

## **WORK SESSION AGENDA**

**CITY COUNCIL WORK SESSION  
TUESDAY  
MARCH 11, 2014**

**COUNCIL CHAMBERS  
211 WEST ASPEN AVENUE  
6:00 P.M.**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**

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

MAYOR NABOURS  
VICE MAYOR EVANS  
COUNCILMEMBER BAROTZ  
COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS  
COUNCILMEMBER OVERTON  
COUNCILMEMBER WOODSON

- 4. Preliminary Review of Draft Agenda for the March 18, 2014, City Council Meeting. \***

*\* Public comment on draft agenda items may be taken under "Review of Draft Agenda Items" later in the meeting, at the discretion of the Mayor. Citizens wishing to speak on agenda items not specifically called out by the City Council for discussion under the second Review section may submit a speaker card for their items of interest to the recording clerk.*

- 5. Public Participation**

*Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. 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 to have 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.*

- 6. Community Banking Program**
- 7. Discussion on the path forward for proposed amendments to the Flagstaff Zoning Code**
- 8. Discussion/Direction of Charter Amendment Process**
- 9. Review of Draft Agenda Items for the March 18, 2014, City Council Meeting.\***

*\* Public comment on draft agenda items will be taken at this time, at the discretion of the Mayor.*

10.       **Public Participation**
11.       **Informational Items To/From Mayor, Council, and City Manager; requests for future agenda items.**
12.       **Adjournment**

**CERTIFICATE OF POSTING OF NOTICE**

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m. in accordance with the statement filed by the City Council with the City Clerk.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Elizabeth A. Burke, MMC, City Clerk

# Memorandum

6.

## CITY OF FLAGSTAFF

**To:** The Honorable Mayor and Council  
**From:** Barbara Goodrich, Management Services Director  
**Date:** 03/03/2014  
**Meeting Date:** 03/11/2014



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### TITLE:

**Community Banking Program**

### DESIRED OUTCOME:

To receive Council direction on establishing a formal Community Banking Program for the City of Flagstaff.

### INFORMATION:

In September 2013, the Mayor and Council asked to receive information on a Community Banking Program and an overview of small business lending programs currently available in our community. A City Council Report was prepared and distributed to Council at that time and this work session presentation is to follow up and seek a direction from Council.

A PowerPoint presentation has been prepared and will be reviewed that highlights both the Community Banking Program and the other small business loan opportunities that are available.

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**Attachments:** Community Banking

City of Flagstaff  
Council Work Session  
March 11, 2014

# Community Banking Program



# What is a Community Bank?\*

- A bank owned by a local community.
- There is no national presence and are found in the locality that runs them.
- They are independent institutions.

\* <http://thelawdictionary.org>

# Why Invest in a Community Bank\*

- Community banks focus attention on the needs of local families, businesses, and farmers
- Community banks use local deposits to make loans to the neighborhoods where their depositors live and work
- Community banks' boards of directors are made up of local citizens who want to advance the interests of towns and cities where they live and the bank does business

\* <http://www.communitybankers.org/about/what-is.php>

# Tucson, AZ Example

- Tucson has a Community Banking Program
- Deposits must be used to spur economic development in Pima County (not restricted to City of Tucson)
- Tucson staff recommended preference be given to financial institutions that are part of the CDARS program
  - Alliance & Sunwest (could not confirm on their website)

# CDARS Program

- Certificate of Deposit Account Registry Service
- Avoids collateralization of large deposit amounts
- Places entity funds in amounts below the FDIC limit in multiple locations in the network
- Allows for interest earnings
- Can select short or long term maturities

# Local Low Cost Financing

- Northern Arizona Business Capital Fund
  - Provides operating capital for growing entrepreneurial businesses across N. Arizona
  - A collaboration between ECONA, NACET, City of Flagstaff, Sunwest Bank, and Kiva
  - ECONA has \$60,000 to loan through this portal
    - Provide loans up to \$35,000
  - NACET has \$125,000 to loan through this portal
    - Provide loans up to \$35,000

# Local Low Cost Financing (cont.)

- The City will have \$217,000 to loan through this portal upon finalizing the Revolving Loan Fund with the Economic Development Authority
  - Provide loans up to \$75,000
- SEDI is anticipated to participate in the coming year
  - Provide loans up to \$5,000

# Questions for Council

- Would you like to pursue a Community Banking opportunity in Flagstaff?
  - May allow the City to direct additional investment in our community and surrounding area
  - There are no known banks that are only Flagstaff based
- If yes:
  - Do you have a specific deposit amount in mind?
  - Would you want to restrict loans made from the deposit to the Flagstaff area? Coconino County?
    - It is uncertain whether banks can make this type of guarantee
  - Do you prefer the bank to be part of the CDARS network?

# Memorandum

7.

## CITY OF FLAGSTAFF

**To:** The Honorable Mayor and Council  
**From:** Roger Eastman, Zoning Code Administrator  
**Date:** 02/14/2014  
**Meeting Date:** 03/11/2014



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### TITLE:

**Discussion on the path forward for proposed amendments to the Flagstaff Zoning Code**

### DESIRED OUTCOME:

At this work session, staff will be seeking direction from the City Council on the path forward for proposed amendments to the Flagstaff Zoning Code.

### INFORMATION:

On November 1, 2011 the Council, by unanimous vote, adopted the new Flagstaff Zoning Code. At the time of the Code's adoption, staff notified the Council that within 6-9 months a round of amendments to the Zoning Code would be presented to the Planning and Zoning Commission and Council for approval. With a document as complex as the Zoning Code, and despite staff's best efforts and attention to detail, it was realized that some standards or issues would be incomplete or incorrect.

Staff has met with the Council a number of times over the past few years to discuss proposed amendments to the Zoning Code as summarized below:

- October 9, 2012: Council work session – staff presented a suggested path forward for the adoption of amendments to the Zoning Code. At this meeting, it was agreed that staff would summarize the proposed amendments into a table so that decisions could be made as to whether the amendment was technical in nature or one that required a policy discussion by the Council.
- November 27, 2012: Council work session – general discussion on policy and technical amendments to the Zoning Code. The table referred to above was presented to the Council – see Attachment A.
- December 12, 2012: Council work session – agreement was reached that at a work session in January the Council would decide whether or not the policy issues identified so far would be kept on the list for consideration with the identified amendments to the Zoning Code.
- January 15, 2013: Council meeting – discussion to identify policy amendments to the Flagstaff Zoning Code. At this meeting a majority of the Council agreed that the need for amendments to the City's zone change process was a priority and that a "round table meeting" of community residents and the Council should be scheduled. After three such meetings, and eventual public hearings of the Planning and Zoning Commission and the Council, the amendments to Division 10-20.50 (Amendments to the Zoning Code Text and the Zoning Map) were approved by the Council on November 5, 2013. After some discussion it was agreed by a majority of the Council that all remaining items on the List of Technical and Policy amendments (Attachment A.) would be moved forward for future consideration by the Planning and Zoning Commission and the Council.



The list of proposed policy and technical amendments included in Attachment A. was derived from City planning staff, as well as staff that work with the Zoning Code on a regular basis (i.e. from the engineering, traffic, stormwater, housing, or legal sections/divisions), documenting sections of the Code where possible amendments would be required. Ideas for amendments submitted by Flagstaff residents have also been included, and over the coming months members of the public will have opportunity to share any further suggestions with staff. Note that this list has not been updated since it was first prepared even though staff has noted and recorded additional other minor amendments since then. No additional substantive or policy amendments have been identified, except for proposed amendments to Division 10-50.80 (Parking Standards) with regard to the overnight parking of RVs in commercial parking lots which will reflect Council direction provided at the February 25, 2014 Council work session.

