

COMBINED SPECIAL MEETING/WORK SESSION AGENDA

**CITY COUNCIL COMBINED SPECIAL
MEETING/WORK SESSION
TUESDAY - MARCH 10, 2015**

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

SPECIAL MEETING

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

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

MAYOR NABOURS
VICE MAYOR BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER EVANS

COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER PUTZOVA

4. **Consideration of Resolution No. 2015-07:** A resolution of the Mayor and Council of the City of Flagstaff, Arizona, calling upon the Arizona Board of Regents to recognize Arizona youth with Deferred Action for Childhood Arrivals (DACA) as Arizona state residents for purposes of educational benefits including in-state tuition, financial aid, and scholarships
5. **Consideration of Resolution No. 2015-08:** A resolution of the Mayor and Council of the City of Flagstaff, Arizona, opposing the U.S. Forest Service approval of a right-of-way easement to facilitate massive new Tusayan development that will be harmful to the Grand Canyon National Park and the City of Flagstaff Tourism Industry
6. **Possible Future Agenda Item:** Request by Councilmember Evans to place on a future agenda the consideration of a Council Resolution pertaining to support of NAU state funding
7. **Possible Future Agenda Item:** Request by Mayor Nabours to place on a future agenda the discussion of liquor licenses in the downtown area
8. **Adjournment**

WORK SESSION

1. **Call to Order**

2. 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.

3. Preliminary Review of Draft Agenda for the March 17, 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.*

4. Student Housing: Police Response

RECOMMENDED ACTION:

Discussion on police response to student housing properties, and opportunities to amend the Party Disturbance Ordinance and create a new ordinance governing Student Housing.

5. Discussion of an Arizona Department of Veterans' Services (DVS) Facility in Flagstaff possibly located on City land on McMillan Mesa.

6. US 180 Winter Congestion Report

RECOMMENDED ACTION:

Discussion and possible direction

7. Discussion of Procurement Preferences Regarding Carbon Footprint and Disadvantaged Businesses

8. Report on City Council Legislative Trip to Washington, D.C.

9. Review of Draft Agenda Items for the March 17, 2015, City Council Meeting.*

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

10. Public Participation

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

12. Adjournment

CERTIFICATE OF POSTING OF NOTICE

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

Dated this _____ day of _____, 2015.

Elizabeth A. Burke, MMC, City Clerk

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Walt Miller, Deputy Chief
Date: 02/25/2015
Meeting Date: 03/10/2015



TITLE:

Student Housing: Police Response

RECOMMENDED ACTION:

Discussion on police response to student housing properties, and opportunities to amend the Party Disturbance Ordinance and create a new ordinance governing Student Housing.

Executive Summary:

Student housing is a visible community issue that is likely to remain in the public eye for several years to come. Economic development, community character, affordable housing and public safety are all impacted by decisions related to student housing. In recent years the Flagstaff Police Department has responded to an increasing number of loud, unruly gatherings on student housing properties. This presentation will review the current ordinance governing our response to party disturbances, in comparison to two other ordinances in the state. We will seek direction from Council on whether there is a desire to amend our current ordinance. Additionally, we will discuss whether Council desires the creation of a new ordinance intended to impose requirements for certain properties to become involved in the Crime Free Multi-Housing program, contract with private security, or require on-site management.

Financial Impact:

There is no financial impact to the City of Flagstaff.

Connection to Council Goal and/or Regional Plan:

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

Previous Council Decision on This:

Yes, Effective governance by addressing constituents' concerns. A Student Housing Work Plan was brought before the Mayor and Council and on January 6, 2015 Resolution 2015-01 was passed and adopted.

Options and Alternatives:

- Provide direction to continue enforcement using the current ordinance regulating party disturbance
- Provide direction to amend the current ordinance regulating party disturbance
- Provide direction to create a new ordinance intending to require certain Student Housing properties to engage in programs like Crime Free Multi-Housing, contract with private security, and/or place on site management on the property.

Background/History:

In October of 2009, Ordinance 6-08-0001-0005 regarding "Large Party, or events was modified. Since that time the FPD continues to see the burdens imposed on communities plagued by these types of gatherings. Neighborhoods, particularly those adjacent to or near the University, have consistently borne the burden of residents who violate the peace and tranquility of the community as a whole when large parties occur. Public urination, litter from spent alcohol cups and containers, upended trash and recycling receptacles, loud music and noise in the form of amplified music, traffic congestion and parking problems, are just a small sample of the disruptions residential neighbors adjacent to these disturbances are faced with. In essence, the problems associated with disruptive parties constitute quality of life concerns in the community.

The Police Department's goal in regard to loud and disruptive parties is to respond to disturbances quickly, in order to minimize their impact on the neighborhood, and to prevent disturbances from growing to an unmanageable and unsafe degree. Often, this requires the involvement of numerous police officers leaving their designated patrol areas to respond to these events. As a result, police response times to the rest of the City are increased and general policing for the remainder of the City may be compromised.

The current version of the City's Large Parties, Gatherings or Events Ordinance allows the Police Department to recover costs, billing the responsible person(s) for police services in (2) two specific instances:

1). If the large party, gathering or event is deemed to be an imminent threat to public health or safety that requires the response of two (2) or more officers and it is determined that (15) fifteen or more people are at the "party, gathering or event."

or

2). The large party, gathering or event is deemed as a special security assignment. A special security assignment is defined as a second or subsequent call that occurs within 90 days of the first call for service. There must be (15) fifteen or more people at the "party, gathering or event" and the response requires (2) two or more officers to restore public peace, health, safety and/or general welfare.

In collaboration with the City Attorney's Office we have been in contact with the Tempe Police Department and the Tucson Police Department. Over the years they have faced similar challenges with student housing and each has adopted specific ordinances to address large unruly parties, gatherings or events.

Currently the City of Tempe has a Nuisance Ordinance which allows their officers to issue civil citations for police service/response. Citations can be issued to all responsible persons. This can include any persons in attendance at the nuisance party, including owner, occupant tenant or tenants guest, or any sponsor, host or organizer. Tempe does not charge for police services, but rather has imposed the following civil penalties; First offense is a \$250 fine. Second offense, after notice is issued and within a 90 period, is a \$1000 fine. The third and subsequent offense, is a \$1500 fine. The Tempe ordinance does not define a party by number of attendees or number of officers responding. There is also a provision to notify property owners following a first offense, and hold property owners responsible for further

infractions.

The City of Tucson has a current ordinance regulating party disturbances that allows an officer to physically post the residence with large red sticker after a first offense. This provides notification that an unruly gathering has occurred at the premise and that any subsequent unruly gathering for a 180 day period shall result in a civil fine imposed on all people present who are contributing to the unruly event. The owner, occupant or tenant of the premises can be held accountable once notification is made following the first offense. The City of Tucson has imposed civil penalties ranging from \$500 dollars for a first offense to \$1500 dollars for a third or subsequent violation.

The City of Tempe also has an ordinance that requires a Security Plan be prepared for multi-unit dwellings. Under this plan, a multi-unit dwelling of five (5) units or greater must supply a security plan to the Police Department if that property has demonstrated a disregard for public safety. We don't believe this current ordinance is directly applicable to Flagstaff, however the adoption of this ordinance illustrates an opportunity to evaluate the creation of a local ordinance to require properties of certain size, or properties that exceed a certain number of calls for service become involved in Crime Free Multi Housing, contract with private security, or maintain on site management.

In 1996, the Flagstaff Police Department established a Crime Free Multi Housing (CFMH) program. We have seen great success with many of the properties that have joined the CFMH program. In one case with one large apartment complex, calls for service over a two year period decreased by 90%. We have also seen a decrease in calls for service when a property employs private security. We believe that building partnerships with these properties and having them involved in the CFMH program is one effective tool to help combat calls for service. Currently, there is no mechanism in place to require large Student Housing properties to become involved with Crime Free Multi-Housing

Key Considerations:

In collaboration with the City Attorney's Office, any amended or new ordinance adopted may assist in effectively deterring problems associated with Student Housing properties. We have researched a number of similar ordinances enacted around Arizona, and will present to Council an overview of our existing ordinance, and a number of options presented in other ordinances we have reviewed .

Expanded Financial Considerations:

By imposing financial liability on the individuals responsible for disruptive parties and unruly gatherings, the Police Department will be reimbursed for the expenditure of resources needed to address such complaints. In essence, the cost of restoring the peace, health, safety and welfare of those communities disrupted by a large party, gathering or event will be recovered from those responsible for the party.

Community Benefits and Considerations:

Benefits of an effective party ordinance may include more peaceful living conditions for those residents living in the areas affected by loud and unruly parties; a reduction in the crimes normally accompanying these disturbances, (such as assaults, littering and criminal damage), more efficient and effective policing of the community because with a reduction in party disturbances as officers' time is no longer monopolized by large and unruly gatherings

Community Involvement:

We intend to continue building a collaborative partnership with Northern Arizona University to share information that involves student conduct off campus. We are also sharing information through the Good Neighbor Coalition, a university-sponsored community, neighborhood and City partnership, which meets monthly. We also intend to work with Northern Arizona University to provide education to students on existing ordinances that may impact them.

Expanded Options and Alternatives:

Continue enforcement under current ordinance, revise, amend or adopt new ordinance.

Attachments: Tempe City Code
 Tucson Ordinance
 Flagstaff City Code
 Student Housing-2

AMUSEMENTS

5-9

ARTICLE III. NUISANCE PARTIES AND UNLAWFUL GATHERINGS

Sec. 5-30. Purpose.

