

MINUTES

REGULAR COUNCIL MEETING
TUESDAY, OCTOBER 21, 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 held October 21, 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 WOODSON (left at 9:30 p.m.)

COUNCILMEMBER OVERTON (Excused)

Others present: Deputy City Manager Jerene Watson; City Attorney Michelle D'Andrea.

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

The audience and City Council recited the Pledge of Allegiance and Mayor Nabours read the mission statement of the City.

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 October 7, 2014; the Special Meeting (Executive Session) of October 14, 2014; and the Work Session of October 14, 2014.

Mayor Nabours clarified a statement at the top of Page 4 noting that he had asked about the attendance at the regular sessions; Councilmember Oravits had asked about the teleconference town hall.

Moved by Councilmember Mark Woodson, **seconded by** Councilmember Karla Brewster to approve the minutes [of the City Council Regular Meeting of October 7, 2014; the Special Meeting (Executive Session) of October 14, 2014; and the Work Session of October 14, 2014] as amended.

Vote: 6 - 0 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).

None

8. **LIQUOR LICENSE PUBLIC HEARINGS**

None

9. **CONSENT ITEMS**

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

Mayor Nabours said that they would discuss each of the Consent items separately.

- A. Consideration and Approval of Sole Source Purchase: Solid Waste Route Management and Logistics Software offered by WM Logistics, LLC (**Approve purchase of solid waste route management and logistics software**) .

Solid Waste Collections Manager Steve Bergeron came forward to answer Mayor Nabours' question on how this software would save the City money. Mr. Bergeron said that they currently work off of spreadsheets and printed maps. All of the routing for residential and commercial service is done with several sets of eyes. Software like this will consolidate the routing, indicating right-turns only to minimize lost time, and pick up on areas of routes where there have been duplications. They are anticipating a three to five percent increase in efficiencies the first year, and even more in the following years. It saves money through the increased efficiencies with labor and redundant routing. He said that the trucks cost around \$1200 a day to run and the assumption is that if they save even three percent in operations that would mean \$220,000 in savings with labor, fuel, etc.

Mr. Bergeron said that this money has been set aside, included in the budget for several years while they researched and found the best system. He said that they are coming into this later in the year which is why the first year is not has much. He said that a three percent savings is very conservative; the average percentage in cost savings is around fifteen percent.

He said that after a year or two they will be able to analyze the numbers better, and at the end of the third year they will consider different options of how they can continue. He noted that the average cost each year was around \$40,000. That could go down if they renegotiate the cost after three years. He said that this is used for residential, commercial, bulky, roll-offs, and they have similar systems for meter reading, etc.

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Karla Brewster to approve the purchase of solid waste route management & logistics software from WM Logistics, LLC in the amount of \$26,710 first year, \$46,690 second year & \$46,690 third year for a total of \$120,090.

Vote: 6 - 0 Passed - Unanimously

- B. Consideration and Approval of Cooperative Contract:** Consideration to enter into an Intergovernmental Agreement (IGA) for cooperative purchasing services with five (5) agencies that are members of the Flagstaff Alliance for the Second Century (FASC), as follows: Flagstaff Unified School District, Northern Arizona University, Coconino County, City of Flagstaff and Coconino County Community College.

Moved by Councilmember Celia Barotz, **seconded by** Councilmember Mark Woodson to approve the IGA for cooperative purchasing services and authorize the Mayor to sign the IGA on behalf of the City of Flagstaff.

Vote: 6 - 0 Passed - Unanimously

10. ROUTINE ITEMS

- A. Consideration and Adoption of Ordinance No. 2014-24:** An ordinance of the Flagstaff City Council authorizing the City of Flagstaff to accept specific deeds of real property and easements and providing for the repeal of conflicting ordinances, severability, and authority for clerical corrections, and establishing an effective date. (***Approval of an ordinance accepting deeds and easements of real property obtained by the City through grants and donations***).

Moved by Councilmember Celia Barotz, **seconded by** Councilmember Jeff Oravits to read Ordinance No. 2014-24 by title only for the final time.

Vote: 6 - 0 Passed - Unanimously

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE CITY OF FLAGSTAFF TO ACCEPT SPECIFIC DEEDS OF REAL PROPERTY AND EASEMENTS AND PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Karla Brewster, **seconded by** Councilmember Celia Barotz to adopt Ordinance No. 2014-24.