## **AMENDMENTS TO THE ZONING CODE**

As has been discussed with the Council in the past, the remaining amendments to the Zoning Code may be divided into two broad categories which will be described in more detail in this staff summary:

1. Amendments to Division 10-50.100 (Sign Standards); and
2. All other amendments to the Zoning Code.

**Amendments to Division 10-50.100 (Sign Standards)** The need for amendments to the City's sign regulations has been supported by the Council, especially with regard to the need to provide more effective temporary sign regulations. In addition, amendments to certain standards for permanent signs are also contemplated, as described below.

### **1. 10-50.100.070 Temporary signs:**

As staff has discussed with Council, the concept of temporary business signs needs to be reassessed and a different approach taken to make them more manageable to business owners and easier to administer by staff. Staff has developed a number of ideas to resolve this concern. Related to this issue is an idea suggested by staff to perhaps allow for additional freestanding sign area so that all tenants in a multi-tenant building such as a strip mall may have an opportunity to have signage to advertise their business. Also, as staff has already discussed in a work session with the Council, a proposal to permit community banner signs for non-profit organizations will be presented. Staff will also seek direction from Council on whether special consideration should be given to allow the placement of temporary banners supporting local sports teams. These banners are not currently authorized in the Zoning Code.

### **2. 10-50.100.060 Simplify permanent sign standards**

These comprehensive amendments are suggested by staff. The Zoning Code includes the same standards from the former Land Development Code for the calculation of the area of building mounted signs, as well as very precise standards to determine where building mounted signs may be placed on a building. These are often restrictive and difficult to apply when an unusual circumstance arises. Staff has, therefore, suggested that these standards be amended (this is supported by many sign design professionals and business owners) to eliminate the restrictive requirements on where a sign may be placed on a building, to instead allow the business owner or property owner to decide where to place their sign. This change would provide less restrictive standards than those currently in effect in the Zoning Code.

### **3. 10-50.100.090 Expand the Comprehensive Sign Program so it can be applied to non-commercial uses**

This staff suggestion would allow the concept of a Comprehensive Sign Program (it allows for greater sign height and area if specific design performance measures are incorporated into the sign) to also be applied to non-commercial uses (multi-family residential, institutional, etc.). This change would provide less restrictive standards than those currently in effect in the Zoning Code

## **All other amendments to the Zoning Code**

Staff continues to add to a growing list of mostly minor amendments to the Zoning Code that require further review, discussion, and codification before being presented to the Planning and Zoning Commission and Council for approval. In the weeks and months ahead City staff will be meeting to discuss and fine-tune these identified amendments. While the vast majority of the noted amendments are minor, there are, however, some areas of the Zoning Code that would require more work, not because they might warrant a policy Council discussion, but more because there is a fairly substantial hole in the current Code that requires repair. The best example of this is with the Planned Residential Development section where the supporting standards are incomplete and were not as comprehensively addressed when the Code was written as they should have been. Another example of an area of the Code that warrants more substantial amendments is Section 10-50.110.030 in which a Stacked Triplex is suggested as a new building type. Consistent with Council's direction from the February 25, 2014 work session, amendments to the Parking Division (10-50.80) to allow the overnight parking of RVs in commercial parking areas, will also be presented.

Comprehensive Planning and Code Administration staff resources are currently committed to the following major projects:

1. Public outreach to City residents, local community organizations and stakeholders, to inform them of the recently adopted *Flagstaff Regional Plan 2030* so that they will be knowledgeable about the need to vote on this document in May 2014.
2. Amendments to City Code Title 8 (Public Ways and Property) in Division 8-03-002 (North Downtown Business District Encroachment Policy) to provide updated standards to enable restaurants and bars to establish seating areas on public sidewalks. Minor revisions to the current standards for vendors and other encroachments into the public right-of-way are also proposed. These amendments will be presented to the City Council for public hearing/first reading on March 18<sup>th</sup> with the second reading possible adoption scheduled for April 1<sup>st</sup>.
3. Relocation ordinance – Staff are working closely with the City Attorney's office on this issue. It is expected that in the months ahead and certainly before the summer recess, staff will present options and ideas for Council review in upcoming work sessions.
4. Graffiti ordinance – staff is working with the Flagstaff Police Department on this ordinance, and are aiming to possibly present it to the Council at a May work session for adoption in June.
5. Amendments to City Code Title 4, Building Code, regarding the need to update the City's existing provisions for building and property maintenance. In a work session in early 2013, the City Council agreed that these amendments would be completed and presented to the Council for review and adoption after the amendments to the Zoning Code were completed.

In order to complete text amendments to the Zoning Code, the procedure established in Section 10-20.50.040 will be followed, and it will involve the steps identified in the proposed schedule for the adoption of the 2014 Zoning Code Amendments described below:

**March 11, 2014**                      **Work session with the City Council** to review the path forward for the 2014 Zoning Code Amendments.

**Month, 2014:**                      **Public meeting with the Planning and Zoning Commission.** This meeting/open house or citizen review session is required by statute, and it will provide Flagstaff residents with an opportunity to share their ideas for possible amendments to the Code.

**Month, 2014:**                      **Public hearing with the Planning and Zoning Commission.** This hearing also provides the public with an opportunity to share their ideas and concerns. It will conclude with a formal recommendation from the Commission to the Council on the proposed amendments.

**Month, 2014:**                **Public hearing with the City Council.** This hearing provides the public with an opportunity to share their ideas and concerns with the Council. The Council may also declare the proposed amendments a public record.

**Month, 2014:**                **First Reading of Ordinance** to adopt amendments. Consistent with City policy, the first reading of the adopting ordinance follows the public hearing and declaration of the amendments as a public record.

**Month, 2014:**                **Second Reading of Ordinance** to adopt amendments.

In addition to the statutorily required steps described above, City staff will be conducting a comprehensive civic engagement program to **inform, involve, and consult** City residents of the proposed amendments, to listen to their concerns, and to hear their ideas and suggestions.

## **CONCLUSION**

At the March 11, 2014 work session, staff will be seeking from the City Council direction on the path forward for proposed amendments to the Flagstaff Zoning Code.

Realistically there is at least 2-3 months of work wrapping up all of the Zoning Code amendments before they are presented to the Planning and Zoning Commission and Council. This does not include the time needed for the sign code amendments, which could take at least an additional 1-2 months to complete. These time frame estimates also include the necessary time needed for public meetings and outreach.

Staff looks forward to meeting with the Council on March 11<sup>th</sup> to establish a time line for completion of these important amendments to the Flagstaff Zoning Code, in combination with the other tasks to which staff is already committed. More specifically, staff is seeking direction on the following options for proceeding with the preparation, review, and eventual consideration for approval of these proposed amendments:

**Option 1:** Combine all amendments to the Zoning Code into a combined "omnibus package" of amendments, i.e. all sign, parking, and other amendments will be prepared, reviewed, and presented for approval at the same time.

**Option 2:** Separate the permanent and temporary sign amendments from all other amendments to the Zoning Code. If this option is pursued, staff would suggest that the sign code amendments were considered first, and all of the other amendments to the Zoning Code were prepared for review and possible adoption after the sign code amendments were adopted and implemented.

**Option 3:** Separate the permanent and temporary sign amendments from all other amendments to the Zoning Code. While the sign code amendments would be considered first and prepared for review and possible adoption amendments, work on the other remaining Zone Code amendments could commence before the sign code amendments were adopted.

**Option 4:** As suggested in Option 2 and Option 3, the sign amendments would be separated from all other amendments to the Zoning Code, except in this option, all of the Zoning Code amendments would be considered before the sign code amendments.

