

FINAL AGENDA

REGULAR COUNCIL MEETING
TUESDAY
FEBRUARY 3, 2015

COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M. AND 6:00 P.M.

4:00 P.M. MEETING

Individual Items on the 4:00 p.m. meeting agenda may be postponed to the 6:00 p.m. meeting.

1. CALL TO ORDER

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.

MAYOR NABOURS
VICE MAYOR BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER EVANS

COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER PUTZOVA

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

MISSION STATEMENT

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

4. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- A. **Consideration and Approval of Minutes:** City Council Work Session of November 25, 2014; Regular Meeting of December 2, 2014; Regular Meeting of December 16, 2014; Regular Meeting of January 6, 2015.

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.

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).

None

8. LIQUOR LICENSE PUBLIC HEARINGS

- A. Consideration and Action on Liquor License Application:** Lauren Merrett, "Pine Canyon Club", 3000 S. Clubhouse Circle., Series 10 (beer and wine store), New License.

RECOMMENDED ACTION:

The City Council has the option to:

- 1) Forward the application to the State with a recommendation for approval;
- 2) Forward the application to the State with no recommendation; or
- 3) Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

9. CONSENT ITEMS

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

- A. Consideration and Approval of Contract:** Five Points - Clay Avenue Wash Drainage Improvement Project. (**Approve contract with JNL Contracting, Inc.**)

RECOMMENDED ACTION:

- 1) Approve the construction contract in the amount of \$109,883.49 with JNL Contracting, Inc.
- 2) Approve change order authority to the City Manager in the amount of \$10,988.00 (10% of contract amount)
- 3) Authorize the City Manager to execute the necessary documents

10. ROUTINE ITEMS

- A. Consideration of Appointment of On Call Judges for the Flagstaff Municipal Court.**

RECOMMENDED ACTION:

Approve the appointments as recommended by Hon. Thomas L. Chotena, Presiding Magistrate of the Flagstaff Municipal Court.

RECESS**6:00 P.M. MEETING****RECONVENE****NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION**

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11. ROLL CALL

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

MAYOR NABOURS
VICE MAYOR BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER EVANS

COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER PUTZOVA

12. PUBLIC PARTICIPATION**13. CARRY OVER ITEMS FROM THE 4:00 P.M. AGENDA****14. PUBLIC HEARING ITEMS**

None

15. REGULAR AGENDA**A. Consideration to re-open discussion on the Principles of Sound Water Management****RECOMMENDED ACTION:**

Provide direction to staff on which component(s) of the Principles of Sound Water Management that Council would like to discuss

B. Consideration and Approval of Amendments to the Rules of Procedure**RECOMMENDED ACTION:**

Discuss and possibly approve the proposed changes to Rules 7.03, 9.01, 9.02, and 10.02.

16. DISCUSSION ITEMS

None

17. POSSIBLE FUTURE AGENDA ITEMS

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

- A. Request by Councilmember Evans to place on a future agenda the selection process for selecting members for the Council Interview Teams**
- B. Request by Councilmember Oravits to place on a future agenda discussion of the Sign Code as it relates to car lot balloons and windshield marking**

18. INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND STAFF, REQUESTS FOR FUTURE AGENDA ITEMS**19. 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 _____, 2015.

Elizabeth A. Burke, MMC, City Clerk

CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Elizabeth A. Burke, City Clerk
Date: 01/29/2015
Meeting Date: 02/03/2015



TITLE

Consideration and Approval of Minutes: City Council Work Session of November 25, 2014; Regular Meeting of December 2, 2014; Regular Meeting of December 16, 2014; Regular Meeting of January 6, 2015.

RECOMMENDED ACTION:

Amend/approve the minutes of the City Council Work Session of November 25, 2014; Regular Meeting of December 2, 2014; Regular Meeting of December 16, 2014; Regular Meeting of January 6, 2015.

EXECUTIVE SUMMARY:

Arizona Revised Statutes require that minutes be prepared at City Council meetings and made available to the public. Once these minutes are approved, they will be posted on the City's website for the public's access and scanned internally for searching capabilities. The original, signed minutes are then stored in the vault as permanent records off the City.

INFORMATION:

COUNCIL GOAL:

8. Improve effectiveness of notification, communication, and engagement with residents, neighborhoods and businesses and about City services, programs, policies, projects and developments

Attached are copies of the minutes of the City Council Work Session of November 25, 2014; Regular Meeting of December 2, 2014; Regular Meeting of December 16, 2014; Regular Meeting of January 6, 2015.

Attachments: [11.25.2014.CCWS.Minutes](#)
[12.02.2014.CCRM.Minutes](#)
[12.16.2014.CCRM.Minutes](#)
[01.06.2015.CCRM.Minutes](#)

WORK SESSION
TUESDAY, NOVEMBER 25, 2014
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
6:00 P.M.

MINUTES

1. Call to Order

Mayor Nabours called the Work Session of November, 25, 2014 to order at 6:01 p.m.

2. Pledge of Allegiance

3. ROLL CALL

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

PRESENT

ABSENT

MAYOR NABOURS

NONE

VICE MAYOR EVANS

COUNCILMEMBER BAROTZ

COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS

COUNCILMEMBER OVERTON

COUNCILMEMBER WOODSON

4. Preliminary Review of Draft Agenda for the December 2, 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.*

Mayor Nabours asked about item 15A regarding the FUTS signage contract. He stated that there seems to be a significant change order and change in the quantities; he asked if those are significant enough to have an effect on the original bid. He asked about the original Request for Bids and how staff got so far off on the scope. Capital Improvements Project Manager Randy Whitaker stated that staff can do a better job of answering those questions at the meeting next week. He stated that they discussed the project with Purchasing and they felt comfortable that there would not be an effect on the procurement. Mayor Nabours stated that he would like to know more about the original bids and why things are so different.

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.

Barry Brenneman, resident, addressed Council with concerns about the lighting associated with Aspen Heights. Additionally, he stated that before any change of zoning is approved the project should have the approval of a vast majority of the neighbors.

George Breed, resident, addressed Council and read a story about community.

Rudy Preston, resident, addressed Council regarding the sale of reclaimed water to Snowbowl and the authority to sell that water being done administratively instead of by Council.

6. Northern Arizona Center for Entrepreneurship and Technology (NACET) Annual Update

Economic Development Sales and Marketing Specialist Gail Jackson introduced Annette Zinky, President and CEO of Northern Arizona Center for Entrepreneurship and Technology (NACET) who provided a PowerPoint presentation that covered the following:

- WHAT NACET DOES
- WAYS TO ENGAGE
- OLD CLIENT FUNNEL
- INCUBATOR PROCESS
- ENTREPRENEURIAL SUPPORT STRUCTURES
- THE ROLE OF AN INCUBATOR
- WHO CAN NACET HELP?
- CLIENT NEWS
- GETTING RESULTS

Ms. Zinky introduced Michael Marquez of Mother Road Brewing Co. for a client spotlight. Mr. Marquez reported that Mother Road Brewing Co. just celebrated their third anniversary. They started with just three people and have slowly worked their way up to 11 staff members. Their 2014 revenues are about 50% higher than 2013 and they are doing rather well. An exciting venture is that they are in current contract negotiations to be the first A brewery to export to New Mexico and Flagstaff will be heading out of state. There is continued growth on the south side as well.

Mr. Marquez stated that NACET has been very helpful and if you have an idea NACET will help; they helped with fine tuning and getting Mother Road in contact with the right attorneys. They are thankful for the City's support of NACET.

Mayor Nabours noted that Mother Road Brewing Co. had recently won an award. Mr. Marquez

stated that they were awarded a gold medal for their seasonal beer Painted Racer ESP. This is the 8th award that Mother Road Brewing Co. has been awarded since opening; they have five golds, one silver, and a couple bronzes.

Councilmember Brewster asked about the various sources of funding and how many grants NACET is able to secure. Ms. Zinky stated that they are working on pursuing those grants that they think are a good fit but most funding has come from contracts for services from entities such as the City of Flagstaff and NAU.

7. Continued Review and Discussion of City Manager City Charter Advisory Committee Recommended Changes

Deputy City Manager Jerene Watson indicated that 12 individuals were brought together on a committee that met over four months to discuss possible amendments to the City Charter. 21 recommendations were brought forward by the committee.

At the last discussion Council had asked about dividing the items out onto different ballots. Of 21 recommendations that came forward twelve were technical/housekeeping items and those are the ones that the committee is recommending move forward to the May 2015 election. Nine items are considered more substantive/policy in nature.

Mayor Nabours asked if the second group of questions could be voted on at an election in November 2015. Ms. Watson stated that if Council felt that there was enough time to educate and inform the public on the items an election could certainly be held in November 2015. Mayor Nabours stated that there would be a year to get the word out and inform the public on the issues.

Mr. Burke stated that there is still the issue of candidate election dates outstanding in the courts. If the City Council wants to amend the Charter to return to May elections in 2016 that change would need to be done no later than the November 2015 election. The hope is to have court direction before the time to set that date; a resolution is typically done the first of July and he is not anticipating having any direction at that time. Ms. D'Andrea added that if the Council wants to change the elections back to Spring of 2016, the November 2015 election would be the last time to do that. Technically the City does not have to wait for resolution of the lawsuit because if the Charter is amended and the lawsuit goes against Tucson and Phoenix statute will automatically override the Charter so there is no problem with preemptively taking care of the charter language.

Councilmember Overton stated that there is cost savings to consider as well; conducting a mail ballot versus polling place election. He is comfortable taking the technical items in May with the others later.

Vice Mayor Evans asked for clarifying language on what item ten allows Council to do. There has been discussion about this language not allowing the City to sue other governmental agencies should laws be passed that the City of Flagstaff does not agree with. That is not what the change in language would do and having clarification that can be offered to the public would be helpful. It may be helpful to move item ten to the policy category.

Mayor Nabours stated that the direction of the Council is to move forward with the technical items. Ms. Watson stated that the final changes and questions will be brought back to the Council on December 16, 2015 to vote on.

Ms. Watson added that staff will work on putting together a timeline for public outreach.

Councilmember Barotz asked for one more careful review of the technical items to make sure that there are no substantive/policy items.

8. Presentation and discussion concerning a potential Request for Proposals for 308 Elden (property designated for affordable housing near Sawmill)

Deputy Housing Director Sarah Darr provided a PowerPoint Presentation that covered the following:

- OVERVIEW
- BACKGROUND
- PROPERTY INFO
- WHAT DOES CURRENT ZONING ALLOW?
- EXAMPLES OF PERMITTED USES IN HC
- WHAT IS THE OVERALL GOAL?
- WHAT ARE THE OPTIONS?
- HOUSING

Vice Mayor Evans clarified that if the site was used for affordable housing only the maximum capacity would be 22 units. She asked what the capacity would be if the site was used as commercial and residential. Ms. Darr explained that the capacity cap changes and would go away; however, the site would be limited by the size and shape for the parking requirements that would have to go with it. It would not be an unlimited amount but it would be limited by other characteristics. Vice Mayor Evans asked if it is known how many possible units it could accommodate. Ms. Darr indicated that she does not have that number available but could do some research to find out. She stated that even with minor parking variances it would be a tight fit with any large volume of multifamily as parking spaces would start at one space for a one bedroom apartment and go up from there as the units get bigger.

Ms. Darr continued the presentation.

- QUESTIONS TO KEEP IN MIND
- OPTION – SELL
- OPTION – LONG TERM COMMERCIAL LEASE
- OPTION – RFP REQUIRING QUOTES FOR BOTH LEASE/SALE
- OPTION – DO NOTHING
- WHAT COULD BE DONE WITH FUNDING GENERATED?
- HOUSING AUTHORITY BOARD RECOMMENDATION
- STAFF RECOMMENDATION
- SUMMARY
- NEXT STEPS

Mayor Nabours stated that he sits on the Housing Authority Board and one of the issues they face is that there are several pieces of property in town but there is not any money for development. One option would be to take the money earned from this property and use it to leverage something on other properties.

Vice Mayor Evans stated that the neighborhood to the west of this property understood that when the entire property got developed there would be a single family neighborhood with some

units over retail. Things changed and the recession hit and what resulted was a high density development across the street that has caused growing pains. The neighborhood was under the impression that the property on Elden was going to be designated to affordable housing units and that no more than 22 would fit on the property. The Council is now looking at if it would be better to sell the property. She feels that the community should be engaged at some point for input. There was no discussion with the community when Council changed the density from low to high and she feels that if the property is sold there should be limitations on what it can be used for. It will be very important to look at the type of use that will be allowed on this property and limit density.

Councilmember Overton stated that to add the housing element to the Highway Commercial zoning that exists today would require a CUP or a rezone. Additionally, the parking is a big issue. He would be open to ideas from future respondents to an RFP; it is impossible to speculate what anyone might do with the property.

Vice Mayor Evans further explained that her biggest concern is density. As the City moves forward with a sale or lease there needs to be a cap put on the maximum density that would be allowed. Whatever goes onto that property needs to be compatible with the neighborhood.

The Council asked if they could go through the list of possible uses and eliminate those that would not fit in the neighborhood. Ms. Darr explained that the list is extremely long and staff could go through it and remove those things that are housing, more industrial uses, and bar and restaurant related. Vice Mayor Evans stated that the final list should be presented to the neighborhood to get input from them if those types of uses are acceptable. This property is attached to the neighborhood and the impact from whatever will be going in there needs to be considered. Mayor Nabours agreed and asked that a meeting be scheduled and people within 600 feet noticed for the meeting to discuss possible uses for the property.

Mr. Burke clarified that staff will review the list of potential uses and go through an elimination process; a public meeting will be scheduled to share the narrowed list with the neighborhood and then come back to Council for further direction.

Adam Shimoni, resident, addressed Council stating support for the sale of the property knowing that the next conversation will be to find an area for affordable housing with access to public resources such as bus routes.

A break was held from 7:25 p.m. through 7:31 p.m.

9. Community Reinvestment Plan

Community Design and Reinvestment Manager Karl Eberhard provided a PowerPoint presentation that covered the following:

- GOALS
- HOW WE GOT HERE
- PREVIOUS CITY COUNCIL DIRECTION
- THE TERM "REINVESTMENT" instead of "REDEVELOPMENT"
- THE PLAN
- NEXT STEPS
- QUESTIONS/DISCUSSION

Mayor Nabours asked what the main differences are from the plan that was presented at the last meeting. Mr. Eberhard explained that at the last meeting there were items that were identified that Council had no interest in, such as impact fees, those items have been removed from the plan. Additionally, the plan at the last meeting was comprised more as a list or spreadsheet; this list has been transformed into what is before Council with text and pictures.

Mayor Nabours stated that at the last meeting there was discussion about designating certain areas where the plan would apply. Mr. Eberhard stated that in relation to "Redevelopment Districts" the Arizona Revised Statutes are challenging in this regard. That being said, some of the elements and requirements would make districts the right way to go. The district that appears to be the most appropriate and workable is the Infill and Incentive District; this district would allow the City to tweak development requirements as an implementation strategy.

Mayor Nabours suggested that while the principles and plans look good on paper, until they are applied there is no certainty that they will work. Mr. Eberhard agreed stating that this is where staff will be coming back with more specific proposals one at a time to allow Council to consider the areas of the specific strategy.

Mayor Nabours asked if a public hearing process would be required if staff comes to the Council with an area of town identified to be an Infill District. Mr. Eberhard stated that a public hearing process would be required and that the City would want that community input.

Mr. Burke stated that the issue is that in order to incentivize people to make reinvestment, you have to offer an incentive or a reduction in the standard. At some point the City has to make the difficult decision on reinvestment or standard.

Mr. Burke stated that having a boundary may make it easier to understand the implications of those regulatory waivers. Mr. Eberhard added that by looking at incentives on a case by case basis staff does a good job of working with developers with their constraints and finding the right answer; however, that process lacks predictability and developers want to be able to do their proformas ahead of time to determine if they can make money on the project. The goal is to make reinvestment more predictable.

Councilmember Overton stated that the element of predictability can be controlled by having a robust Capital Improvement Program. He is less interested in incentives and more interested in enhancing infrastructure.

Mr. Eberhard asked Council if the policy statements and objectives fit their desire. If there is something that looks problematic they should let staff know.

Council direction is for staff to keep moving forward and bring final draft back to Council for review and adoption.

10. Council Accomplishments 2012 - 2014

Mr. Burke provided a PowerPoint Presentation that covered the following:

- CITY COUNCIL MISSION STATEMENT
- CITY COUNCIL VISION STATEMENT
- REPAIR, REPLACE AND MAINTAIN INFRASTRUCTURE (Streets/Utilities)
 - Streets & Utilities Bond Program – adopted in 2010

- Increased ongoing pavement preservation by \$1M starting in FY14
- Increased one-time pavement preservation dollars by \$1M in FY14 and \$600K in FY15
- Increased ongoing Fleet replacement funding in FY13
- Increased ongoing and one-time facilities and IT funding in FY15
- Adoption of the Road Repair and Street Sales Tax increase
- FUND EXISTING, AND CONSIDER EXPANDED RECREATION SERVICES
 - Increased BBB Park maintenance from a level 4 to a level 2
 - Increased General Fund Park Maintenance from level 4 to level 3
 - Aquaplex and Flag Recreation Center hours reduced by 1 hour starting in FY14
 - Added Adult Coed Hockey League, Children's Health and Wellness Fair and Dew Downtown Festival
 - Approved Parks Master Plan in 2013
 - Funded \$1.5M worth of Parks and Recreation facility improvements
 - Funded Phase 1 and Phase 2 of Bushmaster Park Expansion
- ADDRESS CORE SERVICES MAINTENANCE FACILITY
 - Successful passage of a bond to finance facility in 2012
 - Completed two procurement process to identify location
 - Selected McAllister Ranch as the location
 - Initiated design of new facility
 - Conducted first neighborhood meeting regarding sale of current location
- COMPLETE RIO DE FLAG FLOOD CONTROL PROJECT
 - Completed construction of Thorpe Bridge in December 2012
 - Limited Reevaluation Report completed
 - Acquired \$1.6 million in Federal funding
 - Clay Avenue Detention Basin substantially complete
 - FEMA design concept report completed and presented to City Council
- RETAIN, EXPAND AND DIVERSIFY ECONOMIC BASE
 - Increased passenger enplanements to same volume as when there were two airlines
 - Increased BBB revenues 6.25% in FY13 and 6.5% in FY14
 - Added 6 new and expanding retailers in FY14 leading to 225 jobs and 70,000 square feet of retail
 - Added 3 new non-retail businesses
 - Facilitated sale of three Auto-Park lots
 - Secured \$100,000 grant for Joy Cone expansion
 - NACET created 40 high wage/low impact jobs in FY13 and 46 in FY14
 - Secured \$800,000 in grants and donations for Community Design & Redevelopment programming
 - Secured site, design, easement approval and construction funding for new APS Substation
 - Broke Ground on Innovation Mesa Business Accelerator with a \$4 million EDA grant
- COMPLETE COMPREHENSIVE WATER POLICY
 - Completed Principles of Sound water Management Policy
 - In July, 2014 ADOT agreed to enter an IGA enabling Red Gap Pipeline
 - In FY13 City Manager established Advisory Panel on Compounds of Emerging Concern with world-renown scientists; determined risk and research parameters on reclaimed water and secured approximately \$900,000 research funding
- REVIEW FINANCIAL VIABILITY OF PENSIONS
 - Economist and consultant Alan Maguire presented financial viability of pensions December, 2012

- City Manager created a joint pension reform task force with GFOAZ and AZ League of Cities and Towns through his role on ACMA Board
- Management Services Director Barbara Goodrich serves as a member of the Pension Reform Task Force
- REVIEW ALL COMMISSIONS
 - May, 2013, April, 2014, and September, 2014 held work sessions to review all commissions
 - Adopted Board and Commission Handbook
 - Adopted comprehensive ordinance revising structure, membership and commissions
- ZONING CODE CHECK IN AND ANALYSIS OF PROCESS/IMPLEMENTATION
 - Conducted three work sessions in 2013 and divided amendments into technical and policy
 - Council later prioritized Zoning Map Amendments and Signage out of policy list
 - Revised code concerning Zoning Map Amendment process
 - Adopted a new Sign Code amendment
- DEVELOP AN ONGOING BUDGET PROCESS
 - All budget work sessions are video recorded and posted
 - Revised April budget materials to be more focused and meaningful
 - Showed connectivity between Council goals and budget actions
 - Conducted variety of mini budget retreats to review service levels and purposes of programs
 - Identified Budget goals of compensation, staffing and infrastructure in FY2015
 - FY2015 budget increased compensation 3.2%, infrastructure funding, and addressed Police staffing
- OTHER NON-GOAL ACCOMPLISHMENTS
 - Passed a Civil Rights Ordinance
 - Adopted and implemented Forest Health/Flagstaff Watershed Protection Project
 - Conducted Property Inventory and established policy intentions in a resolution
 - Implemented four photovoltaic projects
 - Unanimous adoption of proposed Regional Plan and then 75% voter approval
 - Developed and implemented a Navajo Cultural Sensitivity Training for Police Department

Councilmember Barotz thanked Mr. Burke for helping navigate the goals that were set out for them and community. Mayor Nabours added that not only should Mr. Burke's name be next to each of these items but there is a department head and staff that bring it to the Council who also deserve a lot of credit. Councilmember Oravits stated that it is easy to forget about a lot of these things along the way and this is a wonderful reminder of what has been accomplished. Mr. Burke stated that it is really a good indication of why the Council/Manager form of government works.

11. Recognition of Outgoing Councilmember Mark Woodson

Mr. Burke stated that this is Councilmember Woodson's last meeting. Councilmember Woodson was in the unique position of being appointed to the City Council in February, 2012. 19 people had applied for the position of Councilmember and the City Council interviewed all of them through a grueling process that was done over 30 days.

He would like to recognize that Councilmember Woodson came to the City Council with a unique set of credentials; he was a past City employee serving as City Engineer over 20 years

ago, from there he opened his own engineering business and then saw the other side of the Community Development counter in both Flagstaff and Winslow. He was appointed City Engineer through contract for the City of Winslow and brought those experiences back to the City of Flagstaff with great perspective.

There would not be Civil Rights Ordinance if not for Councilmember Woodson, he was the deciding vote to move the discussion forward and as the process moved forward he became an integral part of the discussion and finding elements that worked for everyone. In the end it became as a 7-0 vote approval that started with Councilmember Woodson being willing to look outside the box.

One of the things that was most true with Councilmember Woodson is that while it looked like he was holding his cards close, he was actually listening to the debate until the very last moment and would make his decision; that was an incredible asset that is hard to get and it may be characteristic of someone who is appointed versus someone who is election.

In looking at Councilmember Woodson's body of work over the last two and a half years the City appreciates that he always came to the table willing to listen and Council and staff never knew which way he was going to cast his vote until the moment his vote was cast. He made a better City Council, organization and community. Mr. Burke thanked him for his public service.

Mayor Nabours presented Councilmember Woodson with a photo of a farm building in Cheshire near where he lives. The photo was taken by staff member Malcolm Alter.

Mayor Nabours stated that Councilmember Woodson was appointed when there was a need in the community, he did a great job with the interviews and it was no surprise that he was selected. He has done a wonderful job during his tenure and he has thoroughly enjoyed having him on the Council.

Councilmember Woodson thanked everyone. He stated that his experience on the City Council has been humbling and rewarding. He offered specific thanks to Councilmember Overton for standing up and supporting him when he put his name in as a potential candidate for the vacancy on City Council; Vice Mayor Evans and Councilmember Brewster came forward too and pushed hard so that he could be appointed to the Council.

He went on to thank staff for doing such a wonderful job of providing good and quality material as well as answering questions the Council had. He tried to respect the position that the Council put staff in at times and tried to not attack them or sneak up on them about anything.

He offered good luck and well wishes to Kevin Burke and the new Council. He now appreciates so much more of what they do having been in that position. He offered thanks to Flagstaff, especially those that helped with his campaign and to those who voted. He thanked his staff at his office and his family.

12. Review of Draft Agenda Items for the December 2, 2014, City Council Meeting.*

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

None

13. Public Participation

Barry Breneman, resident, addressed Council regarding community input on various items stating that when the City Council asks for input and then goes a different direction they lose confidence in the voters. He urged the Council to make their decisions heavily based on citizen input.

Adam Shimoni, resident, asked the Council to clearly state why each of them vote the way they vote at the meeting next week.

Charlie Silver, resident, addressed Council to emphasize how important early involvement and community are in property and land use issues.

14. Informational Items To/From Mayor, Council, and City Manager.

Vice Mayor Evans thanked Councilmember Woodson for serving on the Council. She was excited to see him join the Council and appreciates all the work that was done together. Councilmember Woodson has a connection to the community and she knows he cares for it, that connection will never stop. Additionally, she offered congratulations on his newest appointment as the President of the American Association of Civil Engineers.

Vice Mayor Evans wished everyone a Happy Thanksgiving.

Councilmember Overton thanked Councilmember Woodson for his service; he also thanked Councilmember Woodson's family for their commitment. He stated that Councilmember Woodson brought a good energy to the City Council. He came in with a serious tone and took the appointment very seriously; he was able to pick up right away where Councilmember Babbott left off. He stated that he appreciated Councilmember Woodson's leadership and he wished him the best going forward.

Councilmember Barotz thanked Councilmember Woodson for his service and dedication and wished him all the best in his new leadership position.

Councilmember Barotz requested in the new year to have a meeting with Dr. Chang to get to know her. She also requested a copy of the appraisal of the current Public Works yard.

Councilmember Brewster congratulated Councilmember Woodson on his new role; she stated that she enjoyed having him on the City Council. Councilmember Woodson brought a different perspective to things and often presented ideas that the others did not think of.

Councilmember Brewster also attended a groundbreaking ceremony at NAU for the International Pavilion that honors international students and provides a place for them to meet and gather.

Councilmember Oravits stated that he, Vice Mayor Evans, and Councilmember Overton were out at the Sunrise Lions Turkey drive that collected 155 turkeys for the Family Food Center. He stated that Steve Seville would like the Council to come to the Food Center on December 18, 2014 from 3:30 p.m. - 6:00 p.m. to serve food.

Councilmember Oravits stated that it has been an honor serving with Councilmember Woodson and he wishes him the best.

Mr. Burke thanked Stephanie Smith for putting the Council Accomplishment Report together. He stated that the meeting next Tuesday will begin at 5:00 p.m. with the swearing in of Mayor and Councilmembers and following reception, the regular meeting will begin at 6:00 p.m.

Mayor Nabours requested a future agenda item to establish an ad hoc lighting commission to review the Lighting Code/Zoning Code to see if it needs to be updated regarding the new lighting technology that is available.

15. Adjournment

The Work Session of the Flagstaff City Council held November 25, 2014, adjourned at 8:39 p.m.

MAYOR

ATTEST:

CITY CLERK

5:00 P.M. MEETING

1. CALL TO ORDER

Mayor Nabours called the meeting of the Flagstaff City Council held December 2, 2014, at 5:03 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).

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 PUTZOVA

COUNCILMEMBER BREWSTER (Excused)

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

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

The Flagstaff 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

See 6:00 p.m. portion of the meeting

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.

See 6:00 p.m. portion of the meeting

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).

None

8. LIQUOR LICENSE PUBLIC HEARINGS

See 6:00 p.m. portion of the meeting

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.

None

10. SPECIAL ACTION**A. Swearing In of New Mayor and Councilmembers**

Presiding Magistrate Judge Chotena swore in Mayor Nabours and Councilmembers Barotz, Overton and Putzova.

B. Selection of Vice Mayor

Mayor Nabours said that he had mentioned a few years ago that there needed to be discussion on the selection process for Vice Mayor.

Moved by Vice Mayor Coral Evans, **seconded by** Councilmember Scott Overton to appoint Celia Barotz as Vice Mayor.

Vote : 6 - 0 Passed

Vice Mayor Barotz said that if anyone wanted to have a discussion about the Vice Mayor selection process it should be done at a time other than during the election; it was an uncomfortable position in which to be.

Although a few members of the public had requested to speak on the issue of selecting the Vice Mayor, Mayor Nabours said that they would not be taking any public comment at this time.

RECESS

The 5:00 p.m. portion of the meeting of December 2, 2014, recessed at 5:13 p.m. and a reception followed in the lobby.

6:00 P.M. MEETING**RECONVENE**

Mayor Nabours reconvened the meeting of December 2, 2014, at 6:00 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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

11. ROLL CALL

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

PRESENT:

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

ABSENT:

COUNCILMEMBER BREWSTER (Excused)

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

12. PUBLIC PARTICIPATION

Joe Ray, Flagstaff, said that some of the Council has been saying they want less government and more input, but the actions tonight showed differently. He said that the method for selecting Vice Mayor has been followed for many years and it should be continued.

Jane O'Donnell, Flagstaff, thanked the Council for all they do. She said that she was watching the discussion from two weeks ago when Councilmember Overton made a comment that it was difficult when a developer has done everything that has been requested of them. She said that that is the reason the Council votes on these issues; they are the last human filter to determine whether an application is good for the town. Her understanding is that rezoning has to do with the future of the town and long-term effects. It is important that the Council consider what the community wants and use that with their human judgment.

Joseph Fox, Flagstaff, requested that the Council consider when there is a high density development that the taxpayer does not have to pay for all of the improvements. He asked that they keep concentrated development like student housing close to the college.

13. CARRY OVER ITEMS FROM THE 4:00 P.M. AGENDA**A. Approval of Minutes**

- i. **Consideration and Approval of Minutes:** City Council Combined Work Session/Special Meeting of October 28, 2014.

Moved by Councilmember Jeff Oravits, **seconded by** Mayor Jerry Nabours to approve the minutes of the City Council Combined Work Session/Special Meeting of October 28, 2014.

Vote : 6 - 0 Passed

B. Liquor Licenses

- i. **Consideration and Action on Liquor License Application:** Lauren Merrett, "Field House Chicken and Waffles", 2500 S. Woodlands Village Blvd. #28, Series 12 (restaurant), New License.

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

Moved by Councilmember Jeff Oravits **seconded by** Councilmember Coral Evans to forward the application to the State with a recommendation for approval.

Vote : 6 - 0 Passed

14. PUBLIC HEARING ITEMS

None

15. REGULAR AGENDA

- A. **Consideration of Construction Contract Change Order #1** : Flagstaff Urban Trail System (FUTS) Signage Project (***Approve Change Order #1 to FUTS Signage Project contract***)

Capital Improvement Project Manager Randy Whitaker gave a PowerPoint presentation on the requested change order, noting that the funding agency, Arizona State Parks, had given written approval to the change order. He said that from the beginning, since the bids were so low, there was always a plan to add additional items to utilize the grant funds.

Mayor Nabours said that he still has a question about buying \$36,000 worth of signs that have not been bid on. He was concerned that there may be a sign company that claims they did not have the opportunity to submit a bid.

Mr. Whitaker said that during the initial presentation, when the contract was awarded, they had reported that the bids were much lower than anticipated and he got the understanding that if they wanted to utilize the rest of the grant funds with this contract, they would be able to do that. He said that they had originally never expected to have enough funds to include the K-signs in the proposal. He said that because of that understanding at the award meeting, they moved forward and the contractor has done some of the work; this is a confirming change order. He said that they would have to go back to the contractor. He apologized for the misunderstanding.

Ms. D'Andrea said that she sent a confidential memo with her legal advice to the Council. Mayor Nabours suggested they take a break so the Council would have the opportunity to read the opinion.

A break was held from 6:51 p.m. to 7:03 p.m.

Further discussion was held on the ability to remove the K-signs from the negotiated price. Mr. Whitaker explained that it would need to be renegotiated because that price was based on including the K-signs. He said that they have been out with the equipment, starting to dig holes. He said that they already had the understanding they could move forward, and had written approval from the grant funder, so they moved forward. He said

that to remove this portion they would need to shut down the project.

Mr. Burke explained that coming out of the initial award, there was significant excess of grant funds so they went back and told the contractor they would like to enhance the scope. He said that the Change Order Committee (internal staff including legal) believed it would be an appropriate change order. They approved it, but told staff it would have to go to Council to be confirmed. He said that at this point a cancellation would still incur some costs because some of the work has been done.

Brief discussion was held on a motion to approve the change order, minus the K-signs. It was noted that this proposal would have to be taken back to the funding agency and they were not sure they would approve it.

Councilmember Evans said that they had a lot of questions that they do not have the answers to.

Moved by Councilmember Coral Evans **seconded by** Councilmember Jeff Oravits to postpone this item for two weeks.

Vote : 6 - 0 Passed

- B. Consideration and Approval of Contract:** P3 Pre-development Agreement between the City of Flagstaff, Arizona Department of Transportation and Vintage Partners, LLC. (Initial Agreement for the extension of Beulah Blvd., realignment of University Ave., and relocation of ADOT facilities).

Planning Director Dan Folke began the presentation, noting that this has been worked on for the last two years. He said that this P3 is a public/private partnership between the City of Flagstaff, Arizona Department of Transportation and Vintage Partners, LLC. The resulting project will relocate the existing ADOT facilities on Milton Road to the existing Harkins Theater site on Woodlands Village Boulevard, enable the completion of Beulah Boulevard to University Avenue and the realignment of University Avenue, and will include the redevelopment of the existing ADOT property.

He said that the pre-development agreement provides an overview of the various transactions, authorizes Vintage Partners to prepare and submit required materials for a Site Plan and Rezoning application for ADOT and City property located between Milton Parkway and Beulah Avenue, provides an anticipated schedule, requires an implementation agreement between ADOT and Vintage Partners, provides the term of the agreement, provides remedies for disputes and includes miscellaneous provisions required for an ADOT P3 project

Mr. Folke said that in 2005 the City purchased 9.23 acres located west of the existing ADOT facility at 1801 S. Milton Road with the intention of completing Beulah Boulevard to University Avenue and to realign the west leg of University Avenue to connect at the existing traffic signal of Milton Road and east University. City staff completed a preliminary realignment plan (attached to the report) and programmed \$7.4 million in the FY2015-2019 Capital Improvement Plan for design and construction. Both the acquisition and new roadways are funded by the Transportation Tax. The State of Arizona allows the Arizona Department of Transportation to participate in public/private partnerships (P3) that provide a benefit to the ADOT operations and the public interest. From this the P3 idea for this location was formed and ADOT issued a Request for Proposals for the redevelopment of the site to include the proposed roadway improvements. The successful proposal needed to include a new location ready for occupancy for the ADOT facility.

The selection committee included representatives from the City and ADOT and the RFP resulted in four proposals. The successful proposal was prepared by Vintage Partners, LLC. The proposal is to relocate ADOT to the existing Harkins Theater on Woodlands Village Boulevard and redevelop the existing site with a mixed use project that will dedicate the right-of-way required to construct the University/Beulah improvements. Multiple transactions are required to accomplish the project. The City will deed the 9.23 acre Fresquez parcel to ADOT in exchange for the ADOT land needed to complete the University realignment. ADOT will deed their 6.74 acres and the 9.23 acre Fresquez parcel (less the ROW needed for University and Beulah) to Vintage Partners in exchange for their new facility on Woodlands Village Boulevard. Vintage Partners will complete the necessary remodel and other site improvements required for ADOT to relocate. Although it is not included in the pre-development agreement, Vintage Partners has an agreement with Harkins Theater relating to the construction of a new theater on the east side of town between the Flagstaff Mall and Marketplace, which must be completed and occupied before the current Harkins site is available to begin the remodel.

Mayor Nabours asked what the City's contribution was to the entire project. Mr. Folke said that the City's 9.23 acres would be deeded to ADOT, and then the capital project itself, currently programmed in the Capital Improvement Program, \$7.37 million from the transportation tax, would fund the design and construction of the improvement. He said that the PDA gives an option that the City could build the improvement itself or authorize Vintage to construct it and the City fund it.

Councilmember Overton said that this has been a long time coming. It was approved in 2000 and is another piece of Milton traffic relief. He said that he sees it as a great positive and they are at that stage where they will see some parts begin to move.

Mayor Nabours voiced concern with the flow of traffic coming from the current Wendy's and gas station. Mr. Folke said that they do not have all of that designed yet; it is very conceptual at this time. The City has been working with Vintage to begin a traffic impact analysis and the City is studying those issues of public right of way.

Moved by Councilmember Scott Overton **seconded by** Councilmember Coral Evans to authorize the City Manager to sign the P3 Pre-development Agreement.

Vote : 6 - 0 Passed

- C. Consideration and Adoption of Ordinance No. 2014-30:** An ordinance of the City Council of the City of Flagstaff, Arizona, extending and increasing the corporate limits of the City of Flagstaff, Coconino County, State of Arizona, pursuant to the provisions of Title 9, Chapter 4, Arizona Revised Statutes, by annexing certain land totaling approximately 3.14 acres located at 2701 S. Woody Mountain Road, which land is contiguous to the existing corporate limits of the City of Flagstaff and establishing city zoning for said land as RR, Rural Residential. **(Annexation of property for Aspen Heights located on Woody Mountain Road) (PUBLIC COMMENT HAS CONCLUDED)**

Mayor Nabours stated that this item had come before Council previously in conjunction with a rezone request; however, the rezone request has been withdrawn. He said that they had closed the public comment portion of the public hearing, but if further discussion and input was requested, a motion would be in order.

Moved by Vice Mayor Celia Barotz **seconded by** Councilmember Coral Evans to reopen the public comment portion of the public hearing on this item.

Vote : 6 - 0 Passed

Thomas Giallanza, Deputy Receiver, said that he had appeared once before in the earlier stages of the request. He was here to assist in one other way. He explained that the original proposal had included an application by a developer for Aspen Heights. He wanted to make it clear that the developer was no longer part of the future of this property. He was at the meeting this evening to represent the Receivership that is administering this asset. He said that the property is one of 387 assets working their way through various processes and they now have less than 20 to finalize. They would very much like to have all of the property in the City limits. He said that 3.14 acres of the 33+ acre parcel is in the County; the remainder is in the City and they would like to have all of the parcel within the City limits for ease in marketing.

Vice Mayor Barotz said that the packet the Council received contained an application for annexation showing Aspen Heights as the property owner. Ms. Antol said that when the applicant originally submitted this it was shown as Aspen Heights. They later discovered that they were not the actual owners. It is actually owned by Landmark which is in receivership, and Mr. G represents them. She said that the actual annexation application was signed by Landmark to begin the process and the annexation petition has been signed by them to move the process forward.

Mr. Giallanza said that he can petition the receivership court to 1) allow him to liquidate it; or 2) transfer record title to the beneficial owner, and he would like to do that for the entire parcel under the requirements of the City of Flagstaff.

Vice Mayor Barotz asked why this was good for the taxpayers of Flagstaff. Mr. Giallanza said that it could become good down the road if the beneficial owners or receivership decides that it wishes to do development. By annexing this small portion of the property would allow the entire parcel to be developed by City standards.

Councilmember Evans asked why they were just now requesting the annexation if it was so important to have it done. Mr. Giallanza said that the process has taken quite a bit of time. They were dealing with a bankrupt entity and when the State began its process of recognizing that it was spending more money than making, the over \$5 million reserve fund that was available to the receiver to administer this was swept by the State Legislature. They have had to administer the receivership by selling parcels. She said that if this is no longer tied to the Aspen Heights development, someone should have updated the information they had. It was confusing to her and probably confusing to the public.

Mr. Burke said that was a fair observation. He said that the other applications were withdrawn late in the process and they have been looking to revise all of the documents so they did not have the Aspen Heights references. He said that the agenda still shows a connection; however, there is no connection.

Mayor Nabours asked if all of the applicable fees had been paid by Aspen Heights for the annexation petition. Mr. Giallanza replied that he was assuming that if that had not been done he would be responsible for it.

The following individuals spoke in regard to the annexation request:

- Robert Mason
- Adam Shimoni
- Joe Ray

The following comments were received:

- Understanding the other development had been dropped, they were concerned with

dark skies and with someone coming in the back door. They wanted to make sure that was not the case.

- Was glad to see they had some time on their hands and was looking forward to seeing what staff was working on with information gathered from the Housing Symposium
- Table the item tonight; need to look at the property across the road

Written comments were also received from the following individuals in opposition to the proposed annexation:

- Renee Rosales
- Ted Reed
- Nick Kowall
- Robert Mason
- Sarah Johnson
- Levon Miller
- Dawn Dyer

Mayor Nabours closed the public comment portion of the Public Hearing at this time.

Mayor Nabours said that because Councilmember Brewster could not be at the meeting, he would ask that they postpone action for two weeks until they had a full Council to address the request. Councilmember Oravits said that he would agree to that as it would allow them to clear up the documentation and be sure that it reads correctly.

Mayor Nabours said that the City was going to propose an annexation from the County into the City nearly across the street for its own Public Works Yard. He thought it was hypocritical to say they were going to annex its property, but would not do it for someone else. Vice Mayor Barotz said that there is no plan for development on this property; there is for the City's yard.

Councilmember Overton said that they have worked hard over the years to eliminate as many county islands as they can. He was comfortable with the annexation. He could see competing values, even in the lighting code they had more stringent standards than the County regulations. He believed it would provide some amount of continuity as a majority of the property was already in the City limits.