Vote: 6 - 0 Passed - Unanimously

- B. Consideration and Approval of Grant Agreement:** U.S. Department of Homeland Security, Federal Emergency Management Agency Cooperating Technical Partners award number EMW-2014-CA-00087-S01: Watershed Management Plan and Flood Risk Report for the Rio De Flag Watercourse (**Approve Grant Agreement with Dept. of Homeland Security-FEMA for a Watershed Management Plan**).

Stormwater Manager Malcolm Alter gave a brief PowerPoint presentation which addressed:

FEMA GRANT FUNDED

- \$200,000 no match required
- Potential national model for future FEMA projects
- State of the art models
- Models will include entire Rio watershed
- Shared with and contributions provided by the scientific community, NAU and Coconino County

MODEL USES

- Post fire flood models
- Capital improvement needs
- Remapping floodplains to be more accurate
- Climate change modeling
- Resiliency modeling
- Assess county-wide development control
- Hazard mitigation planning
- Mapping of critical floodplain function and habitat
- Assist development community with modeling
- Real-time flood modeling: Flood warning
- Can get so accurate – state of the art – possible that consultants in community can use the modeling for their development

Mr. Alter said that this will be the first of its kind in the State and will be a national model. He noted that this was a 100% funded grant, with no match required.

Mayor Nabours asked how this ended up in Flagstaff and not Seattle, for example. Mr. Alter said that he has been attending conferences with representatives from FEMA, specifically Region 9 out of San Francisco, and they have had a lot of conversations, floating around various ideas. He said that FEMA is beginning to look at climate change and resiliency and post-fire flood, seeing that that overall they have not been seeing the whole picture.

Ms. Brechler-Knaggs added that the City of Flagstaff has a good name with federal and state agencies because they do what they are supposed to do and their audits are very clean.

Moved by Councilmember Karla Brewster, **seconded by** Councilmember Celia Barotz to approve the application to Federal Emergency Management (FEMA) for grant funds in the amount of \$200,000 and a non-federal commitment/leverage of \$98,198.

Vote: 6 - 0 Passed - Unanimously

RECESS

The Regular Meeting of the Flagstaff City Council held October 21, 2014, recessed at 4:25 p.m.

6:00 P.M. MEETING

RECONVENE

The Regular Meeting of the Flagstaff City Council held October 21, 2014, reconvened at 6:02 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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11. ROLL CALL

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

PRESENT

ABSENT

MAYOR NABOURS
 VICE MAYOR EVANS
 COUNCILMEMBER BAROTZ
 COUNCILMEMBER BREWSTER
 COUNCILMEMBER ORAVITS
 COUNCILMEMBER WOODSON (left at 9:30 p.m.)

COUNCILMEMBER OVERTON (Excused)

Others present: Deputy City Manager Jerene Watson; City Attorney Michelle D'Andrea.

12. PUBLIC PARTICIPATION

None

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. 2014-30:** An ordinance of the City Council of the City of Flagstaff, Arizona, extending and increasing the corporate limits of the City of Flagstaff, Coconino County, State of Arizona, pursuant to the provisions of Title 9, Chapter 4, Arizona Revised Statutes, by annexing certain land totaling approximately 3.14 acres located at 2701 S. Woody Mountain Road, which land is contiguous to the existing corporate limits of the City of Flagstaff and establishing city zoning for said land as RR, Rural Residential. ***(Annexation of property for Aspen Heights located on Woody Mountain Road)***

Mayor Nabours noted that Items 14-A and 14-B involved the same project and, therefore, the public hearing and discussion would be handled together.

Planning Development Manager Tiffany Antol reviewed the project with a PowerPoint presentation which addressed:

ASPEN HEIGHTS 2701 Woody Mountain Road
 CONCEPT ZONING MAP AMENDMENT REQUEST
 ANNEXATION AND ZONING MAP AMENDMENT REQUEST
 Regional Land Use and Transportation Plan Compliance
 Public Facilities and Service Impact Analysis
 PROPOSED DEVELOPMENT CONCEPT PLAN
 ZONING CODE COMPLIANCE
 ZONING CODE COMPLIANCE
 Open Space/Community Space, Parking, Design Review

Natural/Cultural resources, landscaping
Outdoor lighting
CITIZEN PARTICIPATION
DRAFT DEVELOPMENT AGREEMENT (to be considered at a subsequent meeting)
RECOMMENDATION
10 Conditions

Ms. Antol then reviewed the findings that the Council could consider in these applications.

