

REGULAR COUNCIL MEETING
TUESDAY, JUNE 17, 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**

Vice Mayor Evans called the Regular Meeting of the Flagstaff City Council of June 17, 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).

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

Present:

Absent:

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

MAYOR NABOURS

Others present: Kevin Burke, City Manager; Michelle D'Andrea, City Attorney.

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

MISSION STATEMENT

The audience and City Council recited the Pledge of Allegiance and Vice Mayor Evans read the City's 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 June 3, 2014 and the Special Meeting (Executive Session) of June 10, 2014.

Councilmember Oravits moved to approve the minutes of the City Council Regular Meeting of June 3, 2014 and the Special Meeting (Executive Session) of June 10, 2014; seconded; passed 6-0.

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.

Vice Mayor Evans invited Fire Chief Mark Gaillard up to recognize the City Firefighters that assisted in the Slide Fire.

Chief Gaillard stated that the Slide Fire was an opportunity to see how well the region works cooperatively with others. At the height of the Slide Fire there were approximately 30 City employees who served on the Slide Fire and not all were firefighters. He expressed thanks to all the men and women who worked hard back in Flagstaff to allow others to serve on the fire.

Mr. Burke asked about the different functions that were utilized in the Slide Fire by City of Flagstaff staff. Chief Gaillard stated that the most visible was Chief Orrill who was the liaison for other agencies. There were people in public information, suppression efforts, air operation support. There were very diverse roles across the board in management and suppression.

The following individuals were recognized for their service:

- Bob Orrill
- Kevin Wilson
- Bobbie Parker
- Ryan Watkins
- Erik Brown
- Paul Atroya
- Mike Gillespie
- Skyler Lofgren
- Jake Hess
- Chris Sanchez
- Drew Manual

- Nate Jones
- Analisa Peru
- Ethan Gia
- Brandon Jordan
- Alex Super.

The City Council thanked them for coming to be recognized and thanked them for their service to the community and region.

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:** Board of Adjustment.

Councilmember Overton moved to appoint Kevin Morrow to a term expiring May 2017; seconded; passed 6-0.

8. **LIQUOR LICENSE PUBLIC HEARINGS**

None

9. **CONSENT ITEMS**

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

Councilmember Woodson stated that he has a conflict of interest with Item F.

Councilmember Oravits asked to discuss Item G separately.

Councilmember Woodson moved to approve Consent Items 9-A, B, C, D, E, H, I, J; seconded; passed 6-0.

A. **Consideration and Approval of Sole Source Purchase:** Purchase of advertisements from Republic Media Advertising (Arizona Republic, AZ Central.com, and LaVoz Spanish publication)

MOTION:

Approve the purchase with Republic Media Advertising in an amount not to exceed \$75,000.

- B. Consideration and Approval of the Flagstaff Cool Zone Purchase:** Purchase of a signage asset (sign or design element within a specified area) with Legends Entertainment District located in downtown Phoenix.

MOTION:

Approve the purchase of the Flagstaff Cool Zone with Legends Entertainment District in the amount of \$65,000.

- C. Consideration and Approval of Contract:** Consideration and approval of the Agreement with Mead and Hunt, Inc. for the Federal Aviation Administration grant funded (AIP 37) Airport Sustainability Master Plan (***Approve an agreement with consulting firm Mead and Hunt, Inc. in the amount of \$271,097.65 for preparation of an Airport Sustainability Master Plan***).

MOTION:

- 1) Approve the Agreement between Mead & Hunt, Inc. and the City of Flagstaff in the amount of \$271, 097.65, subject to approval by the Federal Aviation Administration (FAA) and Arizona Department of Transportation (ADOT) Multimodal Planning.
- 2) Authorize the City Manager to execute the necessary documents.

- D. Consideration and Acceptance of Bid:** 2014-75 for Utility ITRON Reader Water Communication Modules

MOTION:

Accept bid from National Meter and Automation, Inc. for the purchase of Itron Water Communication Modules in the amount of \$95,000 annually. Authorize the City Manager to execute the necessary documents.

