

REGULAR COUNCIL MEETING  
TUESDAY, MARCH 4, 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 March 4, 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**

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**

- A. **Consideration and Approval of Minutes:** City Council Joint City/County Work Session of February 3, 2014; the Regular Council Meeting of February 4, 2014; the February 11, 2014, Work Session; and the Regular Council Meeting of February 18, 2014.

**Councilmember Oravits moved to approve the minutes of the City Council Joint City/County Work Session of February 3, 2014; the Regular Council Meeting of February 4, 2014; the February 11, 2014, Work Session; and the Regular Council Meeting of February 18, 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.*

The following individuals addressed Council in support of the off campus student housing being proposed:

- Jaycee McCullough
- Marcelino Coppola
- Shawn Stoufer

Jeff Johnson addressed Council with concerns about the awarding of contract for design services; he believes that the contract should support local businesses.

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, "Dorado's", 103 N. Leroux, Series 06 (bar- all spirituous liquor), New License and Person Transfer.

Mayor Nabours opened the public hearing.

Applicant for the license Brian Gruger addressed Council providing some background into how he has come to manage the restaurant that was San Felipe's. He has changed the name of the restaurant to Dorado's and is changing the direction the restaurant is going in hopes of bringing back the family restaurant it once was.

Mayor Nabours closed the public hearing

**Councilmember Overton moved to forward the application for Dorado's 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 Amendment to Lease Agreements:** Flagstaff Airport Rental Car Concessions, IFB 2011-09A: Amendment to leases with: Avis Budget Car Rental LLC, Alamo Rental Car/National Car Rental, The Hertz Corporation, and Enterprise Rent-A-Car companies. (Amendment to current leases with car rental companies for a three-year renewal in lieu of the two one-year renewals)

**MOTION:** Approve an amendment to the current lease agreement for a lease renewal for three (3) years in lieu of the two (2) one-year renewal (as the current lease agreements indicate) between the City of Flagstaff and Avis Budget Car Rental LLC, Alamo Rental Car/National Car Rental, The Hertz Corporation, and Enterprise Rent-A-Car Companies.

- B. **Consideration and Approval of Construction Contract:** Pulliam Airport Concrete Ramp Joint Repair Project.

**MOTION:** Approve the construction contract with Robert E. Porter Construction in the amount of \$149,148.00 with a 45 day contract time, subject to approval from ADOT Multimodal Planning Division, Aeronautics Group; approve change order authority in the amount of \$ 14,914.80 (10%) of the contract amount to cover potential costs associated with unanticipated items of work; and authorize the City Manager to execute the necessary documents.

**Councilmember Woodson moved to approve the Consent Items as presented; seconded; passed unanimously.**

10. **ROUTINE ITEMS**

- A. **Consideration and Approval of Contract:** Intergovernmental Agreement between the City of Flagstaff and Coconino County for use of the Joe C. Montoya Community and Senior Center for Senior Nutrition Programs and renewal of Meals on Wheels program. (Meals on Wheels Renewal)

**Councilmember Overton moved to approve Intergovernmental Agreement between the City of Flagstaff and Coconino County for use of the Joe C. Montoya Community and Senior Center for Senior Nutrition Programs and renewal of Meals on Wheels program; seconded; passed unanimously.**

- B. **Consideration and Approval of Contract:** Consideration to enter into the Cooperative Greater Flagstaff Fire Agencies All Risk Emergency Intergovernmental Agreement. (Enter into agreement with surrounding fire districts for mutual cooperation in responding to emergencies)

Mayor Nabours explained that item 10B has been withdrawn from the agenda as staff is working through some issues with the contract. It will be brought back at a later time.

- C. **Consideration and Approval of Contract:** Consideration to enter into the Arizona Mutual Aid Compact. (Enter into mutual aid agreement with other jurisdictions throughout the State of Arizona for responding to emergencies)

Fire Chief Mark Gaillard provided a PowerPoint presentation that covered the following:

- ▶ RECOMMENDATION
- ▶ INTRASTATE MUTUAL AID
- ▶ ELEMENTS OF THE AZMAC
- ▶ COMMUNITY BENEFITS
- ▶ RECOMMENDATION

Councilmember Brewster asked how and if expenses are reimbursed when Flagstaff sends employees to provide assistance. Chief Gaillard explained that there may be instances where the City is not reimbursed, in other cases the agreement specifies how the reimbursement will occur. There have been numerous instances around the State where assistance is needed and much of that service was not reimbursed and through the agreement the communities understood that there would be no reimbursement.

Mayor Nabours asked if there is any reimbursement when Flagstaff personnel are called upon by the Department of Public Safety to assist with large highway accidents. Chief Gaillard explained that none of the State agencies participate in the AZMAC agreement; however, Flagstaff assists immediately by request.

