*	bkuhn@fusd1.org		
Indicate preferred telephone:*	( ) Home (X) Work	( ) Cell	
Background Information			
Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.* I have been on the commission for a few years as part of my job with FUSD and enjoy working with the city staff. Why do you want to serve on the board or commission you listed?* I live in the city and believe you should help in different ways.			
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:: 09/11/13

Board/Commission you wish to serve on:: Traffic comm.

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

Name:: Bob Kuhn

Home Phone:: 928-526-0775

Home Address:: 3839 E Foxtail, Flagstaff

Zip:: 86004

Mailing Address (If different from above)::

Employer:: Flagstaff USD#1

Job Title:: Asst. Supt. of Operations

Business Phone:: 928-527-6010

Cell:: 928-220-2035

E-mail:: bkuhn@fusd1.org

Indicate preferred telephone:: Work

Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.: I have been on the commission for a few years as part of my job with FUSD and enjoy working with the city staff.

Why do you want to serve on the board or commission you listed?: I live in the city and believe you should help in different ways.

Additional Information:
Form submitted on: 9/11/2013 11:57:51 AM
Submitted from IP Address: 67.132.117.2
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, September 11, 2013 10:18 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:*	09/11/2013		
Board/Commission you wish to serve on:*	Transportation Commission		
If applicable, type of seat for which you are qualified:			
Your Information			
Name:*	Jeff Meilbeck	Home Phone:*	928-679-8909
Home Address:*	3773 N Kaspar	Zip:*	86004
Mailing Address (If different from above):			
Employer:*	NAIPTA	Job Title:*	CEO and General Manager
Business Phone:	928-679-8909	Cell:	
E-mail:*	jmeilbeck@naipta.az.gov		
Indicate preferred telephone:*	( ) Home (X) Work	( ) Cell	
Background Information			
Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.* NAIPTA provides public transportation which is a critical aspect of the overall transportation system. Why do you want to serve on the board or commission you listed?* By working together with other transportation commissioners we will be able to find efficiencies between roads, bus, bikes and pedestrian circulation.			
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:: 09/11/2013

Board/Commission you wish to serve on:: Transportation Commission

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

Name:: Jeff Meilbeck

Home Phone:: 928-679-8909

Home Address:: 3773 N Kaspar

Zip:: 86004

Mailing Address (If different from above)::

Employer:: NAIPTA

Job Title:: CEO and General Manager

Business Phone:: 928-679-8909

Cell::

E-mail:: jmeilbeck@naipta.az.gov

Indicate preferred telephone:: Work

Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.: NAIPTA provides public transportation which is a critical aspect of the overall transportation system.

Why do you want to serve on the board or commission you listed?: By working together with other transportation commissioners we will be able to find efficiencies between roads, bus, bikes and pedestrian circulation.

Additional Information:
Form submitted on: 9/11/2013 10:18:28 AM
Submitted from IP Address: 72.166.109.5
Referrer Page: http://www.flagstaff.az.gov/index.aspx?nid=1883
Form Address: http://az-flagstaff3.civicplus.com/Forms.aspx?FID=166

Stacy Saltzburg

From: noreply@civicplus.com
Sent: Tuesday, August 06, 2013 8:04 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:*	8/6/2013
Board/Commission you wish to serve on:*	Transportation
If applicable, type of seat for which you are qualified:	

Your Information

Name:*	Kevin Parkes	Home Phone:*	928-607-0868
Home Address:*	1738 West University Heights Dr. South	Zip:*	86005
Mailing Address (If different from above):			
Employer:*	National Park Service - Grand Canyon NP	Job Title:*	Budget Officer
Business Phone:	928-638-7420	Cell:	
E-mail:*	kevin_parkes@nps.gov		
Indicate preferred telephone:*	(X) Home ( ) Work	( ) Cell	

Background Information

Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.*
For the past 2 years I have served the City of Flagstaff as a member of the Transportation Commission. During that time I was involved with formulating policy and advice to City staff and City Council on numerous issues concerning surface transportation in the Flagstaff community. Prior to service on the Transportation Commission, I served the City as a voting member of the Flagstaff Bicycle Advisory Committee. During that time I was involved with formulating policy and advice to City staff and the Traffic Commission on numerous issues concerning bicyclists and their interactions with motorists and pedestrians, as well as roadway and FUTS amenities to better promote safe cycling within Flagstaff. I was also involved with re-writing bicycling ordinances. Service on both the Transportation Commission and the Bicycle Advisory Committee exposed me to a wide array of City transportation challenges, including motor vehicle traffic volumes, high accident locations, traffic calming, public transit routes, pedestrian and cyclist safety, helmet usage, FUTS intersections with public roadways and driveways, and how public thoroughfares are shared by multiple transportation modes. I also participated in the Flagstaff Leadership Program, graduating in June 2009. Through that program, I gained a better understanding and appreciation of broader Flagstaff challenges concerning housing and neighborhoods, local government, healthcare, technology and industry, arts and culture, community diversity, business and commerce, and private and public economics. Since April 2006, I have also been an active member in the Flagstaff Sunrise Lions Club.
Why do you want to serve on the board or commission you listed?*
I bring to the Transportation Commission a broad background in motor vehicle and other public transportation issues, plus the experiences of being a motorist, cyclist, pedestrian and public transit rider while living and working in several United States locales, as well as overseas in Japan, Republic of Korea, Germany and The Netherlands. My interests in public transportation started in the late 1970's while earning a Master of Science degree in Park Planning. My thesis research was in park visitor accidents and mitigation. The number one cause of park visitor accidents at

that time was motor vehicle collisions. My research led to my being hired in 1979 as a motor vehicle accident consultant to the National Highway Traffic Safety Administration, for whom I provided instruction to highway officials in several states in the use of computer databases for highway accident analysis. Since then, I have been involved in the following transportation and public policy projects: • 1982-83. Led a team of systems analysts to redesign the highway traffic accident records system for the Pennsylvania DOT Bureau of Highway Safety. • 1985-87. Led another team of systems analysts to redesign the Maryland DOT coordinated roads information system. • 1991. Wrote a comprehensive brief for the Michigan Rails-to-Trails Conservancy promoting conversion of a 30-mile abandoned rail corridor to rail trail. • 1992. As a transportation planning intern, inventoried and developed a database for mapping of bicycle transportation facilities for the Tri-County Regional Planning Commission in Lansing, Michigan. • 1993-94. Led a team of transportation planners to develop the 20-year Bicycle Mobility Plan for the San Antonio—Bexar County Metropolitan Planning Organization. Also researched and wrote parts of an environmental analysis for realignment of a state highway corridor in Hidalgo County, Texas. • 1995-97. Served the City of San Antonio Police Department as their senior programmer/analyst. During that time I earned a Master of Business Administration degree. • 1997-2000. Worked as a projects coordinator for Delphi Automotive Systems Japan, Ltd. in Tokyo, Japan. • 2000-02. Served the US Air Force in Korea as a budget analyst. • 2002-05. Served the US Army in The Netherlands as a budget analyst. • 2006-08. Served the US Forest Service as Budget Officer for Coconino National Forest. • 2008-Present. Serves the National Park Service as Budget Officer for Grand Canyon National Park. • 2010-Present. Serves as a voting member of the City of Flagstaff Transportation Commission. • 2004-Present. A chronic eye disease prevents my safely operating motor vehicles on public roadways. Since 2004, I have depended on public transit in Europe and the United States for getting around independently and have personally experienced its opportunities and conveniences, as well as its challenges.

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:: 8/6/2013

Board/Commission you wish to serve on:: Transportation

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

Name:: Kevin Parkes

Home Phone:: 928-607-0868

Home Address:: 1738 West University Heights Dr. South

Zip:: 86005

Mailing Address (If different from above)::

Employer:: National Park Service - Grand Canyon NP

Job Title:: Budget Officer

Business Phone:: 928-638-7420

Cell::

E-mail:: kevin_parkes@nps.gov

Indicate preferred telephone:: Home

Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.: For the past 2 years I have served the City of Flagstaff as a member of the Transportation Commission. During that time I was involved with formulating policy and advice to City staff and City Council on numerous issues concerning surface transportation in the Flagstaff community. Prior to service on the Transportation Commission, I served the City as a voting member of the Flagstaff Bicycle Advisory Committee. During that time I was involved with formulating policy and advice to City staff and the Traffic Commission on numerous issues concerning bicyclists and their interactions with motorists and pedestrians, as well as roadway and FUTS amenities to better promote safe cycling within Flagstaff. I was also involved with re-writing bicycling ordinances. Service on both the Transportation Commission and the Bicycle Advisory Committee exposed me to a wide array of City transportation challenges, including motor vehicle traffic volumes, high accident locations, traffic calming, public transit routes, pedestrian and cyclist safety, helmet usage, FUTS intersections with public roadways and driveways, and how public thoroughfares are shared by multiple transportation modes.

I also participated in the Flagstaff Leadership Program, graduating in June 2009. Through that program, I gained a better understanding and appreciation of broader Flagstaff challenges concerning housing and neighborhoods, local government, healthcare, technology and industry, arts and culture, community diversity, business and commerce, and private and public economics. Since April 2006, I have also been an active member in the Flagstaff Sunrise Lions Club.

Why do you want to serve on the board or commission you listed?: I bring to the Transportation Commission a broad background in motor vehicle and other public transportation issues, plus the experiences of being a motorist, cyclist, pedestrian and public transit rider while living and working in several United States locales, as well as overseas in Japan, Republic of Korea, Germany and The Netherlands. My interests in public transportation started in the late 1970's while earning a Master of Science degree in Park Planning. My thesis research was in park visitor accidents and mitigation. The number one cause of park visitor accidents at that time was motor vehicle collisions. My research led to my being hired in 1979 as a motor vehicle accident consultant to the National Highway Traffic Safety Administration, for whom I provided instruction to highway officials in several states in the use of computer databases for highway accident analysis. Since then, I have been involved in the following transportation and public policy projects:

• 1982-83. Led a team of systems analysts to redesign the highway traffic accident records system for the Pennsylvania DOT Bureau of Highway Safety.
• 1985-87. Led another team of systems analysts to redesign the Maryland DOT coordinated roads information system.
• 1991. Wrote a comprehensive brief for the Michigan Rails-to-Trails Conservancy promoting conversion of a 30-mile abandoned rail corridor to rail trail.
• 1992. As a transportation planning intern, inventoried and developed a database for mapping of bicycle transportation facilities for the Tri-County Regional Planning Commission in Lansing, Michigan.
• 1993-94. Led a team of transportation planners to develop the 20-year Bicycle Mobility Plan for the San Antonio—Bexar County Metropolitan Planning Organization. Also researched and wrote parts of an environmental analysis for realignment of a state highway corridor in Hidalgo County, Texas.
• 1995-97. Served the City of San Antonio Police Department as their senior programmer/analyst. During that time I earned a Master of Business Administration degree.
• 1997-2000. Worked as a projects coordinator for Delphi Automotive Systems Japan, Ltd. in Tokyo, Japan.
• 2000-02. Served the US Air Force in Korea as a budget analyst.
• 2002-05. Served the US Army in The Netherlands as a budget analyst.

• 2006-08. Served the US Forest Service as Budget Officer for Coconino National Forest.
• 2008-Present. Serves the National Park Service as Budget Officer for Grand Canyon National Park.
• 2010-Present. Serves as a voting member of the City of Flagstaff Transportation Commission.
• 2004-Present. A chronic eye disease prevents my safely operating motor vehicles on public roadways. Since 2004, I have depended on public transit in Europe and the United States for getting around independently and have personally experienced its opportunities and conveniences, as well as its challenges.

Additional Information:
Form submitted on: 8/6/2013 8:04:27 PM
Submitted from IP Address: 71.223.207.162
Referrer Page: http://www.flagstaff.az.gov/index.aspx?nid=1883
Form Address: http://az-flagstaff3.civicplus.com/Forms.aspx?FID=166

Rcvd 11/30/12

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: 11/30/2012

BOARD/COMMISSION YOU WISH TO SERVE ON: Transportation Commission

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

YOUR NAME: Jeffrey LaMar Stevenson **HOME PHONE:** 928-522-4133

HOME ADDRESS: 1741 N. Fairway Dr. **ZIP:** 86004

MAILING ADDRESS (If Different from Above):

EMPLOYER: Good Pay Low Rates, Incorporated **JOB TITLE:** Assistant to the CEO

BUS. PHONE: 928-522-4133 **CELL:** 928-522-4133 **E-MAIL** jeff@jeffreylstevenson.info

PLEASE INDICATE PREFERRED TELEPHONE: X **HOME** X **WORK** X **CELL**

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

I wrote a book on mountain biking in the Payson area. "Rim Country Mountain Biking," Pruett, Boulder CO. 1995
I have bike commuted to work off and on for the last 30 years, hundreds of times, thousands of miles.
I drive a 26-year-old Toyota 4Runner.

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

I believe the proper transportation services are one of the biggest challenges facing Flagstaff, both now and into the future. In the past, I helped start the El Tour de Tucson, served as a trained Boy Scout leader for more than 10 years, as a volunteer for the high school marching band for seven years, and as a volunteer for a Middle School Music and Drama program for 9 years. I believe community service is important. We moved to Flagstaff permanently about a year ago and believe that promoting responsible traffic controls for vehicles, pedestrians, and bicycles is vitally important to create a livable town. Public transportation is also a key ingredient. Walk-ability is also a key component of transportation needs.

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.

Transportation Commission

Positions and Terms to be Filled

Applications Received From:	Incumbent	FUSD Representative Oct-16	NAIPTA Representative Oct-16	Citizen Member Jul-16	Citizen Member Jul-16
Bob Kuhn	X				
Jeff Meilback					
Kevin Parkes	X				
Jeffrey Stevenson					

	Indicates positions that the City Council can appoint the Applicant.
	Indicates that Applicant is not eligible for this position.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Stacy Saltzburg, Deputy City Clerk
Date:	10/30/2013
Meeting Date:	11/05/2013

TITLE:

Consideration and Action on Liquor License Application: Navayogasingam Thuraisingam, "Modern Grove", 1020 S. Milton Rd., Suite 102, Series 07 (beer and wine bar), Person Transfer and Location Transfer.

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:

Series 07 licenses must be obtained through the person and location transfer of an existing license from another business. The license is being transferred from James Williams with Criollo Latin Kitchen in Flagstaff.

Modern Grove is currently opperating under a Series 12 license; the Series 07 license will be in addition to the Series 12 allowing the establishment to sell beer and wine.

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 denial.

Background/History:

An application for a person transfer and location transfer Series 07 liquor license was received from Navayogasingam Thuraisingam for Modern Grove, 1020 S. Milton Road, Suite 102. The person transfer and location transfer are from James Williams for Criollo Latin Kitchen located at 16 N. San Francisco, Flagstaff, Arizona.

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

A background investigation performed by Greg Brooks, Code Compliance Officer II, 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 both a person transfer and location transfer, consideration may be given to both the applicant's personal qualifications and the location.

A Series 07 beer and wine bar license allows a beer and wine bar retailer to sell and serve beer and wine, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises.

The deadline for issuing a recommendation on this application is November 9, 2013.

For a Series 07 beer and wine bar license, the applicant is required to provide the distance between the applicant’s business and the nearest church or school; 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.

Community Benefits and Considerations:

The application was properly posted on October 7, 2013.

No written protests have been received to date.

Expanded 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.

Attachments: Modern Grove - Letter To Applicant
Hearing Procedures
Series 07 Description
Modern Grove - Section 13
Modern Grove - PD Memo
Modern Grove - Code Memo
Modern Grove - Tax Memo

OFFICE OF THE CITY CLERK

October 24, 2013

Attn: Navayogasingam Thuraisingam
450 N. McClintock Dr., Suite 102
Chandler, AZ 85226

Dear Mr. Thuraisingam:

Your application for a Series 07 person and location transfer liquor license for Modern Grove at 1020 S. Milton Road, Suite 102 was posted on October 7, 2013. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on **Tuesday, November 5, 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 will expire on October 27, 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 07 Beer and Wine Bar License

Transferable (From person to person and/or location to location within the same county only)
On & off-sale retail privileges
Note: Terms in **BOLD CAPITALS** are defined in the glossary.

PURPOSE:
Allows a beer and wine bar retailer to sell and serve beer and wine, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:
A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of **DELIVERY**. The retailer must complete a Department approved "Record of Delivery" form for each spirituous liquor retail delivery.

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.

Off-sale ("To Go") package sales can be made on the bar premises as long as the area of off-sale operation does not utilize a separate entrance and exit from the one provided for the bar.

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.

SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

1. Current Business: (Exactly as it appears on license) Name Criollo Latin Kitchen
   Address 16 N San Francisco St, Flagstaff, AZ 86001
2. New Business: (Physical Street Location) Name Modern Grove
   Address 1020 S Milton Road, Suite 102, Flagstaff Az 86001
3. License Type: BWBAR #7 License Number: 07030031
4. If more than one license to be transferred: License Type: _____ License Number: _____
5. What date do you plan to move? MOVED IN. What date do you plan to open? Currently open.

SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizonal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

a) Restaurant license (§ 4-205.02)
b) Hotel/motel license (§ 4-205.01)
c) Government license (§ 4-205.03)
d) Fenced playing area of a golf course (§ 4-207 (B)(5))

'13 SEP 10 Liq. Dept. AM10:33

1. Distance to nearest school: 2112 ft. Name of school Pine Forrest Charter School
   Address 1120 W Kaibab Ln, Flagstaff AZ 86001
   City, State, Zip
2. Distance to nearest church: 429 ft. Name of church Holy Trinity Newman Center
   Address 520 Riordan Ranch Street, Flagstaff Az 86001
   City, State, Zip
3. I am the: ☒ Lessee ☐ Sublessee ☐ Owner ☐ Purchaser (of premises)
4. If the premises is leased give lessors: Name Flagstaff Retail Investors
   Address 251 E. Sierra Vista Drive, Phoenix, AZ 85012
   City, State, Zip

4a. Monthly rental/lease rate $9166.66 What is the remaining length of the lease 10 yrs. 0 mos.

4b. What is the penalty if the lease is not fulfilled? $54999.96 or other N/A
(give details - attach additional sheet if necessary)

5. What is the total **business** indebtedness for this license/location excluding the lease? $-0-
   Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Retaurant

SECTION 13 - continued

7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?
☐ YES ☒ NO If yes, attach explanation.

8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business? ☐ YES ☒ NO

9. Is the premises currently licensed with a liquor license? ☒ YES ☐ NO If yes, give license number and licensee's name:

License # 12033345 (exactly as it appears on license) Name Navayogi Singam Thuraisingam

SECTION 14 Restaurant or hotel/motel license applicants:

1. Is there an existing restaurant or hotel/motel liquor license at the proposed location? ☐ YES ☒ NO
If yes, give the name of licensee, Agent or a company name:

N/A and license #: N/A
Last First Middle

2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.

3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.

4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this ☐ hotel/motel ☒ restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

applicant's signature

As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit www.azliquor.gov and click on the "Information" tab.

applicants initials

'13 SEP 10 Liq. Dept AM10:33

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

1. Check **ALL** boxes that apply to your business:

☒ Entrances/Exits ☒ Liquor storage areas Patio: ☐ Contiguous
☐ Service windows ☐ Drive-in windows ☐ Non Contiguous

2. Is your licensed premises currently closed due to construction, renovation, or redesign? ☒ YES ☐ NO
If yes, what is your estimated opening date? Currently open with Restaurant 12 license
month/day/year

3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.

4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spiritous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).

5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows,or increase or decrease to the square footage after submitting this initial drawing.

applicants initials

MEMORANDUM

Memo # 13-102-01

TO: **Chief Kevin Treadway**

FROM: **Sgt. Matt Wright**

DATE: **October 10, 2013**

RE: **LIQUOR LICENSE APPLICATION – SERIES 7- Person and license location transfer for "Modern Grove"**

On October 9, 2013, I initiated an investigation into an application for a series 7 (beer and wine bar) liquor license person and location transfer. The application was filed by Navayogasingam Thuraisingam, Candace Snorgrass, Miriam Hayenga, Lubertus Hayenga, and James Klusman the listed Agent and Controlling Persons on the application and own The Modern Grove. The Modern Grove is located at 1020 S. Milton Road suite 102 in Flagstaff. The Modern Grove has purchased the series 7 license from a third party who had never applied to have the license put in their name. James Williams the previous owner of the series 7 license for the Criollo Latin Kitchen located at 16 N. San Francisco sold the license. Criollo Latin Kitchen is currently operating with a series 12 restaurant license. This is an application for person and location transfer of series 7 license number 07030031.

The Modern Grove currently has an active series 12 (restaurant) license. According to the Arizona Department of Liquor License and Control the Modern Grove can have both licenses active at the same time. The Modern Grove just recently received their series 12 license and during investigation I found they listed a manager, Alicia Kress. I contacted Alicia Kress who stated she remains the manager of the business and had completed the mandatory liquor law training course. Alicia stated they have not received any liquor law violations at the business.

I conducted a query through local systems and public access on Navayogasingam Thuraisingam, Candace Snorgrass, Miriam Hayenga, Lubertus Hayenga, James Klusman and Alicia Kress. I found Candace Snorgrass was arrested for DUI of which she plead guilty in June of 2012. No other derogatory records were found on the listed applicants. The business is outside of 300 feet from the nearest school and church.

As a result of this investigation, I can find no reason to oppose this series 7 liquor license application. Recommendation to Council would be for approval.

Planning and Development Services Memorandum

October 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 #07030031
1020 S. Milton Rd., Flagstaff, Arizona 86001
Assessor's Parcel Number 103-04-013A
Navayogasingam Thuraisingam on behalf of Modern Grove

This application is a request for a Series 07 (Beer and Wine Bar) person and location liquor license transfer from Navayogasingam Thuraisingam on behalf of Modern Grove, located in the Highway Commercial (HC) Zone. This district allows for bars.

There are no active zoning code violations associated with Navayogasingam Thuraisingam or Modern Grove 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: October 21, 2013

Re: Series 07 Liquor License – Person and Location Transfer– Modern Grove

---

Modern Grove LLC is properly licensed with the City for Transaction Privilege Tax purposes and they are current in their tax returns filing. At this time, they are in compliance with the City sales tax code requirements.

/liquor licenses/Modern Grove 2.doc

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Mike Gouhin, FHA Director
Date:	10/30/2013
Meeting Date:	11/05/2013

TITLE:

Consideration and Approval of the Section 8 Housing Choice Voucher Program: Payment standards to exceed 110% of the Section 8 Fair Market Rents (FMR) and authorization to submit the request to HUD for final approval.

RECOMMENDED ACTION:

Approve an increase of the Section 8 Housing Choice Voucher Program payment standards to exceed 110% of the Section 8 Fair Market Rents for the purpose of preventing financial hardship for families, to increase the number of voucher holders who become participants upon lease-up and to authorize the submission to HUD for final approval.

Policy Decision or Reason for Action:

The U.S. Dept. of Housing and Urban Development (HUD) published the annual Section 8 Fair Market Rents (FMRs), including utilities, to be effective October 1, 2013. The FMRs are not representative of the actual rents in Flagstaff. Implementation of the payment standards equal to the FMRs will have an adverse affect on the number of families that can be assisted, and for those already being assisted, because their portion of the rent will increase and cause an undue financial hardship. Federal regulations allow housing authorities to establish a rental payment standard up to 120% of the FMRs with HUD approval. This allows housing assistance payments to be made that are more comparable to the actual rents in the community. To be representative of the FMRs the payment standards need to be increased as follows:

0 bedroom FMR $ 702 x 120% = $ 842 Payment Standard (including utilities)
1 bedroom FMR $ 816 x 120% = $ 979 Payment Standard (including utilities)
2 bedroom FMR $1,021 x 115% = $1,174 Payment Standard (including utilities)
3 bedroom FMR $1,296 x 115% = $1,490 Payment Standard (including utilities)
4 bedroom FMR $1,651 x 115% = $1,899 Payment Standard (including utilities)

Financial Impact:

Section 8 Housing Choice Voucher Housing Assistance Payments (HAP) in the amount of $3,108,664 are included in the FY2014 City Budget. There will be no financial impact as total HAP payments for the year cannot exceed the budgeted amount approved by HUD.

Connection to Council Goal:

11. Effective governance

Previous Council Decision on This:

No

Options and Alternatives:

A) Approve the payment standard adjustments and authorize the submission to HUD for final approval.
B) Not approve the adjustments which would limit the number of families that the CFHA will be able to assist.

Background/History:

HUD provides Section 8 Housing Assistance Payments (HAP) funding to the CFHA to house 333 low income families in rental housing throughout Flagstaff. Section 8 Fair Market Rents (rent including utilities) are published annually by HUD and are to be used to determine the HAP to landlords. The FMRs are supposed to be somewhat comparable to the local market rents. Federal regulations allow housing authorities to exceed the FMRs up to 120% with HUD approval if it is determined that an increase is necessary for a family to find decent housing.

Ordinance 2010-19 requires the City of Flagstaff Housing Authority Board of Commissioners to recommend to the City Council action to approve Section 8 Housing Choice Voucher payment standards if such payment standards are between 110% and 120% of the Fair Market Rent. The CFHA Board of Commissioners voted at a regular meeting on September 18, 2013 to request the City Council to approve The Section 8 Housing Choice Voucher Program payment standards to exceed 110% of the FMRs and authorize submission of the request to the Phoenix HUD office for final approval.

Key Considerations:

There are no legal implications. There are no opportunities for larger benefits as a result of this action.

Expanded Financial Considerations:

None

Community Benefits and Considerations:

The benefit to the community will prevent financial hardship for families, increase the number of voucher holders who become participants upon lease-up, and will allow housing assistance payments to be made to landlords that are more comparable to the actual rents in the community.

Community Involvement:

Inform

The need for the payment standard adjustment has been discussed with staff from the Phoenix HUD office and at the regular meeting of the CFH Board of Commissioners on September 18, 2013. Commissioners voted to refer the request for an adjustment of the payment standards to exceed 110% of the Section 8 FMRs to the City Council for approval and authorization to submit the request to HUD for final approval.

Expanded Options and Alternatives:

There are no Expanded Options and Alternatives.

Attachments: Payment Standards

08/28/2013 ei
10/03/2013 up-date ei
HUD User update 09/25/2013

Proposed FMR, published 08/05/2013
Final published

Metro FMR Area	0 BR	1 BR	2 BR	3 BR	4 BR
Flagstaff, AZ MSA 10/01/2013	702	816	1021	1296	1651
	110%	110%	110%	110%	110%
Payment Standard Effective 12/02/2013	772	898	1123	1426	1816
Request for Exception Rent - 120%	120%	120%	115%	115%	115%
to city council Nov 2013, then to HUD	842	979	1174	1490	1899
		-4%			
		-39.96			
Current Payment Standard: 12/02/2012	879	1022	1172	1488	1896

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Michael O'Connor, Public Works Section Head

Date: 10/30/2013

Meeting Date: 11/05/2013

TITLE:

Consideration and Approval of Cooperative Contract: Purchase of black cinders utilizing a Coconino County bid with Miller Mining Inc., bid number 2014-01 for 10,000 tons in the amount of $129,250.

RECOMMENDED ACTION:

Approve purchase of black cinders for ice control utilizing a Coconino County bid with Miller Mining Inc., bid number 2014-01 for 10,000 tons in the amount of $129,250.

Policy Decision or Reason for Action:

Subsidiary Decision Points:

Utilize bid that was solicited by Coconino County. Coconino County sent out notices of the bid solicitation to twenty eight (28) potential bidders. Bid packets were sent to three (3) interested vendors and only one (1) vendor submitted a bid.

Financial Impact:

This is an increase in the amount that we have spent on black cinders in the previous years, but has increased due to eliminating de-icer and using black cinders predominately. Funding is available in 040-3203-601-3815 within the Streets budget.

Connection to Council Goal:

1. Repair Replace maintain infrastructure (streets & utilities).

Has There Been Previous Council Decision on This:

Not in the past 7 years.

Options and Alternatives:

1. Approve
2. Do not approve utilizing Coconino County's bid and conduct our own bid process.

Background/History:

In 2006, the use of black cinders was reduced as Streets started the de-icer program. There was not a need to bid for purchasing cinders, as this was managed by quotes from available vendors.

The current direction of using cinders exclusively required staff to research cooperative bids or conduct a bid process. Purchasing staff identified a cooperative bid that the County conducted in which the City could purchase black cinders utilizing the cooperative contract. The County sent notices of the bid solicitation to twenty eight (28) vendors; three (3) were interested and requested bid packets and only one (1) vendor submitted a bid. The award of the bid went to Miller Mining Inc, a local vendor here in Flagstaff. Miller Mining is also the only vendor to be able to meet the specifications outlined in the bid. The owner of Miller Mining also operates Flagstaff Landscape products, one of the vendors that requested a bid packet. Other vendors in the area can supply cinders, but most mines have black cinders that are mixed with red. Red cinders are less sun attracting to supply heat and break down easier. Red cinders are more noticeable, diminishing the area aesthetics after the storms before cleanup.

Community Involvement:

Inform

Attachments:

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Roger Eastman, Zoning Code Administrator

Date: 10/30/2013

Meeting Date: 11/05/2013

TITLE:

Consideration and Adoption of Ordinance No. 2013-22: An ordinance of the Council of the City of Flagstaff, Arizona, Amending Title 10, Zoning Code, Division 10-50.100, Sign Standards, Section 10-50.100.080, Sign Districts of Special Designation, of the Flagstaff Zoning Code by adding Section 10-50.100.080.E, Flagstaff Mall and Marketplace District.

RECOMMENDED ACTION:

1) Read Ordinance No. 2013-22 for the final time by title only
2) City Clerk reads Ordinance No. 2013-22 by title only (if approved above)
3) Adopt Ordinance No. 2013-22

Policy Decision or Reason for Action:

A Settlement Agreement between the City and Westcor (now Macerich Development) signed in December 2011, stipulated that the City would permit the construction of a new sign advertising the Flagstaff Mall and Marketplace at a location on the corner of N. Country Club Drive and E. Nestle Purina Avenue. These amendments are now presented to the Council for review and adoption.

Financial Impact:

By adopting this ordinance the City of Flagstaff honors the agreements it made with Macerich Development in the December 2011 Settlement Agreement. Failure to adopt this ordinance may result in the City incurring additional legal expenses.

Connection to Council Goal:

1. Retain, expand, and diversify economic base
2. Effective governance

Has There Been Previous Council Decision on This:

Yes, at the time the Settlement Agreement was signed the Council participated in a number of executive sessions and public discussions on this matter. A Public Hearing was held before City Council on October 15, 2013, and the ordinance was read for the first time.

Options and Alternatives:

Please refer to the Expanded Options and Alternatives below.

Background/History:

In late May 2013 staff received a request from Macerich Development (the current owners and developers of the Flagstaff Mall) for a text amendment to the Zoning Code to allow for the installation of a new 216 sq. ft. off-premise sign at the intersection of N. Country Club Drive and E. Nestle Purina Avenue to advertise the Flagstaff Mall and Marketplace. The placement of this sign at this location is one of a number of stipulations agreed to in a Settlement Agreement between Westcor (now Macerich Development) and the City of Flagstaff signed in December 2011. The Settlement Agreement between these two parties, a copy of which is attached, resolved ongoing legal issues as a result of a lawsuit filed against the City.

Key Considerations:

The amendments proposed in the new Section 10-50.100.080.E (Flagstaff Mall and Marketplace District) are necessary for compliance with the terms of the December 2011 Settlement Agreement.

The concept behind this sign is the same as that used in support of a sign erected for similar purposes at the intersection of Highway 89 and Route 66 for the Flagstaff Auto Park District, now included as Section 10-50.100.080.D of the Zoning Code.

The proposed amendments to this Section of the Zoning Code included in Ordinance 2013-22 show new text in <u>underline</u>, and text proposed to be deleted is shown as ~~strikeout~~. A summary of the more significant amendments that warrant an explanation is provided in the narrative below:

Chapter 10-50 Supplemental to Zones
Division 10-50.100 Sign Standards
Section 10-50.100.080.E (Flagstaff Mall and Marketplace District)

This is a new section of the Sign Standards Division of the Flagstaff Zoning Code that includes the following sub-sections:

Purpose
The purpose of the Flagstaff Mall and Marketplace District is established.

Applicability
This section clearly defines the how the Flagstaff Mall and Marketplace District will be applied and a map is included to clearly define the District boundaries and identify the location of the proposed sign at the intersection of N. County Club Drive and E. Nestle Purina Avenue.

Permits
This section requires a sign permit to be issued for this new sign in accordance with the usual sign permitting procedures established in the Zoning Code.

Design Standards
General standards are established in this section to define sign area, size, height, width, etc., as well as materials to be used on the sign. These dimensions and standards are based on the sign design submitted to staff (refer to Attachment E.) and they provide a framework for the maximum dimensions of the sign, as well as specific requirements for materials and illumination. The sign will be internally illuminated like all other Flagstaff Mall and Marketplace signs. By agreement with the owners of the Flagstaff Mall and Marketplace the name of the Flagstaff Auto Park will also be added to this sign. A rendering of the proposed sign is attached.

Sign Maintenance
This section requires that this new sign be maintained in accordance with the usual maintenance provisions of the Zoning Code.

At the August 21, 2013 work session, the Planning and Zoning Commission asked staff to report on how the Flagstaff Mall and Marketplace District sign would comply with existing sign standards established in the Zoning Code. The narrative below was presented to the Commission at their September 11th public hearing.

1. Section 10-50.100.040 (General Restrictions for All Signs) establishes location restrictions for all signs. Specifically, paragraph 6. on Page 50.100-6 prohibits the placement of an off-premise sign as follows; “Any commercial, advertising, or business sign that is not located on the premises of the business to which it refers.” However, as a special district will be established specifically for the Flagstaff Mall and Marketplace sign at the intersection of N. County Club Drive and E. Nestle Purina Avenue, it will not be considered an off-premise sign as intended in this section of the Zoning Code.

2. Table 10-50.100.060.P (Standards for Permanent Signs) on Page 50.100-44 establishes the maximum height and area standards for building mounted and freestanding signs. Using these standards for a Type A sign on an arterial, the maximum height and area of the proposed Flagstaff Mall and Marketplace sign would be:

Max. height	8 feet
Max. height with Comp. Plan*	12 feet
Max. area	36 sq. ft.
Max. area with Comp. Plan*	63 sq. ft.

* “Comp. Plan” means that subject to the standards established in Section 10-50.100.090 (Comprehensive Sign Programs), additional height and area is allowed once design incentives to provide for superior sign design are applied.

As proposed the sign area is 216 sq. ft. for each sign face. It will be 20 feet in height to the top of the sign cabinet, and 22 feet and six inches in overall height.

The proposed Flagstaff Mall and Marketplace sign complies with the standards for materials and illumination, and it is consistent in terms of its design with the approved comprehensive sign plan for the Flagstaff Mall and Marketplace.

The Flagstaff Mall and Marketplace District established to provide a new sign for the Mall and Marketplace is unique within the context of Flagstaff and the surrounding region. Listed below are a number of distinguishing facts that staff offers as justification, which the Council may choose to use as findings or arguments in support of the proposed amendments to Section 10-50.100.080 of the Zoning Code.

1. The Flagstaff Mall and Marketplace is a unique regional shopping center that draws people from outside the immediate Flagstaff area. Large signs are, therefore, helpful for people to locate the retail center.
2. The site area of the Flagstaff Mall and Marketplace is over 40 acres (excludes the Flagstaff Autopark).
3. The original Mall was first opened in 1980 while the existing Marketplace expansion was approved in 2004 and opened in 2006.

4. This is the largest shopping mall in Flagstaff and it results in significant employee and customer traffic.
   Existing floor area data:
   Mall Over 350,000 sq. ft.

Marketplace Over 250,000 sq. ft.
Total existing Est. 600,000 sq. ft. of retail/restaurant space

5. Undeveloped Marketplace Est. 150,000 sq. ft.
6. Total existing/proposed retail, restaurant, and theatre floor area - over 750,000 sq. ft.
7. Number of tenants:
   Flagstaff Mall 67
   Marketplace 7
8. Total tax revenue for the Flagstaff Mall and Marketplace for the past four years is provided in the table below. This tax revenue is based on the 1% general sales tax, 0.721% transportation sales tax, and 2% BBB sales tax.

Calendar Year	Flagstaff Mall	Marketplace	Total
2009	$1,396,777	$851,973	$2,248,749
2010	$1,374,713	$831,496	$2,206,209
2011	$1,126,081	$912,416	$2,038,497
2012	$1,005,611	$1,040,503	$2,046,114
Annual Average	**$1,225795**	**$909,097**	**$2,134.892**

9. The proposed sign may help clarify directions for traffic going to the Mall and Marketplace along the same routes as significant tourist traffic traveling to Lake Powell and other northern Arizona attractions.

Expanded Financial Considerations:

None.

Community Benefits and Considerations:

The amendments proposed to the City's Sign Regulations allowing for the new Flagstaff Mall and Marketplace District satisfies one of the stipulations of the December 2011 Settlement Agreement, and assures that no further costs will be incurred by the City on this issue.

Community Involvement:

INFORM - Staff has described the proposed amendments and provided updates to such organizations as Northern Arizona Builders Association, Flagstaff Chamber of Commerce, and Northern Arizona Association of Realtors.

An 1/8 page display advertisement was printed in the August 16, 2013 Arizona Daily Sun in advance of the August 21st Planning and Zoning Commission work session, and a similar legal notice was printed in the August 23, 2013 Arizona Daily Sun at least 15 days in advance of the Planning and Zoning Commission's September 11, 2013 public hearing and the Council's October 15, 2013 public hearing as required by the Zoning Code.

At the August 21st Planning and Zoning Commission work session no citizens addressed the Commission on this proposed amendment. However, the commissioners discussed this proposed amendment at length. At the Planning and Zoning Commission's September 11, 2013 public hearing, the Commission by a 5-0 vote of the members present moved "to recommend that the City Council not approve the proposed amendments to Section 10-50.100.080.E (Flagstaff Mall and Marketplace District)." The Commission argued that the public has been left out of the process until at least the amendments were forwarded to the Commission; the City spent significant resources removing billboards, and that effort should be respected; and, the idea of allowing one developer a sign that no other developer could legally build is wrong.

Expanded Options and Alternatives:

1. Adopt Ordinance No. 2013-22 to amend Flagstaff Zoning Code Division 10-50.100 (Sign Standards)
2. Modify and adopt Ordinance No. 2013-22 to amend Division Division 10-50.100 (Sign Standards)
3. Do not adopt Ordinance No. 2013-22.

Attachments: Ord. 2013-22
Sign Rendering
Settlement Agreement

ORDINANCE NO. 2013-22

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING TITLE 10, ZONING CODE, DIVISION 10-50.100, SIGN STANDARDS, SECTION 10-50.100.080, SIGN DISTRICTS OF SPECIAL DESIGNATION, OF THE FLAGSTAFF ZONING CODE BY ADDING SECTION 10-50.100.080.E, FLAGSTAFF MALL AND MARKETPLACE DISTRICT

RECITALS:

WHEREAS, the City Council has determined that amendments to Division 10-50.100, Sign Standards, of the City of Flagstaff Zoning Code are required to ensure consistency with current procedures and processes; and

WHEREAS, the proposed amendments ensure consistency with applicable Arizona Revised Statutes and ensure consistency with current procedures and processes through the amendment of the following: Division 10-50.100, Sign Standards, Section 10-50.100.080, Sign Districts of Special Designation; and

WHEREAS, the City Council intends, by adopting the proposed amendments, to protect and promote the public health, safety, convenience, and general welfare of the citizens of the City of Flagstaff; to provide for the orderly growth and development of the City; and

WHEREAS, the City Council finds that the City has complied with the notice requirements of Arizona Revised Statutes § 9-462.04;

ENACTMENTS:

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

SECTION 1. That Section 10-50.100.080, SIGN DISTRICTS OF SPECIAL DESIGNATION, is hereby amended as follows:

10-50.100.080 Sign Districts of Special Designation

E. **Flagstaff Mall and Marketplace District**

1. **Purpose**

This Section establishes additional sign regulations for the Flagstaff Mall and Marketplace District.

2. **Applicability**

a. The Flagstaff Mall and Marketplace District includes those lots developed as the Flagstaff Mall and Marketplace, a portion of Historic Route 66 between North Test Drive and North Country

Club Drive, a portion of North Country Club Drive from Historic Route 66 to East Nestle Purina Avenue, and City owned property on the northeast corner of the intersection of North Country Club Drive and East Nestle Purina Avenue as illustrated in Figure F. The Flagstaff Mall and Marketplace District is not to be confused with any other district which may be designated for special consideration within the City of Flagstaff.

b. The special regulations for the Flagstaff Mall and Marketplace District apply only to an off-premise Flagstaff Mall and Marketplace identification sign located within an easement area defined in Easement Agreement (Monument Sign) between the City of Flagstaff and Flagstaff Mall SPE LLC on City owned property on the northeast corner of the intersection of North Country Club Drive and East Nestle Purina Avenue. All other signs proposed on all lots and parcels within the Flagstaff Mall and Marketplace District shall comply with the applicable provisions of this Division. Any real property located within both the Flagstaff Marketplace District and Flagstaff Auto Park District shall be considered as belonging to one or the other of these districts. No combination of districts is intended by the overlapping of the Flagstaff Mall and Marketplace District and the Flagstaff Auto Park District. The Flagstaff Mall and Marketplace identification sign referenced above may also include the name "Auto Park" within the sign name portion of the sign above the future tenant panels.