- E. Consideration and Approval of Final Plat:** A request from Miramonte Homes for Final Plat approval for Forest Springs Townhomes Unit 2, a 70-unit residential townhome subdivision on a 15.07-acre site located at 1115 North Flowing Springs Trail in the Medium Density Residential (MR) zone

MOTION:

Approve the final plat with the conditions outlined in the staff summary and its attachments, and authorizing the Mayor to sign both the plat and City/Subdivider Agreement when notified by staff that all conditions have been met and documents are ready for recording

- F. Consideration and Approval of Contract:** Sinclair Wash Sewer Interceptor Replacement Project (***Approve contract with Eagle Mountain Construction, Inc. for Sinclair Wash Sewer Interceptor Replacement Project***).

MOTION:

- 1) Award the construction contract to Eagle Mountain Construction, Inc. of Flagstaff, Arizona in the total award amount of \$186,500.00 which includes \$28,120.00 in contract allowance. The contract period is 60 calendar days; and
- 2) Authorize Change Order Authority to the City Manager in the amount of \$10,000.00 (6% of the bid contract amount, less contract allowance) for unanticipated additional costs; and
- 3) Authorize the City Manager to execute the necessary documents.

Councilmember Woodson left the dais at 4:13 P.M.

Councilmember Brewster moved to approve Consent Item 9-F; seconded; passed 5-0 with Councilmember Woodson abstaining.

Councilmember Woodson returned to the dais at 4:14 P.M.

- G. Consideration and Approval of Engineering Design Professional Services Contract:** Butler Avenue Traffic Signal Control System *(Approve agreement with Lee Engineering, LLC in the amount of \$99,660.00).*

MOTION:

- 1) Award the Engineering Design Professional Services Contract to Lee Engineering, LLC of Phoenix, Arizona in an amount not to exceed \$99,660.00, including a \$4,983.00 contract allowance and a calendar day contract period of 357 days; and
- 2) Approve Change Order Authority to the City Manager in the amount of \$9,966.00 (10% of contract amount excluding allowance) for unanticipated or additional items of work; and
- 3) Authorize the City Manager to execute the necessary documents.

Capital Improvements Engineer Mo El-Ali explained that the intent is to install a system that will make it better for traffic to run smoother. There are many systems out there and Flagstaff needs to evaluate what will work best for the community; this study will help to make that determination and weigh all of the options available before installation.

Councilmember Oravits moved to approve Item 9-G; seconded; passed 6-0.

- H. Consideration and Approval of Final Plat** A request from TLC PC AZ, LLC., for White Pines Townhomes at Pine Canyon, a 36-unit residential townhouse subdivision and an amended final plat of Mountain Vista Condominium at Pine Canyon. The site is 8.06 acres in size and located at 3002 S. Clubhouse Circle in the Pine Canyon subdivision. The site is zoned R1, Single-Family Residential.

MOTION:

Approval of the Final Plat and Amended Final Plat, and authorize the Mayor and City Clerk to sign both the plat and City Subdivider Agreement.

- I. **Consideration and Approval of Final Plat** A request by Miramonte Homes for Tract B of Presidio in the Pines, a subdivision of 14 single-family residential townhomes on approximately 1.65 acres located at 2700 S Presidio Drive South within the Highway Commercial (HC) zone.

MOTION:

Approve the final plat with the conditions outlined in the staff summary and its attachments, and authorizing the Mayor to sign both the plat and City/Subdivider Agreement when notified by staff that all conditions have been met and documents are ready for recording.

- J. **Consideration of Appointment:** City Attorney

MOTION

Reappoint Michelle D'Andrea as the City Attorney for the City of Flagstaff

- K. **Consideration of Purchase under the Strategic Alliance for Volume Expenditures (S.A.V.E.) Contract:** Contract Employment Program for Retirees - Employee leaseback.

MOTION:

Approve the purchase from Smart Works Plus for an annual amount up to \$800,000 plus applicable taxes

Councilmember Overton noted that he struggles with item 9-K for the S.A.V.E. Contract and feels that there should be a natural flow for retirement.

10. **ROUTINE ITEMS**

- A. **Consideration and Approval of Grant Application:** Consideration authorizing the submission of a grant application to the U.S. Department of Justice, FY2014 Edward Byrne Memorial Justice Assistance Grant in the amount of \$24,330 to pay for Police Staff Overtime and a Rapid Deployable Portable Repeater for Coconino County Sheriff's Department and authorizing the acceptance upon award of the grant agreement.