(a) The city finds and determines that the control of nuisance parties on private property is necessary when such continued activity is determined to be a threat to the peace, health, safety or general welfare of the public. Often police response is required at a nuisance party in response to complaints in order to disperse uncooperative participants or enforce criminal laws. The response of police officers to a location constitutes a drain of personnel and resources which may leave other areas of the city without minimal levels of police protection, all of which creates a significant hazard to the safety of the police officers and to the public in general.

(b) The city finds and determines it is a public nuisance for any responsible person(s) or social hosts to permit, allow, or host an unlawful gathering at his or her place of residence (or other private real property under his or her ownership or control) where spirituous liquor is served to, or is in the possession of, or consumed by, any minor, or where illegal drugs are in the possession of, or consumed by, any person. When unlawful gatherings occur, the city finds and determines that early intervention through substance use education for the responsible person is desirable.

(Ord. No. 94.29, 12-8-94; Ord. No 2011.56, 11-3-11; Ord. No. 2013.30, 6-13-13)

Sec. 5-31. Definitions.

For the purpose of this article, the following terms shall have the meanings respectively ascribed to them herein unless the context requires otherwise:

(1) *Juvenile* means a minor under the age of eighteen (18) years.

(2) *Minor* means any person under the age of twenty-one (21) years.

(3) *Owner* means any owner, as well as an agent of an owner acting on behalf of the owner to control or otherwise regulate the occupancy of use of the property.

(4) *Premises* mean the property that is the site of a nuisance party or an unlawful gathering. For residential properties, a premise can mean the dwelling unit, units or other common areas where the nuisance party or the unlawful gathering occurs.

(5) *Nuisance party* means an assembly of persons for a social activity or for a special occasion in a manner which constitutes a substantial disturbance of the quiet enjoyment of private or public property. This includes, but is not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace and litter.

(6) *Police service fee* means the fee as shown by a schedule adopted by the city council with the recommendation of the police chief to offset the cost of services provided by the police department in response to the nuisance party or unlawful gathering.

(7) *Responsible person* means any persons in attendance including any owner, occupant, tenant, or tenant's guest or any sponsor, host or organizer of the social activity or special occasion constituting the nuisance party or unlawful gathering. If such a person is a juvenile, the term "responsible person" includes, in addition to the juvenile, the juvenile's parents or guardians. Responsible person does not include owners or persons in charge of premises where an unlawful gathering or nuisance party takes place if the persons in attendance obtained use of the property through illegal entry or trespassing.

(8) *Special security assignment* means the police services provided during any call in response to complaints or other information regarding nuisance party or unlawful gatherings.

(9) *Spirituous liquor* shall have the same meaning as defined in A.R.S. §4-101(31).

(10) *Unlawful gathering* means a party, gathering, or event where spirituous liquor is served to, or is in the possession of, or consumed by, any minor, or where illegal drugs are in the possession of, or consumed by, any person, regardless of whether it would otherwise qualify as a nuisance party.

(Ord. No. 94.29, 12-8-94; Ord. No. 2003.29, 10-30-03; Ord. No. 2011.56, 11-3-11; Ord. No. 2013.30, 6-13-13)

Sec. 5-32. Nuisance party.

(a) When any police officer responds to any nuisance party and that police officer determines that there is a threat to the public peace, health, safety or general welfare, the police officer shall issue a written notice to any responsible person(s). The responsible person(s) will be assessed a police service fee for special security assignments relating to nuisance parties as provided in Appendix A. The police officer or other police employee shall provide the notice of the violation to the responsible person(s) and the landlord or owner in any of the following manners:

(1) Personal service to any responsible person(s) being cited at the nuisance party.

(2) As to the resident(s) of the premise, posting of the notice on the door of the premises of the nuisance party.

(3) As to the landlord or owner, notification of the posting of the notice of the nuisance party shall be mailed to the property owner at the address shown on the Maricopa County property tax assessment records. Notification shall be made by certified mail. The return receipt will service as evidence of service.

a. Upon request, the landlord must provide the names of any and all occupants listed on the leasing documents at any location where the police department responds to a nuisance party.

(b) If, after written notice of the violation as provided in subsection (a), a second or subsequent police response or responses is necessary to the same location or address for a nuisance party within ninety (90) days of the first response, such response shall be deemed a second response and subject to the police service fee as provided in Appendix A. If, after written notice of the violation as provided in subsection (a), a third response is necessary to the same location or address for a nuisance party within ninety (90) days of the second response, such response shall be deemed a third response and subject to the police service fee as provided in Appendix A.

(c) On any response to a nuisance party, the responsible person(s) may be assessed a fee commensurate with the next level fee for a nuisance party, if any of the following factors are found:

(1) Minor in possession;

(2) Minor in consumption;

(3) Illegal drugs;

(4) Weapons; or

(5) Felonious conduct.

(Ord. No. 94.29, 12-8-94; Ord. No. 2003.29, 10-30-03; Ord. No. 2011.56, 11-3-11; Ord. No. 2013.30, 6-13-13)

Sec. 5-33. Unlawful gatherings.

(a) When any police officer responds to any unlawful gathering and that police officer determines that there is a threat to the public peace, health, safety or general welfare, the police officer shall issue a written notice to any responsible person(s). The responsible person(s) will be assessed a police service fee for special security assignments relating to unlawful gatherings as prescribed in Appendix A.

(b) A police service fee may be imposed on any police response to an unlawful gathering. For any first response, the responsible person may be eligible for substance use education class in lieu of the police service fee assessment.

(Ord. No. 94.29, 12-8-94; Ord. No. 2003.29, 10-30-03; Ord. No. 2011.56, 11-3-11; Ord. No. 2013.30, 6-13-13)

Sec. 5-34. Fees, billing; and appeal.

(a) The police service fee for special security assignments arising out of nuisance parties and unlawful gatherings shall be progressive depending on the number of repeat unlawful gatherings, and shall be established by city council (see Appendix A).

(b) The amount of such police service fees charged shall be deemed a joint and several debt to the city of any and all responsible persons, whether they received the benefit of such special security assignment services or not. If the responsible person(s) for the nuisance party or unlawful gathering is a juvenile, then the parents or guardians of that juvenile will also be jointly and severally liable for the costs incurred for police services. Any person owing money due for the police service fee shall be liable in an action brought in the name of the city for recovery of such amount, including reasonable attorney fees.

(c) If a responsible person is the person who owns the property where a nuisance party or unlawful gathering takes place, the owner will not be charged the police service fee unless:

(1) The owner was present at or had knowledge of the nuisance party or unlawful gathering and took no reasonable action to prevent the nuisance party or unlawful gathering; or

(2) If the owner had been sent a notice from the city that a nuisance party or unlawful gathering had taken place on the premises, and a subsequent nuisance party or unlawful gathering with the same responsible person, persons, sponsors or hosts occurs within ninety (90) days of the mailing of such notice to the owner; or

(3) If the owner/landlord fails to provide the names of the occupants listed on the leasing documents where the unlawful gathering or nuisance party occurs.

(d) The city shall waive part or all of a police service fee charged against the owner of the property where a nuisance party or unlawful gathering takes place if the owner provides proof that they did not have an adequate period of time to prevent the nuisance party or unlawful gathering that triggered the fee, or that they have taken reasonable action to prevent the occurrence of future disturbances at the property.

(e) The city does not waive its right to seek reimbursement for costs through any other legal remedies or procedures.

(f) The chief of police or his designee shall cause appropriate billings for the special security assignment to be made to the responsible person(s), which shall include the name and address of the responsible person(s), the date and time of the incident and the police services performed, and such other information as may be desired.

(g) Any responsible person(s) who wishes to dispute the determination that they are liable for the police service fee may appeal to the police commander assigned to that geographical location. If the responsible person is unsuccessful they may submit a request for an administrative review hearing in writing no more than ten (10) days after the unsuccessful appeal to the commander. The city and the responsible person(s) disputing the fee shall be given notice of the hearing and an opportunity to be heard. The hearing officer shall establish rules of administration and procedure to ensure the fair and orderly conduct of hearings held pursuant to this section.

(Ord. No. 94.29, 12-8-94; Ord. No. 2003.29, 10-30-03; Ord. No. 2013.13, 6-13-13)

Sec. 5-35. Other remedies.

Nothing in this article shall be construed as affecting the ability to initiate or continue concurrent or subsequent criminal prosecution for any violation of the provisions of the city code or state law arising out of the circumstances necessitating the application of this article.

(Ord. No. 94.29,

APPENDIX A - FEE SCHEDULE

Nuisance Parties and Unlawful Gatherings

5-33 Police service fee for special security assignments related to nuisance parties:

First response	\$250.00
Second response.....	\$1,000.00
Third response and each subsequent response.....	\$1,500.00

Police service fee or special security assignments related to unlawful gatherings:

First response	\$250.00
Second response.....	\$1,000.00
Third response and each subsequent response.....	\$1,500.00

Print

Tucson, AZ Code of Ordinances

Sec. 16-32. Unruly gatherings.

(a) *Definitions.* For the purposes of this section, unless the context otherwise requires, the following terms or phrases are defined as:

Owner means any owner, as well as any agent of an owner acting on behalf of the owner to control or otherwise regulate the occupancy or use of the property.

Premises means the property that is the site of an unruly gathering. For residential properties, premises means the dwelling unit or units where the unruly gathering occurs.

Unruly gathering means a gathering of five (5) or more persons on any private property, including property used to conduct business, in a manner which causes a disturbance of the quiet enjoyment of private or public property by any person or persons. Such disturbances include, but are not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, drinking in public, the service of alcohol to minors or consumption of alcohol by minors, fighting, disturbing the peace, and littering.

