

## **MINUTES**

### **1. Call to Order**

Mayor Nabours called the Flagstaff City Council Work Session of May 12, 2015, to order at 6:02 p.m.

### **2. Pledge of Allegiance**

The audience and City Council recited the Pledge of Allegiance.

### **3. Roll Call**

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

PRESENT:

MAYOR NABOURS  
VICE MAYOR BAROTZ  
COUNCILMEMBER BREWSTER  
COUNCILMEMBER EVANS (telephonically)  
COUNCILMEMBER ORAVITS  
COUNCILMEMBER OVERTON

ABSENT:

COUNCILMEMBER PUTZOVA (excused)

Others present: Interim City Manager Josh Copley and City Attorney Michelle D'Andrea.

### **4. Preliminary Review of Draft Agenda for the May 19, 2015, 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.*

Vice Mayor Barotz requested that the Party Ordinance listed under Routine on the agenda for May 19, 2015, be moved to the 6:00 p.m. portion of the meeting.

Councilmember Overton asked about Item 9-A, Cinder Lake Landfill Excavation. He said that it appears that SDB is going to do that work, but it was not clear on where the material would be going. Mr. Meilbeck said that he would ask staff to clarify that information in the Final Agenda packet.

## 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.*

Moran Henn, representing Friends of Flagstaff's Future, said that on May 19, 2015, the Council would be voting on whether to authorize the donation of land for the Veterans Home. She thanked the Council for taking care of the veterans, but said they had concerns with the State not agreeing to comply with the City's zoning or building codes.

Merle Henderson, Flagstaff, passed out an invitation to attend the Flagstaff Tea Party's Thursday night meeting where they would be having a special speaker.

James Connell, Flagstaff, asked the Council what the City was doing to address the traffic issues associated with the roundabout at Basis School.

A written comment was received from Jill Lynn Farrell asking that speed limits in town be lowered.

## 6. Consideration of non-substantive revisions to the Flagstaff City Code

City Attorney Michelle D'Andrea said that the City Attorney's office has been working with various divisions to clean up some language in the City Code. She then gave a brief PowerPoint presentation which addressed the following:

- WHY DO IT?
- WHAT CHANGES?
- NEIGHBORHOOD PLANS
- ENFORCEMENT FOR PARKING
- REGULATION OF LAKE MARY
- DAMAGE TO PUBLIC STREETS AND ROADS
- CLERK'S AUTHORITY TO CORRECT THE CODE

After a brief discussion, Council's direction was to move forward and bring back an ordinance addressing these sections.

## 7. Presentation of McMillan Mesa Land Use: Flagstaff Regional Plan, Zoning and Specific Plans

Planning Director Dan Folke said McMillan Mesa has been the subject of several public planning processes which have resulted in a number of outcomes. Some outcomes regulate land use while others are meant to provide a vision and guidance for future uses. As the community needs and priorities have changed, it is appropriate to review prior work and assess what is best for Flagstaff today. He then gave a PowerPoint presentation which addressed the following:

- PRESENTATION TEAM
- PRESENTATION OVERVIEW
- DIAGRAM
- PLANNING DOCUMENTS
- CHARACTERISTICS
- ZONING
- PROPERTY OWNERSHIP MAP
- FUTURE GROWTH ILLUSTRATION
- ZONING MAP
- MCMILLAN MESA VETERANS' HOME
- MCMILLAN MESA SPECIFIC PLAN
- MCMILLAN MESA PARCEL MAP
- MCMILLAN MESA EXISTING DEVELOPMENT WITHIN THE PLAN
- CURRENTLY UNDER REVIEW
- 2007 CONCEPT PLAN FOR PUBLIC PROPERTIES

Vice Mayor Barotz thanked staff for the presentation. She asked if they felt that the City should include language in its resolution of its vision for the project. Mayor Nabours said that it was his understanding that there was nothing to preclude a Veterans Home from being on the property they are looking at, although it would require a Conditional use Permit.

Mr. Folke said that was correct. The Conditional Use Permit process says that the use is permitted, but there may be impacts that need to be looked at carefully and it gives the Commission an opportunity to consider those things.

Councilmember Brewster said that it looks like there is a lot of mixed uses in the area. She asked if any of the plans have gone forward. Mr. Folke replied that the only applications they have are the two site applications. There was a neighborhood meeting for a potential rezone with Miramonte Homes, but staff has not seen anything further on that.