Councilmember Barotz said that the staff summary for the Annexation indicated that there was no Traffic Impact Analysis (TIA) performed. Ms. Antol replied that was correct for the annexation; however, there was one performed for the Rezone request.

Councilmember Barotz asked for clarification of the ADOT letter regarding traffic. Traffic Engineer Jeff Bauman came forward and reviewed the letter, noting that based on the traffic generation assumptions this project fell into the smallest category requiring that they look at impact to the nearest signalized intersection which would be at West Route 66 and Woodlands Village Blvd. and there were no impacts found there.

They did find that a signal was nearly warranted at Woody Mountain Road, but not at this time, so this development has been required to provide 26% of the estimated costs of a future signal, and that amount will be required in the Development Agreement. Additionally, Mr. Bauman said that the TIA also indicated right-turn lanes into the development on Route 66 and also on Woody Mountain Road.

Mr. Bauman said that there was no established rate for student housing in determining the traffic generation, so they went with that for apartments. At the time of the study there was no transit reduction taken and no internal capture between retail and residential to keep it more conservative.

Councilmember Barotz said that a comment was made that the developer had provided more information than required, and she asked what information that was. Ms. Antol said that they are not required to provide a landscaping plan and in terms of elevations, they only need to submit pictures. The concept plan is much more detailed as a whole.

Councilmember Barotz noted that this was the first development to be looked at under the most recent Zoning Code revisions, which provides much more information up front. She asked if she was correct that this project came in under the prior Regional Plan. Ms. Antol said that was correct and staff came to the conclusion that it meets the goals of that plan.

Mayor Nabours asked if this intersection under the new Regional Plan was designated as an urban activity center. Ms. Antol said that was correct. She said that the difference between the two was in density, but staff believes they are going to be in compliance with both regional plans.

Councilmember Woodson asked staff to clarify the difference between the Room and Board use and a regular apartment. Ms. Antol explained that the Room and Board rents out individual bedrooms and attached bathrooms and then those four rooms share a kitchen. Councilmember Woodson said that such use requires a Conditional Use Permit (CUP) and asked what the CUP protects them from or gives them. Ms. Antol replied that a CUP allows them to mitigate any negative impacts of the use. She said that this type of use could have different impacts, especially with such things as parking and management.

Councilmember Brewster asked if the 24-hour management meant there would be on-site management 24 hours a day. Ms. Antol said that the developer would address that issue separately. Charlie Vatterott, representing the developer, came forward and first introduced his team which consisted of his engineer Kent Hotsenpiller; Legal Counsel Dana Kjellgren and James Speed of Kjellgren & Speed; Will Ramsey, Regional VP on Management and Wayne Compton, their lighting consultant.

Mr. Vatterott first gave an overview of their company, Aspen Heights, noting that they construct what they develop and manage what they construct. He said that they were founded in 2006 with 12 employees; they now have over 300 staff members and are in more than 20 communities across the country. He said that during the first eight years they have had tremendous success and they have an

excellent, dynamic corporate culture understanding that there has to be a balance between enrollment growth and their community, as evidenced by their average of over 94% occupancies, with some as high as 100%.

He said that understanding that there is a housing shortage in Flagstaff, this development will help get students out of single-family housing neighborhoods into a development with amenities that have a look and feel of a subdivision, but with on-site management that meets the needs of the students.

Mr. Vatterott said that they provide safe, attractive and accessible housing. There have been collaborative efforts with City staff, neighbors, the dark skies community and also Friends of Flagstaff's Future. He said that they already have developments in two other dark sky communities--Ft. Collins, Colorado and Norman, Oklahoma.

Mr. Vatterott said that they have found solutions to the transit needs; their meetings with NAIPTA have been positive. Additionally, they have meetings scheduled with the Observatory and Flagstaff Police Department. Their commitment to the community is strong, as well as their clients--the NAU students. He said that each year their company donates \$100,000 globally to two different countries in Africa and each of their employees are required to sponsor a child in one of the two countries. He said that their proposal is a maximum of two stories.