Councilmember Oravits said that he did not see a problem with the annexation, but he would ask that they clean up the paperwork.

Councilmember Putzova asked if staff had examples of when annexations had come before the Council without a development plan. Current Planning Manager Mark Sawyers came forward and replied that over the last 20 years, the City has probably done 10-12 annexations. Most of them were to seek City services. Some services have been different than others. Some had actually received services before through separate easements. They have seen annexations where people were opposed to it and the City approved it. He said that when they look at the whole gamut, they are all unique to themselves.

Moved by Mayor Jerry Nabours **seconded by** Councilmember Jeff Oravits to postpone this item for two weeks.

Vote : 2 - 4 Failed

AYE: Mayor Jerry Nabours
Councilmember Jeff Oravits

Moved by Mayor Jerry Nabours **seconded by** Councilmember Scott Overton to read Ordinance No. 2014-30 for the final time.

Vote : 3 - 3 Failed

AYE: Mayor Jerry Nabours
Councilmember Jeff Oravits
Councilmember Scott Overton

NAY: Vice Mayor Celia Barotz
Councilmember Coral Evans
Councilmember Eva Putzova

- D. ~~**Consideration and Adoption of Resolution No. 2014-36:**~~ —A resolution authorizing the execution of a Development Agreement between City of Flagstaff and York Breckenridge GP, LLC related to the development of approximately 36.94 acres of real property generally located at 2701 S. Woody Mountain Road, Flagstaff, Arizona. **(APPLICATION WITHDRAWN)**
- E. ~~**Public Hearing, Consideration and Adoption of Ordinance No. 2014-31:**~~ —An Ordinance amending the Flagstaff Zoning Map designation of approximately 36.94 acres of real property generally located at the intersection of Route 66 and Woody Mountain Road, from Rural Residential ("RR") to Highway Commercial ("HC") for 3.6 acres, and to Medium Density Residential ("MR") for 33.33 acres. **(Rezoning of property for Aspen Heights located on Woody Mountain Road) (APPLICATION WITHDRAWN)**
- F. **Consideration and Adoption of Resolution No. 2014-42:** A resolution of the City of Flagstaff, Arizona approving a pre-annexation agreement between the City of Flagstaff and the Gosch Family Living Trust.

Planning Development Manager Neil Gullickson gave a brief PowerPoint presentation, reviewing the application. He said that the applicant's, Tom and Melanie Gosch, have requested a water tap into the City's new water transmission main that has recently been constructed along the north side of West Route 66. This main is the same main that will provide water to W.L. Gore's facility on Kiltie Lane. The site is located at 4392 West Route 66 and is adjacent to Route 66 and the main. There are two structures on the site, a single-family dwelling and an accessory structure.

He said that the Water Commission reviewed and unanimously approved a recommendation by the City staff that the this property be allowed to connect to the transmission main located in West Route 66, and that approval was contingent on two conditions:

1. That this site be served by one 3/4 inch yard line that serves the existing single-family home and accessory building(s). Additional hook-ups to other homes will required additional review.
2. The approval is contingent upon the approval of a pre-annexation agreement.

The transmission main located within the West Route 66 right-of-way is 18-inches in diameter. A 20-ft long 8-inch distribution main will be used to tap the transmission main. A new fire hydrant will be located at the end of the distribution main. The 3/4-inch yard line will tap the distribution main and will feed water to the Gosch residence. Other than the existing transmission main, all of the improvements will be provided by the applicant.

Mr. Gullickson said that the site is located adjacent to the City owned McAllister Ranch property which lies between this applicant's property and the current city boundary. Arizona Revised Statute requires that to qualify for annexation, a property must be located adjacent to an existing city boundary. This property is not currently adjacent to an existing city boundary.

Moved by Councilmember Jeff Oravits **seconded by** Mayor Jerry Nabours to read Resolution No. 2014-42 by title only.

Vote : 6 - 0 Passed

*A RESOLUTION OF THE CITY OF FLAGSTAFF, ARIZONA APPROVING A
PRE-ANNEXATION AGREEMENT BETWEEN THE CITY OF FLAGSTAFF AND THE
GOSCH FAMILY LIVING TRUST*

Moved by Mayor Jerry Nabours **seconded by** Councilmember Jeff Oravits to adopt Resolution No. 2014-42.

Vote : 6 - 0 Passed

- G. Consideration and Approval of Cooperative Contract** : Purchase of a Type I Pierce Quantum Pumper Fire Truck, for City of Flagstaff Fire Department through a City of Mesa cooperative purchase contract, #2013-118 (***Approve contract for purchase of fire truck for a total amount not to exceed \$460,283.00, plus applicable sales tax***)

Fire Chief Gaillard said that during budget they talked about replacement of a Type I engine (truck). He said that the old truck is 25 years old with mileage in excess of 172,000 at the time of the budget. He said that the repair costs are in excess of 123% of the purchase price, and it is currently inoperable.

Chief Gaillard said that they have continued with a standardization approach, maintaining a Pierce piece of equipment. He said that the City has benefited from having that standardization in that the fleet technicians only have to deal with one manufacturer. In light of that, they were able to purchase through a cooperative purchase agreement using a procurement done by the City of Mesa two years ago.

Councilmember Oravits asked if they had looked into the possibility of a rebuilt or reconditioned unit. He said that Oro Valley got two rebuilt pieces of equipment with a six-year warranty. Chief Gaillard said that he did not know if they had considered that option. Councilmember Oravits said that he would like to see that option considered in the future.

Mayor Nabours asked what would happen to the existing truck. Chief Gaillard said that they are evaluating whether they need to put any more money into it for a backup since it will be another ten months before the new truck is received. Once the new truck comes in, they will dispose of it one way or another.

Moved by Councilmember Coral Evans **seconded by** Vice Mayor Celia Barotz to approve the purchase of Type I Pierce Quantum Pumper Fire Truck from Hughes Fire Equipment, Inc., a Pierce Sales Distributor using a City of Mesa's cooperative purchase contract for a total not to exceed \$460,283.00 plus applicable sales tax.

Vote : 6 - 0 Passed

- H. **Consideration and Approval of Cooperative Contract:** Consider an amendment to extend an IGA with the Lockett Ranches Fire District for Fire/Medical/Rescue Services ***(Amend IGA with Lockett Ranches Fire District to extend the term)***

Chief Gaillard said that in 2011 the City entered into an agreement with Lockett Ranches Fire District, and within the agreement there is a provision for an extension. Their President came forward and advised that they wished to move forward with the extension as anticipated. What is before Council is a very short amendment to the existing agreement to extend it to another five years. He said that the City receives \$166,000 annually and it does not take any additional personnel or equipment to provide the service. He said that the price went up about \$6,000 and is based on a modifier of 18%. The CPI will come into effect in years 2-5 and if those years if it goes up, so will their fee, but it will not go down.

Moved by Vice Mayor Celia Barotz **seconded by** Councilmember Eva Putzova to approve an IGA amendment extending the term of the IGA between the Lockett Ranches Fire District and the City of Flagstaff.

Vote : 6 - 0 Passed

- I. **Consideration and Approval of Intergovernmental Agreement:** Council will consider authorizing the City of Flagstaff to enter into an IGA to fund a Regional Training Coordinator (RTC) for fire department training ***(Approve IGA for Fire Department Regional Training Coordinator)***.

Chief Gaillard said that they had also brought this to Council during the budget process. They have put together an IGA to ensure that the cost distribution is fair and what is before the Council will allow them to move forward with hiring a regional training coordinator and establishing regional training with their partners (Arizona National Guard, Camp Navajo Fire Department, Flagstaff Fire Department, Highlands Fire District, Ponderosa Fire District, and Summit Fire District).

Moved by Mayor Jerry Nabours **seconded by** Councilmember Coral Evans to approve the IGA and authorize the Mayor to execute the IGA.

Vote : 6 - 0 Passed

16. **DISCUSSION ITEMS**

A. **Update on 4FRI**

Paul Summerfelt with the Flagstaff Fire Department said that in addition to the current operations that the City operate, the City was also involved in two significant and groundbreaking efforts--the Flagstaff Watershed Protection Project and the 4FRI, and updates were provided on both of them which covered the information provided in Exhibits A and B, attached hereto and made a part hereof.

17. **POSSIBLE FUTURE AGENDA ITEMS**

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

None

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

Councilmember Oravits asked that two issues be placed on a future agenda for consideration: 1) the City's Personnel Policy with regard to an employee running for a public office and 2) recording/streaming of the board/commission meetings held in the Council Conference Room since they now have a camera that can be moved.

Mr. Burke reminded everyone of the Retreat at the Aquaplex next Monday through Wednesday.

19. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held December 2, 2014, adjourned at 8:27 p.m.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

[illegible]

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 on December 2, 2014. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 3rd day of February, 2015.

CITY CLERK

4:00 P.M. MEETING

1. CALL TO ORDER

Mayor Nabours called the meeting of December 16, 2014, to order at 4:01 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 BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER EVANS
COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER PUTZOVA

NONE

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

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

MISSION STATEMENT

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

4. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- A. Consideration and Approval of Minutes : City Council Regular Meeting of October 21, 2014, and the Special Meeting (Executive Session) of November 25, 2014.

Moved by Councilmember Scott Overton, **seconded by** Councilmember Jeff Oravits to approve the minutes of the City Council Regular Meeting of October 21, 2014, and the Special Meeting (Executive Session) of November 25, 2014.

Vote: 7 - 0 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.

Devonna McLaughlan addressed Council to inform them, staff and the audience about the Arizona Charitable Tax Credit also known as the Working Poor Tax Credit. It is an opportunity to support those in need. An individual can donate up to \$200 and a married couple can donate up to \$400 and get it back on their Arizona State Taxes. She urged the Council to assist in trying to increase awareness locally of the program.

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).

None

8. LIQUOR LICENSE PUBLIC HEARINGS

None

9. CONSENT ITEMS

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

Moved by Councilmember Scott Overton, **seconded by** Councilmember Jeff Oravits to approve consent item 9-A.

Vote: 7 - 0 Passed - Unanimously

- A. **Consideration and Approval to Purchase** : Thirty-Four (34) Panasonic CF-31 Toughbook Mobile Data Computers to be installed in patrol vehicles.

MOTION: Approve the purchase contract to the lowest responsive and responsible bid from Creative Communications of Flagstaff, for the purchase of thirty-four (34) Panasonic CF-31 Toughbook Mobile Data Computers for the amount of \$122,501.66, plus applicable taxes.

10. **ROUTINE ITEMS**

- A. **Consideration and Approval of Intergovernmental Agreement:** Agreement for the City of Flagstaff's Owner Occupied Housing Rehabilitation Program staff to administer Coconino County's Owner Occupied Housing Rehabilitation Program.

Deputy Housing Director Sarah Darr stated that this item is the combination of the administration of the County and City's Owner Occupied Housing Rehabilitation Program. This program addresses health and safety hazards in homes occupied by low income homeowners. The City and County programs mirror each other and use similar funding sources and the rehabilitation standards are similar. The City has current staffing capacity to administer the program for both the City and County. She noted that County funds will be spent in the county and the City funds will be spent in the city. The IGA had been approved by the Board of Supervisors on November 18, 2014 and they are awaiting an award of about \$267,000 that they would receive if this is approved by the Council.

Mayor Nabours stated that the agreement does not provide for how the City would be compensated, but understand that the compensation will vary grant by grant. Ms. Darr explained that compensation is done on a reimbursement basis. The Housing Rehabilitation Specialist is a fully grant funded employee so all of his hours are tracked now and paid through grant funds. The time spent on administering the County program will be tracked and billed back to the County. Mayor Nabours asked if staff is confident that the cost to the City will be completely covered. Ms. Darr stated that she is fully confident that all costs will be covered; if the County is not awarded a grant next year, City staff will be doing no work for them. Ms. Darr added that she approached the County about doing this about three years ago. The partnership will provide greater consistency in the programs and greater leverage with other programs as well as providing a centralized location for the community.

Moved by Councilmember Coral Evans, **seconded by** Councilmember Karla Brewster to approve the Intergovernmental Agreement (IGA) with Coconino County for the administration of the County's Owner Occupied Housing Rehabilitation (OOHR) Program.

Vote: 7 - 0 Passed - Unanimously

- B. **Consideration and Adoption of Ordinance/Resolution No. 2014-41:** A resolution of the City Council of the City of Flagstaff authorizing signatures for checks and payment vouchers (***Authority to Sign Checks***)

Mayor Nabours stated that he has no intention of signing checks and that this resolution is more of an emergency measure should an issue arise.

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Karla Brewster to read Resolution No. 2014-41 by title only.

Vote: 7 - 0 Passed - Unanimously

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF SUTHORIZING SIGNATURES FOR CHECKS AND PAYMENT VOUCHERS

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Karla Brewster to adopt Resolution No. 2014-41.

Vote: 7 - 0 Passed - Unanimously

- C. **Consideration and Agreement:** Intergovernmental Agreement (IGA) with Arizona Department of Revenue for Transaction Privilege (Sales) Tax Licensing through December 31, 2015.

Revenue Director Andy Wagemaker addressed Council stating that both items 10-C and 10-D are Intergovernmental Agreements with the Arizona Department of Revenue. Originally, as part of the sales tax simplification process, the changeover date was to be January 1, 2015 but it has been extended to January 1, 2016. This agreement will allow the City to continue doing business as usual and staff will be back before Council in the summer or fall with a comprehensive IGA to start the January 1, 2016, process.

Mayor Nabours asked if a new business will be able to come to City Hall to get a sales tax license after January 1, 2016. Mr. Wagemaker stated that sales tax licenses will be handled by the Department of Revenue and staff would have to direct any customers coming to get sales tax licenses to the Department of Revenue. Business licenses are a separate license for the City and staff will be bringing that discussion to Council in the near future. Mr. Wagemaker stated that in terms of auditing, the way it will work is that the City will have its own audit staff but will be auditing under the blessing of the Department of Revenue. When staff reaches the final stage of assessing a taxpayer, that is funneled through the Department of Revenue who will actually assess the tax.

Mayor Nabours asked if the State has to authorize the City to do an audit. Mr. Wagemaker explained that the State is currently working through that process; the City can conduct an audit without authorization but the State would have to authorize and approve any final assessment to the taxpayer.

Councilmember Overton stated that the contracting line has been split and there have been questions from the community on how the tax is collected and assessed. He asked if there is any planning sessions for community outreach. Mr. Wagemaker stated that the Department of Revenue has taken the lead on that information. There has been informational fliers sent out but every project and question is different and staff prefers for people to call in and talk with them individually to be sure to get them the assistance they need.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to approve IGA with Arizona Department of Revenue for Transaction Privilege (Sales) Tax Licensing through December 31, 2015.

Vote: 7 - 0 Passed - Unanimously

- D. **Consideration and Approval of Agreement:** Intergovernmental Agreement (IGA) with Arizona Department of Revenue for Transaction Privilege (Sales) Tax Auditing through December 31, 2015 (*IGA for Sales Tax Auditing*)

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to approve IGA with Arizona Department of Revenue for Transaction Privilege (Sales) Tax Auditing through December 31, 2015.

Vote: 7 - 0 Passed - Unanimously

- E. Consideration and Adoption of Resolution No. 2014-39 and Ordinance No. 2014-32:**
Amending the Employee Handbook of Regulations and Flagstaff City Code by adopting those amendments as shown in "2014 Addendum 6 of the Employee Handbook of Regulations" relating to the Employee Advisory Committee ***(Employee Advisory Committee election terms; updates)***

Human Resources Director Shannon Anderson provided a PowerPoint Presentation that covered the following:

- EMPLOYEE ADVISORY COMMITTEE
- RECOMMENDATIONS TO CITY MANAGER
- MATCHES ORGANIZATION STRUCTURE
- REDUCE LENGTH OF TERM
- CHANGING ELECTION TIMEFRAME
- NEW TWO-YEAR TERM
- EAC MEETINGS
- EAC PROCEDURES
- HOURS WORKED

Mayor Nabours asked if EAC approved the items presented. Ms. Anderson stated that the EAC brought these forward and worked with the City Attorney's office on them.

Moved by Vice Mayor Celia Barotz, **seconded by** Councilmember Scott Overton to read Resolution No. 2014-39 by title only.

Vote: 7 - 0 Passed - Unanimously

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA,
DECLARING THAT CERTAIN DOCUMENT KNOWN AS THE "2014 ADDENDUM 6 OF THE
EMPLOYEE HANDBOOK OF REGULATIONS" AS A PUBLIC RECORD, AND PROVIDING
FOR AN EFFECTIVE DATE

Moved by Vice Mayor Celia Barotz, **seconded by** Mayor Jerry Nabours to read Ordinance No. 2014-32 for the first time by title only.

Vote: 7 - 0 Passed - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF RELATING TO
THE EMPLOYEE ADVISORY COMMITTEE, AMENDING THE EMPLOYEE HANDBOOK OF
REGULATIONS AND FLAGSTAFF CITY CODE BY ADOPTING THOSE AMENDMENTS AS
SHOWN IN "2014 ADDENDUM 6 OF THE EMPLOYEE HANDBOOK OF REGULATIONS"
BY REFERENCE, RATIFYING THE 2014 ELECTION RESULTS AND TWO-YEAR TERMS,
PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES,
SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN
EFFECTIVE DATE

F. Consideration and Approval of Two (2) Year Lease Amendments: United States Geological Survey (U.S.G.S.) for Buildings 3, 4 and 5 (Amendment of U.S.G.S. Leases) **(Approve Two (2) Year Amendments to Building Leases with U.S.G.S.)**

Assistant to the City Manager for Real Estate David McIntire addressed Council asking for any questions or clarifications on the item.

Mayor Nabours stated that the lease term that is being extended is rather extensive and he is concerned that there is not an additional obligation that is being taken up by extending the term. Additionally, there are a number of items that are required such as water fountains and flagpoles; he would like to know if these are new requirements or existing requirements.

Mr. McIntire stated that the terms are identical with the terms in agreements past; the intent is to extend the existing term as it is until the Federal government would do a new Request for Proposals which the City would respond to proposing a remodel of the whole campus.

Moved by Mayor Jerry Nabours, **seconded by** Vice Mayor Celia Barotz to approve the amendment of the leases with the United States Geological Survey (U.S.G.S.) represented by the Government Services Administration (GSA) for an additional two (2) years.

Vote: 7 - 0 Passed - Unanimously

RECESS

The Regular Meeting of the Flagstaff City Council held December 16, 2014, recessed at 4:31 p.m.

6:00 P.M. MEETING

RECONVENE

The Regular Meeting of the Flagstaff City Council held December 16, 2014, reconvened at 6:18 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 BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER EVANS
COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER PUTZOVA

NONE

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

Mayor Nabours stated that item 16-C has been withdrawn from the agenda. Additionally, he will be taking items 15-B and 15-C later in the agenda to allow for Council to address the Walnut Canyon item earlier in the meeting.

12. PUBLIC PARTICIPATION

David McCain, President Elect of Friends of Flagstaff's Future Board of Directors, addressed Council with a brief background on what Friends of Flagstaff's Future does. He welcomed the new Council and expressed excitement with getting to work with the Council in the future to improve the City.

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

None

14. PUBLIC HEARING ITEMS

- A. Public Hearing, Consideration and Adoption of Ordinance No. 2014-34:** An Ordinance of the City Council of the City of Flagstaff amending the Flagstaff City Code, Title 3, *Business Regulations*, Chapter 3-05, *Privilege Taxes*, levying a local transaction privilege tax increase of 33 cents per \$100 of taxable gross income (sales) as approved by the majority of the qualified electors of the city voting in the November 4, 2014 General Election, Proposition 406, "Road Repair and Street Safety Initiative"; providing for use of tax revenues, providing for penalties, repeal of conflicting ordinances, severability, authority for clerical corrections, and establishing an effective date (***Transaction Privilege Tax - Road Repair and Street Safety Initiative***)

Assistant to the City Manager Stephanie Smith addressed Council stating that the item is procedural only and allows the City to levy the recently approved sales tax as approved by City voters. The sales tax increase is set to begin on January 1, 2015. Mayor Nabours asked if the sales tax can go into effect before the second read of the Ordinance. Ms. Smith explained that it can go into effect and be retroactive.

Mayor Nabours opened the public hearing. Having no public comment Mayor Nabours closed the public hearing.

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Karla Brewster to read Ordinance 2014-34 for the first time by title only.

Vote: 7 - 0 Passed - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF AMENDING THE FLAGSTAFF CITY CODE, TITLE 3, BUSINESS REGULATIONS, CHAPTER 3-05, PRIVILEGE TAXES, LEVYING A LOCAL TRANSACTION PRIVILEGE TAX INCREASE OF 33 CENTS PER \$100 OF TAXABLE GROSS INCOME (SALES) AS APPROVED BY THE MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING IN THE NOVEMBER 14, 2014 GENERAL ELECTION, PROPOSITION 406, "ROAD REPAIR AND STREET SAFETY INITIATIVE"; PROVIDING FOR USE OF TAX REVENUES AS APPROVED BY THE ELECTORS, PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

15. REGULAR AGENDA

A. Consideration of Construction Contract Change Order #1 : Flagstaff Urban Trail System (FUTS) Signage Project (*Approve Change Order #1 to FUTS Signage Project contract*)

Councilmember Oravits stated that he has no problem with the original contract but has problems with the way it has been done. He will be voting against it simply because of the process.

Moved by Councilmember Karla Brewster, **seconded by** Vice Mayor Celia Barotz to approve Change Order No. 1 with Conco Concrete Specialist LLC in the amount of \$80,000 and extend the contract by 60 calendar days.

Vote: 6 - 1 Passed

NAY: Councilmember Jeff Oravits

B. Draft 2015 City of Flagstaff State & Federal Legislative Priorities Agenda

Deputy City Manager Jerene Watson reviewed the legislative process and stated that the League has adopted a new, year long process that will allow ideas and suggestions to be submitted year round.

Ms. Watson provided a PowerPoint presentation that covered the following:

- GUIDING PRINCIPLES
- STATE LEGISLATURE
 - State Shared Revenues
 - HURF Funding Levels Increase
 - Pension Reform
 - Energy Districts
 - Forest Health
 - Procurement Law Change
 - Restoration of Housing Trust Fund

- Support Economic Development Tools
- STATE GOVERNOR
 - Red Gap Right of Way
 - Veterans Affair

State Lobbyist Richard Travis continued stating that he would like to go over some of the things that are expected to be seen in the 2015 legislative session. There is the same Republican/Democrat split as before and President Biggs will lead the Senate and a number of key committee chairs will remain the same. New for 2015 will be a new Speaker and a number of new members and committee chairs, a new Governor, and new budget challenges.

The budget will likely consume a majority of time and effort this session. The budget deficit is about \$1 billion which is about 10% of the overall budget. Unfortunately, many of the tactics used to address previous deficits are gone. The State drained many funds such as the State Aviation fund, the State Lake Improvement fund, and many other fund balances. Those funds have not been returned so there is no balance to sweep again. This Legislature is also coming in with a no new tax pledge and a Governor who stated that education and public safety will be priorities. Taking the funds necessary for the K-12, Public Safety and Healthcare off the table the State is left with only about \$2.4 billion left in the budget to cut the \$1 billion shortfall from. Included in the remaining \$2.4 billion is every other state agency not named as well as community college funding and the universities. There has been a disproportionate hit to community colleges and universities because the Legislature feels that they can always raise tuition to compensate.

In addition to those already mentioned, shared revenue will be part of the mix and there will be the need to educate and reeducate legislators. There is not a strong possibility of the HURF reversion being reversed, it is believed that the legislature will start to phase that in but will be difficult to do in this cycle. Money for new projects will be difficult to get. In discussions about the Veterans Home the effort will be to try and get a commitment for FY2017 to show the Federal government that there is a commitment.

The good news is that there are important issues that don't require money. Pension reform; one of the strongest proposals for pension reform does not require additional State dollars. Additionally, the Red Gap Waterline does not require State dollars and the Energy Districts may not require State dollars. The hope is to have a package to try and protect the resources in the community and move forward with those that do not require additional funding.

Mayor Nabours asked the best way to get these points across to the legislature and if there is any concern about contacting legislators directly. Mr. Travis stated that he does not feel that the League would mind any direct contact. There will be different coalitions formed to address the issues and it will be important to have more than one voice, a few of the issues have a statewide concern and making sure cities, towns, and counties are active and a part of the discussion is vital.

Councilmember Overton stated that Flagstaff has done well with tax credits such as education and working poor; he asked if the legislature has ever looked at sweeping any of those. Mr. Travis explained that there has been discussion about that especially over some of the education tax credits. Most of the conversations have been around delaying the tax credits that were put in place as part of an economic stimulus package that will phase in. Councilmember Overton stated that Flagstaff has done a good job of directing those tax dollars and if that were threatened the City may need to take that on to ensure that those dollars stay local.

Mr. Burke introduced Bob Holmes, the City's Federal Lobbyist at Nexus Consulting, who is attending telephonically. Mr. Burke provided a PowerPoint presentation on the Federal portion of the legislative agenda that covered the following:

- PUBLIC SAFETY
- RIO DE FLAG FLOOD CONTROL PROJECT

Mayor Nabours asked if there is still a concern that the LRR show board a 1 for 1 benefit ratio. Mr. Burke stated that at this point it does not seem to be a principal concern.

Mr. Holmes stated that the benefits/cost ratio as far as the LRR is concerned is irrelevant; it could affect the project during the appropriations process but do not see that as a problem at this time, it is more important to get the LRR done and be a part of the appropriation.

- FOREST HEALTH
- FAA (AIRPORT)

Councilmember Overton asked why the City has to specify a non-revenue parking structure. Mr. Burke stated that it means the City cannot charge a fee to park in it because if a fee is charged the City would become ineligible for Federal funding. Councilmember Overton asked if it would have to remain non-revenue in perpetuity to which Mr. Burke stated that it would have to remain non-revenue generating.

- RAILROAD REVERSIONARY CLAUSE
- TRANSPORTATION

Mayor Nabours asked if the City wanted to push for funding to widen the Fourth street bridge over I-40 where that process would start.

Mr. Holmes explained that there first has to be a need. The City would then need to talk with congressional representatives, Senators and the Department of Transportation after which it would need to be put into a bill. One of the things that have been done with the surface transportation bill is that earmarks are now prohibited by the rules of the House of the Senate. When the Army Corp submits their work plan Congress will be able to exclude or include projects not on that list. Mr. Holmes suspects that there may be a way to push projects in through that mechanism, otherwise it will be necessary to go to the Department of Transportation to get on their five year plan.

Councilmember Overton asked Mr. Holmes to give a rundown on the State of the Nation and how realistic is it to get things done. Mr. Holmes stated that there is really only a year to get things done. If things are not done in 2015 it will all be predicted by politics in 2016. It is anticipated that there will be an attempt for 2015 to be a productive year. Congress usually comes in the first week of January and then takes three weeks off; they will be working those three weeks this year as they have some big ticket items with Map 21 and the 2015 budget.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to adopt the policy points set forth as the state and federal legislative agenda and guiding principles.

Vote: 7 - 0 Passed - Unanimously

- C. **Consideration and Adoption of Resolution No. 2014-43:** A resolution of the Council of the City of Flagstaff, Arizona, ordering questions be submitted to the qualified electors of the City with respect to amendments to the Flagstaff City Charter, said questions to be submitted at a City Special Election to be held on May 19, 2015 (***Calling a Special Election and approving ballot language for Charter amendments***)

City Clerk Elizabeth Burke reviewed each of the proposed charter amendments and the ballot language associated with them.

Vice Mayor Barotz asked on Question 1 if by setting the date that a term commences by ordinance it could become a political issue where the seated Council postpones voting on the ordinance. Ms. D'Andrea explained that while it is a valid concern at a certain point the delay would become a legal issue.

Mayor Nabours asked if the language could be written to say that the term begins so many days after the election. Mr. Burke stated that he prefers the proposal because there is uncertainty on whether there is going to be a November or May election. One of the challenges in May is that one Council creates the budget and the new Council adopts the budget. The November challenge is that Council is knee deep in the budget cycle and that is disrupted with a new Council. The proposal just provided some flexibility.

It was suggested that Question 1 be postponed to a later election. Ms. D'Andrea stated that it is critical to get this item on the May ballot because if the City wants to go back to a spring election at the time that the court rules, then the Charter needs to allow that to occur.

Council agreed that setting the date for new Council to be seated should be the 2nd regular meeting following the canvass of election. Ms. Burke clarified that this would apply to Questions 1, 2 and 3.

Mayor Nabours asked if EAC had been notified about the possible changes in Question 9. Ms. D'Andrea stated that Human Resources Director Shannon Anderson had been informed and she recently sent an email to EAC making them aware of the possible changes but EAC has not had an opportunity to formally meet and discuss the item at a regular meeting.

Vice Mayor Barotz stated that she feels that Question 9 should be removed from the May ballot because it is more policy in nature. A majority of Council agreed.

Vice Mayor Evans asked if there was a reason why Question 10 would be lessening the requirement for two reads of an ordinance in the same night. She stated that she feels that by having the two reads in one night it takes away public input and consideration of the ordinance. Ms. D'Andrea explained that currently there is a difficult standard for declaring an emergency and the Council cuts off all the voters rights to a referendum with the action. An emergency measure only requires a $\frac{3}{4}$ vote; to require a higher standard to do a first and second read seems counter-intuitive since the Council is not taking away any rights of the voters. Two reads of an ordinance is not required by State statute only the City Charter.

Councilmember Evans asked if the items referred to in Question 14 would come back for final approval by the City Council. Mr. Burke explained that the action would ultimately require final approval by the Council. Mayor Nabours suggested adding "subject to Council approval" at the end of the sentence to make it clear. Council agreed with that recommendation.

Ms. Burke explained that she will go back and make the requested changes and bring the final version back to Council for approval at the first meeting in January.

16. DISCUSSION ITEMS**A. Discussion : Walnut Canyon Study boundary discussion**

Sustainability Manager Nicole Woodman provided a PowerPoint presentation that covered the following:

- WALNUT CANYON STUDY BACKGROUND
- WALNUT CANYON STUDY OPTION 2: SUPPORTS CONGRESSIONAL SPECIAL MANAGEMENT DESIGNATION
- BASED ON CITY COUNCIL COMMENTS – FOUR BOUNDARY ALTERNATIVES FOR CONSIDERATION
- ALL BOUNDARY ALTERNATIVES
- BOUNDARY OPTION A: WALNUT CANYON STUDY AREA BOUNDARY
- BOUNDARY OPTION B: WALNUT CANYON STUDY BOUNDARY, LESS STATE AND PRIVATE LAND AND LAKE MARY WATER TREATMENT PLANT
- BOUNDARY OPTION C: NATIONAL PARK SERVICE KEY RESOURCE VALUES AREA
- BOUNDARY OPTION D: OPTION C WITH SKUNK CANYON, FAY CANYON AND CAMPBELL MESA
- NEXT STEPS

Councilmember Oravits asked the reasoning for going up on the northeast corner to include that in two options. Ms. Woodman explained that she was not part of this process and deferred the question to a community member who was part of the process. Ralph Beierlein addressed Council stating that the group looked into that and he and Sarah Dechter had asked the Park Service about it as well; it was an oversight and no one understands why the area above the purple line and below the green line was left out. It is an area that has no particular archeological value, the Park Service was interested in it because it would allow them to better control motorized access and vandalism to the Canyon itself. The private land in the northeast corner was never intended to be in the study area and map B does eliminate that area.

Councilmember Putzova asked for staff to describe the process that went into developing the four options. Ms. Woodman explained that as a result of the July 8, 2014 meeting there were a lot of questions about the premise for the boundary areas. Staff brought forth the National Park Service Key Resources map and from there looked at key criteria that would support the overall goals of the boundary area. She deferred information on Option D to the City Manager. Mr. Burke explained that he had suggested an Option D that kept Skunk Canyon and Fay Canyon while excluding the private land and Lake Mary Water Treatment Plant. Additionally, as it relates to State Land, this was an agreement that the prior Planning Director Jim Cronk had negotiated during the Regional Plan process where Sections 22 and 28 were anticipated to be ripe for inclusion in some sort of land preservation. Section 30 was a parcel the State was interested in developing and it was agreed that units would be preserved; however, they'd be moved to the northern portion. It was a compromise that did not make it into the Regional Plan because there was an interest in keeping the urban growth boundary in Parcel 30 because it was not set for development within the next 10 years. Otherwise, including Campbell Mesa which is not in the key resource area, yet is a vital part of the recreation community, is an attempt to try to preserve that piece as well in the process. For those reasons Option D seemed different from A, B and C and offered different values to be achieved.

Councilmember Brewster asked about water issues. Utilities Director Brad Hill stated that Utilities has had a look at the four options and have found that there are two wells written

within all four maps and three water transmission lines that snake in a out of the map on the north side of Lake Mary Road that would be included in the study area. Councilmember Brewster asked if there are impacts to them being included within the study area. Mr. Hill explained that it will depend on how Federal legislation is drafted. Councilmember Brewster stated that she is concerned with Congressional legislation over City things and it creating a problem over time.

Mr. Burke stated that the Resolution before the City Council recognizes the stipulation with the United States Forest Service from 2001 and the City's right to use those water resources within any special designation area. In terms of federal regulation, Mr. Hill is right, Utilities has not seen actual documents and does not know what restrictions will be placed.

Mayor Nabours asked if there might be additional wells within the study area. Mr. Hill stated that in terms of infrastructure there are no additional wells. Inclusion of the stipulation in the resolution ensures that the agreements made with the United States Forest Service (USFS), National Park Service (NPS) and City is not compromised by action taken tonight.

Mayor Nabours clarified that in looking at the final study that was released it is very specific that the options do not apply to private or State Trust lands. He asked if it was necessary to have these different maps carving out exclusions when the study says "not applicable to private, state trust, mineral rights." Ms. Woodman stated that her understanding is that State and private lands are preserved.

Councilmember Oravits asked about any impacts if other wells are brought into the area. Mr. Hill stated that the stipulation signed by USFS, NPS and City of Flagstaff preserves the City's rights and all future rights to pump so many acre feet of water within that area. Councilmember Oravits asked if staff is comfortable that the City can maintain existing and if necessary expand per the settlement. Mr. Hill stated that he is comfortable with that statement.

Mayor Nabours asked if the State land is exempted how access would be obtained to parcel 22. Comprehensive Planning Manager Sarah Dechter stated that in discussions she had with State Land regarding sections 20 and 22, there is a road to access section 22 on the southwest corner and since that is an existing access and the study indicates that existing access would continue, they assume they would be able to access using that road. Mr. Beierlein stated that Old Walnut Canyon road is passable most times of the year. The road goes from the Country Club area, past Campbell Mesa and cuts through portions of section 28 and 22 and makes its way over to the paved Walnut Canyon entrance road. There is traffic there all year long. He added that the State Land Department has done a good job of protecting section 28 by coming in from forest road 301 and building zig zag log fences that keep people from riding their ATV's off into the woods.

The following individuals addressed Council in favor of a special designation:

- Anthony Quintile
- Ralph Beierlein
- Maryilyn Weissman
- David Wilcox
- Betsy McKellar
- Alicyn Gitlin
- Tom Bean

Comments received included:

- Supportive of protecting the biking trails in the area and for protecting as much as what was proposed in the study for protection.
- Support option 2.
- It is politically best to choose the map that excludes the State Trust lands.
- Support inclusion of the entire map boundary.
- Support option A and hope the Council will join with Coconino County
- The City Council needs to send a strong message.
- Supportive of the highest level of protection.
- North Ranch Homeowners Association is totally within the boundary of the study; they are unanimous in their support of protecting the entire area.

Michael Tentido addressed Council in opposition of the special designation stating that the Council should let the government work to build off the accomplishments of the past.

Written comment cards in support of a special designation were submitted to the Council from the following individuals:

- Susan Hueffle
- Roseana Cruz Kirgis
- Rhea Nanni
- Nick Kowall
- Sarah Johnson
- Peter Bungart
- Dawn Dyer
- Cathy Ann Trotta
- Richard Resnick
- Joel W. Dugdale
- Jason Henrie
- Evelyn Billo
- Robert Mark
- Betty Hoyt
- Earle Hoyt
- Dillon Scott Metcalfe
- Anya Metcalfe
- Sharon Edgar
- Shirley Cannon
- Ian Harrison
- Karen Enyedy

Mayor Nabours asked Ms. Cook-Collins from the NPS if she had any background information on the Park Service Key Resource Value Area and why it is drawn where it is. Ms. Cook-Collins stated that the NPS identified areas that they felt merited protection. There were cultural resources in the area but they had not been researched yet. There were concerns of development pressures and how it might change resources within area. Mayor Nabours asked if the boundary line was drawn so that it would include key resources or just to study key resources. Ms. Cook-Collins stated that there were known key resources in the area and the lines were created with a buffer in mind.

Councilmember Oravits asked the reasoning for option C to cut through section 30 and

section 22. Ms. McKellar stated that the key to the NPS map was that the areas needed to be protected in order to maintain the existing values within the monument itself. NPS felt anything less than that would damage the existing value of the monument. The reason it does the lower half of section 30 is because it is so close to Fisher Point and it is the only easily accessible area to get into the bottom of the canyon which is where most of the critical wildlife and cultural resources are.

Mayor Nabours stated that the City is not putting restrictions on or being asked to put restrictions on its own land. The City is being asked to make a recommendation to the Federal government for what they might do. Ms. Woodman stated that if the City Council passes a resolution, it would simply be a statement of support.

Councilmember Putzova asked if there was any discussion with the City's congressional representatives about the issue. Ms. Woodman stated that she was not involved in any discussions. Ms. Gitlyn stated that the Sierra Club did bring the topic up with Representative Kirkpatrick during her previous term and at that time there was no discussion of the boundary but she is aware of the issue.

Mayor Nabours expressed concern about getting cross-ways with the State Land Department and trying to respect their request to be excluded; however, he is concerned about making the state parcels just islands and feels that there would have to be some kind of right of access that is not precluded by whatever the City does. Assistant City Attorney David Womochil reminded the City Council that the City does not have the authority to require access, this is USFS land and all the City would be doing is making a statement of recommendation in the resolution.

Councilmember Evans stated that the process has been going on for a long time. She feels that the final study shows a good compromise. She does not feel that there is an issue with State Land if the City forwards a resolution in support of Option 2 with the original boundaries. Throughout the document it was clear that State lands are excluded unless they are purchased by the Federal government or exchanged.

Councilmember Brewster stated that she is most in favor of Option B.

Mayor Nabours stated that he is in favor of Option C but that he would exclude the State parcels.

Councilmember Putzova stated that the City just went through the Regional Plan adoption and it was clear that the community did not want to divide up section 30; she is concerned about the message it would send if section 30 was excluded from the boundary. She would be in favor of protecting the entire study area.

A majority of Council is in favor of moving forward with option 2, map A.

A break was held from 7:47 p.m. through 7:59 p.m.

B. Discussion: Student Housing Symposium After Action Report

Mr. Burke stated that what is being presented is a summary and possible action items related to student housing. There have been some projects that have come forward that have created some challenges on both a process and political standpoint. A symposium led by Supervisor Archuleta was held in conjunction with the City, Friends of Flagstaff's Future, Northern Arizona University, the Flagstaff Chamber and a number of neighborhood organizations. The possible action items have been presented to and reviewed by President Chang and she has agreed that they are all workable items.

Mr. Burke provided a visual of the document labeled "Student Housing Possible Action Items" that was reviewed by the City Council. He asked for any edits or discussion and stated that once approved it will be moved forward into a resolution.

Councilmember Overton stated that there is an influx of students living in single family residences; he asked if there is a role for communication with property owners and/or homeowner's associations to help get messaging out to the tenants about parking, behaviors, trash, and other items. There needs to be messaging in place for the homeowners associations that ask for help in regulating behavior. The City does not have a legal ability to regulate who lives in what communities but if the communities took a proactive approach it could be effective.

Vice Mayor Barotz suggested requiring a neighborhood presentation prior to there being a lot of plans being done. Ft. Collins had a similar issue and changed their process to address this so that might be a good resource to look at.

Mr. Burke stated that he will work on these suggestions and will bring back the action items as a resolution for adoption.

Written comment cards in support of a Student Housing Resolution were received from the following:

- Sallie Kladnik
- Friends of Flagstaff's Future
- Marilyn Weissman

- C. **Discussion** : Potential provision of City owned land on McMillan Mesa (the area currently used for materials storage) to the Arizona Department of Veteran's Services for the construction and operation of a Veteran's Facility. ***(Use of City land for a Veteran's home)***

This item was pulled from the agenda; it will be placed on a future agenda for discussion.

17. POSSIBLE FUTURE AGENDA ITEMS

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

None

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

All of Council wished a Merry Christmas and Happy Holidays.

Councilmember Evans requested a CCR on how many body cameras the City has for its Police Officers and what percentage of Police Officers have them. Additionally, she would like information on how the public can go about requesting the footage from those cameras.

Councilmember Putzova requested information on the process for requesting information

from City Council members and how those requests are logged.

Councilmember Oravits offered congratulations to Mayor Nabours for being selected as the Best Ever Elected Official for Flagstaff's Best Of 2014.

19. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held December 16, 2014, adjourned at 9:46 p.m.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

STATE OF ARIZONA)
) ss.
Coconino County)

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 on December 16, 2014. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 3rd day of February, 2015.

CITY CLERK

4:00 P.M. MEETING

1. CALL TO ORDER

Mayor Nabours called the Regular Meeting of January 6, 2015, to order at 4:00 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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

2. ROLL CALL

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

PRESENT

ABSENT

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

NONE

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

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

The audience and City Council 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 November 3, 2014.

Moved by Councilmember Scott Overton, **seconded by** Councilmember Jeff Oravits to approve the minutes of the City Council Regular Meeting of November 3, 2014.

Vote: 7 - 0 - 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.

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).

Vice Mayor Barotz asked about the training that Board and Commission members are required to do and if that is being taken into consideration for those members who are seeking reappointment. Deputy City Clerk Stacy Saltzburg stated that members are currently required to attend training within the first two years of their term. The applicant roster that is provided to Council in the agenda packet shows those commissioners who are seeking reappointment and if they have attended the training or not. This is certainly something that the appointment team can consider as they make recommendations for appointments.

Mayor Nabours stated that during recent discussions about Boards and Commissions it was suggested that this information be available on the website for people to review and subsequently sign an affidavit that acknowledges they have done so. Ms. Saltzburg stated that staff is working on making that available to commissioners and it should be in place very soon.

A. Consideration of Appointments: Tourism Commission.

Moved by Councilmember Scott Overton, **seconded by** Mayor Jerry Nabours to appoint Ben Murphy to the At Large appointment of the Tourism Commission with a term expiring January 2018.

Vote: 7 - 0 - Unanimously

B. Consideration of Appointments: Parks and Recreation Commission

Moved by Councilmember Scott Overton, **seconded by** Vice Mayor Celia Barotz to appoint Ardis Easton to the Parks and Recreation Commission, with a term expiring August 2015 and Charles Hammersley, Adam Kaupish, and Jim Stratton to terms expiring August 2017.

Vote: 7 - 0 - Unanimously

C. Consideration of Appointments: Airport Commission.

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Coral Evans to appoint Paul Shankland, Stuart McDaniel, and Roger Brace to the Airport Commission, terms expiring October 2017.

Vote: 7 - 0 - Unanimously

D. Consideration of Appointments: Water Commission

Moved by Vice Mayor Celia Barotz, **seconded by** Councilmember Karla Brewster to appoint Bradley Garner to the Water Commission with a term expiring December 2017.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Karla Brewster, **seconded by** Vice Mayor Celia Barotz to appoint Karin Wadsack to the Water Commission with a term expiring December 2017.

Vote: 7 - 0 - Unanimously

E. Consideration of Appointments: Sustainability Commission.

Moved by Councilmember Eva Putzova, **seconded by** Councilmember Jeff Oravits to appoint Ellen Vaughn and Jodi Norris to the Sustainability Commission with terms expiring October 2017.

Vote: 7 - 0 - Unanimously

F. Consideration of Appointments: Heritage Preservation Commission.

Moved by Councilmember Coral Evans, **seconded by** Councilmember Eva Putzova to appoint Jean Hockman to the At Large position of the Heritage Preservation Commission with a term expiring December 2017.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Coral Evans, **seconded by** Councilmember Eva Putzova to appoint Josh Edwards as the Professional position of the Heritage Preservation Commission with a term expiring December 2017.

Vote: 7 - 0 - Unanimously

G. Consideration of Appointments: Planning and Zoning Commission.

Mayor Nabours stated that having such a large number of commissions come up altogether caught many by surprise and in discussing the appointments around the community he would like to suggest postponing appointments to the Planning and Zoning Commission to allow more time for applications.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to postpone appointments to the Planning and Zoning Commission to the regular Council meeting of January 20, 2015.

Vote: 7 - 0 - Unanimously

Vice Mayor Barotz noted that there is an incumbent that has reapplied who will be added to the list of applicants and that there are some good applicants already on the list as well.

8. LIQUOR LICENSE PUBLIC HEARINGS

Mayor Nabours said that the Police Department, Community Development and Sales Tax have all reviewed the two liquor licenses and none of them presented a reason for denial. At this time he opened the Public Hearing for both licenses. There being no input, the Public Hearing was closed.

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Karla Brewster to forward both applications to the State with a recommendation for approval.

Vote: 7 - 0 - Unanimously

- A. **Consideration and Action on Liquor License Application:** John Kennelly, "Historic Brewing Company Barrel and Bottle House", 110 S. San Francisco St., Series 07 (beer and wine bar), Person and Location Transfer.
- B. **Consideration and Action on Liquor License Application:** Jared Repinski, "Agave", 1580 E. Route 66, Series 12 (restaurant), New License.

9. **CONSENT ITEMS**

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

- A. Consideration and Approval of Purchase: One (1) Wastewater Lagoon Dredge with attachments for Wildcat Hill Wastewater Treatment Plant (***Approve purchase of dredge for Wildcat Hill Wastewater Treatment Plant***).

Utilities Director Brad Hill showed a picture of the dredge equipment currently used at the Wildcat Hill Wastewater Treatment Plant purchased 35 years ago and a picture of the new dredge should the Council approve the purchase.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to reject all bids as submitted for Invitation for Bids (IFB), bid # 2015-07, Utilities Wastewater Dredge Equipment and approve the purchase of one (1) Model MD-615 diesel powered Dredge and attachments in the amount of \$304,691.70 from VMI, Inc. located in Cushing, Oklahoma, for the replacement of the existing Dredge equipment at Wildcat Hill Wastewater Treatment Plant (WWTP).

Vote: 7 - 0 - Unanimously

- B. **Consideration and Approval of Purchase Under National Joint Powers Alliance (NJPA) Contract :** Two (2) Elgin Broom Bear Twin Engine Street Sweepers (***Approve purchase of two street sweepers***)

MOTION : Approve the purchase of two (2) Elgin Broom Bear Twin Engine Street Sweepers from Norwood Equipment of Phoenix, Arizona in the amount of \$489,730.44, including sales tax.

Moved by Mayor Jerry Nabours, **seconded by** Vice Mayor Celia Barotz to approve Consent Agenda items 9-B and 9-C.

Vote: 7 - 0 - Unanimously

- C. **Consideration of Appointments:** Acting City Manager.*

MOTION : Appoint Jeff Meilbeck as the Acting City Manager effective January 9, 2015 for the City of Flagstaff for an appointment extending up to eight (8) months.

Vice Mayor Barotz offered an official welcome to Mr. Meilback.

10. **ROUTINE ITEMS**

- A. **Consideration and Adoption of Ordinance No. 2014-34:** An Ordinance of the City Council of the City of Flagstaff amending the Flagstaff City Code, Title 3, *Business Regulations*, Chapter 3-05, *Privilege Taxes*, levying a local transaction privilege tax increase of 33 cents per \$100 of taxable gross income (sales) as approved by the majority of the qualified electors of the city voting in the November 4, 2014 General Election, Proposition 406, "Road Repair and Street Safety Initiative"; providing for use of tax revenues, providing for penalties, repeal of conflicting ordinances, severability, authority for clerical corrections, and establishing an effective date (***Transaction Privilege Tax - Road Repair and Street Safety Initiative***)

Moved by Councilmember Karla Brewster, **seconded by** Councilmember Coral Evans to read Ordinance No. 2014-34 by title only for the final time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF AMENDING THE FLAGSTAFF CITY CODE, TITLE 3, BUSINESS REGULATIONS, CHAPTER 3-05, PRIVILEGE TAXES, LEVYING A LOCAL TRANSACTION PRIVILEGE TAX INCREASE OF 33 CENTS PER \$100 OF TAXABLE GROSS INCOME (SALES) AS APPROVED BY THE MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING IN THE NOVEMBER 4, 2014, GENERAL ELECTION, PROPOSITION 406, "ROAD REPAIR AND STREET SAFETY INITIATIVE," PROVIDING FOR USE OF TAX REVENUES, PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Karla Brewster to adopt Ordinance No. 2014-34.

Vote: 7 - 0 - Unanimously

- B. Consideration and Adoption of Resolution No. 2014-39 and Ordinance No. 2014-32:** Amending the Employee Handbook of Regulations and Flagstaff City Code by adopting those amendments as shown in "2014 Addendum 6 of the Employee Handbook of Regulations" relating to the Employee Advisory Committee (***Employee Advisory Committee election terms; updates***)

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to adopt Resolution No. 2014-39.

Vote: 7 - 0 - Unanimously

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Scott Overton to read Ordinance No. 2014-32 by title only for the final time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF RELATING TO THE EMPLOYEE ADVISORY COMMITTEE, AMENDING THE EMPLOYEE HANDBOOK OF REGULATIONS AND FLAGSTAFF CITY CODE BY ADOPTING THOSE AMENDMENTS AS SHOWN IN "2014 ADDENDUM 6 OF THE EMPLOYEE HANDBOOK OF REGULATIONS" BY REFERENCE, RATIFYING THE 2014 ELECTION RESULTS AND TWO-YEAR TERMS, PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to adopt Ordinance No. 2014-32.

Vote: 7 - 0 - Unanimously

- C. Consideration and Approval of Intergovernmental Agreement:** Flagstaff Watershed Protection Project (FWPP) Intergovernmental Agreement No. 15-1: Section 30 Forest Treatment Agreement with AZ State Forestry Division (***Approve Intergovernmental Agreement with AZ State Forestry Division for forest treatment work associated with FWPP***).

Wildland Fire Manager Paul Summerfelt provided a PowerPoint presentation that covered the following:

FLAGSTAFF WATERSHED PROTECTION PROJECT IGA WITH AZ STATE FORESTRY
SECTION 30 LOCATION MAP
EQUESTRIAN PROJECT SURVEY

Mayor Nabours stated that this is a result of a joint venture with the City and State land and a result of

legislation last year. He asked if any other cities had taken advantage of the dollars allocated by Governor Brewer for the treatment of state land.

Mr. Summerfelt stated that the State wants to spend more of this money with the Flagstaff because it is not being used by others.

Moved by Vice Mayor Celia Barotz, **seconded by** Councilmember Eva Putzova to approve FWPP Intergovernmental Agreement 15-1 Section 30 Forest Treatment Agreement with AZ State Forestry.

Vote: 7 - 0 - Unanimously

- D. **Consideration and Approval of Agreement:** Amendment #1 – Intergovernmental Agreement (IGA) for Vegetation Monitoring associated with the Flagstaff Watershed Protection Project (FWPP) with Northern Arizona University (approved by Council October 7, 2014) (***Amend IGA with NAU for FWPP vegetation monitoring***).

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

FWPP AMENDMENT #1 TO IGA
INTENT OF AMENDMENT

Moved by Vice Mayor Celia Barotz, **seconded by** Councilmember Karla Brewster to amend the effective date of the FWPP Vegetation Monitoring IGA to July 1, 2014.

Vote: 7 - 0 - Unanimously

RECESS

The 4:00 p.m. portion of the January 6, 2015, Regular Meeting adjourned at 4:40 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Nabours reconvened the Regular Meeting of January 6, 2015, at 6:07 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

NONE

VICE MAYOR BAROTZ

COUNCILMEMBER BREWSTER

COUNCILMEMBER EVANS
COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER PUTZOVA

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

12. PUBLIC PARTICIPATION

None

A Flagstaff citizen addressed Council expressing his opposition to a plastic bag ban in Flagstaff.

Wes Lockwood, resident, read a letter from the Flagstaff Dark Skies Coalition stating that a lighting committee should be developed and led by citizens and stakeholders rather than the City.

David Engelthaler addressed Council on behalf of Flagstaff 40 in support of an ad hoc committee to inform and advise the Council on needed changes.

Nat White, resident, addressed Council in favor of a lighting committee led by citizens and stakeholders.

Gabor Kovacs, resident, addressed Council requesting that the signs indicating Flagstaff as a diverse community be taken down and replaced with signs that state Flagstaff is a community of unity.

Katie Nelson, resident, addressed Council encouraging them to put the principles of sound water management back on a future agenda.

Dawn Dyer, resident, addressed Council encouraging them to put the principles of sound water management back on a future agenda.

Rudy Preston, resident, addressed Council urging them to consider banning the use of tasers in medical situations. He urged Council to tour the jail facility unannounced to observe conditions.

Mr. Preston also stated that in Eugene, Oregon the city gives homeless people a place to park their cars to sleep in and they buy tiny houses that can be utilized for sleeping as well. He encouraged the Council to look further into the programs offered in Eugene.

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

None

14. PUBLIC HEARING ITEMS

None

15. REGULAR AGENDA

- A. Consideration and Adoption of Resolution No. 2014-43:** A resolution of the Council of the City of Flagstaff, Arizona, ordering questions be submitted to the qualified electors of the City with respect to amendments to the Flagstaff City Charter, said questions to be submitted at a City Special Election to be held on May 19, 2015 (*Calling a Special Election and approving ballot language for Charter amendments*)

City Clerk Elizabeth Burke provided a PowerPoint presentation that reviewed the final twelve questions for the charter amendments.

1. Term of Mayor
2. Term of Councilmembers

Mayor Nabours mentioned that there is the possibility that Flagstaff may change its election to be odd numbered years. Ms. Burke stated that the change would be separate from this one. Mayor Nabours asked if it would be necessary to change the charter again. Ms. Burke stated that it would have to be changed and because it is one of the more substantive changes it would be coming back to Council at a later time. Councilmember Oravits asked if there was any way to reword the question to include the change. Ms. D'Andrea explained that each change requires a single question on the ballot and it would require an additional question. It is likely something that will be addressed at an election in the fall.

3. Induction of Mayor and Council
4. Vacancies in the Council and Office of Mayor
5. Appointment of the Clerk
6. Appointment of the Treasurer
7. City Attorney ability to schedule an Executive Session
8. Affirmative vote of $\frac{3}{4}$ for first and final read of Ordinances and Resolutions
9. Emergency Measures and Publication of Ordinances and Resolutions
10. Publication of Ordinances and Resolutions
11. Sale of Property
12. Nomination for primary election

Ms. Burke explained that the resolution would call the election for May and allow staff to get notice out in the paper inviting arguments in favor or opposed.

Vice Mayor Barotz stated that she would be happy to help with the outreach and education. Mayor Nabours added that Councilmembers can also write a pro-statement if they are so inclined.

Rudy Preston, resident, asked Council if the $\frac{3}{4}$ vote includes the Mayor. Mayor Nabours stated that it does include the Mayor.

Councilmember Putzova expressed concern with question eight; the approving of an ordinance on the same night it is presented and asked that it be removed from the list of questions. She feels that the current language in the Charter is the preferred method. Vice Mayor Evans added that this issue goes to the heart of the people's ability to interact with the City Council. The Council often changes things between the first and second read.

At the request of Council, Mayor Nabours took each item individually asking for a vote.

- Item 1, all Councilmembers were in favor.
Item 2, all Councilmembers were in favor.
Item 3, all Councilmembers were in favor.
Item 4, all Councilmembers were in favor.
Item 5, all Councilmembers were in favor.
Item 6, all Councilmembers were in favor.
Item 7, all Councilmembers were in favor.
Item 8, Vice Mayor Barotz, and Councilmembers Putzova and Evans were opposed.
Item 9, all Councilmembers were in favor.
Item 10, all Councilmembers were in favor.
Item 11, all Councilmembers were in favor.
Item 12, all Councilmembers were in favor.

Moved by Councilmember Eva Putzova, **seconded by** Councilmember Coral Evans to remove Question 8 from the list to move forward.

Vote: 3 - 4

AYE: Vice Mayor Celia Barotz
Councilmember Coral Evans
Councilmember Eva Putzova

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to read Resolution No. 2014-43 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, ORDERING QUESTIONS BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY WITH RESPECT TO AMENDMENTS TO THE FLAGSTAFF CITY CHARTER, SAID QUESTIONS TO BE SUBMITTED AT A CITY SPECIAL ELECTION TO BE HELD ON MAY 19, 2015

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to adopt Resolution No. 2014-43.

Vote: 7 - 0 - Unanimously

B. Consideration and Adoption of Resolution No. 2015-02: A resolution of the Mayor and Council of the City of Flagstaff, Arizona adopting the Community Reinvestment Plan (***Community Reinvestment Plan***)

Community Design and Redevelopment Manager Karl Eberhard explained that the resolution would make the Redevelopment Policy active, establish three objectives, and establish a preliminary list of implementation strategies. Any actions taken on behalf of the policy will come back to Council in the form of ordinances and resolutions.

Vice Mayor Barotz expressed concern about the empty building tax and suggested that it be taken out of the policy. Mayor Nabours clarified that any such tax would have to come back to the Council for approval and specifics. Vice Mayor Barotz agreed but stated that the Council would be making a value statement by including it in the plan and she is not comfortable with that. Councilmember Oravits agreed stating that he would like to see it removed as well.

Councilmember Overton stated that it was helpful having the policy with the red lines. What is confusing is that those elements are in the draft version of the policy. The annotated version cleared up a lot of questions and he suggested to either clean up the policy to reflect the annotations or leave the annotations in. He expressed concern with the implementation strategy; specifically, the practicality of implementing some of the items is far reaching.

Mr. Eberhard stated that in many ways the items within the policy are place holders, they are things that Council and the community have talked about but it does not mean that they will be implemented. If there are things that the City does not want to pursue lets take them out of the policy now so as not to expend staff resources for things that there is no interest in. Essentially, this is a menu of things for the Council to consider and staff to develop further for Council consideration.

Councilmember Putzova stated that in reading document it appears that the intent is to shift the interest from Greenfield development to reinvestment. Mr. Eberhard stated that he is cautious to call it a shift but rather how the City can make infill and redevelopment more appealing to the community.

Councilmember Putzova noted that objective 1 item 4 states that the City will identify a mechanism to invest. She suggested adding language that identifies a funding source as well.

She also brought up objective 2 item 8 asking for a specific example. Mr. Eberhard offered that in southside on Beaver and San Francisco we still require parking for the businesses that front those two streets we regularly waive those requirements because we don't want those features there.

Councilmember Putzova then stated that she would like to see the City avoid the issue of losing affordable housing due to redevelopment policies. She specifically would like to see a provision that

would protect affordable housing.

Councilmember Evans stated that the Council appears to not want an empty building tax but something needs to be in place to address the issue of long standing vacant buildings. They are causing the neighboring property values to decline. Mayor Nabours agreed stating that there needs to be a mechanism in place to get the property owner to do something with the property.

Vice Mayor Barotz added that her concern is that the net is too big as it is presented and it will affect functioning strip malls that cannot attract tenants. Councilmember Oravits stated that Walgreens will soon be vacant and he could see it being vacant for quite some time. He would like to see another avenue to pursue.

Deputy City Attorney Sterling Solomon offered that when the policy is brought back he will include a legal memo to address some of the concerns expressed and possibly look at tightening up some of the things.

Councilmember Putzova stated that she believes that there is still value in having some strategies that address commercial property that has been vacant for an extended period of time.

Vice Mayor Barotz stated that there are many different situations and the City's solution needs to be tailored to the specific problems. She stated that she would be more supportive of looking into empty buildings that are blight.

Councilmember Oravits stated that the Council recently made changes in the City Code to address dilapidated property; he asked how that might apply to the situation. Councilmember Evans stated that the department in charge of dealing with dilapidated property does not have the resources they need to address these types of issues.

Ms. D'Andrea offered that Legal could give the Council information on what has already been legislated in the current ordinance and give legal options that other cities have adopted.

Moran Henn addressed Council on behalf of Friends of Flagstaff's Future stating that the community does not view every redevelopment project as a positive. Redevelopment should not harm existing neighborhoods and it must meet the neighborhood's needs and character with no net loss of affordable housing. Look forward to a policy that the community can get behind.

Councilmember Oravits asked Ms. Henn how it is suggested that the City deals with a case where a four-plex that has not been used for years is knocked down and a new four-plex is built but the rent is higher due to new construction and an improvement of the conditions. Ms. Henn stated that there are a lot of opportunities to replace affordable housing and it would not necessarily have to be at the same location. That is something the City and the community should be discussing along with how to incentivize redevelopment with affordable housing.

Mayor Nabours added that the question becomes if there are incentives for the developer to develop in a redevelopment area. The first step is determining if it is a good project in a good location.

Mr. Burke stated that the main incentive of reinvestment is the ease of reinvestment. What staff has been wrestling with is how do they identify those universally accepted good projects in straight code language. Some of the task of this policy is to identify common acceptance of what is a good reinvestment project. Ms. Henn added that there is a difference between not everyone liking it and a whole community not liking it.

Councilmember Putzova asked why staff chose not to include maps that would identify areas that would meet the definition of infill and redevelopment. Mr. Eberhard stated that mapping redevelopment areas is challenging and it also ties their hands in terms of Arizona laws. The other reason is that redevelopment anywhere in the city is desirable. Councilmember Putzova added that she could see some benefits to focusing efforts in specific areas because strategies and tools could be customized to those areas. Mr. Eberhard stated that creating districts will be part of the answer as the policy moves forward.

A break was held from 7:23 p.m. through 7:33 p.m.

- C. **Consideration and Adoption of Resolution No. 2015-01:** A Resolution of the Council of the City of Flagstaff, Arizona, adopting the *2015 Student Housing Work Plan* for the City of Flagstaff.

Mr. Burke stated there were three changes requested by Council; the first being in section 1b to address student housing within predominately single family detached housing. The second change is in section 4; it was reworded to specify the zoning code as the location where the neighborhood meetings are required. The last change was in section 8b; it was reworded to get greater clarity on the Milton road corridor study.

Moran Henn addressed Council on behalf of Friends of Flagstaff's Future. Ms. Henn stated that the proposed work plan is a good start. She stated that an important goal identified by the student housing group was to establish predictability for where housing for students should occur. She requested that this be addressed by the task force and in future discussions as well as the plan.

Vice Mayor Barotz requested legal information on what Council is able to regulate in terms of preferred locations for student housing. In the context of the zoning code what more can the City do in regard to room and board to ensure that these kinds of projects are not in areas that are not compatible. Mr. Burke stated that it is something for a regional plan discussion. The City can say where it would like to see student housing but if there is correct zoning elsewhere it will be allowed.

Ms. D'Andrea stated that she can provide this information with a focus on what can be done without a Prop. 207 challenge.

Moved by Vice Mayor Celia Barotz, **seconded by** Councilmember Coral Evans to read Resolution No. 2015-01 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, ADOPTING THE 2015 STUDENT HOUSING WORK PLAN FOR THE CITY OF FLAGSTAFF

Moved by Vice Mayor Celia Barotz, **seconded by** Councilmember Coral Evans to adopt Resolution No. 2015-01.

Vote: 7 - 0 - Unanimously

16. **DISCUSSION ITEMS**

- A. **Discussion** : Potential provision of City owned land on McMillan Mesa (the area currently used for materials storage) to the Arizona Department of Veteran's Services for the construction and operation of a Veteran's Facility. ***(Use of City land for a Veteran's home)***

Sales and Marketing Specialist Gail Jackson provided a PowerPoint presentation that covered the following:

- ARIZONA DEPARTMENT OF VETERANS SERVICES FLAGSTAFF VETERANS HOME
- AZ STATE VETERAN HOMES
- REGIONAL FACILITY
- FLAGSTAFF

Assistant to City Manager for Real Estate David McIntire continued the presentation.

- PROPOSED LAND TOUR
- DISCUSSION

Mayor Nabours asked the status of the veterans in the facility in Tucson and what qualifications are there to become a resident of the facility. Mr. Burke stated that the veterans that are there are those that are considered disabled by Veterans Affairs. Most of the funding is going through typical reimbursements of Medicare and Medicaid and Veterans Affairs. There are specialized treatment for

Alzheimers and other physical and mental ailments that would not likely be present in Flagstaff due to the size and scope of facility. It is not just veterans but also spouses of veterans with those attributes. There is a percentage of disability that determines the funding they are qualified for.

Councilmember Oravits stated that he is in support of the veterans home at McMillan Mesa and would urge staff to move the project forward and get it going as soon as possible.

Mayor Nabours asked for clarification on what is required from the City. Ms. Jackson stated that a municipality is required to donate the land. It is an approximately \$13.5 million project where \$10 million comes from the State and the remainder comes from the federal government. Mayor Nabours asked if there were any additional City requirements in order to operate the facility. Mr. McIntire stated that the City donation of the land is where the City contribution ends; there may be some soft costs associated with the donation but the operations costs would be solely subsidized by the state.

Mr. Burke added that the additional City role will be in the lobbying effort with the state legislature. The request of the \$10 million and the initial operating budget has to be approved and the City would be doing a lot of that advocacy work.

Councilmember Putzova asked whose jurisdiction the facility and land would become. Mr. McIntire stated that Veterans Services would be the owner of the land but they would be subject to local rules and codes. Staff did ask if they would be interested in a 100 year lease and they are willing to try to push that concept though. This would allow the City to maintain the land in its possession. Mr. Burke added that a lease would be much easier relative to the City's procurement rules.

Councilmember Evans stated that she is excited to see this item before Council. Securing the land is just one step. The City needs to lobby collectively and individually for the matching funds and then start lobbying the federal side. There is an additional 18-24 months before the facility is here.

The following individuals addressed Council in favor of the use of McMillan Mesa for a Veteran's home:

- Billy Weldon
- Lt. Col. Griffin
- Charles Ward

Below are the comments received:

- Would really like to see this program move forward and the City's commitment to the land is a huge step.
- This will be a huge asset to the community.
- These economic times are hard to make ends meet but give to those who gave blood.

Written comments were also received from the following individuals in support of the project:

- Kathleen S. Jones
- Kim Branges
- Robin Cook

Mayor Nabours stated that as a Council they are interested in moving this project forward

Councilmember Overton asked for staff to be prepared to discuss the parcel further with the community and asked that outreach be done to the Parks and Recreation Commission to allow them to discuss the value and purpose of the project. Mr. McIntire stated that the Parks and Recreation Commission and the Open Space Commission have been notified about the project and the discussion with Council tonight. Staff and the commissions will reach out to the community letting them know that there will be additional Council items in the future for discussion and input.

Councilmember Evans stated that while staff is working on securing the property the Council needs to start working on securing the funds. She suggested speaking with the County Supervisors to get them involved in the lobbying efforts as well. She encouraged all councilmembers to speak with Flagstaff's congressional representatives about securing the federal monies.

Mr. Burke added that staff has discussed the project with the City's state lobbyist and he has some good strategies on how to approach this. He asked that Council and staff speak with him before they start reaching out to representatives. Deputy City Manager Jerene Watson added that there is some sequencing that the lobbyist feels is important which is why coordination with him is important.

Mayor Nabours requested that Legal look into any procurement restrictions that there may be with regards to this property. Ms. D'Andrea stated that legal staff has already started looking at that and there are some different ways to structure this to work with procurement and charter issues. She will keep the Council up to date on that information as it becomes available.

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. Possible Future Agenda Item : Citizen Petition to place the Principles of Sound Water Management on a future agenda

Rudy Preston addressed Council with regards to his petition to place the Principles of Sound Water Management on a future agenda. He stated that he does not feel that the Council got to the heart of many of the issues. He expressed frustration with the Council giving their right to approve water contracts away to the Utilities Director. He requested that Council bring the document back to the table so it can be further vetted and refined.

Vice Mayor Barotz stated that the City has an ordinance in place that says that the decision to renew reclaim water contracts is done administratively; she asked his intent is for the Council to revisit that ordinance. She feels that because reclaim water is such a valuable resource the Council should have the decision making ability in the contracts. Mr. Preston stated that the Principles of Sound Water Management should be discussed further to identify areas that should be revisited with this being one of them. The review will lead to changing some of the ordinances that back the policy up and yes, the Council should take its power back to determine who gets to use City water outside the city.

Vice Mayor Barotz suggested that it might make more sense to examine if there is majority support to look at the ordinance that gives this power to staff rather than take up the entire water policy again. Mr. Preston stated that he is specifically looking for majority support to revisit the water policy. The Principles of Sound Water Management needs to be brought back and openly and publicly discussed on whether or not it should be changed. There are a lot of big decisions to make about water that need to be included in the Principles of Sound Water Management. Better decisions would have been made if more time would have been spent on it.

Councilmember Evans thanked Mr. Preston for bringing the issue forward. She would like to look at how reclaim water contracts are renewed and since the initial discussion new things have happened that can now be taken under consideration. She is in favor of putting the item on a future agenda.

Councilmember Putzova also stated that she is in favor of placing the item on a future agenda.

Mr. Burke asked for clarification on whether or not the Council would be looking at all reclaim water contracts. Councilmember Evans stated that she would like to look at how reclaim water contracts are renewed and the ordinance that authorizes that action.

Vice Mayor Barotz also expressed support for putting this on a future agenda and added that it is essential that the public and the Council knows what is being done with the City's water.

Mayor Nabours stated that there are three Councilmembers in favor of putting the item on a future agenda and asked staff to schedule the item.

- B. Possible Future Agenda Item : Request by Vice Mayor Barotz to place discussion of an Ethics Policy on a future agenda **REMOVED FROM AGENDA AT REQUEST OF VICE MAYOR BAROTZ***
- C. Possible Future Agenda Item : Request by Mayor Nabours to place on a future agenda the discussion of a Lighting Ad hoc Committee

Mayor Nabours stated that his thinking was to get a committee of interested citizens together with the City and the County along with various lighting representatives to see where the community is with lighting and to see if revisions are needed to the lighting section of the zoning code. There is more technology now and the lighting code does not address these changes in technology. There are issues regarding City owned and State owned lights and it would be good to find out what possibilities there are. He would like to get all the issues on the table and get the involved parties together to see if any resolution can be made.

Vice Mayor Barotz stated that what she heard from the public during public participation is that they are in support of reviewing the issues but do not think that the City should drive the process because it is a cross jurisdictional issue. The public would like to see a completely independent committee run the process and bring recommendations back to the City Council.

Councilmember Putzova asked if the intent of the committee is to figure out ways to strengthen the City's position on dark skies. Mayor Nabours stated that he does not have a specific goal other than having the various parties give information on what issues need to be addressed. A specific goal is something that could be discussed if this issue was placed on a future agenda. Councilmember Putzova stated that she would be supportive of a committee that would work to strengthen the dark sky initiative.

Councilmember Brewster stated that it would be a good idea to take this process out of the City's hand but it is important to get all sides involved.

Councilmember Evans stated that the community has come to the Council and stated that they are not sure that the committee would be best developed by the City. The community has said that they would rather set and run the committee and she feels that the Council should let the community drive the process.

Councilmember Overton stated that the lighting code is outdated; it does not matter how it is achieved but modification to the City lighting regulation will need to be done to better meet the dark skies community and the building community needs. There needs to be a robust discussion to find what would be an acceptable regulation and an acceptable acceptance of the regulation. A community discussion is necessary to make sure the outcomes work for all.

There was disagreement at the summertime lighting forum within the industry as to what is best. As the land development code is further utilized these issues will continue to arise.

Mr. Burke stated that the decision is for the community to initiate their own committee and there is no action for the Council. He would suggest to the committee that the recommendations are submitted in the form of a petition to the Council so they can discuss the recommendations. He added that regardless of whether it is a City or citizen committee there is a legal perspective. Typically legal issues are handled in closed executive sessions and he wants to be sure that the community is aware of that element.

Vice Mayor Barotz suggested that Flag 40 be the convening group.

Councilmember Overton stated that he feels that it is important for the City to participate in the committee and asked if the Council can provide direction to staff to make sure staff is assigned should a committee be formed.

- D. **Possible Future Agenda Item:** Request by Councilmember Oravits to place discussion of a revision to the Personnel Manual to allow employees to run for non-City offices.

Councilmember Oravits stated that he would like to withdraw the request and instead request a memo from staff.

He stated that there is currently a prohibition of City staff running for public office. He can understand if they were running for City Council but has concerns about restricting them from running for any public office. He would like more information on why that provision exists and if this is a common practice for others cities and towns in the state.

Vice Mayor Barotz added that it is important to note that the Council is able to bring this issue forward because of the way the Charter is written, if the proposed charter amendments pass the authority to make and change the provisions in the employee handbook will lie solely with the City Manager.

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

Councilmember Oravits reported that he went down to Phoenix for the Governor's inauguration. He stated that it was a neat event and he enjoyed seeing the new process and the new people coming in.

Councilmember Putzova reported that on December 20 she attended a concert produced to support indigenous people who have found themselves on the street. Homelessness, alcoholism, and mental illness are big issues in the community and she looks forward to discussing these items in the future. There are some great ideas out there and she would be in support of a task force aimed with addressing these issues.

Councilmember Evans acknowledged the death of Officer Stewart and thanked the community for their response to the tragedy. She thanked Mr. Burke for being the City Manager and wished him well in his new position.

Councilmember Evans asked for a written copy on the policy for the use of tasers. She would also like information regarding the CUP for room and board or dormitory style housing. The Plaza Vieja neighborhood believes that they have a lot of these types of permits. She would like a memo from Community Development that discusses these permits in that area how they are granted and what the appeal process is if any.

Mr. Burke stated that he does not believe that the City has the resources to determine who is boarding without a permit and if people think this is going on they should report it to Code Enforcement.

Councilmember Overton thanked Mr. Burke for his time to the organization.

Mr. Burke worked through dates for the mini budget retreats with Council; the dates decided on are January 22, 2015 from 1:00 p.m. to 5:00 p.m., January 28, 2015 from 8:00 a.m. to 12:00 p.m., and February 5, 2015 from 1:00 p.m. to 5:00 p.m. He also reminded Council that February 11 and 12 are the full budget retreat.

He stated that he put a copy of the psychological contract at each of their seats for their use and reminder; the idea is to leave it at the dais for reference each week.

Lastly, he thanked the Council and the community for his opportunity to serve; he said it was a real privilege and pleasure.

19. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held January 6, 2015, adjourned at 9:08 p.m.

MAYOR

ATTEST:

CITY CLERKCERTIFICATION

STATE OF ARIZONA)
) ss.
Coconino County)

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 on January 6, 2015. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 3rd day of February, 2015.

CITY CLERK

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 01/28/2015
Meeting Date: 02/03/2015



TITLE:

Consideration and Action on Liquor License Application: Lauren Merrett, "Pine Canyon Club", 3000 S. Clubhouse Circle., Series 10 (beer and wine store), New License.

RECOMMENDED ACTION:

The City Council has the option to:

- 1) Forward the application to the State with a recommendation for approval;
- 2) Forward the application to the State with no recommendation; or
- 3) Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

Executive Summary:

An application for a new Series 10 (beer and wine store) liquor license was received from Lauren Merrett for Pine Canyon Club, 3000 S. Clubhouse Circle. This is an existing business that wants to sell beer and wine. State Statutes require the property to be posted by the City and a public hearing be held. Documentation of the Council's recommend is then forwarded to the State for consideration. If no recommendation is made by the City, another hearing is then required at the state level.

Financial Impact:

There is no budgetary impact to the City of Flagstaff as this is a recommendation to the State.

Connection to Council Goal and/or Regional Plan:

Regulatory action; not connected to Council goals or Regional Plan.

Has There Been Previous Council Decision on This:

Not applicable.

Options and Alternatives:

- 1) Table the item if additional information or time is needed.
- 2) Make no recommendation.
- 3) Forward the application to the State with a recommendation for approval.
- 4) Forward the application to the State with a recommendation for denial, stating the reasons for such recommendation.

Background/History:

An application for a new Series 10 (beer and wine store) liquor license was received from Lauren Merrett for Pine Canyon Club, 3000 S. Clubhouse Circle. This is an existing business that wants to sell beer and wine.

A background investigation performed by Sgt. Matt Wright of the Flagstaff Police Department resulted in a recommendation for approval.

A background investigation performed by Tom Boughner, Code Compliance Manager, resulted in no active code violations being reported.

Sales tax and licensing information was reviewed by Ranbir Cheema, Tax, Licensing & Revenue Manager, who stated that the business is in compliance with the tax and licensing requirements of the City.

Key Considerations:

Because the application is for a new license, consideration may be given to both the applicant's personal qualifications and the location.

A Series 10 (beer and wine store) license allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

The deadline for issuing a recommendation on this application is February 3, 2015.

For a Series 10 (beer and wine store) license, the applicant is required to provide the distance between the applicant's business and the nearest church or school for government; the State does not require a geological map or list of licenses in the vicinity for any license series.

Expanded Financial Considerations:

This business will contribute to the tax base of the community. We are not aware of any other relevant considerations.

Community Benefits and Considerations:

The application was properly posted on January 9, 2015. No written protests have been received to date.

Community Involvement:

Inform

Expanded Options and Alternatives:

- 1) Table the item if additional information or time is needed.
- 2) Make no recommendation.
- 3) Forward the application to the State with a recommendation for approval.
- 4) Forward the application to the State with a recommendation for denial, stating the reasons for such recommendation.

Attachments: Pine Canyon - Letter to Applicant
 Hearing Procedures

Series 10 Description

Pine Canyon - Section 13

Pine Canyon - PD Memo

Pine Canyon - Code Memo

Pine Canyon - Tax Memo

OFFICE OF THE CITY CLERK

January 22, 2015

Pine Canyon
Attn: Lauren Merrett
3000 S. Clubhouse Circle.
Flagstaff, AZ 86001

Dear Ms. Merrett:

Your application for a new Series 10 liquor license for Pine Canyon Club at 3000 S. Clubhouse Circle, was posted on January 9, 2015. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on **Tuesday, February 3, 2015 which begins at 4:00 p.m.**

It is important that you or your representative attend this Council Meeting and be prepared to answer any questions that the City Council may have. Failure to be available for questions could result in a recommendation for denial of your application. We suggest that you contact your legal counsel or the Department of Liquor Licenses and Control at 602-542-5141 to determine the criteria for your license. To help you understand how the public hearing process will be conducted, we are enclosing a copy of the City's liquor license application hearing procedures.

The twenty-day posting period for your liquor license application is set to expire on January 29, 2015 and the application may be removed from the premises at that time.

If you have any questions, please feel free to call me at 928-213-2077.

Sincerely,

Stacy Saltzburg
Deputy City Clerk

Enclosure



City of Flagstaff

Liquor License Application Hearing Procedures

1. When the matter is reached at the Council meeting, the presiding officer will accept a motion to open the public hearing on the item.
2. The presiding officer will request that the Applicant come forward to address the Council regarding the application in a presentation not exceeding ten (10) minutes. Council may question the Applicant regarding the testimony or other evidence provided by the Applicant.
3. The presiding officer will then ask whether City staff have information to present to the Council regarding the application. Staff should come forward at this point and present information to the Council in a presentation not exceeding ten (10) minutes. Council may question City staff regarding the testimony or other evidence provided by City staff.
4. Other parties, if any, may then testify, limited to three (3) minutes per person. Council may question these parties regarding the testimony they present to the Council.
5. The Applicant may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of the Applicant.
6. City staff may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of City Staff.
7. By motion, Council will then close the public hearing.
8. By motion, the Council will then vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

R19-1-702. Determining Whether to Grant a License for a Certain Location

- A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:
1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;
 2. Number and types of licenses within one mile of the proposed premises;
 3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;
 4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;
 5. Residential and commercial population density within one mile of the proposed premises;
 6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;
 7. Effect on vehicular traffic within one mile of the proposed premises;
 8. Compatibility of the proposed business with other activity within one mile of the proposed premises;
 9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;
 10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;
 11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and
 12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.
- B. This Section is authorized by A.R.S. § 4-201(I).

License Types: Series 10 Beer and Wine Store License (Beer and wine only)

Non-transferable

Off-sale retail privileges

Note: Terms in **BOLD CAPITALS** are defined in the [glossary](#).

PURPOSE:

Allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:

A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of **DELIVERY**. The retailer must complete a Department approved "Record of Delivery" form for each spirituous liquor retail delivery.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept delivery of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.

SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

1. Current Business: Name _____
(Exactly as it appears on license) Address _____
2. New Business: Name _____
(Physical Street Location) Address _____
3. License Type: _____ License Number: _____
4. If more than one license to be transferred: License Type: _____ License Number: _____
5. What date do you plan to move? _____ What date do you plan to open? _____

SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
b) Hotel/motel license (§ 4-205.01)

- c) Government license (§ 4-205.03)
d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. - Distance to nearest school: 15100 ft. -- Name of school Mountain Charter School

Address 311 Cattle Drive Tr Flagstaff AZ 86005
City, State, Zip

2. Distance to nearest church: 4300 ft. Name of church Church of the Resurrection

Address 2800 S Lone Tree Rd Flagstaff AZ 86005
City, State, Zip

3. I am the: ☐ Lessee ☐ Sublessee ☒ Owner ☐ Purchaser (of premises)

4. If the premises is leased give lessors: Name _____

Address _____
City, State, Zip

4a. Monthly rental/lease rate \$ _____ What is the remaining length of the lease ___ yrs. ___ mos.