Councilmember Evans thanked staff for the presentation. She said that it was good to have the overview to review what zoning is and is not. She said that there is a lot of fear in the community as to what the Veterans Home may look like. She thinks they can articulate in their resolution what the vision is. She has talked with some in Phoenix regarding dark skies, viewshed, etc. and they understand those concerns.

The following individuals addressed the Council:

- Kathy Marron, Flagstaff
- Rick Lopez, Flagstaff
- Steve Hirst, Flagstaff

The following comments were received:

- The neighbors of McMillan Mesa have been meeting and will continue to meet regarding the future development. She did not represent them, but did share their concerns and interest.
- "X" marks the spot and McMillan Mesa is the "X" for Flagstaff. There needs to be a balance on the stewardship of this property.
- Urged the Council to show visionary leadership and asked that any rezoning of the private lands proceed slowly
- Was on the Council in the 1990's when the McMillan Mesa Plan was developed and that time has now come. He wants the Council to really understand that the design and how it is developed is going to be critical.

- McMillan Mesa is special and they have the opportunity now to carefully consider what gets developed, and how it is designed, to make sure that it deserves to be in that location.
- Retired member of the Open Spaces Commission and the Open Spaces Commission submitted a letter outlining its position on the Mesa.
- As they consider the new Veterans facility and planning for housing, they see the Veterans Home as something to bring great pride to Flagstaff.
- This is an opportunity to make some overall determination of the treasure in McMillan Mesa.

Vice Mayor Barotz asked staff what action the City could take to ensure that the land owned by the City was protected as best as it could be. Mr. Folke said that they could rezone it to Open Space and do a Plan Amendment.

**C. Consideration and Adoption of Resolution No. 2015-16 :** A resolution of the Council of the City of Flagstaff, Arizona, memorializing direction for staff to bring an ordinance for consideration providing eight acres of land on McMillan Mesa to the Arizona Department of Veterans' Services (AZDVS) for use as a skilled nursing facility to serve veterans. **(Item 15-A of the May 19, 2015, agenda)**

Assistant to City Manager for Real Estate David McIntire said that they recently went through a series of steps to preserve properties in the City, understanding that it could be overturned by future councils, but it was determined to be the best way to go at it at that time. He then introduced Gail Jackson with Economic Vitality who gave a PowerPoint presentation which addressed:

- REGIONAL FACILITY
  - 60 beds 80 jobs
  - 10-15 acres was requested; functions with 8 acres
  - State will provide 35% Feds will provide 65%
  - City not being asked to pay any operation/construction costs outside of land provision
  - Staff provided ADVS staff a brief tour
- OPTIONS
  - Provide direction to use resources
  - Provide direction for staff to research private parcels that may be less expensive – did an informal RFI
- VISUAL DEPICTION OF SITE LOCATION
  - Behind the new Starbucks being built on Route 66 – 11.963 acres for \$2.7 million
    - Currently zoned RR with access to shopping, bus service; FMC is not too far away
  - Woodlands Business Center – 8.1 acres for \$5.6 million
    - Currently zoned LI
  - Woody Mountain Campground – 8.73 and 5.66 acres
    - Currently \$1.5 million for two parcels; will not sell separately
  - 9.12 acres State land
    - Currently zoned RR
- PUBLIC OUTREACH
  - Parks and Recreation Commission
  - Open Spaces Commission
  - Two Open House Meetings
  - Flyers and individual comments
- PARKS AND RECREATION AND OPEN SPACES COMMISSION

- Voted supporting use of McMillan Mesa land
- TUCSON FACILITY

Ms. Jackson showed a picture of the Tucson Facility. Councilmember Oravits said that it was a good example of them adapting to the local feel as that facility looks like it belongs in Tucson.

Ms. Jackson said that they have talked with the ADVS and they will work with cities where they put up these buildings to ensure that they meet the local architecture style.

- MCMILLAN MESA
  - Staff recommendation for any transfer
  - Deed has a recapture provision in case the project did not proceed
  - Deed has a provision requiring the AZDVS to work with City Code / building requirements

Councilmember Overton asked what exempts them from the building process now. Mr. McIntire replied that the State is a sovereign entity, similar to NAU not having to come to the City to build.

