

## 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:

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

#### Councilmembers absent:

COUNCILMEMBER WOODSON

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 LENGTH
- ▶ 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
- ▶ SCENARIO 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 TRANSPORTATION 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.

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MAYOR

ATTEST:

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CITY CLERK