# 2012 Zoning Code Amendments

## Summary of Proposed Amendments – Technical and Policy

Created: October 23, 2012

Last Updated: November 19, 2012



### Notes:

1. Staff has completed *draft* amendments for almost all of the proposed amendments listed below, with the exception of the possible rework of a section in the Landscape Standards and Sign Standards (see below for a more detailed explanation).
2. This list is not complete, and some minor/technical amendments are still under ongoing staff review. Furthermore, additional amendments and ideas from community members and the Planning and Zoning Commission are still expected.
3. Listed here are only the more substantive technical or policy draft proposed amendments – clerical amendments with no substantive impact or that do not change the meaning of a provision have not been included. These will however, be provided to the Planning and Zoning Commission and City Council in the future.
4. On the few occasions when a new more restrictive standard has been suggested, this is noted as a possible Policy discussion with the City Council.

#	Section #	Section Name	Description of Proposed Amendment	Technical	Policy
<b>Chapter 10-20: Administration, Procedures and Enforcement</b>					
1.	10-20.30.100	Final Decisions	B. Notice of Decision – amend to allow documentation in writing (including e-mail) rather than regular mail only	Yes	
2.	10-20.40.150	Temporary Use Permits	B. Time limits – clarify that the maximum time limit of 180 days is measured in a calendar year	Yes	
3.	10-20.40.150	Temporary Use Permits	C.3 Food vendors – i. delete the standards for temporary signs as they are established in the preceding paragraph e.	Yes	
4.	10-20.40.150	Temporary Use Permits	C.4 Merchandise and Service vendors – i. delete the standards for temporary signs as they are established in the preceding paragraph e.	Yes	
5.	10-20.40.150	Temporary Use Permits	C. Allowed Temporary Uses – two existing sections of the Zoning Code support the use of RV's as a temporary residence while a new home is under construction. This new section provides clarification of this intent.	Yes	
6.	10-20.50	Amendments to the Zoning Code Text and the Zoning Map	Revisit the process and submittal requirements for the approval of a Zoning Map amendment		Yes
<b>Chapter 10-30: General to All</b>					
7.	10-30.50.040	Public Improvement Agreement	This section is redundant and may be deleted as there are other mechanisms in place (e.g. in the Engineering Standards).	Yes	
8.	10-30.60.030	General Site Planning Standards	H. Built Environment and Land Use Context - include bicycle and transit facilities as elements to be considered in a site analysis	Yes	

#	Section #	Section Name	Description of Proposed Amendment	Technical	Policy
9.	10-30.60.040 (new)	Natural Features and Site Drainage	Insert this as a new section into Division 10-30.60 (Site Planning and Design Standards) the standards from the former LDC's Design Guidelines that were inadvertently not included in the Zoning Code	Yes	
10.	10-30.60.060 (new)	Building Placement	Insert as a new section into Division 10-30.60 (Site Planning and Design Standards) the standards from the former LDC's Design Guidelines that were inadvertently not included in the Zoning Code	Yes	
11.	10-30.60.080	Parking Lots, Driveways, and Service Areas	Include text from the former LDCs Design Guidelines to reinforce the need for connections between parcels	Yes	

#### Chapter 10-40: Specific to Zones

12.	Table 10-40.30.030	Residential: B. Allowed Uses	Rooming and Boarding Facilities – consistent with the former LDC these uses should not be permitted in the ER Zone	Yes	
13.	Table 10-40.30.030.A	Common Open Space Requirements	Reduce the width standard for common open space and delete the depth standard to make it easier to provide common open space on new developments, especially on small lots	Yes	
14.	Table 10-40.30.040	Commercial: B. Allowed Uses	End Note 6 – consistent with the former LDC the development standards of the HR Zone should be added to support residential uses in commercial zones	Yes	
15.	Table 10-40.30.040	Commercial: B. Allowed Uses	Passenger Transportation Facilities – consistent with the former LDC this use should be a conditionally permitted use in the HC Zone	Yes	
16.	Table 10-40.30.040	Commercial: C. Building Form Standards	Building Height – increase the allowed building height in the SC Zone as this is consistent with building height in residential zones and the allowed building height for Live Work Units, which are permitted in this zone	Yes	
17.	Table 10-40.30.040	Commercial: C. Building Form Stds.	Density Requirements – consistent with the former LDC a reference to the HR Zone should be included to support residential uses in commercial zones	Yes	
18.	Table 10-40.30.050	Industrial: B. Allowed Uses	Indoor Commercial Recreation – rather than including “fitness facilities” as a permitted use in the General Services definition, it is cleaner and better practice to instead insert the Indoor Commercial Recreation use into the LI-O Zone as a permitted use	Yes	
19.	Table 10-40.30.050	Industrial: B. Allowed Uses	Services – consistent with the former LDC, End Note 7 should be added to all services uses to provide a performance standard consistent with other non-industrial uses in this industrial zone in compliance with the Regional Plan	Yes	
20.	10-40.40.070.C	T4N.1: Allowed Building Types	Add Single-Family Cottage as an allowed building type in this transect zone as it is equivalent to and smaller than a Single-Family House which is allowed	Yes	

#	Section #	Section Name	Description of Proposed Amendment	Technical	Policy
21.	10-40.60.030	Accessory Dwelling Units (ADUs)	Size – delete the maximum percentage requirement as it may preclude the construction of an ADU on a lot with a small house	Yes	
22.	10-40.60.210	Manufactured Homes	C. Manufactured Home Subdivisions – as recommended by the City Attorney this section should be moved into the Subdivision Regulations in Title II	Yes	
23.	10-40.60.230	Meeting Facilities, Public and Private	B. Neighborhood Meeting Facilities – provides clarification based on the requirements of Table 10-40.30.030.B that a Conditional Use Permit is needed for facilities with > 250 seats	Yes	
24.	10-40.60.270	Planned Residential Development	B. Building Types for Planned Residential Development – insert a new paragraph 3. to clarify what building height standards apply when a PRD is proposed in a non-transect zone	Yes	
25.	Table 10-40.60.270	A PRD Building Type Options	Insert a new End Note to clarify how building types are applied when a PRD is proposed in a commercial zone	Yes	
26.	10-40.60.300	Secondary Single-Family Dwelling	B. Standards – insert a clarifying paragraph to ensure that if a secondary residence is demolished, a relationship between the existing primary and a new secondary single-family home is maintained	Yes	
27.	10-40.60.310	Telecommunications Facilities	C. General Requirements for Telecommunications Facilities – include new standards for camouflaged sites that have been applied by staff for many years and that were inadvertently omitted when the new Zoning Code was adopted	Yes	

#### **Chapter 10-50: Supplemental to Zones**

28.	10-50.20.020	Applicability	A. In addition to the other applicability requirements, consistent with the former LDC clarify that Architectural Design Standards would only apply to an application for new development subject to a Conditional Use Permit	Yes	
29.	10-50.20.030	Architectural Standards	I. Building Materials – insert a new paragraph c. that explains how building materials should be applied to a building with visually heavier materials below visually lighter materials	Yes	
30.	10-50.20.030	Architectural Standards	B. Building Massing and Scale – insert a new paragraph 8. Gas Station Service Canopies to capture a design standard from the LDC that was inadvertently omitted from the Zoning Code	Yes	
31.	10-50.60.030	Landscaping Plans	A. Concept Landscape Plan - amend to require a concept landscape plan (with less detail) with a concept site plan rather than a preliminary landscape plan	Yes	
32.	Table 10-50.60.040.C	Interior Landscaped Area Required per Number of Off-Street Parking Spaces	This table can be deleted as it is redundant	Yes	