Mr. Vatterott said that while they had developments in other dark sky communities, he was not sure if they had observatories. He said that they know that the observatory is important to Flagstaff and it is important to them. He said that they have proposed a reduced lumen, consistent with what would be permitted without any type of zone change, but that did not come without a cost.

He said that they have not received any type of approval from the Observatory but their e-mails have been supportive. Dana Kjellgren, attorney for the developer, explained that because the Naval Observatory is part of the Department of Defense they have certain limitations on what can be discussed publicly. She said that they have to have clearance with regard to meeting with attorneys for the Department of Defense. They are in the process of arranging that, but they have not gotten to sit down with them.

William Ramsey, Vice President of Operations, then gave a brief Pointpoint on the management of the development, which addressed:

CRISIS RESPONSE & COMMUNICATION GUIDE
RESPONSE & COMMUNICATION GUIDE
PARTNER WITH LOCAL UNIVERSITY REGULATORY AGENCIES
MULTIHOUSING ROGRAM
CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN
COMMON SENSE SELF DEFENSE
ACTIVE PROOPERTY MANAGEMENT

Mr. Ramsey explained that they have the ability to have 24-hour management on site. He said that they offer living facilities for their management personnel; however, it is their choice on whether they live on site or not, in case they may already own a home. He said that if they are not on-site they have a number for residents to be able to reach management 24 hours a day and they can be on site quickly. Additionally, they offer reduced housing for their maintenance staff which provides for an extra set of eyes. He said that they also hold a safety social which is mandatory for all residents.

Mr. Ramsey said that each year they evaluate their properties, and depending on it, the market, gathering spaces downtown, etc. they determine what level of security they need. In some communities where there are not many places for residents to frequent (downtown) they may have more socializing taking place at the property, in which case they would have more security on site. It is determined property by property.

He said that they like to get involved with apartment associations, meet other property management companies and have direct contact with property owners that are adjacent to their properties so they can take care of issues quickly.

Vice Mayor Evans asked if the development would be gated. Mr. Vatterott said that typically there is a gate; he was not sure if this site included a gate. Mr. Ramsey added that the safety social is mandatory and while it is part of the crime prevention program, they already do it every semester.

Mayor Nabours asked if they would have private security. Mr. Vatterott said that there are two different opportunities to be considered. If the Flagstaff Police Department permitted it, they would possibly hire off-duty officers and, if not, they would contract for private security. Mayor Nabours asked if it would be every night. Mr. Vatterott said that they have different levels of need with regard to security. They would initially plan for Thursday, Friday and Saturday nights, since this is when students have more of a tendency to gather socially, but if additional needs were recognized, they would consider additional security.

Mayor Nabours asked if they were required to take action if they had a chronic violator. Mr. Vatterott said that they did; part of the lease requires students to adhere to local and federal laws, and if they have violations, they will remove them from their property.

In returning to the prior question regarding a gate, Mr. Vatterott said that he was able to review the plans and this particular development did not include a gate.

Councilmember Barotz said that the staff report references that they looked at the issue of connectivity and she asked staff to elaborate on that issue. Ms. Antol said that there is connectivity within the site between the commercial and residential areas. Additionally, there is some connectivity along Route 66 and the bike route on Woodland Village, recognizing that there is no bike lane on Route 66. She said that there will also be some ability to use streets through Presidio in the Pines and Boulder Point to connect with the FUTS trail at some point.

Vice Mayor Evans said that she had been told that the applicant had been working with NAU, but her understanding is that the Student Code of Conduct does not go off of the campus. She asked what the university's involvement was in this development. Ms. Antol said that she could not answer that.

Vice Mayor Evans asked who would monitor the Conditional Use Permit, and if the City has ever repealed a Conditional Use Permit based on excessive reports. She asked for examples to be provided, not necessarily this evening. Ms. Antol said that she would need to do some research to report on past conditional use permits, but a conditional use permit could be revoked due to not complying with its conditions. There would need to be a condition on file that they could not receive over a certain number of complaints; they would need to be very specific and succinct. Vice Mayor Evans asked if she was correct that it was not too late for residents to come forward and ask for specific conditions to be put on the conditional use permit. Ms. Antol replied that was correct.

A break was held from 7:27 p.m. to 7:38 p.m. at which time Mayor Nabours opened the Public Hearing.

