

REGULAR COUNCIL MEETING
TUESDAY, JULY 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 July 15, 2014, to order at 4:02 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

2. **ROLL CALL**

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

Present:

Absent:

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

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

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

The City Council and audience recited the Pledge of Allegiance and Mayor Nabours read the City of Flagstaff's Mission Statement.

MISSION STATEMENT

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

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

- A. **Consideration and Approval of Minutes:** City Council Regular Meeting of June 17, 2014; and the Special Meeting (Executive Session) of July 8, 2014.

Councilmember Barotz moved to approve the minutes of the City Council Regular Meeting of June 17, 2014; and the Special Meeting (Executive Session) of July 8, 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:** Transportation Commission.

Councilmember Barotz moved to appoint Derik Spice, Robert Mullen, and Andrew Benally to the Transportation Commission, terms expiring July 2017; seconded; passed unanimously.

Mayor Nabours stated that there had been previous discussion by the Council to reduce commissions to seven members. Deputy City Clerk Stacy Saltzburg addressed Council stating that the previous discussion had only identified a desire to reduce the Beautification and Public Art Commission to seven members from nine. In reviewing the minutes no other commissions were called out for reduction.

- B. **Consideration of Appointments:** Heritage Preservation Commission.

Councilmember Overton moved to appoint Sean Berry to the At-Large position and Jonathan Day to the Historic Property Owner position with terms expiring December 2016; seconded; passed unanimously.

- C. **Consideration of Appointments:** Tourism Commission.

Vice Mayor Evans moved to appoint Janice Russell to the Tourism Commission, term expiring January 2017; seconded; passed unanimously.

- D. **Consideration of Appointments:** Beautification & Public Art Commission (BPAC).

Mayor Nabours noted that there are currently seven commissioners and one hospitality vacancy. If the Council is going to move forward with the idea of phasing out At-Large members he suggests making this appointment bringing the commission to eight members and wait for the At-Large positions to term out.

Councilmember Brewster moved to appoint Jeremy Myer to the Hospitality position of the Beautification & Public Art Commission, with a term expiring June 2015; seconded; passed unanimously.

- E. **Consideration of Appointments:** Disability Awareness Commission.

Councilmember Brewster moved to appoint Christina Leland to a term expiring March 2017; seconded; passed unanimously.

Ms. Saltzburg addressed Council stating that the appointment that was made to the Tourism Commission is not valid as it has come to staff's attention that the applicant is no longer living in City limits and therefore ineligible. There is a second applicant who is eligible to serve on the commission. Mayor Nabours requested that the item be postponed to the 6:00 p.m. meeting to allow Council an opportunity to review the information.

8. **LIQUOR LICENSE PUBLIC HEARINGS**

- A. **Consideration and Action on Liquor License Application:** Danny Thomas, "New Jersey Pizza Company", 110 S. San Francisco, St. C., Series 12 (restaurant), New License.

Mayor Nabours opened the Public Hearing, there being no public comment he closed the Public Hearing.

Vice Mayor Evans 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.

Councilmember Oravits asked for clarification of the meter prices in item 9-A. Purchasing Director Rick Compau stated that the ¾ inch meter price is \$94.50 and the 1 inch meter price is \$156.00.

- A. **Consideration and Acceptance of Bid:** 2014-79 for Neptune Utility Water Meters (***Purchase of water meters from HD Supply Waterworks Group, Inc.***)

MOTION: Accept bid from HD Supply Waterworks Group, Inc. of Flagstaff, Arizona, for the purchase of Neptune Water Meters in the amount of approximately \$225,000 annually. Authorize the City Manager to execute the necessary documents

- B. **Consideration and Acceptance of Proposal:** Accept the proposal from Aerzen USA Corporation for three (3) High Efficiency Blowers. (***Purchase of three blowers for the Wildcat Wastewater Treatment Plant.***)

MOTION: Accept the proposal and approve the purchase from Aerzen USA Corporation of Coatesville, PA, for the purchase of (3) three high efficiency "Turbo Blowers" in the amount of \$ 692,562.00 plus applicable sales tax. Authorize the City Manager to execute the necessary documents.

