

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

4:00 P.M. MEETING

1. CALL TO ORDER

Mayor Nabours called the Regular Meeting of the Flagstaff City Council of April 15, 2014, to order at 4:04 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 members of the audience recited the Pledge of Allegiance, and Mayor Nabours read the Mission Statement of the City of Flagstaff.

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 March 18, 2014; the Special Meeting (Executive Session) of March 25, 2014; and the Regular Meeting of April 1, 2014.

Corrections were made to the minutes of the March 18, 2014, meeting to clarify that Councilmember Barotz left the meeting at 10:00 a.m. and therefore was not voting on issues after that time.

Councilmember Oravits moved to approve the minutes [City Council Regular Meeting of March 18, 2014; the Special Meeting (Executive Session) of March 25, 2014; and the Regular Meeting of April 1, 2014] as amended; seconded; passed unanimously.

5. **PUBLIC PARTICIPATION**

Public Participation enables the public to address the Council about an item that is not on the agenda (or is listed under Possible Future Agenda Items). Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

None

6. **PROCLAMATIONS AND RECOGNITIONS**

None

7. **APPOINTMENTS**

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that the City Council may vote to go into executive session, which will not be open to the public, for the purpose of discussing or considering employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of any public body..., pursuant to A.R.S. §38-431.03(A)(1).

8. **LIQUOR LICENSE PUBLIC HEARINGS**

- A. **Consideration and Action on Liquor License Application:** David Horne, "Milton Rd. Texaco", 1601 S. Milton Rd., Series 10 (beer and wine store), New License.

Mayor Nabours opened the public hearing; there being no public comment; Mayor Nabours closed the public hearing.

Councilmember Barotz asked if staff had received any written documentation from the Montessori School in the area. Ms. Saltsburg noted that the property was posted on March 18 at the location. The Montessori School was not notified directly; however, no protests were received.

Sergeant Matt Wright noted that ARS requires that in this series of license it be back 300 feet, building to building. It now also includes fences; however, there is a provision that provides reprieve to current licenses that are changing ownership.

Councilmember Oravits moved to forward the application to the State with a recommendation for approval; seconded; passed unanimously.

9. **CONSENT ITEMS**

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

- A. **Consideration and Approval of Contract:** Rose St. 2010 Bond Improvements Project. ***(Contract for improvements on Rose St.)***

MOTION:

- 1) Approve the construction contract with RTR Paving and Resurfacing, LLC in the amount of \$1,403,358.00 including a \$75,500 contract allowance and a contract time of 140 calendar days;
- 2) Approve Change Order Authority to the City Manager in the amount of \$132,785.00 (10% of contract amount, less allowance);
- 3) Authorize the City Manager to execute the necessary documents.

- B. **Consideration and Approval of Contract:** Consultant Agreement: Development and Analysis of Operational Alternatives for the Milton Road Corridor ***(Grant funded)***

MOTION:

- 1) Approve the agreement with Kimley Horn & Associates, Inc. in the amount of \$99,972.12 with Federal Highway Administration and Federal Transit Administration funds passed-through from the Arizona Department of Transportation; and
- 2) Authorize the City Manager to execute the necessary documents.

- C. **Consideration and Approval of Contract:** FUTS Arizona Trail, Route 66 to McMillan Mesa Project. ***(Approve construction contract with Tri-Com Corporation for construction of FUTS Arizona Trail, Route 66 to McMillan Mesa Project)***

MOTION:

- 1) Award the construction contract to Tri-Com Corporation of Tempe, Arizona in the total award amount of \$230,503.80, which includes \$25,000.00 in contract allowance. The contract period is 90 calendar days; and
- 2) Authorize Change Order Authority to the City Manager in the amount of \$20,500.00 (10% of the bid contract amount, less contract allowance) for unanticipated additional costs; and
- 3) Authorize the City Manager to execute the necessary documents.

