

MINUTES

WORK SESSION
TUESDAY, SEPTEMBER 10, 2013
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
6:00 P.M.

1. Call to Order.

Mayor Nabours called the Work Session of September 10, 2013, to order at 6:03 p.m.

2. Pledge of Allegiance.

The City Council and audience recited the Pledge of Allegiance.

3. Roll Call

Councilmembers present:

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

Councilmembers absent:

None

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.

Roger Boone, Flagstaff, asked that the Tea Party name be removed from list of "Contributors" at the front of the Regional Plan book.

Mayor Nabours reported that he would be moving up the Regional Plan discussion to take place immediately following the presentation by Coconino Community College.

5. **Preliminary Review of Draft Agenda for the September 17, 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 requested that the Wildlife Ordinance be moved to the 6:00 p.m. portion of next week's meeting.

6. **Presentation on Coconino Community College Election Issue**

Jami Van Ess, Vice President of Business and Administrative Services of Coconino Community College, gave a PowerPoint presentation which addressed the following:

- CCC IS AT THE HEART OF EDUCATION IN COCONINO COUNTY
- CCC'S THREE CORE MISSIONS
- CORE MISSION: 1) ARTS & SCIENCES
- CORE MISSION: 2) CAREER & TECHNICAL EDUCATION
- CORE MISSION: 3) WORKFORCE TRAINING
- CCC'S FUNDING SOURCES
- CCC'S FINANCIAL DILEMMA
- LOWEST PROPERTY TAX RATE IN ARIZONA
- CCC'S RESPONSE
- TUITION & FEES
- HIGHEST STUDENT TUITION IN ARIZONA
- 100 COST SAVING INITIATIVES
- RAISING TUITION & COST SAVING INITIATIVES
- THREE CORE MISSIONS – REVIEW
- OVERRIDE ELECTION – NOVEMBER 5, 2013

Mayor Nabours asked if there would be a reduction in tuition if the issue passed in the election. Ms. Van Ess replied that it would be up to the Governing Board, but it would help reduce any increases that would normally be required during the next several years.

Councilmember Overton asked if the data demonstrated where they compared with Mohave when they added tuition and property taxes together. Ms. Van Ess said that she did not have that information with her, but it was available and she would get it to the Council members.

The following individuals spoke in favor of the bond issue on the ballot in November 2013 for the Coconino Community College District:

- Lavelle McCoy
- Joe Donaldson

Councilmember Brewster said that she understood that as a governmental entity they were somewhat limited in advertising support for the ballot issue, and asked what they

had planned for getting the word out. Ms. Van Ess replied that they would be making several presentations like the one provided this evening, and there would be mailings and additional meetings. Additionally, she said that they had some employees distributing door hangars on their own time.

Councilmember Barotz thanked Mr. Donaldson and Mr. McCoy for their leadership for many years. Mayor Nabours thanked Ms. Van Ess for the presentation.

Mayor Nabours said that the Regional Plan presentations will be taking place at nearly every meeting between now and the holidays, and in order to provide some order for the public to plan accordingly they would not begin the presentations until after 7:00 p.m. at future meetings.

8. Regional Plan Discussion #2 - Environment and Open Space Chapters

Comprehensive Planning Manager Kim Sharp said that she would like to address two points that have been brought up in the past. First, many people have mentioned a Property Maintenance Ordinance. She said that staff did remove it from the text; however, it is mentioned once in the Plan on Page 59 of Land Use, in the tool box that a future Council could use. If Council wished to remove it altogether they could do that.

Second, Mayor Nabours had previously suggested a few examples of different project that could come forward in the future and how it would be addressed through the Plan. She said that those would be related to the Land Use portion of the Plan and when Land Use comes before the Council they will have had an opportunity to prepare a few examples and will bring them forward at that time.

Mayor Nabours asked that they also address which sections of the Plan are required by State Statutes and which ones have been done as options. Ms. Sharp said that she could prepare that answer for next week's meeting. She then began a PowerPoint presentation which addressed the following:

- NATURAL ENVIRONMENT
- THE REGIONAL PLAN VISION
- GUIDING PRINCIPLES
- ENVIRONMENTAL PLANNING PUBLIC PROCESS

Ms. Sharp said that these two sections of the Plan probably had the most other agencies involved. She also noted that the biggest different between the 2001 Plan and the proposed 2013 Plan for the Environmental Resources Map was that in the 2001 Map it showed Urban Open Space and Rural Open Space. Most were steep slopes and floodplains and as projects were brought forward, that caused conflict. So the proposed map states the facts. It states what is there.