- C. **Consideration and Approval of Purchase Under National Intergovernmental Purchasing Alliance Contract:** All-wheel-drive motor graders with snow wing attachments (***Purchase of 3 all-wheel-drive motor graders from Empire Machinery of Flagstaff***)

MOTION: Approve the purchase under National Intergovernmental Purchasing Alliance Contract with Empire Machinery of Flagstaff, Arizona (Empire Southwest, LLC) for the purchase of three (3) all-wheel-drive motor graders with snow wing attachments in the amount of \$677,000, plus the trade in of two (2) 1989 motor graders, one (1) 1990 all-wheel-drive motor grader, two (2) 1988 loaders and one (1) 1991 loader.

Councilmember Woodson moved to approve Consent Items 9-A through 9-C; seconded; passed unanimously.

10. **ROUTINE ITEMS**

- A. **Consideration and approval of Grant Agreement:** Authorizing approval of an Agreement with the U.S. Department of Justice, through the Arizona Criminal Justice Commission, for the Edward Byrne Justice Assistance Grant funds in the amount of \$291,660.00 for the Northern Arizona Street Crimes Task Force (METRO unit).

Councilmember Woodson moved to approve the acceptance of the grant from the U.S. Department of Justice, through the Arizona Criminal Justice Commission, Edward Byrne Justice Assistance Grant funds in the amount of \$291,660.00 for FY2015; seconded; passed unanimously.

- B. **Consideration of Intergovernmental Agreement:** With Coconino County for use of the Hazardous Products Center (HPC) ***(Approve IGA with Coconino County which will allow the City to continue to accept hazardous wastes from Coconino County households and small businesses at the HPC).***

Councilmember Overton moved to approve Intergovernmental Agreement with Coconino County; seconded; passed unanimously.

- C. **Consideration and Approval of Joint Funding Request:** Gauging Station at Newman Canyon Wash.

Councilmember Oravits moved to approve the Agreement with the U.S. Geological Survey (USGS) to contribute \$74,300; seconded; passed unanimously.

- D. **Consideration and Adoption of Ordinance No. 2014-19:** An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code, Title 7, Health and Sanitation, Chapter 7-04, Municipal Solid Waste Collection Service, Section 7-04-001-0009, Fees, by reinstating the \$2.50 per ton Environmental Maintenance Facility Fee, repeal of conflicting ordinances, severability, authority for clerical corrections, and establishing an effective date. ***(Reinstate the \$2.50 per ton landfill tipping fee).***

Mayor Nabours moved to read Ordinance No. 2014-19 by title only for the final time; seconded; passed unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, TITLE 7, HEALTH AND SANITATION, CHAPTER 7-04, MUNICIPAL SOLID WASTE COLLECTION SERVICE, SECTION 7-04-001-0009, FEES, BY REINSTATING THE \$2.50 PER TON ENVIRONMENTAL MAINTENANCE FACILITY FEE, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Mayor Nabours moved to adopt Ordinance No. 2014-19 (effective September 1, 2014); seconded; passed unanimously.

- E. **Consideration and Adoption of Ordinance No. 2014-18:** An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code, Title 3, Business Regulations, Chapter 10, User Fees, Section 3-10-001-0005, Recreation Fees, by increasing certain Parks and Recreation Fees; providing for penalties, repeal of conflicting ordinances, severability, authority for clerical corrections, and establishing an effective date. ***(Increasing recreation fees)***

Mr. Burke stated ice rink users had seen a 17% increase in the fees in FY14 and thought they were looking at a 17% increase in their fees again in FY15. Staff clarified that there was a 17% in FY14 with some of that being catch up in addition to the 7% that the Council approved across the board. In FY15 there will be an increase of 7% that the Council has again approved across the board.

Councilmember Brewster moved to read Ordinance No. 2014-18 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 3, BUSINESS REGULATIONS, CHAPTER 10, USER FEES, SECTION 3-10-001-0005, RECREATION FEES, BY INCREASING CERTAIN PARKS AND RECREATION FEES; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Councilmember Woodson moved to adopt Ordinance No. 2014-18 (and establish an effective date for the recreation fees of September 1, 2014); seconded; passed unanimously.

