REGULAR COUNCIL MEETING
TUESDAY, APRIL 1, 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 April 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 (left at 10:00 p.m.)	
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'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**

None

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.

Residents of The Meadows addressed Council about an ongoing flooding problem and requested a meeting with the City Manager to discuss potential solutions.

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**

A. **Consideration and Action on Liquor License Application:** Danny Thomas, “Porky's Pub", 2285 E. Butler Ave., Series 06 (bar- all spirituous liquor), Person and Location Transfer.

Mayor Nabours opened the public hearing.

The public made no comments.

Mayor Nabours closed the public hearing.

Councilmember Oravits moved to forward the application for Porky’s Pub 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.

A. **Consideration and Approval of Projects:** Lake Mary - Walnut Creek Technical Advisory Committee (LM-WC TAC) project recommendations.

MOTION: The LM-WC TAC asks for Council approval to fund two projects: 1) Not-to-exceed (NTE) $15,000.00 for purchase of up to 12 flowtography stations to be installed within the Upper Lake Mary watershed, 2) NTE $25,000.00 for the purchase and installation of flow & sediment monitoring equipment to be installed in Newman Canyon, followed by $2,200 annually for 5 years to cover a share of the operating costs.

Mayor Nabours noted that the funds are from a National Park Foundation and stated that the City had funded this to the extent of $100,000; he asked for clarification on where the funds came from and if it is part of the funding that the City gave to the National Park Foundation. Water Resources Manager Erin Young stated that the City set aside $100,000 to the foundation as part of a water rights settlement with the National Park Service and National Forest Service. The funds are to be used for projects that would provide information on how to promote flows back through Walnut Canyon.

B. **Consideration and Approval of Contract:** Professional Services for Materials Testing. ***(Approve contract to test materials during construction).***

MOTION: 1) Approve the contract with ATL, Inc. for a total estimated annual amount of $172,940, which includes a $10,000 contingency. The contract will be or an initial term of three (3) years with two (2), one-year renewal terms. 2) Authorize the City Manager to execute the necessary documents.

Raymond Kaminski addressed the Council against outsourcing the Materials Testing Services.

City Engineer Rick Barrett stated that staff does not anticipate any delays of service with the transfer over to ATL, Inc. Councilmember Oravits asked how much the service is in house compared to outsourcing the service. Mr. Barrett responded that the FY14 budget number for in house service is $143,000 and that did include a one-time payout for a staff retirement. Historically in the peak of construction there has been a 3.5 person staff. The $143,000 budget is for only two staff members. Consultants are better able to manage the ups and downs of the varying constructions season. Councilmember Oravits asked if pensions and other associated costs were included in the FY14 budget. Mr. Barrett stated that they were included. What was not included are any of the costs associated with upgrading equipment as well as the time spent by himself and Community Development Director Mark Landsiedel. Councilmember Barotz asked if those things were taken into account as well as the additional 1.5 employees if the total

cost would exceed $172,000. Mr. Barrett stated that the cost would exceed the $172,000.

Councilmember Oravits clarified that no City employees would be losing their job with the outsourcing of this service.

Councilmember Barotz asked if there is any likelihood that the quality of the work will be impacted in a negative way. Mr. Barrett stated that the vendor will be able to perform well but there is no doubt that there is much better control over City staff than there is over a consultant.

Mr. Burke stated that there were a number of components staff was trying to address. Work variability is an issue as material testing services is work that is dependent on the building market. The City is better able to absorb these variables with a private contractor. There have been recent discussions about personnel costs continuing to rise and the challenges associated with predicting these costs. These are the reasons staff believes that outsourcing the service would be beneficial. Mayor Nabours added that by outsourcing the City will have savings associated with equipment maintenance and upgrades as well.

C. **Consideration and Approval of Contract:** Western Bark Beetle Initiative (WBBI) grant from AZ State Forestry. ***(State grant to treat for Bark Beetles).***

MOTION: Approve the **WBBI** Grant Agreement with AZ State Forestry

Mayor Nabours stated that this contract will allow the City to clear out the trees with funding from the State and the Watershed Protection funds. Wildland Fire Manager Paul Summerfelt indicated that the contract is allowing the City to further stretch the bond dollars.