The City Council inquired about instances where reimbursement is given for services. Chief Gaillard stated that if a private party is involved then the City is able to pursue reimbursement from the private party as allowed by State statute. The agreement is administrative in that it facilitates participation from multiple agencies should a disaster occur.

Public Works Director Erik Solberg offered that during the Shultz flooding, Coconino County called in Yavapai County to help with the dirt roads. This is an instance where the agreement comes in.

**Councilmember Brewster moved to approve the Arizona Mutual Aid Compact and authorize the Mayor to execute on behalf of the City of Flagstaff seconded; passed unanimously.**

- D. **Consideration and Adoption of Resolution No. 2014-11:** A resolution of the City Council of the City of Flagstaff, Arizona approving an instrument of release and re-conveyance of public utility easements within Lots 126 and 127 as shown on the Final Subdivision Plat for Aspen Place at Sawmill as recorded in Instrument No. 3438431, and the Amended Plat recorded in Instrument No. 3583171, Records of Coconino County ("Easements") granted to the City in the original Subdivision Plat. (Abandoning unnecessary utility easements to allow for improved design in the Village at Aspen Place)

Councilmember Woodson declared a conflict of interest and left the dais at 4:27 p.m.

**Councilmember Overton moved to read Resolution No. 2014-11 by title only; seconded; passed unanimously.**

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA APPROVING AN INSTRUMENT OF RELEASE AND RE-CONVEYANCE OF PUBLIC UTILITY EASEMENTS WITHIN LOTS 126 AND 127 AS SHOWN ON THE FINAL SUBDIVISION PLAT FOR ASPEN PLACE AT SAWMILL AS RECORDED IN INSTRUMENT NO. 3438431, AND THE AMENDED PLAT RECORDED IN INSTRUMENT NO. 3583171, RECORDS OF COCONINO COUNTY ("EASEMENTS") GRANTED TO THE CITY IN THE ORIGINAL SUBDIVISION PLAT.*

**Councilmember Overton moved to adopt Resolution No. 2014-11; seconded; passed 6-0 with Councilmember Woodson abstaining.**

### **RECESS**

The 4:00 p.m. portion of the March 4, 2014, Flagstaff City Council meeting recessed at 4:28 p.m.

### **6:00 P.M. MEETING**

**RECONVENE**

Mayor Nabours reconvened the meeting of the Flagstaff City Council held March 4, 2014, at 6:03 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**

Eric Erharger addressed Council with concerns about the electronic display sign near City Hall that states no overnight parking and the ordinance currently in effect during a time of no snow.

Sustainability Specialist Tamara Wallace addressed Council to formally invite them and the community to participate in an event called Lights out Flagstaff. It is an even that encourages people to turn off the lights for an hour on March 28<sup>th</sup> and 29<sup>th</sup> to show support for responsible energy use. The event will kick off on March 28<sup>th</sup> with the lowering of lights in Heritage Square where different community organizations will be offering free astronomy viewing with telescopes set up in the area. On March 29<sup>th</sup> Lowell Observatory is offering free admission to the public after 5pm.

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

None

14. **PUBLIC HEARING ITEMS**

None

15. **REGULAR AGENDA**

A. **Consideration and Approval of Construction Manager at Risk Contract: Funding of Street Maintenance Program 2014**

Mayor Nabours stated that it does not appear that Cedar/Forest is the worst of roads and is interested in why the money is not being spent on other more deteriorated roads. Public Works Senior Project Manager Dan Holmes explained that this is the first year that the Street Maintenance Program is getting back to preservation. To protect and extend the life of the roads that have been recently overlaid it is important to get protective preservation down on the streets.

Mayor Nabours asked about Switzer Canyon Drive, noting that there is current construction going on as well as it seems to need an overlay and not a chip seal. Mr. Holmes explained that the Capital Improvement project is not yet complete and part of the completion will be to bring the roads up to the required standard. The work is scheduled to be completed by May and the chip seal will be done after the work is completed.

Councilmember Overton asked about some of the elements included in the Construction Manager at Risk and if it is boiler plate language or pertinent to the current project. Mr. Holmes offered that it is standard boiler plate language and not all elements apply to the project.

Mayor Nabours asked Mr. Holmes to explain how the contract came to be awarded to the contractor and why it was not the lowest price. Mr. Holmes explained that the Construction Manager at Risk allows for solicitations and qualifications from vendors. A five member team evaluated the proposals and selected the contractor based on the best qualified to do the work. The proposals include a scope of work that provides a not to exceed price and a guarantee for any occurring overages.

Mr. Holmes also pointed out that since the staff report was written a portion of Huntington has been added to the list.