- F. **Consideration and Possible Adoption of Resolution No. 2014-23 and Ordinance No. 2014-15:** A Resolution of the City Council of the City of Flagstaff, Arizona, Declaring that Certain Document Known as "The 2014 BBB Tax Re-Codification Amendments as a Public Record, and Providing for an Effective Date; and an Ordinance of the City Council of the City of Flagstaff, Amending the Flagstaff City Code, Title 3, *Business Regulations*, Chapter 3-06, *Privilege and Excise Taxes*, Chapter 3-06, *Lodging, Restaurant and Lounge Tax*, are Hereby Amended by Adopting "The 2014 BBB Tax Re-Codification Amendments" as Set Forth in that Public Record on File with the City Clerk; Providing for Penalties, Repeal of Conflicting Ordinances, Severability, Authority for Clerical Corrections, and Establishing Effective Dates. ***(Recodification of BBB Tax)***

Mayor Nabours noted that there is no change in the BBB tax and this makes it more consistent with the Uniform Tax Code.

Mayor Nabours moved to adopt Resolution No. 2014-23; seconded; passed unanimously.

Mayor Nabours moved to read Ordinance No. 2014-15 by title only for the final time; seconded; passed unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, TITLE 3, BUSINESS REGULATIONS, CHAPTER 3-05, PRIVILEGE AND EXCISE TAXES, CHAPTER 3-06, LODGING, RESTAURANT AND LOUNGE TAX, ARE HEREBY AMENDED BY ADOPTING "THE 2014 BBB TAX RE-CODIFICATION AMENDMENTS" BY REFERENCE, AS SET FORTH IN THAT PUBLIC RECORD ON FILE WITH THE CITY CLERK; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING

ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Mayor Nabours moved to adopt Ordinance No. 2014-15; seconded; passed unanimously.

- G. **Consideration and Adoption of Ordinance No. 2014-17:** An ordinance of the City Council of the City of Flagstaff, Arizona, amending the Flagstaff City Code, Title 7, Health and Sanitation, Chapter 7-3, City Water System Regulations, Section 7-03-001-0003, Deposit Required, to change water service deposits; providing for penalties, repeal of conflicting ordinances, severability, authority for clerical corrections, and establishing an effective date. ***(Changing the amount of water service deposits)***

Mayor Nabours stated there is concern about the provision that made it a misdemeanor to not pay the deposit. There are now options to put into the final reading of the ordinance to clarify the language.

Management Services Director Barbara Goodrich stated that language has been added to allow for payment of the deposit over a three month period.

Assistant City Attorney Anja Wendel stated that in Chapter One of the City Code there is a general penalty clause that says it shall be a misdemeanor if no penalty is laid out in the code. The intent here is to clarify what penalty the City Council wants to impose in this situation.

Councilmember Barotz asked if there are other instances within the City Code where it is silent on penalties and therefore defaults to a misdemeanor. Ms. Wendel offered that most of the code is silent; sometimes it is specified as a civil sanction. Mayor Nabours asked if it is a misdemeanor now for someone to not pay their water bill. Ms. Wendel stated that because the code is silent on the matter it would default to the general penalty clause deeming it a misdemeanor; however while that is an option, she is unaware of any instance in which the City has prosecuted for failure to pay a water bill.

Councilmember Oravits asked if it would be better for the City to enter into a contractual agreement with water customers to offer better options for collection of unpaid balances. Ms. Wendel stated that it is an option to enter into a contract with customers however the most practical way to collect on unpaid balances is to collect a deposit at the time of entering into service. Most water accounts are small and the time and effort to enter into a civil lawsuit for collection would not merit a return on investment.

Mayor Nabours asked the criteria for when water is shut off for non-payment. Ms. Wendel stated that there is a shut off provision in the City Code. Ms. Goodrich stated that shut off notification is typically done at 30 days past due with most turn offs occurring at 60 days past due.

Councilmember Barotz asked if the City were to go with a contractual agreement how that would affect the ordinance currently under consideration. Ms. Wendel stated that the Council would still have to elect a remedy for non compliance.

Ms. D'Andrea offered that there is an option for a civil penalty up to \$500, there could be a bigger commercial account that leaves or a large residential water leak that remains unpaid and this identified penalty would allow the City to collect some of the money back if the deposit is not enough to cover it. She stated that she would prefer this option to nothing.

Councilmember Barotz asked if by choosing Option One if the City would be limited to collecting only the \$500. Ms. D'Andrea explained that Option One does not eliminate any debt collection options but allows a civil penalty of \$500 to be assessed rather than a criminal penalty.

Councilmember Oravits requested information on the process of establishing new commercial accounts.