#	Section #	Section Name	Description of Proposed Amendment	Technical	Policy
33.	10-50.60.050	Landscaping Standards	The landscaping standards and requirements for landscape materials in the new Zoning Code are significantly reduced from the former LDC and appear to be appropriate and are working well. However, there are inconsistencies between tables and written standards that will be addressed through a rewrite of this section. No new standards are suggested to be added, and where necessary when resolving inconsistencies, standards will be streamlined and simplified.	Yes	
34.	10-50.60.090 (New)	Violations and Enforcement	Consistent with other Divisions in the Zoning Code (Parking, Outdoor Lighting, Natural Resources, Signs, etc.) a new section should be inserted to support the Maintenance Section to deal with instances where landscape materials are illegally removed and replacement materials are required.		Possibly
35.	10-50.70.050	General Requirements – All Lighting Zones	B. Lighting Classes – 2.b., amend to ensure that a max. of 10% non-LPS lighting applies only to Class 2 lighting rather than all lighting classes which does not make sense	Yes	
36.	Table 10-50.70.050.B	Lamp Type and Shielding Standards	Class 3 Lighting (Decorative) – consistent with the former LDC all lamp types 2,500 lumens or above per fixture should not be allowed in Zone 2	Yes	
37.	Table 10-50.80.040.A	Number of Motor Vehicle Parking Spaces Required	Residential: Amend to increase the number of required parking spaces for residences with 4+ bedrooms as staff has frequently had to deal with complaints of parking deficiencies for such dwelling units		Yes
38.	Table 10-50.80.040.A	Number of Motor Vehicle Parking Spaces Required	Residential: Consider deleting the reduced parking requirements for affordable housing developments because when applied they invariably result in a deficit of parking spaces which creates additional problems, or in the alternative, only apply the reductions to multi-family residential developments over a certain threshold based on number of units or area in acres		Yes
39.	10-50.80.050	Bicycle Parking	B. Required Spaces – amend the standard for bike racks to ensure consistency with the Engineering Standards	Yes	
40.	10-50.80.060	Parking Adjustments	I. General to All Zones – consider reducing the allowed parking reduction for residential projects within ¼ mile of a transit stop from 10% to 5%		Yes
41.	10-50.80.080	Parking Spaces, Parking Lot Design, and Layout	C. Parking for Disabled Persons – consider whether the requirements for number of accessible parking standards and their dimensions should be amended to be consistent with federal standards		Yes
42.	10-50.100.040	General Restrictions for All Signs	B. Display Restrictions, Applicability – consistent with the former LDC include animated signs, costumed characters, stuffed animals, etc. as prohibited sign types.	Yes	

#	Section #	Section Name	Description of Proposed Amendment	Technical	Policy
43.	10-50.100.060	Permanent Signs	(3) Building Mounted Signs – the Zoning Code includes the same standards from the former LDC for the calculation of the area of building mounted signs, as well as very precise standards to determine where the signs may be placed on a building. These are often restrictive and difficult to apply when an unusual circumstance arises. Staff therefore suggests that these standards be amended (this is supported by many sign design professionals) by eliminating the restrictive requirements on where a sign may be placed on a building, and instead allowing the business owner or property owner to decide where to place their sign. Note this would be a change that provides less restrictive standards than those in the Zoning Code today.		Yes
44.	Table 10-50.100.060.O	Standards for Permanent Window Signs	An amendment is proposed to include permanent window signs within the total aggregate sign area for building mounted signs, except that window sign area less than 10 sq. ft. in area would be exempt	Yes	
45.	10-50.70.100	Temporary Signs	Consider an amendment that would allow for the placement of temporary banners welcoming the Cardinals and NAU students, and supporting NAU sports teams. These banners are not currently authorized under the Zoning Code.		Yes
46.	10-50.70.100	Temporary Signs	Staff suggests that the concept of temporary business signs should be reassessed and a different approach taken to make them more manageable to business owners and their use easier to administer by the City. Staff has developed a number of ideas to resolve this issue that will be presented to the Council at a future meeting. Related to this issue is an idea to allow for additional freestanding sign area so that all tenants in a multi-tenant building such as a strip mall may have an opportunity to have signage to advertise their business.		Yes
47.	10-50.100.080	Sign Districts of Special Designation	E. (new) - insert a new district for the Flagstaff Mall to allow for off-site signage at a specific location		Yes
48.	10-50.100.090	Comprehensive Sign Programs	B. Applicability – expand the Comprehensive Sign Program (currently limited to commercial uses only) so that it may also apply to multi-family residential developments and institutional uses, therefore allowing these uses to also use a larger sign subject to the enhanced design standards		Possibly
49.	10-50.110-030	Building Types Overview	Consider the possibility of adding a Stacked Triplex as a new building type as part of the Form-based Code portion of the Zoning Code		Possibly
50.					
51.					
52.					



#	Section #	Section Name	Description of Proposed Amendment	Technical	Policy
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**Chapter 10-60: Specific to Thoroughfares**

53.	Table 10-60.10.080.A	Summary of Thoroughfare Components	To ensure consistency with the former LDC (Traditional Neighborhood District) and the Engineering Standards, minor amendments are needed in this table relative to parking lane and travel lane widths, and movement types.	Yes	
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**Chapter 10-80: Definitions**

54.	10-80.20.010	Definitions, "A"	Aggrieved person – on the recommendation of the City Attorney's office add this as a defined term	Yes	
55.	10-80.20.030	Definitions, "C"	Cisterns – amend the existing definition to conform to the City's Rain Water Harvesting Guidelines	Yes	
56.	10-80.20.070	Definitions, "G"	Garden Walls – insert a new definition to define this term	Yes	
57.	10-80.20.090	Definitions, "I"	Internal Illumination – delete this definition as it is redundant and already include in the definition for "Sign, Internally Illuminated"	Yes	
58.	10-80.20.180	Definitions, "R"	Rain Barrels – amend the existing definition to conform to the City's Rain Water Harvesting Guidelines	Yes	
59.	10-80.20.190	Definitions, "S"	Structure - amend the existing definition to exclude rain barrels and cisterns to conform to the City's Rain Water Harvesting Guidelines	Yes	

**Chapter 10-90: Maps**

60.	10-90.80.010	Zoning Map	B. – clarify that the Zoning Map also includes the Regulating Plan which shows the distribution of transect zones within the Form-based Code study area	Yes	
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# Memorandum

8.

## CITY OF FLAGSTAFF

**To:** The Honorable Mayor and Council  
**From:** Elizabeth A. Burke, City Clerk  
**Date:** 03/03/2014  
**Meeting Date:** 03/11/2014



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### TITLE:

**Discussion/Direction of Charter Amendment Process**

### DESIRED OUTCOME:

Discussion and provide direction to staff on how to proceed with Charter Amendment process

### INFORMATION:

At the January 21, 2014, Council Work Session, staff was directed to bring this item back for further discussion/direction by Council. In preparing, staff was asked to submit any changes they would recommend to be considered. Those were then reviewed and have been divided into two categories: 1) technical; and 2) policy. These have both been attached for your consideration.

I have prepared a calendar which gives some idea of when questions would need to be decided on and there are a few issues that would need to be considered that could influence the direction taken by Council.

### Issues for Consideration

1. To have questions on the November 2014 ballot, the final wording would need to be agreed to by July 1, 2014. This would not provide much time to adopt a resolution creating a committee, appointing members to the committee, meeting and reviewing proposed changes, submitting them to Council for consideration, and having final wording adopted.
2. To have questions placed on the November 2014 ballot, they will be at the end of the ballot, and with all of the other issues to be considered statewide, we could be limited in the numbers, unless we went to a multi-page ballot. A multi-page ballot creates additional issues: 1) additional costs; 2) confusion for voters and the opportunity for one page and not the other getting returned appropriately. If that were to happen, there is no mechanism to correct the problem.
3. One alternative to the above would be to have Council prioritize the proposed changes and direct staff to include as many questions on the ballot as would fit on the one-page ballot.

### Questions

Based on the above, the questions to consider would be:

1. Does Council want to have Charter Amendment questions on the November 2014 ballot? If not, what date (if known)?
2. Does Council wish to establish a committee to consider questions and make recommendations to the Council?

If so, how many members do you want to have? What is their scope of work?

Attached is a table showing the different options available as well as a draft resolution creating a committee, for your consideration.