Police Support Services Manager Jen Brown stated that the funds help with community policing activities. The City has been accepting this grant since 2008 and it allows agencies to place funds where needed most. The funds would be split with the Coconino County Sheriff's office and would create 348 hours of time for the Police Department.

Councilmember Woodson moved to approve the Submission of a Grant Application and Authorize Acceptance upon Award for the U.S. Department of Justice, FY 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) for an amount of \$24,330; seconded; passed 6-0.

- B. **Consideration and Approval of an Intergovernmental Agreement:** Consideration authorizing the approval of an Intergovernmental Agreement between the City of Flagstaff and Coconino County (County) for submission of a

grant application to the U.S. Department of Justice, FY 2014 Edward Byrne Memorial Justice Assistance (JAG) Grant.

Councilmember Woodson moved to approve the Intergovernmental Agreement with Coconino County for the FY 2014 Edward Byrne Memorial Justice Assistance Grant in an amount of \$7,299 for the purchase of a Rapid Deployable Portable Repeater; seconded; passed 6-0.

C. Consideration and Approval of the award of Construction Contract:
Innovation Mesa Business Accelerator and Alternate/Secondary Emergency Operations Center.

Capital Improvements Project Manager James Duval provided a PowerPoint Presentation that covered the following:

- ▶ PROJECT RENDERING
- ▶ BACKGROUND
- ▶ PROJECT DEDUCTS

Councilmember Barotz asked if there was conversation with current NACET users on what they would like to see in the facility. Mr. Duval stated that staff met with Russ Yelton and Annette Zinky who met with the end users individually and brought the suggestions back to the group.

Councilmember Overton moved to approve the award of Construction Contract to FCI Constructors, Inc., and approve the Construction Contract with FCI Constructors Inc. in the amount of \$5,938,338.00, and a 340 calendar-day contract period; and approve Change Order Authority to the City Manager in the amount of \$297,000 (5% of contract amount excluding allowance) for unanticipated or additional items of work; and authorize the City Manager to execute the necessary documents; seconded; passed 6-0.

D. Consideration and Adoption of Resolution No. 2014-27: A resolution of the Mayor and Council of the City of Flagstaff, Arizona, declaring for purposes of Section 1.150-2 of the Federal Treasury Regulations, official intent to be reimbursed in connection with certain capital expenditures relating to the U.S. Geological Survey Campus Facilities Construction for the Innovation Mesa Business Accelerator.

Management Service Director Barbara Goodrich stated that the Resolution is the City's standard reimbursement resolution that allows the City to move forward with the project.

Mr. Burke added that bond financing is a little different than General Obligation Loans; the debt would be repaid with lease revenue not property tax.

Councilmember Barotz moved to read Resolution No. 2014-27 by title only; seconded; passed 6-0.

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING, FOR PURPOSES OF SECTION 1.150-2 OF THE FEDERAL TREASURY REGULATIONS, OFFICIAL INTENT TO BE REIMBURSED IN CONNECTION WITH CERTAIN CAPITAL EXPENDITURES RELATING TO THE U.S. GEOLOGICAL SURVEY CAMPUS FACILITIES CONSTRUCTION FOR THE INNOVATION MESA BUSINESS ACCELERATOR

Councilmember Woodson moved to adopt Resolution No. 2014-27; seconded; passed 6-0.

RECESS

The Regular Meeting of the Flagstaff City Council held June 17, 2014, recessed at 4:36 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Nabours reconvened the Regular Meeting of the Flagstaff City Council of June 17, 2014, at 6:00 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).

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; Michelle D'Andrea, City Attorney.

12. **PUBLIC PARTICIPATION**

Emily Davalos addressed the Council with concerns about the Planning and Zoning Commission meeting and the logistical challenges that occurred. She also expressed her disapproval of the development proposed.

Jim McCarthy addressed Council asking for them to hear from those who had to leave the Planning and Zoning Commission meeting without the opportunity to speak.

Michael Hawkins addressed Council with frustration about the Planning and Zoning Commission meeting and asked for an opportunity for everyone to be heard.

Gloria Valencia addressed Council with dissatisfaction with the Planning and Zoning Commission meeting and disapproval of the proposed development.