Mayor Nabours said that the resolution that has been drafted does not make any reference to meeting the City requirements. He would like to see that added before next week and if it causes a problem later they could address it then. He asked what the specific purpose of the resolution was. Mr. McIntire said that they had asked for some formal indication to get the process started; to give staff direction to put together the property survey work, deed, legal pieces and then they would still need to bring an ordinance forward to transfer the property at a later time. It gives the State an indication that the City is serious and they should move forward with obtaining funding.

The following individuals addressed the Council:

- Joe Ray, Flagstaff
- Marilyn Weismann, representing Friends of Flagstaff's Future

The following comments were received:

- He, as well as the Sunnyside Association, supports the Veterans Home project and if there is anything they can do to help, let them know.
- Appreciates that they want to add conditions to the resolution
- Concerned that the State is not interested in following the conditions
- Values of most of the residents of the City who walk on McMillan Mesa should not be threatened by a State that doesn't respect the citizens

Councilmember Oravits said that his one concern with placing too many restrictions in the resolution is that there are a lot of cities around the nation trying to get these facilities. It is important for the City to move and be flexible. Mr. McIntire said that it is his understanding that Yuma did request the same provision and the State said it was opposed, but the State has said they are willing to work with the City on some level.

Councilmember Oravits asked who would control the project. Mr. McIntire said that it would be a State project; the deed would be in the State's name and it would run through the State agency.

Councilmember Oravits said that he was fine with putting in the conditions; however, if it will thwart their ability, he would not support it.

Mr. Meilbeck said that they are looking for a definitive answer from the State at a time when it

is not prepared to give one. Staff hears the Council's concerns and if the Council decides to move forward and the limitations are a deal breaker, they may want to reconsider at a later date.

Written comments were received from the following individuals with concerns of placing the Veterans Home on McMillan Mesa:

- Dawn Dyer
- Adam Shimoni

A break was taken from 7:30 p.m. to 7:42 p.m.

## 8. **Water Resources & Water Conservation Program Status**

Update City Council on Flagstaff water topics in light of water issues in other parts of Arizona and the U.S. Southwest

Water Resources Manager Erin Young addressed the Council to give a PowerPoint presentation on the City's Water Resources & Water Conservation Program which addressed:

- TONIGHT'S AGENDA
- CONSERVATION
- CONSERVATION ACHIEVEMENTS
- LONG-TERM PLANNING
- LONG-TERM PLANNING WATER RESOURCES
- OUTREACH

Councilmember Oravits said that it was great to see the reduction in water use. He asked where the City stood in the state, in relation to other communities. Mr. Hill added that Flagstaff is the second lowest in the State, with Payson being the lowest.

Mayor Nabours said that he assumed that a big part of the drop in the early 1990's was with the reclaimed water extension and it becoming more readily available. Ms. Young said that 1994 is when the Rio Plant came on and also when they built the reclaimed water system. She said that today reclaimed water is 20% of their water delivered.

Councilmember Overton asked if they still thought the water leaks were around 10%. Ms. Young said that in the report to the Water Commission, they showed an 11% loss, down from the prior 14%. Mr. Hill said that 10% is the target. They still have half of the system to do so in two more years they will have looked at the entire system.

## 9. **Review of Draft Agenda Items for the May 19, 2015, City Council Meeting.\***

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

### **A. Consideration and Adoption of Resolution 2015-17 and Ordinance No. 2015-07:**

A resolution of the Flagstaff City Council declaring the Revised Stormwater Utility Credit Manual a public record and an ordinance adopting the Revised Stormwater Utility Credit Manual by reference. **(Updates and revisions to Stormwater Utility Credit Manual)**  
**(Item 15-C of the May 19, 2015, agenda)**

Stormwater Manager Malcolm Alter addressed the Council and gave a PowerPoint presentation which addressed the following:

## STORMWATER UTILITY CREDIT MANUAL

He said that if someone does a development and they are required to do stormwater controls, the credit manual gives them a way to reduce their bill. This was first contemplated with creation of the utility, as the ordinance requires that they have one. He said that he rewrote the manual and had it approved in 2006 as the one originally written by the consultant was very cumbersome.

Mr. Alter said that the Water Commission considered the manual changes at two meetings and is recommending approval of the document before the Council.

