

FINAL AGENDA

REGULAR COUNCIL MEETING*
MONDAY
AUGUST 25, 2014

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

**This is a reschedule of the Regular Meeting of August 26, 2014, due to the Primary Election on that date.*

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 Budget Retreat of April 23-25, 2014; the Combined Special Meeting and Work Session of May 13, 2014; the Regular Meeting of July 1, 2014; the Work Session of July 8, 2014; and the Regular Meeting of July 15, 2014.

RECOMMENDED ACTION:

Amend/approve the minutes of the City Council Budget Retreat of April 23-25, 2014; the Combined Special Meeting and Work Session of May 13, 2014; the Regular Meeting of July 1, 2014; the Work Session of July 8, 2014; and the Regular Meeting of July 15, 2014.

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**A. Report on Flagstaff Convention and Visitors Bureau Awards and Recognition****RECOMMENDED ACTION:**

Information only

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: Airport Commission.**RECOMMENDED ACTION:**

Make two appointments to terms expiring October 2015.

8. LIQUOR LICENSE PUBLIC HEARINGS**A. Consideration and Action on Liquor License Application: Devendrabhai Patel, "India Palace", 103 W. Birch Ave., Series 12 (restaurant), New License.****RECOMMENDED ACTION:**

Hold 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.

- B. Consideration and Action on Liquor License Application:** Randy Nations, "Sportsman's Bar & Grill", 1000 N. Humphreys St. #98, Series 06 (bar- all spirituous liquor), Person Transfer.

RECOMMENDED ACTION:

Hold 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.

- C. Consideration and Action on Liquor License Application:** Paul Moir, "Proper Meats and Provisions", 110 S. San Francisco St., Suite B., Series 07 (beer and wine bar), Person and Location Transfer.

RECOMMENDED ACTION:

Hold 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.

- D. Consideration and Action on Liquor License Application:** Jeffrey Roff, "Whole Foods Market", 320 S. Cambridge Lane, Series 10 (beer and wine store), New License.

RECOMMENDED ACTION:

Hold 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.

- E. Consideration and Action on Liquor License Application:** Hetal Patel, "O'Leary Street Market", 322 S. O'Leary St., Series 10 (beer and wine store), New License.

RECOMMENDED ACTION:

Hold 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. **Acceptance of Grant and Approval of Contract:** Arizona Department of Environmental Quality Brownfields State Response Grant - Asbestos Abatement for the City of Flagstaff (for Midgley Market at 23 N. Beaver Street - aka The Lion and the Lamb Building)(***Approve ADEQ grant contract for asbestos abatement***).

RECOMMENDED ACTION:

Accept the Arizona Department of Environmental Quality (ADEQ) Brownfields State Response Grant (SRG) in the amount of approximately \$55,000 and authorize the City Manager to execute Contract No. ADEQ15-077563 (which includes, but under separate cover, the City's participation in the ADEQ Voluntary Remediation Program).

10. **ROUTINE ITEMS**

- A. **Consideration of Bids:** 4th Street Gateway Project

RECOMMENDED ACTION:

Reject all bids as submitted

- B. **Consideration and Approval of the Third Amendment and the Fourth Amendment of Purchase and Sale Agreement** Between the City of Flagstaff and Evergreen - TRAX, LLC ("Evergreen"), for the sale of approximately 33.6 acres of property consisting of three parcels located at the southeast and southwest corners of the intersection of Fourth Street and Route 66, and the northwest corner of Fourth Street and Huntington drive adjacent to the Fourth Street Overpass (the "Property"). (***Third Amendment to Evergreen Purchase Agreement to extend closing date; Fourth Amendment to Evergreen Purchase Agreement to Adopt Limited Warranty Quit Claim Conditions***)

RECOMMENDED ACTION:

Approve the Third Amendment to the Purchase and Sale Agreement between the City of Flagstaff and Evergreen for the development of the Property, and ratify the City Manager's signature on the document.

Approve the Fourth Amendment to the Purchase and Sale Agreement between the City of Flagstaff and Evergreen for the development of the Property.

RECESS

6:00 P.M. MEETING

RECONVENE

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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11. ROLL CALL

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

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 Adoption of Ordinance No. 2014-22:** An ordinance setting aside and preserving twenty (20) acres of specific city property for open space and authorizing staff to apply to Coconino County for a rezoning to reflect the preservation. ***(Designating property near Schultz Pass Rd. and Mt. Elden Lookout Rd. as Open Space)***

RECOMMENDED ACTION:

At the meeting of August 25, 2014

- 1) Read Ordinance No. 2014-22 by title only for the first time
- 2) City Clerk reads Ordinance No. 2014-22 by title only (if approved above)

At the meeting of September 2, 2014

- 3) Read Ordinance No.2014-22 by title only for the final time
- 4) City Clerk reads Ordinance No. 2014-22 by title only (if approved above)
- 5) Adopt Ordinance No.2014-22

- B. Consideration and Adoption of Ordinance No. 2014-23:** An ordinance of the City of Flagstaff setting aside specific City owned property for inclusion in Buffalo Park and restricting the land to uses and improvements consistent with a passive park (*Neighborhoods*) and authorizing staff to rezone the parcel to reflect its new designation. ***(Designating property at the north end of San Francisco as Open Space)***

RECOMMENDED ACTION:

At the meeting of August 25, 2014

- 1) Read Ordinance No.2014-23 by title only for the first time
- 2) City Clerk reads Ordinance No. 2014-23 by title only (if approved above)

At the meeting of September 2, 2014

- 3) Read Ordinance No. 2014-23 by title only for the final time
- 4) City Clerk reads Ordinance No. 2014-23 by title only (if approved above)
- 5) Adopt Ordinance No. 2014-23

- C. **Consideration and Adoption of Ordinance No. 2014-25:** An ordinance authorizing the provision of a ten (10) foot utility easement encumbering parcel number 301-89-001 (Cinder Lake Landfill) and authorizing the City Manager or his designee to execute the necessary documents ***(Grant utility easement to APS at the Cinder Lake Landfill)***.

RECOMMENDED ACTION:

At the meeting of August 25, 2014

- 1) Read Ordinance No. 2014-25 by title only for the first time
- 2) City Clerk reads Ordinance No. 2014-25 by title only (if approved above)

At the meeting of September 2, 2014

- 3) Read Ordinance No. 2014-25 by title only for the final time
- 4) City Clerk reads Ordinance No. 2014-25 by title only (if approved above)
- 5) Adopt Ordinance No. 2014-25

16. DISCUSSION ITEMS

Review of the September 2, 2014, City Council Meeting Draft Agenda.

17. POSSIBLE FUTURE AGENDA ITEMS

Verbal comments from the public on any item under this section must be given during Public Participation 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 _____, 2014.

Elizabeth A. Burke, MMC, City Clerk

CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Elizabeth A. Burke, City Clerk
Date: 08/15/2014
Meeting Date: 08/25/2014



TITLE

Consideration and Approval of Minutes: City Council Budget Retreat of April 23-25, 2014; the Combined Special Meeting and Work Session of May 13, 2014; the Regular Meeting of July 1, 2014; the Work Session of July 8, 2014; and the Regular Meeting of July 15, 2014.

RECOMMENDED ACTION:

Amend/approve the minutes of the City Council Budget Retreat of April 23-25, 2014; the Combined Special Meeting and Work Session of May 13, 2014; the Regular Meeting of July 1, 2014; the Work Session of July 8, 2014; and the Regular Meeting of July 15, 2014.

INFORMATION

Attached are copies of the minutes of the City Council Budget Retreat of April 23-25, 2014; the Combined Special Meeting and Work Session of May 13, 2014; the Regular Meeting of July 1, 2014; the Work Session of July 8, 2014; and the Regular Meeting of July 15, 2014.

Attachments: [04.23.2014.CCBR.Minutes](#)
 [05.13.2014.CCSMWS.Minutes](#)
 [07.01.2014.CCRM.Minutes](#)
 [07.08.2014.CCWS.Minutes](#)
 [07.15.2014.CCRM.Minutes](#)

Form Review

Form Started By: Elizabeth A. Burke

Started On: 08/15/2014 10:12 AM

Final Approval Date: 08/15/2014

BUDGET RETREAT
WEDNESDAY – FRIDAY
APRIL 23-25, 2014
COUNCIL CONFERENCE ROOM
CITY HALL – 211 WEST ASPEN
8:00 A.M.

WEDNESDAY, APRIL 23, 2014

1. WELCOME AND COUNCIL EXPECTATIONS

Mayor Nabours called the Retreat to order at 8:02 a.m.

Council present:

Council absent:

Mayor Nabours
Vice Mayor Evans
Councilmember Barotz
Councilmember Brewster
Councilmember Oravits
Councilmember Overton
Councilmember Woodson

None

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

2. OPENING AND ORIENTATION

City Manager Kevin Burke began the PowerPoint presentation (Exhibit A attached hereto and made a part hereof), noting that it had been another challenging year. While the City has had increased revenues, there have also been increased expenditures.

3. FY2015 GOALS (COUNCIL AND BUDGET)

- OVERVIEW – PROPOSED FY15 BUDGET
- FY2015 GOALS – COUNCIL GOALS
- FY2015 GOALS – COUNCIL BUDGET PRIORITIES
- GENERAL FUND - 1% BUDGET REDUCTION

4. FIXED COSTS AND EXPENDITURE OUTLOOK

Finance Director Rick Tadder then continued the presentation, addressing:

•FIXED COSTS AND EXPENDITURE OUTLOOK

- ELECTRIC EXPENSE
- NATURAL GAS EXPENSE
- WATER/SEWER/TRASH/STORMWATER
- GAS AND OIL

Brief discussion was held on the PPA and solar panels. Mr. Tadder noted that for those facilities that have the panels, they expect their expenses to stay flat, but there will be increases to other areas. Mr. Burke noted that the panels are only about 12% of the demand at the City. He also noted that the PPA at Wildcat is none of the City's money; that was done through a third party and the City pays them a fixed rate for 20 years. In the front end it is higher, but it is flat over the course of that time.

Ms. Sayers stated that the third round of renewable energy projects was a lease purchase model. For the ones that went in at the Wildcat, Aquaplex and Rio they did pay their part of the lease/purchase, one-third each. Then there was a second round at Wildcat funded through a lease/purchase. Mr. Burke added that those will be paid from utility rates while the Aquaplex purchase will be paid through the General Fund.

- PENSION EXPENSE
- PENSION RATES
- HEALTH INSURANCE EXPENSE – CITY

Risk Manager Dean Coughenour continued the PowerPoint presentation, reviewing the following:

- WORKER'S COMPENSATION & GENERAL LIABILITY INSURANCE RENEWALS
- WHERE WE ARE TODAY
- PREMIUMS BY YEAR
- WHAT WE DID ABOUT IT
- SIT
- THE RESULTS
- GENERAL LIABILITY
- WHAT DROVE THE INCREASE
- UNBUNDLED OUR PROPERTY INSURANCE COVERAGE
- OTHER COVERAGE PREMIUMS
- THE RESULTS

5. **COMPENSATION AND BENEFITS**

Human Resources Director Shannon Anderson then continued the presentation:

- COMPENSATION AND BENEFITS
- HR - SINGLE BIGGEST CHALLENGE
- CURRENT AREAS OF OUTSOURCING
- BENCHMARK DATA
- PAY ADJUSTMENT HISTORY
- COMPENSATION OUTLOOK
- BENEFIT RENEWALS
- WELLNESS PROGRAM
- NAPEBT
- FUTURE RETIREMENT COSTS

Mr. Burke addressed the Police and Fire Pensions, which are each around \$25 million unfunded. He said that the City will now have to start reporting that as a City liability in its

audits. He said that staff has some concerns with how it may affect the City's rating with rating agencies, but Standard & Poore's is aware of it and it is similar across the country. He said that they have discussed the fact that the pension issue needs to be resolved soon or citizens will bring petitions forward and address it for them.

6. **REVENUE OUTLOOK**

Revenue Director Andy Wagemaker then reviewed the following:

- LOCAL PROJECTIONS
- TOTAL 1% COLLECTIONS – GENERAL FUND
- BBB COLLECTIONS
- PRIMARY AND SECONDARY
- FRANCHISE FEE REVENUE
- STATE SHARED – SALES TAX
- INCOME TAX COLLECTIONS STATE SHARED – URBAN REVENUE
- STATE SHARED – AUTO LIEU – VEHICLE REGISTRATION FEES
- HIGHWAY USER REVENUE FUND (HURF)

B R E A K

A break was then held from 10:05 a.m. to 10:15 p.m.

7. **EMPLOYEE ADVISORY COMMITTEE**

Noah Eismann, Co-Chairman of the Employee Advisory Committee, then continued the PowerPoint presentation which addressed:

- MARKET INCREASE
- MERIT INCREASE
- COMPACTION
- RECOMMENDATION
- WHAT DOES THIS ACCOMPLISH?

8. **GENERAL FUND OVERVIEW**

Mr. Burke continued the presentation:

- NEW REVENUE – ONGOING
- REALLOCATIONS: ONGOING
- REVISED SERVICE LEVELS (RSL)

He said that there were three new positions in the General Fund being recommended, but they also had three reductions, resulting in a net neutral of FTE's for the General Fund.

- GENERAL FUND SUMMARY – ONGOING
- REVENUE – 1X
- REALLOCATIONS 1X
- REVISED SERVICE LEVELS (RSL)

- OPERATING CAPITAL
- GENERAL FUND SUMMARY – 1X RSL SUMMARY
- MAJOR EXPENDITURES
- NEW REVENUE – ONGOING
- CONTINGENCY FUNDING DISCUSSION

Staff was asked by Council when they should be asking questions on particular purchases, such as whether the City needs a new fire engine or what thermal imaging cameras are. Mr. Burke said that in some cases, that is the job they have assigned him to do. In others, the whole idea is to question those decisions. He said that what is being presented is the City Manager's recommended budget. If Council disagrees with the recommendations, then they can put the items on the board (parking lot) and they will discuss those issues at the end.

Mr. Burke said that the fire engines may look clean and shiny on the outside, but they have been putting a lot of money into maintaining them, and at a certain point in time they need to replace them in order to maintain a quality fleet.

Mr. Burke said that ultimately that is where the division of labor comes in. The Council tells the Manager what level of service they want the City to provide (policy decision) and it is then his job to say what the cost is to maintain that level.

Mayor Nabours said that if they are going to the public and asking for additional sales tax, they could possibly react by asking why the City just bought all new computers or why the Fire Department got a new fire truck.

Vice Mayor Evans said that those types of things are basic items in business. It was suggested that more education of the public was needed in conveying the needs of the City to provide a certain level of service. Mr. Burke said that in the private sector those types of questions may go to the CEO, but they would not be taken to the Board of Directors. He said that if they get those types of questions, they could be sent to him.

- POLICE DIVISION
- CURRENT AREAS OF OUTSOURCING

Discussion was held on the use of body cameras and related expenses.

PARKING LOT: Body Cameras for Policy Department

- COCONINO HUMANE SOCIETY

PARKING LOT: Shelter Services

PARKING LOT: Humane Society

- ONGOING

Discussion was held on the Phase II 9-1-1 coordinator request and 8-squad structure. Chief Treadway said that the biggest challenge in getting to the 8-squad structure is improving their staffing numbers. It takes 40 officers to get to a 7-squad structure and 44

officers for an 8-squad. He said that currently they do not have the 40 officers today, but they were hopeful that by July or August they would be able to get it started at the 7-squad.

- FIRE DEPARTMENT

Fire Chief Mark Gaillard said that when he came on board last year the budget was already in place. He began dialogue with the Fire Department labor union and they have been trying to deal with things they just stopped doing. They are not representing any changes in services this year, but focusing on maintaining resources.

- SINGLE BIGGEST CHALLENGE

Chief Gaillard said that their single biggest challenge has been their employee compensation and matching their compensation plan to their mission, as well as maintaining their infrastructure.

- CURRENT OUTSOURCING

Chief Gaillard reviewed the current areas where the division outsources. Staff was asked if there was sufficient funding for the wildland fire prevention. Assistant Fire Chief Bills said that the budget did not include any more funding; they spend about \$120,000 a year for salaries and contract out commodities. He said that they have other resources available through grants and the bond program which gives them enough work to do with their current staffing.

Chief Gaillard said that the existence of the Forest Health and Water Supply Protection Project creates the opportunity to address those concerns. He said that Paul Summerfelt works with City staff to maximize that funding through grants. What is getting in their way at the moment is working through the details of the agreements with the State Land and USFS. When they are able to move forward they may need to have a conversation about resources.

Mr. Burke added that they have some flexibility with the bonds. He said that they will budget for potential grants, etc. within the budget so they are able to spend the funds if awarded. Mr. Bills said that they have three or four grants related to wildland protection and they are able to use that in a 50/50 arrangement.

- WILDFIRE CONTINGENCY

- RSL – ONE-TIME

Chief Gaillard said that there was an urgent need for professional development within the division. He said that while some fire departments may have at some point had training resources, almost all have gotten rid of them to focus on getting service on the street. In conversation with the City's partners, they have identified a way where they might, through an IGA, participate in jointly paying for the cost of a Regional Training Officer to implement training across the region. He said that the approach would be a three-year commitment for one-time dollars to see if it was successful. Mr. Burke added that it would be a contracted, civilian position.

Brief discussion was held on the thermal imaging cameras. Chief Gaillard said that this \$18,000 would buy two and they would anticipate a similar request in the following three years to ultimately replace the existing equipment.

Chief Gaillard said that they were proposing an increase in the overtime budget. The overtime they are spending at the Fire Department is not discretionary; it is just getting firefighters in seats every day.

Chief Gaillard said that the truck they were requesting to be replaced is 25 years old and while it still looks good, they have spent 123% of the cost of it to keep it on the street. He said that this past week they had three front-line trucks out for repair. It is a reflection of the age of the fleet. He said that they cannot keep running in this manner. He said that they will not be requesting a new truck every year, but they have a similar truck with the same circumstances in age and use.

•COURTS

Court Administrator Don Jacobson and Judge Chotena came forward to review their request. Judge Chotena said that they have been working on establishing a Veterans Court and they are almost ready to get it up and running. He said that it was a good way to help link up veterans with services with the VA that they have earned through their service.

Judge Chotena said that they are also ready to institute a new case management process throughout the court system at the City court to address those cases other than DUI's. He said that 8-10 years ago there was a statewide initiative to address the delay in DUI cases and they instituted a good system.

Mr. Jacobson said that their biggest challenge is with staffing. He said that the police department currently has 22 officer vacancies, but they do not anticipate that such vacancies will stay at that level forever. As those officers come on line they anticipate a continued increase in filings, especially in civil traffic. There is no request for additional personnel this year, but they anticipate that they will not be able to be maintained in future years.

He said that they are suffering from several issues associated with the staff level such as workload, staff burnout, absenteeism, cross-training, etc. He said that they have gone from 10 judges down to 7 and reduced their judicial operation staff by 20%, but they cannot continue on with that in the future.

•OUTSOURCING

Mr. Jacobson said that the IGA with the County for the Electronic Document Management System is going away this year so they will be bringing that in house at a cost of \$120,000. He said that they are unable to use the City's current system (Laserfiche) because there are strict guidelines on what can be used for the courts. He said that the City could go to OnBase which is the approved system, but that would be at a substantial expense.

Additionally, he said that the IT infrastructure is funded through the State Supreme Court and they are looking at an entire replacement of all computers.

Mr. Jacobson said that they are looking at using temporary service employees to buffer the impact of staffing levels.

Mr. Jacobson said that last year they collected about \$3.8 million, but they only receive less than \$1 million; the remainder goes to the State.

LUNCH

A lunch break was held from 12:13 p.m. to 12:48 p.m.

•CITY ATTORNEY

Mayor Nabours asked if the Attorney's office figured a certain amount each year for outside counsel. Ms. D'Andrea replied that those expenses did not come out of her budget. Mr. Burke noted that if it is project related it would be through the City's self-insured trust.

•INFORMATION TECHNOLOGY

Information Technology Director Ladd Vagen said that their division's biggest challenge is staffing. He then reviewed current areas of outsourcing and opportunities in the future. Brief discussion was held on outsourcing to the cloud. Mr. Vagen said that Suddenlink does have a dual path to the network, but they have not explored the costs involved there. He said that so far NAU has given the City a great deal for their server, but they will see how that develops. He said that CenturyLink is developing their own path to the internet, but that is still three to five years down the road.

Mr. Vagen said that they still have 150 PC's left on XP so they will be getting those all replace this next year.

9. LIBRARY FUND OVERVIEW

Deputy City Manager Josh Copley then began review of the Library Fund. He said that Phase I of the reorganization was accomplished last year.

Mayor Nabours asked what the Fund Balance-City item was. Mr. Copley replied that was the monies left in the fund available for use in this year's budget. Mr. Burke added that the District funds are those coming in from the County associated with the property tax.

Mr. Copley referred Council to Page 37, the pie chart, indicating that the District funds 2/3 of the Library and the City funds 1/3, or approximately \$1.6 million from the City's General Fund. He said that they were going to increase that by \$387,000 in one-time funds and \$277,000 from the General Fund.

Mayor Nabours said that the end result is that the General Fund is putting in another \$277,000 into the Library, in addition to \$1 million already going. Mr. Burke said that was correct. He added that it was capital associated with the roof and other capital issues.

- REVISED SERVICE LEVELS - 1X

Mr. Copley said that if the Library went to a different roofing material they could accomplish it with the entire \$180,000; however, it would be a change aesthetically. If they went with a metal roof, it would be in excess of \$300,000, or they could a hybrid of metal and shingle for a cost in between the \$180,000 and \$300,000.

Council requested that some artist renderings be provided along with the related life span of the various materials.

- OVERVIEW – 1X

Discussion was held on the ADA fixes. Mr. Copley said that those were for the bathrooms at the main library and the ramp at the library, and they were partial set asides. Mr. Burke said that in the budget request the ramp has a final price tag of \$350,000 and the bathrooms at \$75,000. This is one of seven years, so they will be saving for awhile.

- MANAGEMENT SERVICES

Management Services Director Barbara Goodrich then continued the presentation stating that their biggest challenge in Management Services is staffing levels and compensation. She said that as they recover from the recession there is a nice mix of providing services internally and externally. Even looking just at the Library, it had a huge spike of those going to the Library during the recession, but they have held a flat budget since 2008. They are continually challenged by the numbers coming to the Library.

In the way of procurement, they are restoring to pre-recession levels, and with higher scrutiny it takes more staffing. They are fortunate to be getting a staff member back in customer service. They heard from the public that staffing was cut too deep, so looking forward they will have a dedicated person handling phones. She said that there are new housing developments with people turning on/off services, and one third of all water meters are turned on/off due to the transient nature of the community.

With regard to sales tax, staff is getting nervous because they cannot tell them today, with the Arizona Department of Revenue taking over billing/collection at the end of the calendar year, how they will be affected, but they want to give them adequate notice. She said that there is still a great deal of testing to be done as they're not sure their software can handle all of the cities coming on. She said that in reality they will be administering all of their tax returns through December 2014. There is a much greater oversight trying to provide transparency. It is not uncommon for them to get audited two or three times with federal grants, and that is a huge demand on staff time.

- CURRENT OUTSOURCING:

Ms. Goodrich said that they have been aggressively looking at fixed based metering system so they do not have to have people driving around town. She said that once they are finished with implementation of Innoprise, they would like to look further at a

centralized time keeping system, which will save time for administrative staff across the City.

- REVISED SERVICE LEVELS – 1X

Mayor Nabours said that each division has given the Council a list of one-time or ongoing addition funding, as approved by the budget team. He asked staff to explain further how much they should be studying those numbers and details.

Mr. Burke explained that they get a budget request for the upcoming year and it has the base budget and then it looks at all of the RSL's (Revised Service Levels). The idea is that it is a change to the service or line item within that division's budget. The Budget Team, which consists of the City Manager, two deputy city managers, Management Services Director, Finance Director, Budget Director, Human Resources Director, IT Director, and Assistant to City Manager, then reviews each of those requests and typically there is some give and take.

Mr. Burke said that the items that get the most no's are personnel related items. He has been very skittish in approving personnel as they do not want to have to lay people off in a few years.

10. FMPO FUND OVERVIEW

Deputy City Manager Jerene Watson continued the presentation by reviewing the ongoing and one-time funds of FMPO.

- OVERVIEW – ONGOING
- TRANSPORTATION FUND OVERVIEW
- OVERVIEW

11. HOUSING AND FHA FUNDS OVERVIEW

Ms. Watson said that this contains the federal and state CDBG and HOME funds overseen by Housing, and it carries through the Revolving Loan Fund. This fund is just for activities related to affordable housing

- OVERVIEW – 1X

Ms. Watson said that there is a reallocation from Izabel Homes to Flagstaff Housing Authority due to the Section 8 cutbacks.

The PD Housing Incentives is to find enhancement to recruitments. While it is General Fund they can use it for such incentives for officers and dispatchers.

Councilmember Oravits said that in reviewing the recent CCR re Izabel Homes, there was \$759,000 in the Izabel Homes Fund and he would propose that they take \$70,000 of that for the Humane Society, bump up Wildland Fire to \$20,000, and fund the PD cameras at \$30,000 and \$28,000 ongoing, leaving \$628,000 to continue and/or complete that project.

Vice Mayor Evans said that in preparation for that conversation she would like to know timeliness of getting the project finished. She would hate to see the completion drag out for another ten years.

Housing Manager Sarah Darr said that the current status of the project is they are working to respond to the market. They are looking to issue an RFP to identify a nonprofit, low-cost and quality builder to finish the project and could bring lending with them to eliminate the lending barrier. They have been working with Purchasing on the Request for Statements of Qualifications. She said that this had nothing to do with Loven; they have been a Construction Manager at Risk with the City and have been stewards of funding. What they are trying to do is addressing the lending challenges.

She said that one of the barriers FHA has encountered is access to predevelopment funds. In order to get funding they have to have site plans, etc. These funds could be used to leverage additional grant funding.

Mr. Burke asked if, in reference to "low cost builders," they were referring to something like Habitat for Humanity. Ms. Darr said that Habitat is the model they are looking at, but they have not identified them as the party. She said that the reduction in funds would lengthen the delivery time, depending on who they move forward with. The other issue is capacity in the long run.

Mayor Nabours said that if they still had the \$628,000 they could build at least three units, sell those units, and then they would have money back to build three more units since it does not look like the market is absorbing more than three units at a time. He said that it was not an Izabel account; it was for overall housing and removing the \$260,000 would not keep the project from being complete.

Vice Mayor Evans said that she thought the account was tied to Izabel Homes. Ms. Darr said that the fund was created in 2004 for the purposes of land acquisition or further affordable housing. They have purchased parcels over the years. When Council wished to proceed with the Izabel Homes project and private financing no longer became an option, they looked at using it as a revolving fund.

Mayor Nabours said that they are also moving forward with selling the property at Lonetree and Butler, or doing some kind of lease and those funds would go into affordable housing for use somehow. Ms. Darr replied that was correct.

Ms. Watson said that Mr. Landsiedel will be making a presentation later on the proposed merger of the Housing Division and Flagstaff Housing Authority. She said that the \$240,000 shown for Public Housing Infrastructure is for facility maintenance, roofs, water line, all items detailed in the Annual Plan the Council received a few weeks ago and she said that is all federally funded.

Mayor Nabours said that the \$33,000 transfer from the General Fund is for the raises, etc. and there is a \$22,500 transfer from one-time funds to assist with remodeling for the merger. He said that this is the first time ever that the FHA is receiving money from the General Fund; they have usually been independent of it.

12. COMMUNITY DEVELOPMENT

Community Development Director Mark Landsiedel continued the presentation, starting with an overview of the proposed merger.

He said that they would be taking two sections, Housing and Flagstaff Housing Authority, and putting them under the leadership of a single section head. He said that Mike Gouhin is eligible to retire in July 2015 and this year they would move Sarah Darr's group and Mike's group together, and Sarah would become the Deputy Director for this next year.

Mr. Landsiedel said that they have heard a lot about the budget problems in housing. That is not anything on Mr. Gouhin and his staff, but rather the federal funding. He said that they have developed a road map of how to merge these two divisions this coming year.

Vice Mayor Evans said that it sounds like very little impact in the management structure, but she would like him to talk to the impact of those living in the units. Mr. Landsiedel said that at this point they are not looking at major "out of the box" changes. Over the next year they will be exploring what those abilities are for better synergy to raise levels of service and integrate programs. He said that they are hoping to find deeper connections and enhance service levels.

Vice Mayor Evans said that it was impressive that they have gone almost 30 years without any transfers from the General Fund. She hoped that as they move forward that the people do not experience any change in level of service. Mr. Landsiedel said that is what they would be looking at as well.

Councilmember Brewster, in referring to Section E (actively managing costs), asked how it would be different. Mr. Landsiedel said that is managing retirement payouts. They have a lot of staff in FHA that are eligible to retire in the near future.

Mr. Landsiedel said that Community Development used to do 300 to 350 building permits year, with activities for commercial/multifamily varying every year, as they continue to do today. During the lowest part of the recession they did about 56 and 34 single family. Last year's have been on the upswing and this year they are looking to be well over 200, plus entitlement projects going on. Additionally, they have some fairly large projects – TRAX, Vintage, Canyon Del Rio, Juniper Point coming forward. It is a challenge which they are up for, but they are asking for a little staffing help.

Mr. Landsiedel said that right now Community Development uses the Kiva software program, but it is not supported anymore so they are integrating to the new Innoprise system with a permit tracking module. He said that they are excited about this, but staff is putting a lot of work into it and they are hoping to go live in January. They hope to do a three-month overlap to run both programs at the same time.

He also said that capital projects have continued and if the ballot measure passes in November they will see a big ramp up on delivery.

•CURRENT AREAS OF OUTSOURCING

Mayor Nabours asked Mr. Landsiedel to further discuss the Survey Consultant and explain what they would do. Mr. Landsiedel said that under the direction of the City Engineer they would work as if a staff member. An example would be if they had someone that wanted to do development work and gave them a monument location and it did not exist anymore. The City would call up the consultant and say they need a new monument. It would be a licensed surveyor on an independent contractor consulting basis. He then reviewed the other one-time requests.

•ONGOING

Mr. Landsiedel said that the Traffic Impact Analysis Review was a placeholder and would be paid as used. Right now they have spent a lot of money outsourcing -- \$170,000 sending plan reviews down to Brown. They can add an FTE at \$70,000 and manage and support them, saving about \$50,000. They would still have the ability to send down to Brown if they get an influx of plans and the fees pay for it.

Councilmember Barotz asked about the paramedics pay being below market. Mr. Burke said that the 1% market would be to the base pay for all employees. The increased paramedic pay is an assignment pay and increases for just those people. He said that the \$65,000 would increase paramedic pay overall, getting them closer to market. A market adjustment would move the whole pay plan to get closer to market. Ms. Anderson said that the \$65,000 does get them to the average market.

Councilmember Overton asked for a report from staff on assignment pay across the organization. Vice Mayor Evans added that if they were talking about assignment pay, they need to also consider assignment in the Police Department as well; they need to consider all positions with assignment pay.

B R E A K

A break was taken from 2:30 to 2:45 p.m.

13. ENVIRONMENTAL SERVICES FUND AND SUSTAINABILITY AND ENVIRONMENTAL MANAGEMENT FUND OVERVIEW

Ms. Watson then reviewed the SEMS Fund, noting that 98% of the fund is comprised of user fees on the monthly bills.

She said that they are recommending a \$60,000 transfer out of Solid Waste to the General Fund. Looking at the RSL's they are asking for \$60,000 for open space maintenance, and Code Compliance now is paid for out of SEMS who does a lot of sidewalk clearing and bulky trash.

Mayor Nabours asked if the Environmental Management Fund gets \$1.2 million and then gives \$940,000 to Public Works. Mr. Burke clarified that Public Works is where SEMS is located. Mayor Nabours asked how the \$944,000 was spent. Mr. Burke noted that was listed in the Base Budget on Page 168.

- SOLID WASTE FUND

Ms. Watson said that this fund is at \$12 million plus, and is an enterprise fund where user fees are its major revenue source. It consists of seven major customer service levels.

- OVERVIEW – ONGOING

Ms. Watson said that they were recommending foregoing the bulky pickup in January, February, and March which would save them \$20,000 in overtime and \$10,000 in operating.

Councilmember Oravits asked if they were sure on that. He was concerned that there would be trash sitting there for four months. Mr. Solberg said that they track their monthly pickups. Through those three months they collect less than 100 tons a month—a third of what they normally collect. He said that they will have to do a good communication campaign. He noted that a lot of times when they do get snow a lot of that bulky trash is frozen in the snow. Councilmember Oravits said that he was not sold on that idea.

- ONETIME

- RSL's

Ms. Watson said that this budget includes the reimplementation of the \$2.50/ton tipping fee which will be coming back before Council.

- OPERATING CAPITAL

- MAJOR EXPENDITURES

Mayor Nabours asked if the \$530,000 for MRF was the amount of money the City loses with having recycling. Mr. Burke noted that it is a diversion of material to the landfill. Mr. Solberg said that when they go to sell some of the recycling material they do get a profit from some, but it is not close to offsetting it.

14. HURF (HIGHWAY USER REVENUE FUND)

Public Works Section Head Mike O'Connor continued the presentation.

- ONE TIME USE

- RSL - ONGOING

- OPERATING CAPITAL

- MAJOR EXPENDITURES

Councilmember Oravits asked if the City saved money this last year in snow operations. Mr. O'Connor said that they did not spend the budgeted amount for labor, so there is some savings there, but it balances out because that is how the funds are split out. It is offset in the budget.

Mr. Burke noted that carryovers are due this week, so they may or may not see it in the FY15 budget.

Councilmember Oravits asked if street sweeping fell into that same pot of money. Mr. O'Connor replied that it did; it is all within the HURF. He said that they did have smaller storms and they are still in the evaluation process.

Councilmember Overton said that beyond the storms he would like to see them put service level back into the residential areas for clean up--not storm clean up, but routine clean up. Mr. O'Connor said that they do residential clean up once a month.

Mr. Burke noted that they restored the ongoing \$40,000 last year. Mr. O'Connor said that they were going to reduce the arterials downtown, but they didn't. They just reduced the residential. Councilmember Overton said that he realized they have not seen an increase or restoration of HURF, but he thinks they are getting negative feedback because of it.

Discussion was held on Page 161 of the presentation. Mr. Burke explained that the Fund Balance going into this year is \$2.3 million in HURF. They generally run their minimum fund balance (or reserve) at 10-15%. When they looked at that they saw they were over what they needed for a minimum fund balance, so this is another \$795,000 that could be used as a one-time funding.

Discussion was then held on Page 160, with Mayor Nabours asking why they were transferring money from the General Fund if there was an excess in the HURF. Mr. Burke replied that it was a matter of one time versus ongoing. Mayor Nabours asked if they were not counting any of the temporary restoration of HURF as ongoing. Mr. Burke replied that they were not.

Ms. Watson said that at this point they have a policy decision to make. She said that they double counted the \$108,000 for street lights, and staff is recommending that it be put into pavement preservation. Mr. Burke said he would put that up as a revenue.

•PUBLIC WORKS DIVISION

Public Works Director Erik Solberg said that their biggest challenge is staffing. He said that they use a lot of temporary employees and retention is getting difficult. He said that Recreation uses a lot of temporary employees and they're the ones on the front lines.

He said that their biggest goal this year is to move forward with the Core Services Maintenance Facility. He said that they would be coming to Council on May 20 with an action item, and before that they hope to get on a Work Session agenda to let Council know what they have been doing.

•CURRENT AREAS OF OUTSOURCING

Mr. Solberg reviewed the various areas of outsourcing. He said that parks maintenance would be \$28,000 to contract it out; they can do it in house for \$10,800. He said that they also did a cost analysis on the light duty PM for fleet and found they could do it for half the price, plus they can do a better job and have ownership.

He said that the City provides ice skating lessons, which does not cost them money, but the figure skating club has offered to take that over and they are recommending they do so.

Mr. Solberg said that the City has some leased facilities such as the Hunter House, Phoenix, Building, McCallister Ranch, that they have never had a maintenance budget for, but when something breaks they have to repair it. They have been allocated \$15,000 that they will monitor and carry over if need be.

A break was held from 3:28 p.m. to 3:33 p.m.

- BBB FUNDS OVERVIEW
- BBB – BEAUTIFICATION FUND
- ONE TIME

- BBB - ECONOMIC DEVELOPMENT FUND
- ONE TIME
- RSL

- BBB-TOURISM FUND
- ONETIME

Ms. Watson said that the Tourism Commission is asking for \$40,000 to enhance advertising and marketing programming. She said that the Budget Team did not recommend the contribution, but the Commission asked that it be brought before Council for further consideration. Staff was directed to ask the Chairman of the Tourism Commission to come tomorrow morning to make their case.

Heidi Hansen explained that the prior webcam downtown at Heritage Square was not owned by the City. The current owner asked if the City would like to purchase it, and it is being recommended that a new webcam be purchased. She said that it is widely used, especially during the winter time.

Ms. Hansen then gave some information on the request to fund the Cool Zone, which is between the US Air auditorium and Chase Field in downtown Phoenix. She said that the City was offered the idea to be the first to provide a “cool zone” which would provide an area with misting cool air between the two facilities and allow for advertising the Flagstaff area. She said that it would provide four windows for advertising that stakeholders could sponsor, and then there would be the regular wallpaper in the area that would hit all of the tourism areas that Flagstaff has to offer.

She said that this would stay up the entire year and they could also have staff handing out information during activities. She said that staff has talked with many of the businesses in Flagstaff such as Snowbowl, the Museum of Northern Arizona, Flagstaff Extreme, Lowell Observatory, and they have a lot that said they would like to participate.

Council members thought it was a great idea.

- ARTS AND SCIENCE FUND

Ms. Watson said that this was for what is now called Flagstaff Arts Council (previously Flagstaff Cultural Partners) and the \$29,000 would help moving them toward the numbers they were originally at back in 2009 or 2010. She said that it included \$25,000 toward that and \$4,000 for administrative costs.

- BBB - RECREATION
- ONE TIME

Ms. Watson reviewed the list of operating capital. Mr. Solberg explained that the tennis courts are existing right now, but because of the subsurface water coming out, they cannot resurface them.

Mayor Nabours asked, if they were going to spend \$480,000, if this was the best way to spend it. He asked if they were that popular. Mr. Solberg said that they are highly used. Ms. Watson added that because they are in short supply in the City, they became #1 in the Parks and Recreation Commission recommendation during the Master Plan process.

Mr. Solberg added that the Parks and Recreation Commission did review and vote to approve the list presented as well. He noted that this is also where the high school tennis program is held.

•OVERVIEW – MAJOR EXPENDITURES

Councilmember Oravits asked where the advertising took place. He hears from the lodging industry that they would rather see it spent in Phoenix and Las Vegas. Ms. Hansen said that the majority is spent there. She said that as far as international efforts, they have found it more beneficial to use limited funds to travel to the foreign locations and meet with their tour operators.

Discussion was held on the return on investment for their marketing dollars. Vice Mayor Evans said that she believed that during the recessing they put more money in and it paid off. Ms. Hansen said that they do a lot of co-oping with Arizona Department of Tourism to get better rates. Staff at the CVB do all they can to ensure that the money is invested wisely and leverage it as much as possible.

Ms. Button reported that the Tourism Commission chairman would be at the budget meeting tomorrow morning at 8:00 a.m.

15. PUBLIC PARTICIPATION

None

16. REVIEW REQUESTS FOR ADDITIONAL INFORMATION

Discussion was held on the additional funding request for wildfire mitigation efforts. Councilmember Barotz said that they passed a bond and have \$10 million available that cannot all be spent in one year. She asked why they are requested additional money. Councilmember Oravits said that he was requesting this because the bond was directed to more specific projects; he was talking more about prevention issues within the City.

Councilmember Barotz said that they should leave it up to the professionals to determine where the funding should be focused.

With regard to Flagstaff Shelter Services, Councilmember Oravits said that this ties in with the fire danger. They have \$20,000 contingency fund, but he asked if they were doing enough to prevent people from going in the forest to live and potentially starting fires.

Councilmember Barotz asked for more information on assignment pay across the board.

Mayor Nabours asked for a summary on where they are with funding for street maintenance compared to last year and what is available this year.

The Flagstaff Budget Retreat of April 23, 2014, recessed at 4:20 p.m.

THURSDAY, APRIL 24, 2014

18. OPENING AND OVERVIEW

The Budget Retreat reconvened on April 24, 2014, at 8:03 a.m.

19. BBB FUNDS OVERVIEW

Tourism Commission Chairman Jamey Hasapis said that they were asking for the additional \$40,000 to promote the City of Flagstaff. He said that the stakeholders really depend on the BBB to be used to promote Flagstaff and the surrounding areas and it helps them increase their occupancy rate.

Ms. Hansen said that the Commission had discussed breaking the money out as follows: \$32,500 for marketing and \$7,500 for public relations.

Council agreed to add the \$40,000 for tourism advertising to the PARKING LOT.

Mayor Nabours said that he often has heard that with advertising you have to build the momentum. He was wondering about future years. Ms. Hansen said that this would be a one-time ask and they could put together a good program and hopefully see some results.

Councilmember Brewster arrived at 8:10 a.m.

20. AIRPORT FUND OVERVIEW

Ms. Watson continued the presentation on:

- OVERVIEW – ONGOING
- OVERVIEW - ONE TIME
- MAJOR EXPENDITURES

Airport Manager Barney Helmick said that they are starting work on the Sustainability Master Plan and going to be looking at the large draw downs and determine how to address them.

Councilmember Woodson asked where staff was with the second airline. Ms. Button said that she and Mr. Helmick have made considerable progress. They have attended numerous networking conferences. She said that this year they continue to approach a select few and there is tremendous promise. She said that the grant goes through the end of the calendar year; however, they will be pursuing an extension because it will take at least nine months get the routes into the system and based on when they would like to get the new carrier beginning service, they would be looking at the spring.

Councilmember Woodson asked if staff saw any changes coming with the US Airway and American Airlines merger. Mr. Helmick said that with this changeover he believed they will see immediate results. With American Airlines, they now have 366 destinations. On the longer range they have had some discussion about other hubs, but he does not see them making an immediate move; they still have three years of commitments.

Councilmember Barotz asked for an update on the substation. Ms. Button said that she just got an update and it is moving forward rapidly. They believe the easement issues with the County have been resolved and the plan has been reviewed and she has a 2:00 p.m. call today with APS. Councilmember Barotz noted that being able to provide additional power could help bring in more businesses.

Ms. Button said, in response to a question regarding the airport road, that it is one of many non grant funded airport projects. It does not rise to the priority list and does become a major challenge as far as funding. They keep it on their plan and in the discussion because Pulliam Drive is the first glimpse that passengers see and drive on when they come to Flagstaff, so they are concerned.

21. **ECONOMIC VITALITY DIVISION**

Discussion was held on the staffing problems in Economic Vitality. Ms. Button said that at the CVB over the years they moved from full-time, benefit-eligible employees to 16-hour and it has created high turnover. It is not a sustainable work force, as with the turnover they incur additional training costs.

Ms. Button said that a few years ago they staff at the airport was broad banded and that has provided greater opportunities. They still only have six certified AARF employees, so they have incurred overtime when flights are late. It is difficult for them to manage when they are not at work due to training or vacation, but they do meet the minimum requirements.

She said that Community Design and Redevelopment and Economic Development are both in a similar situation, as they only have two dedicated employees to each of those sections.

•CURRENT OUTSOURCING

Ms. Button said that they do not see any further opportunities to outsource at this time; however, they are always reviewing their program.

Mayor Nabours asked how something like the DPS hangar repairs can get funded but other items do not. Mr. Burke said that it goes back to the one-time versus ongoing. In order to get something funded with ongoing money they need to look at new revenue sources. The closest they have come up with is the decrease in the insurance.

22. **CAPITAL IMPROVEMENT PROGRAM**

Discussion was held on the HURF funds and the inability to care for existing roads with that funding. Mr. Burke said that although they increased the funding last year, they are running at a deficit each year as they do not have an ongoing funding source.

•FIVE YEAR CAPITAL PROGRAM

Capital Projects Manager Mo El-Ali reviewed the FY2015 capital projects and funding sources.

Mr. Burke said that the \$8 million referenced for the magistrate court is what staff believes they could bring forward through fees, etc. that could be leveraged.

On the FWPP, Watershed Protection Project, they spread that \$10 million out over several years based on what they believe they could actually accomplish.

•TRANSPORTATION: \$4.8M

Discussion was held on the Industrial Drive, Huntington to Purina. Mr. El-Ali said that the design is complete; they are working on right of way now. Once that is done, they can move forward as it is funded. Mr. Landsiedel noted that it is in two fiscal years as they are not looking for completion this first year. Mr. Burke noted that the right of way is an important part of that discussion.

City Engineer Rick Barrett said that there were two phases indicated. The phase they plan on moving forward with, pending an acquisition, under the overpass that loops up to Purina. The second phase is primarily in front of Blocklite. That property acquisition has not been successful to date.

Vice Mayor Evans asked how much was going to streets, regardless of what it was called. Mr. Burke said that there were a number of different ways they were approaching streets. Typically the maintenance element is primarily funded by HURF. The transportation tax has been primarily about improving the system, whether a safety aspect or other project, or improving capacity. In terms of total dollars, he does not know that they have that in one place.

- STREETS/TRANSPORTATION
- FUTS
- BBB FUNDS

Mr. Eberhard explained that he serves as staff liaison to the Commission and they have a retreat every year where they hash out different ideas that have come forward every year, either online, through staff, commissioners, etc., and decide which projects move forward and what funding should be used.

Mayor Nabours noted that there was \$1.5 million shown to be spent on Fourth Street in the coming budget. Mr. Eberhard said that was correct. He was not sure that they would spend all of that next year, but the recent direction he received was to spend some money on Fourth Street.

Mr. Burke said that from budget management standpoint, he heard some agreement to address sidewalk improvements, driveway consolidation, pedestrian crossings. While they have not designed those solutions, he wanted to include a placeholder in the budget to do those things as they progress.

Vice Mayor Evans said that Council said they wanted something to happen on Fourth Street, they have put some money in the pot, what they want staff to understand is that before they spend money on the project they should be sure that the entire community has some buy-in as to what the improvements are.

Mr. Burke said that while they were budgeting \$1.5 million, the next step would not be construction; it would be design projects and they will do public outreach on those efforts.

A break was held from 9:49 a.m. to 10:07 a.m.

- WATER

After questioned by Council, Utilities Engineering Manager Ryan Roberts said that they are not asking for any budget transfer from the General Fund; everything funded today is funded through the existing rates.

Mr. Burke added that this next year they will be seeing the rate study consultant. He said that from a policy standpoint, they do about two miles of water line and one mile of sewer line each year and they are getting closer to that fulfillment. When they originally budgeted those it was just the utility, but in some cases they are coordinating the utility as well as the road improvement.

- WASTEWATER
- RECLAIMED WATER

Mr. Roberts said that Wildcat makes more reclaimed water than they can distribute because the pipe from Wildcat to Buffalo tank is too small. Those improvements are widening that pipe so they can get everything they make being distributed. He said that this does leave one key component—an eight inch bottleneck. He said that it does more to address the pressure; they still need to address the pipe.

- WATER FIVE YEAR
- WASTEWATER FIVE YEAR CAPITAL

- AIRPORT

Councilman Woodson asked what the plan was for improvements to Pulliam Drive. Airport Manager Barney Helmick replied that they are still trying to get grants for it. It is eligible, but because of scoring it gets ranked lower than other projects.

- SOLID WASTE

Public Works Section Head Patrick Bourque said that the \$6.3 million was the beginning of their expansion for lining the cells at the landfill. He said that the recent test holes that were dug were to look at the southern portion of the landfill to see if they could dig further down and excavate the rock, but that is not the area they would go into first unless they were able to excavate. He said that the methodology from years ago is that they would borrow the money and pay it back from future fee increases.

Mr. Bourque said that they are currently bringing in more paper sludge for storage than they are using on a daily basis and have started to stockpile that material. In order to keep the integrity of the material to be used they have to move it into an area to store it properly.

Mayor Nabours said that he recalled that the glass being recycled by the city was going to be crushed and used as cover at the landfill. Mr. Bourque said that originally that was what they were going to be using, but they have started recycling with Norton and although it is probably not a break even proposition, it is avoiding operational costs on both sides.

- STORMWATER

Project Manager Kyle Brown reviewed the five-points project, noting that it evolved out of extensive flooding of Route 66 near Natural Grocers. Currently it is in design phase and next year they will be doing construction and opening up the channel on city property to convey flows. They believe this will help with flooding in that area.

23. **QIC - FLEET AND FACILITIES**

- QIC – FACILITIES

Mr. Burke said that he put together a QIC Cabinet because they did not have a good grasp on what it costs to maintain existing infrastructure. Public Works Section Head Rebecca Sayers then reviewed this portion of the presentation.

Ms. Sayers said that facilities are getting a lot of the one-time infrastructure funding. She said that they are doing a good job of “stopping the bleeding” and get to a target condition. This year they are proposing \$2.5 million for facility infrastructure and \$400,000 is in the General Fund.

She said that they have proposed increasing their catastrophic fund by adding \$100,000 in one-time monies. Additionally, they have added a new program budget of \$15,000 for maintenance of leased properties.

Ms. Sayers reminded the Council that the base budget does include \$258,000, and some of that is QIC for basic repairs they do every year.

- QIC - LIBRARY

Ms. Sayer said that after looking at the differences between continuing with the metal roof at the Library or using shingles, they are recommending a hybrid of the two. Discussion was held on the pros and cons of each and staff agreed to do some Photoshop pictures and bring back for further consideration by Council.

- QIC – FLEET

24. UTILITIES AND STORMWATER FUNDS OVERVIEW

- STORMWATER

Mr. Copley then continued the presentation.

Mayor Nabours said that he has heard that the cost of FEMA insurance has tripled suddenly and that there are areas of town that they could get out of the floodplain by remapping. He asked if that issue was being addressed.

Mr. Burke said that there are two issues combined together: 1) mapping; and 2) change in the federal legislation. He said that they are addressing both issues. Map corrections are more within their control to a certain degree. FEMA digitized their maps. They did not do any new study and when they did so they brought a few hundred structures into the floodplain that were not there before. The City has been allocating a portion of funding each year to address that issue.

Stormwater Manager Malcolm Alter said that the City has been successful in getting those two to three hundred homes that were put into the floodplain by the feds corrected. However, there is another aspect, and the \$20,000 is addressing the fact that those maps are at such a scale where they can hardly read them. He said that the thickness of line is 20 feet so last year they went down on Zuni and did elevation certificates. They were very successful in getting a number of homes out of the floodplain. This \$20,000 will allow them to perform that type of effort again.

With regard to insurance rating, Mr. Altar said that Flagstaff residents will be seeing a 20% discount on their insurance within the next few months. Discussion was held on the ability to get many of the properties out of the floodplain if the Rio de Flag project were to go through. Mr. Altar said that they have about 3,000 structures in the floodplain and half of those would come with the Rio de Flag project.

- WATER / WASTEWATER FUND OVERVIEW

Mr. Copley said that they seek to maintain 25% fund balance per past policy, and also spend no more than 20% of the fund on debt service.

- OVERVIEW-ONGOING

•MAJOR EXPENDITURES

Councilmember Woodson asked if anything in the budget was addressing needs for A+ water production. Utilities Director Brad Hill said that some have been put in capital and some in operational. They now are operating seven days a week, 12 hours a day.

Councilmember Barotz asked about the status of the dead bugs. Mr. Hill said that he bugs are slowly healing. They have engaged an outside firm to restart that process and investigate how it happened and ways to prevent it from happening in the future. He said that it happened once before, twelve years ago.

Mr. Burke noted that the is coming up on the one-year anniversary on the Consent Decree and will have a press release to talk about what they have been doing.

•UTILITIES DIVISION

Mr. Hill reviewed the goals of the Utilities Division and what they currently outsource.

•RSLs

Mr. Hill said that they have about two days worth of water in the reservoir and have no backup energy so they have budgeted one-time funds for a back-up generator. It is a large dollar amount, but it is necessary.

Discussion was held on whether it would be better to rent the equipment as needed. Mr. Hill said that they have done some research on this and found that oftentimes when the City may need to rent it, others would be attempting to rent it as well.

Mr. Hill noted that they recently did a reorganization and pulled out all regulatory compliance and put them into its own section.

WORKING LUNCH

A lunch break was held from 11:55 a.m. to 12:40 p.m.

25. **SERVICE PARTNER CONTRACTS DISCUSSION**

Mr. Burke reviewed the proposed budget for service partner contracts. He noted that everyone was held the same as 2014; however, in SEDI they had \$10,000 in going from the General Fund and \$10,000 was one-time from BBB and his recommendation includes the \$10,000 from BBB being moved to Innovation Mesa.

Councilmember Barotz noted that the name for Flagstaff Cultural Partners was now Flagstaff Arts Council.

Brief discussion was held on the request from Humane Society. Ms. D'Andrea noted that she recently sent out some legal advice regarding this request, noting that it would need to include new services being provided by Humane Society.

Assistant Police Chief Dan Musselman reviewed the history of services from Humane Society, noting that the current contract will end in 2015. He said that they came back this year with a one-time request for an additional \$78,000 for additional services they were providing. Additionally, part of the increase was due to added expenses with

After further discussion, a consensus of Council agreed to include a \$50,000 one-time placeholder in the budget and have them provide a formal proposal outlining the additional services.

Vice Mayor Evans asked that they put back the \$10,000 for SEDI on the add/delete list. Mayor Nabours said that he would like to take the \$10,000 ongoing off the list. After further discussion it was suggested that Eric Marcus with SEDI come and further address their request.

Mr. Marcus with SEDI came forward and reviewed their projects and what they have accomplished this past year and the grants they had obtained, some of which he previously outlined in his e-mail.

After lengthy discussion, consensus of the Council was to not provide any funding to SEDI in the next budget, noting it was not a reflection on SEDI but rather a time for them to be out on their own.

Brief discussion was held on the request from the Guidance Center, which Mr. Burke noted did not go before the Budget Team as it was received later.

Lengthy discussion was held on United Way and its services to nonprofits within the community. It was noted that United Way allows the City to assist many of the nonprofits that provide social services which the City would provide individually if they did not work through United Way.

Mr. Burke noted that staff recently went out for a new RFP for social services and United Way was the only one to respond. Discussion was held on why Council was not included in that process. He said that they had requested additional funding for this calendar year, but next year's budget recommended holding flat at the \$293,000.

After further discussion, consensus of the Council was to move forward with recommended funding.

B R E A K

A break was held from 1:55 p.m. to 2:14 p.m.

•NEW REVENUE DISCUSSION

Mr. Burke continued the presentation at this time.

- USE TAX
- JET FUEL
- RECREATION FEE

After a brief discussion on each of the above revenues, consensus of Council was to leave the use tax and recreation fees in the budget and remove the jet fuel.

25. PUBLIC PARTICIPATION

Jim McCarthy said that he would absolutely support the use tax and the jet fuel, but he was not sure about the recreation fee.

26. REVIEW REQUESTS FOR ADDITIONAL INFORMATION

Lengthy discussion was held on increases for paramedic pay and other assignment pay. Councilmember Barotz requested a simple document that explains what the various salary ranges are for the City employees. Vice Mayor Evans requested that it also include temporary employees.

Further discussion was held on additional funding for the \$30,000 to assist with hazardous tree removal. Paul Summerfelt talked about the number of hazardous trees in Flagstaff, noting that not all of them are dead, and that not all dead trees are hazardous. He said that some of them are on private property and some have died because of the de-icer, construction, bark beetles, etc.

Mr. Burke said that Legal and Sales Tax did some research, and they could do just the 1% on use tax.

He also said that in talking with Community Development about code enforcement personnel, if they were setting their goal of dealing with the top five, they could manage that; anything beyond that would require more personnel.

Mr. Bourque addressed the prior discussion regarding the winter bulky trash pick up. He said that they have the City broken into four sections and they actually pick up bulky trash 13 times a year. During the winter months they have issues with snow and materials out there and oftentimes have to wait until the snow is plowed and that in itself buries it even deeper or drags it down the street. With the thawing and freezing, the winter pick up is very unproductive. He said that Flagstaff is the only Arizona city that does this kind of clean up on this basis; some do it quarterly.

After further discussion, consensus of the Council was to eliminate the winter bulky trash pick up.

The Budget Retreat of April 24, 2014, recessed at 4:38 p.m.

FRIDAY, APRIL 25, 2014

The Budget Retreat of April 25, 2014, reconvened at 8:00 a.m.

27. OPENING AND OVERVIEW

29. REVENUE DISCUSSION

30. COUNCIL WRAP UP / ADDS AND DELETES / DIRECTIONS

After further discussion, the consensus of Council was to approve the adds/deletes as outlined on Exhibit B attached hereto and made a part hereof.

A break was held from 9:40 a.m. to 9:55 a.m.

31. CONTINUED DISCUSSION ON BOARDS AND COMMISSIONS

Mr. Burke reviewed some of the issues that had been reviewed at the prior meeting, and submitted a list of additional questions needing to be answered.

Discussion was held on the purpose of the various commissions, and the issue of taking action or making recommendations to the Council. It was noted that some of them, such as Planning and Zoning and Board of Adjustment, are outlined in the state laws.

Councilmember Overton said that they may need to remind the commissions that what they recommend may not be adopted because the Council will consider that recommendation as one consideration, but they have to look at it from a broader stroke.

He said that a good example of that is in past years when Parks and Recreation Commission made a recommendation for certain lights on the fields, but when it got to the Council level and received additional input, such as from the dark skies community, it was looked at from other perspectives as well.

Councilmember Barotz suggested that when a member is appointed to a commission that the staff liaison meet with them and discuss this issue further.

Ms. Burke added that within the Board and Commission Handbook, and additionally covered in training, is the fact that a Commission will make recommendations to the Council, but the Council will be considering that recommendation along with other considerations.

Discussion was held on the process for appointment of members. Consensus of Council was to continue the process as it was being done today.

Councilmember Woodson suggested that when they are considering reappointments

After brief discussion on training, it was agreed that staff should prepare on-line training and require newly-appointed members to view the training within three months of their appointment.

It was noted that currently certificates of appreciation are presented to commission members leaving, but it was suggested that these could also be distributed at a Council meeting.

32. PROPOSED CHANGES TO RULES OF PROCEDURE

Ms. D'Andrea said that she wanted to bring up during this discussion that there has been a recent case that directs staff to pan the audience with the recording equipment if there

a disturbance during the meeting, so that it is apparent when the audience is distressed by some type of action.

Discussion was held on when, and if, translation services should be provided. Some suggested that if it is requested for an agenda item on a regular voting meeting, and if it is requested in adequate time. Staff was asked what other communities provided in the way of best practices regarding translation services. Council also discussed how much time should be permitted for those speaking that were utilizing translation services. Mr. Burke said that right now the Mayor had the discretion to shorten time for speakers if there is a large meeting and they want to be able to hear from everyone. After further discussion, consensus of Council was to postpone any direction on this at this time.

Ms. D'Andrea brought up the issue of letterhead and the two different varieties, one with a disclaimer and one without. Discussion was held on the need to include a disclaimer when a Councilmember is communicating that they are speaking on behalf of themselves, and not necessarily for the entire Council. It was also suggested that this be considered with more and more active social media sites.

Discussion was held on presentations by people or organizations on agenda items. Vice Mayor Evans noted that in the past the public has been told they cannot provide PowerPoint presentations during Public Participation, but the Chamber was recently permitted to provide a presentation and extend their time. After further discussion, it was agreed that if there was to be such a presentation in the future that it be considered during Possible Future Agenda Items so that other groups would know ahead of time if someone was making a presentation and they could request an opportunity to provide one as well.

Discussion was also held on the Mayor's control of the red light for speakers. Mayor Nabours said that he can be more stringent, but he wants to know that the Councilmembers will back him if he limits the speakers who continue to speak after the red light comes on. After further discussion, it was suggested the lights be moved to the podium so that it is more apparent for speakers to see when their time is up.

33. **ADJOURNMENT**

Councilmember Overton said that he has been a part of a lot of budgets, and he does appreciate the effort that goes into them. It helps remind himself that the City does so many good things and it is a credit to the Budget Team, and to the entire organization. Other members of the Council echoed those thoughts and congratulated the Council and staff for another great job.

Mr. Burke gave a tremendous thanks to staff in doing a great job putting it together, and also thanked the Council. He said that the process is very policy-laden and the way they have navigated and made sure everyone was heard, getting issues on the table and working through them, was an accomplishment.

The Budget Retreat of the Flagstaff City Council held April 23-25, 2014, adjourned at 11:52 a.m.

MAYOR

ATTEST:

CITY CLERK

MINUTES

COMBINED SPECIAL MEETING/WORK SESSION
TUESDAY, MAY 13, 2014
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
6:00 P.M.

SPECIAL MEETING

1. Call to Order

Mayor Nabours called the Combined Special Meeting/Work Session of May 13, 2014, to order at 6:05 p.m. and the Council and audience then recited the Pledge of Allegiance.

2. Roll Call

Councilmembers present:

MAYOR NABOURS
COUNCILMEMBER BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER WOODSON (arrived at 7:50 p.m.)

Councilmembers absent:

VICE MAYOR EVANS

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

3. **Consideration and Adoption of Ordinance No. 2014-10:** An ordinance of the Flagstaff City Council adopting Public Safety development fees (***Impact fees for public safety***).

Planning Director Dan Folke stated that he was available to answer questions. He noted that this had been placed on this Special Meeting agenda to allow the required 75 days after adoption, prior to it becoming effective on August 1, 2014.

Mayor Nabours moved to read Ordinance No. 2014-10 by title only for the final time; seconded; passed unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA AMENDING THE FLAGSTAFF CITY CODE, TITLE 3, SECTION 3-11-007-0001, DEVELOPMENT FEE FOR RESIDENTIAL DEVELOPMENT, AND SECTION 3-11-007-0002, DEVELOPMENT FEE FOR NONRESIDENTIAL DEVELOPMENT, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Mayor Nabours moved to adopt Ordinance No. 2014-10; seconded; passed unanimously.

5. **Adjourn**

The Special Meeting of the Flagstaff City Council held May 13, 2014, adjourned at 6:10 p.m.

WORK SESSION

1. **Call to Order**

Mayor Nabours called the Work Session of May 18, 2014, to order at 6:10 p.m.

2. **Preliminary Review of Draft Agenda for the May 20, 2014, 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 asked about item 14-A regarding Pine Canyon; she asked if any reason was given by the Commissioner for a no vote on the issue. Councilmember Overton also asked for clarification on the true intent of the security gate in addition to the security shack. Planning Development Manager Tiffany Antol stated that the Commissioner did not give any reason for voting in opposition. With regards to the true intent of the security gate, the Pine Canyon Homeowners Association wanted to install the gate to eliminate the need for the guard as a money saving effort. The residents of Pine Canyon were opposed to that and the community has agreed to keep the guard in addition to the gate.

Councilmember Overton asked if a representative of the developer will be in attendance at the Council meeting. Ms. Antol stated that a representative attended the Planning and Zoning Commission meeting and she expects that they will attend the Council meeting as well.

Mayor Nabours stated in regards to the appointments for the Beautification and Public Arts Commission that he thought the Council had agreed to reduce the size of the Commission from nine members to seven. There is a proposed appointment of one Art Community member and two At Large members; he stated that the official change has not been made but he feels that the Council should not fill all positions at this time in anticipation for the reduction of members. He will be bringing that up at the Council meeting for discussion.

A. **Consideration of Proposals:** Purchase of Property For The Core Services Maintenance Facility

Public Works Section Head Pat Bourque stated that staff has put a lot of time, money and effort into the information and research done to be presented. He

introduced Purchasing Director Rick Compau who provided a PowerPoint presentation that covered the following:

- ▶ HISTORY
- ▶ RFP PROCESS
- ▶ SECOND RFP
- ▶ EVALUATION CRITERIA
- ▶ EVALUATION PROCESS

Mr. Bourque continued the presentation.

▶ McALLISTER RANCH SITE PLAN

The Council reviewed the site plans. Mayor Nabours asked why expansion is possible at McAllister but not at Baylu. Mr. Bourque explained that the Baylu property is confined and space is limited making expansion difficult. Mayor Nabours asked why the buildings could not be built with an east/west exposure to better utilize the property space. Mr. Bourque stated that the snow build up on the north side would not get sun and the area would freeze causing issues during the winter months.

Councilmember Oravits asked if the building size is comparable between the two properties. Mr. Bourque stated that the two properties are comparable with building size. Councilmember Oravits asked how long it might be until expansion would be necessary. Mr. Bourque offered that based on projections some sort of additions would need to be done within eight to ten years.

Mayor Nabours asked for information about the floodplain at the McAllister property. Mr. Bourque stated that storage could be placed in the 100 year floodplain. If the City were to expand into that area it would be necessary to pull material out of the Clay Wash to build up the property.

Mr. Bourque continued the presentation.

- ▶ CONCEPTUAL COST COMPARISONS
- ▶ OPERATIONAL AND MAINTENANCE COST COMPARISONS
- ▶ COST COMPARISONS

Mayor Nabours asked if the construction costs were about the same for both parcels. Mr. Bourque stated that there is an approximately \$1.1 million difference between the two parcels. Additionally, the City owns the McAllister property. Baylu is asking \$5.4 million for their property but is willing to trade most of that for McAllister Ranch and the Mogollon property.

Mayor Nabours stated that in the Regional Plan it shows McAllister Ranch as a future activity center and gateway into Flagstaff; he asked if that was considered. Mr. Bourque stated that because the area is so heavily treed and the idea is to build back, most of the trees would hide the site and the buildings.

Councilmember Oravits asked how much the City paid for McAllister Ranch. Assistant to the City Manager for Real Estate David McIntire stated that he is unsure how much the City paid for the property but the appraised value is only for the 20 acres that are developable without it affecting ability for flood control.

Councilmember Overton stated that there were nine quality respondents and the Council owes it to them to try and come to an agreement. He would like to find a better way to represent the numbers and compare McAllister to Baylu. Mayor Nabours agreed and suggested that the Council allow Baylu to present at the Council meeting to make their argument. Councilmember Barotz stated that it may be difficult for Baylu to make a compelling argument because they are not in the business of building public works yards.

Mayor Nabours requested more information and details from Mr. Bourque on expansion possibilities; for both properties he would like to know how much room there is before hitting the floodplain.

Additionally, Mayor Nabours would like information on how the designated activity center at the McAllister location would affect the project; what the zoning is now in the county and what is allowed; what the zoning is on the Baylu property and how that would need to be changed.

Councilmember Oravits requested additional information about the traffic access through the Baylu property.

3. 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.

Lori Valencia addressed Council offering thanks to the Police Department for their work during graduation weekend. She also encouraged the Council to meet with and have a conversation with the La Plaza Vieja neighborhood.

John Dunford addressed Council to congratulate Councilmember Overton on the great forthcoming event in his life.

Charlie Silver addressed Council regarding neighbors of the current Public Works yard and their desire to be involved with and informed about decisions about the repurposing of the Mogollon property.

A break was held from 7:25 p.m. through 7:35 p.m.

4. Wildfire Preparedness Update

Wildland Fire Manager Paul Summerfelt provided a PowerPoint presentation that covered the Annual Wildfire Briefing.

- ▶ PERCENT NORMAL PRECIPITATION
- ▶ ACCUMULATED OCT-MAR PRECIPITATION
- ▶ DROUGHT OUTLOOK THROUGH JULY
- ▶ COCONINO COUNTY AREA MONSOON OUTLOOK
- ▶ 2014 FIRE SEASON POTENTIAL
- ▶ 2014 FOCUS AREAS
 - Prevention
 - Preparedness
 - Response
- ▶ COLLABORATION 7 PARTNERSHIPS

Police Lieutenant Frank Higgins and Police Sergeant Greg Jay continued the presentation:

- ▶ LAW ENFORCEMENT FIRE PREVENTION PATROLS
- ▶ PATROL EFFORTS
- ▶ OVERFLIGHTS
- ▶ WOODS WATCH

Coconino County Representative Robert Rowley continued the presentation:

- ▶ COCONINO COUNTY
- ▶ CITY/COUNTY EOC TEAM EXERCISE
- ▶ PFAC FULL SCALE EXERCISE

Mayor Nabours asked what the automated calls tell people. Mr. Rowley explained that it depends on the message but they can be used for weather warnings. Mayor Nabours expressed concern of over using the system and urged that it should be used only for scenarios that pose an immediate threat to life and property.

Councilmember Barotz asked how much the system costs the County each year. Mr. Rowley stated that the County purchased rights for the entire county and all political subdivisions and they pay \$28,000 per year for the service.

Forest Service representative Don Muse continued the presentation:

- ▶ RESTORATION EFFORTS
- ▶ WILDLAND FIRE DISPATCH
- ▶ FIRE PREVENTION STRATEGIES
- ▶ WILDFIRE DETECTION
- ▶ ENGINES AND CREWS
- ▶ REGIONAL GROUND RESOURCES
- ▶ NATIONAL GROUND RESOURCES
- ▶ REGIONAL AVIATION RESOURCES

5. Update on Veterans Court

Presiding Magistrate Judge Chotena provided a PowerPoint presentation that covered the following:

- ▶ VETERANS TREATMENT COURT
- ▶ THE NEED
- ▶ POPULATION

Mayor Nabours asked how the Court knows that the defendant is a veteran. Judge Chotena explained that there is staff that works with the jail to work with defendants and part of the questionnaire that is administered asks if they are veterans.

Judge Chotena continued the presentation.

- ▶ STRUCTURE
- ▶ GOALS
- ▶ VETERANS COURT TEAM
- ▶ PRIVACY AND CONFIDENTIALITY
- ▶ IMPLEMENTATION

6. Overview of the City of Flagstaff Solid Waste Plan

Public Works Project Manager Matt Morales provided a PowerPoint presentation that covered the following:

- ▶ COUNCIL WORK SESSION
- ▶ SOLID WASTE – EXISTING SERVICES
- ▶ OPERATIONS SUMMARY – BUDGET
- ▶ OPERATIONS SUMMARY – WASTE DIVERSION – RECYCLABLES
- ▶ OPERATIONS SUMMARY-RESEARCH AND DEVELOPMENT FOR CL
- ▶ EXISTING DESIGN CONFIGURATION (permitted in year 2000)
- ▶ SEQUENCE D – DESIGN REVISION
- ▶ CINDER LAKE LANDFILL EXISTING DESIGN OF SEQUENCE D
- ▶ CINDER LAKE LANDFILL EXISTING TOPOGRAPHY
- ▶ CINDER LAKE LANDFILL PROPOSED REDESIGN OF SEQUENCE D
- ▶ OPERATIONS SUMMARY RESEARCH AND DEVELOPMENT
- ▶ EXISTING TECHNOLOGY
- ▶ EXISTING RESEARCH
- ▶ FUTURE CONSIDERATIONS
- ▶ SOLID WASTE PLAN OBJECTIVES
- ▶ SOLID WASTE PLAN POLICY CHANGE AND STAKEHOLDER INPUT
- ▶ SOLID WASTE PLAN TEN YEAR OUTLOOK

7. Discussion of Coconino County Ordinance No. 2014-03: Ban of Portable Communication Devices and Texting While Operating a Motor Vehicle

Deputy Chief of Police Walt Miller stated that there are two options available; opt in to the County ordinance or opt out of the County ordinance and the City draft their own.

The following individuals addressed Council in regards to the ban of portable communication devices:

- Joe Hobart
- Ron Warfield
- Kenneth Helk
- John Viktora
- Kelly Cullin

Comments received:

- The City of Flagstaff should draft their own ordinance to address issues of local concern.
- The County ordinance prohibits the use of CB radios which are used as safety equipment. It will hurt business and reduce safety.
- The ordinance should exclude any and all electronic devices.
- Two way radios are a safe means of communicating and the County ordinance prohibits the use of two way radios.

Councilmember Barotz encouraged Council to opt out of the County ordinance and draft an ordinance for the City. Councilmember Overton offered his support to opting out and drafting a City ordinance. He stated that it will be important to make sure the ordinance is understandable and enforceable. Councilmembers Oravits and Brewster also stated their support of opting out of the County ordinance.

The consensus of the Council is to opt out of the County ordinance and draft an ordinance for the City of Flagstaff.

8. Review of Draft Agenda Items for the May 20, 2014, City Council Meeting.*

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

None.

9. Public Participation

None.

10. Informational Items To/From Mayor, Council, and City Manager; requests for possible future agenda items.

Councilmember Barotz asked for information about digitizing and tracking City Council votes.

Councilmember Barotz stated that there have been a number of train derailments lately and there are new rules about disclosure when trails go through a community carrying crude oil. She requested a short memo that discusses plans that are in place should there be a railroad catastrophe.

Councilmember Oravits expressed agreement in the proposal to digitize and track City Council votes.

Councilmember Oravits asked in regards to the proposed expansion of the Tusayan Airport that the City invite a representative from Tusayan to attend a Council meeting and provide an update on the expansion and what it is all about.

Mayor Nabours stated that there is more and more of a need for a statewide law concerning cell phone use and driving. He suggested sending a resolution to the League urging the State to do something statewide. Councilmember Barotz stated that the Sunlight Foundation is devoted to trying to ensure transparency in government and provides grants to organizations that are trying to improve their transparency. She suggested that this may be an avenue to research for assistance in moving this forward.

11. Adjournment

The Work Session of the Flagstaff City Council held May 13, 2014, adjourned at 9:31 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 May 13, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 25th day of August, 2014.

CITY CLERK

REGULAR COUNCIL MEETING
TUESDAY, JULY 1, 2014 (AND JULY 2, 2014 FOR ITEM 14-A)
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M. AND 6:00 P.M.

4:00 P.M. MEETING

1. **CALL TO ORDER**

Mayor Nabours called the Regular Meeting of the Flagstaff City Council of July 1, 2014, to order at 4:00 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

2. **ROLL CALL**

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

Present:

Absent:

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

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

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 Work Session of May 27, 2014; the Joint Work Session of June 2, 2014; and the Special Meeting (Executive Session) of June 24, 2014.

Councilmember Woodson moved to approve the minutes of the City Council Work Session of May 27, 2014; the Joint Work Session of June 2, 2014; and the Special Meeting (Executive Session) of June 24, 2014; 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.

Ann Marie Zeller, Flagstaff, asked that the City Manager start the process to get proper permitting to use reclaimed water for the Dew Downtown in 2015.

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 HEARING**

Mayor Nabours said that the Police Department, Community Development and Sales Tax have all reviewed the five liquor licenses and none of them presented a reason for denial. At this time he opened the Public Hearing for all five licenses. There being no put input, the Public Hearing was closed

Councilmember Oravits moved to forward all five applications to the State with recommendations for approval; seconded; passed unanimously.

- A. **Consideration and Action on Liquor License Application:** John Zanzucchi, "Granny's Closet", 218 S. Milton Ave., Series 06 (bar- all spirituous liquor), Person Transfer
- B. **Consideration and Action on Liquor License Application:** Kelsey Drayton, "Brandy's Restaurant & Bakery", 1500 E. Cedar Ave. 40., Series 07 (beer and wine bar), Person Transfer
- C. **Consideration and Action on Liquor License Application:** Jared Repinski, "Alpha Omega Greek Cuisine", 1580 E. Route 66., Series 12 (restaurant), New License.
- D. **Consideration and Action on Liquor License Application:** Donald Grosvenor, "Nadli", 7 N. San Francisco St., Series 12 (restaurant), New License. Hold public hearing.
- E. **Consideration and Action on Liquor License Application:** Andrea Gibson, "Air Cafe", 6200 S. Pulliam Dr., #109, Series 12 (restaurant), New License.