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**Attachments:**    Policy.Amendments  
                         Technical.Amendments  
                         Calendar  
                         Pros.Cons  
                         Resolution

**FLAGSTAFF CITY CHARTER**  
**PROPOSED STAFF CHANGES - POLICY**  
**2014**

ITEM #	ARTICLE	SECTION	SUBMITTED BY	PROPOSED CHANGES
1	IV	1	E. Burke	<b>ADMINISTRATIVE DEPARTMENTS AND OFFICES</b>  (a) The Council, by ordinance not inconsistent with this Charter, shall provide for the organization, conduct, and operation of the several offices and departments of the City as established by this Charter, for the creation of additional departments, divisions, offices, and agencies, and for their consolidation, alteration, or abolition. (b) The Council, by ordinance not inconsistent with this Charter, may assign additional functions or duties to offices, departments, divisions, or agencies. Where the positions are not incompatible, the Council may combine in one person the powers and duties of two or more offices created or authorized by this Charter. (c) The Council shall provide for the number, titles, qualifications, powers, duties, and compensation of all appointive officers of the City. <del>(d) City officials, as designated by this Article, and all heads of departments shall be residents of the City during their tenure of office.</del>
<b>PURPOSE</b>				To remove the requirement for residency of City Clerk (and possibly other officials).
2	III	3	Anderson D'Andrea	<b>POWERS AND DUTIES (City Manager)</b>  The City Manager shall: (a) (b) (c) Appoint and, when necessary for the good of the service, lay off, suspend, transfer, demote, or remove all officers and employees of the City, except as otherwise provided by this Charter, and except as the Manager may authorize the head of a department or office to appoint and remove subordinates in such department or office, subject to such merit system regulations THAT DETERMINE THE DUE PROCESS REQUIREMENTS FOR REVIEW OF LAYOFFS, SUSPENSIONS, DEMOTIONS, AND TERMINATIONS as the Council may adopt;
<b>PURPOSE</b>				Removes Council process for the personnel handbook to be more consistent with form of government, and avoids extensive discussion of policies that are mandated by law. Provides clearer guidelines about the division of work between the Council and the Manager. And, it removes the Manager from determining the due process requirements for.

3	IV	5	Anderson D'Andrea	<p><b>PERSONNEL RULES AND REGULATIONS</b></p> <p>The Council shall <del>ADOPT AN</del>, by ordinance <b>THAT REQUIRES THE CITY MANAGER TO ESTABLISH</b>, provide for the establishment of Personnel Rules and Regulations for the purpose of regulating and controlling the appointments, promotions, demotions, discharges, and reinstatements of all officers and employees of the City, except those elected by the people, members of appointive boards and commissions and volunteers who serve without pay, and also except the City Manager, the City Attorney, and the Police <b>MAGISTRATE</b> Judges.</p>
				<p><b>PURPOSE</b> Provides for Council to adopt an ordinance that requires the City Manager to establish the Personnel Rules and Regulations. Removes volunteers from the list of those subject to Council control, but leaves Board and Commission members under Council control. This is consistent with regular practice.</p>
4	VI	1	Wagemaker Wendel	<p><b>FISCAL</b></p> <p><u>Option 1</u></p> <p>The provisions of the Constitution and the Laws of the State as the same now exist or hereafter may be amended governing <del>the</del> budget, taxation, financial, and fiscal powers of the City <b>ARE A MATTER OF LOCAL CONCERN</b>. shall apply to the governing and conduct of same in the City.</p> <p><b>THE COUNCIL MAY BY ORDINANCE PROVIDE A SYSTEM FOR THE ASSESSMENT, LEVY AND COLLECTION OF ALL CITY TAXES, NOT INCONSISTENT WITH THE PROVISIONS OF THIS CHARTER.</b></p> <p><u>Option 2</u></p> <p>The provisions of the Constitution and the Laws of the State as the same now exist or hereafter may be amended governing the budget, taxation, financial, and fiscal powers of the City shall apply to the governing and conduct of same in the City.</p> <p><b>THE COUNCIL MAY BY ORDINANCE PROVIDE A SYSTEM FOR THE ASSESSMENT, LEVY AND COLLECTION OF ALL CITY TAXES, NOT INCONSISTENT WITH THE PROVISIONS OF THIS CHARTER.</b></p>
				<p><b>PURPOSE</b> This is an effort to bring the City Charter more in line with recent legislative changes to the Model City Tax Code, including the incorporation of recent legislative emphasis on tax simplification. The proposed changes also more clearly define the abilities of Council to self-administer the already adopted tax code.</p>
5	VI	2	Wagemaker Wendel	<p><b>ADDITIONAL TAXES FOR SPECIAL PURPOSES</b></p> <p><u>Option 1</u></p> <p>(a) The Council shall have the power to levy and collect taxes in addition to the taxes herein authorized to be</p>

levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the City, and to provide for the establishment and support of free public libraries, and for advertising the advantages of the City, and an additional amount deemed to be advisable and necessary to create a reserve fund to provide for replacement of equipment, for the furnishing of City services, and the maintenance of all municipally-owned and operated utilities.

(b) The Council shall have the power to levy a Transaction Privilege Tax (Sales Tax) **PROVIDED THAT NO LEVY MEASURED ON GROSS RECEIPTS, GROSS INCOME OR GROSS PROCEEDS OF SALES OF THE TAXPAYER SHALL BE LEVIED AT A RATE IN EXCESS OF ONE PERCENT (1%)** ~~subject to approval~~ **UNLESS SUCH RATE IS APPROVED** by a majority of the qualified electors voting in the regularly scheduled general **OR A SPECIAL** election.

Option 2

(a) The Council shall have the power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the City, and to provide for the establishment and support of free public libraries, and for advertising the advantages of the City, and an additional amount deemed to be advisable and necessary to create a reserve fund to provide for replacement of equipment, for the furnishing of City services, and the maintenance of all municipally-owned and operated utilities.

(b) The Council shall have the power to levy a Transaction Privilege Tax (Sales Tax) **PROVIDED THAT NO LEVY MEASURED ON GROSS RECEIPTS, GROSS INCOME OR GROSS PROCEEDS OF SALES OF THE TAXPAYER SHALL BE LEVIED AT A RATE IN EXCESS OF TWO PERCENT (2%)** ~~subject to approval~~ **UNLESS SUCH RATE IS APPROVED** by a majority of the qualified electors voting in the regularly scheduled general **OR A SPECIAL** election.

Option 3

(a) The Council shall have the power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the City, and to provide for the establishment and support of free public libraries, and for advertising the advantages of the City, and an additional amount deemed to be advisable and necessary to create a reserve fund to provide for replacement of equipment, for the furnishing of City services, and the maintenance of all municipally-owned and operated utilities.

~~(b) The Council shall have the power to levy a Transaction Privilege Tax (Sales Tax) subject to approval by a majority of the qualified electors voting in the regularly scheduled general election.~~

<b>PURPOSE</b>	This is an effort to bring the City Charter more in line with recent legislative changes to the Model City Tax Code, including the incorporation of recent legislative emphasis on tax simplification. The proposed changes also more clearly define the abilities of Council to self-administer the already adopted tax code.
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6	VII	6	D'Andrea	<b>READING AND PASSAGE OF ORDINANCES AND RESOLUTIONS: EFFECTIVE DATE</b>
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All proposed ordinances and resolutions shall either be read in full or posted in a public place at least twenty-four (24) hours prior to its adoption, provided if any amendments are proposed to a posted ordinance or resolution

such amendments shall be read in full prior to its adoption. An ordinance may be read for the final time at the same meeting as when introduced upon ~~unanimous consent of those Councilmembers present~~ **THE AFFIRMATIVE VOTE OF SIX (6) MEMBERS OF THE COUNCIL**. A resolution shall require only one (1) reading before its adoption and may be adopted at the same meeting at which it is first introduced by a majority of those Councilmembers present.

Eastman  
D'Andrea

**OPTIONAL:** Also may wish to consider an ordinance only requiring one (1) reading as well as resolutions.

**PURPOSE**

It should not be harder to do first and final read together than it is to find an emergency.