## STRATEGIES

- ◆ Provides credits that are as quantitative as possible - tied to effectiveness and programs
- ◆ Program changes since 2006 do not change credit amounts
- ◆ Changes are primarily updates and housekeeping

## WATER COMMISSION CONSIDERATIONS

- ◆ Considered three options: do nothing; housekeeping changes; and revise credit amounts
- ◆ Recommended housekeeping changes
- ◆ Considered financial impacts to the utility
- ◆ Recommended to reduce excessive mathematical computations
- ◆ Discussion on rain barrel credit
- ◆ Discussion on conservation easement

Discussion was held on the amount of credits available which are not being requested. It was noted that oftentimes the developer will build the required detention basin, sell the property, and then move on and a lot of times the homeowner does not know it is available. Mr. Alter said that they do advertise in CitySpace etc. Vice Mayor Barotz suggested that they advertise this information to realtors so that a property owner will know to look into it further to see if they are eligible for a credit.

B. **Consideration and Adoption of Resolution No. 2015-19 and Ordinance No. 2015-09:** A resolution and ordinance of the Flagstaff City Council adopting by reference revised sewer discharge limitations. ***(Updates and revisions to local limits for industrial sewer discharge) (Item 15-B of the May 19, 2015, agenda)***

Regulatory Compliance Section Manager Steve Camp addressed the Council and introduced Industrial User Supervisor James Boyer and a representative of GHD Engineers (consultants).

Mr. Boyer then gave a PowerPoint presentation which addressed:

## KNOWLEDGE

- ◆ Holistic Approach
- ◆ Reached out to GHD (consultant)
- ◆ Collaboration with City staff
- ◆ Industry and public comment and input
- ◆ Connection to regional goals
  - Develop/adopt integrated master plan including wastewater collection & treatment
  - Maintain reliable, safe cost-effective wastewater services
- ◆ Connection to Council Goals
  - Ensure long-term water supply
  - Provide sustainable and equitable infrastructure
- ◆ Key issues relating to regional plan
  - Improve engagement of City programs, policies and services

## WHO IS IMPACTED

### COMPLIANCE AND IMPACT

#### ◆Compliance

ADEQ reviewed and approved GHD Study in March 2015

Meets Federal requirements

#### ◆Previous Council Decisions on Topic

Last modification to the City Code to change local industrial sewer discharge limits was March 2007

#### ◆Internal Financial Impact

City staff advises that the update to the local industrial sewer discharge limitations on the City Code should not have a financial impact to the City or department

#### ◆Impact of Adopting Proposed Modification

Gain the tools and guidance to maintain compliance

Protect existing investments in critical infrastructure and to protect public health

### RECOMMENDED LOCAL LIMITS

Mr. Camp said that they have discharge limits and those limits are what the City has to meet. Some of them the City does not have recourse to the discharger because they are within compliance, without having the local rules. He said that is why they do this study to make sure they do meet that compliance.

Mr. Boyer explained that when a new business comes to town they have a mechanism that vets them; it tells the City what their process is and what chemicals they use and estimated flows and volumes. That helps the City establish permit levels and discharge. If something new comes in the City always expressly reserves the ability to change the regulations. They have a diligent program of annual inspection of industries and small businesses in town.

Mr. Boyer explained that staff has had outreach with the different businesses in town and have addressed their concerns. They understand that this is crucial and ensures a good supply of reclaimed water. He said that there were representatives from two industries present at the meeting today.

Councilmember Overton asked how quickly they can react to something introduced into the plant that should not be there. Mr. Boyer said that he communicates well with the plants. When they see levels coming in, it will take one to two days to find the source and a lot of times they can tell him what is going on.

Mayor Nabours asked if staff could guarantee that if the Council adopted the ordinance that they will not have a business coming to them saying these regulations have put them out of business. Mr. Boyer said that he cannot speak for those industries, but from what he has gathered it is not going to happen.

## 10. Public Participation

None

**11. Informational Items To/From Mayor, Council, and City Manager; and requests for possible future agenda items.**

Councilmember Brewster said that yesterday she attended the Hydrology and Law seminar which included presentations by different types of lawyers from various large law firms. They talked about different laws relating to groundwater and surface water, reclaimed water and different terminology.

Mayor Nabours reported that last Friday he and Paul Summerfelt with the Fire Department were part of a presentation at a two-day seminar on wildfire management and forest management. He said that it was fun to be involved because Flagstaff is the example that all of the southwest points to with their FWPP and \$10 million bond project. He said that Flagstaff has attained a national reputation in that regard.

**12. Adjournment**

The Work Session of the Flagstaff City Council held May 12, 2015, adjourned at 8:47 p.m.

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MAYOR

ATTEST:

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CITY CLERK