- WHERE ARE OUR NATURAL RESOURCES?
- CONCENTRATION OF NATURAL RESOURCES
- CONSIDERATIONS FOR DEVELOPMENT
- ENVIRONMENTAL PLANNING CHAPTER

GOALS:

- Air Quality (1)
- Climate Change (3)

- Dark Skies (1)
- Ecosystem Health (1)
- Environmentally Sensitive Lands (1)
- Natural Quiet (1)
- Soils (1)
- Wildlife (1)
- OPEN SPACE
- GOALS:
 - Open Space (1)

Ms. Sharp then reviewed the proposed calendar, noting that October 8 was the night scheduled to discuss Land Use, and that was when they would have sample projects.

Mayor Nabours, referring to Dark Skies under 4.13, asked for clarification on the “restricting economic activity centers...Lighting Zone 1.” He asked if Zone 1 was referring to the downtown area. Mr. Eastman said that Zone 1 was a small band that includes a number of properties east of the Lowell Observatory and south toward Presidio in the Pines, and would include some of West Route 66.

Ms. Sharp said that the suggestions from the astronomers was to be careful in these areas and give consideration to what type of activity would be going on there. It was a recommendation to talk to each other as development happens

After further discussion, Mayor Nabours requested that the Lighting in Zone 1 Restrictions be placed in the Parking Lot.

Mayor Nabours said that he liked the disclaimer on Map 8 that read “this does not preclude development rights” and asked if a similar disclaimer could be included for the entire document. He asked that this issue be placed in the Parking Lot.

Councilmember Brewster said that she had concerns with the word “policy” as when she thinks of that word she thinks of a written law.

Councilmember Oravits said that he liked the idea of the disclaimer. He said that he, too, had issues with the wording and said that they could cut down on a lot of the editing if they were able to remove the definitive language. He said that he hears that it is the “vision,” but when they add in the definitive wording, it changes it. He asked if it was a guide or suggestion, or if it was a policy. He said that he has received some e-mails lately from many that see this as a tool to pressure changes to the laws. He asked that the Parking Lot include discussion on 1) changing the terminology overall, and 2) whether it was a tool or policy.

Mr. Cronk said that this was a discussion of the CAC and he said there were different levels of strength in the words. He said that they tried to not make anything required.

Mayor Nabours said that Page 1.4 shows the triangle and gave definitions of policy, and suggested they revisit that page. Mr. Burke said that an example is that there may be a goal to achieve 1990 emissions by 2015. There is no consequence if they do not reach it.

Councilmember Barotz suggested that they include a definition of an ordinance, to show the distinction between that and a policy. Mr. Cronk said that this was why the Appendix was added for the strategies, because they were good ideas, but did not have the force of a policy. He added that the current Regional Plan included strategies but they were removed from the proposed Plan, and included as an Appendix.

Councilmember Woodson cautioned the use of words such as “all.” He said that he liked the way that they had indicated those policies that were County, such as with the soils. He asked that they add to the Parking Lot the enforcement of existing ordinances.

Vice Mayor Evans said that it would be good to discuss the issue of enforcement of existing ordinances. In reference to Pages 4-15 in the box, she asked that they add the wording “buy and build” to the Parking Lot.

Mr. Burke said that he did not see a definition for Conservation Land System. Ms. Sharp said that they started with the Natural Environment Maps, establishing what was in the community that was important to the ecosystem health, and then they would determine a plan of action to protect it. She said that it was more of a nature conservancy. She said that there was a group starting on it. She agreed that there needed to be a definition, and they were looking at multijurisdictional stakeholder to do it, not government. She said that the discussion was that the City would have a seat at it.

The following individuals spoke about the Regional Plan:

- Bill McCullough, resident
- Sat Best, resident and member of County Planning and Zoning Commission
- Moran Henn, representing Friends of Flagstaff’s Future
- Carol Kendall
- Carol Kendall (read a letter from Cindy Sherman)
- Susan Bean, resident and member of the CAC

Comments made by the public included:

- They came to Flagstaff for the vision laid out in the sections. Was not is disagreement with them and they certainly want to capture them and keep them, but wording is critical.
- Saw the Regional Plan as a “values document,” not an ordinance. They elect wise people to balance the values, such as economic opportunity, private property, transportation, affordable housing. Appreciated the strong language. Did not see it as legal language, but rather values language.
- Supported the environment planning and conservation. The document gives direction to the government as to what the community wants rather than the government telling them what they need to do. They must show a commitment to the vision.
- Concerned about the current wording of the Plan.
- Agreed with many who had already spoken. The Regional Plan is not a set of regulations, but rather a document required by the State to inform everyone about infrastructure and a compilation of information that a developer or citizen may find helpful. The CAC worked hard to be respectful of private property rights. Would appreciate it if it provides enough information to be helpful, but also clarify that it is was not intended as regulatory.

Councilmember Oravits said that one of the problems is that many get conflicted from the wording, such as in the Open Space section where it states, “contain and direct growth.” He said that the word “contain” sounds specific to him. Ms. Bean said that she believed that some of the Councilmembers were present during the CAC meetings—they were dense, heaving, long and confusing. She thought that the document was spectacular, but it was a draft and every time she looks at it she has different questions. It was valuable to have the Council’s insight, but they want it to be something that is inclusive of everyone’s ideas. Councilmember Oravits thanked Ms. Bean for her service on the CAC.