Councilmember Overton moved to approve Items 9-B and 9-C; seconded; passed unanimously.

Councilmember Oravits declared a conflict of interest and left the dais.

Councilmember Woodson moved to approve Item 9-A; seconded; passed 6-0 with Councilmember Oravits abstaining.

10. **ROUTINE ITEMS**

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

Mayor Nabours moved to read Ordinance No. 2014-09 by title only for the final time; seconded; passed unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 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

Councilmember Brewster moved to adopt Ordinance No. 2014-09; seconded; passed unanimously.

- B. **Consideration and Approval of Street Closure(s):** Tenth Annual Route 66 Days Charity Car Show

Ms. Pavey reviewed the application.

Councilmember Barotz said that an issue came up last year with the engines being revved early in the morning, and asked if there was a way to keep that at a minimum. A representative of the Car Show said that they do ask them not to do that; however, some of the vehicles require that to keep them going. He said they would request it again this year.

Councilmember Woodson moved to approve the street closure at Aspen and Birch Avenues between Humphreys and San Francisco Streets on

September 6, 2014, from 6:00 a.m. - 6:00 p.m.; seconded; passed unanimously.

C. **Consideration and Approval of Street Closure(s):** Hopi Native Arts and Cultural Festival

Ms. Pavey briefly reviewed the application and introduced Ms. Talayumptewa of the Hopi Tribes Economic Development Corporation. Ms. Talayumptewa said that they really appreciated last year the Council giving them the opportunity to expand the market into a festival. The statistics showed an increase in the volume of visitors and they were able to help CPS with \$10,000. This year they will be contributing to domestic violence prevention. She said that it is an opportunity for artisans to thrive and it brings more people into Flagstaff.

Brief discussion was held on the placement of the booths. Ms. Talayumptewa said that they have removed some canopies and all tents in the street are open on all sides. She said that they had pictures from last year showing people going into the stores and they are inviting those businesses to host an artist or be a part of the festival.

Vice Mayor Evans said that she was at the event last year and thought it was well managed and run. It was definitely open with a good flow and she thought it was a great event for Flagstaff.

Mr. Burke said that he talked with five different businesses along the stretch and the layout seemed to work well last year.

Mayor Nabours asked if there had been any communication with the Downtown District. Ms. Pavey said that they have been running all applications through the District so they are aware of them. She said that they had requested that a different weekend be selected since this was Parents' Weekend at NAU, but there was not another weekend available.

Councilmember Brewster recommended that they contact someone with NAU to advertise on campus as well.

Vice Mayor Evans moved to approve the street closure at Aspen Ave between San Francisco Street and Leroux Street on September 27, 2014 at 6:00 a.m. through September 28, 2014 at 6:00 p.m.; seconded; passed unanimously.

RECESS

The Regular Meeting of the Flagstaff City Council held April 15, 2014, recessed at 4:28 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Nabours reconvened the Regular Meeting of the Flagstaff City Council held April 15, 2014, at 6:03 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.

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**

The following individuals addressed the Council regarding the Arrowhead Mobile Home Park issue, requesting that Roxanna be permitted to represent them and that the item be placed on a future agenda for further discussion:

- Susan Ontiveros
- Emily Davalos
- Maya Sinas
- Wes Owens

Leslie Fox addressed the Council stating she was a high school teacher and her class is coordinating with the Earth Day event to provide a "Trashy Fashion Show."

Moran Henn, representing Friends of Flagstaff's Future, invited everyone to the Earth Day activities.

The following individuals spoke in favor of restricting open fires in the forest, and asked that the Council consider enacting a resolution to be sent to the USFS here and in Albuquerque, along with the state legislators:

- Mary Locke
- Cam McCauley

A written comment was received from Alexander Ballesteros in opposition to an ordinance addressing pan handling.