**OPTIONAL:** Would streamline the time period.

7

VII

13

E. Burke  
D'Andrea

**PROCEDURE FOR ADOPTION BY REFERENCE**

(a) The Council may enact the provisions of a code or public record already in existence without setting forth such provisions, but the adopting ordinance shall be published in full. **THE NUMBER OF COPIES REQUIRED BY STATE STATUTE** ~~At least three (3) copies~~ of the code or public record shall be filed in the office of the City Clerk, and kept available for public use and inspection. A code or public record enacted by reference e may be amended in the same manner.

(b) No penalty clause shall be enacted by reference thereto. A penalty clause contained in a code or public record adopted by reference shall be set forth in full in the adopting ordinance.

**PURPOSE**

At this time, State Statutes require three (3) copies to be maintained; however, this is an antiquated statute and may change in the future. This verbiage would allow the Charter to change as well, if that should occur.

8

VII

15

E. Burke  
D'Andrea

**CODIFICATION OF ORDINANCES**

Any and all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, shall be compiled, consolidated, revised, indexed, and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of any ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but ~~not less than three (3) copies~~ **THE NUMBER OF COPIES REQUIRED BY STATE STATUTE** thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Amendments to the code shall be enacted in the same manner as ordinances.

**PURPOSE**

At this time, State Statutes require three (3) copies to be maintained; however, this is an antiquated statute and may change in the future. This verbiage would allow the Charter to change as well, if that should occur.

9

VIII

2

Goodrich

**PURCHASES AND CONTRACTS FOR CITY IMPROVEMENTS**

(b) Any City improvement costing ONE HUNDRED THOUSAND DOLLARS (\$100,000) ~~fifty thousand dollars~~

~~(\$50,000)~~ or more, or any purchase costing more than ~~fifty thousand dollars (\$50,000)~~, ONE HUNDRED THOUSAND DOLLARS (\$100,000), shall be executed by contract, except where such improvements or purchase is authorized by the Council to be executed directly by a City department, in conformity with detailed plans, specifications, and estimates approved by the City Manager. Such contracts shall be advertised for bids, as directed in Section 3 of this Article. The City Manager, with the approval of the City Council, may enter into a contract with the lowest responsible bidder whose proposal is the most satisfactory.

(c) Any contract or purchase exceeding the sum of ~~fifty thousand dollars (\$50,000)~~ ONE HUNDRED THOUSAND DOLLARS (\$100,000) shall require the prior approval of the Council.

**PURPOSE** Consider possibly increasing the amount.

10 VIII 9

D'Andrea  
Goodrich  
**LEASES OF CITY PROPERTIES**

The Council may lease any **COMMERCIAL** land, **COMMERCIAL** buildings, or **COMMERCIAL** equipment now or hereafter owned by the City on such terms and conditions as the Council may prescribe. All leases shall be made to the highest responsible bidder after publication of notice thereof for at least one time per week for two weeks, stating explicitly the time and conditions of the proposed lease. However, the Council may, in its discretion, reject any and all bids.

**PURPOSE** Allow leases of City property used for residential purposes to be leased by the City Manager for a commercially acceptable rate without going through the notification and bidding process.

11 VIII 10

D'Andrea  
**SALE OF CITY PROPERTY**

The Council may sell such portions of the real and personal property of the City not needed or not likely to be needed within a reasonable future time. Each sale shall be made on such conditions as the Council may prescribe to the highest responsible bidder after published notice of the sale in accordance with the following schedule:

1. Personal property valued in excess of \$500.00 shall be sold after published notice of the sale for at least once not less than five (5) days prior to opening of bids.
2. Real property shall be sold after published notice of the sale for at least one time per week for three weeks prior to opening of bids.

The Council shall have the right to reject any and all bids.

3. The City Manager may sell or otherwise dispose of any personal property having a value of \$500.00 or less without published notice, but written advice of such sale or disposal shall be given to the Council.
4. The Council may also in its discretion subdivide and plat City property which it determines to sell, providing restrictions relative to its use and dedicate streets and alleys as determined necessary for the use of the public.

**PURPOSE** Raise the limit on the value of personal property that the City Manager may sell or dispose of. It is currently \$500.



**THE PRESIDING JUDGE OF THE MUNICIPAL COURT MAY, WITH BUDGETARY APPROVAL OF THE CITY MANAGER, APPOINT SUCH JUDGES PRO TEMPORE AS ARE REQUIRED BY THE MUNICIPAL COURT.**

**PURPOSE** Allows the Presiding Judge to appoint Judges Pro Tempore

FLAGSTAFF CITY CHARTER  
PROPOSED STAFF CHANGES - TECHNICAL  
2014

ITEM #	ARTICLE	SECTION	SUBMITTED BY	PROPOSED CHANGES
1	II	3	E. Burke	<b>TERM OF MAYOR</b>  The term of office of the Mayor shall commence on the <b>DATE SET BY ORDINANCE</b> <del>first meeting in April<sup>1</sup> following the election,</del> and shall be for two (2) years, or until a successor is elected and inducted.  M. D'Andrea <b>OPTIONAL:</b> To allow for spring elections on the permitted consolidated election dates.  The term of office of the Mayor shall commence on the <b>DATE SET BY ORDINANCE</b> <del>first meeting in April<sup>1</sup> following the election,</del> and shall be for two (2) years, or until a successor is elected and inducted.
<b>PURPOSE</b>				To be consistent with Arizona Revised Statutes as to election dates which supersede Charter
2	II	4	E. Burke M. D'Andrea	<b>TERM OF COUNCILMEMBERS</b>  The term of office of Councilmembers shall commence on the <b>DATE SET BY ORDINANCE</b> <del>first meeting in April<sup>2</sup> following their election,</del> and except as otherwise provided herein, shall be for four (4) years, or until their successors are elected and inducted. Each even-numbered year, three (3) Councilmembers shall be elected.  <b>OPTIONAL:</b> Should charter cities prevail in pending litigation.  The term of office of Councilmembers shall commence on the <b>DATE SET BY ORDINANCE</b> <del>first meeting in April<sup>2</sup> following their election,</del> and except as otherwise provided herein, shall be for four (4) years, or until their successors are elected and inducted. Each even-numbered year, three (3) Councilmembers shall be elected.
<b>PURPOSE</b>				To be consistent with Arizona Revised Statutes as to election dates which supersede Charter
3	II	8	E. Burke	<b>INDUCTION</b>  On the <b>DATE SET BY ORDINANCE</b> , <del>second meeting in April<sup>2</sup> following the General Election,</del> the Council shall hold a meeting to induct into office the newly-elected Mayor and Councilmembers and to organize the Council. At this meeting, the Council shall designate one of its members as Vice-Mayor, who shall serve in such capacity at the

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pleasure of the Council. The Vice-Mayor shall perform all the duties of the Mayor during the absence or disability of the Mayor.

M. D'Andrea **OPTIONAL:** Should charter cities prevail in pending litigation.

On the **DATE SET BY ORDINANCE** ~~second meeting in April~~<sup>2</sup>, the Council shall hold a meeting to induct into office the newly-elected Mayor and Councilmembers and to organize the Council. At this meeting, the Council shall designate one of its members as Vice-Mayor, who shall serve in such capacity at the pleasure of the Council. The Vice-Mayor shall perform all the duties of the Mayor during the absence or disability of the Mayor

M. D'Andrea **ADDITIONAL CONSIDERATION:**

Formalize the current informal policy of having the councilmember who received the largest number of votes at the last election to serve as Vice Mayor.