4b. What is the penalty if the lease is not fulfilled? \$ _____ or other _____
(give details - attach additional sheet if necessary)

5. What is the total business indebtedness for this license/location excluding the lease? \$ _____

Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? beer and wine store - series 10

SECTION 13 - continued

7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?
☐ YES ☒ NO If yes, attach explanation.
8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business? ☐ YES ☒ NO
9. Is the premises currently licensed with a liquor license? ☐ YES ☒ NO If yes, give license number and licensee's name:

License # _____ (exactly as it appears on license) Name _____

SECTION 14 Restaurant or hotel/motel license applicants:

1. Is there an existing restaurant or hotel/motel liquor license at the proposed location? ☐ YES ☐ NO
If yes, give the name of licensee, Agent or a company name:

_____ and license #: _____
Last First Middle

2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this ☐ hotel/motel ☐ restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

applicant's signature

As stated in A.R.S. § 4-205.02(B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit www.azliquor.gov and click on the "Information" tab.

applicants initials

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

1. Check ALL boxes that apply to your business:
- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Entrances/Exits | <input checked="" type="checkbox"/> Liquor storage areas | Patio: <input type="checkbox"/> Contiguous |
| <input type="checkbox"/> Service windows | <input type="checkbox"/> Drive-in windows | <input type="checkbox"/> Non Contiguous |
2. Is your licensed premises currently closed due to construction, renovation, or redesign? ☐ YES ☒ NO
If yes, what is your estimated opening date? _____
month/day/year
3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spiritous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

applicants initials

MEMORANDUM

15-002-01

TO Chief Kevin Treadway

FROM Sgt. Matt Wright

DATE January 22, 2015

REF Liquor License Application for a series 10 license (beer and wine) for Pine Canyon Golf Club

On January 21, 2015, I initiated an investigation into an application for a series 10 (beer and wine) license for Pine Canyon Golf Club at 3000 S. Clubhouse Circle in Flagstaff. The liquor license number is 10033198.

Pine Canyon has listed Lauren Merrett as the agent on the liquor license application for administrative purposes only. The Pine Canyon Golf LLC is now owned by three different companies. They are True Life Communities LLC, 5D Pine Canyon LLC, and Das Fruend LLC. The managing members of each of these companies are Scott Clark, Taber Anderson and Russ Schaeffer. Scott Clark, Taber Anderson and Russ Schaeffer are listed as controlling persons on the liquor license application. Pine Canyon Golf Club has an existing series 14 (Club License) but this application is for a new series 10 license.

I spoke with Lauren Merrett who confirmed the series 10 will only cover the “golf shop” portion of the property and the existing series 14 license covers everywhere else. Lauren said they have confirmed the plan with AZD LLC. Lauren stated they plan to sell wine bottles and beer in sealed unbroken packages for offsite consumption to their club members. Lauren confirmed a manager was currently being trained and would complete the requirements of the Arizona Department of Liquor Licenses and Control prior to the issuance of the license.

I have checked the liquor license through the department of liquor and no recent liquor violations could be located. I conducted a query through our local systems and public access on the listed applicants: Lauren Merrett (agent), Scott Clark, Taber Anderson and Russ Schaeffer (Controlling Persons). No derogatory records were found for any of the applicants.

Based on this investigation I can find no reason to oppose this application for the Acquisition of Control by Michael Lauren Merrett (Agent), are Scott Clark, Taber Anderson and Russ Schaeffer.

Private Club Application Kit - Series 14

This non-transferable, on-sale retail privileges liquor license allows the holder of a club license to sell and serve all types of spirituous liquor for consumption only on the premises owned, leased or occupied by the club, and only to bona fide members of the club and their bona fide guests. A "club" is defined in the statutes as including veterans and fraternal organizations and their building associations, golf, social and airline clubs

Beer and Wine Store Application Kit - Series 10

This non-transferable, off-sale retail privileges liquor license allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises. A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of delivery. Series 10 (beer and wine store) licensees and applicants may apply for unlimited sampling privileges by completing the Sampling Privileges form.



Planning and Development Services Memorandum

January 21, 2015

TO: Stacy Saltzburg, Deputy City Clerk

THROUGH: Roger E. Eastman, AICP, Comprehensive Planning and Code Administrator

FROM: Tom Boughner, Code Compliance Mgr.

RE: Application for Liquor License #10033198
3000 South Clubhouse Circle, Flagstaff, AZ. 86001
Assessor's Parcel Number 105-10-167
Lauren Merrett applicant for Pine Canyon Golf LLC.

This application is a request for a new, Series 10, beer and wine liquor license, by Lauren Kay Merrett on behalf of Pine Canyon Golf LLC.

The Pine Canyon subdivision and golf course was approved by the City of Flagstaff in 2006. At that time golf courses were a permitted use in the R1 Single-family Residential zone. As is typical of most golf courses, at the time of the project's approval the existing restaurant and bar was considered an incidental or accessory use to the golf course (the primary use). Therefore, the consumption and sale of alcohol in the bar and restaurant is permitted.

There are no active Zoning Code violations associated with the applicant or the property at this time.

This liquor license is recommended for approval.



Memo

To: Stacy Saltzberg, Deputy City Clerk

From: Ranbir Cheema - Tax, Licensing & Revenue Manager

Date: January 21, 2014

Re: Series 10 Liquor License – New License – Pine Canyon Club

Pine Canyon Golf LLC located at 3000 S Clubhouse Circle is properly licensed with the City for sales tax purposes and current on their sales tax returns filing and remittance. They are in good standing with the City Sales Tax Section at this time.

/liquor licenses/Pine Canyon Club.doc

CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: David McKee, Watershed Specialist
Date: 01/28/2015
Meeting Date: 02/03/2015



TITLE:

Consideration and Approval of Contract: Five Points - Clay Avenue Wash Drainage Improvement Project. *(Approve contract with JNL Contracting, Inc.)*

RECOMMENDED ACTION:

- 1) Approve the construction contract in the amount of \$109,883.49 with JNL Contracting, Inc.
- 2) Approve change order authority to the City Manager in the amount of \$10,988.00 (10% of contract amount)
- 3) Authorize the City Manager to execute the necessary documents

Executive Summary:

The Clay Avenue Wash Improvements Project is a City of Flagstaff project intended to address flooding that occurs due to the undersized drainage facilities within the project site.

Financial Impact:

This is an approved budgeted project funded from the Stormwater Section Drainage Improvement Program (DriP), 206-08-385-3238-0-4442.

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

1. Repair, Replace, Maintain Infrastructure (streets & utilities); this project will improve stormwater drainage infrastructure and reduce flooding.

REGIONAL PLAN:

This project specifically supports the following "Stormwater and Watershed Management Goals and Policies".

Goal WR.5 Manage watersheds and stormwater to address flooding concerns, water quality, environmental protections, and rainwater harvesting.

Goal WR.5.4. Develop any necessary stormwater infrastructure improvements consistent with City of Flagstaff stormwater master plans or studies as adopted by the City.

Has There Been Previous Council Decision on This:

The DriP was authorized at a previous council meeting.

Options and Alternatives:

- 1) Approve the award of the contract with JNL Contracting, Inc. in the amount of \$109,883.49 to complete the project.
- 2) Not approve contract.

Background/History:

The location known as Five Points at the intersection of Milton and Butler has a long history of flooding problems. The Five Points - Clay Avenue Wash Improvements project is intended to address the flooding that occurs due to undersized drainage facilities at the project site.

Staff solicited for bids December 10, 2014 through December 23, 2014. Nine bids were received at the Purchasing office, JNL was the lowest responsive responsible bidder.

Key Considerations:

The project will consist of demolition of the exiting CMP storm drain pipe and drainage structures on the site. Construction of a new channel utilizing a High Performance Turf Reinforcement Mat Lining and construction of a new improved inlet to the existing 10 x 3 concrete box culvert under the Milton Road-Clay intersection.

Expanded Financial Considerations:

Engineers Estimate: \$105,677

Company/Bid Amount - low to high

JNL Contracting - \$109,883.49
Redpoint - \$144,489.40
LB Contracting - \$152,500.00
Intermountain West Civil Constructors - \$159,764.00
McCauley Construction - \$169,383.50
Rummel Construction - \$186,002.22
Hunter Contracting - \$186,400.90
Blume Underground - \$190,488.10
Vastco - \$198,000.00

Community Benefits and Considerations:

The community benefits of this project include:

- Improving aging undersized infrastructure
- Reduction of flooding events at the Five Points intersection
- Integration with current community based project within the parcel

Community Involvement:

Inform - As part of the scoping for the community base project on the parcel the La Plaza Vieja community is aware of this drainage improvement project and specifically the Stormwater Section's intention of integrating with that.

Consult - The community has been involved with the related project on the parcel that includes open space, rainwater harvesting and vegetation. The Stormwater Section is a partner on that project and is assisting with the plan.

Collaborate - The Stormwater Section is collaborating with the Planning Section to integrate this drainage

improvement project with the overall Natural Grocers site plan.

Expanded Options and Alternatives:

Award of this contract:

If the project does not proceed the problems associated with flooding and public safety at Five Points will continue.

Attachments: Construction Contract
 Plan Sheet

CONSTRUCTION CONTRACT

**City of Flagstaff, Arizona
and
JNL Contracting, Inc.**

This Construction Contract ("Contract") is made and entered into this ____ day of _____ 2015, by and between the City of Flagstaff, an Arizona municipal corporation with offices at 211 West Aspen Avenue, Flagstaff, Arizona ("Owner") and JNL Contracting, Inc., an Arizona corporation ("Contractor") with offices in Payson, Arizona. Contractor and the Owner may be referred to each individually as a "Party" and collectively as the "Parties."

RECITALS

- A. Owner desires to obtain construction service; and
- B. Contractor has available and offers to provide personnel and materials necessary to accomplish the work and complete the Project as described in the Scope of Work within the required time in accordance with the calendar days included in this Contract.

NOW, THEREFORE, the Owner and Contractor agree as follows:

1. Scope of Work. The Contractor shall furnish any and all labor, materials, equipment, transportation, utilities, services and facilities required to perform all work for the construction of **Clay Avenue Wash: 5-Points Improvement Project** (the "Project"). Contractor shall construct the Project for the Owner in a good, workmanlike and substantial manner and to the satisfaction of the Owner through its engineers and under the direction and supervision of the City Engineer, or his properly authorized agents including but not limited to project managers and project engineers. Contractor's work shall be strictly pursuant to and in conformity with the Contract.

- 1.1 A Pre-Construction Conference will be held with the successful Contractor after the Notice of Award is issued. The date and time of the Conference will be agreed upon between the Contractor and the Engineer. The meeting will be held at City Hall, 211 West Aspen Avenue, Flagstaff, AZ 86001. The purpose of the meeting is to outline specific construction items and procedures that the City of Flagstaff (the "Owner") feels require special attention on the part of the Contractor. The Contractor may also present any variations in procedures to improve the workability of the Project, reduce the cost, or reduce inconvenience to the public. The Contractor shall submit a written proposal at this conference outlining intended plans for pavement replacement, maintaining continuous access to residences and businesses along the construction site, and traffic control.

2. Contract; Ownership of Work. Contractor shall furnish and deliver all of the materials and perform all of the work in accordance with this Contract; Construction Plans; Special Provisions; the City of Flagstaff Engineering Design and Construction Standards and Specifications; the latest version of the Maricopa Association of Governments ("MAG")

Specifications for Public Works Construction and City revisions to the MAG Specifications for Public Works Construction (“Exhibit A”); and any Arizona Department of Transportation (A.D.O.T.) Standards that may be referenced on the Plans or in the specifications, incorporated in this Contract by reference, plans and associated documents. All provisions of the Invitation for Construction Bids, Performance Bond, Payment Bond, Certificates of Insurance, Addenda, Change Orders and Field Orders, if any, are hereby incorporated into this Contract. All materials, work, specifications and plans shall be the property of the Owner.

The following exhibits are incorporated by reference and are expressly made a part of this Contract:

2.1.1 Revisions of MAG Standard Specifications for Public Works Construction Exhibit A
 (“Flagstaff Addendum to MAG”)

2.1.2 Special Provisions Exhibit B

3. Payments. In consideration of the faithful performance of the work described in this Contract, the Owner shall pay an amount not to exceed **\$109,883.49** to the Contractor for work and materials provided in accordance with the bid schedule, which amount includes all federal, state, and local taxes, as applicable. This amount shall be payable through monthly progress payments, subject to the following conditions:

- 3.1 Contractor shall promptly submit to the Owner all proper invoices necessary for the determination of the prices of labor and materials;
- 3.2 Progress payments shall be made in the amount of ninety percent (90%) of the value of labor and materials incorporated in the work, based on the sum of the Contract prices of labor and material, and of materials stored at the worksite, on the basis of substantiating paid invoices, as estimated by the Owner, less the aggregate of all previous payments, until the work performed under this Contract is fifty percent (50%) complete. When and after such work is fifty (50%) complete, the ten percent (10%) of value previously retained may be reduced to five percent (5%) of value completed if Contractor is making satisfactory progress as determined by the Owner, and providing that there is no specific cause or claim requiring a greater amount to be retained. If at any time the Owner determines that satisfactory progress is not being made, the ten percent (10%) retention shall be reinstated for all subsequent progress payments made under this Contract;
- 3.3 The City Engineer shall have the right to finally determine the amount due to Contractor;
- 3.4 Monthly progress payments shall be made by the Owner, on or before fourteen (14) calendar days after the receipt by the Owner of an approved estimate of the work completed;
- 3.5 Contractor agrees that title to materials incorporated in the work, and stored at the site, shall vest with the Owner upon receipt of the corresponding progress payment;

3.6 The remainder of the Contract price, after deducting all such monthly payments and any retention, shall be paid within sixty (60) days after final acceptance of completed work by the Owner. The release of retention or alternate surety shall be made following the Owner's receipt and acceptance of: Contractor's Affidavit Regarding Settlement of Claims, Affidavit of Payment, Consent of Surety for Final Payment, and Unconditional Full and Final lien waivers from all subcontractors and suppliers who have filed an Arizona Preliminary 20 Day Lien Notice in accordance with A.R.S. §§ 33-992.01 and 33-992.02.

4. Time of Completion. Contractor agrees to complete all work as described in this Contract within one hundred fifty (150) **calendar days** from the date of the Owner's Notice to Proceed free of all liens, claims and demands of any kind for materials, equipment, supplies, services, labor, taxes and damages to property or persons, in the manner and under the conditions specified within the time or times specified in this Contract.

5. Performance of Work. All work covered by this Contract shall be done in accordance with the latest and best accepted practices of the trades involved. The Contractor shall use only skilled craftsmen experienced in their respective trades to prepare the materials and to perform the work.

6. Acceptance of Work; Non Waiver. No failure of the Owner during the progress of the work to discover or reject materials or work not in accordance with this Contract shall be deemed an acceptance of, or a waiver of, defects in work or materials. No payment shall be construed to be an acceptance of work or materials which are not strictly in accordance with the Contract.

7. Delay of Work. Any delay in the performance of this Contract due to strikes, lockouts, fires, or other unavoidable casualties beyond the control of the Contractor and not caused by any wrongful act or negligence of the Contractor shall entitle the Contractor to an extension of time equal to the delay so caused. The Contractor shall notify the Owner in writing specifying such cause within twenty-four (24) hours after its occurrence. In the event such delay is caused by strikes, lockouts, or inability to obtain workmen for any other cause, the Owner shall have the right but shall not be obligated to complete the work on the same basis as is provided for in Section 13 below (Contract Violations).

8. Failure to Complete Project in Timely Manner. If Contractor fails or refuses to execute this Contract within the time specified in Section 4 above, or such additional time as may be allowed, the proceeds of Contractor's performance guaranty shall become subject to deposit into the Treasury of the municipality as monies available to compensate the Owner for damages as provided by A.R.S. § 34-201 for the delay in the performance of work under this Contract, and the necessity of accepting a higher or less desirable bid from such failure or refusal to perform this Contract as required. If Contractor has submitted a certified check or cashier's check as a performance guaranty, the check shall be returned after the completion of this Contract.

9. Labor Demonstration. It is understood that the work covered by this Contract is for the Owner's business purposes and that any unfavorable publicity or demonstrations in connection with the work will have a negative effect upon the Owner. If Contractor's actions in performance of the

Contract result in any public demonstration on behalf of the laborers or organized labor in the vicinity of the Owner's premises, whether such demonstration is in the form of picketing, posting of placards or signs, violence, threats of violence or in any other form, which in the Owner's judgment, might convey to the public the impression that the Owner or the Contractor or any subcontractor is unfair to laborers or to organized labor, the Owner shall have the right to terminate this Contract immediately, unless the Contractor shall have caused such demonstration to be discontinued within two (2) days after request of the Owner to do so. In the event any such demonstration is attended by violence, the Owner may fix lesser time within which a discontinuance shall be accomplished. In the event of Contract termination, the Contractor agrees to remove from the Premises within twenty-four (24) hours of termination, all machinery, tools, and equipment belonging to it or to its subcontractors. All obligations or liabilities of the Owner to the Contractor shall be discharged by such termination, except the obligation to pay to the Contractor a portion of the Contract price representing the value based upon the Contract prices of labor and materials incorporated in the work as established by the Owner, less the aggregate of all previous payments, but subject to all of the conditions pertaining to payments generally.

10. Material Storage. During the progress of the work, the Contractor shall arrange for office facilities and for the orderly storage of materials and equipment. Contractor shall erect any temporary structures required for the work at his or her own expense. The Contractor shall at all times keep the premises reasonably free from debris and in a condition which will not increase fire hazards. Upon completion of the work, the Contractor shall remove all temporary buildings and facilities and all equipment, surplus materials and supplies belonging to the Contractor. Contractor shall leave the Premises in good order, clean, and ready to use by the Owner. The establishment of any temporary construction yard, material storage area or staging area to be located within City of Flagstaff limits and outside the public right-of-way or Project limits generally requires a Temporary Use Permit. (See Exhibit A, Section 107.2.1.)

11. Maintenance During Winter Suspension of Work. A "Winter Shutdown" is the period of time typically including December through March during which no Work will be performed by any person or entity (including but not limited to the Contractor) on the Project and Contractor shall shutdown, properly insulate and shelter the Project in a safe and workmanlike manner pursuant to local, state and federal laws. Although December through March is typically the time frame, the City reserves the right to initiate and terminate a Winter Shutdown at the City's sole discretion in the event of adverse weather conditions. A Winter Shutdown may be declared by the City despite delays, *for any reason*, on the Project. City retains the right to declare a Winter Shutdown. If work has been suspended due to winter weather, the Contractor shall be responsible for maintenance and protection of the improvements and of partially completed portions of the work until final acceptance of the project. Winter Shutdown shall be by field order, change order or original contract. If repairs and/or maintenance are needed during the Winter Shutdown, the Contractor is required to perform the repairs and/or maintenance within twenty-four (24) hours of notification from the City. If the needed repairs and/or maintenance are not addressed within the timeframe, the City will accomplish the work and deduct the cost from monies due or become due to the Contractor.

The City shall provide snow removal operations on active traffic lanes only during the Winter Shutdown. All other snow removal and maintenance operations shall be the responsibility of the Contractor during the Winter Shutdown. All cost associated with snow removal and proper disposal shall be considered incidental to the work including repair of temporary surface improvements due to normal wear and snow removal operations during the Winter Shutdown.

12. Assignment. Contractor shall not assign this Contract, in whole or in part, without the prior written consent of the Owner. No right or interest in this Agreement shall be assigned, in whole or in part, by Contractor without prior written permission of the City and no delegation of any duty of Contractor shall be made without prior written permission of the City. The City shall not unreasonably withhold consent to such assignment. Contractor agrees that any assignment agreement between Contractor and the Assignee shall include and subject to the assignee to all obligations, terms and conditions of this Agreement and that Contractor shall also remain liable under all obligations, terms and conditions of this Agreement.

13. Notices. Many notices or demands required to be given, pursuant to the terms of this Contract, may be given to the other Party in writing, delivered in person, sent by facsimile transmission, emailed, deposited in the United States mail, postage prepaid, or deposited with any commercial air courier or express service at the addresses set forth below, or to such other address as the Parties may substitute by written notice, given in the manner prescribed in this paragraph. However, notices of termination, notices of default and any notice regarding warranties shall be sent via registered or certified mail, return receipt requested at the address set forth below *and* to legal counsel for the party to whom the notice is being given.

If to Owner:

Patrick Brown, C.P.M.
Senior Procurement Specialist
211 West Aspen Avenue
Flagstaff, AZ 86001

If to Contractor:

Lanny Floyd
JNL Contracting, INC.
P.O. Box 362
Payson, AZ 85544

14. Contract Violations. In the event of any of the provisions of this Contract are violated by the Contractor or by any of Contractor's subcontractors, the Owner may serve written notice upon the Contractor and the Surety of its intention to terminate such Contract (the "Notice to Terminate"). The Contract shall terminate within five (5) days of the date Contractor receives the Notice to Terminate, unless the violation ceases and Contractor makes arrangements for correction satisfactory to the Owner. In the event of any such termination, the Owner shall immediately serve notice of the termination upon the Surety by registered mail, return receipt requested. The Surety shall have the right to take over and perform the Contract. If the Surety does not commence performance within ten (10) days from the date of receipt of the Owner's notice of termination, the Owner may complete the work at the expense of the Contractor, and the Contractor and his or her Surety shall be liable to the Owner for any excess cost incurred by the Owner to complete the work. If the Owner completes the work, the Owner may take possession of and utilize such materials, appliances and plants as may be on the worksite site and necessary for completion of the work.

15. Termination for Convenience. The Owner may terminate this contract at any time for any reason by giving at least **thirty (30) days** written notice to the Contractor. If termination occurs under this Section 15, the Contractor shall be paid fair market value for work completed by Contractor as of the date of termination. The parties agree that fair market value shall be determined based on the Contractor's original bid price, less any work not yet completed by the Contractor as of the date the written notice of termination is given to the Contractor.

16. Contractor's Liability and Indemnification. To the fullest extent permitted by law, Provider shall indemnify, save and hold harmless the City of Flagstaff and its officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") from and against liabilities, damages, losses and costs, including reasonable attorney fees, but only to the extent caused by the negligence, recklessness or intentional wrongful conduct of the contractor, subcontractor or design professional or other persons employed or used by the contractor, subcontractor or design professional in the performance of the contract. The amount and type of insurance coverage requirements set forth in the Contract (Section 103.6 of Exhibit A) will in no way be construed as limiting the scope of the indemnity in this paragraph.

17. Non Appropriation. In the event that no funds or insufficient funds are appropriated and budgeted in any fiscal period of the Owner to meet the Owner's obligations under this Contract, the Owner will notify Contractor in writing of such occurrence, and this Contract will terminate on the earlier of the last day of the fiscal period for which sufficient appropriation was made or whenever the funds appropriated for payment under this Contract are exhausted. No payments shall be made or due to the other party under this Contract beyond these amounts appropriated and budgeted by the Owner to fund the Owner's obligations under this Contract.

18. Amendment of Contract. This Agreement may not be modified or altered except in writing and signed by duly authorized representatives of the parties.

19. Subcontracts. Contractor shall not enter into any subcontract, or issue any purchase order for the completed work, or any substantial part of the work, unless in each instance, prior written approval shall have been given by the Owner. Contractor shall be fully responsible to the Owner for acts and omissions of Contractor's subcontractors and all persons either directly or indirectly employed by them.

20. Cancellation for Conflict of Interest. This Contract is subject to the cancellation provisions of A.R.S. § 38-511.

21. Compliance with All Laws. Contractor shall comply with all applicable laws, statutes, ordinances, regulations and governmental requirements in the performance of this Contract.

22. Employment of Aliens. Contractor shall comply with A.R.S. § 34-301, which provides that a person who is not a citizen or ward of the United States shall not be employed upon or in connection with any state, county or municipal public works project.

23. Compliance with Federal Immigration Laws and Regulations. Contractor warrants that it complies with all Federal Immigration laws and regulations that relate to its employees and complies with A.R.S. 23-214.A. Contractor acknowledges that pursuant to A.R.S. 41-4401 a breach of this warranty is a material breach of this contract subject to penalties up to and including termination of this contract, and that the City retains the legal right to inspect the papers of any employee who works on the contract to ensure compliance with this warranty.

24. Contractor's Warranty. Contractor warrants that it complies with all Federal Immigration laws and regulations that relate to its employees and complies with A.R.S. § 23-214.A, Verification of Employment Eligibility. Contractor shall not employ aliens in accordance with A.R.S. § 34-301, Employment of Aliens on Public Works Prohibited. Contractor acknowledges that pursuant to A.R.S. § 41-4401, Government Procurement; E-Verify Requirement; Definitions, a breach of this warranty is a material breach of this contract subject to penalties up to and including termination of this Contract, and that the Owner retains the legal right to inspect the papers of any employee who works on the Contract to ensure compliance with this warranty.

25. Jurisdiction and Venue. This Agreement shall be administered and interpreted under the laws of the State of Arizona. The Contractor hereby submits itself to the original jurisdiction of those courts located within Coconino County, Arizona.

26. Attorney's Fees. If suit or action is initiated in connection with any controversy arising out of this Agreement, the prevailing party shall be entitled to recover in addition to costs such sum as the court may adjudge reasonable as attorney fees, or in event of appeal as allowed by the appellate court.

27. Time is of the Essence. Contractor acknowledges that the completion of the Contract by the dates specified final completion is critical to the Owner, time being of the essence of this Contract.

28. No Third Party Beneficiaries. The parties acknowledge and agree that the terms, provisions, conditions, and obligations of this Contract are for the sole benefit of, and may be enforceable solely by, the Parties to this Contract, and none of the terms, provisions, conditions, and obligations of this Contract are for the benefit of, or may be enforced by, any person or entity not a party to this Contract.

29. Headings. The article and section headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provision of this Contract.

30. Severability. If any part of this Contract is determined by a court to be in conflict with any statute or constitution or to be unlawful for any reason, the parties intend that the remaining provisions of this Contract shall remain in full force and effect unless the stricken provision leaves the remaining Contract unenforceable.

IN WITNESS WHEREOF, the Owner and Contractor, by their duly authorized representatives, have executed this Contract as of the date written above.

(Please sign in blue ink. Submit original signatures – photocopies not accepted)

Owner, City of Flagstaff

JNL Contracting, Inc.

Kevin Burke, City Manager

Signature

Attest:

Printed Name

City Clerk

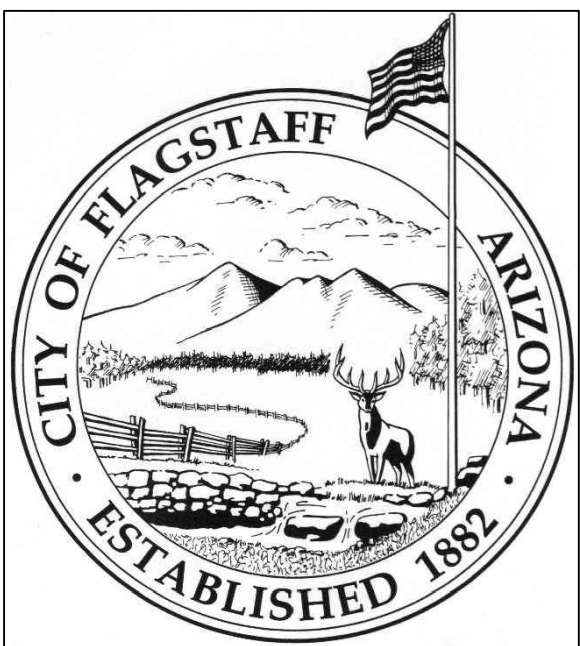
Approved as to form:

City Attorney

CLAY AVENUE WASH DRAINAGE IMPROVEMENTS

CIVIL CONSTRUCTION PLANS

LOCATED IN THE NORTH EAST QUARTER OF SECTION 21,
TOWNSHIP 21 NORTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER MERIDIAN,
FLAGSTAFF, COCONINO COUNTY, ARIZONA



CITY CONCEPT APPROVAL

THE CITY APPROVES THESE PLANS FOR CONCEPT ONLY.
THE CITY SHALL NOT BE LIABLE FOR ERRORS OR
OMISSIONS OF THE DESIGN ENGINEER.

CITY ENGINEER:

BY: _____ DATE: _____

CITY PUBLIC WORKS DIRECTOR

BY: _____ DATE: _____

CITY UTILITIES DIRECTOR

BY: _____ DATE: _____

AUTHORIZATION TO CONSTRUCT:

THE SIGNATURES ABOVE ARE REQUIRED BEFORE THE CONTRACTOR CAN
COMMENCE, UNSIGNED, THESE PLANS HAVE NOT BEEN COMPLETED WITH
RESPECT TO AGENCY REVIEW AND APPROVAL.

UTILITY COMPANY APPROVALS:

ARIZONA PUBLIC SERVICE

MELISSA NELSON (BY LETTER) 08/26/14
BY: _____ DATE: _____

UNISOURCE ENERGY SERVICES

KENNETH MANSON (BY LETTER) 08/19/14
BY: _____ DATE: _____

CENTURY LINK

CAROLE WILSON (BY LETTER) 09/02/14
BY: _____ DATE: _____

SUDDENLINK

SANFORD YAZZIE (BY LETTER) 08/28/14
BY: _____ DATE: _____

UTILITY CONFLICT NOTE

NO CONFLICTS WERE ENCOUNTERED WITH THE EXISTING UTILITIES. SEE
APPROVAL LETTERS FROM APS (MELISSA NELSON), UNISOURCE ENERGY
SERVICES (KENNETH MANSON), CENTURYLINK (CAROLE WILSON) AND
SUDDENLINK (SANFORD YAZZIE).

STREET TREES NOTE

STREET TREES ARE TO BE PLANTED WITH NATURAL GROCERS DEVELOPMENT.
CITY OF FLAGSTAFF STORMWATER MANAGEMENT TO WORK OUT PAYMENT
AND/OR CREDIT WITH NATURAL GROCERS.

PROPERTY INFORMATION:

ADDRESS: 301 S. MILTON ROAD
FLAGSTAFF, ARIZONA 86001
APN#: 103-06-003B (0.49 ACRES)
ZONING: (HC) HIGHWAY COMMERCIAL

OWNER:

VITAMIN COTTAGE NATURAL FOOD MARKETS, INC.
12612 W. ALAMEDA PKWY
LAKEWOOD, CO 80228

PROJECT MANAGER:

CITY OF FLAGSTAFF
ATTN: MALCOM ALTER
211 W. ASPEN AVE.
FLAGSTAFF, AZ 86001

CIVIL ENGINEER:

SHEPARD-WESNITZER, INC.
OTTIS BEGAY, P.E.
110 WEST DALE AVENUE
FLAGSTAFF, ARIZONA 86001
(928) 773-0354

FEMA DESIGNATION

PER FEDERAL FLOOD INSURANCE RATE MAP,
COMMUNITY PANEL NO. 04005C6809G
THIS PROPERTY IS IN 'ZONE AE'

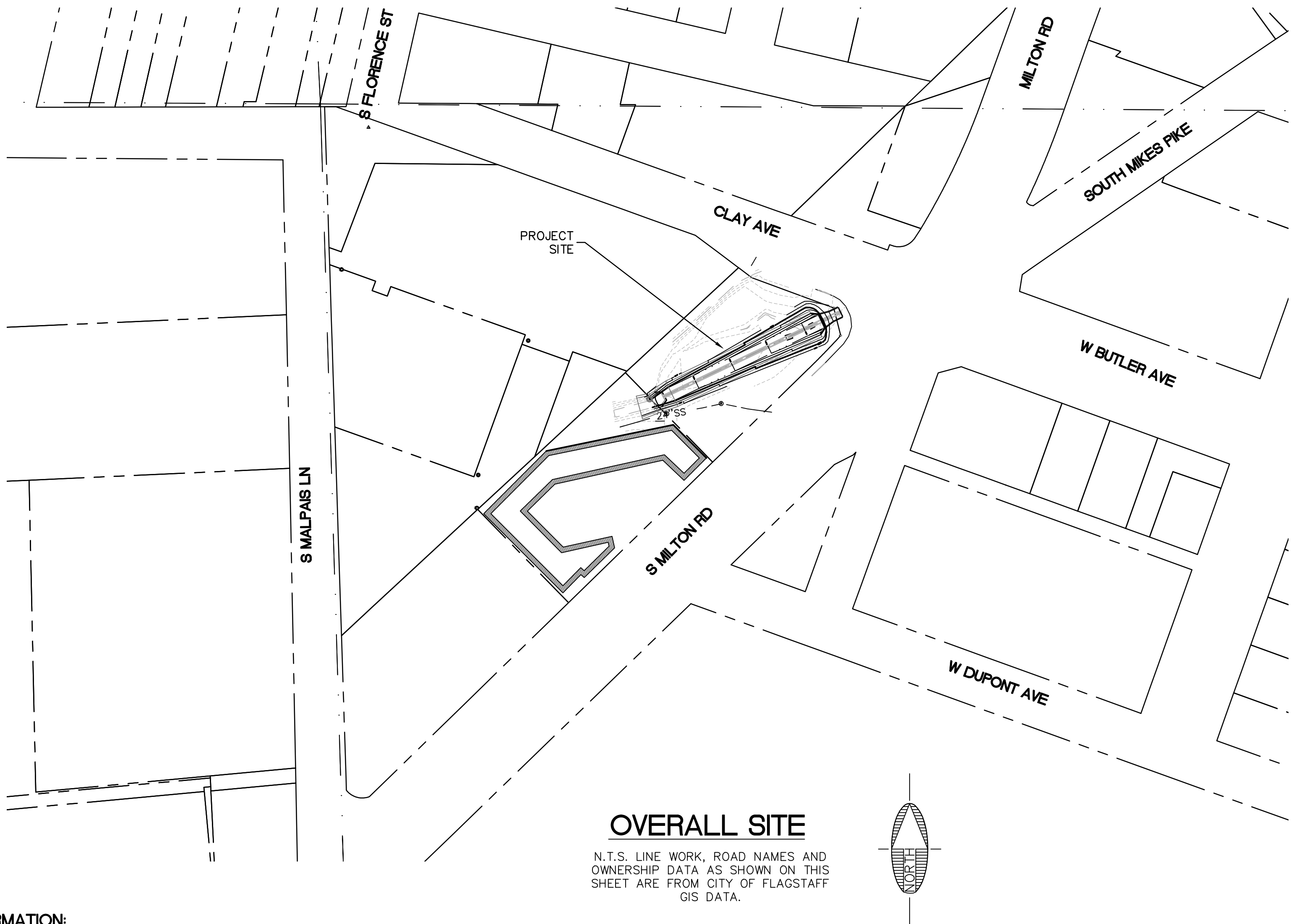
COORDINATE SYSTEM DETAILS

LINEAR UNIT: SURVEY FEET
GEODETIC DATUM: NAD 83 (CONUS)
VERTICAL DATUM: NAVD 88, REFERENCED FROM SWI CONTROL POINT #1560
(SEE BELOW)
SYSTEM: U.S. STATE PLANE COORDINATE SYSTEM, 1983
ZONE: ARIZONA CENTRAL (0202)
GEOID MODEL: NGS GEOID MODEL 09 (FOUR CORNERS STATES)
PROJECTION: TRANSVERSE MERCATOR
LATITUDE OF GRID ORIGIN: 31° 00' 00" N
LONGITUDE OF CENTRAL MERIDIAN: 111° 55' 00" W
NORTHING AT GRID ORIGIN: 0 SFT
EASTING AT CENTRAL MERIDIAN: 699998.60 SFT
CENTRAL MERIDIAN SCALE FACTOR: 0.99990000

THE BASIS OF BEARINGS IS TRUE GEODETIC NORTH; NOTE THAT THE
MEASURED GRID BEARINGS, OR IMPLIED BY GRID COORDINATES, DO NOT EQUAL
GEODETIC BEARINGS DUE TO MERIDIAN CONVERGENCE.

ORTHOMETRIC HEIGHTS (ELEVATIONS) WERE TRANSFERRED TO THE SITE FROM
SWI CONTROL POINT #1560 USING GPS WITH NGS GEOID MODEL "GEOID 09".
ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE SWI 'RIO DE FLAG'
NETWORK SOLUTION ELEVATION OF THIS STATION.

THE SURVEY WAS CONDUCTED USING GPS REFERENCED TO THE NATIONAL
SPATIAL REFERENCE SYSTEM. A PARTIAL LIST OF POINT COORDINATES FOR
THIS SURVEY IS GIVEN BELOW (ADDITIONAL COORDINATES ARE AVAILABLE UPON
REQUEST). LOCAL NETWORK ESTIMATES ARE GIVEN AT THE 95% CONFIDENCE
LEVEL AND ARE BASED ON AN APPROPRIATELY CONSTRAINED LEAST-SQUARES
ADJUSTMENT OF OVER-DETERMINED AND STATISTICALLY INDEPENDENT
OBSERVATIONS.



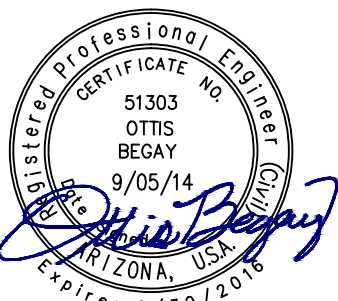
LEGEND

6895	PROPOSED INDEX CONTOUR
6895	PROPOSED INTERMEDIATE CONTOUR
6895	EXISTING INDEX CONTOUR
6895	EXISTING INTERMEDIATE CONTOUR
SS	EXISTING SEWER PIPE
UG	EXISTING UNDERGROUND ELECTRIC
UG	EXISTING DRAINAGE FLOWLINE
EXISTING STORM DRAIN PIPE (CMP)	
PROPOSED LIMITS OF TRM	
EXISTING CATCH BASIN	
St	EXISTING STORM DRAIN MANHOLE
EXISTING SIGNAL POLE	
PROPERTY CORNER, FOUND REBAR	
S	EXISTING SEWER MANHOLE
Pb	EXISTING PULL BOX
ME	MATCH EXISTING*
TC	TOP OF CURB
SW	SIDEWALK
INV	INVERT
C	CONCRETE
DRAINAGE ARROW	

NOTE:
"MATCH EXISTING" GRADES ARE FOR REFERENCE
ONLY, MATCHING EXISTING IS MORE IMPORTANT
THAN THE GRADE SHOWN.

SHEET INDEX

SHT. NO.	DWG. NO.	DESCRIPTION
1	CVR	COVER SHEET
2	DT01	NOTES SHEET
3	DT02	DETAILS SHEET
4	PP01	PLAN AND PROFILE



C.O.F. Project # 03-14008

FLAGSTAFF
ARIZONA

CLAY AVE WASH

JOB NO: 1323
DATE: SEP 14
SCALE: N/A
DRAWN: TRL
DESIGN: OKB
CHECKED: OKB

110 W. Dale Avenue
Flagstaff, AZ 86001
928.773.0354
928.774.8934 fax
www.swiaz.com

Shephard Wesnitzer, Inc.