**Councilmember Oravits moved to approve the Construction Manager at Risk Contract with C and E Paving and Grading, LLC in an amount not to exceed \$3,249,999.62; and authorize Change Order Authority in the amount of \$162,500 (5%) to cover potential costs associated with unanticipated or additional items of work; and authorize the City Manager to execute the necessary documents; seconded; passed unanimously.**

B. **Consideration and Adoption of Resolution No. 2014-09:** A resolution of the Mayor and City Council of the City of Flagstaff, Arizona, requiring that the City incorporate sustainable building practices into the design, construction, and operation of all City-owned facilities and repealing Resolution No. 2008-32, which required all new City buildings to be constructed using the U.S. Green Building Council-sponsored principles of Leadership in Energy and Environmental Design (LEED) (For the purpose of providing more sustainable building options to the City)

Sustainability Manager Nicole Woodman stated that the intent of the Resolution is to provide the City with more sustainable building options and to address the diverse building needs of the City.

Mayor Nabours clarified that no additional requirements are being imposed with the Resolution. Ms. Woodman offered that the Resolution provides more of a menu of options for City facilities.

Ms. Woodman provided a brief PowerPoint presentation that covered the following:

- ▶ EXAMPLE BUILDING TO LEED SILVER – INNOVATION MESA
- ▶ EXAMPLE O&M AT LEED SILVER – INNOVATION MESA

Councilmember Overton noted that when the LEED Certification was adopted in 2008 he felt that the City was locking itself into LEED certification at the Silver level and that standard was a lofty goal. He is encouraged with the options now available to achieve similar results but with more flexibility in cost.

Councilmember Overton requested that the fourth whereas statement as well as section three be revised to replace the commas between certifications with or. This offers better clarification that any of the certifications are acceptable to use.

Jeff Knorr addressed Council asking if the new certifications would apply to all existing City buildings or new City buildings. Ms. Woodman offered that the options apply to new occupied facilities and any remodels over 10,000 square feet.

**Councilmember Barotz moved to read Resolution No. 2014-09 by title only and gives the Clerk the authority to make noted corrections; seconded; passed unanimously.**

*A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, REQUIRING THAT THE CITY INCORPORATE SUSTAINABLE BUILDING PRACTICES INTO THE DESIGN, CONSTRUCTION, AND OPERATION OF ALL CITY-OWNED FACILITIES AND REPEALING RESOLUTION NO. 2008-32, WHICH REQUIRED ALL NEW CITY BUILDINGS TO BE CONSTRUCTED USING THE U.S. GREEN BUILDING COUNCIL-SPONSORED PRINCIPLES OF LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) AS AMENDED*

**Councilmember Woodson moved to adopt Resolution No. 2014-09 as amended; seconded; passed unanimously.**



16. **DISCUSSION ITEMS**

A. **Review letter to NAU President Search Committee from Council**

Mayor Nabours stated that in the presentation the committee will look to address the questions provided; he drafted some questions and would like to know if the Council is interested in submitting any other questions and if the Council would like him to address the search committee and speak on behalf of the City Council or himself.

Councilmember Brewster stated that the questions drafted are good. She will be present to speak on her own behalf but would be okay with the Mayor speaking on behalf of the City Council.

Vice Mayor Evans stated that the list of questions presented was not available as part of the regular agenda and it is not currently available on the website. She requested that the document be made available as part of the agenda packet. She added that she does not agree with all of the comments and statements and would prefer that each Councilmember as individual members write a letter to the committee.

Mayor Nabours stated that if the Council is not unanimous on him representing the City Council as a whole he will speak only on behalf of himself and encouraged the other Councilmembers to do the same.

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 noted the comments about the no parking sign outside City Hall and asked that these signs be included in the overall sign discussion happening in the near future. Vice Mayor Evans agreed with the request to have a further discussion as the enforcement is not consistent throughout the City.

Councilmember Woodson offered congratulations to the Flagstaff High School Boys Basketball who took second place in the State.

Mr. Burke offered that the Washington D.C. trip was very successful. The group was very focused on who they met with and what was being requested. They were able to have an effective meeting with the Assistant Secretary of the Army for Civil Works, regarding the Rio de Flag project. They also met with the Office of Management and Budget which gave good insights about process that help the City make better requests

each year. Met with the Undersecretary of Agriculture Robert Bonnie who has replaced Sherman Harris and it was nice to see that he took to heart the proclamation signed at the Museum of Northern Arizona as "how the leaders do it".

Mayor Nabours added that it is clear that Flagstaff's representatives, the Forest Service and Senators are fully behind the 4FRI initiative but it comes down to funding. Everyone is working to move past the funding challenges, by going back to Washington D.C. each year we are able to keep the discussion on the table and moving.

19. **ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held March 4, 2014, adjourned at 6:51p.m.

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MAYOR

ATTEST:

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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 March 4, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 18th day of March, 2014.

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CITY CLERK