The following individuals spoke in opposition to the development:

- Bob Mason, Flagstaff
- Paul Shankland, representing the US Naval Observatory
- Jeff Hall, representing Lowell Observatory
- Lance Diskan
- Andy Fernandez
- Moran Henn, representing Friends of Flagstaff's Future
- Ted Reed
- Adam Shimoni

The following comments were received:

- 700+ students is a lot of students to not have property management on-site 24 hours a day
- The Naval Observatory appreciates the concerns and interests of all parties, and they look forward to further conversation regarding lighting
- The Naval Observatory was glad to see a lighting plan submitted, but they have not had time to review it
- Lowell Observatory appreciates the City's support of dark skies

- The Naval Observatory is five miles from City Chambers; this development is half that distance
- Any type of lighting impacts the dark skies
- Dark sky concerns are not just from astronomers
- Asked Council to direct the City Manager and all relevant staff to specifically include the Dark Skies Coalition as part of the community involvement process
- The Dark Skies Coalition is the longest existing nonprofit re dark skies and has been involved in community activities for years
- The Dark Skies Coalition is not governed by the Department of Defense and have not been contacted by the developer, although they were conditioned at the Planning and Zoning Commission meeting to speak to the dark skies community
- While the Friends of Flagstaff's Future appreciate the developer and their attorney for meeting with them, FFF is looking at the bigger picture and would like to see community dialogue and long-term planning with regard to: 1) community's vision for off-campus student housing; 2) still don't have decision from NAIPTA; 3) Milton and Route 66; 4) on-site management and whether pools were needed
- Believes in intentional planning; believe this should be placed on hold until a solid plan is developed
- Asked the Council to vote against the development, and if not, give more time for community feedback
- Has lived in Flagstaff for 16 years; knows of the impact such a development would have on their criminal system
- Will experience great impact on traffic on Route 66
- Consider safety of fire and crime in the Woody Mountain area and State Trust Land

Councilmember Barotz asked Mr. Shankland to briefly review the mission of the US Naval Observatory. Mr. Shankland replied that a few of the significant missions include: 1) cataloguing of accurate star positions; 2) targeting of oversees munitions and addressing targets; 3) monitoring objects orbiting in space, not just for natural security purposes, but also with regard to banking, the INternet, ATM's, power grids; etc.

Mayor Nabours said that the City Council was committed to dark skies. In the Regional Plan there is some call for development in this area; in fact, the City is putting their public works yard across the street. He asked for help in finding a medium point between bright skies and no lights at all, because no lights at all is not realistic. Mr. Hall said that a Dark Skies Ordinance is not a dark ground ordinance; it is to manage the lights so they are still able to utilize their facilities.

Jeff Meilbeck, Northern Arizona Intergovernmental Transit Authority (NAIPTA) read a letter from their Board of Directors, signed by Richard Payne, Chairman, Exhibit A attached hereto and made a part hereof, indicating that they will be holding a special meeting to discussion this matter further.

Mayor Nabours said that based on the past discussion, he saw several issues to be addressed and said that he would not be closing the public hearing tonight.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to continue the Public Hearing for two weeks to the November 3, 2014, Council Meeting.

Vote: 6 - 0 Passed - Unanimously

- B. Public Hearing, Consideration and Adoption of Ordinance No. 2014-31:** An Ordinance amending the Flagstaff Zoning Map designation of approximately 36.94 acres of real property generally located at the intersection of Route 66 and Woody Mountain Road, from Rural Residential ("RR") to Highway Commercial ("HC") for 3.6 acres, and to Medium Density Residential ("MR") for 33.33 acres. ***(Rezoning of property for Aspen Heights located on Woody Mountain Road)***

Discussion held under Item 16A above.

- C. **Public Hearing, Consideration and Adoption of Resolution No. 2014-35 and Ordinance No. 2014-27:** Public hearing to consider proposed amendments to Flagstaff Zoning Code Chapter 10-50 (Supplemental to Zones), specifically Division 10-50.100 (Sign Standards), and related amendments to Chapter 10-20 (Administration, Procedures and Enforcement), Chapter 10-80 (Definitions), and Chapter 10-90 (Maps); consideration of Resolution No. 2014-35 declaring the proposed amendments as a public record; and adoption of Ordinance No. 2014-27, adopting amendments to Flagstaff Zoning Code Chapter 10-20 (Administration, Procedures and Enforcement), Chapter 10-50 (Supplemental to Zones), specifically Division 10-50.100 (Sign Standards), Chapter 10-80 (Definitions), and Chapter 10-90 (Maps), by reference.