NO.	DESCRIPTION	DATE	BY

CALL TWO WORKING DAYS
BEFORE YOU DIG
1-800-STAKE-IT

DRAWING NO.
CVR

SHT NO. 1 OF 4

C.O.F. GENERAL NOTES

- APPROVAL OF THESE PLANS BY THE CITY ENGINEER IS FOR A ONE-YEAR PERIOD, SUBSEQUENT TO THE DATE OF APPROVAL. IF CONSTRUCTION WORK IS NOT STARTED WITHIN THE ONE-YEAR PERIOD, OR HAS BEEN DISCONTINUED FOR ANY REASON FOR LONGER THAN ONE YEAR, THE PLANS SHALL BE RESUBMITTED FOR REVIEW AND RE-APPROVAL.
- PLAN REVIEW BY THE CITY DOES NOT EXTEND TO MATERIAL QUANTITIES SHOWN ON THE PLANS.
- A PUBLIC WORKS PERMIT, ISSUED BY THE CITY, IS REQUIRED FOR ALL WORK IN CITY RIGHTS-OF-WAY OR EASEMENTS AND FOR CONSTRUCTION OF ANY IMPROVEMENTS INTENDED TO BECOME PUBLIC PROPERTY.
- THE CITY SHALL BE NOTIFIED 24 HOURS PRIOR TO BEGINNING DIFFERENT PHASES OF CONSTRUCTION SO THAT CITY INSPECTORS MAY BE SCHEDULED.
- ALL MATERIALS AND WORKMANSHIP SHALL COMPLY WITH FLAGSTAFF CITY CODE, TITLE 13, "ENGINEERING DESIGN AND CONSTRUCTION STANDARDS AND SPECIFICATIONS FOR NEW INFRASTRUCTURE", CURRENT "MAG UNIFORM STANDARD SPECIFICATIONS AND DETAILS FOR PUBLIC WORKS CONSTRUCTION", THE CITY OF FLAGSTAFF STORMWATER DESIGN MANUAL, AND WITH GENERALLY ACCEPTED ENGINEERING DESIGN AND CONSTRUCTION PRACTICE. ALL WORK AND MATERIALS WHICH DO NOT CONFORM TO THE STANDARDS AND SPECIFICATIONS ARE SUBJECT TO REMOVAL AND REPLACEMENT AT THE CONTRACTOR'S EXPENSE. THE CONTRACTOR IS RESPONSIBLE FOR REVIEWING CHAPTER 21 OF THESE STANDARDS WHICH MAKES MINOR MODIFICATIONS TO CERTAIN MAG SPECIFICATIONS AND DETAILS.
- ANY WORK PERFORMED WITHOUT THE KNOWLEDGE AND APPROVAL OF THE CITY ENGINEER OR HIS AUTHORIZED REPRESENTATIVE IS SUBJECT TO REMOVAL AND REPLACEMENT AT THE CONTRACTOR'S EXPENSE.
- THE CITY ENGINEER OR HIS AUTHORIZED REPRESENTATIVE MAY SUSPEND THE WORK BY WRITTEN NOTICE WHEN, IN HIS JUDGMENT, PROGRESS IS UNSATISFACTORY, WORK BEING DONE IS UNAUTHORIZED OR DEFECTIVE, WEATHER CONDITIONS ARE UNSUITABLE, OR THERE IS DANGER TO THE PUBLIC HEALTH OR SAFETY.
- THE CITY ENGINEER MAY ORDER ANY OR ALL MATERIALS USED IN THE WORK TO BE TESTED ACCORDING TO THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO) AND THE AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) STANDARDS. THE CONTRACTOR SHALL, AT HIS EXPENSE, SUPPLY ALL SAMPLES REQUIRED FOR TESTING.
- ACCESS WHICH MEETS SECTION 13-13-004-0001, FIRE HYDRANTS, WATER MAINS, AND STREET NAME SIGNS SHALL BE IN PLACE AND APPROVED BEFORE AND AT ALL TIMES DURING ON-SITE COMBUSTIBLE CONSTRUCTION AND/OR PRIOR TO ISSUANCE OF BUILDING PERMITS IN NEW SUBDIVISIONS. FIRE DEPARTMENT AND ENGINEERING SECTION APPROVAL IS REQUIRED FOR OBSTRUCTION OF ACCESS OR WATER SYSTEM SHUTDOWN.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE STREETS AND OF PARTIALLY COMPLETED PORTIONS OF THE WORK UNTIL FINAL ACCEPTANCE OF THE WORK. THE CONTRACTOR SHALL SUBMIT TO THE CITY ENGINEER FOR APPROVAL A CONSTRUCTION SCHEDULE FOR ANY STREETS REQUIRED TO BE CLOSED OR PARTIALLY CLOSED FOR THE CONSTRUCTION ACTIVITY. THE CONTRACTOR SHALL REOPEN THE STREETS NO LATER THAN THE OPENING DATE SHOWN ON THE CONSTRUCTION SCHEDULE OR UPON ORDER OF THE CITY ENGINEER. THE REGULATION AND CONTROL OF CONSTRUCTION TRAFFIC SHALL BE AS DIRECTED BY THE CITY ENGINEER OR HIS AUTHORIZED REPRESENTATIVE.
- APPROVAL OF A PORTION OF THE WORK IN PROGRESS DOES NOT GUARANTEE ITS FINAL ACCEPTANCE. TESTING AND EVALUATION MAY CONTINUE UNTIL WRITTEN FINAL ACCEPTANCE OF A COMPLETE WORKABLE UNIT. ANY DEFECTS WHICH APPEAR IN THE WORK WITHIN ONE YEAR FROM THE DATE OF ACCEPTANCE AND WHICH ARE DUE TO IMPROPER WORKMANSHIP OR INFERIOR MATERIALS SUPPLIED SHALL BE CORRECTED BY OR AT THE EXPENSE OF THE OWNER/DEVELOPER OR THE CONTRACTOR.
- ACCEPTANCE OF COMPLETED PUBLIC IMPROVEMENTS WILL NOT BE GIVEN UNTIL DEFECTIVE OR UNAUTHORIZED WORK IS REMOVED, AND FINAL CLEAN-UP IS COMPLETE.
- LOCATION OF UNDERGROUND UTILITIES BEFORE WORK IS BEGUN IS TO BE ACCOMPLISHED IN ACCORDANCE WITH ARS 40-360.22.
- IF WORK IS DONE ON PRIVATE PROPERTY IN RELATION TO A PROJECT CONSTRUCTED UNDER THESE STANDARDS, THE CONTRACTOR WILL PROVIDE THE CITY WITH WRITTEN AUTHORIZATION FROM THE PROPERTY OWNER TO DO SO.
- THE ESTABLISHMENT AND USE OF TEMPORARY CONSTRUCTION YARDS SHALL CONFORM TO THE CURRENT CITY ZONING CODE STANDARDS FOR "TEMPORARY USES".
- ALL EXCAVATED MATERIAL SHALL BE DISPOSED OF IN ACCORDANCE WITH APPLICABLE CITY CODES AND REGULATIONS. THE CONTRACTOR SHALL OBTAIN ALL REQUIRED CITY APPROVALS AND PERMITS, AS DEEMED NECESSARY BY THE CITY, TO DISPOSE OF EXCAVATED MATERIAL.
- ALL CONSTRUCTION STAKING SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR/DEVELOPER AND PERFORMED UNDER THE DIRECT SUPERVISION OF A REGISTERED LAND SURVEYOR OR CIVIL ENGINEER.
- ALL TRAFFIC SIGN SHEETING SHALL BE TYPE VII AS DESIGNED BY ASTM D4956-07E1 STANDARD SPECIFICATIONS FOR RETROREFLECTIVE SHEETING FOR TRAFFIC CONTROL, UNLESS SPECIFIED OTHERWISE ON THE CONSTRUCTION PLANS.
- WHEN THE CONSTRUCTION PLANS SPECIFY GRAFFITI CONTROL ON BRIDGES OR OTHER STRUCTURES, THE CONTRACTOR SHALL SEAL THE STRUCTURE FIRST USING MONOCHEM AQUASEAL ME 12 AND THEN APPLY MONOCHEM PERMASHIELD, SACRIFICIAL GRAFFITI CONTROL SYSTEM (OR APPROVED EQUAL).
- ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE STABILIZED RESEEDED IN ACCORDANCE WITH CHAPTER 13-17 OF THIS TITLE. IN THE EVENT THAT THE CONSTRUCTION ACTIVITY DISTURBS MORE THAN ONE ACRE, A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) SHALL BE PREPARED IN ORDER TO OBTAIN A CONSTRUCTION GENERAL PERMIT FROM ADEC.

C.O.F. GRADING AND DRAINAGE NOTE:

"ADEQUATE DRAINAGE, EROSION AND SEDIMENT CONTROL MEASURES, BEST MANAGEMENT PRACTICES, AND/OR OTHER STORM WATER MANAGEMENT FACILITIES SHALL BE PROVIDED AND MAINTAINED AT ALL TIMES DURING CONSTRUCTION. DAMAGES TO ADJACENT PROPERTY AND/OR THE CONSTRUCTION SITE CAUSED BY CONTRACTOR'S PROPERTY OR PROPERTY OWNER'S FAILURE TO PROVIDE AND MAINTAIN ADEQUATE DRAINAGE AND EROSION/SEDIMENT CONTROL FOR THE CONSTRUCTION AREA SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND/OR PROPERTY OWNER."

SHEPHARD-WESNITZER GENERAL NOTES

PROJECT SPECIFICATIONS
 ALL WORK SHALL BE ACCOMPLISHED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING STANDARDS AND SPECIFICATIONS, AND ANY SPECIAL PROVISIONS PREPARED FOR THE PROJECT. THE TERM "CURRENT" MEANS THE DATE OF THE SPECIFICATIONS IN EFFECT AS OF THE DATE OF THE ENGINEER'S SEAL ON THESE PLANS.

MARICOPA ASSOCIATION OF GOVERNMENTS (M.A.G.) UNIFORM STANDARD SPECIFICATIONS AND DETAILS FOR PUBLIC WORKS CONSTRUCTION
 CITY OF FLAGSTAFF ENGINEERING DESIGN AND CONSTRUCTION STANDARDS & SPECIFICATION
 AMERICAN WATER WORKS ASSOCIATION STANDARDS
 ARIZONA ADMINISTRATIVE CODE
 INTERNATIONAL PLUMBING CODE (IPC)
 INTERNATIONAL BUILDING CODE (IBC)

THE GENERAL CONTRACTOR AND ALL SUBCONTRACTORS ARE REQUIRED TO OBTAIN COPIES OF THESE, AS WELL AS ANY OTHER STANDARDS OR SPECIFICATIONS REQUIRED TO SUCCESSFULLY COMPLETE THE WORK AS DESCRIBED IN THESE PLANS AND/OR ANY SPECIAL PROVISIONS PREPARED FOR THE PROJECT. THIS REQUIREMENT EXTENDS TO ANY STANDARDS, DETAILS, OR SPECIFICATIONS REFERENCED BY THE CONSTRUCTION DOCUMENTS AND NOT INCLUDED IN THE LIST ABOVE.

QUANTITY ESTIMATE AND PAYMENT PROVISIONS
 IF ANY MATERIAL QUANTITIES ARE SHOWN ON THESE PLANS, THEY ARE TO BE CONSIDERED AS APPROXIMATE ONLY AND ARE FURNISHED AS A CONVENIENCE TO THE CONTRACTOR IN EVALUATING THE MAGNITUDE OF THE PROJECT SCOPE. IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE ACTUAL QUANTITIES OF WORK REQUIRED AND BASE HIS BID ON HIS OWN INDEPENDENT ESTIMATE OF THE WORK SCOPE AND QUANTITIES OF MATERIALS REQUIRED.

THE ESTIMATED QUANTITIES MAY NOT DIRECTLY CORRESPOND TO A BID SCHEDULE/SCHEDULE OF VALUES INCLUDED IN THE CONTRACT DOCUMENTS. PAYMENT FOR ANY WORK ACCOMPLISHED SHALL BE IN ACCORDANCE WITH THE PAYMENT PROVISIONS OUTLINED IN THE CONTRACT DOCUMENTS.

UTILITY COORDINATION
 THE CONTRACTOR SHALL HAVE THE RESPONSIBILITY FOR COORDINATING ALL UTILITY RELOCATIONS, VALVE BOX/MANHOLE OR OTHER SURFACE APPURTENANCE ADJUSTMENTS, RESOLUTION OF UTILITY CONFLICTS, OBTAINING NECESSARY PERMITS, SCHEDULING BLUE STAKE, CONDUCTING EXPLORATORY EXCAVATIONS IN ADVANCE OF UTILITY INSTALLATIONS, AND GENERAL CONFORMANCE TO UTILITY AGENCY REQUIREMENTS AND SPECIFICATIONS FOR CONDUCTING THE WORK.

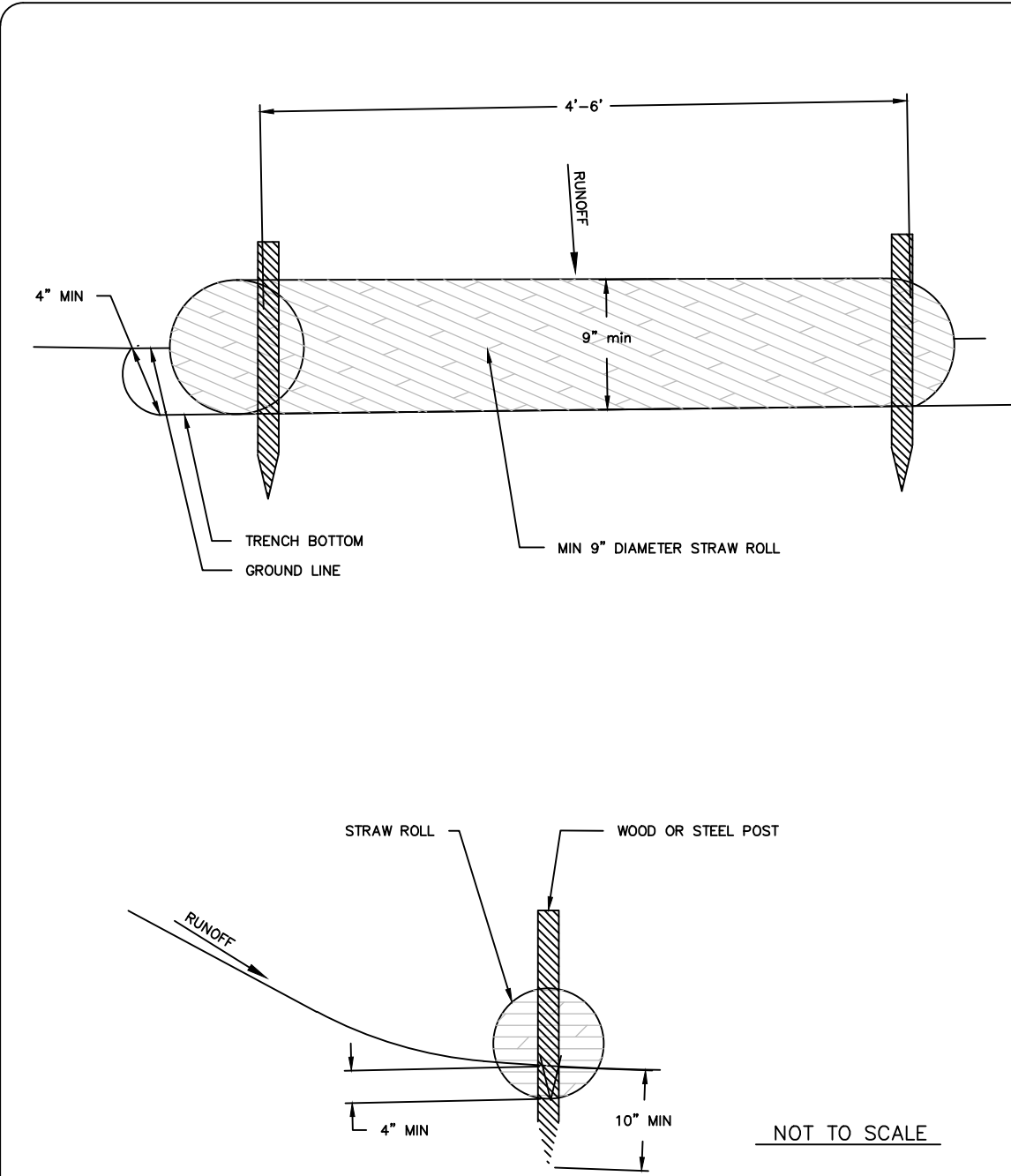
THE CONTRACTOR IS SPECIFICALLY ADVISED TO EXAMINE THE SITE FOR EVIDENCE OF AND CONFLICTS WITH EXISTING UTILITIES PRIOR TO SUBMITTING HIS BID. EXISTING UTILITIES HAVE BEEN SHOWN ON THE PLANS IN THEIR APPROXIMATE LOCATIONS BASED ON FIELD OBSERVATIONS AND ANY FURNISHED RECORD INFORMATION, BUT THERE IS NO GUARANTEE THAT ALL UTILITY CONFLICTS HAVE BEEN IDENTIFIED. AT THE TIME OF CONSTRUCTION, THE EXACT SIZES, TYPES, AND LOCATIONS OF EXISTING UNDERGROUND IMPROVEMENTS SHALL BE DETERMINED BY THE CONTRACTOR AND HE SHALL FURNISH MATERIALS AS NECESSARY TO CONSTRUCT THE REQUIRED CONNECTIONS.

THE CONTRACTOR SHALL PERFORM ALL NECESSARY POTHOLES AND UTILITY LOCATING AT LEAST TWO WEEKS IN ADVANCE OF ALL UNDERGROUND UTILITY WORK TO ENSURE EXPEDIENT COMPLETION OF THE WORK IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS. LOCATING EXISTING UTILITIES FOR THE PURPOSE OF IDENTIFYING CONFLICTS IN ADVANCE OF THE UTILITY RELOCATIONS IS AN IMPORTANT ELEMENT OF THE PROJECT. FAILURE OF THE CONTRACTOR TO LOCATE EXISTING UTILITIES AT LEAST TWO WEEKS IN ADVANCE OF THE CONSTRUCTION ACTIVITIES WILL DIMINISH HIS ABILITY TO MAKE A CLAIM FOR DELAYS FOR UTILITY RELOCATIONS.

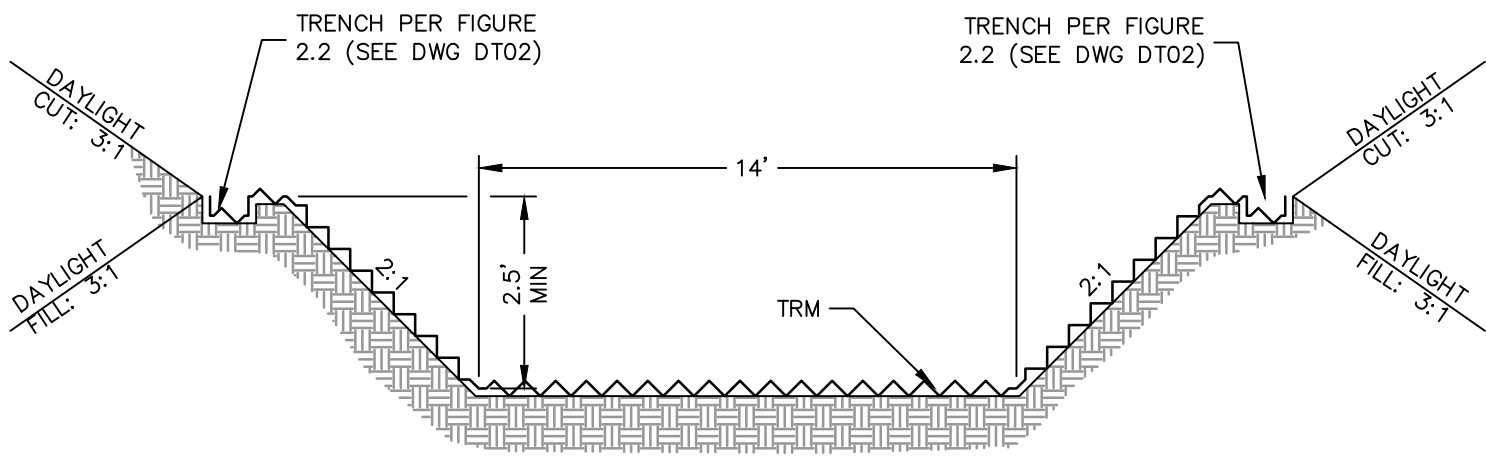
ALL FRAMES, COVERS AND VALVE BOXES IN THE CONSTRUCTION AREA SHALL BE ADJUSTED TO FINAL FINISH GRADES, WHETHER INDICATED ON THE PLANS OR NOT. ANY NECESSARY ADJUSTMENTS WHICH ARE NOT SEPARATELY ITEMIZED IN THE BID SCHEDULE SHALL BE CONSIDERED INCIDENTAL TO THE WORK.

THE APPROPRIATE UTILITY COMPANIES SHALL BE NOTIFIED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION. "BLUE STAKE" NUMBER IS 1-800-STAKE-IT. CONTRACTOR SHALL ALLOW TWO WORKING DAYS AFTER "BLUE STAKE" IS NOTIFIED, BEFORE COMMENCING ANY EXCAVATION WORK IN PROXIMITY OF BURIED UTILITIES.

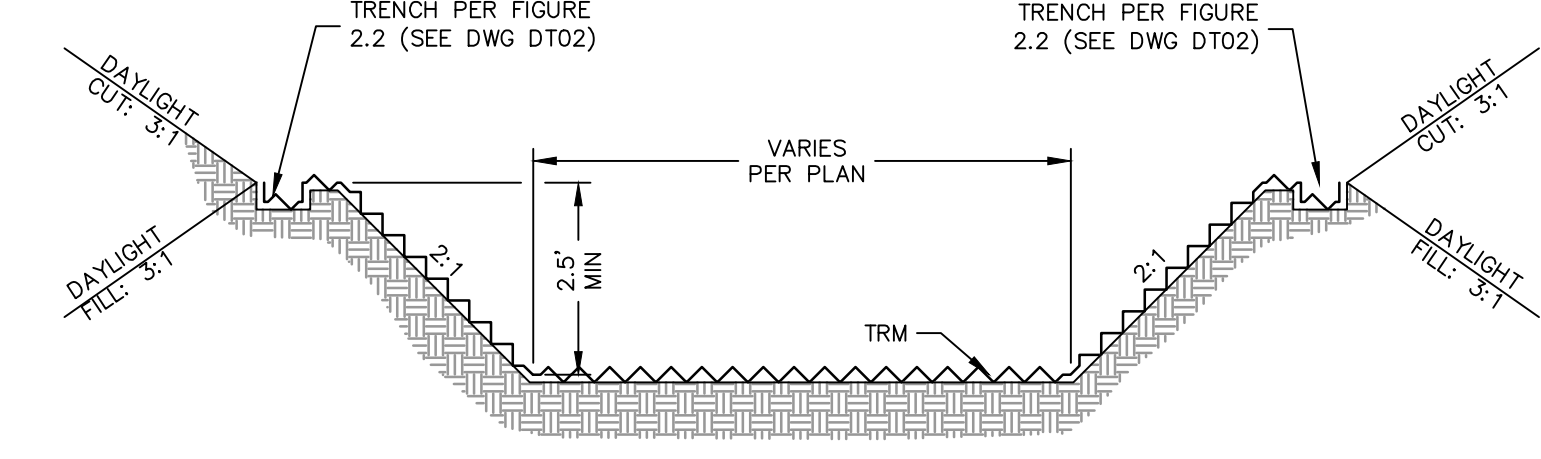
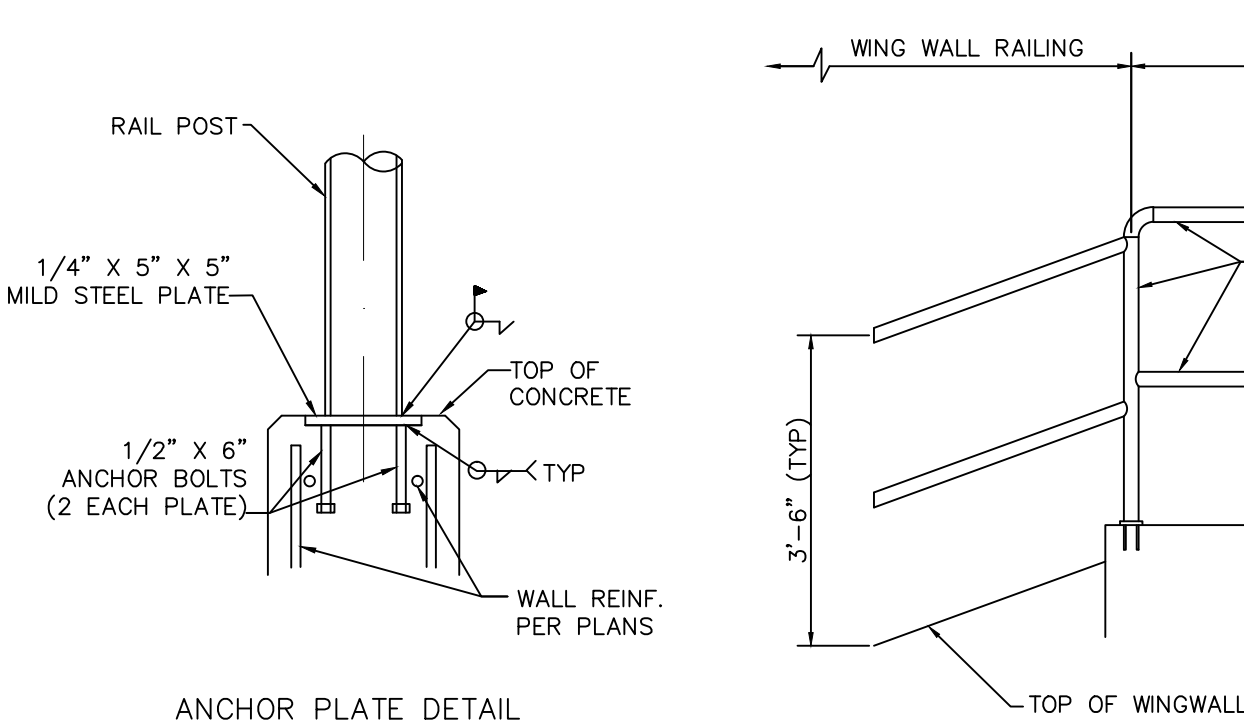
AT LEAST TWO WORKING DAYS PRIOR NOTICE IS REQUIRED BEFORE DISRUPTING EXISTING UTILITY SERVICES TO MAKE CONNECTIONS. THE NOTICE MUST INCLUDE THE EXACT TIME OF THE DISRUPTION OF SERVICE AND THE EXPECTED DURATION OF THE LOSS OF SERVICE. THE NOTICE SHALL BE FURNISHED TO THE OWNER OR OTHERS AS SPECIFIED IN THE CONTRACT DOCUMENTS.



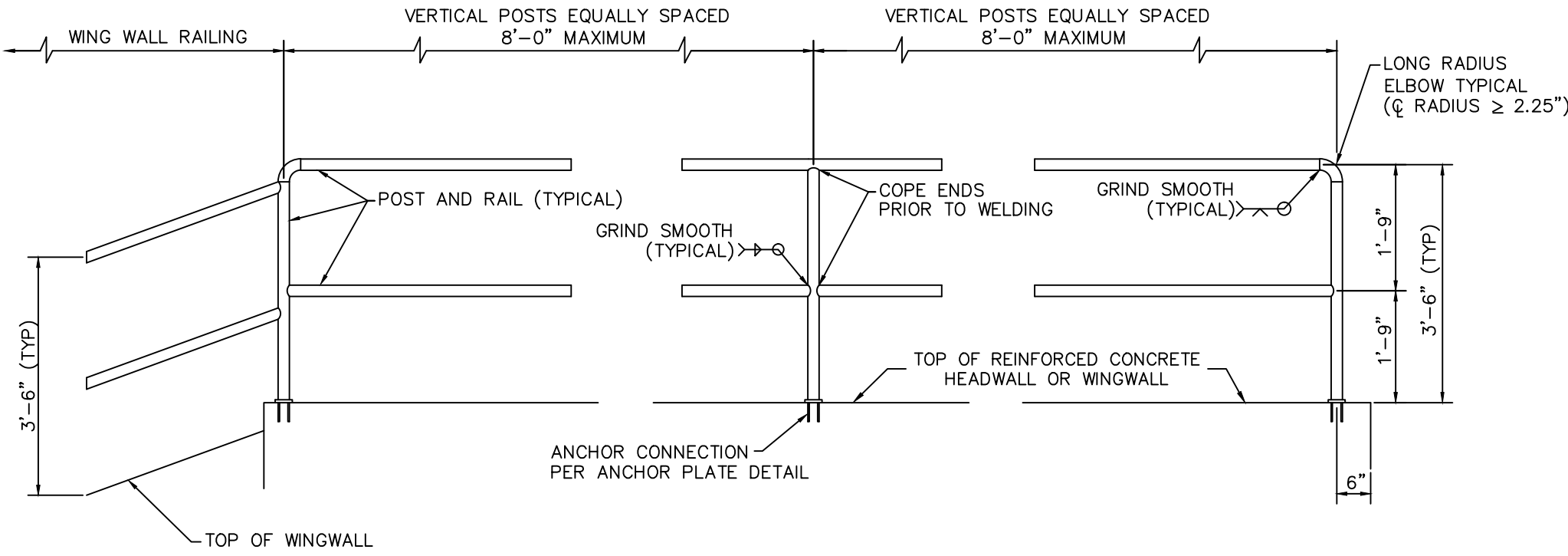
STRAW ROLL
 STAKED
 IN TRENCH



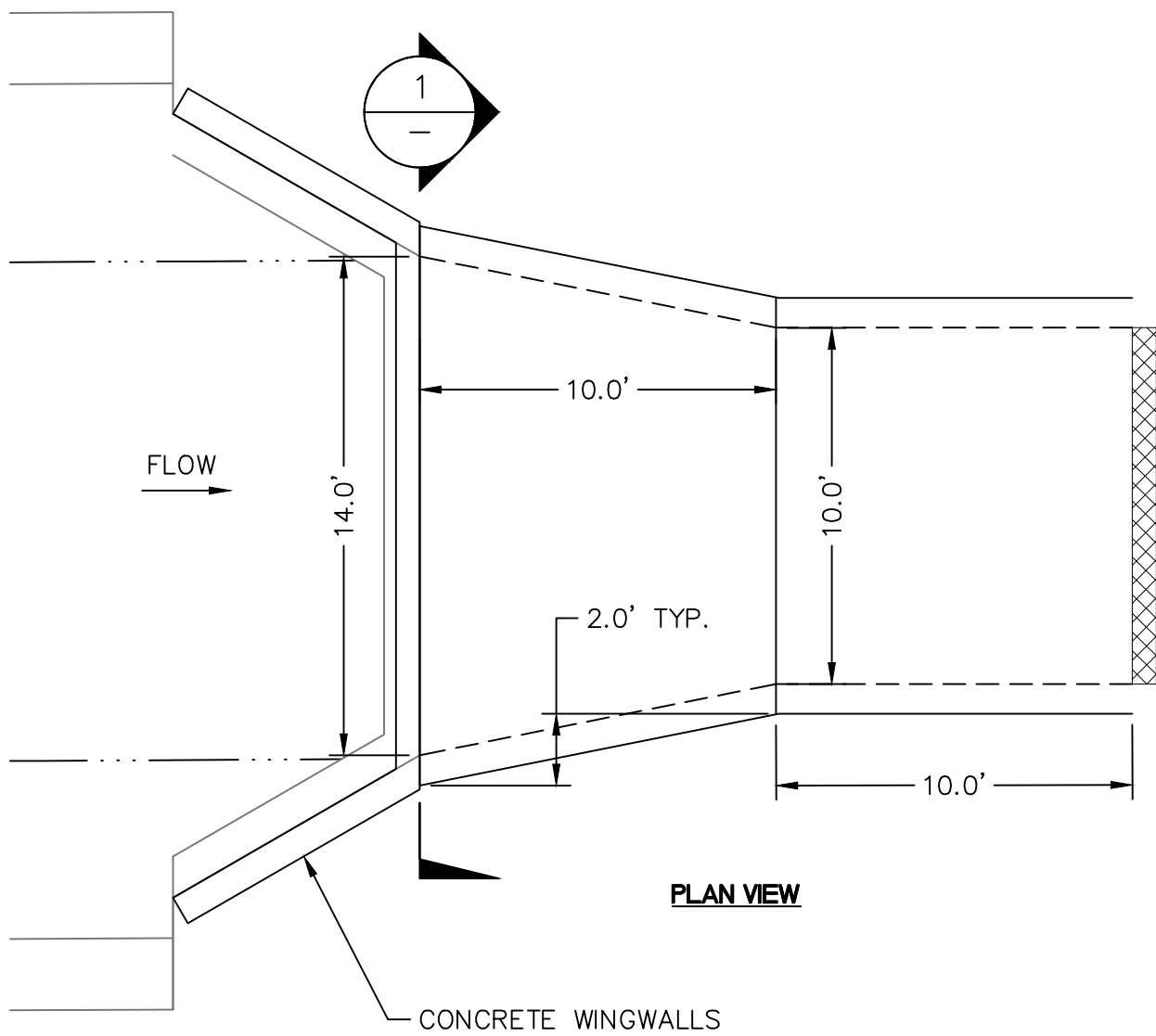
A TYPICAL CHANNEL SECTION
 STA. 10+23.00 - STA. 11+89.00
 N.T.S.



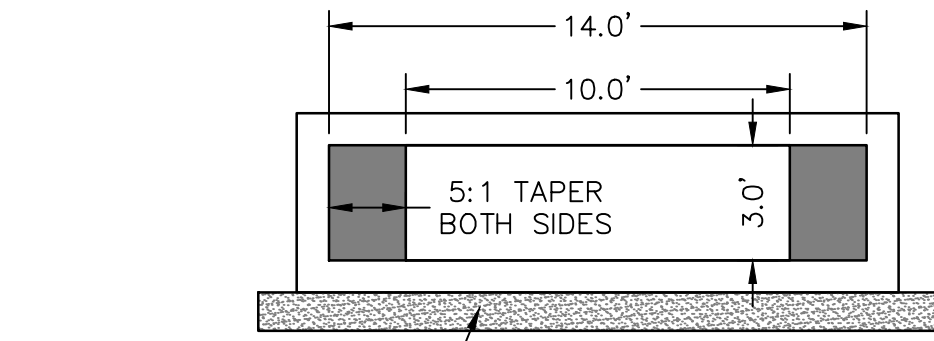
B TRANSITION CHANNEL SECTION
 STA. 10+03.00 - STA. 10+23.00
 N.T.S.



C SAFETY RAIL
 N.T.S.

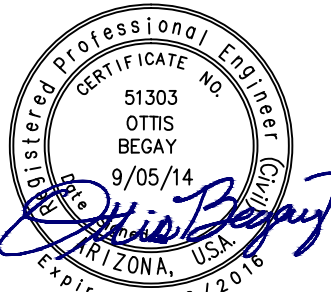


D BOX CULVERT TAPER DETAIL
 N.T.S.



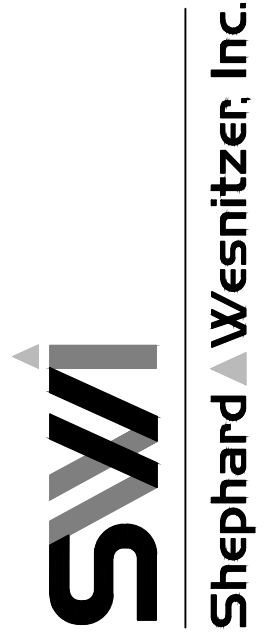
CROSS SECTION - 1

- NOTES:
- CONTRACTOR TO SUBMIT SHOP DRAWINGS INDICATING WALL AND FLOOR THICKNESS AND REINFORCING.
 - STEEL REINFORCING PER M.A.G. SPEC. 727.
 - BOX CULVERTS SHALL BE SUPPORTED ON 12" OF ENGINEERED FILL, MEASURED FROM BOTTOM OF STRUCTURE, COMPACTED TO 95% (MIN.) COMPACTION IN ACCORDANCE WITH ASTM D 698. THE ENGINEERED FILL SHALL EXTEND Laterally 12" BEYOND FOUNDATION FOOTPRINT.

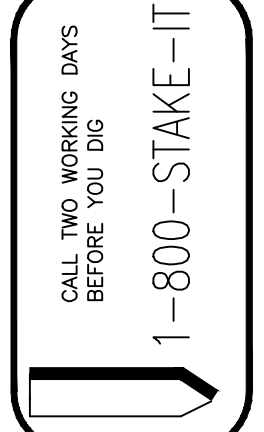


JOB NO:	13323
DATE:	SEP 14
SCALE:	N/A
DRAWN:	TRL
DESIGN:	OKB
CHECKED:	OKB

110 W. Dole Avenue
 Flagstaff, AZ 86001
 928.774.0354
 928.774.8934 fax
 www.swiaz.com

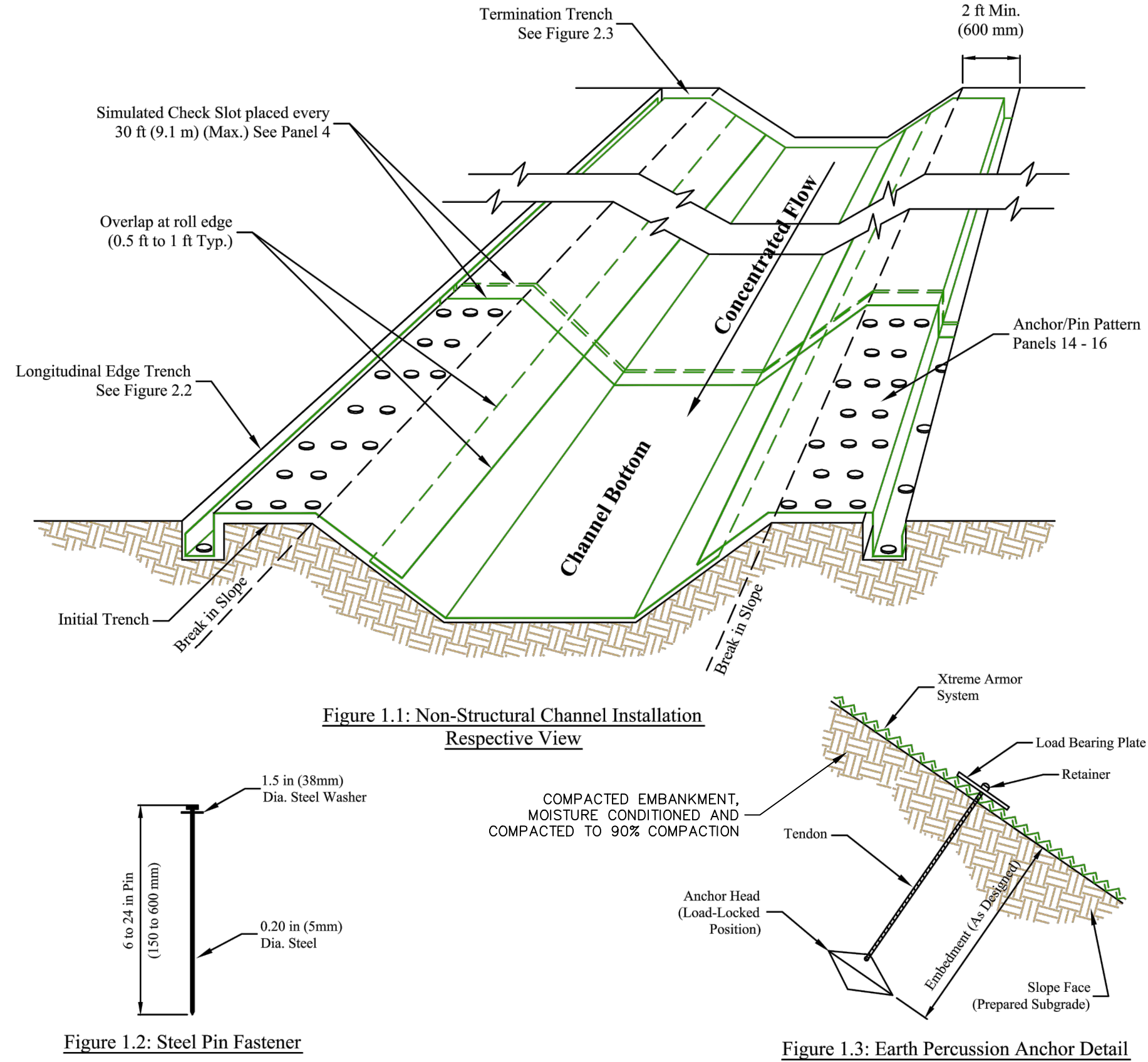


REVISIONS	NO.	DESCRIPTION	DATE	BY



SHT NO.	2	OF	4
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Panel 1



Step 1 - Site Preparation
Prepare site to design profile and grade. Remove debris, rocks, clods, etc. Ground surface should be smooth prior to installation to ensure HP-TRM remains in contact with slope.

Step 2 - Seeding
Seeding of site should be conducted to design requirements or to follow local or state seeding requirements as necessary. Seed prior to application of HP-TRM and include necessary soil amendments and fertilizer.

Step 3 - Pin Selection
At a minimum, 12 in. long steel, round pins with a1.5 in head washer are to be used to secure the HP-TRM to the ground surface. Installation in rocky, sandy or other loose soil may require alternate fasteners. Judgment should be applied by field personnel to ensure the pins provide sufficient pullout resistance and the HP-TRM is in intimate contact with the soil over the entirety of the installation.

Step 4 - Selection of Anchors
Anchor selection is determined by geotechnical conditions and consideration of exposure to the elements. Anchor type and size installed shall be in conformance with requirements supplied within the project specifications.

Step 5 - Excavate Anchor Trench and Secure HP-TRM
Excavate a trench along the top of the channel side slopes and the upstream terminal end of the channel to secure the edges of the HP-TRM. The trench should run along the length and width of the installation, be 1 ft. wide and 1 ft. deep. Anchor and pin HP-TRM along bottom of trench, fill with compacted soil, overlap HP-TRM towards toe of slope and secure with row of staples (shown in Figures 2.3 and 3.1).

Step 6 - Secure Body of HP-TRM
Roll HP-TRM down slope from anchor trench. Pin and anchor body of HP-TRM following the pattern shown in appropriate figures (specified by roll width and anchor density pattern). The appropriate anchor density pattern is determined by geotechnical conditions and is presented in the project specifications. Leave end of HP-TRM unsecured to allow for overlap shown in Figure 4.1 and 4.2. Place downstream HP-TRM underneath upstream HP-TRM to form shingle pattern. Secure seam as shown in Figure 4.1 and 4.2. Continue downstream by securing downstream HP-TRM identical to previous rolls.

Step 7 - Edge Treatments - Complete Installation
Secure downstream terminal edge as shown in Figure 2.1 and 3.1. Secure edges of installation with longitudinal anchor trench shown in Figure 2.2. Optionally, at the discretion of the engineer, the product may be seeded on top and soil filled by placing and smoothing top soil in the voids of the HP-TRM, in addition to seeding under the matting.