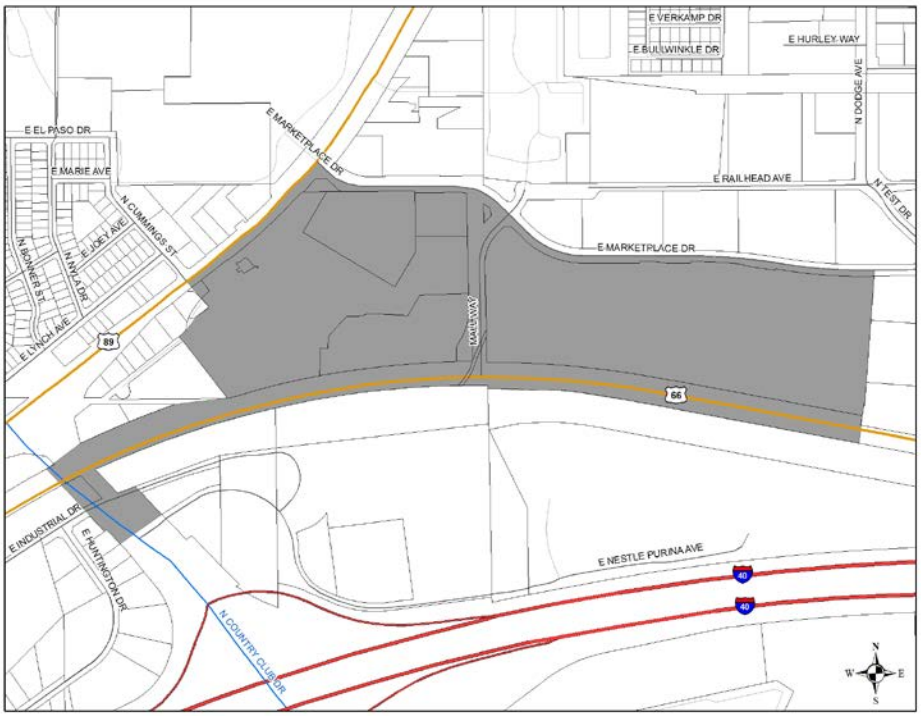


Figure F~~E~~. Flagstaff Mall and Marketplace ~~Auto Park~~ District

3. **Permits**

   a. Permits for signs in the Flagstaff Mall and Marketplace District may only be issued after a completed sign permit application (Refer to Section 10-20.40.120 (Sign Permit - Permanent Sign Structures) and Section 10-20.40.130 (Sign Permit - Temporary Signs)) has been reviewed by the Planning Director.

   b. The Planning Director may approve, conditionally approve or deny a sign proposal for the off-premise Flagstaff Mall and Marketplace identification sign, and shall only approve an application that complies with the Design Standards established in Subsection 4.

4. **Design Standards**

   The Flagstaff Auto Park and Marketplace District identification sign shall be designed and constructed in accordance with the approved Comprehensive Sign Plan dated January 10, 2006 for the Flagstaff Mall and Marketplace, and shall comply with the following standards. Refer also to Figure G.

   a. **Overall Sign Dimensions**

      (1) **Height**

      The maximum overall height of the sign shall be 22 feet and six inches measured from the highest finish grade at the base of the sign to the top of the sign. The maximum height of the sign body (i.e. future tenant panels signage area) and sign base measured from the highest finish grade to the base of the sign shall be 20 feet.

      (2) **Length**

      The maximum length of the sign base shall be 17 feet.

      (3) **Width**

      The maximum width of the sign base shall be four feet.

      (4) **Sign Name**

      The maximum height of the portion of the sign where the letters “Flagstaff Mall & Marketplace Auto Park” will be located shall be six feet, and its maximum width shall be 14 feet and six inches.

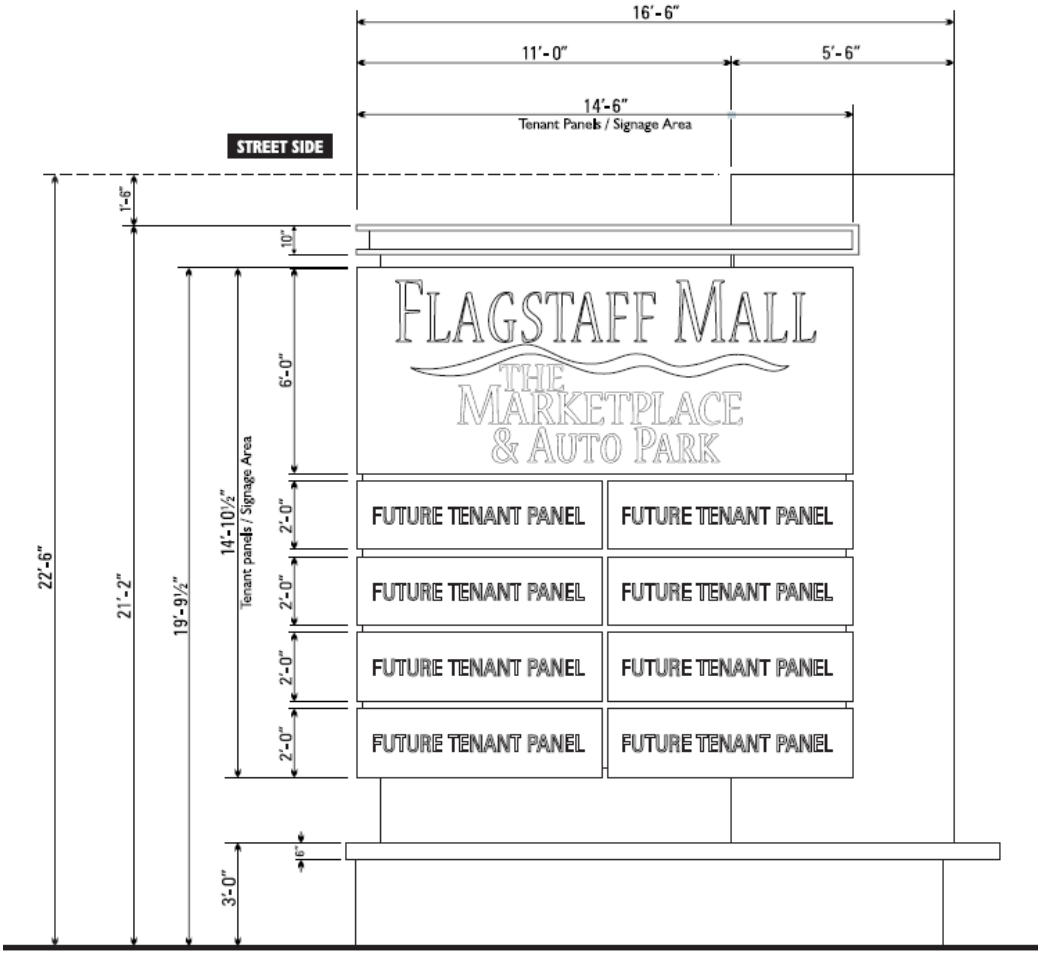


Figure G~~F~~. ~~Primary~~ Flagstaff Mall and Marketplace ~~Auto Park~~ District Identification Sign

b. **Sign Materials and Standards**

(1) The sign base shall be constructed with natural stone or an authentic simulation of natural stone and capped with a concrete cap no more than six inches thick.

(2) The sign cabinet exterior shall be aluminum painted with no more than two complimentary colors with a satin finish.

(3) Eight removable aluminum routed faces mounted in two columns of four sign faces each shall be provided for future tenants of the Flagstaff Mall and Marketplace District.

(4) A white acrylic internally illuminated accent feature may be incorporated into the top of the sign cabinet.

(5) The name used to identify this sign shall be "Flagstaff Mall & Marketplace Auto Park" may be incorporated into the top of the sign cabinet.

(6) **Sign Area**

(a) The overall sign area shall not exceed 216 sq. ft. on each side of the sign.

(b) The area for each of the future tenant panels shall not exceed two feet in height and a total width for both columns of panels of 14 feet and 6 inches.

(c) Each future tenant panel shall be separated from the sign face above or below it by no more than three inches.

(d) The total height of the signage area shall not exceed 14 feet and 8 inches.

c. **Sign Illumination:**

(1) The sign shall be internally illuminated only, and no external indirect illumination of the sign structure by any means is permitted.

(2) Internally illuminated sign panels shall be constructed with an opaque background and translucent letters and symbols, or with a colored background and lighter letters and symbols. Where white or other night bright colors are part of a logo, such colors are permitted in the logo only, provided that the logo represents not more than fifty percent (50%) of the total sign area permitted.

~~c.~~d. **Landscaping:**

A landscape area shall be located at the base of the sign in accordance with the requirements for landscaping freestanding signs established in Table 10-50.100.060.H (Standards for Freestanding Signs).

~~1.~~5. **Sign Maintenance**

Signs shall be maintained in accordance with the provisions of Section 10-50.100.050.E.

SECTION 2: That the City Clerk be authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary; and that the City Clerk be authorized to make formatting changes needed for purposes of clarity and form, if required, to be consistent with Flagstaff City Code.

SECTION 3: That, if any section, subsection, sentence, clause, phrase or portion of this ordinance or any of the amendments adopted in this ordinance is for any reason held to be

invalid, unconstitutional, or unenforceable by a decision of any court of competent jurisdiction, such decision shall not affect any of the remaining portions thereof.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this _____ day of _____, 2013.

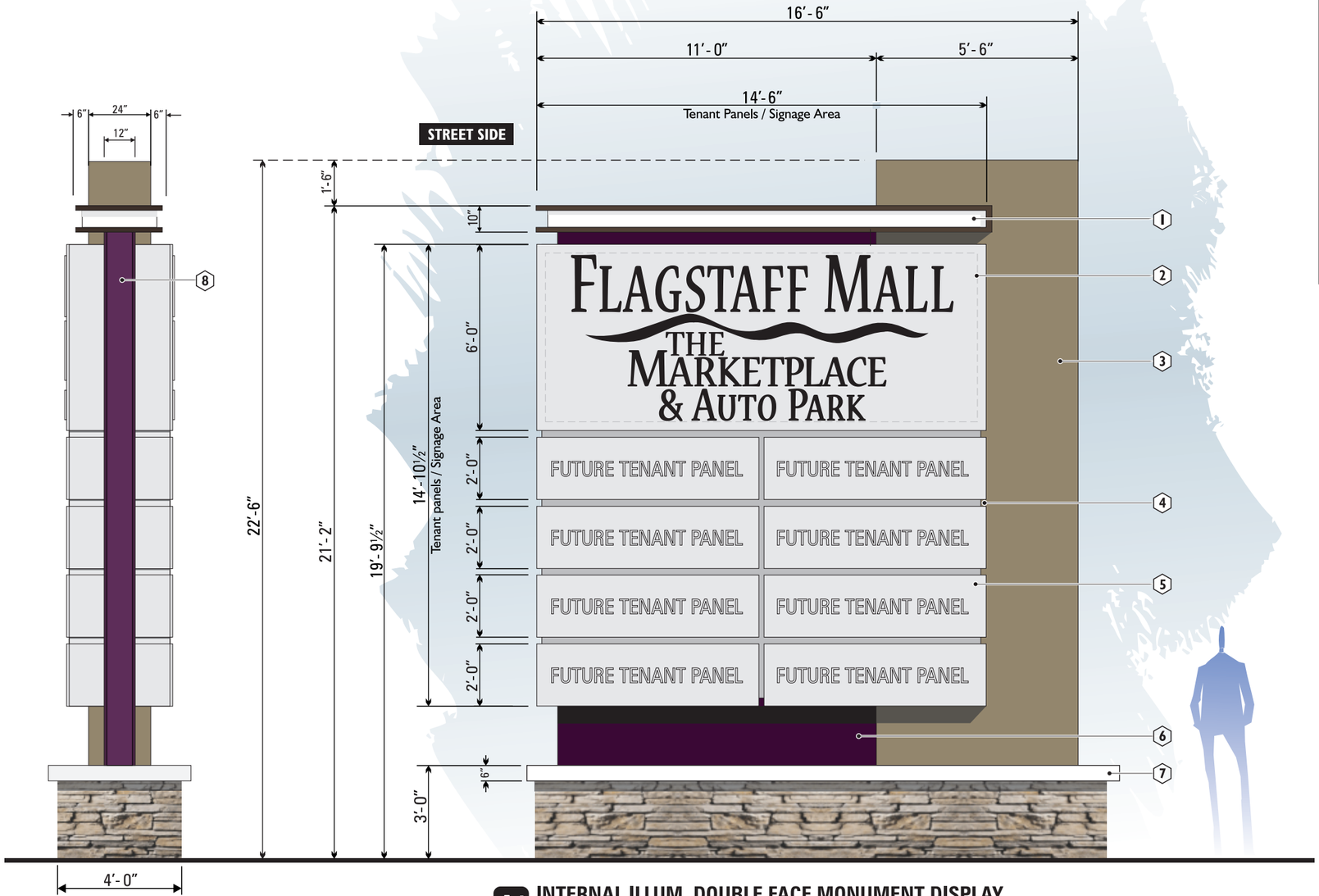
_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY



STREET VIEW

A1 **INTERNAL ILLUM. DOUBLE FACE MONUMENT DISPLAY**
SCALE: 1/4″ = 1′- 0″
215.62 Square Feet Total

SCOPE OF WORK:

Manufacture / Install (1) One internal illuminated Double faced monument display.

SPECIFICATION KEY

1. White acrylic accent. Internal illuminated. Metal ptd Kynar Extra Dark Bronze. No texture.
2. Removable .125 aluminum routed faces, 3/4″ Clear acrylic (2nd surface White diffuser) push thru letters overlaid w/ 3M 3635-222 Black perforated vinyl. Panel ptd satin finish, to match Dunn-Edwards DE6226 Foggy Day. No texture.
3. Aluminum ptd satin finish, Dunn-Edwards DE6062 Tea Bag. No texture.
4. 1″x 2″ Reveal. Typ. Painted satin finish Dunn-Edwards DE6226 Foggy Day. No texture.
5. Removable .125 aluminum routed faces, 3/4″ Clear acrylic (2nd surface White diffuser) push thru letters per Tenant corp. colors. Panel ptd satin finish to match Dunn-Edwards DE6226 Foggy Day. No texture.
6. Aluminum, ptd satin finish to match Dunn-Edwards DEA194 Mulberry. No texture
7. **CULTURED STONE:** Aspen Country Ledgestone. Cap / Stone work supplied and installed by owner
8. **ILLUMINATED ACCENT:** Channel/Retainers painted to match PMS 2622. Clear polycarbonate face, illuminated w/ (2) Rows of Purple neon.

△6 △7 "A" CHANGE TOP PANEL LAYOUT. △8 "A" INCREASE SIZE OF TOP PANEL.
△1 △2 COMBINE TOP FOUR PANELS INTO ONE. ADD PROPOSED TENANTS. △3 "A" DELETE TENANT NAMES AND MODIFY DESIGN. ADD TWO NEW OPTIONS. △4 "A1" MODIFIED. "A2" DELETED. △5 "A" DELETED.

YESCO®
YESCO LLC
FLAGSTAFF BRANCH
5702 E. Railhead Avenue, Flagstaff, AZ 86004
Phone (928) 853-2003 / Fax (928) 526-2028

AZ Contractor Licenses: SIGNS #ROC260959, AWNINGS #ROC260960, ELECTRICAL #ROC260958

CLIENT NAME / PROJECT ADDRESS
FLAGSTAFF MALL & MARKETPLACE
4650 N.HIGHWAY 89
FLAGSTAFF, ARIZONA

© **YESCO LLC** This drawing was created to assist you in visualizing our proposal. The original ideas herein are the property of YESCO LLC. Permission to copy or revise this drawing can only be obtained through a written agreement with YESCO LLC. See your account representative or contact your nearest YESCO LLC office.

ACCOUNT EXECUTIVE
Keith Roberts

ORIGINAL DESIGNER
Jim Weadock

ORIGINAL DATE
07/26/12

SCALE
AS NOTED

REV.	DATE	BY
△1	09/12/12	TALL
△2	09/17/12	TALL
△3	08/12/13	TALL
△4	08/13/13	TALL
△5	09/12/13	TALL
△6	09/12/13	TALL
△7	09/20/13	TALL
△8	09/20/13	TALL

TRACKING NUMBER
6092056-R8

SHEET
1 OF 2

Flagstaff Settlement Agreement January 6, 2012

Executive Summary

In late 2009, MAC began a mediation process with the City of Flagstaff to attempt to recoup additional funding for reimbursable public infrastructure at the Mall and Marketplace under the 2004 Development Agreement (deal between the City and MAC to build the Marketplace and significant associated public improvements). Unable to reach agreement, in February 2011, we filed a claim against the City in Coconino Superior Court. After further negotiations, a final settlement was reached on December 20, 2011. The Settlement Agreement involves four (4) documents:

1. Settlement Agreement and Release, and incorporates the following Exhibits:
2. Easement Agreement (Monument Sign)
3. Option Agreement for City Property
4. Option Agreement for Auto Mall Property

The benefits of the Settlement to MAC are the following:

- $400,000 cash – received and deposited on Friday 12/30/11
- Free Option for 10 years for two strips of property adjacent to the mall and Ph2 Market sites - potential to add for parking capacity in the future if needed
- Option for a 10 acre parcel adjacent to Home Depot at a price of $2.50/sf for 3 years – tenant driven, will require an amendment to the Auto Mall CCR's to allow non-auto uses
- Sign Easement to do an "off-premise" sign along Country Club Drive leading from I-40 to the Mall and Marketplace. 22.5 foot high monument sign, up to 216 square feet of sign area on each side
- Lessening of requirement to maintain a resource area on our Ph2 site – only have to maintain trees of "6 inches in diameter or greater at breast height". Will allow us to utilize more property for parking
- Expedited reviews - all city reviews receive 50% less review times than city standard - for 10 years

We originally asked the City for an additional $1MM reimbursement for overage on costs we accrued during construction of infrastructure improvements for the Market. A conservative estimate values the monetary benefits in this deal (cash plus options) at approximately $1.2M, plus the non-monetary items that will benefit the property into the future.

The attached exhibit provides a graphic depiction of the locations of some of the benefits. See the four Settlement documents for more detailed information.

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release ("Agreement") is entered into by and between The Westcor Company Limited Partnership, an Arizona limited partnership, Flagstaff Mall SPE LLC, a Delaware limited liability company, and Railhead Associates, L.L.C., an Arizona limited liability company (hereinafter collectively referred to as "Westcor") and City of Flagstaff, an Arizona municipal corporation (the "City"). Westcor and the City are sometimes referred to herein collectively as the "Parties."

RECITALS

A. On February 18, 2004, Westcor and the City entered into a Development Agreement (which together with the First Amendment to Development Agreement dated January 16, 2008, hereinafter referred to as the "Development Agreement") which defined the responsibilities and obligations of the parties with regard to their development and construction of certain public and private improvements, including a commercial retail center called the Flagstaff Marketplace (collectively, the "Flagstaff Project"), in the East Flagstaff Gateway Redevelopment Area.

B. As the improvements associated with the Flagstaff Project were being completed, the parties encountered several disputes arising from Westcor's contention that the City had failed to reimburse Westcor for significant costs that it had incurred that were subject to reimbursement by the City under the Development Agreement. The City denied any responsibility for such reimbursements.

C. On February 11, 2010, Westcor served its Notice of Claim and Demand for Mediation upon the City, after which the parties engaged in an unsuccessful mediation on July 22, 2010. Westcor then filed and served its Verified Complaint (hereinafter "Verified Complaint" or "Lawsuit") against the City on or about January 31, 2011. Thereafter, the parties agreed that the City's response to the Verified Complaint should be stayed, pending the parties' further negotiations. Those negotiations have resulted in the settlement embodied in this Agreement.

D. The Development Agreement expired by its own terms on or about February 28, 2009, except as to certain surviving provisions referenced in Section 8 of this Agreement.

NOW, THEREFORE, in exchange for and in consideration of the foregoing recitals and the mutual covenants and obligations contained herein, and for good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereby state, confirm, warrant, represent and agree as follows:

SETTLEMENT TERMS AND CONDITIONS

1. Recitals. The foregoing recitals, which the parties agree are true and correct, are incorporated by this reference into these Settlement Terms and Conditions.

2. No Admission of Liability. This Agreement is intended as a full accord and satisfaction of those disputed claims set forth in Westcor's Verified Complaint. Nothing in this Agreement is to be considered, construed or asserted as an admission of liability or wrongdoing on the part of any entity or person. The City and Westcor each expressly deny any liability for any alleged wrongdoing of any kind.

3. Effective Date. This Agreement shall be deemed to be effective and fully enforceable as of the date of its approval by the Flagstaff City Council (the "Effective Date").

4. Consideration to Westcor. In consideration of the terms, conditions and mutual releases contained in this Agreement, the City agrees to provide the following to Westcor:

4.1 Payment. The City shall cause to be paid to Westcor the sum of $400,000.00, which shall be paid in one (1) installment on or before December 30, 2011. Such payment by the City shall be made by check made payable to The Westcor Company Limited Partnership and sent to Chet Cramin, SVP, Associate General Counsel, c/o Macerich Company, 401 Wilshire Blvd., Suite 700, Santa Monica, CA 90401, or by electronic funds transfer arranged by contacting Mr. Cramin by email addressed to Chet.Cramin@macerich.com.

4.2 Signage. The City shall grant to Westcor an easement on City-owned property for the sole purpose of the erection and maintenance of a 22.5 foot high monument sign, with a maximum signage area of 216 square feet on each of two sides, which City property is located near Interstate 40 and more particularly described in the Easement Agreement attached hereto and incorporated in this Agreement as Exhibit "1". Said Easement Agreement shall be properly executed and notarized by the City and delivered to Westcor on or before the Effective Date of this Agreement. Notwithstanding the grant of the easement by the City to Westcor pursuant to the Easement Agreement, it shall be the sole responsibility of Westcor to obtain all required governmental approvals in connection with the erection of such monument sign, including, without limitation, any and all approvals required to be obtained from the Arizona Department of Transportation.

4.3.1 Option Agreements. On or before the Effective Date of this Agreement, the City shall execute and deliver to Westcor, or cause to be executed and delivered to Westcor, in care of its counsel, Don P. Martin at Quarles & Brady LLP, One Renaissance Square, Two North Central Avenue, Phoenix, AZ 85004-2391, two (2) Option Agreements, in the form attached hereto as Exhibits "2" and "3", and incorporated in this Agreement, granting to Westcor certain options to acquire real property, two (2) parcels of which are owned by the City and three (3) parcels of which are owned by Flagstaff Auto Mall Development, LLC. These parcels are located adjacent to Flagstaff Mall and the Flagstaff Marketplace.

4.3.2 The City hereby acknowledges that, pursuant to the terms of the Option Agreement between Flagstaff Auto Mall Development, LLC and Westcor, Flagstaff Auto Mall Development, LLC will agree to use commercially reasonable efforts to work with the owners of lots and parcels within Flagstaff Auto Park to amend certain terms and conditions of the covenants, conditions and restrictions applicable to the Flagstaff Auto Park (the "Auto Park CC&Rs"), including, among other things, amending the use restrictions applicable to the lots and

When recorded, return to:

City Clerk
City of Flagstaff
211 West Aspen Avenue
Flagstaff, Arizona 86001

EASEMENT AGREEMENT
(Monument Sign)

This Easement Agreement (this "**Agreement**") is made and entered into as of the 20th day of December, 2011, by and among CITY OF FLAGSTAFF ("**Grantor**"), and FLAGSTAFF MALL SPE LLC, a Delaware limited liability company ("**Grantee**").

RECITALS

A. Grantor is the fee owner of certain real property located in Coconino County, Arizona, which property is legally described on Exhibit A attached hereto and incorporated herein by this reference, and which property (designated by cross-hatching) is shown on Exhibit C attached hereto ("**Easement Area**"). Grantee is the fee owner of certain real property located in Coconino County, Arizona, which property is legally described on Exhibit B attached hereto (the "**Grantee Property**").

B. Grantor and Grantee are parties to that certain Settlement Agreement and Release of even date herewith (the "**Settlement Agreement**").

C. In furtherance of the specific provisions of the Settlement Agreement, Grantor and Grantee desire to establish an easement and related rights for monument signage to be located within the Easement Area.

D. Grantor and Grantee may be referred to herein individually as a "**Party**" and collectively as the "**Parties.**"

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing Recitals, and other good and valuable consideration, the receipt, validity and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. MONUMENT SIGNAGE.

1.1 Rights Granted.

(a) Grant of Easement. Grantor hereby grants to Grantee an easement for the benefit of Grantee and its Affiliates and licensees over and across the Easement Area for the purpose of the installation, operation, maintenance, repair, restoration and replacement of a

monument sign with a maximum height of twenty-two and one-half (22.5) feet above finish grade of (a) the Easement Area or (b) the adjacent public street, whichever is higher, and with a maximum signage area (excluding architectural features) of 216 square feet on each of two sides (the "**Monument Sign**"). In addition to the grant of the easement over the Easement Area, Grantor hereby grants to Grantee the reasonable right of access to the Easement Area and the right to install, maintain, operate, repair, restore and replace landscaping, lighting, irrigation facilities, utility lines and facilities, and other improvements related to operation and maintenance of the Monument Sign.

(b) Use. Grantee's rights under this Agreement provide Grantee with an exclusive right to have signage within the Easement Area; provided, however, that it shall be the sole responsibility of Grantee to obtain all required governmental approvals in connection with the erection of the Monument Sign, including, without limitation, any and all approvals required to be obtained from the Arizona Department of Transportation. Grantor agrees that it will not unreasonably withhold, condition or delay any approvals required from Grantor in connection with the Monument Sign. Grantor shall not use the Easement Area for any purpose that is not consistent with the rights granted to Grantee under this Agreement or that would materially interfere with the visibility of the Monument Sign from public streets. Grantee, in exercising its rights under this Agreement, shall use reasonable care to minimize disruption to the Easement Area.

(c) Maintenance. At all times during the term of this Agreement, Grantee shall maintain and operate the Monument Sign and other improvements it installs within the Easement Area in good condition and repair and in accordance with applicable laws and regulations, all at Grantee's sole cost and expense. Any damage (other than any ordinary wear and tear) to the Easement Area that results from any use thereof by Grantee, or anyone claiming use rights under any Grantee, shall be promptly repaired by Grantee to the condition existing prior to such damage.

1.2 Intentionally Omitted.

1.3 Limitation on Users. Notwithstanding anything contained herein to the contrary, the Grantee hereby acknowledges and agrees that, unless otherwise agreed by Grantor, the Monument Sign shall be used solely for the purpose of marketing and advertising the Flagstaff Mall, Flagstaff Marketplace and the tenants and occupants thereof and no other parties.

2. DEFAULT REMEDIES.

2.1 Remedies Upon Default. In the event of any breach or default of any term or provision hereof, if such breach or default is not cured within (i) ten (10) days after written notice thereof is given to the defaulting Party by the non-defaulting Party, in the case of monetary default, or (ii) within thirty (30) days after notice thereof is given to the defaulting Party by the non-defaulting Party, in the case of non-monetary default (provided, however, that if such default cannot reasonably be cured within thirty (30) days, then the breaching Party shall not be deemed in default if the curing is commenced within said thirty (30) days and thereafter diligently pursued to completion), the non-defaulting Party shall have any and all rights and remedies available pursuant to this Agreement, or existing at law or in equity, including, without

limitation, the right to an injunction and the right to cure the default at the expense of the defaulting Party. The foregoing to the contrary notwithstanding, no default under this Agreement shall entitle any Party to cancel, rescind or otherwise terminate this Agreement, but this limitation shall not affect in any manner any other rights or remedies that any Party may have by reason of such default.

2.2 Cumulative Remedies. The remedies permitted or available pursuant to the provisions of this Agreement, at law or in equity shall be cumulative.

2.3 Attorneys' Fees and Costs. In the event suit is brought for the enforcement of, or the declaration of rights pursuant to, this Agreement or as the result of any alleged breach of any restriction, covenant or other provision of this Agreement, the prevailing Party shall be entitled to recover its costs and expenses, including reasonable attorneys' fees, from the losing Party, and any judgment or decree rendered in such proceedings shall include an award thereof. The amount of attorneys' fees and costs shall be set by the court and not a jury.

3. GENERAL.

3.1 Notices. No notice, consent, approval or other communication provided for herein or given in connection herewith shall be validly given, made, delivered or served unless it is in writing and delivered personally, sent by overnight courier, or sent by registered or certified United States mail, postage prepaid, with return receipt requested, to:

To Grantor:	City of Flagstaff 211 West Aspen Avenue Flagstaff, Arizona 86001 Attention: City Manager Tel: (928) 774-5281
With a copy to:	City of Flagstaff 211 West Aspen Avenue Flagstaff, Arizona 86001 Attention: City Attorney Tel: (928) 213-2025
To Grantee:	Flagstaff Mall SPE LLC 11411 North Tatum Boulevard Phoenix, Arizona 85028 Attention: Garrett Newland, VP Development Tel: (602) 953-6200
With a copy to:	The Macerich Company 401 Wilshire Boulevard, Suite 700 Santa Monica, California 90401 Attention: General Counsel Tel: (310) 394-6000

and

Quarles & Brady LLP
One Renaissance Square
Two North Central Avenue
Phoenix, Arizona 85004-2391
Attention: Derek L. Sorenson, Esq.
Tel: (602) 229-5320

Any Party hereto may from time to time change its address by notice to the other parties given in the manner provided herein. Notices, consents, approvals, and communications given by mail shall be deemed delivered upon the earlier of forty-eight (48) hours after deposit in the United States mail in the manner provided above or upon delivery to the respective addresses set forth above if delivered personally or sent by overnight courier.

3.2 Interpretation. The captions of the Sections of this Agreement are for convenience only and shall not govern or influence the interpretation hereof. This Agreement is the result of negotiations between the parties and, accordingly, shall not be construed for or against either Party regardless of which Party drafted this Agreement or any portion thereof.

3.3 Not a Public Dedication. Nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of the Easement Areas to the general public or for the general public or for any public purpose whatsoever, and this Agreement shall be strictly limited to and for the purposes expressed herein.

3.4 Severability. Invalidation of any of the restrictions or other provisions of this Agreement shall in no way affect any of the other restrictions or provisions of this Agreement.

3.5 Covenants to Run with Land. The provisions of this Agreement shall run with the land and shall be binding upon and inure to the benefit of the heirs, assigns, successors and personal representatives of Grantor and Grantee.

3.6 No Partnership, Third Person. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other similar arrangement among the Parties. No term or provision of this Agreement is intended to, or shall, be for the benefit of any person, firm, corporation or other entity not a Party hereto, and no such Party shall have any right or cause of action hereunder.

3.7 Entire Agreement. This Agreement constitutes the entire agreement between and reflects the reasonable expectations of the Parties pertaining to the subject matter hereof. All prior and contemporaneous agreements, representations and understandings of the Parties relating to the subject matter hereof, oral or written, are hereby superseded and merged herein.

3.8 Termination; Amendment. This Agreement may be amended, terminated or canceled, in whole or in part, only by the agreement of all Parties. No such amendment, termination or cancellation shall be effective until a written instrument setting forth its terms has been executed by all Parties, acknowledged and recorded in the records of Coconino County, Arizona. No person, tenant or other entity other than the Parties shall be required to join in the execution of or consent to any Amendment. Notwithstanding anything contained in the

foregoing or elsewhere in this Agreement to the contrary, this easement shall automatically terminate and be of no further force or effect at such time as Grantee removes its Monument Sign from the Easement Area with no present intention to replace such Monument Sign with a replacement sign.

3.9 Further Assurances. Grantor and Grantee shall execute and deliver all such documents and perform all such acts as reasonably requested by the other Party from time to time as expressly required by this Agreement.

3.10 Incorporation of Exhibits. All exhibits attached to this Agreement are by this reference incorporated herein and restated as though set forth in full.

3.11 Headings. The captions and headings of the various Articles and Sections of this Agreement are for convenience and identification only, and shall not be deemed to limit or define the contents of their respective Articles or Sections.

3.12 Arizona Law. This Agreement shall be governed by the laws of the State of Arizona.

3.13 Counterparts. This Agreement may be executed in any number of counterparts. Each such counterpart hereof shall be deemed an original, but all counterparts shall constitute but one agreement.

3.14 Due Authority. Each Party acknowledges and warrants that it is fully authorized and empowered to execute this Agreement by and through the individuals executing below.

3.15 Conflicts of Interest. This Agreement is subject to, and may be terminated by the City in accordance with, the provisions of A.R.S. § 38-511.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

IN WITNESS WHEREOF, Grantor and Grantee have executed this Agreement with the intention that it be effective as of the date first set forth above.

GRANTOR:

CITY OF FLAGSTAFF

By: _____
Name: Sara Presler
Title: Mayor

STATE OF ARIZONA)
) ss.
COUNTY OF COCONINO)

On this 20th day of December, 2011, before me, the undersigned officer, personally appeared Sara Presler, who acknowledged her/himself to be Mayor of the CITY OF FLAGSTAFF, an Arizona municipal corporation:

X whom I know personally;
_____ whose identity was proven to me on the oath of _____, a credible witness by me duly sworn;
_____ whose identity I verified on the basis of her/his _____,

and s/he, in such capacity, being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of that entity.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY SEAL:

Stacy L. Saltzburg
Notary Public

STACY L. SALTZBURG
Notary Public - Arizona
Coconino County
My Commission Expires
Jan 24, 2014

Description of document this notarial certificate is being attached to:	
Type/Title	Easement Agreement (Monument Sign)
Date of Document	
Number of Pages	
Addt'l Signers *(other than those named in this notarial certificate)*	

[SIGNATURES CONTINUE ON NEXT PAGE]

Easement Agreement
(Monument Sign)
Flagstaff Mall SPE LLC

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

GRANTEE:

FLAGSTAFF MALL SPE LLC, a Delaware limited liability company

By: _____
Name: Don M. Foster
Title: SVP- Construction & Design

STATE OF ARIZONA)
) ss.
COUNTY OF Maricopa)

On this 16th day of December, 2011, before me, the undersigned officer, personally appeared Don M. Foster, who acknowledged her/himself to be Senior Vice President of FLAGSTAFF MALL SPE LLC, a Delaware limited liability company:

✓ whom I know personally;

_____ whose identity was proven to me on the oath of _____, a credible witness by me duly sworn;

_____ whose identity I verified on the basis of her/his _____,

and s/he, in such capacity, being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of that entity.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY SEAL:

Monica Panza
Notary Public

MONICA PANZA
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
Commission Expires June 2, 2012

Description of document this notarial certificate is being attached to:	
Type/Title	Easement Agreement (Monument Sign)
Date of Document	
Number of Pages	
Addt'l Signers *(other than those named in this notarial certificate)*	

LIST OF EXHIBITS

EXHIBIT A	LEGAL DESCRIPTION OF THE EASEMENT AREA
EXHIBIT B	LEGAL DESCRIPTION OF GRANTEE PROPERTY
EXHIBIT C	SITE PLAN

EXHIBIT A

LEGAL DESCRIPTION OF THE EASEMENT AREA

LEGAL DESCRIPTION
Exhibit A
#311016A (12/05/11)

The following is a legal description of a parcel of land lying within the northeast quarter of Section 7, Township 21 North, Range 8 East, of the Gila Salt River Meridian, Coconino County, Arizona, more particularly described as follows:

Commencing at a found 2" aluminum cap "C1/4, S7, LS 22258" at the center quarter corner of Section 7 as shown on Final Plat of Southeast Industrial Park, recorded at Case 7, Map 48, Official Recorders of Coconino County (herein referred to as R1), from which a found 2" aluminum cap in asphalt "1/4, S7, LS 22258" at the east quarter corner of said Section bears North 89°52'06" East, a distance of 2655.05 feet (measured, and basis of bearing for this description) (North 89°41'52" East, a distance of 2654.94 feet as shown on Results of Survey, ADOT Right of Way Plans, Flagstaff-Cameron Highway, Federal ID #U 089-C-801);

Thence along said mid-Section line North 89°52'06" East, a distance of 658.71 feet (North 89°42'20" East, a distance of 658.57 feet as described in Final Order of Condemnation, recorded at Docket 520, Page 68, Official Recorders of Coconino County, herein referred to as R2) to a point on the southerly Right of Way line of Interstate I-40 interchange, said point being at the cusp of a non-tangent curve concaved to the southwest, having a radius of 496.06 feet (R1) (a radius of 496.11 feet R2) and a central angle 23°58'15", from which the chord bearing of said curve bears North 27°04'49" West, a distance of 194.81 feet;

Thence leaving said mid-Section line, along said Right of Way line northwesterly along said curve, a distance of 196.24 feet (a distance of 196.70 feet R2);

Thence continuing along said Right of Way line North 39°12'55" West, a distance of 295.91 feet (North 39°22'23" West, a distance of 295.91 feet R1) (North 39°17'00" West, a distance of 295.56 feet R2) to a found 1/2" rebar,

Thence continuing along said Right of Way line North 43°39'26" West, a distance of 362.39 feet (North 43°52'13" West, a distance of 362.39 feet R1) (North 43°47'00" West, a distance of 362.03 feet R2) to a point on the southerly Right of Way line of Burlington Northern Santa Fe Railway,

Thence along said Railway Right of Way line North 69°18'02" East, a distance of 326.08 feet (North 69°17'28" East, a distance of 326.08 feet R2) to a found ½" rebar with plastic cap "LS 26406" on the northerly Right of Way line of said Interstate I-40 interchange;

Thence along said Interstate Right of Way line South 43°39'26" East (South 43°47'00" East R2), a distance of 54.34 feet (South 43°47'00" East, a distance of 54.34 feet as described in Quit Claim Deed, recorded at Docket 585, Page 138, Official Recorders of Coconino County) to a point on the southerly Right of Way line of Industrial Drive;

Thence leaving said Right of Way line South 29°24'20" West, a distance of 145.93 feet and the **TRUE POINT OF BEGINNING;**

Thence South 37°24'18" West, a distance of 22.00 feet, from which a traffic sign post being 2 feet in diameter bears North 48°22'59" West, a distance of 24.09 feet;

Thence South 52°35'42" East, parallel with and 4.00 feet northeast of the existing back of concrete sidewalk, a distance of 10.00 feet;

Thence North 37°24'18" East, a distance of 22.00 feet;

Thence North 52°35'42" West, a distance of 10.00 feet to the **TRUE POINT OF BEGINNING.**

Containing 220 Square Feet, more or less.

See exhibit B attached hereto and made apart hereof.

This legal description was prepared by Thomas J. Butler, RLS 40640, on behalf of and at the request of The WLB Group, Inc., Flagstaff, Az.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
40640
THOMAS J.
BUTLER
Signed 12.05.11
ARIZONA, U.S.A.
Expires 3 / 31 / 13

Sign Easement
Descriptive Title

04- 00185
City File No.

ACCEPTED
CITY OF FLAGSTAFF
ENGINEERING DIV.
CHD 12.5.11
INT DATE

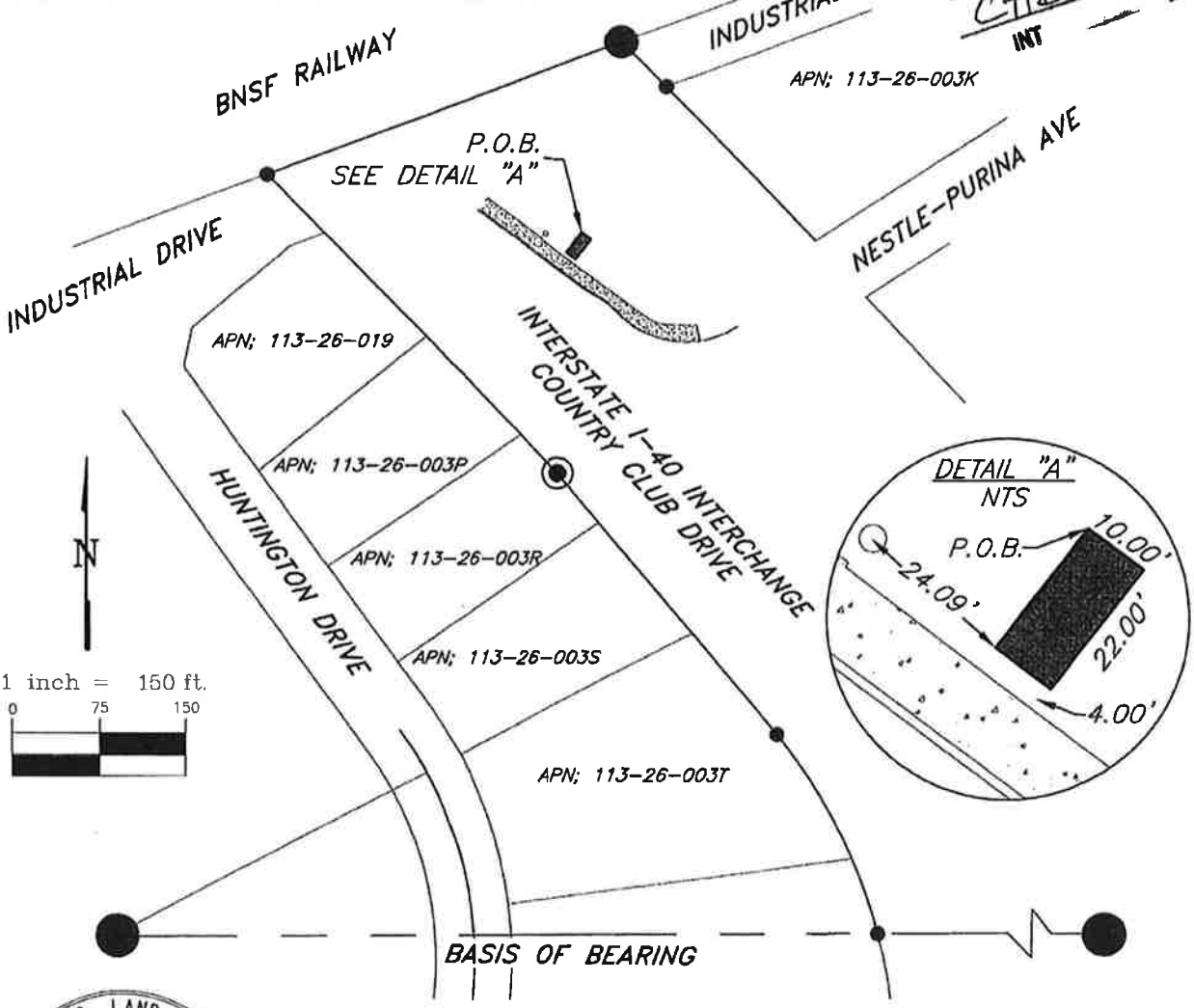
N:\311016A001_COF Rt 66 ROW\survey\Docs\Legals\Sign Ease.doc

EXHIBIT B TO ACCOMPANY LEGAL DESCRIPTION

A PORTION OF NE 1/4, SECTION 7,
TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE GILA SALT RIVER MERIDIAN,
COCONINO COUNTY, ARIZONA

NOTE:
THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AND SHOULD NOT BE CONSTRUED AS ONE.
ITS PURPOSE IS SOLELY TO GRAPHICALLY DEPICT THE LOCATION OF THE AREA DESCRIBED.