(b) *Abatement of unruly gathering.* A peace officer may abate an unruly gathering by reasonable means including, but not limited to, citation or arrest of violators under applicable ordinances or state statutes, and dispersal of the persons attending the gathering.

(c) *Notice of unruly gathering; posting; removal of notice prohibited; right to contest posting.*

(1) *Contents of notice.* The premises at which the unruly gathering occurs shall be posted with a notice stating:

- a. That an unruly gathering has occurred at the premises;
- b. The date of the unruly gathering;
- c. That any subsequent unruly gathering on the same premises within a one hundred eighty (180) day period shall result in liability for the penalties provided in this section. Parties liable include any persons in attendance causing the gathering to be unruly, or any owner, occupant or tenant of the premises at which the unruly gathering occurred, or any sponsor of the event constituting the unruly gathering; and
- d. The right to contest the posting as provided in subsection (c)(4) of this section.

(2) *Posting requirements.* Premises shall be posted with a notice as provided in this section each time an unruly gathering occurs. The owner, occupant or tenant of the premises or sponsor of the event constituting the unruly gathering, if present, shall be consulted as to the location in which such notice is posted in order to achieve both the security of the notice and its prominent display.

In the event that a premises is already posted at the time of a subsequent posting, the one hundred eighty (180) day period from the date of the existing posting shall be extended to one hundred eighty (180) days from the date of the subsequent posting. Once a premises is initially posted as a result of an unruly gathering and the conduct causing the gathering to be unruly has ceased, a resumption of unruly behavior on the premises resulting in another police response shall constitute a new and separate unruly gathering for purposes of this section.

(3) *Removal of notice prohibited.* The owner, occupant, or tenant of the posted premises shall be responsible for ensuring that the notice is not removed, defaced, or concealed. The removal, defacement, or concealment of a posted notice is a civil infraction carrying a penalty of a minimum, mandatory one hundred dollar (\$100.00) fine, in addition to any other penalties which may be imposed under this section.

(4) *Right to contest posting.*

a. An owner, occupant, or tenant of the posted premises may contest the posting of the notice by filing a written petition for review with the civil infractions division of the city court requesting that the court determine whether justification existed for posting of the notice under the provisions of this section. The petition must be filed within ten (10) days after the posting of the notice or, if the notice is given by mail, within fifteen (15) days after the date of the mailing of the notice, and not thereafter. The court shall set a time and date for a hearing to be held no later than fifteen (15) days after receipt of the written petition and shall notify both the petitioner and the criminal division of the city attorney's office of the hearing date. In order to avoid the possibility of conflicting rulings, if more than one (1) petition is filed under this subsection relating to a single posting, for example by multiple lawful occupants of the posted premises, the court shall set only one (1) hearing and shall consolidate the petitions and notify all petitioners of the hearing date and time. At the hearing, the city has the burden of proving by a preponderance of evidence that the posting of the notice was justified pursuant to the provisions of this section.

b. An owner of a posted premises, at any time after the posting or the mailing of the notice, may petition the court for an order directing the removal of the notice on the grounds that the owner has taken reasonable and necessary actions, such as evicting a tenant responsible for the violation, to prevent the occurrence of a subsequent unruly gathering at the posted location. The court shall set a time and date for a hearing to be held no later than fifteen (15) days after receipt of the petition and shall notify both the petitioner and the criminal division of the city attorney's office of the hearing date. At the hearing, the petitioner has the burden of proving by a preponderance of evidence that the petitioner has taken reasonable and necessary actions to prevent the occurrence of a subsequent unruly gathering. This petition process is not available to an owner who was present at the unruly gathering and engaged in conduct causing the gathering to be unruly.

(d) *Notification of property owner.*

(1) Notification of the posting of the notice of unruly gathering shall be mailed to any property owner at the address shown on the Pima County Property Tax Assessment Records. The notification shall advise the property owner that any subsequent unruly gathering within one hundred eighty (180) days on the same premises shall result in liability of the property owner for all applicable penalties as provided in this article. Notification shall be made by certified mail. The return receipt shall be prima facie evidence of service.

(2) Additionally, notice shall be provided to an agent of the owner who controls or regulates the use of the premises, if known. Notice to the owner's agent may be provided by hand delivery or by certified or regular mail sent to the agent's last known address.

(3) The failure to serve notice to any person described in this subsection shall not invalidate any citation or other proceedings as to any other person duly served, or relieve any such person from any duty imposed by this section.

(e) *Unruly gathering a civil infraction; parties responsible.* An unruly gathering is unlawful and constitutes a civil infraction. The following parties, if found responsible for such an infraction, are liable for the penalties provided in subsection (g)(1):

(1) The person or persons who organized or sponsored the event constituting the unruly gathering, including any owner or occupant in attendance at the unruly gathering.

(2) Any person in attendance at the unruly gathering who engaged in any conduct causing the gathering to be unruly.

(f) *Subsequent unruly gathering a civil infraction; parties responsible.* The occurrence of an unruly gathering on the same premises more than once in any one hundred eighty (180) day period is a civil infraction. The following parties, if found responsible for such an infraction, are liable for the penalties provided in subsection (g)(2):

(1) The owner of the property where the subsequent unruly gathering occurred, if either:

a. The owner was present when the property was posted, or

b. Notification of posting was mailed or delivered to the owner of the property per subsection (d), and the subsequent unruly gathering occurred not less than two (2) weeks after the mailing of such notification.

(2) The occupant or tenant of the property where the subsequent unruly gathering occurred.

(3) The person or persons who organized or sponsored the event constituting the subsequent unruly gathering.

(4) Any person in attendance at the subsequent unruly gathering who engaged in any conduct causing the gathering to be unruly.

Nothing in this section shall be construed to impose liability on the owner, occupant, or tenant of the premises or sponsor of the event constituting the unruly gathering, for the conduct of persons who are in attendance without the express or implied consent of the owner, occupant, tenant, or sponsor, as long as the owner, occupant, tenant or sponsor has taken steps reasonably necessary to prevent a subsequent unruly gathering or to exclude the uninvited persons from the premises, including owners who are actively attempting to evict a tenant from the premises. Where an invited person engages in unlawful conduct which the owner, occupant, tenant or sponsor could not reasonably foresee and could not reasonably control without the intervention of the police, the unlawful conduct of the person shall not be attributable to the owner, occupant, tenant or sponsor for the purposes of determining liability under this section.

(g) *Penalties.*

(1) *Unruly gathering.* The penalty for a party found responsible for an unruly gathering, as provided in subsection (e), shall be a minimum mandatory fine of five hundred dollars (\$500.00). Additionally, if the party found responsible for an unruly gathering has previously been found responsible for an unruly gathering, regardless of the location of the prior violation, the penalty shall be a minimum mandatory fine of seven hundred and fifty dollars (\$750.00).

(2) *Subsequent unruly gathering.* The penalty for a party found responsible for the occurrence of a subsequent unruly gathering, as provided in subsection (f), shall be a minimum mandatory fine of seven hundred fifty dollars (\$750.00) for a first violation, a minimum mandatory fine of one thousand dollars (\$1,000.00) for a second violation, and minimum mandatory fines of one thousand five hundred dollars (\$1,500.00) for each third or subsequent violation.

(3) *Abatement.* The civil fines provided herein shall be in addition to any other penalties imposed by law for particular violations of law committed during the course of an unruly

gathering. The court shall also enter an order of abatement against a party found responsible for a violation of this section pursuant to Chapter 8 of the Tucson Code.

(h) *Enforcement.* The police department is authorized to enforce the provisions of this section provided that enforcement is initiated by a complaint from a member of the public. The complaining member of the public shall not necessarily be required to appear in court before a violator may be found responsible. Peace officers shall enforce the provisions of this section using their sound discretion and the consideration of the totality of the circumstances, including but not limited to the use of the premises (e.g. residential, commercial, etc.).

(Ord. No. 9816, § 15, 2-24-03; Ord. No. 10126, § 9, 3-1-05; Ord. No. 11014, § 1, 8-7-12)

6-08-001-0005 LARGE PARTIES, GATHERINGS OR EVENTS:

A. FINDINGS

The City Council of Flagstaff finds and determines that unruly parties, gatherings or events held on private property may constitute a threat to the peace, health, safety and welfare of the general public. Police officers have been required to make repeated calls to unruly parties, gatherings or events in order to disperse uncooperative or unruly participants and to restore the public peace and welfare. Such repeat calls deplete the manpower and resources of the police department and can leave other areas of the City with compromised levels of police protection so as to create a significant threat to the safety of both citizens and police officers alike.

B. PURPOSE

The purpose of this section is to allow the City to obtain reimbursement for expenses related to responses to unruly parties, gatherings or events which have been determined to be a threat to the peace, health, safety or welfare of the general public.

C. DEFINITIONS

"Unruly party, gathering or event" means a gathering or assembly of persons on private premises within City limits that is a threat to the public peace, health, safety or general welfare from illegal activities, unruly behavior, unreasonably loud or raucous noise, or activities which unreasonably disturb, injure, or endanger the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity.

Special security assignment" means the police services provided during a second or subsequent call during a (90) ninety day period to the location of an unruly party, gathering or event after a written notice has been given that a police service fee may be imposed for costs incurred by the City for any return or subsequent police response.

Increased response" means the response of more than two uniformed officers to the scene of an unruly party, gathering or event in which 15 (fifteen) or more persons are present, where necessary to restore the public peace, health, safety and/or general welfare.

Police service fee" is that fee which shall be imposed for a special security assignment or increased response.

Responsible person" means any person in actual or lawful control of the premises, or who organized the unruly party, gathering or event. A person need not be present at the time of the party, gathering or event to be deemed responsible.