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 Sole Source Purchase:** Consideration authorizing the purchase of Axon Flex body cameras manufactured by Taser International in the amount of \$117,000 for the Flagstaff Police Department

MOTION: Approve the funding of \$117,000 to Taser International for the Axon Flex camera program to outfit patrol officers. The initial amount of \$48,628.10, will allow for the purchase of 50 Axon Flex body cameras with mounting, charging, and docking accessories and professional services. The costs for evidence storage and retention will be \$12,446.16 annually, or \$62,230.80 for the five year contract. The total amount of this request (\$117,000) will cover the remaining tax and shipping.

- B. **Consideration and Approval of Payment:** Annual Computer Hardware and Software Maintenance and Support Services.

MOTION:

Authorize the payment in the amount of \$562,101.09, plus applicable sales tax, to:

- 1) ERP - Financial Applications - \$151,000.00
- 2) SHI Software - Microsoft Enterprise Agreement - \$135,000.00
- 3) Intergraph Public Safety, Inc. - Maintain the map and corresponding DB for system - \$196,428.08

4) SIRSI - Online Library Catalog 4/1-3/31 - \$79,673.01

Mayor Nabours moved to approve Consent Items 9-A and 9-B; seconded; passed unanimously.

10. **ROUTINE ITEMS**

- A. **Consideration and Possible Adoption of Ordinance No. 2014-11:** An ordinance amending Ordinance No. 2000-11 by modifying the Zoning Map Designation of that property generally known as Pine Canyon, through the amendment of a general condition related to the public's overnight access to Pine Canyon.

Councilmember Brewster moved to read Ordinance No. 2014-11 by title only for the final time; seconded; passed unanimously.

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AMENDING ORDINANCE NO. 2000-11, BY MODIFYING THE ZONING MAP DESIGNATION OF THAT PROPERTY GENERALLY KNOWN AS PINE CANYON, THROUGH THE AMENDMENT OF AN UNDERLYING GENERAL CONDITION RELATED TO THE PUBLIC'S OVERNIGHT ACCESS TO PINE CANYON

Councilmember Woodson moved to adopt Ordinance No. 2014-11; seconded; passed unanimously.

- B. **Consideration and Adoption of Ordinance No 2014-12:** An ordinance levying upon the assessed valuation of the property within the City of Flagstaff, Arizona, subject to taxation a certain sum upon each one hundred dollars (\$100.00) of valuation sufficient to raise the amount estimated to be required in the Annual Budget, less the amount estimated to be received from other sources of revenue; providing funds for various bond redemptions, for the purpose of paying interest upon bonded indebtedness and providing funds for general municipal expenses, all for the Fiscal Year ending the 30th day of June, 2015

Mayor Nabours moved to read Ordinance No. 2014-12 by title only for the final time; seconded; passed unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF FLAGSTAFF, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR VARIOUS BOND REDEMPTIONS, FOR THE PURPOSE OF PAYING INTEREST UPON BONDED INDEBTEDNESS AND PROVIDING FUNDS FOR GENERAL MUNICIPAL EXPENSES, ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2015

Councilmember Woodson moved to adopt Ordinance No. 2014-12; seconded; passed unanimously.

- C. **Consideration and Adoption of Resolution No. 2014-25:** A resolution authorizing the execution of a Development Agreement between City of Flagstaff and Evergreen - Trax, L.L.C. related to the development of approximately 33.6 acres of real property generally located at the intersection of Route 66 and Fourth Street, Flagstaff, Arizona.

Mayor Nabours noted that Items C, D and E were all related and would be discussed together.

Planning Development Manager Elaine Averitt reviewed Item C which addressed:

- OVERALL PROCESS
- DEVELOPMENT AGREEMENT - Main Points
 - ROW Acquisition
 - FUTS Trail
 - Pedi Crossing Study & Improvements
 - Route 66 Lighting

Management Services Director Barbara Goodrich reviewed Item D, noting that if Item C was adopted as presented this item would amend the Purchase Agreement previously approved from \$2,881,000 to \$3,041,000, an increase of \$160,000.

Discussion was held on Section 7.2. Ms. Averitt confirmed that the language states that if Evergreen is unable to negotiate the property at the intersection of First Street, that the City would exercise eminent domain, but not take any property that would impact a structure.

Ms. Averitt confirmed that staff did have a signed Development Agreement from the developers, as presented today. She said that they want to make sure that the agreements are both in place and signed before they have the final read and vote on the zoning ordinance.

Ms. Averitt then reviewed Item E, the rezoning ordinance.

Councilmember Overton, referring back to the Development Agreement and Purchase Agreement, said that he has concerns that based on data provided previously they know there is going to be an impact to the bridge structure. Councilmember Barotz echoed those concerns and said she was interested in a conversation about where resources would come from.

Councilmember Woodson said that he was in agreement, although not necessary in how they split the overpass costs, but he thought it would leave a hole in their case in asking for others to participate when they have excluded this one.

Mayor Nabours said that they had a lot of discussion a few weeks ago and what impressed him was that it came out that at this time they need four lanes over I-40, and even without all of these projects that need is there.

Further discussion was held on the need to have this developer contribute to the bridge improvements. Councilmember Brewster said that she has been sitting on the fence until recently. This is the first one they will go through and she is in favor of them contributing to the bridge improvements.

Vice Mayor Evans said that she supports this development and she is not interested in asking the developer for a contribution because the bridge is currently failing and has been. As a community they should have looked at how the improvements would be addressed. Councilmember Oravits said that he agreed with much of what Vice Mayor Evans was saying.

Mayor Nabours moved to read Resolution No. 2014-25 as presented in the packet (does not require the contribution); seconded; failed 3-4 with Councilmembers Barotz, Brewster, Overton and Woodson casting the dissenting votes.

Councilmember Overton moved to read Resolution No. 2014-25, amending the DA with 7.6 reinstated to require the Fourth Street Bridge contribution; seconded.

Councilmember Oravits said that he disagrees but he would support the motion to move the project forward. Vice Mayor Evans agreed; she supports the project but does not support charging them for a failing bridge. Councilmember Woodson said that he would rather see a different percentage of contribution, but he would support the motion.

Ms. D'Andrea noted that if they move forward with this motion, amending the Development Agreement, there is no need to amend the Purchase Agreement (the next item on the agenda).

Laura Ortiz, representing Evergreen, said that she understands all of the conversation and would submit for consideration that as far as setting a precedent, given the unique structure of this project it would not set one. She said that it does not matter to Evergreen because they are paying one way or the other, but it will impact the other developers.

Mayor Nabours said that those not present at the meeting are the representatives from the other five projects that are on the list.

Motion passed 6-1 with Mayor Nabours casting the dissenting vote.

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL APPROVING A DEVELOPMENT AGREEMENT AND WAIVER OF CLAIMS FOR DIMINUTION IN VALUE FOR LAND USE LAWS APPLICABLE TO REAL

*PROPERTY GENERALLY LOCATED AT THE INTERSECTION OF
ROUTE 66 AND FOURTH STREET, FLAGSTAFF, ARIZONA, AS AMENDED*

Councilmember Overton moved to adopt Resolution No. 2014-25 as amended; seconded; passed 6-1 with Mayor Nabours casting the dissenting vote.

- D. **Consideration and Approval of Second Amendment of Purchase and Sale Agreement:** Between the City of Flagstaff and Evergreen - TRAX, LLC ("Evergreen"), for the sale of approximately 33.6 acres of property consisting of three parcels located at the southeast and southwest corners of the intersection of Fourth Street and Route 66, and the northwest corner of Fourth Street and Huntington drive adjacent to the Fourth Street Overpass (the "Property").

ITEM WITHDRAWN FROM AGENDA

- E. **Consideration and Possible Adoption of Ordinance No. 2014-14:** An ordinance amending the Flagstaff Zoning Map designation of approximately 33.6 acres of real property located at the southwest and southeast corners of Route 66 and Fourth Street and at the northwest corner of Huntington Drive and Fourth Street, from Light Industrial (LI) and Light Industrial-Open (LI-O) to Highway Commercial (HC). (*Amending Zoning Map for "The Trax" commercial development*).

Councilmember Oravits moved to read Ordinance No. 2014-14 by title only for the final time; seconded; passed unanimously.

*AN ORDINANCE OF THE COUNCIL OF THE CITY OF FLAGSTAF, ARIZONA,
AMENDING THE FLAGSTAFF ZONING MAP DESIGNATION OF
APPROXIMATELY 33.6 ACRES OF REAL PROPERTY GENERALLY
LOCATED AT THE INTERSECTION OF ROUTE 66 AND FOURTH STREET,
FROM LIGHT INDUSTRIAL ("LI") AND LIGHT INDUSTRIAL OPEN ("LI-O"), TO
HIGHWAY COMMERCIAL ("HC")*

Councilmember Oravits moved to adopt Ordinance No. 2014-14; seconded; passed unanimously.

- F. **Consideration and Adoption of Ordinance No. 2014-13:** An ordinance of the Council of the City of Flagstaff, Arizona amending Flagstaff City Code Title 6, Police Regulations, Chapter 6-01, General Offenses, by adding a new Section 6-01-001-0004, Graffiti Prohibited; and amending Title 7, Health and Sanitation, by adding a new Chapter 7-01, Graffiti Abatement.

Discussion was held on this ordinance and Councilmember Oravits and Mayor Nabours voiced concern with the issue of liens on the property. Mr. Boughner said that the big question is access to those properties that they cannot get a hold of. He said that the lien allows the City to move forward and have a contractor take care of the cover-up and then lien the property if the property owner does not cover the costs.

Vice Mayor Evans said that the lien would seldom be used but gives staff a tool to get the work done. She said that if they are not able to move forward quickly it can destroy and whole street and neighborhood.

Councilmember Barotz said that they have to figure out revenue sources. If they are going to continue down this path of the City absorbing the expenses, they need to include funds in the budget to cover it.

Mayor Nabours moved to read Ordinance No. 2014-13 for the final time, with the amendment that the cost recovery and lien provisions be deleted; seconded.

Councilmember Overton said that he would go with the amendment to get it done, but he did not think it was an overstretch to include the lien.

Vice Mayor Evans said that she was supportive of the ordinance, but could not support it amended. Councilmember Woodson said that he would support it to move it forward, but they need to review it at budget time. Councilmember Oravits agreed with revisiting the issue during budget discussions.

Motion passed 4-3 with Vice Mayor Evans and Councilmembers Barotz and Brewster casting the dissenting votes.

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AMENDING FLAGSTAFF CITY CODE TITLE 6, POLICE REGULATIONS, CHAPTER 6-01, GENERAL OFFENSES, BY ADDING A NEW SECTION 6-01-001-0004, GRAFFITI PROHIBITED; AND AMENDING TITLE 7, HEALTH AND SANITATION, BY ADDING A NEW CHAPTER 7-01, GRAFFITI ABATEMENT

Councilmember Oravits moved to adopt Ordinance No. 2014-13 as amended; seconded; passed 4-3 with Vice Mayor Evans and Councilmembers Barotz and Brewster casting the dissenting votes.

Mr. Eastman clarified a statement made at the last meeting regarding a paint-matching machine being \$500. He said that after further research, they found a piece of equipment, but it is much more than the \$500 and they may bring it back as a one-time purchase in next year's budget.

- G. **Consideration and Adoption of Ordinance No. 2014-18:** An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code, Title 3, Business Regulations, Chapter 10, User Fees, Section 3-10-001-0005, Recreation Fees, by increasing certain Parks and Recreation Fees; providing for penalties, repeal of conflicting ordinances, severability, authority for clerical corrections, and establishing an effective date. ***(Increasing recreation fees)***

Recreation Director Brian Grube said that he had no presentation, but was there to answer any questions. He noted that this was the second phase of increases started last year.

Bruce Grubbs, representing the Flagstaff Figure Skating Club, said that two years ago there was a proposal for a 43% increase out of the blue with no input. He said that most of them were opposed to it. He said that they proposed a three-year phased-in approach and last year it was proposed to have a 17% increase, when it was only going to be a 7% increase. He said that these increases are falling unfairly on the ice skating community.

The following individuals submitted written opposition to the increases:

- Rhonda Cashman
- Ronald Christy
- Christine Coverdale

Mayor Nabours said that his recollection was that they were going to do a 21% increase over three years. Mr. Grube said that did not change; however, last year they had suggested a one-time increase in addition to the phased approach.

Mayor Nabours said that he was hugely appreciative of what the club does, but on the other hand, they have expended a great deal of money into the rink with a new Zamboni, compressor, etc. Mr. Burke noted that the increase does not provide a full-cost recovery; the City still is subsidizing it through General Fund dollars.

Councilmember Woodson moved to read Ordinance No. 2014-18 by title only for the first time; seconded; passed unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 3, BUSINESS REGULATIONS, CHAPTER 10, USER FEES, SECTION 3-10-001-0005, RECREATION FEES, BY INCREASING CERTAIN PARKS AND RECREATION FEES; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

- H. **Consideration and Adoption of Ordinance No. 2014-19:** An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code, Title 7, Health and Sanitation, Chapter 7-04, Municipal Solid Waste Collection Service, Section 7-04-001-0009, Fees, by reinstating the \$2.50 per ton Environmental Maintenance Facility Fee, repeal of conflicting ordinances, severability, authority for clerical corrections, and establishing an effective date. ***(Reinstate the \$2.50 per ton landfill tipping fee).***

Pat Bourque, Public Works, explained that this was a fee that the City has charged before for users of the landfill. It is primarily for commercial accounts or construction accounts.

Mayor Nabours asked if it would apply to non-City residents. Mr. Bourque replied that it would; it would apply to anyone that uses the landfill. Mayor Nabours asked if residents would see a change in their water bill. Mr. Bourque replied that

at this point in time there will not be a change in the monthly services; it would only be an additional fee at the landfill.

Councilmember Overton said that he has never liked this fee, but he realizes it is used for the Core Services Maintenance Facility. He said that he would be more favorable if they looked at all commercial accounts or all accounts across the City.

Councilmember Brewster moved to read Ordinance No. 2014-19 by title only for the first time; seconded; passed unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, TITLE 7, HEALTH AND SANITATION, CHAPTER 7-04, MUNICIPAL SOLID WASTE COLLECTION SERVICE, SECTION 7-04-001-0009, FEES, BY REINSTATING THE \$2.50 PER TON ENVIRONMENTAL MAINTENANCE FACILITY FEE, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

- I. **Consideration of Ratifying Approval of Agreement Amendment:** Joint Project Agreement 11-085 between the State of Arizona and the City of Flagstaff acting for and on behalf of the Flagstaff Metropolitan Planning Organization, Amendment 3 for Fiscal Year 2015

FMPO Manager David Wessel explained that this was an IGA with ADOT which authorizes the MPO work program. The amendments that are part of this year's amendment relate to in-kind matches and other changes to federal references. He said that the action being requested is to ratify the Mayor's signature on this document as it was time sensitive. He said that this was the authorization that brings about \$250,000 into the region.

Councilmember Overton moved to ratify JPA 11-085 Amendment 3; seconded; passed unanimously.

- J. **Consideration of amendment to agreement:** Authorizing an increase in funding to the Coconino Humane Association.

Deputy Policy Chief Dan Musselman gave a brief review of this request.

Mayor Nabours said that they have had this contract for services and the fact that their costs have changed internally, as it might with any business, is not the motivating factor. He said that they have been providing the City additional services and continue to do so. Councilmember Brewster noted that there was also a change in state law that affected the procedures required, which also resulted in higher costs.

Councilmember Overton said that this contract was up for renewal in 2015 and he could not emphasize enough that with a five-year contract there will be give and taken that none of them anticipate. He said that providing \$12,000 of back payment for a shortage is one thing, but it puts them in a difficult budget situation

to add for additional scope of work. He said that he wants to see this issue resolved next year.

Councilmember Oravits moved to approve the increase to the Coconino Humane Association in the amount of \$50,000 for the final year of the current contract; seconded; passed unanimously.

- K. **Consideration and Adoption of Ordinance No. 2014-20:** An Ordinance prohibiting the use of wireless communication devices while operating a motor vehicle or bicycle.

Police Chief Kevin Treadway said that he was before Council on behalf of Walt Miller. He said that what was before Council was the distracted driving ordinance with two options. The first option would prohibit texting while a vehicle was in motion and the second option would prohibit texting while in physical control of a vehicle.

Councilmember Oravits moved to read Ordinance No. 2014-20, with Option 1, by title only for the first time; seconded; passed unanimously.

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AMENDING TITLE 9, TRAFFIC, CHAPTER 9-01, TRAFFIC CODE, BY ADDING A NEW SECTION 9-01-001-0013, USE OF WIRELESS COMMUNICATION DEVICES WHILE DRIVING PROHIBITED; EXCEPTIONS; AND PROVIDING FOR PENALTIES

- L. **Consideration and Adoption of Resolution No. 2014-28:** A resolution of the Mayor and Council of the City of Flagstaff, Arizona, ordering a question be submitted to the qualified electors of the City with respect to a temporary increase to the City's transaction privilege (sales) tax and authorization for the sale and issuance of bonds of the City of Flagstaff, Arizona, said question to be submitted at the City's General Election to be held on November 4, 2014. ***(Road Repair and Street Safety Ballot Initiative)***

Vice Mayor Evans moved to read Resolution No. 2014-28 by title only; seconded; passed unanimously.

RESOLUTION OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, ORDERING A QUESTION BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY WITH RESPECT TO A TEMPORARY INCREASE TO THE CITY'S TRANSACTION PRIVILEGE (SALES) TAX AND AUTHORIZATION FOR THE SALE AND ISSUANCE OF BONDS OF THE CITY OF FLAGSTAFF, ARIZONA, SAID QUESTION TO BE SUBMITTED AT THE CITY'S GENERAL ELECTION TO BE HELD ON NOVEMBER 4, 2014

Councilmember Oravits moved to adopt Resolution No. 2014-28; seconded; passed unanimously.

The Regular Meeting of the Flagstaff City Council held July 1, 2014, recessed at 5:50 p.m.

6:00 P.M. MEETING

Mayor Nabours reconvened the Regular Meeting of the Flagstaff City Council held July 1, 2014, at 6:16 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**

Present:

Absent:

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

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

12. **PUBLIC PARTICIPATION**

Emily Davalos, Flagstaff, said that she has been enjoying seeing democracy in the process during the meetings over the last few months.

Ann Heitland, Flagstaff, said that she was there in support of Vice Mayor Evans and to speak in favor of a political process that focuses on the issues and not attempted intimidation. She urged the Councilmembers to approach all of the political processes in accordance with that.

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

None

14. **PUBLIC HEARING ITEMS**

- A. **Public Hearing, Consideration and Adoption of Ordinance No. 2014-21:** An ordinance amending the Flagstaff Zoning Map designation of approximately 3.06 acres of real property located at 703 South Blackbird Roost from "MH," Manufactured Housing, to "HC," Highway Commercial. ***(Zoning***

Map amendment ordinance review for the development known as "The Standard".) CONSIDERATION OF THIS ITEM WILL END AT 9:30 P.M. (IF NECESSARY) AND CONTINUE UNTIL 6:00 P.M. ON WEDNESDAY, JULY 2, 2014

Planning Director Dan Folke briefly reviewed the process of this application. He said that this case is the culmination of a 12-month application review. They evaluate the consistency of a project with their development standards and the General Plan. In the rezoning application they looked at impacts on traffic, sewer/water, storm water and the result is the staff report which Brian will be reviewing. It will address those potential impacts and contains conditions that they suggest would minimize, manage, or mitigate those impacts. Some of the conditions speak to a reduction in the mass/scale of the building, pedestrian and traffic improvements, implantation of a relocation plan, contributing to an affordable housing program to create new housing and also development of a management plan/good neighbor policy. He asked that as they get into their deliberation, and their decision, to consider the Planning and Zoning recommendation (to deny), staff recommendation, complete application and public comment. If they get close to considering some action, he asked that they tie their conclusions to the findings.

Program Development Manager Brian Kulina then began review of a PowerPoint presentation (Exhibit A attached hereto and made a part hereof).

- REQUEST
- VICINITY MAP
- ZONING MAP AMENDMENT MAP
- AERIAL PHOTO
- REGIONAL PLAN
- ZONING
- REQUIRED FINDINGS
- GENERAL PLAN – FLAGSTAFF AREA REGIONAL LAND USE AND TRANSPORTATION PLAN
- SUPPORTING GENERAL PLAN GOALS AND POLICIES
- LA PLAZA VIEJA NEIGHBORHOOD PLAN
- ZONING – CITY OF FLAGSTAFF ZONING CODE
- PARKING
- DESIGN REVIEW
- TRAFFIC AND ACCESS
- PUBLIC COMMENT
- NEIGHBORHOOD MEETING
- MEETING #2
- RELOCATION
- DISCUSSION (Highway Commercial HC Zone)
- DEVELOPMENT AGREEMENT
- RECOMMENDATION
- DEVELOPMENT REQUESTED AMENDMENT

Councilmember Barotz asked Mr. Kulina to explain a Conditional Use Permit (CUP). Mr. Kulina replied that the Zoning Code gives the Planning and Zoning

Commission additional authority to mitigate and regulate various development standards, such as building heights and uses that may have additional adverse impacts. CUPS are approved through a public hearing process and during the process the Commission has the ability to add conditions or requirements on that project to bring it into additional compliance.

Councilmember Barotz asked about the Development Agreement being on the Working Calendar for July 15. Mr. Kulina said that staff has completed a draft of the DA which has been transferred to the developer for their review, and it typically it would be approved prior to the second read and adoption of the ordinance.

Councilmember Barotz asked what the current status was related to the section of the staff report addressing affordable housing. Mr. Kulina said that any zoning map amendment that grants an increase in density requires the developer to provide affordable housing through an in-lieu of fee. Understanding the nature of student housing, staff started working with the developer. The relocation issue then became front and center and they determined that a portion of that affordable housing fee could be used toward the relocation package. At this time they do not have exact numbers, but the DA would require that some form of fee for affordable housing would be paid to the City.

Councilmember Barotz said that when staff does an evaluation of the Regional Plan with respect to a project it looks at the goals and shows those in support, but there are some in support and some that are not in support. She had asked staff to provide all of the relevant language. Mr. Folke replied that when staff was doing the evaluation they looked at the policies that were applicable and Mr. Kulina included a few others. Moving forward they would try to find a more balanced approach, but he was not clear that it has been the practice in the past.

Mr. Folke reviewed the four policies and one goal included in the memo, noting that they believed they did meet most of those; the most difficult being the affordable housing component. Councilmember Barotz said that she was not sure that she agreed they had been met.

Mayor Nabours asked what the street category was for Blackbird's Roost and Clay and whether the anticipated traffic would change those ratings.

Traffic Engineer Jeff Bauman said that they are minor collectors and they will continue to be minor collectors.

Councilmember Overton asked, regarding the parking garage, if they did not apply for the CUP, if it would be required to meet the 35' limit. Mr. Kulina said that it is far enough away from the property line that it does not appear that would impact that. He noted that the CUP was required because the maximum height was 66' altogether.

Mr. Bauman said that the developer has provided for a mini roundabout at Clay and Blackbird's Roost and a center island on Clay and Kingman in front of the Montessori School.

Councilmember Oravits asked about the possibility of a pedestrian crossing. Mr. Bauman said that they have looked at various alternatives and it appears, at this point, that the best solution is the highway beacon.

Vice Mayor Evans asked about the \$10,000 bond requested by ADOT. Mr. Kulina said that ADOT is recommending a post-development study looking at traffic and it is recommended that the developer and City split the cost of that study. Mr. Bauman noted that the beacon light and signal at Milton/Route 66 could be timed to work together.

At this time Nick Wood, Snell & Wilmer, representing Landmark, continued the presentation. He said that at the first Planning and Zoning Commission meeting they listened to a lot of people come up and speak with great eloquence and passion, asking for denial of the application, to prevent the closure of the mobile home park. Regardless of what decision is ultimately made, he has great admiration and respect for the residents in that area. His client understands that in the event that the company buys the property and closes the park, there will be an impact on residents there. He is trying to mitigate that by placing almost \$700,000 into a fund to help mitigate those costs.

He said that the park is a landlord/tenant relationship and it is governed by the Mobile Home Park/Landlord Tenant Act. There is a provision of a closure or redevelopment of a park (33-1476.01) and the obligation of the owner is 1) to give a 180-day notice to all of the residents of the park informing them; and 2) required to make a contribution to the State Redevelopment Fund. That fund is managed by Arizona Department of Fire, Building and Life Safety - \$500 for each singlewide mobile home in the park and \$800 for each doublewide. That is their only legal requirement. No contributions or payments are required to be made to the residents.

The residents' rights are to apply to the State Department Relocation Fund for the relocation of moving their trailer. They can receive whatever their costs are for moving, up to a maximum of \$5,000 (singlewide) or \$10,000 (doublewide). If they choose not to move or it cannot be moved, the only compensation they can receive is \$1,250 for a singlewide and \$2,500 for a doublewide. The result is, no payments are made by the landlord to the tenants.

His client decided to donate money to the fund, an average of \$14,000 per unit, inclusive of whatever they're able to collect from the fund, but there are many that will be unable to collect anything, or a minimal amount. It has been suggested that his client would be willing to pay \$35,000, exclusive of the fund, if tenants did not fight this. He understands the request, but this is a donation by his client, and a generous donation, and they have not asked anyone to not oppose this. He told everyone that if they support or oppose, participate in the process. They are not in the business of exchanging support, but his client is willing to donate this money.

They have also received a couple of letters from the current owner, Brent Wood, who he does not represent, stating that they plan to close the park if Landmark

does not buy it and they will not be making the same donation. There is no date on the letter and it has been referenced in the newspaper.

Councilmember Barotz said that as a Councilmember she has heard nothing directly from the mobile home park and she does not rely on the newspaper for facts.

Mayor Nabours asked Mr. Wood if he had anything signed by the park. Mr. Wood said that all he has is a copy of the letter and it was attached to an e-mail he received. He then read the letter.

Mayor Nabours asked if he was saying that Landmark was offering \$14,000. Mr. Wood replied that it would be an average of \$14,000 inclusive of the state's funds.

A break was held from 7:38 p.m. to 7:50 p.m.

Lora Viasenora, 7201 N. Central, Phoenix, Arizona, said that she was approached by a representative of Landmark to put together a relocation package. One of her early questions was what federal funds were involved. She found there was no requirement under the URA, but she was told that they were looking to exceed any requirements. With that in mind she put together the following program:

FEDERAL UNIFORM RELOCATION ASSISTANCE (URA)

Moving allowance (to both owners and renters)

Rent/down payment assistance (to both owners and renters)

Replacement housing (just to owners)

URA LIMITATIONS

Proof of income

Proof of citizenship

Proof of expenditures for disbursement

MOVING ALLOWANCE

Established by URA

1 room	\$ 700
2 rooms	\$ 800
3 rooms	\$ 900
4 rooms	\$1,000
5 rooms	\$1,100

Under the URA the minimum someone would receive is \$700; Landmark has opted to set this limit at \$1,100 and everyone would receive this.

RENT/DOWN PAYMENT ASSISTANCE (Renters/Owners)

Comparable Unit (Based on URA Guidelines)

Type of Unit

Size

Year of Construction

Number of Bedrooms
Square Footage

Calculation

(Expected Rent + Utilities) – (Current Rent + Utilities)

MOBILE HOME SPACE AVAILABILITY

She asked a series of questions
Do you have available or do you expect to spaces available?
Rent amount?

After the first meeting with residents there was concern expressed about the location; she went back in early June and contacted only those on the west side and were within a reasonable proximity of the Arrowhead MHP. Three parks to the west responded that among those there were 65 spaces available and within 1.7 miles.

RENT/DOWN PAYMENT ASSISTANCE (Renters/Owners)

Calculation per URA

\$425 - \$285 = \$140/month

42 months of assistance:

\$140 x 42 = \$5,580

Landmark

6 x \$285 = \$1,710

36 x \$140 = \$6,750 (More than required of URA)

REPLACEMENT HOUSING (Owners)

Based on NADA comparisons

Age of homes in park

Comp is for either a 1980 unit or one that is 15 years newer

Equivalent square footage

Same number of bedrooms

STATE RELOCATION FUND

The criteria includes that the person living there has to be owner on title at the time of the 180-notice issued and has a SS # or tax ID number. If either is not met they are not eligible, but Landmark is still willing to pay the \$1,250 for residents unable to obtain this from state.

LANDMARK RELOCATION PACKAGE

Moving = \$1,100

Rent/Down Payment = \$6,750

Replacement Housing = \$1,163 and \$5,235 (depending on size/unit age)

After the last meeting they heard a lot about transportation difficulties and food spoilage so Landmark has offered to pay \$1,420 for owners and renters for

transportation and \$632 for food spoilage (based on food cost of family of four for one month). They also heard from an independent consultant that it may be worthwhile to offer funds to move early, so Landmark was offering \$1,500 if they moved within 45 days and \$1,200 if they moved within 90 days.

The difference between the two programs is:

LANDMARK

Renters	= Min. \$ 9,910; more if they moved early
Owners	= Min. \$12,320; more if newer or moved early.

URA

Renters	= \$6,580
Owners	= \$7,743 (only for owners on record)

Mayor Nabours noted that when Council interrupted the speakers, their time would be stopped.

Mr. Wood noted that when his client looked at this property, they felt it was appropriate for student housing because it was near NAU, on a major arterial, and in a non-single family dwelling area. The General Plan shows it as high density in an urban growth boundary which anticipates a significant amount of density and height.

They looked at the transportation plan and it was on a collector, with both Blackbird Roost and Clay intended to carry 12,000 trips a day and they looked at the Zoning Code and worked with staff.

Mr. Wood said that they started with a four to five floor building along Blackbird Roost and the neighbors thought it was too tall, so they moved back from the street and kept it at four stories with three stories along Blackbird Roost.

In addition, there was the issue of traffic. Blackbird Roost and Clay are both minor collectors, designed to carry 12,000 trips per say. The current trips per day go from 1,700 to 2,100 a day. Adding 400 trips a day still only brings it to 39% of the capacity of those routes. The service levels of those streets are C for Clay and D for Blackbird Roost and the traffic will not change that level.

They were asked to put a signal at Blackbird Roost and Route 66 and ADOT said no. They then talked about a pedestrian access and they approached ADOT about installing the flashing red lights and ADOT asked them to wait until after it is built to look at the traffic. After a lot of work and discussions together with the City's traffic engineer and ADOT, ADOT allowed them to put it in right away before it was built and it would be tied to the timing at the main intersection.

He said that they met with NAIPTA and his client has negotiated to include in the Development Agreement to purchase one bus pass for the entire school year for each student. They believe that by making that commitment, it would remove a tremendous volume of traffic from all of the streets and provides an alternative that does not cost them any money.

There was also talk about the concern for neighbors to the north about traffic mitigation so they agreed to streetscape improvements on Clay, assuming the right-of-way can be acquired, and his client will put in trees, a streetlight, some type of pedestrian pathway to cross the street and two medians for safety and landscape improvements, a roundabout at the intersection of Clay and Blackbird Roost and median components on all four sides, the purpose of which is to slow traffic down and discourage people from cutting through the area.

They would put monuments to identify the neighborhood itself. They believe they are in conformance with all of the criteria. They are not generating any pollution; they are well within the capacity of the roads. They are creating a situation where students can move out of neighborhoods and can walk to school.

Mr. Wood said that they heard tonight that there were four or five new provisions given to Council that he has not seen.

Landmark's traffic engineer also mentioned there was a missing link of sidewalk on Blackbird Roost left off the list; they have agreed to complete that sidewalk. Also, they agreed that after it is opened, along Route 66, looking at future pedestrian crossing, and the neighborhood has requested a left-turn signal at Clay and Milton. They have offered to go back and look at that after it is opened to see if it would then hit the warrant.

Councilmember Barotz asked if they considered the changes to the plan as significant. Mr. Wood said that they are willing to pay the entire amount of the study for pedestrians after they are opened.

Vice Mayor Evans asked what the current ranking was for Milton between Butler and Clay. His traffic engineer replied that it was a ranking D. She clarified that any pedestrian signal on Route 66 would be interconnected with the signal at Milton/Route 66.

Mayor Nabours opened the Public Hearing at this time, noting that they would stop public comment at 9:30 p.m. and anyone who had submitted a card tonight would be permitted to return tomorrow evening and speak (beginning at 6:00 p.m.). Additionally, he said that due to the large number of public members wishing to speak, they are limiting their comments to two minutes.

The following individuals spoke in opposition to this development:

- Michelle Thomas - As community organizer for Hermosa Vida of North Country Healthcare, their objective has been to encourage civic engagement. They asked that the Council listen to the speakers tonight; listen to the people. Mayor Nabours said that they heard tonight that if this does not pass, the mobile home park owner will close the park and they will receive nothing. He asked Ms. Thomas if that played into her decision at all. Ms. Thomas said that she was not the right person to answer that question; she was supporting the citizens' right to be heard and to facilitate that process.

- Martha Aragon
- Kenneth Burford
- Ame-Lia Tamburrini
- Mac England
- Marilyn Weissman
- Maulik Patel
- Susan Ontiveros
- Emily Davalos
- Robert Schehr
- Robert Neustadt
- Jess Domingues
- Robert Gonzales
- Laura Myer
- Jody Weller
- Olga Garcia
- Deborah Harris
- Lizabetha
- James Hasapis
- Gloria Valencia
- Kendall Perkinson
- Frankie Beesley
- Mary Sojourner
- Miriam Meza
- Jim McCarthy
- Francisca Gonzales

The following comments were received:

- Solve the situation now; she is unable to sleep
- Will affect a lot of families
- Make the right decision
- Convinced the proposal fails to meet criteria required by City
- Do not want to witness breakup of this community
- Affordable housing is needed in Flagstaff for Arrowhead and other areas
- Is an independent healthcare health impact assistant and suggests that if The Standard goes through it would have negative consequences
- Displacement has severe impacts
- Residents would be at risk of poor mental health and chronic health disease
- Please consider health of residents
- Developers have tossed out a lot of bones but in Arrowhead Village and Las Plaza Vieja they have not addressed the aspect of community that is so important
- City needs programs in place to address these issues in the front end
- Is not appropriate for developer's attorney to meet with Council individually
- Follow the lead of the Planning and Zoning Commission and reject
- This development removes affordable housing
- FFF is prepared to do a referendum if necessary
- Catastrophic Impact on Budget Host Inn and Saga Hotel; family-owned and operated business; also supports four families; will suffer from noise and traffic; parties

- Born and raised in Flagstaff; many family and friends affected by this; suffering anxiety; would like to have rest at night; do the right thing
- They knew there was a risk that the park owner would sell and there would be no funding, but they took that risk
- Vote against the rezoning
- Economic justice
- Opposed to lawsuit being filed against Vice Mayor
- In Palo Alto, City funds and local people are helping the last remaining trailer park
- If you can understand the problem, you can solve it
- Lifetime resident in La Plaza Vieja; and appreciate thoughtful consideration; thanks for listening to comments
- La Plaza Vieja (known as Old Town) Association has been involved for many years and submitted a final draft for their Neighborhood Plan in 2011, but it was tabled to work on Regional Plan
- In their Plan they emphasized the importance of safe pedestrian and bike access and safe access to amenities like parks, schools, businesses, etc.
- Their association is not opposed to new development but we feel strongly that any new development must fit the scale and character of the neighborhood
- Concerned about public safety, law enforcement response and overall management of the project
- Have requested from developer copies of their Management Plan and policies/procedures
- Impacts from intoxication, disturbance of the peace, will impact their neighborhood
- If this project would fit into the scale of Council's neighborhoods – in Boulder Point, Ponderosa Trails, near the Hospital, etc?
- La Plaza Vieja Neighborhood Association does not support this plan
- If Council does approve, consider displacement of residents
- Concerned with safety for children and elderly residents and quality of life
- Facts presented by developer: estimated there will 4,496 trips per day generated; in 2012 existing average on Clay was 3,730 trips. Same year it was 2,287 trips; 60% increase on Clay and 150% on Blackbird Roost
- ADOT has already designated the need for a signal at Blackbird Roost and Route 66 and rated it as F
- Disappointed with lack of response for security plans and management from developer
- Petition has been signed by over 20% of surrounding property owners requiring a ¾ vote of the Council
- Regional Plan is now complete; would now like to complete the La Plaza Vieja Neighborhood Plan finalized
- NAU said they will not be admitting more than 150 students over the next several years
- Buses are already stressed
- 650 beds at \$600/student - \$406,000 a month--\$5 million a year
- If this is turned down, the owner has fewer options; it is up to the Council
- Talking about greed; Council is to represent residents—not developer
- Representing League of Neighborhoods – asked Council not to pass
- People were lining the walls at the Planning and Zoning Commission; 4 students waited 5.5 hours to speak in favor

- Tom Belton, hails from Mesa, set up 14,000 robocalls – what committee did that go through?
- Developers sued Vice Mayor Evans and sent a letter to her requesting she recuse herself from voting
- Concerned with developer meeting with Councilmembers individuals; possible Open Meeting Law violation
- As resident and proud NAU alumni, has heard enough from the developer and Students Matter website
- Shops local and drives through the areas that will be impacted
- Drove by this area and drove by the Grove; this hybrid commercial is inappropriate for that neighborhood
- We all support the university and the students; this is not about that; is about the neighborhood
- Not about to run into these people because they are not from here.
- Landmark should build on the campus; urge you to vote no

This portion of the meeting recessed at 9:24 p.m. and Mayor Nabours noted that the remainder of speakers would be permitted to speak at tomorrow night's meeting beginning at 6:00 p.m. The remainder of the items on the agenda were then discussed after reconvening at 9:40 p.m. *(See the end of these minutes for the July 2, 2014 portion of the minutes)*

- B. **Public Hearing, Consideration and Adoption of Ordinance No. 2014-17:** An ordinance of the City Council of the City of Flagstaff, Arizona, amending the Flagstaff City Code, Title 7, Health and Sanitation, Chapter 7-3, City Water System Regulations, Section 7-03-001-0003, Deposit Required, to change water service deposits; providing for penalties, repeal of conflicting ordinances, severability, authority for clerical corrections, and establishing an effective date. ***(Changing the amount of water service deposits)***

Mr. Wagemaker briefly reviewed this item noting that the City has been charging \$25 for a deposit on utilities for at least 20 years, and they were proposing to increase that to \$150 for residential and \$300 for nonresidential. Discussion was held on the ability to pay the deposit over time.

Mayor Nabours opened the Public Hearing. There being no public input, Mayor Nabours closed the Public Hearing.

Councilmember Woodson returned to the meeting at this time.

After further discussion, Mayor Nabours moved to read Ordinance No. 2014-17 by title only for the first time, with the amendment that payment of the deposit be permitted with one-third up front and the balance paid off over the next two months; seconded; passed unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, TITLE 7, HEALTH AND SANITATION, CHAPTER 7-3, CITY WATER SYSTEM REGULATIONS, SECTION 7-03-001-0003, DEPOSIT REQUIRED, TO CHANGE WATER SERVICE DEPOSITS; PROVIDING FOR PENALTIES, REPEAL OF

CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

- C. **Public Hearing, Consideration and Possible Adoption of Resolution No. 2014-23 and Ordinance No. 2014-15:** A Resolution of the City Council of the City of Flagstaff, Arizona, Declaring that Certain Document Known as "The 2014 BBB Tax Re-Codification Amendments as a Public Record, and Providing for an Effective Date; and an Ordinance of the City Council of the City of Flagstaff, Amending the Flagstaff City Code, Title 3, *Business Regulations*, Chapter 3-06, *Privilege and Excise Taxes*, Chapter 3-06, *Lodging, Restaurant and Lounge Tax*, are Hereby Amended by Adopting "The 2014 BBB Tax Re-Codification Amendments" as Set Forth in that Public Record on File with the City Clerk; Providing for Penalties, Repeal of Conflicting Ordinances, Severability, Authority for Clerical Corrections, and Establishing Effective Dates. ***(Recodification of BBB Tax)***

Mr. Wagemaker stated that nothing is changing in the context of the ordinance; it is just a recodification to place it into the Tax Code

Mayor Nabours opened the Public Hearing. There being no public input, Mayor Nabours closed the Public Hearing.

Councilmember Woodson moved to read Resolution No. 2014-23 by title only; seconded; passed unanimously.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING THAT CERTAIN DOCUMENT KNOWN AS "THE 2014 BBB TAX RE-CODIFICATION AMENDMENTS" AS A PUBLIC RECORD, AND PROVIDING FOR AN EFFECTIVE DATE

Councilmember Woodson moved to read Ordinance No. 2014-15 by title only for the first time; seconded; passed unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, TITLE 3, BUSINESS REGULATIONS, CHAPTER 3-05, PRIVILEGE AND EXCISE TAXES, CHAPTER 3-06, LODGING, RESTAURANT AND LOUNGE TAX, ARE HEREBY AMENDED BY ADOPTING "THE 2014 BBB TAX RE-CODIFICATION AMENDMENTS" BY REFERENCE, AS SET FORTH IN THAT PUBLIC RECORD ON FILE WITH THE CITY CLERK; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

- D. **Public Hearing, Consideration and Adoption of Resolution No. 2014-24, and Consideration and Adoption of Ordinance No. 2014-16:** A Resolution of the City Council of the City of Flagstaff, Arizona, Declaring that Certain Document Known as "The 2014 Use Tax Adoption and Related City Tax Code Amendments" as a Public Record, and Providing for an Effective Date; and an Ordinance of the City Council of the City of Flagstaff, Arizona, Amending the Flagstaff City Code, Title 3, *Business Regulations*, Chapter 3-05, *Privilege and*

Excise Taxes, is Hereby Amended by Adopting "The 2014 Use Tax Adoption and Related City Tax Code Amendments" by reference as Set Forth in that Public Record on File with the City Clerk; Providing for Penalties, Repeal of Conflicting Ordinances, Severability, Authority for Clerical Corrections, and Establishing an Effective Date. (Adoption of local 1% use tax)

Mr. Wagemakerl reviewed this ordinance, noting that it was self-reporting for businesses and individuals. For sales tax customers they would notify them, and for individuals they would put notices in the paper and do outreach.

Mayor Nabours opened the Public Hearing. There being no public input, Mayor Nabours closed the Public Hearing.

Councilmember Brewster moved to read Resolution No. 2014-24 by title only; seconded; passed 6-1 with Mayor Nabours casting the dissenting vote.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING THAT CERTAIN DOCUMENT KNOWN AS "THE 2014 USE TAX ADOPTION AND RELATED CITY TAX CODE AMENDMENTS" AS A PUBLIC RECORD, AND PROVIDING FOR AN EFFECTIVE DATE

Councilmember Brewster moved to read Ordinance No. 2014-16 by title only for the first time; seconded; passed 4-3 with Mayor Nabours and Councilmembers Oravits and Woodson casting the dissenting votes.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, TITLE 3, BUSINESS REGULATIONS, CHAPTER 3-05, PRIVILEGE AND EXCISE TAXES, IS HEREBY AMENDED BY ADOPTING "THE 2014 USE TAX ADOPTION AND RELATED CITY TAX CODE AMENDMENTS" AS SET FORTH IN THAT PUBLIC RECORD ON FILE WITH THE CITY CLERK; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING EFFECTIVE DATES

15. **REGULAR AGENDA**

None

16. **DISCUSSION ITEMS**

None

17. **POSSIBLE FUTURE AGENDA ITEMS**

Verbal comments from the public on any item under this section must be given during Public Participation 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

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

Councilmember Woodson noted that he would be recusing himself from the meeting tomorrow evening due to a conflict, so he would not be present.

Vice Mayor Evans asked that they add the La Plaza Vieja Neighborhood Plan to a future agenda to look at it.

Councilmember Barotz asked that after the Summer Break they look at the Regional Plan just adopted and explore how they can better address the issue of student housing from a policy perspective.

Mr. Burke reported that next week the Executive Session would be starting at 3:00 p.m.

19. **ADJOURNMENT**

Mayor Nabours noted that the meeting would reconvene tomorrow night at 6:00 p.m. (July 2, 2014).

The meeting of July 1, 2014, recessed at 10:19 p.m.

CONTINUATION OF JULY 1, 2014 MEETING

Mayor Nabours reconvened this portion of the July 1, 2014, meeting at 6:02 p.m. on Wednesday, July 2, 2014.

Present:

Absent

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

COUNCILMEMBER WOODSON (COI)

The following individuals then addressed the Council:

- Martha Miranda
- Alycia Lewis
- Dorothy Rissel
- Rober Douglass
- Roz Clark
- Norm Wallen
- Leslie Pickard
- Frankie Madrid

- Tom Bilsten
- Karna Otten
- Connie Kim
- Mauricio Rodriguez
- Sharon Edgar
- Charlie Silver
- Marnie Vail (Martha)
- Tom Bean
- Roxana Deniz

The following comments were received:

- Does not want to lose their house
- Only reason that new housing is needed is because NAU is aggressively attracting new students
- Out of 1.5 hours of testimony last night, no one spoke in favor of development
- 650 students, more than population of Munds Park or Tusayan
- Drivers under 25 years of age are not the most competent
- They are ready and willing to run a referendum against this; 1046 signatures are needed; already have over 30 signed up to help
- Let people come forward with ideas
- Building height out of character
- Displaced residents do not have realistic options
- Need to get the Displacement Ordinance on Council agenda ASAP
- Need to initiate meaningful discussion with NAU
- Find means of incorporating student housing into Regional Plan
- Think “bait and switch”
- Grew up in Sunnyside area; board member for Flagstaff PRIDE
- Northern Arizona Interfaith Council (NAIC) has been doing a lot of work
- Speaking as a representative for NAU Students Matter; proud alumni; serves as advisor to alumni; biggest choices for students is where to live; he asked students in support of this to stay away from meeting last night and tonight to eliminate possibility of fight
- They are being blackmailed—either pass this issue and let them build and residents get some \$ or they sell and get nothing
- Asking the Council to not let threats affect their decision
- Would not want this development in his neighborhood
- Does not want his City complacent about displacement
- Why not have a Neighborhood Services Department?
- Our towns are living systems; not machines susceptible to manipulation
- Need to restructure the process and nurture their living system
- Students are not the only ones needing affordable housing
- Are the developers ready to listen now?

Additionally, the following individuals submitted written opposition:

- Francisca Gonzales
- Emily O-Neil
- Brian Moody
- Dawn Dyer

- Sean Parson
- John Huctgren
- Anamaria Ortiz
- Michelle Thomas
- Sage Nelson
- Zane Shewalter
- Mary McKell
- Gavin Owen Parsons
- Ruth Ann DeCou
- Matt Laessig
- Monica Ferraro
- Jacob Erickson
- Mary L. Chun
- Alycia Lewis
- Norm Wallen
- Marty Eckrem
- Kourtney Dunning
- Tyler Nicole Barnard
- Eva Putzova
- Charlie Silver
- Evan Hawbaker
- James Kennedy
- Cynthia Pardo
- Joe Turner
- Kevin Ordean
- Robert Neustadt
- Cathy Ann Trotta
- Steve Dix
- Margarite Bradley
- Andrew Gould
- Jeremiah Murphy

At this time Mayor Nabours closed the Public Hearing.

Andrew Young, Sr. Vice President of Landmark, said that he was the representative from Landmark at the October 2013 meeting and he has attended three of the four neighborhood meetings since then, the Planning and Zoning Commission meeting and now these two meetings. He said that he would be remiss to not stand before the Council, based on his involvement and what he has heard from staff and the Commission, and not say he is guilty of letting this go too far. It is clear to him, from listening to the comments, there is still a lot of work to be done on this project.

Mr. Young said that their intent has been to be a community partner. His request tonight is to come back to the Council at the mid July meeting and provide a timeline on how to provide some fundamental changes to the project.

Councilmember Barotz said that she has had so many sleepless nights over this. She has been involved with land use in Coconino County for ten years and has seen controversial cases come forward, but she has never seen anything like this. She found

it to be horrifying and saddened and troubled. She asked Mr. Young why they should trust him.

Mr. Young said that they would like to provide a fundamental change to their approach. Some of that mistrust is in the composition of their team and they would like the time to reassess that and have discussions with them.

Councilmember Barotz asked what they could accomplish in two weeks. Mr. Young replied that they would come back to the July 15 meeting with a plan, not a redesigned project. They have made some major changes that are fundamental and redesigns to address some of the concerns.

Mayor Nabours said that the Council takes a break and will be coming back on August 25; perhaps they should postpone until after that time.

Vice Mayor Evans said that she did not believe it was fair to put the residents through another two weeks of waiting. She would need more assurance. They have put her and her child through a lot of stress. She said that they need to be more specific about the reason behind this request because the community wants to be done with it.

Brief discussion was held on whether major changes would need to go back through the Planning and Zoning Commission and start the process over. Ms. D'Andrea noted that if there were major changes made the public would be entitled to see the new project and comment. She said that the Council has the ability to accept or deny the request to continue.

Mr. Young said that there is a difference of perception between himself and the community on what has gone into the project and he is suggesting that they go back and improve on the process. Councilmember Barotz again asked why they should trust him.

Mayor Nabours said that they do not control their business by mob rule and they have legal and other issues that need to be followed.

Councilmember Barotz said that it is an issue of trust. She said that if she cannot ask that question, she asked what was going to be different; if they were going to have a different team, a local team.

Vice Mayor Evans said that with all due respect, right now she is being sued by a member of the developer's team because she set up a meeting to mediate a solution between members. She is now being asked for a "re do" and she believed it was a fair question as to why they should trust him.

At this time, Mr. Young requested to formally withdraw their project.

The meeting of July 1, 2014, continued to July 2, 2014, adjourned at 7:11 p.m.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

STATE OF ARIZONA)
 SS)
County of Coconino)

I, ELIZABETH A. BURKE, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the meeting of the Council of the City of Flagstaff held July 1-2, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 25th day of August, 2014.

CITY CLERK

MINUTES

WORK SESSION
TUESDAY, JULY 8, 2014
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
6:00 P.M.

1. Call to Order

Mayor Nabours called the Flagstaff Work Session of July 8, 2014, to order at 6:07 p.m.

2. Pledge of Allegiance

The audience and City Council 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

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

4. Preliminary Review of Draft Agenda for the July 15, 2014, 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 Woodson asked about Item 9-C; he would like to know the gross purchase minus the trade in. Public Works Section Head Mike O'Connor stated that the total purchase is \$1.1 million before the trade in value. There is roughly half a million dollars in trade in value with the old equipment.

5. 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.

Deborah Harris addressed Council urging them to think carefully about the controversial issues that they get involved in prior to the issues coming before the Council for decisions.

6. Walnut Canyon Study Update

Sustainability Manager Nicole Woodman provided a PowerPoint presentation that covered the following:

- ▶ WALNUT CANYON STUDY AREA
- ▶ WALNUT CANYON STUDY PRESENTATION
- ▶ WALNUT CANYON STUDY BACKGROUND

Jennifer Hensiek with the Forest Service continued the presentation:

- ▶ SURFACE LAND OWNERSHIP
- ▶ OPTIONS DISTILLED FROM PUBLIC MEETINGS AND COMMENT PERIODS
- ▶ CONTINUED FOREST SERVICE MANAGEMENT: OPTION 1
- ▶ CONGRESSIONAL SPECIAL MANAGEMENT: OPTION 2
- ▶ CONGRESSIONAL RESTRICTION: OPTION 3

Councilmember Brewster asked if those with private property within the area would be allowed to sell or develop the property. Ms. Hensiek explained that private property was not addressed in the study but there is no reason that it could not be sold or developed. Councilmember Barotz added that private property rights will not be infringed upon by these options; people who own private property will continue to have access and all rights are maintained.

Utilities Director Brad Hill continued the presentation.

- ▶ EXISTING WATER UTILITY INFRASTRUCTURE
- ▶ LAKE MARY WATER TREATMENT PLANT AND WATERLINES
- ▶ WATER RIGHTS STIPULATION – 2001 SURFACE WATER
- ▶ WATER RIGHTS STIPULATION – 2001 GROUNDWATER

Mayor Nabours asked if there is concern that one of the options may have an adverse effect on utility infrastructure. Mr. Hill stated that it can already take several years to get anything done with the forest service and he is concerned to add any extra layers. He urged Council to consider not doing anything that might reduce or infringe upon existing water rights.

Comprehensive Planning Manager Sarah Dechter continued the presentation.

- ▶ STAFF REVIEW OF OPTION 1
- ▶ STAFF REVIEW OF OPTION 2
- ▶ ADDRESSING CONCERNS OF A SPECIAL DESIGNATION UNDER OPTION 2
- ▶ STAFF REVIEW OF OPTION 3

Councilmember Barotz asked if there were any examples of Option Three. Ms. Dechter stated that Option Three has been proposed in other areas but has never been enacted. Councilmember Barotz then asked if Ms. Hensiek could explain the main issues. Ms. Hensiek stated that the driving issues are resource protection, land disposal, and land exchange.

Councilmember Brewster asked the acreage of the Walnut Canyon Monument. Ms. Hensiek offered that the monument is approximately 3,600 acres. Councilmember Brewster inquired as to why the protection area is ten times larger than the actual monument. Ms. Hensiek explained that the Park Service created seven maps in early 2000 that demonstrated the various resources to be protected and when compiled together they make up the current study area.

Ms. Woodman continued the presentation.

▶ NEXT STEPS

The following individuals addressed Council in favor of Option Two:

- Tom Bean
- Ralph Baierlein
- Joe Richards
- Anthony Quintile
- Earle Hoyt
- Cathy Trotta
- Marilyn Weissman
- Tish Bogan-Ozman
- Kevin Dahl
- Alicyn Gitlin
- Jim McCarthy
- Julia Schwalenstocker

Comments received:

- A special land designation excites more stories and interest and the area would be designated on maps. This designation would be an advantage to Flagstaff.
- The community wants Congressional protection against loss of land and development.
- Tourist activities would be enhanced.
- Life and property could be affected by additional traffic and other unknown factors in the future.

- While in support of Option Two, unsure why the study area has grown to 30,000 acres. The area could be reduced and not endanger any of the goals being proposed.
- Want to make sure that there is continued access to the lands and trails. There is support for all continued uses of the area now, just do not want to see the access limited.
- Option Two offers the greatest protection of natural and cultural resources.
- Option Two is the best way to protect the resources within the study area.
- Option Two will protect the wildlife corridors throughout the study area.
- Keep all current uses available and protect the resources of the study area. Option Two would protect all current uses and protect the area around the monument.
- People will want to develop this land and the purpose of this is to lock the developers out. The area should remain open to current uses and also protect the resources.
- It is important to protect the land, resources and current uses.
- Option Two provides the best protection to the forest around Flagstaff. It is an area that the community has wanted to preserve.

The following individuals addressed Council in favor of keeping things the way they are:

- Craig McMullen
- Duree Shiew
- Joe Ray

Comments received:

- There has been a decline in hunting and angling and the cause of that decline has been well studied with loss of access being a big reason. Continued access to these lands is important as there is a large economic impact with these activities.
- Support the continuation of all currently lawful recreational activities.
- Concerned that access to continue grazing livestock will be affected.
- Further research should be done before making a decision on any option. Leave the area as it is now.

A break was held from 7:33 p.m. through 7:50 p.m.

Mr. Burke stated that the ability to expand recreational activities could be written in to any of the options. Ms. Hensiek stated that the activities could be discussed and recommended but ultimately would have to be approved. Additionally, the Congressional designation could reference the Forest Management Plan that is already in place for the area.

Mr. Burke asked the process for modifying the Forest Management Plan. Ms. Hensiek offered that the process to amend the plan would require an act of NEPA. The effects of the changes would be reviewed and a NEPA process would be needed to integrate a management plan or changes required by Congress. Mr. Burke asked if amendments to the plan can be brought forward by the public or just by the Forest Service. Ms. Hensiek explained that there can be suggestions from the public but the decision to initiate an amendment is that of the Forest Service.

Councilmember Oravits stated that there is a lot of concern about continued access to the area; he asked how it is guaranteed that the access will not change if option two is recommended. Ms. Dechter stated that access might change if impacts are seen with the natural and cultural resources but because there are a significant amount of access points into the study area the reduction of access in one area will not hinder access to the area overall.

Councilmember Barotz stated that Option Two provides the strongest protection against land exchange. Mr. Burke asked Alicyn Gitland to return to the podium to explain the idea of supplemental legislation. Ms. Gitland stated that if the study area was to be given a special designation that would not automatically preclude land trades unless it was specifically written that way. The legislation to create a national area is really dependent on how it is written. If the City wants to make sure that this is specifically an action to prohibit land trades the legislation would have to specifically say that.

Mayor Nabours suggested that a list be compiled of items to be carved out in Option Two. Councilmember Oravits expressed concern with making a list because items may be left out.

Councilmember Overton suggested a general support resolution to one of the options and weigh in on specifics as it is drafted.

Councilmember Woodson suggested a smaller area be Option Two with the larger surrounding area be Option One.

Councilmember Barotz stated that she supports the idea of a national conservation area and identify objectives.

Vice Mayor Evans stated that she would support the idea of a conservation area designated for the study area.

Councilmember Oravits voiced concern about the large area. There are a lot of issues with the travel management plan. There is a lot of concern about access. It is easy to say those are not going to be affected but that might change when it gets into the hands of Congress. He is in support of Option One.

Councilmember Brewster stated that she is in favor of Option Two but would like to see other options with regard to the size of the area.

Mayor Nabours stated that if the decision is based on the presented boundary line he would support Option One. He stated that land exchanges are not as easy as people think they are.

Councilmember Woodson stated that with a different footprint he would support Option Two. With no other options presented he does not want to make a specific choice based on the presented map.

Mr. Burke stated that a majority of Council is in support of Option Two with conditions. Staff will begin drafting a resolution that incorporates the conditions discussed.

7. Discussions on Draft Amendments to the Zoning Code, Division 10-50.100 (Sign Regulations)

Councilmember Barotz was excused from the meeting at 8:40 p.m.

Comprehensive Planning and Code Administrator Roger Eastman stated that staff is attempting to simplify standards for building mounted signs. Staff is trying to loosen the standards so that a business owner will have fewer restrictions on how signs are mounted on the buildings. Currently, there is debate on what to do with the signage related to a building entry; it has been suggested that there should be some signage at the door or primary elevation of the building.

It was asked if it is required to have signage on the entry door indicating the business. Some tenants do not want to have signage and are fine with suite numbers only. Mr. Eastman indicated that this proposal would require signage to be on the door.

Mayor Nabours stated that one of the complaints he has heard is the painting on the inside of glass and the cost associated with permitting that. Mr. Eastman stated that the business name, address, hours of operation and other informational items are included as an exempt sign, not needing a permit.

Councilmember Oravits asked about the clause that prohibits signs facing residential property and how that would work if the entry of the business is facing residential. Mr. Eastman suggested that staff look further into wording that in a way that excludes entry signs.

Mr. Eastman continued with the concept of a free standing sign replacement incentive of 50%.

Councilmember Woodson stated that there are some signs that need to be updated and if an option is given to business there may be a more positive response.

Councilmember Oravits stated that if the goal is to replace the signs, a 50% incentive may not be enough to create a great response.

The City Council agreed to the 50% incentive.

Mr. Eastman moved forward with discussion on freestanding signs. He stated that the type A signs would be increased to 40 square feet and the type B sign would be increased to 32 square feet.

The City Council agreed that staff is on the right track with the freestanding signs.

Mr. Eastman asked Council if they were comfortable with the update to the table on page seven. The Council agreed that the changes were acceptable.

Mr. Eastman moved forward to discuss temporary signs. It will be important to define temporary signs with a finite timeframe. The vertical banner would have to promote a

sale or special event for the business and would be limited to no more than ten consecutive days at a maximum of six times per calendar year.

Councilmember Oravits expressed concern with the enforcement of the policy. Mr. Eastman agreed and stated that staff is working through that and will report back to the Council at a later time.

Mr. Eastman explained that A frame signs may only be placed on the walkway in front of the store assuming that the sign placement maintains ADA requirements.

Councilmember Brewster asked if any signs would be allowed along the roadway. Mr. Eastman stated that no A frames would be allowed but vertical signs would be allowed based on the previously discussed parameters.

Councilmember Oravits stated that it is understandable in higher speed areas but suggested that temporary signs be allowed off the sidewalk for businesses within or near residential areas. Vice Mayor Evans stated in lieu of these signs businesses will have the ability to place a bigger monument sign to add more business names. By allowing a bigger sign and two monument signs it believed that the temporary signage will be reduced.

Mayor Nabours stated that he feels it would be better to allow businesses to decide what type of temporary signs to use understanding that only one sign per 150 feet of frontage.

Mr. Eastman moved on to the downtown area. What is suggested is that there are no A frames signs allowed in the downtown district. The alternative would be for a stanchion sign placed in the amenities area in front of the business. This would be a temporary sign that is limited to no more than ten consecutive days at a maximum of six times per calendar year. This would include the Southside neighborhood to Butler as well. Vice Mayor Evans suggested that the downtown district be defined specifically to avoid any misunderstanding.

Mr. Eastman discussed temporary event signs. The suggestion is for the City to establish structures that allow for community and nonprofit event signs. Five potential locations have been identified. The idea is to develop a structure that would allow a place for display banners at various identified locations. The structures would be placed at safe locations and intersections where people stop and can see the information. There would be no permits necessary for these areas and active enforcement would be a must. Staff is considering two banners at each structure. Additionally, the Beautification and Public Art Commission has agreed to fund the signs with BBB monies.

Mayor Nabours asked for the size limit on the signs that could be placed in the areas. Mr. Eastman stated that the banners could be up to three feet by six feet.

Councilmember Woodson suggested installing some temporary structures and experiment before moving forward with the permanent structure. He asked how the free spiritedness would be accommodated. Mr. Eastman explained that it will be education; it is consistently the same groups who put up these banners.

Vice Mayor Evans suggested adding a third board to each location because there are some months that many will not be able to hang signs with only two boards.

Mr. Eastman explained that there are a number of regulations that are being developed by staff for review by Council.

Mr. Eastman went on to discuss the placement of temporary banners to support NAU sports teams. The suggestion would be to include the signs under the exemption section of government agencies. Mayor Nabours stated that he is concerned about a complete exemption and suggested a possible time limit. Mr. Eastman stated that a time limit could be added along with other standards to determine the area, location and type of banners as well as other things that may arise. Mr. Burke offered that there may be a lot of push back on what constitutes a government entity. There are a lot of sub groups and it will be difficult to determine where they fall in terms of classification.

Charlie Odegaard addressed Council thanking them for their attention to the issue. He suggested that enforcement will be important but also education and information about the changes will be necessary.

Mr. Eastman added that staff is planning to develop a sign handbook that would be available with the new code for business owners to have. Letters will also be sent to all business owners explaining the changes and informing them of the resources available for further information.

8. Follow-up to the May 27, 2014 Council discussion on continued funding towards the Western Navajo Pipeline (WNP) & the North Central Arizona Water Supply Feasibility Study (NCAWSFS)

Utilities Director Brad Hill provided a PowerPoint presentation that covered the following:

- ▶ POLICY QUESTION
- ▶ ISSUES FOR FLAGSTAFF
- ▶ CPWAC PROPOSED FUNDING SCENARIO 2
- ▶ OPTIONS FOR COUNCIL CONSIDERATION: FLAGSTAFF TO TELL CPWAC THAT...

Councilmember Woodson asked if there was an opportunity to commit the \$30,000 subject to a commitment from the other parties to contribute. Councilmember Overton stated that the concern with that would be that it would be somewhat dated when things get going again.

The City Council is in support of Option One.

9. Review of Draft Agenda Items for the July 15, 2014, City Council Meeting.*

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

John Viktora addressed Council regarding texting while driving. He urged Council to strengthen the ordinance to make the use of all electronic devices prohibited while driving.

10. Public Participation

None

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

Vice Mayor Evans requested that the clock in the Council Chambers be fixed as it is no longer keeping correct time.

Councilmember Brewster reported that she had an enjoyable time at Kinsey Elementary School at the First Things First Pre-Kindergarten event.

Mr. Burke asked Deputy City Manager Jerene Watson to give a brief update on the significant rain event that occurred this evening. Ms. Watson stated that all agencies responded to reports of flooding caused by significant rain and hail. Ten families were displaced due to the flooding mainly within the neighborhoods of Swiss Manor and Silar Homes.

Mr. Burke stated that publicity pamphlet for the road repair tax will be sent to the Council for review the last week of July. If there are any comments, please get those in soon because the pamphlets have to be mailed the first week of August. The intent of the information is to try and stay outcome based and away from specific dollar amounts.

Mayor Nabours asked if the Councilmembers are able to put a statement in the publicity pamphlet. Ms. D'Andrea stated that she would like to research that briefly and provide direction to the Council in the near future.

12. Adjournment

The Flagstaff City Council Work Session of July 8, 2014, adjourned at 9:54 p.m.

MAYOR

ATTEST:

CITY CLERK

REGULAR COUNCIL MEETING
TUESDAY, JULY 15, 2014
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M. AND 6:00 P.M.

4:00 P.M. MEETING

1. **CALL TO ORDER**

Mayor Nabours called the Regular Meeting of the Flagstaff City Council of July 15, 2014, to order at 4:02 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

2. **ROLL CALL**

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

Present:

Absent:

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

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

3. **PLEDGE OF ALLEGIANCE AND MISSION STATEMENT**

The City Council and audience recited the Pledge of Allegiance and Mayor Nabours read the City of Flagstaff'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 Regular Meeting of June 17, 2014; and the Special Meeting (Executive Session) of July 8, 2014.

Councilmember Barotz moved to approve the minutes of the City Council Regular Meeting of June 17, 2014; and the Special Meeting (Executive Session) of July 8, 2014; 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:** Transportation Commission.

Councilmember Barotz moved to appoint Derik Spice, Robert Mullen, and Andrew Benally to the Transportation Commission, terms expiring July 2017; seconded; passed unanimously.

Mayor Nabours stated that there had been previous discussion by the Council to reduce commissions to seven members. Deputy City Clerk Stacy Saltzburg addressed Council stating that the previous discussion had only identified a desire to reduce the Beautification and Public Art Commission to seven members from nine. In reviewing the minutes no other commissions were called out for reduction.

- B. **Consideration of Appointments:** Heritage Preservation Commission.

Councilmember Overton moved to appoint Sean Berry to the At-Large position and Jonathan Day to the Historic Property Owner position with terms expiring December 2016; seconded; passed unanimously.

- C. **Consideration of Appointments:** Tourism Commission.

Vice Mayor Evans moved to appoint Janice Russell to the Tourism Commission, term expiring January 2017; seconded; passed unanimously.

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

Mayor Nabours noted that there are currently seven commissioners and one hospitality vacancy. If the Council is going to move forward with the idea of phasing out At-Large members he suggests making this appointment bringing the commission to eight members and wait for the At-Large positions to term out.

Councilmember Brewster moved to appoint Jeremy Myer to the Hospitality position of the Beautification & Public Art Commission, with a term expiring June 2015; seconded; passed unanimously.

- E. **Consideration of Appointments:** Disability Awareness Commission.

Councilmember Brewster moved to appoint Christina Leland to a term expiring March 2017; seconded; passed unanimously.

Ms. Saltzburg addressed Council stating that the appointment that was made to the Tourism Commission is not valid as it has come to staff's attention that the applicant is no longer living in City limits and therefore ineligible. There is a second applicant who is eligible to serve on the commission. Mayor Nabours requested that the item be postponed to the 6:00 p.m. meeting to allow Council an opportunity to review the information.

8. **LIQUOR LICENSE PUBLIC HEARINGS**

- A. **Consideration and Action on Liquor License Application:** Danny Thomas, "New Jersey Pizza Company", 110 S. San Francisco, St. C., Series 12 (restaurant), New License.

Mayor Nabours opened the Public Hearing, there being no public comment he closed the Public Hearing.

Vice Mayor Evans moved to forward the application to the State with a recommendation for approval; seconded; passed unanimously.

9. **CONSENT ITEMS**

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

Councilmember Oravits asked for clarification of the meter prices in item 9-A. Purchasing Director Rick Compau stated that the ¾ inch meter price is \$94.50 and the 1 inch meter price is \$156.00.

- A. **Consideration and Acceptance of Bid:** 2014-79 for Neptune Utility Water Meters (***Purchase of water meters from HD Supply Waterworks Group, Inc.***)

MOTION: Accept bid from HD Supply Waterworks Group, Inc. of Flagstaff, Arizona, for the purchase of Neptune Water Meters in the amount of approximately \$225,000 annually. Authorize the City Manager to execute the necessary documents

- B. **Consideration and Acceptance of Proposal:** Accept the proposal from Aerzen USA Corporation for three (3) High Efficiency Blowers. (***Purchase of three blowers for the Wildcat Wastewater Treatment Plant.***)

MOTION: Accept the proposal and approve the purchase from Aerzen USA Corporation of Coatesville, PA, for the purchase of (3) three high efficiency "Turbo Blowers" in the amount of \$ 692,562.00 plus applicable sales tax. Authorize the City Manager to execute the necessary documents.

- C. **Consideration and Approval of Purchase Under National Intergovernmental Purchasing Alliance Contract:** All-wheel-drive motor graders with snow wing attachments (***Purchase of 3 all-wheel-drive motor graders from Empire Machinery of Flagstaff***)

MOTION: Approve the purchase under National Intergovernmental Purchasing Alliance Contract with Empire Machinery of Flagstaff, Arizona (Empire Southwest, LLC) for the purchase of three (3) all-wheel-drive motor graders with snow wing attachments in the amount of \$677,000, plus the trade in of two (2) 1989 motor graders, one (1) 1990 all-wheel-drive motor grader, two (2) 1988 loaders and one (1) 1991 loader.

Councilmember Woodson moved to approve Consent Items 9-A through 9-C; seconded; passed unanimously.

10. **ROUTINE ITEMS**

- A. **Consideration and approval of Grant Agreement:** Authorizing approval of an Agreement with the U.S. Department of Justice, through the Arizona Criminal Justice Commission, for the Edward Byrne Justice Assistance Grant funds in the amount of \$291,660.00 for the Northern Arizona Street Crimes Task Force (METRO unit).

Councilmember Woodson moved to approve the acceptance of the grant from the U.S. Department of Justice, through the Arizona Criminal Justice Commission, Edward Byrne Justice Assistance Grant funds in the amount of \$291,660.00 for FY2015; seconded; passed unanimously.

- B. **Consideration of Intergovernmental Agreement:** With Coconino County for use of the Hazardous Products Center (HPC) ***(Approve IGA with Coconino County which will allow the City to continue to accept hazardous wastes from Coconino County households and small businesses at the HPC).***

Councilmember Overton moved to approve Intergovernmental Agreement with Coconino County; seconded; passed unanimously.

- C. **Consideration and Approval of Joint Funding Request:** Gauging Station at Newman Canyon Wash.

Councilmember Oravits moved to approve the Agreement with the U.S. Geological Survey (USGS) to contribute \$74,300; seconded; passed unanimously.

- D. **Consideration and Adoption of Ordinance No. 2014-19:** An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code, Title 7, Health and Sanitation, Chapter 7-04, Municipal Solid Waste Collection Service, Section 7-04-001-0009, Fees, by reinstating the \$2.50 per ton Environmental Maintenance Facility Fee, repeal of conflicting ordinances, severability, authority for clerical corrections, and establishing an effective date. ***(Reinstate the \$2.50 per ton landfill tipping fee).***

Mayor Nabours moved to read Ordinance No. 2014-19 by title only for the final time; seconded; passed unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, TITLE 7, HEALTH AND SANITATION, CHAPTER 7-04, MUNICIPAL SOLID WASTE COLLECTION SERVICE, SECTION 7-04-001-0009, FEES, BY REINSTATING THE \$2.50 PER TON ENVIRONMENTAL MAINTENANCE FACILITY FEE, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Mayor Nabours moved to adopt Ordinance No. 2014-19 (effective September 1, 2014); seconded; passed unanimously.

- E. **Consideration and Adoption of Ordinance No. 2014-18:** An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code, Title 3, Business Regulations, Chapter 10, User Fees, Section 3-10-001-0005, Recreation Fees, by increasing certain Parks and Recreation Fees; providing for penalties, repeal of conflicting ordinances, severability, authority for clerical corrections, and establishing an effective date. ***(Increasing recreation fees)***

Mr. Burke stated ice rink users had seen a 17% increase in the fees in FY14 and thought they were looking at a 17% increase in their fees again in FY15. Staff clarified that there was a 17% in FY14 with some of that being catch up in addition to the 7% that the Council approved across the board. In FY15 there will be an increase of 7% that the Council has again approved across the board.

Councilmember Brewster moved to read Ordinance No. 2014-18 by title only for the final time; seconded; passed unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 3, BUSINESS REGULATIONS, CHAPTER 10, USER FEES, SECTION 3-10-001-0005, RECREATION FEES, BY INCREASING CERTAIN PARKS AND RECREATION FEES; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Councilmember Woodson moved to adopt Ordinance No. 2014-18 (and establish an effective date for the recreation fees of September 1, 2014); seconded; passed unanimously.

- F. **Consideration and Possible Adoption of Resolution No. 2014-23 and Ordinance No. 2014-15:** A Resolution of the City Council of the City of Flagstaff, Arizona, Declaring that Certain Document Known as "The 2014 BBB Tax Re-Codification Amendments as a Public Record, and Providing for an Effective Date; and an Ordinance of the City Council of the City of Flagstaff, Amending the Flagstaff City Code, Title 3, *Business Regulations*, Chapter 3-06, *Privilege and Excise Taxes*, Chapter 3-06, *Lodging, Restaurant and Lounge Tax*, are Hereby Amended by Adopting "The 2014 BBB Tax Re-Codification Amendments" as Set Forth in that Public Record on File with the City Clerk; Providing for Penalties, Repeal of Conflicting Ordinances, Severability, Authority for Clerical Corrections, and Establishing Effective Dates. ***(Recodification of BBB Tax)***

Mayor Nabours noted that there is no change in the BBB tax and this makes it more consistent with the Uniform Tax Code.

Mayor Nabours moved to adopt Resolution No. 2014-23; seconded; passed unanimously.

Mayor Nabours moved to read Ordinance No. 2014-15 by title only for the final time; seconded; passed unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, TITLE 3, BUSINESS REGULATIONS, CHAPTER 3-05, PRIVILEGE AND EXCISE TAXES, CHAPTER 3-06, LODGING, RESTAURANT AND LOUNGE TAX, ARE HEREBY AMENDED BY ADOPTING "THE 2014 BBB TAX RE-CODIFICATION AMENDMENTS" BY REFERENCE, AS SET FORTH IN THAT PUBLIC RECORD ON FILE WITH THE CITY CLERK; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING

ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Mayor Nabours moved to adopt Ordinance No. 2014-15; seconded; passed unanimously.

- G. **Consideration and Adoption of Ordinance No. 2014-17:** An ordinance of the City Council of the City of Flagstaff, Arizona, amending the Flagstaff City Code, Title 7, Health and Sanitation, Chapter 7-3, City Water System Regulations, Section 7-03-001-0003, Deposit Required, to change water service deposits; providing for penalties, repeal of conflicting ordinances, severability, authority for clerical corrections, and establishing an effective date. ***(Changing the amount of water service deposits)***

Mayor Nabours stated there is concern about the provision that made it a misdemeanor to not pay the deposit. There are now options to put into the final reading of the ordinance to clarify the language.

Management Services Director Barbara Goodrich stated that language has been added to allow for payment of the deposit over a three month period.

Assistant City Attorney Anja Wendel stated that in Chapter One of the City Code there is a general penalty clause that says it shall be a misdemeanor if no penalty is laid out in the code. The intent here is to clarify what penalty the City Council wants to impose in this situation.

Councilmember Barotz asked if there are other instances within the City Code where it is silent on penalties and therefore defaults to a misdemeanor. Ms. Wendel offered that most of the code is silent; sometimes it is specified as a civil sanction. Mayor Nabours asked if it is a misdemeanor now for someone to not pay their water bill. Ms. Wendel stated that because the code is silent on the matter it would default to the general penalty clause deeming it a misdemeanor; however while that is an option, she is unaware of any instance in which the City has prosecuted for failure to pay a water bill.