ACCEPTED
CITY OF FLAGSTAFF
ENGINEERING DIV
CHD 12-5-11
INT DATE



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
40640
THOMAS J.
BUTLER
Date Signed 12/06/11
ARIZONA, U.S.A.
Expires 03-31-2013

LEGEND

- PROPERTY/RIGHT OF WAY LINE
- ADJOINER PROPERTY LINE
- SECTION LINE
- PROPOSED AREA
- FOUND 1/2" REBAR WITH PLASTIC CAP "LS 26406"
- FOUND 1/2" REBAR (NO CAP OR TAG)
- FOUND 2" ALUMINUM CAP
- CALCULATED POINT

The WLB Group INC. **WLB**
WLB No. 311016A001

DATE = 12/05/11
PAGE 3 OF 3

04-00185
City File No.

EXHIBIT B

LEGAL DESCRIPTION OF GRANTEE PROPERTY

DESCRIPTION

PARCEL NO. 1: - (Developer Tract - Fee Parcel)

A parcel of land consisting of a portion of the Northeast quarter of Section 7, Township 21 North, Range 8 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, and being more particularly described as follows:

BEGINNING at the Northwest corner of the Northeast quarter of the Northeast quarter of said Section 7;

thence South 00° 59' 30" East along the West line of said Northeast quarter of the Northeast quarter, 240.63 feet to a point lying on the South right of way line of U.S. Highway 89, said point being the TRUE POINT OF BEGINNING;

thence along said South right of way, along a curve to the left, having a radius of 3874.72 feet, a tangent bearing of North 46° 28' 34" East, a central angle of 03° 59' 02", an arc distance of 269.42 (record 267.16) feet to a point on the curve lying on the South right of way line of Railhead Avenue;

thence North 89° 33' 44" East (record North 89° 34' 37" East) along said South right of way, along a line 50.00 feet South of and parallel to the North line of said Section 7, a distance of 155.70 feet;

thence South 30° 32' 35" West 293.00 feet;

thence South 59° 27' 25" East 663.54 feet;

thence North 30° 32' 35" East 256.46 feet;

thence North 01° 07' 52" West 372.91 feet to a point lying on said South right of way line of Railhead Avenue;

thence North 89° 33' 44" East (record North 89° 34' 37" East) along said South right of way, along a line 50.00 feet South of and parallel to the North line of said Section 7, a distance of 153.01 feet;

thence South 01° 07' 52" East along a line 274.35 feet West of and parallel to the East line of said Section 7, a distance of 486.03 feet;

thence South 30° 32' 35" West 521.92 feet;

thence South 47° 53' 31" East 196.34 feet to a point lying on a curve on the North right of way line of U.S. Highway 66;

thence continuing the next four courses along said North right of way commencing with said curve to the left, having a radius of 5829.65 feet, a tangent bearing of South 86° 00' 06" West, a central angle of 02° 07' 17", an arc distance of 215.86 feet to a point on a curve;

thence along said curve to the left having a radius of 5829.65 feet, a tangent bearing of South 83° 54' 57" West, a central angle of 00° 47' 09", an arc distance of 79.96 feet to a point on a curve;

thence along said curve to the left, having a radius of 5829.65 feet, a tangent bearing of South 82° 58' 11" West, a central angle of 06° 12' 21", an arc distance of 631.41 feet to a point on the curve;

thence South 75° 32' 35" West 298.81 feet;

continued

PARCEL NO. 1 (continued)

thence North 38° 01' 32" West 483.10 feet to a point lying on the Northwest line of a 30.00 foot wide alley, as recorded in Book 2 of Maps, page 15, records of Coconino County, Arizona;
thence South 51° 58' 28" West along said North line, 51.31 feet;
thence North 37° 58' 40" West, 188.96 feet to a point lying on the South right of way line of U.S. Highway 89;
thence continuing the next four courses along said South right of way commencing with North 51° 58' 00" East (record North 52° 00' 55" East) 485.83 (record 486.27) feet to the P.C. of a curve;
thence along said curve to the left having a radius of 2914.79 feet, a central angle of 01° 45' 47", an arc distance of 89.70 feet to a point on the curve;
thence South 39° 16' 38" East 6.51 feet to a point on a curve;
thence along said curve to the left having a radius of 3874.72 feet, a tangent bearing of North 51° 45' 15" East, a central angle of 05° 16' 41", an arc distance of 356.94 (record 357.01) feet to the TRUE POINT OF BEGINNING;
EXCEPT the following described parcel:
BEGINNING at the Northwest corner of the Northeast quarter of the Northeast quarter of said Section 7;
thence South 00° 59' 30" East along the West line of said Northeast quarter of the Northeast quarter, 240.63 feet to a point lying on the South right of way line of U.S. Highway 89;
thence continuing the next four courses along said South right of way, commencing with a curve to the right having a radius of 3874.72 feet, a tangent bearing of South 46° 28' 34" West, a central angle of 05° 16' 41", an arc distance of 356.94 feet;
thence North 39° 16' 38" West 6.51 feet to a point on a curve;
thence along said curve to the right having a radius of 2914.79 feet, a tangent bearing of South 50° 12' 13" West, a central angle of 01° 45' 47", an arc distance of 89.70 feet;
thence South 51° 58' 00" West 116.54 feet to the TRUE POINT OF BEGINNING;
thence leaving said right of way South 38° 02' 00" East 85.03 feet, to a point on a curve lying on the Northwest line of a public alley as recorded in Docket 673, page 166, records of Coconino County, Arizona;
thence continuing the next two courses along said Northwest line, commencing with said curve to the left having a radius of 480.00 feet, a tangent bearing of South 51° 19' 37" West, a central angle of 23° 05' 35", an arc distance of 193.46 feet to a point of compound curvature;
thence along a curve to the left having a radius of 210.00 feet, a central angle of 13° 19' 46", an arc distance of 48.85 feet to a point on the curve;
thence leaving said Northwest line North 37° 51' 14" West 150.26 feet to a point lying on the South right of way of U.S. Highway 89;
thence North 51° 58' 00" East along said right of way, 229.40 feet to the TRUE POINT OF BEGINNING;

continued

PARCEL NO. 1 (continued)

EXCEPT BEGINNING at the Northwest corner of the Northeast quarter of the Northeast quarter of said Section 7;
thence South 00° 59' 30" East, along the West line of said Northeast quarter of the Northeast quarter, 240.63 feet to a point on a curve lying on the South right-of-way line of U.S. Highway 89;
thence continuing along said right-of-way along said curve to the right having a radius of 3874.72 feet, a tangent bearing of South 46° 28' 34" West, a central angle of 05° 16' 41", an arc distance of 356.94 feet to a point on the curve;
thence North 39° 16' 38" West, 6.51 feet to a point on a curve;
thence along said curve to the right having a radius of 2914.79 feet, a tangent bearing of South 50° 12' 13" West, a central angle of 01° 45' 47" an arc length of 89.70 feet to the P.T. of the curve;
thence South 51° 58' 00" West, 345.94 feet to the TRUE POINT OF BEGINNING;
thence leaving said right-of-way South 37° 51' 14" East, 150.26 feet to a point to the North line of a Public Easement recorded in Docket 673, page 166, records of Coconino County, Arizona;
thence along said North line being a curve to the left having a radius of 210.00 feet, a chord bearing of South 07° 21' 40" West, and a central angle of 15° 05' 04" an arc distance of 55.29 feet;
thence continuing along said Easement South 51° 58' 28" West, 100.35 feet;
thence North 37° 58' 40" West, 188.96 feet to a point on the aforementioned South right-of-way line of U.S. Highway 89;
thence along said right-of-way line North 51° 58' 00" East, 139.89 feet to the TRUE POINT OF BEGINNING; and;
EXCEPT BEGINNING at the Northwest corner of the Northeast quarter of the Northeast quarter of said Section 7;
thence South 00° 59' 30" East, along the West line of said Northeast quarter of the Northeast quarter, 240.63 feet to a point on a curve lying on the South right-of-way line of U.S. Highway 89;
thence along said right-of-way along said curve to the right having a radius of 3874.72 feet, a tangent bearing of South 46° 28' 34" West, a central angle of 02° 48' 12", an arc distance of 189.56 feet to a point on the West line of a Public Easement recorded in Docket 673, page 166, records of Coconino County, Arizona;
thence continuing the next five courses along said Easement commencing along a curve to the right having a radius of 40.00 feet, a chord bearing of South 67° 35' 37" East, and a central angle of 52° 28' 03" an arc length of 36.63 feet to a point of tangency;
thence South 41° 21' 35" East, 133.93 feet to a point of curvature of a curve to the right;

PARCEL NO. 1 (continued)

thence along said curve to the right having a radius of 25.00 feet, a central angle of 114° 39' 58" an arc distance of 50.03 feet;
thence South 73° 18' 23" West, 198.37 feet to a point of curvature of a curve to the left;
thence along said curve to the left having a radius of 480.00 feet, a central angle of 21° 58' 50" an arc distance of 184.14 feet;
thence North 38° 02' 00" West, 85.03 feet to a point on the aforementioned South right-of-way of U.S. Highway 89;
thence continuing the next five courses along said right-of-way commencing North 51° 58' 00" East 116.40 feet to a point of curvature of a curve to the left;
thence along said curve to the left having a radius of 2914.79 feet, a central angle of 01° 45' 47" an arc distance of 89.70 feet;
thence South 39° 16' 38" East 6.51 feet to a point on a curve to the left;
thence along said curve to the left having a radius of 3874.72 feet, a chord bearing of North 50° 31' 01" East, a central angle of 02° 28' 29" an arc distance of 167.36 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 2: - (Developer Tract - Lease Parcel)

A parcel of land consisting of a portion of the Northeast quarter of Section 7, Township 21 North, Range 8 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, and being more particularly described as follows:

BEGINNING at the Northwest corner of the Northeast quarter of the Northeast quarter of said Section 7;

thence South 00° 59' 30" East along the West line of said Northeast quarter of the Northeast quarter, 240.63 feet to a point lying on the South right of way line of U.S. Highway 89;

thence continuing the next four courses along said South right of way, commencing with a curve to the right having a radius of 3874.72 feet, a tangent bearing of South 46° 28' 34" West, a central angle of 05° 16' 41", an arc distance of 356.94 feet;

thence North 39° 16' 38" West 6.51 feet to a point on a curve;

thence along said curve to the right having a radius of 2914.79 feet, a tangent bearing of South 50° 12' 13" West, a central angle of 01° 45' 47", an arc distance of 89.70 feet;

thence South 51° 58' 00" West 116.54 feet to the TRUE POINT OF BEGINNING;

thence leaving said right of way South 38° 02' 00" East 85.03 feet, to a point on a curve lying on the Northwest line of a public alley as recorded in Docket 673, page 166, records of Coconino County, Arizona;

thence continuing the next two courses along said Northwest line, commencing with said curve to the left having a radius of 480.00 feet, a tangent bearing of South 51° 19' 37" West, a central angle of 23° 05' 35", an arc distance of 193.46 feet to a point of compound curvature;

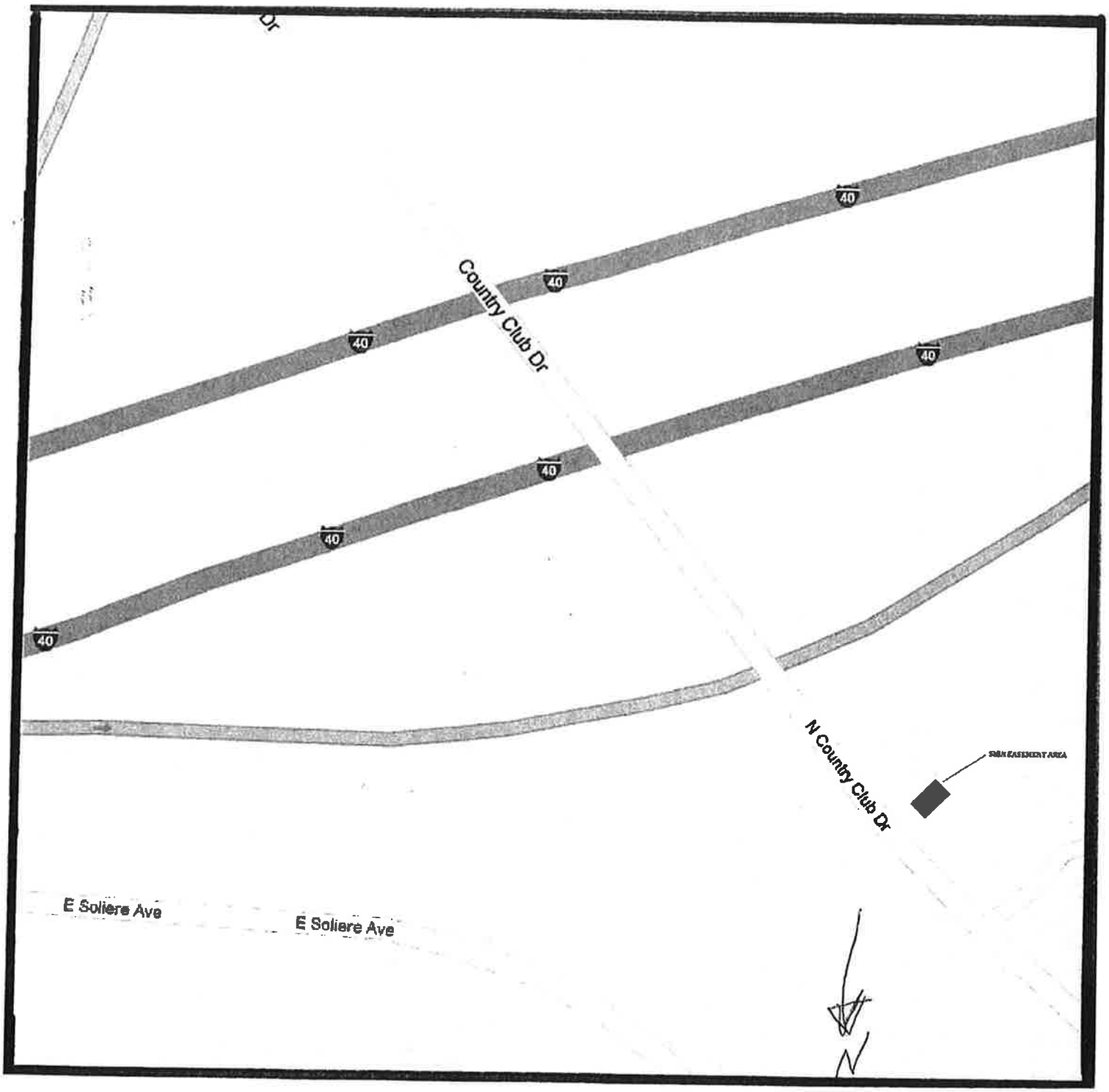
thence along a curve to the left having a radius of 210.00 feet, a central angle of 13° 19' 46", an arc distance of 48.85 feet to a point on the curve;

thence leaving said Northwest line North 37° 51' 14" West 150.26 feet to a point lying on the South right of way of U.S. Highway 89;

thence North 51° 58' 00" East along said right of way, 229.40 feet to the TRUE POINT OF BEGINNING.

EXHIBIT C

SITE PLAN



4432.18.542350.4

12/15/2011

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Randy Whitaker, Project Manager
Date:	10/30/2013
Meeting Date:	11/05/2013

TITLE:

Consideration of the Intergovernmental Agreement (IGA)/Joint Project Agreement (JPA): 13-0002790-I between the City of Flagstaff (City) and the Arizona Department of Transportation (ADOT) for the FY 2014 Highway Safety Improvement Program (HSIP), Design and Installation of Signs.

RECOMMENDED ACTION:

Approve the Intergovernmental Agreement between the City of Flagstaff and Arizona Department of Transportation for grant funds in the amount of $300,000.

Policy Decision or Reason for Action:

The original IGA/JPA was for the inventory of the signs citywide. This is a new IGA/JPA for the design and construction phase of the project. Approving the IGA/JPA will obligate Federal HSIP funding for the FY 2014 for a total project of $300,000. It is anticipated this phase will cover the design and construction of approximately 2,600 regulatory signs, part of the inventory described in the attached Eligibility Letter from ADOT.

Subsidiary Decisions Points: This project is for the design and installation of signs and will be administered by ADOT.

Financial Impact:

This IGA/JPA will fund the design and installation of signs in the amount of $300,000 ($40,000 design / $260,000 construction). The total cost of the Sign Replacement Plan is estimated to be $875,000 and will be paid for from HSIP funds. The federal share is funded at $875,000 (100%).

Connection to Council Goal:

1. Repair Replace maintain infrastructure (streets & utilities)

Has There Been Previous Council Decision on This:

Yes – Original IGA/JPA for FY 2010 HSIP funds awarded on July 20, 2010 in the amount of $175,000. Amendment One on June 10, 2011 for an additional $50,000. The original IGA/JPA was for the inventory of the signs citywide. This is a new IGA/JPA for the design and construction phase of the project.

Options and Alternatives:

- Approve the IGA/JPA as presented. This IGA/JPA will authorize the funds for the project up to the maximum available. Upgraded signs will achieve greater safety by maintaining to minimum federal reflectivity standards.
- Provide directions for revisions and future Council consideration
- Reject the IGA/JPA. This will not obligate the additional funding and City would have to reimburse FHWA for the inventory cost.

Background/History:

The purpose of the Highway Safety Improvement Program (HSIP) is to achieve a significant reduction in traffic fatalities and serious injuries on public roads. This is to be accomplished through the development and implementation of the Strategic Highway Safety Plan (SHSP), which is a statewide-coordinated safety plan that provides a comprehensive framework for reducing highway fatalities and serious injuries on all public roads. SHSP is intended to identify the state's key safety needs and guide HSIP investment decisions. Funding is from the U.S. Department of Transportation, Federal Highway Administration through the Arizona Department of Transportation which is responsible for administering the HSIP in Arizona.

Key Considerations:

The 2010-11 IGA/JPA entered into between the City and ADOT developed a video log and inventory of all the signs within the City. As part of the sign inventory a Sign Replacement Plan was developed that separated the regulatory, warning and guide signs into replacement phases. This IGA/JPA is the first phase and will replace regulatory signs such as Stop, Yield and Speed Limit signs along with any other signs on the same pole.

The HSIP funds must have an approved IGA/JPA to be obligated by ADOT. Any funding not obligated by the City or County in the FMPO Region within this fiscal year is returned to ADOT.

Expanded Financial Considerations:

The sign replacement plans current and future HSIP funding per fiscal year are in the following amounts:
FY 2014 - $300,000
FY 2017 - $275,000
FY 2018 - $300,000

It is anticipated that future IGA/JPA Amendments will provide funding for additional sign replacement such as school warning, destination, parking and community signs.

The total cost of the sign replacement plan is estimated to be $875,000 and will be paid for from HSIP funds. The federal share is funded at $875,000 (100%).

Community Benefits and Considerations:

Provide additional safety and reduced maintenance cost.

Community Involvement:

Inform
Although there has been no formal public involvement process, this project has been approved by the Flagstaff Metropolitan Planning Organization for inclusion in the Transportation Improvement Program.

Attachments: IGA/JPA 13-0002790-I
Eligibility Letter

ADOT CAR No.: IGA /JPA 13-0002790-I
AG Contract No.: P001 000xxx
Project: Design and Installation of Signs
Section: Various Locations
Federal-aid No.: FLA-0(218)T
ADOT Project No.: SH597 03D/01C
TIP/STIP No.:
Budget Source Item No.: 728XX

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
CITY OF FLAGSTAFF

THIS AGREEMENT is entered into this date _____, 2013, pursuant to the Arizona Revised Statutes §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State" or "ADOT") and the CITY OF FLAGSTAFF, acting by and through its MAYOR and CITY COUNCIL (the "City"). The State and the City are collectively referred to as "Parties."

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

3. Congress has established the Highway Safety Improvement Program (HSIP) as a core Federal-aid for the specific purpose of achieving a significant reduction in traffic fatalities and serious injuries on public roads. The State, the Federal Highway Administration (FHWA) and the City have identified systematic improvements within the City as eligible for this funding.

4. The improvements proposed in this Agreement, hereinafter referred to as the "Project" include the design, purchase and installation of signs at various City locations. The State will administer design, advertise, bid award and administer construction and installation of the Project. The Project will be performed, completed, accepted and paid for in accordance with the requirements of the Project plans and specifications.

5. The interest of the State in this Project is the acquisition of federal funds for the use and benefit of the City and to authorize such federal funds for the Project pursuant to federal law and regulations. The State shall be the designated agent for the City, if the Project is approved by FHWA and funds for the Project are available.

6. The Parties shall perform their responsibilities consistent with this Agreement and any change or modification to the Project will only occur with the mutual written consent of both Parties.

DRAFT

7. The federal funds will be used for the scoping/design and construction of the Project, including the construction engineering and administration cost (CE). The estimated Project costs are as follows:

SH597 03D (design):

Federal-aid funds @ 100%	$ 40,000.00
Subtotal –Design*	**$ 40,000.00**

SH597 01C (construction):

Federal-aid funds @ 100%	$ 260,000.00
Subtotal – Construction**	**$ 260,000.00**
Total Federal Funds	**$** 300,000.00
TOTAL Project Cost	$ 300,000.00

* (Includes ADOT design review and clearances preparation)
**(Includes 15% CE, 5% Project contingencies)

The Parties acknowledge that the final Project costs may exceed the initial estimate(s) shown above, and in such case, the City is responsible for, and agrees to pay, any and all eventual, actual costs exceeding the initial estimate. If the final bid amount is less than the initial estimate, the difference between the final bid amount and the initial estimate will be de-obligated or otherwise released from the Project. The City acknowledges it remains responsible for, and agrees to pay according to the terms of this Agreement, any and all eventual, actual costs exceeding the final bid amount.

THEREFORE, in consideration of the mutual Agreements expressed herein, it is agreed as follows**:**

II. SCOPE OF WORK

1. The State will:

a. Upon execution of this Agreement, be the designated agent for the City, if the Project is approved by FHWA and funds for the Project are available.

b. Submit all documentation required to the FHWA pertaining to the Project with the recommendation that funding be approved for design, construction and installation of signs. Request the maximum federal funds programmed for this Project. Should costs exceed the maximum federal funds available it is understood and agreed that the City will be responsible for any overage.

c. Upon authorization by FHWA, with the aid and consent of the City and FHWA, the State shall proceed to administer design and construction, advertise for, receive and open bids subject to the concurrence of the FHWA and the City, to whom the award is made for and enter into a contract(s) with a firm(s) for the installation of the Project. Incorporate comments from the City as appropriate.

DRAFT

d. Be granted, without cost requirements, the right to enter City right of way as required to conduct any and all construction and pre-construction related activities for said Project, including without limitation, temporary construction easements or temporary rights of entry on to and over said rights of way of the City.

e. Notify the City that the Project has been completed and is considered acceptable, coordinating with the City as appropriate to turn over full responsibility of the Project improvements. De-obligate or otherwise release any remaining federal funds from the construction phase of the Project within ninety (90) days of final acceptance.

f. Not be obligated to maintain said Project, should the City fail to budget or provide for proper and perpetual maintenance as set forth in this Agreement.

2. The City will:

a. Upon execution of the Agreement, designate the State as authorized agent for the City.

b. Review design plans, specifications and other such documents and services required for the construction bidding and installation of the Project, including design plans and documents required by FHWA to qualify projects for and to receive federal funds. Provide design review comments to the State as appropriate.

c. Be responsible for all costs incurred in performing and accomplishing the work as set forth under this Agreement, not covered by federal funding. Should costs be deemed ineligible or exceed the maximum federal funds available, it is understood and agreed that the City is responsible for these costs, payment for these costs shall be made within thirty (30) days of receipt of an invoice from the State.

d. Certify that all necessary rights-of-way have been or will be acquired prior to advertisement for bid and also certify that all obstructions or unauthorized encroachments of whatever nature, either above or below the surface of the Project area, shall be removed from the proposed right-of-way, or will be removed prior to the start of construction, in accordance with The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended; 49 CFR 24.102 Basic Acquisition Policies; 49 CFR 24.4 Assurances, Monitoring and Corrective Action, parts (a) & (b) and ADOT ROW Manual: 8.02 Responsibilities, 8.03 Prime Functions, 9.07 Monitoring Process and 9.08 Certification of Compliance. Coordinate with the appropriate State's Right-of-Way personnel during any right of way process performed by the City, if applicable.

e. Not permit or allow any encroachments upon or private use of the right of way, except those authorized by permit. In the event of any unauthorized encroachment or improper use, the City shall take all necessary steps to remove or prevent any such encroachment or use.

f. Grant the State, its agents and/or contractors, without cost, the right to enter City rights of way, as required, to conduct any and all construction and pre-construction related activities, including without limitation, temporary construction easements or temporary rights of entry to accomplish among other things, soil and foundation investigations.

g. Be obligated to incur any expenditure should unforeseen conditions or circumstances increase the cost of said work required by a change in the extent of scope of the work requested by the City. Such changes require the prior approval of the State and FHWA. Be responsible for any contractor claims for additional compensation caused by Project delays attributable to the City. Payment for these costs shall be made within thirty (30) days of receipt of an invoice from the State.

DRAFT

h. Upon notification of Project completion, agree to accept, maintain and assume full responsibility of the Project in writing.

III. MISCELLANEOUS PROVISIONS

1. The terms, conditions and provisions of this Agreement shall remain in full force and effect until completion of said Project and related deposits or reimbursement, except any provisions for maintenance shall be perpetual, unless assumed by another competent entity. Further, this Agreement may be cancelled at any time prior to the award of the Project construction contract, upon thirty (30) days written notice to the other party. It is understood and agreed that, in the event the City terminates this Agreement, the State shall in no way be obligated to maintain said Project. If the federal funding related to this Project is terminated or reduced by the federal government, or if Congress rescinds, fails to renew, or otherwise reduces apportionments or obligation authority, the State shall in no way be obligated for funding or liable for any past, current or future expenses under this Agreement.

2. The State assumes no financial obligation or liability under this Agreement, or for any resulting construction Project. The City, in regard to the City's relationship with the State only, assumes full responsibility for the design, plans, specifications, reports, the engineering in connection therewith and the construction of the improvements contemplated, cost over-runs and construction claims. It is understood and agreed that the State's participation is confined solely to securing federal aid on behalf of the City and the fulfillment of any other responsibilities of the State as specifically set forth herein; that any damages arising from carrying out, in any respect, the terms of this Agreement or any modification thereof shall be solely the liability of the City and that to the extent permitted by law, the City hereby agrees to save and hold harmless, defend and indemnify from loss the State, any of its departments, agencies, officers or employees from any and all costs and/or damage incurred by any of the above and from any other damage to any person or property whatsoever, which is caused by any activity, condition, misrepresentation, directives, instruction or event arising out of the performance or non performance of any provisions of this Agreement by the State, any of its departments, agencies, officers and employees, or its independent contractors, the City, any of its agents, officers and employees, or its independent contractors. Costs incurred by the State, any of its departments, agencies, officers or employees shall include in the event of any action, court costs, and expenses of litigation and attorneys' fees.

3. The cost of design, construction and construction engineering work under this Agreement is to be covered by the federal funds set aside for this Project, up to the maximum available. The City acknowledges that the eventual actual costs may exceed the maximum available amount of federal funds, or that certain costs may not be accepted by the federal government as eligible for federal funds. Therefore, the City agrees to furnish and provide the difference between actual costs and the federal funds received.

4. The cost of the project under this Agreement includes applicable indirect costs approved by the FHWA.

5. The Parties warrant compliance with the Federal Funding Accountability and Transparency Act of 2006 and associated 2008 Amendments (the "Act"). Additionally, in a timely manner, the City will provide information that is requested by the State to enable the State to comply with the requirements of the Act, as may be applicable.

6. This Agreement shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

7. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

8. To the extent applicable under law, the provisions set forth in Arizona Revised Statutes §§ 35-214 and 35-215 shall apply to this Agreement.

DRAFT

9. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this Agreement shall comply with Executive Order Number 2009-09 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".

10. Non-Availability of Funds: Every obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the fulfillment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments as a result of termination under this paragraph.

11. In the event of any controversy, which may arise out of this Agreement, the Parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes § 12-1518.

12. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue, Mail Drop 637E
Phoenix, Arizona 85007
(602) 712-7124
(602) 712-3132 Fax

City of Flagstaff
Attn: Randy Whitaker
211 West Aspen Avenue
Flagstaff, Arizona 86001
Phone: (928) 213-2681
Fax (928) 779-7684

13. The Parties shall comply with the applicable requirements of Arizona Revised Statutes § 41-4401.

14. The Parties hereto shall comply with all applicable laws, rules, regulations and ordinances, as may be amended.

15. In accordance with Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination of each party's legal counsel and that the Parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

DRAFT

CITY OF FLAGSTAFF

By _____
JERRY NABOURS
Mayor

ATTEST:

By _____
ELIZABETH A. BURKE
City Clerk

STATE OF ARIZONA
Department of Transportation

By _____
DALLAS HAMMIT, P.E.
Senior Deputy State Engineer, Development

September 17th 2013-ly

DRAFT

IGA/JPA 13-0002790-I

ATTORNEY APPROVAL FORM FOR THE CITY OF FLAGSTAFF

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY OF FLAGSTAFF, an Agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this _____ day of _____ 2013.

_____

City Attorney

DRAFT

ADOT
Intermodal Transportation

Janice K. Brewer, Governor
John S. Halikowski, Director
Jennifer Toth, Deputy Director
Robert Samour, Senior Deputy State Engineer, Operations
Dallas Hammit, Senior Deputy State Engineer, Development

April 1, 2013

City of Flagstaff
Mr. Randy Whitaker
Transportation Project Manager
211 West Aspen Avenue
Flagstaff, AZ 86001

Re: **FY 10 HSIP Local Government Project, Dated 08/31/10 (Revised)**
City of Flagstaff – Procure Sign Management System and Replace Signage Citywide
ADOT Project No.: SH465
Federal Project No.: FLA-0(203)A
COG/MPO: FMPO
Flagstaff District, Coconino County

Dear Mr. Whitaker:

The Arizona Department of Transportation approves revised eligibility to utilize Highway Safety Improvement Program (HSIP) funding for FY2014, FY2017 and FY2018 as requested by the City of Flagstaff in your letter of March 6, 2013.

The City of Flagstaff has eligibility approval to utilize HSIP Regionally Managed Safety funding to procure design services and purchase and install by contractor approximtely 5,759 regulatory signs, 1,108 warning signs and 3,126 street names signs. The exact number and specific signs will be determined when the initial sign inventory, which was funded by this project, is completed in FY13. This safety improvement will ultimately provide better visibility and legibility of signage for all vehicles and users of public streets within the City of Flagstaff in an effort to decrease the severity and number of highway crashes in both daytime and nighttime conditions and may result in a 25 percent reduction in all crashes and 50 percent in nighttime crashes. Based on the *FHWA Retroreflectivity Train-the-Trainer Workshop at the 2008 National LTAP Conference*, sign upgrades at 4 different agencies showed the following crash reductions:

- All signs upgraded: 30% reduction in all crashes
- Warning signs upgraded: 25% to 42% reduction in all crashes, with 50% to 53% reduction in nighttime crashes
- Benefit to cost ratios ranged from 11:1 to 267:1

During a 5-year period ending December 2011, the City of Flagstaff has experienced 4,465 total crashes, including 5 fatal, 126 incapacitating injury, 353 non-incapacitating, 591 possible injury and 3,390 property damage crashes; including 3,448 daytime and 1,012 nighttime crashes. Using a crash reduction factor of 25 percent for all crashes and 50 percent for nighttime crashes the City of Flagstaff could see a 5-year reduction of 1,116 all crashes, including 506 nighttime crashes.

All work will be performed in the City of Flagstaff's right of way and no utility relocation or ground disturbing activities are anticipated. The contractor procured and installed signs will be contracted through ADOT Procurement and will be federally reimbursable.

The safety improvement items are eligible to be funded at 100% Federal share per 23 U.S.C. 120(c) as described in Code of Federal Register 23 CFR Part 924. Therefore, the City of Flagstaff does not propose to contribute any local match for the above mentioned project.

The scope of work includes:

FY14 - PE/Const/HSIP On-Call Consultant to provide a design services and initial purchase of contractor provided and installed signs.
FY17 and **FY18** – Const/HSIP Purchase of contractor provided and installed signs. The revised anticipated total cost of this project is $1,075,000 (FY10 - $150,000 + FY11 - $50,000 + FY14 - $300,000 + FY17 - $275,000 + FY18 - $300,000) as broken out below.

FY14 Anticipated Preliminary Engineering/Design

HSIP Regionallly Managed	$40,000.00
Local Match	$ 0.00
Estimated Total	$40,000.00

FY14 Anticipated Construction

HSIP Regionallly Managed	$260,000.00
Local Match	$ 0.00
Estimated Total	$260,000.00

FY17 Anticipated Preliminary Engineering/Design

HSIP Regionallly Managed	$10,000.00
Local Match	$ 0.00
Estimated Total	$10,000.00

FY17 Anticipated Construction

HSIP Regionallly Managed	$265,000.00
Local Match	$ 0.00
Estimated Total	$265,000.00

FY18 Anticipated Preliminary Engineering/Design

HSIP Regionallly Managed	$10,000.00
Local Match	$ 0.00
Estimated Total	$10,000.00

FY18 Anticipated Construction

HSIP Regionallly Managed	$290,000.00
Local Match	$ 0.00
Estimated Total	$290,000.00

Please note that eligibility does not give you authorization to begin work. A revised JPA will need to be completed between ADOT and the City of Flagstaff prior to May 1, 2013 and all ADOT clearances will need to be completed prior to Federal construction authorization being requested. Any construction work performed prior to Federal authorization is not eligible for reimbursement.

If the project scope of work changes or the cost estimate increases by more than 20%, a revised eligibility letter and application will have to be submitted prior to obligation of funds.

If you have any questions regarding this request, please call me at 602-712-7374. Thank you.

Sincerely,

Mona Aglan-Swick, P.E.
HSIP State Manager
ADOT- Traffic Safety Section

Cc: FHWA, Arizona Division Office, ATTN: Kelly LaRosa
ADOT MPD, ATTN: Justin Feek
ADOT LPA Section, ATTN: Irene Higgs
ADOT TSS Section, ATTN: Trent Thatcher

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: McKenzie Jones, Sustainability Specialist

Date: 10/30/2013

Meeting Date: 11/05/2013

TITLE:

Consideration and Approval of Grant Agreement and Acceptance of Grant Funding: Fiscal Year 2013 Arizona State Parks Growing Smarter Grant.

RECOMMENDED ACTION:

Approve the grant agreement with the Arizona State Parks Growing Smarter Grant Program and authorize the acceptance of grant funding in the amount of $6,000,000.

Policy Decision or Reason for Action:

Subsidiary Decisions Points: Approval of the Grant Agreement is necessary for receipt of Arizona State Parks funds for the City's acquisition of Observatory Mesa.

Financial Impact:

Approval of the Grant Agreement will bring $6,000,000 into the City of Flagstaff to acquire State Trust lands at Observatory Mesa. The City has bond authority available for the open space purchase.

Connection to Council Goal:

Fund existing and consider expanded recreational services/Retain, expand, and diversify economic base.

Over the years, Observatory Mesa has emerged as an important resource for recreation and tourism. Observatory Mesa hosts a segment of the Flagstaff Loop Trail and Flagstaff Urban Trail System that promote connectivity for non-motorized transportation and recreation. Arizona Game & Fish has identified Observatory Mesa as important wildlife habitat and wildlife movement corridor. According to the National Survey of Fishing, Hunting, and Wildlife Associated Recreation, 1.3 million wildlife viewing participants spend $838 million in Arizona annually. Sites like Observatory Mesa significantly contribute to the local tourism economy. Eco-tourism and its related service sector are important components of Flagstaff's economic base. As such, the natural environment and outdoor recreation opportunities are extremely important to the tourism trade in Flagstaff. Preserving Observatory Mesa positively impacts the observatories, provides protection from further light pollution, and strengthens the astrogeological sector of the economy.

Has There Been Previous Council Decision on This:

Yes, on June 4, 2013 Council passed Resolution 2013-12 approving the submission of a grant application to Arizona State Parks for the Growing Smarter State Trust Land Acquisition Program to acquire land at Observatory Mesa.

Options and Alternatives:

Option A – Authorize the acceptance of funds. This will provide the City with the necessary matching funds to acquire Observatory Mesa for conservation purposes.
Option B – Not authorize the acceptance of funds. This will result in the discontinuation of efforts to acquire Observatory Mesa for conservation purposes.

Background/History:

Efforts to protect Observatory Mesa began decades ago and continue today. In 2004, City staff submitted an Arizona Preserve Initiative petition to reclassify State Trust land on Observatory Mesa for conservation purposes and voters approved a $5.5 million bond to acquire this land. As critical wildlife habitat, a popular recreation corridor, and protection for dark skies, Observatory Mesa is a natural amenity for northern Arizona.

Key Considerations:

In the event of a successful acquisition, the City will be required to allow Arizona State Parks to hold a conservation easement over the property.

Expanded Financial Considerations:

Approval of the Grant Agreement will bring $6,000,000 into the City of Flagstaff to acquire State Trust lands at Observatory Mesa. The City will use $6,416,000 of voter-approved open space bond money to pay the remainder of the cost of the land including $5,500,000 from the 2004 Observatory Mesa bond and $916,000 from the 2004 Open Space bond.

Community Benefits and Considerations:

Acquiring Observatory Mesa as open space will provide a natural place within city limits for members of the Flagstaff community to learn about ecology, geology, and astronomy while participating in outdoor recreation. Preserving the mesa will protect important view sheds for Flagstaff residents and visitors to the region. Additionally, ownership of these sections would give the City greater access and control in forest and watershed health initiatives, providing increased community protection.

Community Involvement:

Involve - In 2004, Flagstaff voters approved a $5.5 million bond to acquire State Trust lands on Observatory Mesa as open space. On February 12, 2013, approximately 100 community members attended the State Land Public Comment Hearing and spoke out in unanimous support for the reclassification of Observatory Mesa as suitable for conservation purposes. The City of Flagstaff received 28 letters of support for the preservation process from community members and groups.

Expanded Options and Alternatives:

Option A – Authorize the acceptance of funds. This will provide the City with the necessary matching funds to acquire Observatory Mesa for conservation purposes.
Option B – Not authorize the acceptance of funds. This will result in the discontinuation of efforts to acquire Observatory Mesa for conservation purposes.

Attachments: Grant Award Letter
Grant Agreement
General Conditions-Attachment B
Conservation Easement-Attahcment C

Janice K. Brewer
Governor

Bryan Martyn
Executive Director

Arizona State Parks
AZStateParks.com

Board Members

Walter D. Armer, Jr., Vail, *Chair*
Maria Baier, State Land Commissioner, *Vice Chair*
Kay Daggett, Sierra Vista
Alan Everett, Sedona
Larry Landry, Phoenix
William C. Scalzo, Phoenix
Tracey Westerhausen, Phoenix

October 2, 2013

McKenzie Jones
Sustainability Specialist
City of Flagstaff
211 W. Aspen
Flagstaff, AZ 86001

Re: FY 2013 Growing Smarter State Trust Land Acquisition Grant Award Project #231303, Observatory Mesa

Dear Ms. Jones:

Congratulations on your FY 2013 Growing Smarter Grant!

Enclosed are two original Participant Agreements and Deeds of Conservation Easement. These documents will govern the execution of the grant and the ongoing relationship of State Parks and the City of Flagstaff after acquisition. Please have your legal counsel review the documents as to form and as being within the authority of your agency to execute.

Following your legal counsel's review of the documents, please have them signed by the individual authorized in the application resolution and return ALL copies to State Parks no later than January 3, 2014. If the documents are not returned within this time period, the project may be considered for withdrawal. A fully executed agreement, along with grant administration information will be provided to you.

Please keep in mind that this conditional grant award will become final and available after it is determined by the Arizona State Land Department (ASLD) that you are the highest and best bidder for the subject parcel at public auction. Assuming success at the auction, your organization will receive the following from the ASLD:

1. A land sales receipt,
2. Affidavit of being the highest and best bidder
3. Affidavit of having inspected the land and public records

A copy of each of these items must be provided to State Parks in order to receive payment of grant monies.

Should you have any questions or concerns, please contact me at amcvay@azstateparks.gov or (602) 542-6968.

Sincerely,

Annie McVay
Resource Planner

Arizona State Parks

1300 W. Washington, Phoenix Arizona 85007

GRANT PARTICIPANT AGREEMENT

This Agreement for the Arizona State Parks Board (Board) and the City of Flagstaff and becomes effective on the date of signature by the authorized representative of Arizona State Parks.

PROJECT TITLE: **City of Flagstaff Observatory Mesa**	PROJECT NUMBER: **231303**
THIRD PARTY PARTICIPANT'S NAME:	FY OF REVENUE: **2013**

PROJECT PERIOD:
Eighteen (18) months from the date of the last authorized signature

GRANT PROGRAM:	GRANT AMOUNT:	%	PARTICIPANT MATCH:	%	TOTAL PROJECT COST:
Growing Smarter Land acquisition	Up to: **$6,000,000.00** (Amount **includes** 10% eligible associated costs)	**50**	**$6,000,000.00**	**50**	**$12,000,000.00**

APPROVED SCOPE OF WORK AND SPECIAL CONDITIONS: **Acquisition of 2,251.20 Acres State Trust Land** Attachment A

CONSERVATION SPECIAL CONDITIONS:
Preservation Agreement
X **Conservation Easement Deed**
Special Conditions/3rd Party
Attachment C

AUTHORITIES TO ENTER INTO THIS AGREEMENT:
(statute, resolution, minutes, etc.)
STATUTE: A.R.S. § 41-511.23 **RESOLUTION: 2012-24**

AWARDING OFFICIAL ON BEHALF OF THE ARIZONA STATE PARKS BOARD: _____ _____
Signature Date
Bryan Martyn
Executive Director

ACCEPTANCE OF ALL TERMS OF THIS AGREEMENT AND ITS ATTACHMENTS IS ACKNOWLEDGED BY THE PARTICIPANT'S SIGNATURE BELOW.

PARTICIPANT ATTORNEY APPROVAL AS TO FORM AND AS BEING WITHIN THE AUTHORITY OF THE PARTICIPANT.