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

None

14. **PUBLIC HEARING ITEMS**

- A. **Public Hearing, Consideration and Possible Adoption of Resolution No. 2014-26:** A resolution amending the previous Flagstaff Area Regional Land Use and Transportation Plan to change the land use designation of approximately 33.6 acres of real property located at the southwest and southeast corners of Route 66 and Fourth Street and at the northwest corner of Huntington Drive and Fourth Street, from Office/Business Park/Light Industrial and Light/Medium Industrial to Community/Regional Commercial. ***(This is the development request from Evergreen Development for property located at 4th Street and Rt. 66 known as "The Trax")***

Planning and Development Manager Elaine Averitt provided a PowerPoint presentation that covered items 15-A and 15-B:

- ▶ THE TRAX LOCATION AND SURROUNDING USES
- ▶ REGIONAL LAND USE AMENDMENT REQUEST
- ▶ REGIONAL PLAN LAND USE MAP
- ▶ APPLICABLE GENERAL PLAN GOALS & POLICIES
- ▶ THE TRAX – ZONING MAP AMENDMENT
- ▶ ZONING STANDARDS COMPARISON
- ▶ CONCEPTUAL SITE PLAN
- ▶ DESIGN REVIEW
- ▶ CITY SYSTEMS IMPACTS
- ▶ PUBLIC INPUT
- ▶ ZONING MAP AMENDMENT RECOMMENDATION
- ▶ REZONING REQUEST RECOMMENDATION

Councilmember Barotz asked if the proposed amendment was done in accordance with the new zoning map. Ms. Averitt explained that the case came

forward before the new process was established. It was done according to the Zoning Code adopted in 2011 and is consistent with the 2001 Regional Plan.

Vice Mayor Evans asked the current ranking of the road on the I-40 bridge. Community Development Director Mark Landsiedel stated that the current ranking is a D. Vice Mayor Evans asked if it is customary for developments to pay into projects such as the bridge. Mr. Landsiedel stated that all developments require an impact analysis to determine the level of impact the development places on surrounding infrastructure. Vice Mayor Evans followed up asking if the City requires that developments fix any impacts at the time of the Development Agreement. Mr. Landsiedel explained that if the improvement is a larger, longer term one that they can function safely during the interim then they can pay over time; if it is a life safety issue then the developer would have to do the improvements up front in order to proceed. Vice Mayor Evans asked if there are life and safety issues with the bridge now. Mr. Landsiedel explained that there is a degradation of service but there are not any life or safety issues at this time.

Mr. Landsiedel added that there are six major developments that are being considered for contributions to the bridge improvements. The contributions will be each developments proportionate share of the impacts. The City asked each of them to study what their impacts might be. The current traffic numbers vary slightly due to the timing of each survey and the sources used for the study. They each projected with and without the project. To measure proportionate share staff took the projected trips on Fourth Street and divided that by the average 2030 with project. If there are smaller undeveloped projects that come in the meantime this list may grow.

Vice Mayor Evans asked about the projected funding to the general fund because of the projects. Ms. Goodrich explained that at this time there has not been any modeling of the impact of sales tax and property tax for any of the developments.

Mayor Nabours asked if at full build out there will be a need to increase further to six lanes. Mr. Landsiedel stated that there should not be a need for six lanes as the proposed four lanes should handle projected future growth for a long time.

Mayor Nabours opened the public hearing.

Laura Ortiz with Evergreen Development addressed Council stating that they are excited to revitalize this part of Flagstaff and there has been some great interest already despite not having approval yet. The hope and expectation is to break ground no later than January. Mayor Nabours asked if the conditions that were suggested by the Planning and Zoning Commission were acceptable to Evergreen to which Ms. Ortiz answered that they are acceptable.

Mayor Nabours asked if it makes any difference to Evergreen if the \$320,000 is paid directly to the overpass or added to the overall purchase price. Ms. Ortiz offered that the only difference to them is that it should go towards improvements that would benefit their property.

Al Shelliger, and Administrative Member of Juniper Point, addressed Council stating that the decision of the Council tonight would set a precedent for all of the other developers and requested that the decision be postponed until the other five developers could speak on the issue. There has been no discussion about when the money is due or how it is paid.

Mayor Nabours closed the public hearing.

Mayor Nabours stated that there are questions about the Development Agreement and asked when it will be brought forward for discussion and if it will include the exactions. Ms. D'Andrea stated that the Development Agreement will be part of the second read. The only thing that makes this agreement a little different is that the City owns the property.

Vice Mayor Evans requested more information about the projected impacts of each development and the other parcels that might have an impact as well.

