

MINUTES

WORK SESSION
TUESDAY, APRIL 29, 2014
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
5:00 P.M.

WORK SESSION

1. Call to Order

Mayor Nabours called the Flagstaff Work Session of April 29, 2014, to order at 6:09 p.m.

2. Roll Call

Councilmembers present:

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

Councilmembers absent:

COUNCILMEMBER WOODSON

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

3. Preliminary Review of Draft Agenda for the May 6, 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.*

None.

Mayor Nabours requested that item 5 be discussed prior to Public Participation.

5. Presentation by Arizona Lodging and Tourism Association about National Tourism Week

Marketing and Public Relations Manager Heather Ainardi introduced Kristen Jarnagin with the Arizona Lodging and Tourism Association who provided a PowerPoint Presentation that covered the following:

- ▶ ARIZONA LODGING & TOURISM ASSOCIATION (AzLTA)
- ▶ ARIZONA TRAVEL INDUSTRY STATISTICS
- ▶ TOURISM POSITIVELY IMPACTS ALL COUNTIES

- ▶ 2013 STATE TOURISM BUDGET COMPARISON
- ▶ ADVOCACY
- ▶ ELECTION YEAR
- ▶ SALES AND MARKETING
- ▶ INDUSTRY EVENTS

4. Public Participation (*Non-Agenda Items Only*):

Public Participation enables the public to address the council about items that are not on the prepared agenda. 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.

The following individuals addressed Council with concerns about the Landmark development project:

- Robert Douglas
- Alex Gaynor
- Lucas Klein
- Frankie Beasley
- Jordon Morales
- Gloria Valencia
- Olga Garcia
- Miriam Mesa
- Adam Shimoni
- Susan Ontiveros
- James Hasapis
- Lianne Mannick
- Roger Smith
- Norm Whallen
- Kathy Barrett
- Pat Ellsworth

Emily Davalos addressed Council with concerns about preferential treatment during public comment.

Roxanna Denise addressed Council to express excitement about having translation services available.

A break was held from 7:15 p.m. through 7:27 p.m.

6. Presentation and Discussion on Potential Resident Displacement Relocation Policy

Mayor Nabours stated that the potential policy is not related to any particular development. He clarified that the Landmark development would not be subject to the policy because the project has been in process prior to a policy being adopted. The project will still have to go through the Planning and Zoning Commission process as well as to the Council. Should the project continue forward further discussion will be placed on a future agenda.

Planning Director Dan Folke provided a PowerPoint presentation that covered the following:

- ▶ RELOCATION OF DISPLACED RESIDENTS POLICY
- ▶ GOALS OF THE WORK SESSION
- ▶ WHO IS IMPACTED BY NON-GOVERNMENTAL CAUSED RELOCATION?
- ▶ PARAMETERS
- ▶ EXISTING STATE LEGISLATION
- ▶ MOBILE HOME ACT
- ▶ STATE LEGISLATION CONCLUSION
- ▶ CITY COUNCIL CURRENT AUTHORITY: CRITERIA TO APPROVE MAP AMENDMENT
- ▶ 2001 REGIONAL LAND USE PLAN
- ▶ REGIONAL PLAN 2030 (EFFECTIVE 5/21/14 WITH VOTER RATIFICATION)
- ▶ MAP AMENDMENT PROCESS
- ▶ MODEL ORDINANCES
- ▶ OPTIONS TO MOVE FORWARD
- ▶ EFFECTIVE DATE OF NEW REQUIREMENTS
- ▶ QUESTIONS & DISCUSSION

Mayor Nabours asked if the City could require a relocation plan be submitted with the zone change request if residents are currently living on the property. Mr. Folke stated that this could be added to the application and zoning map checklist should that be Council's direction.

Mayor Nabours asked if a mobile home park is closed in compliance with State law and then applied for a change in zoning after the park was vacant if there would be a relocation component requirement. Mr. Folke explained that if there are no tenants currently living in the park at the time of a zone change request then there would be no one to relocate and therefore no relocation component necessary.

Councilmember Barotz stated that option one is much broader than the other options because it is not an ordinance and could apply to people in tiers one through three. Mr. Folke stated that it is staff's opinion that when the developer comes up with their own relocation plan they are unlimited in the benefits that they can offer whereas the City is more restricted on any requirements that can be placed upon the plan.

Councilmember Barotz asked for clarification on what the Mobile Home Act provides. Mr. Folke offered that the Act provides benefits to the owner of the mobile home but there are no protections to people who are renting the mobile home.

Mayor Nabours asked if any work had been done on the distinction between commercial and residential dislocation. Mr. Folke responded that the focus has been on resident displacement. It is to help those with limited options and resources, but if there is affordable commercial space available, it may not apply.

Councilmember Overton stated that the value of the broader audience in option one is more desirable.

Councilmember Barotz asked the difference between options two and three. Mr. Folke offered that in option two the criteria for the relocation plan is better defined and option three is a defined benefit option, a formula that is fixed and tells the developer what they would have to pay to those displaced. Options one and two would apply to tiers two and three and option three would only apply to tier three because tier two is already accommodated by the State.

Vice Mayor Evans stated that option two allows the City to put in a framework of what needs to be included in the relocation plan and because it is an ordinance it will be codified as an amendment to the City Code. Mr. Folke offered that option two is similar to option one in that the applicant develops the relocation plan, but option two can get more specific in defining the objective. Vice Mayor Evans asked if it would apply to both tier two and tier three. Ms. D'Andrea stated that it may not apply to tier two depending on the criteria that is put into place and she would have to work with staff to develop criteria that is legal.