D. **Consideration and Approval of Contract**: Amendment Three to the Intergovernmental Agreement (IGA)/Joint Project Agreement (JPA) 11-097I between the City of Flagstaff (City) and the Arizona Department of Transportation (ADOT) for the FY2013 Highway Safety Improvement Program (HSIP), Beulah Bike Lanes.

MOTION: Approve Amendment Three to the IGA/JPA 11-097I between the City and ADOT in the amount of $175,000 of which the Grant Amount is $165,025 (94.3%) with a City match of $9,975 (5.7%) for a total construction cost in the amount of $175,000.

Mayor Nabours asked if this contract is an example of something that would be paid from the transportation tax fund. Project Manager Randy Whittaker stated that this was not included in any of the capital programs as it started out as a grant.

Councilmember Overton asked if there is any way to take a look at area between the FUTS trail and Big 5 as part of the project. Mr. Whittaker stated that Multi-Modal Transportation Manager Martin Ince is in current discussions about the area.

Councilmember Oravits state that the design costs of $98,000 seems excessive with a total $175,000 project. Mr. Whittaker clarified that much of the cost is ADOT fees that are charged for grant projects, he estimates upward of 50%.

Councilmember Barotz requested that item 9B be taken separately from the other three items.

Mayor Nabours moved to approve Consent Items 9A, 9C, and 9D as presented; seconded; passed unanimously.

Councilmember Barotz thanked Mr. Kaminski for addressing Council with his concerns.

Mayor Nabours added thanks to Amy Hagin for the procurement memo on how ATL, Inc. was selected. He feels that the scoring is too dependent on each evaluator and suggests future discussion about the process of procurement.

Councilmember Woodson moved to approve Consent Item 9B as presented; seconded; passed unanimously.

10. **ROUTINE ITEMS**

A. **Consideration and Approval of Contract:** Intergovernmental Agreement between the City of Flagstaff and Coconino County concerning the administration of funds of the Free Library District

Library Director Heidi Holland presented a PowerPoint presentation that covered the following:

- CITY COUNTY IGA
- RECOMMENDATION – RENEW IGA
- COLLABORATION
- RESOLUTION
- BRANCHES
- OTHER LIBRARIES
- BASE BUDGET
- CITY COUNTY IGA

Councilmember Barotz moved to approve the Intergovernmental Agreement between the City of Flagstaff and Coconino County concerning the administration of funds of the Free Library District; seconded; passed unanimously.

B. **Consideration and Adoption of Resolution No. 2014-12 :** A resolution of the Mayor and Council of the City of Flagstaff, Arizona approving the City of Flagstaff Housing Authority's Annual Plan and authorizing its submission to the United States Department of Housing and Urban Development (HUD)

Flagstaff Housing Authority Manager Mike Gouhin stated that this is the fifth and final submission to HUD under the current five year plan. An additional goal was

added to combine the Flagstaff Housing Authority and the Housing Section. It is expected to have a project plan in place by June with implementation beginning in June 2015.

The other part of the plan is the annual capital fund. The two major items are to replace the water service lines in Brannen Homes as the piping is deteriorating and falling apart. The other part is the continuation of the roof replacement at Brannen Homes. This will require a tear off because it has been 25 years since the last replacement. One of the buildings has been tested for asbestos with no issues however all other structures will be tested as well.

Councilmember Overton stated that the new goal of combining FHA and the Housing Section is a significant shift and requested a work session to further discuss and understand the merger. Mr. Burke stated that it is scheduled to be discussed at the upcoming budget retreat but if more time is needed beyond that a work session can be scheduled.

Mayor Nabours moved to read Resolution No. 2014-12 by title only; seconded; passed unanimously.

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA APPROVING THE CITY OF FLAGSTGAFF HOUSING AUTHORITY'S ANNUAL PLAN AND AUTHORIZING ITS SUBMISSION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mayor Nabours moved to adopt Resolution No. 2014-12; seconded; passed unanimously.

C. **Consideration of Ordinance No. 2014-08:** An Ordinance of the City Council of the City of Flagstaff, Arizona, amending Flagstaff City Code, Title 4, Building Regulations, by adding a new Chapter 4-10, Uniform Housing Code, 1997 Edition and Amendments ***(Request to postpone action to a date uncertain)***

Staff requested that this item be postponed to a later date.