_____ _____
Participant's Signature
Kevin Burke, City Manager

Applicant Signature

_____ _____
Name (Typed) Name (Typed)

Preserve Director_____ Attorney_____
Title Date Title Date

Attachment B – General Provisions and Special Conditions are attached and are part of this Participant

Arizona State Parks
GRANT PARTICIPANT AGREEMENT

Attachment A
Approved Project Scope and Special Conditions

PARTICIPANT: **City of Flagstaff**

PROJECT TITLE: **Observatory Mesa**

PROJECT NUMBER: **231303**

APPROVED PROJECT SCOPE:

Acquisition of 2,251.20 acres Fee Title Purchase of Observatory Mesa

In addition to the Participant Agreement General Conditions containted in Attachment B, the following special conditions apply to this grant:

Administration of this grant is subject to all conditions regarding the use of the Property for open space conservation, as contained in the Deed of Conservation Easement by Arizona State Parks. These conditions run with the title to the land to ensure the conservation of the land as open space in perpetuity.

The administration of this grant participant agreement is additionally subject to the contents of the "Administrative Guidelines for Awarded Grants" published by Arizona State Parks.

Approved project work shall start no later than the specified project start-up date. Land acquisition, equipment purchase, and studies/reports/assessments must begin within 6 months of the fully executed participant agreement. Participant must provide Arizona State Parks staff access to the acquired lands, as requested and must complete annual self-certification documents in the format specified by Arizona State Parks.

Arizona State Parks and the State of Arizona, its employees, attorneys, advisory board members and contractors shall be indemnified and held harmless from its vicarious liability as a result of work performed in execution of this agreement.

The patricipant is in default if it fails in the performance of any portion of this agreement or any conditions of the Deed of Conservation Easement conveyed by Arizona State Parks. Notice of and a description of the nature of the default will be mailed to the participant. Failure to commence an Arizona State Parks approved cure for the defaultor to seek amendment to the approved cure, within 60 days of participant's receipt of the written notice, shall be considered a default.

Attachment B

PARTICIPANT AGREEMENT GENERAL PROVISIONS
FOR GROWING SMARTER STATE TRUST LAND ACQUISITION PROGRAM PROJECTS

PART I - DEFINITIONS

For purposes of this agreement,

A. **CAB** means the Conservation Acquisition Board.

B. **BOARD** means the Arizona State Parks BOARD, which is the governing body of Arizona State Parks.

C. **Eligible Costs** mean direct costs chargeable to the project grant program such as 1) the cost of acquiring state trust land; 2) other items of expense associated with acquiring state trust land.

D. **Facilities** mean capital improvements.

E. **Fund** means a grant from the Land Conservation Fund.

F. **Guidelines** mean program directives adopted by the BOARD.

G. **Ineligible Costs** are those costs incurred for a common or joint purpose benefiting more than one cost objective and not readily assignable to the cost objectives of the grant.

H. **Match** means a specified percentage of the total eligible and direct project cost paid by the PARTICIPANT.

I. **PARTICIPANT** means an eligible applicant that has been awarded a grant.

J. **Project** means an activity, or a series of related activities, which are described in the specific project scope of work and which result in a specific product(s).

K. **Project Period** means the period of time during which all approved work and related expenditures associated with an approved project are to be completed by the PARTICIPANT.

L. **Repayment** means returning grant money to the Fund in the event the PARTICIPANT violates the terms of this agreement, the conservation easement, and/or the patent restriction during the Term of Public Use.

M. **Staff** means employees of Arizona State Parks.

N. **Sub-contract** means a direct contract between the PARTICIPANT and another contractor party whereby labor is supplied or work is performed in furtherance of the PARTICIPANT'S responsibilities under this agreement.

O. **Term of Public Use** means meeting the terms of the conservation easement and/or the patent restriction in perpetuity. Pursuant to A.R.S. §41-522.23.G.1(a), nonprofit organizations must also provide public access to acquired parcels in perpetuity. The Term of Public Use shall begin on the date of completion identified in the Completion Certification Letter.

P. **Third Party PARTICIPANT** means an entity sponsored by an eligible project participant. More specifically, it includes governmental, private and non-profit units through the terms of a lease, permit, cooperative agreement, or an intergovernmental agreement (ARS § 11-952).

PART II - PERFORMANCE

A. ADMINISTRATION

1. **Conditions** - This agreement is subject to the availability of grant funds and appropriate approvals, and shall be subject to the Constitution of the State of Arizona, the Arizona Revised Statutes, other acts of the Arizona Legislature, executive orders of the Governor, and policies of the BOARD.

2. **Incorporation of Application** - The PARTICIPANT'S approved application for grant funds is incorporated by reference as part of this agreement; however, the terms of this agreement shall take precedence in the event of conflict or ambiguity.

3. **Use of Grant Funds** - Awarded grant funds shall be used solely for eligible purposes of the funding program as defined by statute and as approved by the BOARD.

4. **Transfer of Grant Funds** - Awarded grant funds shall be transferred to the PARTICIPANT through reimbursement of approved expenditures for matching grants and through advances, on an as-needed basis.

5. **Grant Accountability** - Grant funds shall be managed separately within the PARTICIPANT'S accounting system which identifies the name and number of the project. The funds shall be expended only as authorized under the terms of this agreement.

6. **Accomplishment of Project** - The project shall be accomplished according to the terms of this agreement and applicable State laws.

7. **Amendments** - This agreement may be amended in writing by the parties of the agreement upon written request of the PARTICIPANT and good cause shown, to adjust the project period, project costs, specific project scope items, or other specified adjustments to the agreement.

8. **Use of Project** – Project accomplishments shall be open or available to the public as specified in this agreement, and pursuant to A.R.S. §41-511.23.G.1(a).

9. **Special Conditions -** Special conditions to this agreement shall be binding upon and inure to the benefit of the successors and assigns of each of the parties to this agreement. Breach of any condition shall be enforceable by specific performance or shall justify the BOARD to seek recovery of all funds granted.

B. RESPONSIBILITY FOR THIRD PARTY AGREEMENTS

The PARTICIPANT sponsoring a third party to this agreement shall be responsible for compliance with provisions of this agreement in the event of third party default for the remainder of the term, or shall reimburse the Fund.

C. RELATIONSHIP OF PROJECT COSTS TO THE PROJECT PERIOD

Except for pre-agreement costs approved by the BOARD, only those costs associated with approved project work incurred during the project period shall be eligible for reimbursement according to the terms of this agreement. All requests for reimbursement must be submitted by the PARTICIPANT within 30 days after the patent transfer in order to be considered for payment.

D. PROCUREMENT AND DEVELOPMENT

If the PARTICIPANT is a governmental entity, procurement transactions, including those involving professional services, materials, and construction, shall be accomplished according to the PARTICIPANT'S procurement standards. State procurement standards shall apply to all non-governmental entities to the fullest extent possible.

E. SUB-CONTRACTS

1. Sub-contracts awarded to accomplish approved project work shall incorporate, by reference, in each sub-contract the provisions of this agreement. The PARTICIPANT shall bear full responsibility for acceptable performance under each sub-contract.

2. The PARTICIPANT shall pay any claim of a sub-contractor or other employed individual performing work on this project for services pursuant to this agreement when due. If the PARTICIPANT is subject to A.R.S §34-221, payment is due when required pursuant to A.R.S. §34-221.

3. Unless the PARTICIPANT is a State agency, the PARTICIPANT shall indemnify and hold the State of Arizona and the BOARD harmless from any claim for services pursuant to this agreement, or damages relating thereto, of a sub-contractor or other employed individual performing work on this project.

4. Any sub-contract for employment by the PARTICIPANT shall be in writing and shall contain a provision whereby a person so employed or with whom a sub-contract has been entered, acknowledges that the State of Arizona and the BOARD shall not be liable for any costs, claims, damages, reimbursement, or payment of any kind relating to such sub-contract.

F. PROJECT REPORTING, REVIEWS, AND ON-SITE INSPECTIONS

1. The PARTICIPANT agrees to submit a project status report not less than quarterly. The status report will include at a minimum the following: (a) progress in completing the approved scope of work; and (b) any problems encountered and solutions to problems regarding completion of the project. Failure to submit the reports will result in delays in grant reimbursement or advance processing. The PARTICIPANT further agrees to consult with Staff, as needed, to review progress. The Staff reserves the right to review the progress of the project and to conduct on-site inspections, as applicable and as needed, at any reasonable time to assure compliance with the terms of this agreement.

2. The PARTICIPANT shall certify compliance with the Participant Agreement every year in perpetuity, on a form to be provided by the BOARD. In addition, on-site inspections shall be conducted periodically at the discretion of the BOARD. The following points shall be taken into consideration during the inspection of properties that have been acquired or developed with grant assistance: retention and use, appearance, maintenance, management, availability, environment, signing, and interim use.

G. PROJECT INCOME AND EARNED INTEREST

Income and/or interest generated from funds transferred to the PARTICIPANT during the project period shall be used to further the purposes of the approved project. Funds advanced, but not spent to complete the project, shall be returned to the BOARD at the completion of the project. Pursuant to Part II, Paragraph I of this agreement, the PARTICIPANT shall own all rights in the materials produced with project funds.

H. PRODUCT OR PUBLISHABLE MATTER OWNERSHIP

The PARTICIPANT shall have ownership of products or publishable matter produced with grant assistance with the understanding that the BOARD reserves nonexclusive license to use and reproduce, without payment, such materials. This paragraph is not applicable to architectural or engineering plans produced with grant assistance.

I. FUND SOURCE RECOGNITION

The PARTICIPANT agrees to permanently and publicly acknowledge grant program(s) that assisted project accomplishments (including, but not limited to, final documents, audio-visual recordings, photographs, plans, drawings, publications, advertisements and project plaques). At a minimum, this acknowledgment shall include the following: "This project was financed in part (or in full) by a grant from the Land Conservation Fund administered by the Arizona State Parks Board."

J. PROJECT COST VERIFICATION

The PARTICIPANT agrees to submit project expenditure documents to Staff for verification or audit purposes upon request.

K. TRANSFER OF CONTRACTUAL RESPONSIBILITY

The PARTICIPANT may transfer contracted responsibilities under the terms of this agreement to another eligible participant provided that the BOARD prior to the transfer has granted approval.

PART III - COMPLIANCE

A. ANTI-TRUST

Vendor and purchaser recognize that, in actual economic practice, overcharges from anti-trust violations are borne by purchaser. Therefore, the PARTICIPANT hereby assigns to BOARD any and all claims for such overcharges.

B. ARBITRATION

To the extent required pursuant to A.R.S. § 12-1518 and any successor statute, the parties agree to use arbitration, after exhausting all applicable administrative remedies, to resolve disputes arising out of this Agreement.

C. INDEMNIFICATIONS AND CLAIMS AGAINST THE STATE

Unless the PARTICIPANT is a State or a federal agency, the PARTICIPANT shall indemnify, save and hold harmless the BOARD, the CAB, and the State of Arizona, its agents, departments, officers and employees from all claims, losses, damages, liabilities, expenses, costs, and charges incident to or resulting in any way from any injuries or damage to any person or any damage to any property caused by or resulting from the issuance of or the performance of services rendered as a part of this Agreement, except those claims, losses, damages, liabilities, expenses, costs, and charges arising from the sole negligence of the BOARD, the CAB, or the State of Arizona, its agents, departments, officers, or employees.

D. NON-DISCRIMINATION -- EMPLOYMENT

The PARTICIPANT agrees to comply with the provisions of Executive Order Number 99-4, issued by the Governor of the State of Arizona relating to nondiscrimination in employment, which by reference is incorporated herein and becomes a part of this Agreement.

E. ARIZONANS WITH DISABILITIES ACT OF 1992 AND AMERICANS WITH DISABILITIES ACT

The PARTICIPANT shall comply with all applicable provisions of the Arizonans with Disabilities Act of 1992, A.R.S. §41-1492, et. seq. and the Americans with Disabilities Act, (Public Law 101-336, 42 U.S.C. 12101-12213 and 47 U.S.C. §225 and 611), and applicable state rules and federal regulations under the Acts (28 CFR Parts 35 and 36).

F. RECORDS RETENTION AND AUDITS

1. Complete financial records and all other documents pertinent to this Agreement shall be retained by the PARTICIPANT and made available to the Staff, if requested, for review and/or audit purposes for a period of five (5) years after project closure.

2. The PARTICIPANT may substitute microfilm copies in place of original records, but only after project costs have been verified.

G. STATE CONTRACT CANCELLATION

1. The State or its political subdivisions or any department or agency of either may cancel this contract, without penalty or further obligation pursuant to A.R.S. §38-511.

2. Every payment obligation of the BOARD under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated or appropriated for the continuance of this Agreement, the BOARD may terminate this Agreement at the end of the period for which the funds are available. No liability shall accrue to the BOARD or the State of Arizona in the event this provision is exercised, and the BOARD shall not be obligated or liable for any future payments or for any damages resulting as a result of termination under this paragraph.

H. REMEDIES

1. The BOARD may temporarily suspend grant assistance under the project pending required corrective action by the PARTICIPANT or pending a decision to terminate the grant by the BOARD.

2. The PARTICIPANT may unilaterally terminate the Participant Agreement at any time before the first payment on the Project. After the initial payment, the Participant Agreement may be terminated, modified, or amended by the PARTICIPANT only by written mutual agreement of the parties.

3. The BOARD may terminate the Participant Agreement in whole, or in part, at any time before the date of completion, whenever it is determined that the PARTICIPANT has failed to comply with the terms or conditions of the grant. The BOARD will promptly notify the PARTICIPANT in writing of the determination and the reasons for the termination, including the effective date. All payments made to the PARTICIPANT shall be recoverable by the BOARD under a Participant Agreement terminated for cause.

4. The BOARD or PARTICIPANT may terminate the Participant Agreement in whole, or in part, at any time before the date of completion, when both parties agree that the continuation of the Project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The PARTICIPANT shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The BOARD may allow full credit to the PARTICIPANT for the grant share of

obligations properly incurred before the effective termination date and which cannot be canceled.

5. Termination either for cause or for convenience requires that the Project in question be brought to a state of public usefulness to the terms set forth by the BOARD; otherwise, all funds provided by the BOARD shall be returned to the BOARD.

6. The BOARD may require specific performance of the terms of this agreement or take legal steps necessary to recover the funds granted if the PARTICIPANT fails to comply with the terms of the grant or breaches any condition or special condition of the Participant Agreement.

7. The remedies expressed in this Agreement are not intended to limit the rights of the BOARD. This Agreement shall not in any way abridge, defer, or limit the BOARD'S right to any right or remedy under law or equity that might otherwise be available to the BOARD.

I. CULTURAL RESOURCES

The PARTICIPANT agrees to meet the requirements of the State Historic Preservation Act (ARS §41-861 to 41-864) before project initiation.

J. COMPLIANCE WITH FEDERAL IMMIGRATION LAWS AND REGULATIONS RELATING TO THE HIRING OF UNAUTHORIZED WORKERS.

The PARTICIPANT agrees to meet the compliance requirements for A.R.S. § 41-4401 , Government Procurement: E-Verify Requirement.

1. The contractor warrants compliance with all Federal immigration laws and regulations relating to employees and warrants its compliance with Section A.R.S. § 23-214, Subsection A. (That subsection reads: "After December 31,2007, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the E-Verify program.)
2. A breach of a warranty regarding compliance with immigration laws and regulations shall be deemed a material breach of the contract and the contractor may be subject to penalties up to and including termination of the contract.
3. Failure to comply with a State audit process to randomly verify the employment records of contractors and subcontractors shall be deemed a material breach of the contract and the contractor may be subject to penalties up to and including termination of the contract.
4. The State Agency retains the legal right to inspect the papers of any employee who works on the contract to ensure that the contractor or subcontractor is complying with the warranty under paragraph 1.

Acceptance of all terms and conditions of this agreement and its attachments is acknowledged by the PARTICIPANT'S signature on the cover sheet of this agreement.

Attachment C

DEED OF CONSERVATION EASEMENT

THIS GRANT DEED OF CONSERVATION EASEMENT is made this ____ day of _____, 2013 by **The City of Flagstaff**, having an address at **211 West Aspen Avenue, Flagstaff, Arizona 86002** ("Grantor"), in favor of Arizona State Parks Board, having an address at 1300 W. Washington, Phoenix, Arizona, 85007 ("Grantee").

WITNESSETH:

WHEREAS, Grantor is the sole owner in fee simple of certain real property in Coconino County, Arizona, more particularly described in Exhibit A attached hereto and incorporated by this reference (the "Property"); and

WHEREAS, the Property possesses ecological values (collectively, "conservation values") of great importance to Grantors and the people of the State of Arizona; and

WHEREAS, in particular, Observatory Mesa, located in west Flagstaff is a southerly facing mesa that is an integral part of the ecology centered on the San Francisco Peaks. Elevation, creviced drainages, and sloping terrain support a diversity of plants and wildlife. Its location provides wildlife grazing between the Peaks and lower elevations. Observatory Mesa overlooks Flagstaff and much of the surrounding countryside, with unobstructed views extending north to the San Francisco Peaks and south to the Mogollon Rim; and

WHEREAS, the specific conservation values of the Property are further documented in an inventory of relevant features of the Property, submitted by Grantor as application for matching funds from the Land Conservation Fund through the Growing Smarter Trust Land Acquisition Grant Program and incorporated by this reference ("Baseline Documentation"), which consists of reports, maps, photographs, and other documentation that the parties provide, collectively, an accurate representation of the Property at the time of this grant and which is intended to serve as an objective, though nonexclusive, information baseline for monitoring compliance with the terms of this grant; and

WHEREAS, Grantor intends that the conservation values of the Property be preserved and maintained by permitting only those land uses on the Property that do not significantly impair or interfere with them, including, without limitation, those land uses relating to existing at the time of the grant; and

WHEREAS, Grantor further intends, as owner of the Property, to convey to Grantee the right to preserve and protect the conservation values of the Property in perpetuity; and

WHEREAS, Grantee is an Arizona state agency whose primary purpose is to manage and conserve Arizona's natural, cultural and recreational resources for the benefit of the people;

NOW, THEREFORE, in consideration of a Grant Award in the amount not to exceed $6,000,000 and in consideration of the above and the mutual covenants, terms, conditions and restrictions contained herein, and pursuant to the laws of Arizona and in particular A.R.S. § 33-271 through § A.R.S. 33-276 and A.R.S. §41-511.23, Grantor hereby voluntarily grants and conveys to Grantee a conservation easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth ("Easement").

1. **Purpose.** It is the purpose of this easement to assure that the Property will be retained forever in predominantly the condition reflected in the Baseline Documentation referenced in this document and to prevent any use of the Property that will significantly impair or interfere with the conservation values of the Property. Grantor intends that this Easement will confine the use of the Property to such activities, including, without limitation, those involving passive recreational uses compatible with the maintenance of the Property's Conservation Values, such as hiking and horseback riding, educational gatherings, periodic planting of native plant species, release of rehabilitated or displaced wildlife and other activities, as are not inconsistent with the purpose of this Easement. This Easement is intended to assure that the goals of the Growing Smarter Act, as amended, to conserve open spaces in or near urban areas and other areas experiencing high growth pressures, will be met. This Easement seeks to conserve open space, defined as land that is generally free of uses that would jeopardize the conservation values of the land or development that would obstruct the scenic beauty of the land. Conserved land remains open space if the stewards of the parcel maintain protection of both the natural and cultural assets for the long-term benefit of the land and the public and the unique resources that the area contains, such as scenic beauty, protected plants, wildlife, archaeology, passive recreation values and the absence of extensive development.

2. **Rights of Grantee**. To accomplish the purpose of this Easement the following rights are conveyed to Grantee by this easement:

   (a) To preserve and protect the conservation values of the Property;

   (b) To enter upon the Property at reasonable times in order to monitor Grantor's compliance with and otherwise enforce the terms of this Easement in accordance with paragraph 8; provided that, except in cases where Grantee determines that immediate entry is required to prevent,

terminate, or mitigate a violation of this Easement, such entry shall be upon prior reasonable notice to Grantor; unless entry is open to the public, in which case notice to enter upon Property is assumed if it complies with the Grantor's enforced rules of public access, and Grantee shall not in any case unreasonably interfere with Grantor's use and quiet enjoyment of the Property; and

(c) To prevent any activity on or use of the Property that is inconsistent with the purpose of this Easement and to require the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use, pursuant to the remedies set forth in paragraph 8.

3. **Restricted Uses.** Regardless, no more than 10% of the acquired land, up to a limit of 20 acres total, may be eligible for alteration or development, and all such proposed work must be approved by the Grantee in advance, subject to Paragraph 6 below. No changes may be made to the parcel that would seriously or negatively affect its conservation and open space values. Any activity on or use of the Property inconsistent with the purpose of this Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are allowed only upon prior approval of the Grantee:

(a) **Construction of Buildings and Other Structures.** The construction or reconstruction of any building or other structure or improvement, except those existing on the date of this Easement, is prohibited, except those alterations which are approved in advance by the Grantee and listed in sub-paragraphs (b) and (c).

(b) **Trail and Parking Lot Construction.** No trail, road, parking lot, ramada, staging area or other man made structure shall be constructed without the advance written permission of Grantee. Such permission shall not be unreasonably withheld unless Grantee determines that the proposed location of any trail, road, parking lot, ramada or staging area will substantially diminish or impair the Conservation Values of the Property or is otherwise inconsistent with this Deed.

(c) **Signage or Billboards.** No signs, billboards, awnings or advertisements shall be displayed or placed on the Property, except for appropriate and customary signs for interpretive and recreational purposes, such as "no trespassing" signs and trail markers, and then only with advance written permission from Grantee. Under no circumstances shall any sign or marker be erected that materially adversely affects the Conservation Values of the Property.

(d) **Temporary Fundraising Activity.** Grantor may request the right to perform periodic and temporary fundraising activities on the Property if the revenues earned from those activities will be used for stewardship of

the Property. Such fundraising activities shall be allowed only upon written approval of Grantee if Grantee determines that the proposed activity will not substantially diminish or impair the Conservation Values of the Property or is otherwise inconsistent with this Deed.

Where Grantee's approval is required, as set forth above, Grantee shall grant or withhold its approval in writing within a reasonable period of time. Grantor's written request shall include a description of the nature, scope, design, location, timetable, and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with purpose of this Easement. Grantee's approval may be withheld only upon a reasonable determination by Grantee that the action as proposed would be inconsistent with the purpose of this Easement. If Grantee does not respond to the request within 60 days, the request shall be deemed denied. In the event of approval, any deviation from the nature, scope, design, location, timetable or any other material aspect of the proposed activity requires that Grantor submit an additional request for approval.

4. **Prohibited Uses.** Any activity on or use of the Property inconsistent with the purpose of this Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited:

(a) **Subdivision.** Any division or subdivision of title to the Property, whether by physical or legal process, is prohibited.

(b) **Commercial or Industrial Activity.** No commercial or industrial uses shall be allowed on the Property.

(c) **Mining.** The mining or extraction of soil, sand, gravel, rock, oil, natural gas, fuel, or any other mineral substance is prohibited.

(d) **Water Rights.** Grantor shall retain and reserve the right to use water rights sufficient to maintain and improve the Conservation Values of the Property, and shall not transfer, encumber, lease, sell, or otherwise separate water rights necessary and sufficient to maintain and improve the Conservation Values of the Property from title to the Property itself.

(e) **Trash and Dumping.** The dumping or uncontained accumulation of any kind of trash or refuse on the Property is prohibited.

5. Reserved Rights. Grantors reserve to themselves, and to their personal representatives, heirs, successors, assigns, all rights accruing from their ownership of the Property, including the right to engage in, or permit or invite others to engage in, all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement. Without limiting the generality of the foregoing, and subject to the terms of paragraph 3, the following rights are expressly reserved:

(a) To engage in and permit others to engage in recreational uses of the Property, including, without limitation, hiking, horseback riding, and other forms of passive recreation that require no surface alteration or other development of the Property.

(b) To engage in and permit others to engage in educational and scientific study activities, without limitation, provided that no unauthorized alteration of the Property or of objects or sites addressed in paragraph 7 will occur as a result of these activities.

(c) To remove invasive plant species and to re-vegetate portions of the Property with indigenous plants if needed after flood, fire, or other disturbance.

Grantor is required to notify Grantee prior to undertaking or permitting new activities on the Property, if not specifically listed above, in order to afford Grantee an adequate opportunity to monitor the activities in question to ensure that they are not inconsistent with the purpose of the Easement. Grantor shall provide notice to Grantee in writing not less than 60 days prior to the date Grantor intends to undertake or permit the new activity in question.

6. **Notice of Intention to Undertake Certain Permitted Actions.**

6.1 Where Grantee's approval is required, as set forth in paragraphs 3(a) through 3(d), Grantee shall grant or withhold its approval in writing within 60 days of receipt of Grantor's written request therefore. The written request shall include a description of the nature, scope, design, location, timetable, and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with purpose of this Easement. Grantee's approval may be withheld only upon a reasonable determination by Grantee that the action as proposed would be inconsistent with the purpose of this Easement. If Grantee does not respond to the request within the 60-day time frame, the request shall be deemed denied. In the event of approval, any deviation from the nature, scope, design, location, timetable or any other material aspect of the proposed activity requires that Grantor submit an additional request for approval.

6.2 Grantor is required to notify Grantee prior to undertaking permitted activities consistent with the Easement, other than those activities governed by paragraphs 3(a) through 3(d) and 6.1 to afford Grantee an adequate opportunity to monitor the activities in question to ensure that they are not inconsistent with the purpose of the Easement. Grantor shall provide notice to Grantee in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question.

7. **Historic Properties and Preservation of Resources.**

7.1 **Definition.** Historic Properties are defined as sites, buildings, structures and objects significant in this state's history, architecture, archaeology, engineering and culture

which meet eligibility criteria which the Arizona Parks Board establishes for listing on the Arizona Register of Historic Places or which are listed on the National Register of Historic Places.

7.2 **General Preservation.** Grantor agrees to consider the use of and impact upon historic properties located on the Property and to undertake any reasonable preservation that is necessary to carry out the terms of this Easement. In addition, the Grantor agrees to avoid any demolition, substantial alteration or significant deterioration of historic properties and objects on the Property.

7.3 **Land Uses and Historic Preservation.** Grantor agrees that only those uses that are compatible with preservation of the cultural resources located on the Property shall be allowed on the Property and ensure that the pre-historical, historical, architectural or culturally significant values will be preserved or enhanced.

7.4 **Unintentional Disturbance.** The Grantor agrees to monitor the Property for the unintentional disturbance of human remains or funerary objects and historic properties on the Property and shall report any such disturbance to the Director of the Arizona State Museum, the State Historic Preservation Officer and the Grantee. The Grantor agrees to exercise any and all measures recommended by either the Director of the Arizona State Museum, or other permitting authority as established by state law, or the Grantee, to see that on further disturbance of the remains or objects occurs.

7.5 **Prohibition on Excavation.** The Grantor agrees that it will not disturb or excavate or grant any other person permission to disturb or excavate in or upon any historic property, or any historic or prehistoric ruin, burial ground, archaeological or vertebrate pale ontological specimen. For the purpose of this provision, archaeological specimen means any item resulting from past human life or activities which is at least 50 years old including petroglyphs, pictographs, paintings, pottery, tools, ornaments, jewelry, textiles, ceremonial objects, weapons, armaments, vessels, vehicles and human skeletal remains. Archaeological specimen does not include arrowheads, coins or bottles. Notwithstanding the applicability of these prohibitions, the Grantee, in consultation with the State Historic Preservation Officer, may consider and allow for the excavation in or upon a historic property, provided that the Conservation Values of the Property are not adversely affected. In addition, any excavation of disturbance that is allowed by the Grantee is still subject to approval by and the permitting requirements of the Director of the Arizona State Museum, or other permitting authority established in law.

7.6 **Prohibition on Defacing Property.** The Grantor agrees not to deface or otherwise alter any site or object on the Property and embraced within the terms stated in provisions 7.1 through 7.5. The Grantor further agrees to make reasonable efforts to avoid the potential that persons and entities entering upon the site for approved purposes may deface or otherwise alter any site or object embraced within the terms stated in provisions 7.1 through 7.5.

7.7 **Reporting Discoveries.** The Grantor agrees that during the course of acting as steward of the Property and especially during any work to prepare the Property for public access, such as a survey, excavation, construction or other like activity, that it shall report promptly to the Director the Arizona State Museum, or other permitting authority as established by state law, the State Historic Preservation Officer and the Grantee, the existence of any archaeological, pale ontological or historical site or object that is at least 50 years old and that is discovered in the course of such survey, excavation, construction, other like activity, or other activities undertaken as the steward of the Property. All such discoveries are subject to the provisions of the Arizona Antiquities Act. Any discoveries may require treatment such as remediation or restoration if the site or object was adversely impacted as a result of the survey, excavation, construction or other like activity, which the cost of any such remediation or restoration shall be borne by Grantor.

8. **Grantee's Remedies.**

8.1 **Notice of Violation; Corrective Action.** If Grantee determines that a violation of the terms of this Easement has occurred or is threatened, Grantee shall give written notice to Grantors of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent with the purpose of this Easement, to restore the portion of the Property so injured to its prior condition in accordance with a plan approved by Grantee at Grantor's expense.

8.2 **Injunctive Relief.** If Grantor fails to cure the violation within 20 days after receipt of notice thereof from Grantee, or under circumstances where the violation cannot reasonably be cured within a **20** day period, fail to begin curing the violation within the 20 day period, or fail to continue diligently to cure such violation until finally cured, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Easement, to enjoin the violation, ex parte as necessary, by temporary or permanent injunction, and to require the restoration of the Property to the condition that existed prior to any such injury.

8.3 **Damages.** Grantee shall be entitled to recover damages up to, but not in excess of the grant amount, directly resulting from violation of the terms of this Easement or injury to any conservation values protected by this Easement, including, without limitation, damages for the loss of scenic, aesthetic, or environmental values. Without limiting the Grantors' liability therefore, Grantee, in its sole discretion, may apply any damages recovered to the cost of undertaking any corrective action on the Property.

8.4 **Emergency Enforcement**. If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the Conservation Values of the Property, Grantee may pursue its remedies under this paragraph 8 without prior notice to Grantor or without waiting for the period provided for cure to expire.

8.5 **Scope of Relief.** Grantee's rights under this section 8 apply equally in the event of either actual or threatened violations of the terms of this Easement. Grantor agrees that Grantee's remedies at law for any violation of the terms of this Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in paragraph 8.2, both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this Paragraph 8 shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

8.6 **Costs of Enforcement.** All reasonable costs incurred by Grantee in enforcing the terms of this Easement against Grantors, including, without limitation, costs and expenses of suit and reasonable attorneys' fees, and any costs of restoration necessitated by Grantors' violation of the terms of this Easement shall be borne by Grantor.

8.7 **Forbearance**. Forbearance by Grantee to exercise its rights under this Easement in the event of any breach of any term of this Easement by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Easement or of any of Grantee's rights under this Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.

8.8 **Waiver of Certain Defenses.** Grantors hereby waive any defense of laches, estoppel, or prescription.

8.9 **Acts Beyond Grantor's Control.** Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from causes beyond Grantor's control, including, without limitation, fire, flood, storm, earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, mitigate significant injury to the Property resulting from such causes. Notwithstanding the foregoing, nothing herein shall preclude Grantor's and Grantee's rights to pursue any third party for damages to the Property from vandalism, trespass or any other violation of the terms of this Easement.

9. **Arbitration**. Notwithstanding the remedies available to the parties pursuant to Paragraph 8 above, the parties agree to resolve all disputes arising out of or relating to this Easement through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. §12-1518 except as may be required by other applicable statutes.

10. **Access.** Grantor agrees to provide reasonable public access to the Property and agrees to impose no restrictions that would limit reasonable public access.

11. **Records Retention**. Grantor agrees to retain all data, books and other records ("Records") relating to the grant for a period of five years. All records shall be open to

inspection and audit by the grantee at reasonable times. Upon request, the Grantor will provide a legible copy of any or all such records within a reasonable time.

12. **Annual Reports and Certification.** Grantor agrees to report annually on the condition of the Property and to report any change in the Property from the Baseline Documentation to the Grantee in a format of the Grantee's choosing. The Grantor shall certify compliance with the obligations of the Deed of Conservation Easement every year in perpetuity, on a form to be provided by the BOARD. In addition, on-site inspections shall be conducted periodically at the discretion of the BOARD. The following point shall be taken into consideration during the inspection of properties that have been acquired or developed with grant assistance: retention and use appearance, maintenance, management, availability, environment, signing, and interim use.

13. **Costs, Liabilities, Taxes, and Environmental Compliance.**

13.1 **Costs, Legal Requirements, and Liabilities.** Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including the maintenance of adequate liability self-insurance coverage. Grantor remains solely responsible for obtaining any applicable governmental permits and approvals for any construction or other activity or use shall be undertaken in accordance with all applicable federal, state, and local laws, regulations, and requirements. Grantor shall keep the Property free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by the Grantors.

13.2 **Taxes.** Grantor shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Property by competent authority (collectively "taxes"), including any taxes imposed upon, or incurred as a result of, this Easement, and shall furnish Grantee with satisfactory evidence of payment upon request.

13.3 **Representations and Warranties.** Grantors represent and warrant that, after reasonable investigation and to the best of their knowledge:

(a) No substance defined, listed or otherwise classified pursuant to any federal, state, or local law, regulation, or requirement as hazardous, toxic, polluting, or otherwise contaminating to the air, water, soil, or in any way harmful or threatening to human health or the environment exists or has been released, generated, treated, stored, used disposed of, deposited, abandoned, or transported in, on, from or across the Property;
(b) There are not now any underground storage tanks located on the Property, whether presently in service or closed, abandoned, or decommissioned, and no underground storage tanks have been removed from the Property in a manner not in compliance with applicable federal, state, and local laws, regulations, and requirements;

(c) Grantor and the Property are in compliance with all federal, state, and local laws, regulations, and requirements applicable to the Property and its use;
(d) There is no pending or threatened litigation in any way affecting, involving, or relating to the Property; and
(e) No civil or criminal proceedings or investigations have been instigated at any time or are now pending, and no notices, claims, demands, or orders have been received, arising out of any violation or alleged violation of, or failure to comply with, any federal, state, local law, regulation, or requirement applicable to the Property and its use, nor do there exist any facts or circumstances that the Grantor might reasonably expect to form the basis for any such proceedings, investigations, notices, claims, demands, or orders.

13.4 **Remediation.** If, during Grantor's ownership of the Property, there occurs, a release in, on, or about the Property of any substance now or hereafter defined, listed, or otherwise classified pursuant to any federal, state, or local law, regulation, or requirement as hazardous, toxic, polluting, or otherwise contaminating to the air, water, or soil, or in any way harmful or threatening to human health or the environment, Grantor agree to take all steps reasonably necessary to assure its containment and remediation, including any cleanup that may be legally required, unless the releases were caused by the Grantee, in which case Grantee shall be responsible therefore.

13.5 **Control.** Nothing in this Easement shall be construed as giving rise, in the absence of a judicial decree, to any right or ability in Grantee to exercise physical or managerial control over the day-to-day operations of the Property, or any of Grantor's activities on the Property, or otherwise to become an operator with respect to the Property within the meaning of The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA").

14. **Extinguishment and Condemnation.**

14.1 **Extinguishment.** If circumstances arise in the future that render the purpose of this Easement impossible to accomplish, this Easement may be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction or by mutual written agreement of the parties. Unless otherwise required by applicable law at the time, in the event of any sale of all or a portion of the Property (or any other property received in connection with an exchange or involuntary conversion of the Property) after such termination or extinguishment, and after the satisfaction of prior claims and net of any costs or expenses association with such sale, Grantor and Grantee shall divide the proceeds from such sale (minus any amount attributable to the value of improvements made by Grantor after the effective date of this Easement, which amount is reserved to Grantor) in accordance with their respective percentage interests in the fair market value of the Property, adjusted, if necessary, to reflect a partial termination or extinguishment of this Easement. Grantor shall use all such proceeds received by Grantor in a manner consistent with Grantor's conservation purposes.

14.2 **Condemnation.** If all or any part of the Property is taken by exercise of the power of eminent domain or acquired by purchase in lieu of condemnation, whether by public, corporate, or other authority, so as to terminate this Easement, in whole or in part, Grantor and Grantee shall act jointly to recover the full value of their interests in the Property, including Grantee's interest in the amount of the Grant Award, subject to the taking or in lieu of purchase and all direct or incidental damages resulting there from. All expenses reasonable incurred shall be paid out of the amount recovered.

15. **Amendment.** Notwithstanding the provisions related to extinguishment of this Easement, if circumstances arise under which an amendment to or modification of this Easement would be appropriate, the Grantor and Grantee are free to jointly amend this Easement, provided that no amendment shall be allowed that will affect the qualifications of this document as an Easement under the laws of Arizona, and any amendment shall be consistent with the purpose of this Easement and shall not have a material negative affect on the Conservation Values. Such amendments shall be in writing and executed by both Grantor and Grantee.

16. **Subsequent Transfers.** Grantor agrees to incorporate the terms of this Easement by reference in any deed or other legal instrument by which they divest themselves of any interest in all or a portion of the Property, including, without limitation, a leasehold interest. Grantors further agree to give written notice to Grantee of the transfer of any interest at least 30 days prior to the date of such transfer. The failure of Grantors to perform any act required by this paragraph shall not impair the validity of this Easement or limit its enforceability in any way.

17. **Estoppel Certificates.** Upon request by Grantor, Grantee shall within 30 days of receiving the request, execute and deliver to Grantor, or to any party designated by Grantors, any document, including an estoppel certificate, which certifies, to the best of Grantee's knowledge, Grantor's compliance with any obligation of Grantor contained in this Easement or otherwise evidences the status of this Easement. Such certification shall be limited to the condition of the Property as of Grantee's most recent inspection. If Grantor requests more current documentation, Grantee shall conduct an inspection, at Grantor's expense, within 30 days of receipt of Grantor's written request therefore.

18. **Notices.** Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantors:
City of Flagstaff
211 West Aspen Avenue
Flagstaff, Arizona 86001

To Grantee:
Arizona State Parks
1300 West Washington Street
Phoenix, Arizona 85007

or to such other address as either party from time to time shall designate by written notice to the other.

19. **Recordation.** Grantee shall record this instrument in timely fashion in the official records of Maricopa County, Arizona, and may re-record it at any time as may be required to preserve its rights in this Easement.

20. **General Provisions.**

20.1 **Controlling Law.** The laws of the State of Arizona shall govern the interpretation and performance of this Easement. Proper venue for any dispute relating to the Easement shall be the Superior Court of Maricopa County.

20.2 **Liberal Construction.** Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the purpose of this Easement and the policy and purpose of A.R.S. §33-271 through §33-276 and A.R.S. §41-511.23. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

20.3 **Severability.** If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

20.4 **Entire Agreement.** This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein.

20.5 **No Forfeiture.** Nothing contained herein will result in a forfeiture or reversion of Grantors' title in any respect.

20.6 **Successors.** The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties, hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property. The terms "Grantor" and "Grantee," wherever used herein, and any pronouns used in place thereof, shall include, respectively, the above-named Grantor and its successors, and assigns, and the above-named Grantee and its successors and assigns.

20.7 **Termination of Rights and Obligations.** A party's rights and obligations under this Easement terminate upon transfer of the party's interest in the Easement or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

20.8 **Captions.** The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

20.9 **Non-discrimination.** The Parties hereby acknowledge that they are bound by Executive Order 99-4 concerning non-discrimination in employment.

20.10 **Non-Availability of Funds.** Every payment obligation of the Grantee and Grantor under this Easement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Easement, this Easement may be terminated by the Grantee at the end of the period for which funds are available. No liability shall accrue to the Grantee in the event this provision is exercised, and the Grantee shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

20.11 **Counterparts.** The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

TO HAVE AND TO HOLD unto Grantee, its successors, and assigns forever.

IN WITNESS WHEREOF, the Grantor and the Grantee have executed this Deed of Conservation Easement, which shall become effective immediately upon signature by both parties.

GRANTOR: CITY OF FLAGSTAFF

_____
Signature

_____
Print Name

_____
Title

_____
Date

ACKNOWLEDGMENT BY GRANTOR

State of Arizona)
County of _____)

The foregoing instrument was acknowledged before me this_____day of_____, 2013

By_____
GRANTOR

_____
Notary Public

(Seal)

GRANTEE:
ARIZONA STATE PARKS BOARD

_____
Signature

_____
Print Name

_____
Title

_____
Date

ACKNOWLEDGMENT BY GRANTEE

State of Arizona)
County of _____)

The foregoing instrument was acknowledged before me this_____day of_____, 2013

By_____
GRANTEE

_____
Notary Public

(Seal)

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: McKenzie Jones, Sustainability Specialist

Co-Submitter: David McIntire, Asst. to City Manager - Real Estate

Date: 10/30/2013

Meeting Date: 11/05/2013

TITLE:

Consideration and Possible Adoption of Ordinance No. 2013-25: Authorizing the purchase of approximately 2,251 acres known as Observatory Mesa.

RECOMMENDED ACTION:

1) Read Ordinance No.2013-25 for the first time by title only
2) City Clerk reads Ordinance No. 2013-25 by title only (if approved above)
At the Special Council meeting of November 12, 2013
3) Read Ordinance No.2013-25 for the final time by title only
4) City Clerk reads Ordinance No. 2013-25 by title only for the final time (if approved above)
5) Adopt Ordinance No. 2013-25

Policy Decision or Reason for Action:

Subsidiary Decisions Points: In June 2013, Council passed Resolution 2013-12 approving the submission of a grant application to Arizona State Parks for the Growing Smarter State Trust Land Acquisition Program to acquire land at Observatory Mesa. The City has been awarded a $6 million grant through Arizona State Parks Growing Smarter Program to be used towards the acquisition of Observatory Mesa.

This acquisition will be through a live auction process which will be held on December 13, 2013 on the Coconino County Courthouse steps. Staff is requesting a final read at the November 12 Special Council meeting to meet the Public Auction purchasing requirements.

Financial Impact:

This purchase will be funded with a $6,000,000 grant from Arizona State Parks and $6,416,000 of voter-approved open space bond money including $5,500,000 from the Observatory Mesa bond and $916,000 from the Open Space bond. Through the auction process, the City will be required to meet the terms of the sale which include a deposit or initial fee of $1,462,947.10 that will be credited towards the total purchase. Within 30 days, the City will be required to pay the full balance, including administrative fees.