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

None

14. **PUBLIC HEARING ITEMS**

None

15. **REGULAR AGENDA**

- A. **Consideration and Adoption of Resolution No. 2014-14:** A resolution approving the City of Flagstaff 2014/2015 Annual Action Plan and authorizing its submission to the U.S. Department of Housing and Urban Development (HUD).

Housing Manager Sarah Darr began the presentation by commending Justyna Costa for assuming her new role with the department while still working on this prior project.

Ms. Darr addressed questions that had been raised from last week's meeting.

There were five agencies being recommended that also applied for United Way funds. Is it possible to reduce the City contracted amount with United Way and supplement the overlapping agencies instead with CDBG Funds?

The answer was no; supplanting is prohibited. HUD will not allow CDBG funds to be substituted for funds that were previously paid by the City or the State for that same program. CDBG funds are very restrictive and can only be used for the identified eligible projects serving only the eligible population while United Way funds are unrestricted as long as performance standards are met.

Agencies apply to CDBG and United Way for specific programs or activities, most often different programs or activities. CDBG limits apply to public service activities with a cap of 15%.

She then reviewed how much money they were talking about. She said that last year was an anomaly. It was the only time they had enough money to fund requests. This year there are significant differences between the agencies recommended and those not.

She reviewed the requests received for Public Service and Housing projects and the recommended agencies and amounts.

She then reviewed the timeline, noting that May 15, 2014 was the deadline for submitting to HUD.

Mayor Nabours asked how an entity knows to apply for this funding. Ms. Darr said that staff publishes a notice and they hold a public hearing where agencies receive information. It is not mandatory attendance. She said that they also offer technical assistance; they like to sit down with agencies to ensure the activity is eligible before a lot of time is spent on their part.

Mayor Nabours said that he was surprised at how few agencies applied for this funding. Ms. Darr said that in the past they have had more. As their pot has gone down, agencies are doing more assessment on their likelihood of being awarded.

She said that HUD likes to see housing activities. Their grant deadline falls in the grant season, so they are not the only ones collecting applications.

Mayor Nabours said that he noticed on the agenda for an upcoming NACOG meeting that they also address CDBG grants, and asked how their awarding of grants was different than the City's.

Ms. Darr said that the City of Flagstaff is an entitlement community. They receive funds from HUD because of their size. The rest of the state with populations of 55,000 or less has funding allocated through NACOG. Those are typically restricted to be spent outside of the entitlement areas, so there is no overlap.

Mayor Nabours said that the five agencies that would be funded, if approved, are also funded by United Way funds assisted with City money. He said that adding those up, of the \$600,000 in funding, \$300,000 will go to those agencies and the balance goes to the City for various things. Ms. Darr said that they are recommending continuing the funding of the Owner Occupied Housing project, and queuing from the Council last year they have an allocation to finish the Arroya Park project. Additionally, they include a percentage to ensure to that these are administered compliantly.

Councilmember Barotz moved to read Resolution No. 2014-14 by title only; seconded; passed unanimously.

A RESOLUTION APPROVING THE CITY OF FLAGSTAFF 2014/2015 ANNUAL ACTION PLAN AND AUTHORIZING ITS SUBMISSION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Councilmember Brewster moved to adopt Resolution No. 2014-14; seconded; passed unanimously.

- B. **Consideration and Approval of Preliminary Plat:** Request from Mogollon Engineering and Surveying Inc., on behalf of True Life Communities PCAZ, for the subdivision of approximately 8.06 acres into 36 single-family residential townhome lots located at 3002 S. Clubhouse Circle, within the R1, Single-Family Residential Zone.

Planning Development Manager Tiffany Antol reviewed the Subdivision Review Process in general and then reviewed this application through a PowerPoint presentation which addressed:

- WHITE PINES TOWNHOMES AT PINE CANYON
- PRELIMINARY PLAT – NEW PARCELS

She said that the project started as a condominium project, with all infrastructure in place, but it has now been made into a townhouse project.