Non-Structural Channel Application
Standard Drawing, Perspective View
Provided by Western Excelsior

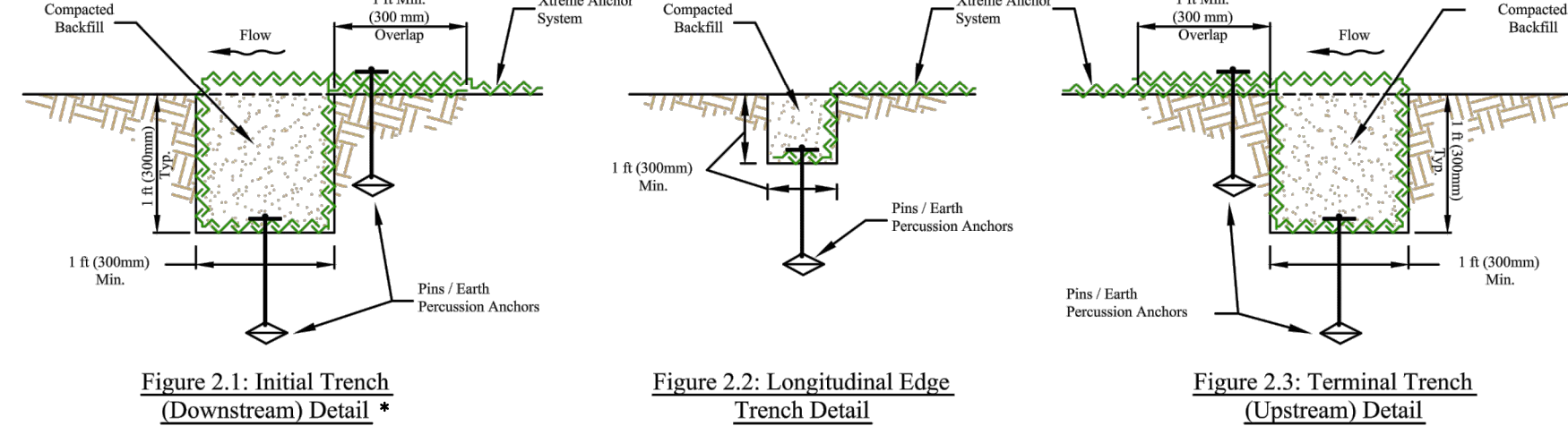
Updated: 12/19/13



Panel 2 - Cross Section View of Anchor Trenches

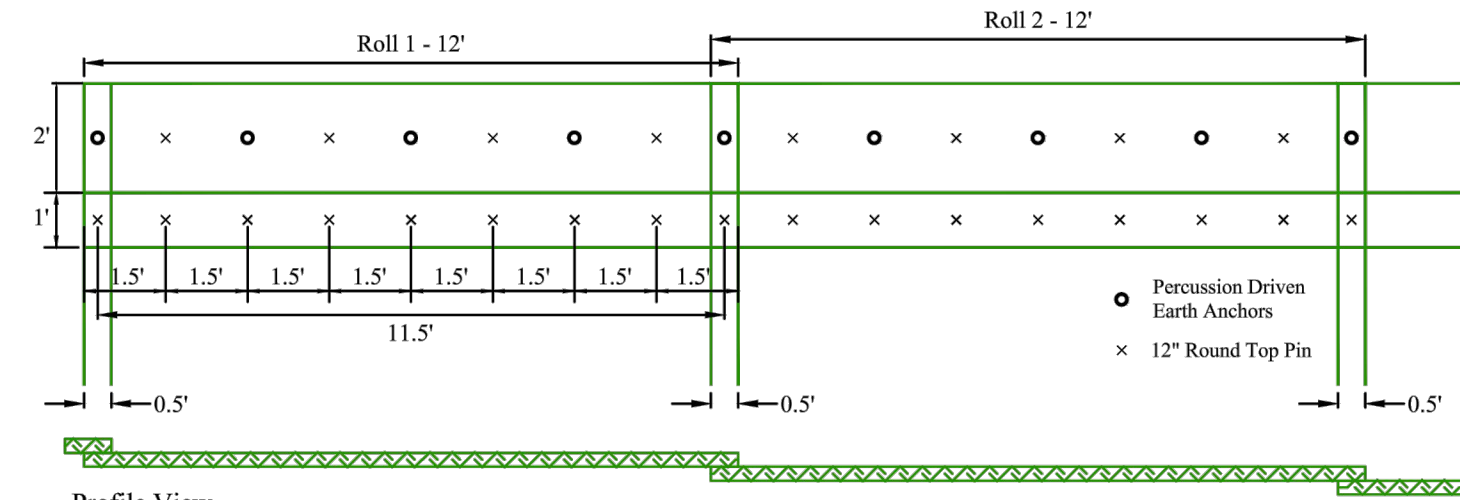
Anchor trenches are installed to prohibit flow from running unimpeded under the HP-TRM. Upstream, downstream and longitudinal edges of the installation shall be secured as shown in these drawings in Panel 2.

* INCLUDE CONCRETE APRON BOLTS PER FIG. 9 (ON THIS SHEET).



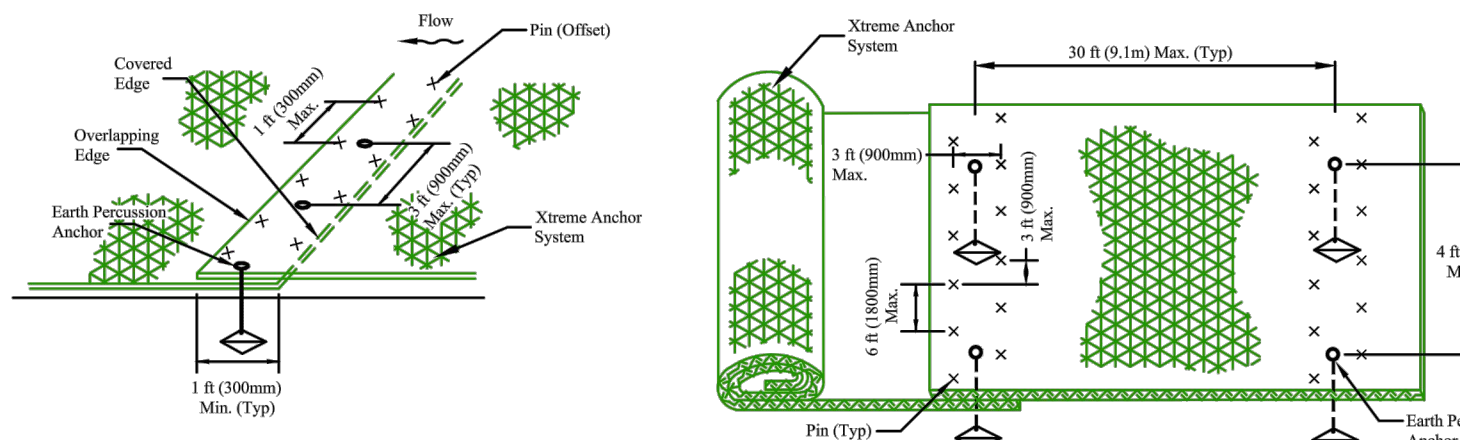
Panel 3 - Plan View of Anchor Trenches

Upstream and downstream anchor trenches shall be secured with anchors (PDEAs) and pins. Anchor type and size are provided in the project specifications. Drawings in Panel 3 provide pin and anchor frequency.



Panel 4 - Plan View and Detail of Anchor Checks

Simulated anchor trenches are placed at intervals along the channel to provide check points for soil migration and stability. Additionally, lateral roll seams serve a similar purpose, in addition to seaming rolls together. Panel 4 provides installation details of simulated check slots and roll overlap.

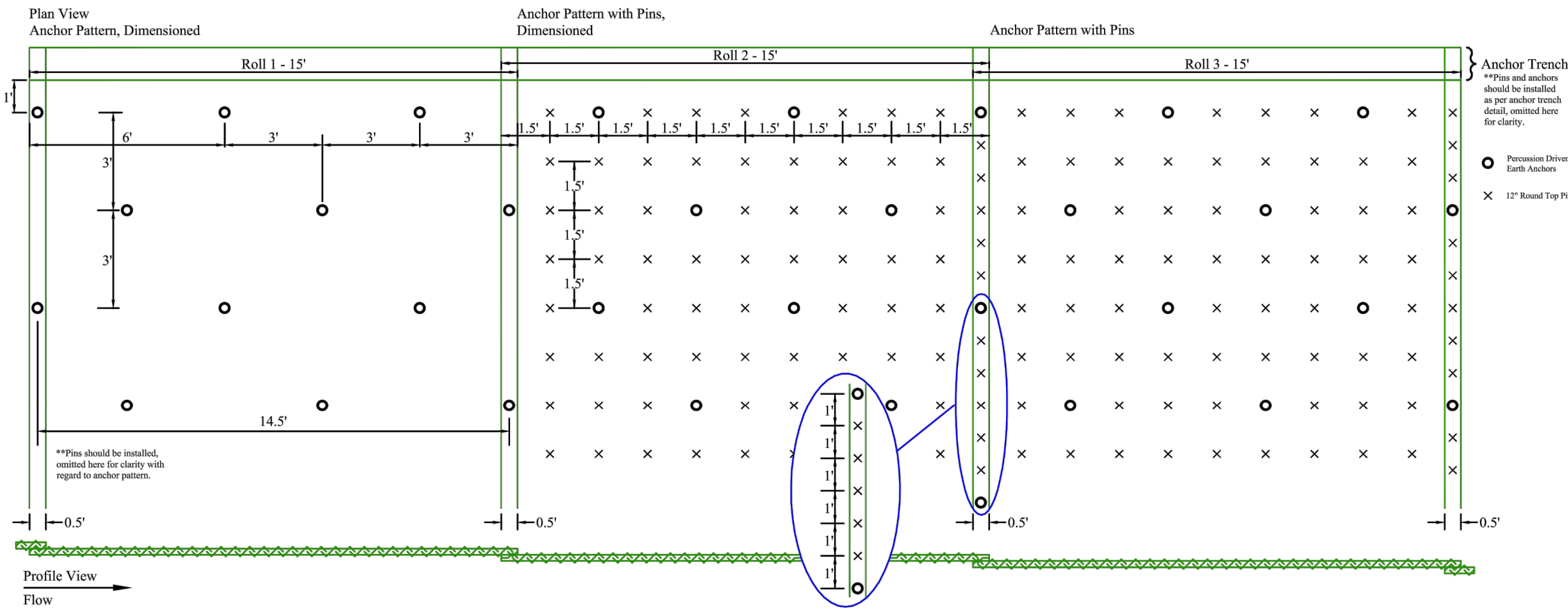


Non-Structural Channel Application
Standard Drawing, Perspective View
Provided by Western Excelsior

Updated: 12/19/13



Panel 14 - Xtreme Anchor System Anchor and Staple Pattern
15' Material width, 1/2 Anchor per Square Yard Configuration



Non-Structural Channel Application
Standard Drawing, Perspective View
Provided by Western Excelsior

Updated: 12/19/13

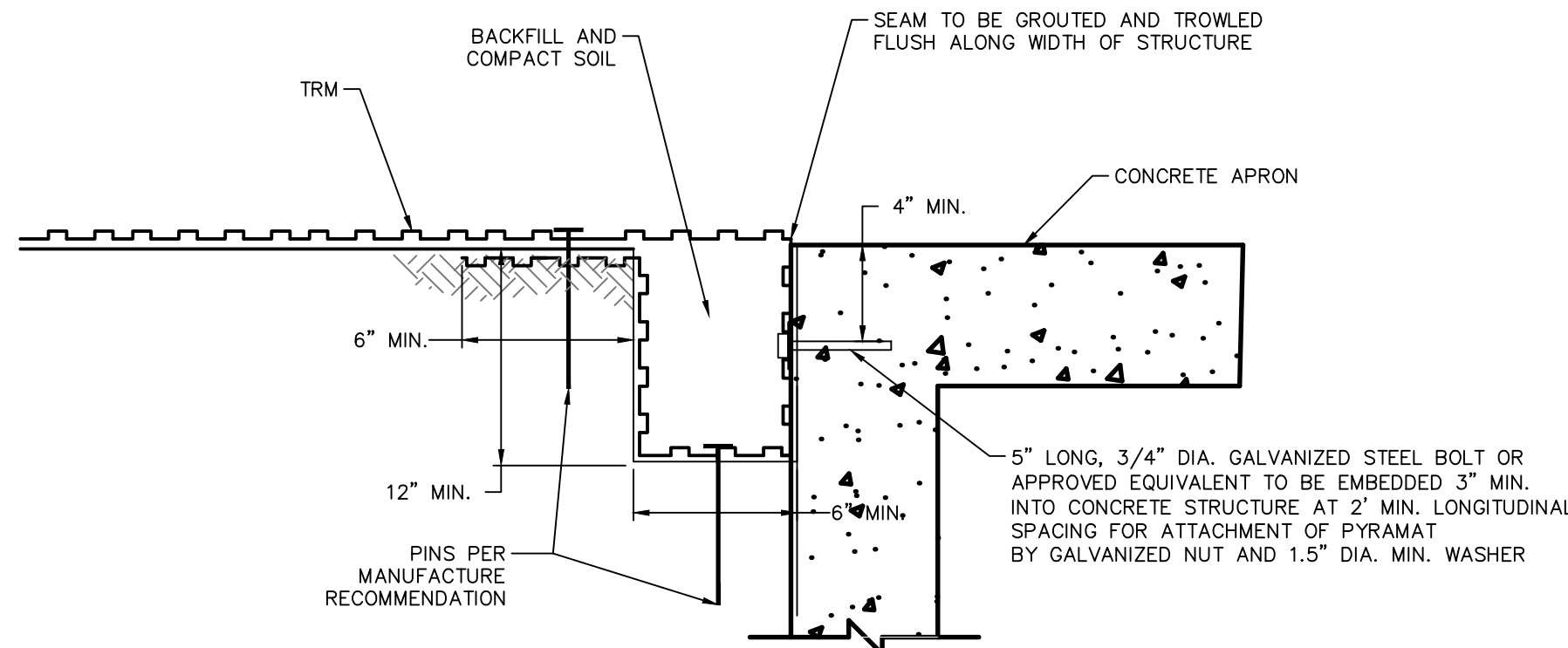
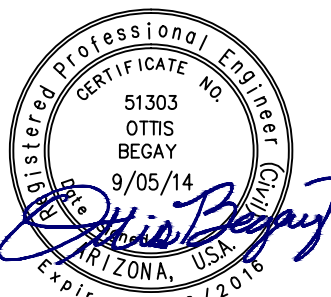
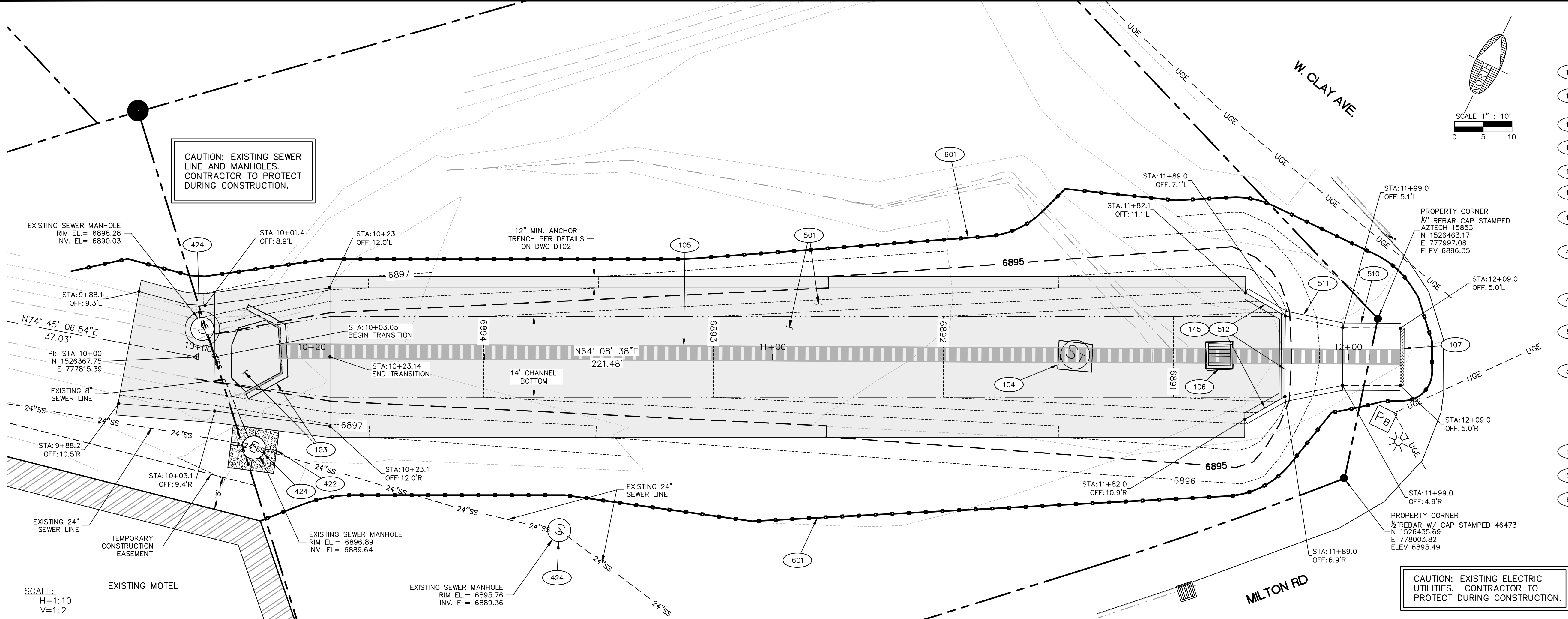


FIGURE 9: CONCRETE APRON BOLTED CONNECTION TO TRM

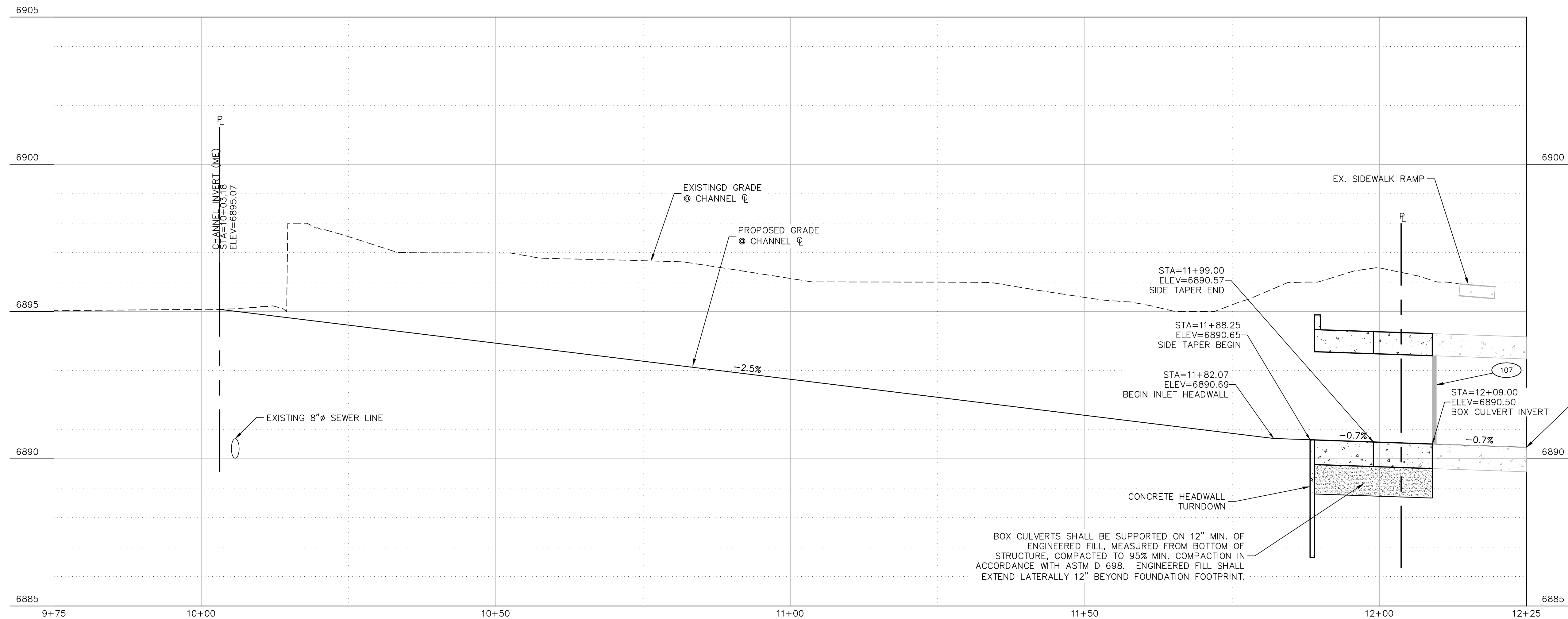


C.O.F. Project # 03-14008

FLAGSTAFF ARIZONA		CLAY AVE WASH		JOB NO: 13323		DATE: SEP 14		SCALE: N/A		DRAWN: TRL		DESIGN: OKB		CHECKED: OKB		110 W. Dole Avenue Flagstaff, AZ 86001 928.774.8934 www.swiaz.com		NOTES AND DETAILS SHEET (2)	
NO.		DESCRIPTION		REVISIONS		DATE		BY		1-800-STAKE-IT		DRAWING NO.		DT02		SHT NO. 3		OF 4	

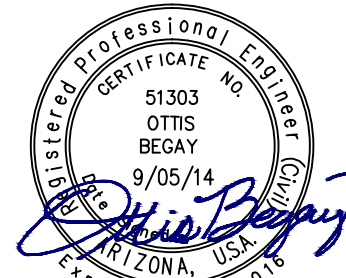


- CONSTRUCTION NOTES**
(PRIVATE IMPROVEMENTS)
- (102) EARTHWORK: EXCAVATION (CUT = 630 C.Y.)
EMBANKMENT (FILL = 0 C.Y.)
 - (103) (1 E.A.) DEMO AND DISPOSE CONCRETE HEADWALL AND APRON PER M.A.G. SPEC. 350. CONTRACTOR TO PROTECT EXISTING SEWER DURING CONSTRUCTION.
 - (104) (1 E.A.) DEMO STORM DRAIN MANHOLE PER M.A.G. SPEC. 350.
 - (105) (195 L.F.) REMOVE STORM DRAIN CMP PER M.A.G. SPEC. 350. TRANSPORT TO C.O.F. MAINTENANCE YARD.
 - (106) (1 E.A.) DEMO CATCH BASIN PER M.A.G. SPEC. 350.
 - (107) (1 E.A.) DEMO BLOCK WALL AT EXISTING BOX CULVERT INLET PER M.A.G. SPEC. 350.
 - (145) (32 L.F.) INSTALL SAFETY RAIL AT CONCRETE HEADWALL AND WINGWALLS PER DETAIL "C" ON DWG DT02.
 - (422) (1 E.A.) CONSTRUCT CONCRETE COLLAR PER M.A.G. DTL. 422, MODIFIED TO BE SQUARE AND EXTEND 24" FROM MANHOLE FRAME. TURF REINFORCEMENT MAT TO BE ANCHORED TO CONCRETE COLLAR PER FIGURE 9 ON DWG DT02.
 - (424) (3 E.A.) REMOVE EXISTING MANHOLE COVER AND INSTALL 24" OR 30" WATERTIGHT COVER PER M.A.G. DTL. 424-1 OR 424-2.
 - (501) (200 L.F.; 700 S.Y.) INSTALL TURF REINFORCEMENT MAT, STEEL PINS AND EARTH PERCUSSION ANCHOR PER DETAILS ON DWG DT01. (APPLY SEED MIX PRIOR TO TRM INSTALLATION)
 - (510) (10 L.F.) INSTALL CONCRETE 10'X3' CONCRETE BOX CULVERT. CONNECTION TO EXISTING 10'X3' CONCRETE BOX CULVERT TO BE MADE WITH 1/2" DIA. BARS DRILLED INTO EXISTING BOX CULVERT AND EPOXY-COATED. DRILLED HOLES TO BE 1/2" DIA. BY 4" LONG MIN. EPOXY TO BE HY-150 EPOXY GROUT. BAR SPACING=24" O.C. AT BOX CULVERT SLAB AND 12" O.C. AT BOX CULVERT SIDEWALLS. BARS SHALL PROTRUDE INTO NEW BOX CULVERT 12" MIN.
 - (511) (10 L.F.) INSTALL CONCRETE BOX CULVERT SIDE TAPERED SECTION PER DETAIL ON DWG DT01.
 - (512) (1 E.A.) INSTALL CONCRETE INLET WINGS (LONG WING) AND TURNDOWN PER ADOT STD. DTL B-04.30.
 - (601) (500 L.F.) INSTALL STRAW ROLL EROSION CONTROL BMP PER DETAIL ON DWG DT01.



EXISTING CONCRETE BOX CULVERT
PER BUTLER AVENUE IMPROVEMENTS-PHASE
1A AS-BUILT PLANS BY Z&H ENGINEERING,
INC. DATED 5-29 1990

BOX CULVERTS SHALL BE SUPPORTED ON 12" MIN. OF
ENGINEERED FILL, MEASURED FROM BOTTOM OF
STRUCTURE, COMPACTED TO 95% MIN. COMPACTION IN
ACCORDANCE WITH ASTM D 698. ENGINEERED FILL SHALL
EXTEND Laterally 12" BEYOND FOUNDATION FOOTPRINT.



C.O.F. Project # 03-14008

FLAGSTAFF ARIZONA	
CLAY AVE WASH	
CHANNEL AND CULVERT IMPROVEMENTS AND EROSION CONTROL PLAN PLAN AND PROFILE, STA 10+06 TO STA 12+09	
JOB NO:	13323
DATE:	SEP 14
SCALE:	H= 1:10 V=1:2
DRAWN:	TRL
DESIGN:	OKB
CHECKED:	OKB
110 W. Dole Avenue Flagstaff, AZ 86001 928.774.0354 928.774.8934 fax www.swiaz.com	
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REVISIONS	
CALL TWO WORKING DAYS BEFORE YOU DIG	
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DRAWING NO.	PP01
SHT NO.	4
OF	4

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Don Jacobson, Court Administrator
Date: 01/28/2015
Meeting Date: 02/03/2015



TITLE:

Consideration of Appointment of On Call Judges for the Flagstaff Municipal Court.

RECOMMENDED ACTION:

Approve the appointments as recommended by Hon. Thomas L. Chotena, Presiding Magistrate of the Flagstaff Municipal Court.

Executive Summary:

Appointment of all magistrates is required to be completed by Flagstaff City Council under both the City Charter and Flagstaff City Code. Appointment of on-call judges allows for ongoing coverage of cases that other judges have a conflict of interest in as well as to cover initial appearances as required by law within 24 hours following arrest (including weekends and holidays), provides for coverage for absences of other judges due to illness or planned absences and allows for additional operations to be performed as the court calendar allows.

Financial Impact:

All funding for on-call judges is included in the approved court budget.

Connection to Council Goal and/or Regional Plan:

Improving public safety by providing coordinated coverage for the Municipal Court with other courts within the county and providing for continuous coverage for all case types and files.

Previous Council Decision on This:

Yes, the City Council has interviewed the applicants at previous Executive Sessions.

Options and Alternatives:

- 1) Approve the appointments as recommended by the Presiding Judge
- 2) Don't approve the appointment as recommended by the Presiding Judge and request additional candidates for Council consideration
- 3) Don't approve the appointment for on-call judges

Background/History:

For numerous years we have been coordinating our initial appearance calendar with other courts in the areas to reduce duplication of effort and costs associated with jail time and transportation of prisoners. Recently we have added the coordination of after hour search warrants as well; this provides law enforcement a single contact point to get search warrant approval when no court is open to provide it. Our on-call judges have been a key to be able to provide these services.

When an individual is arrested they can only be held for up to 24 hours before they must appear before a magistrate who will determine if there is probable cause for the arrest and set release conditions. Should they not appear in this time they must be immediately released. Having on-call judges perform our weekend and holiday initial appearances allows us to guarantee that those accused of a crime will have an appearance before a magistrate and have release conditions set in accordance to the violation charged.

On-call judges are critical to cover absences of judges due to illness, vacation or conflict of interest.

Key Considerations:

These appointments are critical to the ongoing operations of the court. We use on-call magistrates for almost half of all of the court hearings and events that take place at the Flagstaff Municipal Court. Below are the individuals who were recently interviewed, to be considered for appointment/reappointment:

Christine Brown (new appointment)
Paul Christian (reappointment)
John Lamb (new appointment)
Gerald McCafferty (reappointment)
Jennifer Nagel (reappointment)
Susan Slasor (reappointment)
Daniel Tom (new appointment)

Community Benefits and Considerations:

Approving this appointment allows the court to not only maintain operational integrity in managing its caseload, but also supports the application of justice in our community.

Attachments:

CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Brad Hill, Utilities Director
Date: 01/28/2015
Meeting Date: 02/03/2015



TITLE:

Consideration to re-open discussion on the Principles of Sound Water Management

RECOMMENDED ACTION:

Provide direction to staff on which component(s) of the Principles of Sound Water Management that Council would like to discuss

Executive Summary:

A sufficient number City Councilmembers at the January 6, 2015 Council Meeting indicated a desire to discuss portions of the Principles of Sound Water Management. City Council adopted the Principles of Sound Water Management in April, 2014. As background, the process to develop and adopt these water policies was transparent and vetted through numerous meetings with the citizens advisory Water Commission and City Council. The development of these policies initially started in 2008 and culminated with the Water Commission approving the policy language in November, 2012. City Council then took up the review and discussion of each policy. After 10 (ten) meetings City Council adopted the policies on April 1, 2014.

Financial Impact:

None

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

Ensure Flagstaff has a long-term water supply for current and future needs
Address key issues and processes related to the implementation of the Regional Plan
Ensure that we are as prepared as possible for extreme weather events

REGIONAL PLAN:

Chapter VI - Water Resources

Previous Council Decision on This:

Yes - City Council adopted the Principles of Sound Water Management in April, 2014.

Options and Alternatives:

- 1) Provide direction to staff on which component(s) of the Principles of Sound Water Management that Council would like to discuss.
- 2) Do not provide direction to staff on which component(s) of the Principles of Sound Water Management that Council would like to discuss.

Community Involvement:

Inform
Consult
Involve
Collaborate

Attachments: Principles of Sound Water Management
 Resolution

UTILITIES INTEGRATED MASTER PLAN

Principles of Sound Water Management Water Policies Chapter



April 1, 2014
City of Flagstaff - Utilities Division

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Acknowledgments

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Vice Mayor

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Jeff Oravits

Scott Overton

Mark Woodson

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Chair

Hanna Cortner

Brad Garner

Dick Kersey

Jim McCarthy

John Nowakowski

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Karin Wadsack

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Dan Folke
Planning Director

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Andy Wagemaker
Revenue Director

Debby Valencia
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Utilities Program Manager

Jim Cronk
Planning Director – retired

Sterling Solomon
Deputy City Attorney

Roger Eastman, AICP
Comprehensive Planning Manager

Introduction

The primary purpose of the Utilities Integrated Master Plan - Water Policies chapter is to provide the fundamental principles and guidelines for how the Utilities Division achieves the goals and objectives outlined by City Council and upper City Management. The objective of these policies is to: preserve the public's trust in our water, sewer and stormwater systems through compliance with state and federal water quality, water management and flood plain management laws; guide strategic long-term planning; and demonstrate leadership in the stewardship of our limited natural resources. These policies emphasize the importance of water conservation, the protection of our natural environment and the development and maintenance of a redundant water supply that will assist in satisfying demand during a prolonged drought.

The principles of sound water management contained within these water policies will support and build on the policies contained within the Water Element section of the Flagstaff Regional Plan 2030 ("General Plan" or "Regional Plan") and its subsequent updates. These policies will provide guidance to staff on how most effectively to develop, recommend and implement the numerous programs administered by the Utilities Division. Specific references to the Flagstaff City Code are for informational purposes only as the Flagstaff City Code may be amended from time to time.

The Utilities Division is comprised of two Enterprise Funds: water, wastewater and reclaimed water are tracked individually in one fund; the second separate fund is stormwater. The fiscal objective is to balance expenses (Operations and Maintenance [O&M] and Capital) versus income from rates and capacity fees.

These policies refer to conducting periodic master planning efforts for water resources and Utilities infrastructure including the water system, wastewater system, reclaimed water system, stormwater drainage and technology pertaining to the water and sewer system's operation and control, also known as a Supervisory Control and Data Acquisition or SCADA. All master planning efforts should take into account the potential impacts on the Utilities Division, vulnerability and assessment of risk from climate variability and weather related effects. The goal should be to build in resilience in the operations of the Utilities Division in order to protect against the risk from climate variability and weather related impacts to the City's water supplies and infrastructure. The City undertook a Resiliency and Preparedness study in 2012 and the results and recommendations of this study should be considered in all master planning efforts.

The process to develop and adopt these water policies was transparent and vetted through numerous meetings with the City's citizens advisory Water Commission and the Flagstaff City Council. The development of these policies initially started in 2008 and culminated with the Water Commission approving the policy language on November 15, 2012. City Council then took up the review and discussion of each policy. After ten (10) meetings, the City Council adopted these policies by Resolution No. 2014-13 on April 1, 2014.

A. Finance

The City has an important responsibility to its citizens to carefully manage its Utilities finances wisely, account for public funds, and to plan for the adequate funding of services desired by the public including water and sewer services, reclaimed water uses and stormwater management. Therefore, the Water & Sewer Utility and the Stormwater Utility shall be financially self-supporting enterprises with all costs associated with each operation to be funded from revenues derived from the sale of potable water or reclaimed water or the fees for sewer and stormwater system services.

A1 Enterprise Funding: Water & Sewer Utility

Policy A1.1 The annual payment for debt service should not exceed 20% of total annual Operating Revenues.

Policy A1.2 The Water & Sewer Utility shall have a goal of maintaining more than 25% of the total estimated annual Operating Revenues in reserve for known future obligations plus an allowance for unbudgeted contingencies. This policy would not include Federal Support for disaster relief.

Policy A1.3 In the event that the City Council determines that there exists the need to set aside a minimum amount of water to be sold at a reduced rate or to grant some other forms of subsidy for users within the City's service area, the costs of such subsidies shall be from a non-utility source.

Policy A1.4 The City Council shall not enter into a development agreement for any purpose that permits the developer to pay (or otherwise offset) reduced water rates and/or reduced capacity fees unless such rates and/or fees are collected from a non-utility source.

Policy A1.5 The City's policies on the collection of payments for water and sewer capacity fees, water meter fees, service charges and other fees shall be applied consistently and as follows:

Strategy A1.5a A customer must provide proof that either a building or grading permit application was submitted to the Community Development Division prior to paying any fees.

Strategy A1.5b All fees must be paid in full at the time of payment. (*Flagstaff City Code, Section 7-03-001-0008*)

Strategy A1.5c If fees are scheduled to change, the customer has until one business day prior to the scheduled change to pay all fees under the current fee schedule. A customer may not use proof of an application submission prior to the fee schedule change to

pay fees under the previous fee schedule after the schedule change date.

Strategy A1.5d If a customer pays all fees but does not install the water meter and connect to City services before the building permit expires, the customer is subject to the latest fee schedule and any increase in fees will be assessed on the location. A decrease in fees will not be recalculated and refunded. The City should make an effort to contact the customer prior to the expiration of the building permit.

Strategy A1.5e If a customer changes the size of the water meter after all fees are paid, the customer is subject to the latest fee schedule and any increase in fees will be assessed on the location.

Strategy A1.5f All capacity fees are non-refundable and non-transferable from one parcel to another parcel.

A2 Enterprise Funding: Stormwater Utility

Policy A2.1 The Stormwater Utility shall collect revenues from properties with impervious surfaces according to an Equivalent Rate Unit (ERU) basis (See definition that follows). The Stormwater Utility shall have a goal of maintaining more than 10% of the total estimated annual Operating Revenues in reserve for known future obligations plus an allowance for unbudgeted contingencies.

Policy A2.2 The Stormwater Utility shall issue runoff credits for properties implementing eligible stormwater catchment systems as further described in the stormwater manual. (*Flagstaff City Code, Section 12-02-002-0005*)

A3 Rate Design Elements: Water & Sewer

Policy A3.1 Water and sewer rates should be set on a cost-of-service basis. Commodity charges should reflect the costs across all customer classes. Rate structures should be designed with the goal of encouraging water conservation. The design of recommended rates should include provisions that will provide a minimum of 25% of revenues from fixed costs and the remainder from commodity rates. The design should also anticipate a balance between conservation (commodity charges) and revenue stabilization (fixed rates). (*See Flagstaff City Code, Section 7-02-001-0038*)

Policy A3.2 Water and sewer rates shall be internally reviewed annually. Any anticipated changes in the rate structure should be implemented in a timely manner in order to avoid large-scale shifts in rates. A formal rate study will be performed every three (3) years.

Policy A3.3 Water and sewer fixed and variable rates for customers located outside the City corporate limits, including standpipe customers, shall always be over and above the charges to customers within City limits and will be set during a formal rate study as per Policy A.3.2. The purpose of the increased rates is to capture those hidden costs that customers within the City limits pay and non-residents do not such as fixed costs (e.g., water meter charges).

Policy A3.4 Capital projects which would require the utility to take on debt greater than Policy A1.1 are not financially sustainable due to their potential impact on existing rates and capacity fees. Financing for large projects may require funding support from such sources as the federal government, state government, new taxing district or authority, public-private partnership, sales tax, revenue bonds or a combination of these sources.

A4 Private Water Company Acquisition

Policy A4.1 The City of Flagstaff shall have a goal of becoming the sole water, sewer and reclaimed water provider within its incorporated boundaries. From time to time, the City may have opportunities to purchase other existing water delivery or sewer collection systems adjacent to or near the City's existing service area. The following criteria will be used to evaluate such opportunities:

- Strategy A4.1a The purchase must prove to be beneficial to the customers of the Utility.
- Strategy A4.1b The private water company must possess sufficient water supplies of sufficient capacity that meet applicable federal and state drinking water quality standards.
- Strategy A4.1c The components of the private water company's infrastructure (water production, pipelines, fire hydrants, etc.) should be constructed to existing City utility standards or be upgraded to those standards prior to acquisition.
- Strategy A4.1d The purchase of the private water company should not result in a net increase of costs to existing City water and sewer or customers.
- Strategy A4.1e The new service area shall be within existing City limits or be annexed into the City of Flagstaff prior to purchase.

Definitions:

Cost Recovery: The collection of sufficient revenues from charges, rates and capacity fees to meet the present and future operational, maintenance, capital and debt service obligations of the Utility.

Cost of Service: An evaluation process by which revenue requirements are used to generate a system of fair and equitable costs in proportion to the service received for each user classification.

Equivalent Rate Unit (ERU): The basic unit for the computation of stormwater service fees. All property in the City is subject to the periodic stormwater management utility service charge. The fee is based on number of ERUs; each ERU is equal to 1,500 square feet of impervious area.

Fund Balance: An account defined as the difference between the assets and liabilities of a fund. It is used as a measure of the amount available to budget or spend in the future.

Future Obligations: Previously identified capital improvement projects, including those approved capital projects contained in the five-year Capital Improvement Program.

Operating Revenues: Income derived from sources related to the Utilities everyday business operations. Operating Revenues consist of revenues from sales of a commodity (water, sewer, reclaimed water) and miscellaneous service revenues. For example, water sales and installation services generate on-going operating revenue, whereas the sale of City property is considered to be an unexpected, or "one-time," event.

B. Water Resource Management

B1 Use of Renewable Water Resources

Maximizing the use of renewable water supplies is an important water management tool to minimize the long-term impacts of over-drafting a community's groundwater resources. Examples of local renewable water supplies for the City of Flagstaff include surface water from Upper Lake Mary, spring flow from the Inner Basin, groundwater equivalent to net natural recharge, and directly delivered reclaimed water. Utilizing renewable water resources as the City's primary supplies will not only help Flagstaff be sustainable, but it will also save groundwater for times when surface water supplies are unavailable or severely limited due to prolonged drought conditions.

Policy B1.1 The City should maximize the use and delivery of local renewable water supplies that are available in any given year.

Policy B1.2 The City should develop a diverse renewable water supply portfolio to ensure redundancy in the event one supply is unavailable or severely limited due to prolonged drought conditions. A diverse water supply portfolio includes the following:

Strategy B1.2a Various types of water supplies (e.g. groundwater, surface water and reclaimed water) and the different types of production infrastructure (e.g. wells, water treatment plants) necessary to treat and deliver each type of water supply.

Strategy B1.2b The temporal aspect of the water supply for redundancy. For example, will the redundant water supply be available for a long time (i.e. groundwater) or for a shorter time frame (e.g. surface water in Lake Mary). When considering production infrastructure (i.e. wells), the redundancy should be available permanently.

Strategy B1.2c The timing and costs associated with maximizing these renewable resources.