Mayor Nabours moved to read Ordinance No. 2014-17 by title only for the final time selecting Option One; seconded; passed unanimously.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 7, HEALTH AND SANITATION, CHAPTER 7-3, CITY WATER SYSTEM REGULATIONS, SECTION 7-03-001-0003, DEPOSIT REQUIRED, TO CHANGE WATER SERVICE DEPOSITS; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Mayor Nabours moved to adopt Ordinance No. 2014-17 and establish an effective date for the deposit adjustments of September 1, 2014; seconded; passed unanimously.

- H. **Consideration and Adoption of Resolution No. 2014-24, and Consideration and Adoption of Ordinance No. 2014-16:** A Resolution of the City Council of the City of Flagstaff, Arizona, Declaring that Certain Document Known as "The 2014 Use Tax Adoption and Related City Tax Code Amendments" as a Public Record, and Providing for an Effective Date; and an Ordinance of the City Council of the City of Flagstaff, Arizona, Amending the Flagstaff City Code, Title 3, *Business Regulations*, Chapter 3-05, *Privilege and Excise Taxes*, is Hereby Amended by Adopting "The 2014 Use Tax Adoption and Related City Tax Code Amendments" by reference as Set Forth in that Public Record on File with the City Clerk; Providing for Penalties, Repeal of Conflicting Ordinances, Severability, Authority for Clerical Corrections, and Establishing an Effective Date. (*Adoption of local 1% use tax*)

Councilmember Brewster moved to adopt Resolution No. 2014-24; seconded; passed 5–2 with Councilmembers Woodson and Oravits casting the dissenting votes.

Councilmember Brewster moved to read Ordinance No. 2014-16 by title only for the final time; seconded; passed 4–3 with Mayor Nabours and Councilmembers Woodson and Oravits casting the dissenting votes.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, TITLE 3, BUSINESS REGULATIONS, CHAPTER 3-05, PRIVILEGE AND EXCISE TAXES, IS HEREBY AMENDED BY ADOPTING "THE 2014 USE TAX ADOPTION AND RELATED CITY TAX CODE AMENDMENTS" AS SET FORTH IN THAT PUBLIC RECORD ON FILE WITH THE CITY CLERK; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING EFFECTIVE DATES

Councilmember Brewster moved to adopt Ordinance No. 2014-16; seconded; passed 4–3 with Mayor Nabour and, Councilmember Woodson and Oravits casting the dissenting votes.

- I. **Reconsideration of Prior Action: Resolution No. 2014-25:** A resolution authorizing the execution of a Development Agreement between City of Flagstaff and Evergreen - Trax, L.L.C. related to the development of approximately 33.6 acres of real property generally located at the intersection of Route 66 and Fourth Street, Flagstaff, Arizona.

Councilmember Brewster moved to reconsider Resolution No. 2014-25; regarding the development agreement between the City of Flagstaff and Evergreen-Trax; seconded; passed 5–2 with Councilmembers Overton and Barotz casting the dissenting votes.

- i. **Consideration and Adoption of Resolution No. 2014-25:** A resolution authorizing the execution of a Development Agreement between City of Flagstaff and Evergreen - Trax, L.L.C. related to the development of approximately 33.6 acres of real property generally located at the intersection of Route 66 and Fourth Street, Flagstaff, Arizona.

Mayor Nabours stated that the options available have not changed; Option A means developments make a contribution to the bridge, Option B means developments do not make a contribution to the bridge. If there is no bridge contribution then the buyer pays the City an additional amount.

Councilmember Barotz asked if a precedent is being set with this action for properties in which the City is the seller. Ms. D'Andrea stated that the Council is really making the decision now as to what the precedent will be for developers that come into the area and affect the traffic on the bridge. The decision is whether the developers will pay for the widening or if the City would pay for the widening.

Vice Mayor Evans stated that she feels that this is the wrong way to be funding the bridge. It appears that the City is assessing the developments that need a Development Agreement and those that do not require one do not have to pay. New development should pay their fair share but it needs to be done equitably. There is currently impact fees for Police and Fire perhaps the City should look at impact fees related to traffic.

Councilmember Woodson stated that some of the properties don't pay into this because they already have zoning. The assessment would be for developments that are asking to change the zoning on their current land.

Al Schillinger addressed Council asking them to approve the TRAX development agreement without paragraph 7.6 related to the Fourth Street Overpass to allow a more equitable approach to funding.