Councilmember Overton moved to postpone item 10C to a later date; seconded; passed unanimously.

D. **Consideration and Approval of Grant Application:** Arizona Governor's Office of Highway Safety (GOHS) Federal Fiscal Year 2015 for Police Department Applications for DUI Task Force, and Youth Alcohol Prevention and Interdiction.

Police Sergeant Gregory Jay stated that the Police Department has requested these same funds in previous years. The funding helps pay for overtime costs associated with the DUI task force. The second request is the Youth Alcohol Prevention and Interdiction. The funding would cover directed patrol efforts for underage drinking and to combat liquor violations. The educational components will take place at the local high schools.

Councilmember Overton moved to approve the application to the Arizona Governor's Office of Highway Safety (GOHS) for grant funds for the Police Department in the amount of $45,240 for DUI Task Force activities with an additional $11,459 for speed detection devices, $44,160 for Youth Alcohol Prevention and Interdiction task force; seconded; passed unanimously.

E. **Consideration and Approval of an Intergovernmental Agreement:** Between the City of Flagstaff and Northern Arizona University (NAU) for financial contribution to the Innovation Mesa Business Accelerator Project.

Economic Vitality Director Stacey Button stated that the IGA is for a financial contribution to the business accelerator and the funds will go directly to the construction and design of the project facility. Grants Manager Stacey Brechler-Knaggs added that the City is looking to be advertising by the end of April with an award and groundbreaking in June. The final completion is expected around June, 2015.

Councilmember Brewster moved to approve the Intergovernmental Agreement with NAU for the Innovation Mesa Business Accelerator Project in the amount of $1,100,000 for the purpose of funding the Design and Construction of the project facility; seconded; passed unanimously.

RECESS

The 4:00 p.m. portion of the April 1, 2014, Flagstaff City Council meeting recessed at 4:58 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Nabours reconvened the meeting of the Flagstaff City Council held April 1, 2014, at 6:02 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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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**

Jim McCarthy addressed Council and requested that they have a discussion about the rapid growth of off campus student housing to hear both sides of the issue.

Rudy Preston addressed Council with concern about police activity during a recent protest.

Mayor Nabours asked Police Chief Kevin Treadway to come to the stand to be recognized for a letter recently received from Governor Brewer offering thanks to the Flagstaff Police Department for their immediate assistance and response to the reports of neglected Child Protective Services cases. Flagstaff Police Department was very helpful in getting rid of the back log associated with the children of Flagstaff.

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

None

14. **PUBLIC HEARING ITEMS**

A. **Public Hearing on proposed Public Safety development fees (impact fees).**

Planning Director Dan Folke offered a PowerPoint presentation that covered the following:

- PUBLIC HEARING DEVELOPMENT FEE REPORT
- DEVELOPMENT IMPACT FEES
- WHY CONSIDER IMPACT FEES?
- AFFORDABLE HOUSING INCENTIVE
- CONSENSUS BUILDING – INFORM & CONSULT

Senior Analyst with Tischler Bise Merideth Hill continued the presentation.

- OVERVIEW OF ADOPTION PROCESS
- APPROVED 10-YEAR INVESTMENT PLAN TO MAINTAIN LEVELS OF SERVICE
- OVERVIEW OF ADOPTION PROCESS
- 10-YEAR PROJECTED REVENUE
- MAXIMUM SUPPORTABLE FEES AND COMPARISON
- CURRENT AND MAXIMUM SUPPORTABLE FEES FIRE FACILITIES – RESIDENTIAL
- CURRENT AND MAXIMUM SUPPORTABLE FEES FIRE FACILITIES – NON RESIDENTIAL
- CURRENT AND MAXIMUM SUPPORTABLE FEES POLICE FACILITIES – RESIDENTIAL
- CURRENT AND MAXIMUM SUPPORTABLE FEES POLICE FACILITIES – NON RESIDENTIAL
- ARIZONA COMPARISON OF PROPOSED FEES
- NEXT STEPS
- FLAGSTAFF ADOPTION PROCESS SCHEDULE

Councilmember Oravits asked the process to eliminate the fees. Ms. Hill explained that the fees existing today must be retired on July 31, 2014. If no other fees are adopted at that time no development fees can be collected until new fees are adopted. This is not without caution as the City is still responsible for the 3.1 million dollars that will be needed for growth. Additionally, the City is obligated to spend the monies already collected on CIP projects.