Zoning Administrator Roger Eastman said that although they had been discussing proposed amendments to the Sign Code for some time, this was the official public hearing on the topic. He then presented a PowerPoint presentation which addressed the proposed amendments.

Discussion was held on the need to address those vehicles with signs on them that are parked strictly for advertising, rather than being used during the day. Mr. Eastman said that it will still not be clear cut, but the amendments will reduce the gray area of the code which addresses this.

Further discussion was held on A-frame signs. Mr. Eastman said that the current code allows for A-frame signs, but does not clearly explain how they should be used. The problem now is that they are being used permanently, so they are attempting to allow temporary signs, but tie them to promotional or seasonal sales.

He explained, as an example, that if a tire company came in to put up a temporary sign for snow tires, they would apply for a temporary sign permit, noting that it would run from November 1 through November 20. That permit would then be logged into the City's computer system and they would then have 40 more days to advertise. There is only one fee, one permit, one contact with the City.

Further discussion was held on those tenants that rent within a complex and those permits would be obtained and managed by the management of the complex and is based on the lineal footage of the front.

Vice Mayor Evans reminded the Council that one of the major reasons they decided to review the Sign Code was due to the excessive use of A-frames on the road. While she understands that they will have a policy to follow, they have now also allowed for monument signs to be larger.

Councilmember Oravits noted that they may need to revisit this in a year as he has had many people comment to him that it is confusing.

Councilmember Barotz asked that they revisit the issue of nonconforming signs for institutional uses, and asked why the change from four to six feet was being proposed. Mr. Eastman said that they had an apartment complex on the northeast side of the City that had an existing nonconforming sign that was difficult to read. They wanted to upgrade the sign, but the standards would require it be smaller, so the property manager walked away from upgrading the sign. Staff thought it was an appropriate increase from four to six feet for those uses.

Mayor Nabours opened the Public Hearing.

The following individuals spoke on the proposed amendments:

- Andy Fernandez
- Nat White
- Marilyn Weismann, representing Friends of Flagstaff's Future

The following comments were received:

- Drury Sign is nonconforming
- Comments were supplied in written form (Exhibit B attached hereto and made a part hereof)
- These amendments are comparing apples to oranges. Seems to be arbitrary

Councilmember Barotz asked if they could consider making some minor changes in an effort to define more of a middle ground. She said that she could not get her arms around the building mounted and free-standing institutional signs and asked if they could take those out.

Councilmember Woodson said that in the interest of the hour, perhaps they could be brought back to the next meeting since this was just the first reading of the ordinance. Vice Mayor Evans said that she would second the request of Councilmember Barotz.

Vice Mayor Evans said that when they first started the conversation it seemed like they had a lot of temporary signs being used as permanent signs, along Milton, Fourth, and other areas. She said that a lot of businesses in shopping centers do not have the ability to have a sign on the free-standing sign. In talking with the business owners, it was suggested that the use of the free-standing sign that identifies the center being utilized differently so that the names of more businesses could be included, and perhaps an additional free-standing sign could be permitted.

She said that Mr. White came forward and asked that they keep Flagstaff looking the way it does from the Interstate, and she was also willing to consider Councilmember Woodson's proposal.

Councilmember Barotz said that she would bring back her proposed changes at the next meeting, and she wanted to make it clear that her vote tonight was not necessarily indicative of what it would be later.

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Mark Woodson to read Resolution No. 2014-35 by title only.

Vote: 6 - 0 Passed - Unanimously

A RESOLUTION OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "2014 AMENDMENTS TO CHAPTER 10-50, SUPPLEMENTAL TO ZONES, SPECIFICALLY DIVISION 10-50.100, SIGN STANDARDS"

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Mark Woodson to read Ordinance No. 2014-27 by title only for the first time.

Vote: 6 - 0 Passed - Unanimously

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA ADOPTING THAT CERTAIN DOCUMENT ENTITLED "2014 AMENDMENTS TO CHAPTER 10-50, SUPPLEMENTAL TO ZONES, SPECIFICALLY DIVISION 10-50.100, SIGN STANDARDS" BY REFERENCE

15. REGULAR AGENDA

- A. **Consideration and Approval of a Preliminary Plat** request from Mogollon Engineering & Surveying, Inc., on behalf of Pinnacle 146 LLC, for a subdivision of approximately 18.59 acres into 106 single-family residential townhouse lots located at 800 E Sterling Lane within the Medium Density Residential (MR) zone.