Connection to Council Goal:

Fund existing and consider expanded recreational services/Retain, expand, and diversify economic base.

Over the years, Observatory Mesa has emerged as an important resource for recreation and tourism. Observatory Mesa hosts a segment of the Flagstaff Loop Trail and Flagstaff Urban Trail System that promote connectivity for non-motorized transportation and recreation. Arizona Game & Fish has identified Observatory Mesa as important wildlife habitat and wildlife movement corridor. According to the National Survey of Fishing, Hunting, and Wildlife Associated Recreation, 1.3 million wildlife viewing participants spend $838 million in Arizona annually. Sites like Observatory Mesa significantly contribute to the local tourism economy. Eco-tourism and its related service sector are important components of Flagstaff's economic base. As such, the natural environment and outdoor recreation opportunities are extremely important to the tourism trade in Flagstaff.

Has There Been Previous Council Decision on This:

Yes, on June 4, 2013 Council passed Resolution 2013-12 approving the submission of a grant application to Arizona State Parks for the Growing Smarter State Trust Land Acquisition Program to acquire land at Observatory Mesa.

Options and Alternatives:

Option A – Read for the first time by title only on November 5, 2013 and read for the second time by title only and adopt at the Special Council meeting on November 12, 2013.
Option B – Not authorize the purchase of Observatory Mesa.

Background/History:

Efforts to protect Observatory Mesa began decades ago and continue today. In 2004, City staff submitted an Arizona Preserve Initiative petition to reclassify State Trust land on Observatory Mesa for conservation purposes and voters approved a $5.5 million bond to acquire this land. As critical wildlife habitat, a popular recreation corridor, and protection for dark skies, Observatory Mesa is a natural amenity for northern Arizona.

Key Considerations:

In the event of a successful acquisition, the City will be required to allow Arizona State Parks to hold a conservation easement over the property.

Expanded Financial Considerations:

This purchase will be funded with a $6,000,000 grant from Arizona State Parks and $6,416,000 of voter-approved open space bond money including $5,500,000 from the Observatory Mesa bond and $916,000 from the Open Space bond. Through the auction process, the City will be required to meet the terms of the sale which include a deposit or initial fee of $1,462,947.10 that will be credited towards the total purchase. Within 30 days, the City will be required to pay the full balance, including administrative fees.

Community Benefits and Considerations:

Acquiring Observatory Mesa as open space will provide a natural place within city limits for members of the Flagstaff community to learn about ecology, geology, and astronomy while participating in outdoor recreation. Preserving the mesa will protect important view sheds for Flagstaff residents and visitors to the region. Preserving Observatory Mesa positively impacts the observatories, provides protection from further light pollution, and strengthens the astrogeological sector of economy. Additionally, ownership of these sections would give the City great access and control in forest and watershed health initiatives, providing increased community protection from fire threats.

Community Involvement:

Involve - In 2004, Flagstaff voters approved a $5.5 million bond to acquire State Trust lands on Observatory Mesa as open space. On February 12, 2013, approximately 100 community members attended the State Land Public Comment Hearing and spoke out in unanimous support for the reclassification of Observatory Mesa as suitable for conservation purposes. The City of Flagstaff received 28 letters of support for the preservation process from community members and groups.

Expanded Options and Alternatives:

Option A – Read for the first time by title only on November 5, 2013, and read for the second time by title only and adopt at the Special Council meeting on November 12, 2013.
Option B – Not authorize the purchase of Observatory Mesa.

Attachments: Purchase Ordinance

ORDINANCE NO. 2013-25

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF AUTHORIZING THE ACQUISITION AND PURCHASE APPROXIMATELY 2,251 ACRES MOST COMMONLY REFERRED TO AS OBSERVATORY MESA

WHEREAS, in May 2004, the voters of the City of Flagstaff approved a bond measure for the acquisition of open space on Observatory Mesa; and

WHEREAS, in June 2013, the Flagstaff City Council adopted a Resolution approving of the submission of a grant application to Arizona State Parks for the Growing Smarter State Trust Land Acquisition Program to acquire land on Observatory Mesa; and

WHEREAS, pursuant to Article 1, Section 3 of the Charter of the City of Flagstaff, the City has the power and authority to acquire real property; and

WHEREAS, the Arizona State Land Department is the lawful owner of approximately 2,251 acres identified as Sections 6, 8, 18 and 19, Township 21N, Range 7E, and Section 12, Township 21N, Range 6E, otherwise known as Observatory Mesa; and

WHEREAS, it is necessary to direct and authorize the Assistant to the City Manager – Real Estate to acquire those parcels of open space identified by the City of Flagstaff Open Spaces Commission.

ENACTMENTS:

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

Section 1. That the Assistant to the City Manager – Real Estate is hereby authorized to negotiate with the owners of those parcels of real property identified as Observatory Mesa.

Section 2. That the Assistant to the City Manager – Real Estate is hereby authorized to acquire through purchase or exchange from the property owner, with the approval of the terms and conditions of sale or exchange by the City Manager, those parcels of real property identified as Observatory Mesa, and to execute all documents and take all actions necessary to consummate these acquisitions.

Section 3. That the Flagstaff City Council reserves the right of final approval for these acquisitions.

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:	10/30/2013
Meeting Date:	11/05/2013

TITLE:

Consideration and Adoption of Resolution No. 2013-27: A resolution of the Mayor and Council of the City of Flagstaff, Arizona declaring for purposes of section 1.150.2 of the Federal Treasury Regulations, official intent to be reimbursed in connection with certain capital expenditures related to Regional Open Space - Observatory Mesa Land Acquisition.

RECOMMENDED ACTION:

1) Read Resolution No. 2013-27 by title only
2) City Clerk reads Resolution No. 2013-27 by title only (if approved above)
3) Adopt Resolution No. 2013-27

Policy Decision or Reason for Action:

Approval of this resolution will allow the City to reimburse itself for expenditures made on current voter approved bonded projects for expenditures made in advance of issuing the debt.

Financial Impact:

The expenditure for Observatory Mesa will be reimbursed from proceeds of the sale of obligations or other financing mechanisms to be used in the future by or on behalf of the City.

Connection to Council Goal:

Fund existing and consider expanded recreational services
Effective governance through the deliverance of voter approved projects

Has There Been Previous Council Decision on This:

Yes. The May 18, 2004 bond election authorizing the Regional Open Space - Observatory Mesa Land Acquisition.

Options and Alternatives:

- Approve the Reimbursement Resolution to allow the City the greatest flexibility in assuring expenditures are reimbursed and debt can be issued when most advantageous to the City
- Do not approve the reimbursement resolution and require that bonded debt be issued in advance of the proposed project.

Background/History:

On May 18, 2004, a general election was held by the City of Flagstaff whereby the citizens authorized obligations to be issued in relation to ten capital projects. Question 303 authorized $5,500,000 for 'Regional Open Space - Observatory Mesa Land Acquisition'.

The City has also received a $6 million dollar grant from Arizona State Parks to pay for up to 50% of the anticipated cost of this purchase, estimated at $12 million dollars.

The City anticipates issuing this debt in the spring of 2014 as this is when rates have historically been most advantageous to the City.

Key Considerations:

IRS regulations are very specific as to what capital expenditures are eligible for reimbursement. These expenditures must be any cost of a type that is properly chargeable to a capital account (or would be so chargeable with a proper election) under general federal income tax guidelines.

Community Involvement:

Inform

Expanded Options and Alternatives:

- Approve the Reimbursement Resolution to allow the City the greatest flexibility in assuring expenditures are reimbursed and debt can be issued when most advantageous to the City
- Do not approve the reimbursement resolution and require that bonded debt be issued in advance of the proposed project.

Attachments: Resolution

RESOLUTION NO. 2013-27

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING, FOR PURPOSES OF SECTION 1.150-2 OF THE FEDERAL TREASURY REGULATIONS, OFFICIAL INTENT TO BE REIMBURSED IN CONNECTION WITH CERTAIN CAPITAL EXPENDITURES RELATING TO THE PURCHASE OF REGIONAL OPEN SPACE - OBSERVATORY MESA LAND ACQUISITION

RECITALS:

WHEREAS, the City of Flagstaff, Arizona, a political subdivision of the State of Arizona (hereinafter referred to as the "City"), is authorized and empowered to finance the costs of various capital facilities and equipment owned or to be owned by the City; and

WHEREAS, it is contemplated that certain expenditures made by the City with regard to capital facilities and equipment owned or to be owned by the City will be reimbursed from the financing proceeds in the future by or on behalf of the City;

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, THAT:

Section 1. Definitions. The following terms shall have the meanings assigned thereto as follows:

"Official intent" means a declaration of intent of the City to reimburse an original expenditure with proceeds of an obligation.

"Original expenditure" means an expenditure for a governmental purpose that is originally paid from a source other than a reimbursement bond.

"Reimbursement bond" means the portion of an issue of obligations allocated to reimburse an original expenditure that was paid before the issue date of such issue.

Section 2. Official Intent. This Resolution is official intent relating to reimbursement for the original expenditures indicated in Exhibit A attached hereto which are capital expenditures [being any cost of a type that is properly chargeable to a capital account (or would be so chargeable with a proper election) under general federal income tax principles].

Section 3. Project Descriptions. The projects for which such original expenditures are to be paid are for those described on the Exhibit A attached hereto and the maximum principal amount of obligations (including the reimbursement bonds for such purposes) to be issued for such projects will not exceed $5,500,000

Section 4. Reasonableness of Official Intent. On the date of this Resolution, the Mayor and Council of the City have a reasonable expectation (being that a prudent person in the same circumstances would have based on all the objective facts and circumstances) that it will

reimburse such original expenditures with proceeds of such obligations. [Official intents have not been declared by the Mayor and Council of the City as a matter of course or in amounts substantially in excess of the amounts expected to be necessary for such projects. Moreover, the Mayor and Council of the City do not have a pattern (other than in extraordinary circumstances) of failure to reimburse actual original expenditures covered by official intents.]

Section 5. Reimbursement Period. With certain exceptions, an allocation in writing that evidences use of proceeds of the reimbursement bonds to reimburse the original expenditures shall be made not later than 18 months after the later of the date that the original expenditure is paid or the date the project is "placed in service," but in no event more than 3 years after the original expenditure is paid.

Section 6. Public Record. This Resolution shall be included as of the date hereof in the publicly available official records of the City, such records being maintained and supervised by the Clerk of the City, being the main administrative office of the City, and shall remain available for public inspection on a reasonable basis.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 5th day of November, 2013.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

EXHIBIT A

ORIGINAL EXPENDITURES INTENDED TO BE REIMBURSED

Description of Original Expenditures	Amount of Expenditures	Dates of Original Expenditures
Observatory Mesa Land Acquisition	$5,500,000	After November 1, 2013

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Roger Eastman, Zoning Code Administrator

Date: 10/30/2013

Meeting Date: 11/05/2013

TITLE:

***Consideration and Adoption of Ordinance No. 2013-21 and Resolution No. 2013-22 (Zoning Map Amendment):** An Ordinance Adopting That Certain Document Entitled "2013 Amendments to Chapter 10-20, Administration, Procedures and Enforcement," By Reference; and Thereby Amending Division 10-20.50, Amendments to the Zoning Code Text and the Zoning Map, and Division 10-80.20, Definition of Specialized Terms, Phrases and Building Functions; and a Resolution of the Council of the City of Flagstaff, Arizona, Declaring as a Public Record That Certain Document Filed with the City Clerk and Entitled "2013 Amendments To Chapter 10-20, Administration, Procedures And Enforcement."

RECOMMENDED ACTION:

1) Adopt Resolution No. 2013-22 (declaring the "2013 Amendments to Chapter 10-20, Administration, Procedures and Enforcement" as a public record)
2) Read Ordinance No. 2013-21 for the final time by title only
3) City Clerk reads Ordinance No. 2013-21 by title only (if approved above)
4) Adopt Ordinance No. 2013-21

Policy Decision or Reason for Action:

The Council together with community stakeholders held a number of special work sessions from April through July 2013 to discuss the need for, and provide direction on, possible amendments to the zone change process. These amendments are now presented to the Council for review and adoption.

Financial Impact:

There is no direct financial impact to the City of Flagstaff by adopting this ordinance. However, many supporters of the proposed amendments have suggested that if they are adopted, more development supported by the Regional Plan may result.

Connection to Council Goal:

1. Zoning Code check in and analysis of the process and implementation
2. Effective governance

Has There Been Previous Council Decision on This:

Yes, in early 2013 the Council agreed to a work session with invited community stakeholders participating in the discussion. Ultimately, three special work sessions were held on April 8th, May 20th, and July 15, 2013, and specific direction to staff on an appropriate path forward was provided. A Public Hearing was held before the City Council on October 15, 2013; the resolution was read by title only, and the ordinance was read for the first time.

Under separate motion, staff was directed to add Planning and Zoning Commission Recommendation #2 to the Submittal Requirements: "a maximum building envelope shall be defined for all proposed uses."

Options and Alternatives:

Please refer to the Expanded Options and Alternatives below.

Background/History:

On **April 8, 2013,** the Council held a special work session with selected members of the public to initiate a discussion on the City's current zone change process as defined in the Flagstaff Zoning Code, Division 10-20.50 (Amendments to the Zoning Code Text and the Zoning Map). The stakeholders participating in the discussion with the Council included;

- Richard Bowen – ECONA ;
- David Carpenter – as chair of the Planning and Zoning Commission;
- Maury Herman – Flagstaff 40;
- Kent Hotsenpiller – local surveyor/engineer;
- Julie Pastrick – Flagstaff Chamber of Commerce;
- Keri Silvyn – representing Mr. Michael Manson, local property owner/developer;
- Don Walters – NABA and NAAR;
- Marilyn Weismann – Friends of Flagstaff's Future; and
- Nat White – interested citizen and former City councilor.

This public meeting enabled the participants to work with staff to identify issues, acknowledge many perspectives on this topic, and establish a starting point for future discussion. It concluded with the agreement that staff would bring back suggestions for a possible path forward at the next meeting.

On **May 20, 2013**, the Council held a second special work session following the same format as the April 8th meeting. Staff presented ideas on how to a find a solution to the issues identified by the group, including for example:

- An introduction to the principle of a concept zoning plan;
- Clarification and redefinition of submittal requirements for zone change applications;
- A review of process diagrams for the small, medium, and large scale zoning applications;
- Introduction of a fourth category, previously named "master plans," and now called "multi-phase" projects;
- An explanation of conditional zoning;
- An explanation of a new process idea that gives a developer a choice for the process to be followed for a zone change application based on the nature of the request; and
- A brief discussion of a new idea (called "correctional zoning").

Staff also presented six options for a path forward. After some discussion a majority of the Council agreed on an appropriate path forward as described in the following paragraph.

The **July 15, 2013,** special work session concluded with the Council agreeing that the appropriate path forward would include the need to:

- Establish minimum submittal requirements to decouple details associated with site plan review

from a concept zoning plan;
- Maintain the small, medium, and large scales and add a new “multi-phase” scale;
- Add a new process to give a developer choice;
- Expand the number of conditions applied to a zone change application; and
- Enable an additional public meeting hosted by the developer after final Council action and before site plan review.

Key Considerations:

When the City of Flagstaff Zoning Code was adopted in November 2011, a revised procedure was supported by the Council at that time for the City’s zone change process. As noted previously, in early 2013 the Council agreed that a work session(s) on the City’s zone change process were appropriate to review, discuss, and consider possible amendments to this Division of the Zoning Code. These special work sessions provided a forum for Flagstaff residents to provide their perspectives and opinions on this issue. The narrative in the “Community Benefits and Considerations” section below summarizes the pros and cons made by the participants in these work sessions, as well as comments made during the Planning and Zoning Commission’s August 21st work session and September 11, 2013 public hearing.

The proposed amendments to the Zoning Code reflecting the City Council’s direction on the City’s zone change process are attached to Resolution No. 2013-22. New text is identified in <u>underline</u>, and text proposed to be deleted is shown as ~~strikeout~~. A summary of the more significant amendments that warrant an explanation is provided in the narrative below:

Chapter 10-20 Administration, Procedures, and Enforcement
Division 10-20.50 (Amendments to the Zoning Code Text and the Zoning Map)

10-20.50.020 Applicability

Minor revisions are proposed to this paragraph to simplify and clarify the text.

10-20.50.030 Initiation of Amendments

A. Owner Initiation
Minor revisions are proposed to this paragraph to simplify and clarify the text.

10-20.50.040 Procedures

A. Pre-application Review
Minor revisions are proposed to this paragraph to simplify and clarify the text.

B. Citizen Review

Sub-paragraph 2.b: A minor revision to this sub-paragraph clarifies that at least one of the forms of notice described in i., ii., and iii. is required, and that iv. is optional.

C. Application Requirements
Paragraph 2:
a.Small-scale Zoning Map Amendments: Minor revisions are proposed to this paragraph to clarify its intent and to introduce a concept zoning plan, if required.

b.Medium-scale Zoning Map Amendments: Amendments in this paragraph clarify the thresholds for medium-scale amendments and introduce the concept zoning plan in lieu of a concept site plan.

c.Large-scale Zoning Map Amendments: Amendments in this paragraph introduce the concept zoning plan as a submittal requirement, and text that is no longer necessary is proposed for deletion.

d.Multi-phase Scale Zoning Map Amendments: This is a new paragraph inserted to provide a new scale of Zoning Map amendments for large and often complex projects that for example, may include multiple zoning designations, multiple ownership, multiple subdivisions, and complex utility or street infrastructure issues.

D. Application Procedures – A Two-Pronged Approach: This is a new paragraph that provides an applicant with two options when considering a zone change.

1. Direct Ordinance with a Site Plan:
This option allows a developer to submit an application for site plan review and zone change approval concurrently.

2. Authorization to Rezone with a Concept Zoning Plan:
This option is much the same as the zone change process in place today in that the zone change application is reviewed in advance of the site plan review. An important distinction, however, is that the zone change application is based on reduced submittal requirements (concept zoning plan) and the site and development details of the project are reviewed at the site plan stage of the project's review.

H. Planning Commission Public Hearing
A new sub-paragraph 2. has been added to clarify that the Planning and Zoning Commission may request additional information relevant to assist in their review of the zone change application.

I. Council Public Hearing
A new sub-paragraph 2. has been added to clarify that the City Council may request additional information relevant to assist in their review of the zone change application.

L. Ordinance Effective Date
This new paragraph clarifies and includes a state law requirement that all zone change approvals are subject to referendum and shall not become effective until 30 days after adoption of the adopting ordinance, or the date the final ordinance is available from the City Clerk, whichever is later.

N. Conditions of Approval
The amendments proposed in this section comprehensively expand the Commission and the Council's ability to impose conditions of approval on a zone change application. The purposes of conditions of approval have been expanded, and some examples of conditions of approval are included.

Chapter 10-80 Definitions
Division 10-80.20 (Definitions of Specialized Terms, Phrases, and Building Functions)

10-80.20.030 Definitions, "C."
A minor amendment is proposed to the definition of "concept plan", and a new definition for "concept zoning plan" is proposed.

10-80.20.050 Definitions, "E."
A new definition for "enhanced concept zoning plan" to be submitted with a multi-phase scale application is proposed.

Consistent with the direction provided by the Council, staff has developed revised submittal requirements in support of a concept zoning plan. The attached document reflects suggestions from a variety of City Divisions who are involved in the review of zone change applications. Additional recommendations from the Planning and Zoning Commission on submittal requirements are described later in this report.

Expanded Financial Considerations:

None.

Community Benefits and Considerations:

The amendments proposed to the City's zone change process attached to Resolution No. 2013-22 are based on direction from the Council at their last work session supported by a majority of the stakeholders who participated in the discussion with the Council. In the narrative below a brief assessment of the City's current zone change procedure compared to the proposed amendments to this section of the Zoning Code is provided using the arguments "for" or "against" made by the participants at the April 8 th, May 20th and July 15th special work sessions, as well as comments made during the Planning and Zoning Commission's August 21st work session and September 11, 2013 public hearing.

Existing Zoning Code – Division 10-20.50

In general the group noted that "timing" and "uncertainty" are the two underlying issues; citizens are concerned with what will happen with the rezoning of property near them and how they may be impacted, whereas developers are concerned with the requirement for more concrete requirements at the beginning of the process, which while providing more certainty, in return provides them with less flexibility (adapted from the minutes of the April 8, 2013 work session).

- The existing zone change process is relatively untested since its adoption in November 2011 and, therefore, should be left intact.
- Requiring details up-front with the zone change application provides certainty to appointed and elected officials and Flagstaff residents.
- It is important to communicate as much detail about a project with Flagstaff residents as possible.

- The existing zone change process discourages new development and capital investment in the City because of the uncertainty of the process.
- The existing process discourages zone change applications because full knowledge of the intended use is needed to determine the zoning, and it is too costly to develop detailed site plans, floor plans, elevations, etc. when the final user may not be known.
- Flagstaff has a low inventory of land suitable for development, and the current process tends to drive development to other communities.

Proposed Amendments to Division 10-20.50

- The proposed amendments will result in "speculative rezoning" within the City.
- Flagstaff residents and property owners will not be provided with sufficient information for them to be fully informed about the proposed rezoning application, including for example, the final use of the property. Removing details from the zone change application is the antithesis to public input and will hinder the Planning and Zoning Commission's decision-making ability.
- Amendments to this division are unnecessary as the current process has not been tested sufficiently and it appears to be working.
- Speculative rezoning will be enabled by the proposed new process which will be beneficial to developers at the expense of Flagstaff residents as, for example, public participation will be reduced.
- The momentum for the proposed changes to the zone change process is coming from a small percentage of Flagstaff residents. This issue is not important to the general public.
- Concern for the amount of detail still required for impact analyses at the rezoning stage of a project given that the zone change application is based on a concept zoning plan.
- There should be more consideration given to a bulk and massing analysis as a requirement of a concept zoning plan.
- The revised zone change process decouples the details associated with site plan approval from the

minimum information necessary to entitle a property through the zone change application, yet it still provides City staff, appointed and elected officials and Flagstaff residents with sufficient information to make an informed decision.

- The existing three scales of development (small, medium, and large) have been retained and a new scale for multi-phase developments has been added.
- The proposed amendments establish a new process (Direct Ordinance with Site Plan) that enables a developer to pursue a potentially faster approval of both site plan and rezoning applications.
- Support for the idea of enhanced conditions associated with a zone change request, especially to allow for an additional informational public meeting between a developer and surrounding neighbors.
- Support for the amendment that clarifies that the Planning and Zoning Commission and Council may ask for additional information to assist them in their review of a rezoning application.

Community Involvement:

INFORM, CONSULT, & INVOLVE - In a work session at the beginning of the year, the Council discussed how to move forward with proposed amendments to the Zoning Code and a discussion of "policy" versus "technical" amendments ensued. The Council also supported the idea of a special work session to discuss the merits of amending the City's zone change process with community stakeholders selected by the Council as participants in the discussion. Eventually three special work sessions were scheduled (April 8, May 20, and July 15, 2013) with active participation by the Council and invited community stakeholders. Other members of the public participated in these work sessions and provided comment to the Council when invited to do so.

Staff has also discussed the proposed amendments with, and provided frequent updates to, such organizations as Northern Arizona Builders Association, Northern Arizona Association of Realtors, Friends of Flagstaff's Future, etc.

An 1/8 page display advertisement was printed in the August 16, 2013 Arizona Daily Sun in advance of the August 21st Planning and Zoning Commission work session, and a similar legal notice advertisement was printed in the August 23, 2013 Arizona Daily Sun at least 15 days in advance of the Planning and Zoning Commission's September 11, 2013 public hearing and the Council's October 15, 2013 public hearing as required by the Zoning Code.

At the August 21st Planning and Zoning Commission work session four citizens addressed the Commission, all of whom were not supportive of the proposed amendments to Division 10-20.50 of the Flagstaff Zoning Code. The commissioners also commented on the proposed amendments and provided their own perspectives.

At the Planning and Zoning Commission's September 11, 2013 public hearing six members of the public spoke, three of whom encouraged the Commission to recommend approval of the amendments, and three who opposed the amendments. A copy of the Planning and Zoning Commission minutes for the September 11, 2013 meeting is attached with a summary of the public comments. After extensive discussion, the Commission moved to recommend that the City Council approve the proposed amendments to Division 10-20.50 (Amendments to the Zoning Code Text and the Zoning Map) and Division 10-80.20 (Definitions of Specialized Terms, Phrases, and Building Functions) with the inclusion of the following additional submittal requirements that would be applicable to all zone change applications, i.e. small, medium, large, and multi-phase scale projects:

(1) a three-dimensional bulk and mass analysis/visualization of the project;
(2) a maximum building envelope shall be defined for all proposed uses; and,
(3) a minimum boundary of protected natural resources shall be defined based on preliminary resource calculations.

<u>At the October 15, 2013 City Council meeting, by a unanimous vote the Council agreed with the Planning</u>

and Zoning Commission's second recommendation (define a maximum building envelope for all proposed uses should be added to the required Submittal Requirements for a concept zoning plan submitted in support of a zone change application. Staff will ensure that this requirement will be added to Section 3.0 (Concept Zoning Plan) of the submittal requirements for a zone change application.

Expanded Options and Alternatives:

1. Adopt Resolution No. 2013-22 declaring that the document entitled “Amendments to Chapter 10-20, Administration, Procedures and Enforcement” be a public record
2. Do not adopt Resolution No. 2013-22 and, therefore, do not declare the proposed amendments to be a public record
3. Adopt Ordinance No. 2013-21 to amend Flagstaff Zoning Code Division 10-20.50 (Amendments to the Zoning Code Text and the Zoning Map) and Division 10-80.20 (Definitions of Specialized Terms, Phrases, and Building Functions)
4. Modify and adopt Ordinance No. 2013-21 to amend Division 10-20.50 (Amendments to the Zoning Code Text and the Zoning Map) and Division 10-80.20 (Definitions of Specialized Terms, Phrases, and Building Functions)
5. Do not adopt Ordinance No. 2013-21 and, therefore, make no changes to the existing text in the Zoning Code regarding the zone change process.

Attachments: Ord. 2013-21
Res 2013-22
Submittal Requirements
P&Z Commission Drft Minutes 09/11/2013

ORDINANCE NO. 2013-21

AN ORDINANCE ADOPTING THAT CERTAIN DOCUMENT ENTITLED "2013 AMENDMENTS TO CHAPTER 10-20, ADMINISTRATION, PROCEDURES AND ENFORCEMENT," BY REFERENCE; AND THEREBY AMENDING DIVISION 10-20.50, AMENDMENTS TO THE ZONING CODE TEXT AND THE ZONING MAP, AND DIVISION 10-80.20, DEFINITION OF SPECIALIZED TERMS, PHRASES AND BUILDING FUNCTIONS

RECITALS:

WHEREAS, the City Council has determined that amendments to Chapter 10-20, Administration, Procedures and Enforcement, of the Flagstaff Zoning Code are necessary in order to ensure, among other things, greater flexibility and predictability in the zoning map amendment process; and

WHEREAS, the Mayor and Council have, by resolution, previously declared the "2013 Amendments to Chapter 10-20, Administration, Procedures and Enforcement" ("Proposed Amendments") to be a public record; and

WHEREAS, special work sessions were held on April 8, 2013, May 20, 2013 and July 15, 2013, at which the City Council considered public comment, discussed various options and alternatives, and, after deliberation, directed staff to return with those changes that now comprise the Proposed Amendments; and

WHEREAS, the City Council finds that the City has complied with the notice requirements of Arizona Revised Statutes § 9-462.04.

ENACTMENTS:

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

SECTION 1. That the document entitled "2013 Amendments to Chapter 10-20, Administration, Procedures and Enforcement," three copies of which are on file in the office of the City Clerk of the City of Flagstaff, Arizona and previously declared by Resolution No. 2013-22 to be a public record, is hereby adopted and made a part hereof as if fully set out in this ordinance and its provisions declared to be inserted into the Zoning Code and to replace and supersede the existing relevant provisions of the Zoning Code.

SECTION 2: That the City Clerk be authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary; and that the City Clerk be authorized to make formatting changes needed for purposes of clarity and form, if required, to be consistent with Flagstaff City Code.

SECTION 3: Whenever the Flagstaff Zoning Code prohibits an act or makes or declares an act to be unlawful or an offense, or whenever in the Code the doing of any act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provision shall be punished as follows:

Civil Penalty: Any person found responsible for violating the Flagstaff Zoning Code shall be sentenced to a fine of not less than $100. Any person found responsible of a second violation committed within 36 months of a prior violation shall be subject to a fine of not less than $250. Any person found responsible of a third or subsequent violation within 36 months of a prior violation shall be subject to a fine of not less than $500.

Criminal Penalty: Any person found responsible by the Flagstaff Municipal Court for three or more civil violations of the Flagstaff Zoning Code within a 24-month period shall be deemed a habitual offended. A habitual offender who subsequently violates the Flagstaff Zoning Code shall be guilty of a class 1 misdemeanor. A class 1 misdemeanor shall be punished by a fine of not more than $2,500.00, plus surcharges, and/or confinement in jail for not more than six months.

SECTION 4: That, if any section, subsection, sentence, clause, phrase or portion of this ordinance or any of the amendments adopted in this ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by a decision of any court of competent jurisdiction, such decision shall not affect any of the remaining portions thereof.

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

RESOLUTION NO. 2013-22

A RESOLUTION OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "2013 AMENDMENTS TO CHAPTER 10-20, ADMINISTRATION, PROCEDURES AND ENFORCEMENT"

RECITALS:

WHEREAS, the City Council wishes to incorporate by reference amendments to Chapter 10-20, Administration, Procedures and Enforcement, of the Flagstaff City Code, by first declaring said amendments to be a public record; and

WHEREAS**,** three copies of "2013 Amendments to Chapter 10-20, Administration, Procedures and Enforcement" have been deposited in the office of the City Clerk and are available for public use and inspection.

ENACTMENTS:

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

The "2013 Amendments to Chapter 10-20, Administration, Procedures and Enforcement" attached hereto, three copies of which are on file in the office of the City Clerk, is hereby declared to be a public record.

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

2013 Amendments to Chapter 10-20, Administration, Procedures, and Enforcement:

Division 10-20.50: Amendments to the Zoning Code Text and the Zoning Map

Sections:

10-20.50.010 Purpose
10-20.50.020 Applicability
10-20.50.030 Initiation of Amendments
10-20.50.040 Procedures
10-20.50.050 Appeal
10-20.50.060 Reversion of Conditional Zoning Map Amendment Approval
10-20.50.070 TNCP Zoning Map Amendments [Not included in this document – no changes proposed]

10-20.50.010 Purpose

This Division provides procedures for the amendment of the text of this Zoning Code and the Zoning Map consistent with applicable law.

10-20.50.020 Applicability

The procedures established in this Division shall apply to all proposals to change the text of this Zoning Code, amend a parcel's zoning designation~~revise a zone classification~~, or a zone boundary on the Zoning Map. Amendments to the text of this Zoning Code and the Zoning Map shall only~~not~~ be made ~~except~~ through the procedures described in this Division and the adoption of an amending ordinance by the Council.

10-20.50.030 Initiation of Amendments

A. **Owner Initiation**

1. A property owner~~n applicant~~ or an agent authorized by the property owner in writing may apply for a Zoning Map ~~amendment~~ or ~~a~~ text amendment~~for a zoning regulation governing the property~~.

2. In the event that a real property owner files an application for a Zoning Map amendment that includes property other than that owned by the applicant, the applicant shall file, on a form provided by the Director, a petition in favor of the request signed by the real property owners representing at least 75 percent of the land area to be included in the application. The petition shall bear the property owners' signatures and addresses, the legal description and land area of each property represented on the petition, the total land area represented by the petition, and the total land area of individual properties included in the application.

B. **Council**
The Director on behalf of the Council may initiate an amendment to the text of this Zoning Code or the Zoning Map. Applications for amendments initiated by the Council shall be signed by the Director.

C. **Withdrawal**
An applicant may withdraw an application for an amendment to this Zoning Code or the Zoning Map at any time.

10-20.50.040 Procedures

A. **Pre-application Review**
An optional pre-application review with the Director is recommended for all applications ~~to amend the text of this Zoning Code or the Zoning Map in compliance~~ consistent with the procedures set forth in Section 10-20.30.040 (Pre-application Review by Director).

B. **Citizen Review**
All applications to amend the text of this Zoning Code or the Zoning Map shall be subject to a citizen review process. The Director may establish additional procedures for the citizen review process. The citizen review process shall, at a minimum, consist of a Neighborhood Meeting or a work session of the Planning Commission, as set forth below.

1. **Zoning Map Amendments**
The applicant shall schedule and conduct a Neighborhood Meeting in compliance with the procedures set forth in Section 10-20.30.060 (Neighborhood Meeting).

2. **Text Amendments to this Zoning Code**

a. A citizen review session shall be held at a Planning Commission work session scheduled for the consideration of any proposed text amendment in compliance with the Review Schedule on file with the Planning Section. A work session of the Heritage Preservation Commission on a request to designate property as a Landmark, Historic Property or Historic District held prior to any public hearing on the request shall satisfy the requirement for a citizen review session. Landowners and other citizens potentially affected by the proposed text amendment shall have an opportunity to comment on the proposal.

b. Notice of the citizen review session shall be given to adjacent landowners, citizens potentially affected by the proposed text amendments, and any person or group who has specifically requested notice regarding the application, in compliance with the Review Schedule on file with the Planning Section and A.R.S. § 9-462.04.A. The notice shall state the date, time, and place of the citizen review session and shall include a general explanation of the ~~substance of the~~ proposed text amendment. A copy of the notice

shall be submitted to the Director. The form of notice to be used may vary according to the type of text amendment proposed. The form of notice given may include, but is not limited to at least i., ii., or iii., as well as optionally iv.~~, the following~~:

i. First class mail sent to each property owner, as shown on the last assessment, whose property is directly governed by the changes;

ii. Inclusion in utility bills or other mass mailing distributed by the City;

iii. Publication in a local newspaper of general circulation distributed to City residents; or

iv. Posting on the City website.

c. The Planning Commission or Heritage Preservation Commission may take into account issues and concerns raised by landowners and other residents potentially affected by the proposed text amendments~~ when it considers its recommendation to the Council~~. Prior to the Council hearing, the Planning Commission or Heritage Preservation Commission shall report on the issues and concerns raised during the citizen review session.

C. **Application Requirements**

1. Applications for Zoning Code text or Zoning Map amendments shall be submitted to the Director in writing on a form prescribed by the City in compliance with Section 10-20.30.020 (Application Process). The application shall include the information and materials specified in the checklist, together with the required fee established in Appendix 2 (Planning Fee Schedule).

2. The submittal requirements for applications for Zoning Map amendments vary based on the size of the development and whether an amendment to the General Plan is required, as set forth below:

a. **Small-scale Zoning Map Amendments**
These are applications for Zoning Map amendments for which no infrastructure analyses typically required by the *Engineering Standards* are necessary and which are determined by the Director to be consistent with the General Plan and compatible with surrounding development. These would typically include developments located on small lots or parcels, such as for example, a duplex~~ development~~. For such applications, the requirements for a site analysis and concept zoning plan may be waived, if in the opinion of the Director, they are not warranted based on the conditions in Subsections 3.b and 3.c, below.

b. **Medium-scale Zoning Map Amendments**
These are applications for Zoning Map amendments for developments that fall below the thresholds for large-scale Zoning Map amendments and that meet the following thresholds:

i. R~~r~~equire ~~either~~ a minor amendment to the General Plan as defined in City Code Title 11, Planning Documents, Section 11-10.20.020 (Major Plan Amendments and New Elements); and/or

ii. Require ~~for which~~ infrastructure analyses in accordance with ~~as required by~~ the *Engineering Standards* ~~are necessary~~.

~~b.~~ For such applications, the minimum submittal requirements for a concept zoning plan are required including a development agreement (See Section 10-20.40.060 (Development Agreements) when needed to define applicant/City obligations for such elements as offsite infrastructure improvements, affordable housing, or open space~~.~~.

c. **Large-scale Zoning Map Amendments**
These are applications for Zoning Map amendments that meet the following thresholds:

i. Include residential developments over 100 units, or all commercial developments over 50,000 sq. ft. or 15 acres, or all industrial and research and development uses over 150,000 sq. ft. or 20 acres; or

ii. Require a major amendment to the General Plan as defined in Section 11-10.20.020 (Major Plan Amendments and New Elements).

For such applications, the minimum submittal requirements for a concept zoning plan are required, as well as infrastructure analyses as required by the *Engineering Standards* ~~and additional information to be provided in a report or on a site plan or additional plans so that the proposal can be comprehensively assessed, including but not limited to a site plan showing building footprints, circulation and parking areas, internal and external circulation (including vehicle access points and preliminary plans for modifications to existing right-of-way), open space and park areas; resource calculations; more refined architectural elevations; more precise calculations of lot coverage, Floor Area Ratio, or building height; and, an Illustrative Plan~~. In addition a development agreement (See Section 10-20.40.060 (Development Agreements)) is required to define applicant/City obligations such as offsite infrastructure improvements, affordable housing, or~~and~~ open space.

d. **Multi-phase Scale Zoning Map Amendments**
These are applications for Zoning Map amendments for very large projects that meet the following thresholds:

i. Are complex in terms of their associated development issues; involve the future subdivision of land and the potential for multiple land developers; include multiple land use types; include multiple Zone designations; involve complex utility infrastructure issues; and, will require the design and layout of an internal street network to connect to existing streets; or

~~iii.~~ii. Require a major amendment to the General Plan as defined in Section 11-10.20.020 (Major Plan Amendments and New Elements).

For such applications, the minimum submittal requirements for an enhanced concept zoning plan are required which includes the additional information described in the checklist.

3. The Director may request any other information that is relevant to assist in the review of a Zoning Code text or Zoning Map amendment. The Director's decision to require additional information to assist the Planning Commission and Council in their review of the Zoning Code text or Zoning Map amendment shall be based on whether any of the following apply:

   a. The need to ensure that any General Plan policies and requirements that may be specific to the subject property are addressed either in a written report or on submitted plans;

   b. The proposed development anticipated in compliance with the requested zoning designation while consistent with the General Plan Land Use Map may not be generally compatible with surrounding uses and neighborhoods based on the size, height, scale, mass and proportion of the proposed development (therefore a 3-dimensional bulk and mass analysis may be required); or

   c. The subject property is encumbered with natural resources such as floodplains, forests, and steep slopes, and compliance with the Resource Protection Overlay (See Division 10-50.90 (Resource Protection Standards)) is required.

4. The Director may waive the requirements for any of the information required in Subsection C if it is determined that such information is not necessary in order to complete a review of the requested Zoning Map amendment.

5. An applicant may submit additional detail and more information than the minimum required in Subsection C.

D. **Application Procedures – A Two-Pronged Approach**

An applicant requesting an amendment to the Zoning Map regardless of the scale of the project as defined in Section 10-20.50.040.C.2 may elect to pursue either one of the two approaches described below:

~~D.~~1. **Direct Ordinance with a Site Plan**

The **Direct Ordinance with a Site Plan** process, illustrated in Figure A. provides an applicant with a shorter approval process with fewer steps. This process enables an applicant to submit fully developed site plans with all supporting information required for Site Plan Review and Approval (Section 10-20.40.140) concurrently with the Zoning Map amendment application. Once the Zoning Map amendment is approved by the Council, then the applicant may proceed directly to construction plan and building permit review (Section 10-20.40.030 (Building Permits and Certificates of Occupancy), and no additional site plan review is required. However, if the Council adds conditions of approval that require substantial amendments to the site plan, as determined by the Director, then a revised application shall be submitted for Site Plan Review and Approval (Section 10-20.40.140) prior to building permit review and approval.

2. **Authorization to Rezone with a Concept Zoning Plan**

The **Authorization to Rezone with a Concept Zoning Plan** process illustrated in Figure B. decouples a Zoning Map Amendment application from an application for site plan review and approval. In this case, a concept zoning plan would be developed and submitted in support of the zone change request, and assuming Council approval of the Zoning Map amendment, then a complete site plan application would be submitted at a later time in accordance with the requirements of Section 10-20.40.140 (Site Plan Review and Approval).

E. **Staff Review**

1. An application for a text amendment to this Zoning Code or an amendment to the Zoning Map shall be submitted to the Director and shall be reviewed and a recommendation prepared in compliance with the Review Schedule on file with the Planning Section.

2. The Director's recommendation shall be transmitted to the Planning Commission in the form of a staff report prior to a scheduled public hearing. The staff report shall include the following:

   a. An evaluation of the consistency and conformance of the proposed amendment with the goals of the General Plan and any applicable specific plans;

   b. A recommendation on the amendment and the grounds for the recommendation based on the standards and purposes of the zones set forth in Division 10-40.20 (Establishment of Zones); and

   c. A recommendation on whether the text amendment or Zoning Map amendment should be granted, granted with conditions to mitigate anticipated impacts caused by the proposed development, or denied.

3. A copy of the staff report shall be made available to the public and any applicant prior to the public hearing.

F. **Findings for Reviewing Proposed Zoning Map Amendments and Text Amendments**

1. An amendment to the Zoning Map or the text of this Zoning Code may be approved only if all of the following findings are made, as applicable to the type of amendment:

   a. Findings for Zoning Map Amendments:

      i. The proposed amendment is consistent with and conforms to the goals of the General Plan and any applicable specific plans;

      ii. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City and will add to the public good as described in the General Plan; and

      iii. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics and the provision of public and emergency vehicle (e.g., fire and medical) access, public services, and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal), to ensure that the requested zone designation and the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

   b. Findings for Text Amendments:

      i. The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan;

      ii. The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City; and

      iii. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

2. If the application is not consistent with and does not conform to the General Plan and any other applicable specific plan, the applicable plan must be amended in compliance with the procedures established in City Code Title 11, Chapter 11-10 (General Plans) prior to considering the proposed amendment. The Director shall determine if a General Plan (or other applicable specific plan) amendment is required and whether the amendment would be a minor or major plan amendment,

based upon the criteria set forth in Section 11-10.20.020 (Major Plan Amendments and New Elements).

3. An application for a major amendment to the General Plan and a Zoning Map amendment for the same development site/application will not be considered at the same time. If it is determined that a major amendment to the General Plan is required, then the application for a Zoning Map amendment shall wait until the major plan amendment has been approved.