A short break was taken from 7:34 p.m. to 7:43 p.m.

Continued public input was received from the following individuals:

- Tom Martin, resident
- Tish Bogan-Ozmur
- Joy Staveley
- Lance Diskan, member of the Dark Skies Coalition
- Gabor Kovacs
- Angela Horvath
- Roger Boone
- Janice Spritzer
- Richard Miller, member of the Open Space Commission
- Alicyn Gitlin
- Gaylord Staveley
- Luis Anderson
- Judy Sall (comments read by Luis Anderson)

Comments from the public included:

- The Council was thanked for their service.
- It was the sense of “community” that had them all interested in the vision for tomorrow. Between dark skies and air quality, as a few examples, the Plan is important to the entire community and he would encourage them to make it a stronger document for the preservation of their children.
- Concern was voiced re word “policy”, noting that it has been used in the current Regional Plan as well, and would suggest that they continue using it as it has been used.
- Voiced concern with wording in the Plan suggesting that the statement, “open space be preserved, regardless of ownership” is why it was so important that they have no policy that disrespects ownership.
- Supported the section of protection of the dark skies.
- Thanked the members of the community that served on the CAC for their recognition in the document on the importance of dark skies.
- The Regional Plan was not an issue of economics versus environment.
- Environmental Section of the Plan was the most politically-charged section. Glad to see many had concerns with the verbiage and it was one of the tactics frequently used to force future regulations.
- A lot of the policies focus on their values and she would like to add the value of health, not only the lack of disease but also its prevention.

- Plan should be renamed a dream. The Plan was too big, too broad, too encompassing, and too restrictive.
- Commended the Council on the discussion, even though they were difficult issues to discuss.
- Flagstaff should go back to being a logging community and being stewards. Forest land has been mismanaged. That resource has burned, and is worthless now.
- Founding Fathers would have never agreed to this Plan.
- Has lived here more than 15 years and just moved to downtown, to a higher density area.
- Appreciated that the City has invested in things like trails and watchable wildlife.
- Plan did not address consequences in a balanced method.

Mayor Nabours said that his concern was that they adopt a Plan and then have unintended consequences.

Councilmember Brewster said that she appreciated the work that had gone into the Plan. She said that it did focus on environment more than specific things. She said that it was a massive document and if they thought that people were going to be able to read it before they vote on it that would not happen.

It was suggested that the following issues be added to the Parking Lot:

- Under Environmental Planning, Vision for the Future, adding, “while preserving private property rights.”
- Disclaimer present on some of the maps being added to each page of the maps.
- Descriptions, guidelines would be more appropriate in an appendix or in the back.
- Air quality – general discussion on aspect of wood burning.
- Debate high density
- Dark Skies – restricting activity centers
- Existing signs and property values
- Conflict is they start naming certain nonprofit organizations

Councilmember Overton said that he listened last week, and again tonight, and while he had some concerns with parts of the document, he disagreed 100%. He sees the Plan as a policy and he would encourage everyone to look at how they define policy and their leadership role. He said that there have been a lot of issues put on the Parking Lot and he can ensure them that these issues have been vetted. If the voters do not care for the plan, they will not support it. He suggested that everyone review the explanation given at the beginning by Kevin Burke and Michelle D’Andrea about the purpose of the Regional Plan.

After further discussion it was agreed that before moving forward with review of the Plan, the Council would discuss the language used within the Regional Plan. It was also noted that they wanted to adopt a Plan that the voters would approve.

A break was taken between 8:58 p.m. and 9:08 p.m.

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

Mayor Nabours said that this was a lengthy staff summary and it was a very involved process. With the lateness of the hour, Council was requesting that the item be moved to another agenda that would allow them at least two hours or more to discussion.

9. **Review of Draft Agenda Items for the September 17, 2013, City Council Meeting.***

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

None.

10. **Public Participation**

None

11. **Informational Items To/From Mayor, Council, and City Manager.**

Vice Mayor Evans reported that on Saturday from 2 p.m. to 7 p.m. they would be holding the 10th Annual *Gem of Sunnyside Independence* Celebration.

Councilmember Overton said that during the Public Participation, and during the Regional Plan, they should not be allowing members of the public to read statements for someone else. Mr. Burke noted that it was a protocol issue. They could have three minutes total—if they could make their statement and read the other statement within the three minutes, that would be permitted, but they should not be permitted three minutes for each.

Mayor Nabours asked that a Possible Future Agenda Item include a short-term waiver of all or partial sales tax on vehicles to promote buying locally in the Flagstaff area.

12. **Adjournment**

The Work Session of the Flagstaff City Council held September 10, 2013, adjourned at 9:13 p.m.

MAYOR

ATTEST:

CITY CLERK