- SITE PLAN WITH BUILDING FOOTPRINTS
- ELEVATIONS
- NATURAL RESOURCE PROTECTION
- SYSTEMS ANALYSIS

Ms. Antol said that the Planning and Zoning Commission unanimously recommended approval of the project with no conditions.

Councilmember Barotz moved to approve the preliminary plat as recommended unanimously by the Planning and Zoning Commission; seconded; passed unanimously.

- C. **Consideration and Approval of Preliminary Plat:** for Fountain Head United, LLC for Camryn Pines subdivision, a one-hundred and twenty-three lot, single-family, detached residential subdivision. The site is 59.1 acres in size and is located at 4501 South Beulah Boulevard. The site is zoned R1, Single-Family Residential zone.

Current Planner Neil Gullickson briefly reviewed the preliminary plat for Camryn Pines, noting that it was located south of Fort Tuthill. The Planning and Zoning Commission also unanimously recommended approval of this project.

Councilmember Oravits moved to approve the preliminary plat as recommended by the Planning and Zoning Commission; seconded; passed unanimously.

16. **DISCUSSION ITEMS**

- A. **Discussion:** Direction to Staff regarding the Fourth Street Corridor Master Plan

Community Design and Redevelopment Manager Karl Eberhard briefly reviewed the presentation made to Council on January 23, 2014, which addressed:

- Context for Budget Discussion
- Recommended Future Council Discussion
- Project History
- Public Outreach
- Consultant's Scope of Work
- Consultant's Recommendation
- Conclusion: Policy Discussion Required

- Question: Funding
- Policy Discussion Required
- Immediate Safety Concerns
- Phasing / Smaller Project Possibilities
- Portions of Master Plan Not Related to Policy Question

He then reviewed the graphic which addressed Council's direction at that meeting:

- 1) Move forward with pedestrian-activated crossings
- 2) Move forward with realignment of 6th/7th and Cedar/Lockett
- 3) Look at median – enhanced, not raised
- 4) Sidewalk improvements south of 7th

Mayor Nabours asked what staff has done since that meeting. Mr. Eberhard said that they have not done much. They have had some outreach with Northern Arizona Builders Association and have started to look at crossings.

Mayor Nabours said that he did not recall any direction to staff to narrow or eliminate any traffic lanes. Mr. Eberhard said that was correct.

Mayor Nabours said that the sketches done in the Plan showed a narrowing of traffic lanes. Mr. Eberhard said that is what the consultant had proposed; however, Council gave no such direction to staff to eliminate or narrow any lanes.

Mayor Nabours asked if Council had given mixed directions to staff by saying they did not want to eliminate any traffic lanes south of 6th and then giving no direction north of 6th. Mr. Eberhard said that they did not. His understanding was that they were looking at crossings and median enhancement.

Mayor Nabours asked if staff was doing anything about realigning 6th and 7th Avenues. Mr. Eberhard said that based on direction, they would start negotiations with property owners, who had previously mentioned an interest.

Councilmember Oravits said that the sketch shows that the Shell station would be involved in such realignment. He said that there were members of the Beamer family at the meeting and asked if they would like to address the issue.

Mr. Eberhard explained that when the plan was presented at outreach meetings, Mr. Beamer was at those meetings and when it indicated that it would go through his property his response was, "make me an offer." He has not talked with Mr. Beamer since that January Council discussion.

Mr. Eberhard noted that they heard from the business owners that they did not want raised medians, so the project proposed enhanced medians which would remain as a shared turn lane, but aesthetically pleasing and help with traffic calming.

Councilmember Woodson asked how they could get the lane diet issue off the table, to give the residents an idea of what Fourth is going to look like sooner

rather than later. Councilmember Oravits agreed; they should resolve the issue now so people are not waiting to find out the outcome.

Mayor Nabours asked if there had been any design for sidewalks on the east side of the south half. Mr. Eberhard said that they have not worked on the project since January. There is a right-of-way issue with some parcels two feet behind the curb.