Councilmember Barotz asked about other possible revenue sources should the fees be eliminated. Mr. Burke stated that there currently is not an identified revenue source associated with that capital. The City will meet its debt obligations regardless, which is associated with the secondary property tax and one time monies could be used but they are typically taken on a year to year basis.

Mayor Nabours asked about the current fees adopted in 2012 which were based on Tischler Bise research and how they could change so much between now and then. Ms. Hill stated that the fees adopted in 2012 were an adjustment of the fees based on the 2008 study and a result of a change in legislation. The fees in 2008 needed to be adjusted to come into compliance while the legislation was saying that an updated study was needed for updated fees in 2014. Demand indicators have not changed and it is because the demand indicators are going back to the original 2008 fees that there is such a difference. Many components had to be removed for 2012.

Mayor Nabours asked if a component was eliminated if the City is precluded from using the fees already collected. Ms. Hill indicated that the City would be precluded from using those fees already collected. There are seven different line items of revenue and if one or some are no longer collected the City cannot direct development fees to it.

Mayor Nabours opened the public hearing.

The following individuals addressed Council:

- Mike Sistak
- Jeff Knorr
- Charlie Odegaard
- Rudy Preston

Comments included:

- Flagstaff is 52% above the national average for housing, is concerned about adding additional cost which would raise that even higher.
- The current fee structure lumps all the multi housing together.
- Existing neighborhoods should be exempt from impact fees.
- The $3.6 million total is cumulative over 10 years, with half going to debt service; the City can find $160,000 per year in the budget to pay for growth.
- The increase could help public safety keep their equipment up to date.

Mayor Nabours closed the public hearing.

Mayor Nabours stated that he does not want to raise the fees but does not want to eliminate them. He does not feel that the data is compelling evidence that the City is not keeping up with what it should be keeping up with. He stated that the numbers presented are the maximum supportable fees and feel that they could be trimmed down a bit. Mr. Burke offered that the City is not able to readopt the current fees as they are no longer consistent with the IIP. Ms. Hill offered that the most likely scenario would be to remove the $100 debt service out of residential and non residential. Mayor Nabours asked if the amount of a component could be reduced. Ms. Hill explained that a component cannot be modified but it can be removed. Management Service Director Barbara Goodrich offered that if there is a consensus to stay within the current fees, staff could propose scenarios about what would need to be removed and present them back to Council.

Councilmember Oravits stated that the fees get passed along to the end user and it is important to pay attention to the addition of fees on property owners. He indicated that the fees should be eliminated as there is already an affordability issue in Flagstaff.

Councilmember Overton noted that he feels that the City is better off working and negotiating directly with the developer. It is difficult to define a response to the bedroom numbers. This has been an advantageous fund but he is leery with putting a debt service on the fee.

Councilmember Woodson asked if there was no development fee for public safety, what options are available to fund growth improvements. Mr. Burke stated that historically it has been suggested to entertain a special revenue source in

the form of a secondary property tax. The intent was to take the burden away from current property owners and pass the cost to the new development.

Vice Mayor Evans stated that it is important that the community understand that the developer does not pay the impact fees, they are passed on to the end user. If the end user does not pay the fees then the community as a whole pays them.

Vice Mayor Evans requested the following additional information from staff:

- Impact to the City and how it would be subsidizing the unfunded amount should the impact fees stay at the current level.
- A comprehensive list of all the impact fees
- Comparison data from before impact fees were enacted and now.
- The City's percentage of the actual cost of the house versus what is governed by the real estate market.
- Information on how sales tax revenue from the sale of land is used.

Mayor Nabours stated that after the break the Council will hear item 15C next.

A break was held from 7:33 p.m. through 7:45 p.m.