The following individuals addressed Council in favor of a dislocation ordinance:

- Michelle Thomas
- Steve Dicks
- Moran Henn
- Roz Clark
- Marty Eckrom
- James Hasapis
- Adam Shimoni
- Father Patrick Mowrer
- Peggy Scurlock

Walt Rector addressed Council urging them to utilize the negotiating power in a Development Agreement to develop the relocation plan as opposed to an ordinance.

Councilmember Brewster stated that Northern Arizona University has nothing to do with the Landmark development; they do not own the property and this is not their deal. It is an issue between the property owner and the developer.

Vice Mayor Evans stated that she is interested in a displacement ordinance within the concept of rezoning. The Regional Plan clearly speaks to the community's desire for infill

and redevelopment and the fair relocation of people displaced by development. What is needed is an ordinance that implements the community vision. She also indicated that the proposed ordinance should include language regarding "For Sale" signs for manufactured and mobile home parks. She would like to see option two move forward.

Mayor Nabours stated that he prefers option one because it does not tie the City to any particular requirements. It allows Council to negotiate the plan based on the project.

Vice Mayor Evans asked if option two allows the City to offer a framework of what is desired in a relocation plan. Ms. D'Andrea offered that with option one the City can request the developer to have a plan and offer a checklist. If option two is set up to read that the developer shall comply with certain things, then it would only be able to be applied to tier three.

Mr. Burke clarified that option one is for the developer to provide a plan; with option two the City can give more guidance of what the plan should consist of and how they are going to address the various aspects of relocation; and option three would be asking for specific requirements.

Councilmember Barotz stated that she is in support of option two but only when it can apply to both tier two and three; the City cannot address certain things but those things able to be addressed should be provided.

Councilmember Overton offered that the City has better flexibility with option one based on the application and not just meeting the requirements of the code. He is not convinced that option two, with set criteria, is what the City wants to apply on all rezoning applications.

Councilmembers Oravits and Brewster stated that they are in support of looking further into option one.

Councilmember Barotz added that option two provides a framework to help the developer understand the expectations of the City instead of going back and forth with plan after plan.

Community Development Director Mark Landsiedel suggested that staff further refine options one and two and attempt to blend them into a workable option. Council is in consensus of this direction and directed staff to make the ordinance as flexible as possible so as to offer assistance to the most people.

A break was held from 9:23 p.m. through 9:35 p.m.

7. Discussion of Coconino County Ordinance No. 2014-03: Ban of Portable Communication Devices and Texting While Operating a Motor Vehicle

Police Deputy Chief Walt Miller provided a PowerPoint presentation that covered the following:

- ▶ COCONINO ORDINANCE No. 2014-03
- ▶ DEFINITIONS

- ▶ ILLEGAL ACTIVITIES
- ▶ ENFORCEMENT/PENALTIES
- ▶ EXEMPTIONS
- ▶ WARNING PERIOD
- ▶ OPTIONS

There are concerns with opting out of the County ordinance and crafting an ordinance for the City with enforcement and jurisdictional areas.

Councilmember Oravits asked for a description of the State's distracted driving law. Chief Miller stated that it is a broad statute that can be interpreted in many ways. It also calls for citation for driving at a speed not prudent to avoid a collision. Speed is always a contributing factor, and if someone is doing anything but paying attention to driving, that would be considered distracted driving.

Mayor Nabours asked if the distraction of cell phones is the talking or the fact that someone is holding something. Chief Miller offered that it is the cognitive ability that is the problem; talking and thinking and driving combined causes the distraction. Mayor Nabours asked if there is a difference in talking while the phone is on a console as opposed to holding it in one's hand. Chief Miller suggested that talking is a distraction with any conversation but it is seven to ten times less distracting while talking to someone in the car versus on the phone.

Vice Mayor Evans stated that she would like to see the same rules applied to bicyclists.

Councilmember Oravits requested an analysis of the State law in writing from the City Attorney.

Councilmember Barotz offered that there will be an issue of consistency coming from the County into the City and that may be more confusing for people and law enforcement. There is some merit to having the same law as the County.

The following individuals addressed Council in support of opting in to the County ordinance:

- Peggy Scurlock
- Adam Shimoni

John Victora addressed Council in favor of an ordinance that bans all electronic devices.

Joe Hobart addressed Council in favor of the County ordinance once it is amended to address amateur radio communications and others such as taxi drivers, delivery people, school buses and the like.

Councilmember Oravits stated that he does not want to support the County ordinance and suggested better defining the State law to better enforce distracted driving.

Councilmember Overton stated that there is a short timeline with the County and asked if there was a way to stay neutral and let the ordinance go into effect while the City does some research to determine if it is the right direction, and then officially opt in or out at a

later time. Chief Miller stated that there is a six-month warning period from the effective date where officers will be issuing warnings and doing public outreach. Mayor Nabours asked if the City does not opt out now, can it opt out later and enact its own ordinance. Ms. D'Andrea stated that the City is able to create its own ordinance at a later time if desired. Mayor Nabours asked if the State were to enact a statute would that pre-empt all of the City and County ordinances. Ms. D'Andrea noted that it depends on what language is used in the statute.

Mr. Burke suggested that legal advice is needed to determine what ramifications, if any, exist if the City does nothing. There was consensus to have the City Attorney provide legal information about the options and the Council would make an opt in or opt out decision at the next Council meeting.

8 Review of Draft Agenda Items for the May 6, 2014, City Council Meeting.*

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

None.

9. Public Participation

None.

10. Informational Items To/From Mayor, Council, and City Manager; request for future agenda items

None.

9. Adjournment

The Flagstaff City Council Work Session of April 29, 2014, adjourned at 10:39 p.m.

MAYOR

ATTEST:

CITY CLERK