Councilmember Oravits requested more information about when the contribution is due.

Councilmember Barotz moved to read Resolution No. 2014-26 by title only; seconded; passed unanimously.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA AMENDING THE FLAGSTAFF AREA REGIONAL LAND USE AND TRANSPORTATION PLAN TO CHANGE THE LAND USE DESIGNATION OF APPROXIMATELY 33.6 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE INTERSECTION OF ROUTE 66 AND FOURTH STREET FROM OFFICE/BUSINESS PARK/LIGHT INDUSTRIAL AND LIGHT/MEDIUM INDUSTRIAL TO COMMUNITY/REGIONAL COMMERCIAL

Councilmember Brewster moved to adopt Resolution No. 2014-26; seconded; passed unanimously.

- B. Public Hearing, Consideration and Possible Adoption of Ordinance No. 2014-14:** An ordinance amending the Flagstaff Zoning Map designation of approximately 33.6 acres of real property located at the southwest and southeast corners of Route 66 and Fourth Street and at the northwest corner of Huntington Drive and Fourth Street, from Light Industrial (LI) and Light Industrial-Open (LI-O) to Highway Commercial (HC). (***Amending Zoning Map for "The Trax" commercial development***).

Councilmember Barotz moved to read Ordinance No. 2014-14 by title only for the first time; seconded; passed unanimously.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF ZONING MAP DESIGNATION OF APPROXIMATELY 33.6 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE INTERSECTION OF ROUTE 66 AND FOURTH STREET,

FROM LIGHT INDUSTRIAL ("LI") AND LIGHT INDUSTRIAL OPEN ("LI-O"), TO HIGHWAY COMMERCIAL ("HC")

C. Public Hearing For Proposed FY 2014 – 2015 Budget and Property Tax Levy.

Finance Manager Brandi Suda provided a PowerPoint presentation that covered the following:

- ▶ CITY OF FLAGSTAFF FY 2015 BUDGET
- ▶ TOTAL BUDGET
- ▶ EXPENDITURE HIGHLIGHTS
- ▶ FUNDING SOURCES HIGHLIGHTS
- ▶ CITY OF FLAGSTAFF PROPERTY TAX
- ▶ FY2015 BUDGET

Mayor Nabours stated that it is important to note that the Council is attempting to keep the amount of property tax paid last year the same this year. Ms. Suda stated that it was the intent to keep the amounts the same, however, if the value went up more than 1% there would be an increase. Ms. Goodrich added that when the City looks at the assessed value of the community some neighborhoods have seen an increase in 5% where others have seen a decrease of 5%. On a community wide basis the revenue is remaining flat but there is a possibility that someone could see a higher increase or decrease.

Mayor Nabours opened the public hearing. There being no public input, Mayor Nabours closed the public hearing.

The Regular Meeting of the Flagstaff City Council held June 17, 2014, recessed at 7:19 p.m.

SPECIAL MEETING

Mayor Nabours called the Special Meeting of the Flagstaff City Council of June 17, 2014, to order at 7:19 p.m.

Consideration and Adoption of Resolution No. 2014-20: A resolution of the City Council of Flagstaff, Arizona, for the adoption of the Budget for Fiscal Year 2014-15 and Public Hearing for Budget and Levy.

Councilmember Woodson moved to read Resolution No. 2014-20 by title only; seconded; passed unanimously.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2014-2015

Councilmember Oravits moved to adopt Resolution No. 2014-20; seconded; passed unanimously.

The Special Meeting of the Flagstaff City Council held June 17, 2014 adjourned at 7:20 p.m.

Mayor Nabours reconvened the Regular Meeting of the Flagstaff City Council of June 17, 2014, at 7:20 p.m.

15. **REGULAR AGENDA**

- A. **Consideration and Adoption of Ordinance No. 2014-12:** An ordinance levying upon the assessed valuation of the property within the City of Flagstaff, Arizona, subject to taxation a certain sum upon each one hundred dollars (\$100.00) of valuation sufficient to raise the amount estimated to be required in the Annual Budget, less the amount estimated to be received from other sources of revenue; providing funds for various bond redemptions, for the purpose of paying interest upon bonded indebtedness and providing funds for general municipal expenses, all for the Fiscal Year ending the 30th day of June, 2015.