Councilmember Oravits asked if it would be better for the City to enter into a contractual agreement with water customers to offer better options for collection of unpaid balances. Ms. Wendel stated that it is an option to enter into a contract with customers however the most practical way to collect on unpaid balances is to collect a deposit at the time of entering into service. Most water accounts are small and the time and effort to enter into a civil lawsuit for collection would not merit a return on investment.

Mayor Nabours asked the criteria for when water is shut off for non-payment. Ms. Wendel stated that there is a shut off provision in the City Code. Ms. Goodrich stated that shut off notification is typically done at 30 days past due with most turn offs occurring at 60 days past due.

Councilmember Barotz asked if the City were to go with a contractual agreement how that would affect the ordinance currently under consideration. Ms. Wendel stated that the Council would still have to elect a remedy for non compliance.

Ms. D'Andrea offered that there is an option for a civil penalty up to \$500, there could be a bigger commercial account that leaves or a large residential water leak that remains unpaid and this identified penalty would allow the City to collect some of the money back if the deposit is not enough to cover it. She stated that she would prefer this option to nothing.

Councilmember Barotz asked if by choosing Option One if the City would be limited to collecting only the \$500. Ms. D'Andrea explained that Option One does not eliminate any debt collection options but allows a civil penalty of \$500 to be assessed rather than a criminal penalty.

Councilmember Oravits requested information on the process of establishing new commercial accounts.

Mayor Nabours moved to read Ordinance No. 2014-17 by title only for the final time selecting Option One; seconded; passed unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 7, HEALTH AND SANITATION, CHAPTER 7-3, CITY WATER SYSTEM REGULATIONS, SECTION 7-03-001-0003, DEPOSIT REQUIRED, TO CHANGE WATER SERVICE DEPOSITS; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Mayor Nabours moved to adopt Ordinance No. 2014-17 and establish an effective date for the deposit adjustments of September 1, 2014; seconded; passed unanimously.

- H. **Consideration and Adoption of Resolution No. 2014-24, and Consideration and Adoption of Ordinance No. 2014-16:** A Resolution of the City Council of the City of Flagstaff, Arizona, Declaring that Certain Document Known as "The 2014 Use Tax Adoption and Related City Tax Code Amendments" as a Public Record, and Providing for an Effective Date; and an Ordinance of the City Council of the City of Flagstaff, Arizona, Amending the Flagstaff City Code, Title 3, *Business Regulations*, Chapter 3-05, *Privilege and Excise Taxes*, is Hereby Amended by Adopting "The 2014 Use Tax Adoption and Related City Tax Code Amendments" by reference as Set Forth in that Public Record on File with the City Clerk; Providing for Penalties, Repeal of Conflicting Ordinances, Severability, Authority for Clerical Corrections, and Establishing an Effective Date. ***(Adoption of local 1% use tax)***

Councilmember Brewster moved to adopt Resolution No. 2014-24; seconded; passed 5–2 with Councilmembers Woodson and Oravits casting the dissenting votes.

Councilmember Brewster moved to read Ordinance No. 2014-16 by title only for the final time; seconded; passed 4–3 with Mayor Nabours and Councilmembers Woodson and Oravits casting the dissenting votes.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, TITLE 3, BUSINESS REGULATIONS, CHAPTER 3-05, PRIVILEGE AND EXCISE TAXES, IS HEREBY AMENDED BY ADOPTING "THE 2014 USE TAX ADOPTION AND RELATED CITY TAX CODE AMENDMENTS" AS SET FORTH IN THAT PUBLIC RECORD ON FILE WITH THE CITY CLERK; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING EFFECTIVE DATES

Councilmember Brewster moved to adopt Ordinance No. 2014-16; seconded; passed 4–3 with Mayor Nabour and, Councilmember Woodson and Oravits casting the dissenting votes.

- I. **Reconsideration of Prior Action: Resolution No. 2014-25:** A resolution authorizing the execution of a Development Agreement between City of Flagstaff and Evergreen - Trax, L.L.C. related to the development of approximately 33.6 acres of real property generally located at the intersection of Route 66 and Fourth Street, Flagstaff, Arizona.

Councilmember Brewster moved to reconsider Resolution No. 2014-25; regarding the development agreement between the City of Flagstaff and Evergreen-Trax; seconded; passed 5–2 with Councilmembers Overton and Barotz casting the dissenting votes.

- i. **Consideration and Adoption of Resolution No. 2014-25:** A resolution authorizing the execution of a Development Agreement between City of Flagstaff and Evergreen - Trax, L.L.C. related to the development of approximately 33.6 acres of real property generally located at the intersection of Route 66 and Fourth Street, Flagstaff, Arizona.

Mayor Nabours stated that the options available have not changed; Option A means developments make a contribution to the bridge, Option B means developments do not make a contribution to the bridge. If there is no bridge contribution then the buyer pays the City an additional amount.

Councilmember Barotz asked if a precedent is being set with this action for properties in which the City is the seller. Ms. D'Andrea stated that the Council is really making the decision now as to what the precedent will be for developers that come into the area and affect the traffic on the bridge. The decision is whether the developers will pay for the widening or if the City would pay for the widening.

Vice Mayor Evans stated that she feels that this is the wrong way to be funding the bridge. It appears that the City is assessing the developments that need a Development Agreement and those that do not require one do not have to pay. New development should pay their fair share but it needs to be done equitably. There is currently impact fees for Police and Fire perhaps the City should look at impact fees related to traffic.

Councilmember Woodson stated that some of the properties don't pay into this because they already have zoning. The assessment would be for developments that are asking to change the zoning on their current land.

Al Schillinger addressed Council asking them to approve the TRAX development agreement without paragraph 7.6 related to the Fourth Street Overpass to allow a more equitable approach to funding.

A break was held from 5:10 p.m. thorough 5:16 p.m.

Mayor Nabours moved to read Resolution No. 2014-25 by title only with the Option B language; seconded; passed 4–3 with Councilmembers Woodson, Overton, and Barotz casting the dissenting vote.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING THAT CERTAIN DOCUMENT KNOWN AS "THE 2014 USE TAX ADOPTION AND RELATED CITY TAX CODE AMENDMENTS" AS A PUBLIC RECORD, AND PROVIDING FOR AN EFFECTIVE DATE

Councilmember Brewster moved to adopt Resolution No. 2014-25; seconded; passed 4–3 with Councilmembers Woodson, Overton, and Barotz casting the dissenting vote.

- J. **Consideration and Approval of Second Amendment of Purchase and Sale Agreement:** Between the City of Flagstaff and Evergreen - TRAX, LLC ("Evergreen"), for the sale of approximately 33.6 acres of property consisting of three parcels located at the southeast and southwest corners of the intersection of Fourth Street and Route 66, and the northwest corner of Fourth Street and Huntington drive adjacent to the Fourth Street Overpass (the "Property").

Mayor Nabours moved to approve the Second Amendment to the Purchase and Sale Agreement between the City of Flagstaff and Evergreen for the development of the Property, and authorize the Mayor to sign the agreement; seconded; passed 5–2 with Councilmembers Barotz and Woodson casting the dissenting votes.

- K. **Consideration and Approval of Intergovernmental Agreement:** Election Services for the August 26, 2014, Primary Election

Vice Mayor Evans moved to approve the Intergovernmental Agreement with Coconino County Elections at a cost of \$2.00 per registered voter; seconded; passed 6-1 with Councilmember Oravits casting the dissenting vote.

- L. **Consideration and Adoption of Ordinance No. 2014-20:** An Ordinance prohibiting the use of wireless communication devices while operating a motor vehicle or bicycle.

Councilmember Woodson moved to read Ordinance No. 2014-20 by title only for the final time; seconded; passed unanimously.

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AMENDING TITLE 9, TRAFFIC, CHAPTER 9-01, TRAFFIC CODE, BY ADDING A NEW SECTION 9-01-001-0013, USE OF WIRELESS COMMUNICATION DEVICES WHILE DRIVING PROHIBITED; EXCEPTIONS; AND PROVIDING FOR PENALTIES

Councilmember Woodson moved to adopt Ordinance No. 2014-20; seconded; passed unanimously.

- M. **Consideration of bid and Approval of the Lease Agreement:** City-Owned Property: Located at 6628 S. Piper Lane (*Lease of property located near the Airport - formerly the FAA facility*)

Councilmember Barotz moved to accept the bid and approve the Lease Agreement with Northern Arizona Healthcare dba Guardian Air for lease payments of \$833.50 per month (\$10,002 annually). The facility will receive intended improvements by lessee at an estimated value of \$200,000. Authorize the City Manager or his designees to execute all necessary documents; seconded; passed unanimously.

RECESS

The Regular Meeting of the Flagstaff City Council held July 15, 2014, recessed at 5:32 p.m.

6:00 P.M. MEETING

RECONVENE

The Regular Meeting of the Flagstaff City Council held July 15, 2014, reconvened at 6:03 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

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

12. **PUBLIC PARTICIPATION**

Emily Davalos addressed Council in regards to The Standard.

Gabor Kovaks addressed Council regarding a buffer zone for Walnut Canyon

Charlie Silver and Amy Lippman addressed Council regarding the repurposing of current Public Works Yard located on Mogollon.

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

- A. **Reconsideration of Prior Action: Consideration of Appointments:** Tourism Commission.

Vice Mayor Evans moved to reconsider item 7-C regarding consideration of appointments to the Tourism Commission; seconded; passed unanimously.

- i. **Consideration of Appointments:** Tourism Commission.

Vice Mayor Evans moved to appoint Ruben Abeyta to a term expiring January 2017; seconded; passed unanimously.

14. **PUBLIC HEARING ITEMS**

None.

15. **REGULAR AGENDA**

- A. **Consideration and Adoption of Resolution No. 2014-29:** A resolution of the City Council of the City of Flagstaff naming two of the trails in Picture Canyon Natural and Cultural Preserve the "Tom Moody Trail" and the "Don Weaver Trail". ***(Approve two Picture Canyon trail dedications).***

Sustainability Specialist McKenzie Jones stated that two trails in Picture Canyon are requested to be named in memory of Tom Moody and Don Weaver.

The following individuals addressed Council in support of the renaming of the two trails in Picture Canyon:

- Robert Mark
- Evelyn Billo
- David Wilcox

Mayor Nabours expressed concern about Dr. Weaver having passed away only a few months ago when the policy states two years with a one year exception.

Councilmember Woodson moved to read Resolution No. 2014-29 by title only; seconded; passed 6–1 with Mayor Nabours casting the dissenting vote.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA NAMING TWO OF THE TRAILS IN THE PICTURE CANYON NATURAL AND CULTURAL PRESERVE THE “TOM MOODY TRAIL” AND THE “DON WEAVER TRAIL”

Vice Mayor Evans moved to adopt Resolution No. 2014-29; seconded passed 6–1 with Mayor Nabours casting the dissenting vote.

- B. **Consideration of Proposals:** Purchase of Property for the Core Services Maintenance Facility (***Consider proposals submitted in response to RFP 2013-44***).

Mayor Nabours stated that the first decision is if the Council wants to move forward with the Baylu property or reject that and all other proposals.

Melanie Campbell addressed Council in opposition to the facility being located on Courtland.

Councilmember Oravits moved to reject all proposals as submitted for Request for Proposal (RFP) 2013-44 for the purchase of property for the Core Services Maintenance Facility and approve the McAllister Ranch property for construction of the Facility; seconded; passed unanimously.

There are two options at this point, conduct another Request for Proposals or consider the McAllister Ranch property. Councilmember Barotz stated that she would like additional information on the McAllister property before she can make a determination. She requested more information on the following:

1. Would the property need to be rezoned. Would a Conditional Use Permit be needed from the City or County. Is annexation possible and viable.
2. Is the area a gateway; more information is needed about landscaping, fencing and screening.
3. Cost of grading and retaining walls.

Mayor Nabours asked about the 500 year flood zone. The maps for the zone have changed recently. Stormwater Manager Malcolm Alter stated that he made

a mistake on the map that was included in the memo that went to Council on September 30, 2013. A probable maximum flood was identified on the map in the memo rather than the 500 year flood. The maps that are available today correctly display the 500 year flood plain.

Planning Director Dan Folke stated that a conditional use permit would be necessary in either jurisdiction. The County would require rezoning to quazi-public district and a conditional use permit; if annexed it would require the same. The property is able to be annexed but some parcels to the west may need to be included. There may be some interest from other property owners to annex.

Councilmember Oravits inquired about future growth and how long the facility would be adequate. Public Works Director Erik Solberg stated that staff feels that the site could expand for a long time. Mayor Nabours asked if the proposed facility is larger than what the City has now. Mr. Solberg stated that in some ways yes; for example, Fleet Services would be a larger facility to work in with higher roofs and more bays. Some areas are transferring to similar sized areas. It will be a more user friendly operational building that what is in use today.

Councilmember Overton stated that it is important to get the most for the money and continue to work with design standards to keep the costs down. There will likely be modifications along the way but the end result should be a quality facility for employees.

Vice Mayor Evans stressed the importance of having a facility that works. She also asked that the City work with the neighborhood of the existing facility to allow them to have input on what happens to the old property. Mr. Solberg agreed offering that meetings will be set up with the neighborhoods to discuss the options and possibilities.

Mr. Burke asked if the Council is comfortable with staff starting to plan for the McAllister site and bring relevant decisions back to the Council for action.

Councilmember Woodson stated that check in and feedback is needed frequently. He offered that his preference is to annex the property and make it part of the City with infrastructure. Councilmember Barotz added that the more information that can be shared with the public the better; frequent updates will keep the Council and the public informed.

A written comment card was received from Rose Houk urging Council to include the neighboring community in discussions about the disposition of the current Public Works Yard property.

The consensus of Council is to have staff move forward with planning on the McAllister property

16. **DISCUSSION ITEMS**

A. **Discussion of City Participation in Community Conversation on Student Housing**

Mr. Burke stated that Supervisor Archuleta had approached him about talking jointly about the scope and format of a community meeting on student housing. Before going any further he wanted to check in with the Council to make sure that the City would be interested in this conversation as well. This is a good opportunity for discussion and receiving community input. He is looking for ideas on how to have an expanded conversation with the community without the formal proceedings of working within the Chambers.

Mayor Nabours suggested a Special Joint Meeting of the City Council and Board of Supervisors in a more informal setting such as the Aquaplex where issues could be identified and someone from the University can give information on intentions, future housing, and other facts related to student housing.

Councilmember Barotz stated that she is not sure that this is an issue for the entire Board of Supervisors. She suggested first determining if this is a concern of the Board collectively or just a select few.

Councilmember Overton offered that he felt that the outcome from the joint session was that of a task force discussion. He expressed concern about putting the City Council and Board of Supervisors together to offer suggestions on policy as he does not feel it would be as effective as desired. Vice Mayor Evans stated that whatever is done, elected officials need to be involved as well as the residents that may be affected by student housing.

Councilmember Woodson stated that there are several projects in the pipeline now and some may be more important than others. NAU has nothing to do with the private properties around them. The university plans, uses, and needs impact the City, but they're not providing the supply. It is a private property issue and goes beyond the discussion with the City and NAU; it is a bigger community discussion.

The following individuals addressed Council in favor of having a conversation with NAU about student housing:

- Marilyn Weismann
- Robert Douglass

A written comment card was received from Alycia Lewis.

Comments that were received:

- The Regional Plan failed to guide the community on where students should live
- It is hoped that the conversation is as inclusive as possible.
- This issue is important to the City.
- Important to ensure controversial situations such as the Arrowhead Trailer Park development do not surface to tear up the community again.

Mr. Burke suggested that Mayor Nabours meet with Supervisor Archuleta to discuss difference components of the meeting. This is would allow them to

aggregate the ideas together and bring back further options for the City Council to consider and weigh in on.

The City Council agreed that they are all interested in participating in the discussion.

Councilmember Barotz requested information on the projects that are upcoming.

17. **POSSIBLE FUTURE AGENDA ITEMS**

Verbal comments from the public on any item under this section must be given during Public Participation 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. **Consideration of Possible Future Agenda Item:** Citizen Petition for Council Consideration of 2011 La Plaza Vieja Neighborhood Plan

Mayor Nabours stated that he received a petition from La Plaza Vieja Neighborhood to move forward with adopting a neighborhood plan.

Mr. Burke stated that Comprehensive Planning and Zoning Manager Roger Eastman would be giving a brief presentation about the components of a neighborhood plan. He clarified that when presented with a petition he is responsible for bringing it before the City Council at the next meeting and the City Council is required to act upon the petition within the next 31 days. The decision to act on the petition is that of determining if the item should be placed on a future agenda.

Mr. Eastman provided a PowerPoint presentation that covered the following:

- ▶ LA PLAZA VIEJA NEIGHBORHOOD PLAN
- ▶ A LOT AS CHANGED SINCE 2011
- ▶ WHAT IS NEEDED TO MOVE FORWARD?
- ▶ COMPREHENSIVE PLANNING PROGRAM
- ▶ PATH FORWARD

Mr. Eastman explained that previous Comprehensive Planning Manager Kim Sharp completed the neighborhood plan in June 2011 at which time she was pulled into the Regional Plan drafting. She was unable to get the internal staff review of the document and did not get an opportunity to go back to the neighborhood. He noted that the current draft of the document may not meet current requirements.

Vice Mayor Evans stated that she was excited to see that the neighborhood submitted the petition and would like the Council to move forward with placing the item on a future agenda. She stated that she would like to see all the areas that have been identified for reinvestment have a neighborhood plan.

A written comment card was submitted by Alycia Lewis in favor of adopting a neighborhood plan.

Three members of the Council were in favor of placing the item on a future agenda.

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

Councilmember Woodson requested a future agenda item for the disposition of the land that is currently occupied by the Public Works Yard. He would like to start that dialogue with the community now in an effort to be prepared when the time comes.

Councilmember Woodson also suggested having a running list of talking points on the various legislation items so that there is consistency in the messaging that is going out from the City Council if contacted.

Vice Mayor Evans clarified that the first Council meeting following summer recess is being held on Monday, August 25, 2014. She also expressed interest in the possible future agenda item of the current public works yard.

Vice Mayor Evans requested a future agenda item on impact fees regarding transportation and traffic issues.

Councilmember Overton encouraged the Council to take advantage of the upcoming time off and go see the facilities that they do not usually get to see.

Councilmember Overton also expressed sincere condolences to the Bacon family.

Councilmember Barotz requested information in the form of a CCR that explains what it means to have a neighborhood meeting. After reviewing the information she may request a future agenda item to look at making adjustments to have a more meaningful process for the community.

Mayor Nabours requested a future agenda item on the following:

- Consider whether it is possible to give some credit to a local company in construction bids because of the carbon impact an out of town company would have. Additionally, consider whether the City can use its discretion on a winter shutdown of construction projects, local companies may be able to work on any given day that weather is good rather than an out of town company having to take time to remobilize the equipment and crew from outside the city.
- Consider if preference or credit can be given to a vendor that hires the disabled; is it something that the City is legally allowed to do.

The Regular Meeting of the Flagstaff City Council held July 15, 2014, adjourned at 7:35 p.m.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

STATE OF ARIZONA)
) SS
County of Coconino)

I, ELIZABETH A. BURKE, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the meeting of the Council of the City of Flagstaff held July 15, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 25th day of August, 2014.

CITY CLERK

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Heidi Hansen, CVB Director
Co-Submitter: Jerene Watson, Deputy City Manager
Date: 08/13/2014
Meeting Date: 08/25/2014



TITLE

Report on Flagstaff Convention and Visitors Bureau Awards and Recognition

RECOMMENDED ACTION:

Information only

INFORMATION

With the support of Economic Vitality Division Director, Stacey Button, and under the direction of Heidi Hansen, Convention and Visitors Bureau Director, our dedicated staff has brought Flagstaff into the limelight through the following Awards and Recognition Received:

Arizona Governor's Tourism Awards – Innovative Promotions for Flagstaff Reimaging
Arizona Interactive Marketing Association – Best Display Ad
MARCOM Awards – Platinum Winner for Branding Refresh
MARCOM Awards – Gold Winner for Advertising Campaign
Communicator Awards – Gold Award for Outdoor Advertising - for light rail and king kong bus wraps
Communicator Awards – Silver Award for Destination Website
Communicator Awards – Silver Award for Integrated Branding Campaign

Thanks goes not only to Heidi, but the entire CVB team members who were responsible for bringing this effort together: Our creative and sales team of Heather Ainardi, Jennifer Schaber, Joanne Hudson, Michael Russell and Joyce Lingenfelter, along with Visitors Center staff Jessica Lawrence and Craig Rose, Andy Boyd, Carolyn Pinnick, Anna Goodman, Marsha Almarez, and Marie Green with the assistance of support staff member Carrie Nelson. Their extraordinary work on our City's branding campaign really hit it out of the park, and tonight I ask you to join me in applauding their creative talents that help bring visitors as an economic driver to our City.

CONNECTION TO COUNCIL GOALS AND/OR REGIONAL PLAN:

COUNCIL GOALS:

5. Retain, expand, and diversify economic base

REGIONAL PLAN:

Policy ED.6. 1 Support and promote the diversification and specialization of the tourism sector.

Attachments:

Form Review

Inbox	Reviewed By	Date
Economic Vitality Director	Stacey Button	08/13/2014 03:36 PM
DCM - Jerene Watson	Jerene Watson	08/14/2014 04:14 PM
Form Started By: Heidi Hansen		Started On: 08/13/2014 12:50 PM
	Final Approval Date: 08/14/2014	

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 08/12/2014
Meeting Date: 08/25/2014



TITLE:

Consideration of Appointments: Airport Commission.

RECOMMENDED ACTION:

Make two appointments to terms expiring October 2015.

Policy Decision or Reason for Action:

By making the above appointments, the Airport Commission will be at full membership.

There are five applications on file and they are as follows:

Beth Applebee (new applicant)
Brian Cox (new applicant)
Terry Greene (new applicant)
William Hagan (new applicant)
Jeff Wheless (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:

None.

Options and Alternatives:

- 1) Appoint two Commissioners: by appointing two members at this time, the Airport Commission 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 Airport Commission consists of seven citizens serving three-year terms. There are currently two seats available.

The Airport Commission is responsible for reviewing and reporting to the Council on the development of the Airpark and on matters affecting the operation and efficiency of the airport, using the Airport Master Plan as a guide.

Key Considerations:

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

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 these vacancies though word of mouth in addition to the vacancies being posted on the City's website.

Expanded Options and Alternatives:**COUNCIL INTERVIEW TEAM:**

Mayor Nabours
Councilmember Barotz

Attachments: [Airport Commission Roster](#)
 [Airport Commission Authority](#)
 [Airport Commission Applicant Roster](#)
 [Airport Commission Applications](#)

Form Review

Form Started By: Stacy Saltzburg

Started On: 08/12/2014 02:34 PM

Final Approval Date: 08/14/2014



City of Flagstaff, AZ

AIRPORT COMMISSION MEMBERS

<u>NAME</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>	<u>TRAINING COMPLETED</u>
<u>Brace, Roger</u> Facility Electrical/W. L. Gore 603 W. Beal Rd. Flagstaff, AZ 86001 Home Phone: 928-556-9123 Term: 1st	06/07/2011	10/14	10/20/2011
<u>Evans, Matthew</u> Vice-President/Relationship Mgr./National Bank of America 2138 Tombaugh Way Flagstaff, AZ 86001 Cell Phone: 928-600-1387 Term: (1st 1/08 -10/10; 2nd 10/10-10/13; 3rd 10/13-10/16	12/03/2013	10/16	No
<u>Hagan, Mary Lou</u> Retired 4100 N. Fanning Dr. Apt. 4 Flagstaff, AZ 86004 Home Phone: 928-255-5621 Term: (1st 12/13-10/16)	12/03/2013	10/16	No
<u>Keegan, Jack</u> CHAIRMAN Retired 3295 S. Tehama Circle Flagstaff, AZ 86001 Home Phone: 928-266-0889 Term: (1st 10/08 - 10/11; 2nd 10/11 - 10/14)	02/07/2012	10/14	10/08/2008



City of Flagstaff, AZ

<u>Shankland, Paul</u>	02/07/2012	10/14	No
Director and Installation Commander/U.S. Navel Observatory 3217 West Lois Lane Flagstaff, AZ 86001 Home Phone: 336-508-6317 Term: (1st 2/12 - 10/14)			
<u>Z-VACANT,</u>		10/15	No
<u>Z-VACANT,</u>		10/15	No

Staff Representative: Barney Helmick

As Of: August 12, 2014

CHAPTER 2-11
FLAGSTAFF AIRPORT COMMISSION

SECTIONS:

<u>2-11-001-0001</u>	COMMISSION CREATED:
<u>2-11-001-0002</u>	COMPOSITION; TERMS:
<u>2-11-001-0003</u>	ORGANIZATION:
<u>2-11-001-0004</u>	COMPENSATION:
<u>2-11-001-0005</u>	MEETINGS:
<u>2-11-001-0006</u>	ACTIONS OF THE COMMISSION:

SECTION 2-11-001-0001 COMMISSION CREATED:

There is hereby established the Flagstaff Airport Commission to be composed of seven¹ (7) members who shall meet as hereinafter provided to consider and deliberate upon matters of concern to the City Council and citizens that affect the operation and efficiency of the airport toward the end of providing an optimum level of services within available resources using the Airport Master Plan as a basic guide. (Ord. 1897, 11/21/95)

(Ord. No. 1897, Amended, 11/21/95)

SECTION 2-11-001-0002 COMPOSITION; TERMS:

The composition of the membership of the Commission shall be as follows:

A. A Councilmember, designated by the City Council, to serve as a non-voting, ex-officio member. (Res. 1045, 9-20-77)

B. Seven (7) members to be appointed by the City Council who shall serve for three (3) year terms, on a staggered basis. (Ord. 1897, 11/21/95)

C. Ex-Officio Members: The following persons shall be ex-officio members of the Commission, but shall have no vote:

The Mayor
The City Manager
The Airport Manager
The FAA Tower Operator

D. A quorum shall be one more than half the voting members.

(Ord. No. 1897, Amended, 11/21/95); (Ord. No. 2007-03, Amended 02/06/2007)

¹ Ordinance No. 1897, adopted 11/21/95, reduced the amount of membership from nine to seven; however, when the final ordinance was printed and signed, the numbers had inadvertently been reversed. The City Code reflects the intent of the action taken by the City Council.

SECTION 2-11-001-0003 ORGANIZATION:

At the first meeting after appointment and at the first meeting held in any calendar year thereafter, the members of the Commission shall elect a Chairperson and Vice-Chairperson. (Ord. No. 2007-03, Amended 02/06/2007)

SECTION 2-11-001-0004 COMPENSATION:

The members of the Commission may be reimbursed by the City for necessary travel and subsistence expenses, but shall not receive compensation for their services. Any such travel must be approved in advance by the City Council or the City Manager with all budgetary considerations taken into account.

SECTION 2-11-001-0005 MEETINGS:

The Commission shall hold regular monthly meetings, which shall at all times be open to the public, the time and place of said meetings shall be posted in accordance with any currently applicable Arizona State Statutes regulating public meetings and proceedings (open meeting laws). Special meetings may be called by the Chairperson on twenty-four (24) hours' notice.

SECTION 2-11-001-0006 ACTIONS OF THE COMMISSION:

A. The Commission, with the consent of the City Manager, may call on all City divisions for assistance in the performance of its duties, and it shall be the duty of such divisions to render such assistance to the Commission as may be reasonably required.

B. All discussions, deliberations, actions and recommendations of the Commission shall be advisory to the City Council, and such advisories as the Commission may from time to time make shall be forwarded to the City Council through the City Manager. (Res. 1045, 9-20-77)



City of Flagstaff, AZ

AIRPORT COMMISSION APPLICANTS

<u>NAME</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>	<u>TRAINING COMPLETED</u>
<u>Applebee, Beth</u> Executive Director/Northern Arizona University 1621 Slippery Rock Rd. Flagstaff, AZ 86004 Cell Phone: 928-699-9784			No
<u>Cox, Brian</u> Owner/Farmers Insurance/RT 66 Limo 1920 W. University Heights Drive N. Flagstaff, AZ 86005 Home Phone: 928-707-2886			No
<u>Greene, Terry</u> Architect/Self Employed PO Box 2636 Flagstaff, AZ 86003 Cell Phone: 650-799-1837			No
<u>Hagan, William</u> Retired 4100 N. Fanning Dr. Apt. 4 Flagstaff, AZ 86004 Home Phone: 928-255-5621			No
<u>Wheless, Jeff</u> N. America Aerospace & Defense Research Lead/Accenture 4683 South House Rock Trail Flagstaff, AZ 86005 Cell Phone: 480-239-2414			No

Staff Representative: **Barney Helmick**

As Of: August 22, 2014

Stacy Saltzburg

From: noreply@civicplus.com
Sent: Monday, August 18, 2014 1:34 PM
To: Elizabeth Burke; Stacy Saltzburg
Subject: Online Form Submittal: Board/Commission Application

Categories: Green Category

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 public information.

Date:* 08/18/2014
Board/Commission you wish to serve on:* Airport Commission
If applicable, type of seat for which you are qualified:

Your Information

Name:* Beth Applebee Home Phone:* 928-522-0647
Home Address:* 1621 Slippery Rock Rd. Zip:* 86004
Mailing Address (If different from above):
Employer:* Northern Arizona University Job Title:* Executive Director
Business Phone: Cell: 928-699-9784
E-mail:* Beth.Applebee@nau.edu
Indicate preferred telephone:*
() Home (X) Cell
() Work
Please indicate age group:*
() 18-34 () 55+
(X) 35-54
Please indicate education:*
() High School (X) Post Graduate
() College
Number of years living in the Flagstaff area:* 36

Background Information

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

I have 30 years of experience working for Northern Arizona University. Much of the university's work is done through committee/board type work. I also have worked on several community groups such as Coconino County Health Pandemic Preparedness for Northern Arizona and the Northern Region Healthcare Coalition. I have also participated in community-wide emergency preparedness drills and have received high-level ICS (Incident Command System) training. I have served as Incident Commander for several emergencies at NAU. I mention these responsibilities to demonstrate my experience working with groups of people to get work done. I see the role of citizens serving on commissions as a critical function of our governance. The citizens can provide the perspective of the users and provide feedback on whether the service is meeting the needs of the community served.

Why do you want to serve on the board or commission you listed?

I have particular interest in the Airport Commission as I am a user of the services both commercially and as a private pilot. I am interested in how the airport meets the need of the Flagstaff community now and into the future.

By submitting this electronic form, I acknowledge that any information provided above is public information, 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:: 08/18/2014

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

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

Name:: Beth Applebee

Home Phone:: 928-522-0647

Home Address:: 1621 Slippery Rock Rd.

Zip:: 86004

Mailing Address (If different from above)::

Employer:: Northern Arizona University

Job Title:: Executive Director

Business Phone::

Cell:: 928-699-9784

E-mail:: Beth.Applebee@nau.edu

Indicate preferred telephone:: Cell

Please indicate age group:: 35-54

Please indicate education:: Post Graduate

Number of years living in the Flagstaff area:: 36

Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.: I have 30 years of experience working for Northern Arizona University. Much of the university's work is done through committee/board type work. I also have worked on several community groups such as Coconino County Health Pandemic Preparedness for Northern Arizona and the Northern Region Healthcare Coalition. I have also participated in community-wide emergency preparedness drills and have received high-level ICS (Incident Command System) training. I have served as Incident Commander for several emergencies at NAU. I mention these responsibilities to demonstrate my experience working with groups of people to get work done. I see the role of citizens serving on commissions as a critical function of our governance. The citizens can provide the perspective of the users and provide feedback on whether the service is meeting the needs of the community served.

Why do you want to serve on the board or commission you listed?: I have particular interest in the Airport Commission as I am a user of the services both commercially and as a private pilot. I am interested in how the airport meets the need of the Flagstaff community now and into the future.

Stacy Saltzburg

From: noreply@civicplus.com
Sent: Monday, July 07, 2014 1:22 PM
To: Elizabeth Burke; Stacy Saltzburg
Subject: Online Form Submittal: Board/Commission Application

Categories: Green Category

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 public information.

Date:* 07/07/2014
Board/Commission you wish to serve on:* Airport Commission
If applicable, type of seat for which you are qualified:

Your Information

Name:*	Brian Cox	Home Phone:*	928-707-2886
Home Address:*	1920 W. University Hts Dr N	Zip:*	86005
Mailing Address (If different from above):			
Employer:*	Farmers Insurance / RT 66Limo	Job Title:*	Owner
Business Phone:	928-774-5433	Cell:	928-606-0696
E-mail:*	BRIAN@RT66LIMO.COM		
Indicate preferred telephone:*	(X) Home () Work	() Cell	
Please indicate age group:*	() 18-34 (X) 35-54	() 55+	
Please indicate education:*	() High School (X) College	() Post Graduate	
Number of years living in the Flagstaff area:*	13		

Background Information

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

Owning a limousine and car service, I have a vested interest in the operation of the airport and tourism industry in Flagstaff. I have many contacts and friends whose livelihood depends on the airport facilities and the impact it has on our community. My wife is employed by US Airways, so our medical insurance is directly tied to the airport operations. Why do you want to serve on the board or commission you listed?

I would like to serve on this commission because of the amount of impact it has on the community and on myself personally. The growth and management of Pulliam Airport is vital to our economy in so many ways. Helping to guide our airport in the future will enable me to give back to the airport that has helped my business, my family and my community. I have contracted with Clear Channel Media and will be one the major advertisers at the airport for the next 3 years.

By submitting this electronic form, I acknowledge that any information provided above is public information, 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:: 07/07/2014

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

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

Name:: Brian Cox

Home Phone:: 928-707-2886

Home Address:: 1920 W. University Hts Dr N

Zip:: 86005

Mailing Address (If different from above)::

Employer:: Farmers Insurance / RT 66Limo

Job Title:: Owner

Business Phone:: 928-774-5433

Cell:: 928-606-0696

E-mail:: BRIAN@RT66LIMO.COM

Indicate preferred telephone:: Home

Please indicate age group:: 35-54

Please indicate education:: College

Number of years living in the Flagstaff area:: 13

Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.: Owning a limousine and car service, I have a vested interest in the operation of the airport and tourism industry in Flagstaff. I have many contacts and friends whose livelihood depends on the airport facilities and the impact it has on our community. My wife is employed by US Airways, so our medical insurance is directly tied to the airport operations.

Why do you want to serve on the board or commission you listed?: I would like to serve on this commission because of the amount of impact it has on the community and on myself personally. The growth and management of Pulliam Airport is vital to our economy in so many ways. Helping to guide our airport in the future will enable me to give back to the airport that has helped my business, my family and my community. I have contracted with Clear Channel Media and will be one the major advertisers at the airport for the next 3 years.

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

RECEIVED

JUL 21 2014

RETURN TO: CITY CLERK'S OFFICE, 211 WEST ASPEN AVENUE, FLAGSTAFF, AZ 86001

PLEASE NOTE THAT THIS INFORMATION IS PUBLIC INFORMATION.
APPLICATIONS WILL BE KEPT ON FILE FOR ONE YEAR!

DATE: July 15, 2014

BOARD/COMMISSION YOU WISH TO SERVE ON: Airport Commission

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

YOUR NAME: Terry W. Greene HOME PHONE: 928-266-0231

HOME ADDRESS: 3706 N. Paradise Rd ZIP: 86004

MAILING ADDRESS (If Different from Above): P.O. Box 2636, Flagstaff, AZ. 86003

EMPLOYER: Self Employed JOB TITLE: Architect (California 14067)

BUS. PHONE: 928-266-0231 CELL: 650-799-1837 E-MAIL: twgreene@earthlink.net

PLEASE INDICATE PREFERRED TELEPHONE: ☐ HOME ☐ WORK ☒ CELL

PLEASE INDICATE AGE GROUP: ☐ 18-34 ☐ 35-54 ☒ 55+

PLEASE INDICATE EDUCATION: ☐ High School ☐ College ☒ Post Graduate

NUMBER OF YEARS LIVING IN THE FLAGSTAFF AREA: 2 yrs (1991 - 1993)

(residential property owner since 1992 - returned to occupy full time in June 2014)

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

See Attachment

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

See Attachment

I UNDERSTAND THAT ANY INFORMATION PROVIDED ABOVE IS PUBLIC INFORMATION 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.

Attachment

City of Flagstaff
Application to Serve on the Airport Commission
Terry W. Greene
July 15, 2014

Background Information - in descending order:

- Served the City of Cupertino as City Architect for 11 years managing the capital improvement program; supervised the development, design and construction of a variety of civic projects including a civic center, library, community hall, pedestrian bridge, community parks, bicycle and pedestrian trails, and stream and habitat restoration
- Served the City of San Jose as a Senior Architect for 3 years supervising the landside terminals, parking garages, and traffic circulation of the San Jose Airport master plan as well as the development, design and construction of the International Arrivals Facility
- Worked as a project manager for Bechtel International for 2 years in the development and design of a theme park and a combined luxury city in the middle east
- Served the City of San Jose as a Senior Architect for 3 years and managed the city hall master plan and a variety of library, park, community hall, and fire station projects
- Worked for W. L. Gore and Associates for 2 years in Flagstaff, Arizona
- Served the San Jose Redevelopment Agency as a Senior Construction Manager for 5 years supervising consultants and staff in the construction of the convention center and the design of the arena
- Served in the California Air National Guard at Moffett Field for 6 years as a Base Civil Engineer and as a search and rescue helicopter pilot
- Worked in several California private architectural practices for 9 years
- Served in the Montana Army National Guard for 3 years as a helicopter pilot while attending college
- Attended Auburn University for 2 years in architecture and graduated from Montana State University with a Bachelor of Architecture - awarded a retroactive Master of Architecture in 2013 by Montana State University
- Received an FAA Commercial Pilot Certificate for single and multi-engine airplanes and helicopters
- Served on active duty in the Army between 1966 and 1972 as a helicopter mechanic, Artillery officer, helicopter pilot in Viet Nam, flight instructor, flight examiner, and assistant director of the Army's cargo helicopter training program

Reasons I wish to serve:

I, and my wife Susan, came to this community in 1991 with our two young children, while we were on vacation from California. We jumped at the chance several months later to move here and work for W. L. Gore, and we bought a home on Paradise Road. Our family ties in Arizona go all the way back to 1908 in Williams, where my grandparents raised their family, so moving to Flagstaff was like coming home. But, as life would have it, we were lured back to California for many more years of interesting and demanding work. Now, we're back home in Flagstaff, for good.

I believe that, with my years of aviation experience, and my years of collaborative work experience with the senior staff in other cities, I can assist the Flagstaff City staff and Council in their efforts to promote the airport as a valuable regional resource into the future. It would be an honor to serve on the Airport Commission.



Terry W. Greene

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: 08/08/2013

BOARD/COMMISSION YOU WISH TO SERVE ON: Airport

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

YOUR NAME: William T. Hagan **HOME PHONE:** 928-255-5621

HOME ADDRESS: 4100 N. Fanning Dr., Apt 4, Flagstaff, AZ **ZIP:** 86004

MAILING ADDRESS (If Different from Above):

EMPLOYER: Retired **JOB TITLE:**

BUS. PHONE: **CELL:** 856-316-2314 **E-MAIL:**

PLEASE INDICATE PREFERRED TELEPHONE: ☒ HOME ☐ WORK ☐ CELL

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

30 Years Quality Control Inspector
13 Years Transportation Employee
Instrumented Rated Private Pilot
Angel Flight Pilot
Homeland Security Aviation First Responder

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

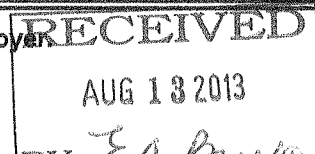
EAA Young Eagle Flight Leader
Volunteer Pilot for Marine Mammal Stranding Center

I can bring practical Aviation Knowledge and experience to the Board. I have extensive aircraft knowledge.

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



Stacy Saltzburg

From: noreply@civicplus.com
Sent: Wednesday, January 15, 2014 3:44 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:

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Application to Serve on a Board/Commission

Please note that this information is public information.

Date:* 01/15/2014

Board/Commission you wish to serve Airport

on:*

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

Your Information

Name:*	Jeff Wheless	Home	480-239-2414
		Phone:*	
Home Address:*	4683 South House	Zip:*	86005
	Rock Trail		
Mailing Address (If different from above):	4683 South House Rock Trail		
Employer:*	Accenture	Job	N. America Aerospace & Defense Research
		Title:*	Lead (Growth & Strategy)
Business Phone:	480-239-2414	Cell:	480-239-2414
E-mail:*	jeff@wheless.com		
Indicate preferred telephone:*	<input type="radio"/> Home	<input checked="" type="radio"/> Cell	
	<input type="radio"/> Work		

Background Information

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

I have broad experience in the aviation field along with leadership skills in both business and community organizations. I am the local squadron leader of the Civil Air Patrol, with 30+ members. I am an instrument-rated private pilot and fly frequent Search and Rescue (SAR) flights. Additionally, I am active with Scouting and supporting Science, Technology, Engineering and Math (STEM) outreach to local schools. Professionally, I lead the aerospace industry research for Accenture, a leading global technology firm, providing management and technology consulting services to the major aerospace and defense corporations. As part of my role, I regularly meet with senior business leaders across the aviation industry and attend key trade events. Additionally, I track and advise companies on a broad range of FAA and EASA (Europe) regulatory issues. While at Accenture and at prior firms, I have had leadership roles in the areas of marketing, strategy, business development, aircraft maintenance & repair, field operations and program management. These community, aviation and business experiences combine to provide a well-rounded base to draw from for active involvement on the Airport Commission.

Why do you want to serve on the board or commission you listed?

I have been increasingly active in the community since moving to Flagstaff two years ago. My local involvement combined with my broad experience as a business leader in the aviation field provides a solid foundation for providing insight into community needs and bringing to bear insightful industry thought leadership. I hope that I can be an active resource to help accelerate the growth and development strategies to address both community and business objectives. As a passionate resident of Flagstaff and Northern Arizona, I desire to become more involved in the community and see the Airport and adjacent Airport as a key driver for that growth and development.

By submitting this electronic form, I acknowledge that any information provided above is public information, 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:: 01/15/2014

Board/Commission you wish to serve on:: Airport

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

Name:: Jeff Wheless

Home Phone:: 480-239-2414

Home Address:: 4683 South House Rock Trail

Zip:: 86005

Mailing Address (If different from above):: 4683 South House Rock Trail

Employer:: Accenture

Job Title:: N. America Aerospace & Defense Research Lead (Growth & Strategy

Business Phone:: 480-239-2414

Cell:: 480-239-2414

E-mail:: jeff@wheless.com

Indicate preferred telephone:: Cell

Please explain how your community activities and other relevant experience/interests are applicable to this board or commission.: I have broad experience in the aviation field along with leadership skills in both business and community organizations.

I am the local squadron leader of the Civil Air Patrol, with 30+ members. I am an instrument-rated private pilot and fly frequent

Search and Rescue (SAR) flights. Additionally, I am active with Scouting and supporting Science, Technology, Engineering and Math (STEM) outreach to local schools.

Professionally, I lead the aerospace industry research for Accenture, a leading global technology firm, providing management and technology consulting services to the major aerospace and defense corporations. As part of my role, I regularly meet with senior business leaders across the aviation industry and attend key trade events. Additionally, I track and advise companies on a broad range of FAA and EASA (Europe) regulatory issues. While at Accenture and at prior firms, I have had leadership roles in the areas of marketing, strategy, business development, aircraft maintenance & repair, field operations and program management.

These community, aviation and business experiences combine to provide a well-rounded base to draw from for active involvement on the Airport Commission.

Why do you want to serve on the board or commission you listed?: I have been increasingly active in the community since moving to Flagstaff two years ago.

My local involvement combined with my broad experience as a business leader in the aviation field provides a solid foundation for providing insight into community needs and bringing to bear insightful industry thought leadership.

I hope that I can be an active resource to help accelerate the growth and development strategies to address both community and business objectives. As a passionate resident of Flagstaff and Northern Arizona, I desire to become more involved in the community and see the Airport and adjacent Airpark as a key driver for that growth and development.

Additional Information:

Form submitted on: 1/15/2014 3:43:38 PM

Submitted from IP Address: 184.101.152.164

Referrer Page: <http://www.flagstaff.az.gov/index.aspx?NID=1883>

Form Address: <http://az-flagstaff3.civicplus.com/Forms.aspx?FID=166>

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 08/13/2014
Meeting Date: 08/25/2014



TITLE:

Consideration and Action on Liquor License Application: Devendrabhai Patel, "India Palace", 103 W. Birch Ave., Series 12 (restaurant), New License.

RECOMMENDED ACTION:

Hold 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:

Devendrabhai Patel is the agent for a new Series 12 (restaurant) liquor license for India Palace.

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 such recommendation.

Background/History:

An application for a new Series 12 liquor license was received from Devendrabhai Patel for India Palace.

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

A background investigation performed by Tom Boughner, Code Compliance Manager 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 a new license, consideration may be given to both the location and the applicant's personal qualifications.

A Series 12 license allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

The deadline for issuing a recommendation on this application is September 8, 2014.

The applicant is not required to provide the distance between the applicant's business and the nearest church or school for government; and 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 Involvement:

The application was properly posted on July 31, 2014.

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: [India Palace - Letter to Applicant](#)
 [Hearing Procedures](#)
 [Series 12 Description](#)
 [India Palace - PD Memo](#)
 [India Palace - Code Memo](#)
 [India Palace - Tax Memo](#)

Form Started By: Stacy Saltzburg

Started On: 08/13/2014 09:01 AM

Final Approval Date: 08/14/2014

OFFICE OF THE CITY CLERK

August 13, 2014

India Palace
Attn: Devendrabhai Patel
103 W. Birch Ave.
Flagstaff, AZ 86001

Dear Mr. Patel:

Your application for a Series 12 new liquor license for India Palace at 103 W. Birch Ave., was posted on July 31, 2014. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on **Monday, August 25, 2014 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 is set to expire on August 20, 2014 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 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. The presiding officer will then close the public hearing.
8. The Council will then, by motion, vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

R19-1-702. Determining Whether to Grant a License for a Certain Location

- A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:
1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;
 2. Number and types of licenses within one mile of the proposed premises;
 3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;
 4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;
 5. Residential and commercial population density within one mile of the proposed premises;
 6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;
 7. Effect on vehicular traffic within one mile of the proposed premises;
 8. Compatibility of the proposed business with other activity within one mile of the proposed premises;
 9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;
 10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;
 11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and
 12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.
- B. This Section is authorized by A.R.S. § 4-201(I).

License Types: Series 12 Restaurant License

Non-transferable

On-sale retail privileges

Note: Terms in **BOLD CAPITALS** are defined in the [glossary](#).

PURPOSE:

Allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:

An applicant for a restaurant license must file a copy of its restaurant menu and Restaurant Operation Plan with the application. The Plan must include listings of all restaurant equipment and service items, the restaurant seating capacity, and other information requested by the department to substantiate that the restaurant will operate in compliance with Title 4.

The licensee must notify the Department, in advance, of any proposed changes in the seating capacity of the restaurant or dimensions of a restaurant facility.

A restaurant licensee must maintain complete restaurant services continually during the hours of selling and serving of spirituous liquor, until at least 10:00 p.m. daily, if any spirituous liquor is to be sold and served up to 2:00 a.m.

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.

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.

MEMORANDUM

Memo # 14-082-01

TO: Chief Kevin Treadway

FROM: Sgt. Matt Wright

DATE: August 12, 2014

RE: LIQUOR LICENSE APPLICATION – SERIES 12- FOR “Indian Palace”

On August 12, 2014, I initiated an investigation into an application for a series 12 (restaurant) liquor license filed by Devendrabhai Patel (Agent), Jignasha Patel (Controlling Person), and Bhavenesh Patel (Controlling Person). Indian Palace is located at 103 W. Birch in Downtown Flagstaff. This is an application for the new series 12 license #12033364.

I conducted a query through local systems and public access on Devendrabhai Patel, Jignasha Patel, and Bhavenesh Patel and nothing negative was found. I spoke with Jignasha at his restaurant. Jignasha said he would help with the operation of the restaurant but the primary manager will be Devendrabhai. Jignasha said they are currently operating without a liquor license and understood his obligations that the series 12 license requires. Devendrabhai Patel, Jignasha Patel, and Bhavenesh Patel have not attended the mandatory liquor law training course yet but plan to do so.

No liquor law violations could be located for Devendrabhai Patel, Jignasha Patel, and Bhavenesh Patel as this will be their first liquor license.


As a result of this investigation, I can find no reason to oppose this series 12 liquor license application. Recommendation to Council would be for approval.




Planning and Development Services Memorandum

August 13, 2014

TO: Stacy Saltzburg, Deputy City Clerk

THROUGH: Roger E. Eastman, AICP, Comprehensive Planning and Code Administrator 

FROM: Tom Boughner, Code Compliance Mgr. 

RE: Application for Liquor License #12033364
103 West Birch Avenue, Flagstaff, Arizona 86001
Assessor's Parcel Number 100-19-017
Devendrabhai M. Patel on behalf of India Palace

This application is a request for a Series #12 (Restaurant). This is a new license request from Devendrabhai Patel on behalf of Shiv Enterprises LLC, DBA India Palace, located in the Central Business zoning district. This district allows for restaurants.

There are no active Zoning Code violations associated with Devendrabhai Patel, Shiv Enterprises, or the India Palace at this time.

This liquor license recommended for approval.

City of Flagstaff Web Map

India Palace



Wed Aug 13 2014 09:50:29 AM.

Memo

To: Stacy Saltzberg, Deputy City Clerk

From: Ranbir Cheema - Tax, Licensing & Revenue Manager

Date: August 5, 2014

Re: Series 12 Liquor License – New License – India Palace

Applicant Shiv Enterprises LLC Inc DBA India Palace with Jignasaben Patel and Bhavnesh Patel as its Members is properly licensed with the City of Flagstaff for Sales Tax purposes. They have not been in business long enough to file their first tax return yet but I do not foresee any issues regarding that at this time. They are currently in good standing with the sales tax section.

/liquor licenses/India Palace.doc

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 08/13/2014
Meeting Date: 08/25/2014



TITLE:

Consideration and Action on Liquor License Application: Randy Nations, "Sportsman's Bar & Grill", 1000 N. Humphreys St. #98, Series 06 (bar- all spirituous liquor), Person Transfer.

RECOMMENDED ACTION:

Hold 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 06 (bar- all spirituous liquor) licenses are obtained through the person and/or location transfer of an existing license from another business. The transfer is from Randy Nations on behalf Flagstaff Sportsman's LLC. to Randy Nations on behalf of Hindman Enterprises LLC, but the establishment name will still be Sportsman's.

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 such recommendation.

Background/History:

An application for a person transfer Series 06 liquor license was received from Randy Nations for Sportsman's Bar & Grill at 1000 N. Humphreys St. #98. The transfer is from Randy Nations for Flagstaff Sportsman's LLC located at 1000 N. Humphreys St. #98., 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 Tom Boughner, Code Compliance Manager, 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 a person transfer, consideration may only be given to the applicant's personal qualifications.

A Series 06 (bar - all spirituous liquor) allows a bar retailer to sell and serve spirituous liquors, 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 August 30, 2014.

Expanded Financial Considerations:

This business will contribute to the tax base of the community. We are not aware of any other relevant considerations.

Community Involvement:

The application was properly posted on July 30, 2014. 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: [Sportsman's - Letter to Applicant](#)
 [Hearing Procedures](#)
 [Series 06 Description](#)
 [Sportsman's - PD Memo](#)
 [Sportsman's - Code Memo](#)
 [Sportsman's - Tax Memo](#)

Form Started By: Stacy Saltzburg

Started On: 08/13/2014 09:16 AM

Final Approval Date: 08/14/2014

OFFICE OF THE CITY CLERK

August 13, 2014

Sportsman's Bar & Grill
Attn: Randy Nations
P.O. Box 2502
Chandler, AZ 85244

Dear Mr. Nations:

Your application for a Series 6 person transfer liquor license for Sportsman's Bar & Grill at 1000 N. Humphreys St. #98, was posted on July 30, 2014. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on **Monday, August 25, 2014 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 is set to expire on August 19, 2014 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 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. The presiding officer will then close the public hearing.
8. The Council will then, by motion, vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

R19-1-702. Determining Whether to Grant a License for a Certain Location

- A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:
1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;
 2. Number and types of licenses within one mile of the proposed premises;
 3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;
 4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;
 5. Residential and commercial population density within one mile of the proposed premises;
 6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;
 7. Effect on vehicular traffic within one mile of the proposed premises;
 8. Compatibility of the proposed business with other activity within one mile of the proposed premises;
 9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;
 10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;
 11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and
 12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.
- B. This Section is authorized by A.R.S. § 4-201(I).

License Types: Series 06 Bar (all spirituous liquor)

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 bar retailer to sell and serve spirituous liquors, 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 of spirituous liquor 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 ones provided for the bar.

A hotel or motel with a Series 06 license may sell spirituous liquor in sealed containers in individual portions to its registered guests at any time by means of a minibar located in the guest rooms of registered guests. The registered guest must be at least twenty-one (21) years of age. Access to the minibar is by a key or magnetic card device and not furnished to a guest between the hours of 2:00 a.m. and 6:00 a.m. Monday through Saturday and 2:00 a.m. and 10:00 a.m. on Sundays.

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.

MEMORANDUM

Memo # 14-079-01

TO: CHIEF TREADWAY

FROM: SGT. MATT WRIGHT

DATE: AUGUST 11, 2014

REF: SERIES 6 LIQUOR LICENSE PERSON TRANSFER AT SPORTSMANS

On August 11, 2014, I initiated an investigation into an application for a series 06 (bar) liquor license person to person transfer. The liquor license application has been filed by Randy Nations owner of Arizona Liquor Industry Consultants, on behalf of Kirk Hindman and Craig Hindman the owners of Sportsman's Bar and Grill. Sportsman's is located at 1000 N. Humphreys St. Suite #98. This is a person to person transfer as the previous owner John Hindman is no longer involved in the business and Kirk Hindman is now a part owner with Craig Hindman.

I conducted a query through local systems and public access on both Kirk (Controlling Person) and Craig Hindman (Controlling Person). It was found that Kirk was arrested in 2010 for misdemeanor assault; he entered into a deferred prosecution deal which was successfully completed. Craig was found to have been cited and released for a theft of services, a misdemeanor charge but the charges were dismissed in court.

In speaking with Craig he explained they had just purchased Sportsman's Bar and Grill after their father John Hindman passed away. Craig said he and Kirk would manage and run the day to day operations of Sportsman's. Craig and Kirk confirmed they have successfully completed the state mandated alcohol training program and provided proof.

Craig indicated while a part owner of Collins, the bar received a warning letter for liquor leaving the bar in a broken package. In 2007 Collins received a \$1,000.00 fine for employees consuming after hours. Craig has not been involved with Collins since 2008. Since that time Craig was also involved and named on the liquor license at Monsoons in Flagstaff. Craig said Monsoons received a warning letter in 2009 from the AZDLLC for allowing alcohol in a broken package to leave the licensed premise. In 2013 Monsoons paid a \$250.00 fine for allowing alcohol in a broken package to leave the premises. Craig said he sold Monsoons since that time.

As a result of the investigation, I can find no reason to oppose the series 06 application for person to person transfer. Recommendation to council would be for approval.



Planning and Development Services Memorandum

August 13, 2014

TO: Stacy Saltzburg, Deputy City Clerk

THROUGH: Roger E. Eastman, AICP, Comprehensive Planning and Code Administrator *RE BY TB*

FROM: Tom Boughner, Community Code Compliance Mgr. *TB*

RE: Application for Liquor License #06030021
1000 North Humphreys St. #98, Flagstaff, Arizona 86001
Assessor's Parcel Number 101-01-004F
Randy Nations on behalf of Sportsman's Bar and Grill

This application is a request for a Series #6 (Bar) Transfer, Person to Person, from Randy D. Nations on behalf of Flagstaff Sportsmans LLC, located in the Community Commercial zoning district.

There are no active Zoning Code violations associated with Randy Nations, Flagstaff Sportsmans LLC, or Sportsman's Bar and Grill at this time.

While the Community Commercial Zone prohibits bars and taverns as a permitted use, the Sportsman's Bar and Grill was established before this stipulation went into effect, and is therefore legal nonconforming.

This liquor license is recommended for approval.

City of Flagstaff Web Map

Sportsman's



Wed Aug 13 2014 09:18:35 AM.

Memo

To: Stacy Saltzberg, Deputy City Clerk

From: Ranbir Cheema - Tax, Licensing & Revenue Manager

Date: August 5, 2014

Re: Series 6 Liquor License – Person Transfer – Sportsman's Bar & Grill

Applicant Hindman Enterprises LLC Inc DBA Sportsman's Bar & Grill with Kirk Hindman and Craig Hindman as its Members is properly licensed with the City of Flagstaff for Sales Tax purposes. They are current in their tax return filing and sales tax payment. The current holder of this liquor license, Flagstaff Sportsman's LLC, met its obligation related to the city sales tax before canceling their license. Both entities are in good standing with the city sales tax section.

/liquor licenses/Sportsman's.doc

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 08/13/2014
Meeting Date: 08/25/2014



TITLE:

Consideration and Action on Liquor License Application: Paul Moir, "Proper Meats and Provisions", 110 S. San Francisco St., Suite B., Series 07 (beer and wine bar), Person and Location Transfer.

RECOMMENDED ACTION:

Hold 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/or location transfer of an existing license from another business. The license is being transferred from Alexander Mowl with Café Ole, located in Flagstaff.

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 such recommendation.

Background/History:

An application for a person transfer Series 07 liquor license was received from Paul Moir for Proper Meats and Provisions, 110 S. San Francisco St., Suite B. The person transfer is from Alexander Mowl for Café Ole located at 121 S. San Francisco St., Flagstaff, Arizona.

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

A background investigation was performed by Tom Boughner, Code Compliance Manager. There are 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 a person and location transfer, consideration may be given to the applicant's personal qualifications as well as the location of the business.

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 August 30, 2014.

Expanded Financial Considerations:

This business will contribute to the tax base of the community. We are not aware of any other relevant considerations.

Community Involvement:

The application was properly posted on July 30, 2014. 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: [Proper Meats - Letter to Applicant](#)
 [Hearing Procedures](#)
 [Series 07 Description](#)
 [Proper Meats - Section 13](#)
 [Proper Meats - PD Memo](#)
 [Proper Meats - Code Memo](#)
 [Proper Meats - Tax Memo](#)

Form Review

Form Started By: Stacy Saltzburg

Started On: 08/13/2014 09:34 AM

Final Approval Date: 08/14/2014

OFFICE OF THE CITY CLERK

August 13, 2014

Proper Meats and Provisions
Attn: Paul Moir
P.O. Box Z
Flagstaff, AZ 86002

Dear Mr. Moir:

Your application for a Series 07 person and location transfer liquor license for Proper Meats and Provisions at 110 S. San Francisco St., Ste. B, was posted on July 30, 2014. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on **Monday, August 25, 2014 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 is set to expire on August 19, 2014 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 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. The presiding officer will then close the public hearing.
8. The Council will then, by motion, vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

R19-1-702. Determining Whether to Grant a License for a Certain Location

- A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:
1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;
 2. Number and types of licenses within one mile of the proposed premises;
 3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;
 4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;
 5. Residential and commercial population density within one mile of the proposed premises;
 6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;
 7. Effect on vehicular traffic within one mile of the proposed premises;
 8. Compatibility of the proposed business with other activity within one mile of the proposed premises;
 9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;
 10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;
 11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and
 12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.
- B. This Section is authorized by A.R.S. § 4-201(I).

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: Name Cafe Ole
(Exactly as it appears on license) Address 121 S. San Francisco St. Flagstaff, AZ 86001
2. New Business: Name Proper Meats and Provisions
(Physical Street Location) Address 110 S. San Francisco St. Flagstaff, AZ 86001
Suite B
3. License Type: Series 7 License Number: 07030056
4. If more than one license to be transferred: License Type: _____ License Number: _____
5. What date do you plan to move? July 1, 2014 What date do you plan to open? July 1, 2014

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) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

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

1. Distance to nearest school: 2106 ft. Name of school San Francisco de Asis Catholic School
Address 320 N. Humphreys St. Flagstaff, AZ 86001
City, State, Zip _____
2. Distance to nearest church: 750 ft. Name of church Flagstaff Christian Fellowship
Address 123 N. Beaver St. 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 Pensco Trust Company FBO David A Kincade IRA
Address c/o Divinci Realty PO Box 1516 Flagstaff, AZ 86002
City, State, Zip _____
- 4a. Monthly rental/lease rate \$ 1,750 What is the remaining length of the lease 5 yrs. _____ mos.
- 4b. What is the penalty if the lease is not fulfilled? \$ _____ or other Corporate Guarantee
(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)? Retail Butcher Shop & Catering

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 # _____ (exactly as it appears on license) Name _____

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:

Last First Middle and license #: _____
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

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? 07/01/2014
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.

DM
applicants initials

MEMORANDUM

Memo # 14-081-01

TO: Chief Kevin Treadway

FROM: Sgt. Matt Wright

DATE: August 11, 2014

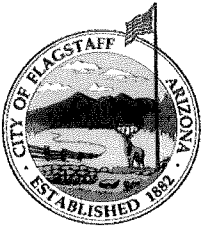
RE: LIQUOR LICENSE APPLICATION – SERIES 7 person to person and location transfer for “Proper Meats and Provisions”

On August 11, 2014, I initiated an investigation into an application for a series 7 (beer and wine bar) person to person and location transfer. The liquor license application has been filed by Paul and Laura Moir the new owners of Proper Meats and Provisions. Proper Meats and Provisions is located at 110 S. San Francisco in Flagstaff. Proper Meats and Provisions recently purchased this liquor license from the owners of Café Ole previously located at 121 S. San Francisco. The series 7 license being applied for is #07030056.

I conducted a query through local systems and public access on Paul and Laura Moir. I found no derogatory records. I spoke with Paul who stated he and Laura purchased the series 7 license and plan to run and manage the day to day operations themselves. Paul said they are hoping they are open for business on or around September 2, 2014. Paul and Laura Moir have taken the mandatory liquor law training courses and provided proof. No liquor law violations could be located for Paul and Laura Moir. Paul is named on two other liquor licenses for Criollo Latin Kitchen and Brick's Pizza. Paul said he received a warning letter from AZDLLC for purchasing from a non-licensed vendor, which ended up being a mistake.

On August 18, 2014 I was made aware of a possible zoning code issue that would not allow for any establishment to sell alcohol without the sale of food for consumption on site. I spoke with Paul Moir again. Paul further explained that the business was going to operate as a specialty butcher shop, but will also have a deli where patrons can order deli style sandwiches. Paul stated he purchased the series 7 to allow his customers the option of having a beer or glass of wine with their sandwich. It also would allow the customers to purchase beer or wine in a sealed package to take home for off-site consumption.

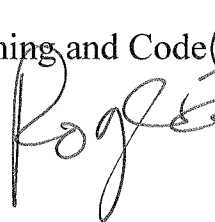
I recommend to council the approval of the series 7 license.



Planning and Development Services Memorandum

August 13, 2014

TO: Stacy Saltzburg, Deputy City Clerk

THROUGH: Roger E. Eastman, AICP, Comprehensive Planning and Code Administrator 

FROM: Tom Boughner, Code Compliance Mgr.

RE: Application for Liquor License #07030056
110 South San Francisco, Suite B, Flagstaff, Arizona 86001
Assessor's Parcel Number 103-08-006
Paul Moir on behalf of Proper Meats and Provisions

This application is a request for a Series #7 Beer and Wine Bar, person to person and location transfer, from Paul Moir on behalf of SLO Restaurant Concepts, LLC DBA Proper Meats and Provisions, located in the Community Commercial zoning district. This district does not allow for a bar but after conversations with the applicant we have learned they desire to sell package beer and wine as well as allow on site consumption of beer and wine with food. With this understanding, it would appear to meet the intent for the Community Commercial Zone designation.

There are no active Zoning Code violations associated with Paul Moir, SLO Restaurant Concepts, LLC or Proper Meats and Concepts 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: August 13, 2014

Re: Series 7 Liquor License – Person and Location Transfer – Proper Meats and Provisions

Proper Meats LLC with Paul Moir and SLO Restaurant Concepts LLC as its Members, located at 110 S San Francisco St, Suite B is properly licensed with the City. They have not yet started operating therefore they do not need to file a tax returns yet. They are in good standing with the Sales Tax Section of the City at this time.

The seller in this transaction, Half Moon Adventures Inc. is currently in an agreement with the City to pay off outstanding sales tax balance. They are current on their payments and in compliance with this agreement. Sales tax section has no reason to hold up this transfer.

/liquor licenses/Proper Meats.doc

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 08/13/2014
Meeting Date: 08/25/2014



TITLE:

Consideration and Action on Liquor License Application: Jeffrey Roff, "Whole Foods Market", 320 S. Cambridge Lane, Series 10 (beer and wine store), New License.

RECOMMENDED ACTION:

Hold 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:

Jeffrey Roff with Whole Foods Market has submitted a liquor license application for a new Series 10 (beer and wine store) license.

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 such recommendation.

Background/History:

An application for a new Series 10 (beer and wine store) liquor license was received from Jeffrey Roff for Whole Foods Market, 320 S. Cambridge Ln. This is an existing business that wants to sell beer and wine.

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

A background investigation performed by Tom Boughner, Code Compliance Manager, 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 a new license, consideration may be given to both the applicant's personal qualifications and the location.

A Series 10 (beer and wine store) license allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

The deadline for issuing a recommendation on this application is August 30, 2014.

For a Series 10 (beer and wine store) license, the applicant is required to provide the distance between the applicant's business and the nearest church or school for government; 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. We are not aware of any other relevant considerations.

Community Benefits and Considerations:

The application was properly posted on August 5, 2014. No written protests have been received to date.

Community Involvement:

Inform

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: [Whole Foods - Letter to Applicant](#)
 [Hearing Procedures](#)
 [Series 10 Description](#)

Whole Foods - Section 13
Whole Foods - PD Memo
Whole Foods - Code Memo
Whole Foods - Tax Memo

Form Review

Form Started By: Stacy Saltzburg

Started On: 08/13/2014 09:40 AM

Final Approval Date: 08/14/2014

OFFICE OF THE CITY CLERK

August 13, 2014

Whole Foods Market
Attn: Jeffrey Roff
550 Bowie Street
Attn: Legal Team
Austin, TX 78703

Dear Mr. Roff:

Your application for a Series 10 new liquor license for Whole Foods Market at 320 S. Cambridge Ln., was posted on August 5, 2014. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on **Monday, August 25, 2014 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 is set to expire on August 25, 2014 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.

R19-1-702. Determining Whether to Grant a License for a Certain Location

- A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:
1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;
 2. Number and types of licenses within one mile of the proposed premises;
 3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;
 4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;
 5. Residential and commercial population density within one mile of the proposed premises;
 6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;
 7. Effect on vehicular traffic within one mile of the proposed premises;
 8. Compatibility of the proposed business with other activity within one mile of the proposed premises;
 9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;
 10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;
 11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and
 12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.
- B. This Section is authorized by A.R.S. § 4-201(I).

License Types: Series 10 Beer and Wine Store License (Beer and wine only)

Non-transferable

Off-sale retail privileges

Note: Terms in **BOLD CAPITALS** are defined in the [glossary](#).

PURPOSE:

Allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed 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.

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: Name _____
(Exactly as it appears on license) Address _____
2. New Business: Name _____
(Physical Street Location) Address _____
3. License Type: _____ License Number: _____
4. If more than one license to be transferred: License Type: _____ License Number: _____
5. What date do you plan to move? _____ What date do you plan to 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) horizontal 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))

1. Distance to nearest school: 1056 ft. Name of school School for the Deaf and Blind
Address 1000 E. Butler Ave., Flagstaff, AZ
City, State, Zip _____
2. Distance to nearest church: 2112 ft. Name of church Church of Jesus Christ of LDS
Address 625 E. Cherry Ave., Flagstaff, AZ
City, State, Zip _____
3. I am the: ☒ Lessee ☐ Sublessee ☐ Owner ☐ Purchaser (of premises)
4. If the premises is leased give lessors: Name Sawmill NF LLC c/o The Aspen Group
Address 7630 North Scottsdale Road, Suite 290 Scottsdale, AZ, 85251
City, State, Zip _____
- 4a. Monthly rental/lease rate \$ 48,178.00 What is the remaining length of the lease 19 yrs. 9 mos.
- 4b. What is the penalty if the lease is not fulfilled? \$ terminate or other _____
(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)? A full service grocery store please see attached description

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 # _____ (exactly as it appears on license) Name _____

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:

Last First Middle and license #: _____
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

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? _____
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.

JP
applicants initials

MEMORANDUM

TO Chief Treadway

FROM Sgt. Matt Wright #704

DATE August 11, 2014

REF LIQUOR LICENSE APPLICATION – SERIES 10- FOR “Whole Foods Market”

On August 11, 2014, I initiated an investigation into an application for a series 10 (beer and wine store) liquor license filed by Jeffrey Roff the listed agent for Whole Foods Market. Jeffrey is listed on the application and indicates he will be present two hours daily to assist with the daily operations. Whole Foods Market is located at 320 S. Cambridge Lane in Flagstaff, the previous location of Natural Foods which has been purchased by Whole Foods Market. I spoke with Jeffrey who stated the signage will change from New Frontiers to Whole Foods in the next 3-6 months. Jeffrey also stated a manager will be hired within that time and the managers name will be added to the liquor license when the manager is hired.

Also listed in the application are several Controlling Persons who will not be responsible for the day to day operations and they are: Roberta Lang, Albert Percival, Patrick Bradley, and William Jordan. Jeffrey Roff as stated will be assisting with the day to day operations and provided proof that he completed the mandatory liquor law training course. The liquor license application number is 10033194. Sampling privileges have also been applied for at this location under this liquor license number. Jeffrey stated he and his staff have been trained and understand the rules and laws that govern the sampling activities. Jeffrey indicated on average there would be approximately 2-3 sampling events a month at the store. Currently Whole Foods is operating without a liquor license and not selling alcohol. Whole Foods Market is located more than 300 feet away from the nearest school or church.

I conducted a local records and a public access check on Jeffrey Roff and Roberta Lang, Albert Percival, Patrick Bradley, and William Jordan. No criminal record was found for any of the listed applicants. I found that several Whole Foods Market stores exist in Arizona all with liquor licenses. I found only one 2009 liquor violation for which a \$750.00 fine was paid. This was out of a store in the Phoenix area.

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



Planning and Development Services Memorandum

August 13, 2014

TO: Stacy Saltzburg, Deputy City Clerk

THROUGH: Roger E. Eastman, AICP, Comprehensive Planning and Code Administrator *RE BY TB*

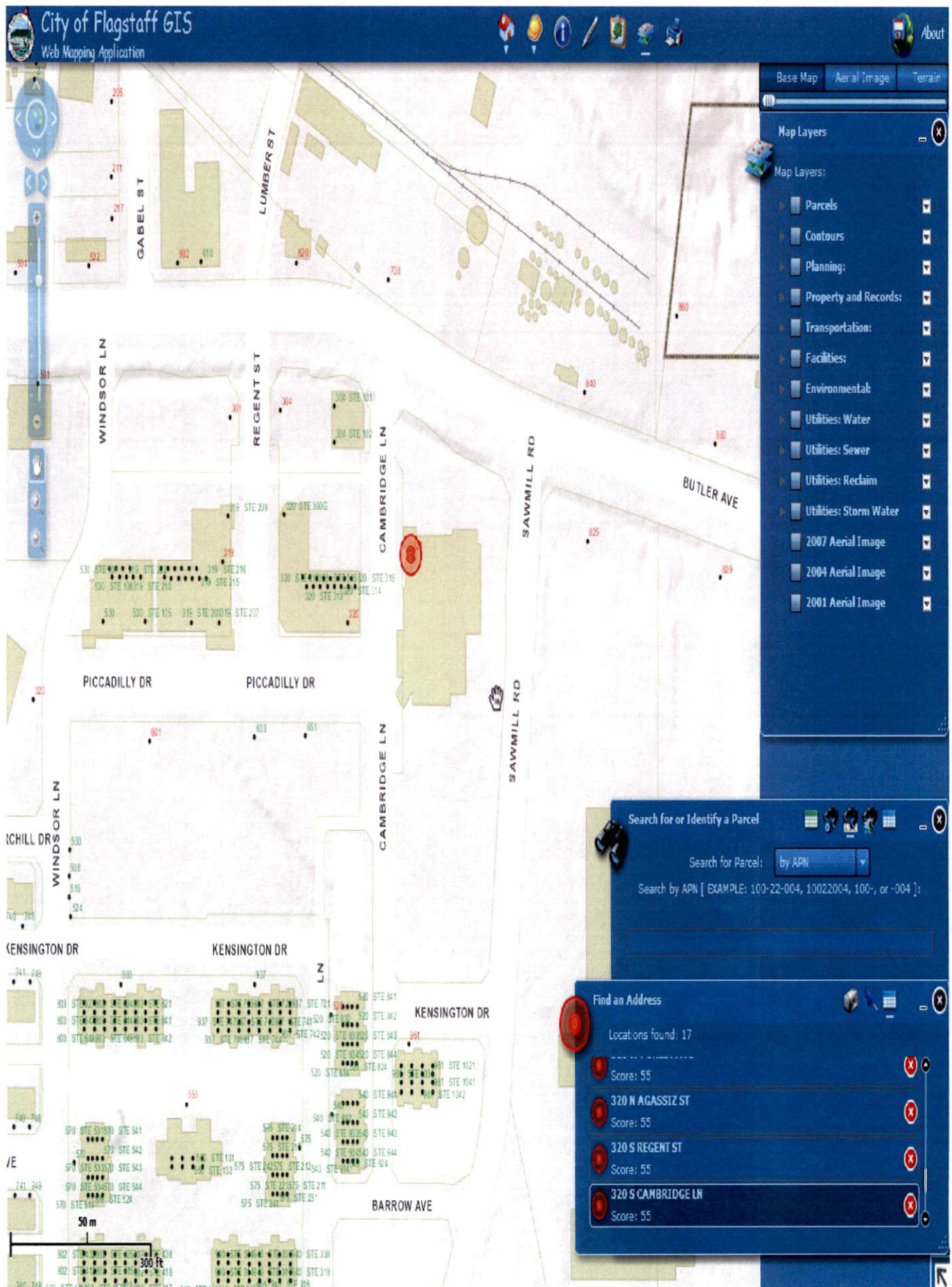
FROM: Tom Boughner, Community Code Compliance Mgr.

RE: Application for Liquor License #10033194
320 South Cambridge Lane, Flagstaff, Arizona 86001
Assessor's Parcel Number 104-19-124
Jeffrey H. Roff on behalf of Whole Foods Market

This application is a request for a Series #10 (Beer and Wine Store), a new license from Jeffrey Roff on behalf of Mrs. Gooch's Natural Food Market's Inc. DBA Whole Foods Market. The location is in the Highway Commercial Zone which allows for retail sales of beer and wine.

There are no active Zoning Code violations associated with Jeffrey Roff or Whole Foods 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: August 12, 2014

Re: Series 10 Liquor License – New License Amendment – Whole Foods

Mrs. Gooch's Natural Food Market, Inc DBA Whole Foods Market is properly licensed with the City of Flagstaff for Sales Tax purposes and current in their tax return filing. They are in good standing with the city sales tax section.

/liquor licenses/Whole Foods Market.doc

CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 08/13/2014
Meeting Date: 08/25/2014



TITLE:

Consideration and Action on Liquor License Application: Hetal Patel, "O'Leary Street Market", 322 S. O'Leary St., Series 10 (beer and wine store), New License.

RECOMMENDED ACTION:

Hold 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:

Hetal Patel with O'Leary Street Market has submitted a liquor license application for a new Series 10 (beer and wine store) license.

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 such recommendation.

An application for a new Series 10 (beer and wine store) liquor license was received from Hetal Patel for O'Leary Street Market, 322 S. O'Leary St. This is an existing business that wants to sell beer and wine.

A background investigation performed by Tom Boughner, Code Compliance Manager, resulted in no active code violations being reported.