D. WRITTEN NOTICE

1. When a police officer responds to an unruly party, gathering or event and while at the scene determines that there is a threat to the public peace, health, safety or general welfare, the officer shall issue a written notice to any responsible person that a second or subsequent response to that same location or address within ninety (90) days of the first response shall be deemed a special security assignment and that any responsible person may be liable for a police service fee for such special security assignment.

2. Written notice shall not be required, and a police service fee may be imposed upon a first response requiring an increased police response, if a responding officer reasonably determines that fifteen (15) or more individuals are in attendance and that the unruly party, event, or gathering is so large, unruly, or noisy, or is such an imminent threat to public health and safety that the responding police officer reasonably determines that more than two police officers are necessary to respond to and disperse the unruly party, gathering, or event.

E. RECOVERY OF COSTS FOR POLICE SERVICES

1. If, after written notice is given pursuant to Subsection D above, a second or subsequent police response is necessary to the same location or address within ninety (90) days of the first response, such response shall be deemed a special security assignment and any responsible person(s) shall be subject to the police service fee as provided in this Section.
2. In the event an increased response to the scene of a unruly party, gathering or event in which 15 (fifteen) or more persons are present it is necessary to restore the public peace, health, safety and/or general welfare, any responsible person(s) shall be subject to the police service fee as provided in this Section.

F. POLICE SERVICE FEE

1. The police service fee shall be according to a schedule adopted by the Police Chief which is based on the number of officers and units per hour. Said schedule may also include appropriate overhead, the cost of any medical treatment to injured officers, and any other loss or damage incurred by the Police Department in the course of a special security assignment or increased response. The fee may also include the cost or loss incurred by any other law enforcement agency or City department responding at the request of the Flagstaff Police Department.
2. The police service fee for a special security assignment or increased response shall not exceed one thousand dollars (\$1,000.00) for a single incident.
3. The City does not waive its right to seek reimbursement for costs exceeding one thousand dollars (\$1,000.00) through other legal remedies or procedures.
4. The costs of a police service fee shall be charged against any person who is responsible for the unruly party, gathering or

event under this section. If two or more persons are responsible for the unruly party, gathering or event such persons shall be jointly and severally liable for the costs of a police service fee. If the person responsible for the unruly party, gathering or event is a minor, the parents or guardian having custody or control of the minor shall be jointly and severally liable with such minor for the costs of a police service fee. The charge constitutes a debt of that person and is collectible in the same manner as in the case of an obligation under contract. Costs imposed under this section are due and payable upon the expiration of the period to request a hearing under Subsection H or upon notice of the hearing officer's decision if a hearing is requested. The liability imposed by this section is in addition to any liability imposed by the law.

G. BILLING

The Chief of Police or any person designated by the Chief of Police shall cause appropriate billings for the police service fee to be made to the responsible person(s). Billings shall include the name and address of the responsible person, the date, time and location of the incident for which a police service fee is imposed, and shall identify the services provided, any loss or damage and such other information as may be relevant.

H. HEARING PROCEDURES

1. A person liable for the costs of a police service fee under this section may, within ten days of receipt of notice of the costs imposed, request a hearing with a Hearing Officer designated by the Presiding Magistrate of the Flagstaff Municipal Court.
2. The Hearing Officer shall set a time and place for the hearing as soon as practicable.
3. The hearing shall be conducted in an informal process to determine whether there is a sufficient factual and legal basis to impose the costs of the police service fee and the

reasonableness of the amount. The rules of evidence shall not apply, provided that the decision of the Hearing Officer shall in all cases be based upon substantial and reliable evidence. All parties to the hearing shall have the right to present evidence. The Police Department shall have the burden of establishing by a preponderance of the evidence that the costs of the police service fee should be imposed and that the amount is reasonable under the circumstances.

4. The decision of the Hearing Officer is final. A failure of the person charged with the costs of the police service fee to timely request a hearing or the failure to appear at a scheduled hearing shall constitute a waiver of the right to a hearing or to challenge the validity or amount of the costs imposed.

Student Housing: Police Response

FPD Experience with student housing properties:

- Over the last several years the police department has responded to an increased number of disturbances on student housing properties.
- The Grove
- Rio Homes
 - ❖ Vast majority of those calls were initially reported as a “party disturbance.”
 - ❖ Multiple arrests during this time period.

Student Housing: Police Response

How these calls are typically handled & what has worked in the past:

- Enforcement of state laws and local ordinance.
- Issue “Large Party” response notice.
- Issue second notice within a 90 period & charge of administrative fees for police services.
- Crime Free Multi Housing (CFMH) program.
- Private security on site.

Student Housing: Police Response

Current ordinance was modified and adopted in 2009-the major changes were:

- A large party is considered to be a “Special Security Assignment” if there has been police response within a 90 day period.
- “Increased Response”- 2/15 rule.
- Upon a second response FPD will charge administrative for police services.
- Fee is based upon hourly wage of officers who are present, and billable hours spent to handle the incident.
- Ordinance does allow for the issuance of an “Increased Response” notice on the first offense.

Student Housing: Police Response

What other Cities are doing

Tempe Ordinance-Nuisance Parties & Unlawful Gatherings

- Established civil penalties-not criminal.
- Ordinance allows officer(s) to issue a “nuisance citation” to all responsible persons.
- Written notice is issued to responsible persons & the landlord or owner -90 day period for subsequent fines.

First response \$250.00; Second response\$1,000.00; Third response and each subsequent response \$1,500.00

- Partner with ASU, who provides an Off Campus Liaison.

Student Housing: Police Response

Tucson Ordinance-Unruly Gatherings

- Established civil penalties to hold any persons responsible .
- Anyone in attendance can be fined if they are found to be contributing to the unruly gathering.
- Posting of a red placard -notice that the premises has been deemed a “Nuisance Property” for 180 days and a subsequent violation will result in civil and/or criminal penalties.
- Property owner is notified of posting and there is \$500 dollar fine for first offense.
- Subsequent offense can range from \$750-\$1500.
- Ordinance allows officers to use their discretion.

Student Housing: Police Response

What other Cities are doing

Tempe –Security Plans

- Security plan required for multi-unit dwellings of Five (5) units or greater, when the police department determined that the property is a “Hot Spot.”
- “Hot Spot” is based on calls for service over a (12) month period.
- The property has demonstrated a disregard for public safety.
- Modifications to this “Security Plan.”
- May enable us to mandate Crime Free Multi-Housing program, on site security, and on site management.
- Tie the “Security Plan” to number of beds or dwelling units.

Student Housing: Police Response

Recap-Questions-Discussion

I. Opportunities for the revision of the existing party disturbance ordinance:

- 1.) Redefine the definition of party in regards to number of persons present, number of officers required.**
- 2.) Impose civil fine for the first offense.**
- 3.) Extend the time period for the warning period from 90 to up to 180 days.**
- 4.) Notification and civil fine for the property owner or management upon second offense.**
- 5.) Posting/Placarding and holding all unruly parties responsible for civil fine.**
- 6.) Civil fees imposed-based on billable hours, or flat fee upon first, second or third offense.**

II. Creation of new ordinance for mandates for student housing:

- 1.) Tie requirements to number of beds, number of dwelling units, and or number of responses. (“Hot-Spots”)**
- 2.) Requirements to include management on site, contracting with private security, and or CFMH involvement.**
- 3.) Civil fine or misdemeanor offense if they don't comply.**

Memorandum

4.

CITY OF FLAGSTAFF

To: The Honorable Mayor and Council
From: Josh Copley, Deputy City Manager
Date: 03/05/2015
Meeting Date: 03/10/2015



TITLE:

Consideration of Resolution No. 2015-07: A resolution of the Mayor and Council of the City of Flagstaff, Arizona, calling upon the Arizona Board of Regents to recognize Arizona youth with Deferred Action for Childhood Arrivals (DACA) as Arizona state residents for purposes of educational benefits including in-state tuition, financial aid, and scholarships

DESIRED OUTCOME:

- 1) Read Resolution No. 2015-07 by title only
- 2) City Clerk reads Resolution No. 2015-07 by title only (if approved above)
- 3) Adopt Resolution No. 2015-07

EXECUTIVE SUMMARY:

In response to a citizen request made during public participation at the Council meeting of February 17, 2015, Councilmember Putzova asked that consideration of the proposed Resolution be placed on the next available agenda. This occurred at the March 3, 2015, Council meeting at which three members of the Council requested that it move forward for consideration. Due to the time constraints required for action, a Special Meeting was called to consider this and other time-sensitive items.

The proposed Council Resolution calls upon the Arizona Board of Regents to recognize Arizona youth with Deferred Action for Childhood Arrivals (DACA) status as Arizona state residents for the purpose of being eligible for certain educational benefits, including in-state tuition, financial aid, and scholarships.