B2 Water Adequacy – Adequate Water Supply Program

This policy relates to the City of Flagstaff maintaining its Designation of Adequate Water Supply (Designation) by the Arizona Department of Water Resources (ADWR). The primary purpose of maintaining the Designation is to ensure that all new development within City limits has a proven 100-year water supply prior to construction. The benefit to the community is to ensure the public's trust in the City's water resources and provide for long-term economic vitality and sustainability. This policy relates strictly to the tracking of, and commitment to, water resources and does not address the infrastructure requirements to deliver and utilize the water supply. Infrastructure requirements are addressed in Policy G.1 – Utilities Master Planning.

Policy B2.1 Communication: The Utilities Division will provide the primary point of contact for all staff-level communication with both the ADWR and U.S. Bureau of Reclamation on water resources and water conservation regulatory related issues.

Policy B2.2 Adequate Water Supply Program: the City shall develop a water management program that complies with ADWR's Adequate Water Supply Program by demonstrating, at a minimum, that its water supplies are physically, legally and continuously available for at least 100-years.

Strategy B2.2a The Utilities Division shall conduct hydrologic studies necessary to estimate its 100-year volume of water supplies considering groundwater, surface water and reclaimed water per state regulations. These studies should at a minimum include partnering in the development, maintenance and update of a computerized groundwater flow model of the Coconino Plateau's regional hydrology in order to assist in evaluating the sustainability of the City's groundwater supplies over the long-term, their resilience from drought, and to support the City's Designation of Adequate Water Supply. These studies should be reviewed and updated on a regular basis as more technical information becomes available.

Strategy B2.2b The Utilities Division will use data developed within the Integrated Utilities Master Plan - Water Resources Chapter (Policy F.1) to estimate the City's water demand needs at build-out.

Strategy B2.2c The City's water supplies, as determined by Policy B2.2a, shall be dedicated to all existing developed parcels, new projects developed in accordance with their zoning designation on the Zoning Map, and to new Subdivision Final Plats on a first come, first serve basis. The City should also consider the economic value of water and recommend a pre-defined volume of water to set-aside that is sufficient to encourage and maintain economic development and vitality.

Strategy B2.2d For each new Subdivision Final Plat, Zoning Map Amendment, or Major/Minor Amendment to the Regional Plan an estimate of the annual average and peak day volume of water for the development at build-out will be provided. The projected annual average water needs shall be calculated using the City of Flagstaff Engineering Standards and/or the water use metrics contained within the Utilities Department Integrated Water Master Plan – Water Resource Chapter. The build-out estimates, when appropriate, should consider additional water

conservation measures that may reduce the development's projected annual average water needs into the future.

Strategy B2.2e The Utilities Division will commit and track with different time periods the necessary annual average and peak day water supply for all new Subdivision Final Plats and new projects developed in accordance with their existing zoning designation on the Zoning Map. Annual average and peak day water supply for Major Amendments shall also be tracked but not committed.

Strategy B2.2f The developer will be required to obtain a building or grading permit within the specified time frames outlined below or risk losing the committed water resources:

- Subdivision Final Plat – there will be no time limit on the reservation of the water resources committed for a subdivision final plat approved by the City Council as long as the City maintains its Designation of Adequate Water Supply with the Arizona Department of Water Resources. The reservation of water resources is not transferrable to any other project or land.
- Vacant Property Seeking Development Approval (e.g. Site Plan Review) – for all new development proposed consistent with the existing zoning as designated on the Zoning Map, there will be no time limit on the reservation of the water resources committed as long as the City maintains its Designation of Adequate Water Supply with the Arizona Department of Water Resources.
- Zoning Map Amendment and Minor Amendments to the Regional Plan – for such new development, water resources will only be committed for no longer than the time frame associated with the zone change approval within which the applicant has to commence construction subject to the conditions stipulated by the City Council as long as the City maintains its Designation of Adequate Water Supply with the Arizona Department of Water Resources.
- Major Amendments to the Regional Plan – there will be no reservation of committed water resources for these amendments (i.e., water resources will be tracked but not committed).
- This Strategy should only be applicable to commercial, industrial, and multi-family developments, and those residential subdivisions that contain six (6) or more individual lots. This policy is not applicable to a single lot land owner.

Strategy B2.2g The Community Development, Economic Vitality and Utilities Divisions will coordinate regarding the City's available uncommitted water resources that can be allocated to priority developments shown in the voter approved Regional Plan.

This will occur before approving any development agreement, new extension, variance, or other changes to any final site or construction plans that result in the allocation of water beyond what was originally approved.

Policy B2.3 Compliance: The City shall take all necessary steps to maintain its status as a Designated water provider as determined by the ADWR. Additionally, the City of Flagstaff will submit the committed demands for each Subdivision Final Plat and permits granted for existing lot developments on an annual basis to the ADWR as currently required by law.

B3 Water Quality

The mission of the City of Flagstaff's Utilities Division is to professionally and cost effectively provide water, wastewater and stormwater services. Drinking water safety is a primary concern of the Utilities Division; safety shall be achieved by utilizing technology and qualified staff members to monitor production systems, sample the distribution system, and evaluate opportunities to continually and cost effectively enhance the program. The City shall develop water quality programs that provide potable water, which is treated, tested and safe for Flagstaff citizens, businesses and visitors, and meets all current water quality regulations.

Wastewater quality shall be established through an active pretreatment and monitoring program which ensures the safety of the City's infrastructure and adherence to regulations.

Water

Policy B3.1 The City shall develop water treatment facilities which:

- a. Provide quality water which meets current federal regulations.
- b. Consider operational costs and water quality standards when determining treatment options.
- c. Consider aesthetic characteristics such as taste, odor and residual chlorine in the design process of treatment options.

Policy B3.2 The City shall maintain monitoring schedules which provide:

- a. Monitoring at each facility, both on-site and remotely, if applicable.
- b. Sampling schedules designed to monitor as early in the compliance cycle as possible.
- c. Sampling appropriately within the distribution system.
- d. Sampling results shared with residents in a timely fashion.
- e. Compliance with Federal, State and Local regulations for each parameter of interest tested (each regulated compound).

Policy B3.3 The City shall maintain a compliance laboratory for both operational and compliance purposes, which provides rapid response to operations for routine testing where:

- a. Parameters that are tested shall minimize turn-a-round time.
- b. Parameters that are tested shall improve operational efficiency and effectiveness.
- c. Parameters that are tested will be cost effective for regulatory compliance.
- d. Verification of testing completed and each result will be in compliance with Federal, State and Local regulations.
- e. Water quality sampling data shall be managed using a computerized database management system to facilitate tracking, trending and archival of the information, and archival of the information.
- f. All laboratories used by the City shall be certified by the Arizona Department of Environmental Quality (ADEQ) for the parameters that are tested.

Policy B3.4 The City shall maintain a cross connection program which requires all backflow devices within the City, except single family homes unless equipped with a fire sprinkler system, to be tested annually and in compliance with Federal, State and Local regulations. All testing and permitting costs will be the responsibility of the owner. *(Flagstaff City Code, Section 7-03-001-0015)*

Wastewater

Policy B3.5 The City shall maintain a pretreatment program which adheres to U.S. Environmental Protection Agency (USEPA) standards. At a minimum, this program shall perform the following:

- a. Maintain an annual inspection, monitoring and sample schedule which protects the City's infrastructure.
- b. Ensure businesses do not discharge wastes which can lead to sanitary sewer overflows.
- c. Ensure businesses do not discharge waste which can compromise the collection infrastructure, treatment facility, impair operators, or cause reclaimed water to fail to meet permit requirements.

Policy B3.6 The City shall develop wastewater treatment facilities which:

- a. Adhere to Aquifer Protection and Arizona Pollutant Discharge Elimination System permits issued by the ADEQ.
- b. Provide the best use of reclaimed water while ensuring compliance to the facility's regulatory permit(s).

- c. Allow the greatest flexibility in plant operations,
- d. Minimize operational costs.
- e. Provide reclaimed water at a minimum quality of A+.

Policy B3.7 The City shall develop appropriate emergency response plans that:

- a. Coordinate with multiple agencies to facilitate communication and minimize challenges in the event of an emergency.
- b. Develop cooperative agreements with surrounding organizations or communities, if appropriate.
- c. Review facility emergency operations plans on an annual basis to ensure appropriate response.

C. Reclaimed Water

The State of Arizona is recognized as a national leader in the management and regulation of reclaimed water, which has led to its increased use across the State. Governor Brewer's Blue Ribbon Panel's Report on Water Sustainability published a report in 2010 that states reclaimed water has significantly increased in use over the past two decades. Reclaimed water now represents 3% of the total water used throughout the State. The City of Flagstaff is known within Arizona as a leader in reclaimed water use which now represents 20% of total water used within the City. In 2014, Governor Brewer's office and the Arizona Department of Water Resources published a report titled "Arizona's Next Century: A Strategic Vision for Water Supply Sustainability." That report identified the continued commitment to conservation and expanding the reuse of reclaimed water as the State's second highest strategic priorities towards achieving water supply sustainability. The treatment, delivery and use of reclaimed water is a significant water management tool and will continue to play a key role in the sustainability within the City of Flagstaff today and into the future.

Definitions

- i. Direct Reuse: In accordance with Arizona Administrative Code (A.A.C.) R18-9-701, Direct Reuse means the beneficial use of reclaimed water for a purpose allowed by State law. The delivery of this water supply is accomplished via a separate distribution system, commonly colored purple. The uses of reclaimed water are listed in A.A.C. R18-11-309-Table A, as amended from time to time. Direct Reuse does not include water for potable consumption at this time. However, when technology, regulations and public acceptance allow, Direct Reuse may include water for potable consumption.
- ii. Groundwater Recharge: In accordance with Arizona Revised Statutes, groundwater recharge is conducted utilizing either a Constructed (§45-802.01.4) or a Managed (§45-802.01.12) Underground Storage Facility (USF) that has the intent to store water underground. In general, a Constructed USF is an engineered and designed recharge facility while a Managed USF simply utilizes the natural channel of a stream (e.g., Rio de Flag) to recharge the groundwater aquifer.
- iii. Indirect Reuse: In accordance with industry standards, and for the purposes of this policy, Indirect Reuse means the use of reclaimed water that has been previously recharged and stored underground; that has been co-mingled or mixed with the natural groundwater system; then withdrawn or recovered via water supply wells. This co-mingled mix of water meets all Safe Drinking Water Act requirements.
- iv. Out of City Reclaimed Water Customer: For the purposes of this policy, an Out of City Reclaimed Water Customer means any customer located outside the City of Flagstaff corporate limits who uses reclaimed water outside the

City of Flagstaff corporate limits, regardless of whether delivery of the reclaimed water is accepted by that customer inside or outside the City of Flagstaff corporate limits.

- v. Reclaimed Water: In accordance with A.A.C. R18-9-701, Reclaimed Water means water that has been treated or processed by a wastewater treatment plant or an on-site wastewater treatment facility.
- vi. Recovery: In accordance with Arizona Revised Statutes, recovery of stored water is the withdrawal of a water supply (e.g., reclaimed water) that has been previously recharged underground pursuant to applicable state law (§45-831.01 - §45-836.01).

C1 Charges

Policy C1.1 The City shall have a goal of a minimum of full Cost Recovery for reclaimed water that is delivered within and outside of the City's incorporated limits. To the extent the City Council determines whether these charges discourage the use of reclaimed water, the charges for reclaimed water shall be adjusted to encourage its use. The adjusted charge will be subsidized by the water rate customers.

C2 Water Quality and Education

Policy C2.1 The Utilities Division should design and construct water reclamation facilities that treat and produce reclaimed water to the highest water quality standards permitted by Federal and State law. Reclamation facilities shall be designed to permit the use of reclaimed water for either Direct Reuse or Indirect Reuse and shall be monitored in accordance with each facility's permit. Additionally, the Utilities Division should evaluate the economic costs, feasibility and environmental and health-risk benefits of implementing new technologies as may be appropriate from time to time. *(See Flagstaff City Code, Section 7-02-001-0003)*

Policy C2.2 The Utilities Division should remain engaged in regional, state and national discussions on the use and regulation of reclaimed water, including the management and quality of the reclaimed water supply and the state of the science of treatment technologies. This should be accomplished by remaining active at a minimum in the national WaterReuse Association and its Arizona chapter (WaterReuse Arizona), Water Environment Federation, and the national American Water Works Association and its Arizona section (AZ Water).

Policy C2.3 The Utilities Division should maintain an educational program that focuses on reclaimed water, its safety, quality, public perception and beneficial uses.

C3 Reclaimed Water Agreements

Policy C3.1 The Utilities Division shall require each user to have a direct delivered Reclaimed Water Agreement which may be modified from time to time by mutual agreement of the parties. These Agreements should contain at a minimum: user name, address, place of use, point of delivery, delivery schedule (i.e., maximum peak day, maximum monthly and annual volume), price, termination date, and other applicable information and contract terms as appropriate. Reclaimed water will be considered and allocated on a first come, first serve basis, but entering a Reclaimed Water Agreement shall remain solely within the City's discretion. Any proposed modifications to the terms of an existing Reclaimed Water Agreement (e.g., change of intended use, place of use, delivery schedule or other modifications) will require the applicant to obtain a new Reclaimed Water Agreement which may be entered into or denied within the City's sole discretion. *(See Flagstaff City Code, Section 7-02-001-0023)*

C4 Reclaimed System Capacity

Policy C4.1 The Utilities Division will review requests for reclaimed main extensions using the following criteria:

Strategy C4.1a Determine if capacity is available and stipulate any necessary requirements for the extensions. Any new service or change in use that will result in increased demands for reclaimed water must consider that the change may require additional improvements to the City's reclaimed water system at the owner's/developer's expense. *(Flagstaff City Code, Section 7-02-001-0023)*

Policy C4.2 Reclaimed Water System Capacity Allocation Program: The Utilities Division shall track and monitor existing and proposed peak day and average annual reclaimed water deliveries in order to prevent exceeding the City's ability to meet contracted for demands. When system capacity has been approached or there are supply limitations for any reason, the Utilities Director will stop issuing any new Reclaimed Water Agreements until such time that additional reclaimed water supplies are available. In the event of a reclaimed water shortage, the shortfall will be spread equitably across all reclaimed water customers.

C5 Out of City Deliveries

Policy C5.1 Charges for out of City reclaimed water deliveries shall always be over and above the charges to customers within City corporate limits as defined in Policy C1.1. *(Flagstaff City Code Sections 2-04-001-0007; 2-04-001-0008; 2-04-001-0009)*

Policy C5.2 The City has complete discretion to decide whether to enter Reclaimed Water Agreements with potential customers outside the City's corporate boundaries. (*Flagstaff City Code Sections 2-04-001-0007; 2-04-001-0008; 2-04-001-0009*)

C6 Recharge and Recovery

In order to ensure groundwater supplies are sustainable and resilient to the impacts from prolonged drought, the City should be involved in the recharge of its unused renewable water supplies. In addition, the City should plan and implement strategies to recover those renewable water supplies that are stored underground to meet its customers contracted-for or long-term water needs.

Policy C6.1 The Utilities Division should develop a Groundwater Recharge & Recovery program that is in compliance with applicable State laws (Arizona Revised Statutes Title 45, Chapter 3.1, Underground Water Storage and Replenishment). The purpose of this program would be to optimize the management and use of the City's reclaimed water.

Policy C6.2 The City should continue to develop local water recharge and recovery initiatives. These initiatives should:

- a. Maximize the storage of the City's unused reclaimed water underground (recharge) by developing, constructing and permitting City-owned Underground Storage Facilities, where appropriate, through the Arizona Department of Water Resources.
- b. Capture and recover the stored reclaimed water through water supply wells located down-gradient and permitted as Recovery Wells through the Arizona Department of Water Resources.

Policy C6.3 The City should remain engaged, informed and involved in state-wide and regional discussions regarding groundwater use, recharge and recovery.

C7 Uses, Allocation and Priority

Policy C7.1 The Utilities Division should continue to recommend updates to policies and ordinances that encourage the Direct Reuse of reclaimed water where appropriate and consistent with State and Federal laws.

Policy C7.2 Golf courses, other large turf areas (e.g., schools, parks, etc.) and amenity lakes shall use Direct Reuse of reclaimed water.

Policy C7.3 The priority uses or future allocations of reclaimed water are:

- a. Renewal of Reclaimed Water Agreements with Existing Users. First priority shall be given to those users that already have a valid Reclaimed

Water Agreement for the delivery of reclaimed water. If requested by such existing user, the Utilities Division shall renew a Reclaimed Water Agreement provided that all applicable financial and legal requirements of City, State and Federal laws have been met. These Agreements shall be binding upon any successors and assigns who acquire the property that is benefitted by the Reclaimed Water Agreement and shall not be transferred or assigned without the City's written consent, which shall not be unreasonably withheld.

b. Water Conservation. Conserve potable water through the Direct Reuse of reclaimed water by converting existing uses of potable water to reclaimed water, where allowed by State Law.

c. Public Benefit. The Direct or Indirect Reuse of reclaimed water should be encouraged as a significant water management tool to sustain or promote economic vitality, augment the City's water supply (e.g., Groundwater Recharge and Recovery), and support contracted for deliveries for riparian habitat, wetlands or ponds.

D. Water Conservation

The City of Flagstaff Water Conservation program educates customers about the value of water as a resource. This program encourages water use efficiency and less demand on our water supply resulting in reduced capital and operating costs for water production and wastewater treatment. Conservation also results in reduced energy needs for water production. (A comprehensive and consistent water conservation and usage policy shall be developed that would include the best use of all the City's water resources while assuming a leadership role for water conservation in the community.)

D1 Education

Policy D1.1 The Water Conservation Section shall maintain a year-round water conservation program that provides outreach to its citizens. Program administrators shall participate and provide educational information at various events in the community and provide updates through the City of Flagstaff's website and other appropriate venues. The program shall promote Xeriscape and not "zeroscape" in landscape design.

D2 Water Use Restrictions and Regulatory Compliance

Policy D2.1 The Water Conservation Section develops and ensures compliance with an ordinance that shall require a reduction in water consumption per capita yet enables the consumer to maintain an aesthetically attractive, comfortable and clean environment.

Strategy D2.1a The Water Conservation Section shall also partner with the Community Development Division and the Utilities Stormwater Section to ensure compliance with the codes these programs enforce. The Water Conservation program shall collaborate with these programs to develop additional strategies or programs to achieve future reduction in per capita water use.

Strategy D2.1b The Water Conservation Section shall develop and maintain Strategy Levels in the ordinance that defines the severity of each water shortage level and required cutbacks with pre-defined criteria regarding when each level goes into effect. *(Flagstaff City Code, Section 7-03-001-0014)*

Strategy D2.1c The Water Conservation program shall track water demand and consumption. This information shall be updated on a regular basis to be used in a variety of reports.

D3 Incentive Programs

Policy D3.1 The Water Conservation Section should consider and develop a rebate program in the form of monetary credit on a customer's water bill in order to encourage the further conservation of the City's water supplies.

Strategy D3.1a The criteria used to determine program products for rebates shall include at a minimum the water savings compared to the cost of implementing a specific water savings device (e.g., \$/gallons of water saved per unit device).

Strategy D3.1b Metrics related to the water conservation rebate program shall be calculated to determine effectiveness of such programs and assist in developing future program parameters. Devices that create the greatest water savings will be used in future rebate programs. Ineffective devices will be replaced with ones that yield better water savings.

D4 Regional Participation

Policy D4.1 The City of Flagstaff should participate in local and state-wide groups that promote water conservation.

Strategy D4.1a The City of Flagstaff shall partner with the appropriate local events that include water conservation.

Strategy D4.1b The City of Flagstaff shall attend informational meetings. That includes, but is not limited to, Arizona Department of Water Resources, InfoShare, and ReNEWS.

D5 Rainwater Harvesting

Policy C5.1 The Water Conservation Section shall work closely with the Stormwater Section to insure the same goals of conserving water are addressed in each program and are supportive of each other.

D6 Support of Riparian Areas

Policy D6.1 The Water Conservation program should establish guidelines on how reclaimed water may be contracted for and used for the benefit of the environment and support of riparian habitat.

D7 Drought Planning

The City's renewable water supplies are often impacted by short-term changes in local precipitation and would be severely impacted by any long-term changes in regional climate. The City will maintain a Drought Contingency Plan within its Water Conservation ordinance in order to establish policies, rules and penalties to be implemented when a water deficiency condition has been declared. *(See Flagstaff City Code, Section 7-03-001-0014)*

- Policy D7.1 The City shall maintain a Drought Contingency Plan and it should:
- a. Be consistent with the Utilities Integrated Master Plan - Water Resources Chapter.
 - b. Establish strategies and their goals, and develop triggers for when each strategy shall be implemented.
 - c. Provide for authority and enforcement.
 - d. Communicate the difference between water conservation as a lifestyle and demand reduction as a drought response.
 - e. Contain clear procedures on how the plan will be implemented, including provisions for informing the public.

- Policy D7.2 The Drought Contingency Plan goals should be:
- a. To protect public health and safety.
 - b. Aid in community-wide economic security.
 - c. Provide sufficient water to meet the needs of the City of Flagstaff water customers.
 - d. Allocate the impacts and hardships caused by drought equitably.
 - e. Minimize the disruption to the economy so that jobs are protected and regional economic stability is preserved.
 - f. Provide options for updating or amending the Drought Contingency Plan by the City Council.

- Policy D7.3 The Drought Contingency Plan should define and establish triggers and water use restriction strategies:
- a. Consider defining multiple levels of water use restriction stages and strategies to reduce water consumption.
 - b. Consider defining triggers based upon infrastructure limitations.
 - c. Consider defining triggers based upon hydrologic supply limitations.

E. Stormwater

The responsibilities of the Utilities Stormwater Section are categorized into stormwater quantity (flood control), stormwater quality, and watershed management. Some activities, such as Low Impact Development (LID), which captures stormwater for reuse and infiltration, address both water quality and quantity.

In general, the Stormwater Section's activities include a variety of mandated compliance programs including the Federal Emergency Management Association (FEMA) Flood Insurance Program and the USEPA mandated National Pollutant Discharge Elimination System (NPDES). The Section also manages Master Planning efforts, enforces stormwater design standards, and responds to drainage complaints received from citizens. The Section delivers a capital improvement program for drainage infrastructure improvements as well as managing a drainage maintenance program.

E1 Compliance

Policy E1.1 The City shall make necessary and timely changes to ensure full compliance with Federal Emergency Management Association (FEMA) floodplain regulations, and the National Pollution Discharge Elimination System (NPDES) regulations administered by both the U.S. Environmental Protection Agency (USEPA) and the Arizona Department of Environmental Quality (ADEQ). (*Flagstaff City Code, Section 12-01-001-0004.02*)

Policy E1.2 The City will maintain contact with FEMA, USEPA, and ADEQ to remain up-to-date on pending and adopted regulatory changes, ensure that changes to City policies and ordinances necessary to remain in compliance are adopted and implemented, and provide necessary training and public outreach to customers to assist with compliance. (*Flagstaff City Code, Section 12-01-001-0005.2*)

E2 Flood Control

Policy E2.1 The City will continually strive to improve the ranking in the Community Rating System (CRS) in order to provide discounted flood insurance for the community.

Policy E2.2 The City will continually strive to improve the accuracy of Flood Insurance Rate Maps

Policy E2.3 The City will partner with the Emergency Operations Center (EOC), Public Works Streets Section, and other emergency responders to develop detailed policies and procedures for local and regional flood response scenarios.

Policy E2.4 By working with the Public Works Streets Section, ensure proper inventory of the drainage infrastructure and provide necessary funding for future years based on system growth and need.

E3 Stormwater

Policy E3.1 The City shall conduct drainage master planning for all major (regulatory) watercourses in the City, adopt development standards that adhere to the results of the Master Plan, and explore funding sources for the construction of prioritized master plan projects. *(See Flagstaff City Code, Section 12-02-001-0004)*

Strategy E3.1a All public and private drainage infrastructure proposed to be constructed on watercourses included in the completed Master Plan should be constructed according to the results and recommendations within the Master Plan.

Strategy E3.2b The City should work with the US Army Corps of Engineers to secure funding for completion of the project that addresses including, but is not limited to, the upper Rio De Flag and Clay Avenue watercourses.

Policy E3.2 The City's Stormwater Management Design Manual shall contain current design and inspection requirements for private development drainages. *(Flagstaff City Code, Section 13-08-001-0001)*

Policy E3.3 The City shall respond to drainage complaints within 24 hours of receipt and provide timely resolution.

Policy E3.4 The City shall provide appropriate credits for the stormwater quantity and quality improvements outlined and periodically updated in the Stormwater Credit Manual. *(Flagstaff City Code, Section 12-02-002-0005)*

Policy E3.5 The City shall promote the direct use of stormwater as a water conservation tool and develop best management practices to capture and use stormwater in a variety of ways for a variety of uses.

Policy E3.6 Drainage improvements should be designed to promote infiltration, when practical. The use of concrete and closed conduits shall be discouraged. *(See Flagstaff City Code, Section 13-06-004-0001)*

Policy E3.7 The City shall develop and maintain a capital drainage improvement program (DRIP) and work cooperatively with the Public Works Streets Section to complete small-scale drain improvements.

Policy E3.8 The City shall continually seek to evaluate the feasibility of alternative, less costly approaches to stormwater management. Such approaches may include exploring Green Streets as a solution for drainage problems, creating LID demonstrations or pilot projects as part of any City funded projects, and developing incentives for LID demonstrations and pilot projects on private developments.

E4 Watershed Management

Policy E4.1 To protect the City's water supply and quality, the City will actively seek to encourage implementation of watershed restoration projects both within City boundaries and on lands owned or managed by private and public entities.

Strategy E4.1a The City shall partner with the "Stream Team," whose mission is to identify opportunities for restoration maintenance and preservation of streams, washes, and open channels within City limits, and work with neighborhoods, community representatives and other jurisdictions to ensure successful implementation of watershed restoration projects.

Strategy E4.1b The City will partner with a variety of private and public entities to support the implementation and maintenance of watershed restoration programs on parcels beyond the City limits that have a benefit to the City.

F. Infrastructure

F1 Water System Capacity Redundancy

Surface water supplies can be subject to interruptions and reduced or unavailable supply for a variety of reasons including drought, water quality, or infrastructure failure. Groundwater supplies can also be subject to interruptions for several reasons, including water quality and infrastructure failure. Therefore, having redundant (back-up) water supply sources and the necessary infrastructure to deliver that supply is good business practice. The purpose of requiring redundancy in our infrastructure is to ensure reliable water delivery to municipal customers in the event of a disruption of the City's primary water supply.

Policy F1.1 The City should develop system infrastructure as follows:

Strategy F1.1a The water system must be designed to provide an uninterrupted supply of water during peak hourly demand with a minimum supply pressure of 40 pounds per square inch (psi) at the supply point for Maximum Probable Development (MPD) and for an economical life of not less than 50 years. (*Flagstaff City Code, Section 13-09-003-0002*)

Strategy F1.1b The public water supply system must be designed for the MPD of the entire subdivision and any undeveloped land beyond and in accordance with the Flagstaff Zoning Code.

Policy F1.2 The City should maintain a diversified water resource portfolio in order to maintain an adequate redundant water supply by constructing the necessary infrastructure to treat, deliver and interconnect the City's diverse water portfolio.

Policy F1.3 The City should maintain sufficient water storage in order to maintain an adequate redundant water supply by considering the following:

Strategy F1.3a The basic objectives of water storage facilities are to help meet peak flow requirements, to equalize system pressures, and to provide emergency water supply, such as fire flow requirements. (*Flagstaff City Code, Section 13-09-003-0004*)

Strategy F1.3b Water storage capacity shall be met by use of ground or subsurface mounted types of storage tank facilities installed at an elevation above the upper zone boundary elevation of that portion of the distribution system it serves. Elevated water storage can also be referred to as gravity storage tanks or reservoirs. Elevated pedestal mounted water storage tanks shall not be used.

Policy F1.4 The City should maintain a water pipeline redundancy in order to maintain an adequate redundant water supply by considering the following:

- Strategy F1.4a Redundancy in the water distribution system is one way that the City can ensure reliability in delivering water to both residential and commercial customers.
- Strategy F1.4b Consider adding redundancy within the distribution system when replacing facilities that have reached the end of economic life or when performing repairs on existing facilities that require wholesale customer outages and the costs of redundancy are less than the avoided risk costs.
- Strategy F1.4c Redundant distribution water mains may be required to parallel transmission mains in order to meet water demands during a transmission main outage.

F2 Water System Capacity Allocation

This policy relates to how the City of Flagstaff will plan and allocate the water system capacity available for new development. The primary purpose is to avoid exceeding the flow capacity of pipeline infrastructure and water production and treatment capacity. The benefit to the community is to ensure the public's trust in the City's water system and provide a long-term planning tool for community sustainability. This policy relates strictly to the tracking and commitment of the City's "paper water" peak day demands and is allocated on a "first in time, first in right" principle. Infrastructure requirements are addressed in Policy G1 – Utilities Master Planning.

Policy F2.1 It is the intent of the Utilities Division to provide adequate water system capacity to meet the City's future development needs. In order to timely provide these services it will be Division policy to plan for future infrastructure, water production and treatment capacity needs by adopting the following benchmarks:

- Strategy F2.1a At 80% of committed peak day demand – the Utilities Division will identify additional sources, treatment capacity needs, funding options, start design and necessary land acquisition for increased capacity needs.
- Strategy F2.1b At 85% of committed peak demand - the Utilities Division will begin construction to expand necessary facilities.
- Strategy F2.1c At 95% of committed peak demand – the Utilities Division will have completed construction and all necessary regulatory

agency permits will have been obtained and begin full operation.

Policy F.2.2 Communication: The Utilities Division will provide the primary point of contact for all staff-level communication with both the Arizona Department of Environmental Quality and the USEPA on water quality related issues.

Policy F.2.3 Water System Capacity Allocation Program: The Utilities Division shall track and monitor existing and proposed water demands to prevent the pipeline and treatment plants from exceeding the permitted design flow capacity and prevent outages or curtailments from occurring. Flows shall be based on the applicant's build-out water flow basis not actual flows. Any differential between actual flows and the development's build-out water flow basis that occurs shall not be available to the applicant for re-allotment to another project or project expansion.

Strategy F2.3a The Utilities Division shall conduct hydraulic modeling studies (known as a Water–Sewer Impact Analysis) necessary to estimate water infrastructure impacts considering existing and proposed demands per City Engineering standards. These studies shall be reviewed and updated on a regular basis as more technical information becomes available. (*Flagstaff City Code, Section 13-09-003-0004*)

Strategy F2.3b The Utilities Division will use water demand data submitted during the Inter-Division Staff (IDS) review board process to estimate the Developer's water demand needs at build out. (*Flagstaff City Code, Section 13-09-003-0004.2*)

Strategy F2.3c The Utilities Division will commit and track with different time periods the necessary water system capacity (peak day water flow) for all new Subdivision Final Plats and new projects developed in accordance with their existing zoning designation on the Zoning Map. Annual peak day water capacity requirements for Major Regional Plan Amendments shall also be tracked but not committed.

Strategy F2.3d The developer will be required to obtain a building or grading permit within the specified time frames outlined below or risk losing the committed water system capacity:

- Subdivision Final Plat – there will be no time limit on the reservation of the water system capacity committed for a subdivision final plat approved by the City Council, and it is not transferrable to any other project or land.
- Zoning Map Amendment and Minor Amendments to the Regional Plan – for such new development, water resources and Utilities Water-Sewer Impact Analysis will only be committed for no longer than the time frame

associated with the zone change approval within which the applicant has to commence construction subject to the conditions stipulated by the City Council.

- Major Amendments of the Regional Plan – there will be no reservation of committed water system capacity for these amendments (i.e., capacity will be tracked but not committed).

Strategy F2.3e Developments that require water system capacity infrastructure which are not included within the Utilities Division 10-year Capital Improvement Plan or those that create water system capacity requirements beyond what the existing water system can provide shall be treated on a case-by-case basis. After a Water-Sewer Impact Analysis is conducted, the Utilities Division may require the developer to upsize water infrastructure off-site, dedicate an existing well, drill a new well or multiple wells necessary to meet the developments “average daily” capacity requirements. The Utilities Division should develop criteria for when a well or multiple wells will be required to be funded separately by the Developer. The Utilities Division will be responsible to provide the difference between the development’s “average day” and “peak day” water system capacity requirements.

Strategy F2.3f Developments that require water storage capacity infrastructure which are not included in the current 10-year Capital Improvement Plan or those that create water storage requirements beyond the existing water storage facility’s capacity shall be treated on a case-by-case basis. In order to meet regulatory requirements for water storage, the Utilities Division may require the developer to fund and construct storage tank(s) equal to their “average day” water demands. The Utilities Division should develop criteria for when a storage tank(s) will be required to be funded separately by the Developer. The water storage tanks must be placed at an elevation that will provide adequate pressure for the Zone. It is the Developer’s responsibility to obtain the appropriate land and right-of-way required to place the tank(s) and convey the water from the tank(s) to the site.

F3 Sewer System Capacity Allocation

This policy relates to how the City of Flagstaff will plan and allocate the sewer system capacity available for new development. The primary purpose is to avoid exceeding the flow capacity of pipeline infrastructure and wastewater plant treatment capacity. The benefit to the community is to ensure the public’s trust in the City’s sewer system, avoid public health hazards, and provide a long-term planning tool for community sustainability. This policy relates strictly to the tracking and commitment of the City’s “paper sewer”

demands and does not address the future infrastructure requirements needed to support build-out. Infrastructure requirements are addressed in Policy G.1 – Utilities Master Planning.

Policy F3.1 It is the intent of the Utilities Division to provide adequate sewer system capacity to meet the City's future development needs. In order to timely provide these services it will be the Utilities Division's policy to plan for future infrastructure and treatment capacity needs by adopting the following benchmarks:

- Strategy F3.1a At 75% of actual flow capacity - the Utilities Division will identify additional treatment capacity and funding options.
- Strategy F3.1b At 80% of actual flow capacity – the Utilities Division will begin design and necessary land acquisition for increased capacity needs.
- Strategy F3.1c At 85% of actual flow capacity – the Utilities Division will begin construction of expanded facilities.
- Strategy F3.1d At 95% of actual flow capacity – the Utilities Division will have completed construction and all necessary regulatory agency permits will have been obtained and begin full operation.

Policy F3.2 Communication: The Utilities Division will provide the primary point of contact for all staff-level communication with both the ADEQ and the USEPA on sewer discharge regulatory related issues.

Policy F3.3 Sewer Capacity Allocation Program: The Utilities Division shall track and monitor existing and proposed sewer flows to prevent the pipeline and treatment plants from exceeding the permitted design flow capacity and prevent sanitary sewer overflows from occurring. Sewer Capacity Assurance tracking shall be in accordance with Arizona Administrative Code (AAC) R18-9-E301(C)(2) and in compliance with the ADEQ guidelines on an ongoing basis. *(See Flagstaff City Code, Section 13-09-002-0003)*

- Strategy F3.3a The Utilities Division shall conduct hydraulic modeling studies (known as Water-Sewer Impact Analysis) necessary to estimate sewer infrastructure impacts considering existing and proposed demands per City Engineering standards. These studies shall be reviewed and updated on a regular basis as more technical information becomes available. *(Flagstaff City Code, Sections 13-05-002-0001 and 13-05-002-0002)*
- Strategy F3.3b The Utilities Division will use sewer demand data submitted during the Interdivisional Development Review Board process to estimate the Developer's sewer demand needs at build-out. *(Flagstaff City Code, Section 13-05-002-0002)*

- Strategy F3.3c The Utilities Division will commit and track with different time periods the necessary sewer system capacity (average daily design flow at build-out) for all new Subdivision Final Plats and existing zoning grading plans that are approved by the City Council. Annual average daily sewer capacity requirements for Major Amendments shall also be tracked but not committed. The projected average daily sewer flow shall be calculated using the City of Flagstaff Engineering Standards and/or the sewer unit design flow tables contained within the Arizona Administrative Code (AAC) R18-9-E301 Table 1.
- Strategy F3.3d The developer will be required to obtain a building or grading permit within the specified time frames outlined below in accordance with the conditions of the Zoning Map Amendment approval or risk losing the committed sewer system capacity:
- Subdivision Final Plat – there will be no time limit on the reservation of the sewer system capacity committed for a subdivision final plat approved by the City Council, and it is not transferrable to any other project or land.
 - Zoning Map Amendment and Minor Amendments to the Regional Plan – the Utilities Water-Sewer Impact Analysis reservation of a committed sewer demand for the approved conditions of the amendments will be no longer than a 2-year time frame in accordance with Division 10-20.50 of the Flagstaff Zoning Code and subject to the conditions stipulated by the City Council.
 - Major/Minor Amendments of the Regional Plan – there will be no reservation of committed sewer system capacity for these amendments (i.e., capacity will be tracked but not committed).
- Strategy F3.3e Developments that require sewer system capacity infrastructure which are not included within the Utilities Division 10-year Capital Improvement Plan or those that create sewer system capacity requirements beyond what the existing sewer system can provide will be treated on a case-by-case basis. After a Water-Sewer Impact Analysis is conducted, the Utilities Division may require the developer to upsize sewer infrastructure off-site to meet the developments “average daily” capacity requirements. The Utilities Division should develop criteria for when upsizing will be required to be funded separately by the Developer.
- Strategy F3.3f Each new development, Zoning Map Amendment or a Major/Minor Amendment to the Regional Plan will require the developer to submit to the City an estimate of the maximum number of units (both residential and non-residential) and the

average daily sewer design flow their development will require at build-out.

Strategy F3.3g The Community Development, Economic Vitality and Utilities Divisions will coordinate the City's available uncommitted sewer capacity that can be allocated to priority developments shown in the voter approved Regional Plan. This will occur before approving any new extension, variance, or other changes to any final site or construction plans that result in the allocation of sewer capacity beyond that what was originally approved.

Policy F3.4 Compliance: The City shall maintain its designation as an Arizona Pollutant Discharge Elimination System Site and the permitted discharge limits as determined by the ADEQ. Additionally, the City of Flagstaff will submit a report to ADEQ for any new subdivision, site, system extension or collection system expansion as currently required by law.

F4 Water and Sewer Service Outside Corporate City Limits

The City of Flagstaff provides water and sewer service to some customers who use the service in areas outside its City corporate limits. Water and sewer service to new customers who use the service outside the City limits is solely within the City's discretion. These areas include unincorporated areas of Coconino County such as portions of Doney Park, Camp Townsend, Pine Del, Ft. Tuthill, and county islands within Flagstaff corporate limits. The purpose of this policy is to describe the conditions, requirements, and procedures for obtaining City of Flagstaff water (i.e., potable) and sewer service connections to areas located outside the corporate limits of the City of Flagstaff.

Policy F4.1 The City will consider out-of-city requests for service from customers in unincorporated County areas that are located within or contiguous to the City of Flagstaff corporate limits using the following criteria:

Strategy F4.1a The unincorporated County areas shall agree to be annexed into the City of Flagstaff. (This provision only applies to new customers; existing customers are "grandfathered" meaning those customers located outside the City of Flagstaff corporate limits who already have water and sewer service as of the date this policy is adopted.)

Strategy F4.1b The property requesting annexation must be within or contiguous to the City of Flagstaff corporate boundary.

Strategy F4.1c Water or sewer main extensions will be permitted only after annexation of the property is completed and approved by the

City Council or where all property owners have signed a pre-Annexation Agreement and it is approved by City Council.

- Strategy F4.1d Requests for service shall be evaluated by a cross-divisional internal team. The City will consider the economic value, potential costs to existing ratepayers, operation and maintenance costs, impacts to water resources, adequateness of infrastructure, and regional land use plans prior to granting service requests.
- Strategy F4.1e Requests for service within other jurisdictions that are not described above will require an Intergovernmental Agreement (IGA) between the City and the other jurisdiction.
- Strategy F4.1f Deviation from this policy will require City Council approval.
- Strategy F4.1g Utility line extensions may require a Water-Sewer Impact Analysis. Requirements for water and sewer extensions shall be outlined within this analysis.

Policy F4.2 Specific to water infrastructure the City's general policy for providing water service to new customers outside the City is within the City's discretion and will depend on the property's location and consideration of the following:

- Strategy F4.2a The City may allow a water service connection if a property fronts an operating water main that is less than 16-inches in diameter (mains 16-inches and larger are transmission mains that are not intended for tapping), there is sufficient capacity in the system to meet peak hour fire flows, and all Flagstaff City Code and City of Flagstaff Engineering Design Standards associated with obtaining water service are met.
- Strategy F4.2b All service connections and main extensions shall comply with all applicable standards and code requirements, including, but not limited to, Flagstaff City Code, City of Flagstaff Engineering Design Standards, International Fire Code, and Maricopa Association of Governments (MAG) Standards.
- Strategy F4.2c Service connections and main extensions shall be located in public right-of-way meeting the standards of the City of Flagstaff. An easement, license or non-revocable permit is required for main extensions in the public right-of-way. If the service connection or main extension cannot be installed in right-of-way, a dedicated easement meeting City of Flagstaff design requirements will need to be approved by the City of Flagstaff Utilities Division.
- Strategy F4.2d The City may provide service through a water service connection if a property fronts an operating City water distribution main, the

main is within the correct pressure zone (less than 16-inches in diameter), there is sufficient capacity in the water system, and all Flagstaff City Code and City of Flagstaff Engineering Design Standards associated with obtaining water services are met.