Key Considerations:

A Series 10 (beer and wine store) license allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

For a Series 10 (beer and wine store) license, the applicant is required to provide the distance between the applicant's business and the nearest church or school for government; the State does not require a geological map or list of licenses in the vicinity for any license series.

This business will contribute to the tax base of the community. We are not aware of any other relevant considerations.

The application was properly posted on August 5, 2014. No written protests have been received to date.

Inform

- 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: O'Leary - Letter to Applicant
Hearing Procedures
Series 10 Description

O'Leary - Section 13
O'Leary - PD Memo
O'Leary - Code Memo
O'Leary - Tax Memo

Form Review

Form Started By: Stacy Saltzburg

Started On: 08/13/2014 09:49 AM

Final Approval Date: 08/14/2014

OFFICE OF THE CITY CLERK

August 13, 2014

O'Leary Street Market
Attn: Hetal Patel
322 S. O'Leary St.
Flagstaff, AZ 86001

Dear Ms. Patel:

Your application for a Series 10 new liquor license for O'Leary Street Market at 322 S. O'Leary St. was posted on August 5, 2014. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on **Monday, August 25, 2014 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 is set to expire on August 25, 2014 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.

R19-1-702. Determining Whether to Grant a License for a Certain Location

- A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:
1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;
 2. Number and types of licenses within one mile of the proposed premises;
 3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;
 4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;
 5. Residential and commercial population density within one mile of the proposed premises;
 6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;
 7. Effect on vehicular traffic within one mile of the proposed premises;
 8. Compatibility of the proposed business with other activity within one mile of the proposed premises;
 9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;
 10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;
 11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and
 12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.
- B. This Section is authorized by A.R.S. § 4-201(I).

License Types: Series 10 Beer and Wine Store License (Beer and wine only)

Non-transferable

Off-sale retail privileges

Note: Terms in **BOLD CAPITALS** are defined in the [glossary](#).

PURPOSE:

Allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed 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.

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: Name _____
(Exactly as it appears on license) Address _____
2. New Business: Name _____
(Physical Street Location) Address _____
3. License Type: _____ License Number: _____
4. If more than one license to be transferred: License Type: _____ License Number: _____
5. What date do you plan to move? _____ What date do you plan to 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) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

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

1. Distance to nearest school: 1627 ft. Name of school SOUTH BEAVER SCHOOL
Address 506 S BEAVER ST, FLAGSTAFF, AZ, 86001
City, State, Zip
2. Distance to nearest church: 453 ft. Name of church RIVERSIDE CHURCH OF GOD IN CHRIST
Address 419 S. VERDE ST, 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 ANDRES & NANCY PALMA
Address 5785 LEUPP RD, FLAGSTAFF, AZ, 86001
City, State, Zip
- 4a. Monthly rental/lease rate \$ 700 What is the remaining length of the lease 11 yrs. 2 mos.
- 4b. What is the penalty if the lease is not fulfilled? \$ _____ or other OWE UNTIL RENTED
(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)? NEIGHBORHOOD MARKET, CONVIENCE STORE

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 # 10033131 (exactly as it appears on license) Name PEGGY S NEWBY

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:
_____ and license #: _____
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

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

1. Check ALL boxes that apply to your business:
- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Entrances/Exits | <input checked="" type="checkbox"/> Liquor storage areas | Patio: <input type="checkbox"/> Contiguous |
| <input type="checkbox"/> Service windows | <input type="checkbox"/> Drive-in windows | <input type="checkbox"/> 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? 07/03/2014
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

TO Chief Treadway

FROM Sgt. Matt Wright #704

DATE August 11, 2014

REF LIQUOR LICENSE APPLICATION – SERIES 10- FOR “O’Leary Street Market”

On August 11, 2014, I initiated an investigation into an application for a series 10 liquor license filed by Hetal M. Patel the listed agent for O’Leary Street Market. O’Leary Street Market is located at 322 S. O’Leary in Flagstaff. The business is currently being operated with a series 10 license number 1003313 which belongs to Peggy Newby the previous owner/agent. The current license will become inactive when the new license is issued with the new owners names. Also listed in the application is Maipal H. Patel (Controlling Person). Maipal Patel is also the listed agent on the series 10 liquor license for the Mobile gas station located at 222 S. Milton Road in Flagstaff. Hetal Patel will be assisting with the day to day operations and provided proof that she has completed the mandatory liquor law training course. The liquor license application number is 10033193. O’Leary Street Market is located more than 300 feet away from the nearest school or church.

I conducted a local records and a public access check on Hetal Patel and Maipal Patel. No criminal records were found. I also checked with the Arizona Department of Liquor License and control. No liquor law violations were found for the O’Leary Market and none were found for the Mobile Station. I visited the O’Leary Market and spoke with Maipal Patel as Hetal was not there. Maipal stated they had owned the market for about a month and had completed several renovations and upgrades. I noticed they were selling 40 oz. malt liquor and single cans of beer. I asked Maipal if he was willing to discontinue the sale of 40’s and single beer cans in an effort to assist the city with reduction of litter and criminal acts associated with sale of those items. Maipal indicated that what they have noticed the sale of those items are mostly to college age customers and would speak with his business partners about the idea.

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



Planning and Development Services Memorandum

August 13, 2014

TO: Stacy Saltzburg, Deputy City Clerk

THROUGH: Roger E. Eastman, AICP, Comprehensive Planning and Code Administrator

FROM: Tom Boughner, Community Code Compliance Mgr. *TB*

RE: Application for Liquor License #10033193
322 South O'Leary Street, Flagstaff, Arizona 86001
Assessor's Parcel Number 104-02-032
Hetel Patel on behalf of O'Leary Street Market

Page 1

This application is a request for a Series #10 (Beer and Wine Store), a new license, from Hetel Patel, Y&M Inc. on behalf of O'Leary Market, located in a High Density zoning district. This district does not allow for liquor stores but remains a non-conforming pre-existing use and may continue.

There are no active Zoning Code violations associated with Hetel Patel, Y&M Inc. or the O'Leary Street Market 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: August 12, 2014

Re: Series 10 Liquor License – New License – O'Leary Street Market

Y & M, Inc DBA O'Leary Street Market is properly licensed with the City of Flagstaff for Sales Tax purposes. They did not start operation until July 4, 2014; therefore no returns are due to be filed at this time. They are currently in good standing with the city sales tax section.

/liquor licenses/O'Leary Street Market.doc

CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Karl Eberhard, Comm Design & Redevelopment
Mgr
Co-Submitter: Stacey Brechler-Knaggs, Grants Manager
Date: 08/06/2014
Meeting Date: 08/25/2014



TITLE:

Acceptance of Grant and Approval of Contract: Arizona Department of Environmental Quality Brownfields State Response Grant - Asbestos Abatement for the City of Flagstaff (for Midgley Market at 23 N. Beaver Street - aka The Lion and the Lamb Building)(***Approve ADEQ grant contract for asbestos abatement***).

RECOMMENDED ACTION:

Accept the Arizona Department of Environmental Quality (ADEQ) Brownfields State Response Grant (SRG) in the amount of approximately \$55,000 and authorize the City Manager to execute Contract No. ADEQ15-077563 (which includes, but under separate cover, the City's participation in the ADEQ Voluntary Remediation Program).

Policy Decision or Reason for Action:

The City owns the subject site which is contaminated with lead paint, asbestos, and mold. This downtown building has been unoccupied and boarded up for over a decade. If the City desires to redevelop the subject site, for example as a part of a Municipal Courts Facility, or if the City chooses to dispose of the property, abatement is required or appropriate. This abatement work will change a City liability to an asset.

Subsidiary Decisions Points: None.

Financial Impact:

The subject grant will pay for the entirety of the abatement and does not require matching funds. Some staff time will be expended for associated work such as grant administration, bidding of the work, and construction contract administration. While not currently anticipated, there may be some minor additional construction work needed (or desired) when the abatement work is complete. This is an unfunded grant project and we will be using appropriation available in 001-09-402-3239-4-4421 which will have an offsetting revenue.

Connection to Council Goal:

COUNCIL GOALS:

Effective governance

REGIONAL PLAN:

LU.3 Continue to enhance the region's unique sense of place within the urban, suburban, and rural context.

LU.9 Focus reinvestment, partnerships, regulations, and incentives on developing and redeveloping urban areas.

LU.11 Prioritize the continual reinvigoration of downtown Flagstaff, whose strategic location, walkable blocks, and historic buildings will continue to be a vibrant destination for all.

NH.1 Foster and maintain healthy and diverse urban, suburban, and rural neighborhoods in the Flagstaff region.

NH.2 Look to downtown Flagstaff as the primary focal point of the community character.

NH.6 Neighborhood conservation efforts of revitalization, redevelopment, and infill are compatible with and enhance our overall community character.

ED.7 Continue to promote and enhance Flagstaff's unique sense of place as an economic development driver.

ED.8 Promote the continued physical and economic viability of the region's commercial districts by focusing investment on existing and new activity centers.

ED.9 Promote redevelopment and infill as a well-established means to accomplish a variety of community economic, planning, and environmental goals.

Has There Been Previous Council Decision on This:

No.

Options and Alternatives:

1) Accept the Grant (Recommended): A City liability becomes an asset, although we may need or want to do some minor additional work.

2) Decline the Grant: There is no advantage and funds for environmental clean-up will be needed in the future.

Background/History:

According to the date inscribed on the cornerstone over the front door, the building was constructed in 1927. City directories show that beginning at least in 1929, the building was used for a food market. Between at least 1948 and 1985, the building was used by successive sporting goods and liquor businesses. Beginning at least in 1990, the building was used for a Christian bookstore (The Lion and Lamb) and as an office for Christian ministries. It is not known when the building was no longer used for this purpose. The City of Flagstaff acquired the property through condemnation in December of 2004. The building is currently vacant and unoccupied due to extensive contamination (asbestos, lead, and mold).

Key Considerations:

It is anticipated that the abatement work, strictly performed, would render the building more structurally unsafe than it is today. Therefore, the contract for this work will include additional work as required to leave the building and/or site in a non-hazardous condition. As the least expensive method, this mostly likely means demolition of the entire building. While it is staff's intention to explore cutting the property line walls and leaving the bottom few feet as a screen wall, this may not be aesthetically, structurally, or economically feasible. The costs and the grant request were based on the demolition of the entire building as the most practical means to conclude the work with non-hazardous conditions.

The abatement contract will include obtaining the necessary permits to perform the work and these costs were also anticipated and included in the grant request. To obtain a demolition permit, a Cultural

Resource Study (CRS) is required first. If the Phase I CRS recommends a Phase II CRS, staff would likely prepare this second report (drawings and photographs that document the building).

Over the entrance door of the building is a cornerstone block inscribed with "Midgley 1927". The abatement work contract will include preserving that block and delivering it to a City owned storage location. Staff contacted the family of the owner of Andy's Sporting Goods (a former occupant) and they have expressed initial interest in obtaining the cornerstone block.

On the Aspen Avenue side of the building is a biblical theme mural by Joe Sorren. It is one of his earlier works, done while he was in college. The stucco of the wall surface is poorly bonded to the glazed bricks behind. This combined with the masonry wall construction makes salvaging the mural physically and economically infeasible. The CRS would document the mural with photographs prior to demolition.

The Community Code Enforcement Program and the Community Design and Redevelopment Program have been installing bulletin boards in downtown to reduce illegal handbill posting and one such board is currently mounted on the Midgley Building. The program staff are aware that the building may be demolished and have plans to relocate the bulletin board.

When the work of the grant is complete, the City may want to fence off the then open area (potentially a hole) where the building used to be, or the City may choose to pave the area for expanded parking. Inexpensive options could involve the simple use of road base with the work performed by City crews. These costs have NOT been included. Also, unforeseen conditions have NOT been included and ADEQ will NOT consider additional funds should we encounter unforeseen conditions.

The terms of the grant are such that the City must participate in ADEQ's Voluntary Remediation Program (VRP). Through this program, property owners, prospective purchasers and other interested parties investigate or clean up a contaminated site in cooperation with ADEQ. VRP results in a streamlined process for program participants who work with a single point of contact at ADEQ to address applicable cross-program remediation efforts. ADEQ reviews these voluntary remedial actions and provides a closure document for successful site remediation that is accepted by all relevant ADEQ programs. The cost of participating in the VRP is included in the grant amount but the funds will transfer directly (not passing through the City) making the effective grant amount \$45,250.

Community Benefits and Considerations:

Environmental clean-up of this site would aid the City's efforts on a variety of possible paths. In the short term, the current Municipal Courts Facility could benefit from an expanded parking area. Should the City choose to construct a new Municipal Courts Facility on this site, this work anticipates that project and reduces the costs for same. Should the City choose to dispose of the property at some point, clean-up would be appropriate and this work anticipates that need. At all times, eliminating an empty boarded up building from downtown is an advantage.

Community Involvement:

Inform

Attachments: [Grant Contract](#)
 [Grant Application](#)
 [Site Map](#)

Form Review

Inbox
Grants Manager
Finance Director

Reviewed By
Stacey Brechler-Knaggs
Rick Tadder

Date
08/12/2014 11:17 AM
08/12/2014 03:20 PM

Legal Assistant
Senior Assistant City Attorney DW
Economic Vitality Director
DCM - Jerene Watson

Vicki Baker
David Womochil
Stacey Button
Jerene Watson

Form Started By: Karl Eberhard

Final Approval Date: 08/14/2014

08/13/2014 09:19 AM

08/13/2014 02:41 PM

08/13/2014 03:41 PM

08/14/2014 04:28 PM

Started On: 08/06/2014 07:27 AM



GOVERNMENT SERVICES CONTRACT

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Contract No.: ADEQ15-077563
Effective Date: UPON EXECUTION
Termination Date: June 30, 2015

Contract Title: Asbestos Abatement for the City of Flagstaff

GRANTEE

City of Flagstaff
211 W. Aspen Avenue
Flagstaff, AZ 86001

Attn: Karl Eberhard, Manager
Community Design and Redevelopment
Phone Number: (928) 213-2969
Fax: (928) 779-7696
keberhard@flagstaffaz.gov

CONTRACT ADMINISTRATOR

Arizona Department of Environmental Quality
Contracts and Procurement Section
1110 West Washington Street, Mail Code: 6415A-4
Phoenix, AZ 85007-2935

Senior Procurement Specialist: Susan Holt
Phone Number: (602) 771-4256
Fax Number: (602) 771-2276

THIS CONTRACT is between the **STATE OF ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY** [hereinafter sometimes referred to as the "Department" or "ADEQ"], established and authorized to contract pursuant to A.R.S. § 49-101, and the **City of Flagstaff** [hereinafter sometimes referred to as the "Grantee" or "City"].

The purpose of this Agreement is to provide, through the ADEQ Brownfields State Response Grant, funding on behalf of the Grantee, for the abatement of asbestos in a City-owned vacant building that is slated for demolition as part of the Downtown Revitalization District Plan. The building is located at 23 N. Beaver Street in Flagstaff, AZ.

The Grantee will be responsible for management and all notifications for this abatement project.

This document, including Agreement Terms, Scope of Work, Appendices, Amendments, and any modifications approved in accordance herewith, shall constitute the entire Contract between the parties and supersede all other understandings, oral or written.

This Agreement contains the following documents:

1. Scope of Work
2. Special Terms and Conditions

Exhibit A – ADEQ Logo with Printing Credit

Exhibit B – Sample Signage Located At Project Site for Public Notification

Exhibit C – Voluntary Remediation Program VRP Example Application

IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this Agreement.

CITY OF FLAGSTAFF

Signature

Printed Name

City Manager
Title

Date

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Signature

Laura L. Malone
Printed Name

Director, Waste Programs Division
Title

The above referenced Contract is hereby executed this
_____ Day of _____, 2014.

ADEQ15-077563
SCOPE OF WORK

1. Description

- 1.1 The Arizona Department of Environmental Quality (ADEQ) will provide funding for the City of Flagstaff from the Brownfields State Response Grant (SRG) to conduct an asbestos abatement at the 23 N. Beaver Street, Flagstaff, Arizona. The property was built in 1927 and was acquired by the city in 2004. This location is part of the Downtown Revitalization District and plans include the construction of a new Municipal Courts facility on this property. The asbestos abatement shall be funded by ADEQ on a reimbursement basis to the City.

2. Project Tasks

The City will perform the project management for the project and hire the contractors. The asbestos remediation and any sampling will be performed in accordance with the National Emission Standard for Hazardous Air Pollutants (NESHAP) Program and will be in accordance with the Asbestos Hazard Emergency Response Act (AHERA). Contractor services to be performed will include:

- a) Asbestos abatement at 23 N. Beaver Street, Flagstaff, AZ
- b) Asbestos oversight and project management services

3. ADEQ Responsibilities

- 3.1 Provide total funding from the SRG up to the amount of \$54,902.00 to be allocated for the performance of this Contract with \$48,902.00 to be allocated for the asbestos abatement on a cost reimbursement basis.
- 3.2 Provide initial funds of \$6,000 for inclusion with the City's application to the VRP. After the grantee has submitted an application and been accepted into the VRP, ADEQ shall transfer the required \$6,000 application fee from the SRG directly to the VRP. Any funds not expended by the VRP shall be reimbursed directly to the SRG.
- 3.3 Review and approve documents submitted for payment for performance of project activities, but not limited to the work plan, draft and final oversight reports, invoices, and the community notification and outreach plan developed by the City.
- 3.4 Retain documentation of all grant expenditures upon completion of the project activities to include, but not be limited to, contractor invoices.
- 3.5 Enter the site into the ADEQ Brownfields database which is available for public review.

4. The Grantee Responsibilities

- 4.1.1 Submit application to and be accepted into the ADEQ VRP. (See Exhibit C and download from <http://www.azdeq.gov/environ/waste/cleanup/download/agency.pdf>).

- 4.1.2 Select the project contractors from the current State of Arizona Asbestos/Lead Contract. The contractors shall be properly licensed or certified to perform the work, and shall comply with all applicable laws and guidelines. The City shall be responsible for ensuring that the contractors perform work in accordance with the contractual requirements and in accordance with the National Emission Standard for Hazardous Air Pollutants (NESHAP) Program. A copy of the contractors' certification will be provided to ADEQ. The City will provide ADEQ with a copy of the contracts.
- 4.2 Submit work plans as directed by the ADEQ VRP. Cleanup activities at the sites shall follow a VRP approved work plan to meet the remedial standards.
- 4.3 Monthly project status reports shall be submitted to ADEQ for the duration of the project. The project status reports will list the work completed, work anticipated for the next month, and the project schedule. These reports shall be submitted at a minimum on a monthly basis.
- 4.4 Provide documentation through photographs of project progression from start to finish. These images may be used by ADEQ, the Grantee or the Environmental Protection Agency (EPA). Photographs will be provided to the ADEQ Brownfields Program via email or through a file sharing site. Images should be in a jpeg format. They should be sent separate from the final project report.
- 4.5 Erect signage on the property such as is shown in Exhibit B of this Agreement before and during cleanup activities.
- 4.6 Develop and implement a community notification and outreach plan. The plan (no more than five pages) must be approved by ADEQ Brownfields Program prior to its implementation. The plan must include:
 - 4.6.1 Summarize activities the City has taken and will conduct to notify the community located near the site of the cleanup activities and the final use of the property.
 - 4.6.2 Identification of the name and contact information of a local person who can answer questions regarding the cleanup.
 - 4.6.3 Provide a mechanism for community members to provide comments to the City about its plans to conduct asbestos abatement activities and for the final use of the property.
- 4.7 Submit copies of the contractor invoices to the ADEQ Brownfields Coordinator to receive reimbursement from ADEQ for expenses incurred for asbestos abatement activities. (Administrative and Overhead costs are not eligible expenses under this grant.)
- 4.8 Submit a final report upon completion of cleanup activities requesting a "No Further Action" determination pursuant to A.R.S. § 49-181 to the VRP.

ADEQ15-077563
SPECIAL TERMS AND CONDITIONS

1. Definitions: The following definitions shall apply to the terms used in this Agreement, except where the context necessarily requires otherwise.
 - 1.1 “Department” or “ADEQ” means the Arizona Department of Environmental Quality.
 - 1.2 “Agreement” or “Contract” means this written document between ADEQ and the Grantee.
 - 1.3 “Grantee” means “City of Flagstaff (City)”.
 - 1.4 “Project” or “Program” means the work, or any portion thereof described in this Agreement.
 - 1.5 “Shall” means that which is mandatory.
 - 1.6 “Subcontract” means any Contract between the Grantee and a third party to provide all or a specified part of the activities which the Grantee has contracted with the Department to provide.
 - 1.7 “Contract” means any Agreement, expressed or implied, between the Grantee and another party or between a Grantee and another party delegated or assigned, in whole or in part, the making or furnishing of any material or any service required for the performance of the Contract between the Grantee or ADEQ and the Grantee.
 - 1.8 “Site” means the building located at 23 N. Beaver Street, Flagstaff, Arizona.
 - 1.9 “State” means the State of Arizona.
2. Access to Information
 - 2.1 Subject to statutory confidentiality requirements of the Grantee and ADEQ, both parties to this Agreement shall have full, complete and equal access to data and information prepared under this Agreement on a no-charge basis.
3. Conflict
 - 3.1 In the event of a conflict between the provisions of this Section and those of Section 3.7 of the Uniform Terms and Conditions, Property of the State, the provisions of this Section shall prevail. http://www.azdoa.gov/agencies/spo/docs_and_forms.asp
4. Amount of Agreement
 - 4.1 Total funds available for this Contract shall not exceed **\$54,902.00**, unless otherwise amended in accordance with Section 3 above. This funding is an initial amount of sponsorship from ADEQ on behalf of the Grantee for this project.

5. Governing Law

- 5.1 This Contract shall be governed by and construed in accordance with the laws of the State of Arizona.

6. Implied Consent Terms

- 6.1 Each provision of law and any terms required by law to be in this Contract are a part of this Contract as if fully stated in it.

7. Assignment

- 7.1 Neither Party may assign any rights hereunder without the express, written, prior consent of the other Party.

8. Audit of Records

- 8.1 In accordance with to A.R.S. § 35-214, the Contractor shall retain and shall contractually require each Subcontractor to retain all data, books and other records (“records”) relating to this Contract for a period of five years after completion of the Contract. All records shall be subject to inspection and audit by the State at reasonable times. Upon request, the Contractor shall produce the original of any or all such records.
- 8.2 The Grantee is considered the recipient of the Brownfields SRG funds. In the event records of this project are audited by the EPA or its designees, and any costs disallowed by the EPA SRG Guidelines are identified, those costs must be reimbursed directly to ADEQ within 30 days of a written request.

9. Cancellation of State Contracts

- 9.1 Both parties may cancel this Agreement, without penalty of further obligation, pursuant to A.R.S. § 38-511.

10. Contract Term, Extensions and Amendments

- 10.1 The initial term of this Agreement shall be from the commencement of signatures by both parties through June 30, 2015. The Agreement may be renegotiated for additional periods, by formal Contract Amendment, subject to the requirements and/or limitations by Federal or State regulations.
- 10.2 The Agreement may be renegotiated for additional periods, up to a maximum of 48 months. If ADEQ exercises such rights, all Terms and Conditions of the original Contract shall remain in effect and apply during the renewal period.
- 10.3 This Agreement may be modified only by written Contract Amendment signed by the Director of ADEQ or his designee, and the person duly authorized to act on behalf of the

Grantee. Contract Amendments shall be executed with the same formalities as this Agreement. Executed copies of any Amendment shall be provided to both parties.

11. Effective Date

- 11.1 This Agreement shall become effective on the date this Agreement is signed by both parties.

12. Indemnification

- 12.1 To the extent permitted by A.R.S. §§ 35-154 and 41-621, the State of Arizona shall be indemnified and held harmless by the Grantee for its vicarious liability as a result of entering into this Contract. Each party to this Contract is responsible for its own negligence. This provision shall not apply if the Grantee is an agency of the State of Arizona.

13. Non-Availability of Funds

- 13.1 In accordance with A.R.S. § 35-154, every payment obligation of the State under this Contract 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 Contract, this Contract may be terminated by the State at the end of the period for which 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 or for any damages as a result of termination under this paragraph.

14. Non-Discrimination

- 14.1 In accordance with A.R.S. § 41-1461, contractor shall provide equal employment opportunities for all persons, regardless of race, color, creed, religion, sex, age, national origin, disability or political affiliation. Contractor shall comply with the Americans with Disabilities Act.

15. Notices, Correspondence, Reports and Invoices

- 15.1 All notices, correspondence, reports and invoices from the Grantee shall be sent to:

Arizona Department of Environmental Quality
Waste Programs Division
Attn: Linda Mariner, Brownfields Program
1110 W. Washington Street, 5th floor
Phoenix, AZ 85007
Office: (602) 771-4294
mariner.linda@azdeq.gov

- 15.2 All correspondence relating to the execution of the Contract, clarification of this Contract, and Contract Amendments shall be sent to:

Arizona Department of Environmental Quality
Attn: Susan Holt, Senior Procurement Specialist
1110 W. Washington Street
Phoenix, AZ 85007
(602) 771-4256 Direct
Holt.Susan@azdeq.gov

- 15.3 All notices, correspondence, and reports from the Arizona Department of Environmental Quality shall be sent to:

Attn: Karl Eberhard, Community Design and Redevelopment Manager
City of Flagstaff
211 W. Aspen Avenue
Flagstaff, AZ 86001
(928) 213-2969
keberhard@flagstaffaz.gov

16. Either party to this Agreement may designate a new project manager by filing a notice with the other party in accordance with these notice requirements.

17. Applicable Law

- 17.1 In accordance with A.R.S. § 41-2501 and A.A.C. R2-7-101, et seq, Contract shall be governed and interpreted by the laws of the State of Arizona and the Arizona Procurement Code.

18. Conflict of Interest

- 18.1 In accordance to A.R.S. § 38-511, the State may within three years after execution cancel the Contract, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating the Contract on behalf of the State, at any time while the Contract is in effect, becomes an employee or agent or any other party to the Contract in any capacity or a consultant to any other party of the Contract with respect to the matter of the Contract.

19. E-Verify

- 19.1 In accordance with A.R.S. § 41-4401, the Contractor warrants compliance with all Federal immigration laws and regulations relating to employees and warrants its compliance with A.R.S. § 23-214, Subsection A.

20. Arbitration

- 20.1 In accordance with A.R.S. § 12-1518, the parties agree to resolve all disputes arising out of or relating to this Contract through arbitration, after exhausting applicable administrative review except as may be required by other applicable statutes.

21. Ownership of Information

- 21.1 Title to all documents, reports, data, and other materials prepared by the Grantee in performance of this Agreement shall rest in the ADEQ, except for copyrighted material prepared in advance of this Agreement by the Grantee at the expense of the Grantee. The ADEQ shall have full and complete rights to reproduce, duplicate, disclose, perform and otherwise use all information prepared under this Agreement, except for copyrighted material as provided in this Section. The Grantee shall have full and complete rights to reproduce, duplicate, disclose, perform and otherwise use all information prepared under this Agreement with the provision that all reproduction, duplication, disclosures and literature shall contain acknowledgement to ADEQ.

22. Payment and Reporting

- 22.1 Payment, if applicable, and reporting shall be in accordance with the Scope of Work and Section 15 of the Special Terms and Conditions.

23. Personnel

- 23.1 The Grantee represents that it employs, or shall through subcontract, secure all personnel required for the performance of the services under this Agreement. Such personnel shall not be employees of, nor have any contractual relationship with ADEQ unless otherwise specified herein
- 23.2 Unless otherwise specified, all the services required hereunder shall be performed by the Grantee or under the supervision of the Grantee, and all personnel engaged in the work shall be fully qualified and shall be authorized under state and local law to perform such services. It is further agreed that the Grantee warrants that it is fully qualified and authorized under state and local law to perform the services contemplated under this Agreement.

24. Printing Credit

- 24.1 Promotional materials, such as brochures, advertisements, press releases, videos, signs, maps, technical reports, etc. developed for the project, which are funded with ADEQ monies, shall show credit to ADEQ. Such items shall include the following:
- 24.2 “Another project partially funded by the Arizona Department of Environmental Quality’s Brownfield Program”,
- 24.3 The logo format as shown in Exhibit A of this Agreement; and

24.4 All promotional material shall be printed on recycled paper with the statement “Printed on Recycled Paper” printed on the cover sheet.

25. Project Review

25.1 It is the responsibility of ADEQ to review and observe the progress of this Project. Therefore, ADEQ reserves the right to meet with the Grantee or its Subcontractors at reasonable intervals for purposes of review of the work and the progress of the Project.

25.2 ADEQ reserves the right to review and approve any and all forms, questionnaires, brochures, training materials and other special purpose documents developed by the Grantee or its Subcontractors for use in the Project. All documents shall be reviewed within five business days unless otherwise mutually agreed upon.

26. Draft Document Review

26.1 The Grantee shall allow ADEQ to review all draft material prior to finalizing the material for printing and distribution, including television and radio commercials, brochures, advertisements, press releases, videos, signs, maps, technical reports and other printed material developed by the Grantee as part of this project.

27. Severability

27.1 The provisions of this Agreement are severable to the extent that any provision or application to be invalid shall not affect any other provision or application of the Agreement, which shall remain in effect without the invalid provision or application.

28. Subcontracts

28.1 The Grantee shall not enter into any subcontract or agreement relating to this Agreement without the prior written approval of ADEQ.

28.2 If approval to subcontract is granted, the Grantee shall provide ADEQ with a copy of each subcontract or agreement within 30 days of its effective date.

28.3 Subcontracts shall incorporate all terms and conditions contained herein.

29. Termination

29.1 ADEQ or the Grantee may terminate this Agreement at any time, with or without cause, after giving 30 days written notice of termination to the Grantee or ADEQ, as appropriate. The notice shall specify the effective date of termination. In the event this Agreement is terminated, with or without cause, the equipment, instruments, housing, supplies, and other materials prepared in advance of this Agreement by the Grantee at the Grantee’s expense as provided in Section 24 of this Agreement, shall become property of ADEQ.

29.2 In the event the Agreement is terminated, with or without cause, the Grantee shall deliver all finished or unfinished documents, data, and reports prepared as a result of this Agreement to ADEQ.

29.3 If the Agreement is terminated, the Grantee shall be paid for all allowable costs incurred prior to the date of termination, subject to audit verification by ADEQ or its duly authorized representative.

30. Third Party Antitrust Violations

The Grantee assigns to the State any claim for overcharges resulting from antitrust violations to the extent that those violations concern materials or services supplied by third parties to the Grantee, toward fulfillment of this Contract.

31. Brownfields SRG Application

The Grantee's Brownfield SRG application dated June 30, 2014, is hereby incorporated into this Agreement by reference.

32. Estimated Usage

Any Contract resulting from this Agreement shall be used on an as needed, if needed basis. ADEQ makes no guarantee as to the amount of work that may be performed under any resulting Contract.

33. Changes

ADEQ reserves the right to add or delete related services and make other changes within the general Scope of Work as may be deemed necessary to best serve the interests of the State. All changes shall be documented in advance by Contract Amendment signed by the ADEQ designated authority and the Contractor.

34. Lobbying

The Contractor shall not engage in lobbying activities, as defined in 40 CFR Part 34 and A.R.S. § 41-1231 et. seq., using monies awarded under this contract. Upon award of a contract, Contractor shall disclose all lobbying activities to ADEQ to the extent they are an actual or potential conflict of interest or where such activities would create an appearance of impropriety. The Contractor shall implement and maintain adequate controls to ensure that monies awarded under a contract shall not be used for lobbying. All proposed Subcontractors shall be subject to the same lobbying provisions stated above. The Contractor must include anti-lobbying provisions in all contracts with Subcontractors.

35. Offshore Performance of Work Prohibited

Any services that are described in the specifications or scope of work that directly serve the State of Arizona or its client and involve access to secure or sensitive data or personal client data shall be performed within the defined territories of the United States. Unless specifically stated otherwise in the specifications, this paragraph does not apply to indirect or overhead services, redundant back-up services or services that are incidental to the performance of the contract. This provision applies to work performed by subcontractors at all tiers.

36. Small, Women/Minority Owned Business Utilization

The GCHS is encouraged to make every effort to utilize Subcontractors that are small, women-owned and/or minority-owned business enterprises. This could include subcontracts for a percentage of the work.

37. Certification of Small Businesses and Disadvantaged Business Enterprises (DBE)

It is highly recommended that small businesses and DBEs get certified as such. EPA reporting, requirements have changed and it is in the best interests of such businesses to become certified as soon as possible, certification is typically free. Several certifying agencies are as follows:

City of Phoenix, phoenix.gov/eod/programs/abecertprograms/index.html

City of Tucson, cms3.tucsonaz.gov/oeop

Small Business Association (SBA), www.sba.gov/content/facts-about-government-grants

Arizona Department of Transportation (ADOT) www.azdot.gov/business/civil-rights

Environmental Protection Agency (EPA) epa.gov/osbp/

38. Federal Immigration and Nationality Act

38.1 By entering into the Contract, the Contractor warrants compliance with the Federal Immigration and Nationality Act (FINA) and all other Federal immigration laws and regulations related to the immigration status of its employees. The Contractor shall obtain statements from its subcontractors certifying compliance and shall furnish the statements to the Procurement Officer upon request. These warranties shall remain in effect through the term of the Contract. The Contractor and its subcontractors shall also maintain Employment Eligibility Verification forms (I-9) as required by the U.S. Department of Labor's Immigration and Control Act, for all employees performing work under the Contract. I-9 forms are available for download at USCIS.GOV.

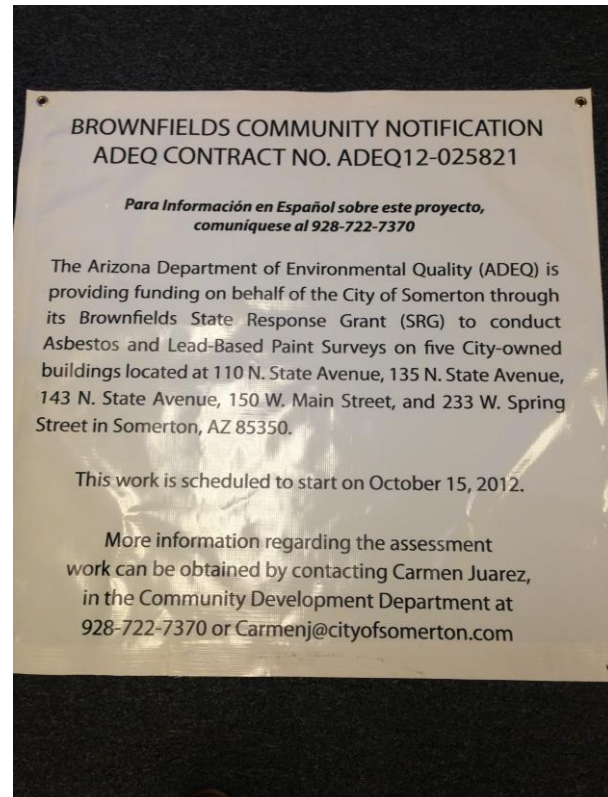
38.2 The State may request verification of compliance for any Contractor or subcontractor performing work under the Contract. Should the State suspect or find that the Contractor or any of its subcontractors are not in compliance, the State may pursue any and all remedies allowed by law, including, but not limited to: suspension of work, termination of the Contract for default, and suspend and/or debarment of the Contractor. All costs necessary to verify compliance are the responsibility of the Contractor.

ADEQ15-077563
EXHIBIT A
ADEQ LOGO WITH PRINTING CREDIT



Janice K. Brewer, Governor
Henry R. Darwin, Director

ADEQ15-077563
EXHIBIT B
SAMPLE SIGNAGE LOCATED AT PROJECT SITE FOR PUBLIC
NOTIFICATION



ADEQ15-077563
EXHIBIT C
VRP Example Application



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
VOLUNTARY REMEDIATION PROGRAM APPLICATION

PART I VOLUNTARY REMEDIATION PROGRAM (VRP) INFORMATION AND APPLICATION OVERVIEW

VRP Overview

The State of Arizona enacted Senate Bill 1454, which created a new Voluntary Remediation Program (VRP), to be implemented by the Arizona Department of Environmental Quality (ADEQ). The new VRP statutes went into effect on July 18, 2000. In accordance with the new statutes, ADEQ submitted a Notice of Exempt Rulemaking with the Secretary of State on January 19, 2000. This action finalized the adoption of the VRP interim fee rules. These interim fee rules went into effect on February 9, 2001 and can be found in the Arizona Administrative Code (A.A.C.), Title 18, Chapter 7, Article 5.

Fees

The interim fee rules:

- establish a \$2,000 non-refundable application fee (note that upon acceptance into the VRP, the fee will be credited against total reimbursable costs);
- establish an hourly VRP oversight rate of \$110 per hour;
- provide for an initial deposit of \$4,000 to be submitted with the applicant's work plan or request for No Further Action (NFA) or Conditional NFA;
- request additional deposits of \$4,000, if an account drops below \$1,000;
- provide small businesses with the opportunity to pay the application fee in installments under an agreement with the department;
- provide for quarterly billing statements.

The above is represented as a summary of the main elements of the interim fee rule. Contact the Secretary of State at (602) 542-4086, or the VRP at (602) 771-4398, or toll free in Arizona at 800-234-5677 Ext. 4398 to obtain complete copies of the rule. Additional information can also be found on the ADEQ website, www.adeq.state.az.us.

Application Overview

The application is subdivided into five parts: **PART I**, VRP Information and Application Overview; **PART II**, VRP Eligibility; **PART III**, Applicant, Site and Remedial Action Information; **PART IV**, Voluntary Remediation Agreement; and, **PART V**, Correctness of Information and Terms and Conditions Agreement Statement.

Application Fee and Process

After completing PARTS II - V of the application, the applicant shall include with the application a **non-refundable application fee of \$2,000**, pursuant to A.R.S. § 49-179 (A) and A.A.C. R18-7-502(A). The fee should be in the form of a company check, cashier's check, certified check, or money order **made payable to ADEQ**. Small businesses as defined in A.R.S. § 41-1001(19), may have their application approved upon receipt of a partial payment of the application fee, in an amount approved by ADEQ and an agreement to pay the remainder of the fee in scheduled installments.

Please return the completed application and the \$2,000 non-refundable fee to the:

Arizona Department of Environmental Quality
Voluntary Remediation Program, Fourth Floor
1110 W. Washington Street, MC 4415B-2
Phoenix, AZ 85007

After receipt of the application, the VRP will promptly review the application and approve, deny, or request modifications in order to determine the applicant's eligibility to participate in the VRP. An application shall be deemed complete unless the department, within sixty days of receipt, notifies the applicant that the application is incomplete or has been denied.

PART II: VRP ELIGIBILITY

Section I: Verification of VRP Eligibility

A. VRP Eligibility

Please verify that your remedial activities are eligible for the VRP by answering "yes" or "no" to the below listed eligibility requirements specified in A.R.S. § 49-172(B). If you circle "yes" to any of the remedial activities listed in the box below, contact the VRP for assistance at (602) 771-4398 or toll free in Arizona at (800) 234-5677 ext. 4398.

Are remedial actions required by the terms of any of the following :	Yes	No
1) a written agreement between the applicant and the Director entered into before the date of the application;	Yes	No
2) a judicial judgment or decree;	Yes	No
3) an administrative order issued before the date of the application;	Yes	No
Are remedial actions: sought to be required in the complaint in a judicial action filed and served by the state before the date of the application;	Yes	No
Are remedial activities subject to:	Yes	No
1) corrective action at or closure of a facility, that has qualified for interim status or to which a permit has been issued pursuant to A.R.S. § 49-922;	Yes	No
2) listing on the WQARF Registry [see A.R.S. § 49-287.01(D)] or location in a WQARF boundary area with the same contaminant(s) of concern. Specifically remedial actions at a site or portion of a site listed on the registry maintained pursuant to § 49-287.01, subsection D that address a contaminant of concern at that site, except that the department may accept an application under this article for remediation of a site or a portion of a site for which a preliminary investigation has been commenced or completed pursuant to § 49-287.01 but that has not been listed on the registry maintained pursuant to § 49-287.01, subsection D;	Yes	No
3) a corrective action pursuant to A.R.S. § 49-1005, unless the person waives any right to reimbursement from the State Assurance Fund. Answer "no" to this question if the applicant and property owner agree not to seek reimbursement from the State Assurance Fund for LUST corrective actions, or no USTs are found on site. In all cases, if the applicant answers "no" to this question, the "Waiver of State Assurance Fund Reimbursement" must be completed.	Yes	No

If you have answered "no" to all of the above items, your site may be eligible for participation in the VRP. If you have any questions regarding eligibility requirements or application elements, please contact the VRP prior to submittal. (Please note that the application fee is non-refundable)

B. Waiver of State Assurance Fund Reimbursement (signatures are mandatory for VRP acceptance)

The applicant and property owner (if different from the applicant) shall not seek or request reimbursement from the ADEQ/State Assurance Fund for LUST corrective actions performed or approved under the Voluntary Remediation Program.

By: _____ Name: _____ Date: _____
(Applicant's Signature) (Print or type)

The property owner must sign, if different from the applicant.

By: _____ Name: _____ Date: _____
(Owner's Signature) (Print or type)

**PART III: APPLICANT RELATED, SITE AND REMEDIAL ACTION
INFORMATION**

Section I: Applicant Related Information

A. Applicant

Name _____
Company _____
Address _____
City _____ State _____ Zip Code _____
Phone () _____ Fax () _____ E-mail _____
Nature of the Relationship to the Site _____
Type of Business: (Please circle ALL that apply to your business)
N - Native American Owned Entity O - Operator on Native American Property F - Federal Government
S - State Government C - County Government P - Partnership R - Corporation M - Municipality
Other _____

B. Applicant's Authorized Agent (if any)

Name _____ Relationship to Applicant _____
Company _____
Address _____ City _____ State _____
Zip Code _____ Phone () _____ Fax () _____ E-mail _____
Describe Agent's Authority _____

C. Property Owner

Name _____ Title _____
Company _____
Address _____ City _____ State _____
Zip Code _____ Phone () _____ Fax () _____ E-mail _____

D. Billing Information

Name _____
Company _____
Address _____ City _____ State _____
Zip Code _____ Phone () _____ Fax () _____ E-mail _____

Section II: Site Information

A. Description of the Location and Boundaries of the Site or Portion of the Site, that is Subject to the Remediation

Site Name _____
Address _____
City _____ County _____ Zip Code _____
Approximate Center of the Property:
Latitude _____° _____' _____" Longitude _____° _____' _____" ...
Site Size (acres or sq. feet) _____ Parcel Number _____
Township _____ Range _____
Section _____ of the _____ 1/4 of the _____ 1/4 of the _____ 1/4
Legal description of the Property (attach a map showing the site): _____

B. Investigation Information

To the best of your knowledge, is the property (or any activity conducted on the property) currently the subject of an administrative, civil, or criminal investigation related to protection of the environment? Yes/No [circle one]
If yes, please describe: _____

To the best of your knowledge, has the property (or any activity conducted on the property) ever been the subject of an administrative, civil or criminal investigation related to protection of the environment? Yes/No [circle one]
If yes, please describe (including the approximate date of the investigation and any known outcome of the investigation): _____

Section III: Site Characterization

A. Description

Provide a general description of the results of the site characterization activities performed at the site or portion of the site (attach additional sheets if necessary): _____

Section IV: Remedial Actions

A. Remediation

Indicate if the remediation is: _____ Proposed _____ In progress _____ Completed

Provide a general description of the work to be performed or already performed. (attach additional sheets if necessary): _____

B. Please Check ALL Your Remedial Objectives While Participating in the VRP:

SOIL

- _____ Residential Soil Remediation Levels
- _____ Non-residential Soil Remediation Levels
- _____ Property specific risk-based residential levels
- _____ Property specific risk-based non-residential levels
- _____ Background levels
- _____ Intended cleanup level not known at this time

List contaminants _____

WATER

- _____ Aquifer water quality standards
- _____ Surface water quality standards
- _____ Intended cleanup level not known at this time

List contaminants _____

RISK ASSESSMENT

Please Describe _____

OTHER COMMENTS

C. Please Check ALL the Approval(s) that you will Seek While Participating in the VRP:

- ☐ Site Characterization Work Plan Approval, pursuant to A.R.S. § 49-177
☐ Remediation Work Plan Approval, pursuant to A.R.S. § 49-177
☐ No Further Action (NFA) Determination, pursuant to A.R.S. § 49-181
☐ Conditional NFA Determination, pursuant to A.R.S. § 49-181(D), includes all sites closed through the use of engineering controls (DEUR sites with engineering controls, only)

Section V: Actions to be Suspended

A. Suspended Actions

If applicable, a list of actions that the applicant proposes to be suspended by the approval (examples include, but are not limited to, WQARF preliminary investigations commenced or completed on the site, or deadlines under Notices of Violation).

PART IV: VOLUNTARY REMEDIATION AGREEMENT

Section I: Voluntary Remediation Agreement - Access

A. Access Agreement

The undersigned Owner(s) is/are the sole Owner(s) of the Property, and hereby grant(s) permission to ADEQ and its authorized agents and contractors to enter upon the Property at reasonable times to verify that the work is being performed in accordance with the work plan, approved pursuant to A.R.S. § 49-177, or has been performed in accordance with the report submitted pursuant to A.R.S. § 49-181. ADEQ's review may include field inspection and reasonable sampling. If the applicant is different from the Owner, the applicant must secure the Owner's signature on this document, granting right of entry. At ADEQ's request, the Owner, or his authorized agent, shall unlock any entry gate or door to the property and/or remove any lock on any well(s). This access agreement terminates upon receipt by ADEQ of written withdrawal notification from the applicant, issuance by ADEQ of a NFA determination, or by ADEQ notifying the Owner that they are being terminated from the program (A.R.S. § 49-178).

By: _____
(Property Owner Signature)

Name: _____
(Print or type)

Date: _____

STATE OF _____)
) ss.
County of _____)

This application was subscribed and sworn to before me this _____ day of _____ by

_____, Owner of Property.

My commission expires:

(Notary Public)

Section II: Voluntary Remediation Agreement - Costs/Fees, Tasks, & Meetings

A. Reimbursement of ADEQ Costs

The applicant agrees to reimburse ADEQ for all reasonable and necessary costs of actions taken by ADEQ, pursuant to A.R.S. §§ 49-173 through 49-182, and 49-185. Reimbursable costs include time spent by the ADEQ employees and the costs of goods and services contracted by ADEQ to carry out the activities described in the VRP authorities listed above (A.A.C. R18-7-504). The interim hourly reimbursement rate for ADEQ staff is \$110 per hour (A.A.C. R18-7-505). The applicant is responsible for costs associated with the services of any contractor retained by ADEQ. The applicant agrees to pay all costs incurred in collecting any amounts due under this agreement, including ADEQ's attorneys' fees, and other goods and services. If an application is withdrawn or terminated from the VRP, the applicant shall reimburse ADEQ for all costs incurred prior to the withdrawal or termination (A.A.C. R18-7-507).

B. Advance Deposits

The applicant agrees to provide an initial deposit of \$4,000 to ADEQ [A.A.C. 18-7-503(A)], to be submitted with the applicant's work plan or request for NFA or Conditional NFA, and before the applicant's work plan (A.R.S. § 49-175) or NFA/CNFA report (A.R.S. § 49-181) will be reviewed by the VRP. The deposit must be in the form of a company check, cashier's check, certified check, or money order made payable to ADEQ. A site-specific deposit account will be established for the site and ADEQ will charge all incurred reimbursable costs attributable to the applicant's site against the account. If the applicant's account falls below \$1,000, additional deposits of \$4,000 will be requested of the applicant. All deposits are due within 30-days of the request date. If any requested deposit is not received within 60-days of request, the applicant's site may be terminated from participation in the VRP. For more information see A.A.C. R18-7-503.

C. Work Plan Schedule

The applicant agrees to carry out the tasks described in the work plan pursuant to A.R.S. § 49-175 in accordance with the schedule provided in the work plan, or to submit a report pursuant to A.R.S. § 49-181.

D. Meeting and Confering with ADEQ

The applicant agrees to meet and confer with the department regarding the progress of the tasks performed in accordance with the work plan, approved pursuant to A.R.S. § 49-177, if applicable.

E. Notice of Referral

Please note that upon closure, withdrawal, or termination from the VRP, any environmental issues not resolved will be referred to the appropriate ADEQ program for further investigation and/or action.

PART V: CORRECTNESS OF INFORMATION AND TERMS AND CONDITIONS AGREEMENT STATEMENT

I certify under penalty of law that this application and all attachments are, to the best of my knowledge and belief, true, and complete. I also agree to the terms and conditions as specified in PART IV, Section I and II - Voluntary Remediation Agreement. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations.

Applicant's Signature

By: _____ Name: _____ Date: _____
(Applicant's Signature) (Print or type)



Brownfields State Response Grant (SRG) Application

Arizona Department of Environmental Quality
Sustainability Unit, Fifth Floor
1110 W. Washington Street, Phoenix, AZ 85007

The application and information obtained during any investigation conducted by ADEQ is considered a public record.

Preliminary Eligibility Criteria (Choose either Yes or No)	YES	NO
1) Is the Applicant a government entity or non-profit organization?		
2) Is the Applicant the owner of the property? (Required for a clean-up grant)		
3) Is the Applicant planning to purchase the property?		
4) Is the Applicant a private entity?		
5) Is the suspected or known contaminant a petroleum product?		
6) Is the suspected or known contaminant a hazardous substance?		
7) Is the property mine-scarred land?		
8) Is the site located in a CERCLA (Superfund) or WQARF area?		
9) Is an Arizona Smart Growth card filed? (Give the entity name, if applicable)		

Please list suspected or known contaminants of concern on the property:

--

Please contact Brownfields Program staff for assistance before completing your application:

André Chiaradia, Brownfields Coordinator
Sustainability Programs Unit
Waste Programs Division
Arizona Department of Environmental Quality
1110 W. Washington Street, 5th Floor
Phoenix, AZ 85007
Direct Line: (602) 771-2296
Email: rc6@azdeq.gov
Toll free in AZ: (800) 234-5677, Ext. 7712296

Applicant Name:			
Organization:			
Address:			
Phone:		Fax:	
Email:			

Proposed Site Information:

Site Address:	
Current Zoning:	
Assessor's Parcel #:	

Current Owner Information (if different from applicant):

Name:	
Address:	
Phone:	
Email:	

Project Information

Your grant application package must include the following information to assist ADEQ in determining the initial eligibility of your project for an environmental site assessment (ESA) or for a clean- up grant. Provide the following information in a typed narrative of no more than five pages.

- 1 Cover letter requesting SRG funding to perform a Phase I or Phase II ESA or clean-up activities.
- 2 Requested funding amount.
- 3 Description of how grant funding will be used (list properties to be included in the project).
- 4 General description of the property (current owner, location, acreage, and past, current and future use).
- 5 If applicable, list anticipated sources of funding to be used for purchasing and developing the site.
- 6 If possible, sources and amounts of funding already expended on the site.
7. If the applicant is to manage the project instead of ADEQ, include the name of the applicant's project. manager, title, address, and a brief description of their qualifications to manage the project.
8. If applicable, documentation of intent to purchase and develop the project site.
9. Identify any development activities within the area that may include the site or surrounding properties.
10. Documentation of site access to accomplish the on-site work.
11. Benefits of site re-development to the public.
12. Statement as to whether the site is located in WQARF or Superfund areas.
13. If a Phase II SA or clean-up is conducted, list past, current, and/or future community outreach activities involving the site.
14. Applicant's key contact person to receive site updates and correspondence from ADEQ.
15. Site parcel map.
16. ProcureAZ Vendor Number. *If you need to register, please go to: <https://procure.az.gov/bsa/>



June 30, 2013

Andre Chiaradia
Brownfields Coordinator
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007

Re: Arizona Department of Environmental Quality –
Brownfields State Response Grant requested for
Midgley's Market Building - 23 North Beaver Street

Dear Mr. Chiaradia,

The City of Flagstaff respectfully requests funding under the Arizona Department of Environmental Quality (ADEQ) Brownfields State Response Grant (SRG) to perform clean-up activities at the subject property. We have in hand a proposal to perform all required work and contract administration for a fixed fee of \$45,254. However, our funding request is for \$51,254 to be used as follows:

1. Asbestos abatement work - \$29,900
2. Asbestos abatement contract oversight - \$15,354
3. Enroll in the ADEQ Voluntary Remediation Program (VRP) - \$6,000

The subject building, 2,237 square feet in size, is located on a 0.15 acre parcel of property in the heart of downtown that is zoned CB (Commercial Business). The site is not located in a WQARF or Superfund area and the City (owner) is not a responsible party for contamination at this location. The property contains the building and a paved parking area. The parking area is shared with the adjacent municipal prosecutor's office and municipal courts facilities. Though both one-way streets, the property has adequate access from both Beaver Street and Aspen Avenue, as well though the adjacent properties, all under the same ownership. A site map is attached.

According to the date inscribed on the capstone over the front door, the building was constructed in 1927. City directories show that beginning at least in 1929, the building was used for a food market. Between at least 1948 and 1985, the building was used by successive sporting goods and liquor businesses. Beginning at least in 1990, the building was used for a Christian bookstore (The Lion and Lamb) and as an office for Christian ministries. It is not known when the building was no longer used for this purpose. The City of Flagstaff acquired the property through condemnation in December of 2004. The building is currently vacant and unoccupied due to extensive contamination (asbestos, lead, and mold).

The City of Flagstaff intends to construct a new municipal courts facility. The subject site, along with several surrounding sites, a half a city block in total, is the preferred site. Funding for the municipal courts facility has not been fully arranged though the City continues to maintain the building exterior and has expended funds for various environmental and design studies. The current municipal courts facility is undersized by at least one hundred percent relative to current needs, is subject to periodic flooding, and is unable to meet modern courtroom and security needs. The public would benefit in many ways from the redevelopment of this site as a part of the badly needed new municipal courts facility.

Taking a slightly larger view, the rationale for this being a preferred site for the courts is that it is an empty building in the heart of downtown. Should the courts not be able to move forward on this site, abatement at this time would facilitate ready private redevelopment of the property. This alternative redevelopment scenario would also benefit the public by converting an empty, contaminated, and boarded up downtown building to a productive use.

Being a City asset, all but the most basic activities regarding this property are conducted in open public (City Council) meetings with substantial public noticing including website, newspaper, and physical postings. Such meetings included, or will include, the original acquisition, continued ownership, significant capital investments, and all future planning (such as the desired redevelopment of the property for a court facility). Working with downtown stakeholders, the City Council has recently formed a Downtown Revitalization District that encompasses the subject property. This process was conducted over eight years and involved approximately 2,000 property and business owners, as well as other interested citizens. The inclusion of City owned property was important in the formation of this district and the City is voluntarily paying the district assessment as if the property (all City owned properties) were privately owned.

The City proposes that if granted these funds, the work would be managed by (myself) Karl Eberhard, Community Design and Redevelopment Manager for the City of Flagstaff. The Community Design and Redevelopment program expends approximately \$1.1M annually toward Public Art, Beautification, and other City projects. Between his prior private architectural experience and his municipal experience, Mr. Eberhard has more than 30 years experience in construction contract administration. Mr. Eberhard will also serve as the key contact person for ADEQ.

At this point, if granted these funds, the City intends to hire Cardno ATC to provide daily project oversight and management as well as all matters relative to environmental and grant compliance. Cardno ATC has particularly strong skills and experience for asbestos abatement. Their ProcureAZ Vendor Number is: 000029668. Southwest Hazard Control will be the primary sub-contractor of Cardno ATC, providing asbestos abatement services. Their ProcureAZ Vendor Number is: 9000006792. Other minor sub-contractors may be required.

The City of Flagstaff is confident that this project is an effective use of the State Response Grant funding. The assessment, cleanup, and redevelopment of this Brownfield property will have many benefits and provide significant improvement to the economic vitality of Flagstaff and the quality of life of the residents of our community.

Sincerely,

A handwritten signature in red ink, appearing to read 'Karl Eberhard', with a stylized, cursive script.

Karl Eberhard, AIA
Community Design and Redevelopment Manager
City of Flagstaff

SCS ENGINEERS



PHASE I ENVIRONMENTAL SITE ASSESSMENT CITY OF FLAGSTAFF TRANSIT TRANSFER CENTER

**FOUR PROPERTIES SOUTH OF WEST ASPEN AND
WEST OF NORTH BEAVER STREETS
107 WEST ASPEN AVENUE
15 NORTH BEAVER STREET
23 NORTH BEAVER STREET
102 WEST ROUTE 66
FLAGSTAFF, ARIZONA**

**CONTRACT NO. SCC060000-A4
TASK ASSIGNMENT NO. EV10-0123**

Presented to:

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ) BROWNFIELDS PROGRAM

1110 West Washington Street
Phoenix, Arizona 85007

Presented by:

SCS ENGINEERS
4222 East Thomas Road, Suite 310
Phoenix, Arizona 85018

October 20, 2010
AAI Date: July 25, 2010
File No. 01210094.00

Offices Nationwide
www.scsengineers.com

SCS ENGINEERS

October 20, 2010
File No. 01210094.00

Ms. Linda Mariner
Brownfields Coordinator
Sustainability Programs Unit
AZ Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007

Subject: Phase I Environmental Site Assessment
107 West Aspen Avenue
15 North Beaver Street
23 North Beaver Street
102 West Route 66
Flagstaff, Arizona

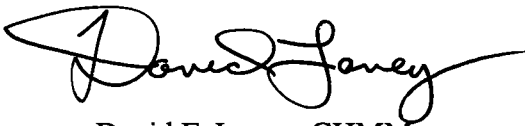
Contract No. SCC060000 – A4
ADEQ Task Assignment No. EV10-0123

Dear Linda:

SCS Engineers (SCS) is pleased to submit the final Phase I Environmental Site Assessment for the above-referenced properties located in Flagstaff, Arizona. We have revised the document to incorporate the comments suggested in your e-mail and the technical memorandum from Debi Goodwin dated September 9, 2010.

SCS appreciates the opportunity to assist you with this project. If you have any questions regarding this report, please feel free to contact either of the undersigned at (602) 840-2596.

Sincerely,



David F. Laney, CHMM
Project Director
SCS ENGINEERS



Bradley F. Johnston, RG
Vice President
SCS ENGINEERS

df/bj

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EXECUTIVE SUMMARY

The Arizona Department of Environmental Quality (ADEQ) Brownfields Program retained SCS Engineers (SCS) to perform a Phase I Environmental Site Assessment (ESA) of four properties located in Flagstaff, Arizona. The street addresses and Coconino County Assessor's Parcel Numbers (APN) assigned to the properties are as follows:

STREET ADDRESS	COCONINO COUNTY APN
107 Aspen Avenue	100-21-009A
23 North Beaver Street	100-21-009B
15 North Beaver Street	100-21-011
102 West Route 66	100-21-001B

This ESA consisted of a site reconnaissance; interviews; review of environmental, historical, and physical records pertaining to activities on and adjoining the site; and interpretation and reporting of findings.

Current Site Uses

At the time of the site reconnaissance, site uses consisted of the following:

STREET ADDRESS	CURRENT USE
107 Aspen Avenue	Single story building occupied by the City of Flagstaff Prosecutor
23 North Beaver Street	Vacant brick & stone building
15 North Beaver Street	Single story building occupied by the Flagstaff Municipal Court
102 West Route 66	Parking lot for Flagstaff Municipal Court

The Flagstaff Municipal Court building includes office and administrative areas used for the adjudication and disposition of all local code violations, criminal misdemeanor, criminal traffic, and civil traffic cases that occur within the Flagstaff City limits. The City of Flagstaff Prosecutor building included offices and associated administrative areas.

An alley separates the building at 107 West Aspen Street from the property to the west and 102 West Route 66 from the property (15 North Beaver Street) to the north. With the exception of small landscaped areas in the parking lot at 102 West Route 66 and in front of the buildings along North Beaver and West Aspen Streets, the site was either covered by buildings or was paved for parking.

Historical Site Uses

As early as 1890, all of the properties except 107 West Aspen Avenue contained single story residences. The property at 102 West Route 66 contained the largest residence and a stable. Between 1890 and 1892 a "wooden hut" (purpose unknown) was built at 107 West Aspen Avenue. From 1892 until the present, all four properties have been developed.

Prior to 1901, the channel for the Rio de Flag (marked as “dry” on some maps) traversed the western edge of 15 North Beaver Street and was immediately adjacent to the western boundary of 102 West Route 66.

Between 1916 and 1929 land use at the site began to change from residential to commercial. This occurred first at 23 North Beaver where the current building replaced a former residence and was used for a grocery. It also occurred at 102 West Route 66 where the former residence was replaced by an automobile dealership(s) and a garage(s). The historical land use by property is summarized below.

Prior to 1948, use of **107 West Aspen Avenue** was thought to be residential. From at least 1948 to 1976, the building at this property was occupied by Northern Arizona Amusement Company. Between 1976 and 1985 the sporting goods store at 23 North Beaver Street moved to 107 West Aspen Avenue and stayed at this location until sometime after 1990. It is not known when the building at this location was no longer used by the sporting goods store but it was eventually used by the Army Corps of Engineers. When the Army Corps moved out of the building they were occupied by offices of the City of Flagstaff Prosecutor. The City Prosecutor’s offices were present at this location at the time of this report (2010).

According to the date inscribed on the capstone over the front door of the building at **23 North Beaver Street**, it was built in 1927. City directories show that beginning in at least 1929, the building was used for a food market. Between at least 1948 and 1985, the building was used by successive sporting goods/liquor businesses. Beginning in at least 1990, the building was used for a Christian bookstore (The Lion and Lamb) and as an office for Christian ministries. It is not known when the building was no longer used for this purpose; it is currently vacant.

The building present at **15 North Beaver Street** was constructed between 1948 and 1955. Between 1961 and 1971 the building was used by a furniture store. In 1971, local street directories show that this location was also used by a refrigeration company. Starting in at least 1976, the building at this property was the location of the administrative offices of the City of Flagstaff, including building inspection, drainage and grading permits, parks and recreation, planning and zoning, roadway encroachment and construction permits, and civil defense. The City of Flagstaff Municipal Court became the predominant use of the building in approximately 1980 -1981, and currently occupies the building.

102 West Route 66 was also known as 106 West Santa Fe Avenue. Sometime between 1916 and 1929, this property was first used by businesses offering automobile repair and/or refueling (i.e., service stations). The 1948 Sanborn fire insurance maps shows two auto repair garages (including one constructed of stone marked “18 cars”) at this location. According to the Sanborn map, an auto sales and service business was located immediately to the north of the garages. Similar use of the property (service and automobile repair station) continued until 1984 when the property was used by a muffler shop. In 1986, the property was occupied by Tim’s Auto Electric. It is not known when the building at the property was demolished and the property was paved for use as a parking lot for the Flagstaff Municipal Court, which currently occupies the site.

Adjoining Properties

The adjoining properties currently consist of a parking lot (north), the Orpheum Theatre and Century 21 Realty (northeast and southeast), the Flagstaff Chamber of Commerce (south), and Avis Rent-A-Car, and FAST Auto and Payday Loans, and the Pow Wow Trading Post (west). Based on historical information reviewed, the following is known about previous land use on adjoining properties:

- 1890 – 1929: residential (all directions)
- 1929 – 1949: residential (north); commercial businesses (including a fuel & feed store), the Orpheum Theatre, and a service station (east); vacant (south); and tire repair shops (west)
- 1949 – 1960: residential (north); various small commercial businesses, the Orpheum Theatre, and a service station (east); the Flagstaff Chamber of Commerce (south); and a café and bus stations (west)
- 1961 – 1990: commercial business (north); various small commercial businesses and the Orpheum Theatre (east); the Flagstaff Chamber of Commerce (south); and a pest extermination company, a café, and a bus station (west)
- 1990 – 2010: parking (north), small commercial businesses and the Orpheum Theatre (east), the Flagstaff Chamber of Commerce (south), and Avis Rent-A-Car, FAST Auto and Pay Day Loans, and the Pow Wow Trading Post (west)

The two bus stations that were previously operated to the west of the site contained leaking underground storage tanks (LUSTs) that may have impacted the site.

Regulatory Review

The site, two adjoining properties, and nine nearby properties were identified in the environmental listings of regulatory agencies as having had registered underground storage tanks (USTs). The site, two adjoining properties, and twenty-six nearby properties were identified in the environmental listings of regulatory agencies as having had LUSTs. Two open LUSTs to the west of the site are considered recognized environmental conditions (RECs) for the site. Other environmental listings identified in the vicinity of the site are not considered to be RECs for the site.

RECOGNIZED ENVIRONMENTAL CONDITIONS

SCS has performed this Phase I ESA in conformance with the scope and limitations of ASTM Standard Practice E 1527-05 and ADEQ specifications for the properties located at 107 West Aspen Street, 23 North Beaver Street, 15 North Beaver Street, and 102 West Route 66. Any exceptions to, or deletions from, this practice are described in Section 10 of this report. This assessment has identified the following RECs in connection with the site:

- From at least 1929 until at least 1986, the property at 102 West Route 66 (southern portion of the site) was used as an automobile sales, repair, and refueling (service) station. Two 3,000 galvanized steel tanks were removed from this property in 1986, and a release associated with the USTs, piping or dispensers was reported in 1988. Although ADEQ closed the LUST file in 1997 and stated that it was a suspected but not proven release that may have been associated with the contamination on an adjacent property. The use of the site for more than 50 years for automobile repair and refueling make it a REC.
- Between at least 1959 and 1985 one of the properties adjacent to the site and approximately 0.1 miles to the west, 114 Santa Fe Avenue/West Route 66, was occupied by Continental Trailways Bus Station. This facility had two registered 10,000 gallon USTs used for storage of diesel fuel which were removed in 1986. A release from this facility was reported on December 12, 1986 and the LUST file remains open. The LUST file indicated the presence of free product on groundwater. Although the regional direction of groundwater flow suggests that this property may be crossgradient of the site, given its close proximity to the site, it may have impacted groundwater and soil at the site, particularly if perched groundwater is present.
- The property immediately to the east of 114 West Santa Fe Avenue/West Route 66 is 118 West Santa Fe Avenue/West Route 66, which was previously used by Greyhound Bus Station and West Winds Traders and contained two USTs. A fuel release was reported and the LUST file remains open for this facility, which is currently occupied by the Pow Wow Trading Post. Although the regional direction of groundwater flow suggests that this property may be crossgradient of the site, given its close proximity to the site, it may have impacted groundwater and soil at the site, particularly if perched groundwater is present.

RECOMMENDATIONS

Based on the findings of this Phase I ESA for the site, the following recommendations are made for the site:

- Soil and groundwater samples should be collected for laboratory analysis from the property at 102 West Route 66. The purpose of this work would be to assess the nature and extent of residual contamination that may be present from former LUSTs both on this and adjoining properties and from former automobile repair operations. Samples should be analyzed for volatile organic compounds (VOCs) using EPA Method 8260B and PAHs using EPA Method 8310.
- Any future construction on the four properties that comprise the site should take into account the possible presence of cisterns, septic tanks, or other sewage disposal systems. These may be a geotechnical concern if not removed prior to construction activities. Proper procedures should be followed for removal or abandonment during redevelopment of the parcel.

1 INTRODUCTION

PURPOSE

The Arizona Department of Environmental Quality (ADEQ) Brownfields Program retained SCS Engineers (SCS) to perform a Phase I Environmental Site Assessment (ESA) of four properties located south of West Aspen Street, west of North Beaver Street, and north of West Route 66, in Coconino County, Flagstaff, Arizona (site). A Site Location Map and a Parcel Map are provided as Figures 1 and 2, respectively in Appendix A. The following street addresses and Coconino County Assessor's Parcel Numbers (APN) are assigned to the properties.

STREET ADDRESS	COCONINO COUNTY APN
107 Aspen Avenue	100-21-009A
23 North Beaver Street	100-21-009B
15 North Beaver Street	100-21-011
102 West Route 66	100-21-001B

This ESA was conducted to evaluate the potential for recognized environmental conditions (RECs) at the site as defined in the American Society of Testing and Materials (ASTM) Standard E 1527-05 and is intended to fulfill the all appropriate inquiry clause of the "innocent landowner defense" and "bona fide prospective purchaser" clauses of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). ASTM Standard E 1527-05 defines RECs as:

The presence or likely presence of any *hazardous substances* or *petroleum products* on a *property* under conditions that indicate an existing release, a past release, or a *material threat* of a release of any *hazardous substances* or *petroleum products* into structures on the *property* or into the ground, ground water, or surface water of the *property*. The term includes *hazardous substances* or *petroleum products* even under conditions in compliance with laws. The term is not intended to include *de minimis* conditions that generally do not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be *de minimis* are not RECs.

DETAILED SCOPE OF SERVICES

This work was performed in accordance with State of Arizona Contract No. SCC060000 – A4 and our Proposal No. 010318210 (dated June 30, 2010). Task Assignment Award was received from the ADEQ on July 1, 2010. This ESA was conducted in accordance with the guidelines set forth in the ASTM Standard E 1527-05, and consisted of the following four components:

- **Site Reconnaissance** - A visual reconnaissance of the subject site and surrounding properties;

- **Records Review** - Examination of historical documents and state and federal regulatory agency records;
- **Interviews** - Interviews with individuals and public officials familiar with the site's history; and
- **Report** - Evaluation and Report.

SHELF LIFE OF AAI DOCUMENTS

The AAI rule specifies that all appropriate inquiries must be conducted within a one-year period prior to the date a property is acquired. The EPA has defined the acquisition date to be the date on which the property title is transferred. To ensure full coverage under the AAI rule, a valid ESA report must be completed within a 12-month period prior to transfer of title.

However, selected ESA report components and supporting information sources must be updated if they were completed more than six months (180 days) prior to title transfer. The specific ESA components with a 180-day shelf life include:

- Site inspection;
- Interviews with knowledgeable persons;
- Review of government regulatory records;
- Search for environmental cleanup liens; and
- Declaration/signature of certifying Environmental Professional.

The AAI date included on the cover of the report indicates the date that research was performed for the different components of this project, whichever is the earliest.

SIGNIFICANT ASSUMPTIONS

Based on documents reviewed, interviews with knowledgeable people, and a site reconnaissance, SCS assumes that information collected during this ESA is accurate and correct. Unless warranted, information collected has not been independently validated as part of this ESA.

LIMITATIONS AND EXCEPTIONS

This report has been prepared for the ADEQ with regard to the assessment of environmental conditions of the subject site. This assessment focused on potential sources of hazardous substances or petroleum products that could be considered a REC and a liability due to the presence in significant concentrations (e.g., above acceptable limits set by the federal, state or local government) or due to the potential for contamination migration through exposure pathways (e.g., groundwater). Materials that contain substances that are not currently deemed hazardous by the EPA were not considered as part of this study.

Hazardous substances occurring naturally in plants, soils, and rocks (e.g., heavy metals, naturally occurring asbestos, or radon) are not typically considered in these assessments. Similarly,

construction debris (e.g., discarded concrete, asphalt) is not considered unless observation suggests that hazardous substances are likely to be present in significant concentrations or likely to migrate.

The terms “scattered solid waste debris” or “rubbish” are used to describe wastes such as paper, plastic, glass, food packaging, cans, bottles, and other similar materials. These materials do not represent a REC.

The report has been prepared in a manner consistent with the level of care and skill ordinarily exercised by other professional consultants, under similar circumstances at the time the services were performed, in this or similar localities. No other representations, either expressed or implied, and no warranty or guarantee is made as to the professional advice presented herein. SCS assumes no responsibility for the accuracy of information obtained from, compiled, or provided by third-party sources, such as regulatory agency listings.

DATA GAPS

Certain limitations that could affect the accuracy and completeness of these reports are as follows:

- **Site Access Limitations** – No access was available to the interior of the building at 23 North Beaver Street. The City of Flagstaff indicated that conditions were unsafe. Because this building is understood to be vacant and empty and historical uses were apparently limited to retail, this limitation does not affect the conclusions of this report.
- **Physical Obstructions to Observations** – None.
- **Outstanding Information Requests** – None.
- **Historical Data Sources Failure** – Historical information prior to 1890 and from 1916 to 1929 was not found for the site. Based on the 1890 Sanborn fire insurance map it appears that prior to this date the site was residential or vacant. Between 1916 and 1929 it appears that land use at and in the vicinity of the site changed from residential to commercial. However, businesses known to be present at the site in 1929 operated for several years and their potential impacts on the site are acknowledged, so this limitation does not affect the conclusions of this report.
- **Other** – None.

SPECIAL TERMS AND CONDITIONS

SCS and the ADEQ agreed upon the terms and conditions set forth in SCS’s proposal. If additional services not normally performed as part of a Phase I ESA are included in the scope of services, these additional services are listed herein. This ESA report does not purport to address safety concerns, if any, associated with the use of the subject site or exposure to safety concerns from adjoining facilities. It is the responsibility of the owner and/or the user of this ESA report to

establish appropriate safety and health practices and determine the applicability of regulatory limitations. SCS is not required to identify safety concerns unless otherwise required in the scope of work.

This report does not include assessment of issues described by the ASTM as non-scope: asbestos, radon, lead-based paint (LBP), lead in drinking water, wetlands, regulatory compliance, cultural and historical resources, industrial hygiene, health and safety, ecological resources, endangered species, indoor air quality (including an assessment of potential vapor intrusion into structures), biological agents, mold, and other issues unless otherwise noted. Unless specifically included in our scope of services, consideration of other building materials such as water supply plumbing, urea formaldehyde, and pressure-treated lumber are not considered in this report.

This ESA is not a compliance audit for regulatory compliance with Federal, State, and local statutes, laws, rules or regulations.

Unless otherwise noted, no sampling or laboratory analyses were performed as part of this Phase I ESA. Although this report may provide recommendations regarding the possibility of RECs specific to this site, positive identification of hazardous substances can be accomplished only through sampling and appropriate laboratory analysis.

USER RELIANCE

This report has been prepared at the request and for the exclusive use of the ADEQ. Reliance cannot be transferred without the written permission of the ADEQ and SCS, and only if the other party agrees to the same terms and conditions to which the ADEQ and SCS agreed.

2 SITE DESCRIPTION AND RECONNAISSANCE

LOCATION AND LEGAL DESCRIPTION

The site consists of four properties located south of West Aspen Street, west of North Beaver Street, and north of West Route 66, in Coconino County, Flagstaff, Arizona. The street addresses and APN numbers for these properties are 107 West Aspen Avenue (100-21-009A), 23 North Beaver Street (100-21-009B), 15 North Beaver Street (100-21-011), and 102 West Route 66 (100-21-001B), Flagstaff, Coconino County, Arizona. The site is located within the Southeast quarter of Section 16, Township 21 North, Range 7 East, Gila and Salt River Base and Meridian. A Site Location Map and a Parcel Map are provided as Figures 1 and 2, respectively in Appendix A. Identification of Existing Land Use at Site & Adjoining Properties is provided at Figure 3 in Appendix A.

SITE RECONNAISSANCE METHODOLOGY

On August 9, 2010, a visual reconnaissance of the site was performed in order to observe current site conditions and uses. Conditions were observed by walking through the site. During the site visit, adjoining properties were also observed. The following persons participated in the site reconnaissance: Ms. Linda Mariner (ADEQ), Ms. April Laliberte (City of Flagstaff), and Mr. Brad Johnston and Mr. David Laney (SCS). Photographs of the site and adjoining properties are included in Appendix B.

GENERAL CHARACTERISTICS AND CURRENT USE OF SITE

The site consists of three structures and two paved parking lots. The building at 23 North Beaver Street is vacant. The building at 107 West Aspen is occupied by the Flagstaff District Attorney. The building at 15 North Beaver Street is used by the Flagstaff Municipal Court. The smaller of the two parking lots is located immediately south of the vacant building at 23 North Beaver Street. The other parking lot serves the Flagstaff Municipal Court and is located immediately south of the court building at 102 South Route 66.