4. An amendment to the General Plan map that is determined to be minor may be considered and heard at the same time as the application for a Zoning Map amendment.

G. **Notification**
Public notification of an amendment to the text of this Zoning Code or the Zoning Map shall be provided in compliance with Section 10-20.30.080 (Notice of Public Hearings). When the proposed amendment involves land that abuts unincorporated areas of Coconino County, the Director shall send a copy of the notice of public hearing to the planning agency of Coconino County.

H. **Planning Commission Public Hearing**

1. If the Director determines that the requested Zoning Map amendment would not require a General Plan (or other applicable Specific Plan) amendment, the Director shall give notice and the Planning Commission shall conduct a public hearing on the application.

2. The Planning Commission may request additional information that is relevant to assist in the review of a Zoning Code text or Zoning Map amendment subject to the criteria established in Subsection 10-20.50.040.D.2.

~~H.~~I. **Action by the Planning Commission**
The Planning Commission shall render its decision in the form of a written recommendation to the Council. The recommendation shall include the reasons for the recommendation (Refer to Section 10-20.30.090 (Findings Required)). The Planning Commission may recommend approval, approval with modifications and/or conditions, or denial of the proposed amendment. If the Planning Commission fails to make a recommendation to the Council within 30 days after closing the public hearing, the Planning Commission shall be deemed to have recommended denial and the application shall be scheduled for public hearing and action by the Council.

J. **Council Public Hearing**

1. Upon receipt of a recommendation from the Planning Commission, the Council shall conduct a public hearing and take action on any application to amend the text of this Zoning Code or the Zoning Map.

The Council may refer the application back to the Planning Commission for further study and a revised recommendation.

~~I.~~2. The Council may request additional information that is relevant to assist in the review of a Zoning Code text or Zoning Map amendment subject to the criteria established in Subsection 10-20.50.040.D.2.

K. **Council Action**

The Council shall review the proposed amendment or Zoning Map amendment and the recommendations of the Planning Commission and Director, and shall grant or deny the application.

~~J.~~L. **Ordinance Effective Date**

An ordinance granting a Zoning Map amendment is, by state statute, subject to referendum and shall not become effective until 30 days after the date of adoption or the date the final ordinance is available from the City Clerk, whichever is later. The effective date of the ordinance is not necessarily the effective date of Zoning Map amendment. The effective date of the Zoning Map amendment is when compliance with conditions of approval is completed and certified by the Director. No permits or development approvals may be granted that are in furtherance of the Zoning Map amendment request until the 30 days have lapsed and the conditions of approval have been met.

~~K.~~M. **Protest Procedures**

If the owners of 20 percent or more, either of the area of the parcel(s) of land included in the proposed zoning map amendment, or of those immediately adjacent in the rear or any side of the subject property(ies) extending 150 feet from the subject property(ies), or of those directly opposite the subject property(ies) extending 150 feet from the street frontage of the opposite parcels of land, file a protest in writing against a proposed amendment, the amendment shall not become effective except by a favorable vote of three-fourths of all members of the Council. If any member of the Council is unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the Council, provided that such required number of votes shall in no event be less than a majority of the full membership of the Council.

~~L.~~N. **Conditions of Approval**

1. The Council may impose such reasonable and appropriate conditions and safeguards as are necessary ~~attach conditions~~ to a Zoning Map amendment request ~~as are necessary~~ to;

   a. C~~c~~arry out the purposes of the General Plan or other applicable specific plans;~~,~~ ~~and to~~

   b. E~~e~~nsure all required findings are satisfied- and compatibility with adjacent land uses has been assured;

c. Reduce or minimize any potentially injurious effects on adjacent properties;

d. Protect the character and scale of the neighborhood; or

e. Protect the health, safety, or general welfare of the community.

2. Such conditions of approval may include, but are not limited to:

a. Structural or vegetative screening greater than that required by the landscaping and screening standards of Division 10-50.60 (Landscaping Standards) to buffer the surrounding land uses from the proposed use;

b. Limitations on the allowable uses permitted within the approved Zone that are more restrictive than the otherwise allowed uses established in Division 10-40.30 (Non-Transect Zones);

c. Limitations on the height, setbacks, FAR, or other standards specific to the approved Zone which are more restrictive than the applicable requirements of Division 10-40.30 (Non-Transect Zones);

d. Limitations on the height, size, or illumination of signs more restrictive than the applicable requirements of Division 10-50.100 (Sign Standards);

e. Limitations on the conduct of the proposed use, such as, but not limited to, hours of operation, or use of loudspeakers or external lighting, as necessary to protect adjacent land uses; and,

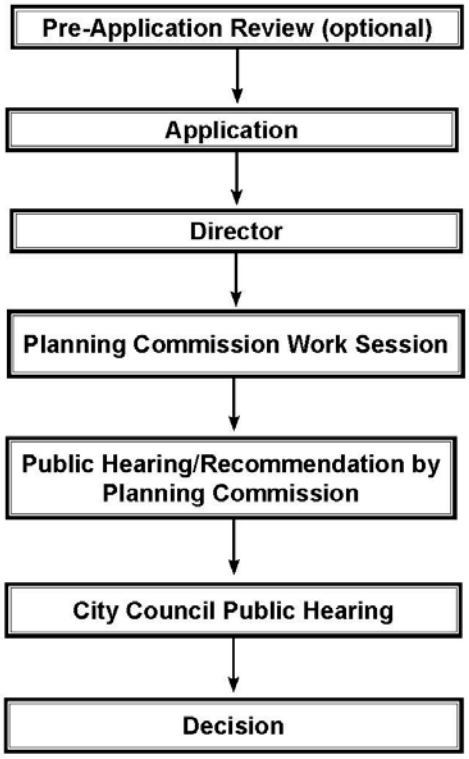
f. Public dedication of necessary right-of-way for streets, alleys, drainage ways, and public utilities, and installation of off-site improvements as are reasonably required by or related to the effect of the Zoning Map amendment.

g. A stipulation that the applicant schedule an additional neighborhood informational meeting in compliance with the procedures set forth in Section 10-20.30.060 (Neighborhood Meeting) prior to submittal of an application for Site Plan Review and Approval (Section 10-20.40.140) so that interested residents may view the final site plan and other applicable plans for consistency with approved conditions of approval. The applicant shall create a written summary of the meeting, which shall be filed with the Director.

~~1.~~3. A violation of any condition shall be considered to be a violation of these regulations. ~~The Council may approve a Zoning Map amendment conditioned by, among other things, public dedication of rights-of-way as streets, alleys, public ways, drainage and public utilities, and installation of off-site improvements as are reasonably required by or related to the effect of the Zoning Map amendment~~.

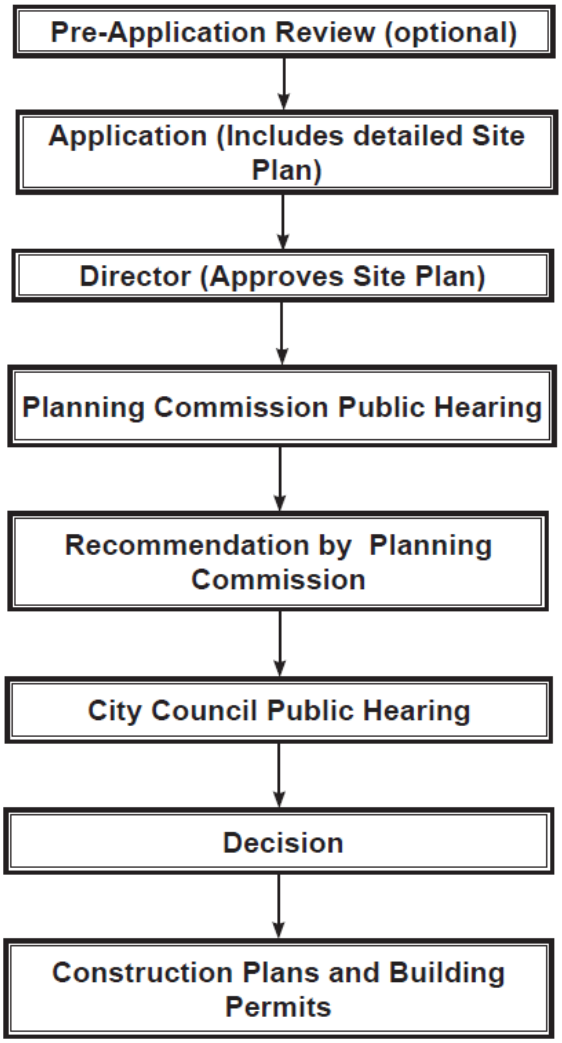
~~2.~~4. The concept zoning plan upon which the Zoning Map amendment may be approved establishes the development entitlement for the subject property. As the approval is based on a concept zoning plan, some flexibility in the layout of the property may therefore be approved by the Director, provided that no additional external impacts to surrounding uses and infrastructure will result and there is no increase or decrease in FAR, lot coverage, number of dwelling units, or building height in excess of that permitted in Table 10-20.40.090.A (Types of Minor Modifications allowed). As an example, if the concept zoning plan shows a building placed in close proximity to a street so that it has a strong relationship to the street and with parking behind it, the location and shape of the building may be adjusted provided that the same relationship to the street with the parking area in the rear is maintained. Similarly, internal circulation or parking areas may be adjusted provided that there is no impact to the location or design of access driveways or streets, and there are no additional impacts on adjoining City streets.

~~M.~~O. Figure A (Amendments to the Zoning Code Text~~ and the Zoning Map~~) summarizes the procedure for amending the text of this Zoning Code ~~and the Zoning Map~~. Figure B (Amendments to the Zoning Map (Direct Ordinance with a Site Plan Process)) and Figure C (Amendments to the Zoning Map (Authorization to Rezone with a Concept Zoning Plan)) summarize the procedures for amending the Zoning Map following the two processes described in Subsection 10-20.50.040.D.



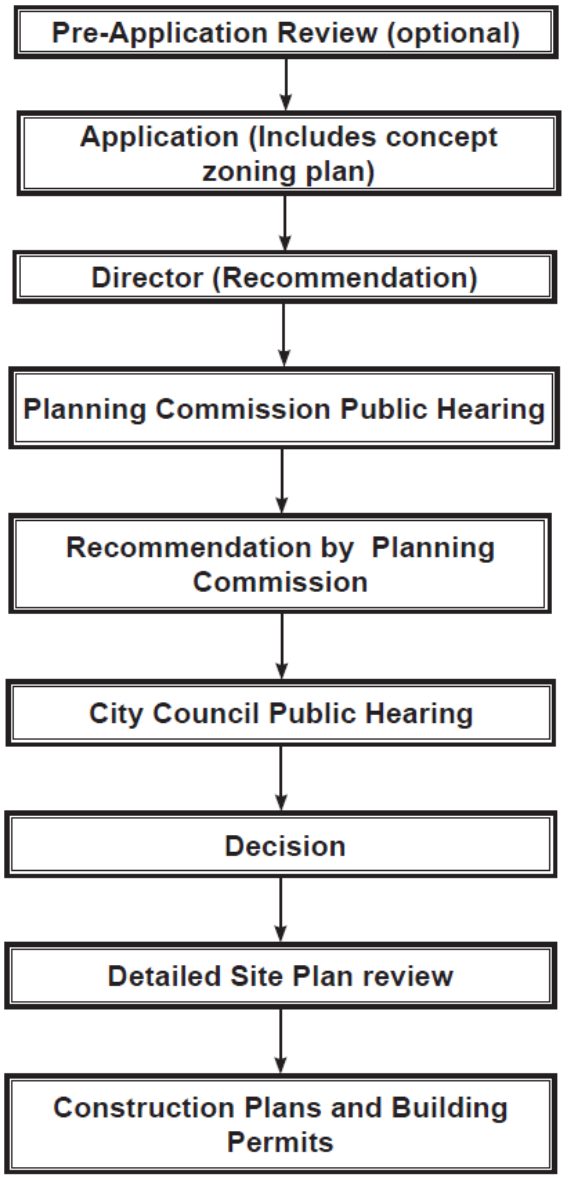
Note: Actions and public hearings by the Director, Planning Commission, or City Council will be completed in accordance with the review schedule on file with the Community Development Department.

Figure A. Amendments to the Zoning Code Text ~~and the Zoning Map~~



Note: Actions and public hearings by the Director, Planning Commission, or City Council will be completed in accordance with the review schedule on file with the Community Development Division.

Figure B~~A~~. Amendments to the ~~Zoning Code Text and the~~ Zoning Map (Direct Ordinance with a Site Plan Process)



Note: Actions and public hearings by the Director, Planning Commission, or City Council will be completed in accordance with the review schedule on file with the Community Development Division.

Figure C~~B~~. Amendments to the ~~Zoning Code Text and the~~ Zoning Map (Authorization to Rezone with a Concept Zoning Plan Process)

10-20.50.050 Appeal

A property owner may appeal a dedication or exaction required as a condition of granting approval for the use, improvement, or development of real property to an administrative hearing officer designated in compliance with Section 10-20.80.040 (Appeals of Dedications and Exactions).

10-20.50.060 Reversion of Conditional Zoning Map Amendment Approval

A. The Council may approve a Zoning Map amendment conditioned upon a schedule for development of the specific use or uses for which a Zoning Map amendment is requested. If, at the expiration of this period, the property has not been improved for the use for which it was conditionally approved, the Council may take action to extend, remove, determine compliance with the schedule for development, or the Council may set a public hearing to consider a reversion of the property to its former zoning through legislative action.

B. An applicant desiring a time extension must make an application to the Director to amend the conditions of the Zoning Map amendment approval at least 60 days prior to the date of the expiration of the original approval in compliance with the Review Schedule on file with the Planning Section. A conditional Zoning Map amendment approval subject to reversion may be extended only by going through the process for a Zoning Map amendment. Upon the expiration of the specified time period, if no application for amendment to the zoning conditions has been submitted, then the Planning Commission and Council, after notification by certified mail to the owner and applicant who requested the Zoning Map amendment approval, shall schedule public hearings to take administrative action to extend, remove, or determine compliance with the schedule for development, or take legislative action to cause the property to revert to its former zone. Public hearings before the Planning Commission and Council shall be noticed in compliance with the provisions of Section 10-20.30.070 (Notice of Public Hearings).

C. In public hearings to consider amendments to the schedule for development, the applicant shall provide substantial evidence to the Planning Commission and Council that:

1. In spite of the good faith efforts of the applicant, circumstances beyond the applicant's control have prevented the timely pursuit of the development and completion of the necessary requirements within the original authorized time period;

2. The applicant has completed substantial property improvements, incurred substantial non-recoverable monetary expenditures or commitments, has completed supporting development-related improvements, or retained the services for preparation of supporting data in reliance upon the approval of the request; or

3. In either instance, the applicant is in good faith, continuing to diligently pursue implementation of the development to the degree authorized by the City.

D. Changes to previously approved conditional Zoning Map amendment applications may be subject to the following:

1. Modification of previously required conditions of approval as warranted by interim changes in the area and/or to ensure continued compatibility with any improvements within the context area; or,

2. Site plan revisions as necessary to comply with any ordinance or Zoning Code amendments that may have taken effect since the time of the original approval.

Chapter 10-80 Definitions and Terms and Uses

Division 10-80.20 Definition of Specialized Terms, Phrases, and Building Functions

Section 10-80.20.030 **Definitions, "C."**

Concept Plan: A generalized plan that conceptually illustrates a development proposal, including the identification of proposed land uses, land use intensity, circulation, and open space/sensitive areas. The relationship of the proposed development to existing surrounding development and uses is~~should~~ also ~~be reflected~~included on a concept plan.

Concept Zoning Plan: A concept plan only submitted in support of a Zoning Map amendment application that conceptually illustrates a development proposal as well as the relationship of the proposed development to existing surrounding development and uses.

Section 10-80.20.050 **Definitions, "E."**

Enhanced Concept Zoning Plan: A variation of a concept plan submitted in support of a Zoning Map amendment application for a multi-phase scale development in which additional information to that required for a concept zoning plan is submitted in support of the application (see Section 10-20.50.040.C (Application Requirements).

ATTACHMENT B: COMPARISON OF SUBMITTAL REQUIREMENTS FOR A CONCEPT PLAN (CURRENT) AND A PROPOSED CONCEPT ZONING PLAN

August 28, 2013

Existing Submittal Requirements – Concept Plan:

Pasted below are the existing submittal requirements for a Concept Plan included in the application packet for "*Duplex, Multi-family Residential, Commercial, Office, Industrial, and Institutional Projects*" available to applicants at the Community Development Division front counter. These submittal requirements are currently used for zone change applications.

1. Submission Requirements

   All applications for Pre-Development Meetings must be accompanied by:

   1.1. Concept Plan drawing(s) (no larger than 24" X 36") Ten (10) copies
   1.2. Preliminary Resource Protection Plan (when applicable) One (1) copy
   1.3. Electronic copy of plans/drawings (.pdf or .tif file format)
   1.4. All plans submitted with the application must be folded to approximately 8 ½" X 11" in size for filing and routing
   1.5. Site analysis (see section 10-30.60.030 of the Zoning Code) Two (2) copies

2. Concept Plan

   The Concept Plan does not have to be prepared by a professional architect or engineer; however, the plan must be drawn to a professionally accepted engineering scale (i.e. 1"=10 feet, 1"=20 feet, 1"=30 feet etc.) and plotted on a sheet no larger than 24" X 36" in size. The Concept Plan must include the following basic information:

   2.1. Project Information
      2.1.1. Development Name (e.g. A Concept Plan of XYZ)
      2.1.2. Site Address
      2.1.3. Assessor's Parcel Number (APN)
      2.1.4. Scale, north arrow
      2.1.5. Property owner's name and contact information
      2.1.6. Developer's name and contact information
      2.1.7. Preparer's name and contact information, date prepared and legend
      2.1.8. Date Prepared
      2.1.9. Legend
      2.1.10. Parcel boundaries and dimensions

   2.2. Within the subject site and extending 200' from the property's boundaries show the following:
      2.2.1. Contour lines at two-foot intervals (existing and approximate finished grade)
      2.2.2. Identify offsite flows and drainage pathways (arrows)
      2.2.3. Identify discharge point locations
      2.2.4. Existing building footprints and proposed general building areas (building foot prints optional)
      2.2.5. Location of public rights-of-way with street names
      2.2.6. Points of access and driveways (existing and proposed)
      2.2.7. General location of pedestrian facilities/sidewalks (existing and proposed)
      2.2.8. General location of parking areas with total parking calculations (existing and proposed). A detailed parking space layout is not required.
      2.2.9. Location of any existing improvements on the property.

2.3. Within the subject site show the following:

2.3.1. Location, size and type of existing and proposed utilities (water, sewer, reclaim lines, fire hydrants/lines, services and meters). Preliminary connection locations to public utilities

2.3.2. Preliminary drainage systems on the site (existing and proposed)

2.3.3. Preliminary detention and Low Impact Development stormwater management systems

2.3.4. Location(s) of the LID Integrated Management Practices (IMP's) and their associated area and capacities with a total volume equal to or exceeding the required volume for the entire site.

2.3.5. Existing and proposed detention facilities

2.3.6. Existing and proposed stormwater conveyance features (i.e. culverts, drainage ditches, swales etc.)

2.3.7. Natural features, slopes and drainage courses

2.3.8. Calculations for impervious surface (greater than 5,000 sq feet shall require detention and LID)

2.3.9. Drainage easement

2.3.10. FEMA 100-year floodplain elevation, floodplain limits, and floodway limits (if applicable)

2.3.11. Total existing and preliminary impervious surface calculation (roof area, pavement, sidewalks, etc.)

2.3.12. Walls and fences (existing and proposed)

2.3.13. Location of solid waste dumpsters and trash enclosures (existing and proposed)

2.3.14. Approximate locations of open space or parks (existing and proposed)

2.3.15. Concept landscape plan per the Zoning Code

2.3.16. Commercial building footprints that are over 50 years old at the time of application

2.3.17. Residential building footprints built before 1946

3. <u>Preliminary Natural Resource Protection Plan</u>

A preliminary natural resource protection plan shows the general location of natural resources on the site before and after the proposed development (refer to Section 10-50.90.080 of the Zoning Code for applicability). This section is applicable to properties located in the Resource Protection Overlay (RPO) Zone.

The intent of this section is to indentify resources early in the process so they can be taken into account during the site planning. All proposed improvements such as buildings, paved areas, roads etc. must be overlaid on a plan in relation to all on-site resources. For the purposes of the preliminary resource protection plan forest and slope resources may be estimated. Please visit the Planning and Development Services front counter to obtain the site's aerial photography and topography through the City's website. Resources that must be estimated are listed below:

3.1. Forest canopy

3.2. Slopes 17% to 24%

3.3. Slopes 25% to 34.9%

3.4. Slopes greater than 35%

3.5. Rural and Urban Floodplain

3.6. Locations and descriptions of heritage resources as determined in a Cultural Resource study (Refer to Division 10-30.30 of the Zoning Code)

3.7. Other site features that are required to be preserved

4. <u>Descriptive Information</u>

Submit a brief narrative describing the proposed project on an 8 ½" X 11" sheet. This information will aid Staff in providing comments and answering questions about the project. The narrative should include the following:

4.1. Project title and date
4.2. Describe project/development request
4.3. Legal description of the parcel
4.4. Site acreage
4.5. Approximate building square footage, lot coverage and FAR (non-residential projects)
4.6. Number of dwelling units, types (e.g. single family, duplex, condominium, townhomes and apartments) and dwelling units per acre
4.7. Architectural drawings, if available
4.8. Any additional information or details pertinent to the case

Applications will not be accepted or scheduled until all of the requirements have been submitted.

Consistent with the direction provided by the City Council at the July 15, 2013 work session on the zone change process, some of the concept plan submittal requirements currently required are no longer needed with the initial zone change application. These include, for example:

- Approximate finish grade elevations;
- Location of proposed walls and fences;
- Location of solid waste dumpsters and trash enclosures;
- Natural resources protection plan; or,
- Concept landscape plan.

Also, while some items will still be required, the level of detailed that needs to be submitted with the concept plan will be less than that required for detailed site plan review.

Staff also suggests that the submittal requirements be reorganized and grouped into appropriate categories to make it easier for both the developer and staff to use the application form and check list of requirements.

Staff has, therefore, developed new minimum submission requirements for a concept zoning plan.

Submittal Requirements – Concept Zoning Plan:

The minimum information required for a concept zoning plan submitted in support of a medium or large scale zone change application (Section 10-20.50.040.C (Application Requirements)) is provided below. Note that all the details established in the Zoning Code, Engineering Standards, and other City documents will be submitted at the next level of review of the proposed project, i.e. site plan review through staff IDS.

The concept zoning plan does not need to be based on accurate survey data. The City's GIS topographic and other data, as well as the City's aerial photographs are appropriate for use as the base layer for the concept zoning plan.

1. Cover Sheet
   - 1.1. Administrative data
     - 1.1.1. Developer's name, address, contact information, etc.
     - 1.1.2. Property owner's name, address, contact information, etc.
     - 1.1.3. Name, address, contact information, etc. of the application preparer and all consultants assisting with the application
     - 1.1.4. Date of application

   - 1.2. Property data
     - 1.2.1. Site address
     - 1.2.2. Assessor's Parcel number
     - 1.2.3. Site area (acres)
     - 1.2.4. Existing zoning classification

   - 1.3. Project Data:
     - 1.3.1. Development name
     - 1.3.2. General computation of proposed number of dwelling units for residential use and building type and approximate area of building by type for commercial or other non-residential use
     - 1.3.3. General description of open space types

   - 1.4. Vicinity Map:
     - 1.4.1. Sheet 1: An 8½" x 11" map showing the location of the subject property(s) within the City of Flagstaff relative to interstate highways, major arterials and collectors, as well as close-up view of the subject property(s) showing surrounding parcels and streets within 300 feet.
     - 1.4.2. Sheet 2: An 8½" x 11" map based on a recent aerial photograph with the subject property(s) highlighted as well as street names.
     - 1.4.3. See attached sample.

2. Analysis
   - 2.1. Context analysis map (11" x 17") drawn on a recent aerial photograph identifying the following within 500' of the subject property:
     - 2.1.1. Subject property(s) boundaries
     - 2.1.2. Existing zoning
     - 2.1.3. Existing uses
     - 2.1.4. Street names
     - 2.1.5. Contour lines (min. 5-foot intervals)

2.1.6. Other natural features, including floodplains and floodways, if applicable
2.1.7. See attached sample.

2.2. Site analysis map (11" x 17") drawn on a recent aerial photograph in compliance with Section 10-30.60.030 (Site Planning Standards) that identifies the following:
2.2.1. Subject property(s) boundaries
2.2.2. Natural features including forest resource locations, general drainage pathways (including floodplains and floodways, if applicable,) and discharge point locations (with arrows)
2.2.3. Contour lines (min. 2 foot intervals)
2.2.4. Existing improvements, buildings, and uses
2.2.5. Residential building footprints built before 1946
2.2.6. Commercial building footprints that are over 50 years old at the time of application
2.2.7. Location of adjacent streets, and existing FUTs, driveways, bus stops, etc.
2.2.8. See attached sample.

3. Concept Zoning Plan
The Concept Zoning Plan (11" x 17") which may be drawn on a recent aerial photograph to include the following:
3.1. Scale and north arrow
3.2. Legend
3.3. Date prepared
3.4. Subject property(s) boundaries
3.5. Contour lines (min. 2 foot intervals)
3.6. Conceptual representation of all proposed uses (building footprints optional)
3.7. List of all uses proposed on the subject property. This list should also describe those uses that will not be permitted on the subject property).
3.8. Conceptual representation of parking areas with approximate number of total parking spaces (a detailed parking space layout is not required)
3.9. Location of existing improvements, buildings, and uses on the subject property(s)
3.10. Public rights-of-way with street names, as well as existing sidewalks, transit facilities, FUTS, etc.
3.11. Conceptual representation of points of connection to public rights-of-way, pedestrian facilities, FUTS, etc.
3.12. Conceptual representation of areas proposed for resource preservation, if applicable
3.13. Conceptual representation of areas proposed for open space, civic space, parks, etc.
3.14. Conceptual representation of areas proposed for storm water detention and LID
3.15. Traffic and utility (water, sewer, and stormwater) impact analyses to determine implications to existing infrastructure
3.16. Location, size, and type of existing and proposed utilities with a conceptual representation of points of connection
3.17. Photographs to illustrate proposed building types and forms, with descriptions of, for example, estimated number of units (residential or lodging), number of floors, floor area (commercial or industrial uses), etc.
3.18. Photographs to illustrate proposed civic space types, if applicable
3.19. Anything else the applicant would like to submit in support of the application
3.20. See attached sample.

4. Project narrative:

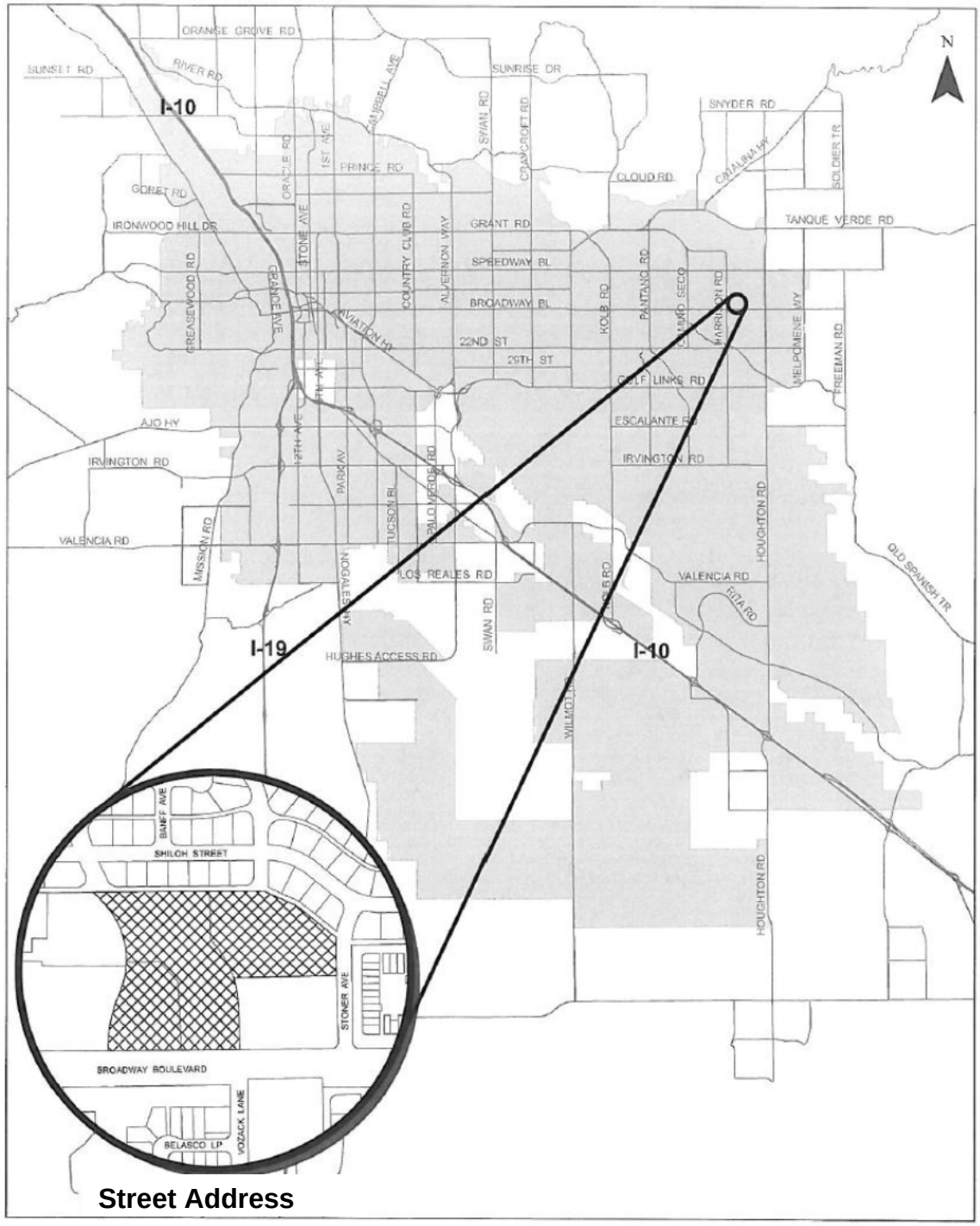
4.1. Statement describing how the proposed zone change request meets the findings established in Section 10-20.50.040.E (Findings for Reviewing Proposed Zoning Map Amendments and Text Amendments) establishing how the zone change request meets the goals of the Regional Plan and any applicable specific plans; will not be detrimental to public health, safety and welfare; how the site is suitable for the proposed use; and, how the proposed use will benefit the community.
4.2. Narrative describing the proposed project and providing additional information to assist with the review of the application.
4.3. Description of how essential public services, including water, sewer, stormwater, and solid waste, will be provided
4.4. Description of any proposed grading activity for the site.

Additional Submittal Requirements – Enhanced Concept Zoning Plan – for Multi-phase scale applications only:
In addition to the requirements described above, applications for Master Plan scale zone changes (projects such as Canyon Del Rio, Little America, Juniper Point, etc.) should also include the following:

- Conceptual representation of vehicular circulation within the project area (e.g. arterial and collector roads) and connections to existing vehicular infrastructure
- Three-dimensional bulk and mass analysis/visualization of the project or parts of the project
- Architectural rendering
- Traffic impact analysis and utility (water, sewer, and stormwater) impact analyses
- Phasing map indicating the sequence of zoning, development, and public utility and infrastructure improvements
- Map indicating proposed zoning designations within the project area.

Sample Vicinity Map, Sheet 1:

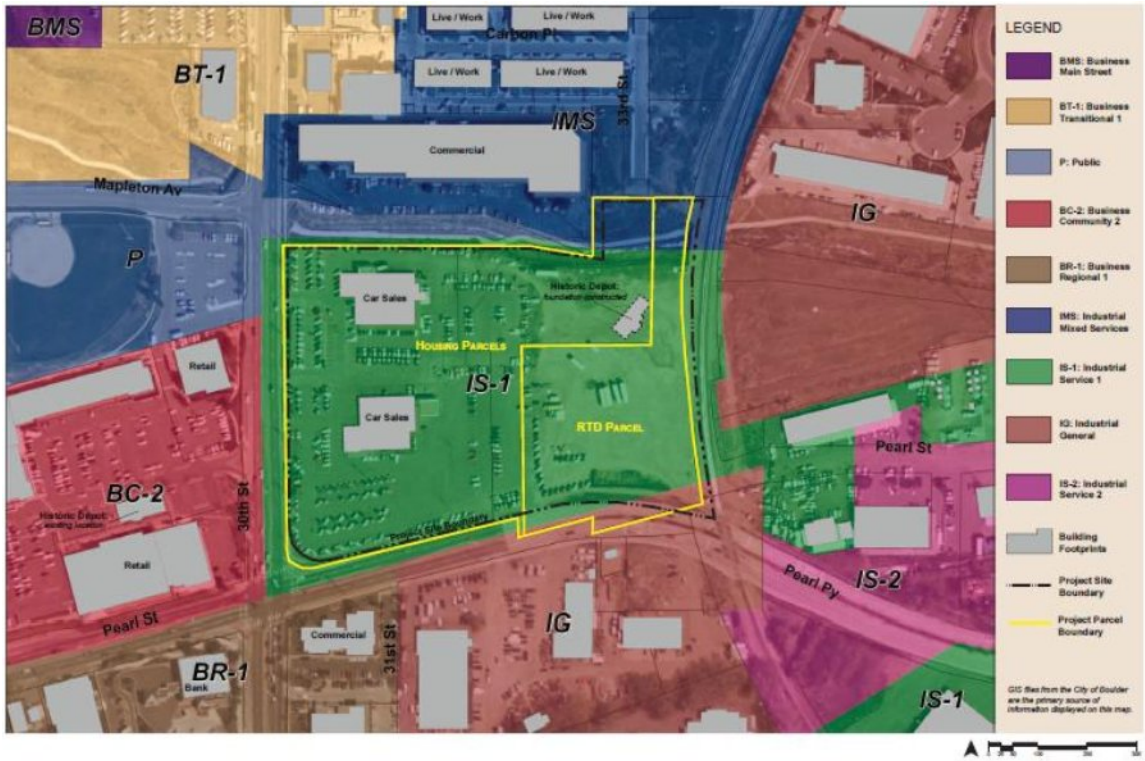
PROJECT NAME: Street Address



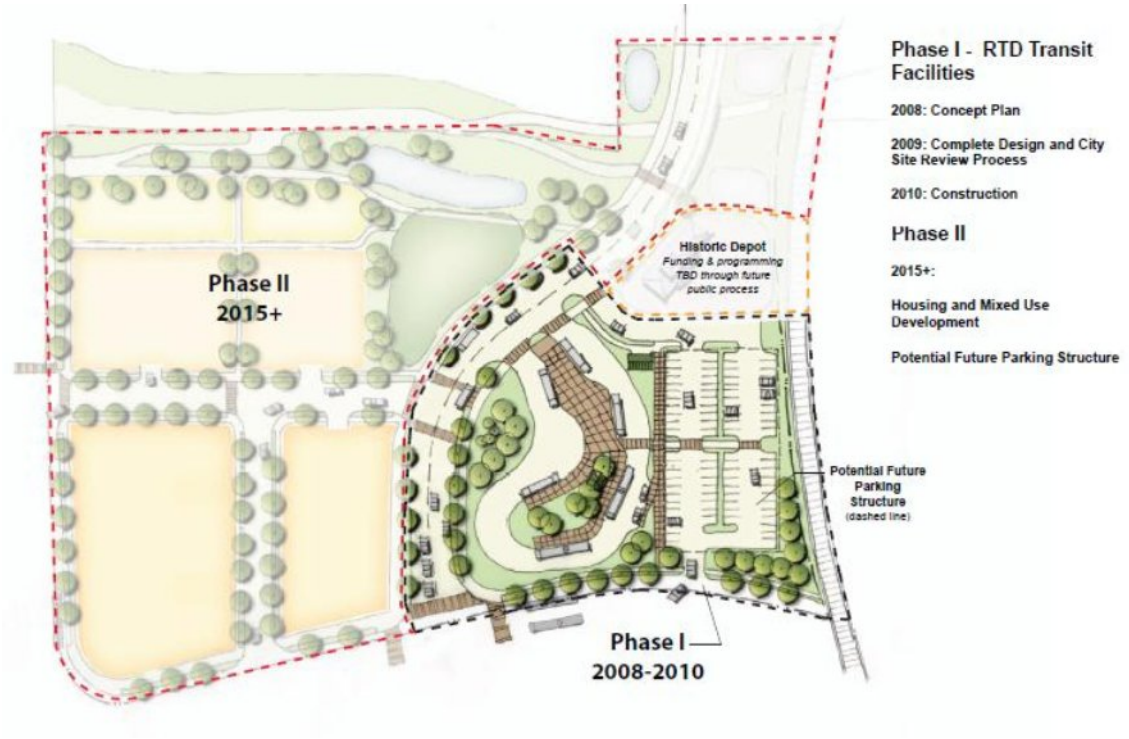
Sample Vicinity Map, Sheet 2:

PROJECT NAME: Street Address

Sample Concept Zoning Plan:



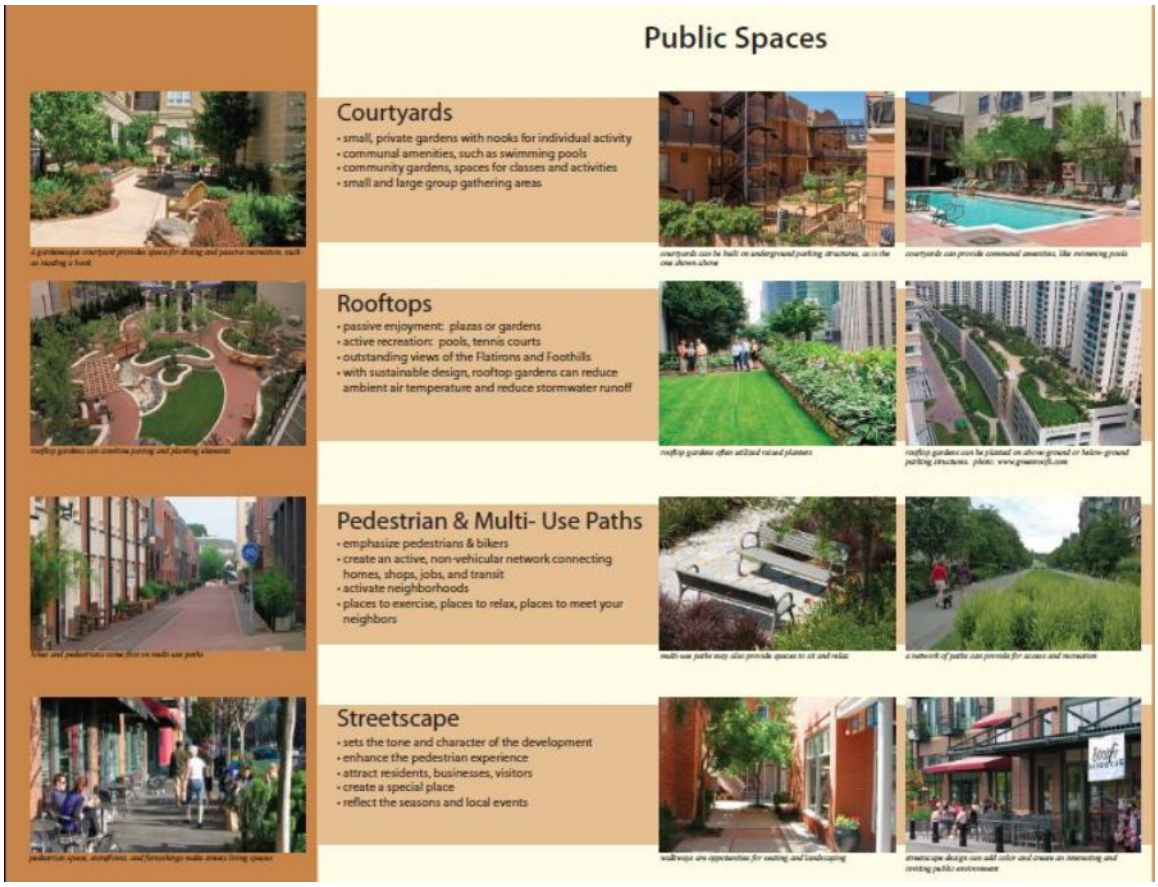
Context Map



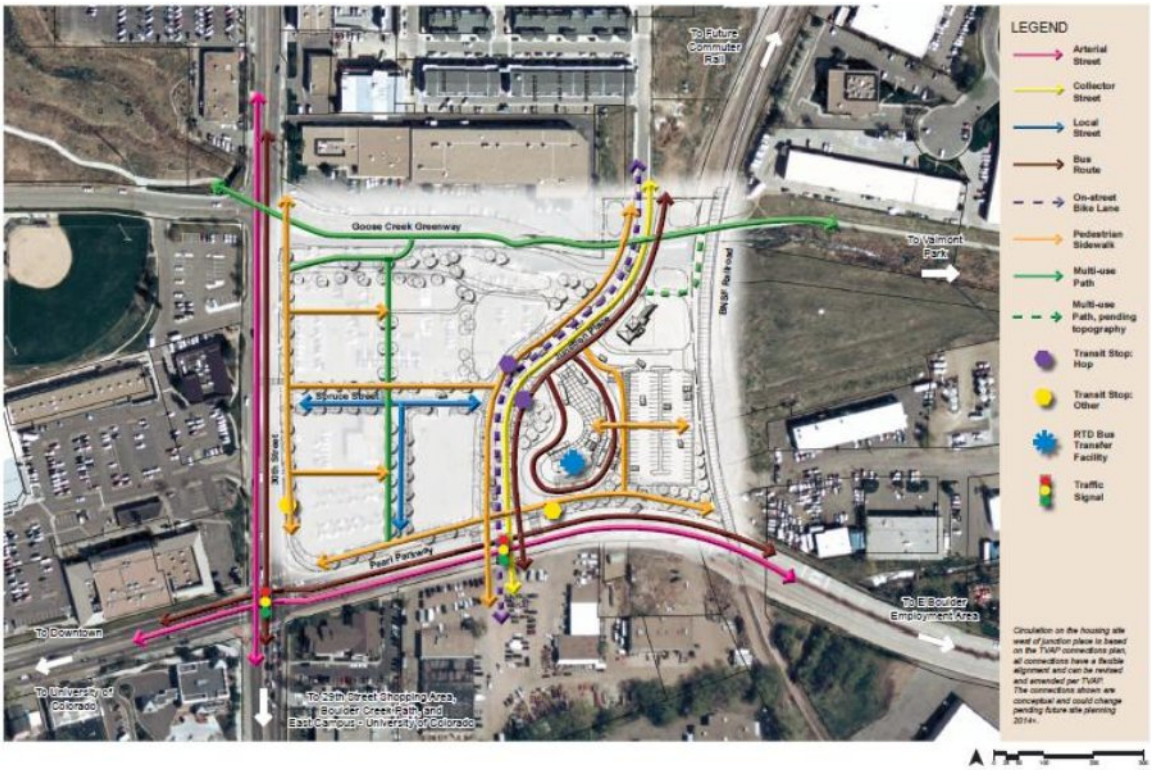
Phasing Map

Proposed Land Uses

Proposed Housing Types



Proposed Civic Space Types



Proposed Circulation Map

MINUTES - Draft

City of Flagstaff

PLANNING & ZONING COMMISSION

4:00 PM– Wednesday, September 11, 2013

City of Flagstaff, Council Chambers

CALL TO ORDER

Chairman Carpenter called the meeting to order at 4:06 p.m.