INFORMATION:

COUNCIL GOALS:

- 3) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics
- 10) Decrease the number of working poor

Attachments: Res. 2015-07

RESOLUTION NO. 2015-07

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, CALLING UPON THE ARIZONA BOARD OF REGENTS TO RECOGNIZE ARIZONA YOUTH WITH DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) AS ARIZONA STATE RESIDENTS FOR PURPOSES OF EDUCATIONAL BENEFITS, INCLUDING IN-STATE TUITION, FINANCIAL AID, AND SCHOLARSHIPS

RECITALS:

WHEREAS, according to the Arizona Constitution education at state universities should be “as nearly free as possible;” and

WHEREAS, the Arizona Board of Regents’ Student Financial Aid Preamble states that higher education is beneficial to both the individual and society, and that in order to realize an educated society, a comprehensive and responsible set of financial assistance programs is crucial; and

WHEREAS, President Barrack Obama’s executive order from June 2012 (and later expanded) known as Deferred Action for Childhood Arrivals (DACA) enabled young people who were brought to this country without documents as children to obtain legal presence in the United States for three years (renewable), work permits, and driver licenses in the state of Arizona; and

WHEREAS, DACA-approved Arizona youth are assets to our communities. They and their parents contribute to Arizona’s and Flagstaff’s economies and are an important part of our community’s social and cultural fabric. The DACA-approved population’s greater educational attainment will help the state become economically more competitive; and

WHEREAS, today our state universities are tuition-driven institutions. Arizona’s more than 20,000 DACA-approved youth can contribute significantly to the fiscal stability of our state universities and keep tuition from rising for others, especially as state appropriations decline; and

WHEREAS, the Faculty Senates of the three state universities, Northern Arizona University, Arizona State University and University of Arizona have already passed resolutions supporting in-state tuition for DACA-approved Arizona youth.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Flagstaff urges the Arizona Board of Regents (ABOR) to recognize DACA-approved Arizona youth as Arizona state residents for purposes of educational benefits including in-state tuition, financial aid and scholarships.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 10th day of March, 2015.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Memorandum

5.

CITY OF FLAGSTAFF

To: The Honorable Mayor and Council
From: Gail Jackson, Econ. Dev. Sales & Marketing Specialist
Co-Submitter: David McIntire, Asst to CM for RE/Acting Com. Inv. Mgr.
Date: 03/03/2015
Meeting Date: 03/10/2015



TITLE:

Discussion of an Arizona Department of Veterans' Services (DVS) Facility in Flagstaff possibly located on City land on McMillan Mesa.

DESIRED OUTCOME:

This work session discussion is to provide additional information on options and to receive public input.

EXECUTIVE SUMMARY:

The facility will provide 60 beds and skilled care for veterans and will serve the northern Arizona region. It is estimated that this will bring up to 80 new jobs that pay an average wage of \$16.77-\$19.86 per hour. The City's contribution is limited to the provision of the land and the soft costs (appraisal, title work, survey work) associated with that provision. The construction costs and operations costs would come exclusively from the state and federal agencies.

A Department of Veteran Services (DVS) representative met with City staff to tour potential locations for the facility. A portion of the City owned land with Assessor Parcel Number (APN) 109-02-001N (Please see attached visual) was the preferred location for the DVS and the only parcel they felt met their requirements. This area is currently used for materials storage and has been impacted in terms of its character. The portion under consideration is eleven (11) acres. Staff recommends, should Council choose to proceed, providing eight acres with the opportunity to expand in the future.

City staff spoke with the Economic Development Administrator in the city of Yuma. They recently authorized the transfer of eight acres of land valued at 1 million dollars to the Arizona Department of Veteran Services.

The city property under consideration is zoned Rural Residential and is listed in the Regional Plan as undesignated per City Council direction provided in the October of 2013 land inventory discussion. It has been a part of a number of adopted plans as well and has been considered both for development and preservation in various contexts. It sits between an existing urban trail (FUTS), electrical easement, the Gemini Drive right of way and an APS substation. There may be a need to preserve some small portion of the parcel for cinder storage efficiencies.

There have not been a large number of sales of similar character in the area recently and staff has not had an appraisal completed at this time. However, there was a sale in July 2013 of a nearby parcel for \$1.7M. That parcel was zoned Research and Development and is smaller, but if used to provide a very rough estimate the parcel in question would be between \$2.5M and \$3M. Should Council provide direction to incur costs, staff will execute appraisals and survey work to provide greater detail for Council consideration.

There have been discussions previously about a process for evaluating land donation requests, however there is not a clear City policy for land donation at this time. The City Attorney is currently looking into any legal issues that could be associated with this transaction.

Administratively staff will proceed with the following:

- INFORMATION:**

9) Foster relationships and maintain economic development commitment to partners.

Support efforts to recruit diverse new businesses and industries compatible with the region.

Attachments: DVS Power Point
Visual of possible site

ARIZONA DEPARTMENT OF VETERANS SERVICES FLAGSTAFF VETERANS HOME

CITY COUNCIL PRESENTATION,
MARCH 10, 2015

Presented by:

Dave McIntire, Assistant to City Manager,
Real Estate

Gail Jackson, Sales & Marketing Specialist

Regional Facility

- ▣ State does not offer a long term care veterans' facility north of Phoenix.
- ▣ Provides care options with camaraderie and culture for veterans and allows them to stay in northern Arizona.
- ▣ Synergies with medical facilities in the area.

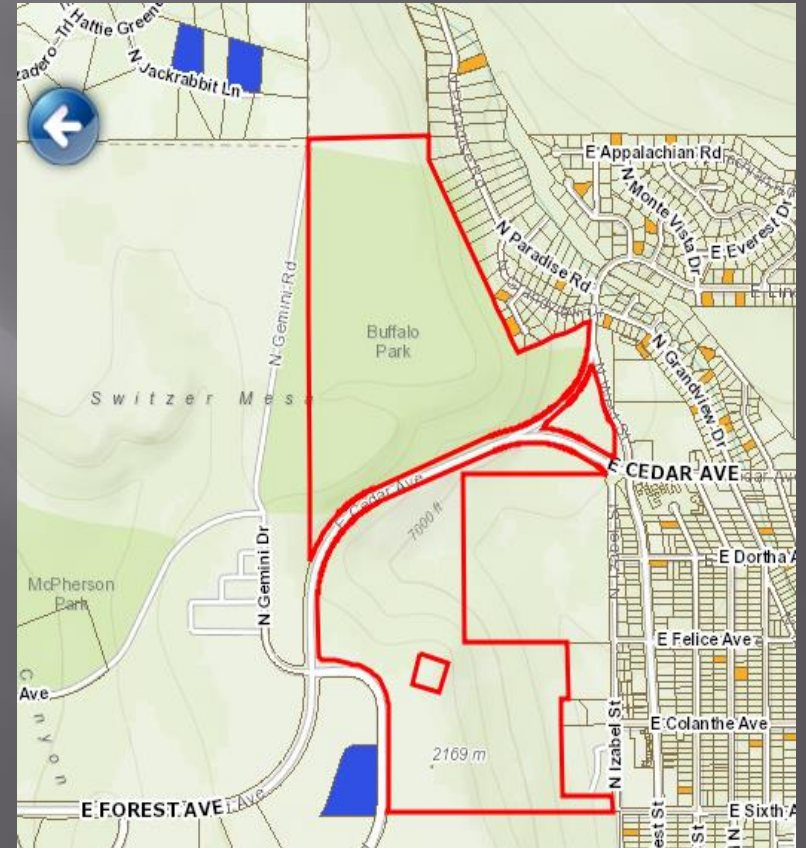
Flagstaff

- ▣ 60 Beds, 80 jobs
- ▣ 10-15 acres is the request. Could function with 7-8 acres initially.
- ▣ Request for \$10 million from state legislature
- ▣ State will match 35%---Feds provide 65%
- ▣ The City is not being asked to pay any operation or construction costs outside of the land provision.
- ▣ Staff provided ADVS staff a brief tour

Proposed Land

- ▣ Koch Fields- Liked space but too far away.
- ▣ Current Public Works yard, interested in location but not willing to pay.
- ▣ McMillan Mesa-Preferred site as it is near the hospital and great location.

McMillan Mesa



Aerial Depiction of Potential Acreage

This is larger than required but the site could be any 8 acres of this area.



Next Steps

- ▣ Public outreach and comment
- ▣ Administrative tasks related to land provision
 - Appraisal, Title work, Survey work, Legal work
- ▣ Continued conversations with the state and federal government regarding their contributions



Area: 10.45 ac
Perimeter: 0.87 km

Memorandum

5.

CITY OF FLAGSTAFF

To: The Honorable Mayor and Council
From: Elizabeth A. Burke, City Clerk
Date: 03/05/2015
Meeting Date: 03/10/2015



TITLE:

Consideration of Resolution No. 2015-08: A resolution of the Mayor and Council of the City of Flagstaff, Arizona, opposing the U.S. Forest Service approval of a right-of-way easement to facilitate massive new Tusayan development that will be harmful to the Grand Canyon National Park and the City of Flagstaff Tourism Industry

DESIRED OUTCOME:

- 1) Read Resolution No. 2015-08 by title only
- 2) City Clerk reads Resolution No. 2015-08 by title only (if approved above)
- 3) Adopt Resolution No. 2015-08

EXECUTIVE SUMMARY:

In response to a citizen request made during public participation at the Council Work Session on February 24, 2015, Councilmember Evans and others asked that consideration of the proposed Resolution be placed on the next available agenda. This occurred at the March 3, 2015, Council meeting and three members requested to move to this item forward. Due to the time-sensitive nature of this request it has been placed on the agenda for the Special Meeting of March 10, 2015.

INFORMATION:

COUNCIL GOALS:

- 9) Foster relationships and maintain economic development commitment to partners

The Kaibab National Forest received an application last year from the Town of Tusayan for transportation and utility access across National Forest on the Tusayan Ranger District.

Specifically, the Town is proposing to make improvements to segments of existing forest roads and construct new segments to provide all weather access and utility service to two inholding properties.

- The two properties are privately owned.
- Both inholdings are accessible via existing forest roads. However, the Town of Tusayan is proposing that improved, all-weather access is necessary.
- The proposal from the Town of Tusayan indicates that the improvements are needed to accommodate the Town-approved land use plans for the inholdings, which are both inside Town limits.