Strategy F4.2e Applicants shall be required to pay all applicable outside City of Flagstaff development fees, capacity fees, connection fees, repayment agreement fees, and permit fees.

Strategy F4.2f The property to be served shall meet the same infrastructure development standards required of properties within the City of Flagstaff.

Strategy F4.2g The City Utilities Division has the authority to deny or discontinue service if the service connection could threaten or endanger the safe, efficient and adequate service.

Strategy F4.2h The current outside City water service areas are shown and updated from time to time in the Water System Master Plan.

Policy F4.3 Specific to sewer infrastructure the City's general policy for providing sewer service to outside City customers is within the City's discretion and will depend on the property's location and consideration of the following:

Strategy F4.3a The City may allow a sewer service connection if a property fronts an operating sewer main that is less than 18-inches in diameter (mains 18-inches and larger are interceptor sewers that are not intended for tapping), there is sufficient capacity in the system to meet peak hour wastewater flows, and all Flagstaff City Code and City of Flagstaff Engineering Design Standards associated with obtaining sewer service are met.

Strategy F4.3b Under no circumstances will services be allowed into existing manholes.

Strategy F4.3c Sewer service within other jurisdictions that are not described above will require an Intergovernmental Agreement (IGA) between the City and the other jurisdiction, which must be approved by the City Council

Strategy F4.3d All service connections and main extensions shall comply with all applicable standards and code requirements, including, but not limited to, Flagstaff City Code, City of Flagstaff Engineering Design Standards, International Building Code, and Maricopa Association of Governments (MAG) Standards.

Strategy F4.3e Service connections and main extensions shall be located in public right-of-way meeting the standards of the City of Flagstaff. An easement, license or non-revocable permit is required for

main extensions in the public right-of-way. If the service connection or main extension cannot be installed in right-of-way, a dedicated easement meeting City of Flagstaff design requirements will need to be approved by the City of Flagstaff Utilities Division.

Strategy F4.3f Applicants shall be required to pay all applicable outside City of Flagstaff development fees, capacity fees, connection fees, repayment agreement fees, and permit fees.

Strategy F4.3g The property to be served shall meet the same infrastructure development standards required of properties within the City of Flagstaff.

Strategy F4.3h The City has the authority to deny or discontinue service if the service connection could threaten or endanger the safe, efficient and adequate service.

Strategy F4.3i The current outside City sewer service areas are shown and updated from time to time in the Utilities Integrated Master Plan - Wastewater System Chapter.

F5 Service Area Expansion (reserved for the future)

F6 Service Area Expansion- annexation (reserved for the future)

G. Master Planning

G1 Utilities Master Planning

The City has developed and maintained water, wastewater and reclaimed water treatment and distribution/collection systems in order to provide a high level of water services to its citizens and customers. These systems should conform and support the orderly growth identified in the Regional Plan (i.e., General Plan as defined in ARS §9-461 et. al.), employ sound water management principles, meet or exceed all Federal and State water quality requirements, provide for adequate fire suppression and stormwater drainage for the benefit of public health and safety.

The City should first undertake a water resource master planning effort. The purpose of this planning should be to provide a guide to quantify the long-term needs for water resources, and identify future supply options and/or demand management opportunities including their respective costs. Additionally, this plan should support the City in maintaining its 100-year Designation of Adequate Water Supply as confirmed by the Arizona Department of Water Resources and within Policy B2 – Water Adequacy – Adequate Water Supply Program.

The City should then undertake infrastructure related master planning efforts in successive steps that utilize the information from each preceding planning effort to build upon one another. The sequence of planning should be completing the water infrastructure system, followed by the wastewater infrastructure system and then the reclaimed water infrastructure system. The purpose of conducting these planning efforts in sequence is to utilize common data between them to ensure continuity and integration of each of the systems. The last master planning effort in the sequence that spans across all three (3) of the infrastructure plans is to evaluate the Utilities implementation of technology, specifically its process control and monitoring system known as a Supervisory Control and Data Acquisition (SCADA) system.

Policy G1.1 The City will prepare or update a Water Resource Master Plan every five (5) years that considers the following:

Strategy G1.1a Existing legal water rights to the supplies it currently uses or possesses.

Strategy G1.1b Projected population and land use information contained within the voter approved Regional Plan in order to estimate water demands for a minimum of 30 years into the future (i.e., short-term planning) and at build-out (i.e., long-term planning). The maximum target population density of the Regional Plan should be used for water demand estimates unless determined otherwise.

- Strategy G1.1c The technique of Scenario Planning or its equivalent should be employed when estimating future water supply needs of the City. The planning should anticipate a range of future plausible outcomes (e.g., wet v. dry climate; fast v. slow growth rates) and describe recommendations and choices the City can make in the short and long term. The planning should avoid predicting a single plausible future and then recommend water management options for only that sole outcome.
- Strategy G1.1d Identification of the types and volumes of hydrologic water supplies (i.e., surface water v. groundwater) in order to assist in determining the necessary infrastructure (e.g., treatment plants or wells) during the Infrastructure master planning effort.
- Strategy G1.1e Develop average annual water use factors for each type of land use (e.g., single family, multi-family, hotel, commercial, industrial, etc.). Water use factors should be quantified in terms of Gallons per Capita per Day (GPCD), Gallons per House per Day (GPHD), or Gallons per Acre per Day (GPAD), as appropriate.
- Strategy G1.1f Identify future water supply options and recommendations while considering the City's Adequate Water Supply Designation.
- Strategy G1.1g This section should include options on how the City can better manage or optimize the supplies it currently relies upon (e.g., water conservation, rainwater harvesting, etc.) in addition to identifying new future water resources, as appropriate. All options should include their estimated cost on an acre-foot per year basis for comparison purposes.

Policy G1.2 The City will prepare a Water System Master Plan every five (5) years beginning the following year after the completion of the Water Resources Master Plan that considers the following:

- Strategy G1.2a Use all of the information and assumptions contained within the Water Resources Master Plan.
- Strategy G1.2b Identifying the necessary infrastructure (e.g., treatment plants and/or wells) to treat and deliver the water supplies identified within the Water Resources Master Plan in order to meet projected water demands. The regulatory requirements of the USEPA, ADEQ, and any other applicable water quality rules or regulations.
- Strategy G1.2c Development of average and peak water demand factors.
- Strategy G1.2d Development and calibration of a hydraulic model of the water distribution system in order to assist in evaluating the optimum

operations, water quality, and infrastructure sizing. Update this model annually to account for changes in the Regional Plan and/or changes in development patterns.

Strategy G1.2e Development of a Capital Improvement Program, including capital, operation and maintenance costs, in order to develop and maintain a robust water distribution system to provide a high level of water service to Flagstaff customers.

Policy G1.3 The City will prepare a Wastewater System Master Plan every five (5) years that considers the following:

Strategy G1.3a Use all of the appropriate information and assumptions contained within the Water Resources and Water System Master Plans.

Strategy G1.3b Identify the regulatory requirements of the USEPA, ADEQ, and any other applicable water quality rules or regulations.

Strategy G1.3c Average and Peak wastewater flow.

Strategy G1.3d Development and calibration of a hydraulic model of the wastewater collection system in order to assist in evaluating the adequacy of the existing system to accommodate varying wastewater flow conditions, and identify wastewater system modifications and expansions necessary to accommodate future flows. Update this model annually to account for changes in the Regional Plan and/or changes in development patterns.

Strategy G1.3e Review current solids handling practices at existing wastewater treatment plants and determine future solids handling requirements based on estimated wastewater flow projections.

Strategy G1.3f Development of a Capital Improvement Program, including capital, operation and maintenance costs, in order to develop and maintain a robust wastewater collection system to provide a high level of wastewater service to Flagstaff customers.

Policy G1.4 The City will prepare a Strategic Technology Master Plan specifically looking at the Utilities Division's use of a Supervisory Control and Data Acquisition System (SCADA), Computerized Maintenance Management System (CMMS), and Geographic Information System (GIS) every three (3) years due to the rapid change in technology and should considers the following:

Strategy G1.4a Evaluate the use of technology within the utility industry as it relates to supporting the business goals and objectives of the division.

Strategy G1.4b Technology should be aligned with the City enterprise systems.

Strategy G1.4c Evaluate the use of technology within the following application areas:

- a. Computerized Maintenance Management Systems
- b. Electronic Operation & Maintenance Manuals-future
- c. Geographic Information System-Utility based applications
- d. Mobile Wireless Computing
- e. Inter and intra-facility Networking (WAN and LAN)
- f. Modeling
- g. Application integration
- h. Provide Process Control & Monitoring (SCADA)
- i. Information Technology Security
- j. Water Quality and Laboratory Information Management
- k. Web and e-Business

Strategy G1.4d Develop a list of recommended projects to be implemented, including their capital cost, annual operation and maintenance costs, man-hours to implement and levels of support required.

H. Regional Cooperation and Leadership

The City is often engaged in numerous regional/state-wide organizations to develop policy or position statements on water issues that impact Flagstaff. These have included being active with the Northern Arizona Municipal Water Users Association (NAMWUA), Arizona Department of Water Resources (ADWR), Federal Emergency Management Agency (FEMA), USEPA, ADEQ, Northern Arizona University (NAU), U.S. Bureau of Reclamation (BOR), U.S. Geological Survey (USGS), Coconino Plateau Water Advisory Committee (CPWAC), Salt River Project, Central Arizona Project, and various State-led forums. Additionally, the City will continue to work collaboratively with Coconino County, the Navajo Nation, and the Hopi Tribe regarding regional water issues. Since water management decisions made today have long term implications, it is prudent that the City remains involved in influencing regional and State water policy and should consider the following:

H1 Collaboration with Tribal Governments

Policy H1.1 The City should foster and maintain professional relationships with the tribal governments of the Navajo Nation and the Hopi Tribe regarding regional water issues.

Strategy H1.1a The Mayor or their designee should establish and maintain a professional relationship with the elected officials of each tribe in order to stay informed, work collaboratively and influence policy decisions that may affect the City of Flagstaff's water supplies.

Strategy H1.1b The City Manager or their designee should establish and maintain a professional relationship with the government officials of each tribe in order to stay informed, work collaboratively and influence policy decisions that may affect the City of Flagstaff's water supplies.

Strategy H1.1c The Utilities Division staff should establish and maintain a professional relationship with the water resource staff of each tribe in order to stay informed, work collaboratively and influence policy decisions that may affect the City of Flagstaff's water supplies.

H2 Collaboration with Water Agencies and Associated Water Groups

Policy H2.1 The City should foster and maintain professional relationships with water management, water quality, flood control and water delivery agencies.

Strategy H2.1a The Mayor or their designee should establish and maintain a professional relationship with the appropriate counterparts within these organizations in order to stay informed, work collaboratively and influence policy decisions that may affect the City of Flagstaff's water supplies.

Strategy H2.1b The City Manager or their designee should establish and maintain a professional relationship with the appropriate counterparts within these organizations in order to stay informed, work collaboratively and influence policy decisions that may affect the City of Flagstaff's water supplies.

Strategy H2.1c The Utilities Division staff should establish and maintain a professional relationship with the appropriate counterparts within these organizations in order to stay informed, work collaboratively and influence policy decisions that may affect the City of Flagstaff's water supplies.

H3 Water Rights Acquisition

Policy H3.1 The City should demonstrate regional leadership in water management and water policy by participating in:

- a. Competition for limited renewable water supplies.
- b. Protection of existing water rights and water supplies.
- c. Protection of environmentally sensitive riparian areas.
- d. Collaboration/partnerships with adjacent water providers.
- e. Water source and infrastructure financing.
- f. ADWR Water Adequacy and Management Plans.
- g. Intergovernmental and interagency relationships.
- h. Collaboration of National Pollutant Discharge Elimination System (NPDES) compliance efforts with other jurisdictions.
- i. Maintaining relationships with FEMA and ADWR respecting flood control and National Flood Insurance Program (NFIP) issues.

I. Water Security

The Mission of the City of Flagstaff Utilities Division is to provide safe water, sewer, and stormwater services to the City of Flagstaff customers and to utilize reclaimed water as a significant water management tool. Drinking water safety and maintaining security of the City's wastewater and stormwater collection systems is a primary concern of the Utilities Division for utility system employees and the community.

I1 Water Supply Security

Policy I1.1 The Utilities Division shall follow the recommendations of the Public Health Security and Bioterrorism Preparedness and Response Act enacted by the Federal Government and the Water System Vulnerability Assessment prepared in November 2003 and their updates specifically prepared to follow this guidance act.

Strategy I1.1a Security - Implement security improvements as funds become available, as recommended in the vulnerability assessment reports.

Strategy I1.1b Assessment – conduct updates to vulnerability assessments on a periodic basis and maintain confidentiality of any vulnerabilities identified.

I2 Infrastructure Security

Policy I2.1 The Utilities Division shall limit access to the public from sensitive information and critical areas of the utility infrastructure in order to minimize the threat of attack or compromise of the Utilities Division's services. The Utilities Division develops an annual Report to the Water Commission that contains a variety of potentially sensitive infrastructure information.

Strategy I2.1a Restrict Tours - Restrict public tours of the treatment facilities and/or limit access to critical portions of the plants.

Strategy I2.1b Limit Information to Public - Balance the public's right to know versus the Utilities Division's need for public safety. Develop guidelines on restrictions to the public including access to the annual Report to the Water Commission.

Strategy I2.1c Report Suspicious Behavior - Utilities Division staff need to be aware of and report suspicious behavior near critical facilities.

Strategy I2.1d

SCADA Information Security - The Utilities Division treatment plant facilities utilize a process control and monitoring system known as a Supervisory Control and Data Acquisition (SCADA) system in order to track information electronically and safely operate and control each treatment plant. These SCADA systems need to be physically isolated from all other computer networks and their network access restricted to minimize their potential to be infected by virus or malicious intent.

I3 Discharge Control for Sanitary and Stormwater Systems

Policy I3.1 Utilities shall maintain programs to control the types of materials and substances that are allowed to be discharged or placed into the sanitary and stormwater systems.

APPENDIX 1

City Council Resolution #2014-13

RESOLUTION NO. 2014-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF
ADOPTING THE *UTILITIES INTEGRATED MASTER PLAN: PRINCIPLES OF
SOUND WATER MANAGEMENT, WATER POLICIES CHAPTER* AS THE
WATER POLICY FOR THE CITY OF FLAGSTAFF

RECITALS:

WHEREAS, the Water Commission, with the assistance of the Utilities Division of the City of Flagstaff, prepared a draft of the proposed *Utilities Integrated Master Plan: Principles of Sound Water Management, Water Policies Chapter* (the "Water Policy"); and

WHEREAS, the City Council has reviewed the recommendations of the Water Commission and the Utilities Division regarding the Water Policy; and

WHEREAS, the City Council held ten (10) meetings, received public comments, and edited the draft Water Policy; and

WHEREAS, a comprehensive Water Policy is essential to the current needs and future plans for the City of Flagstaff.

ENACTMENTS:


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

SECTION 1. The Water Policy is hereby adopted.

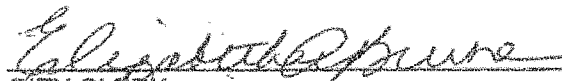
SECTION 2. The Utilities Division and the City Clerk are authorized and directed to edit and correct typographical and grammatical errors of wording and punctuation.

SECTION 3. This resolution shall be effective thirty (30) days following adoption by the City council.

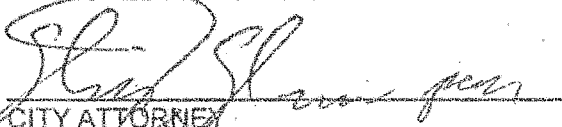
PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 1st day of April, 2014.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Michelle D'Andrea, City Attorney
Co-Submitter: Elizabeth A. Burke, City Clerk
Date: 01/28/2015
Meeting Date: 02/03/2015



TITLE:

Consideration and Approval of Amendments to the Rules of Procedure

RECOMMENDED ACTION:

Discuss and possibly approve the proposed changes to Rules 7.03, 9.01, 9.02, and 10.02.

Executive Summary:

During the recent Council Budget Retreat the Council discussed proposed changes to the Rules. First, the Council gave Staff direction that they would prefer to have the same rules for public speakers in the context of agendaized non-public hearing items as for speakers during public hearings. This change will remove the discretion of the Chair to allow or disallow public speakers on these topics and instead require the Chair to allow public speakers.

Second, the Rules should be amended to allow removal of citizens from the meeting only for public disturbances as required by a ruling of the Ninth Circuit Court of Appeals

Third, the Rules relating to public hearings should be clarified to indicate that the public hearing opens immediately before the Staff presentation, if there is such presentation, and closes immediately after the final required vote of Council. This rule will also be amended, consistent with direction given to Staff, to allow additional public comment on a topic if the substance of the matter has been significantly changed during the hearing.

Financial Impact:

None.

Connection to Council Goal and/or Regional Plan:

Improve effectiveness of notification, communication, and engagement with residents, neighborhoods and businesses and about City services, programs, policies, projects and developments

Previous Council Decision on This:

Yes. Direction was given to Staff at the recent Council Budget Retreat.

Options and Alternatives:

- 1) Approve the Rules of Procedure as drafted
- 2) Propose different language to amend the Rules of Procedure
- 3) Take no action

Key Considerations:

The proposed amendment to Rule 9.02 would have the effect of allowing public speakers to comment once during a public hearing, which will include the first and second read of an ordinance. Public speakers would be allowed additional comments if there was a substantial change to the proposed action. Currently our practice is to allow members of the public to repeat comments even when there is no change to the proposed action between the first and second read of an ordinance, even though this is not allowed under the current Rules.

Attachments: Rules of Procedure
 PowerPoint

RULES OF PROCEDURE
for the
FLAGSTAFF CITY COUNCIL

Rule 1
GENERAL RULES

[Flagstaff City Charter Art. II, §14]

1.01 Rules of Procedure; Journal

The Council shall determine its own rules and orders of business, and shall provide for keeping a record of its proceedings. The record of proceedings shall be open to public inspection.

1.02 Written Rules, Order of Business, and Procedure

These Rules of Procedure of the Council shall be available to all interested citizens.

Rule 2
CODE OF CONDUCT & CONFLICTS OF INTEREST

2.01 Code of Conduct

City Councilmembers occupy positions of public trust. All actions and business transactions of such officials dealing in any manner with public funds shall be in compliance with all laws or ordinances establishing a code of conduct for public officials or pertaining to conflicts of interest of public officials or employees.

2.02 Participation and Voting Bar [A.R.S. §38-503]

Any Councilmember prohibited from participating or voting on any matter before the City by the state conflict of interest laws shall make known such conflict on the record of any meeting where the item is discussed, and shall not enter into discussion, debate, or vote on such matter.

Rule 3
COUNCIL MEETINGS

[Flagstaff City Charter Art. II, §12 and 13]

3.01 Regular Meetings

The City Council shall hold regular meetings on the first and third Tuesday of January, February, March, April, May, June, July, September, October, November, and December, and on the fourth Tuesday of August unless a majority of the Council decides to postpone or cancel such meeting. No change shall be made in regular meeting times or place without a published seven day notice.

Regular meetings shall consist of a 4:00 p.m. and 6:00 p.m. meeting. The 4:00 p.m. portion of the meeting will include Approval of Minutes, Appointments, Liquor License Hearings, Consent Items, and Routine Items. At the agenda review work session one week prior to the regular Council Meeting, the City Council may direct that any of the agenda items be moved to the 4:00 p.m. or 6:00 p.m. portion of the meeting. At the 4:00 p.m. meeting, the Council may vote to defer any item on that portion of the agenda to the 6:00 p.m. meeting.

The 6:00 p.m. meeting is intended for items of specific interest to the community or items that may require extended discussions, as well as advertised public hearings. The agenda shall include carryover items from the 4:00 p.m. meeting, public hearings, regular agenda items, and discussion items.

If the day fixed for any regular meeting of the Council falls upon a day which the City observes as a legal holiday, the meeting may be cancelled or held at a time and date designated by the Council. All regular meetings of the Council shall be held in the City Hall Council Chambers. No change shall be made in regular meeting times without a published seven-day notice. However, the Mayor or City Manager may change the Council meeting location to adjust to a specific need for additional space required to accommodate a large citizen turnout, upon giving the public notice of such change pursuant to notice requirements. All regular meetings of the Council shall be open to the public.

3.02 Special Meetings

Special meetings may be called by the City Manager, three or more members of the Council, or by the Mayor. The Council may hold any other meetings it deems necessary at such times and locations as it determines appropriate under the circumstances for the purposes of addressing specific issues, specific neighborhood's concerns, strategic planning, budgeting, or for any other purpose allowed by law, so long as notice of such meeting has been given in accordance with the Arizona Open Meeting Law. The City Clerk shall prepare written notice of special sessions, stating time, place, and agenda; this notice shall be given personally, or by telephone, to each member of the Council, the City Manager, and the City Attorney, and shall be posted no later than twenty-four hours in advance of the special meeting. If an emergency requires an earlier meeting of the Council than allowed by this rule, Rule 3.05 pertaining to emergency meetings shall be followed.

3.03 Work Sessions and Agenda Review

Work sessions are public meetings held for the following purposes: (1) briefing Councilmembers on items included on the Council's regular meeting agenda, (2) discussion of long range plans and programs for which no immediate action is required, (3) detailed discussion of matters which may soon be placed on a regular meeting agenda, and (4) exchange of information between the staff and Council. No formal vote shall be taken on any matter under discussion, nor shall any Councilmember enter into a commitment with another respecting a vote to be taken subsequently in a public meeting of the Council, providing that nothing herein shall prevent the Council from giving staff direction on any matter under discussion. Any formal action, however, must be scheduled for Council action at a regular or special Council meeting.

The City Council may hold work sessions every second and fourth Tuesday of each month at 6:00 p.m. When there are five Tuesdays in a month, work sessions will be held on the second and fifth Tuesdays. No meetings will be held on the fourth Tuesday of a five-Tuesday month or, on the last Tuesday of December, unless otherwise agreed to by a majority of the Council.

The work session held the Tuesday prior to a regular Council meeting shall include two reviews of the action items on the next week's regular Council agenda, including a determination as to which items shall be placed on the 4:00 p.m. meeting agenda or the 6:00 p.m. portion of the meeting agenda. The preliminary review of the draft Council meeting agenda shall be placed first on the work session agenda and will have as its purpose the identification of items that the Council designates for more detailed discussion after all other work session items have been discussed. In the final agenda review that shall occur as the last regularly scheduled item on the agenda, the Council may discuss items on the next week's agenda and give direction to the City Manager as to additional information needed. Public comment need not be taken, but may be accepted at the second agenda review, at the discretion of the Chair.

No work sessions will be held during the summer break period beginning on the day following the third Tuesday in July until the fourth Tuesday of August, unless called as a special meeting as provided in Section 3.02 of these Rules.

3.04 Executive Sessions [A.R.S. §38-431.03]

The Council may meet in, or recess into, executive session for all purposes allowed by law. The City Manager shall schedule any such meetings on the second and fourth Tuesdays at 4:00 p.m., or earlier as the need arises, prior to work sessions, but an executive session may be scheduled at any other time where circumstances require more immediate action. When there are five Tuesdays in a month, executive sessions shall be held on the second and fifth Tuesday at 4:00 p.m., or earlier, as needed. An executive session may be convened at a special meeting called for that purpose on a majority vote of the members of the Council, or during a regular meeting, special session, or work session of the Council for legal advice on matters on a meeting's properly noticed agenda. Attendance at the executive session shall be limited to members of the City Council, the City Manager and City Attorney or their designees, and appropriate City staff or consultants to the City as the Council may invite or as may be required for advice or information. No formal vote involving final action shall be taken on any matter under discussion while in an executive session, except the Council may instruct its attorneys and representatives as allowed by law.

3.05 Emergency Meetings [A.R.S. §38-431.02]

In case of an actual emergency, the Council may hold a meeting, including an executive session, upon such notice as is appropriate to the circumstances, but shall post a public notice within twenty-four hours declaring that an emergency session has been held, and setting forth the agenda of specific items discussed, considered, or decided.

3.06 Minutes of Meeting [A.R.S. §38-431.01]

Except as otherwise provided by state law, there shall be minutes of all Council meetings. Such minutes shall include, but need not be limited to: (1) the date, time, and place of the

meeting; (2) the members of the City Council recorded as either present or absent; (3) a general description of the matters considered; (4) an accurate description of all legal actions proposed, discussed, or taken, and the names of members who propose each motion; and (5) the name of persons, as given, making statements or presenting material to the Council and a reference to the legal action about which they made statements or presented material. Minutes of all meetings, except executive sessions, shall be open to public inspection.

Rule 4

THE COUNCIL AGENDA

4.01 Procedures for Preparation of Council Agendas

All reports, communications, ordinances and resolutions, contracts or other documents, or other matters to be submitted to the Council as part of the Council meeting agenda packet shall be available to the Council, along with a staff summary by the Friday preceding the agenda review work session for the draft agenda and by the Friday preceding the regular meeting for the regular agenda. The City Manager shall review items submitted for timeliness and completeness of information and shall make a preliminary determination whether an item should be placed on the 4:00 p.m. or 6:00 p.m. portion of the regular meeting agenda.

The City Manager shall honor any request by a member of the Council to include an item on the Possible Future Agenda Items portion of the agenda. A Councilmember may submit an item for consideration at any time and the City Manager will place it in a queue with other Council requests to be placed on an agenda. The date and time of scheduling shall be weighted with other Council priority requests. The requesting Councilmember may, but is not required to, specify in a memorandum what discussion, action, or options are proposed. Public participation on an item placed in the *Possible Future Agenda Items* portion of the agenda will be limited to: 1) verbal comments taken during the public participation section(s) of the agenda; and 2) written comment cards submitted to the City Clerk. After discussion and upon agreement of three members of the Council, the item will be moved to a regularly-scheduled Council meeting.

Those items which are approved for the Council agenda by the City Manager shall be placed on the agenda in accordance with the order prescribed in Rule 5. Copies of the agenda and any background material shall be disseminated to the Mayor and the City Council in the manner prescribed by the Council; to the City Manager, the Deputy City Managers, the City Attorney, and the City Clerk; and shall be made available to the public no later than noon on the Friday preceding the Council meeting at which the agenda will be reviewed.

The agenda shall be made public in advance of the meeting by posting on the regular public posting board at City Hall and on the City's website. Such action shall be taken concurrently with the furnishing of the agenda to the City Council.

Rule 5
ORDER OF BUSINESS

5.01 Regular Meeting Agenda

The agenda for regular meetings of the City Council shall follow the following order:

4:00 P.M. MEETING

Call to Order
Roll Call
Pledge of Allegiance and Reading of the Mission Statement
Approval of Minutes of Previous Meetings
Public Participation
Proclamations and Recognitions
Appointments
Liquor License Public Hearings
Consent Items
Routine Items*
Recess

6:00 P.M. MEETING

Reconvene Regular Meeting
Roll Call
Public Participation
Carryover Items from 4:00 p.m. portion of Meeting
Public Hearing Items
Regular Agenda
Discussion Items
Possible Future Agenda Items
Informational Items and Reports to/from Council and Staff, and Requests for Future Agenda Items
Adjournment

**Routine Items include those agenda items that are common, reoccurring, have been discussed at length in prior Council meetings, or are expected to have little to no public participation. They may include resolutions or ordinances.*

Consent Agenda items may be considered and acted upon by one motion, unless a Councilmember specifically requests that a consent item be considered and voted on separately. If related to a public hearing item on the agenda, ordinances or resolutions shall be placed under Public Hearings. Items requested for consideration and discussion by a Councilmember and placed in the Possible Future Agenda Items Section need not have a staff summary or staff review, but the requesting Councilmember may specify in a memorandum what discussion, action, or options are proposed. There will be no discussion of issues raised during public participation, information items and reports, or requests for future agenda items. The City Clerk shall enter into the minutes all consent items approved with one motion, and shall record separately action taken on those items considered separately.

Rule 6

PRESIDING OFFICER

[Flagstaff City Charter Art. II, §7 and §8]

6.01 Mayor as Chair

The Mayor, or in his or her absence, the Vice Mayor, shall be the Chair for all meetings of the Council.

6.02 Temporary Chair

In case of the absence of the Mayor and the Vice Mayor, the City Clerk shall call the Council to order. If a quorum is found to be present, the Council shall proceed to elect, by a majority of those present, a Chair for the meeting.

Rule 7 **MEETING DECORUM AND ORDER**

7.01 Decorum and Order among Councilmembers

The Chair shall preserve decorum and decide all questions of order, subject to appeal to the Council. During Council meetings, Councilmembers shall preserve order and decorum and shall not delay or interrupt the proceedings or refuse to obey the order of the Chair or the Rules of the Council. Every Councilmember desiring to speak shall address the Chair, and upon recognition by the Chair, shall confine himself or herself to the question under debate and shall avoid all personal attacks and indecorous language. A Councilmember once recognized shall not be interrupted while speaking unless called to order by the Chair or unless a point of order is raised by another Councilmember. If a Councilmember is called to order while he or she is speaking, he or she shall cease speaking immediately until the question of order is determined. If ruled to be out of order, he or she shall remain silent or shall alter his or her remarks so as to comply with the Rules of the Council. Councilmembers shall confine their questions to the particular issues before the Council. If the Chair fails to act, any member may move to require him or her to enforce the Rules and the affirmative vote of the majority of the Council shall require the Chair to act.

If Council discussion of a matter exceeds one hour, each Councilmember shall limit their subsequent remarks to three minutes.

7.02 Decorum and Order among City Staff

The Chair shall have the authority to preserve decorum in meetings as far as the audience, staff members, and city employees are concerned. The City Manager shall also be responsible for the orderly conduct and decorum of all City employees under the City Manager's direction and control. Any remarks shall be addressed to the Chair and to any or all members of the Council. No staff member, other than the staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the Chair.

7.03 Decorum and Order among Citizen Participants

Citizens attending Council meetings ~~shall also should~~ observe the same rules of propriety, decorum, and good conduct applicable to members of the Council. Any person ~~making personal, impertinent, and slanderous remarks, or who becomes boisterous causing a disturbance of the peace and good order while addressing the Council~~ during a Council meeting, may be removed from the room if so directed by the Chair, and such person ~~shall may~~ be barred from further audience before the Council. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations, ~~shall not be permitted by the Chair, if such actions cause a disturbance of the peace and good order the Chair who~~ may direct the Sergeant-at-Arms to remove such offenders from the room. Should the Chair fail to act, any member of the Council may move to require the Chair to enforce the Rules, and the affirmative vote of the majority of the Council shall require the Chair to act. Political campaigning is prohibited. Any member of the public desiring to address the Council on any ~~non-public hearing item may, and on any public hearing item agendized item~~ shall be recognized by the Chair ~~pursuant to Rule 9~~, shall state his or her name and city of residence in an audible tone for the record, and shall limit his or her remarks to the questions under discussion. Any remarks shall be addressed to the Chair and to any or all members of the Council.

Citizens are allowed to address the Council a maximum of three times throughout the meeting, including comments made during Public Participation. Other than Public Participation, comments shall be limited to the business at hand. ~~If Once~~ the Chair recognizes a speaker, the Chair shall limit the period of speaking to a reasonable period of time of no more than three minutes per person, at the discretion of the Chair and a speaker may address the Council with the speaker's own statements and the statements of other persons within the ~~three minute set time~~ period, ~~but shall be the speaker's only opportunity to address the Council on that issue.~~

Rule 8

RIGHT OF APPEAL FROM THE CHAIR

8.01 Process for Appeal

Any Councilmember may appeal to the Council from a ruling of the Chair. If the appeal is seconded, the member making the appeal may briefly state his or her reason for the same, and the Chair may briefly explain the Chair's ruling. There shall be no debate on the appeal, and no other member shall participate in the discussion. The Chair shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote "aye", the ruling of the Chair is sustained; otherwise, it is overruled.

Rule 9

PUBLIC PARTICIPATION IN COUNCIL DISCUSSIONS

9.01 Non-Public Hearing Discussions

Any person wishing to speak on any matter on the agenda before the Council shall fill out a comment card and submit that card to the recording clerk, who will deliver the card to the Chair. ~~The Chair need not accept public discussion on a non-public hearing item. If the Chair recognizes a speaker, I~~the Chair shall limit the period of speaking to a reasonable period of time of no more than three minutes per person, a speaker may address the Council with the speaker's own statements and the statements of other persons within the set time limit. ~~, at the discretion of the Chair, and statements may not be read on behalf of another citizen; however, those citizens that are unable to attend or do not wish to speak before the Council may submit a Written Comment Card.~~ The person desiring to speak shall limit his or her remarks to the matter under discussion and shall address his or her remarks to the Chair. 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.

9.02 Public Hearings

- A. In the case of a public hearing, the Chair shall announce prior to such hearing the total time limit, if any, to be allowed for public debate, depending upon the circumstances and public attendance. The Chair shall also announce the time limits for each individual speaker (normally no more than three minutes), and that no speaker may be heard more than once. If the substance of the matter to be considered in a public hearing changes significantly during the public hearing process, then the Chair shall allow a speaker an opportunity to speak to address the change(s).
- B. 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.
- C. Speakers may not cede any portion of their allotted time to another speaker.
- D. The order of presentation and time limits shall be as follows:
 - 1. Staff presentation (ten minute time limit, except with specific Council permission to exceed this limit).
 - 2. Applicant presentation, only upon applicant's specific request (up to ten minutes, except with specific Council permission to exceed this limit).
 - 3. Council's questions to staff and applicant.
 - 4. Public comment (three minutes for individual speakers, up to fifteen minutes for a representative of ten or more persons present at the meeting who have contributed their time to the representative),
 - 5. Applicant's response, only upon applicant's specific request (5 minutes),
 - 6. Staff's response (5 minutes),
 - 7. Council deliberation and questions to staff and applicant.
- E. This rule will not preclude questions from members of the Council to the speaker where it is deemed necessary for purposes of clarification or understanding, but not for purposes of debate or argument.
- F. Public Hearings are opened immediately before the Staff presentation, if any, and close immediately after the final required vote of Council. No motion is necessary.

Rule 10
RULES GOVERNING MOTIONS BY THE COUNCIL

10.01 Motion to be Stated by the Chair - Withdrawal

When a motion is made and seconded, it shall be so stated by the Chair before debate commences. A motion may not be withdrawn by the mover without the consent of the member seconding it.

10.02 Motion to Suspend Rules

Suspension of these Rules requires a majority consent of the Councilmembers present. A motion to suspend may not be made while another motion is pending unless it directly applies to the pending motion. [Suspension of the Rules may not be appropriate in the context of a Public Hearing.](#)

10.03 Motion to Change Order of Agenda

The Chair may, at his or her discretion, or shall, upon the majority vote of Councilmembers present, change the order of the agenda. However, caution should be given to not changing the order to circumvent the Open Meeting Law.

10.04 Motion to Table

A motion to table is used to delay discussion on an item until later in the meeting or until the next meeting. Neither the motion to table or other business can be discussed, until a vote has been taken on the motion. If the motion is successful, no further discussion can be had without a motion to take off the table. To take a motion off the table at the same or immediately succeeding meeting, a motion and second must be made to take the item off the table, and it must pass by majority vote.

If not revived by the adjournment of the immediately succeeding meeting, the matter is considered to be dead.

10.05 Motion to Postpone

A motion to postpone is in order when an item is rescheduled to a time certain, when it is delayed with conditions, or when the matter is intended to be disposed of without action. If the motion prevails, the item shall return for Council action at the meeting specified or in accordance with the conditions established in the postponement. A motion to postpone may be debated prior to vote, but no other motion, including a motion to amend, may be offered until the vote is taken and only if the motion to postpone fails.

A motion to postpone indefinitely, if it receives a majority vote, effectively extinguishes an item.

10.06 Motion to Divide the Question

If the question contains two or more divisionable propositions, the Chair may, and upon request of a member shall, divide the same.

10.07 Motion to Amend

On a motion to amend or “strike out and insert”, the motion shall be made so that the intent of the amendment is clear to the Council and public, and for the record.

The Council may materially amend an ordinance after the first read of that ordinance and proceed immediately to the second read and adoption. In other words, it is not necessary to proceed as though it is a new ordinance after a material change.

10.08 Motion to Amend an Amendment

A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.

10.09 Motion to Reconsider

After the decision on any question, any member who voted with the majority may move for a reconsideration of any action at the same meeting or at the next regular meeting that occurs at least one week after the date the action was taken. In the event of a tie vote on a motion, any Councilmember may move for reconsideration at the next regular meeting of the City Council that occurs at least one week after the date the action was taken, but not thereafter. To ensure that the matter will be included on the posted agenda in conformance with the Open Meeting Law, any Councilmember who wishes to have a decision reconsidered must alert the city clerk in writing at least five (5) days, exclusive of Saturdays, Sundays, and intermediate holidays, prior to the meeting at which the motion to reconsider will be made, unless the motion to reconsider was made and seconded at a Council meeting. A motion to reconsider shall require the affirmative vote of the majority of the members present at the time of reconsideration. After a motion for reconsideration has once been acted on, no other motion for reconsideration of the same subject shall be made without unanimous consent of all Councilmembers.

After the reconsideration time period has expired, the same matter may be placed on a later Council meeting agenda under Council Possible Future Agenda Items at the request of any Councilmember. It shall require the sponsorship of three Councilmembers during Possible Future Agenda Items to be placed on a future agenda as an action item. If the matter is considered for formal action on a future meeting, the motion for or against taking an action need not be made by a member of the prevailing vote.

10.10 Motion for Roll Call Vote

Any Councilmember may request a roll call vote, or the Chair may ask for a roll call vote for purposes of clarifying a vote for the record. The roll may be called for yeas and nays upon any questions before the Council. Unless allowed by the Chair, it shall be out of

order for members to explain their vote during the roll call, or to engage in additional debate or discussion on the subject after the vote is taken.

Rule 11

MISCELLANEOUS PROVISIONS

11.01 Prior Approval by Administrative Staff

Except as to matters requested by individual Councilmembers under the Possible Future Agenda Items Section of the agenda, all ordinances, resolutions and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or his or her authorized representative, and shall have been examined for practicality by the City Manager or his or her authorized representative.

11.02 Placement of Items on Agendas for Council Action

Pursuant to Council direction received during any Council meeting, the City Manager may present ordinances, resolutions, and other matters or subjects to the Council, and any Councilmember may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted. In addition, ordinances, resolutions and other matters or subjects requiring action by the Council may be introduced and sponsored by a member of the Council through the Possible Future Agenda Items process described in Rule 4.01.

11.03 No New Agenda Items after 10:00 p.m. except by Majority Vote.

No new agenda items shall begin after 10:00 p.m. unless approved by majority vote of the City Council. If, however, discussion on an item commences prior to 10:00 p.m., the Council may continue its deliberation or move to postpone that item. Agenda items on a Council agenda not considered will be placed on the immediately succeeding Council meeting.

11.04 Robert's Rules

Robert's Rules of Order, latest edition, shall serve as a guideline for interpretation of and supplementation for these Rules in all cases to which they are applicable, provided they are not in conflict with these Rules or with the Charter of the City of Flagstaff or the laws of the State of Arizona. The interpretation of these Rules and Robert's Rules shall be guided by the principles underlying Parliamentary law, that is, a careful balance of the rights of individuals and minority subgroups of the council with the will of the majority. In no case shall the strict application of a rule or procedure be interpreted to deny any individual or minority the right to participate in a debate, discussion, or vote, nor shall these rules be interpreted in such a way so as to defeat the will of the majority of the whole of the Council.

11.05 Citizen Petitions [Flagstaff City Charter Art. II, §17]

A citizen or a group of citizens may present a written petition to the City Manager, who shall present it to the Council at its next regular meeting. The Council must act on the petition

within 31 days of the City Manager's presentation. Citizen petitions will first be placed on the agenda under "Possible Future Agenda Items" to determine if there is Council interest in placing the item on a future agenda for consideration. Failure to give such direction shall constitute "action" for purposes of this section.

City of Flagstaff Rules of Procedure

Adoption of Changes discussed at the
Budget Retreat on December 10,
2014

Rules of Procedure

Council discussed changes to the Rules of Procedure to make public comment on regularly agendized items the same as public comment at public hearings.

Rules of Procedure

The result will be that the Chair (Mayor) will no longer have discretion regarding allowing public comment on an agendaized matter

Unless there is a successful motion to suspend the Rules of Procedure

Rules of Procedure

Also clarified a few points:

1. If the substance of the matter considered changes substantially during a public hearing, speakers have an additional opportunity to speak to address the change.
2. The public hearing begins with the first speaker on the issue and ends with the final vote of Council. No motions are required.

Rules of Procedure

Policy Question for Council:

For adoption of ordinances, do you want to allow comment by the same person at both the first and the second read of an ordinance if there is no substantial change to the ordinance between first and second read?

Currently prohibited by rule, but often allowed in practice at second read.

Rules of Procedure

Also changed Rules to make them consistent with Ninth Circuit case, Acosta, which allows removal of persons from a public meeting only when they cause an actual disturbance.