COMMISSION MEMBERS:

PRESENT: David Carpenter, Chairman; Paul Moore; Jim McCarthy; Justin Ramsey; Tina Pfeiffer (joined the meeting at 7:15 pm)

ABSENT: Stephen Dorsett, Vice Chairman; Steve Jackson;

CITY STAFF:

Mark Sawyers, Staff Liaison

Kimberly Sharp, Comprehensive Planning Manager

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

Becky Cardiff, Recording Secretary

I. GENERAL BUSINESS

A. PUBLIC COMMENT

None.

B. APPROVAL OF MINUTES

1) Special meeting of September 4, 2013.

Motion: Move to approve the minutes of the Special Meeting of September 4, 2013, as submitted. Action: Approve Moved by: Commissioner McCarthy Seconded by: Commissioner Ramsey. Motion carried unanimously.

II. Public Hearing

1. ZONING MAP AMENDMENT FOR ASPEN PLACE AT SAWMILL Pages 1-69

Address:	601 East Piccadilly Drive
Assessor's Parcel Number:	104-19-125, -126, -127, -128, -129, -130, -131, and Tract EE
Property Owner:	Flagstaff Aspen Place, LLC
Applicant:	Land Development Strategies, LLC
Application Number:	PC REZ 13-0001
City Staff:	Elaine Averitt
Action Sought:	Zoning Map Amendment (Conditional)

A proposed zoning map amendment to the official Zoning Map for approximately 3.15 acres of Highway Commercial (HC) (conditional) zone located at 601 East Piccadilly Drive on parcel land to a mixed use development consisting of one five-story building, with 33,000 square feet of retail at the first floor level, a five-story parking garage, and 222 luxury apartments.

Ms. Averitt gave a PowerPoint Presentation on the proposed project and answered questions from the Commissioners. Mr. Sawyers was present and answered questions from the Commissioners.

Brenden O'Leary, representative for the developer and investment group, gave a brief introduction to the project and introduced Bill Prelogger, architect for proposed project. Mr. Preglogger gave a PowerPoint presentation detailing the project and answered questions from Commissioners.

Reid Miller, City of Flagstaff Traffic Engineer, was present and answered Commissioners questions

Rick Schueller, Civil Engineer representing the applicant, answered questions from Commissioners on drainage.

Motion: Motion to open the public hearing Moved by: Commissioner Moore Seconded by: Commissioner McCarthy. Motion carried unanimously.

Public Comment: None

Motion: Motion to close the public hearing Moved by: Commissioner McCarthy Seconded by: Commissioner Moore. Motion carried unanimously.

Discussion was held about the color of the building materials. Sarah Darr, Housing Program Manager City of Flagstaff, was present and answered questions about affordable housing.

Motion: Motion to forward to City Council for approval with Staff Conditions and a stipulation that the color of the parking garage be complimentary to the Residential and Commercial portion of the building Moved by: Commissioner McCarthy Seconded by: Commissioner Moore. Motion carried unanimously.

2. Public hearing/discussion/possible action regarding proposed amendments to the Flagstaff Zoning Code, Division 10-20.50 (Amendments to the Zoning Code Text and the Zoning Map) and Chapter 10-80 (Definitions).

Mr. Eastman gave a description of the proposed amendment to the Zoning Code.

Motion: Motion to open the public hearing Moved by: Commissioner McCarthy Seconded by: Commissioner Moore. Motion carried unanimously.

Public Comment was made as follows:

Richard Bowen, representing ECONA, Mr. Bowen believes this is a quality process that will create job growth and quality employers to Flagstaff. Mr. Bowen gave examples of several companies that will be expanding and using the rezoning process in the near future. He also gave examples of companies that chose not to come to Flagstaff because of the complex rezoning process as one of the reasons.

Keri Silvyn, Tucson, Az, gave an example of a property that has a zoning not in accordance with the Regional Plan that the property owner believes they would not be able to rezone with the current process. Ms. Silvyn stated she believes the amendment will help the community secure quality employers. She believes the amendment will ensure at the rezoning stage that there is an understanding of the impacts of the infrastructure and it balances the interests at stake. Ms. Silvyn answered questions from Commissioner Moore.

Mike Sistak, Government Affairs Director, Flagstaff Chamber of Commerce, gave a statement on behalf of Ms. Julie Pastrick, Chamber President; she thanked the City Council, stakeholders and Commission for work on amendment. Ms. Pastrick is in favor of the amendment to eliminate some of the upfront costs and asked commission for their support.

Marilyn Weissman, representing Friends of Flagstaff Future, believes there is more to why businesses are not here not just the rezoning process. She referred to the previous project that used the current rezoning process and that the developer complimented the City Staff on the process. She believes owners want to profit from rezoning and developers want to spend less money and this new process will be tedious and complicated. She believes the current process works.

Nat White, resident, submitted a written comment that is attached hereto.

Tish Bogan-Ozman, resident, is concerned for the natural and cultural resources. She believes that an impact study for those needs to be done when making the decision on the use and before rezoning the property.

Motion: Motion to close the public hearing Moved by: Chairman Carpenter Seconded by: Commissioner McCarthy. Motion carried unanimously.

Extensive discussion was held on the proposed amendment.

Motion: Motion to recommend approval of the proposed amendments to Division 10-20.50 (Amendments to the Zoning Code Text and the Zoning Map) as described in the staff report Moved by: Chairman Carpenter Seconded by: Commissioner Ramsey. Motion to Amend: Motion to amend the primary motion to include the following revised submittal requirements applicable to all projects i.e. small, medium, large, and multi-phased scale projects: (1) a three-dimensional bulk and mass analysis/visualization of the project; (2) a maximum building envelope shall be defined for all proposed uses; and, (3) a minimum boundary of protected natural resources shall be defined based on preliminary resource calculations. Moved by: Commissioner Moore Seconded by: Commissioner McCarthy. Motion to amend carried unanimously, 5-0. Primary motion to recommend approval of the proposed amendments to Division 10-20.50 (Amendments to the Zoning Code Text and the Zoning Map) as described in the staff report together with the amendments proposed by Commissioner Moore approved 4-1 (Commissioner McCarthy opposed).

Pages 103-165

3. Public hearing/discussion/possible action regarding proposed amendments to the Flagstaff Zoning Code, Division 10-50.100, Sign Standards with specific reference to a new Section 10-50.100.080.E (Flagstaff Mall and Marketplace District).

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

Mr. Eastman gave a brief description of the proposed amendment to the Zoning Code.

Motion: Motion to open the public hearing Moved by: Commissioner McCarthy Seconded by: Commissioner Moore. Motion carried unanimously.

Public Comment: none

Motion: Motion to close the public hearing Moved by: Chairman Carpenter Seconded by: Commissioner Moore. Motion carried unanimously.

Discussion was held on the proposed amendment. Mr. McCarthy submitted a written statement which is attached hereto.

Motion: Motion to recommend that the City Council not approve the proposed amendments to Division 10-50.100 (Signs Standards) by adding a new Section 10-50.100.080.E (Flagstaff Mall and Marketplace District) Moved by: Commissioner McCarthy Seconded by: Commissioner Ramsey. Motion carried unanimously.

4. Draft Flagstaff Regional Plan 2030

City Staff: Kim Sharp, Comprehensive Planning Manager, Community Development

Ms. Sharp discussed the schedule for the City Council public hearings.

Discussion was held on possible meeting dates to move the Regional Plan discussion due to the time. The Regional Plan discussion will be tabled until the September 25th meeting.

III. MISCELLANEOUS ITEMS TO/FROM COMMISSION MEMBERS

None given

ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

ATTACHMENTS:

Flagstaff Planning and Zoning Commission

Meeting for 11 September 2013, 4:00 p.m., Council Chambers

Agenda Item II-2, Flagstaff Mall and Marketplace Sign

Statement from Jim McCarthy (Section 10-50.100.080.E):

The issue here is should we recommend that an otherwise illegal off-site sign be allowed for one developer. My concerns are several.

First, the public has been completely left out of the process, at least until it was put on the Planning and Zoning Commission agenda. Having the commission "make a recommendation" to council may be no more than a formality, considering that the previous council already made a private commitment to the land owner. Considering that the newly elected council may reconsider, it is imperative that this commission provided an independent thought-out recommendation.

Second, the proposal on the table today is contrary to the long-standing city policy to not allow billboards. Just this year, former city employee Paul Jones died. Paul spent city resources and a lot of his own energy in the effort to remove billboards from this city. The impressive viewshed we have in our built environment is to the credit of Paul and other city leaders, and also to the cooperation of many commercial interests.

Third, the one land owner is being given an opportunity that essentially no other land owner is allowed. Off-site signs are not allowed. The one exception that I know of is the Autopark sign on Route 66.

A basic tenant of our government is that all persons will receive equal treatment under the law. Under that principle, this proposal is quite possibly illegal. In fact, under the 14th amendment to our national constitution, it may be unconstitutional because it does not provide "equal protection of the law."

Lastly, I had some concern that this case will create a precedent. After consideration, I have concluded that it will not create a precedent. I say this because this case was decided under duress and not as part of a well-considered policy change. I consider this and the Autopark cases to be isolated incidents with clearly non-typical circumstances.

That said, certain city council members *have* stated that they intend to change the sign code and the approach we have taken for the last decades.

Regardless of the appropriateness of the sign otherwise, I also have concerns that since the sign will be on city property, that the sign will be tax-free to the developer and the city will be responsible for at least some aspects of the maintenance, an unusual and inappropriate situation.

In closing, I would like to summarize with three points. First, I will quote from the draft Flagstaff Regional Plan. "Good government processes lead to transparency and consistent decision making." (See draft of Aug 2013, Page XIV-4.) Support for this case would be in obvious contradiction to that regional plan principle.

Second, I will state that allowing one developer a sign that no other developer could legally build is wrong.

And third, the City of Flagstaff spent significant resources getting rid of billboard blight; we should respect that.

Thank you for listening.

PS:

After reading the prepared statement, I informally told the story of how a legislative body made an inappropriate decision and then reversed it. The case (*Illinois Central Railroad Co. v. Illinois*, decided in 1892) went to the U.S. Supreme Court. The court determined that in the case the legislative body wrongly granted a fee interest in the Chicago waterfront to a private railroad company and that because of the public trust doctrine, they could reverse the decision.

The analogy here is that there are certain things the city council cannot appropriately decide, e.g. agreeing to special treatment of certain landowners against the doctrine of equal treatment under the law, and that the council can (and should) reverse the former inappropriate decision.

David Carpenter

From:	Tammy Bishop <tbishop@flagstaffaz.gov>
Sent:	Monday, September 09, 2013 2:38 PM
Subject:	Planning & Zoning Commission 9-11-13
Attachments:	09-11-13 P&Z Agenda.pdf
Importance:	High

Good Afternoon Commission,
Please read the letter of recommendation below from a concerned citizen.
I have attached the agenda for Wednesday's meeting.

Thank you,
Tammy

From: Kathy Jenkins [mailto:jenkins4flag@gmail.com]
Sent: Sunday, September 08, 2013 5:42 PM
To: Tammy Bishop
Subject: Information for Planning & Zoning Commission 9-11-13

Please forward to the planning and zoning commission.

To Planning & Zoning Commission:

As a retired Flagstaff City Planner with 24 years of service, I would suggest the Commission send a recommendation of denial to the City Council on the staff proposal to change the rezoning submittal procedures.

Historically, rezoning cases of the 1980's would place the developer and the neighborhoods against each other. The hostility and confusion stemmed from a lack of information brought to the public review process. As members of the Planning & Zoning Commission, I would recommend that you not place yourselves, staff, developer and most importantly the concerned citizens (neighborhoods) in this situation.

With the adoption of the Land Development Code, the submittal requirements for a rezoning case increased. The cases brought forward to Public Hearing provided the necessary information for citizens of Flagstaff, Commissions and Council to support sound rezoning requests.

Those stricter requirements for rezoning submittals were amended in 2011 by the adoption of small, medium and large scale rezoning proposals. Based on the size of development being proposed the submittal requirements are either geared up or down.

This tierred process seems reasonable, a compromise between the 1972 Zoning Code and the original Land Development Code. I understand that only one rezoning request which was initiated by the City has been processed using the tierred submittal requirements.

The tierred process should be tested with upcoming rezoning requests before it's amended.

I understand and respect the Council's desire to fast track rezoning requests given the recent recession, but my past experience would discourage this approach. The most successful cases historically have taken a professional team of developers, architects, engineers and planners providing adequate information to the citizens of Flagstaff.

I appreciate the opportunity to submit my thoughts on this matter.

Sincerely,
David Reed Jenkins
1030 E. Appalachian Road
Flagstaff, AZ 86004
928-6073938

P&Z Commission, 9-11-2013

I am for smart, well planned growth. I am also for clear, efficient rezoning processes that support well planned growth and protect the investments and the values of our city.

Since the fiasco of the first Walmart development, and the associated revamping of the building codes, Flagstaff has demonstrated successful well planned growth. Walmart was the poster child for the bumper sticker "Don't Phoenix Flagstaff". The zoning change that allowed that to happen occurred with a concept plan, a large resort on rolling forested hills. The scar is healing and most people have forgotten what could have been, a shopping and hotel area that reflects Flagstaff.

As much as I have read the draft of the proposed changes before you today, I can not convince my self that we are not making Flagstaff vulnerable to zoning changes that can easily be driven by short term profit rather than good and long term planning. This is not painting all developers with the same brush. Rules that may seem burdensome are usually for those interested in beating the system, not the good guys.

I acknowledge that there can be limited circumstances where the previous and current processes may be obstacles, but there is no statistical evidence that this is the usual. The general statements given for the proposed changes on page 4 have not been demonstrated in any measurable way as the case over the years. In fact there seems to be no immediate need to rush.

- The existing zone change process discourages new development and capital investment in the City because of the uncertainty of the process.
- The existing process discourages zone change applications because full knowledge of the intended use is needed to determine the zoning, and it is too costly to develop detailed site plans, floor plans, elevations, etc. when the final user may not be known.
- Flagstaff has a low inventory of land suitable for development, and the current process tends to drive development to other communities.

Here are some suggestions before you pass this on to the council:

- Ask for pros and cons comparing the present process and the proposed process. This includes worse case scenarios where either process could be misused.
- Provide a current hypothetical scenario of this process; say for a zone change on the land either side of the north end of the 4th street bridge.
- Find some cities of comparable size to Flagstaff that have this process, and assess the results.
- Provide other evidence that the "Concept Zoning Plan" is useful and appropriate for Flagstaff.
- Define clearly how conditions applied to the "Concept Zoning Plan" by council can or cannot be changed after a time and perhaps after sale of the property.

We have grown under the existing code well over the years, so this is not a problem that needs to be rushed. There are folks that feel we are growing at a healthy rate and there are folks that may feel the faster we grow the better. My concern is that we grow in a health manageable way, but I am concerned this major change emphasizes faster over healthy. It needs further scrutiny.

Nat White

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Kimberly Sharp, AICP, Comprehensive Planning Manager
Date:	10/30/2013
Meeting Date:	11/05/2013

TITLE

Regional Plan Discussion #10 – Economic Development

THIS ITEM WILL NOT BE DISCUSSED PRIOR TO 7:00 P.M.

RECOMMENDED ACTION:

Staff will present a brief background of data, public comment input and policies for Ch. XIV -Economic Development of the Flagstaff Regional Plan. Council may wish to open the discussion for public comment at this time, followed by discussion on any concerns regarding this chapter or policies to put on the 'Policy Parking Lot' list for further Council discussion, debate and decision in November and December.

INFORMATION

An **Economic Development** Element, although not specifically addressed in the Arizona Revised State Statutes, is regarded by the regional community as an essential planning component. The Citizen Advisory Committee discussed the **economic development** element as including overall trend statistics and future goals for:

a. Employment
b. Tourism
c. Airport
d. Business Retention
e. Overall approaches to:
    a. Increasing tax revenues and reducing tax burdens
    b. Attracting new businesses
    c. Providing greater economic stability
    d. Investing public funds to stimulate private investment
    e. Providing a foundation for long term fiscal and economic health and competiveness
    f. Relationship between development and municipal costs and revenues

Please see the attached power point presentation for background information and goal/policy language.

Attachments: PowerPoint
CVB Letter

Chamber Letter
Parking Lot

Flagstaff Regional Plan 2030

PLACE MATTERS

Flagstaff City Council
November 5, 2013

Regional Plan Elements

17 required elements:

- Land Use
- Circulation
- Open Space
- Growth Areas
- Environmental Planning
- Cost of Development
- Water Resources
- **Recreation**
- **Safety**
- **Public Facilities and Services**
- ***Energy**
- *** Conservation**
- ***Public Buildings**
- ***Housing**
- ***Bicycle**
- ***Urban Conservation, Rehabilitation and Redevelopment**
- ***Neighborhood Preservation and Revitalization**

5 optional elements:

- Community Character and Design
- Natural/Cultural Resources Planning
- **Economic Development**
- ***Historic Preservation**
- ***Social**

***** new items as added by ARS**

FLAGSTAFF REGIONAL PLAN 2030
PLACE MATTERS

Public Comments gathered:

1. **<u>REGIONAL PLAN OPEN HOUSES</u> -** Economic Development
   - May 13, 2010 – NOON to 4 p.m. – City Hall Lobby
   - May 19, 2010 – 7:30 – 9:30 a.m. – NABA parking lot, co-hosted by Chamber of Commerce

2. **Regional Plan Focus Group –** ***Economic Development***
   - ***May 27, 2010– Noon to 2 p.m.– NAU***

3. **Regional Plan WORKING GROUP–** ***Economic Development***
   - ***January – August 2012***

4. **Review of 2001 policies – Commercial / Industrial**
   - Sustainability Cabinet
   - Neighborhood Groups
   - ECoNA, Economic Vitality, Coconino County Workforce Board
   - Chamber / NABA / Realtors

Chapter XIV. Economic Development

FLAGSTAFF REGIONAL PLAN 2030
PLACE MATTERS

Inside this Chapter:

Our Workforce	2
Responsive Government	4
Education and Workforce Training	5
Business Retention, Expansion, and Entrepreneurship	10
Business Attraction	11
Community Character	12
Activity Centers	13
Redevelopment and Infill	13

The region's economy, while independent, also influences and is influenced by the greater context of the global community. By continuing to be adaptable to the global economy and supportive with targeted investments, the region will be able to increase business diversity and opportunities, supply local needs, increase exports, and build a broad tax base. Understanding that the purpose of **economic development** is to improve overall community prosperity, the region's residents and businesses support collaborative economic development activities.

This chapter focuses on three priority areas of public investment:

1. Maintaining and expanding **infrastructure** to support and promote economic development.
2. Concentrating development for higher **efficiencies**.
3. Maintaining and enhancing our community's **image**.

FLAGSTAFF REGIONAL PLAN 2030
PLACE MATTERS

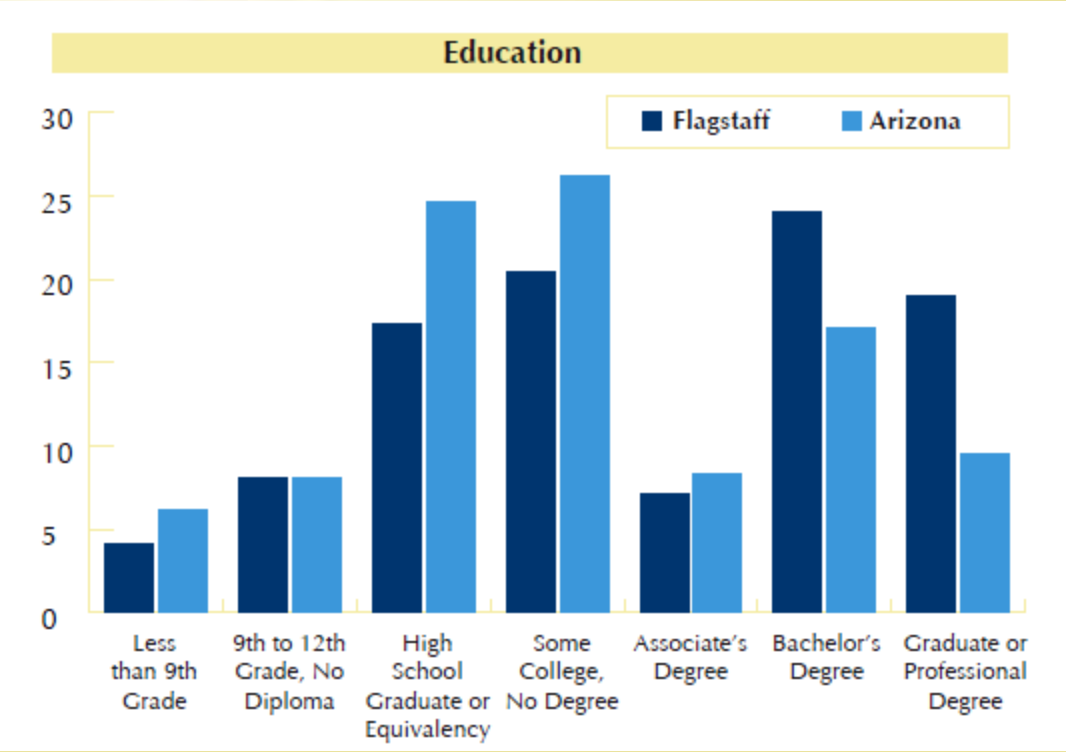
Region's Top Industry Sectors:

- Tourism – over 4 million visitors per year
- Government – federal, state and local
- Education
- Science and research
- Healthcare and healthcare product manufacturing
- Advanced manufacturing and biomedical manufacturing
- Transportation and utilities

Our Vision for the Future

In 2030, the Flagstaff region enjoys a robust and resilient economy that is concurrently independent and globally connected. The region invests in education, workforce training, and job creation.

FLAGSTAFF REGIONAL PLAN 2030
PLACE MATTERS



Helpful Terms

"Social vitality" is the invigoration or continued and increased activity of citizens, cultural activities, and civic engagement (such as voting)

"Community vitality" refers to the overall well-being of residents

The ***"livability index"*** is a means to quantitatively measure "quality of life" in a particular city. The number is based upon various factors, such as average wage, cost of living, pollution, social services, cultural opportunities, and diversity.

FLAGSTAFF REGIONAL PLAN 2030
PLACE MATTERS

RESPONSIVE GOVERNMENT GOALS AND POLICIES

Goal ED.1. Create a healthy environment for business by ensuring transparent, expeditious, and predictable government processes.

Policy ED.1.1. Maintain the commitment by City and County government bodies to establish new public-private partnerships to spur economic development where they are potentially an effective tool.

Policy ED.1.2. Steadily improve access to easily understandable public information.

Policy ED.1.3. Provide an accurate and up-to-date procedural guide for business development.

Policy ED.1.4. Use economic best practices to promote quality and fiscally sound projects.

Policy ED.1.5. Encourage local governments and the surrounding sovereign tribal nations to collaborate on mutually beneficial economic development initiatives.

Policy ED.1.6. Work cooperatively as a region towards developing a redundant telecommunications system.

Policy ED.1.7. Actively recruit diverse cultural representation for all committee vacancies.

FLAGSTAFF REGIONAL PLAN 2030
PLACE MATTERS

EDUCATION AND WORKFORCE TRAINING GOALS AND POLICIES

Goal ED.2. Support and encourage an excellent educational system that promotes critical thinking and job training programs at all levels.

Policy ED.2.1. As industry sectors emerge and grow, encourage regional workforce development partners to take a proactive role by preparing the local labor force for current and future workforce needs.

Policy ED.2.2. Support collaborative workforce training efforts by Coconino Community College, Northern Arizona University, and regional economic development partners.

Policy ED.2.3. Encourage efforts to provide a full range of high-quality educational opportunities for life-long learning for all residents.

Policy ED.2.4. Promote science, technology, engineering, mathematics, liberal arts, and entrepreneurship education at all levels.

FLAGSTAFF REGIONAL PLAN

BUSINESS RETENTION, EXPANSION AND ENTREPRENEURSHIP GOALS AND POLICIES

Goal ED.3. Regional economic development partners support the start-up, retention, and expansion of existing business enterprises.

Policy ED.3.1. Encourage regional economic development partners to continue proactive programs to foster the retention and expansion of existing enterprises and home-based businesses in the community.

Policy ED.3.2. Support and promote the diversification and specialization of the tourism sector, with heritage-, agri-, eco-, and adventure-tourism.

Policy ED.3.3. Strengthen the arts, culture and education sectors as important economic drivers in the community.

Policy ED.3.4. Support plans, programs, and capital expenditures to stimulate the investment of private capital in existing commercial areas for all industry sectors.

Policy ED.3.5. Take advantage of federal, state, and local incentives available for business retention and expansion efforts.

Policy ED.3.6. Advocate the economic sustainability and growth of businesses with opportunities for transitional commercial space, leased space, and property ownership.

Policy ED.3.7. Foster entrepreneurialism and start-up businesses with incubator programs in sectors that demonstrate considerable growth potential.

Policy ED.3.8. Support and encourage regional agriculture.

Policy ED.3.9. Protect existing business and industrial areas from encroachment and allow for their expansion.

Policy ED.3.10. Develop infrastructure so that the community has access to high-speed internet and telecommunications.

FLAGSTAFF REGIONAL PLAN 2030

BUSINESS ATTRACTION GOALS AND POLICIES

Goal ED.4. Support efforts to recruit new businesses and industries compatible with the region.

Policy ED.4.1. Publicize all developable property, with property owner's consent, within the region with an understanding of infrastructure needs and applicable Zoning Code standards.

Policy ED.4.2. Promote variety and flexibility in land use and development options within the urban growth boundary.

Policy ED.4.3. Facilitate regional economic development by participating in cooperative ventures throughout the northern Arizona region.

Policy ED.4.4. Identify and support community resources that assist new businesses, such as workforce development, marketing, building processes, venture capital, financing, and management.

Policy ED.4.5. In an effort to promote the sustainability of resources, the City will encourage all new and expanded commercial and industrial development to be energy and water efficient.

Policy ED.4.6. Develop specific area plans for targeted industrial, and business park land, which have been identified as major employment centers in the Flagstaff Regional Plan.

Policy ED.4.7. Prioritize attraction of companies that contribute to low-impact and livable wage jobs.

Policy ED.4.8. When planning for future growth, consider tribal, cultural, and natural resources.

Policy ED.4.9. Support and encourage Native American heritage and culture as contributors to the region's economy.

FLAGSTAFF REGIONAL PLAN 2030
PLACE MATTERS

COMMUNITY CHARACTER GOALS AND POLICIES

Goal ED.5. Continue to promote and enhance Flagstaff's unique sense of place as an economic development driver.

Policy ED.5.1. Support planning, design, and development that positively, creatively, and flexibly contribute to the community image.

Policy ED.5.2. Coordinate and manage community branding to effectively position the region for global marketing.

Policy ED.5.3. Leverage the region's assets of history, culture, natural environment, educational and scientific facilities as an economic development tool.

Policy ED.5.4. Invest in attractive community gateways, main corridors, and public spaces to draw the business and workforce the region desires.

Policy ED.5.5. Develop urban infrastructure that supports revitalization and redevelopment.

FLAGSTAFF REGIONAL PLAN

ACTIVITY CENTERS GOALS AND POLICIES

Goal ED.6. Promote the continued physical and economic viability of the region's commercial districts by focusing investment on existing and new activity centers.

REDEVELOPMENT AND INFILL GOALS AND POLICIES

Goal ED.7. Promote redevelopment and infill as a well-established means to accomplish a variety of community economic, planning, and environmental goals.

FLAGSTAFF REGIONAL PLAN 2030
PLACE MATTERS

Schedule Forward

November 5	*Ch. XIV. - Economic Development*
November 12	Ch. III – Implementation and Appendix D – Annual Report Template
November 18	Public Hearing #1 – Joint City/County meeting
December 3	Public Hearing #2 - City Council *[6:00 p.m. 211 West Aspen Avenue]*
December 3	Public Hearing #2 – County *[3:00 p.m. in 219 E. Cherry];*
December 6	Council retreat to consider policy parking lot- 8 a.m. Aquaplex
December 17	Adoption & call for election
May 20, 2014	General Election – mail-in ballot for General Plan

www.flagstaffmatters.com

October 31, 2013
Kim – Here are some of my thoughts. Hope it helps!

Where you have Community Character you could actually use a different photo than the rodeo one…you are referencing a community surrounded by natural beauty so a landscape photo would make the most sense there. And you might even want to add a picture of the Visitor Center to show them that we have somewhere for visitors to come for information about our town in general (this shows marketing efforts we do for a business that comes here) since the paragraph begins with Visitors…

When I think of Economic Development, I think that Tourism stats would be important to share…like the $390 million in direct spending per year it generates for our community and the 4 million visitors per year that come through Flagstaff, etc. I have a visitor profile that I have attached that might also help you with some important figures. If I were a business thinking of coming here I would want to know how vibrant that revenue potential is, and that the economy does not rely solely on locals. I would actually give 'Tourism' a section under Community Character and show these stats. (Attached)

If you can make changes, I would be happy to sit with you to decide what makes the most sense.

Heidi Hansen
CVB Director

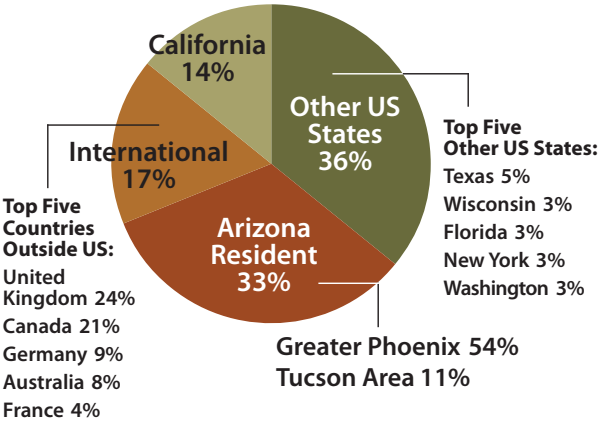
Flagstaff Visitor Profile

Demographics	
Average Age	**49**
Male	47
Female	51
Average Annual Income	$79,056 ($80,000 median)
Average Overnight Stay	2.6 nights
Average Party Size	3.2 persons
Travel w/children	22%

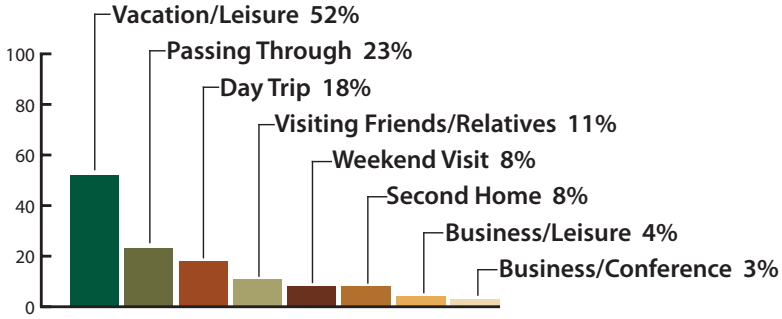
Annual Economic Impact	
Total Economic Impact	**$501 million**
Direct Spending	$387 million
Indirect Impact	$50 million
Induced Impact	$64 million
Total Taxes Produced	**$30 million**
Total Jobs Created	**5,483** Direct/Indirect

Average Daily Spending	
Per Party/Day	**$646**
Lodging	$175
Food and Beverage	$107
Transportation	$93
Shopping	$90
Recreation	$65
Other	$116

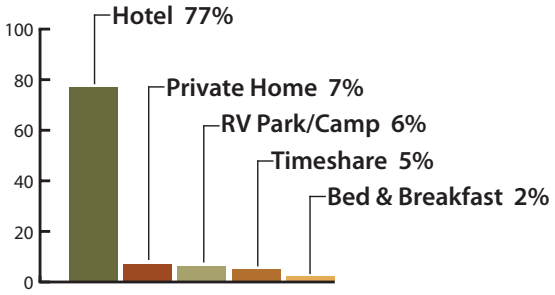
Visitor Origin



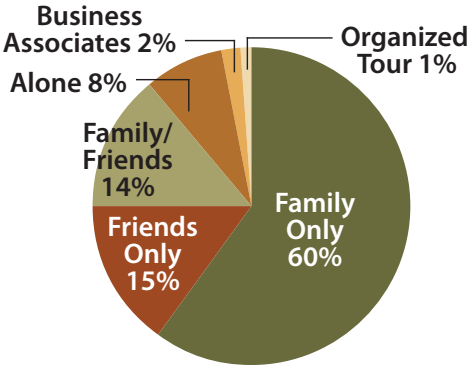
Trip Purpose*



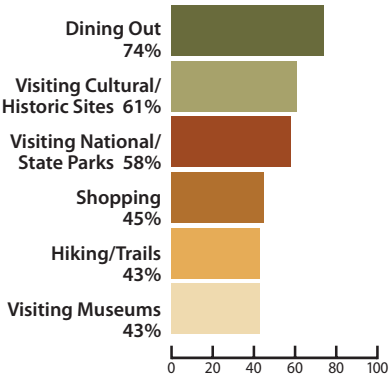
Lodging Type*



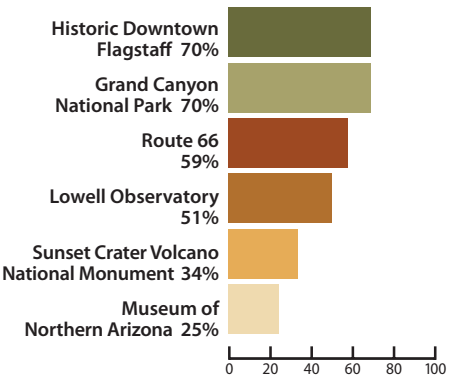
Party Type



Top Flagstaff Activities*



Top Attractions Visited*



Flagstaff
CONVENTION AND VISITORS BUREAU
211 West Aspen Avenue ▲ Flagstaff, Arizona 86001-5399 USA
800-217-2367 ▲ 928-779-7611
flagstaffarizona.org

Source: 2008-2009 Flagstaff Visitor Study by Northern Arizona University's Hospitality Research and Resource Center

**Please note: Percentages do not sum to 100% because some respondents provided multiple responses.*

XIV ECONOMIC DEVELOPMENT

Flagstaff serves as the economic hub of northern Arizona, providing goods and services for the region. With over 3,000 businesses (over 20 percent of which are service related) that employ over 72,000 people, as well as over 4 million visitors annually, the top employment industries are government, education, science and research, healthcare and healthcare product manufacturing, advanced manufacturing and biomedical manufacturing, tourism, transportation, and utilities. Over 5,000 people commute to Flagstaff daily to work from outlying communities.

The region's economy, while independent, also influences and is influenced by the greater context of the global community. By continuing to be adaptable to the global economy and supportive with strategic investments ~~supportive with targeted investments~~ in economic development, the region will be able to increase business diversity and opportunities, supply local needs, increase exports, and build a broad tax base. Understanding that the purpose of **economic development** is to improve overall community prosperity, the region's residents and businesses support collaborative economic development activities resulting in balanced growth~~.~~

This chapter focuses on the encouragement of private investment: ~~This chapter focuses on three priority areas of public investment:~~

1. Educational Partnerships ~~Maintaining and expanding **infrastructure** to support and promote economic development.~~
2. Balanced and diverse industries ~~Concentrating development for higher **efficiencies.**~~
3. Responsive government attuned to the need of job creation and retention. ~~Maintaining and enhancing our community's **image.**~~

This plan focuses on meeting these priorities with responsive government; education and workforce training; business retention, expansion, and entrepreneurship; business attraction; promotion of community character; focus on activity centers; and commitment to quality redevelopment and infill.

Inside this Chapter:

Our Workforce	2
Responsive Government	4
Education and Workforce Training	5
Business Retention, Expansion, and Entrepreneurship	10
Business Attraction	11
Community Character	12
Activity Centers	13
Redevelopment and Infill	13

Photo credit: City of Flagstaff

Formatted: Right: -0.01", Space Before: 0.5 pt

Our Vision for the Future

In 2030, the Flagstaff region enjoys a robust and resilient economy that is concurrently independent and globally connected. The region invests in education, workforce training, and job creation.

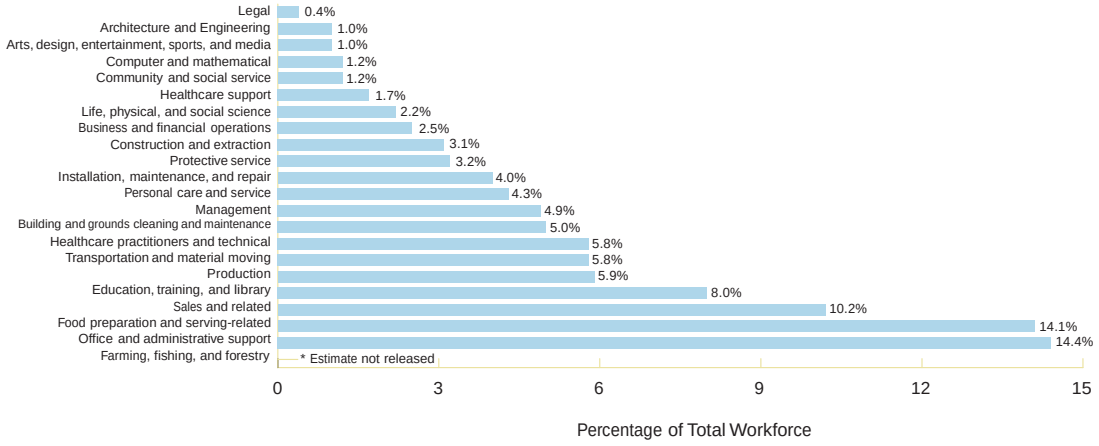
Comment [G1]: This makes no mention of promoting growth

Our Workforce

According to the U.S. Department of Labor, over 55,000 people were employed in Flagstaff in May 2012, working in the following occupations:

Source: U.S. Department of Labor, Bureau of Labor Statistics (www.bls.gov/r09/oesflag.htm)

Flagstaff Occupations, May 2010



Helpful Terms

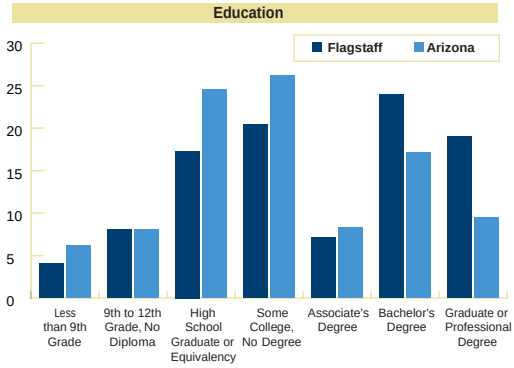
"Social vitality" is the invigoration or continued and increased activity of citizens, cultural activities, and civic engagement (such as voting)

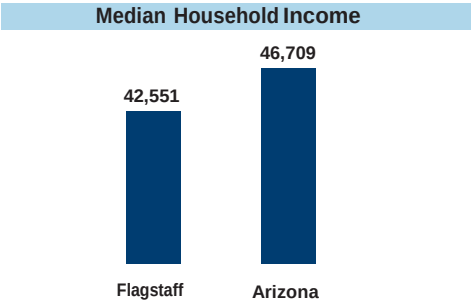
"Community vitality" refers to the overall well-being of residents. The Economic strength of the region

The ***"livability index"*** is a means to quantitatively measure "quality of life" in a particular city. The number is based upon various factors, such as average wage, cost of living, pollution, social services, cultural opportunities, job growth, and diversity.

Northern Arizona University's student population currently represents 25 percent of the City of Flagstaff's total population. Its academic resources complement those of Coconino Community College, the Flagstaff Unified School District, and charter schools in producing a highly educated workforce. Flagstaff Medical Center serves as the regional trauma and medical service for the metropolitan area, and is supported by a large medical service sector. WL Gore & Associates is the largest private employer and is a leading researcher, designer, and manufacturer of advanced medical products. Other large private employers include manufacturers Nestle Purina and SCA Tissue. There are several high-tech firms with a range of 10 to 50 employees. Of all businesses within the planning area, 73 percent have nine employees or less, which is consistent with the percentage of American small locally owned businesses nationwide. The presence of many small-scale businesses also exemplifies the vitality of the region's creative class of entrepreneurs and the need for small business resources and development support services.

Flagstaff is home to a highly educated population, which presents the potential for increased, business diversity and wage growth ~~wages~~ as time goes on.





Source: U.S. Census Bureau, Community Values Survey 2011 1-Year Estimates

Flagstaff recognizes the many opportunities for job prosperity within the current growth sectors of bioscience, astronomical sciences, earth and life sciences, advanced manufacturing, innovation and technology, forest restoration and forest products, professional services, construction services, health care and medical services, engineering and architectural services, alternative energy production (including wind farms and commercial solar energy production), outdoor recreation, agriculture and regional food, telecommunications, as well as the expansion of knowledge-based, creative and cottage industries, as well as emerging and future sectors and technologies. Growth potential is also seen in industrial/logistical warehousing and multi-modal transportation facilities. The current transportation links of major interstate, rail, and air routes puts the Flagstaff region central to large metro markets.