An alley separates the building at 107 West Aspen Street from the property to the west and 102 West Route 66 from the property (15 North Beaver Street) to the north. With the exception of small landscaped areas in the parking lot at 102 West Route 66 and in front of the buildings along North Beaver and West Aspen Streets, the site was either covered by buildings or was paved for parking. A line of electric street lights designed to look like older gas lights were located along the west side of the building at 107 West Aspen Street and the north side of the building at 23 North Beaver Street.

FINDINGS

The following table summarizes the findings of the site reconnaissance. If items were present at the site they are marked "Y". If items are not present they are marked "N". Because access to the interior of the building at 23 North Beaver Street was not available, some items are marked "U"

or unknown. Only items that are present on the site and considered potentially significant are described in detail following the table.

Table 1. Summary of Site Reconnaissance

Condition or Feature	Observed at Site (Y/N)			
	107 West Aspen Avenue	23 North Beaver Street	15 North Beaver Street	102 West Route 66
Evidence of Past Site Uses	N	N	Y	N
Site Improvements (Structures, etc.)	Y	Y	Y	Y
Roads	Y	N	Y	Y
Potable Water Supply	Y	Y	Y	N
Sewage Disposal System	Y	Y	Y	N
Septic System	Y	Y	Y	Y
Heating or Cooling System	Y	Y	Y	N
Hazardous Substances and Petroleum Product Containers	N	U	N	N
Storage Tanks	N	N	N	N
Indications of PCBs	N	N	Y	N
Indications of Solid Waste Disposal	N	N	N	N
Odors	N	N	N	N
Pools of Liquid	N	N	N	N
Pits, Ponds, or Lagoons	N	N	N	N
Wastewater and Other Liquid Discharges	N	N	N	N
Drains and Sumps	N	N	N	N
Drywells	N	N	N	N
Wells	N	N	N	Y
Stained Soil or Pavement	N	N	N	N
Stains or Corrosion Inside Buildings	N	U	N	N
Stressed Vegetation	N	N	N	N

Evidence of Past Site Uses

A mural on the north facing wall of the structure at 23 North Beaver Street depicted a biblical scene of an ark filled with animals, indicating former use of the building by the Lamb and Lion, a Christian bookstore. "MIDGLEY'S 1927" is carved into the front of this building which is a reference to the first occupant, Midgley's Food Market.

Site Improvements

Structures

A single story structures at 107 West Aspen is used by the City of Flagstaff City Attorney and a single story building at 23 North Beaver Street is currently vacant. A two story structure at 15 North Beaver Street is currently used by the Flagstaff Municipal Court. These buildings are

currently used for office and administrative purposes. None of the buildings are known to contain basements.

Roads

West Aspen Street is located immediately north of the site, North Beaver Street is located immediately east of the site, and West Route 66/Santa Fe Avenue is located immediately south of the site. A paved alley separates the building at 107 West Aspen Street from the property to the west and 102 West Route 66 from the property (15 North Beaver Street) to the north.

Potable Water Supply

Water is provided to structures on the site by the City of Flagstaff Utilities Department.

Sewage Disposal System

Sanitary sewage service is provided to the site by the City of Flagstaff.

Septic System

No visual evidence of septic systems (such as septic tank covers or clean-out ports) was observed on the site during the site visit. However, given the age of former buildings on the site, septic systems may be present.

Heating/Cooling System

Roof mounted air conditioning units were observed in the buildings at 107 West Aspen Street, 23 North Beaver Street, and 15 North Beaver Street.

Conditions of Potential Concern

Indications of PCBs

A pole mounted transformer was observed on an electric pole located near the south wall of the building at 15 North Beaver Street on the north side of the alley. There were no apparent stains or leakage from the transformer. It is not known if it contains PCBs.

Wells

A groundwater monitoring well was observed on the southwest corner of 102 West Route 66. It is believed that this well is owned by ADEQ and was installed during an investigation of the Trailways Bus Station property that is located to the west. As discussed in Section 3, sampling of this well from 1992 to 1997 did not detect elevated concentrations of contaminants.

Storm Sewer

Storm sewer grates were observed in the paved alley west of 107 West Aspen Street and west of 102 West Route 66. These grates reportedly drain to an underground concrete storm sewer line located between West Aspen Street on the north and the Rio de Flag drainage to the south of

Route 66. The tenant of 15 North Beaver stated that during periods of heavy precipitation (such as that which occurred in early August 2010, storm water flows out of this sewer and may flood the first floor at the rear of this building. Floodwaters have also apparently entered the building from North Beaver Street.

Building Material

This report does not address asbestos containing material, lead based paint, etc. Nonetheless, the City of Flagstaff informed SCS that the building at 23 North Beaver Street currently contains mold and lead based paint and access has been restricted to because of the poor condition of walls, and ceiling. The City reported that the roof of 107 West Beaver and the ceiling of some rooms at 15 North Beaver previously contained asbestos (this has since been abated). In addition, the cracks were visible in some rooms of the 2nd floor of the building at 15 North Beaver where the walls meet the ceiling, and visual inspection of the crawl space in the attic of this building during the site reconnaissance identified an area of mold on roofing planks.

An asbestos survey of the building at 107 West Aspen Street is being conducted by SCS for ADEQ as part of this project. The results of this inspection are discussed under separate cover.

GENERAL DESCRIPTION OF ADJOINING PROPERTIES

Developed property, including paved parking and structures, city streets, and structures used by various businesses were observed in the area surrounding the site. Properties adjoining the site at the time of the site reconnaissance are shown on Figure 3 in Appendix A. A brief description of properties adjoining the site, including evidence of past uses, is provided below. Photographs are included in Appendix B.

North

West Aspen Street and a parking lot were located north of the site.

East

North Beaver Street, a recreational equipment rental business, Century 21 Real Estate, and the Orpheum Theatre were located east of the site.

South

West Route 66 and the Flagstaff Chamber of Commerce were located south of the site.

West

An alley and Avis Rent-A-Car were located west of 107 West Aspen Avenue. A small parking area, FAST Auto Loans and Payday Loans, and the Pow Wow Trading Post were located west of 102 West Route 66.

3 RECORDS REVIEW – ENVIRONMENTAL RECORD SOURCES

INTRODUCTION

Allands was retained by SCS to perform a database search of the standard and additional federal, state, tribal, and local environmental record sources for the site, as identified in the table below. The database search was conducted by Allands on July 25, 2010. A copy of the Allands *Regulatory Database Search Report* is included in Appendix C.

The following table lists the reviewed environmental databases, the database compilation dates, the distances searched by Allands from the site boundary, and whether the site or a facility interpreted to be adjacent to the site was identified on each database.

Table 2. Regulatory Database Search Summary

Database	Date of Database	Approximate Minimum Search Distance (miles)	Reported Facilities	Site	Adjacent to Site
Standard Federal ASTM Environmental Record Sources					
NPL (National Priorities List) / Proposed NPL / DOD (Department of Defense Sites)	06/10	1.0	0	No	No
Delisted National Priorities List	06/10	0.5	0	No	No
CERCLIS (Comprehensive Environmental Response, Compensation and Liability Information System)/No Further Remedial Action Planned (NFRAP)	06/10	0.5	0	No	No
RCRA (Resource Conservation and Recovery Act) Large and Small Quantity Generators	06/10	0.125	5	No	No
RCRA – CORRACTS TSDFs (Corrective Action Treatment, Storage, and Disposal Facilities)	06/10	1.0	0	No	No
RCRA – Non-CORRACTS TSDFs	06/10	0.5	0	No	No
ERNS (Emergency Response Notification System)	06/10	0.125	2	No	No
Standard State and Tribal ASTM Environmental Record Sources					
WQARF (Water Quality Assurance Revolving Fund) Areas	06/10	1.0	0	No	No
Superfund Program List (replaces ACIDS)	08/04	0.5	0	No	No
Solid Waste Facilities/Landfill Sites - Operating and Closed	05/99 & 05/04	0.5	0	No	No
Control Registries	06/10	Site and adjoining	0	No	No
Brownfields / Voluntary Remediation Program	06/10	0.5	2	Yes	No
Registered USTs (Underground Storage Tanks)	01/10	0.125	12	Yes	Yes
LUSTs (Leaking Underground Storage Tanks) Incident Reports	01/10	0.5	29	Yes	Yes
Additional Environmental Record Sources					
RCRA Compliance Facilities	11/09	0.125	0	No	No
Hazardous Materials Incidents Emergency Response Logbook	1984-06/01	0.125	1	No	No
ADEQ Drywell Registration Database	06/10	0.125	0	No	No
Environmental Permits	06/10	Site	0	No	No
Drycleaner	06/06	0.125	2	No	No
Arizona Department of Water Resources Well Registration Database	06/10	Site and adjoining	19	No	Yes

ENVIRONMENTAL RECORD SOURCE FINDINGS

The direction of regional groundwater flow in the site area is generally toward the northeast, as discussed in Section 4 under *Summary of Regional Hydrogeology*. However, perched groundwater zones are apparently located throughout the site area, and the direction of groundwater flow in these zones is extremely variable. Based on the regional groundwater flow direction in relation to the subject site and the location and status of the environmental database listing, database listings deemed to be potential RECs are discussed below. It should be noted that because of the presence of perched groundwater in some areas of Flagstaff, environmental listings for soil or groundwater contamination that are in close proximity to the site could have an impact on the site.

Standard Federal ASTM Environmental Record Sources

Federal RCRA Database – Generators

Explanation. The Resource Conservation and Recovery Act (RCRA) database is a list of facilities that have obtained an EPA identification number due to their involvement in the generation, transportation, treatment, storage, or disposal of hazardous waste. The database is compiled and maintained by the EPA. RCRA generators are separated into the following categories:

- Large Quantity Generators (LQG) - produce at least 1,000 kilograms (kg) of hazardous waste per month;
- Small Quantity Generators (SQG) - produce more than 100 but less than 1,000 kg of hazardous waste per month;
- Conditionally Exempt Small Quantity Generators (CEG) - produce less than 100 kg of hazardous waste per month;
- Deactivated generator (DAG);
- Deactivated transporter of hazardous waste (DAT); and
- Not a verified generator or an inactive generator (N).

These generator categories are further defined in the regulations regarding the types of hazardous wastes generated, and also the lengths of time the hazardous wastes are allowed to be stored at the facility. RCRA Generator listings do not necessarily indicate a REC. These types of listings are generally indicative of the potential for an environmental concern. This database is searched for the site and adjoining properties.

Search Results. The site was not listed as a RCRA generator facility. Five RCRA generator facilities were located within a 0.125 miles search distance of the site.

Table 3. Federal RCRA Facilities Results

Facility	Address	Status	Distance/ Gradient Direction	Environmental Concern (Y/N)
Tuneup Masters 632	103 W Birch	N	0.27 miles NE/Downgradient	N
APS Flagstaff Business Ofc	101 W Cherry Ave	N	0.23 miles NNE/Downgradient	N
Flagstaff, City Of / HH Haz Waste Day	211 W Aspen Ave	N	0.17 miles NW/ Crossgradient	N
HD Supply Electrical Ltd / Hughes Supply HDEE 3038	13 S Mikes Pike	N	0.11 miles SW/ Upgradient	N
Holmes Cleaners	101 N Beaver	SQG	0.07 miles NNE/ Downgradient	N

These listings do not indicate the confirmed presence of contamination. All of these listings except Holmes Cleaners are for facilities that are either not verified or inactive generators of RCRA hazardous waste and/or are downgradient or crossgradient of the site. Holmes Cleaners is a small quantity generator and is located downgradient of the site. Therefore, these listings are not anticipated to be the source of direct environmental impact to the site.

Federal ERNS List

Explanation. The Emergency Response Notification System (ERNS) is a national computer database and retrieval system compiled by the National Response Center containing information on release notifications of oil and hazardous substances which have occurred throughout the United States and have been reported to the National Response Center, the ten EPA Regions, or the Coast Guard. Information may include discharge operator information, date of release, material released, incident location, and environmental medium into which the release occurred.

Search Results. No incidents were identified for the site on the ERNS list. However, the following two facilities were located within 0.125 miles of the site.

Table 4. Emergency Response Notification System Results

Date	Location	Material	Quantity	Details	Distance/ Gradient Direction	Environmental Concern (Y/N)
9/16/92	211 W Aspen	Diesel	200 gallons	Pumping From Truck To Tank; Tank Trip Switch Did Not Flip When Full	0.17 miles NW/ Crossgradient	N
9/27/06	211 W Aspen	Refrigerant Gases	100 pounds	Release Of Materials From A Chiller Unit Due To Unknown Causes	0.17 miles NW/ Crossgradient	N

Both of the listed incidents occurred at the Flagstaff City Hall. Since City Hall is located crossgradient of the site, these listings are not anticipated to be the source of direct environmental impact to the site.

Standard State and Tribal ASTM Environmental Record Sources

Brownfields/Voluntary Cleanup Program

Explanation. ADEQ developed the AZURITE Database, reviewed through ADEQ GIS eMaps, which includes the ADEQ Voluntary Remediation Program and the ADEQ Brownfields Tracking System. This database is dated June, 2010. This database was searched for sites that are included in the ADEQ Brownfields/Voluntary Cleanup Program and are located within 0.5 mile search distance from the site's exterior boundaries.

Results. The site was identified as being in the ADEQ Brownfields/Voluntary Cleanup Program. 116 – 216 West Phoenix Avenue was also identified, which is located south of Route 66 and upgradient of the subject site. Previous investigation of the site by SCS indicates that the lateral extent of soil contamination does not extend north of Route 66. If perched groundwater is present, it is not likely continuous between the two sites due to the presence of the Rio de Flag. Therefore, the listing for 116-216 West Phoenix Avenue is not anticipated to be the source of direct environmental impact to the site.

Arizona Registered USTs

Explanation. ADEQ maintains a list of registered USTs in Arizona that contain or have contained regulated substances, primarily petroleum products. The list includes information, where available, regarding the location, owner, number of registered tanks, contents, capacity, age, tank and piping construction material, and type of piping system.

Results. The site was identified in this database as having registered USTs. In addition, eight facilities with registered USTs were located within a 0.125-mile search distance from the site.

Table 5. Registered USTs Results

Facility	Address	Status of USTs	Distance/Gradient Direction	Environmental Concern (Y/N/M)
Tune-Up Masters #632	103 W Birch Ave	1 – Closed 7/12/91 2 – Closed 9/1/78 3 – Closed 9/1/78 4 – Closed 9/1/78	0.1 mi. N/ Crossgradient	N
Milum Textile Services	210 W Phoenix Ave	1 – Closed 7/19/89	0.1 mi. SW/ Upgradient	N
Qwest - Flagstaff Main Central Office	24 W Aspen Ave	1 – Closed 1/13/90 2 – Closed 1/13/90 3 – Closed 9/1/87	0.1 mi. NE/downgradient	N
Trailways Bus Station	114 W Route 66	1 – Closed 12/1/86 2 – Closed 12/1/86	Adjoining property to west	P
Big Dons Service Station	102 W Route 66	1 – Closed 6/9/86 2 – Closed 6/9/86	Site	Y
Flagstaff, City Of - City Hall	211 W Aspen Ave	1 – Closed 12/17/94	0.17 miles NW/ Crossgradient	N
Flagstaff Cardlock	215 W Phoenix Ave	1 – Closed 1/20/99 2 – Closed 1/20/99 3 – Closed 1/20/99	0.1 mi. SW/ Upgradient	P

Table 5. Registered USTs Results

Facility	Address	Status of USTs	Distance/Gradient Direction	Environmental Concern (Y/N/M)
Hughes Supply # 3038	13 S Mikes Pike	1 – Closed 1/9/91	>0.1 mi. SW/ Upgradient	N
Rear Of Building	119 W Phoenix Ave	1 – Closed 8/22/91	0.1 mi. SW/ Upgradient	N
Century 21 Associates	24 W Route 66	1 – Closed 1/1/74	Adjoining site to east	P
Pow Wow Trading Post	118 W Route 66	1 – Closed 7/22/92 2 – Closed 7/22/92	0.1 mi. W/ Crossgradient	P
Anderson Trading Co Inc	24 S Beaver St	1 – Closed 1/6/93 2 – Closed 1/6/93 3 – Closed 1/6/93	>0.1 mi. SSE/ Crossgradient	N

P – Possible. Property contained leaking underground storage tank(s). See *Arizona LUSTs* section for detailed discussion.

Facilities identified as “no environmental concern” are so designated because they are located downgradient or crossgradient of the site and because there is no record of a leak or release. The following properties that are listed as having registered USTs are also listed as having LUST cases with ADEQ:

- Big Don’s Service Station - 102 West Route 66 (the site)
- Tune-up Masters - 103 West Birch Avenue
- Trailways Bus Station - 114 West Santa Fe (adjoining site to west)
- Flagstaff Cardlock - 215 West Phoenix Avenue
- Century 21 Associates – 24 West Route 66 (adjoining site to east)
- Pow Wow Trading Post – 118 West Route 66

The potential for these facilities to represent potential Recognized Environmental Conditions (RECs) are discussed in the *Arizona LUSTs* section below.

Arizona LUSTs

Explanation. ADEQ maintains a list of LUSTs in Arizona that have had a reported release of regulated substances, primarily petroleum products. The list identifies the owner, location, date of release, and date of closure, if applicable.

Results. The site identified as formerly having a LUST. Twenty-eight other properties within a one-half mile search distance of the site were also identified as LUST sites.

Table 6. Arizona LUSTs Database Results

Facility	Address	Status	P Code	Distance/Gradient Direction	Env. Concern (Y/N)
Big Don's Service Station	102 W Santa Fe Ave @ Beaver St	Closed 11/21/97	5S	Site	Y
Tune-up Masters	103 W Birch	Closed 1/31/94	5R1	0.1 mi. N/ Crossgradient	N

Table 6. Arizona LUSTs Database Results

Facility	Address	Status	P Code	Distance/Gradient Direction	Env. Concern (Y/N)
Mackey Property /Former Weber Oil / Century 21 Associates	24 W Santa Fe	Closed 8/27/96	5R1	0.1 mi. E/ Crossgradient	Y
Flagstaff Cardlock	215 W Phoenix St	2 Releases Closed 10/19/06	5G1	0.1 mi. SW/ Upgradient	Y
Trailways Inc	114 W Santa Fe	OPEN	1F	0.1 mi. W/ Crossgradient	Y
Four Winds Traders Inc / Greyhound / Pow Wow Trading Post	118 W Rt 66	2 Releases OPEN	1	0.1 mi. W/ Crossgradient	Y
Underground Testing & Monitoring / 5 Points Mobil	222 S Sitgreaves	Closed 6/18/99	5R1	0.2 mi. NW/ Crossgradient	N
Pepsi Cola Services Co	8 E Cottage Ave	Closed 4/29/99	5R1	0.2 mi. S/ Crossgradient	N
Arizona Supply Co (NAPA)	122 E Santa Fe Ave	Closed 11/10/94	5R1	0.2 mi. SE/ Crossgradient	N
JPA Carpeteers	202 E Rt 66	Closed 1/25/96	6	0.2 mi. SE/ Crossgradient	N
Arizona Beverage Dist Co	216 W Phoenix St	Closed 7/6/95	5G1	0.2 mi. SW/ Upgradient	N
Watson Chevron	6 S Milton Rd	OPEN OPEN Closed 12/19/06	1F 1F 5R1	0.2 mi. W/ Crossgradient	N
Plaza Del Rio /Ray G Lukus General Automotive	200 S Leroux or 5 E Benton Ave	Closed 7/1/98	5R1	0.2 mi. W/ Crossgradient	N
Jim Babbitt Ford	11 N Verde	Closed 9/29/99	5R1	0.3 mi. S/ Crossgradient	N
Flagstaff School District Maint.	505 W Coconino Ave	2 Releases Closed 8/28/98	5R1	0.3 mi. SE/ Crossgradient	N
City Shop Public Works Yard	419 N Mogollon	2 Releases Closed 7/27/98 2 Releases Closed 7/2/03	5R1	0.4 mi. NW/ Crossgradient	N
Fresco Gas Mart Conoco	101 E Butler	2 Releases Closed 9/22/99	5S 7	0.4 mi. S/Crossgradient	N
Mayorga's Welding Inc	120 S Elden	Closed 1/11/95	5R1	0.4 mi. SE/Crossgradient	N
High Desert Investments	504 E Butler / 205 S Gabel St	2 Releases Closed 1/25/96 3/16/00	6 5R1	0.4 mi. SE/Crossgradient	N
Gordon Steel	520 E Brannen Ave	Closed 10/17/00	5R1	0.4 mi. SE/Crossgradient	N

Table 6. Arizona LUSTs Database Results

Facility	Address	Status	P Code	Distance/Gradient Direction	Env. Concern (Y/N)
Trejo Bulk Plant	619 E Santa Fe	2 Releases Closed 5/7/93 8/13/96	6	0.4 mi. SE/Crossgradient	N
Barbara Nicholson	624 E Santa Fe Ave	Closed 6/8/00	5S	0.4 mi. SE/Crossgradient	N
BCW Inc / Western Rock Products	633 E Brannen	2 Releases Closed 2/2/06	5R2	0.4 mi. SE/Crossgradient	N
Old Route 66 Service Station	204 S Mikes Pike	2 Releases Closed 8/18/99	5R1	0.4 mi. SW/Upgradient	N
Economy Gas Station	301 S Milton	Closed 7/23/96	5R1	0.4 mi. SW/Upgradient	N
City of Flag/Santa Fe/Shell Oil	521 E Rt 66 /501 E Santa Fe	Closed 11/18/96	5R1	0.5 mi. SE/Crossgradient	N
Greyhound Lines #8612	399 S Malpais Ln	Release Closed 8/5/99	5R1	0.5 mi. SW/Upgradient	N
Greyhound Lines Inc	399 S Malpais Ln	Closed 5/1/07	5R1	0.5 mi. SW/Upgradient	N
City Of Flagstaff Fire Station 1	400 Malapais Ln	Closed 7/13/99	5R1	0.5 mi. SW/Upgradient	N

One release was reported for each facility unless specified otherwise.

Priority Codes (P Codes):

- 1 Known or probable affects on groundwater or affects soils to a depth within 30 feet of groundwater depth.
- 1D Defined soil and groundwater requires remediation (levels exceed standards for one or more media)
- 1F Free product present on groundwater and/or surface water
- 2 Undefined soil contamination (default for newly reported LUSTs)
- 3 Defined soil requires remediation
- 5R1 Closed soil levels meet RBCA
- 5R2 Closed soil levels meet RBCA Tier 2
- 5G1 Closed soil/groundwater levels meet RBCA Tier 1
- 7 LUST case close-out involving combination with other LUST number/case at the same facility

Of the 29 listed LUST facilities, 26 are closed. All but two of the closed facilities were downgradient or crossgradient and/or greater than 0.2 miles from the site.

The Mackey Property /Former Weber Oil / Century 21 Associates (24 West Santa Fe Avenue) is located 0.1 miles to the east of and immediately across North Beaver Street from the site. However there was no groundwater during LUST investigations so it is not considered a potential REC for the site.

The Flagstaff Cardlock (215 West Phoenix Street) is located 0.1 miles southwest of the site and is upgradient of the site based on regional groundwater flow. However, the presence of the Rio de Flag between this facility and the site may impede perched groundwater flow from Cardlock toward the site. Thus, this closed LUST site is not considered a REC.

102 West Santa Fe Avenue/West Route 66 is one of the four properties that comprise the site, and is listed as having both a registered UST and a closed LUST file. This property was used for more than 50 years by various automobile dealerships, automobile repair, and automobile

refueling (service station) facilities. During the time when the site was used for these purposes (1929 – 1986) it was not unusual for automobile dealerships and service stations to sell diesel fuel and leaded gasoline, engine oil, batteries, transmission fluid, and other car parts and to maintain lube pits, hydraulic lifts, and solvent parts cleaners as a regular and necessary element of their business.

Depending on the thickness and material used for construction, the quality and construction of seams, the nature of liquids that may be captured and retained during oil changes, the size and number of cars and trucks serviced, and the duration of use, and the proximity to groundwater, lube pits have the potential to produce contamination of underlying soil and groundwater. For example, high concentrations of gasoline components (benzene, toluene, ethylbenzene, xylenes), acetone, petroleum hydrocarbons, polynuclear aromatic hydrocarbons, as well as metals have been detected beneath lube pits at some facilities. Soil beneath lube pits sometimes also contain solvents and polychlorinated biphenyls (PCBs).

Inground hydraulic lifts also have the potential to release hazardous materials into the subsurface. This potential is exacerbated with time as the hydraulic lift systems age. In our experience, it becomes increasingly likely that hydraulic lifts more than 10 years old will experience a release. Based on the nature of the potential release (i.e., hydraulic oil), extensive migration and impacts tend not to occur; however, several factors can exacerbate the extent and significance of such releases including: close proximity to groundwater (as is the case at the site (discussed in Section 4), the use of waste oil (possibly containing solvents, metals, and other constituents of concern) as a hydraulic fluid in failing lifts, and the presence of polychlorinated biphenyls (PCBs) in the hydraulic fluid.

Finally, hazardous materials from parts washers have the potential to be released into the subsurface. Solvents used in parts washers can consist predominantly of petroleum hydrocarbons, or they can contain chlorinated volatile organic compounds (VOCs) (tetrachloroethylene/perchloroethylene) at moderate to high concentrations (10,000 to 20,000 milligrams/kilograms). Parts washer solvents containing VOCs, particularly chlorinated VOCs, are known to penetrate concrete floors due to the porous nature of the concrete or due to thin cracks that may be present resulting in VOCs in soil and/or soil vapor.

Based on our experience, the duration of onsite automobile related repair and refueling operations, the type of materials that may have been used or released (hydraulic or waste oil [perhaps with metals/solvents/PCBs], lube grease, petroleum based fuels and fluids, and solvents), and the reported depth to groundwater (7 to 13 feet below ground surface), there is a moderate likelihood that a REC exists at 102 West Santa Fe Avenue/Route 66. Although previous sampling of two soil borings was sufficient to close the LUST that was at this site, this work focused only on this potential source of contamination and did not address other possible sources of contamination associated with former automotive related activities.

Of the three facilities listed with open LUST files, two represent RECs for site. The property formerly occupied by Continental Trailways (114 West Santa Fe Avenue/Route 66) is located less than 0.1 miles from the site and adjoins the site to the west. This facility had two 10,000 gallon USTs that contained diesel fuel and were removed in December 1986. When they were removed, perched groundwater was encountered at a depth of 10 feet below ground surface

(bgs). The *Report of Findings, Leaking Fuel Tank Investigation* (Bonner Enterprises, March 1987) indicated that there was residual fuel oil present on the groundwater and “oily material” in the west end of the excavation. Total petroleum hydrocarbon (TPH) concentrations in the open excavation ranged from 30 to 26,000 mg/kg. This listing is considered a REC for the subject site due to its proximity and the potential for perched groundwater to extend beneath the subject site.

The Four Winds Traders Inc/Greyhound/Pow Wow Trading Post (118 West Santa Fe Avenue/Route 66) is located 0.1 miles west of the site and immediately west of the Trailways property. Two 10,000 gallon USTs were removed from this site in July 1992. Strong petroleum odors were noted during field activities. The report of this work, entitled *Site Assessment Services in Conjunction With UST Removal Project* (Western Technologies, September 3, 1992) stated that the tanks were in good condition with no holes, corrosion, etc. The report also indicates that there was no free product or sheen on groundwater which was present at 9 feet bgs. However, this document states that it was difficult to distinguish staining from clay pockets and that petroleum contaminated soil (PCS) resulted from surface releases during fueling and offsite migration from former fuel storage facilities northeast of the property. The highest TPH concentration in the UST excavation was 11,000 to 18,000 mg/kg. The UST removal report says that “When it was determined that PCS was extensive and continuous within the excavation, the excavation was refilled with PCS. Soil removal efforts were not deemed practical until a more comprehensive site assessment could be performed.”

The remaining facility that is listed with an open LUST file, the Watson Chevron (6 South Milton Road) is not considered a potential REC for the site because it is located 0.2 miles west and crossgradient of the site.

Additional Environmental Record Sources

Hazardous Materials Incidents Emergency Response Logbook

Explanation. The ADEQ Emergency Response Unit documents chemical spills and incidents that have been reported to the unit. This is generally the Arizona equivalent to the Federal ERNS list. Reported incidents have been compiled into yearly lists, beginning with the year 1984. All lists except for 1987 provide the addresses of the recorded incidents.

Search Results. No registered hazardous materials incidents were identified on the site or adjoining properties. In December 1992, a release of diesel, gasoline, and perhaps unknown hazardous materials occurred at the Santa Fe Railroad on the northwest corner of South Beaver Street and Phoenix Avenue, approximately 0.1 miles south of the site. Although the quantity of the release is unknown and no other information about it is available. Therefore, the potential for the release to have had a significant impact on the site is unknown.

Drycleaners Inventory List

Explanation. ADEQ maintains an inventory of current and historic drycleaners in Arizona, but is not inclusive of all drycleaners.

Search Results. The site and adjoining properties are not listed as drycleaners. However, there are two dry cleaner listed within 0.125 miles of the site.

Table 7. Dry Cleaners Search Results

Address	Facility Name	Starting Date	Ending Date	Facility Name	Starting Date	Ending Date	Distance/Gradient Direction	Env. Concern (Y/N)
100 Mikes Pike	Wyatt's Laundry & Dry Cleaners	1955	1956	Sandoval Cleaners	1965	1970	0.3 mi. SW/Upgradient	N
101 N Beaver	One Hour Martinizing	1970	1979	Holmes Cleaners	1985	1989	0.07 miles NNE/Downgradient	N

The dry cleaners on Mike's Pike (Wyatt's and Sandoval) operated for 6 years. The dry cleaners on North Beaver Street operated for 13 years. However, the cleaners on North Beaver Street is potentially downgradient of the site and the cleaners on Mike's Pike is 0.3 miles from the site. Neither of the cleaners has a reported release from a LUST. Therefore, no significant environmental impact has likely occurred to the site as a result of these facilities.

Arizona Department of Water Resources Well Registration Database

Explanation. The Arizona Department of Water Resources (ADWR) Well Registration Database contains information provided to the ADWR Operations Division by well drillers and/or owners of wells. Allands searches the ADWR database for wells that are located in the quarter-quarter-quarter sections (10-acre areas) that include the site and the quarter-quarter-quarter sections that adjoin those that contain the site.

Search Results. Although 19 wells were listed in the same section as the site, only two wells were listed in the same quarter section (SE quarter) as the site. These two wells were registered to the City of Flagstaff and the US Army Corps of Engineers. Water uses for the wells were listed as test and "none". Total depth of the wells ranged from 10 to 19 feet. Depth to water for the City of Flagstaff wells is listed as 6 feet. The depth to water of the US Army Corps of Engineers well was not listed.

The well that was observed in the southwest corner of 102 West Santa Fe/Route 66 was installed as a monitoring well in 1992 by EMCON during a site investigation of the Trailways Bus Station at 114 West Santa Fe/Route 66. This work was performed under contract to ADEQ. Depth to water measured in this well between 1992, 1996, and 1997 by EMCON and Flour Daniel GTI (also working for ADEQ) varied from 7 to 13 feet bgs. Groundwater samples collected from the well in 1992 contained some low concentrations of methylene chloride and chloroform. However these samples and others collected from the well in 1996 and 1997 contained no detectable concentration of TPH, BTEX, or other VOCs.

4 RECORDS REVIEW – PHYSICAL SETTING SOURCES

STANDARD PHYSICAL SETTING SOURCE – USGS 7.5-MINUTE TOPOGRAPHIC MAP

The United States Geological Survey (USGS) 7.5-minute topographic map containing the site, *Flagstaff West, Arizona*, was obtained and reviewed to evaluate the topographic characteristics of the site area. The reviewed map was dated 1962 and photorevised in 1983. The map showed the approximate elevation on the site as 6,900 feet above mean sea level. The topography of the site was shown to be generally level. A copy of a topographic map of the site area is provided in the *Allands Regulatory Database Search Report* in Appendix C.

OTHER PHYSICAL SETTING SOURCES

Summary of Regional Hydrogeology

Hydrogeologic information for the site was obtained from the USGS report "*Maps Showing Ground-Water Conditions in the San Francisco Peaks Area, Coconino County, Arizona – 1979*" (Appel and Bills 1981). The geology of the area around the San Francisco Peaks consist of sedimentary rocks that are generally overlain by volcanic rocks in the southern portion of the area; these rock types may also be overlain by glacial outwash and alluvium. Groundwater may be present in most of the geologic units, and perched groundwater zones and groundwater in fractured rock may also be present. Locally groundwater may be present under artesian conditions. Water obtained from wells and springs in alluvium and volcanic rocks are highly dependent upon precipitation recharge, and may occasionally be dry. Depth of the regional groundwater aquifer in the vicinity of the site was shown as over 1,000 feet bgs, with possible perched shallower zones. The regional groundwater flow direction in the vicinity of the site was shown to be to the northeast.

Site Specific Hydrogeology

Based on investigations performed by Western Technologies (1987, 1989), EMCON (1993), and Fluor Daniel GTI (1997) shallow volcanic bedrock (basalt) and perched groundwater appear to be present beneath the site. Three borings drilled by EMCON along in the northern margin of 102 West Santa Fe Avenue/Route 66 encountered bedrock at 2 feet bgs. Two borings drilled by Western Technologies near the western portion of the center of the site encountered refusal due to bedrock from 15 to 25 feet bgs. Depth to water in the monitoring well that was installed at the southwest corner of this property during the EMCON ranged from 7 to 13 feet bgs. Using information from wells installed on properties to the northwest and west of this property, EMCON produced several maps showing the direction of perched groundwater flow to be southeast to southwest. However, this is the only known monitoring of area wells for this purpose. Because there is no recent monitoring data, it is not known if this is the current direction of flow for perched groundwater beneath this part of the property. Furthermore, there is no known information about the depth to bedrock and perched groundwater on the other three properties at the site.

5 RECORDS REVIEW – HISTORICAL USE INFORMATION

STANDARD HISTORICAL SOURCES

A summary of the standard historical sources and the dates researched is provided in the table below.

Table 8. Standard Historical Source Summary

Dates	Aerial Photos	Sanborn Maps	Topographic Maps	City Directories	Other
Pre-1900		1890, 1892, 1896			
1900-1904		1901			
1905-1909					
1910-1914		1910			
1915-1919		1916			
1920-1924					
1925-1929				1929	
1930-1934				1931	
1935-1939				1938, 1939	
1940-1944				1940-1943	
1945-1949		1946, 1948		1945, 1946, 1948, 1949	
1950-1954					
1955-1959		1958		1955, 1959	
1960-1964	1963			1961	
1965-1969	1965, 1967, 1968		1962		
1970-1974	1970, 1974			1971, 1974	
1975-1979				1976	
1980-1984	1980		1983	1980, 1982	
1985-1989	1987			1985	
1990-1994	1990, 1993			1990	
1995-1999	1997, 1998				
2000-2004	2000				
2005-2010	2007				
Able to determine date when site was undeveloped?				<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Historical data sources failure?				<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

Note: Dates shown without highlighting did not have coverage for the site.

Because many of the historical dates listed in the report are based on a limited selection of historical resources, they are considered to be approximations only; the actual beginning/ending dates for many of the site uses listed in the report may have been earlier or later than indicated.

There was a data gap in the historical data prior to 1890, from 1901 to 1910, and from 1916 to 1929. Historical information was found in five-year intervals through various sources from 1929 through 2010.

Fire Insurance Maps

Historic fire insurance rate maps, such as those published by the Sanborn Map Company, show locations of structures and other features, and uses of buildings for numerous cities in the United States. Sanborn maps that had coverage of the site were reviewed for the years 1890, 1892, 1896, 1901, 1910, 1916, 1946, 1948, and 1958. A listing of site usage shown on Sanborn maps for each for these years and copies of the maps are included in Appendix D.

USGS 7.5-Minute Topographic Maps

The USGS 7.5-minute topographic map containing the site, *Flagstaff West, Arizona*, was obtained and reviewed to evaluate the site for historical features. The map was published in 1962 and photorevised in 1983. The site and adjoining areas were shown within a shaded region on the USGS map. This generally corresponds to a developed, urbanized area. No structures or features were visible on the site parcel on the topographic map. A copy of the topographic map of the site area is provided in the Allands *Regulatory Database Search Report* in Appendix C. A table summarizing site usage shown by the Sanborn maps is included in Appendix D.

Local Street Directories

City directories identify occupants of listed addresses. SCS reviewed Flagstaff city directories at the Coconino County/Flagstaff library and at the library's website which has them for the years 1929 to 1990 (partial). SCS reviewed these directories for the years 1929, 1931, 1938 - 1939, 1939 - 1940, 1941, 1942, 1943, 1945, 1946, 1948-1949, 1955, 1959, 1961, 1971, 1976, 1980, 1982, 1985, and 1990. SCS reviewed listings for the four address listed for the site as well as 112 and 114 West Santa Fe Avenue/Route 66 (west adjoining properties), 14 and 24 West Route 66/Santa Fe Avenue (southeast adjoining properties), 10, 12, 14, 22, and 24 North Beaver (east adjoining properties), 8, 9, 10, 13, and 15 West Aspen Avenue (northeast adjoining properties), and 104 and 110 West Aspen Avenue (north adjoining property). A summary of the site usage shown by city directories is included in Appendix E.

Aerial Photographs

Historical aerial photographs of the site were reviewed for 1963 through 2007 to evaluate past uses of the site and adjoining area. Historical aerial photographs were reviewed at Landiscor and the Coconino County Assessor's web page. The review confirms the information provided by Sanborn fire insurance maps and city directories. A 2007 aerial photograph was included in the Allands *Regulatory Database Search Report* in Appendix C. The 2007 aerial photograph is used as a base for Figure 2 in Appendix A.

VEMURs, DEURs, Liens, and AULs

No Voluntary Environmental Mitigation Use Restrictions (VEMURs), Declaration of Environmental Use Restrictions (DEURs), environmental liens, or activity and use limitations (AULs) were found recorded against the site as searched by Allands at the Coconino County Records' office. A copy of the lien and AUL search is included with the Allands *Regulatory Database Search Report* in Appendix C.

HELPFUL DOCUMENTS

Several environmental reports and other documents associated with the site were identified or provided to SCS for review. All of these documents were included in the ADEQ LUST files for the following sites:

- 102 West Santa Fe Avenue (Big Don's Service Station)– Facility ID # 0-005244, LUST File #0758.01
- 114 West Santa Fe Avenue (Trailways Bus Station)– Facility ID #0-005023, LUST File #0252.01
- 24 West Santa Fe Avenue (Century 21)- Facility ID # 0-007569, LUST File #2119.01
- 118 West Santa Fe Avenue (Four Winds Traders) – Facility ID # 0-007902, LUST File #2408.01 and #2408.02

A summary of the contents of all of these LUST files is provided elsewhere in this report, most notably the Executive Summary and the *Arizona LUSTs* sections.

6 INTERVIEWS

INTERVIEW WITH OWNER

The City of Flagstaff is the current owner of the site. Ms. April Laliberte, Brownfield Specialist with the Economic Vitality Division of the City of Flagstaff, completed an interview questionnaire on August 16, 2010. A copy of the questionnaire is included in Appendix F.

The information about the four properties at the site that was provided by Ms. Laliberte is summarized below.

The building at **107 West Aspen** is a historic building. It is currently occupied by offices of the City of Flagstaff City Prosecutor. It was previously occupied by the Army Corps of Engineers.

Potentially significant changes to the structure in the past have included remediation of asbestos on the roof. She did not know if there were onsite septic systems.

Ms. Laliberte indicated that there was formerly a registered UST at this property and that there are existing asbestos inspection reports, Phase I ESA reports, reports regarding hydrogeologic conditions at the property, and notices or other correspondence from government agencies relating to past or current violations of environmental laws. She did not know of any environmental compliance audit reports, environmental permits, registered underground injection systems, material safety data sheets (MSDS), community right-to-know plans, safety plans, spill prevention countermeasure and control (SPCC) plans, stormwater pollution prevention plans (SWPPPs), hazardous waste generator notices or reports, geotechnical studies, risk assessments, or recorded activity and use limitations (AULs) for the property.

Ms. Laliberte indicated that there is no pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, or from the property. She said there are no pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in, on, or from the property. Finally, she indicated that there are no notices from any governmental entity regarding any possible violation of environmental liability relating to hazardous substances or petroleum products at the property.

The building at **23 North Beaver Street** is a historic building. It is currently abandoned/vacant. It was previously occupied by the Lion & Lamb bookstore.

Ms. Laliberte did not know if there was potable water or sewage service to this property. She did not know if there were onsite septic systems, heating and/or cooling systems, or use, storage, disposal, or treatment of hazardous materials on the property. In addition, she did not know if any spills or chemical releases had occurred on the property.

Ms. Laliberte said that an adjacent property has an open LUST case with ADEQ. She also indicated that petroleum releases have occurred on adjacent properties.

Ms. Laliberte indicated that there was formerly a Phase I ESA report prepared for this site. She did not know of any environmental compliance audit reports, environmental permits, registered

underground storage tanks, registered underground injection systems, material safety data sheets (MSDS), community right-to-know plans, safety plans, spill prevention countermeasure and control (SPCC) plans, stormwater pollution prevention plans (SWPPPs), reports regarding hydrogeologic conditions at the property, hazardous waste generator notices or reports, geotechnical studies, risk assessments, or recorded activity and use limitations (AULs) for the property.

Ms. Laliberte indicated that there is no pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, or from the property. She said there are no pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in, on, or from the property. Finally, she indicated that there are no notices from any governmental entity regarding any possible violation of environmental liability relating to hazardous substances or petroleum products at the property.

In the comments section of the questionnaire for this property Ms. Laliberte indicated “Building full of mold, lead paint. Potential roof leak.”

The building at **15 N Beaver Street** is a historic building. It is currently occupied by offices of the City of Flagstaff Municipal Court. Ms. Laliberte did not know the previous occupant, if there were onsite septic systems, heating and/or cooling systems, or use, storage, disposal, or treatment of hazardous materials on the property. In addition, she did not know if any spills or chemical releases had occurred on the property.

Ms. Laliberte said that any adjacent property has an open LUST case with ADEQ. She also indicated that petroleum releases have occurred on adjacent properties.

Ms. Laliberte indicated that there is an existing asbestos inspection report for this property. She did not know of any environmental compliance audit reports, environmental permits, registered underground storage tanks, registered underground injection systems, material safety data sheets (MSDS), community right-to-know plans, safety plans, spill prevention countermeasure and control (SPCC) plans, stormwater pollution prevention plans (SWPPPs), reports regarding hydrogeologic conditions at the property, hazardous waste generator notices or reports, geotechnical studies, risk assessments, or recorded activity and use limitations (AULs) for the property.

Ms. Laliberte indicated that there is no pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, or from the property. She said there are no pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in, on, or from the property. Finally, she indicated that there are no notices from any governmental entity regarding any possible violation of environmental liability relating to hazardous substances or petroleum products at the property.

In the comments section of the questionnaire for this property Ms. Laliberte indicated “Building inadequate. Floods, no fire suppression for files and not ADA compliant.”

The property at **102 West Route 66** is currently used as a parking lot. According to Ms. Laliberte it was previously occupied by gas stations and service stations. The previous owner was Big Don’s Service Center, a gas station.

Ms. Laliberte did not know if there was potable water or sewage service to this property. She did not know if there were onsite septic systems or if any spills or chemical releases had occurred on the property. She did say that there was formerly petroleum stored onsite in tanks as well as used auto repair fluids. She indicated that there were formerly drums, pails, buckets or other containers of hazardous materials, petroleum products or wastes, underground storage tanks, and pools of liquid, pits, ponds, lagoons, wastewater, or liquid discharges.

Ms. Laliberte said that there is an open LUST case on an adjacent property and that there is petroleum in groundwater beneath adjacent properties as a result of spills or chemical releases that occurred there.

Ms. Laliberte indicated that there are environmental site assessment reports, registered USTs, reports regarding hydrogeologic conditions at the property, and notices or other correspondence from government agencies relating to past or current violations of environmental laws.

Ms. Laliberte indicated that there is no pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, or from the property. She said there are no pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in, on, or from the property. Finally, she indicated that there are no notices from any governmental entity regarding any possible violation of environmental liability relating to hazardous substances or petroleum products at the property.

INTERVIEW WITH SITE MANAGER

The current property owner (City of Flagstaff) also serves as the site manager.

INTERVIEW WITH OCCUPANTS

The building at 23 North Beaver Street is currently vacant. The building at 107 West Aspen Street is occupied by the offices of the Flagstaff City Attorney. The building at 15 North Beaver Street is occupied by the Flagstaff Municipal Court.

At the time of this report, a completed interview or questionnaire was not available for the occupants of buildings at the site.

7 USER PROVIDED INFORMATION

A user questionnaire was completed on April 16, 2010 by Ms. April Laliberte, Brownfield Specialist with the Economic Vitality Division of the City of Flagstaff. A copy of the user questionnaire is included in Appendix G. The information included on the questionnaire is discussed below.

TITLE RECORDS

Historical title information is not included in this report because it was not requested by ADEQ.

ENVIRONMENTAL LIENS OR ACTIVITY AND USE LIMITATIONS (AULS)

Ms. Laliberte was not aware of environmental cleanup liens or AULs for the site. A search of environmental liens, deed restrictions such as VEMURs or DEURs for the site was performed by Allands at the Coconino County Recorder's office. Allands also utilized the ADEQ AZURITE tracking system. No VEMURs, DEURs, environmental liens, brownfields, institutional controls, engineering controls, or AULs were found for the site. This information is included in the Allands *Regulatory Database Search Report* included in Appendix C.

SPECIALIZED KNOWLEDGE OR EXPERIENCE

Ms. Laliberte did not have specialized knowledge of the subject site or experience related to the site or nearby properties.

VALUATION REDUCTION FOR ENVIRONMENTAL ISSUES

The City of Flagstaff currently owns all of the properties at the site. Therefore, potential reduction in the value or purchase price because of environmental issues is not applicable.

COMMONLY KNOWN OR REASONABLY ASCERTAINABLE INFORMATION

Ms. Laliberte does have commonly known or reasonably ascertainable information as to the presence or likely presence of contamination at the site. She is aware of some of the past uses of properties at the site, she knows that petroleum and used oil was once present at the properties, and that 102 West Route 66 was previously listed as having a LUST. According to the user questionnaire she is also aware that the older reports for this property indicate that some cleanup occurred when the USTs at this site were removed. However, according to Ms. Laliberte these reports "are vague."

OBVIOUS INDICATIONS OF CONTAMINATION

Ms. Laliberte indicated that she is aware of obvious indicators that point to the presence or likely presence of contamination at the site. As an example, she specifically mentioned an open LUST case (presumably the sites that are located to the west of 102 West Route 66). She indicated that she is “worried about groundwater in area.” She noted that there are monitoring wells that are present.

OWNER, PROPERTY MANAGER, AND OCCUPANT INFORMATION

The current owner, property manager, and occupant of the site are listed below.

- **Owner:** City of Flagstaff
- **Property Manager:** City of Flagstaff
- **Occupants:** Offices (employees) of City of Flagstaff Municipal Court (15 North Beaver Street) and City Prosecutor (107 West Aspen)

REASON FOR PERFORMING PHASE I ESA

The City of Flagstaff currently owns the four properties that comprise the site. If funding becomes available, the city has plans for future redevelopment of the property. This Phase I has been performed to facilitate redevelopment of the site as a Brownfield. Funding for performance of the Phase I was provided by the ADEQ Brownfields Program.

OTHER

There was no other user-provided information.

8 FINDINGS AND OPINIONS

SCOPE OF WORK

The ADEQ Brownfields Program retained SCS to perform a Phase I ESA of four properties located at 107 West Aspen Avenue (100-21-009A), 23 North Beaver Street (100-21-009B), 15 North Beaver Street (100-21-011), and 102 West Route 66 (100-21-001B), 1008 East Durango Street (APN 115-46-045A) in Flagstaff, Coconino County, Arizona (site). The ESA consisted of a site reconnaissance; interviews; review of environmental, historical, and physical records pertaining to activities on and adjoining the site; and interpretation and reporting of findings.

CURRENT CONDITIONS

At the time of the site reconnaissance, the site consisted of the following uses:

STREET ADDRESS	CURRENT USE
107 Aspen Avenue	Single story building occupied by the City of Flagstaff Prosecutor
23 North Beaver Street	Vacant brick & stone building
15 North Beaver Street	Single story building occupied by the Flagstaff Municipal Court
102 West Route 66	Parking lot for Flagstaff Municipal Court

The Flagstaff Municipal Court is responsible for the adjudication and disposition of all local code violations, criminal misdemeanor, criminal traffic, and civil traffic cases that occur within the Flagstaff City limits. The court is accountable to the Arizona Supreme Court through the Superior Court of Coconino County in judicial and operational matters and reports to the City regarding financial and administrative matters not unique to court operations.

An alley separates the building at 107 West Aspen Street from the property to the west and 102 West Route 66 from the property (15 North Beaver Street) to the north. With the exception of small landscaped areas in the parking lot at 102 West Route 66 and in front of the buildings along North Beaver and West Aspen Streets, the site was either covered by buildings or was paved for parking.

HISTORICAL REVIEW

As early as 1890, all of the properties except 107 West Aspen Avenue contained single story residences. The property at 102 West Route 66 contained the largest residence and a stable. Between 1890 and 1892 a “wooden hut” (purpose unknown) was built at 107 West Aspen Avenue. From 1892 until the present, all four properties have been developed.

Prior to 1901, the channel for the Rio de Flag (marked as “dry” on some maps) traversed the western edge of 15 North Beaver Street and was immediately adjacent to the western boundary of 102 West Route 66.

Between 1916 and 1929 land use at the site began to change from residential to commercial. This occurred first at 23 North Beaver where the current building replaced a former residence and was

used for a grocery. It also occurred at 102 West Route 66 where a former residence was replaced by an automobile dealership(s) and a garage(s). The historical land use by property is summarized below.

Prior to 1948, use of **107 West Aspen Avenue** was thought to be residential. From at least 1948 to 1976, the building at this property was occupied by Northern Arizona Amusement Company. Between 1976 and 1985 the sporting goods store at 23 North Beaver Street moved to 107 West Aspen Avenue and stayed at this location until sometime after 1990. It is not known when the building at this location was no longer used by the sporting goods store but it was eventually used by the Army Corps of Engineers. When the Army Corps moved out of the building they were occupied by offices of the City of Flagstaff Prosecutor. The City Prosecutor's offices were present at this location at the time of this report (2010).

According to the date inscribed on the capstone over the front door of the building at **23 North Beaver Street**, it was built in 1927. City directories show that, beginning in at least 1929, the building was used for a food market. Between at least 1948 and 1985, the building was used by successive sporting goods/liquor businesses. Beginning in at least 1990, the building was used for a Christian bookstore (The Lion and Lamb) and as an office for Christian ministries. It is not known when the building was no longer used for this purpose; it is currently vacant.

The building present at **15 North Beaver Street** was constructed between 1948 and 1955. Between 1961 and 1971 the building was used by a furniture store. In 1971, local street directories show that this location was also used by a refrigeration company. Starting in at least 1976, the building at this property was the location of the administrative offices of the City of Flagstaff, including building inspection, drainage and grading permits, parks and recreation, planning and zoning, roadway encroachment and construction permits, and civil defense. The City of Flagstaff Municipal Court became the predominant use of the building in approximately 1980 -1981, and currently occupies the building.

102 West Route 66 was also known as 106 West Santa Fe Avenue. Sometime between 1916 and 1929, this property was first used by businesses offering automobile repair and/or refueling (i.e., service stations). The 1948 Sanborn fire insurance maps shows two auto repair garages (including one constructed of stone marked "18 cars") at this location. According to the Sanborn map, an auto sales and service business was located immediately to the north of the garages. Similar use of the property (service and automobile repair station) continued until 1984 when the property was used by a muffler shop. In 1986, the property was occupied by Tim's Auto Electric. It is not known when the building at the property was demolished and the property was paved for use as a parking lot for the Flagstaff Municipal Court, which currently occupies the site.

ADJOINING PROPERTIES

The adjoining properties currently consist of a parking lot (north), the Orpheum Theatre and Century 21 Realty (northeast and southeast), the Flagstaff Chamber of Commerce (south), and Avis Rent-A-Car, and FAST Auto and Payday Loans and Pow Wow Trading Post (west). Based on historical information reviewed, the following is known about previous land use on adjoining properties:

- 1890 – 1929: residential (all directions)
- 1929 – 1949: residential (north); commercial businesses (including a fuel & feed store), the Orpheum Theatre, and a service station (east); vacant (south); and tire repair shops (west)
- 1949 – 1960: residential (north); various small commercial businesses, the Orpheum Theatre, and a service station (east); the Flagstaff Chamber of Commerce (south); and a café and bus stations (west)
- 1961 – 1990: commercial business (north); various small commercial businesses and the Orpheum Theatre (east); the Flagstaff Chamber of Commerce (south); and a pest extermination company, a café, and a bus station (west)
- 1990 – 2010: parking (north), commercial businesses and the Orpheum Theatre (east), the Flagstaff Chamber of Commerce (south), and Avis Rent-A-Car, FAST Auto and Payday Loans, and the Pow Wow Trading Post (west)

The two bus stations that were previously operated to the west of the site contained leaking underground storage tanks (LUSTs) that may have impacted the site.

REGULATORY REVIEW

The site, two adjoining properties, and nine nearby properties were identified in the environmental listings of regulatory agencies as having had registered underground storage tanks (USTs). The site, two adjoining properties, and twenty-six nearby properties were identified in the environmental listings of regulatory agencies as having had LUSTs. Two open LUSTs to the west of the site are considered recognized environmental conditions (RECs) for the site. Other environmental listings identified in the vicinity of the site are not considered to be RECs for the site.

9 CONCLUSIONS AND RECOMMENDATIONS

RECOGNIZED ENVIRONMENTAL CONDITIONS

SCS has performed this Phase I ESA in conformance with the scope and limitations of ASTM Standard Practice E 1527-05 and ADEQ specifications for the properties located at 107 West Aspen Street, 23 North Beaver Street, 15 North Beaver Street, and 102 West Route 66. Any exceptions to, or deletions from, this practice are described in Section 10 of this report. This assessment has identified the following RECs in connection with the site:

- From at least 1929 until at least 1986, the property at 102 West Route 66 (southern portion of the site) was used as an automobile sales, repair, and refueling (service) station. Two 3,000 galvanized steel tanks were removed from this property in 1986, and a release associated with the USTs, piping or dispensers was reported in 1988. Although ADEQ closed the LUST file in 1997 and stated that it was a suspected but not proven release that may have been associated with the contamination on an adjacent property. The use of the site for more than 50 years for automobile repair and refueling make it a REC.
- Between at least 1959 and 1985 one of the properties adjacent to the site and approximately 0.1 miles to the west, 114 Santa Fe Avenue/West Route 66, was occupied by Continental Trailways Bus Station. This facility had two registered 10,000 gallon USTs used for storage of diesel fuel which were removed in 1986. A release from this facility was reported on December 12, 1986 and the LUST file remains open. The LUST file indicated the presence of free product on groundwater. Although the regional direction of groundwater flow suggests that this property may be crossgradient of the site, given its close proximity to the site, it may have impacted groundwater and soil at the site, particularly if perched groundwater is present.
- The property immediately to the east of 114 West Santa Fe Avenue/West Route 66 is 118 West Santa Fe Avenue/West Route 66, which was previously used by Greyhound Bus Station and West Winds Traders and contained two USTs. A fuel release was reported and the LUST file remains open for this facility, which is currently occupied by the Pow Wow Trading Post. Although the regional direction of groundwater flow suggests that this property may be crossgradient of the site, given its close proximity to the site, it may have impacted groundwater and soil at the site, particularly if perched groundwater is present.

RECOMMENDATIONS

Based on the findings of this Phase I ESA for the site, the following recommendations are made for the site:

- Soil and groundwater samples should be collected for laboratory analysis from the property at 102 West Route 66. The purpose of this work would be to assess the nature and extent of residual contamination that may be present from former LUSTs

both on this and adjoining properties and from former automobile repair operations. Samples should be analyzed for volatile organic compounds (VOCs) using EPA Method 8260B and PAHs using EPA Method 8310.

- Any future construction on the four properties that comprise the site should take into account the possible presence of a cistern, sewage disposal system, or septic tank system. These may be a geotechnical concern if not removed prior to construction activities. Proper procedures should be followed for removal or abandonment during redevelopment of the parcel.

10 DEVIATIONS AND ADDITIONAL SERVICES

Additions to the general ASTM scope of work for Phase I ESAs included the following: 1) geologic and hydrogeologic information for the site area was researched in order to assess the direction of regional groundwater flow in this area; and 2) additional environmental record sources were automatically included as part of the standard environmental database search report performed by Allands.

Certain business environmental risks associated with a property's current or planned use could have a material environmental or environmentally-driven impact on the business or real estate transaction. The assessment of business environmental risks may involve the investigation of considerations that are outside the subject of the ASTM standard practice (non-ASTM). No implication is intended as to the relative importance of inquiry into such non-ASTM considerations.

The ADEQ did not request investigation of non-ASTM considerations as part of the Scope of Services. SCS Engineers did not provide other services beyond the ASTM Standard E 1527-05 as part of this report.

11 REFERENCES

Allands. July 25, 2010. *Regulatory Database (ASTM) Search* (includes Sanborn Maps for the years 1890, 1892, 1896, 1901, 1910, 1916, and 1946).

Appel, Cynthia L. and Donald J. Bills. 1981. *"Maps Showing Ground-Water Conditions in the San Francisco Peaks Area, Coconino County, Arizona - 1979."* United States Geological Survey (USGS) Water-Resources Investigations Open-File Report 81-914.

ASTM. 2005. *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. E1527-05.*

Flagstaff City-Coconino County Public Library. City directories records search for the years 1929, 1931, 1938 - 1939, 1939 - 1940, 1941, 1942, 1943, 1945, 1946, 1948-1949, 1955, 1959, 1961, 1971, 1976, 1980, 1982, 1985, and 1990.

Coconino County GIS Website and Assessor's Website. 2007 aerial photograph, parcel maps, and other parcel information.

EMCON, 1993. Environmental Site Assessment of Former Continental Trailways Facility 114 West Santa Fe Avenue and Former Bi Don's Service Station 102 West Santa Fe Avenue, Flagstaff, Arizona. Prepared for Arizona Department of Environmental Quality. February.

Federal Register. November 1, 2005. *Part III, Environmental Protection Agency, 40 CFR Part 312, Standards and Practices for All Appropriate Inquiry.* Volume 70, No. 210.

Flour Daniel GTI, 1997.

Western Technologies, 1992. Site Assessment Services in Conjunction With UST Removal Project. September 3.

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United States Geological Survey (USGS). Topographic map dated 1962 and photorevised 1983. *Flagstaff West, Arizona, 7.5 Minute Series.*

12 QUALIFICATION AND SIGNATURES OF ENVIRONMENTAL PROFESSIONALS

This report, entitled "Phase I Environmental Site Assessment Update," has been prepared for the ADEQ for four properties located at 107 West Aspen Street, 23 North Beaver Street, 15 North Beaver Street, and 102 West Route 66 in Flagstaff, Arizona. It has been prepared in accordance with the guidelines set forth in the American Society for Testing and Materials (ASTM) Standard E 1527-05, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*. It has been prepared in accordance with accepted quality control practices and has been reviewed by the undersigned. Resumes for the personnel listed below are included in Appendix H.

Bradley F. Johnston, RG is a Vice President and Office Director in SCS's Phoenix, Arizona office.

David F. Laney, CHMM is Project Director in SCS's Phoenix, Arizona office.

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in 40 CFR Part 312.10. We have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

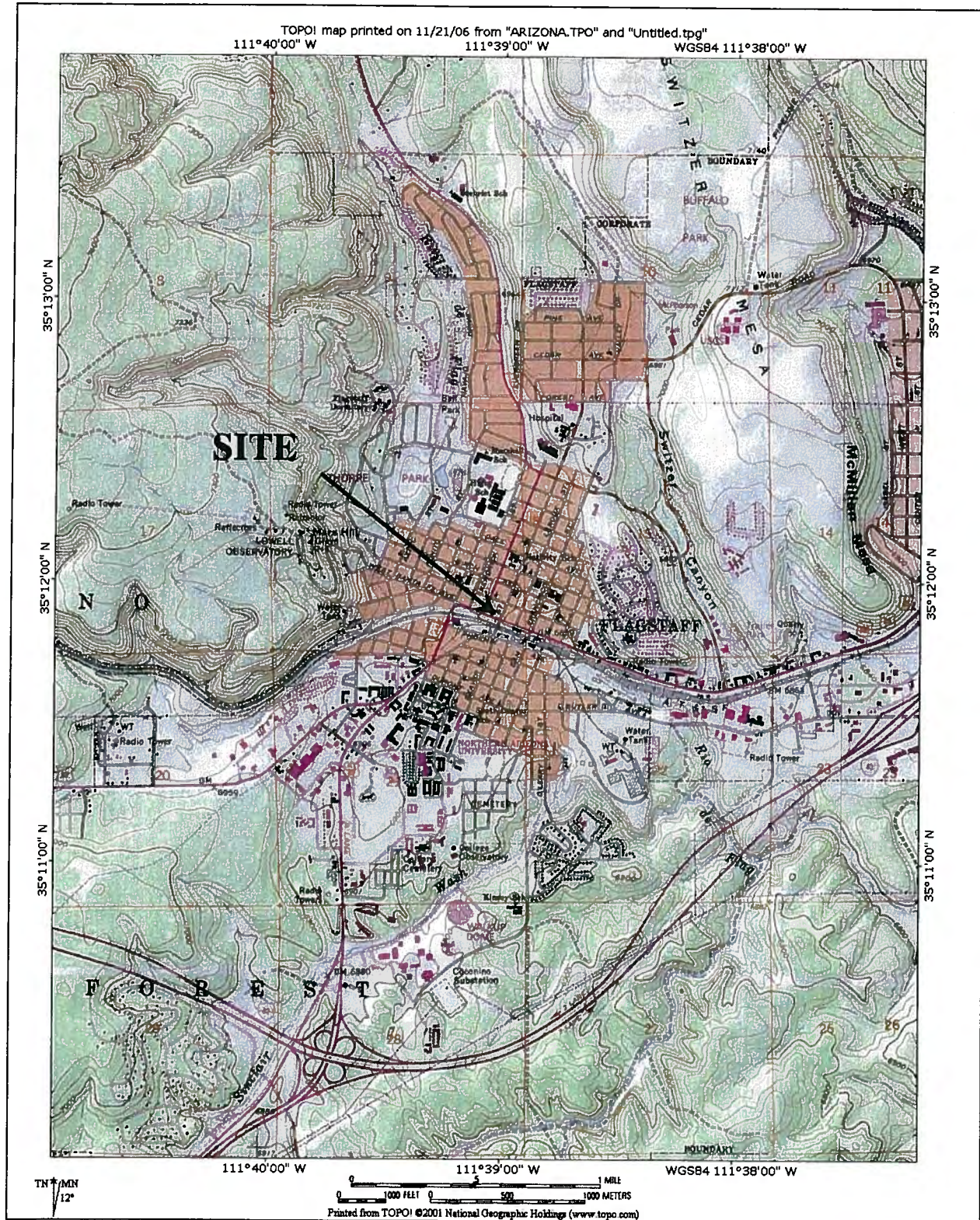

Bradley F. Johnston, RG
10/20/10
Date


David F. Laney, CHMM
10/20/10
Date

APPENDICES

APPENDIX A

FIGURES



Ariz. Dept of
 Environmental Quality
 Phase I ESA
 City of Flagstaff Transit
 Transfer Center
 Flagstaff, Arizona

Figure 1
 Site Location Map

01210094.00



SITE PARCELS

- Flagstaff City Prosecutor 100-21-009A (107 W Aspen)
- Former Lamb & Lion Bookstore 100-21-009B (23 N Beaver St)
- Flagstaff Municipal Court 100-21-011 (15 N Beaver St)
- Flagstaff Court Parking 100-21-001B (102 W Route 66)

LUST SITES

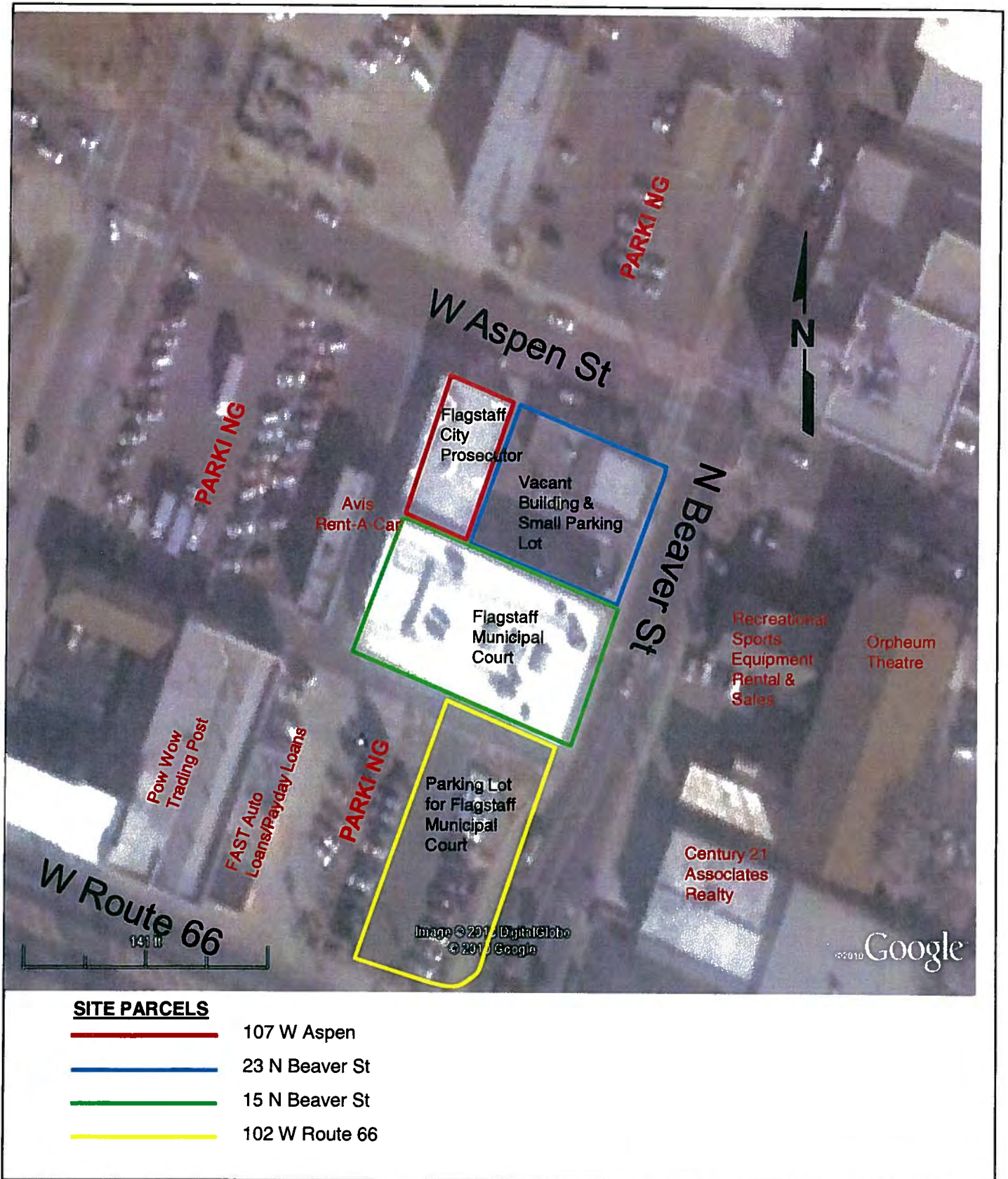
- L1 Mackey Property / Former Weber Oil / Century 21 Associates
Closed LUST. No GW reported.
- L2 Former Big Don's Service Center Closed LUST. DTW = 7' to 13'
- L3 Former Continental Trailways. [Open LUST File](#). DTW = 10'
- L4 Former 4 Winds Traders/Greyhound/Pow Pow Trading. [Open LUST File](#). DTW = 10'

Groundwater Monitoring Well

Figure 2
Parcel Map

Arizona Dept of Environmental Quality
Phase I ESA
City of Flagstaff Transit Transfer Center
Flagstaff, Arizona

01210094.00



APPENDIX B
PHOTOGRAPHS



Photograph 1. Building at 107 West Aspen (Flagstaff City Attorney).



Photograph 2. Building at 107 West Aspen.



Photograph 3. Front (north) wall of building. Looking east.



Photograph 4. Front (north) wall of building. Looking west.



Photograph 5. West wall of building. View to south. Photograph taken in alley.



Photograph 6. West wall of building. View to east from adjacent property.



Photograph 7. East wall of building at 107 W Aspen.
Building on left is 15 N Beaver (Municipal Court).
Parking lot & building on right is 23 N Beaver (vacant)



Photograph 8. Door in east wall of building.



Photograph 9. Building at 23 North Beaver Street. View
looking west. North Beaver St in front of building. W
Aspen is to the right.



Photograph 10. Front of building. Note "MIDGLEY'S
1927" which stands for Midgley's Food Market, the first
business to occupy the building.



Photograph 11. East wall of building. Windows
boarded over.



Photograph 12. North side of building. West Aspen in
front.



Photograph 13. Biblical scene of ark (from former building occupant The Lion and Lamb Christian Bookstore) on the north wall of the building.



Photograph 14. West side of building.



Photograph 15. Back door of building.



Photograph 16. Close-up view of back door.



Photograph 17. South wall of building. 107 W Aspen to left.



Photograph 18. South wall of building. Note door, windows, and possible opening to basement.



Photograph 19. Possibly opening to basement.



Photograph 20. Front of building at 15 North Beaver Street (Flagstaff Municipal Court).



Photograph 21. South wall of building. Property at 102 W Route 66 in foreground.



Photograph 22. South wall of building. Note pole mounter transformer.



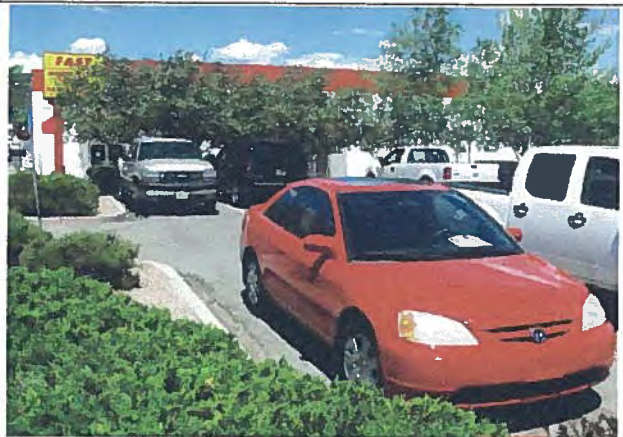
Photograph 23. West side of building. Note fire escape at corner.



Photograph 24. Fire escape with pull down ladder, 2nd floor balcony, and first floor door – southwest corner of building.



Photograph 25. 102 West Route 66 (parking lot for Flagstaff Municipal Court). View to south.



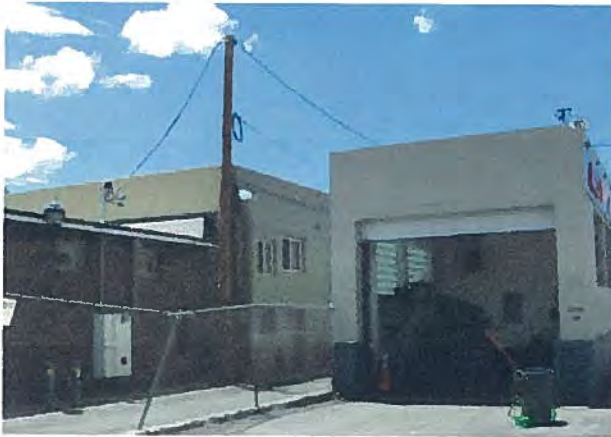
Photograph 26. 102 West Route 66. View to west.



Photograph 27. 102 West Route 66. View to northeast toward 15 N Beaver.



Photograph 28. Parking lot at 23 N Beaver Street. Building at this property on right. 107 W Aspen to left.



Photograph 29. Property adjacent to west of 107 West Aspen (Avis Rent-A-Car).



Photograph 30. Avis Rent-A-Car (property W of & adjacent to 107 W Aspen) includes garage (auto washing or maintenance) to the right & parking lot.

APPENDIX C

ALLANDS REGULATORY DATABASE SEARCH REPORT



Allands

14947 W. Piccadilly Road, Goodyear, AZ 85338 • Phone: 623-535-7800 • Fax: 623-535-7900
www.allands.com • e-mail: sehodges@allands.com

Historical Title and Environmental Research

**VOLUNTARY ENVIRONMENTAL MITIGATION USE RESTRICTIONS BY
OWNERS (VEMUR); DECLARATION OF ENVIRONMENTAL USE
RESTRICTIONS (DEUR); ENVIRONMENTAL LIENS;
AND ADEQ AZURITE TRACKING SYSTEM SEARCH**

YOUR FILE NO: 010318210

ALLANDS FILE NO: 2010-07-048T

Date of Report: July 25, 2010

Title Plant Date***: July 22, 2010

***The Title Plant Date reflects the most current data made available by the information sources used at the time the research was performed.

ALL LANDS hereby presents an Environmental Search Report to the land described below. The total liability is limited to the fee paid for this report. A.R.S. 49-152. This states that the Director of the Arizona Department of Environmental Quality shall allow property owners, who have voluntarily elected to remediate their property for nonresidential uses, to record in the applicable county recorder's office a VEMUR limiting, by legal description, the area necessary to protect public health and the environment to nonresidential uses if contamination remains on the property at or above certain levels. In accordance with Arizona Administrative Code (A.A.C.) R18-7-201 et. Seq., a Declaration of Environmental Use Restriction (DEUR) is a voluntary notice to deed which restricts the use of a property to non-residential use. ADEQ AZURITE Tracking System has been researched to include the Voluntary Remediation Program, the Brownfields Program, and any institutional or engineering controls. Allands is not responsible for errors in the available records. The total liability is limited to the fee paid for this report. This is a confidential, privileged and protected document for the use of SCS Engineers.

1. The land referred to in this report is located in Coconino County, Arizona.
2. Assessor's No.: 100-21-001B, 009A, 009B & 011
3. No VEMUR'S, DEUR'S; Environmental Liens, Brownfields, institutional controls, engineering controls, or activity and use limitations, if any, were found currently recorded against the property as searched at the subject county recorder's office.

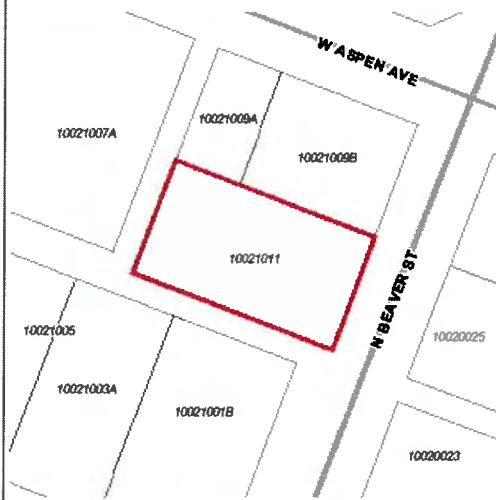




Coconino County Parcel Information									
				Parcel Number: <u>10021001B</u>		Property Address: 102 W ROUTE 66			
				Owner Information -					
				Owner (primary): FLAGSTAFF CITY OF					
				Owner (secondary):					
Mailing Address: 211 W ASPEN AVE									
City: FLAGSTAFF		State: AZ		Zip: 86001					
Location Information -									
Subdivision: FLAGSTAFF TOWNSITE				Lot: 2,3,4 & POR 1					
Census Tract/Block:		Township-Range-Section: 21N07E16							
Legal Class: VACANT LAND									
Legal Description: FLAGSTAFF TOWNSITE LOTS 1 THRU 4 BLK 1-A. LESS: .06 ACRE DEDICATED AS R/W DESC IN 1753/764. (ASSESSOR'S DESC).									
Property Details -									
Property Area: 0.25AC		Garage: N/A		Heat Type: N/A					
Living Area: N/A		Exterior Wall: N/A		Cooling Type: N/A					
Construction Year: N/A		Roofing: N/A		Patio/Porch: N/A					
Total Rooms: N/A		Stories: N/A		Grade: N/A					
Sale Information -									
Value Information -									
Tax Year	Land FCV	Imp FCV	Total LPV	Total FCV	Land Ratio	Imp. Ratio	Real Prop. Ratio	Last Updated	
2011	\$127,339	\$0	\$127,339	\$127,339	0.16000000	0.00000000	0.16000000	2009-11-20	
2010	\$133,984	\$0	\$133,984	\$133,984	0.16000000	0.00000000	0.16000000	2007-09-17	
2009	\$133,984	\$0	\$133,984	\$133,984	0.16000000	0.00000000	0.16000000	2007-09-17	
2008	\$129,082	\$0	\$129,082	\$129,082	0.16000000	0.00000000	0.16000000	2005-09-30	
2007	\$129,082	\$0	\$129,082	\$129,082	0.16000000	0.00000000	0.16000000	2005-09-30	
Property Tax Information -									
Tax Year	Tax Area Code	Primary Tax	Sec. Tax	State Aid Ed.	Spec. Dist. Tax	Total Tax Due	Exempt Type	Delinquent Code	
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2007	150	\$0	\$0	\$0	\$0	\$0	F		
2006	150	\$0	\$0	\$0	\$0	\$0	F		
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Permit Information -									
No Permits Available									

Coconino County Parcel Information																																																																																	
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2005	150	\$2,492	\$1,223	\$0	\$0	\$3,715																																																																											
2004	150	\$2,327	\$1,216	\$0	\$0	\$3,543		D																																																																									
2003	150	\$2,645	\$1,128	\$0	\$0	\$3,773		D																																																																									
2002	150	\$2,804	\$1,097	\$0	\$0	\$3,901																																																																											
Permit Information -																																																																																	
No Permits Available																																																																																	

Coconino County Parcel InformationParcel Number: [10021011](#) Property Address: 15 N BEAVER ST**Owner Information -**

Owner (primary): FLAGSTAFF CITY OF

Owner (secondary):

Mailing Address: 211 W ASPEN AVE

City: FLAGSTAFF

State: AZ

Zip: 86001

Location Information -

Subdivision: FLAGSTAFF TOWNSITE

Lot: 22-24

Census Tract/Block:

Township-Range-Section: 21N07E16

Legal Class: VACANT LAND

Legal Description: FLAGSTAFF TWNS LOTS 22 23 24 BLK 1A

Property Details -

Property Area: 0.23AC

Garage: N/A

Heat Type: N/A

Living Area: N/A

Exterior Wall: N/A

Cooling Type: N/A

Construction Year: N/A

Roofing: N/A

Patio/Porch: N/A

Total Rooms: N/A

Stories: N/A

Grade: N/A

Sale Information -**Value Information -**

Tax Year	Land FCV	Imp FCV	Total LPV	Total FCV	Land Ratio	Imp. Ratio	Real Prop. Ratio	Last Updated
2011	\$117,485	\$0	\$117,485	\$117,485	0.16000000	0.00000000	0.16000000	2009-11-20
2010	\$123,615	\$0	\$123,615	\$123,615	0.16000000	0.00000000	0.16000000	2007-09-17
2009	\$123,615	\$0	\$123,615	\$123,615	0.16000000	0.00000000	0.16000000	2007-09-17
2008	\$119,093	\$0	\$119,093	\$119,093	0.16000000	0.00000000	0.16000000	2005-09-30
2007	\$119,093	\$0	\$119,093	\$119,093	0.16000000	0.00000000	0.16000000	2005-09-30

Property Tax Information -

Tax Year	Tax Area Code	Primary Tax	Sec. Tax	State Aid Ed.	Spec. Dist. Tax	Total Tax Due	Exempt Type	Delinquent Code
2009	150	\$0	\$0	\$0	\$0	\$0	F	
2008	150	\$0	\$0	\$0	\$0	\$0	F	
2007	150	\$0	\$0	\$0	\$0	\$0	F	
2006	150	\$0	\$0	\$0	\$0	\$0	F	
2005	150	\$0	\$0	\$0	\$0	\$0	F	
2004	150	\$0	\$0	\$0	\$0	\$0	F	
2003	150	\$0	\$0	\$0	\$0	\$0	F	
2002	150	\$0	\$0	\$0	\$0	\$0	F	

Permit Information -

No Permits Available



Allands

14947 W. Piccadilly Road, Goodyear, AZ 85395 • Phone: 623-535-7800 • Fax: 623-535-7900
www.allands.com • e-mail: sharon@allands.com

Historical Title and Environmental Research

REGULATORY DATABASE (ASTM) SEARCH

YOUR FILE NO: 010318210

ALLANDS FILE NO: 2010-07-048D

DATE OF REPORT: July 25, 2010

ALLANDS hereby reports the search results of Federal and State Databases according to ASTM standards for Phase I Environmental Site Assessments E 1527-05. Allands is not responsible for errors in the available records. The total liability is limited to the fee paid for this report. This is a confidential, privileged and protected document for the use of SCS Engineers.

1. The land referred to in this report is located in Coconino County, Arizona, described as follows:

Property located at 107 West Aspen Avenue, 15 and 23 West Beaver Street, and 102 West Route 66, Flagstaff, Arizona, being in the Southeast quarter of Section 16, Township 21 North, Range 7 East, Gila and Salt River Base and Meridian.

REGULATORY DATABASE SEARCH SUMMARY

Database	Date of Database	Approximate Minimum Search Distance (miles)	Reported Facilities
Standard Federal ASTM Environmental Record Sources			
NPL (National Priorities List) / Proposed NPL / DOD (Department of Defense Sites)	06/10	1.0	0
Delisted National Priorities List	06/10	0.5	0
CERCLIS (Comprehensive Environmental Response, Compensation and Liability Information System)/No Further Remedial Action Planned (NFRAP)	06/10	0.5	0
RCRA (Resource Conservation and Recovery Act) Large and Small Quantity Generators	06/10	0.125	5
RCRA – CORRACTS TSDFs (Corrective Action Treatment, Storage, and Disposal Facilities)	06/10	1.0	0
RCRA – Non-CORRACTS TSDFs	06/10	0.5	0
ERNS (Emergency Response Notification System)	06/10	0.125	2
Standard State ASTM Environmental Record Sources			
WQARF (Water Quality Assurance Revolving Fund) Areas	06/10	1.0	0
Superfund Program List (replaces ACIDS)	08/04	0.5	0
Solid Waste Facilities/Landfill Sites – Operating and Closed	05/99 & 05/04	0.5	0
Control Registries	06/10	Site and adjoining	0
Brownfields / Voluntary Remediation Program	06/10	0.5	2
Registered USTs (Underground Storage Tanks)	01/10	0.125	12
LUSTs (Leaking Underground Storage Tanks) Incident Reports	01/10	0.5	29
Additional Environmental Record Sources			
RCRA Compliance Facilities	11/09	0.125	0
Hazardous Materials Incidents Emergency Response Logbook	1984-06/01	0.125	1
ADEQ Drywell Registration Database	06/10	0.125	0
Environmental Permits	06/10	Site	0
Fire Insurance Maps	Various	Site and adjoining	7
Topographical / Aerial Maps	See text	Site and adjoining	2
VEMUR / DEUR / LIENS / DEURTRACKER	06/10	Site	0
DRYCLEANER	06/06	0.125	2
Arizona Department of Water Resources Well Registration Database	06/10	Site and adjoining	See Text

Allands contacts the appropriate sources on a monthly basis to maintain currency of data

Standard Federal ASTM Environmental Record Sources

SUPERFUND NATIONAL PRIORITIES LIST (NPL)

Under Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act the Environmental Protection Agency established a National Priorities List (NPL) of Superfund sites. In addition, Proposed NPL and DOD (Department of Defense) Sites are researched in the section. These databases are provided by the EPA and the Arizona Department of Environmental Quality, dated June, 2010, and searched to identify all NPL/Proposed NPL/ DOD sites within a 1.0 mile search distance from subject property exterior boundaries.

Note: Due to inconsistency between the general area site description in the Narrative site information and the detailed site map, the distance/directions are determined based upon the most current site map available from ADEQ.

No National Priorities List (NPL) / Proposed NPL / DOD Sites were found located within a 1.0 mile search distance from subject property exterior boundaries.

DELISTED NATIONAL PRIORITIES LIST

Site may be delisted from the National Priorities List where no further response is appropriate. This database is provided by the Environmental Protection Agency, dated June, 2010, and searched to identify all Delisted NPL Sites within a 0.5 mile search distance from subject property exterior boundaries.

No Delisted National Priorities List (NPL) Sites were found located within a 0.5 mile search distance from subject property exterior boundaries.

FEDERAL CERCLIS / NFRAP LIST

The CERCLIS list contains sites which are either proposed to or on the NPL and sites which are in the screening and assessment phase for possible inclusion on the NPL. Those sites on the NFRAP list have no further remedial action planned. This database is provided by EPA dated June, 2010, and searched for facilities within a 0.5 mile search distance from subject property exterior boundaries.

No CERCLIS / NFRAP facilities were found located within a 0.5 mile search distance from subject property exterior boundaries.

RESOURCE CONSERVATION AND RECOVERY ACT FACILITIES (RCRA)

Under RCRA the Environmental Protection Agency compiles a database of facilities that are involved in the generation of hazardous materials. This database is from the Arizona Department of Environmental Quality RCRAInfo Database, dated June, 2010 and checked for Federal RCRA facilities located within a <=0.125 mile search distance from subject property exterior boundaries.

EPA ID	FACILITY	ADDRESS	NOTIF. DATE	STATUS
AZD982524514	Tuneup Masters 632	103 W Birch	3/31/1991	N
AZD983479502	APS Flagstaff Business Ofc	101 W Cherry Ave	4/24/1995	N
AZE000215001	Flagstaff, City Of / HH Haz Waste Day	211 W Aspen Ave	11/8/2002	N
AZR000503813	HD Supply Electrical Ltd / Hughes Supply HDEE 3038	13 S Mikes Pike	4/28/2008	N
AZD981663073	Holmes Cleaners	101 N Beaver	3/31/1991	SQG

CODES:

LQG: Large quantity generator (more than 1000 kg per month)
SQG: Small quantity generator (100 – 1000 kg per month)
CEG: Conditionally exempt small quantity generator (less than 100 kg per month)
N : Not a generator verified or inactive generator

CORRACTS FACILITIES

Under RCRA the Environmental Protection Agency compiles a database of Corrective Action Sites, sites with known contamination. Also known as the RCRA CORRACTS List, this is a list maintained by the EPA of RCRA sites at which contamination has been discovered and where some level of corrective clean-up activity has been undertaken. For example, a site may have been on the RCRA TSD or the RCRA Generators site list, and was placed on the CORRACTS list once contamination was discovered and remediation was underway. This database is dated June, 2010, and checked for facilities which occurred within a 1.0 mile search distance from subject property exterior boundaries.

No Facilities were found which occurred within a 1.0 mile search distance from subject property exterior boundaries.

TSD FACILITIES

Under RCRA the Environmental Protection Agency compiles a database of facilities that are involved in the transportation, treatment, storage, or disposal of hazardous materials. This database is from the Arizona Department of Environmental Quality Arizona Hazardous Waste Treatment, Storage and Disposal Facilities, dated June 2010, and checked for Facilities which occurred within a 0.5 mile search distance from subject property exterior boundaries.

No TSD Facilities were found which occurred within a 0.5 mile search distance from subject property exterior boundaries.

FEDERAL EMERGENCY RESPONSE NOTIFICATION SYSTEM (ERNS) LIST

The ERNS list is a national database used to collect information on reported releases of oil and hazardous substances. This database is provided by the National Response Center and the EPA through the Right of Know Net by OMB Watch and Unison Institute from 1983 to June, 2010, and checked for incidents located within a ≤ 0.125 mile search distance from subject property exterior boundaries.

ID	DATE	LOCATION	MATERIAL	QUANTITY	UNITS	DETAILS
293592	9/16/1992	211 W Aspen	DIESEL	200	GAL	Pumping From Truck To Tank; Tank Trip Switch Did Not Flip When Full
812842	9/27/2006	211 W Aspen	Refrigerant Gases	100	LBS	Caller Stated There Was A Release Of Materials From A Chiller Unit Due To Unknown Causes

Standard State ASTM Environmental Record Sources

WATER QUALITY ASSURANCE REVOLVING FUND (WQARF)

The state of Arizona established a remedial program under A.R.S. 49-282 to facilitate the conservation and clean-up of Arizona drinking water and water sources. Under the authority of the WQARF program, the state actively identifies any actual or potential impact upon state waters, evaluates the extent of contamination, identifies parties responsible, and provides money grants to assist in clean-up activities. This database is provided by the Arizona Department of Environmental Quality dated June, 2010, and searched to identify all WQARF sites within a 1.0 mile search distance from subject property exterior boundaries.

Note: Due to inconsistency between the general area site description in the Narrative site information and the detailed site map, the distance/directions are determined based upon the most current site map available from ADEQ.

No WQARF Registry List sites were found located within a 1.0 mile search distance from subject property exterior boundaries.

ARIZONA SUPERFUND PROGRAM LIST

The Arizona Superfund Program List replaces the Arizona CERCLIS Information Data System (ACIDS). This list is more representative of the sites and potential sites within jurisdiction of the Arizona Department of Environmental Quality Superfund Programs Section (SPS). This database is provided by the Arizona Department of Environmental Quality, dated August, 2004, and searched to identify all sites within a 0.5 mile search distance from subject property exterior boundaries.

No facilities on the Arizona Superfund Program List were found located within a 0.5 mile search distance from subject property exterior boundaries.

Program Status codes:

Pending PI	WQARF Preliminary Investigation (PI) is scheduled or in process
On Registry	PI has resulted in inclusion of a site on the WQARF Registry
ACTIVE	The Department of Defense is presently addressing the site
On NPL	site has been listed on the CERCLA National Priorities List

LANDFILLS

The state of Arizona maintains listings of closed and permitted, operating landfills and solid waste dump sites. Lists of closed facilities are not necessarily complete - older dumping areas may not be documented. This database is from the Arizona Department of Environmental Quality Waste Programs Division; Solid Waste Section Directory of Arizona Active and Inactive Landfills dated May, 1999 and May, 2004, and checked for active and inactive landfills located within a 0.5 mile search distance from subject property exterior boundaries.

No active nor inactive landfills were found located within a 0.5 mile search distance from subject property exterior boundaries.

Codes:

MSWLF:	Municipal Solid Waste Landfills
CSWLF:	Closed Solid Waste Landfills
CSWOD:	Closed Solid Waste Dumps

CONTROL REGISTRIES

Under ASTM E 1527-05, Federal, State and Tribal institutional control / engineering control registries need to be researched. The Arizona Department of Environmental Quality has developed the AZURITE Database, reviewed through ADEQ GIS eMaps, which retrieves any institutional or engineering controls, dated June, 2010, and searched for sites which occurred at subject property or adjoining properties.

No institutional or engineering controls were found which occurred at subject property or adjoining properties.

BROWNFIELDS / VOLUNTARY CLEANUP PROGRAM

The Arizona Department of Environmental Quality has developed the AZURITE Database, reviewed through ADEQ GIS eMaps, which includes the ADEQ Voluntary Remediation Program and the ADEQ Brownfields Tracking System, dated June, 2010, and searched for sites which occurred within a 0.5 mile search distance from subject property exterior boundaries.

Transfer Center, Flagstaff (Subject property Area)

116 – 216 West Phoenix Ave, Flagstaff (Area boundaries located 0.1 mi. South)

REGISTERED UNDERGROUND STORAGE TANKS (UST)

State (A.R.S. 49-1001 to 1014) and Federal (RCRA Subtitle I) laws require that persons who own or have owned underground storage tanks containing "regulated substances" complete a notification form and register the tank with the state. Tribal UST records are researched when subject property exterior boundaries are within search distance of Tribal lands. This database is from the Arizona Department of Environmental Quality UST Log dated January, 2010, and searched for UST sites located within a ≤ 0.125 mile search distance from subject property exterior boundaries.

FACILITY ID	FACILITY NAME	FACILITY ADDRESS	TANK ID	CLOSURE TYPE	CLOSURE DATE
0-001130	Tune-Up Masters #632	103 W Birch Ave	1	Perm Removal	7/12/91
0-001130	Tune-Up Masters #632	103 W Birch Ave	2	Perm Removal	9/1/78
0-001130	Tune-Up Masters #632	103 W Birch Ave	3	Perm Removal	9/1/78
0-001130	Tune-Up Masters #632	103 W Birch Ave	4	Perm Removal	9/1/78
0-003175	Milum Textile Services	210 W Phoenix Ave	1	Perm Removal	7/19/89
0-003361	Qwest - Flagstaff Main Central Office	24 W Aspen Ave	1	Perm Removal	1/13/90
0-003361	Qwest - Flagstaff Main Central Office	24 W Aspen Ave	2	Perm Removal	1/13/90
0-003361	Qwest - Flagstaff Main Central Office	24 W Aspen Ave	3	Perm Removal	9/1/87
0-005023	Trailways	114 W Route 66	1	Perm Removal	12/1/86
0-005023	Trailways	114 W Route 66	2	Perm Removal	12/1/86
0-005244	Big Dons Service Station	102 W Route 66	1	Perm Removal	6/9/86
0-005244	Big Dons Service Station	102 W Route 66	2	Perm Removal	6/9/86
0-005820	Flagstaff, City Of - City Hall	211 W Aspen Ave	1	Perm Removal	2/17/94
0-006182	Flagstaff Cardlock	215 W Phoenix Ave	1	Perm Removal	1/20/99
0-006182	Flagstaff Cardlock	215 W Phoenix Ave	2	Perm Removal	1/20/99
0-006182	Flagstaff Cardlock	215 W Phoenix Ave	3	Perm Removal	1/20/99
0-006738	Hughes Supply #Hdee 3038	13 S Mikes Pike	1	Perm Removal	1/9/91
0-007299	Rear Of Building	119 W Phoenix Ave	1	Perm Removal	8/22/91
0-007569	Century 21 Associates	24 W Route 66	1	Perm Removal	1/1/74
0-007902	Pow Wow Trading Post	118 W Route 66	1	Perm Removal	7/22/92
0-007902	Pow Wow Trading Post	118 W Route 66	2	Perm Removal	7/22/92
0-008085	Anderson Trading Co Inc	24 S Beaver St	1	Perm Removal	1/6/93
0-008085	Anderson Trading Co Inc	24 S Beaver St	2	Perm Removal	1/6/93
0-008085	Anderson Trading Co Inc	24 S Beaver St	3	Perm Removal	1/6/93

REGISTERED UNDERGROUND STORAGE TANKS DETAILS

NOTE: Details section is from the ADEQ 2003 UST list, newer lists do not provide this information.

CG: Closed in Ground

TC: Temporarily Closed

Facility Id	Facility	Owner Id	Owner
Tank No.	Status	Capacity	Age
Tank Release Detection	Content	Piping Type	Tank Material
	Pipe Material		Pipe Release Detection
0-001130	Tune-up Masters	3454	Well Fargo Bank Of Arizona
	103 W Birch ,Flagstaff AZ 86001	<86001>	
1	REMV Used Oil 280		Unknown
2	REMV Gasoline 4000		Unknown
3	REMV Gasoline 4000		Unknown
4	REMV Gasoline 4000		Unknown
0-003175	Milum Textile Services Coconino Co. 2347 Milum Textile Services		
	210 W Phoenix Ave ,Flagstaff AZ 86001		
1	REMV Gasoline 1000 Galvanized Steel		
0-003361	Flagstaff Main Co #127190	3689	Qwest
	24 W Aspen ,Flagstaff AZ 86001	<86001>	
1	REMV Diesel 1500		Galvanized Steel
2	REMV 500		Galvanized Steel
3	REMV Diesel 960		Fiberglass Reinforced Plastic Pressure
0-005023	Trailways Inc	3539	Trailways Inc
	114 W Santa Fe ,Flagstaff AZ 86001	<86001>	
1	REMV Diesel 10000		Galvanized Steel
2	REMV Diesel 10000		Galvanized Steel
0-005244	Big Don's Service Station	3616	Win Oil Company Inc
	102 W Santa Fe Ave @ Beaver St ,Flagstaff AZ 86001	<86001>	
1	REMV 3000		Galvanized Steel
2	REMV 3000		Galvanized Steel
0-005820	City Of Flagstaff City Hall	879	City Of Flagstaff/Pulliam Arprt
	211 W Aspen Ave ,Flagstaff AZ 86001	<86001>	
1	REMV Diesel 500	Manual Tank Gauging	Suction: Check

REGISTERED UNDERGROUND STORAGE TANKS (DETAILS CONT.)

Facility Id	Facility		Owner Id	Owner	
Tank No.	Status	Content	Capacity	Age	Tank Material
Tank Release Detection		Pipe Material	Piping Type		Pipe Release Detection

0-006182 **Flagstaff Cardlock** Coconino Co. 6012 Trejo Investments Limited Partne
215 W Phoenix St ,Flagstaff AZ 86002
1 REMV Gasoline 5000 Interstitial Monitoring (Secondary Galvanized Steel Suction: Check
Containment) Tank Tightness with Inventory Controls
2 REMV Gasoline 5000 Interstitial Monitoring (Secondary Galvanized Steel Suction: Check
Containment) Tank Tightness with Inventory Controls
3 REMV Diesel 5000 Interstitial Monitoring (Secondary Galvanized Steel Suction: Check
Containment) Tank Tightness with Inventory Controls

0-006738 **N J Shaum & Son Inc** Coconino Co. 2428 N J Shaum & Son Inc
13 Mikes Pike ,Flagstaff AZ 86001
1 REMV Gasoline 1500 Galvanized Steel

0-007299 **Rear Of Building** Coconino Co. 3189 A Bruce Crozier
119 W Phoenix ,Flagstaff AZ 86001
1 REMV Gasoline 500 Unknown

0-007569 Mackey Property/Former Weber Oil	5808 Weber Oil (dissolved)
24 W Santa Fe ,Flagstaff AZ 86001	<86001>
1 REMV Unknown	

0-007902 Four Winds Traders Inc/Greyhound	4614 Transportation Leasing Co
118 W Rt 66 ,Flagstaff AZ 86001	<86001>
1 REMV Diesel 10000	Bare Steel Suction: Check
2 REMV Diesel 10000	Bare Steel Suction: Check

0-008085 Anderson Trading Co Inc	4955 Anderson Trading Co Inc
24 S Beaver ,Flagstaff AZ 86002	<86002>
1 REMV Gasoline 1000	Galvanized Steel Suction: Check
2 REMV Gasoline 1000	Galvanized Steel Suction: Check
3 REMV Gasoline 1000	Galvanized Steel Suction: Check

REGISTERED LEAKING UNDERGROUND STORAGE TANKS (LUST)

Owners of USTs are required to report to the Arizona Department of Environmental Quality any and all releases of tank contents for which ADEQ maintains an ongoing file documenting the nature of contamination and the status of each such incident. Tribal LUST records are researched when subject property exterior boundaries are within search distance of Tribal lands. This database is from the ADEQ LUST Log dated January, 2010, and searched for LUST sites located within a 0.5 mile search distance from subject property exterior boundaries.

ID	LUST ID NO	FACILITY	ADDRESS	DATE OPEN	DATE CLOSED	P CODE	DIST./ DIREC.
0-005244	0758.01	Big Don's Service Station	102 W Santa Fe Ave @ Beaver St	5/23/1988	11/21/1997	5S	SITE
0-001130	1875.01	Tune-up Masters	103 W Birch	7/16/1991	1/31/1994	5R1	0.1 mi. N
0-007569	2119.01	Mackey Property /Former Weber Oil / Century 21 Associates	24 W Santa Fe	12/20/1991	8/27/1996	5R1	0.1 mi. S
0-006182	5014.01 5014.02	Flagstaff Cardlock	215 W Phoenix St	1/20/1999 1/20/1999	10/19/2006 10/19/2006	5G1 5G1	0.1 mi. SW
0-005023	0252.01	Trailways Inc	114 W Santa Fe	12/12/1986	OPEN	1F	0.1 mi. W
0-007902	2408.01 2408.02	Four Winds Traders Inc / Greyhound / Pow Wow Trading Post	118 W Rt 66	6/25/1992 6/25/1992	OPEN OPEN	1 1	0.1 mi. W
0-005256	0556.01	Underground Testing & Monitoring / 5 Points Mobil	222 S Sitgreaves	10/18/1988	6/18/1999	5R1	0.2 mi. NW
0-009373	5011.01	Pepsi Cola Services Co	8 E Cottage Ave	1/6/1999	4/29/1999	5R1	0.2 mi. S
0-007612	2118.01	Arizona Supply Co (NAPA)	122 E Santa Fe Ave	12/20/1991	11/10/1994	5R1	0.2 mi. SE
0-008484	3780.01	JPA Carpeteers	202 E Rt 66	10/26/1994	1/25/1996	6	0.2 mi. SE
0-003102	2693.01	Arizona Beverage Dist Co	216 W Phoenix St	1/29/1993	7/6/1995	5G1	0.2 mi. SW
0-000780	4347.01 4347.02 4347.03	Watson Chevron	6 S Milton Rd	2/8/1996 2/8/1996 3/14/1996	OPEN OPEN 12/19/2006	1F 1F 5R1	0.2 mi. W
0-003001	2318.01	Plaza Del Rio / / Ray G Lukus General Automotive	200 S Leroux or 5 E Benton Ave	5/22/1992	7/1/1998	5R1	0.3 mi. S
0-000620	1068.01	Jim Babbitt Ford	11 N Verde	2/22/1990	9/29/1999	5R1	0.3 mi. SE
0-005832	0785.01 0785.02	Flagstaff School District Maint.	505 W Coconino Ave	6/14/1989 6/14/1989	8/28/1998 8/28/1998	5R1 5R1	0.3 mi. W

**REGISTERED LEAKING UNDERGROUND STORAGE TANKS
(LUST)**

ID	LUST ID NO	FACILITY	ADDRESS	DATE OPEN	DATE CLOSED	P CODE	DIST./ DIREC.
0-002146	1488.01 1488.02 1488.03 1488.04	City Shop Public Works Yard	419 N Mogollon	10/22/1990 11/9/1993 11/14/1997 11/14/1997	7/2/2003 7/2/2003 7/27/1998 7/27/1998	5R1 5R1 5R1 5R1	0.4 mi. NW
0-006449	2474.01 3619.01	Fresco Gas Mart Conoco	101 E Butler	9/17/1992 8/1/1994	9/22/1999 9/22/1999	5S 7	0.4 mi. S
0-007925	2397.01	Mayorga's Welding Inc	120 S Elden	7/30/1992	1/11/1995	5R1	0.4 mi. SE
0-008571	3914.01 3914.02	High Desert Investments	504 E Butler / 205 S Gabel St	1/27/1995 3/26/1999	1/25/1996 3/16/2000	6 5R1	0.4 mi. SE
0-007579	0872.01	Gordon Steel	520 E Brannen Ave	9/5/1989	10/17/2000	5R1	0.4 mi. SE
0-007025	0418.01 1426.01	Trejo Bulk Plant	619 E Santa Fe	9/23/1988 9/4/1990	5/7/1993 8/13/1996	6 6	0.4 mi. SE
0-007625	2232.01	Barbara Nicholson	624 E Santa Fe Ave	11/19/1991	6/8/2000	5S	0.4 mi. SE
0-002675	0983.01 0983.02	BCW Inc / Western Rock Products	633 E Brannen	12/1/1989 12/1/1989	2/2/2006 2/2/2006	5R2 5R2	0.4 mi. SE
0-007110	1490.01 1490.02	Old Route 66 Service Station	204 S Mikes Pike	10/22/90 10/22/90	8/18/99 8/18/99	5R1 5R1	0.4 mi. SW
0-007562	0202.01	Economy Gas Station	301 S Milton	6/11/1986	7/23/1996	5R1	0.4 mi. SW
0-008950	4571.01	City of Flag/Santa Fe/Shell Oil	521 E Rt 66 /501 E Santa Fe	10/11/1996	11/18/1996	5R1	0.5 mi. SE
0-002395	1155.01	Greyhound Lines #8612	399 S Malpais Ln	3/16/1990	8/5/1999	5R1	0.5 mi. SW
0-003479	2848.01	Greyhound Lines Inc	399 S Malpais Ln	5/28/1993	5/1/2007	5R1	0.5 mi. SW
0-005753	4511.01	City Of Flagstaff Fire Station 1	400 Malapais Ln	7/2/1996	7/13/1999	5R1	0.5 mi. SW

P CODE (Leaking UST Priority):

I	Known or probable affects on groundwater (GW) or affects soils to a depth within 30 feet of GW depth
IF	Free product present on GW and/or surface water (SW)
5G1	Closed soil/GW levels meet RBCA Tier I
5R1	Closed soil levels meet RBCA Tier 1
5R2	Closed soil levels meet RBCA Tier 2
5S	Closed case for suspected release (false alarm)
6	Incident/tank was determined not to be UST jurisdiction and referred to another program
7	LUST case close-out involving combination with other LUST number/case at the same facility

Additional Environmental Record Sources

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) COMPLIANCE FACILITIES

The RCRA Compliance Log lists facilities that have been or presently are under investigation for non-compliance with RCRA regulations. Inclusion of any facility on this list indicates a history of compliance problems and RCRA regulatory violation. This database is from the Arizona Department of Environmental Quality RCRA Compliance Log, dated November, 2009, and searched for compliance facilities within a <=0.125 mile search distance from subject property exterior boundaries.

No compliance facilities were found located within a <=0.125 mile search distance from subject property exterior boundaries.

HAZARDOUS MATERIAL INCIDENTS

The Arizona Department of Environmental Quality (ADEQ) Response Team documents spills and incidents involving hazardous materials that are reported to the unit. This database is from the Arizona Department of Environmental Quality Emergency Response Log from 1984 through June, 2001, and checked for hazardous material incidents located within a <=0.125 mile search distance from subject property exterior boundaries.

ID	DATE	FACILITY	ADDRESS	DETAILS
92-173-C	12/10/1992	Santa Fe RR	NWC Beaver & Phoenix Rds	Diesel/Gasoline/ Unknown

ADEQ DRY WELL REGISTRATION DATA BASE

Dry wells are constructed for the purpose of collecting storm waters. Dry wells are required to be registered with ADEQ. This database is from the ADEQ dry well registration database dated June, 2010, and searched for dry wells located within a ≤ 0.125 mile search distance from subject property exterior boundaries.

No registered dry wells were found located within a ≤ 0.125 mile search distance from subject property exterior boundaries.

ENVIRONMENTAL PERMITS

These lists include Groundwater Permits, Reuse Permits; National Pollutant Discharge Elimination System (NPDES) Permitted Facilities and Aquifer Protection Permits. Any facility which discharges a material that directly or indirectly adds any pollutant to the waters of the state may be required to obtain a permit as required by the Aquifer Protection Permit Rules. These databases are from the Arizona Department of Environmental Quality through its AZURITE Database System and the Environmental Protection Agency and updated to June, 2010, and checked for inclusion of subject property.

Subject property was not found on these lists.

FIRE INSURANCE MAPS

A review was made at the Arizona State Capital Archives for Fire Insurance Maps, more commonly known as Sanborn Maps, which covered the area in which the subject property is located. Subject property is located within the boundaries of available maps.

USGS 7.5 MINUTE TOPOGRAPHICAL MAPS AERIAL PHOTOS

The United States Geological Survey Topographic maps and Aerial Photos are derived from Terrain Navigator Software from Maptech, Inc. (www.maptech.com) and are for informational purposes only.

NAME	TYPE	DATE	REVISION	CONTOUR
Flagstaff West	Topo	1962	1983	20 feet
Flagstaff West NE	Aerial	6-10-2007		

VOLUNTARY ENVIRONMENTAL MITIGATION USE RESTRICTIONS BY OWNERS (VEMUR'S); DECLARATION OF ENVIRONMENTAL USE RESTRICTIONS (DEUR); AND ENVIRONMENTAL LIENS

A.R.S. 49-152. This states that the Director of the Arizona Department of Environmental Quality shall allow property owners, who have voluntarily elected to remediate their property for nonresidential uses, to record in the applicable county recorders office a VEMUR limiting, by legal description, the area necessary to protect public health and the environment to nonresidential uses if contamination remains on the property at or above certain levels. In accordance with Arizona Administrative Code (A.A.C.) R18-7-201 et. Seq., a Declaration of Environmental Use Restriction (DEUR) is a voluntary notice to deed which restricts the use of a property to non-residential use. ADEQ maintains a repository listing of sites remediated under programs administered by the department. This is called the Remediation and DEUR Tracking System (RDT) ADEQ's RDT was researched for inclusion of subject property.

No VEMUR'S, DEUR'S; Environmental Liens, or activity and use limitations, if any, were found currently recorded against the property as searched at the subject county recorders office.

DRYCLEANERS

The Drycleaners Inventory List summarizes current and historic dry cleaners sites throughout the state of Arizona and is not all inclusive. This database is from the Report for the Arizona Department of Environmental Quality Dry Cleaners Inventory Project, dated June, 2006, and searched for dry cleaners sites located within a <=0.125 mile search distance from subject property exterior boundaries.

ID	STREET	NAME_1	FROM_1	TO_1	NAME_2	FROM_2	TO_2	YEARS IN SERVICE
182	100 Mikes Pike	Wyatt's Laundry & Dry Cleaners	1955	1956	Sandoval Cleaners	1965	1970	6
184	101 N Beaver	One Hour Martinizing	1970	1979	Holmes Cleaners	1985	1989	13

ARIZONA DEPARTMENT OF WATER RESOURCES WELL REPORT

This database is from the Arizona Department of Water Resources Well Report Operations Division Report, dated June, 2010. This report identifies existing wells sequenced by legal description and checked for inclusion of subject site and adjacent properties within 10 Acres.

Imaged Records are available at: <http://www.water.az.gov/adwr/Content/ImagedRecords/default.htm>

Water Uses (WU)

A Irrigation
B Utility (Water Co.)
C Commercial
D Domestic
E Municipal
F Industrial
G Recreational
H Remediation
I Mining
J Stock
K Other - Exploration
L Drainage
M Monitoring
N None
O Other - Non-Production
P Remediation
R Recharge
T Test
U Unknown
V Dewatering

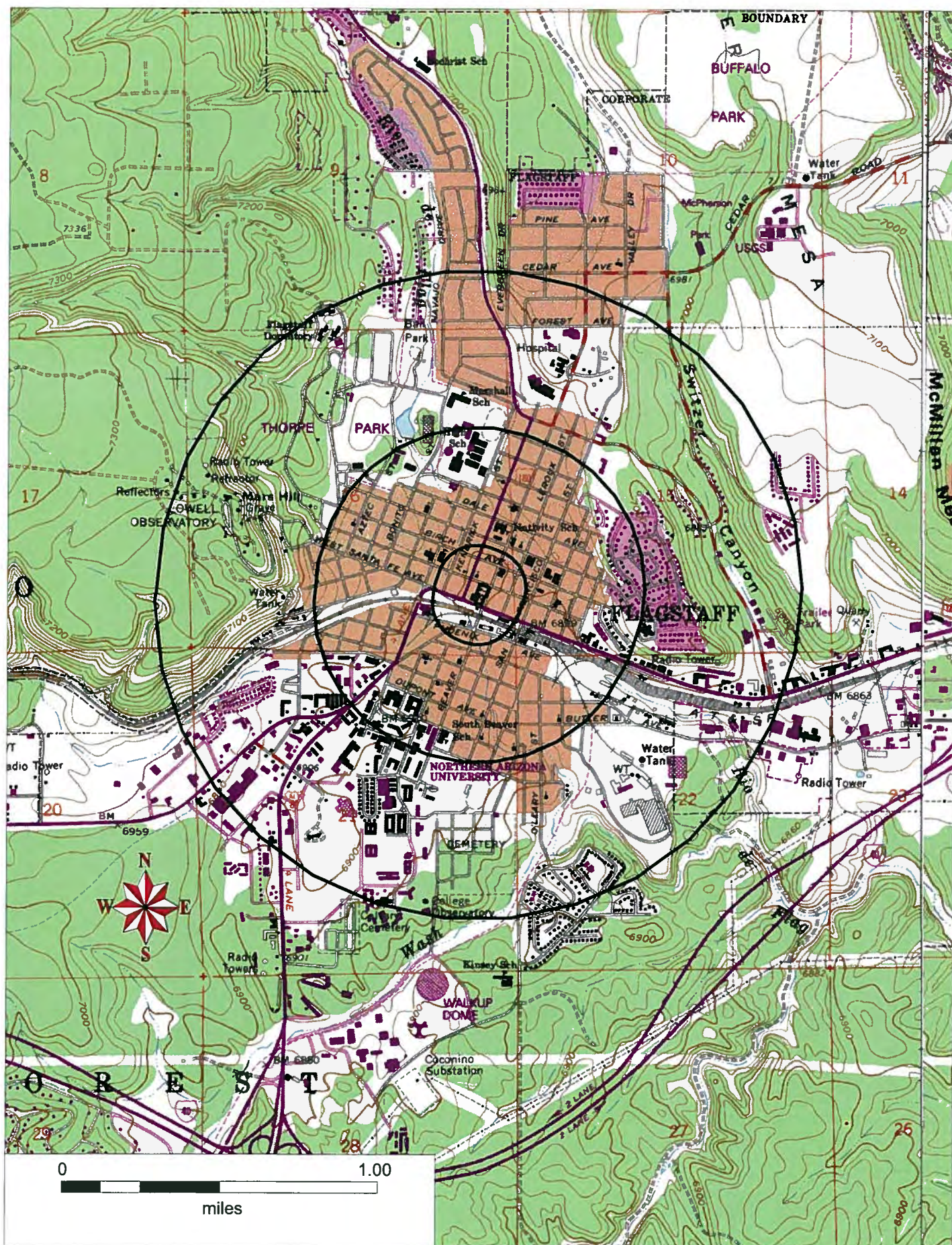
Legal Description

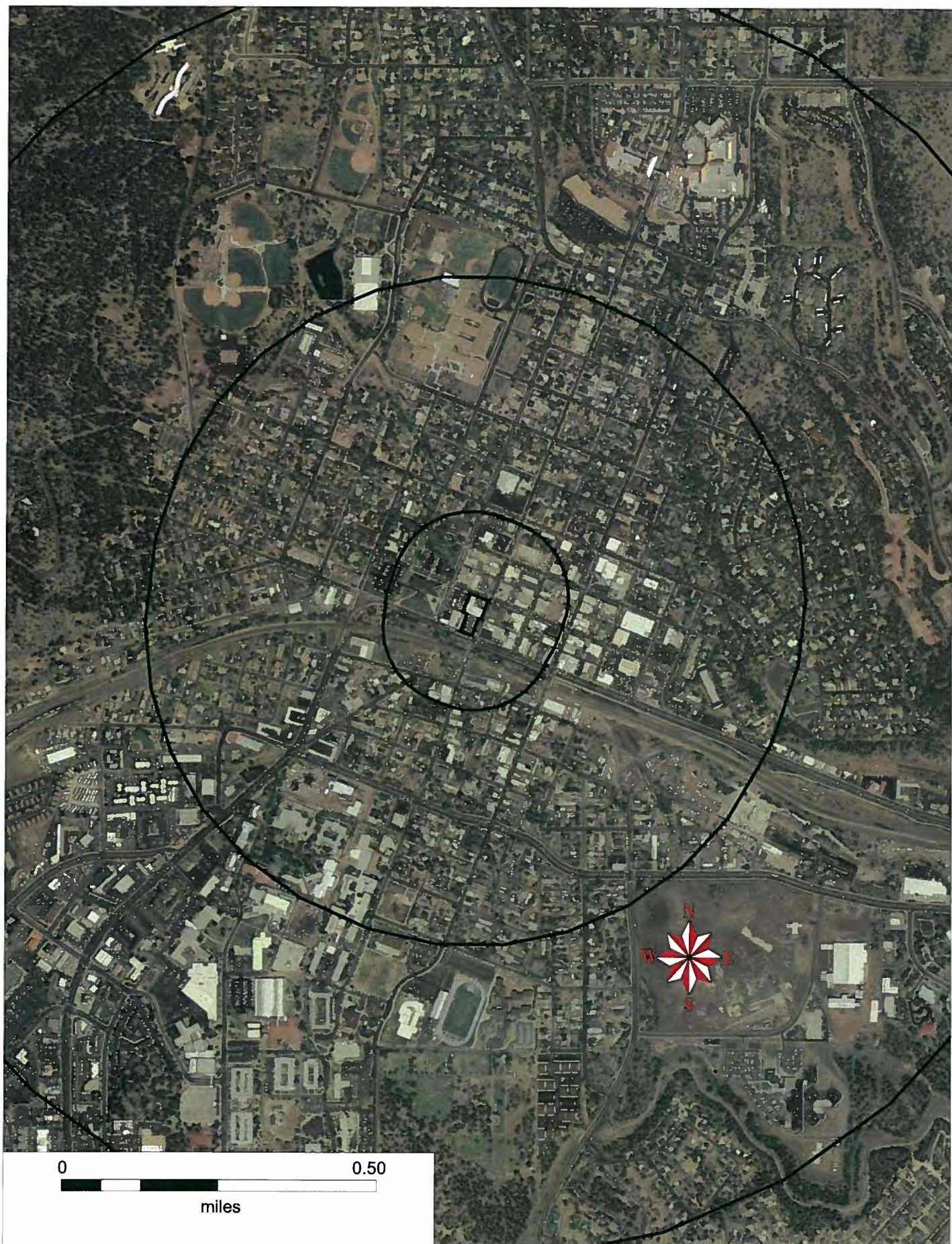
T Township
N/S North or South
R Range
E/W East or West
S Section
Q1 Quarter of Section (160 Acres)
Q2 Quarter Quarter of Section (40 Acres)
Q3 Quarter Quarter Quarter of Section (10 acres)
ID Well Registration Number
WD Well Depth
WL Water Level
DIA Casing width

ID	T	N/S	R	E/W	S	Q1	Q2	Q3	WU	WD	WL	DIA	NAME
806003	21	N	7	E	16				D	17	11	1	West, Kenneth, D
204857	21	N	7	E	16				T	36		4	Us Army Corps Of Engineers
573825	21	N	7	E	16				N	25			Us Army Corps Of Engineers
502639	21	N	7	E	16					0	0	0	Flagstaff, City Of,
559968	21	N	7	E	16	SE	SE	NE	M	0	0	0	ADEQ,
907534	21	N	7	E	16	SE	SE	NE	N				Weatherford Hotel
559966	21	N	7	E	16	SE	SE	NE	M	0	0	0	ADEQ,
559969	21	N	7	E	16	SE	SE	NE	N	0	0	0	ADEQ,
559970	21	N	7	E	16	SE	SE	NE	N	0	0	0	ADEQ,
521454	21	N	7	E	16	SE	SE	NE	M	40	0	6	T.L.I. INC.,
559967	21	N	7	E	16	SE	SE	NE	M	0	0	0	ADEQ,
534809	21	N	7	E	16	SE	SE	NW	N	0	0	0	ADEQ,
534810	21	N	7	E	16	SE	SE	NW	M	30	6	4	ADEQ,

**ARIZONA DEPARTMENT OF WATER RESOURCES
WELL REPORT (cont.)**

ID	T	N/S	R	E/W	S	Q1	Q2	Q3	WU	WD	WL	DIA	NAME
534811	21	N	7	E	16	SE	SE	NW	M	30	16	4	ADEQ,
534812	21	N	7	E	16	SE	SE	NW	M	32	8	4	ADEQ,
535027	21	N	7	E	16	SE	SE	NW	M	32	6	4	ADEQ,
905715	21	N	7	E	16	SE	SE	NW	N	13	11	7	City Of Flagstaff
573824	21	N	7	E	16	SE	SE	SE	T	19			Us Army Corps Of Engineers
908747	21	N	7	E	16	SE	SE	SE		10	6		City Of Flagstaff





NATIONAL RESPONSE CENTER 1-800-424-8802

*** For Public Use ***

Information released to a third party shall comply with any applicable federal and/or state Freedom of Information and Privacy Laws

Incident Report # 812842

INCIDENT DESCRIPTION

*Report taken at 14:16 on 27-SEP-06

Incident Type: FIXED

Incident Cause: UNKNOWN

Affected Area:

The incident occurred on 27-SEP-06 at 07:44 local time.

Affected Medium: AIR TO THE ATMOSPHERE

SUSPECTED RESPONSIBLE PARTY

Organization: CITY OF FLAGSTAFF
FLAGSTAFF, AZ 86001

Type of Organization: LOCAL GOVERNMENT

INCIDENT LOCATION

211 W ASPEN AVENUE County: COCONINO

City: FLAGSTAFF State: AZ Zip: 86001

RELEASED MATERIAL(S)

CHRIS Code: RFG Official Material Name: REFRIGERANT GASES

Also Known As: REFRIGERANT GASES (R22)

Qty Released: 100 POUND(S)

DESCRIPTION OF INCIDENT

CALLER STATED THERE WAS A RELEASE OF MATERIALS FROM A CHILLER UNIT DUE TO UNKNOWN CAUSES.

INCIDENT DETAILS

Package: N/A

Building ID:

Type of Fixed Object: OTHER

Power Generating Facility: NO

Generating Capacity:

Type of Fuel:

NPDES:

NPDES Compliance: UNKNOWN

DAMAGES

Fire Involved: NO Fire Extinguished: UNKNOWN

INJURIES: NO Hospitalized: Empl/Crew: Passenger:

FATALITIES: NO Empl/Crew: Passenger: Occupant:

EVACUATIONS: NO Who Evacuated: Radius/Area:

Damages: NO

<u>Closure Type</u>	<u>Description of Closure</u>	<u>Length of Closure</u>	<u>Direction of Closure</u>
Air:	N		
Road:	N		Major Artery: N
Waterway:	N		
Track:	N		

Passengers Transferred: NO
Environmental Impact: UNKNOWN
Media Interest: NONE Community Impact due to Material: NO

REMEDIAL ACTIONS

CALLER STATED THE WHOLE BUILDING WAS MONITOR FOR VOC, PERCENT OXYGEN, CMO, H2S.
Release Secured: YES
Release Rate:
Estimated Release Duration:

WEATHER

Weather: SUNNY, 60°F

ADDITIONAL AGENCIES NOTIFIED

Federal: NONE
State/Local: NONE
State/Local On Scene: NONE
State Agency Number: NONE

NOTIFICATIONS BY NRC

AZ DEPT OF ENVIRONMENTAL QUALITY (PRIMARY)
27-SEP-06 14:24
AZ DEPT OF PUBLIC SAFETY --QUALLS (PRIMARY)
27-SEP-06 14:24
AZ DEPT OF PUBLIC SAFETY --QUALLS (TRANSPORTATION DIVISION)
27-SEP-06 14:24
COCONINO COUNTY LEPC (COMMAND CENTER)
27-SEP-06 14:24
DOT CRISIS MANAGEMENT CENTER (PRIMARY)
27-SEP-06 14:24
U.S. EPA IX (PRIMARY)
27-SEP-06 14:25
NATIONAL INFRASTRUCTURE COORD CTR (PRIMARY)
27-SEP-06 14:24
NOAA RPTS FOR AZ (PRIMARY)
27-SEP-06 14:24
ARIZONA EMERG RESP COMM ATTN:MR ROE (PRIMARY)
27-SEP-06 14:24
DOI/OEPC DENVER (PRIMARY)
27-SEP-06 14:24

ADDITIONAL INFORMATION

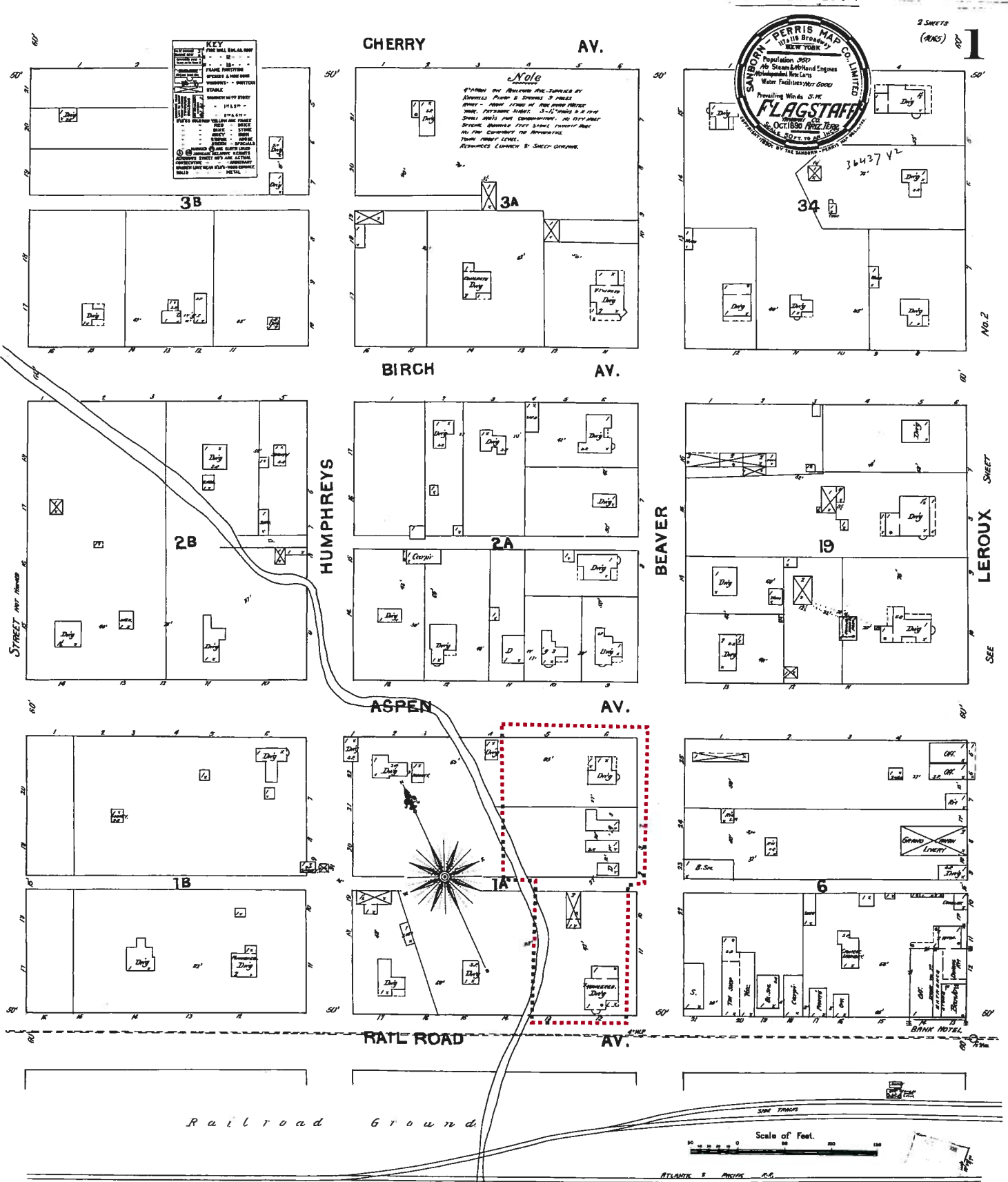
CALLER STATED NO READING ON THE MONITOR. FYI

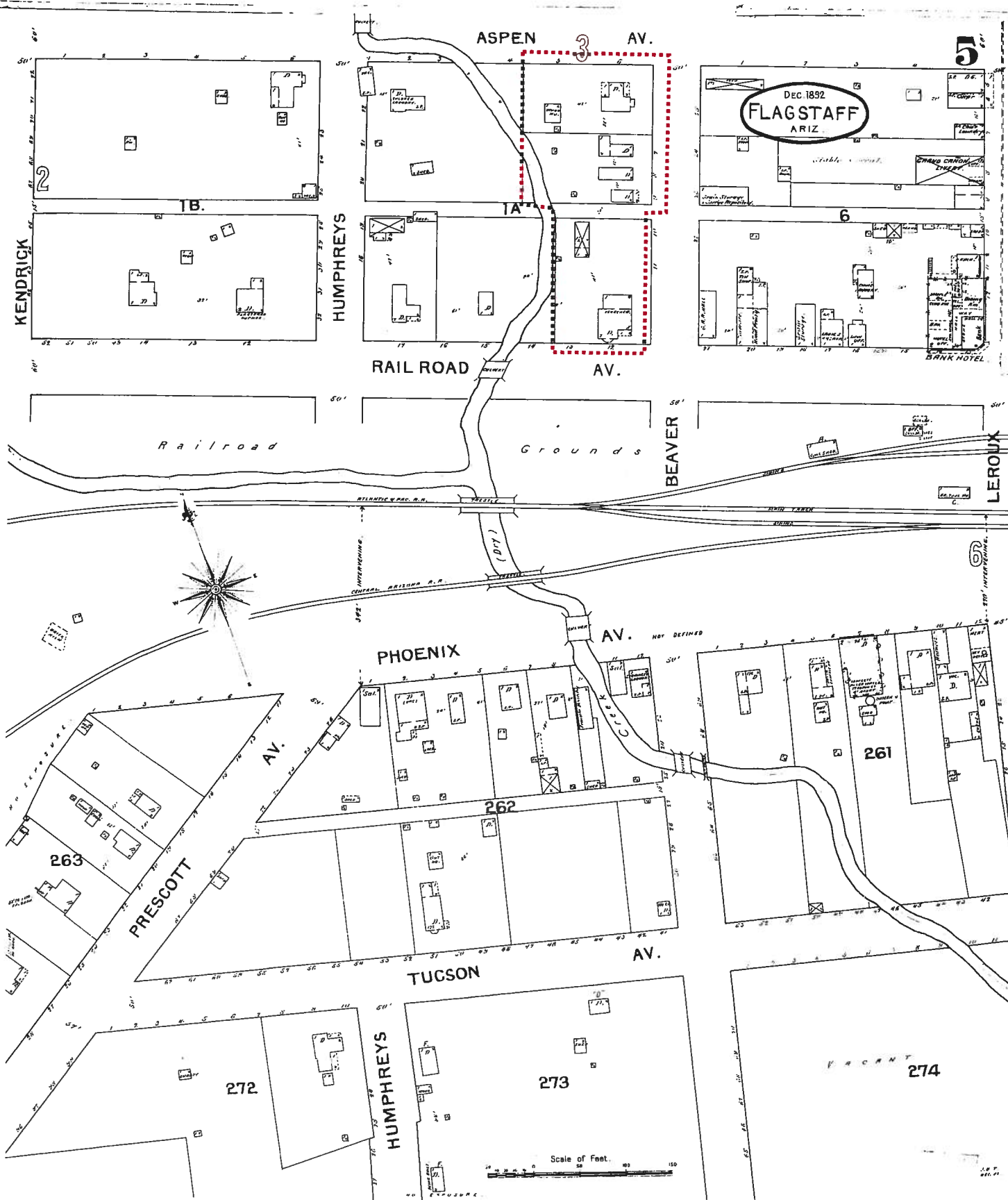
*** END INCIDENT REPORT # 812842 ***

APPENDIX D
SUMMARY OF SITE USAGE SHOWN ON SANBORN MAPS

**SUMMARY OF SITE USAGE SHOWN ON SANBORN MAPS AVAILABLE FOR FLAGSTAFF
TRANSIT TRANSFER CENTER**

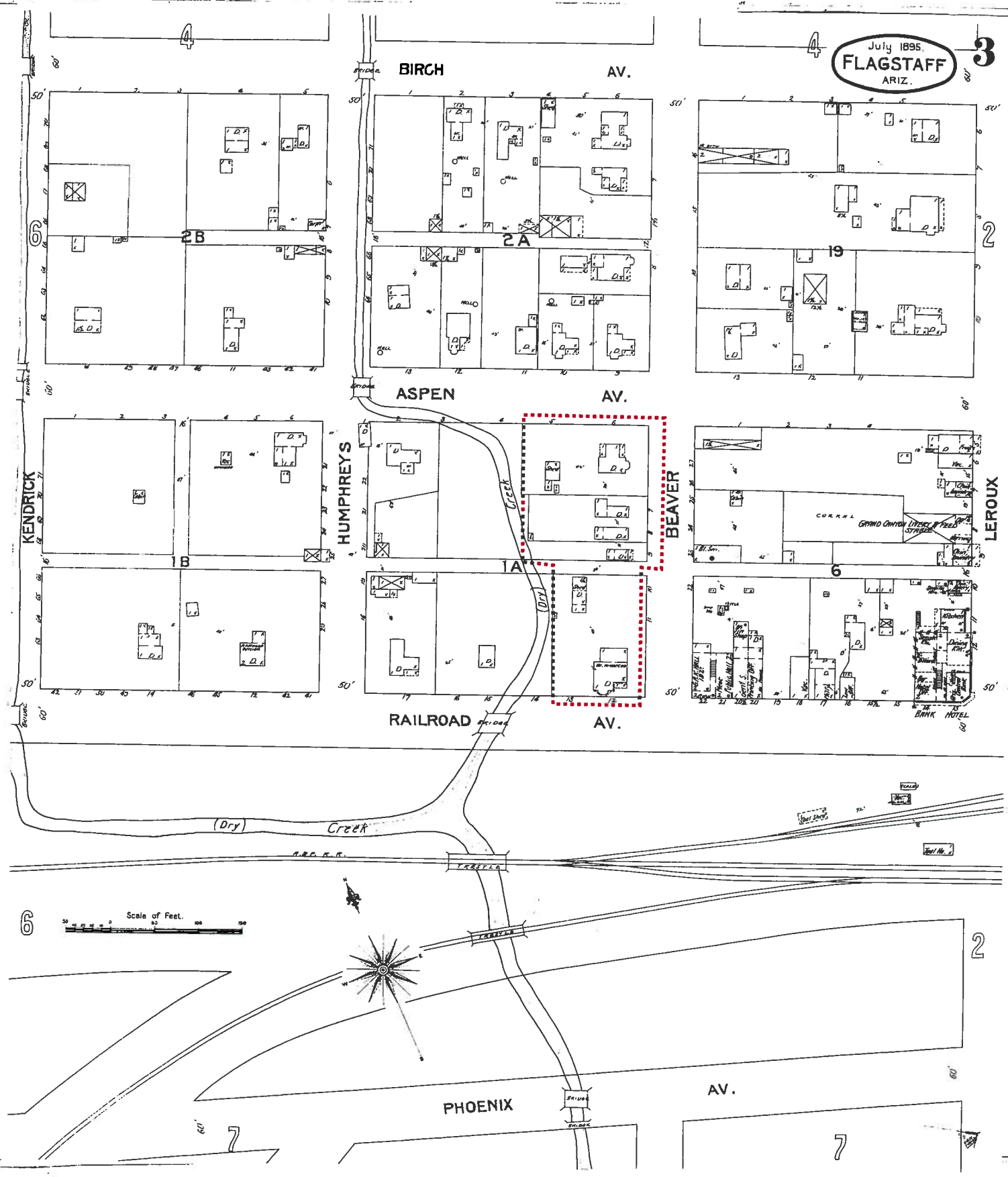
DATE(S)	STREET ADDRESS	USE OF PROPERTY
1890-1901	107 Aspen Avenue	1890 – Vacant. 1892 – “wooden hut” and small one story structure. 1895 – One story addition to hut (called “shed”).
	23 North Beaver Street	One single story residence.
	15 North Beaver Street	1890 - Three single story residences; channel for Rio de Flag traverses west side of property. 1892 – Two small one story structures added. 1901 – Small structures removed. One small single story structure added. Addition to southern residence which was vacant. Rio de Flag channel gone.
	102 West Route 66	1890 - Combination one and two story stable on north side of property; larger one story residence on southeast corner; channel for Rio de Flag traverses west side of property. 1892- Small one story structure added. 1901- Room built at front of stable & two room single story addition (vacant) constructed on east side. Rio de Flag channel gone.
1910-1916	107 Aspen Avenue	1910 - Same as 1901. 1916 – Unchanged.
	23 North Beaver Street	1910 – Same as 1901. 1916 – Unchanged.
	15 North Beaver Street	1910 – One single story structures removed; two single story structures constructed. 1916 – Unchanged.
	102 West Route 66	1910 – Drive or passageway built between parts of stable. 1916 – Unchanged.
1948-1958	107 Aspen Avenue	1948 – Single story store. 1958 – Unchanged.
	23 North Beaver Street	1948 - Single story store @ SWC Aspen & Beaver; single story residence located to south and single story structure of unknown purpose located to west; auto garage located in SWC of property. 1958 – Unchanged.
	15 North Beaver Street	1948 – Cinder block furniture store fronting on North Beaver Street with a deck attached to the west. 1958 – Unchanged.



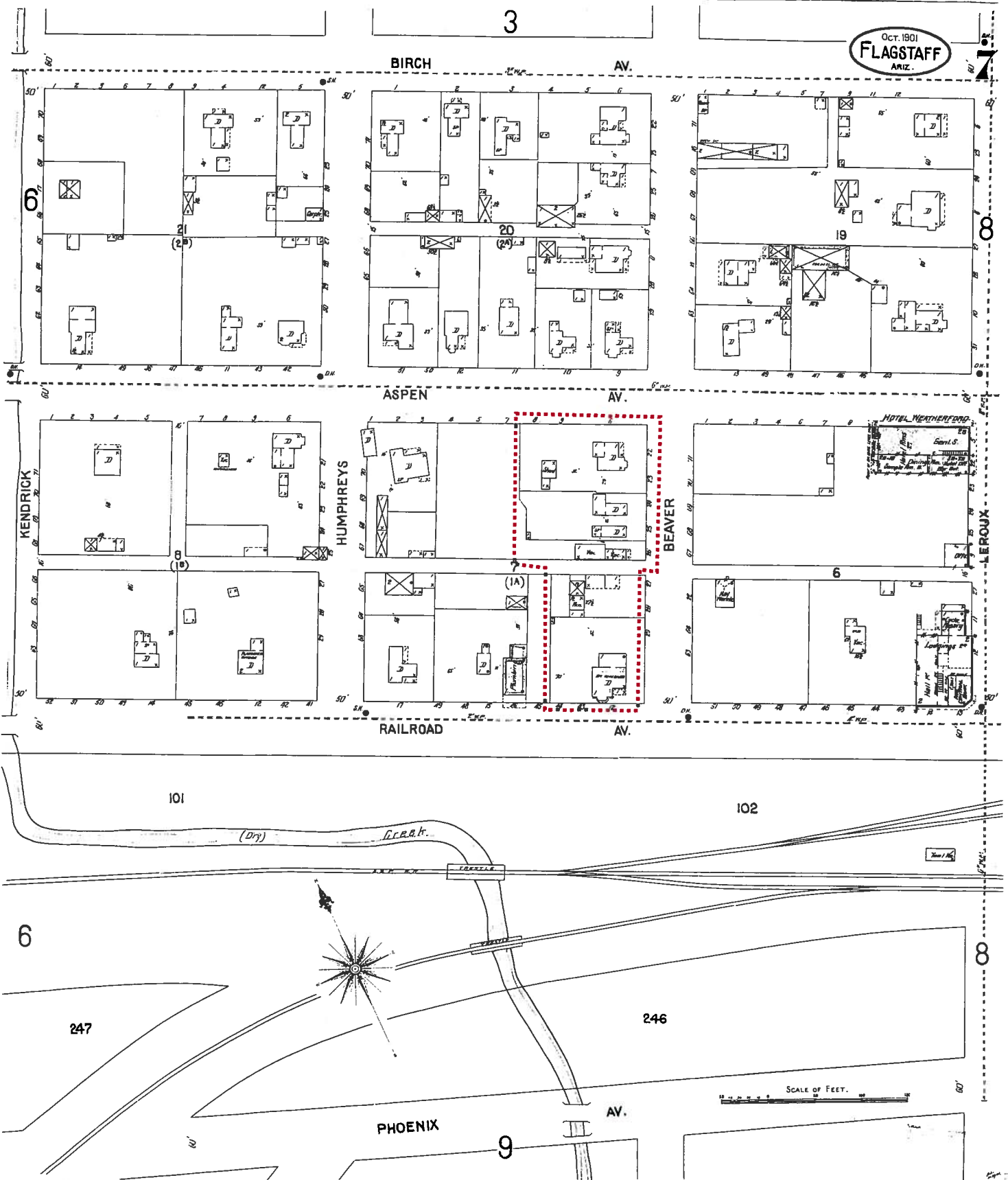


Flagstaff Sanborn Map 1896

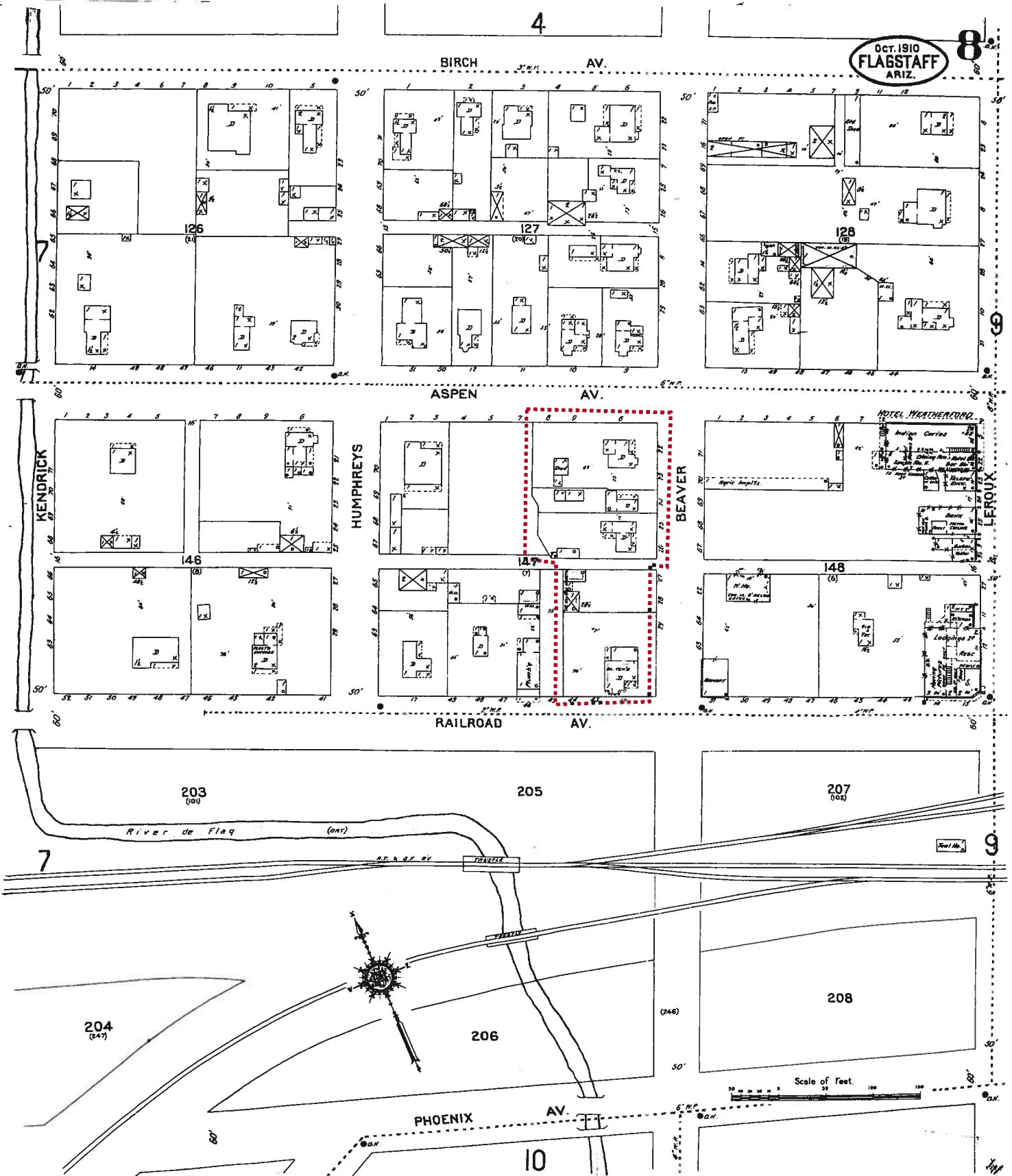
July 1895
FLAGSTAFF
ARIZ.



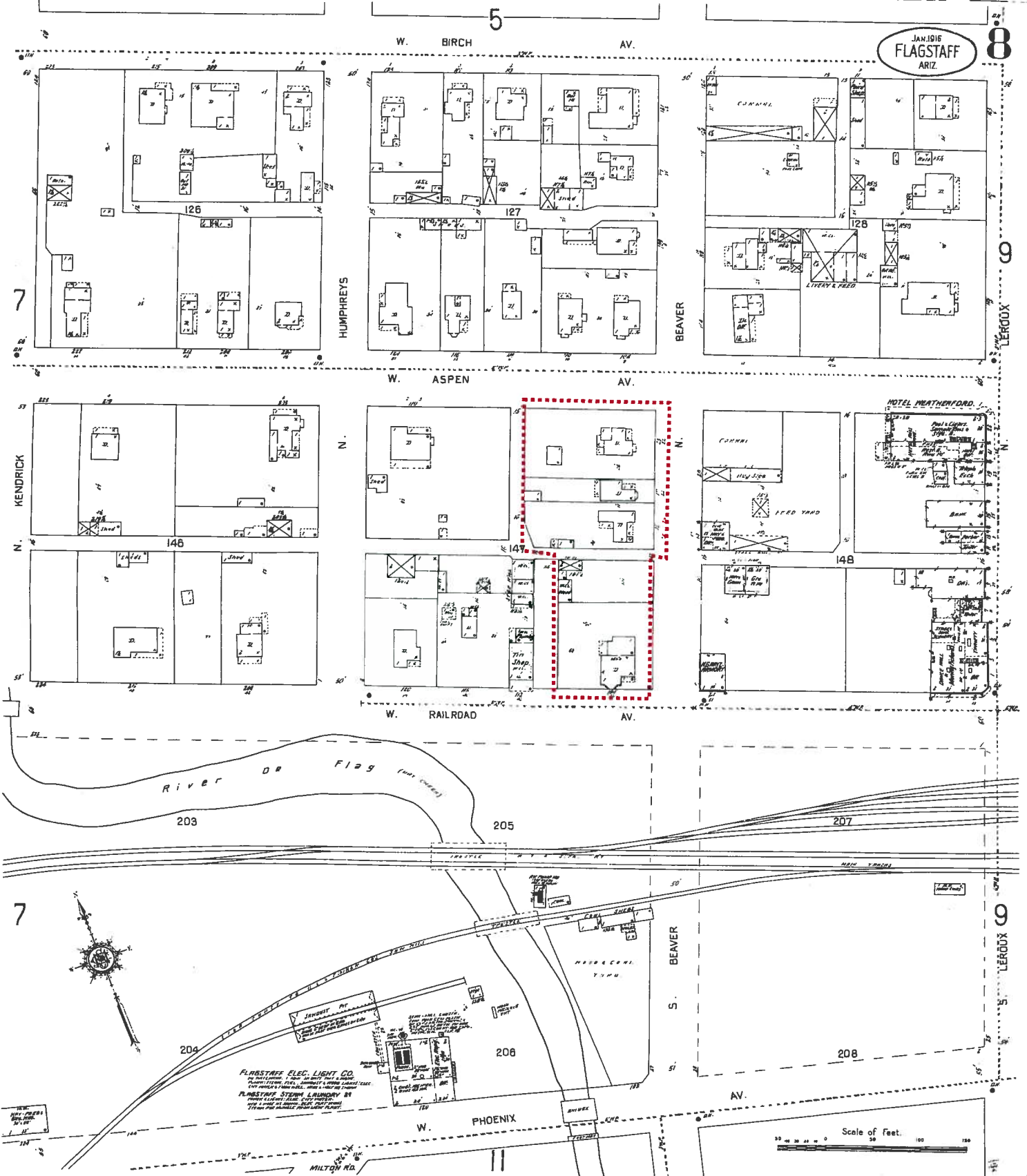
Flagstaff Sanborn Map 1901

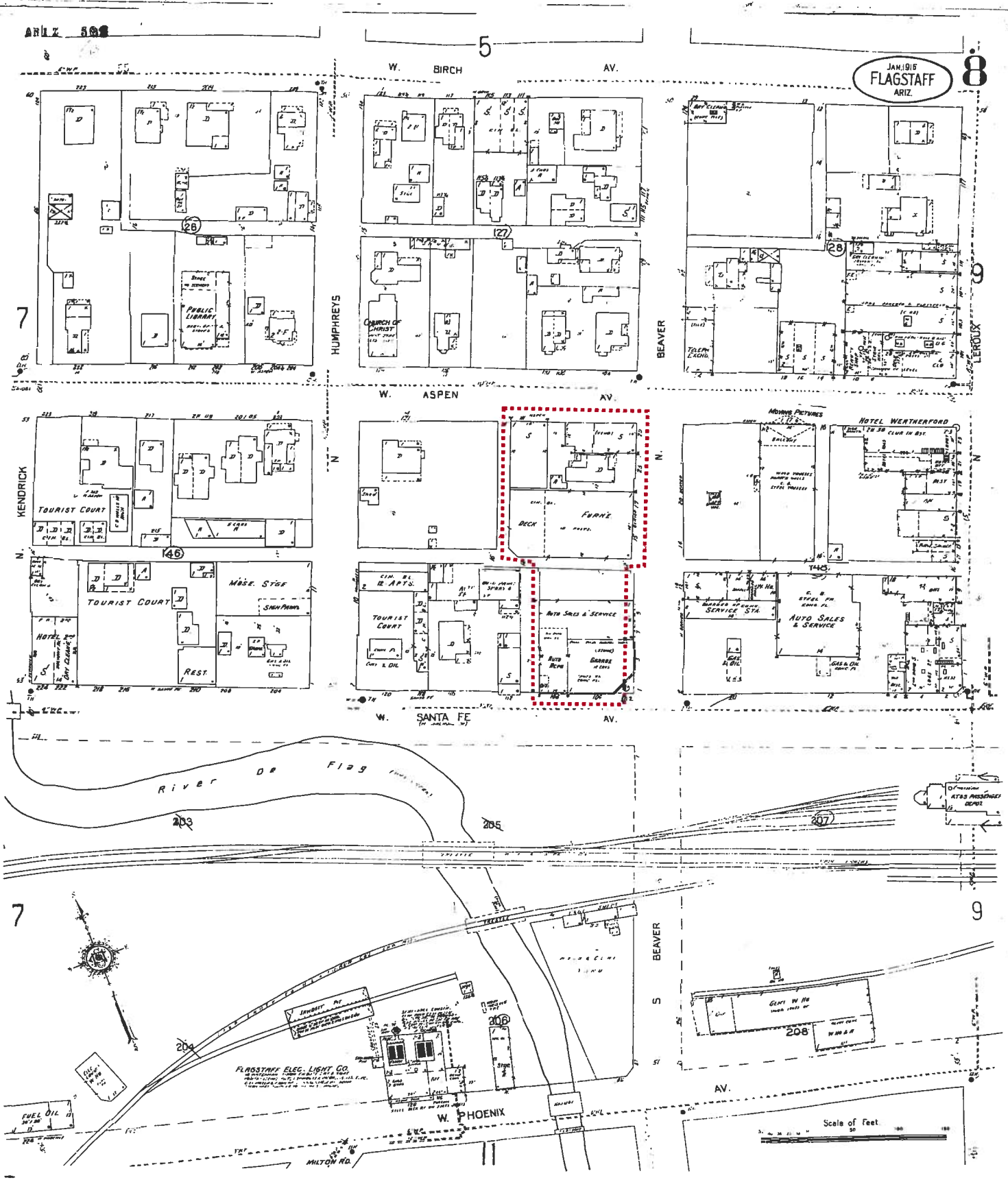


OCT. 1910
FLAGSTAFF
ARIZ.