Kaibab Forest Supervisor Mike Williams and Forester Liz Schuppert, Forester will present to City Council an overview of the easement proposal and provide Council details on the process the US Forest Service conducts to review this type of easement application. Enclosed in the staff summary is a vicinity map that indicates specific locations and will be referenced at the Council meeting.

Attachments: [Res. 2015-08](#)
[Map](#)

RESOLUTION NO. 2015-08

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, OPPOSING THE U.S. FOREST SERVICE APPROVAL OF A RIGHT-OF-WAY EASEMENT TO FACILITATE MASSIVE NEW TUSAYAN DEVELOPMENT THAT WILL BE HARMFUL TO THE GRAND CANYON NATIONAL PARK AND THE CITY OF FLAGSTAFF TOURISM INDUSTRY

RECITALS:

WHEREAS, the City of Tusayan, Arizona has requested the U.S. Forest Service to grant a right-of-way easement to facilitate a massive new development immediately adjacent to the Grand Canyon National Park that will consist of more than 2,000 residences and more than three million square feet of retail and commercial space; and

WHEREAS, the proposed development in Tusayan, Arizona cannot proceed without U.S. Forest Service approval of the requested right-of-way easement; and

WHEREAS, the economy of the City of Flagstaff relies heavily on tourism revenues; and

WHEREAS, Flagstaff is home to many hotels and restaurants and shops that rely heavily on tourists traveling through Flagstaff to the Grand Canyon National Park; and

WHEREAS, more visitors stay in Flagstaff, Arizona before visiting the Grand Canyon National Park than in any other Arizona community; and

WHEREAS, there are 76 hotel properties with 5,158 rooms in the City of Flagstaff that serve four million tourists annually, the majority of whom travel to Flagstaff on their way to see the Grand Canyon; and

WHEREAS, the proposed massive retail/tourism development that will only be possible with the grant of the right-of-way easement by the U.S. Forest Service will negatively impact tourism revenues and employment in the City of Flagstaff.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Flagstaff opposes the U.S. Forest Service approval of the requested right-of-way easement for the proposed massive retail/tourism development because it will have a detrimental impact on the Flagstaff tourism economy and all of the businesses located in Flagstaff that rely on tourist revenues.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 10th day of March, 2015.

MAYOR

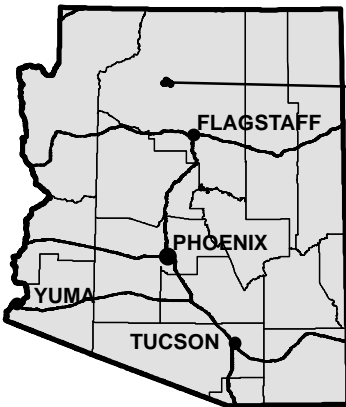
ATTEST:

CITY CLERK

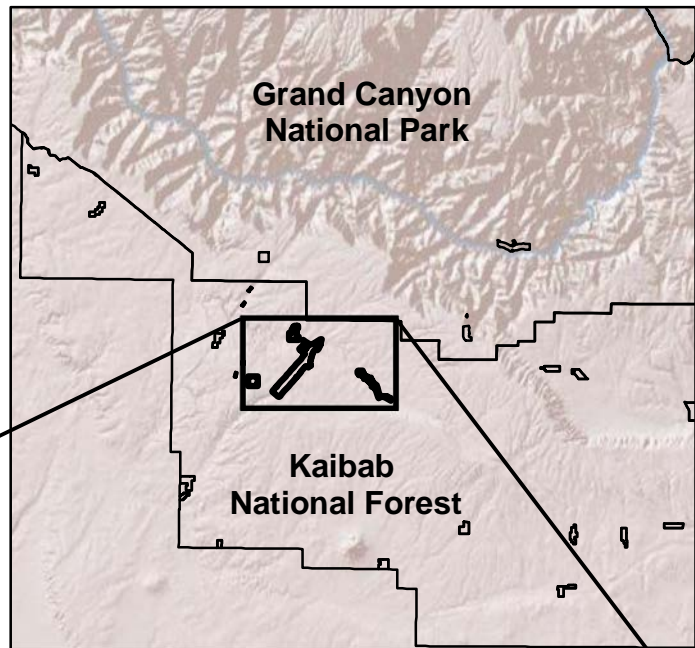
APPROVED AS TO FORM:

CITY ATTORNEY

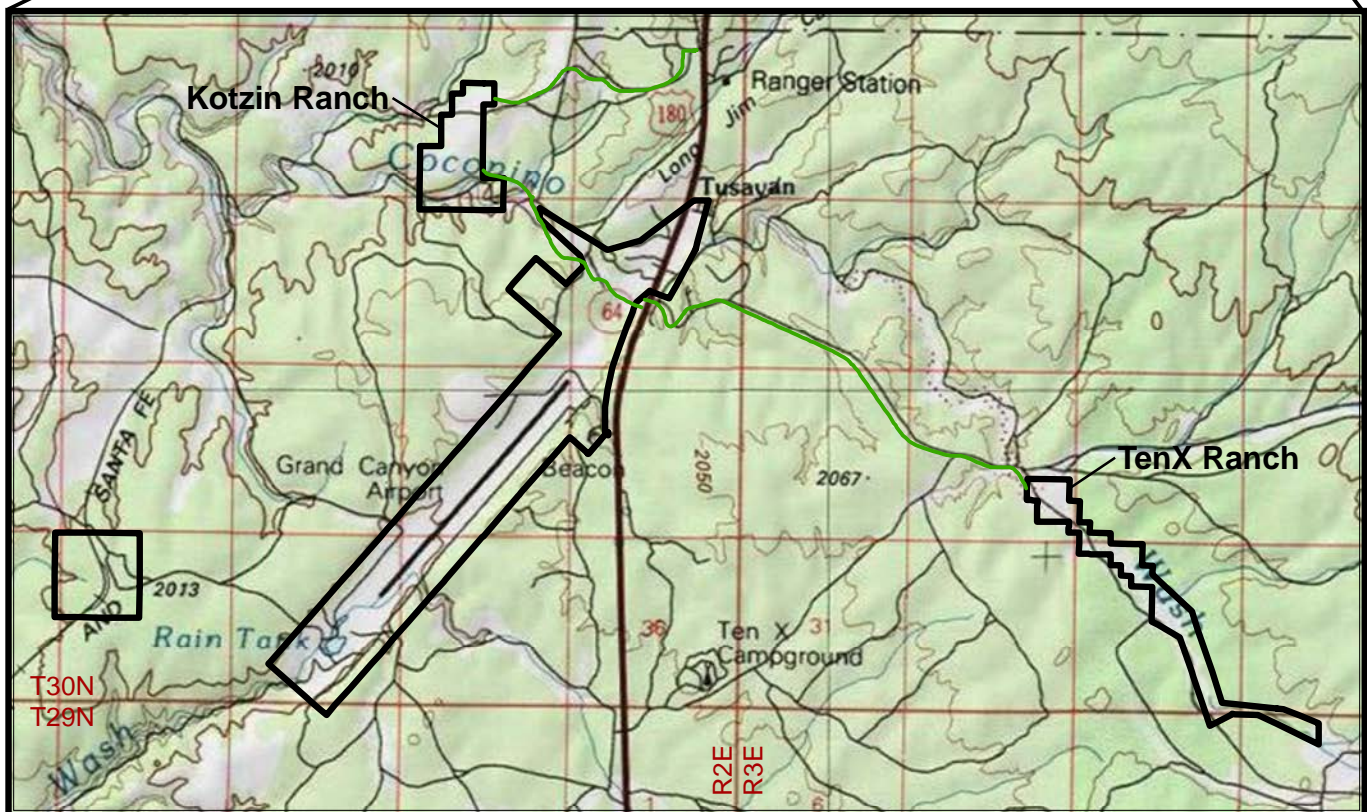
ARIZONA



PROJECT
LOCATION

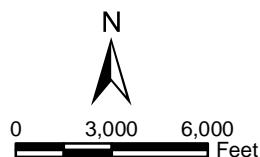


Approximate Scale 1 Inch = 10 Miles



T30N, R2E, Portion of Sections 13, 14, 23, 24,
T30N, R3E, Portion of Sections 19, 29, 30,
Coconino County, Arizona,
Tusayan East & Tusayan West USGS 7.5' Quadrangles

Town of Tusayan
the entrance to Grand Canyon National Park



Legend

- Project Area
- Private Land

TUSAYAN

Proposed Corridor Project

VICINITY MAP
Figure 1

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: David Wessel, Metro Planning Org Manager
Date: 01/30/2015
Meeting Date: 03/10/2015



TITLE:
US 180 Winter Congestion Report

RECOMMENDED ACTION:
 Discussion and possible direction

Executive Summary:

Traffic congestion on US 180 during peak winter activity is a historical problem with multi-hour delays for recreationists returning to town from snow play areas and the Arizona Snowbowl. The traffic backup creates concerns for emergency vehicle access to the corridor and makes residents of the corridor feel trapped in their own homes. The problem typically occurs on holiday weekends with good snow conditions and fresh snow. Implementation of a traffic signal timing plan in 2011 resolved most of the traffic congestion that season and for the following two seasons. This past holiday break saw the evening traffic congestion return and introduced a new phenomenon of morning congestion during both the Christmas and New Year's weekends. The backup extended to I-17 creating potentially dangerous conditions. This report describes those conditions and the status of the implementation strategies developed in the 2011 study developed by FMPO in cooperation with regional agencies and businesses. Active pursuit of strategies may see some read for the 2015-2016 season.