Councilmember Overton moved to read Ordinance No. 2014-12 by title only for the first time; seconded; passed unanimously.

AN ORDINANCE LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF FLAGSTAFF, ARIZONA, SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR VARIOUS BOND REDEMPTIONS, FOR THE PURPOSE OF PAYING INTEREST UPON BONDED INDEBTEDNESS AND PROVIDING FUNDS FOR GENERAL MUNICIPAL EXPENSES, ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2015

- B. **Consideration and Adoption of Resolution No. 2014-18:** A resolution of the City of Flagstaff, Arizona establishing a Donation and Memorial Program for the City's Parks within the City Memorial Policy.

Councilmember Barotz moved to read Resolution No. 2014-18 by title only; seconded; passed unanimously.

A RESOLUTION OF THE CITY OF FLAGSTAFF, ARIZONA ESTABLISHING A DONATION AND MEMORIAL PROGRAM FOR THE CITY'S PARKS

Councilmember Brewster moved to adopt Resolution No. 2014-18; seconded; passed unanimously.

- C. **Consideration and Possible 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.

Planning Development Manager Tiffany Antol provided a PowerPoint presentation that covered the following:

- ▶ PINE CANYON MODIFICATION CONDITION #8
- ▶ BACKGROUND
- ▶ SITE PLAN FOR PROPOSED SWING GATES
- ▶ POLICY ANALYSIS
- ▶ RECOMMENDATION

Mayor Nabours moved to read Ordinance No. 2014-11 by title only for the first time; seconded; passed unanimously.

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

A break was held from 7:30 p.m. through 7:41 p.m.

- D. Consideration and Approval of Preliminary Plat** A request from Westglen MHP, LLC for approval of a preliminary plat for a 201 manufactured dwelling unit condominium subdivision on 27.9 acres located at 1450 W Kaibab Lane, within the Manufactured Housing (MH) zone.

Councilmember Woodson declared a conflict of interest and left the dais at 7:41 p.m.

Planning and Development Manager Brian Kulina provided a PowerPoint presentation that covered the following:

- ▶ REQUEST
- ▶ VICINITY MAP
- ▶ AERIAL MAP
- ▶ REQUIRED FINDINGS
- ▶ INTRODUCTION AND DISCUSSION
- ▶ ZONING REQUIREMENTS
- ▶ DENSITY/INTENSITY/DEVELOPMENT STANDARDS
- ▶ PLAN OF ACTION
- ▶ SYSTEMS ANALYSIS
- ▶ RECOMMENDATION

Chris Welch, owner of Westglen Mobile Home Park, explained that the park is a 1990 + park where people enjoy living and they want to own the land on which their homes are placed. The condo conversion does not cost the City a penny and it creates affordable housing and a pride of ownership situation. Currently, the financing is difficult for a mobile home alone but when the land under it is

added it becomes more affordable and more financeable. This would be the first one of its kind in Flagstaff and possibly Arizona.

Mr. Welch introduced Don Dykman, Condominium Specialist for Arizona, Andy Fox, County Manager for Pioneer Title, Jim Fogers from Woodson Engineering, and Dave Richards with Wells Fargo Financing.

Mr. Welch further explained that in the Landlord Tenant Act there is a statute that addresses change in use. This statute would relate to other project happening in town, this project however will change the use but not relocate any tenants. The legal opinion is that the act does not apply if the tenant is not required to move. Some owners will not qualify to purchase the land and other circumstances may require people to stay renters. The position of the management is that if a tenant cannot or does not want to buy the lot they can continue to rent. It is estimated that there are approximately 200 people that want to buy their lots.

Mayor Nabours clarified that if a current resident of the mobile home park does not desire or cannot qualify to buy their lot they will be allowed to continue rent. Mr. Welch confirmed and added that there are currently 17 open spaces and it would make no sense to kick anyone out to make space for paying owners. There is no incentive to move anyone out.

Vice Mayor Evans asked if those who continue to rent will face any increase in the rent. Mr. Welch explained that the space rent is not locked in today but he does not anticipate any non-market forces coming to those who are continuing to rent.

Mayor Nabours asked if an owner can affix the home to the lot once they own the land. Mr. Welch stated that this is an option for residents and it will also increase the value of their property.