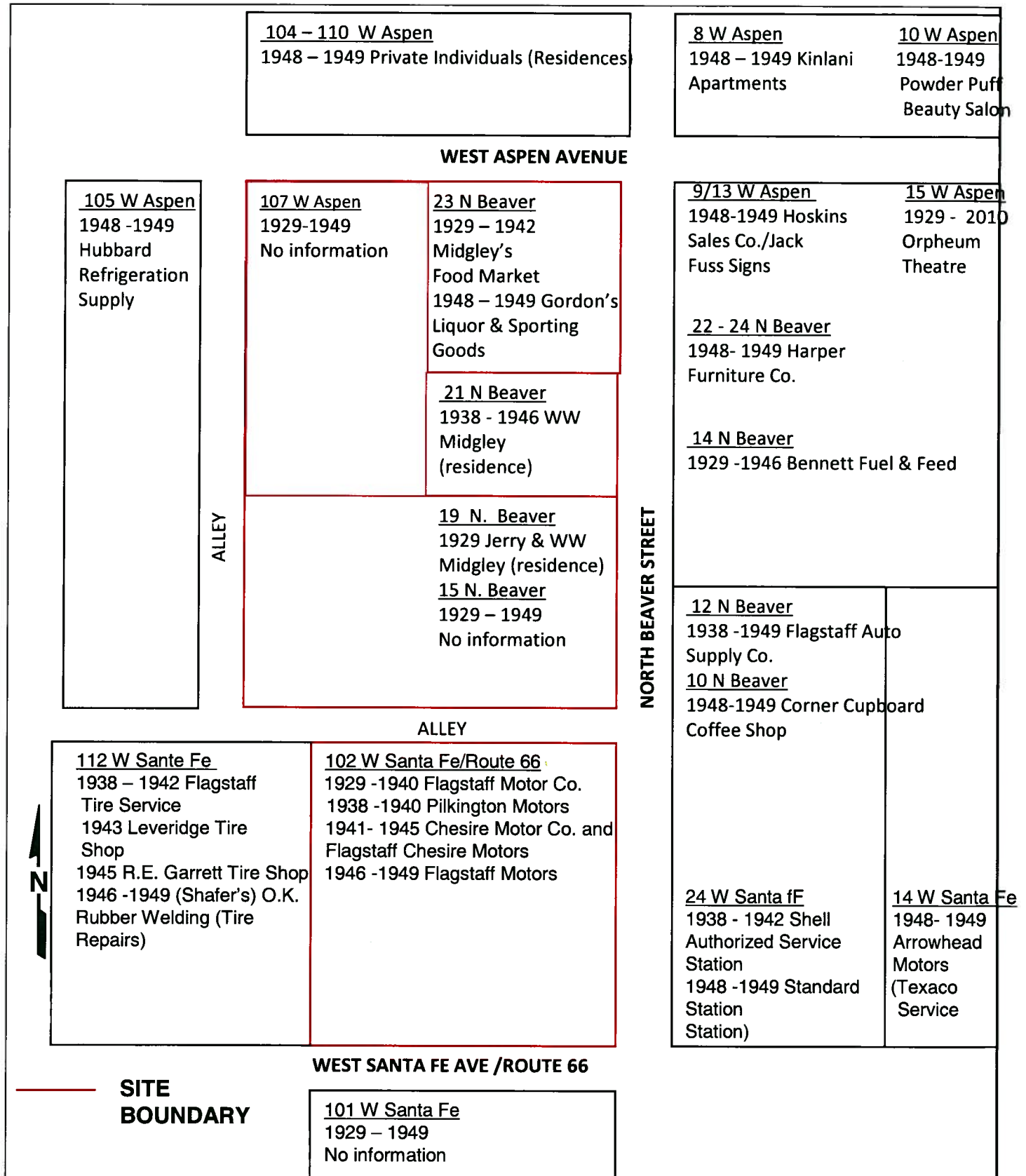


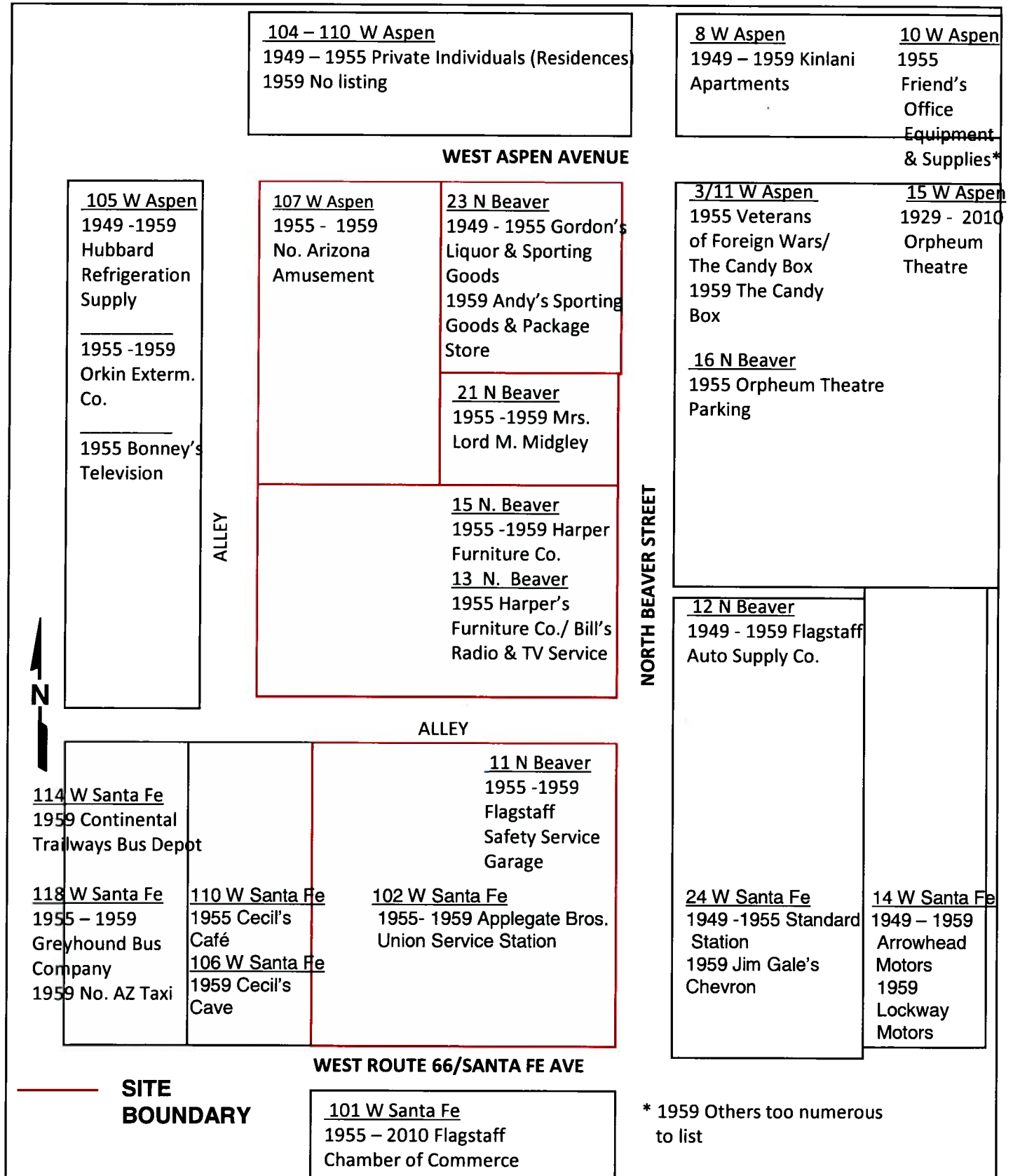
Flagstaff Sanborn Map 1916





APPENDIX E
SUMMARY OF SITE USAGE IN CITY DIRECTORIES





SUMMARY OF SITE USAGE

NI = No information
PI = Private individual

**SUMMARY OF SITE USAGE
FLAGSTAFF TRANSIT PROJECT
SOURCE: FLAGSTAFF CITY DIRECTORIES 1985**

102 W Aspen NI		NORTH BEAVER STREET		8 West Aspen Apartments (PI)		
WEST ASPEN STREET						
	105 W Aspen NI	107 W Aspen NI	23 N Beaver Andy's Sporting Goods & General Store	NORTH BEAVER STREET	7 W Aspen The Village Cobbler Shop	15 W Aspen The Orpheum Theatre Blair & Reed Theatres
			13 N Beaver No. Arizona Creative Printers 11 Coconino Motors		12 N Beaver Import Auto Parts	
118 W Santa Fe Four Winds Traders Inc. Indian Bonding Co. Causar Bonding	114 W Santa Fe Pioneer Trailways Trailways Bus System	104 - 112 W Santa Fe NI	102 W Route 66 NI		24 W Route 66 Flagstaff Ambulance Inc. Flagstaff Emergency Medical Services	
WEST ROUTE 66						
		101 W Route 66 Flagstaff Chamber of Commerce		SOUTH BEAVER STREET		
SITE PROPERTIES						

SITE PROPERTIES

NI = No information
PI = Private individual

**SUMMARY OF SITE USAGE
FLAGSTAFF TRANSIT PROJECT**

SOURCE: FLAGSTAFF CITY DIRECTORIES 1990

WEST ASPEN STREET				NORTH BEAVER STREET	8 West Aspen Apartments (PI)	
	105 W Aspen NI	107 W Aspen Andy's Sporting Good	23 N Beaver Lion and Lamb Christian Bookstore <u>Schachar Christian Ministries</u>	NORTH BEAVER STREET	9 W Aspen William Leibfried Environmental Services <u>PI</u>	15 W Aspen Orpheum Theatre <u>United Artists</u>
			15 N Beaver City of Flagstaff (Municipal Court)			
118 W Santa Fe Four Winds Traders Inc. <u>Indian Bonding Co.</u> Causer Bonding	114 W Santa Fe NI	104 - 112 W Santa Fe NI	102 W Route 66 NI		24 W Route 66 Century 21 Associates Unlimited	
WEST ROUTE 66				SOUTH BEAVER STREET		
			101 W Route 66 Flagstaff Chamber of Commerce <u>Flagstaff Visitor Center</u>			

SITE


PROPERTIES

NI = No information
PI = Private individual

CITY DRUG STORE Everything in Drugs, Stationery, Cigars, Candy. Fountain Service

20 N. Leroux

W. ROSS DENMAN, Prop.

Martinez, Maria, Milton
Martinez, Mrs. Margarita (widow) h. 302 S. O'Leary
Martinez, Mrs. Mella (widow) housekeeper, 304 N. Leroux
Martinez, Moderto (Euciendia) laborer AL&TCo., Milton
Martinez, Nick, messenger boy Western Union Tel. Co., h. 304 N. Leroux
Martinez, Nino, laborer, h. 302 S. O'Leary
Martinez, Pedra, AL&TCo. laborer, Milton
Martinez, Rafael (Magdalena) laborer, Milton
Martinez, R., employee Flagstaff Steam Laundry, h. S. San Francisco
Martinez, Rosa, 214 S. San Francisco
Martinez, Selestino, laborer, Milton
Martinez, T. T. (Tomasita) salesman Sid Gassman Men's Shop, h. 202 S. Elden
Martinez, Vincent (Forfira) prop. Martinez Bros. Pool Hall, h. 213 S. Elden
Mascherana, Battista (Zitta) partner B & M Grocery, B & M Camp, B & M Auto
Wrecking, 102 Milton
Mascherana, Miss Mary, clerk B & M Grocery, h. 102 Milton
Maskeda, Juan (Juliana) Otey Camp, h. 216 S. San Francisco
Mason Bakery, Geo. Mason, prop., 215 S. Kendrick
Mason, George, baker, h. 215 S. Kendrick
Masonic Temple, San Francisco and Birch
Massey, Sam, student, Mrs. Oscar Dietzman, S. Beaver
Mata, Dario (Guadalupe) laborer, W. Tombstone

Orpheum Theatre

Two shows every night, 7 and 9. Matinees Saturday and Sunday.
2:30; Tuesday, 4; in winter. From June 15 to Sept. 15, Matinee
every day at 2:30 except Friday. This theatre is safe, well ven-
tilated, comfortable and clean. Programs high class. The KFXV
radio broadcasting studio is in Hotel Monte Vista.

} E Adjacent
Property

Matthews Barber Shop, Byrd Matthews, prop., 12 N. Leroux
Matthews Beauty Parlor, Mrs. Adah Louder, mgr., 12 N. Leroux
Matthews, Byrd (Josephine) prop. Matthews Barber Shop, h. 117 N. Leroux
Matthews, Mrs. Frankie (widow J. P.) teacher, h. 202 S. Sitgreaves
Matthews, Mrs. Beatrice (John) mgr. apt. house, 402 N. Humphrey
Matthews, John (Beatrice) bookkeeper Tisaw Elec. Shop, Capt. Co. I, h. 402 N.
Humphrey
Maxemin, A. L. (Gladys) managing partner Liberty Theatre, h. 202 N. Leroux
Maxemin, Mrs. Gladys (A. L.) cashier Liberty Theatre, furrier, h. 202 N. Leroux
Maxwell, Chester, student NATC, h. 73 Grand Canyon
Maxwell, Miss Lora, asst. phy. ed. director NATC, h. 309 1/2 N. Humphrey
Mayabb, H. G. (Hattie) mgr. Mt. State Tel. & Tel. Co., h. 702 W. Birch
Mayflower, Collis (Dessel) supt. McNary Lbr. Co., h. South Elden
Mayflower, Mrs. Dessel (Collis S.) asst. city librarian, h. S. Elden
Mayflower, Mrs. W. A. (widow W. A.) h. Mayflower apts., 9 E. Aspen
Mayarga, Eduardo, laborer, Milton
Mayorga, Enrique, laborer, Milton
McBurney, C. H. (Maizzie) mgr. Dry goods dept. Babbitt Bros. h. Kinlani apts., Le-
roux and Aspen
McBurney, Mrs. Maizzie (C. H.) asst. mgr. dry goods dept. Babbitt Bros., h. Kinlani
apts., Leroux and Aspen
McCall, C. W. (Lillian) chief depot clerk Shell Oil Co. of Arizona, h. Wilson Coffin
Trading Co. apts.
McCall, Mrs. Lillian (C. W.) dental asst., h. Wilson Coffin Trading Co. apts.
McCarty, Tom C., county attorney, h. Monte Vista
McCauley, Elsie, student, h. 15 S. Agassiz
McCauley, Herman, student, h. 15 S. Agassiz
McCauley, S. G. (Matilda) janitor Emerson school, 15 S. Agassiz
McCauley, Shelby, student, h. 15 S. Agassiz

1929 Flagstaff City Directory

**READY-TO-WEAR
MEN
WOMEN
CHILDREN**

**Nackard's
New York Store**

Campbell, Geo. F. Sheep Co., hdqtrs. Flagstaff
Campbell-Francis Sheep Co., Masonic bldg.
Campbell Sheep Co., Arizona Central Bank
Cataract Live Stock Co., Babbitt bldg.
Cibecue Cattle Co., Babbitt bldg.
C. O. Bar Livestock Co., Babbitt bldg.
Concho Sheep Co., Babbitt bldg.
Cross Mt. Sheep Co., hdqtrs. Flagstaff
Dickinson Cattle Co., Babbitt bldg.
Espil, Pete Sheep Co., hdqtrs. Flagstaff
Friaco Mt. Sheep Co., hdqtrs. Flagstaff
Glendale Stock Farms, Babbitt bldg.
Hart Sheep Co., Babbitt bldg.
Hennessy Sheep Co., Babbitt bldg.
Kellam Cattle Co., Babbitt bldg.
LeBarron, A. J. Sheep Co., hdqtrs. Flagstaff
Miller Cattle Co., Babbitt bldg.
Moritz Lake Sheep Co., Babbitt bldg.
Ohaca Sheep Co., hdqtrs. Flagstaff
Pine Spring Cattle Co., Babbitt bldg.
Wyrrick Cattle Co., Babbitt bldg.
Yaeger & Bly Sheep Co., offices Arizona Central Bank

FLAGSTAFF MOTOR CO.

CHEVROLET SALES AND SERVICE

Auto Accessories and Repairs

Phone 119

Santa Fe and Beaver

CARPENTERS, CONTRACTORS, BUILDERS

Allaup, Lee, 316 W. Phoenix
Anderson, L. F., 113 E. Santa Fe
Ayers, Elmore W., 113 E. Birch
Caffey, Chas. L., 120 Milton road
Cram, H. P., 701 N. Leroux
Dillman, Albert, 315 N. Sitgreaves
Goble, W. B., 621 W. Birch
Gorina, Frank, 307 W. Santa Fe
Gum, G. W., Commercial Hotel
Gum, W. L., Commercial Hotel
Hanna, C. P., 17 N. Beaver
Harlan, Geo. W., 424 W. Aspen
Hogan, D. L., 714 W. Cherry
Jacobs, R. C., Beaver and Santa Fe
Johnson, Chas., 21 Mogollon
Lindemann, P. J., 309 N. Humphrey
Miller, Max W., 224 N. Elden
Paul, Fred, 3 S. Sitgreaves
Rindfleisch, W. H., 815½ W. Cherry
Solberg, O., 523 W. Aspen
Solberg, P. S., 309 S. Beaver
Stevenson, W. J., 115 N. Leroux
Thomas, John A., 619 W. Birch
Treen, Geo., 503 N. Humphrey
Vasquez, Bruno, 122 E. Clay
Ward, D. E., 818 N. Beaver

} Site
(102 W)
Route 66)

1929 Flagstaff City Directory

FLAGSTAFF MOTORS

HERB BABBITT, PROP.



SALES - SERVICE



ALSO A COMPLETE REPAIR SHOP EQUIPPED TO SERVICE
ALL MAKES OF CAR OR TRUCK

TOWING SERVICE

Telephone 11

*See The Dependable Dodge Job Rated
Motor Trucks*

102 W. SANTA FE AVE.

FLAGSTAFF, ARIZ.

Site

Flagstaff Telephone Directory
September 1946

1955 Flagstaff City Directory

1955 FLAGSTAFF ALPHABETICAL SECTION

Highway—Hutton 15



FLAGSTAFF SAFETY SERVICE

"Everything to Make Your Driving Safe"

11 BEAVER

Phone 11 FLAGSTAFF, ARIZONA



Nash
Appliances

Kelvinator

Highway Dist Inc No 7 R M hauman mgr 208 W Sta Fe Av	829-W	Huguen Artin (Mary) pres 66 Auto Sup Wms h 422 N Beaver	631	Moving Authority of the City of Flagstaff M K Leadgnter exec dr	54
H-lana's (Lana) (T M) Christensen & John Constanti- staur May 66 2 rd E Rt 1 Bx 994	1593-J	Holiday Motel (L H) Warford 66 May 4 rd E PO Bx 814	1582	H A Parker mch sup of S Brannen homes 1242	
Higman Helen P Mrs Hollister Flag Missos to Navajo h 214 N Bonito	583-M	Holman John D (veng B) assl mgr US Forest Serv h 15 E Cherry Av PO Bx 1294	775-J	Houston Robt W (Emma D) dr Utan-Arizona Ffr Lines h 400 Clark homes	615-R
Hikini Birde E Mrs h 313 N Abasco	1278-J	Holler Llanette (Emma C) r 213 N 4th St Rt 1 Bx 584	043-J-1	Houston Stuart H (Lucy A) mgr Flag Steam Laundry r 400 Clark homes	153-M
Hilms Herb P (Lorraine) meat ctr Babbitt Bros h 724 W Birch Av	585-J	Holter Emma C mgr Flag Sch r 213 N 4th St Rt 1 Bx 584	043-J-1	H S Pine Grove Dr	057-R-2
Hill Howard A (Moral) grader SW Lbr h 610 W Aspen Av	418-J	Holiday Fred B (Lucy E) vasp NOD h 215 W Cherry Av Apt 8		Howard Day M (Beatrice) (Flag Transfr & Storage) r 314 Park Manor Rt 1 Bx 640	040-J-4
Hill John (Doris K) truck dr Salsidos Food Prods h 48 Clark homes		Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Howard Margt B Mrs mtr Grego's Tavern & Cafe r 308 Arrowhead PO Bx 1241	1007-M
Hill John C (Mary) retired r 13 S Leroux	240-W	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Howard N Webster (Lillian) carrier Flag h 217 N Beaver	1352-W
Hillman's Service Station (R F Hillman) 206 E Sta Fe Av		Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Howard Ray (Corinne) mtr SW Lbr h 411 S Elden Av	1243-J
Hill Clayton R (Tina) emp Zanabaz Tires h 809 W Birch Av	789-W	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Howard Arva A (Cassie S) (Hawaii) Serv Sta r 314 Park Manor	
Hilly John emp Marger Farm r 170 Clark homes h 170 Clark homes		Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Howell Service Station (A A Howell) Parks h 181 W Aspen Ave 6	575-N-W
Hinkle Ann (Ethel) consurwr h 522 S St Francisco	1050-W	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hubbard Roger A (Wynne L) (Hubbard Refrig Supl) h 214 W Sta Fe Av	805-W
Hinkle John C (Margaret) assist College Serv Sta h 42 Tran of the Woods		Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hubbard Refrigeration Supply (E A Hubbard) 105 W Aspen Av	354
Hinkle Josephine T Mrs h 523 W Sta Fe Av	424-N-M	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hudson Gladys M Mrs (Ideal Hotel) r 200 E Birch Av	147
Hirt Rene A (Zella) St assist mgr Standard Sta h 122 Cottage City	1112-M	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hubb Jay E (Dorothy) serv mgr Sears & Roebuck h 77 Grand Canyon Av	489-R
Hobbs Barbara R Mrs (Flag Florida) h 215 W Aspen Av Apt 4	534	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hudson Wm H (Lillian) dept mgr Babbitt Bros h 78 Grand Canyon Av	489-W
Hochstetler Geo E (Gertrude A) h 301 W Cherry Av		Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hudson Wm L (Ernestine J) mtr ctr Babbitt Bros h 16 N Bonito	342
Hochstetler Wm W (Lillian) h 86 Cottage City Hodge Claude W (S. S.) emp Curry Shoe Repr h 85 Cottage City	781-R	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Huebner Leonard D (Erla L) mgr Flag St Dept h 103 W Aspen PO Bx 857	1493-W
Hodges Walter C (Lila) Nkr student ASC h 15 Cottage City	754-M	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Huff Gale D (Helen M) (Flag Remod) h Lake Mary Rd	
Hodge Lodie Mrs cook r 324 S Humphrey h 210 W Oak Av Rt 1 Bx 140	960-W	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Huff Helen M (Viv) clk Bk of Ariz r Lake Mary Rd	1243-N-W
Hoeftner Clara M Mrs recd Frontline Studio h 210 W Oak Av Rt 1 Bx 140	960-W	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Huff Ruth Mrs cassr Flamingo h 501 W Sta Fe Av	
Hoeftner Herb W (Clara M) r 210 W Oak Av Rt 1 Bx 140	960-W	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Huff Harold L (Evel) jobber Shet Oil h 302 N Verde	739
Hoffman Chas D (Hanna M) mtr NOD h 398 Clark homes	603-J	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hughey David (Frances) (Hughey's McCulloch Chair Serv) r PO Bx 427 Snow Lea	1342-W
Hoffman Fred E (Carolyn L) dept mgr Babbitt Bros h 933 N Beaver	1475	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Huckridge Herb S (Jerry H) trader h 713 N M Beaver	413-N-J
Hoffman Gretchen M Mrs (Mabel) Sch r 38 Cottage City	1112-J	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hull Conard L (Wanda L) mtr Browne Chrs h 317 N Monrovia Bx 65	270-M
Hoffman John E (Gretchen M) clk Bleasoe's h 38 Cottage City	1112-J	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hully Forrest W (Kath) emp N Ariz Gas h 59 Summit Av	675-W
Hoffman John D USMC r 102 Agassiz Av Bx 326		Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hulley Lee P (Evelyn) dept Form NOD h 66 Grand Canyon Av	144-W
Hoffman John T (Lillian) equip opr SW Lbr h 302 Agassiz Av Bx 326		Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hunt Arnel M (Evelyn) mgr Flag Jr Hi h 49 Calle Concha	1254-J
Hoffman Olive Mrs nurse Flag Hosp r 102 Agassiz Av Bx 326		Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hunt Edw E (Mary) (Cage & Hunt Print) 47 Paseo del Flag Bx 45	063-R-4
Hoffman Verna R Mrs (Patsy) Cals h 318 N Agassiz PO Bx 1464	201-M	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hunter Harold (Frances) mtr NOD h 515 Tucson Av Apt 9 Gen Del	
Hogan Dant A (Lillian) racema S Beaver Sch h 314 Hesperian Bx 11	721-W	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hunter Iris P Mrs alc sec Merrick Mtr r Park Manor Rt 1 Bx 630	041-J-2
Hogan Dan L (retired) r 714 W Cherry Av	764-J	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hunter Keith A (Lillian) dept US Forest Serv h 311 W Cherry Av	530
Hogan Ernest J (Frances) chl Flag Fire Dept h 719 W Cherry PO Bx 11	896-W	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hunter Wm H (Mrs P) r Park Manor Rt 1 Bx 630	041-J-2
Hogan Frank Mrs chl Flag PO h 719 W Cherry Av PO Bx 11	896-W	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Huntington Russell D (Verna V) mgr Green Drums- tick h 114 Paseo del Flag	1230-J
Hogan Mary E Mrs (Lillian) chl Flag Sch h 715 W Cherry Av	693-W	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hurtado Clyde (Mary) iso 400 h 32 Brannen homes	
Hogan Thos M (Mary) El retired h 715 W Cherry Av	693-W	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hurtado Juvenalia dr Flag Sign Lndy h 5 W Cottage Av	508-W
Holbrook Elmer E (Audrey) forester US Forest Serv h 501 W Sta Fe Av		Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Husland E M (Lillian) dr 424 S Humphrey h 15 E Cherry Av PO Bx 45	722-J
Holman Herman M (Lillian) El firemn NOD h 504 N Beaver	748-M	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hutchinson Selva T (Frances) h 424 S Humphrey h 15 E Cherry Av PO Bx 45	722-J
Holman Raymond E Mrs (C. G. Greigson) r 804 N Beaver	748-M	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hutchinson E Lee (Till) (Husland) mtr h 75 Apache Rd	975-W
Holmbeck Lynn (Frank) r 4 N San Francisco h 421 S Francisco	1213-M	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hutchinson E Lee (Till) (Husland) mtr h 75 Apache Rd	975-W
Holmes Glen E (Lillian) mgr Babbitt Bros h 421 S Francisco	1213-M	Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hutchinson E Lee (Till) (Husland) mtr h 75 Apache Rd	975-W
Holmes Stanford (Lillian) emp Hutchinson Mtr r 22 Brannen homes		Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hutchinson E Lee (Till) (Husland) mtr h 75 Apache Rd	975-W
Holt Floyd W student ASC h 73 Cottage City		Holmday Glen E 410 Woodward Dr h 215 W Cherry Av Apt 8		Hutchinson E Lee (Till) (Husland) mtr h 75 Apache Rd	975-W

11 N
Beaver
part of
site
(either
15 N
Beaver
or
102 W
Route
66)

1959 Flagstaff City Directory

FLAGSTAFF CLASSIFIED DIRECTORY

49

FLAGSTAFF TRANSFER and STORAGE

LOCAL and LONG DISTANCE MOVING

A MODERN
FIREPROOF
STORAGE

Authorized Agent for



Distributing and
Special Handling

PR 4-3411

1324 E. Aspen Av.

P. O. Box 67

EXPERT

PACKING &
CRATING

Delivery Service
Free Estimates

Flagstaff

FLAGSTAFF RADIO & TV SERVICE
28 S. Beaver PR 4-4421
HARPER FURNITURE CO.
15 N. Beaver PR 4-3341
LEAMON'S APPLIANCES
114 W. Birch av PR 4-4311



Norge Home Appliances
TV Antenna Installations

SALES & SERVICE

PR 4-4601

11 N. BEAVER

FLAGSTAFF

Site (either
← 15 N Beaver St or
102 W Route 66

For Sale, Economical
STORAGE



★ QUICK
★ COURTEOUS
★ DEPENDABLE
★ SERVICE

DIAL

PR 4-4721

Northern Arizona Warehouse Co.

Agent Aero Mayflower Transit Co.

24 S. BEAVER

FLAGSTAFF

FLAGSTAFF RADIO and TV SERVICE

REPAIRING ALL MAKES

PR 4-6421

UHF TRANSLATOR CONVERSION
ALL WARRANTIES HONORED
TV — RADIO — GEIGER COUNTER
AND SCINTILLATOR REPAIR
ANTENNA INSTALLATIONS

ALL WORK GUARANTEED

28 S. Beaver

Flagstaff

Television

Continued

on

Page 50

Surplus Goods

BILL'S SURPLUS STORE
215 S. San Francisco PR 4-2431
PENNIE'S SECOND HAND FURN-
ITURE & SURPLUS
414 E. Hwy 66 E. Flag PR 4-4652

Swimming Pools

MTN DELL SWIMMING & TENNIS
CLUB
3 mi S of Flagstaff on Hwy 89A
..... PR 4-6271

Tape Recorders

JEAN & TROY PHOTO SUPPLIES
17 N. Leroux PR 4-6801

Telegraph Companies

WESTERN UNION TELEGRAPH CO.
10 N. Leroux PR 4-4628

Telephone Companies

THE MOUNTAIN STATES TELE-
PHONE & TELEGRAPH CO.
24 W. Aspen av PR 4-3311

Television

BABBITT BROS TRADING CO.
Baldwin Bldg PR 4-2761
BOYCE-BAKER PIRESTONE
108 N. Leroux PR 4-4849
BONNEY'S TV & APPLIANCES
11 N. Beaver PR 4-4601
ELECTRONIC SERVICE & SUPPLY
918 N. Leroux PR 4-2408

Andy's LIQUOR & SPORTING GOODS

IN FLAGSTAFF



SPORTING GOODS:

- LICENSES
- CAMPING EQUIPMENT

GUNS & PISTOLS

SAVAGE MARLIN
BROWNING COLT
ITHICA SMITH & WESSON
REMINGTON RUGER

FISHING SUPPLIES

774-4401

23 N. BEAVER
FLAGSTAFF

774-6051

2 S. SITGREAVES
FLAGSTAFF
(Hiway 66 - Just S. of
Underpass)

774-7828

120 S. SITGREAVES
FLAGSTAFF
(Hiway 66 - Just S. of
Underpass)Flagstaff City
Directory 1969↑ 23 N Beaver
part of site

SKI SHOP

Yamaha
Hart - Fisher - Rossignol—
COMPLETE REPAIR SKI SHOP

- BACK-PACKING
- TENNIS • BASEBALL
- FISHING TACKLE & LICENSES
- CAMPING EQUIPMENT
- ATHLETIC EQUIPMENT
- TEAM OUTFITTERS

ARCHERY SHOP



VILLAGE SPORTS DEN

(FORMERLY CLARK'S SPORTING GOODS)

"SINCE 1954"

9 A.M. TO 6 P.M. MON. THRU SAT.
774-22717 N. LEROUX FLAGSTAFF
DOWNTOWN FLAGSTAFF

CAMPING & HUNTING NEEDS

774-1521

LICENSES, TENTS
TACKLE, AMMUNITION
CLOTHING - ETC., ETC., ETC.
240 W. FLAGSTAFF PLAZA MALL
FLAGSTAFF

A Handy Man

FOR ANY JOB

and perhaps you want him quickly,
It's easy to find the one nearest you
by looking in the..... and when you call
him, be sure you say, "I
found you in the YELLOW
PAGES"

Social Service Organizations

Coconino County Community Action A
105 N 3 Williams-----
Community Action Agcy
119 E Aspen Av Flagstaff-----
Outreach 18 1/2 W Aspen Av Flagst
Planning 121 E Aspen Av Flagst
Easter Seal Society of Coconino Count
1215 N Beaver Flagstaff-----
Goodwill Industries of Ariz
119 W Phoenix Av Flagstaff-----
Institute for Human Development The
Evaluation-Counseling & Testing
University Campus Flagstaff
Northern Arizona Comprehensive Guid
Center Inc
For Administrative Services Only
2725 E Lakin Dr Flagstaff -
Salvation Army Corps
2229 E Cedar Av Flagstaff-----
Senior Citizens Reassurance Service
302 E US Hwy 89A Cottonwood
Verde Valley Community Guidance Cl
19 E Beech Cottonwood-----
Yavapai County Economic Opportunit
Council Inc
Cleo Sobley-Executive Director
Main St Clarkdale-----

Soft Drinks

See Beverages

Sound Systems & Equipme

CABRERA TV RADIO & SOUND
Service & Sales-All Makes
2402 N Main Flagstaff-----DON SCOTT'S MELODY MUSIC CENTE
MICROPHONES - AND
TAPE RECORDER
COMPLETE SOUND
2106 N 4 Flagstaff-----

Jean & Trox House of Sound

9 N Leroux Flagstaff-----

Jean & Trox Photo Supplies

17 N Leroux Flz

VALLEY SOUND

Licensed & Bonded Contractor
Systems Tailored to Your Busin
1145 W Hilton Av-----
From telephones in Flagstaff
No charge to calling party
Ask Operator for-----

Souvenirs-Retail

Verkamp's Souvenir Shop Grand C

Souvenirs-Wholesale & Manufacturers

Old West

See Our Ad under Rocks for Coll
201 W Bill Williams Av W

Speech & Hearing The

Easter Seal Society of Coconino Cou
1215 N Beaver Flagstaff-----

Sporting Event Tickets

See Theatre & Sports Ticket Ser

Sporting Goods-Dealers

ANDY'S LIQUOR & SPORTING GOODS
No 1 23 N Beaver Flagstaff-----
No 2 120 S Sitgreaves Flagsta
(See Advertisement This
BOICE-BAKER FIRESTONE DEALER S
108 N Leroux Flag
Clarkdale News Stand & Sporting Goc
911 Main Clark
Gibson Discount Center
2610 N Steves Blvd Flag
GREENLAW VILLAGE LIQUOR STOR
2100 N 4 Flag

(Continued Following P

Be the first to have a Trim
in your neighborhood

APPENDIX F
OWNER/OCCUPANT QUESTIONNAIRE

Attn: Dave Laney

12 pages total

PHASE I ENVIRONMENTAL ASSESSMENT REPORT INTERVIEW QUESTIONNAIRE

PROJECT NAME: Flagstaff Transit Center #1 of 4
PROJECT #: _____

DATE: _____		TIME: _____		SCS EMPLOYEE: _____	
<input type="checkbox"/> In Person	<input type="checkbox"/> Telephone	<input type="checkbox"/> In Writing (mail/delivery)	<input type="checkbox"/> Other: _____		
CONTACT NAME/TITLE: <u>April Laliberte, Brownfield Specialist</u>					
<input checked="" type="checkbox"/> User	<input type="checkbox"/> Owner	<input type="checkbox"/> Occupant	<input type="checkbox"/> Key Site Manager		
<input type="checkbox"/> Past Owner	<input type="checkbox"/> Past Occupant	<input type="checkbox"/> Past Operator			
<input type="checkbox"/> Other (Explain): _____					
CONTACT COMPANY: <u>City of Flagstaff, AZ</u>					
ADDRESS: <u>211 W. Aspen Ave.</u>					
CITY: <u>Flagstaff</u>		STATE: <u>AZ</u>		ZIP CODE: <u>86004</u>	
TELEPHONE #: <u>928 913-3217</u>		MOBILE #: _____			
FAX #: <u>928 779-7484</u>		EMAIL: <u>alaliberte@flagstaffaz.gov</u>			
ADDITIONAL CONTACT DATES					
PROJECT ADDRESS/LOCATION: <u>107 W. Aspen (City Prosecutor Bldg.)</u>					

A. QUESTIONS: Please be as specific as reasonably feasible in answering questions regarding current and past conditions on the site. Please answer in good faith and to the extent of your knowledge regarding conditions that you personally observed or heard about. If more room is needed for answers, please continue on additional pages.

1. What is (are) the current site use(s)? <u>Offices</u>	
2. Were there other past site use(s)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know What were they? <u>Historic Bldg. past uses? offices.</u>	
3. Do you know of past site owners or occupants? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know Who were they and when did they own or occupy the site? <u>Army Corps of Engineers</u>	
4. Have there been significant changes to the site structures, roads, and other features? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know If yes, please describe on a separate page. <u>Building of offices + Asbestos remediation roof.</u>	
5. Is or was there potable water on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know If yes, what is (was) the source (e.g., on-site well, municipal service, etc.)? <u>Municipal water supply.</u>	
6. Is or was there sewage service to the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know If yes, who is (was) the provider? <u>Municipal</u> When was the site hooked up to the system? <u>Unknown.</u>	
7. Are or were there septic systems, cesspools, or other on-site waste disposal methods used on site (or evidence of clean-out ports or manholes)? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't know If yes, what are their locations and what portions of the site drain(ed) into them?	

PHASE I ENVIRONMENTAL ASSESSMENT REPORT INTERVIEW QUESTIONNAIRE

B. HELPFUL DOCUMENTS: Do you know whether any of the documents listed below exists and, if so, whether copies can and will be provided to SCS Engineers within a reasonable time and cost, preferably before the site visit?

	Yes	No	Don't know	
1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environment site assessment reports <i>ASBESTOS, PHASE I</i>
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environment compliance audit reports
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental permits (for example, solid waste disposal permits, hazardous waste disposal permits, wastewater permits, NPDES permits, underground injection permits)
4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Registrations for USTs and ASTs <i>Farmer, ADEQ</i>
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Registrations for underground injection systems
6.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Material safety data sheets (MSDSs)
7.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Community right-to-know plan
8.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety plans; preparedness and prevention plans; spill prevention, countermeasure, and control plans; etc.
9.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Reports regarding hydrogeologic conditions on the property or surrounding area
10.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Notices or other correspondence from any government agency relating to past or current violations of environmental laws with respect to the property or relating to environmental liens encumbering the property
11.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Hazardous waste generator notices or reports
12.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Geotechnical studies
13.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Risk assessments
14.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Recorded Activity and Use Limitations (AULs)

C. PROCEEDINGS INVOLVING THE PROPERTY: Do you know of any of the following proceedings listed below. If yes, please provide information regarding the type of proceeding, what violations or laws are involved, status of the proceeding, etc.

	Yes	No	Don't know	
1.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, or from the property
2.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in, on or from the property
3.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any notices from any governmental entity regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products

D. COMMENTS:

PHASE I ENVIRONMENTAL ASSESSMENT REPORT INTERVIEW QUESTIONNAIRE

PROJECT NAME: Flagstaff Transit Center #2 of 4
PROJECT #: _____

DATE:		TIME:		SCS EMPLOYEE:	
<input type="checkbox"/> In Person		<input type="checkbox"/> Telephone		<input type="checkbox"/> In Writing (mail/delivery)	
				<input type="checkbox"/> Other:	
CONTACT NAME/TITLE:					
<input type="checkbox"/> User		<input type="checkbox"/> Owner		<input type="checkbox"/> Occupant	
<input type="checkbox"/> Past Owner		<input type="checkbox"/> Past Occupant		<input type="checkbox"/> Key Site Manager	
<input type="checkbox"/> Other (Explain):				<input type="checkbox"/> Past Operator	
CONTACT COMPANY:					
ADDRESS:					
CITY:		STATE:		ZIP CODE:	
TELEPHONE #:				MOBILE #:	
FAX #:				EMAIL:	
ADDITIONAL CONTACT DATES					
PROJECT ADDRESS/LOCATION: <u>23 N. Beaver (Lion & Lamb)</u>					

A. QUESTIONS: Please be as specific as reasonably feasible in answering questions regarding current and past conditions on the site. Please answer in good faith and to the extent of your knowledge regarding conditions that you personally observed or heard about. If more room is needed for answers, please continue on additional pages.

1. What is (are) the current site use(s)?		<u>Abandoned / Vacant</u>
2. Were there other past site use(s)?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know
What were they?		<u>Historic Building uses?</u>
3. Do you know of past site owners or occupants?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know
Who were they and when did they own or occupy the site?		<u>Lion & Lamb bookstore</u>
4. Have there been significant changes to the site structures, roads, and other features?		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't know		
If yes, please describe on a separate page.		
5. Is or was there potable water on the site?		
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't know		
If yes, what is (was) the source (e.g., on-site well, municipal service, etc.)?		
6. Is or was there sewage service to the site?		
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't know		
If yes, who is (was) the provider?		
When was the site hooked up to the system?		
7. Are or were there septic systems, cesspools, or other on-site waste disposal methods used on site (or evidence of clean-out ports or manholes)?		
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't know		
If yes, what are their locations and what portions of the site drain(ed) into them?		

PHASE I ENVIRONMENTAL ASSESSMENT REPORT INTERVIEW QUESTIONNAIRE

8. Are or were heating and/or cooling systems located on the site? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't know Type of heating (e.g., natural gas, electric, heating oil, propane, etc.): Type of cooling (e.g., evaporative cooler, AC, etc.):	
9. Are or were hazardous materials used, stored, disposed, treated, etc. on the site? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't know If yes, please describe in detail (types, uses, amounts, contents, locations, etc.) on a separate page.	
10. Have there been any spills or chemical releases that have taken place on the site? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't know If yes, please describe in detail (when, types, amounts, locations, etc.) on a separate page.	
11. ARE OR WERE ANY OF THE FOLLOWING LOCATED ON THE SITE? If yes, please describe in detail (numbers, ages, construction, sizes, contents, locations, staining, spills, leaks, etc.) on a separate page.	
a.	<input type="checkbox"/> Drums, pails, buckets, or other containers of hazardous materials, petroleum products, or wastes
b.	<input type="checkbox"/> Storage areas for hazardous materials, petroleum products, or wastes
c.	<input type="checkbox"/> Underground storage tanks (USTs) or evidence of vent pipes, fill pipes, dispensers, pads, etc.
d.	<input type="checkbox"/> Aboveground storage tanks (ASTs) or evidence of stands, containment areas, etc.
e.	<input type="checkbox"/> Electrical transformers or other electrical equipment that may contain PCBs
f.	<input type="checkbox"/> Hydraulic elevators
g.	<input type="checkbox"/> Burial, landfilling, dumping, burning, etc. of solid or other wastes, or evidence such as mounds, pits, depressions, etc.
h.	<input type="checkbox"/> Fill dirt (and source if known)
i.	<input type="checkbox"/> Strong, pungent, or noxious odors
j.	<input type="checkbox"/> Pools of liquid, pits, ponds, lagoons, wastewater, or other liquid discharges
k.	<input type="checkbox"/> Drains, separators, sumps, grates, vaults, etc. and where the inlets and outlets are located
l.	<input type="checkbox"/> Drywells
m.	<input type="checkbox"/> Water wells (active, inactive, or abandoned)
n.	<input type="checkbox"/> Injection wells
o.	<input type="checkbox"/> Stained soil or pavement
p.	<input type="checkbox"/> Corrosion or staining inside buildings
Note: Examples of types of hazardous materials or petroleum products include fuel, oil, solvents, antifreeze, acid, batteries, paint, etc.	
12. ADJOINING PROPERTY USES: Are there properties adjacent to the site with current or past occupants that use, store, treat, dispose, etc. hazardous materials or petroleum products? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know If yes, please provide information.	
Open last case w/ ADEC	
13. Have there been any spills or chemical releases that have taken place on properties that are adjacent to the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know If yes, please describe in detail (when, types, amounts, locations, etc.) on a separate page, and indicate whether the site may have been impacted.	
Petroleum	

PHASE I ENVIRONMENTAL ASSESSMENT REPORT INTERVIEW QUESTIONNAIRE

B. HELPFUL DOCUMENTS: Do you know whether any of the documents listed below exists and, if so, whether copies can and will be provided to SCS Engineers within a reasonable time and cost, preferably before the site visit?

	Yes	No	Don't know	
1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environment site assessment reports <i>old phase I</i>
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environment compliance audit reports
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental permits (for example, solid waste disposal permits, hazardous waste disposal permits, wastewater permits, NPDES permits, underground injection permits)
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Registrations for USTs and ASTs
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Registrations for underground injection systems
6.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Material safety data sheets (MSDSs)
7.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Community right-to-know plan
8.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety plans; preparedness and prevention plans; spill prevention, countermeasure, and control plans; etc.
9.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Reports regarding hydrogeologic conditions on the property or surrounding area
10.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Notices or other correspondence from any government agency relating to past or current violations of environmental laws with respect to the property or relating to environmental liens encumbering the property
11.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Hazardous waste generator notices or reports
12.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Geotechnical studies
13.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Risk assessments
14.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Recorded Activity and Use Limitations (AULs)

C. PROCEEDINGS INVOLVING THE PROPERTY: Do you know of any of the following proceedings listed below. If yes, please provide information regarding the type of proceeding, what violations or laws are involved, status of the proceeding, etc.

	Yes	No	Don't know	
1.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, or from the property
2.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in, on or from the property
3.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any notices from any governmental entity regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products

D. COMMENTS:

Building full of mold, lead paint. Potential roof leak.

PHASE I ENVIRONMENTAL ASSESSMENT REPORT INTERVIEW QUESTIONNAIRE

PROJECT NAME: Flagstaff Transit Center # 3 of 4
PROJECT #: _____

DATE:		TIME:		SCS EMPLOYEE:	
<input type="checkbox"/> In Person		<input type="checkbox"/> Telephone		<input type="checkbox"/> In Writing (mail/delivery)	
				<input type="checkbox"/> Other:	
CONTACT NAME/TITLE:					
<input type="checkbox"/> User		<input type="checkbox"/> Owner		<input type="checkbox"/> Occupant	
<input type="checkbox"/> Past Owner		<input type="checkbox"/> Past Occupant		<input type="checkbox"/> Key Site Manager	
<input type="checkbox"/> Other (Explain):				<input type="checkbox"/> Past Operator	
CONTACT COMPANY:					
ADDRESS:					
CITY:		STATE:		ZIP CODE:	
TELEPHONE #:				MOBILE #:	
FAX #:				EMAIL:	
ADDITIONAL CONTACT DATES					
PROJECT ADDRESS/LOCATION: <u>15 N. Beaver (City Courts Bldg.)</u>					

A. QUESTIONS: Please be as specific as reasonably feasible in answering questions regarding current and past conditions on the site. Please answer in good faith and to the extent of your knowledge regarding conditions that you personally observed or heard about. If more room is needed for answers, please continue on additional pages.

1. What is (are) the current site use(s)? <u>offices, court rooms</u>	
2. Were there other past site use(s)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know What were they? <u>Historic Building uses?</u>	
3. Do you know of past site owners or occupants? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't know Who were they and when did they own or occupy the site?	
4. Have there been significant changes to the site structures, roads, and other features? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't know If yes, please describe on a separate page.	
5. Is or was there potable water on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know If yes, what is (was) the source (e.g., on-site well, municipal service, etc.)? <u>municipal</u>	
6. Is or was there sewage service to the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know If yes, who is (was) the provider? <u>municipal</u> When was the site hooked up to the system? <u>Don't know</u>	
7. Are or were there septic systems, cesspools, or other on-site waste disposal methods used on site (or evidence of clean-out ports or manholes)? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't know If yes, what are their locations and what portions of the site drain(ed) into them?	

PHASE I ENVIRONMENTAL ASSESSMENT REPORT INTERVIEW QUESTIONNAIRE

8. Are or were heating and/or cooling systems located on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know Type of heating (e.g., natural gas, electric, heating oil, propane, etc.): ? Type of cooling (e.g., evaporative cooler, AC, etc.):	
9. Are or were hazardous materials used, stored, disposed, treated, etc. on the site? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't know If yes, please describe in detail (types, uses, amounts, contents, locations, etc.) on a separate page.	
10. Have there been any spills or chemical releases that have taken place on the site? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't know If yes, please describe in detail (when, types, amounts, locations, etc.) on a separate page.	
11. ARE OR WERE ANY OF THE FOLLOWING LOCATED ON THE SITE? If yes, please describe in detail (numbers, ages, construction, sizes, contents, locations, staining, spills, leaks, etc.) on a separate page.	
a.	<input type="checkbox"/> Drums, pails, buckets, or other containers of hazardous materials, petroleum products, or wastes
b.	<input type="checkbox"/> Storage areas for hazardous materials, petroleum products, or wastes
c.	<input type="checkbox"/> Underground storage tanks (USTs) or evidence of vent pipes, fill pipes, dispensers, pads, etc.
d.	<input type="checkbox"/> Aboveground storage tanks (ASTs) or evidence of stands, containment areas, etc.
e.	<input type="checkbox"/> Electrical transformers or other electrical equipment that may contain PCBs
f.	<input type="checkbox"/> Hydraulic elevators
g.	<input type="checkbox"/> Burial, landfilling, dumping, burning, etc. of solid or other wastes, or evidence such as mounds, pits, depressions, etc.
h.	<input type="checkbox"/> Fill dirt (and source if known)
i.	<input type="checkbox"/> Strong, pungent, or noxious odors
j.	<input type="checkbox"/> Pools of liquid, pits, ponds, lagoons, wastewater, or other liquid discharges
k.	<input type="checkbox"/> Drains, separators, sumps, grates, vaults, etc. and where the inlets and outlets are located
l.	<input type="checkbox"/> Drywells
m.	<input type="checkbox"/> Water wells (active, inactive, or abandoned)
n.	<input type="checkbox"/> Injection wells
o.	<input type="checkbox"/> Stained soil or pavement
p.	<input type="checkbox"/> Corrosion or staining inside buildings
Note: Examples of types of hazardous materials or petroleum products include fuel, oil, solvents, antifreeze, acid, batteries, paint, etc.	
12. ADJOINING PROPERTY USES: Are there properties adjacent to the site with current or past occupants that use, store, treat, dispose, etc. hazardous materials or petroleum products? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know If yes, please provide information. Open UST case w/ APEQ	
13. Have there been any spills or chemical releases that have taken place on properties that are adjacent to the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know If yes, please describe in detail (when, types, amounts, locations, etc.) on a separate page, and indicate whether the site may have been impacted. Petroleum	

PHASE I ENVIRONMENTAL ASSESSMENT REPORT INTERVIEW QUESTIONNAIRE

B. HELPFUL DOCUMENTS: Do you know whether any of the documents listed below exists and, if so, whether copies can and will be provided to SCS Engineers within a reasonable time and cost, preferably before the site visit?

	Yes	No	Don't know	
1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environment site assessment reports <i>ASBESTOS</i>
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environment compliance audit reports
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental permits (for example, solid waste disposal permits, hazardous waste disposal permits, wastewater permits, NPDES permits, underground injection permits)
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Registrations for USTs and ASTs
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Registrations for underground injection systems
6.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Material safety data sheets (MSDSs)
7.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Community right-to-know plan
8.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Safety plans; preparedness and prevention plans; spill prevention, countermeasure, and control plans; etc.
9.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Reports regarding hydrogeologic conditions on the property or surrounding area
10.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Notices or other correspondence from any government agency relating to past or current violations of environmental laws with respect to the property or relating to environmental liens encumbering the property
11.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Hazardous waste generator notices or reports
12.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Geotechnical studies
13.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Risk assessments
14.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Recorded Activity and Use Limitations (AULs)

C. PROCEEDINGS INVOLVING THE PROPERTY: Do you know of any of the following proceedings listed below. If yes, please provide information regarding the type of proceeding, what violations or laws are involved, status of the proceeding, etc.

	Yes	No	Don't know	
1.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, or from the property
2.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in, on or from the property
3.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any notices from any governmental entity regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products

D. COMMENTS:

Building inadequate. Floods, no fire suppression for files and not ADA Compliant.

PHASE I ENVIRONMENTAL ASSESSMENT REPORT INTERVIEW QUESTIONNAIRE

PROJECT NAME: Flagstaff Transfer Center #4 of 4
PROJECT #: _____

DATE:		TIME:		SCS EMPLOYEE:	
<input type="checkbox"/> In Person		<input type="checkbox"/> Telephone		<input type="checkbox"/> In Writing (mail/delivery)	
				<input type="checkbox"/> Other:	
CONTACT NAME/TITLE:					
<input type="checkbox"/> User		<input type="checkbox"/> Owner		<input type="checkbox"/> Occupant	
<input type="checkbox"/> Past Owner		<input type="checkbox"/> Past Occupant		<input type="checkbox"/> Key Site Manager	
<input type="checkbox"/> Other (Explain):				<input type="checkbox"/> Past Operator	
CONTACT COMPANY:					
ADDRESS:					
CITY:		STATE:		ZIP CODE:	
TELEPHONE #:				MOBILE #:	
FAX #:				EMAIL:	
ADDITIONAL					
CONTACT					
DATES					
PROJECT ADDRESS/LOCATION: <u>102 W. Rt 66 (Former Big Don's)</u>					

A. QUESTIONS: Please be as specific as reasonably feasible in answering questions regarding current and past conditions on the site. Please answer in good faith and to the extent of your knowledge regarding conditions that you personally observed or heard about. If more room is needed for answers, please continue on additional pages.

1. What is (are) the current site use(s)?	<u>Parking lot</u>
2. Were there other past site use(s)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know
What were they?	<u>Gas Stations + Service Stations</u>
3. Do you know of past site owners or occupants?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know
Who were they and when did they own or occupy the site?	<u>Big Don's Service Center - Gas Stn.</u>
4. Have there been significant changes to the site structures, roads, and other features?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't know
If yes, please describe on a separate page.	<u>not since it was paved.</u>
5. Is or was there potable water on the site?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't know
If yes, what is (was) the source (e.g., on-site well, municipal service, etc.)?	
6. Is or was there sewage service to the site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Don't know
If yes, who is (was) the provider?	
When was the site hooked up to the system?	
7. Are or were there septic systems, cesspools, or other on-site waste disposal methods used on site (or evidence of clean-out ports or manholes)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't know
If yes, what are their locations and what portions of the site drain(ed) into them?	

PHASE I ENVIRONMENTAL ASSESSMENT REPORT INTERVIEW QUESTIONNAIRE

<p>8. Are or were heating and/or cooling systems located on the site? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know Type of heating (e.g., natural gas, electric, heating oil, propane, etc.): <i>N/A</i> Type of cooling (e.g., evaporative cooler, AC, etc.):</p>	
<p>9. Are or were hazardous materials used, stored, disposed, treated, etc. on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know If yes, please describe in detail (types, uses, amounts, contents, locations, etc.) on a separate page. <i>Petroleum in Tanks / Auto repair fluid</i></p>	
<p>10. Have there been any spills or chemical releases that have taken place on the site? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't know If yes, please describe in detail (when, types, amounts, locations, etc.) on a separate page.</p>	
<p>11. ARE OR WERE ANY OF THE FOLLOWING LOCATED ON THE SITE? If yes, please describe in detail (numbers, ages, construction, sizes, contents, locations, staining, spills, leaks, etc.) on a separate page.</p>	
a. <input checked="" type="checkbox"/> Drums, pails, buckets, or other containers of hazardous materials, petroleum products, or wastes	
b. <input checked="" type="checkbox"/> Storage areas for hazardous materials, petroleum products, or wastes	
c. <input checked="" type="checkbox"/> Underground storage tanks (USTs) or evidence of vent pipes, fill pipes, dispensers, pads, etc.	
d. <input type="checkbox"/> Aboveground storage tanks (ASTs) or evidence of stands, containment areas, etc.	
e. <input type="checkbox"/> Electrical transformers or other electrical equipment that may contain PCBs	
f. <input type="checkbox"/> Hydraulic elevators	
g. <input type="checkbox"/> Burial, landfilling, dumping, burning, etc. of solid or other wastes, or evidence such as mounds, pits, depressions, etc.	
h. <input type="checkbox"/> Fill dirt (and source if known)	
i. <input type="checkbox"/> Strong, pungent, or noxious odors	
j. <input checked="" type="checkbox"/> Pools of liquid, pits, ponds, lagoons, wastewater, or other liquid discharges	
k. <input type="checkbox"/> Drains, separators, sumps, grates, vaults, etc. and where the inlets and outlets are located	
l. <input type="checkbox"/> Drywells	
m. <input type="checkbox"/> Water wells (active, inactive, or abandoned)	
n. <input type="checkbox"/> Injection wells	
o. <input type="checkbox"/> Stained soil or pavement	
p. <input type="checkbox"/> Corrosion or staining inside buildings	
<p>Note: Examples of types of hazardous materials or petroleum products include fuel, oil, solvents, antifreeze, acid, batteries, paint, etc.</p>	
<p>12. ADJOINING PROPERTY USES: Are there properties adjacent to the site with current or past occupants that use, store, treat, dispose, etc. hazardous materials or petroleum products? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know If yes, please provide information. <i>adjacent to open LUST case ADEC</i></p>	
<p>13. Have there been any spills or chemical releases that have taken place on properties that are adjacent to the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know If yes, please describe in detail (when, types, amounts, locations, etc.) on a separate page, and indicate whether the site may have been impacted. <i>Petroleum in groundwater</i></p>	

PHASE I ENVIRONMENTAL ASSESSMENT REPORT INTERVIEW QUESTIONNAIRE

B. HELPFUL DOCUMENTS: Do you know whether any of the documents listed below exists and, if so, whether copies can and will be provided to SCS Engineers within a reasonable time and cost, preferably before the site visit?

	Yes	No	Don't know	
1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environment site assessment reports
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environment compliance audit reports
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environmental permits (for example, solid waste disposal permits, hazardous waste disposal permits, wastewater permits, NPDES permits, underground injection permits)
4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Registrations for USTs and ASTs
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Registrations for underground injection systems
6.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Material safety data sheets (MSDSs)
7.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Community right-to-know plan
8.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Safety plans; preparedness and prevention plans; spill prevention, countermeasure, and control plans; etc.
9.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Reports regarding hydrogeologic conditions on the property or surrounding area
10.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Notices or other correspondence from any government agency relating to past or current violations of environmental laws with respect to the property or relating to environmental liens encumbering the property
11.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hazardous waste generator notices or reports
12.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Geotechnical studies
13.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Risk assessments
14.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Recorded Activity and Use Limitations (AULs)

C. PROCEEDINGS INVOLVING THE PROPERTY: Do you know of any of the following proceedings listed below. If yes, please provide information regarding the type of proceeding, what violations or laws are involved, status of the proceeding, etc.

	Yes	No	Don't know	
1.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any pending, threatened, or past litigation relevant to hazardous substances or petroleum products in, on, or from the property
2.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any pending, threatened, or past administrative proceedings relevant to hazardous substances or petroleum products in, on or from the property
3.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any notices from any governmental entity regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products

D. COMMENTS:

APPENDIX G
USER QUESTIONNAIRE

Attn: Dave Laney 2 pages total

PHASE I USER QUESTIONNAIRE¹
FLAGSTAFF TRANSIT CENTER

In order to qualify for one of the Landowner Liability Protections (LLPs) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the "Brownfields Amendments"), the user (you) must provide the following information (if available) to the environmental professional (SCS Engineers). Failure to provide this information could result in a determination that "all appropriate inquiry" is not complete.

(1) Environmental Cleanup Liens: Are you aware of any environmental cleanup liens against the property that are filed or recorded against the site under federal, tribal, state, or local law?

☒ No☐ Yes

If Yes, explain:

(2) Activity and Land Use Limitations (AULs): Are you aware of any AULs, such as engineering controls, land use restrictions, or institutional controls that are in place at the site and/or have been filed or recorded in a registry under federal, tribal, state, or local law?

☒ No☐ Yes

If Yes, explain:

(3) Specialized Knowledge or Experience: As the user of this ESA do you have any specialized knowledge or experience related to the property or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the property or an adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business?

☒ No☐ Yes

If Yes, explain:

(4) Purchase Price vs. Fair Market Value: Does the purchase price being paid for this property reasonably reflect the fair market value of the property?

☐ No☐ Yes

N/A

If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the property?

☐ No☐ Yes

If Yes, explain:

N/A

¹ The document is designed to comply with Section X3, User Questionnaire, of ASTM E1527-05, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, and the USEPA AAI regulations (40 CFR §312).

PHASE I USER QUESTIONNAIRE (continued)
FLAGSTAFF TRANSIT CENTER

(5) Commonly Known or Reasonably Ascertainable Information: Are you aware of commonly known or reasonably ascertainable information about the property that would help the environmental professional (SCS Engineers) to identify conditions indicative of releases or threatened releases? For example, as the user,

(a) Do you know the past uses of the property?

☐ No ☒ Yes

Some...

(b) Do you know of specific chemicals that are present or once were present at the property?

☐ No ☒ Yes

Petroleum & Used oil

(c) Do you know of spills or other chemical releases that have taken place at the property?

☐ No ☒ Yes

LUST Case open w/ ADEQ

(d) Do you know of any environmental cleanups that have taken place at the property?

☐ No ☒ Yes

older reports indicate some cleanup while tanks were removed. They are Vague.

If you answered Yes to any of the above, explain:

(6) Obvious Indications of Contamination: As the user of this ESA, based on your knowledge and experience related to the property are there any obvious indicators that point to the presence or likely presence of contamination at the property?

☐ No

open LUST Case

☒ Yes

If Yes, explain:

Worried about groundwater in area. Monitoring wells present.

Name:

April Laliberte

Organization:

City of Flagstaff

Title:

Braunfield Specialist

Date:

8/16/2010

APPENDIX H
RESUMES

BRADLEY F. JOHNSTON, RG

Education

Colorado State University, 1981, Geology

Registrations and Certifications

State of Arizona - Registered Professional Geologist, Certificate Number 24057
AHERA Certified Asbestos Building Inspector and Management Planner
OSHA Hazardous Waste Site Investigation and Manager/Supervisor
MSHA Surface Mining Safety Trained

Professional Affiliations

Arizona State Bar-Environment and Natural Resources
Arizona Association of Industries
Arizona Hydrological Society
Environmental Information Association
National Groundwater Association

Professional Experience

Mr. Bradley Johnston, RG provides the SCS Arizona office with over 26 years experience in geological studies, environmental assessments, hazardous waste management, and risk assessment. Mr. Johnston has been with SCS Arizona since 1988, and is the director of SCS Arizona operations. He has managed and performed over 500 environmental projects in Arizona, and is responsible for all phases of project work, including resource allocation, developing work plans and specifications, performing and supervising field work, preparation and review of reports, budgeting, client and regulatory agency contact, and quality control.

Mr. Johnston's experience includes Phase I Environmental Site Assessments (ESAs) for state, federal, municipal, and private clients, including the City of Phoenix Light Rail Transit Project, right-of-way acquisitions, sand and gravel mining facilities, agricultural facilities, residential developments, transportation improvements, and Brownfields sites throughout Arizona. Mr. Johnston has also provided legal support and expert witness testimony for property acquisition projects in Arizona, and he is an instructor for Phase I and Phase II ESA techniques for City of Phoenix and City of Tucson Brownfields Technician Training Programs. Example project experience includes:

Phase I and Phase II Environmental Assessments. Managed and performed over 125 Phase I and Phase II environmental assessments for the City of Phoenix to evaluate risks associated with acquisition of all or portions of commercial, residential, and vacant parcels being acquired for street construction projects, urban renewal, and the Light Rail Project. Phase II investigations evaluated the potential presence of contamination from underground storage tanks, dry cleaners, unidentified underground features, buried waste, and other issues.

City of Flagstaff Brownfield Sites. Directed and performed Phase I and Phase II ESAs of Brownfields sites in Flagstaff, Arizona, which were assessed under an EPA Community-Wide Brownfields Assessment Grant. Included preparation of Phase I ESAs; assistance with preparation of a standardized QAPP; preparation of SAPs; implementation of the plans including exploratory excavation, soil borings, and perched groundwater sampling; and reporting. Also directed Phase I ESAs of other sites assessed as part of the grant program. Provided tours and presentations to City personnel and a class from Northern Arizona University.

Assessment, Investigation, and Remediation. Managed and performed Phase I and Phase II ESAs and remediation of two miles of right-of-way for a City of Avondale road-widening project. The assessment identified potential pesticide residues associated with an adjacent crop dusting strip. Designed soil sampling program to characterize the extent of contamination, and then managed removal of pesticide-containing soils from the construction zone. The project was performed on an expedited basis to avoid delaying ongoing construction activities; remediation was completed without delaying construction.

Brownfields Investigation, Former Steam Generation Plant. Managed and performed a Phase I and Phase II investigation of a former steam generation plant and warehouse facility near downtown Flagstaff, Arizona. This project, which is being performed using Brownfields grant funding from ADEQ, includes preparation of a Phase I ESA and a Phase II Sampling and Analysis Plan. Phase II investigation included exploratory excavation and soil borings to evaluate a creosote-containing wood treating vat and a former fuel oil distribution facility. All deliverables were reviewed by ADEQ and the US EPA.

Environmental Investigation; Remediation; Asbestos Survey and Abatement; and Emergency Response. Managed and performed all environmental and archaeological work associated with redevelopment of an 11-block industrial area in downtown Phoenix into the Bank One Ballpark, now known as Chase Field. Phase I investigations included preparation of 23 Phase I reports. Phase II investigations included asbestos inspections; soil borings; soil vapor and geophysical surveys; groundwater monitoring; and environmental and archaeological trenching.

Limited Phase I Assessment. Managed and performed Limited Phase I ESA of a potential Arizona Cardinals football stadium site. Site uses included the Union Pacific Railroad yard, metal fabrication, vehicle maintenance and fueling, bulk oil storage, pesticide and chemical storage, precious metals recovery, chemical blending, and cotton processing. Interim findings were presented to the City and its development partners, and a draft work plan for Phase II investigation was prepared. This assessment included analysis of a large amount of occupancy, historical, and regulatory information on an extremely short schedule.

Phase I and II Assessments and Landfill Investigations and Redevelopment. Managed and performed Phase I ESA, Phase II ESA, and landfill redevelopment for the City of Phoenix Rio Salado Habitat Restoration project. Included investigation of landfills, petroleum-containing soils, automobile salvage yards, and regional groundwater contamination using geophysical surveys, subsurface excavation, landfill gas surveys, installation and sampling of monitoring wells, soil sampling, and quantification of surface debris. Provided technical support for waste characterization and segregation, excavation and construction design, and manmade wetlands

liner design. Interaction with US Army Corps of Engineers, Flood Control District of Maricopa County, and preparation of materials for public information.

Downtown Redevelopment Project, Downtown Chandler. In association with a redevelopment project in Downtown Chandler, SCS completed Phase I environmental assessments and asbestos surveys for over 20 residential and commercial properties located within a three-block area. The project included the organization, interpretation, and presentation of large volume of data generated by the multiple properties into one final report. The investigation included preparation of costs to abate the asbestos-containing materials and remediate other recognized environmental conditions for the subject properties.

City of Tucson Brownfields Program. Managed and performed Brownfields program management assistance and project implementation for the City of Tucson Brownfields Community-Wide, Targeted, and Job Training grants. Directed and performed assessments of Brownfields sites in Tucson including former railroad sites, a bus depot, a bulk oil distributor, a paint manufacturer, leaking underground storage tank sites. Prepared Phase I Environmental Site Assessments (ESAs), Phase II ESAs, Sampling and Analysis Plans (SAPs), and assisted with preparation of a standardized Quality Assurance Project Plan (QAPP).

City of Phoenix Community Noise Reduction Program. Managed and performed an inventory of potential environmental concerns within the Community Noise Reduction Program area near Sky Harbor International Airport, which included over 3,500 parcels of land. Determined relevant content for inclusion in the database; directed research and data gathering; performed prioritization of sites; and presented findings to stakeholders.

Sand and Gravel Mining and Processing Facilities, Arizona. Managed and performed Phase I and II environmental assessments of over 30 sand and gravel mining and processing plants and prospective plants located throughout Arizona. Phase II investigations included characterization of contamination associated with waste storage areas, aboveground and underground storage tanks, equipment wash and maintenance facilities, and spills from routine operations.

Instructor for Phase I and Phase II ESAs. Instructor for two Brownfields Job Training grant programs with the City of Tucson (three years) and City of Phoenix (one year). Developed curricula for Phase I and Phase II ESAs tailored to local conditions, and taught relevant regulations, guidelines, methods, case studies, and examples.

Dry Cleaning Facility, Phoenix, Arizona. Managed and performed Phase II assessment of a dry cleaning facility being acquired for the northern park-and-ride site for the Light Rail Project. Designed a soil vapor survey to evaluate the presence of volatile organic compounds beneath the building slab, and subsequent slant boring sampling program to evaluate potential direct affects to soil beneath specific locations of concern within the buildings. Provided technical support for meetings with property owners and their attorneys to establish the scope of investigation, access issues, and schedule.

DAVID F. LANEY, CHMM

Education

BS – Resource Development, Michigan State University, 1983

Professional Licenses

Academy of Certified Hazardous Materials Manager (CHMM) # 13573
AHERA Certified Asbestos Building Inspector E2681

Specialty Certifications

OSHA Hazardous Waste Site Investigation and Manager/Supervisor

Professional Affiliations

Arizona Hydrological Society (AHS)
Arizona State Bar - Environment and Natural Resources Law Section
Arizona Chamber of Commerce Environment Committee; Water Subcommittee
ASTM Technical Committee E50 Environmental Assessment, Risk Management and Corrective Action
ASTM Technical Subcommittee E50.02 – Vapor Intrusion Task Group
Environmental Professionals of Arizona (EPAZ)

Professional Experience

Mr. David Laney, CHMM has over 24 years of experience in environmental engineering and consulting. His special areas of expertise include Phase I and II Environmental Site Assessments (ESAs); project management; remedial investigations/feasibility studies; remediation of contaminated soil, soil gas, and groundwater; regulatory compliance; chemical process safety; air toxics; and senior technical quality assurance/quality control (QA/QC) review. He has experience with American Society for Testing and Materials (ASTM) Standard E 1527-05 and Environmental Protection Agency (EPA) All Appropriate Inquiry (AAI) regulations for performance of ESAs, as well as regulations for the Clean Water Act (CWA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), Water Quality Assurance Revolving Fund (WQARF), Aquifer Protection Permit (APP), and National Environmental Policy Act (NEPA).

Mr. Laney has managed numerous studies to assess the cost, effectiveness, and implementability of remediation alternatives for surface water, soil, and groundwater contaminated with petroleum hydrocarbons, chlorinated hydrocarbons, metals, pesticides, polynuclear aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), and explosives.

Mr. Laney has extensive experience in providing senior technical review of Phase I and II ESA reports, work plans, sampling plans, quality assurance project plans, site assessment and remedial investigation reports, feasibility study reports, remedial action plans, corrective action plans, closure reports, and remediation system designs. Mr. Laney performed this work for the

EPA, Arizona Department of Environmental Quality (ADEQ), and the California Energy Commission, as well as private sector clients. This work frequently required submittal of a technical critique in the form of a comment letter or report on the deficiencies identified in the documents under review, as well as the development of recommendations to address/correct deficiencies. Mr. Laney and members of his team were frequently required to present the results of the work in meetings with regulatory agencies, Potential Responsible Parties (PRPs), other contractors and consultants, and/or members of the public. Below is a partial listing of representative projects.

Multiple Phase I and II ESAs, Phoenix, Arizona. Provided senior review of multiple Phase I and II ESA reports prepared for City of Phoenix Light Rail and Community Noise Reduction Projects. These were compliant with ASTM standard E 1527-05 and EPA's AAI regulations. Responsible for visual observation and testing of excavated soil during preparation of site for building construction for City of Phoenix Rio Salado Restoration and Redevelopment Project. Also provided on-call emergency response services for removal of underground storage tanks, piping, and stained soil discovered during construction and earthmoving activities for City of Phoenix Civic Plaza Expansion Project.

Phase I ESA for Semiconductor Facility, Foresight Technologies, Tempe, Arizona. Project Manager. Assisted company with due diligence during acquisition of semiconductor facility in Tempe.

Computer Assembly Facility Environmental Compliance Audit, Woodland Hills, California. Project Manager. Environmental compliance audit of a computer assembly facility in Woodland Hills, California. Work included an evaluation of the compliance of existing operations with local, state, and federal laws and regulations and a review of files maintained by and correspondence with the California Department of Health Service, the California Regional Water Quality Control Board (Los Angeles Region), Los Angeles County Department of Public Works, etc. The audit also included a review of compliance with Worker-Right-To-Know and Community-Right-To-Know, and an evaluation of materials storage and handling.

Property Transfer Site Phase I Preliminary Site Assessment for Former Orange Grove, Frito Lay, Mission Viejo, California. Project Manager. Developed a preliminary site assessment as part of a property transfer in Mission Viejo, California. This work included review of historic aerial photographs, agency files, and studies conducted by consultants for the previous landowners. Also included was the collection and analysis of several soil samples to confirm that the concentration of pesticides on the site were below levels of concern.

Petroleum Production Site Phase I Preliminary Site Assessment, Signal Hill, California. Project Manager. Conducted a Phase I Preliminary Site Assessment on a site that had been used for 60 years for the production of petroleum in Signal Hill, California. This work, which was conducted prior to residential development of the property, included review of historic aerial photographs, agency files, and drilling logs for production wells. Recommendations included which wells were properly abandoned, which needed to be abandoned, and which needed to be reabandoned.

California RWQCB Phase I Soil and Groundwater Sampling and Site Characterization, Indio, California. Assistant Site Manager. Prepared a site characterization report for the California

Regional Water Quality Control Board (RWQCB), Colorado River Basin, for a dry cleaner site contaminated with trichloroethylene in Indio, California.

U.S. Army Toxic and Hazardous Materials Agency Phase I Soil Contamination Assessment Report. Environmental Engineer. Prepared Phase I Soil Contamination Assessment Reports to aid in identification of those areas of the 17,000-acre Rocky Mountain Arsenal polluted by hazardous substances (primarily pesticides). Developed Phase II drilling programs to better define the extent of any contamination discovered during Phase I activities.