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			<b>PURPOSE</b>	To be consistent with Arizona Revised Statutes as to election dates which supersede Charter
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4	II	10	E. Burke	<b>VACANCIES IN THE COUNCIL AND THE OFFICE OF MAYOR</b>
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The Council, by a majority vote of its remaining members, shall, within thirty-one (31) days, fill the vacancies in its own membership, and in the office of Mayor, for the unexpired terms. In the event that such unexpired term exceeds two years **FROM THE DATE REQUIRED FOR CANDIDATES TO FILE THEIR NOMINATION PAPERS AND PETITIONS**, then the appointment to such vacancy shall be for the period from the appointment until the next succeeding **CANDIDATE** election, at which time a Councilmember shall be elected to serve the remainder of the term and who shall be designated on the ballot as running for the "short term."

D'Andrea

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			<b>PURPOSE</b>	To clarify start time of two-year period, as well as the next <b>Candidate</b> election.
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5	II	13	E. Burke D'Andrea	<b>SPECIAL MEETINGS</b>
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The Mayor **OR CITY MANAGER** may, or, at the request of three (3) members of the Council shall, by giving notice thereof to all members of the Council then in the City, call a special meeting of the Council for a time not earlier than ~~three (3) hours~~ **TWENTY FOUR (24) HOURS** after the notice is given. ~~Special meetings of the Council may also be held at any time by the common consent of all the members of the Council.~~

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			<b>PURPOSE</b>	To be in compliance with Open Meeting Law and Council-adopted Rules of Procedure. Last sentence is repetitive.
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6	II	16	D'Andrea	<b>FAILURE TO VOTE</b>
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No member of the Council present at any meeting shall be excused from voting, except in matters involving the consideration of their own official conduct **OR A DECLARED CONFLICT OF INTEREST**. In all other cases, a failure to vote shall be entered on the minutes as an affirmative vote.

<b>PURPOSE</b>	Failure to vote should be excused in matters in which the Councilmember has a conflict of interest.
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7	VI	4	Goodrich	<b>CASH BASIS FUND SET UP; TRANSFER OF SUMS FROM CASH BASIS FUND TO OTHER FUNDS</b>
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~~The Council may, by ordinance, create and maintain a permanent revolving fund to be known as the Cash Basis Fund, for the purpose of putting the payment of the running expenses of the City on a cash basis. For this purpose, the Council may provide that from the money received from other sources, a sum equal to not less than two and one-half (2 1/2) cents on each one hundred dollars (\$100.00) of the assessed value of said property shall be placed in such fund, until the accumulated amount of such fund shall be sufficient to meet all legal demands against the Treasury for the first four (4) months, or other necessary period, of the succeeding fiscal year. The Council shall have power to transfer from the Cash Basis Fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the Council to provide that all money so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.~~

<b>PURPOSE</b>	Not used
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8	VII	7	E. Burke	<b>EMERGENCY MEASURES: EFFECTIVE DATE</b>
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(a) An emergency measure is one necessary for the immediate preservation of the public peace, health, or safety, in which the emergency is set forth and defined. An emergency measure may be placed upon its final reading and final passage at the same meeting as when first introduced upon the affirmative vote of ~~five (5)~~<sup>4</sup> **SIX (6)** members of the Council.

<b>PURPOSE</b>	To be consistent with Arizona Revised Statutes which supersede Charter
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9	VII	9	E. Burke	<b>PUBLICATION OF ORDINANCES AND RESOLUTIONS</b>
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D'Andrea (a) All ordinances and resolutions having the effect of ordinances, except emergency measures, shall become effective and operative thirty (30) days after its adoption or twenty (20) days after its publication ~~in the official newspaper of the City,~~ **IN ACCORDANCE WITH STATE LAW** whichever is later.

(b) An emergency ordinance which has been passed by the necessary vote of ~~five (5)~~<sup>5</sup> **SIX (6)** members of the

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Council shall be published one time in the official newspaper of the City- **IN ACCORDANCE WITH STATE LAW** within ten (10) days after its passage.

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			<b>PURPOSE</b>	To be consistent with Arizona Revised Statutes which supersede Charter, AND to allow for alternative publication methods if State law should change in the future.
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10	VIII	2	D'Andrea	<b>PURCHASES AND CONTRACTS FOR CITY IMPROVEMENTS</b>
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			<b>PURPOSE</b>	So that it is clear that any contract or purchase does not require the approval of Council- instead of the possibility that it is limited to contracts for city improvements.
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11	IX	4	E. Burke	<b>NOMINATION FOR PRIMARY ELECTION</b>
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- (a) Nominations for Primary Elections shall be by petition of nomination, which shall consist of a printed or written form, which shall be furnished to applicants by the City Clerk.
- (b) The petition or petitions for nomination, consisting of signatures of qualified voters, aggregating not less than five (5) percent, nor more than ten (10) percent of the number of electors voting at the last preceding municipal General Election, shall be presented to the City Clerk not earlier than **ONE HUNDRED TWENTY DAYS (120)** ~~ninety (90)~~ days, nor later than **NINETY (90)** ~~sixty (60)~~ days before the date set for the Primary Election. The City Clerk shall endorse on such petition or petitions the date and the time when the same was received by the City Clerk, and shall cause the candidates' names to be printed on the ballot.

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			<b>PURPOSE</b>	To be consistent with time requirements of state law and allow for overseas voters timing requirements.
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12	IX	5	E. Burke	<b>PRIMARY ELECTIONS</b>
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- (a) The Primary Election shall be held on the ~~first Tuesday in February~~ **TENTH TUESDAY BEFORE THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER.** in even-numbered years. The two candidates receiving the highest number of votes at the Primary Election for each office for which there is a vacancy will be considered nominated for such office, and their names shall be printed on the ballot for the General Election; provided, that if there be any person who, under the provisions of this Section would have been entitled to become a candidate for any office except for the fact that some other candidate received said equal number of votes therefor, then all such persons receiving said equal number of votes shall likewise become candidates for such office.
- (b) In the event that no more than two candidates file nominating petitions for each vacancy in office, the Primary Election may be dispensed with as to that office.

D'Andrea **OPTIONAL:** Should charter cities prevail in pending litigation.

- (a) The Primary Election shall be held on the ~~first Tuesday in February~~<sup>6</sup> **SECOND TUESDAY IN MARCH** in even-numbered years. The two candidates receiving the highest number of votes at the Primary Election for each office for which there is a vacancy will be considered nominated for such office, and their names shall be printed on the ballot for the General Election; provided, that if there be any person who, under the provisions of this Section would have been entitled to become a candidate for any office except for the fact that some other candidate received said equal number of votes therefor, then all such persons receiving said equal number of votes shall likewise become candidates for such office.
- (b) In the event that no more than two candidates file nominating petitions for each vacancy in office, the Primary Election may be dispensed with as to that office.

**PURPOSE** To be consistent with current state law.

**OPTIONAL:** To allow for spring elections on the permitted consolidated election dates.

13 IX 6 E. Burke **TIME OF HOLDING OF GENERAL ELECTION**

The General Election shall be held on the ~~first Tuesday in March~~<sup>7</sup> **FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER** in each even-numbered year.

D'Andrea **OPTIONAL:** Should charter cities prevail in pending litigation.

The General Election shall be held on the ~~first Tuesday in March~~<sup>7</sup> **THIRD TUESDAY IN MAY** in each even-numbered year.

**PURPOSE** To be consistent with current Arizona law.

**OPTIONAL:** To allow for spring elections on the permitted consolidated election dates.

14 IX 11 D'Andrea **APPLICATION OF STATE LAW**

The provisions of the laws of this State relating to and governing the nomination of elective officers and the conduct of elections, and each and every provision of said law, with all amendments thereto, shall apply, and shall govern the nomination of elective officers, and the conduct of elections, except as otherwise provided in this Charter. The Council shall have the power to make any other provisions relating to the nomination of officers, and to the conduct of elections not repugnant nor contrary to the provisions of the laws of this State, or to the provisions of this Charter.