A break was held from 5:10 p.m. thorough 5:16 p.m.

Mayor Nabours moved to read Resolution No. 2014-25 by title only with the Option B language; seconded; passed 4–3 with Councilmembers Woodson, Overton, and Barotz casting the dissenting vote.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING THAT CERTAIN DOCUMENT KNOWN AS "THE 2014 USE TAX ADOPTION AND RELATED CITY TAX CODE AMENDMENTS" AS A PUBLIC RECORD, AND PROVIDING FOR AN EFFECTIVE DATE

Councilmember Brewster moved to adopt Resolution No. 2014-25; seconded; passed 4–3 with Councilmembers Woodson, Overton, and Barotz casting the dissenting vote.

- J. **Consideration and Approval of Second Amendment of 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").

Mayor Nabours moved to approve the Second 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 5–2 with Councilmembers Barotz and Woodson casting the dissenting votes.

- K. **Consideration and Approval of Intergovernmental Agreement:** Election Services for the August 26, 2014, Primary Election

Vice Mayor Evans moved to approve the Intergovernmental Agreement with Coconino County Elections at a cost of \$2.00 per registered voter; seconded; passed 6-1 with Councilmember Oravits casting the dissenting vote.

- L. **Consideration and Adoption of Ordinance No. 2014-20:** An Ordinance prohibiting the use of wireless communication devices while operating a motor vehicle or bicycle.

Councilmember Woodson moved to read Ordinance No. 2014-20 by title only for the final time; seconded; passed unanimously.

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AMENDING TITLE 9, TRAFFIC, CHAPTER 9-01, TRAFFIC CODE, BY ADDING A NEW SECTION 9-01-001-0013, USE OF WIRELESS COMMUNICATION DEVICES WHILE DRIVING PROHIBITED; EXCEPTIONS; AND PROVIDING FOR PENALTIES

Councilmember Woodson moved to adopt Ordinance No. 2014-20; seconded; passed unanimously.

- M. **Consideration of bid and Approval of the Lease Agreement:** City-Owned Property: Located at 6628 S. Piper Lane (*Lease of property located near the Airport - formerly the FAA facility*)

Councilmember Barotz moved to accept the bid and approve the Lease Agreement with Northern Arizona Healthcare dba Guardian Air for lease payments of \$833.50 per month (\$10,002 annually). The facility will receive intended improvements by lessee at an estimated value of \$200,000. Authorize the City Manager or his designees to execute all necessary documents; seconded; passed unanimously.

RECESS

The Regular Meeting of the Flagstaff City Council held July 15, 2014, recessed at 5:32 p.m.

6:00 P.M. MEETING

RECONVENE

The Regular Meeting of the Flagstaff City Council held July 15, 2014, reconvened at 6:03 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 Council in regards to The Standard.

Gabor Kovaks addressed Council regarding a buffer zone for Walnut Canyon

Charlie Silver and Amy Lippman addressed Council regarding the repurposing of current Public Works Yard located on Mogollon.

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

- A. **Reconsideration of Prior Action: Consideration of Appointments:** Tourism Commission.

Vice Mayor Evans moved to reconsider item 7-C regarding consideration of appointments to the Tourism Commission; seconded; passed unanimously.

- i. **Consideration of Appointments:** Tourism Commission.

Vice Mayor Evans moved to appoint Ruben Abeyta to a term expiring January 2017; seconded; passed unanimously.

14. **PUBLIC HEARING ITEMS**

None.

15. **REGULAR AGENDA**

- A. **Consideration and Adoption of Resolution No. 2014-29:** A resolution of the City Council of the City of Flagstaff naming two of the trails in Picture Canyon Natural and Cultural Preserve the "Tom Moody Trail" and the "Don Weaver Trail". ***(Approve two Picture Canyon trail dedications).***

Sustainability Specialist McKenzie Jones stated that two trails in Picture Canyon are requested to be named in memory of Tom Moody and Don Weaver.

The following individuals addressed Council in support of the renaming of the two trails in Picture Canyon:

- Robert Mark
- Evelyn Billo
- David Wilcox

Mayor Nabours expressed concern about Dr. Weaver having passed away only a few months ago when the policy states two years with a one year exception.