Financial Impact:

Implementation of additional strategies will have a range of financial impacts:

- Thousands of dollars for additional signs;
- tens of thousands of dollars for new timing plans
- tens of thousands of dollars for an AM radio broadcast; plus an annual maintenance or licensing fee
- thousands of dollars to manage dual, southbound right turn lanes on Milton and millions of dollars to make permanent improvements
- Tens of thousands of dollars for transit service plus considerable coordination efforts with vendors and concessionaires and/or millions of dollars to widen shoulders on US 180 for a transit bypass lane (and emergency vehicle access)

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

3) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics

Winter recreation creates economic activity that, through tax collection, benefits the broader community. The traffic impacts are disproportionately born by residents in the US 180 corridor.

That said, the impacts occur on 8-12 days per year.

5) Develop and implement guiding principles that address public safety service levels through appropriate staffing levels

With emergency service access potentially restricted by congestion, contingency plans should be in place.

6) Relieve traffic congestion throughout Flagstaff

The Milton corridor is the most congested in the City. Between Butler and W. Route 66 it is over capacity during evening peak hours. The congestion on US 180 is largely event related. Both Milton and US 180 are under ADOT jurisdiction so cooperation and collaboration are critical.

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

Winter recreation and its positive and negative impacts warrant notice to and involvement of all in seeking resolution.

9) Foster relationships and maintain economic development commitment to partners

Winter recreation is a recognized part of the regional economy. Working in concert with the business community to balance the benefits and impacts is important.

REGIONAL PLAN:

There are several goals promoting transportation safety and efficiency, regional cooperation and quality emergency services.

Previous Council Decision on This:

The City was an active part of the US 180 Winter Congestion Study in 2011 and the Council heard several reports on the study. Alternative or dispersed snow play areas is an implementation strategy and previous councils have heard reports on locations in the city and region.

Options and Alternatives:

The Council may wish to direct City staff or request the FMPO to pursue further implementation strategies. The following is a list of what has been done and what additional activities might take place:

Coordination: The Winter Activity Task Force did not meet prior to the holiday week. A coordination meeting was held among member agencies public safety staff and Coconino County Public Works.

Traffic operations: The signal timing plan was in operation during the entire period. It may be possible to improve it, extend the hours it operates, and develop a morning signal timing plan for the same days. It may be possible to place a temporary signal at the US 180 / Snowbowl Road intersection to equitably distribute traffic between those two roads.

Traffic signing for alternate routes: No additions to the existing alternate route signing were in place. ADOT has developed new signs for additional locations and others were proposed in the 2011 Study. They are fold-up signs to be displayed during critical periods. For some visitors recreating north of Snowbowl Road continuing north to 64 and returning to I-17 via Williams may be a time advantage in particularly crowded times. This does represent a potential economic loss to businesses in Flagstaff.

Early departure incentives: No incentives were offered, but USFS personnel report that Wing Mountain

concessionaires would use a loud speaker starting at 2:00 p.m. to encourage people to leave early. USFS also encouraged Wing Mountain to stay open until 5:00 p.m. to ease the demand at 4:00 p.m. Some in the business community express concern that such actions diminish the visitor experience. Incentives may be appealing to some.

Visitor Information: Information flier was updated for 2014-2015 with improved directions to Ft. Tuthill, Mormon Lake and Happy Jack. The Visitor Center, Chamber and Convention & Visitors Bureau reported that visitor contacts were not higher than normal though all received calls or emails complaining about the traffic. Portable signs were in place on I-17 but the overhead variable message signs were not in use. Development of an AM Radio message in conjunction with signing has been proposed. Again, some in the business community have expressed concerns about the type of message sent.

Alternate Snow Play Areas: Ft. Tuthill was open with the cinder hill play area in place. They did receive many phone calls from Phoenix. No visitation numbers are collected but it did appear busier than usual. Officers reported random snow play along most regional highways.

Travel Demand Management: This was not offered in the original report but represents an opportunity to work with area residents and employers to encourage people to work from home, leave work early, take the bus or take other measures to help ease travel demand.

Background/History:

Background

In 2011 the member agencies of the FMPO requested that a study be conducted to evaluate the congestion experienced on US 180 during peak winter activity and to recommend mitigation solutions. Interviews and data indicated that the worst congestion historically occurred during holidays, on a weekend, with good snow conditions and recent snowfall with the worst conditions occurring when snowfall exceeded ADOT's ability to clear the shoulders on US 180 in a timely manner.

Modeling of the corridor indicated that traffic signal timing was the principle cause of congestion followed by a lack of capacity in the corridor. Tracking of blue tooth signals in vehicles indicated little time advantage to the use of alternate routes and very little use of alternate routes from US 180 to I-17 southbound. The study was conducted in cooperation with the Winter Activity Task Force spearheaded by the Coconino County Parks Department.

The study recommended short, mid and long-term solutions to be implemented as conditions indicated. The following table lists these strategies and their respective support from the public:

Table 3: Near-, Mid-, and Long-Term Strategies Point Totals

	MindMixer	Public Meeting	Combined
Near-Term Strategies	Points	Points	Total Points
Early Departure Incentives	57	59	116
Traffic Signal Timing	87	82	169
Traffic Signing Plan	51	72	123
Traveler Information System	67	74	141
Mid-Term Strategies	Points	Points	Total
Dispersed Snow Play Sites	94	99	193
Managed Lane	51	62	113
Transit	74	60	134
U.S. 180 Winter Recreation Parking Pass	25	18	43
Long-Term Strategies	Points	Points	Total
Alternate Route to I-40	72	63	135

Cable Propelled Transit	19	9	28
Intersection Improvements	31	71	102
Widen U.S. 180	29	50	79

Magnitude of and Effects of Congestion

Snowbowl reported employees remaining until 8 p.m. waiting for traffic to clear. Ski rental operations reported staying open to 9 or 10 p.m. waiting for customers to return skis.

- Friday, January 2 and Saturday, January 3: Northbound traffic backed up on to I-17 (some reports back to John Wesley Powell). Corroborated by ADOT District and DPS.
- Saturday, January 3: 1.5 to 1.75 hours from town (speculation) to Flagstaff Nordic Center. USFS Survey.
- Saturday, January 3: 2 hours from Flagstaff Nordic Center to USFS Ranger Station on 89 (USFS employee)
- Friday, January 2 and Saturday, January 3: 3 hours from Snowbowl to town with standing traffic up to 3 miles up Snowbowl Road. (Snowbowl employees/USFS communication)

Gas stations at Plaza, W. Route 66, and Forest reported record-breaking or double the amount of business. All businesses reported excessive traffic with some reporting customers having difficulty entering their site.

Snow Play Participation

The numbers reported below are in keeping with the historical counts from 2009-2011 reported in the congestion study.

Arizona Snowbowl Visitation:

- Thursday-Saturday: 3000+; Saturday 3800 (all reported as normal), capacity reached at 10:30 a.m.

Wing Mountain Snow Play Visitation:

- Friday (Jan. 2) = 1045 cars / Saturday (Jan. 3) = 988 cars / Sunday (Jan. 4) = 994 cars
- Parking lot was at capacity at 10:30/11:00 a.m. each day with little turnover. Earlier than past years.

Flagstaff Nordic Center (FNC)

- Reported as not reaching capacity most days. 1/1 – 290; 1/2 – 642; 1/3 – 326; 1/4 - 137

Crowley Pit Parking Area – about 1 mile past Flagstaff Nordic Center (Visitation):

- The site holds about 50-75 cars depending on conditions.
- About 275-325 cars each day.
- The parking lot was at capacity around 11:00/11:30 a.m. each day with slow turnover.

Informal Snow Play

- Informal reports from law enforcement that visitors were taking advantage of any patch of snow in which to play on US 180, SR 89a, and I-17

Potentially Contributing Factors

Most of these are anecdotal, some are fact based.

- Maricopa County population increase: Up about 200,000 people since 2011
- Holiday weekend traffic at points on I-17 up 6%-16% between 2011/12 and 2013/14.
- Holiday weekend traffic north of Snowbowl on US 180 up 8% between 2011/12 and 2013/14.
- Accidents: Several reported, but none were reported as significantly impacting traffic
- Local population and related traffic growth: Up 2,700 people between 2011 and 2013. Traffic on US 180 between Beale and Mead up 14%-25% between 2012 and 2013. Traffic on Humphreys between Dale and Columbus up 6% and 4% in 2012 and 2013 respectively.

Pending Information and/or Data

- ADOT – updated continuous traffic counts from I-17 at various locations and US 180 north of Snowbowl for the time period in question
- Flagstaff Convention & Visitors Bureau – Occupancy data for December 2014 and January 2015 and two prior years for comparison
- Flagstaff Sales Tax office – sales tax receipts for December 2014 and January 2015 and two prior years for comparison
- Grand Canyon National Park visitation at the South Entrance
- Response from Mormon Lake Lodge
- Response from Happy Jack Lodge

Key Considerations:

Economic Development: The winter season is traditionally slower for tourism with hotel occupancy dropping from 85% in the summer to 60% in the winter. Winter activity such as skiing and snow play, especially if more predictable due to snow-making, can raise that winter participation rate and make fiscal planning more predictable for many firms in the industry. Excessive traffic - especially if it becomes the norm - may depress economic activity for businesses outside the hospitality sector as local residents and shoppers from outside the region choose to stay home or take their business elsewhere.

Public Safety: If traffic congestion persists, then access for emergency service vehicles to patients and/or victims in the corridor will be compromised. Contingency practices should be developed. One such idea is to have EMS vehicles prepared to take patients northwest on US 180 to areas that can be reached by helicopter. This, of course, is weather dependent. Alternatives such as a bypass or widened shoulders are expensive.