15. **REGULAR AGENDA**

C. **Consideration and Approval of Lease of City-Owned Property:** Ground Lease Agreement for the Development of Affordable Housing: Providing site control of City owned land located at 300 South Verde for Habitat for Humanity of Northern Arizona to support construction of a home for inclusion in the Community Land Trust Program. ***(Permission for Habitat for Humanity of Northern Arizona to build a permanently affordable home on City land)***

Housing Manager Sarah Darr provided a PowerPoint Presentation that covered the following:

- CITY OF FLAGSTAFF WEB MAP OF PARCELS ALONG BUTLER
- HABITAT AT VERDE

Councilmember Overton moved to approve the Ground Lease Agreement with Habitat for Humanity of Northern Arizona for the construction of one single-family home to be sold to a qualified low-income household and included in the Community Land Trust Program; seconded, passed unanimously.

A. **Consideration and Adoption of Resolution No. 2014-13:** A resolution on the Principles of Sound Water Management - Water Policies Chapter of the Utilities Integrated Master Plan. ***(Approval of Water Policy by Resolution)***

Utilities Director Brad Hill stated that all of the changes discussed at the last meeting were incorporated into the current draft policy.

Deputy City Attorney Sterling Solomon provided information on the code citations and some suggested legal clarifications of corporate and retail.

Councilmember Barotz stated that there are places in the document that reference the City service area but there is no definition of the area. Mr. Solomon stated that the service area is the Flagstaff corporate limits. He suggested the removal of the term “set aside” as well removing the specific uses of reclaimed water as they can be amended from time to time and are housed in the Administrative Code.

The following individuals addressed Council in regards to the Water Policy:

- Karen Goodwin
- George Kladnik
- Moran Henn
- Rudy Preston
- Dave Lang

Comments received:

- Concerned about the vagueness of statements in the policy.
- Unregulated contaminants are present in the water.
- Rather than invest in Red Gap Ranch move forward with improving water conservation and advanced filtration and oxidation.
- Using reclaimed water contaminates the pristine aquifers in Coconino County.
- Sludge treatment is a big issue that needs to be addressed.
- It is a big mistake to continue recycling reclaimed water in the way that is being done today.
- The policy needs stronger language about water conservation.
- Concerns with how City is defined in the document, is it staff, council, or something else.
- The document does not go far enough in looking for ways to not put contaminants into the water in the first place.
- Concerns about prioritizing reclaimed water to current users as there may be bigger needs in other communities than Flagstaff.
- Commercial rates for reclaimed water are too low especially outside the City.

Vice Mayor Evans stated that the timeline to review the complete document was too short. She made the following recommendations:

- Page 7 take last paragraph and move it to after the first sentence of the document.
- Page 7, second paragraph, the language about regional land use and transportation plan needs clarification on the plan being voted on.
- Page 9, policy A1.3, service area needs to be defined.

- Page 9, policy A1.4, remove "development" from the sentence that states the "City shall not enter into a development agreement"
- Page 11 makes reference to customers outside the City limits paying over and above those within City limits; she would like to include the language of 10% which is allowed by law.
- Page 13, policy B2.2 is contradictory and suggested removing the word physically.
- Page 14, strategy B2.2c should be eliminated completely.
- Page 16, strategy B2.2g does not reference the Water Commission's role.
- Page 18, policy B3.6e, suggested referencing the State minimum to alleviate issues should A+ not be available.
- Page 19, suggested listing the minimum class that can be used in order to use for landscape and other uses.
- Page 20, policy C1.1, clarify who is doing the adjustments.
- Suggested that the rate not be subsidized by water rate customers but instead by a non-utility source that impacts the entire community.
- Page 21, policy C4.4a needs rewording.
- Page 22, needs to refer to case law on how much more the City can charge for water outside City limits.
- Page 25, policy D1 references a Water Conservation Section which was a program that was cut.
- Policy D2.1c appears to be a duplication of efforts.
- Policy D3 is a fiscally irresponsible policy; while it is important to use less water a monetary credit should not be offered because the system as a whole is underfunded.
- Page 28, policy E2.2 suggested clarification on how the update is done.
- Page 37, policy F4.1a is disingenuous as the locations are often not annexed because they do not meet the criteria. Suggested an in-lieu of fee to cover sales tax.

Councilmember Barotz stated that the document does not articulate who is responsible for making various administrative changes. It appears that some things come to City Council while others are handled at the staff level. Mr. Hill offered that often it depends on City Code as to what issues are handled by the City Council and what issues are handled by staff. Councilmember Barotz explained that she is concerned about the big decisions and if the policy is not clear on who handles those it may lead to bigger issues. She requested a five minute break to quickly review the language in question to make sure there are no other changes before moving forward.