Vice Mayor Evans asked if the Homeowners Association (HOA) will govern the park to stay up to standard and if that would apply to renters as well. Mr. Welch stated yes; once a certain threshold is met the HOA will take over control of the management of the park. Mr. Dykman added that under the Condominium Act the HOA must be formed prior to the first sell and by State law the control of the HOA must be turned over to the residents after 75% of the units are sold.

Councilmember Oravits asked the average rent in the park. Mr. Welch responded that the average rent is just shy of \$500 per month with utility charges.

Mr. Burke asked if 150 of the 200 lots are sold and the LLC decides to sell the other 50 to someone else, how that would carry over to the promises made to the renters that want to stay. Mr. Welch explained that there is no document that stays with the property that protects that. Presumably they will purchase for investment purposes. Once one unit sells it is established that it will be a mobile home park forever because there are then private property rights.

Mayor Nabours stated that the only access to the property is through Kaibab lane; he asked if that was a public street and if they guarantee access in the title

documents. Mr. Fox stated that access would be through Kaibab Lane to the private streets maintained by the HOA and that is included in the title documents.

Vice Mayor Evans asked if people who have low credit, no credit or are undocumented can get financing. Mr. Richards stated that undocumented individuals are not able to obtain financing and there are certain portfolio lines designed to help low income applicants and first time homebuyers. Anyone who is a lender with Fannie should be able to utilize the project.

Councilmember Barotz moved to approve the preliminary plat; seconded; passed unanimously.

- E. Consideration and Adoption of Ordinance No. 2014-13:** An ordinance of the Council of the City of Flagstaff, Arizona amending Flagstaff City Code Title 6, Police Regulations, Chapter 6-01, General Offenses, by adding a new Section 6-01-001-0004, Graffiti Prohibited; and amending Title 7, Health and Sanitation, by adding a new Chapter 7-01, Graffiti Abatement.

Councilmember Woodson returned to the dais at 8:43 p.m.

Zoning Code Administrator Roger Eastman provided a PowerPoint Presentation that covered the following:

- ▶ GRAFFITI PROHIBITED AND ABATEMENT
- ▶ GRAFFITI IS...
- ▶ GRAFFITI BUSTERS
- ▶ REPORTED CASES
- ▶ MEETING PURPOSE
- ▶ TITLE 6 – POLICE REGULATIONS
- ▶ TITLE 7 – HEALTH AND SANITATION
- ▶ CONCLUSION

Councilmember Brewster asked how staff will address the five day issue with residents who travel. She also stated that there are materials that it could be detrimental to paint rather than use an alternative method to removing the graffiti. Mr. Eastman explained that staff has at its disposal a number of tools available to help abate graffiti in various ways other than paint. The team knows what products to use to abate different graffiti scenarios. Additionally, staff has heard many times over that the graffiti needs to be abated as soon as possible to avoid further tagging.

Councilmember Overton noted that he is willing to look at the notification time but does not want to drag it out 30 days trying to get in contact with an owner. It is a property owner's responsibility to remove graffiti.

Councilmember Oravits voiced concern about not purchasing the paint matching machine and asked for staff to look into it further because it is such a low priced item. He also offered concern with the victim being penalized. While graffiti has to be removed fast, he would like to clean up the timing and be sure to note that official notification is certified.

Mayor Nabours suggested that there be a presumption clause in section A of Article 6 and Article 7 where graffiti is defined. Mr. Eastman stated that he will work with the City Attorney to add in that language.

Councilmember Oravits requested that the dollar amount when the lien is applied and the time frame for abatement by the property owner be added as well. Mr. Eastman stated that he will look into the cost of abatement and the cost benefit associated with collecting that from an owner.

Mayor Nabours moved to read Ordinance No. 2014-13 by title only for the first time; seconded; passed unanimously.

AN ORDINANCE AMENDING FLAGSTAFF CITY CODE TITLE 6, POLICE REGULATIONS, CHAPTER 6-01, GENERAL OFFENSES, BY ADDING A NEW SECTION 6-01-001-0004, GRAFFITI PROHIBITED; AMENDING TITLE 7, HEALTH AND SANITATION, BY ADDING A NEW CHAPTER 7-01, GRAFFITI ABATEMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PENALTIES

16. **DISCUSSION ITEMS**

A break was held from 9:13 p.m. through 9:20 p.m.