Adrienne Anecchini, representing the *Go Fourth!* Members, read a statement which addressed the residents' concerns with the proposed lane diet and asked that it be resolved this evening. She said that they have formed a multipurpose group consisting of residents and business owners whose initial purpose is to provide Council and City staff a single contact point for the group. She said that they look forward to working with the City in the future.

Mr. Beamer, owner of the Shell Station located on Fourth Street, addressed the Council, noting that he has been a citizen of Flagstaff for over 80 years. In 1965 he purchased the lot where the Shell station is located and in 1967 he built a self-serve station and has been in business since then. At that time there was a strip of asphalt going up Fourth Street with a big ditch for water runoff, and his family gave that property to the County for that improvement. It has been their primary business since 1967. He has three sons in business with him and it, along with other entities, are supporting four families in the City.

Vice Mayor Evans said that she apologized for moving forward with that idea, but she was at two different meetings in which he attended, and the alignment map was shown. At those meetings he made the comment, "make me an offer," which had implied to staff that he would consider the sale of that property. Mr. Beamer said that he was joking when he made that statement.

Vice Mayor Evans said that she was excited to see the group at the meeting this evening. She has been looking at the issue for over 20 years and has had the opportunity to speak with neighborhoods. She said that groups have gotten together and then go away, and she was happy to see them and she hoped they would remain active.

Vice Mayor Evans said that she knew there was an active resident organization that has been active for 40 years, and there was also a group out of North Country Health Care and Lower Greenlaw. She is hoping as they talk that all of the groups will get together.

Jay Heath said that the intent of this group was exactly that. He said that he wanted to point out that they were not a business group; they were all inclusive and they are encouraging membership from all different areas including Continental and Foxglenn.

He said that he lived at the top of Fourth Street and when they built the Catholic Church on the hill they had many dump trucks going up and over the hill. Now he is seeing USFS trucks going up Fourth Street. If the road is narrowed they will go to Patterson.

Bill McCullough, representing the Greater Flagstaff Chamber of Commerce Economic Development Committee, said that "tax day" was an appropriate day to have their time to weigh in. Citizen participation has been requested and Council and Traffic Commission meetings and a proposed expenditure of over \$17 million in today's environment seems worthy of a broader discussion. He asked Council to consider involving business owners, residents, and commuters to have input. He asked staff to update and simplify, or eliminate, the more expensive portions of the plan and they offered assistance.

Mayor Nabours said that it was only fair to the public and staff to give them some idea of what they have in mind, and give them some direction. Councilmember Barotz said that she would never entertain a proposal for condemnation, and had she known Mr. Beamer was not interested in selling the Shell station it would not be part of the plan. She suggested that it be taken off the table. Councilmember Brewster said that she agreed that there should be no lane narrowing either.

All Councilmembers echoed their support for taking off the Shell station from consideration and not narrowing lanes.

Vice Mayor Evans said that there have been a lot of rumors and this was the time to clear the air. She would like to see whatever is decided typed up and delivered to all the businesses on Fourth Street. She said that one of the reasons they waited before was because they thought the Fourth Street business owners were going to form a District, but they thought they were going to have to pay for the plan, so it did not occur.

After further comments, Mayor Nabours recapped the following direction:

- 1) Council was not interested in reducing travel lanes anywhere on Fourth Street;
- 2) Council was not interested in eliminating left turn lanes
- 3) Council is interested in providing pedestrian crosswalks
- 4) Council is interested in resolving the 6th/7th intersection with minimum impact on property owners.

Mayor Nabours said that he believed the first priority was crosswalks, and something they could do soon. Mr. Burke noted that if they put four crosswalks in there they will have other impacts. Those are the types of things that need to be taken through a traffic engineer. He said that they also talked about experimenting with crosswalks as to how good they worked. He suggested that they work on something and bring it back to be voted on in the future.

Vice Mayor Evans suggested that they eliminate the picture of the Study and prepare one that illustrates what they are doing. Mr. Burke said that they can paint a clear picture on the south side to 6th and remove the 6th/7th intersection. He does not know that they have a clear definition for the north other than the lane diet will not change. With regard to pedestrians, bicycles, beautification he heard that they would take that back and talk with the stakeholders. At this point that is a portion of the zone that is not clarified. Staff was directed to include looking at the Lockett/Cedar intersection.

A break was taken from 7:41 p.m. to 7:55 p.m.

B. **Discussion:** Possible amendments to Division 10-20.50 (Sign Regulations) of the Flagstaff Zoning Code.

Mr. Eastman said that on November 1, 2011, the Council, by unanimous vote, adopted the new Flagstaff Zoning Code. With a document as complex as the Zoning Code, and despite staff's best efforts and attention to detail, it was realized that some standards or issues would be incomplete or incorrect. Over the past two years, City planning staff, as well as staff that work with the Zoning Code on a regular basis (i.e. from the engineering, traffic, stormwater, housing or legal sections/divisions), have documented sections of the Code where possible amendments would be required.

He said that late last year Council adopted revisions to Division 10-20.50 (Amendments to the Zoning Code Text and the Zoning Map) as well as to Section 10-50.100.080.E of the Sign Regulations to allow for a sign for the Flagstaff Mall and Marketplace.

In a work session on March 11, 2014, Council directed staff to proceed with needed amendments to the Sign Regulations (Division 10-50.100 of the Zoning Code) as soon as possible with work on all other amendments to follow later in the year. It was also agreed that Council would submit their primary concerns and issues with the Sign Regulations to staff by the end of March for inclusion in the staff summary for the April 15th meeting.

He said that two policy decisions are needed with regard to temporary signs and permanent signs. He showed a brief PowerPoint presentation, and stated that there is a need for balance between too much restriction and not enough.

Mike Sistak, representing the Chamber of Commerce, addressed the Council noting that the Chamber had recently done a quick survey on the Sign Code and he shared those results with the Council. He agreed that there needs to be a balance of both sides.

Ed Goodwin, owner of a sign company, agreed that there needs to be a balance, and asked that they carefully consider the restrictions as they have an effect on his business. He said that the most eye-opening issue in his business is the cost of a temporary sign at \$45, but the required permit costing over \$200.

Mayor Nabours asked Mr. Goodwin if he has figured out the Sign Code. Mr. Goodwin said that some things are very ambiguous; it is complicated.

Annette Kershner, who works for Russ Lyon Realty who represents Miramonte Homes, shared with the Council some issues she has dealt with. She said that they have put out Open House signs that continue to be picked up so she came down and met with City staff to ask what they were doing wrong, and they explained some things.

She said that for her, to sit down and understand the Code, it is difficult. She said that they place their Open House signs in a professional, safe area but they continue to be picked up. She said that it was not just her; they have over 300 agents trying to help the community sell their homes. What they have right now is too complicated and less legislation on signs is important. She was told that open house signs can be put up within the subdivision, but not on a major arterial.

Councilmember Barotz asked staff if any kind of sign would be permitted on a major thoroughfare. Mr. Eastman said that they are restricted under today's rules, and code compliance usually ignores them. He was suggesting within the amendments to allow them.

Mr. Eastman recommended that they begin review of the list of Council submitted proposed changes.

1. Continue to respect our dark sky ordinance. (Woodson)

Council agreed this was an obvious statement.

2. Permanent Signs: Include a provision that sets criteria for off-premises signs for properties that do not have frontage on a manor road, such as an arterial like Route 66 or John Wesley Powell Blvd. (Nabours); and

3. Allow for off-premise signs. (Woodson)

Discussion was held on this issue. It was noted that Council had previously discussed this issue for nonprofits and staff was directed to find three or four locations around the City to place such signs, which has been working.

After brief discussion, Council agreed to put this issue (off-premise signs) on the back burner.

4. Window Signs: Delete the permit requirement for any sign inside a business or on the inside surface of a window. (Nabours)

Mr. Eastman explained that the current code is unnecessarily complicated. Some councilmembers suggested that window sign permits not be required. Mr. Eastman said that one of the things they have talked about is a scalable sign fee. Discussion was held on whether a sign not attached to the window is a sign. Mayor Nabours said that he had great respect for Mr. Eastman and the Code Enforcement officers in their flexibilities, but the Code should be readable and understandable.

5. Sign placement on commercial buildings. (Oravits)

Mr. Eastman explained the issue related to 25% of the wall versus 25% of the window. All agreed to amend this to be 25% of the window.

A break was held from 8:59 p.m. to 9:12 p.m.

C. **Discussion:** Proposed Development Fees for Public Safety (***Impact fees for public safety***)

Planning Director Dan Folke reviewed the spreadsheets with alternative calculations that had been prepared following the last Council meeting. He said that they no longer have a single-family dwelling separated by bedroom size.

Mayor Nabours asked if the debt service reflected on the chart were existing debts that a new property owner is going to be paying in their secondary property tax. Ms. Goodrich said that was correct; however, if they adopted the impact for that service, it would be paid for by the impact fee rather than the secondary property tax.

Jeff Knorr, Flagstaff, said that when he previously talked about infill he was talking more about infill lots. Subdivisions that already had a development agreement may have paid their fair share at the stage when it was written.

Mayor Nabours asked if the debt service would apply to infill lots. Mr. Folke replied that there were not exemptions in spite of the fact that they may have contributed in some way previously.

Jim McCarthy, Flagstaff, said that there has been a lot of talk about impact fees, but it is a simple issue. Someone is going to pay the costs. The question is whether it should be paid for the people making the need (new development) or by existing taxpayers. He said that he believes in the concept of impact fees. He said that he liked the idea of basing the fee on the size of the home, to assist with affordable housing.

Councilmember Oravits thanked staff for coming back with some options. He thought that the blended single-family was equitable. He believed that the community has signed up for debt service and he felt more comfortable knowing they have separated that out.

Mr. Burke said that they were hoping to get direction of which plan because they have to draft it for the May meeting. Mr. Folke added that they also still need to finalize the report from Tischler Bise because it is still considered a draft at this point. If they select one of these programs, that is what they will put into the plan.

Mayor Nabours suggested that they give direction to move forward with no debt service.

Councilmember Woodson said that if he was reading these correctly it actually lowers the fee and he is not in favor of that.

Margrit Novack, Flagstaff, said that if the developers were not paying, then everyone would be paying. Development should pay for itself.

It was noted that these are required to be reviewed every five years; however, they can do it earlier than that if they chose to do so.

After further discussion there was a consensus of Councilmembers directing staff to move forward with the no debt column.

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 voiced concern with regard to Public Participation and the comment process. She believed they had established rules, but it appeared that some people are timed while others are not; some can have PowerPoints, others cannot.

Ms. D'Andrea said that they will be reviewing the Rules of Procedure at the upcoming Budget Retreat. She said that right now they have a three-minute rule, with some discretion of the Chairman. Mr. Burke said that in defining the rule, they also need a defining mechanism for enforcing the rule.

Brief discussion was held on the earlier discussion during the Sign Code presentation. Mayor Nabours noted that he had asked the Chamber to give a presentation on their recent survey. Vice Mayor Evans said that as a Councilmember, it would have been best to have that information ahead of time.

Mayor Nabours reported that a recent article in the Arizona Republic was talking about how Tucson was losing ground with their Dark Sky Ordinance, while Flagstaff was pointed out as being the best in the country.

Mayor Nabours also reminded everyone that there was no meeting next Tuesday, but they would have the Budget Retreat next Wednesday through Friday.

19. **ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held April 15, 2014, adjourned at 9:55 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 15, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6th day of May, 2014.

CITY CLERK