A break was held from 8:54 p.m. through 9:07 p.m.

Councilmember Overton moved to read Resolution 2014-13 by title only; seconded; passed 6:1 with Vice Mayor Evans casting the dissenting vote.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF ADOPTING THE UTILITIES INTEGRATED MASTER PLAN: PRINCIPLES OF SOUND WATER MANAGEMENT, WATER POLICIES CHAPTER AS THE WATER POLICY FOR THE CITY OF FLAGSTAFF

Mayor Nabours moved to adopt Resolution 2014-13; seconded; passed 6:1 with Vice Mayor Evans casting the dissenting vote.

B. **Consideration and Adoption of Ordinance No. 2014-07 and Resolution No. 2014-10:** Resolution No. 2014-10 Declaring the proposed amendments as a public record; and adoption of Ordinance No. 2014-07, Adopting Amendments to that certain document entitled "Division 8-03-002, Sidewalk Cafes, Sidewalk Vending Carts and Other Permitted Encroachments" ***(An ordinance deleting* North Downtown Business District Encroachment Policy*, and replacing it in its entirety with* Sidewalk Cafes, Sidewalk Vending Carts, and Other Permitted Encroachments*)***

Comprehensive Planning and Code Administrator Roger Eastman provided a PowerPoint presentation that covered the following:

- SIDEWALK CAFES, SIDEWALK VENDING CARTS AND OTHER PERMITTED ENCROACHMENTS
- MEETING PURPOSE

Assistant to the City Manager for Real Estate David McIntire continued the presentation.

- DIVISION 8-03-002-REVISIONS
- OPTION A: SIDEWALK COST
- OPTION B: FCV FOR PROPERTIES FROM PREVIOUS YEAR
- OPTION C: LOCAL VALUE $1.00 PER SQUARE FOOT
- STAFF RECOMMENDATION IS OPTION A

Sam Green encouraged Council to adopt the least expensive option.

Jeff Knorr encouraged Council to better define the minimum standard for nominal.

Councilmember Woodson asked how this Ordinance would be applied to other vending on the sidewalks. There appears to be disparity on how vendors are defined. Mr. Eastman offered that the City Code specifically does not allow for outdoor displays and staff responds to complaints when they are received. Vice Mayor Evans stated that it is not fair that some vendors have to pay for a license while others can operate until a complaint is received. The City should better monitor violations. Mr. Eastman responded that with the limited staff resources available they respond only on complaints unless there is an egregious violation. Mr. Burke offered that the principle piece this item is resolving is the gift clause issue. It is not a fee for service it is a fee for a value of using a public asset for private purposes. The enforcement is still an obligation and staff will continue to enforce to the extent that they can with the resources available.

Councilmember Woodson moved to read Resolution 2014-10 by title only; seconded; passed unanimously.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "DIVISION 8-03-002, SIDEWALK CAFES, SIDEWALK VENDING CARTS AND OTHER PERMITTED ENCROACHMENTS"

Mayor Nabours moved to adopt Resolution 2014-10; seconded; passed unanimously.

Mayor Nabours moved to read Ordinance 2014-07 with option A by title only for the final time; seconded; passed unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF FLAGSTAFF, ARIZONA, AMENDING TITLE 8 OF THE FLAGSTAFF MUNICIPAL CODE BY DELETING IN ITS ENTIRETY DIVISION 8-03-002, NORTH DOWNTOWN BUSINESS DISTRICT ENCROACHMENT POLICY; AND ADOPTING THAT CERTAIN DOCUMENT ENTITLED "DIVISION 8-03-002, SIDEWALK CAFES, SIDEWALK VENDING CARTS AND OTHER PERMITTED ENCROACHMENTS"

Mayor Nabours moved to adopt Ordinance 2014-07 with option A; seconded; passed unanimously.

Mayor Nabours stated that Council will hear item 15E next.

E. **Consideration of Ordinance No. 2014-09**: An ordinance prohibiting aggressive solicitation.

Councilmember Barotz left the dais at 10:00 p.m.