Councilmember Woodson moved to read Resolution No. 2014-29 by title only; seconded; passed 6–1 with Mayor Nabours casting the dissenting vote.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA NAMING TWO OF THE TRAILS IN THE PICTURE CANYON NATURAL AND CULTURAL PRESERVE THE “TOM MOODY TRAIL” AND THE “DON WEAVER TRAIL”

Vice Mayor Evans moved to adopt Resolution No. 2014-29; seconded passed 6–1 with Mayor Nabours casting the dissenting vote.

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

Mayor Nabours stated that the first decision is if the Council wants to move forward with the Baylu property or reject that and all other proposals.

Melanie Campbell addressed Council in opposition to the facility being located on Courtland.

Councilmember Oravits moved to reject all proposals as submitted for Request for Proposal (RFP) 2013-44 for the purchase of property for the Core Services Maintenance Facility and approve the McAllister Ranch property for construction of the Facility; seconded; passed unanimously.

There are two options at this point, conduct another Request for Proposals or consider the McAllister Ranch property. Councilmember Barotz stated that she would like additional information on the McAllister property before she can make a determination. She requested more information on the following:

1. Would the property need to be rezoned. Would a Conditional Use Permit be needed from the City or County. Is annexation possible and viable.
2. Is the area a gateway; more information is needed about landscaping, fencing and screening.
3. Cost of grading and retaining walls.

Mayor Nabours asked about the 500 year flood zone. The maps for the zone have changed recently. Stormwater Manager Malcolm Alter stated that he made

a mistake on the map that was included in the memo that went to Council on September 30, 2013. A probable maximum flood was identified on the map in the memo rather than the 500 year flood. The maps that are available today correctly display the 500 year flood plain.

Planning Director Dan Folke stated that a conditional use permit would be necessary in either jurisdiction. The County would require rezoning to quazi-public district and a conditional use permit; if annexed it would require the same. The property is able to be annexed but some parcels to the west may need to be included. There may be some interest from other property owners to annex.

Councilmember Oravits inquired about future growth and how long the facility would be adequate. Public Works Director Erik Solberg stated that staff feels that the site could expand for a long time. Mayor Nabours asked if the proposed facility is larger than what the City has now. Mr. Solberg stated that in some ways yes; for example, Fleet Services would be a larger facility to work in with higher roofs and more bays. Some areas are transferring to similar sized areas. It will be a more user friendly operational building that what is in use today.

Councilmember Overton stated that it is important to get the most for the money and continue to work with design standards to keep the costs down. There will likely be modifications along the way but the end result should be a quality facility for employees.

Vice Mayor Evans stressed the importance of having a facility that works. She also asked that the City work with the neighborhood of the existing facility to allow them to have input on what happens to the old property. Mr. Solberg agreed offering that meetings will be set up with the neighborhoods to discuss the options and possibilities.

Mr. Burke asked if the Council is comfortable with staff starting to plan for the McAllister site and bring relevant decisions back to the Council for action.

Councilmember Woodson stated that check in and feedback is needed frequently. He offered that his preference is to annex the property and make it part of the City with infrastructure. Councilmember Barotz added that the more information that can be shared with the public the better; frequent updates will keep the Council and the public informed.

A written comment card was received from Rose Houk urging Council to include the neighboring community in discussions about the disposition of the current Public Works Yard property.

The consensus of Council is to have staff move forward with planning on the McAllister property

16. **DISCUSSION ITEMS**

A. **Discussion of City Participation in Community Conversation on Student Housing**

Mr. Burke stated that Supervisor Archuleta had approached him about talking jointly about the scope and format of a community meeting on student housing. Before going any further he wanted to check in with the Council to make sure that the City would be interested in this conversation as well. This is a good opportunity for discussion and receiving community input. He is looking for ideas on how to have an expanded conversation with the community without the formal proceedings of working within the Chambers.

Mayor Nabours suggested a Special Joint Meeting of the City Council and Board of Supervisors in a more informal setting such as the Aquaplex where issues could be identified and someone from the University can give information on intentions, future housing, and other facts related to student housing.

Councilmember Barotz stated that she is not sure that this is an issue for the entire Board of Supervisors. She suggested first determining if this is a concern of the Board collectively or just a select few.

Councilmember Overton offered that he felt that the outcome from the joint session was that of a task force discussion. He expressed concern about putting the City Council and Board of Supervisors together to offer suggestions on policy as he does not feel it would be as effective as desired. Vice Mayor Evans stated that whatever is done, elected officials need to be involved as well as the residents that may be affected by student housing.