Planning Manager Brian Kulina presented a PowerPoint presentation which addressed:

OWNER: MAP
BACKGROUND / HISTORY
AFFORDABLE HOUSING
NATURAL RESOURCES
OPEN SPACE
TRAFFIC/ACCESS/PEDESTRIAN/BICYCLE
FINAL PLAT OF UNIT 1

Mr. Kulina said that prior to securing easements from the HOA and Pine Canyon they tried to get through the USFS, and they just received a letter which explains why that access

WATER/WASTEWATER/STORMWATER
CITIZEN PARTICIPATION
RECOMMENDATION

Mr. Kulina said that one thing not included in the draft Development Agreement is language which all have agreed to that the Planning and Zoning Commission requested.

The following individuals spoke on this item:

- Andy Fernandez
- Sue Ellen Smith

The following comments were received:

- Did not hear Tract 4 (to be reserved for a roadway through Pine Canyon) addressed yet.
- They would like the Council to delay action to allow more time to have further discussions with the developers.

Mayor Nabours said that the City Attorney has given an opinion that the language regarding Tract 7 is adequate to allow a road.

Councilmember Barotz asked what the thinking was in not considering Tract 4. Mr. Kulina said that it was mainly due to the design of the roads. The primary loop road internal to Unit One was larger; the road near Tract 4 is a narrower road and it was not feasible from a traffic perspective.

Councilmember Barotz asked if the applicant was interested in having further discussion with the neighbors. Brian Rhoten said that they have spent three years trying to get this done. They have had several meetings with the HOA and they have exhausted all options. They looked at Tract 4 but the road was not designed appropriately. He said that they have contacted the owners and have offered as much as they can to buffer the impact.

Mayor Nabours said that the revised Development Agreement requires a parkway along the road with screening and landscaping between Lots 11 and 22 and Mr. Rhoten said that they were committed to that.

Ken Hotsenpiller, engineer for the project, said that they did the first plat of the subdivision with a second access on to Zuni, but at that time the Fire Marshal declared that if they came out there it was not remote enough from the Masonic Lodge.

Councilmember Barotz told Ms. Smith that it was a terrible feeling when someone comes forward, but based on what the applicant is saying, she is not sure that a delay would provide any relief. Mayor Nabours added that the Council's action would not preclude them from any type of legal action.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Celia Barotz to find in agreement with the Planning and Zoning Commission to approve the Preliminary Plat subject to one condition.

Vote: 6 - 0 Passed - Unanimously

B. Consideration and Adoption of Resolution No. 2014-37: A resolution of the City Council of the City of Flagstaff, Coconino County, Arizona, repealing Resolution No. 2013-01 which adopted the *Board and Commission Members' Handbook*, and adopting the *2014 Board and Commission Members' Rules and Operations Manual*

City Clerk Elizabeth Burke reviewed the proposed resolution briefly, noting that it contained changes to reflect recent direction of the Council.

Moved by Councilmember Celia Barotz, **seconded by** Councilmember Jeff Oravits to read Resolution No. 2014-37 by title only.

Vote: 6 - 0 Passed - Unanimously

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, REPEALING RESOLUTION NO. 2013-01 WHICH ADOPTED THE BOARD AND COMMISSION MEMBERS' HANDBOOK, AND ADOPTING THE 2014 BOARD AND COMMISSION MEMBERS' RULES AND OPERATIONS MANUAL

Moved by Councilmember Karla Brewster, **seconded by** Mayor Jerry Nabours to adopt Resolution No. 2014-37.

Vote: 6 - 0 Passed - Unanimously

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

Vice Mayor Evans said that she had been asked by citizens about the advertising in CitySpace and whether it was a budget decision to recuperate the costs. She asked to receive a copy of the advertising guidelines and suggested that they consider including them in the future editions.

19. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held October 21, 2014, adjourned at 9:55 p.m.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

STATE OF ARIZONA,)
) ss.
Coconino County.)

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 on October 21, 2014. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 16th day of December, 2014.

CITY CLERK