Police Chief Kevin Treadway provided information on the issue of panhandling. Public education on the Ordinance will be especially important and encouragement for citizens to contact the Police Department when issues arise. Staff is currently working on a voucher program where vouchers are sold to general public to be given in lieu of cash.

Assistant City Attorney Marianne Sullivan reviewed the proposed Ordinance. The suggested changes have been made and the 15 foot option was incorporated as requested by Council.

Mayor Nabours asked if a person could be cited under both City and State statutes. Ms. Sullivan stated that if the State law is passed it would be up to the discretion of the officer which statute to cite under.

George Averback addressed Council in favor of the Ordinance.

Ed Kaboti addressed Council saying he is a licensed street vendor in the City and is in cooperation with the Ordinance but wants to make sure that personal freedoms are taken into consideration and protected.

Councilmember Overton asked how the Police Department will contact a person to offer services. Chief Treadway stated that the Flagstaff Police Department will attempt to approach these individuals on a consensual basis; the individual is not required to identify themselves or talk to the officer. If consent is granted the officer can provide them with access to social services and attempt to identify them. It is a polarized situation that will involve the entire community and creative approaches. Public education is very important. People panhandle because it is lucrative and different options and solutions are being discussed to try and attempt to curb the behavior. CJCC is an excellent forum to reach out to the public as well as local media outlets and social media.

Vice Mayor Evans stated that the issue is a much broader societal issue and there needs to be focus on the social problems causing the issue. The voucher idea is fantastic and social service agencies need to work together on this issue. She also expressed concern with the consensual contact with a police officer; when someone approaches in a uniform most people do not exercise their right to walk away or refuse to contact.

Councilmember Oravits requested more information about the outreach efforts to the private properties as well as information about when panhandling becomes a commercial activity and if there is a way to address that.

Councilmember Oravits moved to read Ordinance 2014-09 by title only for the first time; seconded; passed 6:0 with Councilmember Barotz absent.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 6, POLICE REGULATIONS, CHAPTER, 1 GENERAL OFFENSES, DIVISION 1, BY ADDING A NEW SECTION 1 RELATING TO AGGRESSIVE SOLICITATION; PROVIDING FOR PENALTY, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Mayor Nabours moved to hear item 15D; seconded; passed 6:0 with Councilmember Barotz absent.

D. **Consideration and Approval of Contract:** Consultant Agreement; Utility Rate and Capacity Fee Study ***(Approval of the Agreement will allow Willdan Financial Services, Inc. to prepare a Utility Rate and Capacity Fee Study for the City of Flagstaff)***

Utilities Engineering Manager Ryan Roberts stated that this approval is for an agreement with Willdan Financial Services, Inc. to prepare a Utility Rate and Capacity Fee Study. Willdan was the highest rated responder. The fee is $35,000 less than what was budgeted. Staff plans on working with Willdan, the Water Commission and other outside agencies throughout the study.

Rudy Preston addressed Council in favor of the study and offered assistance with outreach.

Councilmember Brewster moved to approve the Agreement with Willdan Financial Services, Inc. for the amount of $114,380, authorize the City Manager to execute the necessary documents, and authorize change order authority for the City Manager for the amount of $11,438 (10%) to cover the expense of additional items or other unanticipated work; seconded, passed 6:0 with Councilmember Barotz absent.

Councilmember Oravits moved to continue with item 18; seconded; passed 6:0 with Councilmember Barotz absent.

16. **DISCUSSION ITEMS**

A. **Road Repair and Street Safety Initiative Update**

Postponed to a later date.

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 Oravits requested a study on lane reductions on Fourth Street. He feels that it is important to maintain two lanes of traffic minimum and would like the opportunity to discuss the item on an agenda to get further information and clarification.

Vice Mayor Evans requested a staff update on what is going on with Francis Short Pond. She also reported that she will not be at the Council meeting next Tuesday as she will be accepting an award.

Vice Mayor Evans requested a list from staff about proposed off campus student housing and who the developer is. She also encouraged the City Manager to speak with the residents of The Meadows with regard to the flooding issues they mentioned during public participation.

Councilmember Brewster noted that this weekend is NACET's startup for entrepreneurs at the ARD building at NAU.

19. **ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held April 1, 2014, adjourned at 10:41 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 April 1, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 15th day of April, 2014.

_____
CITY CLERK