Councilmember Woodson stated that there are several projects in the pipeline now and some may be more important than others. NAU has nothing to do with the private properties around them. The university plans, uses, and needs impact the City, but they're not providing the supply. It is a private property issue and goes beyond the discussion with the City and NAU; it is a bigger community discussion.

The following individuals addressed Council in favor of having a conversation with NAU about student housing:

- Marilyn Weismann
- Robert Douglass

A written comment card was received from Alycia Lewis.

Comments that were received:

- The Regional Plan failed to guide the community on where students should live
- It is hoped that the conversation is as inclusive as possible.
- This issue is important to the City.
- Important to ensure controversial situations such as the Arrowhead Trailer Park development do not surface to tear up the community again.

Mr. Burke suggested that Mayor Nabours meet with Supervisor Archuleta to discuss difference components of the meeting. This is would allow them to

aggregate the ideas together and bring back further options for the City Council to consider and weigh in on.

The City Council agreed that they are all interested in participating in the discussion.

Councilmember Barotz requested information on the projects that are upcoming.

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. **Consideration of Possible Future Agenda Item:** Citizen Petition for Council Consideration of 2011 La Plaza Vieja Neighborhood Plan

Mayor Nabours stated that he received a petition from La Plaza Vieja Neighborhood to move forward with adopting a neighborhood plan.

Mr. Burke stated that Comprehensive Planning and Zoning Manager Roger Eastman would be giving a brief presentation about the components of a neighborhood plan. He clarified that when presented with a petition he is responsible for bringing it before the City Council at the next meeting and the City Council is required to act upon the petition within the next 31 days. The decision to act on the petition is that of determining if the item should be placed on a future agenda.

Mr. Eastman provided a PowerPoint presentation that covered the following:

- ▶ LA PLAZA VIEJA NEIGHBORHOOD PLAN
- ▶ A LOT AS CHANGED SINCE 2011
- ▶ WHAT IS NEEDED TO MOVE FORWARD?
- ▶ COMPREHENSIVE PLANNING PROGRAM
- ▶ PATH FORWARD

Mr. Eastman explained that previous Comprehensive Planning Manager Kim Sharp completed the neighborhood plan in June 2011 at which time she was pulled into the Regional Plan drafting. She was unable to get the internal staff review of the document and did not get an opportunity to go back to the neighborhood. He noted that the current draft of the document may not meet current requirements.

Vice Mayor Evans stated that she was excited to see that the neighborhood submitted the petition and would like the Council to move forward with placing the item on a future agenda. She stated that she would like to see all the areas that have been identified for reinvestment have a neighborhood plan.

A written comment card was submitted by Alycia Lewis in favor of adopting a neighborhood plan.

Three members of the Council were in favor of placing the item on a future agenda.

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

Councilmember Woodson requested a future agenda item for the disposition of the land that is currently occupied by the Public Works Yard. He would like to start that dialogue with the community now in an effort to be prepared when the time comes.

Councilmember Woodson also suggested having a running list of talking points on the various legislation items so that there is consistency in the messaging that is going out from the City Council if contacted.

Vice Mayor Evans clarified that the first Council meeting following summer recess is being held on Monday, August 25, 2014. She also expressed interest in the possible future agenda item of the current public works yard.

Vice Mayor Evans requested a future agenda item on impact fees regarding transportation and traffic issues.

Councilmember Overton encouraged the Council to take advantage of the upcoming time off and go see the facilities that they do not usually get to see.

Councilmember Overton also expressed sincere condolences to the Bacon family.

Councilmember Barotz requested information in the form of a CCR that explains what it means to have a neighborhood meeting. After reviewing the information she may request a future agenda item to look at making adjustments to have a more meaningful process for the community.

Mayor Nabours requested a future agenda item on the following:

- Consider whether it is possible to give some credit to a local company in construction bids because of the carbon impact an out of town company would have. Additionally, consider whether the City can use its discretion on a winter shutdown of construction projects, local companies may be able to work on any given day that weather is good rather than an out of town company having to take time to remobilize the equipment and crew from outside the city.
- Consider if preference or credit can be given to a vendor that hires the disabled; is it something that the City is legally allowed to do.

The Regular Meeting of the Flagstaff City Council held July 15, 2014, adjourned at 7:35 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 July 15, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 25th day of August, 2014.

CITY CLERK