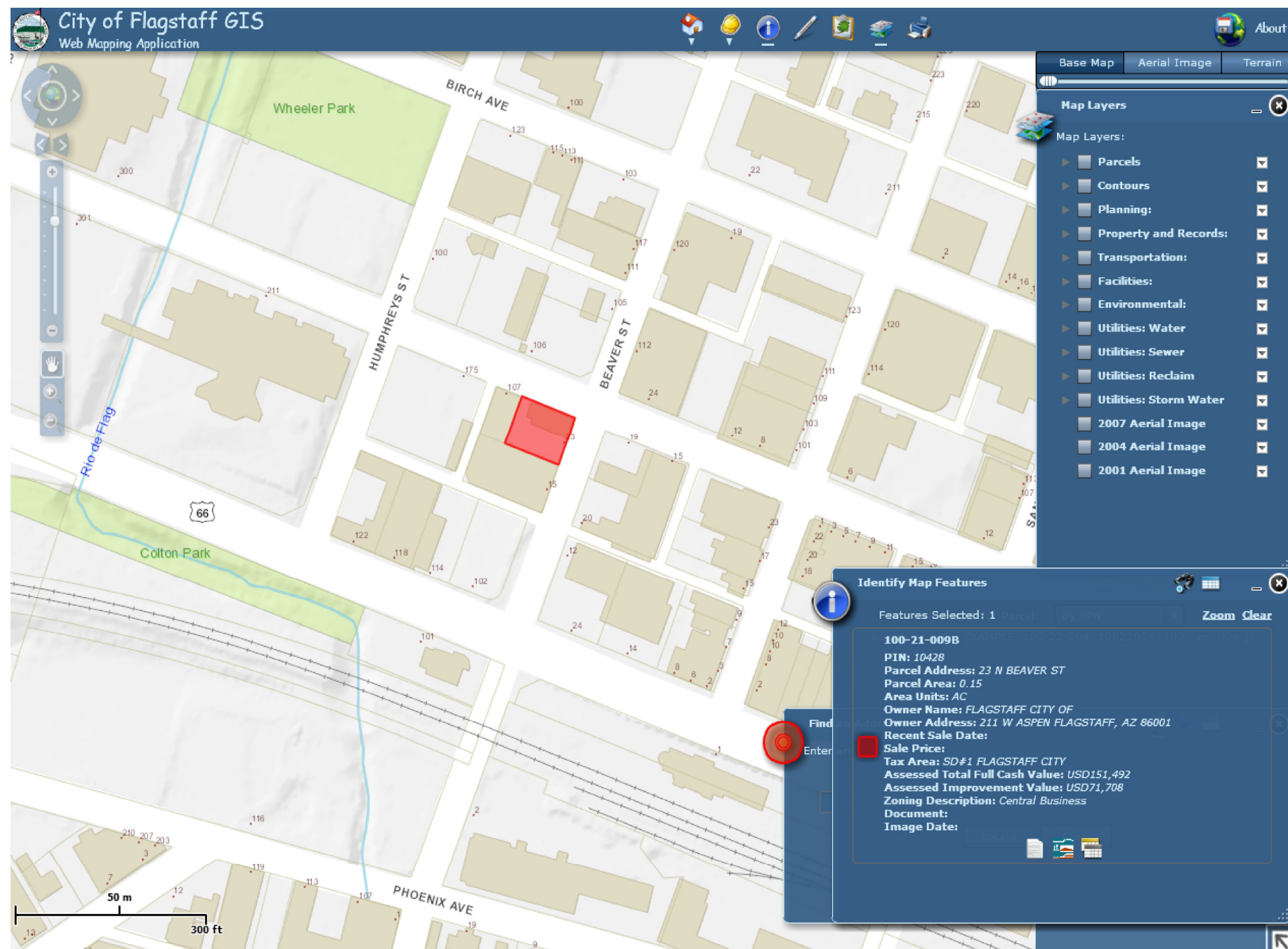
Former Cotton Mill Facility, Prologis, Phoenix, Arizona. Prepared a Phase I ESA of a former cotton mill facility in Phoenix, Arizona. Work included a site reconnaissance, review of regulatory databases and aerial photographs, interviews with owners and operators, review of operational records, and review of previous environmental investigations and reports.

Various Phase I ESAs, Chandler, Arizona. Prepared Phase I ESAs as part of intersection improvement projects. Work included a site reconnaissance and review of regulatory databases, aerial photographs, City of Chandler records, and previous environmental investigations and reports. Provided senior review of multiple Phase II ESA reports for the City of Chandler City Hall Expansion. Conducted oversight of soil sampling at custom automotive garage.

Closed Landfills, Maricopa County, Arizona. Directed Phase I and II ESAs for five closed landfills for Maricopa County Risk Management. Work included site reconnaissances, reviews of regulatory databases and aerial photographs, interviews of operators, reviews of operational records, and reviews of previous environmental investigations and reports.

Pima County Department of Transportation, Arizona - Provided senior review of multiple Phase I ESA reports. prepared for Pima County Department of Transportation. These were compliant with ASTM standard E 1527-05 and EPA's AAI regulations.

Broadway Pantano WQARF Site, Tucson, Arizona. Performed a Phase I ESA for the Broadway Pantano WQARF Site in Tucson, Arizona for Arizona Department of Environmental Quality. Work included a site reconnaissance, review of regulatory databases and aerial photographs, review of operational records, and review of previous environmental investigations and reports.



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Either scripts and active content are not permitted to run or Adobe Flash Player version 11.1.0 or greater is not installed.



CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Mark Di Lucido, Comm Design & Redevel Proj
Adm, Economic Vitality

Co-Submitter: Patrick Brown, Senior Procurement Specialist

Date: 08/12/2014

Meeting Date: 08/25/2014



TITLE:

Consideration of Bids: 4th Street Gateway Project

RECOMMENDED ACTION:

Reject all bids as submitted

Policy Decision or Reason for Action:

Bids were substantially higher than the project's budgeted amount. Staff recommends that City Council reject all bids as submitted for Bid #2014-86, 4th Street Gateway project. All bids received for this project were substantially greater than the Engineer's estimate and budgeted amount. Staff will re-assess budget availability and project scope.

Financial Impact:

The project has a total project budget appropriation of \$184,360 from the BBB Beautification fund and is scheduled in the Beautification 5-year plan, funded in the FY 2014-2015 authorized budget.

Connection to Council Goal:

Council Goals: Retain, expand, and diversify economic base

REGIONAL PLAN:

Goal WR.5. Manage watersheds and storm water to address flooding concerns, water quality, environmental protections, and rainwater harvesting.

Goal WR.6. Protect, preserve, and improve the quality of surface water, groundwater, and reclaimed water in the region.

Goal CC.3. Preserve, restore, enhance, and reflect the design traditions of Flagstaff in all public and private development efforts.

Goal CC.4. Design and develop all projects to be contextually sensitive, to enhance a positive image and identity for the region.

Goal CC.5. Support and promote art, science, and education resources for all to experience.

Goal LU.1. Invest in existing neighborhoods and activity centers for the purpose of developing complete, and connected places.

Goal LU.18. Develop well designed activity centers and corridors with a variety of employment, business, shopping, civic engagement, cultural opportunities, and residential choices.

Goal PF.2. Provide sustainable and equitable public facilities, services, and infrastructure systems in an

efficient and effective manner to serve all population areas and demographics .

Previous Council Decision on This:

No

Options and Alternatives:

- 1) Reject all bids as recommended.
- 2) Approve the award to the lowest bidder.

Background/History:

The 4th Street Gateway is designed to enhance 4th Street and create a memorable, visually-appealing focal point that announces the 4th Street corridor.

Key Considerations:

The 4th Street Gateway design incorporates the flexibility needed to accommodate displays of interchangeable public art; integrates a low seat wall constructed of locally available and contextual materials; supports a “4th Street” sign for viewing by eastbound traffic that includes a stone monolith pier sign for westbound motorists; includes space for pedestrian use and access anticipated to increase with development on the south side of Route 66; buffers the view of adjacent commercial parking lots using colorful, regionally-appropriate plant species; incorporates specialty paving to enrich pedestrian use; provides space for storm water and low impact design; and accommodates periodic maintenance and snow storage/removal.

Expanded Financial Considerations:

Below is a summary of the bids received:

Engineer’s estimate : \$188,996

Bidder	Bid
Tri-Com Corp.	\$295,991.80
Woodruff Construction	\$366,841.50
Morning Dew Construction	\$412,679.10
BEC Southwest	\$484,807.46

Community Benefits and Considerations:

Located at the northeast corner of 4th Street and Route 66, the 4th Street Gateway will boldly announce the area’s business and residential community to motorists, pedestrians, and transit riders. It incorporates previously solicited public input and key principles for redevelopment and their respective concept design options as originally outlined under the 4th Street Corridor Master Plan. The Gateway will enhance the development of 4th Street as a destination and support branding and design standards toward a consistent area theme, strong sense of place, and rejuvenated business district.

Future (separate budget and bid item) interchangeable public art component will be a key element of the Gateway. Prior to the idea of having the art be interchangeable, support for a permanent public art component or centerpiece was mixed—businesses generally were not in favor, while residents’ support was strong. The Gateway’s design flexibility to display works of art, monuments, or other features such as a giant Christmas tree means that each group of constituents will have the opportunity to see their preferred symbol/artwork/monument displayed as part of the Gateway.

Community Involvement:

Consult. Outreach for the Gateway began as part of the larger 4th Street Corridor Study project in 2009, even though the idea for the Gateway predated the Corridor Study. A series of Corridor public outreach dialogues were held by the design consultant to identify key issues and considerations which then resulted in conceptual designs for a gateway as part of the Corridor study.

A second series of outreach meetings for designing the Gateway, as separate from the Corridor project, began in 2012. Five public meetings were conducted to gather community and business owner ideas for the Gateway. Four alternative designs were produced based on business and residents input at these meetings. The public outreach process culminated in a final public meeting at the Sunnyside Neighborhood Association's annual barbeque where residents provided additional comments and input on the four alternative designs. These four designs were then presented to the city's Beautification and Public Art Commission (BPAC) for selection of a preferred alternative. The selected preferred alternative was then presented to the Mayor and Council for input in a series of one-on-one meetings.

Expanded Options and Alternatives:

- 1) Reject all bids as recommended. Staff and consultants have value- engineered the project and believe rebidding the project based on the value engineering will result in bids within or close to the project's budget.
- 2) Approve the award.

Attachments: [Hardscape Plan](#)
 [Landscape Plan](#)
 [Elevation & Section](#)

Form Review

Inbox	Reviewed By	Date
Senior Procurement Specialist - PB	Mark Di Lucido	08/12/2014 04:21 PM
Comm Design & Redevel Proj Adm (Originator)	Mark Di Lucido	08/12/2014 04:41 PM
Senior Procurement Specialist - PB	Patrick Brown	08/13/2014 08:35 AM
Purchasing Director	Rick Compau	08/13/2014 09:59 AM
Finance Director	Rick Tadder	08/13/2014 10:18 AM
Legal Assistant	Vicki Baker	08/13/2014 10:34 AM
Deputy City Attorney	Sterling Solomon	08/13/2014 02:13 PM
Economic Vitality Director	Stacey Button	08/13/2014 03:38 PM
DCM - Jerene Watson	Jerene Watson	08/14/2014 04:21 PM
Comm Design & Redevel Proj Adm (Originator)	Mark Di Lucido	08/21/2014 10:57 AM
Form Started By: Mark Di Lucido		Started On: 08/12/2014 09:03 AM

Final Approval Date: 08/21/2014

NO.	DATE	BY	Checked Approval	REVISIONS



NO.	DATE	BY	CHKD BY	REVISIONS

FLAGSTAFF, ARIZONA
LANDSCAPE PLAN
FOURTH STREET GATEWAY - OPTION I

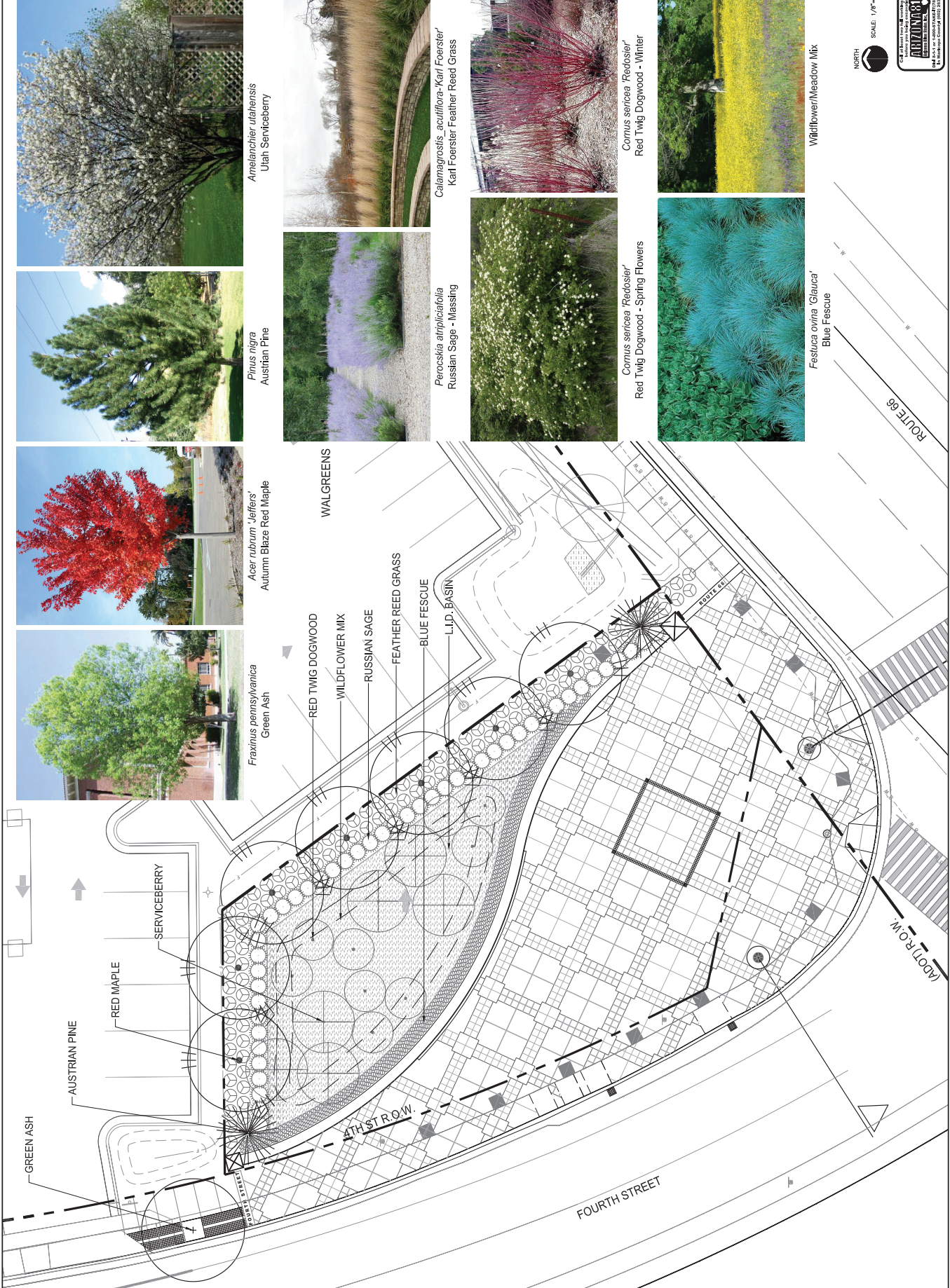
otak
OTAK LANDSCAPE ARCHITECTS, P.C.
51 WEST THIRD STREET
TEMPE, AZ 85281
TEL: (480) 552-4000
FAX: (480) 552-4005

Project No. 17165

Drawing No. 2 of 3

Sheet 2 of 3

© 2014 Otak, Inc.



NORTH

SCALE 1/8"=1'-0"

ARIZONA

Professional Seal of a Licensed Landscape Architect

By State of Arizona Chapter 10-1000

NO.	DATE	BY	CHKD	REVISIONS

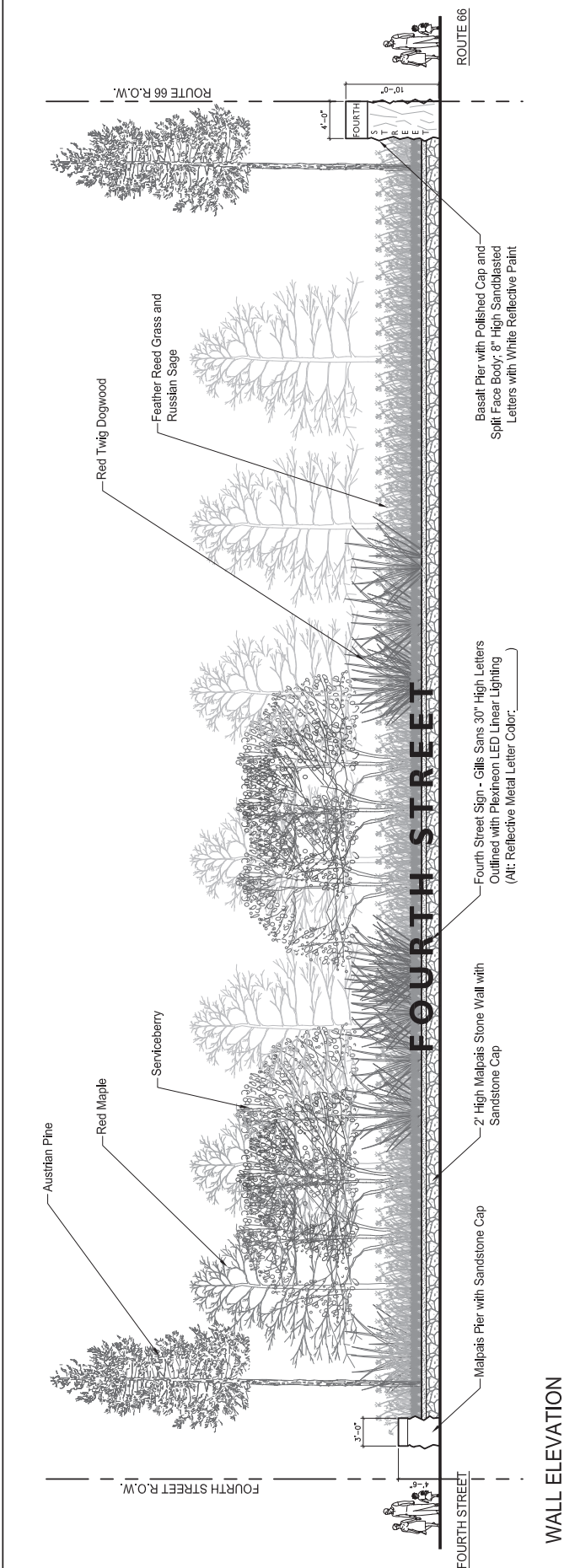
otak

Wentz-Cook Group
51 WEST THIRD STREET
TEMPE, AZ 85281
PHONE: (480) 554-5400
FAX: (480) 554-5605

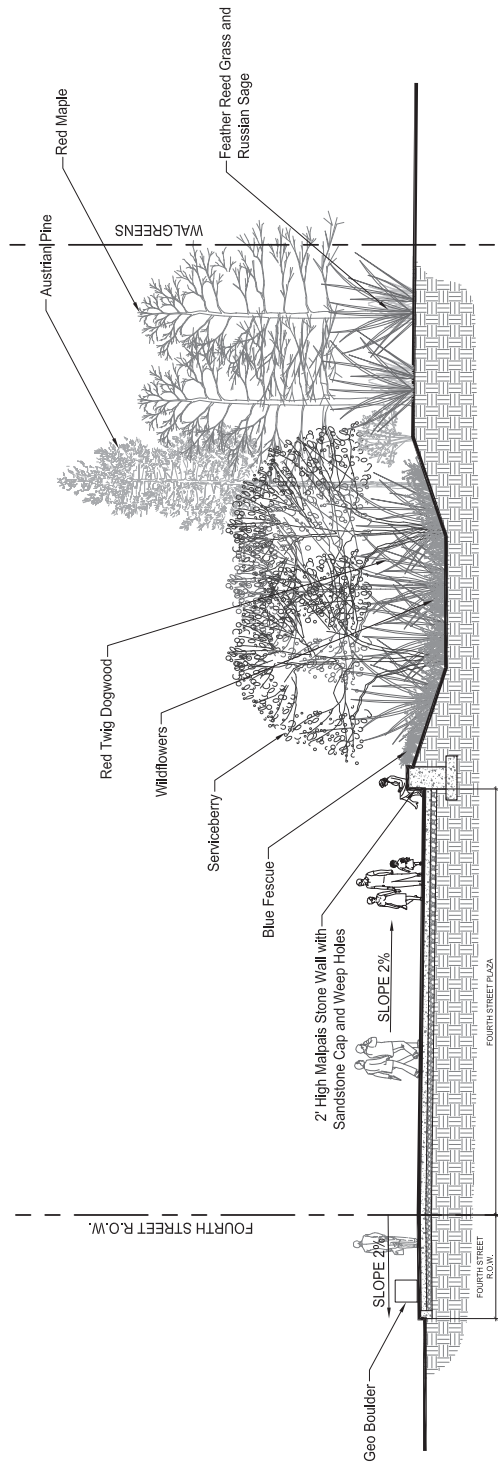
Project No. 17765

Drawing No. 3
Sheet 3 of 3

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WALL ELEVATION
SCALE: 3/16 = 1' - 0"



SITE SECTION
SCALE: 3/16 = 1' - 0"

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Barbara Goodrich, Management Services
Director

Date: 08/13/2014

Meeting Date: 08/25/2014



TITLE:

Consideration and Approval of the Third Amendment and the Fourth Amendment of Purchase and Sale Agreement Between the City of Flagstaff and Evergreen - TRAX, LLC ("Evergreen"), for the sale of approximately 33.6 acres of property consisting of three parcels located at the southeast and southwest corners of the intersection of Fourth Street and Route 66, and the northwest corner of Fourth Street and Huntington drive adjacent to the Fourth Street Overpass (the "Property"). ***(Third Amendment to Evergreen Purchase Agreement to extend closing date; Fourth Amendment to Evergreen Purchase Agreement to Adopt Limited Warranty Quit Claim Conditions)***

RECOMMENDED ACTION:

Approve the Third Amendment to the Purchase and Sale Agreement between the City of Flagstaff and Evergreen for the development of the Property, and ratify the City Manager's signature on the document.

Approve the Fourth Amendment to the Purchase and Sale Agreement between the City of Flagstaff and Evergreen for the development of the Property.

Policy Decision or Reason for Action:

The City of Flagstaff Charter requires the City Council to review and approve agreements that "provide for acquisition, sale or exchange of public real property."

The Third Amendment to the Purchase and Sale Agreement amends the closing date from August 18, 2014 to the first business day which is at least 31 days after any Solution Date, or earlier date as the City and Evergreen-Trax select. The amendment to extend the closing date is needed to finalize the land title.

The Fourth Amendment to the Purchase and Sale Agreement further clarifies the Solution Date and provides for the Limited Warranty Quit Claim language and subsequent relief as related to the any future reversionary interest as related to railroad right of way.

Financial Impact:

There is no financial impact. The purchase price remains at \$3,041,000.

Connection to Council Goal and/or Regional Plan:

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

Has There Been Previous Council Decision on This:

- June 5, 2012, the City Council approved Ordinance No. 2012-10, authorizing the transfer of title to Evergreen Devco, Inc.
- June 12, 2013, the City of Flagstaff and Evergreen Devco, Inc. entered into a Real Estate Purchase and Sale Agreement
- May 20, 2014, the City of Flagstaff and Evergreen Devco, Inc. entered into the First Amendment of the Purchase and Sale Agreement
- July 15, 2014, the City of Flagstaff and Evergreen Devco, Inc. entered into the Second Amendment of the Purchase and Sale Agreement.

Options and Alternatives:

1. Approve the Third and/or Fourth Amendments to the Evergreen Purchase Agreement and ratify the City Manager's signature of the Third Amendment as recommended by City Staff.
2. Modify the conditions and/or include additional conditions.
3. Deny the Third and/or Fourth Amendment and choose not to ratify the City Manager's signature of the Third Amendment to the Agreement.

Background/History:

In approximately 2007, the City awarded the Property for development. However, due to economic conditions the developer was not able to meet its obligations and returned the property to the City. In October 2010, staff solicited Requests for Proposals (RFP) for the purchase and development of the Property. Revenue generated from this sale was to assist with the repayment of debt incurred by the City in the construction of the Fourth Street Overpass. Only one proposal was received for only two of the three parcels. In addition, the proposal was significantly below the minimum price requested and the development plan did not meet the expectations that were set forth in the RFP. The Council rejected this proposal as it was determined to not be in the best interest of the City. Council directed staff to reissue the RFP. A new RFP was issued that no longer had a minimum price requirement and provided for a greater emphasis on the type and timing of development that would occur. The RFP closed on August 3, 2011. One response was received with an initial offer from Evergreen Devco, Inc. for all three parcels.

The current Purchase and Sale agreement provided for a calculated closing date of August 18, 2014 which was thirty one days after the City Council approved the Development Agreement on July 15, 2014. As there wasn't a Council meeting prior to the August 18, 2014 close date, the City Manager signed the amendment to provide for both the City and Evergreen-Trax time to resolve subsequent title issues. This action will approve the agreement and ratify the City Manager's signature.

The Fourth Amendment to the purchase and sale agreement is necessary to address a title concern regarding the implied condition of a reverter clause as related to a portion of the right of way originally owned by the railroad. The City is providing a limited warranty against a future reversion and will subsequently pursue the appropriate legislative action to permanently remove the possibility of this type of claim.

Key Considerations:

The City desires to promote economic development in a number of modalities. Approving the Third Amendment to the Purchase and Sale Agreement for the property will encourage retail development along the Fourth Street Corridor in a more structured manner.

Expanded Financial Considerations:

Evergreen has agreed to the amended purchase price of \$3,041,000. Previously, Evergreen deposited with the City \$212,899.50 as Earnest Money. Of that, \$50,000 was transferred to the Seller at the conclusion of the initial Due Diligence Period and a second \$50,000 transferred to the City at the conclusion of the Review Period.

Community Benefits and Considerations:

Community benefits include providing greater commercial and retail opportunities, providing for a larger retail tax base, and providing new job opportunities, particularly along the Fourth Street Corridor. Due to the economic downturn, in addition to the delay in the development of the property, City staff projected that the Fourth Street portion of the transportation tax would not adequately meet the need to fund the Fourth Street Overpass debt service by the time this tax expires in 2020. Staff employed a two-prong strategy to mitigate that risk. First, staff reissued the debt realizing an approximate \$1.4 million savings in interest expense. Second, the staff continue to work toward the timely sale and development of the property so that the financial obligation will be met. The City will realize a greater and more certain benefit by receiving incremental growth in both sales and property tax revenues.

Community Involvement:

Collaborate - Evergreen held a forum in February 2014 for public participation. In addition, other public hearings and various Council actions have already occurred that allowed for public communication, as noted in the 'Prior Council Decision' section.

Expanded Options and Alternatives:

1. Approve the Third and/or Fourth Amendments to the Evergreen Purchase Agreement and ratify the City Manager's signature of the Third Amendment as recommended by City Staff.
2. Modify the conditions and/or include additional conditions.
3. Deny the Third and/or Fourth Amendment and choose not to ratify the City Manager's signature of the Third Amendment to the Agreement.

Attachments: 3rd Amendment Signature Pages
 4th Amendment and Deed

Form Review

Inbox	Reviewed By	Date
Purchasing Director	Rick Compau	08/14/2014 06:57 AM
Finance Director	Rick Tadder	08/14/2014 07:49 AM
Legal Assistant	Vicki Baker	08/14/2014 09:49 AM
Deputy City Attorney	Sterling Solomon	08/14/2014 10:28 AM
Management Services Director (Originator)	Barbara Goodrich	08/14/2014 02:52 PM
DCM - Josh Copley	Elizabeth A. Burke	08/14/2014 02:57 PM
DCM - Jerene Watson	Jerene Watson	08/14/2014 04:24 PM
Management Services Director (Originator)	Barbara Goodrich	08/20/2014 11:24 AM
Deputy City Attorney	Sterling Solomon	08/20/2014 03:19 PM
Economic Vitality Director	Stacey Button	08/20/2014 03:24 PM
Form Started By: Barbara Goodrich		Started On: 08/13/2014 05:32 PM
Final Approval Date: 08/20/2014		

**THIRD AMENDMENT TO REAL ESTATE
PURCHASE AND SALE AGREEMENT**
[Escrow No. NCS-607165-PHX]

THIS THIRD AMENDMENT is made by the CITY OF FLAGSTAFF, an Arizona municipal corporation ("Seller"), and EVERGREEN-TRAX, LLC, an Arizona limited liability company ("Buyer"), to their Real Estate Purchase and Sale Agreement dated as of June 12, 2013, as modified by First and Second Amendments thereto (the "Amended Agreement"). Defined terms in the Amended Agreement have the same meanings in this Third Amendment:

1. Status. Pursuant to Sections 3.2 and 26 and subject to Section 11 of the Amended Agreement the Closing date is August 18, 2014 (the "Scheduled Closing Date"). The second amended Title Commitment effective May 22, 2014 (the "Current Commitment"), includes as Exception #19 potential interests or rights of the United States or State of Arizona (the "RR Form Exception"). The Parties have requested that Escrow Agent delete or endorse against loss as the result of the RR Form Exception, and may substitute another escrow agent and underwriter which will provide a Title Commitment which so resolves any RR Form Exception. Any date such a solution is obtained or committed for Buyer's title policy is a "Solution Date."

2. Closing. The Scheduled Closing Date is extended to be the first business day which is at least 31 days after any Solution Date, or earlier date the Parties select. The outside date for Closing in Section 26 is extended by a period of time equal to the number of days from the Council Action on Government Approvals, July 15, 2014, to the Solution Date. If no Solution Date has then occurred, the Parties will negotiate a mutually agreeable alternative resolution. Seller may at its option, but is not obligated to, to help effectuate an RR Solution, modify the form and substance of the deed attached to the Amended Agreement and/or provide a limited indemnity or assurance to the underwriter issuing title insurance.

3. Miscellaneous. Telecommunicated copies of signed counterparts of this Third Amendment will constitute originals. References in the Amended Agreement to the Amended Agreement are amended to refer to the Amended Agreement as modified by this Third Amendment. As so modified, the Amended Agreement will remain in effect.

DATED as of August 13th, 2014.

CITY OF FLAGSTAFF

By Kevin Burke
Kevin Burke, City Manager

EVERGREEN-TRAX, LLC

By _____
Laura Ortiz, Authorized Agent

Attest:

Elizabeth Spivey
City Clerk

Approved as to Form:

John J. [Signature]
City Attorney

Escrow Agent Acceptance

Escrow Agent has accepted counterparts of this fully executed Third Amendment on August ____, 2014, and is returning copies by telecommunication to each of the Parties.

FIRST AMERICAN TITLE INSURANCE
COMPANY

By _____
Kristin L. Brown, Senior Commercial
Escrow Officer

**THIRD AMENDMENT TO REAL ESTATE
PURCHASE AND SALE AGREEMENT**
[Escrow No. NCS-607165-PHX]

THIS THIRD AMENDMENT is made by the CITY OF FLAGSTAFF, an Arizona municipal corporation ("Seller"), and EVERGREEN-TRAX, LLC, an Arizona limited liability company ("Buyer"), to their Real Estate Purchase and Sale Agreement dated as of June 12, 2013, as modified by First and Second Amendments thereto (the "Amended Agreement"). Defined terms in the Amended Agreement have the same meanings in this Third Amendment:

1. Status. Pursuant to Sections 3.2 and 26 and subject to Section 11 of the Amended Agreement the Closing date is August 18, 2014 (the "Scheduled Closing Date"). The second amended Title Commitment effective May 22, 2014 (the "Current Commitment"), includes as Exception #19 potential interests or rights of the United States or State of Arizona (the "RR Form Exception"). The Parties have requested that Escrow Agent delete or endorse against loss as the result of the RR Form Exception, and may substitute another escrow agent and underwriter which will provide a Title Commitment which so resolves any RR Form Exception. Any date such a solution is obtained or committed for Buyer's title policy is a "Solution Date."

2. Closing. The Scheduled Closing Date is extended to be the first business day which is at least 31 days after any Solution Date, or earlier date the Parties select. The outside date for Closing in Section 26 is extended by a period of time equal to the number of days from the Council Action on Government Approvals, July 15, 2014, to the Solution Date. If no Solution Date has then occurred, the Parties will negotiate a mutually agreeable alternative resolution. Seller may at its option, but is not obligated to, help effectuate an RR Solution, modify the form and substance of the deed attached to the Amended Agreement and/or provide a limited indemnity or assurance to the underwriter issuing title insurance.

3. Miscellaneous. Telecommunicated copies of signed counterparts of this Third Amendment will constitute originals. References in the Amended Agreement to the Amended Agreement are amended to refer to the Amended Agreement as modified by this Third Amendment. As so modified, the Amended Agreement will remain in effect.

DATED as of August ____, 2014.

CITY OF FLAGSTAFF

EVERGREEN-TRAX, LLC

By _____
Kevin Burke, City Manager

By 
Laura Ortiz, Authorized Agent

Attest:

City Clerk

Approved as to Form:

City Attorney

Escrow Agent Acceptance

Escrow Agent has accepted counterparts of this fully executed Third Amendment on August _____, 2014, and is returning copies by telecommunication to each of the Parties.

FIRST AMERICAN TITLE INSURANCE
COMPANY

By _____
Kristin L. Brown, Senior Commercial
Escrow Officer

**FOURTH AMENDMENT TO REAL ESTATE
PURCHASE AND SALE AGREEMENT**
[FATCO Escrow No. NCS-607165-PHX]
[CTIC Escrow No. C1406712]

THIS FOURTH AMENDMENT is made by the CITY OF FLAGSTAFF, an Arizona municipal corporation ("Seller"), and EVERGREEN-TRAX, LLC, an Arizona limited liability company ("Buyer"), to their Real Estate Purchase and Sale Agreement dated as of June 12, 2013, as modified by First, Second and Third Amendments (the "Third Amended Agreement"). Defined terms in the Third Amended Agreement have the same meanings in this Fourth Amendment:

1. Status. The Scheduled Closing Date is the first business day which is at least 31 days after any Solution Date, or any earlier date the Parties select. The Parties asked the current Escrow Agent, First American Title Insurance Company ("FATCO"), to delete or endorse over its RR Form Exception, but it declined to do so. The Parties hereby substitute Chicago Title Agency, Inc., an Arizona corporation ("CTA"), as Escrow Agent, and approve its affiliate Chicago Title Insurance Company, a Nebraska corporation ("CTIC"), as underwriter, and request a new Title Commitment to resolve any RR Form Exception. Any date such a new Title Commitment is obtained from or committed by CTIC will be a "Solution Date." The Parties authorize and direct FATCO to pay to CTIC any of the Deposit in FATCO's possession, including any interest earned thereon, all of which will remain part of the Earnest Money.

2. Deed. To help satisfy CTIC's requirements, and effect a Solution Date, the Parties modify the form and substance of the deed attached to the Third Amended Agreement to be in the form attached hereto as *Exhibit B-1*.

3. RR Form Exception. Any RR Form Exception will be modified to be the "identified risk" described in the following sentence. Buyer approves a modified RR Form Endorsement [ALTA 34.06] with: (a) the "identified risk" being any "Claim" described in *Exhibit B-1* hereto; and (b) Paragraph 3 thereof [to any extent relevant to litigation defense costs, fees and expenses] being deleted, and CTIC having the right to approve any counsel selected by Seller or an Insured to establish Title, such approval not to be unreasonably withheld. Seller will not be an Insured.

4. CTA. CTA's address and number for notices are Chicago Title Agency, Inc., 2390 East Camelback Road, Suite 120, Phoenix, Arizona 85016, Attn: Melissa Cocanower, Branch Manager, Phone: 602-553-4806, E-mail: melissa.cocanower@CTT.com.

5. Miscellaneous. Telecommunicated copies of signed counterparts of this Fourth Amendment will constitute originals. References in the Third Amended Agreement to the Third Amended Agreement are amended to refer to the Third Amended Agreement as modified by this Fourth Amendment. As so modified, the Third Amended Agreement will remain in effect.

DATED as of _____, 2014.

CITY OF FLAGSTAFF

By _____
Gerald W. Nabours, Mayor

EVERGREEN-TRAX, LLC

By _____
Laura Ortiz, Authorized Agent

Attest:

City Clerk

Approved as to Form:

City Attorney

Escrow Agent Acceptance

The substituted Escrow Agent has received fully executed copies of the Third Amended Agreement and counterparts of this Fourth Amendment on _____, 2014, accepts the above appointment, and is returning copies of this Fourth Amendment by telecommunication to each of the Parties.

CHICAGO TITLE AGENCY, INC.

By _____
Melissa Cocanower, Branch Manager
& Commercial Escrow Officer

When Recorded, Return To:

Evergreen Devco, Inc.
2390 East Camelback Road, Suite 410
Phoenix, Arizona 85016
Attn: Laura Ortiz
Managing Principal

LIMITED WARRANTY DEED

FOR VALUE RECEIVED, the CITY OF FLAGSTAFF, an Arizona municipal corporation ("Grantor"), hereby quitclaims [subject only to the following paragraph] to EVERGREEN-TRAX, LLC, an Arizona limited liability company and its successors and assigns ("Grantee"), the real property located in Coconino County, Arizona, and described on Exhibit 1 hereto¹ (the "Property").

Grantor agrees to indemnify and hold Grantee and Chicago Title Insurance Company, a Nebraska corporation ("CTIC"), harmless for, from and against any loss or damage sustained by Grantee by reason of the United States or its successor [other than BNSF Railway Company, a Delaware corporation] enforcing any implied condition of reverter (a "Reversion") existing or asserted at any time with respect to any Property which was part of the "right of way through the public lands" including related "grounds for station-buildings, workshops, depots, machine shops, switches, side-tracks, turn-tables, and water-stations" described in Section 2 of the Act creating the Atlantic and Pacific Railroad Company, 14 Stat. 292 (1866) (a "Claim"). Grantor will take such action to resolve any Claim which may be asserted as may be reasonable and appropriate to resolve such Claim by appropriate agreement, declaratory or legislative relief or otherwise. If and when any Reversion is finally determined to then be non-existent or unenforceable, and has not then commenced upon the determination of a prior estate, this paragraph will be of no further effect.

Subject only to the preceding paragraph, any prorations agreed to in writing by Grantor and Grantee, and any standard form commercial owner's affidavit provided to CTIC regarding parties in possession, construction in progress and similar matters, all Property is conveyed subject to all valid interests as may appear of record.

EXECUTED on _____, 2014.

CITY OF FLAGSTAFF

By _____
Gerald W. Nabours, Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

¹ Use legal descriptions from 6/18/2014 Shephard & Wesnitzer, Inc. ALTA/ACSM survey, Job No. 11294.

STATE OF ARIZONA)
) ss.
County of Coconino)

The foregoing was acknowledged before me this ____ day of _____, 2014, by **Gerald W. Nabours**, the Mayor of the City of Flagstaff, an Arizona municipal corporation, on behalf of the corporation.

Notary Public

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: David McIntire, Asst. to City Manager - Real Estate

Date: 08/10/2014

Meeting Date: 08/25/2014



TITLE:

Consideration and Adoption of Ordinance No. 2014-22: An ordinance setting aside and preserving twenty (20) acres of specific city property for open space and authorizing staff to apply to Coconino County for a rezoning to reflect the preservation. *(Designating property near Schultz Pass Rd. and Mt. Elden Lookout Rd. as Open Space)*

RECOMMENDED ACTION:

At the meeting of August 25, 2014

- 1) Read Ordinance No. 2014-22 by title only for the first time
- 2) City Clerk reads Ordinance No. 2014-22 by title only (if approved above)

At the meeting of September 2, 2014

- 3) Read Ordinance No. 2014-22 by title only for the final time
- 4) City Clerk reads Ordinance No. 2014-22 by title only (if approved above)
- 5) Adopt Ordinance No. 2014-22

Policy Decision or Reason for Action:

After significant public process and City Council discussion, on January 21, 2014 the Council approved Resolution 2014-04 which provided city staff with the direction to bring a parcel of land identified as Assessor's Parcel Number 300-47-004 forward for consideration and possible action to preserve it as open space. The parcel is owned by the City of Flagstaff, but is located in Coconino County. Upon approval of the action preserving it for open space, City staff will apply to Coconino County to rezone the parcel to the zoning most reflective of its new restrictions. The strategy was discussed with the Open Space Commission and the Parks and Recreation Commission and both bodies are supportive of the designation. The parcel is addressed 3620 West Schultz Pass Road and is located near to the intersection of Schultz Pass Road and Mt. Elden Lookout Road and has been referred to informally as the Shultz Y.

The designation of the parcel in this manner is revocable by a future City Council through the adoption of an ordinance repealing ordinance 2014-23; however this is believed to be the strongest protection available without the City of Flagstaff giving up control of the parcel. The designation by Ordinance and subsequent rezoning will make any potential future changes subject to multiple public processes which will provide opportunities for public discussion.

Financial Impact:

There are not significant costs associated with this action. The parcel is already City-owned and not restricted to a specific use. There is not a requirement for reimbursement to a specific fund either. The preservation of the parcel as open space will generate some need for maintenance and prevent the City from generating revenue from the parcel, but is not anticipated to generate significant costs. A partnership with the Forest Service regarding trail development and maintenance has been discussed.

Connection to Council Goal and/or Regional Plan:**COUNCIL GOALS:**

11. Effective governance

REGIONAL PLAN:

OS 1 - The region has a system of open lands, such as undeveloped natural areas, wildlife corridors and habitat areas, trails, access to public lands and greenways to support the natural environment that sustains our quality of life, cultural heritage, and ecosystem health.

REC 1 - Maintain and grow the region's healthy system of convenient and accessible parks, recreation facilities, and trails.

Has There Been Previous Council Decision on This:

On January 21st, 2014, City Council approved Resolution 2014-04 which provided staff direction regarding the disposition of 17 parcels of City -owned land. The direction included this specific parcel being brought forward for consideration of a designation as open space.

Options and Alternatives:

- 1) Approve Ordinance 2014-22 which will designate parcel 300-47-004 as open space and authorize city staff to take the steps necessary to rezone the parcel.
- 2) Not approve Ordinance 2014-22 and provide staff additional direction regarding intended disposition of the parcel.
- 3) Not approve Ordinance 2014-22.

Background/History:

The twenty (20) acre parcel of City-owned land has historic and natural resources and is considered of high value by the Open Space Commission and many members of the community. It is not restricted to other uses by funding source, dedication or previous Council action. City staff performed an inventory of City-owned land and this parcel was brought forward from that process for City Council discussion and to receive guidance regarding its potential uses and disposition. After significant public discussion City Council provided direction, memorialized in Resolution 2014-04, that City staff bring the parcel forward for consideration of preservation as open space.

Key Considerations:

The public comment related to the parcel demonstrated significant community interest in its disposition and the Open Space Commission recommended it be preserved as open space.

It is currently used recreationally and there have been conversations with the Forest Service regarding a potential partnership on the parcel.

The parcel is in the County and any rezoning will go through the County process.

Community Benefits and Considerations:

According to the City of Flagstaff Regional Plan and the 1998 Flagstaff Area Open Space and Greenways Plan, parks and open spaces provide significant community benefit and are a value for Flagstaff. The designation of this parcel as open space will increase the amount of land in the region preserved towards that benefit and protect a parcel considered high value. It will also potentially provide for Flagstaff Urban Trail System (FUTS) to Forest Service Trail connectivity in the future.

Community Involvement:

Involve

Expanded Options and Alternatives:

- 1) Approve Ordinance 2014-22 which will designate the parcel as open space and authorize staff to take the necessary steps to rezone the parcel. This will preserve the parcel as open space and protect it from other uses.
- 2) Not approve Ordinance 2014-22 and provide staff additional direction regarding the intended disposition of the parcel. This action will provide staff additional guidance regarding City Council's desires disposition and will additional time for revision.
- 3) Not approve Ordinance 2014-22. This action will maintain the parcel as vacant and unprotected land.

Attachments: [Ord 2014-22](#)
 [Ord. 2014-22 Legal desc](#)

Form Review

Inbox	Reviewed By	Date
Legal Assistant	Vicki Baker	08/13/2014 10:37 AM
Deputy City Attorney	Sterling Solomon	08/13/2014 02:12 PM
DCM - Josh Copley	Elizabeth A. Burke	08/14/2014 11:18 AM
Asst. to City Manager - Real Estate (Originator)	David McIntire	08/14/2014 11:31 AM
DCM - Jerene Watson	Elizabeth A. Burke	08/14/2014 11:43 AM
Asst. to City Manager - Real Estate (Originator)	Elizabeth A. Burke	08/14/2014 11:44 AM
DCM - Jerene Watson	Elizabeth A. Burke	08/14/2014 11:44 AM
Asst. to City Manager - Real Estate (Originator)	David McIntire	08/14/2014 11:50 AM
DCM - Jerene Watson	Jerene Watson	08/14/2014 04:33 PM
Asst. to City Manager - Real Estate (Originator)	David McIntire	08/21/2014 02:37 PM
Form Started By: David McIntire		Started On: 08/10/2014 11:57 AM
Final Approval Date: 08/21/2014		

ORDINANCE NO. 2014-22

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL SETTING ASIDE, AND PRESERVING APPROXIMATELY 20 ACRES OF SPECIFIC CITY OWNED REAL PROPERTY, AS OPEN SPACE, WHICH PROPERTY IS COMMONLY KNOWN AS THE SHULTZ PROPERTY GENERALLY LOCATED NEAR SHULTZ PASS ROAD AND MT. ELDEN LOOKOUT ROAD (COCONINO COUNTY ASSESSOR'S PARCEL NUMBER 300-47-004), AND PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, open space conservation is a goal set forth in Chapter V of the Flagstaff Regional Plan; and

WHEREAS, open space makes a significant contribution to the well-being of the citizens of the City of Flagstaff; and

WHEREAS, the City maintains an interest in enhancing the beauty and recreational elements within the community, and open space contributes to those efforts; and

WHEREAS, the Open Space Commission supports the setting aside and preservation of the land as open space;

WHEREAS, On January 21, 2014, City Council approved Resolution 2014-04, which provided city staff with the direction to bring this specific parcel of real property forward for consideration and possible action by the City Council to preserve it as open space;

ENACTMENTS:

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

SECTION 1: Setting Aside and Preservation.

The portion of real property owned by the City of Flagstaff as described in the attached Exhibit A and incorporated by this reference is hereby set aside and preserved open space and uses associated with open space.

SECTION 2: Zoning

An application will be made to Coconino County to rezone the property to the zoning best reflective of the preservation as open space.

SECTION 3: Limited Uses and Improvements.

Any potential uses or improvements to the parcel will be limited to those allowed on open space lands as described within the Regional Plan and in relevant City and County zoning regulations such as, but not limited to, trails, signs and parking associated with trails, maintenance and/or expansion of underground utilities, benches, and earthen drainage and detention features necessary for stormwater control. Any such uses or improvements will be consistent with the category of Neighborhoods in the 1998 Flagstaff Area Open Spaces and Greenways Plan or its adopted successor.

SECTION 4. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

SECTION 5. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 6. Clerical Corrections.

The City Clerk is hereby authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary related to this ordinance as amended herein, and to make formatting changes needed for purposes of clarity and form, or consistency, within thirty (30) days following adoption by the City Council.

SECTION 7. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 2nd September, 2014.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A

Description

The East half of the Southeast quarter of the Southwest quarter of Section 33, Township 22 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: David McIntire, Asst. to City Manager - Real Estate

Date: 08/10/2014

Meeting Date: 08/25/2014



TITLE:

Consideration and Adoption of Ordinance No. 2014-23: An ordinance of the City of Flagstaff setting aside specific City owned property for inclusion in Buffalo Park and restricting the land to uses and improvements consistent with a passive park (*Neighborhoods*) and authorizing staff to rezone the parcel to reflect its new designation. (***Designating property at the north end of San Francisco as Open Space***)

RECOMMENDED ACTION:

At the meeting of August 25, 2014

- 1) Read Ordinance No. 2014-23 by title only for the first time
- 2) City Clerk reads Ordinance No. 2014-23 by title only (if approved above)

At the meeting of September 2, 2014

- 3) Read Ordinance No. 2014-23 by title only for the final time
- 4) City Clerk reads Ordinance No. 2014-23 by title only (if approved above)
- 5) Adopt Ordinance No. 2014-23

Policy Decision or Reason for Action:

After a significant public process and City Council discussion, on January 21st, 2014 the Council approved Resolution 2014-04 which provided city staff with the direction to bring a parcel of land identified as Assessor's Parcel Number 110-03-001B forward for consideration and possible action to preserve it as open space. The City of Flagstaff Regional Plan and the 1998 Flagstaff Area Open Spaces and Greenways Plan provide for different types of land designation and use that are open space appropriate and consistent with open space values. After internal staff discussion it was determined that because the parcel was adjacent to Buffalo Park there were financial and logistical benefits for the Parks Section to oversee the ongoing maintenance of the parcel as long as the parcel was designated as a passive park, which is considered a form of open space, and not utilized as an active park, which is not. This idea was brought to the Open Space Commission and the Parks and Recreation Commission and both bodies supported the designation.

The designation of the parcel in this manner is revocable by a future City Council through the adoption of an ordinance repealing ordinance 2014-23; however this is believed to be the strongest protection available without the City of Flagstaff giving up control of the parcel. The designation by Ordinance and subsequent rezoning will make any changes subject to multiple public processes which will provide opportunities for public discussion.

The parcel is located on the Northeast corner of the intersection of Fir Avenue and San Francisco Street.

Financial Impact:

The incorporation of the parcel into Buffalo Park will have two financial impacts.

The first financial consideration is that the City will be responsible for reimbursing the Highway User Revenue Fund (HURF) for the value of the parcel. The City of Flagstaff budgets a general fund transfer to HURF each year and will use that general fund transfer as the payment toward the value of the parcel. Currently the parcel has an assessed value of \$835,589, however once the parcel is restricted to passive park use and rezoned the market value will potentially decrease.

The second financial impact is ongoing maintenance costs incurred by Parks. The restriction of the land to use as a passive park significantly limits activities and improvements beyond invasive weed removal, litter removal, potential but currently unplanned trail construction and maintenance, signage, and parking so maintenance costs will remain relatively low. General maintenance of the passive portions of Buffalo Park currently costs approximately \$50 per acre, but without the addition of improvements it is anticipated that this number could be lower for the parcel being designated.

Connection to Council Goal and/or Regional Plan:**COUNCIL GOALS:**

11. Effective governance

REGIONAL PLAN:

REC 1 - Maintain and grow the region's healthy system of convenient and accessible parks, recreation facilities, and trails.

OS 1 - The region has a system of open lands, such as undeveloped natural areas, wildlife corridors and habitat areas, trails, access to public lands and greenways to support the natural environment that sustains our quality of life, cultural heritage, and ecosystem health.

Has There Been Previous Council Decision on This:

City Council approved Resolution 2014-04 which provided staff with direction regarding the disposition of 17 City owned parcels. That direction included this parcel being brought forward for consideration of a designation as open space.

Options and Alternatives:

- 1) Approve Ordinance 2014-23 and designate parcel 110-01-003B as open space by making it a part of Buffalo Park.
- 2) Not approve Ordinance 2014-23 and provide staff additional direction regarding the intended disposition of the parcel.
- 3) Not approve Ordinance 2014-23.

Background/History:

The parcel was originally purchased with transportation funding for the potential use in the construction a road. The road is no longer intended for the area and the parcel has been vacant. City staff performed an inventory of City land and this parcel was brought forward from that process for City Council discussion and to receive guidance regarding its potential uses and disposition. After significant public input and discussion City Council provided direction, memorialized in Resolution 2014-04, that city staff bring the parcel forward for consideration of preservation as open space.

Per the City of Flagstaff Regional Plan and the Flagstaff Area Greenways and Open Space Plan there are a number of potential uses and designations for land that qualify as open space. As the parcel is

adjacent to Buffalo Park there were financial and logistical benefits to designating the parcel as a passive park and incorporating it into Buffalo Park. Staff brought this intention to the Parks and Recreation Commission and the Open Space Commission and both bodies were supportive of the strategy.

Should City Council approve Ordinance 2014-23 staff will further protect the parcel by rezoning it to reflect its passive park use and designation.

Key Considerations:

On January 21, 2014 Council approved Resolution 2014-04 which provided direction to staff to bring this parcel forward for preservation as open space.

A passive park is considered a form of open space and this parcel, as a passive park, would best fit the category of Neighborwoods from the 1998 Flagstaff Area Open Space and Greenways Plan.

The parcel was originally intended for a road and there will be a need for repayment of the property value to the HURF funds, however it appears that over the next years that value will be able to be achieved through budgeted general fund transfers the City is currently anticipating. The assessed value of the parcel is \$835,589, however that value may decrease after the restrictions and rezoning are approved.

The public comment related to this parcel demonstrated significant community interest in its disposition and it was recommended for preservation by the Open Space Commission.

Community Benefits and Considerations:

According to the City of Flagstaff Regional Plan and the Flagstaff Open Space and Greenways Plan, parks and open spaces provide significant community benefit and are a value for Flagstaff. The designation of this parcel as a passive park and its inclusion into Buffalo Park will increase the land within the City preserved towards that benefit and protect a parcel considered of high value by the Open Space Commission and many members of the public.

Community Involvement:

Involve

Expanded Options and Alternatives:

Approve Ordinance 2014-23 and designate parcel 110-01-003B as open space by making it a part of Buffalo Park. This will preserve the parcel as open space and as a park and protect it from other uses.

Not approve Ordinance 2014-23 and provide staff additional direction regarding the intended disposition of the parcel. This action will provide staff additional guidance regarding City Council's desired disposition and will require additional time for revision.

Not approve Ordinance 2014-23. This action will maintain the parcel as vacant and unprotected land.

Attachments: [Ord 2014-23](#)
 [Ord. 2014-23 Legal Desc](#)

Form Review

Inbox
Asst. to City Manager - Real Estate (Originator)
Legal Assistant

Reviewed By
David McIntire
Vicki Baker

Date
08/13/2014 06:54 AM
08/13/2014 10:37 AM

Deputy City Attorney	Sterling Solomon	08/13/2014 02:30 PM
DCM - Josh Copley	Elizabeth A. Burke	08/14/2014 11:19 AM
Asst. to City Manager - Real Estate (Originator)	David McIntire	08/14/2014 11:33 AM
DCM - Jerene Watson	Elizabeth A. Burke	08/14/2014 11:44 AM
Asst. to City Manager - Real Estate (Originator)	David McIntire	08/14/2014 11:50 AM
DCM - Jerene Watson	Jerene Watson	08/14/2014 04:30 PM
Asst. to City Manager - Real Estate (Originator)	David McIntire	08/21/2014 02:35 PM
Form Started By: David McIntire		Started On: 08/10/2014 10:25 AM
Final Approval Date: 08/21/2014		

ORDINANCE NO. 2014-23

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL SETTING ASIDE, PRESERVING AND DESIGNATING APPROXIMATELY 26.03 ACRES OF SPECIFIC CITY OWNED REAL PROPERTY, AS OPEN SPACE FOR PASSIVE PARK PURPOSES, WHICH PROPERTY IS COMMONLY KNOWN AS THE NORTH SAN FRANCISCO PROPERTY GENERALLY LOCATED NEAR FIR AVENUE AND NORTH SAN FRANCISCO STREET (COCONINO COUNTY ASSESSOR'S PARCEL NUMBER 110-03-001B), TO BE INCLUDED AS PART OF BUFFALO PARK IMMEDIATELY ADJACENT THERETO, AND PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the acquisition, provision and development of parks, trails and opens space are goals set forth in Chapter V of the Flagstaff Regional Plan; and

WHEREAS, preservation of real property as a passive park is considered a form of open space in the 1998 Flagstaff Area Open Spaces and Greenways Plan; and

WHEREAS, open space for passive park purposes makes a significant contribution to the well-being of the citizens of the City of Flagstaff; and

WHEREAS, the City maintains an interest in enhancing the beauty and recreational elements within the community, and open space for passive parks purposes contribute to those efforts; and

WHEREAS, the Parks and Recreation Commission and Open Space Commission support the incorporation of the land into Buffalo Park exclusively for passive park use;

WHEREAS, On January 21, 2014, City Council approved Resolution 2014-04, which provided city staff with the direction to bring this specific parcel of real property forward for consideration and possible action by the City Council to preserve it as open space;

ENACTMENTS:

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

SECTION 1: Designation.

The portion of real property owned by the City of Flagstaff as described in the attached Exhibit A and incorporated by this reference is hereby set aside, preserved and designated as open space for passive park purposes and included as part of Buffalo Park immediately adjacent thereto.

SECTION 2: Zoning

The appropriate process will occur for a rezoning of the property to the zoning best reflective of the designation of the property as open space for passive park purposes.

SECTION 3: Limited Uses and Improvements.

The property being incorporated by this reference shall be open space for passive park purposes with improvements consistent with the the Neighborhoods category of Open Space as outlined in the 1998 Flagstaff Area Open Spaces and Greenways Plan or its adopted successor. This may include, but is not limited to improvements such as trails, signage and parking associated with trails, maintenance and/or expansion of underground utilities, benches, and earthen drainage and detention features necessary for stormwater control.

SECTION 4. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

SECTION 5. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 6. Clerical Corrections.

The City Clerk is hereby authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary related to this ordinance as amended herein, and to make formatting changes needed for purposes of clarity and form, or consistency, within thirty (30) days following adoption by the City Council.

SECTION 7. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 2nd September, 2014.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A

DESCRIPTION

The Southeast quarter of the Northwest quarter of Section 10, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona;

EXCEPT that part of the Southeast quarter of the Northwest quarter of Section 10, Township 21 North, Range 7 East, of the Gila and Salt River Base and Meridian, Coconino County, Arizona, described as follows:

BEGINNING at a point on the South line of said Southeast quarter of the Northwest quarter which bears South $89^{\circ} 56'$ East, 398.05 feet from the Southwest corner thereof;

thence Northwesterly 31.42 feet along a curve to the right, having a radius of 25.00 feet and a central angle of $72^{\circ} 00''$;

thence North $17^{\circ} 56'$ West, 91.59 feet;

thence Northwesterly 109.04 feet along a curve to the left having a radius of 816.33 feet and a central angle of $7^{\circ} 39' 11''$;

thence North $0^{\circ} 16'$ East, 536.00 feet;

thence South $89^{\circ} 44'$ East, 219.86 feet;

thence Southeasterly 469.29 feet along a curve to the right, having a radius of 1009.61 feet and a central angle of $26^{\circ} 37' 56''$;

thence South $0^{\circ} 08'$ West, 263.08 feet;

thence Southwesterly 39.24 feet along a curve to the right, having a radius of 25.00 feet and a central angle of $89^{\circ} 56'$;

thence North $89^{\circ} 56'$ West, 210.44 feet along the South line of said Southeast quarter of the Northwest quarter to the POINT OF BEGINNING;

AND EXCEPT that part of the Southeast quarter of the Northwest quarter of Section 10, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, described as follows:

BEGINNING at a point which bears South $89^{\circ} 56'$ East, 398.05 feet and Northwesterly 31.42 feet along a curve to the right, having a radius of 25.00 feet and a central angle of $72^{\circ} 00'$ and North $17^{\circ} 56'$ West, 91.59 feet and Northwesterly 109.04 feet along a curve to the left, having a radius of 816.33 feet and a central angle of $7^{\circ} 39' 11''$ from the Southwest corner of said Southeast quarter of the Northwest quarter said point being the TRUE POINT OF BEGINNING;

thence Northwesterly 198.71 feet along a curve to the left having a radius of 816.33 feet and a central angle of $13^{\circ} 56' 49''$;

thence North $39^{\circ} 32'$ West 10.56 feet;

thence Northwesterly 17.39 feet along a curve to the right, having a radius of 25.00 feet and a central angle of $39^{\circ} 48'$;

thence North $0^{\circ} 16'$ East, 454.11 feet;

thence Northeasterly 223.18 feet along a curve to the right, having a radius of 323.16 feet and a central angle of $39^{\circ} 34' 10''$;

thence Northeasterly 44.04 feet along a curve to the right having a radius of 25.00 feet and a central angle of $100^{\circ} 55' 20''$;

thence South $39^{\circ} 14' 30''$ East, 164.60 feet;

thence Southeasterly 224.54 feet along a curve to the right, having a radius of 1009.61 feet and a central angle of $12^{\circ} 44' 34''$;

thence North $89^{\circ} 44'$ West, 219.86 feet;

thence South $0^{\circ} 16'$ West, 536.00 feet to the POINT OF BEGINNING;

(continued)

DESCRIPTION (continued)

AND EXCEPT that portion of the Southeast quarter of the Northwest quarter, Section 10, Township 21 North, Range 7 East, of the Gila and Salt River Base and Meridian, Coconino County, Arizona, described as follows:

BEGINNING at the Southwest corner of the Southeast quarter of the Northwest quarter, Section 10, Township 21 North, Range 7 East, of the Gila and Salt River Base and Meridian, Coconino County, Arizona;
thence South $89^{\circ} 56' 00''$ East, 282.40 feet along the North line of Fir Avenue as shown on the record plat of Mount Elden Park as recorded in Book 2, Page 38, records of Coconino County, Arizona, to the TRUE POINT OF BEGINNING, which is the point of tangency of a curve;
thence Northerly 47.12 feet, along the arc of a 25.00 foot radius curve, concave to the Northwest, and having a central angle of $108^{\circ} 00' 00''$;
thence North $17^{\circ} 56' 00''$ West, 55.84 feet;
thence Northwesterly 285.13 feet, along the arc of a 756.33 foot radius curve, concave to the Southwest, and having a central angle of $21^{\circ} 36' 00''$;
thence North $39^{\circ} 32' 00''$ West, 235.65 feet to an intersection with the West line of said Southeast quarter of the Northwest quarter;
thence North $0^{\circ} 18' 24''$ East along said West line 93.66 feet;
thence South $39^{\circ} 32' 00''$ East, 125.14 feet;
thence 61.17 feet along the arc of a 25.00 foot radius curve, concave to the North and having a central angle of $140^{\circ} 12' 00''$;
thence North $0^{\circ} 16' 00''$ East, 322.08 feet;
thence Northeasterly 284.49 feet along the arc of a 383.16 foot radius curve concave to the Southeast and having a central angle of $42^{\circ} 32' 30''$;
thence Northwesterly 35.80 feet along the arc of a 25.00 foot radius curve, concave to the West having a central angle of $82^{\circ} 03' 00''$;
thence North $39^{\circ} 14' 30''$ West, 238.63 feet to an intersection with the North line of said Southeast quarter of the Northwest quarter;
thence South $89^{\circ} 58' 15''$ East along said North line 77.50 feet;
thence South $39^{\circ} 14' 30''$ East 465.68 feet;
thence Southeasterly 735.06 feet along the arc of a 1069.61 foot radius curve, concave to the Southwest and having a central angle of $39^{\circ} 22' 30''$;
thence South $0^{\circ} 08' 00''$ West, 262.96 feet;
thence Southeasterly 39.30 feet along the arc of a 25.00 foot radius curve, concave to the Northeast and having a central angle of $90^{\circ} 04' 00''$ to the cusp of a curve, which cusp lies South $89^{\circ} 56' 00''$ East along the North line of Fir Avenue 436.09 feet from the TRUE POINT OF BEGINNING;
thence North $89^{\circ} 56' 00''$ West, 55.03 feet, along said North line of Fir Avenue to its intersection with the center line of Valley Drive, as shown on said plat of Mount Elden Park;
thence North $89^{\circ} 56' 00''$ West, 54.97 feet along said North line of Fir Avenue to the cusp of a curve that is tangent to said North line of Fir Avenue;

(continued)

DESCRIPTION (continued)

thence Northeasterly 39.24 feet along the arc of a 25.00 foot radius curve, concave to the Northwest and having a central angle of $89^{\circ} 56' 00''$;

thence North $0^{\circ} 08' 00''$ East, 263.08 feet;

thence Northwesterly 693.83 feet along the arc of a 1009.61 foot radius curve, concave to the Southwest and having a central angle of $39^{\circ} 22' 30''$;

thence North $39^{\circ} 14' 30''$ West, 164.60 feet;

thence Westerly 44.04 feet along the arc of a 25.00 foot radius curve, concave to the South and having a central angle of $100^{\circ} 55' 20''$;

thence Southwesterly 223.18 feet along the arc of a 323.16 foot radius curve, concave to the Southeast and having a central angle of $39^{\circ} 34' 10''$;

thence South $0^{\circ} 16' 00''$ West, 454.11 feet;

thence Southeasterly 17.37 feet along the arc of a 25.00 foot radius curve, concave to the East and having a central angle of $39^{\circ} 48' 00''$;

thence South $39^{\circ} 32' 00''$ East, 10.56 feet;

thence Southeasterly 307.73 feet along the arc of a 816.33 foot radius curve, concave to the Southwest and having a central angle of $21^{\circ} 36' 00''$;

thence South $17^{\circ} 56' 00''$ East, 91.59 feet;

thence Southeasterly 31.42 feet along the arc of a 25.00 foot radius curve, concave to the Northeast and having a central angle of $72^{\circ} 00' 00''$; to the cusp of a curve, which cusp lies South $89^{\circ} 56' 00''$ East of 115.65 feet from the TRUE POINT OF BEGINNING and which is tangent to said North line of Fir Avenue;

thence North $89^{\circ} 56' 00''$ West, 49.70 feet along said North line of Fir Avenue to its intersection with the center line of Marion Drive, as shown on said plat of Mount Elden Park;

thence North $89^{\circ} 56' 00''$ West along said North line of Fir Avenue 65.95 feet to the TRUE POINT OF BEGINNING;

AND EXCEPT that portion of the Southeast quarter of the Northwest quarter of Section 10, Township 21 North, Range 7 East, of the Gila and Salt River Base and Meridian, Coconino County, Arizona, lying Southwesterly of Marion Drive, as dedicated in instrument recorded in Docket 246, Page 470.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: David McIntire, Asst. to City Manager - Real Estate
Date: 08/13/2014
Meeting Date: 08/25/2014



TITLE:

Consideration and Adoption of Ordinance No. 2014-25: An ordinance authorizing the provision of a ten (10) foot utility easement encumbering parcel number 301-89-001 (Cinder Lake Landfill) and authorizing the City Manager or his designee to execute the necessary documents (***Grant utility easement to APS at the Cinder Lake Landfill***).

RECOMMENDED ACTION:

At the meeting of August 25, 2014

- 1) Read Ordinance No. 2014-25 by title only for the first time
- 2) City Clerk reads Ordinance No. 2014-25 by title only (if approved above)

At the meeting of September 2, 2014

- 3) Read Ordinance No. 2014-25 by title only for the final time
- 4) City Clerk reads Ordinance No. 2014-25 by title only (if approved above)
- 5) Adopt Ordinance No. 2014-25

Policy Decision or Reason for Action:

Arizona Public Service (APS) realigned a power line to better serve Cinder Lake Landfill during the construction of the administration building and scale house, and the easement for the power line was not relocated to reflect the new alignment. The original easement for a previous location remains in place, but no longer provides necessary rights. APS will abandon the existing easement upon receiving the new easement. Providing the ten (10) foot easement will provide the necessary rights to provide and maintain power to Cinder Lake Landfill and abandon an easement that's no longer utilized. The former easement was sixteen (16) feet and the new one will be ten (10) feet so the City will gain a small benefit in terms of property rights from the transaction. The main benefit is the clarification of an existing incorrect condition and the continued supply of energy to the landfill.

Financial Impact:

There is no financial impact to the City as we are trading an obsolete easement for a current easement and APS will be recording the document.

Connection to Council Goal and/or Regional Plan:

1. Repair Replace maintain infrastructure (streets & utilities)

Goal PF 2 - Provide sustainable and equitable public facilities, services and infrastructure systems in an efficient and effective manner to serve all population areas and demographics.

In 1999 City Council authorized the initial easement for APS which was recorded as document number 3007712.

- 1) Adopt Ordinance number 2014-25 which authorizes the provision of the easement and corrects the property rights issue currently existing with the Cinder Lakes Landfill.
- 2) Not adopt Ordinance 2014-25 and provide staff with direction regarding potential changes.
- 3) Not adopt Ordinance 2014-25 which would leave the existing easement which no longer provides useful rights.

- 1) The power line is already located where the new easement will be and has been there for a number of years.
- 2) The City Cinder Lakes Landfill benefits from the power provided via the power line.
- 3) The new easement is smaller than the existing easement.

Inform

Attachments: Ord. 2014-25
Easement document

Inbox	Reviewed By	Date
Project Manager I - Landfill	Matthew Morales	08/13/2014 10:42 AM
Legal Assistant	Vicki Baker	08/13/2014 11:49 AM
Senior Assistant City Attorney DW	David Womochil	08/13/2014 02:27 PM
DCM - Josh Copley	Elizabeth A. Burke	08/14/2014 11:19 AM
Asst. to City Manager - Real Estate (Originator)	David McIntire	08/14/2014 11:25 AM
DCM - Jerene Watson	Elizabeth A. Burke	08/14/2014 11:44 AM
Asst. to City Manager - Real Estate (Originator)	David McIntire	08/14/2014 11:50 AM
DCM - Jerene Watson	Jerene Watson	08/14/2014 04:15 PM
Form Started By: David McIntire		Started On: 08/13/2014 06:55 AM
Final Approval Date: 08/14/2014		

ORDINANCE NO. 2014-25

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE PROVISION OF A UTILITY EASEMENT ENCUMBERING PARCEL NUMBER 301-89-001 AND BENEFITTING ARIZONA PUBLIC SERVICE ("APS"), AS IS MORE FULLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT A, AND PROVIDING AUTHORITY FOR THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS, AND AUTHORITY FOR THE CITY CLERK TO MAKE CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City of Flagstaff owns parcel 301-89-001, which is the location of the Cinder Lakes Landfill; and

WHEREAS, APS realigned an existing underground power line to the Cinder Lakes Landfill, and

WHEREAS, APS requires a ten foot (10') easement in order to properly maintain and operate the underground power line; and

WHEREAS, the power line provides necessary electricity to the Cinder Lakes Landfill.

ENACTMENTS:

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

SECTION 1: That the City is hereby authorized to provide the attached utility easement as described in Exhibit A to APS.

SECTION 2: That the City Manager is authorized to execute any other documents necessary to effectuate this provision of a utility easement.

SECTION 3: That the City Clerk is hereby authorized to correct any typographical and grammatical errors, as well as errors of wording and punctuation, as necessary, related to this ordinance.

SECTION 4: This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 2nd day of September, 2014.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

When recorded, please return to :
APS RIGHT OF WAY DEPT.
2200 E Huntington Dr.
FLAGSTAFF, AZ. 86004
W ½ -11-22N-8E
APN – 301-89-001
W104976 & W101190
DAM

Page 1 of 3

UTILITY EASEMENT

CITY OF FLAGSTAFF, an Arizona municipal corporation, (hereinafter called “Grantor”), is the owner of the following described real property located in Coconino County, Arizona (hereinafter called “Grantor’s Property”):

SEE EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF

Grantor, for and in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **ARIZONA PUBLIC SERVICE COMPANY**, an Arizona corporation, (hereinafter called “Grantee”), and to its successors and assigns, a non-exclusive right, privilege, and easement 10 feet in width at locations and elevations, in, upon, over, under, through and across, a portion of Grantor’s Property described as follows (herein called the “Easement Premises”):

SEE EXHIBIT “B” ATTACHED HERETO AND MADE A PART HEREOF

Grantee is hereby granted the right to: construct, reconstruct, replace, repair, operate and maintain electrical lines, together with appurtenant facilities and fixtures for use in connection therewith, for the transmission and distribution of electricity to, through, across, and beyond Grantor's Property; install, operate and maintain telecommunication wires, cables, conduits, fixtures and facilities incidental to supplying electricity or for Grantee's own use (said electrical and telecommunication lines, facilities and fixtures collectively herein called "Grantee Facilities"); utilize the Easement Premises for all other purposes connected therewith; and permit the installation of the wires, fixtures, conduits, or cables of any other company.

Grantee is hereby granted the right, but not the obligation, to trim, prune, cut, and clear away trees, brush, shrubs, or other vegetation on, or adjacent to, the Easement Premises whenever in Grantee’s judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified.

Grantor shall maintain a clear area that extends 2 feet from and around all edges of all transformer pads and other equipment pads, 3 feet from and around all edges of all switching cabinet pads and a clear operational area that extends 10 feet immediately in front of all transformer, switching cabinet and other equipment openings. No obstructions, trees, shrubs, fixtures, or permanent structures shall be placed by Grantor within said areas.

Grantor shall not locate, erect or construct, or permit to be located, erected or constructed, any building or other structure or drill any well within the limits of the Easement Premises; nor shall Grantor plant or permit to be planted any trees within the limits of the Easement Premises without the prior written consent of Grantee. However, Grantor reserves the right to use the Easement Premises for purposes that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities, including, without limitation, granting others the right to use all or portions of the Easement Premises for utility or roadway purposes and constructing improvements within the Easement Premises such as paving, sidewalks, landscaping, and curbing. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of the Easement Premises, and in no event shall a change in the grade compromise Grantee's minimum cover requirements or interfere with Grantee's operation, maintenance or repair.

Grantee agrees that following any installation, excavation, maintenance, repair, or other work performed by Grantee within the Easement Premises, the affected area will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee; and that Grantee shall indemnify Grantor, to the extent required by law, for any loss, cost or damage incurred by Grantor as a result of any negligent installation, excavation, maintenance, repair or other work performed by Grantee within the Easement Premises.

The easement granted herein shall not be deemed abandoned except upon Grantee's execution and recording of a formal instrument abandoning the easement.

The covenants and agreements herein set forth shall extend and inure in favor and to the benefit of, and shall be binding on the heirs, administrators, executors, successors in ownership and estate, assigns and lessees of Grantor and Grantee.

[THE REST OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, **CITY OF FLAGSTAFF, an Arizona municipal corporation**, has caused this Utility Easement to be executed by its duly authorized representative, this ____ day of _____, 201__.

CITY OF FLAGSTAFF, an Arizona municipal corporation

By: _____

Its: _____

(Signature)

STATE OF _____ }
 } ss.
County of _____ }

This instrument was acknowledged before me this ____ day of _____, 201__
by _____ (Grantor).

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Seal:

Notary Public Signature

EXHIBIT "A"

Portions of Sections 1, 2, 11 and 12, Township 22 North, Range 8 East of the Gila and Salt River Base and Meridian, more particularly described as follows:

COMMENCING at the common corner of Sections 1, 2, 11 and 12;

THENCE South 63° 22' 28" East, a distance of 1215.44 feet to the TRUE POINT OF BEGINNING;

THENCE North 58° 54' 39" East, a distance of 2335.36 feet;

THENCE North 12° 38' 52" West, a distance of 796.47 feet;

THENCE North 77° 28' 52" East, a distance of 995.93 feet;

THENCE South 14° 07' 56" East, a distance of 819.41 feet;

THENCE North 64° 26' 09" East, a distance of 2389.32 feet;

THENCE South 23° 53' 08" East, a distance of 2028.29 feet;

THENCE South 64° 26' 09" West, a distance of 2518.26 feet;

THENCE South 30° 41' 09" East, a distance of 1213.70 feet;

THENCE South 79° 05' 35" West, a distance of 3567.76 feet;

THENCE North 02° 06' 55" East, a distance of 1149.73 feet;

THENCE North 38° 40' 56" West, a distance of 1378.12 feet to the TRUE POINT OF BEGINNING.

EXHIBIT "B"

APS CENTERLINE EASEMENT DESCRIPTION:

This easement is to lie 5 feet each side of the following centerline described as follows:

COMMENCING at the Northwesterly corner of the parcel described in Exhibit "A", said point marked by a USDA aluminum cap AP-1;

THENCE North 57° 58' 21" East, a distance of 139.68 feet to an APS electrical conduit and the POINT OF BEGINNING;

THENCE South 48° 33' 01" East, a distance of 14.85 feet;

THENCE South 57° 40' 46" West, a distance of 128.38 feet to an APS switching cabinet vault;

THENCE South 39° 26' 05" East, a distance of 790.60 feet to APS pullbox PB243888;

THENCE South 39° 41' 27" East, a distance of 574.56 feet;

THENCE South 02° 37' 14" West, a distance of 3.62 feet to Point "A";

THENCE South 00° 32' 18" West, a distance of 512.22 feet;

THENCE South 45° 09' 47" East, a distance of 17.65 feet;

THENCE South 23° 27' 37" East, a distance of 33.60 feet;

THENCE South 16° 35' 51" East, a distance of 37.24 feet;

THENCE South 17° 25' 23" West, a distance of 143.03 feet;

THENCE South 01° 22' 15" West, a distance of 232.65 feet;

THENCE North 64° 06' 14" East, a distance of 307.05 feet to APS transformer TX22150, said transformer bears North 42° 12' 36" East of the Southwest corner of the parcel described in Exhibit "A" marked by a USDA aluminum cap AP-10.

BEGINNING AGAIN at Point "A";

THENCE South 32° 27' 56" East, a distance of 26.20 feet;

THENCE South 54° 20' 27" East, a distance of 18.87 feet;

THENCE South 71° 17' 59" East, a distance of 20.80 feet;

THENCE South 76° 46' 47" East, a distance of 35.24 feet;

THENCE South 70° 21' 45" East, a distance of 37.77 feet;

THENCE South 67° 53' 44" East, a distance of 74.78 feet;

THENCE South 62° 29' 03" East, a distance of 49.41 feet;

THENCE South 47° 45' 05" East, a distance of 93.54 feet to APS transformer N21451.