The Flagstaff region provides global, national, and regional entrepreneurs with the lifestyle premium of quick access to vast open spaces with a diverse social and community culture for leisure, art, and recreation pursuits. Due to its geographically remote location, the region requires economic security and self-sufficiency in the way of a responsive education system to effectively train a workforce for future needs, industrial land served by infrastructure, efficient communication and high-speed internet, a culture of healthy idea-exchange, ~~accessible~~ affordable housing options, efficient transportation, and protection of the existing high quality of life.

Add a section on tourism industry in Flagstaff region

Regional Economic Development Partners

Significant regional economic development partners continue to identify opportunities and help focus community efforts to diversify and strengthen all employment. Some of our regional economic development partners include:

- Arizona Association of Economic Developers Tribal Committee
- City of Flagstaff Economic Vitality
- Coconino Community College
- Coconino County
- Economic Collaborative of Northern Arizona (ECoNA)
- Flagstaff Chamber of Commerce
- Hopi Tribe Economic Council
- Native American Council for Community Action
- Navajo Nation Chamber of Commerce
- Navajo Nation Small Business Center
- Northern Arizona University
- Northern Arizona Builders Association
- NAU Center for American Indian Economic Development
- Northern Arizona Board of Realtors
- Sustainable Economic Development Initiative (SEDI)
- Numerous other for-profit and non-profit development and community development groups

Responsive Government

Photo by: Calvin Johnson

A responsive government is one that goes beyond providing basic services; it understands the community vision and develops policies and procedures to create a healthy and sustainable business environment. Good government processes lead to transparency and consistent decision making. This is attractive to the businesses of tomorrow looking for a particular quality of life and a predictable business environment. Governing agencies can collaborate with regional economic development partners and use available economic development tools to identify ways to advance Strategic ~~targeted~~ investments in infrastructure, encourage private investment, create jobs, and encourage ~~ensure better planned~~ new development. This leads to overall increased community prosperity and economic vitality.

Comment [G2]: Which is what?

Photo credit: City of Flagstaff

RESPONSIVE GOVERNMENT GOALS AND POLICIES

Goal ED.1. Create a healthy environment for business by ensuring transparent, expeditious, and predictable government processes.

Policy ED.1.1. Maintain the commitment by City and County government bodies to establish new public-private partnerships to spur economic development where they are potentially an effective tool.

Policy ED.1.2. Steadily improve access to easily understandable public information.

Policy ED.1.3. Provide an accurate and up-to-date procedural guide for business development.

Policy ED.1.4. Use economic best practices to promote quality and fiscally sound projects.

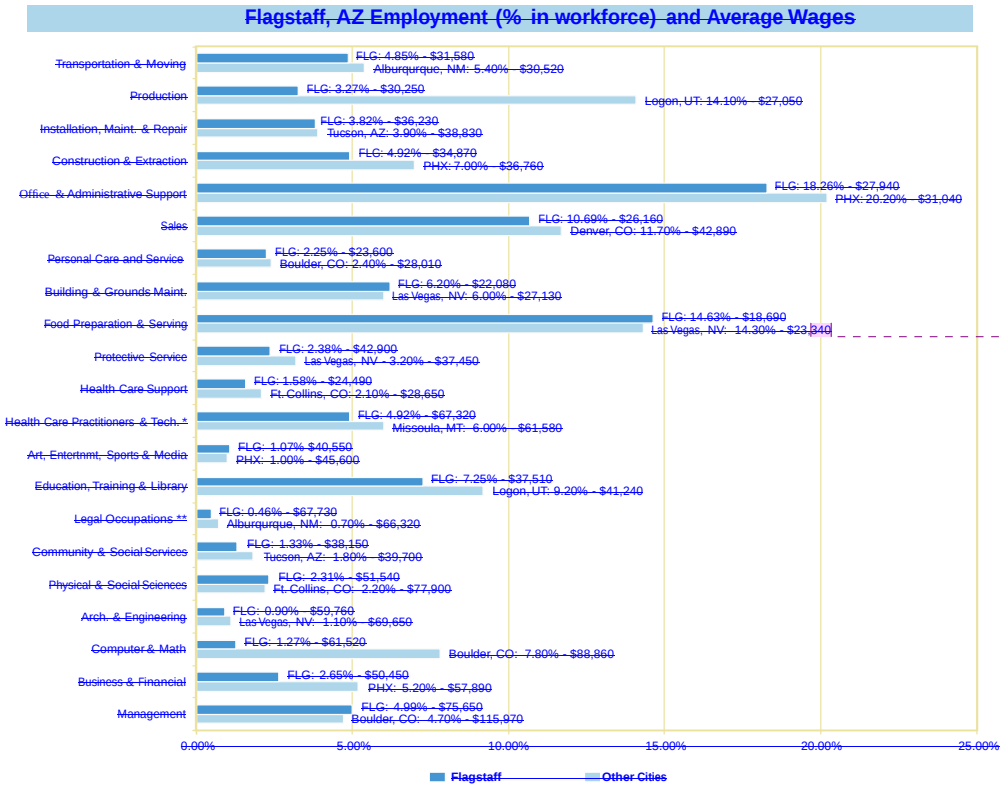
Policy ED.1.5. Encourage local governments and the surrounding sovereign tribal nations to collaborate on mutually beneficial economic development initiatives.

Policy ED.1.6. Work cooperatively as a region towards developing a redundant telecommunications system.

Policy ED.1.7. Actively recruit diverse cultural representation for all committee vacancies.

Education and Workforce Training

Flagstaff boasts a highly educated population (based on 2010 Census data, 39.4 percent of residents hold university degrees, compared to the national average of 24.4 percent). In addition, workforce training is a priority. ~~Since our future workforce will focus on research/development and innovative thinking,~~ regional efforts for education and training should provide for the full range of jobs, including all service industries, high-tech industries, manufacturing, customer service, innovative thinking, and creative problem-solving and entrepreneurship. A high-quality labor force is essential in attracting a new business, as it is a primary factor in determining a new business location as well as a local business' ability to expand. A well-trained, well-compensated, and diversified labor force contributes to a healthy local economy and positive community image.



UNCLEAR OF CHART

Source: City of Flagstaff Economic Vitality, Arizona Department of Economic Security 2010

Comment [G3]: The purpose of this chart was very unclear. Flagstaff cannot arbitrarily declare that someone in a particular profession should be a paid a certain wage compared to another city.

Our Schools

Flagstaff Unified School District No. 1—The Flagstaff Unified School District (FUSD) encompasses approximately 4,400 square miles that includes the city of Flagstaff and extends northeast to Gray Mountain, south past Stoneman Lake, east past Sunset Crater, and west to Bellemont. The district maintains and operates 12 elementary schools, two middle schools, three high schools, and one alternative school. One school in the planning area, Cromer Elementary School, is outside of the city limits. Leupp Elementary and Middle Schools are outside the planning area.

Student enrollment has been fluctuating slightly in Flagstaff since the mid-1990s with some years showing minor increases and others decreases. The decreases range from 1.1 percent in 1999–2000 to 2.5 percent in 1997–98. A modest increase of 0.5 percent was shown in 1998–99. The decline in enrollment has been attributed to the fact that general population growth from 1990 to 1995 occurred in families with head of household age 45 and above.

Setting the Bar

In October 2012, The City of Flagstaff declared itself a leader in STEM education. Mayor Jerry Nabours issued a proclamation stating that Flagstaff is a STEM community by highlighting the great science and technology businesses and institutions and the excellent STEM activities in Flagstaff schools. The City currently recognizes a STEM Student, Teacher and Leader of the Year. Moving forward, Flagstaff is initiating a STEM Consortium that will focus on STEM business-school connections and curriculum development. A large highway sign stating "America's First STEM Community" was also unveiled, and will be one of three that greet visitors coming into Flagstaff.

City of Flagstaff Public Schools

Elementary Schools	Enrollment 2012-2013
Cromer (outside city limits)	716
De Miguel	678
Killip	466
Kinsey	389
Knoles	620
Leupp Public School	114
Marshall Elementary Magnet School (Arts and Sciences)	576
Puente de Hozho Bilingual Magnet School	373
Sechrist	483
Thomas	484
Subtotal	**4,899**
Middle Schools	
Alpine Leadership Academy - Mt. Elden	796
Sinagua Middle School	928
Subtotal	1,742
High Schools	
Coconino	1,366
Flagstaff	1,489
Summit (accreditation pending)	129
Subtotal	**2,984**
TOTAL	**9,607**

Source: FUSD, February 2012

Comment [G4]: No mention of student-to-teacher ratios

Although overall district enrollment figures are down slightly, some schools are experiencing growth. The district currently has no plans to construct any new schools but is watching the enrollment on the west side. Additionally, some consideration has been given to acquiring property near Doney Park for a middle school. Additionally, the district may review and revise school boundaries to alleviate overcrowding.

Private and Charter Schools —There are ten elementary, four elementary/middle and three high school-level private and charter schools in the Flagstaff area. Charter schools are public schools that are not part of the FUSD but are funded by the state. The emergence of charter schools has also contributed to the drop in FUSD enrollment.

Comment [G5]: Why is there no listing of the private and charter schools? They still significantly contribute to education in the city and could be an attractive option for families & businesses looking to move here.

Higher Education

Northern Arizona University —Northern Arizona University (NAU) is a comprehensive public university located in the heart of Flagstaff. NAU, governed by the Arizona Board of Regents, comprises 730 acres at its Flagstaff campus. Approximately 384 acres are fully developed with the remainder, undeveloped, in primarily ponderosa pine forest.

At the Flagstaff campus, the total number of students enrolled for the 2012-2013 school year (undergraduate and graduate) was 26,002. Although the school has no immediate plans for expansion into undeveloped areas, a partnership with Coconino Community College has led to dedication of 40 acres for a new college campus. An infill strategy continues to dominate the plans for any new facilities.

Kinlani Dorm [Flagstaff Border town Dormitory]

In 1958, the dormitories constructed by the U.S. Forestry department for employees began to house students of Marshall Elementary, Flagstaff Junior High and Flagstaff High Schools. Eventually, this housing became exclusively for students of Flagstaff High School, and most of the students represent the Navajo tribe.

Coconino Community College —Coconino Community College (CCC) is a campus institution with an enrollment of approximately 10,000 students per year with three main campuses: the Flagstaff Lone Tree Campus and District Offices, Flagstaff Fourth Street Campus and Technology Center along with the Flagstaff Medical Center Institute for Nursing Education, and the Page/Lake Powell Campus and Navajo Generating Station Technology Center. CCC also offers classes in Fredonia, Grand Canyon/Tusayan, Tuba City, and Williams.

The college currently supports a commuting student population and is not intended to become a residential facility or to develop athletic programs.

High-quality educational opportunities at all levels are essential to sustain a healthy, diverse economy. As quality employers and employees demand high-quality K-12 / pre-school through university education for their children and future workforce, the region's educational institutions are incorporating the Science, Technology, Engineering and Mathematics (STEM) Initiative, making Flagstaff America's first self-appointed STEM city, an initiative that is supported by the community. Our regional education partners can build on this success.

EDUCATION AND WORKFORCE TRAINING GOALS AND POLICIES

Goal ED.2. Support and encourage an excellent educational system that promotes critical thinking and job training programs at all levels.

Policy ED.2.1. As industry sectors emerge and grow, encourage regional workforce development partners to take a proactive role by preparing the local labor force for current and future workforce needs.

Policy ED.2.2. Support collaborative workforce training efforts by Coconino Community College, Northern Arizona University, High School, and regional economic development partners.

Policy ED.2.3. Encourage efforts to provide a full range of high-quality educational opportunities for life-long learning for all residents.

Policy ED.2.4. Promote science, technology, engineering, mathematics, liberal arts, and entrepreneurship education at all levels.

Comment [G6]: This list should include the private higher education schools like College America

Comment [G7]: Why is there no mention of the first-rate programs offered at NAU that can be directly related to the types of jobs that would be available in Flagstaff for a recent grad?

Comment [G8]: Add voter referendum to help fund CCC if it passes on Nov. 5

Comment [G9]: What is the point of mentioning this?

WORKFORCE TRAINING RESOURCES

Chamber of Commerce

Skills for Success: This Flagstaff Chamber of Commerce signature workforce development initiative partners Chamber members with middle- and high-school classrooms to teach students the life, or "soft," skills that are necessary to be successful in the workplace. Flagstaff teachers and school counselors have told the Chamber how these interactions with businesses create "light bulb" moments. Students learn that they do not have to leave Flagstaff after high school or college in order to have meaningful careers. Businesses commit to meeting with their classroom at least twice. One of the meetings is a field trip to the business, so the students can see first-hand the work being done by the business or organization. Blue Cross Blue Shield of Arizona is the title sponsor of this vital initiative. For more information, contact the Flagstaff Chamber at 928.774.4505.

Chamber Internship Program: 2012 is the first year of the internship program, which helps match students to businesses willing to hire high school students. Funding is provided by the Career Center of Coconino County. It is the goal of the initiative to facilitate eight internships this year.

Chamber Café: This luncheon roundtable series focused on sharing business knowledge – Chamber member to Chamber member. Topics include: social media, traditional advertising, web design, SEOs, business accounting, human resources and investing. A great way to enjoy lunch, and enrich your business while learning from peer Chamber members. Recent Chamber Cafe's have included the following:

- Facebook for Business
- Twitter Basics
- Ask the Expert: Human Resource Essentials
- Survive & Thrive This Year & Beyond
- Social Media 101
- Learn How to Access SBA Loan Programs
- Marketing: How to Grow When It's Slow

SCORE Counseling – the Chamber has teamed with SCORE to provide free and confidential advice on key business goals and challenges. SCORE volunteers, successful entrepreneurs who want to share their knowledge and clients, met with business owners and managers for one-hour sessions.

Workplace Safety Seminars: Through its partnership with SCF Arizona, the Chamber provides a workers; compensation insurance pool for members. As part of this, it hosts several free safety seminars to foster safe work environments.

YES Week – Young Entrepreneurial Scholars week is a summer opportunity for incoming high school sophomores, juniors and seniors to explore the world of entrepreneurship. The program is in partnership with the Northern Arizona Center for Entrepreneurship and Technology.

STEM Club – The Chamber has partnered with the Mount Elden Middle School STEM (Science, Technology, Engineering, Math) Club and arranges for tours of STEM related businesses, such as Lowell Observatory, the veterinary clinic of Second Chance Center for Animals, the solar array at APS, and TGen North.

Manufacturing Roundtables – The Chamber inaugurated the Manufacturing Roundtables in 2011 to bring local employers together to learn about changes in their business sector, discuss challenges and strategize on ways to address them.

Coconino Community College

CCC Small Business Development Center:

- Free one-on-one confidential counseling
- Business Resource Library
- SBA Loan Application Process
- Business Basics
- Business Plan Writing
- Beginning Quickbooks
- Advanced Quickbooks
- Introduction to Internet Marketing
- Social Media Marketing
- Intellectual Property Rights
- SBA Exporting Seminar
- Small Business Accounting –Cash flow statements, P&L, Balance Sheets
- Statistical database for start-up businesses

Community & Corporate Learning and Career & Technical Education Divisions:

**Local and regional labor analysis throughout the year using sector strategy approach

Alternative Energy & Water:
Photovoltaic System Design & Installation
Advanced Photovoltaic System Design
Photovoltaic System Maintenance
Alternative Energy AAS
Green Building Certificate
Weatherization Techniques
Energy Auditing
Water Distribution (Operator Exams Level I & II)
Waste Water Management
Utility Management
LEED Certification – all levels

Health Care and Allied Health:

- EEO/FLSA
- SQL
- Spanish for Healthcare Providers
- CPR Certification
- EMT Certification
- Pre Health Careers AAS
- Certified Nursing Assistant (CNA)
- Nursing
- Medical Assistant
- Medical Coding & Billing
- Direct Care Worker Certification (non-medical home aid)
- Caregiving Certificate

Manufacturing:

Solid Works –Basic & Advanced
Anatomy & Physiology for Medical Device Manufacturers
Entry Level Manufacturing Certificate
Safety Standards (In collaboration with ADOSH)

1. Understand types of PPE and PPE selection
2. Basics of hazard assessment and communication
3. Lock out/tag out
4. OSHA 10
5. OSHA 30
6. OSHA Record Keeping
7. OSHA Small Business
8. OSHA Arc Flash and electrical safety
9. Ergonomics

Quality Systems

10. Six Sigma
11. ISO 9001
12. ISO 14001

Control Systems

13. Enterprise Resource Planning (ERP)

14. Manufacturing Resource Planning (MRP)

Inventory Control
Lean Manufacturing

Job Skills Toolbox:

- Microsoft Office; Beginning and Advanced: word, publisher, power point, excel, outlook
- Patents 101
- Marketing 10: Finding the Real You
- Public Relations: Get You Message Out
- Write about your work with style, purpose, and professionalism
- Writing for the media –four levels
- How to get Published
- How to write Children's Books

- Adult & Youth Work Readiness} Resume Writing, Career skills search, Networking

- Testing Services: OPM, DANTES, Distance Testing, GED, all Pearson View industry tests
- Adult Basic Education

- ProTrain} 600 on-line certifications

- Supervisor Academy/Leadership Academy: Liability for Supervisors; Effective Delegation of Work; Communication in the Workplace; Giving Constructive Feedback; Meeting and Facilitation; Conflict Resolution; Creating a Positive Work Culture; Employee Relations; Financial Accountability; Performance Metrics; Time Management; Team Relationship Building, Sexual Harassment & Domestic Violence

FUSD

Industrial Arts Programs –Duel Enrollment in Coconino Community College:
Machining Welding
Construction Trades
Robotics

CAVIAT –industry to education liaison

Coconino County Career Center

Long term career exploration
Short term career counseling
Resume Writing
Manufacturing- Lean Manufacturing
Caregiving
AZ Workforce Connection Programs
Youth Programs
WIA funding for tuition vouchers
***Must apply for all programs and be poverty level and unemployed*

NACET

Business Engagement Program
Facility Leasing
Mentor Program
Student Business Program
Incubator Program
Core Lab Services
Solid Works (in collaboration with Coconino Community College SBDC)
Student Research Teams
Seminars: America Invents Act, A Practical Guide to Outsourcing, Trade Secrets –A Case Study, Executive Speaker Series, International Marketing and exporting, Corporate Law and Intellectual Property Rights, YouTube Marketing

NAU

Center for Business Outreach:
Computer Classes Rural
Policy Institute Bioscience
Degree Programs Engineering
Degree Programs

SEDI

Northern Arizona Workforce Training Demand Study
Northern Arizona Workforce Training Center
EE&R Team –alternative energy education for primary and secondary schooling

ECoNA

Facilitator among workforce development entities
Expand Further

City

Sponsor collaborative training for local companies through the community college

Future Plans: Workforce Training Center

No Business Plan completed as of yet, also demand has yet to be proven for continual training facility

***Note Educational Opportunities promoted within educational system at all levels need to include, for the workforce the region desires:**

- Liberal Arts Education
- Professional Education
- STEM Initiative
- Communication Skills
- Vocational Education – for…
- Add more here with very brief description…

Metrics

1. Number of duplicated programs among workforce development entities per annum
2. Number of collaborations among workforce development programs per annum
3. Ratio of federally or state funded programs that use the community college training to those programs run with public funds that do not use the community college training
4. Number of STEM programs throughout the community

Add:
Private colleges, charter schools

Add: Goodwill of Northern Arizona

Comment [G11]: County to appoint as a "one stop shop" for workforce development

Comment [G10]: This seems awfully thin for what ECoNA does

Business Retention, Expansion, and Entrepreneurship

The Flagstaff region is home to businesses with healthy national and international markets, providing thousands of jobs to the community. Equally important, over 55 percent of the region's businesses are independent owner-operated businesses. In addition, 25 percent of all households have the propensity of building a home-based business. Flagstaff's diverse businesses are essential to the region's economy, providing jobs for economic stability, opportunities for youth, and opportunities for innovation and research. Small businesses are often the output of great entrepreneurial ideas, retaining and expanding these innovation companies is paramount to Flagstaff's economic health and resilience. Manufacturing, healthcare, education, tourism, research and development, arts and culture forestry, agriculture, and utilities all contribute to the economic health of the region.

Flagstaff's largest employers hire from all categories:

Manufacturing		**Public**	
- IML Manufacturing	- Joy Cone	- Flagstaff Unified School District	- Coconino County
- Nestle/Purina	- Prent	- United States Forest Service	- ~~BNSF Rail~~
- W. L. Gore and Associates		- Grand Canyon Trust Center	- Pulliam Aiport
		- AZ Department of Transportation	- City of Flagstaff
Health Care		- Northern Arizona University	- ~~Flagstaff Medical~~
-FMC - North Country		- Coconino Community College	
		-Transportation	-Tourism
		-Marriott	- Little America
Research		-Snowbowl	
- Lowell Observatory		-Pulliam Airport	

BUSINESS RETENTION, EXPANSION AND ENTREPRENEURSHIP GOALS AND POLICIES

Goal ED.3. Regional economic development partners support the start-up, retention, and expansion of existing business enterprises.

Policy ED.3.1. Encourage regional economic development partners to continue proactive programs to foster the retention and expansion of existing enterprises and home-based businesses in the community.

Policy ED.3.2. Support and promote the diversification and specialization of the tourism sector, with heritage-, agri-, eco-, and adventure-tourism.

Policy ED.3.3. Strengthen the arts, culture and education sectors as important economic drivers in the community.

Policy ED.3.4. Support plans, programs, and capital expenditures to stimulate the investment of private capital in existing commercial areas for all industry sectors.Move 3.3 and 3.4

Policy ED.3.5. Take advantage of federal, state, and local incentives available for business retention and expansion efforts.

Policy ED.3.6. Advocate the economic sustainability and growth of businesses with opportunities for transitional commercial space, leased space, and property ownership.

Policy ED.3.7. Foster entrepreneurialism and start-up businesses with incubator programs in sectors that demonstrate considerable growth potential.

Policy ED.3.8. Support and encourage regional agriculture.

Policy ED.3.9. Protect existing business and industrial areas from encroachment and allow for their expansion.

Policy ED.3.10. Develop infrastructure so that the community has access to high-speed internet and telecommunications.

Formatted Table

Formatted: Font: Not Bold

Comment [G12]: There needs to be a greater recognition on the robust tourism industry here in Flagstaff

Comment [G13]: List out some of the more bigger sectors of our tourist economy – hotels, Snowbowl, etc.

Comment [G14]: Does this prevent someone from moving to Flagstaff or being home grown?

Business Attraction

The Flagstaff region emphasizes a diverse local economy, welcoming all industry sectors to help create a strong economic base. Strategic recruitment of ~~targeted~~ industry sectors will expand and diversify the economic base, benefiting the community as a whole. Economic development ~~partners will work~~ partners are encouraged to work together to develop and manage a strong, singular marketing message. Public private partnerships are needed to invest in the necessary infrastructure. Attraction efforts should focus on high-skill, high-wage and ~~low-impact~~ jobs as evidenced in Flagstaff's current growth sectors and emerging technologies.

78% of residents either agree or strongly agree that new businesses are essential for economic stability.

- 2010 Community Values Survey

Replace Picture

Photo credit: NAU

Comment [G15]: The use of this picture doesn't really seem to fit with "business attraction"

BUSINESS ATTRACTION GOALS AND POLICIES

Comment [G16]: There is no mention of how we are spending public funds to attract businesses.

Goal ED.4. Support efforts to recruit diverse new businesses and diverse industries. ~~compatible with the region.~~

Policy ED.4.1. Publicize all developable property, with property owner's consent, within the region with an understanding of infrastructure needs and applicable Zoning Code standards.

Policy ED.4.2. Promote variety and flexibility in land use and development options within the urban growth boundary.

Policy ED.4.3. Facilitate regional economic development by participating in cooperative ventures throughout the northern Arizona region.

Policy ED.4.4. Identify and support community resources that assist new businesses, such as workforce development, marketing, building processes, venture capital, financing, and management.

Policy ED.4.5. In an effort to promote the sustainability of resources, the City will encourage all new and expanded commercial and industrial development to be energy and water efficient.

Policy ED.4.6. Develop specific area plans for targeted industrial, and business park land, which have been identified as major employment centers in the Flagstaff Regional Plan.

~~Policy ED.4.7. Prioritize attraction of companies that contribute to low-impact and livable wage jobs.~~

Policy ED.4.8. When planning for future growth, consider tribal, cultural, and natural resources.

Policy ED.4.9. Support and encourage Native American heritage and culture as contributors to the region's economy.

Comment [G17]: This should just be ALL companies

Community Character

Visitors, employees, and businesses are attracted to a community that values its surrounding natural beauty, unique cultural heritage, and built environment. The image presented by a community can determine the location decision of a new or relocating business. Existing businesses are more likely to expand and reinvest in a community with a positive self image and a strong sense of civic pride. Cities that invest in beautiful streets, public spaces, and architecture and focus on maintaining the natural and built environment foster and encourage private investment.

Replace Picture

Photo by: F. Kedd

Comment [G18]: Flagstaff doesn't have a rodeo anymore

COMMUNITY CHARACTER GOALS AND POLICIES

Goal ED.5. Continue to promote and enhance Flagstaff's unique sense of place as an economic development driver.

Policy ED.5.1. Support planning, design, and development that positively, creatively, and flexibly contribute to the community image.

Policy ED.5.2. Coordinate ~~and manage~~ community branding to effectively position the region for global marketing.

Comment [G19]: The city "managing" its brand could have the unintended consequence of discouraging particular sectors in the global marketplace from doing business in/with Flagstaff

Policy ED.5.3. Leverage the region's assets of history, culture, natural environment, educational and scientific facilities as an economic development tool.

Policy ED.5.4. Invest in attractive community gateways, main corridors, and public spaces to draw the business and workforce the region desires.

Policy ED.5.5. Develop urban infrastructure that supports revitalization and redevelopment.

Activity Centers

As discussed in Chapter IX – Land Use and Growth Areas, this plan identifies current and future activity centers in the Flagstaff region, which are designated for industrial uses, industrial parks, business parks, intermodal facilities, mixed-use developments, collaborative business incubators, and employment centers. These areas are important in the context of economic development because they will focus public investment for the needed infrastructure and connectivity. Understanding how activity centers currently exist, what the potential market supports, what the potential density might be, and what infrastructure is needed to make this happen will help stakeholders, decision makers, developers, and businesses work in concert to collaboratively invest in the region's concentrated centers of activity.

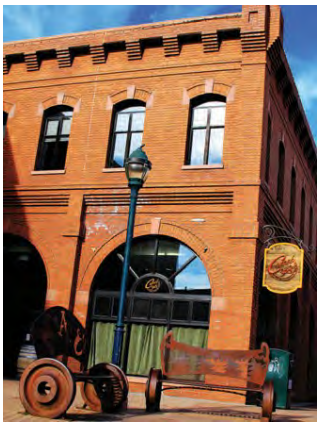


Photo by: Saina Li

ACTIVITY CENTERS GOALS AND POLICIES

Goal ED.6. Promote the continued physical and economic viability of the region's commercial districts by focusing investment on existing and new activity centers.

Redevelopment and Infill

Redevelopment and infill are forms of reinvestment in the community, which is discussed specifically in this plan in Chapter IX – Land Use and Growth Areas. These activities contribute to economic development because they can bring increased development opportunities, economic stability, and tax base, while reducing blight, infrastructure expenses, and sprawl. Major redevelopment projects can restore economic viability to vacant and underutilized areas of the region.

REDEVELOPMENT AND INFILL GOALS AND POLICIES

Goal ED.7. Promote redevelopment and infill as a well-established means to accomplish a variety of community economic, planning, and environmental goals.

Item#	Page #	Source	Edit/Comment
			September 3, 2013 Council Meeting - Introduction
1		Jeff Oravits	Purpose of the Regional Plan
2		Jeff Oravits	Clearly define if this is a policy document (and what that means) or is this a guidebook (and what that means)
3		Jeff Oravits	Vision - come back and revisit at end
4		Jeff Oravits	Guiding Principles - come back and revisit at end
5		Jeff Oravits	Sustainable Flagstaff - come back and revisit at end
6		Coral Evans	Introduction, p. 11-12 "Where We've Been" last paragraph: statement of who makes up the community needs to more accurately reflect the diverse population who helped build this town.
			September 10, 2013 Council Meeting - Chapter 4 & 5
7	IV-13	Mayor Nabours	Dark Skies - 1) restricting economic "activity centers" in any area designated as Lighting Zone 1 enacted to protect astronomical institutions. Check to be sure language in this section is clear.
8	Preface	Mayor Nabours	Need for a preface the whole document similar to the note on Maps 7 & 8 for the whole document "that any word or phrase is not intended to become a rule"
9	Throughout	Jeff Oravits	Removing definitive language throughout document. He referenced text as well as goals and policies. Guide with suggestions. Example is restricting activity centers in Zone 1.
10	I-4	Mayor Nabours	Pyramid - definition of policy - definitive course of action
11	I-4	Celia Barotz	Include definition of Ordinance - and what happens when policies conflict
12		Celia Barotz	Land Use - example of two conflicting goals and policies - one will prevail over the other - how we use the language.
13		Mark Woodson	Use of the word "all" -pretty mandatory -
14	IV-13	Mark Woodson	Enforce dark sky ordinances -don't think this is the proper way to reinforce - redundant
15	IV-9	Coral Evans	Reword box at bottom of page - "why do we choose… not why do developers"
16	IV-15	Coral Evans	Do we really want to refer to 4FRI
17		Kevin Burke	Definition of Conservation Land System - who would establish and manage
18	Throughout	Jeff Oravits	Visions - need to add protection of private property rights
19	IV-8 & 9	Jeff Oravits	Considerations for development would be best in an appendix
20	IV-10	Jeff Oravits	Do not want to discourage the use of wood burning stoves
21	IV-12	Jeff Oravits	Last paragraph before goals and policies - confirms that everyone wants to live in a compact community
22	IV-12	Jeff Oravits	Policy E&C.3.2 (climate change impacts) and Policy E&C.4.2 (climate change and water resources)
23	IV-13	Jeff Oravits	Text - addressing non-conforming lighting - is there a prop 207 issue?

Item#	Page #	Source	Edit/Comment
24	IV-15	Jeff Oravits	Policy E&C.6.5 (preserving wetlands) property rights issues - what is inappropriate development
25	IV-19	Jeff Oravits	Policy E&C.10.3 - language too definitive
26	V-1	Jeff Oravits	Open Space Vision for the Future - review for property rights
27	V-2	Jeff Oravits	2nd paragraph - cause conflicts with development because of watershed issues
28	V-4	Jeff Oravits	Flag whole page - Applying an Open Space Plan, partners, members of CAC
29	V-5	Jeff Oravits	All Goals and Policies
30	V-6	Jeff Oravits	Should this be in an appendix
31		Coral Evans	Instead of changing each section about property rights - do something on the first page - simple basic statement - take away/reduce/diminish personal or individual property rights -especially if we are trying to shorten the document
			September 17, 2013 Council Meeting - Chapter 7 Energy
32	VII-5	Mark Woodson	Policy E.2.3 replace "develop City and County" with Promote
33	VII-3	Mark Woodson	Policy E.1.7 end sentence at consumption
34	VII-3	Mark Woodson	Policy E.1.6 end sentence at energy efficiency
35	Throughout	Mark Woodson	Most policies could be broadened as the proposed edits above do
36	VII-5	Mayor Nabours	Policy E.2.4 rewards and encourages accessory wind energy systems - but there is a potential for neighborhood issues. How can we say no we won't allow one with this type of policy.
37	VII-3	Mayor Nabours	Policy E.1.6, E.1.8, E.1.9 the language is too definitive - says we will do these things- not maybe
38	Throughout	Mayor Nabours	A preface could be developed that states that words like develop and promote are not directions to take a particular action.
39	VII-3	Jeff Oravits	Policies E.1.6 - 1.9 change the language from develop/support/incorporate to encourage/consider
			September 24, 2013 Council Meeting - Chapter 6 Water Resources
40	VI-16	Mayor Nabours	Review Health District information on adding policy in regards to mosquito prevention/abatement. "WR.5.8 Reduce mosquito populations in residential areas by removing standing water."
41	VI-8	Mayor Nabours	12% potable water loss - goal or policy that covers reducing water loss through leakage
42	VI-8	Jeff Oravits	Add policy addressing identifying and developing and transportation of new water supplies
43	VI-13	Jeff Oravits	Water Demand should also address new supplies
44	VI-13	Jeff Oravits	WR.3.2 adjust word favor - what about business who bring resource or pay for resources
45		Jeff Oravits	Address water usage by pine trees - thinning in relation to water usage
46	VI-13	Jeff Oravits	WR.3.4 where appropriate and "practical"
47	VI-16	Jeff Oravits	WR.5.2 add "when practical"
			October 1, 2013 Council Meeting - Chapter 8 Community Character
48	VIII-22	Mayor Nabours	Would like a more specific goal or policy about eliminating overhead lines along important view shed points
49	VIII-22	Mark Woodson	New policy possible for the City to invest in undergrounding utilities in reinvestment areas

Item#	Page #	Source	Edit/Comment
50	VIII-22	Mayor Nabours	Policy CC.3.1 the word "require" is an example of too prescriptive language
51	VIII-27	Coral Evans	Arts Box - at bottom where it says "in addition, the region is host to many diverse events and festivals, such as the annual Route 66 Festival" add Celtic, Juneteenth, Dia de Los Muertos (Day of the Dead), and Pride Festivals.
52	VIII-17	Coral Evans	Sunnyside is not designated as a historic district but the map could be a good beginning for informing people about possible future designations or significant areas and their unique history
53	VIII-27	Coral Evans	Education Resources Box - we do not mention the private higher education institutions, also include the Joe Montoya Senior Center to the list of various neighborhood centers
			October 8, 2013 Council Meeting - Chapter 12 Public Buildings, Services, Facilities and Safety & Chapter 15 Recreation
54	XII-10	Jeff Oravits	Policy PF2.2 - do not use "Require"
55	XII-10	Mayor Nabours	Policy PF2.1 and 2.2 - cross-reference with "Cost of Development"
56			Policy PF2.4 - Define "Enhanced Civic Design"
57		Coral Evans	Recreation p. XV-2 - Under Community Partnerships - add the two Diamondback ballparks and Theatrikos building. *Note: Theatrikos is mentioned in Community Character, Arts, Science and Education.*
58			Spell 'Murdoch' correctly.
			October 22, 2013 Council Meeting - Chapter 10 Transportation & Chapter 11 Cost of Development
59		Scott Overton	Is the FMPO Mission accomplished with the regional plan? How does the County land use pattern affect the transportation network and is it as closely considered as it is in the City.
60		Mayor Nabours	Reconsider the two roads eliminated - A-1 by-pass and the 89 Eastside by-pass
61		Mayor Nabours	Consider an alternative route to Fort Valley Road
		Mayor Nabours	Consider the Ponderosa Parkway-Gemini connection
62		Jeff Oravitz	Policy CD.1.5 missing word "rough"
63		Jeff Oravitz	Add policy "maintain existing streets to high standards"
64		Jeff Oravitz	Add policy "create a four lane corridor from Milton to Highway 180 via Butler, 4th St., Cedar & Lockett"
65		Jeff Oravitz	Add policy "develop off-ramp at I-40 and Lonetree"
66		Jeff Oravitz	Add policy "develop a railroad overpass at Lonetree"
			October 22, 2013 Council Meeting - Chapter 9 Land Use
67	IX-29	Coral Evans	Need policy addressing parking residential areas

Item#	Page #	Source	Edit/Comment
68	IX-58	Coral Evans	Need policy dealing with gentrification and displacement of existing residences as well as a relocation policy in the housing chapter.
			October 29, 2013 Council Meeting - Chapter 13 Neighborhoods, Housing, & Urban Conservation & Chapter 9 Land Use
69	XII-7	Coral Evans	Third paragraph - Insert the following text after affordability. "While many Flagstaff neighborhoods will experience change over time, existing neighborhood values and character, as well as cultural diversity, must be upheld during the redevelopment process. Efforts to stabilize certain neighborhoods during redevelopment may also be necessary."
70	XIII-3	Coral Evans	Managing our Needs - NAU needs for off-site housing need to be dealt with in a better way. Where will off-site dorms be located? Not normal apartment units. Unique living situation - address it. How will this fit into character of the neighborhood.
71	XIII-7	Coral Evans	Need emphasis on approving neighborhood plans. LPV and 4th Street Plans
73	XIII-9	Coral Evans	Add policy NH.1.7. Prioritize the stabilization of a neighborhood's identity and maintain existing cultural diversity as new development occurs.
74	XIII-10	Coral Evans	Add policy NH.6.3. When planning for redevelopment, the needs of existing residents should be addressed as early as possible in the redevelopment process.
77	IX-64	Coral Evans	Add Policy LU.18.11. The needs of existing residents should be thoughtfully considered during the reinvestment process.
78	IX-56	Coral Evans	Nothing in this section speaks to "people". Want to see language that speaks to this important issue.
79	IX-56	Coral Evans	Need a relocation policy for both this reinvestment section of land use and Housing Section.
80		Mark Woodson	What is "compact development"
90	IX-60	Jeff Oravitz	Concern with preferred pattern of compact development.
91	IX-5	Jeff Oravitz	Why are we planning for autos last when they should be first. We need to plan for this.
92	IX-45	Scott Overton	Is this the only place to address industrial - need more in depth information. This section is too limited. Where is future long term planning for industry (heavy and medium industrial needs.)

Tiffany Antol

From: Kimberly Sharp
Sent: Tuesday, October 22, 2013 9:07 PM
To: Coral Evans
Cc: Jim Cronk; Kevin Burke
Subject: RE: My Notes regarding the Land USe Chapter of the Regional Plan

Vice-Mayor Evans,

Thank you for these notes, they will be part of next week's Council Parking Lot for the Regional Plan.

Kimberly Sharp, AICP
Comprehensive Planning Manager, City of Flagstaff
211 West Aspen Avenue
Flagstaff, AZ 86001
(928) 213-2631
ksharp@flagstaffaz.gov

From: Coral Evans
Sent: Tuesday, October 22, 2013 8:59 PM
To: Kimberly Sharp
Cc: Jim Cronk; Kevin Burke
Subject: My Notes regarding the Land USe Chapter of the Regional Plan

DRAFT City Council Meeting Notes 10/22/2013

1. Land Use (GROWTH: Reinvestment Areas.

The urban core and the place/areas of town/neighborhoods where reinvestment is most likely to happen are in our lower-income neighborhoods.

Page IX-56

Nothing in this sections speaks to the "people" that live in and who will be or are affected by the "reinvestment" in the targeted reinvestment areas. I want to see language that speaks to this important issue.

Page IX-58

Not the goal nor any of the policies in this box addresses the issue of gentrification/displacement of people.

In fact there is nothing at all in this section about the "people" who live in the targeted reinvestment areas.

Additionally; on this page, in looking at specifically these policies:

LU.18.1 plan for and support reinvestment within the existing city centers for neighborhoods for increased employment and quality of life. FOR WHO EXACTLY? for the people who are currently living in the area? If so HOW..

LU.18.3 FOR WHO? does this include the people already living in the area?

LU.18.3 I want to know exactly how this will be done. The policy ends with...for the benefit and improvement of the local residents... how exactly will this be done? We do not currently have ordinances/policies that address displacement caused by reinvestment. SO HOW WILL THIS BE DONE?

LU18.4. Talks about attracting private investment by investing in infrastructure improvements. LU18.5 talks about investing in infrastructure to make redevelopment and infill more financially viable as a development option. LU 18.6 speaks to flexibility in development standards to encourage reinvestment...I can go on and on but basically NOT ONE OF THESE POLICIES ADDRESSES THE PEOPLE WHO CURRENTLY LIVE IN THESE AREAS THAT TARGETED AREAS FOR REINVESTMENT AND INFILL.

WE NEED TO DRAFT A RELOCATION POLICY FOR BOTH THIS REINVESTMENT SECTION OF LAND USE & in next week's NEIGHBORHOODS, HOUSING & URBAN CONSERVATION CHAPTER.

I would like for this issue to be placed on the parking lot for discussion of how this is addressed within this section of this new regional plan.

Page 1X-60

None of the revitalization projects that are listed on this page are "infill" projects or projects that needed to deal with "people" in general as there were not people living in this areas. I think this needs to be worded as Brownfill/Greenfield Revitalization projects in the urban and suburban content.

Also IX-29; there needs to be a policy addressing parking in the residential areas of downtown. This is important. We talk about creating parking for "everyone" yet don't

address issues that the residents have regarding parking in their neighborhood(s). The residents have been continually very clear about the need for resident parking permits. VERY CLEAR!

Sent from my iPad

From: Kimberly Sharp
Sent: Monday, October 21, 2013 8:17 AM
To: 'carol.kendall@gmail.com'
Cc: Tiffany Antol
Subject: RE: Regional Plan sections X and XI

Thanks, Carol, we will include these in this week's 'parking lot' attachement.

Kimberly Sharp, AICP
Comprehensive Planning Manager, City of Flagstaff
211 West Aspen Avenue
Flagstaff, AZ 86001
(928) 213-2631
ksharp@flagstaffaz.gov

From: Carol Kendall [mailto:carol.kendall@gmail.com]
Sent: Friday, October 18, 2013 10:56 AM
To: Kimberly Sharp
Subject: Regional Plan sections X and XI

Hi Kim
This wasn't addressed at Council this week because the 6 pm business filled the evening, but I thought I should send it to you anyway.

A couple of things I will highlight here, from my comments:

A correction and a request for Map 25:
The Plan talks a lot about different types of "transportation corridors" - it would help the reader if this map had ALL types color-coded.

There is a "proposed" interchange for Woody Mountain Rd, but the existing one at Flagstaff Ranch has been omitted. I live in the area, and don't see a need for ANOTHER interchange - and it would probably mess up the NEW development on Woody Mountain. We DO need a sign on Rt 66 at Flagstaff Ranch, identifying it as an interchange - the sign just says to keep going West to the Rt 66 interchange! (This omission is like the omission of all fire stations in the city - probably just an oversight that was missed in proofreading)

Carol

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has." Margaret Mead, US anthropologist & popularizer of anthropology (1901 - 1978)