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

Mr. Burke reported that the County has approved and placed on the ballot a 3/10 cent tax for twenty years. He provided a PowerPoint presentation that covered the following:

- ▶ ROAD REPAIR AND STREET SAFETY INITIATIVE
- ▶ OPTIONS
- ▶ FINANCING – POLICY QUESTIONS
- ▶ FINANCE OPTIONS
- ▶ REMINDER OF SUPPORT OF SALES TAX INCREASE
- ▶ 2014 SURVEY OF LIKELY VOTERS
- ▶ BONDING

Councilmember Oravits asked if the increase in the cost of materials has been factored into the total cost of the project. Mr. Burke stated that it has been kept simple in the modeling and the City is looking to address the roads with the higher priority. The inflation and deterioration is being kept in mind. Councilmember Oravits followed up by asking if collecting more has been considered. Mr. Burke offered that there is consideration with that in the various ebbs and flows of collection. There is not a maximum to what can be raised only what can be borrowed.

Mr. Burke continued the presentation.

- ▶ SALES TAX RATES

- ▶ CITY/COUNTY TOTAL PROPOSED RATES
- ▶ DRAFT BALLOT QUESTION

Councilmember Woodson asked if there was a reason that the utility improvements were not mentioned in the question. Mr. Burke stated that it should have been included and staff will make that correction.

Councilmember Oravits emphasized that the money is not going to be used for plowing operations but to preservation and improvements. He asked if there was a way to keep the language specific to preservation and improvements without being too constrained. Mr. Burke agreed that there is some concern with maintenance as the preferred term. Ms. Goodrich added that the language can be drafted as restrictive as the Council would like and that it is always up to the Council as to what the money is used for. Mayor Nabours suggested calling it pavement improvements and ongoing preservation.

Councilmember Overton asked if the scope of work could be revisited should there be robust sales tax or if sales tax dollar decrease. Mr. Burke stated that the flexibility of the question leaves the ability to make additional changes and or additions. Ms. Goodrich offered that staff analyzes the amount of debt each year. If the sales tax proceeds were greater than anticipated staff would take that into consideration. The City wants to take advantage of market conditions and construction conditions but the City is not compelled to issue debt if it is able to maintain itself.

Councilmember Barotz suggested simplifying the language in the information materials. The information should be written in the same way a conversation would be had about the issue.

Councilmember Overton noted that the 1/3 cent is better money. It would be very important that the City communicates that it is a better steward of the money and it would be used to leverage an additional \$10 million to be used. Mr. Burke noted that the goal has been to repair as many of the streets as possible and to stay general rather than allocating to a specific project. Staff likes the idea of a contingency. If the project is going well, there will be items that the voters have identified for the parameters of repair.

Mayor Nabours asked if the term could be reduced rather than raising an additional \$10 million. Mr. Burke suggested that the term could possibly be reduced by two years.

The Council agreed to the .33% rate.

Mr. Burke stated that the City is not obligated to anything exclusively and staff will continue to work through language. There is flexibility within the question to do road repair, pavement preservation, bike/ped, and sidewalk activities. Mayor Nabours suggested categorizing the amounts needed for each area.

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.

A. **Tusayan ADOT Update**

Councilmember Oravits requested an update from the Arizona Department of Transportation (ADOT) on the Tusayan airport; it would be nice for them to be here and for the public to have the ability to ask questions. Vice Mayor Evans added that there are a lot of individuals in the hotel and lodging industry that have questions. She recommended inviting the Tourism commission, FLRA, Chamber, and Board of Supervisors to attend.

Councilmember Overton stated that the topic may be better suited at a County Board of Supervisor meeting rather than a City Council meeting as the Board of Supervisors are in a better position to hear the update and provide results.

The consensus of Council is to proceed with scheduling an update with ADOT.

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

Vice Mayor Evans stated that staff needs to be more careful when doing roadwork. She noticed that lines were painted on a road that was soon after repaved and then repainted; it is just not efficient. She noted that the red curb paint in the Southside has faded and requested that it be repainted.

Vice Mayor Evans asked if there was a way to reopen the public hearing of the Planning and Zoning Commission to allow for those who did not get to speak the chance to address the Commission.

Mayor Nabours shared a conversation with a US Congressman who is struggling with road deterioration and maintenance. There are others who are sharing the same struggles as Flagstaff.

19. **ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held June 17, 2014, adjourned at 10:12 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 June 17, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 15th day of July, 2014.

CITY CLERK