				<b>PURPOSE</b> Clean up the language regarding the application of state law to the elections process to make it clear that the Charter prevails unless it is legally preempted. I believe that is what the current language means, but it is so wordy that it could be challenged.
15	XI	1	Jacobson	<p><b><del>POLICE</del> MAGISTRATE COURT</b></p> <p>The <del>Police</del> <b>MAGISTRATE</b> Court created by the general statutes of the State, and all statutes pertaining to the jurisdiction and procedure of said Court, shall be fully observed</p>
				<b>PURPOSE</b> Change all references to Police Court to Magistrate Court.
16	XI	2	D'Andrea Jacobson	<p><b><del>POLICE</del> MAGISTRATE JUDGE(S), APPOINTMENT, TERM</b></p> <p>The <del>Police</del> <b>MAGISTRATE</b> Judge(s) shall be appointed by the Council, and shall hold office <b>CONSISTENT WITH STATE LAW</b> <del>at the pleasure of the Council.</del></p>
				<b>PURPOSE</b> Consider whether the section on Police Judges serving “at the pleasure of Council” should be revised considering the required independence for Judges.
17	XI	3	Jacobson	<p><b>SERVICE OF PROCESS</b></p> <p>The Chief of Police shall cause all summonses issued by the <del>Police</del> <b>MAGISTRATE</b> Judge(s) to be served, and the return endorsed thereon and signed by the officer making such service. The Chief of Police shall also cause all warrants of arrest to be executed.</p> <p><b>Also consider:</b></p> <p>Eliminating this altogether</p>
				<b>PURPOSE</b> Change all references of Police Court to Magistrate Court.
18	XII	1	E. Burke	<p><b>ELECTIONS FOR APPROVAL OF FRANCHISES</b></p> <p>No franchise shall be granted, extended, or renewed by the City without the approval of a majority of the qualified electors residing within its corporate limits voting thereon at a <del>Primary</del>, General, or Special Election; the Council shall submit any matter for approval or disapproval to such election at any <del>Primary or</del> General Election, or shall call a Special Election for such purpose <b>IN ACCORDANCE WITH STATE LAW</b> <del>at any time upon thirty (30) days’ notice;</del> and the Council shall require, before calling any such election, that the estimated expense thereof (to be</p>

determined by the Council) shall be first deposited by the applicant for such franchise with the City Clerk.

**PURPOSE** Thirty days’ notice is not adequate time to call a Special Election and meeting other related timelines. Removes the possibility of holding a franchise election during the Primary Election due to partisanship complications with Primary Elections.

19            XVI            Am. 2            D’Andrea Jacobson    **Amendment No. 2 VOTE REQUIRED FOR CERTAIN TYPES OF FACILITIES COSTING IN EXCESS OF ONE MILLION DOLLARS**

Notwithstanding any other provisions of the Charter, with the exceptions of utilities, public safety **(INCLUDING MAGISTRATE COURTS)** and street facilities, after the effective date of this Amendment the City shall not expend funds totaling more than one million dollars for the purchase and/or construction of municipal facilities, including but not limited to libraries, civic centers, or swimming pools, without the prior approval of a majority of the qualified electors of the City voting at an election for that purpose. Said one million dollar limit shall be adjusted annually by the consumer price index as of July 1 of each year.

**PURPOSE** In Amendment No. 2, define public safety facilities in a manner that would include Magistrate Courts, and reflects the current CPI to account for inflation.



## CHARTER POTENTIAL ELECTION DATES – 2014/2015

	FALL 2014 ELECTION CYCLE	SPRING 2015 ELECTION CYCLE*		FALL 2015 ELECTION CYCLE*	
	11/04/2014	03/10/2015	05/19/2015	08/25/2015	11/03/2015
Resolution calling Election (latest date)	07/01/14	11/04/14	01/06/15	04/21/15	07/07/15
Resolution approving ballot wording	07/01/14	11/04/14	01/06/15	04/21/15	07/07/15
Receive Pro/Con Statements	07/07/14 – 08/06/14	11/10/14 – 12/10/14	01/19/15 – 02/18/15	04/27/15 – 05/27/15	07/08/15 – 08/05/15
Final PP wording to EOS	08/07/14	12/11/14	01/20/15	05/28/15	08/06/15
UOCAVA ballots mailed out	09/20/14	01/24/15	04/03/15	07/11/15	09/19/15
Early Ballots must be ready	10/02/14	02/05/15	04/16/15	07/23/15	10/01/15
Mail PP to registered voters	10/06/14	02/09/15	04/20/15	07/27/15	10/05/15
Early Ballots can be mailed out	10/09/14	02/12/15	04/23/15	07/30/15	10/08/15
Mail Ballots mailed out		02/16/15	04/27/15	08/03/15	10/12/15
<b>ELECTION DAY</b>	<b>11/04/14</b>	<b>03/10/15</b>	<b>05/19/15</b>	<b>08/25/15</b>	<b>11/03/15</b>
Canvass Election results	11/18/14	03/17/15	06/02/15	09/08/15	11/17/15

\*These could potentially be Mail Ballot Elections if there was nothing else being presented in the County/State.

## 2014-15 CHARTER ELECTION DATE COMPARISONS

ELECTION DATE	COST PER REG. VOTER	PRO	CON
<b>11/2014</b>	\$2.50  Unless multi- page ballot	<ul style="list-style-type: none"> <li>•Higher voter turnout (overall, although may not finish ballot due to voter fatigue)</li> </ul>	<ul style="list-style-type: none"> <li>•Last issue on ballot (voter fatigue)</li> <li>•Could require multi-page ballot                             <ul style="list-style-type: none"> <li>•Added expense</li> <li>•Problem with not all ballots being returned OR may limit number of questions</li> </ul> </li> <li>•Limits amount of time to create committee</li> </ul>
<b>03/2015</b>	\$2.50	<ul style="list-style-type: none"> <li>•Allows more time to create committee</li> </ul>	<ul style="list-style-type: none"> <li>•Delay in effective date of changes</li> </ul>
<b>05/2015</b>		<ul style="list-style-type: none"> <li>•Allows more time to study questions/issues</li> </ul>	
<b>08/2015</b>		<ul style="list-style-type: none"> <li>•Allows for Mail Ballot Election – more focus</li> </ul>	
<b>11/2015</b>			

## QUESTIONS/CONSIDERATIONS

Do you want to create a committee?

YES    Limited time if you want on November 2014 ballot, could be limited to # of questions  
If yes, make up of membership? Scope of work?

NO    Could place on November 2014 ballot, but could still be limited to # of questions  
If no, what process to use for review of proposed questions/issues?

What election date?

11/14    03/15    08/15  
          05/15    11/15

**RESOLUTION NO. 2014-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF,  
ARIZONA, ESTABLISHING A CITIZENS' CHARTER REVIEW TASK FORCE**

**RECITALS:**

WHEREAS, the City Council of the City of Flagstaff desires to have citizens review the City Charter; and

WHEREAS, the City Council will consider any recommended changes to the Charter; and

WHEREAS, the City Council finds that a citizens' task force with members of diverse backgrounds to assist in the review of the City Charter and to engage the community in the process is integral to the success; and

WHEREAS, a citizens' Charter review task force will assist the Council in conducting an open, inclusive, and transparent process in their review of the Charter;

**ENACTMENTS:**

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:**

SECTION 1. ESTABLISHMENT OF TASK FORCE. There is hereby established a Citizens' Charter Task Force to consist of \_\_\_\_ members.

SECTION 2. TASK FORCE PURPOSE. The purpose of the Citizens' Charter Review Task Force is to assist Council by making recommended changes to the City's Charter.

SECTION 3. TASK FORCE FUNCTIONS. The Task Force shall:

1. Meet with staff to review the City's Charter and Amendment process;
2. Provide input on alternatives and recommendations; and
3. Participate in the public involvement process to ensure public comment and input regarding Charter changes.

SECTION 4. SUNSET. The Task Force shall cease to exist ...

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY