

REGULAR COUNCIL MEETING
TUESDAY, MAY 20, 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 May 20, 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; Sterling Solomon, Deputy City Attorney.

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

MISSION STATEMENT

The mission of the City of Flagstaff is to protect and enhance the quality of life of its citizens.

4. **APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

- A. **Consideration and Approval of Minutes:** City Council Work Session of April 29, 2014; the Special Meeting (Executive Session) of May 6, 2014; the Regular Meeting of May 6, 2014 and the Special Meeting (Executive Session) of May 13, 2014.

Councilmember Brewster moved to approve the minutes [of the City Council Work Session of April 29, 2014; the Special Meeting (Executive Session) of May 6, 2014; the Regular Meeting of May 6, 2014 and the Special Meeting (Executive Session) of May 13, 2014]; seconded; passed unanimously.

5. **PUBLIC PARTICIPATION**

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

None

6. **PROCLAMATIONS AND RECOGNITIONS**

None

7. **APPOINTMENTS**

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

- A. **Consideration of Appointments:** Beautification and Public Arts Commission (BPAC).

Mayor Nabours stated that the commission is one of those identified by Council to reduce the members from nine to seven; he suggested that only two appointments be made in order to keep the commission at seven members.

Councilmember Brewster moved to appoint George Averbeck to the Arts Community seat and Anne Doyle to the At-Large seat to terms expiring June 2017; seconded; passed unanimously.

8. **LIQUOR LICENSE PUBLIC HEARINGS**

- A. **Consideration and Action on Liquor License Application:** Danny Thomas, "Country Host Restaurant", 2700 S. Woodlands Village Blvd., #600, Series 12 (restaurant), New License.
- B. **Consideration and Action on Liquor License Application:** Danny Thomas, "The Patio", 409 S. San Francisco, Series 12 (restaurant), New License.

Mayor Nabours opened the Public Hearing; there being no public input Mayor Nabours closed the Public Hearing.

Vice Mayor Evans moved to forward both applications 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 to Purchase:** Two (2) Utility Service Vehicles **(Approve the purchase of two utility service trucks from Babbitt Ford).**

MOTION:

Reject all bids as submitted for Invitation for Bids (IFB) 2014-64, Diesel Service Trucks for Utilities Division.

Accept and approve the purchase of the lowest responsive and responsible bid # 2014-74 from Babbitt Ford of Flagstaff, for the purchase of two (2) 2015 Ford F-250 gas powered pickups in the amount of \$53,703.44 plus applicable sales tax.

- B. **Consideration and Approval of Contract:** Rio De Flag Wastewater Plant Air Scrubber Carbon Changeout Maintenance Project **(Approve contract with Carbon Activated Corporation for replacement of carbon media in the air scrubber equipment at the Rio de Flag Wastewater Treatment Plant).**

MOTION:

Accept and approve the contract of the lowest responsive and responsible bid from Carbon Activated Corporation of Phoenix, for the replacement of carbon media in the Air Scrubber (Adsorption) equipment located at the Rio De Flag Wastewater Plant in the amount of \$64,218.23 plus applicable sales tax.

- C. **Consideration and Approval of Contract:** Approve the renewal of our Workers' Compensation contract with Copperpoint Mutual Insurance, (Formerly SCF), at

an estimated annual cost of \$845,000. (Workers Compensation Insurance Contract).

MOTION:

Council approve the renewal of Workers' Compensation contract with Copperpoint Mutual Insurance, (Formerly SCF), at an estimated annual cost of \$845,000.

- D. Consideration and Approval of Contract:** Approve the renewal of our Casualty insurance with Travelers Insurance and our Property coverage with AIG insurance at a total estimated annual cost of \$905,000. (Renewal of Property and Casualty Insurance Contracts).

MOTION:

Approve the renewal of Casualty insurance with Travelers Insurance and Property coverage with AIG insurance at a total estimated annual cost of \$905,000.

- E. Consideration and Acceptance of Bid 2014-63 for Streetlight Maintenance and Service** (*Approve contract with N.J. Shaum & Son, Inc. for streetlight maintenance.*)

MOTION:

Accept bid from N.J. Shaum & Son, Inc. in the amount of \$158,340 annually for the Streetlight Maintenance and other requested services outlined in the bid response and authorize the City Manager to execute the necessary documents.

Councilmember Brewster moved to approve Consent Items 9-A through 9-E; seconded; passed unanimously.

10. **ROUTINE ITEMS**

- A. Consideration and Adoption 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 amending the Uniform Housing Code, 1997 Edition and Amendments. (*To bring the minimum standards up to current code and to streamline the process and simplify debt collection by the City when the cost of repairs or demolition is taken on by the City*)

Councilmember Overton moved to read Ordinance No. 2014-08 by title only for the final time; seconded; passed 6-1 with Councilmember Oravits casting the dissenting vote.

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AMENDING TITLE 4, BUILDING REGULATIONS, BY ADDING A NEW CHAPTER 4-10, UNIFORM HOUSING CODE, EDITION 1997

Councilmember Brewster moved to adopt Ordinance No. 2014-08; seconded; passed 6-1 with Councilmember Oravits casting the dissenting vote.

- B. Consideration and Approval of an Intergovernmental Agreement:** Between the City of Flagstaff and State of Arizona, acting by and through its Department of Transportation (ADOT), for maintenance of a multi-use path and median landscaping to be constructed by ADOT on the east side of Country Club Drive over Interstate 40.

Councilmember Overton moved to approve the Intergovernmental Agreement (IGA) with the State of Arizona to accept the improvements and assume responsibility for the annual maintenance of the planned path and median landscaping upon completion of the project. Annual estimated cost for maintenance is \$2,000; seconded; passed unanimously.

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

Councilmember Oravits moved to approve the First Amendment to the Purchase and Sale Agreement between the City of Flagstaff and Evergreen for the development of the Property, and authorize the Mayor to sign the agreement; seconded; passed unanimously.

- D. Consideration and Approval of Intergovernmental Agreement:** An Intergovernmental Agreement (IGA) between the City of Flagstaff, Northern Arizona University (NAU), and Northern Arizona Intergovernmental Public Transit Authority (NAIPTA) to provide for the ongoing operation of Route 10.

Councilmember Brewster moved to adopt the Intergovernmental Agreement that allows for the ongoing operation of Route 10 connecting downtown to Woodland Village through the NAU campus; seconded; passed unanimously.

- E. Consideration and Possible Adoption of Resolution No. 2014-16:** A Resolution of the City Council of the City of Flagstaff, Arizona, Repealing Resolution No. 2014-07 and Approving an Intergovernmental Agreement for Services with the "Flagstaff Downtown Business Improvement and Revitalization District" to accommodate more flexibility in the development of this first-of-its-kind District.

Mayor Nabours noted that the changes in question have to do with dates and time periods and no substantive changes were made to the agreement.

Councilmember Oravits moved to read Resolution No. 2014-16 by title only; seconded; passed unanimously.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, REPEALING RESOLUTION NO. 2014-07 AND APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR SERVICES WITH THE "FLAGSTAFF DOWNTOWN BUSINESS IMPROVEMENT AND REVITALIZATION DISTRICT"

Councilmember Brewster moved to adopt Resolution No. 2014-16; seconded; passed unanimously.

RECESS

The Regular Meeting of the Flagstaff City Council held May 20, 2014, recessed at 4:14 p.m.

6:00 P.M. MEETING

RECONVENE

The Regular Meeting of the Flagstaff City Council held May 20, 2014, reconvened at 6:00 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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11. ROLL CALL

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

Present:

Absent:

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

COUNCILMEMBER WOODSON

Others present: Kevin Burke, City Manager; Sterling Solomon, Deputy City Attorney.

12. **PUBLIC PARTICIPATION**

Nat White addressed Council in regards to replacement of the Main Library roof.

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

None

14. **PUBLIC HEARING ITEMS**

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

Mayor Nabours opened the Public Hearing; there being no public input Mayor Nabours closed the Public Hearing.

Councilmember Overton asked for clarification on the ownership and maintenance responsibility of the streets within Pine Canyon. Planning Development Manager Tiffany Antol stated that the streets are private and they are privately maintained and at this time the streets are open to the public.

Mayor Nabours moved to postpone any action on Ordinance No. 2014-11 until June 17, 2014; seconded; passed unanimously.

15. **REGULAR AGENDA**

- A. Consideration and Adoption of Notice of Intention:** Notice of Intention to adjust the City's water service utility deposits and establish July 1, 2014 as the date for a public hearing on the proposed adjustment.

Mayor Nabours stated that this is not a notice to discuss but rather a notice to set and notice a public hearing for July 1, 2014. Revenue Director Andy Wagemaker offered that the reason the City has to adopt the Notice of Intention is because State law requires it. There will be much more discussion at the hearing on July 1, 2014.

Mayor Nabours moved to adopt the Notice of Intention to adjust the utility deposits (increase the deposit required to establish a new residential account from \$25 to \$150; and change the deposit to establish a new non-residential water service account from a two-month estimated monthly cost to a uniform \$300 deposit) and establish July 1, 2014 as the date for a public hearing on the proposed adjustment; seconded; passed unanimously.

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

Public Works Section Head Pat Bourque introduced the topic and stated that a CCR was provided to the City Council answering the various questions that came up at the last meeting.

Ken Berkhoff addressed Council with reasons why the Baylu property is a better location for the Core Services Maintenance Facility. Specifically the area is not in a 100 or 500 year flood plain which makes it more desirable than the McAllister property which has portions within a 500 year flood plain.

Councilmember Barotz noted that there is information from staff that indicates that the Baylu property has areas that would need to be rezoned. Assistant to the City Manager for Real Estate David McIntire stated that the Highway Commercial zoning of the Baylu property does not allow for a major public service facility; a minor public service facility would be allowed but not a major. The area would have to be rezoned and it would make sense to rezone the entire area at the same time for consistency. Mayor Nabours asked if the McAllister property would have to be rezoned. Mr. McIntire offered that the current zoning is general and a rezoning and Conditional Use Permit would be required.

Mayor Nabours asked for more information on the City requirements and the County requirements and how that affected the additional \$1 million to construct at the Baylu property. Mr. Berkhoff stated that a brick wall around the facility would be required as well as the planting of 220 additional trees. Additionally, the permitting fees for the City are higher than the County.

Councilmember Oravits asked how the Baylu property and McAllister property are currently zoned. Mr. McIntire stated that there are three different zonings on the Baylu parcel; Highway Commercial, Light Industrial, and Research and Development. The McAllister property that is in the City is zoned Rural Residential and the portion within the County is zoned general. Councilmember Oravits asked if the County portion would be annexed. Mr. Burke offered that annexation would be a Council discussion that would need to be evaluated.

Councilmember Oravits asked for further explanation to the claim that it is much more costly to build within the City limits than it is to build in the County. Mr. Burke stated that the wall requirement for the Baylu property was due to the interface with the neighborhood on one side of the property and the highway on the other. It is intended to pre-empt concerns from the adjacent neighborhood. Councilmember Oravits noted that there is a half million dollar difference between the two properties just in the landscaping requirements. Mr. Burke offered that there are other items that are lending to higher costs on both sides and suggested that it is unlikely to be simplified to easily compare City requirements to County requirements. He further offered that there are different costs that are site specific. Staff would like to make the Baylu property work as the operating costs are \$77,000 cheaper each year. Baylu is a much cheaper piece of land but the savings will be spent on site improvements. The intent is to have a complete analysis of costs and when those are put side by side the McAllister property is cheaper.

Vice Mayor Evans offered that another item to seriously consider is that a public service facility will be constructed in an already established residential area. It will be equally important to consider and preempt issues with the surrounding neighborhood.

Councilmember Oravits voiced concern with the traffic at the Baylu property and asked about the possibility of putting streets in areas to prevent trucks from passing through the neighborhoods. Mr. Bourque stated that as of now all traffic would have to arrive and depart the facility from Courtland Boulevard. Mayor Nabours asked about the challenges with the proposed road that would go through the Vintage property. Community Development Director Mark Landsiedel noted that a portion of that road belongs to Arizona Department of Transportation (ADOT) and the other portion is owned by Vintage Partners. Vintage Partners has concerns with the access because they are planning for a few hotels along that road; they are willing to possibly entertain emergency access on that road if needed. There has been conversation about building the road around the gas station instead of through the Vintage property but there are concerns from ADOT with the road being so close to the highway intersection. It is a big challenge that has yet to find resolution.

Mayor Nabours asked about the requirement on having no fueling facilities in a 500 year flood plain. Mr. Bourque stated that the fueling station is towards the front of the McAllister property which is not in the 500 year flood plain and neither is the fleet shop. Councilmember Barotz asked for further clarification on what facilities are in and out of the 500 year flood plain. Mr. Bourque stated that staff would need some additional time to sort out the flood plain concerns. When the process first began the information that was available was old information. Since the damming at McAllister, staff is currently in the process of identifying what the flood plains looks like now. There is preliminary information from Stormwater who is conferring with the Corp of Engineers; the design was built on the City's expectation of where the flood lines are going to be drawn. That work continues to go on and final results are coming.

Mr. Burke offered that the Council has two decision points; one is to reject all bids associated with the RFP for these sites, second is whether or not to go forward with the McAllister site.

Councilmember Overton suggested taking more time to make sure everything is right. He is not in favor of rejecting all bids because there are nine other options available to consider should Baylu not go forward. There are too many issues and questions with the McAllister site to make a good decision now. Mayor Nabours agreed suggesting that if all bids are rejected and the McAllister property does not work out it will be as if starting from the very beginning again.

Councilmember Overton moved to postpone action on the consideration of proposals until brought back by the City Manager; seconded; passed unanimously.

- C. Consideration and Adoption of Resolution No. 2014-21 :** A resolution of the Council of the City of Flagstaff, Arizona, declaring the use of portable

communication devices in the City of Flagstaff to be a matter of local concern and such matter will be governed by a City ordinance.

Mayor Nabours offered that the Resolution is for the City to opt out of the County Ordinance and has nothing included about what the City Ordinance will contain.

Councilmember Overton noted the misspelling of the word devices in the first whereas statement and asked that it be corrected.

Councilmember Oravits moved to read Resolution No. 2014-21 by title only; seconded; passed unanimously.

RESOLUTION OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING THE USE OF PORTABLE COMMUNICATION DEVICES IN THE CITY OF FLAGSTAFF TO BE A MATTER OF LOCAL CONCERN AND SUCH MATTER WILL BE GOVERNED BY A CITY ORDINANCE

Mayor Nabours moved to adopt Resolution No. 2014-21; seconded; passed unanimously.

- D. Consideration of Changing August City Council Meeting Date:** Tuesday, August 26, 2014, to Monday, August 25, 2014.

Councilmember Overton moved to cancel the meeting of Tuesday, August 26, 2014 and set a special meeting for Monday, August 25, 2014; seconded; passed unanimously.

16. **DISCUSSION ITEMS**

None

17. **POSSIBLE FUTURE AGENDA ITEMS**

Verbal comments from the public on any item under this section must be given during Public Participation near the beginning of the meeting. Written comments may be submitted to the City Clerk. After discussion and upon agreement of three members of the Council, an item will be moved to a regularly-scheduled Council meeting.

None

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

Councilmember Overton thanked the Council for attending his wedding last weekend.

Councilmember Barotz requested a future agenda item for a work session to discuss the issues raised by Nat White about the library roof. She asked that Nat be notified of the date so he may notify the board. Mr. Burke suggested that the discussion occur at the Public Hearing for the final budget approval scheduled for June 17, 2014.

19. **ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held May 6, 2014, adjourned at 8:02 p.m.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

STATE OF ARIZONA)
 SS)
County of Coconino)

I, ELIZABETH A. BURKE, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the meeting of the Council of the City of Flagstaff held May 20, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 3rd day of June, 2014.

CITY CLERK