Congestion as a public cost: Many communities with depressed economies seek congestion. Busy streets and sidewalks are signs of success. NAU, another economic driver, produces extreme congestion during graduation. A notable difference is that much of its impacts are contained on campus and the commercial corridors. There may be value in a public discussion about what is an acceptable level or duration of congestion during these events.

Expanded Financial Considerations:

Rough costs associated with various implementation strategies:

Use of Variable Message Signs (VMS): not known at this time

Installation of AM Radio: \$15,000-20,000 plus annual maintenance

Alternative Routes: \$1.8 million per lane at 6 miles = \$20 million more or less

Widened Shoulders: \$600,000 per "shoulder" mile at 4-5 miles. One-side = \$3 million more or less

Managed Lanes: \$500-600/day

Dispersed Snow Play Areas: \$200,000-\$1,000,000 depending on level of improvement

Design, environmental clearances and construction management fees will add an additional 35-50%

Community Benefits and Considerations:

Mitigating traffic impacts during peak events creates a better experience for visitors and a less inconvenient and safer situation for residents and businesses alike.

Certainly the economic activity within the hospitality sector created by snow play helps to balance the peak summer season and allow businesses to create revenue from their otherwise idle capital assets. It also brings in sales tax revenue to the region (sales tax and hotel occupancy for December and January are not yet available. A significant number of people are employed in the hospitality sector and increased activity will benefit their wages and tips.

The visits from Sonora, Mexico were noted and this represents expanded tourism opportunities and could translate to business activities in other sectors.

The availability of snow play areas and Snow Bowl add to the recreational activities in which area residents may participate.

Excessive traffic is detrimental to some businesses and several reported the difficulty their customers experienced entering and existing their businesses.

During extreme traffic congestion residents of the corridor experience difficult entering and exiting their neighborhoods. This represents delayed or deferred economic activity.

Community Involvement:

Inform - Outreach to the public continues through the distribution of winter activity maps and advertisement. Some strategies expand the "inform" type of outreach.

Involve - the original 2011 study had extensive on-line participation and two well-attended public meetings in which participants were involved in identifying problems, developing solutions and prioritizing them.

Expanded Options and Alternatives:

Managed lanes: It is possible to manage traffic lanes or Humphreys or possibly Beaver to allow for dual right turns onto westbound E. Route 66. This is only effective if the downstream traffic is cleared so well that the right turn at Humphreys becomes the bottleneck.

Transit or Shuttle Services: The successful implementation of transit services geared at relieving congestion requires considerable interagency cooperation. A base parking lot is required. No city lots are sufficient. The most likely candidate is an NAU lot which may be available since most peak winter events are during scheduled holidays. In order to reduce congestion is requires the elimination of parking at the snow play and ski destinations. This would likely including charging for parking at those locations, too. Adding transit or shuttle vehicles to the traffic stream without removing vehicles does not resolve the problem. Given the apparent increasing demand for snow play opportunities and the evident lack of capacity in the US 180 corridor some means of metering traffic into the corridor in addition to the transit services may be warranted.

Capital improvements: Major intersection improvements at Humphreys/Rte 66; widened shoulders on US 180 and some other physical changes can assist this condition. The wide shoulders could be used by transit to jump the queue and make emergency vehicle access better. It likely requires more aggressive enforcement to keep the shoulders clear.

Attachments:

Memorandum

6.

CITY OF FLAGSTAFF

To: The Honorable Mayor and Council
From: Josh Copley, Deputy City Manager
Date: 03/05/2015
Meeting Date: 03/10/2015



TITLE:

Possible Future Agenda Item: Request by Councilmember Evans to place on a future agenda the consideration of a Council Resolution pertaining to support of NAU state funding

DESIRED OUTCOME:

Determine if there are three members who are interested in moving this item to a future agenda.

EXECUTIVE SUMMARY:

Councilmember Evans has requested this item be placed on a future agenda to discuss a potential resolution supporting NAU state funding.

INFORMATION:

COUNCIL GOALS:

- 3) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics
- 9) Foster relationships and maintain economic development commitment to partners

Attachments:

Memorandum

7.

CITY OF FLAGSTAFF

To: The Honorable Mayor and Council
From: Rick Compau, Purchasing Director
Date: 03/03/2015
Meeting Date: 03/10/2015



TITLE:

Discussion of Procurement Preferences Regarding Carbon Footprint and Disadvantaged Businesses

DESIRED OUTCOME:

This presentation is informational only to obtain Council direction.

EXECUTIVE SUMMARY:

This work session item will provide an overview of potential procurement preferences regarding carbon footprint and disadvantaged businesses and to seek input from Council regarding next steps.

INFORMATION:

Attachments: [Procurement Preferences Power Point](#)

Procurement Preferences

City Council Work Session
Tuesday, March 10, 2015

Presented By
Rick Compau, Purchasing Director



Procurement Preferences

Back in August of 2014, City Council posed the following questions:

Carbon Footprint-

- Can the City award additional points to bidders who demonstrate that their use of sustainable practices will result in a reduced carbon footprint?

Disadvantaged Businesses-

- Can the City award additional points to bidders who serve or employ disabled persons?



Procurement Preferences

Carbon Footprint-

- The definition of carbon footprint is the total sets of greenhouse gas emissions caused by an organization, event, product or person.
- Can the City award additional points to bidders who demonstrate that their use of sustainable practices will result in a reduced carbon footprint?
 - **Recommendation-** Not recommended at this time until further research can be conducted.
 - **Reasons:** This type of procurement preference or giving additional points has not yet been adopted by any entity in Arizona.
 - We need to review options to present to Council that are effective and legally enforceable. Some options that have been adopted have received challenges and we need to carefully vet our options.
 - Complex methodologies are used to measure the total carbon footprint and cannot be calculated accurately because of the large amount of data required and carbon dioxide can be produced by natural occurrences.
 - If Council chooses to proceed, we will discuss whether we believe evaluation criteria could be applied to all solicitations or only applicable for RFPs and RSOQs. This will take considerable staff time to conduct this evaluation since this is a novel concept in Arizona.

Procurement Preferences

Disadvantaged Businesses-

- The definition of a disadvantaged business is an entity owned by women, minority, veteran-owned or employ individuals with disabilities and certified by the government of the state in which it is located.
- Can the City award additional points to bidders who serve or employ disabled persons?
- **Recommendation**- Proceed ahead and revise our City's Procurement Code Manual to incorporate language from A.R.S., 41-2636 that allows procurement preferences for disadvantaged businesses, where the City may "direct select".
 - **Reason:** Social Responsibility
- **Alternative** – Revise our City's Procurement Code Manual and incorporate language that would set aside a percentage of the City's purchases or contracts to disadvantaged businesses.



Procurement Preferences

Disadvantaged Businesses (Cont'd)

Proposed Language-

- “The City may purchase or contract for any products, materials and services directly from a disadvantaged business without competitive bidding if the delivery and quality of the products, materials or services meet the City’s reasonable requirements”.

OR

- “The City may set aside, at minimum, ??% of its purchases or contracts for any products, materials and services directly from a disadvantaged business without competitive bidding if the delivery and quality of the products, materials or services meet the City’s reasonable requirements”.



Next Steps

- COUNCIL DIRECTION TONIGHT:

- Carbon Footprint-**

- If deemed appropriate, conduct additional research on carbon footprint measurement criteria for identifying reliable and equitable standards.
 - Additional research will include the impact on small businesses and any challenges these small businesses might experience and whether carbon footprint as an evaluation criterion can be applied to all solicitations.

- Disadvantaged Businesses-**

- If deemed appropriate, proceed ahead with incorporating new language in the City's Procurement Code Manual allowing a procurement preference for disadvantaged businesses.
 - At minimum, set aside a percentage of the City's purchases or contracts to disadvantaged businesses.



Questions??

Memorandum

7.

CITY OF FLAGSTAFF

To: The Honorable Mayor and Council
From: Josh Copley, Deputy City Manager
Date: 03/05/2015
Meeting Date: 03/10/2015



TITLE:

Possible Future Agenda Item: Request by Mayor Nabours to place on a future agenda the discussion of liquor licenses in the downtown area

DESIRED OUTCOME:

Determine if there are three members who are interested in moving this item to a future agenda.

EXECUTIVE SUMMARY:

Mayor Nabours has requested this item be placed on a future agenda to discuss the number of liquor licenses in the downtown area.

INFORMATION:

COUNCIL GOAL

9. Foster relationships and maintain economic development commitment to partners

Attachments:

Memorandum

8.

CITY OF FLAGSTAFF

To: The Honorable Mayor and Council
From: Josh Copley, Deputy City Manager
Date: 03/04/2015
Meeting Date: 03/10/2015



TITLE:

Report on City Council Legislative Trip to Washington, D.C.

DESIRED OUTCOME:

Information only.

EXECUTIVE SUMMARY:

During this presentation Council will receive a briefing on the outcomes of the annual legislative trip to Washington, D.C. which occurred on Feb 25th through Feb 27th, 2015.

INFORMATION:

The following items will be included in this briefing:

- Rio de Flag Flood Control Project
- Red Gap Ranch Pipeline
- Flagstaff Watershed Protection Project
- Fourth street/I-40 Bridge & Lone Tree Interchange Project
- Flagstaff Land Conveyance & Economic Development Act
- Flagstaff Pulliam Airport improvements
- Flagstaff Veteran Facility.

COUNCIL GOALS:

- 2) Ensure Flagstaff has a long-term water supply for current and future needs
- 3) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics
- 6) Relieve traffic congestion throughout Flagstaff
- 7) Address key issues and processes related to the implementation of the Regional Plan

Attachments: