

## FINAL AGENDA

REGULAR COUNCIL MEETING  
TUESDAY  
JANUARY 5, 2016

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

### 4:00 P.M. MEETING

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

#### 1. CALL TO ORDER

##### NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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

#### 2. ROLL CALL

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

MAYOR NABOURS

VICE MAYOR BAROTZ

COUNCILMEMBER BREWSTER

COUNCILMEMBER EVANS

COUNCILMEMBER ORAVITS

COUNCILMEMBER OVERTON

COUNCILMEMBER PUTZOVA

#### 3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

##### MISSION STATEMENT

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

#### 4. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

None

#### 5. PUBLIC PARTICIPATION

*Public Participation enables the public to address the Council about an item that is not on the agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.*

**6. PROCLAMATIONS AND RECOGNITIONS****7. APPOINTMENTS**

*Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that the City Council may vote to go into executive session, which will not be open to the public, for the purpose of discussing or considering employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of any public body....., pursuant to A.R.S. §38-431.03(A)(1).*

None

**8. LIQUOR LICENSE PUBLIC HEARINGS**

- A. Consideration and Action on Liquor License Application:** Randy Nations, "Farley's Market", 5130 N. US Highway 89, Series 10 (beer and wine store), New License.

**RECOMMENDED ACTION:**

Hold the Public Hearing; absent any valid concerns received from the public hearing, staff recommends the Council forward a recommendation for approval to the State.

**9. CONSENT ITEMS**

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

None

**10. ROUTINE ITEMS**

- A. Consideration and Adoption of Ordinance No. 2015-22:** An ordinance of the Mayor and Council of the City of Flagstaff amending qualifications for members who serve on certain Boards and Commissions. ***(Elimination of Specialty Appointments to Commissions)***

**RECOMMENDED ACTION:**

- 1) Read Ordinance No. 2015-22 by title only for the final time
- 2) City Clerk reads Ordinance No. 2015-22 by title only (if approved above)
- 3) Adopt Ordinance No. 2015-22

**RECESS**

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

**RECONVENE****NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION**

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

11. **ROLL CALL**

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

MAYOR NABOURS

VICE MAYOR BAROTZ

COUNCILMEMBER BREWSTER

COUNCILMEMBER EVANS

COUNCILMEMBER ORAVITS

COUNCILMEMBER OVERTON

COUNCILMEMBER PUTZOVA

12. **PUBLIC PARTICIPATION**

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

14. **PUBLIC HEARING ITEMS**

None

15. **REGULAR AGENDA**

- A. **Consideration and Adoption of Ordinance No. 2016-02:** An ordinance authorizing the acquisition and dedication of rights of way and easements for the realignment and improvement of Industrial Drive. ***(Dedication of right-of-way for improvements to Industrial Drive).***

**RECOMMENDED ACTION:**

At the January 5, 2016 City Council Meeting

- 1) Read Ordinance No. 2016-02 by title only for the first time
- 2) City Clerk reads Ordinance No. 2016-02 by title only for the first time (if approved above)

At the January 19, 2016 City Council Meeting

- 3) Read Ordinance No. 2016-02 by title only for the final time
- 4) City Clerk reads Ordinance No. 2016-02 by title only for the final time (if approved above)
- 5) Adopt Ordinance No. 2016-02 Read Ordinance

- B. **Consideration and Adoption of Ordinance No. 2016-01:** An ordinance authorizing the acquisition of certain real property for use as a public right-of-way for a Roundabout at the Switzer Canyon Drive-Turquoise Drive intersection.

**RECOMMENDED ACTION:**

At the January 5, 2016 City Council Meeting

- 1) Read Ordinance No. 2016-01 by title only for the first time
- 2) City Clerk reads Ordinance No. 2016-01 by title only for the first time (if approved above)

At the January 19, 2016 City Council Meeting

- 3) Read Ordinance No. 2016-01 by title only for the final time
- 4) City Clerk reads Ordinance No. 2016-01 by title only for the final time (if approved above)
- 5) Adopt Ordinance No. 2016-01 Read Ordinance

- C. Discussion and Possible Action re: Annual Legislative Issues ***(THIS IS A STANDING ITEM - AS OF PUBLICATION OF THIS AGENDA NO ISSUES HAVE BEEN RAISED)***

**16. DISCUSSION ITEMS**

None

**17. FUTURE AGENDA ITEM REQUESTS**

*After discussion and upon agreement by a majority of all members of the Council, an item will be moved to a regularly-scheduled Council meeting.*

None

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

**19. ADJOURNMENT**

CERTIFICATE OF POSTING OF NOTICE

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 2015.

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

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Stacy Saltzburg, Deputy City Clerk  
**Date:** 12/29/2015  
**Meeting Date:** 01/05/2016



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**TITLE:**

**Consideration and Action on Liquor License Application:** Randy Nations, "Farley's Market", 5130 N. US Highway 89, Series 10 (beer and wine store), New License.

**RECOMMENDED ACTION:**

Hold the Public Hearing; absent any valid concerns received from the public hearing, staff recommends the Council forward a recommendation for approval to the State.

**Executive Summary:**

The liquor license process begins at the State level and applications are then forwarded to the respective municipality for posting of the property and holding a public hearing, after which the Council recommendation is forwarded back to the State. A Series 10 license allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

Farley's Market is a new business that is moving into the old Lazy Boy retail store location. The property has been posted as required, and the Police Department, Community Development, and Sales Tax divisions have reviewed the application with no concerns noted.

**Financial Impact:**

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

**Connection to Council Goal and/or Regional Plan:**

Liquor licenses are a regulatory action and there is no Council goal that applies.

**Has There Been Previous Council Decision on This:**

Not applicable.

**Options and Alternatives:**

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

**Key Considerations:**

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

The deadline for issuing a recommendation on this application is January 9, 2015.

**Community Benefits and Considerations:**

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

**Community Involvement:**

The application was properly posted on December 15, 2015. No written protests have been received to date.

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**Attachments:**    [Farley's - Letter to Applicant](#)  
                          [Hearing Procedures](#)  
                          [Series 10 Description](#)  
                          [Farley's - PD Memo](#)  
                          [Farley's - Code Memo](#)  
                          [Farley's - Tax Memo](#)

OFFICE OF THE CITY CLERK

December 21, 2015

Farley's Market  
Attn: Randy Nations  
PO Box 2502  
Chandler, AZ 85244

Dear Mr. Nations:

Your application for a New Series 10 liquor license for Farley's Market at 5130 N. US Highway 89, was posted on December 15, 2015. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on **Tuesday, January 5, 2016 which begins at 4:00 p.m.**

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

The twenty-day posting period for your liquor license application is set to expire on January 4, 2016 and the application may be removed from the premises at that time.

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

Sincerely,

Stacy Saltzburg  
Deputy City Clerk

Enclosure



# City of Flagstaff

## Liquor License Application Hearing Procedures

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

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

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

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

Non-transferable

Off-sale retail privileges

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

### PURPOSE:

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

### ADDITIONAL RIGHTS AND RESPONSIBILITIES:

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

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

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

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

**MEMORANDUM**

**Memo # 15-129-01**

**TO** Chief Treadway  
**FROM** Sgt. Matt Wright  
**DATE** December 21, 2015  
**REF** Liquor License Application for a series 10 Beer and Wine Store for Farley's Market

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On December 18, 2015, I initiated an investigation into an application for a series 10 (beer and wine store) liquor license filed by Randy Nations (agent/no ownership). The other listed applicants, Jeffery Rice, Charles Petty, Douglas Reichel, and Christos Demetriades are the owners of Farley's Market in Flagstaff. Farley's Market is located at 5130 N. Hwy 89 in Flagstaff. Randy Nations is the listed Agent for administrative purposes only and will not be responsible for the day to day operations of the business. The liquor license application number is 10033213.

I conducted a local records check and a check on public access on Randy Nations (agent), Jeffery Rice, Charles Petty, Douglas Reichel, and Christos Demetriades. No derogatory records were found. No liquor violations were located for any of the applicants as business is not open yet. I went to 5130 N .Hwy 89 and found the business site to be under renovations.

I sent an email to the office of Randy Nations. I was provided with the following information. Farley's Market is hoping to open in Mid-March 2016. The applicants have hired a manager who is working on fulfilling the AZ Department of Liquors requirements and will provide proof to them upon completion. The applicants will handle the day to day operations until then. I was informed that Farley's Market is a "membership business" thus eliminating the concern for shoplifting, and public intoxicant related crimes. I was advised they would not be selling 40 oz. malt liquor.

As a result of this investigation, I can find no reason to oppose this application. Recommendation to Council is for approval.



## Planning and Development Services Memorandum

**December 22, 2015**

**TO:** Stacy Saltzburg, Deputy City Clerk

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

**RE:** Application for Liquor License #10033213  
5120 N. 89a, Flagstaff, Arizona 86004  
Assessor's Parcel Number 113-76-001A  
Randy Nations on behalf of Farley's Market Flagstaff LLC

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This application is a request for a new Series 10 (Beer Wine and Store) liquor license for Randy Nations on behalf of Farley's Market Flagstaff LLC. This convenience store is located within the Highway Commercial Zone which permits this use.

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

This liquor license is recommended for approval.

# Liquor License Memo

To: Stacy Saltzberg, Deputy City Clerk  
From: Sandy Corder, Interim Revenue Director  
Date: December 22, 2015  
Re: Series 10 Liquor License – Farley's Market

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I have reviewed our records for Farley's Market and I have no objection to approval of this liquor license.

## CITY OF FLAGSTAFF STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Elizabeth A. Burke, City Clerk  
**Date:** 12/29/2015  
**Meeting Date:** 01/05/2016




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### TITLE:

**Consideration and Adoption of Ordinance No. 2015-22:** An ordinance of the Mayor and Council of the City of Flagstaff amending qualifications for members who serve on certain Boards and Commissions. ***(Elimination of Specialty Appointments to Commissions)***

### RECOMMENDED ACTION:

- 1) Read Ordinance No. 2015-22 by title only for the final time
- 2) City Clerk reads Ordinance No. 2015-22 by title only (if approved above)
- 3) Adopt Ordinance No. 2015-22

### Executive Summary:

On October 20, 2015, the City Council discussed the issue of specialty appointments on four commissions of the City--the Beautification and Public Art Commission, Heritage Preservation Commission, Open Spaces Commission and Tourism Commission. At the end of this discussion, Council directed staff to bring back an ordinance which would eliminate the specialty appointments. In working on the staff summary and further review of the City Code, staff found some duplicate and a few differing provisions between Title II, *Boards and Commissions*, and Title III, *Business Regulations*, relating to commission duties and administration of the bed, board and booze ("BBB") tax. The proposed ordinance has included the duties of these commissions in Title II, and removed them from Title III, for clarification purposes.

At time of first read, Council requested deletion of paragraph B from section 2-19-001-0002 related to membership requirements for Historic Preservation Commission; this change has been made in addition to clerical corrections. The proposed ordinance also includes an option to adopt a different definition of "hospitality industry tax revenues" at time of second read. Mayor Nabours had suggested to staff that it would be useful to clarify that the "hospitality industry tax revenues" derive from the 2% local transaction privilege tax known as the Bed, Board, and Booze Tax or BBB Tax. Staff within the Revenue section then suggested that with this clarification it is no longer necessary to include a mathematical formula for determining revenues collected from the BBB Tax (2% out of a total of 4.051% tax rate imposed on the hospitality industry).

The above-referenced change has been included for consideration on Page 8 of the attached ordinance. Should Council agree to this amendment, the motion would be to read the ordinance by title only for the final time AS AMENDED.

### Financial Impact:

None.

**Connection to Council Goal and/or Regional Plan:**

None

**Has There Been Previous Council Decision on This:**

The City Council first discussed specialty appointments to commissions when all boards and commissions were reviewed on September 8, 2015. At that time, Council directed staff to bring back the four commissions that have specialty appointments for further discussion, at which time it was decided to eliminate them altogether.

**Options and Alternatives:**

- 1) Adopt ordinance, as written, eliminating specialty appointments.
- 2) Amend ordinance to make changes (as proposed or otherwise)
- 3) Not adopt ordinance, maintaining current process. Should this option be considered, staff would request that further discussion and direction be given as to established criteria for the specialty appointments.

**Background/History:**

During a previous Work Session the City Council discussed various aspects related to the City's Boards and Commissions, including the criteria for those commissions which call for some members to have certain experience or qualifications ("Specialty Appointments"). Prior discussion revolved around the fact that while special representatives were required for four of the City's commissions, criteria were not included. This issue was placed on the agenda of October 20, 2015, for the Council to further discuss and consider what criteria they would like to establish. Ultimately, Council directed staff to bring back an ordinance to eliminate the specialty appointments and allow for appointment of commissioners at large.

**Community Involvement:**

Inform  
Consult

The Open Spaces Commission previously provided input via staff that the Commission finds benefit in having Specialty Appointments as these members provide additional education and understanding of the issues. Following the last discussion on October 20, 2015, some members of the lodging industry have shared their concerns about proposed elimination of lodging/hospitality industry Specialty Appointments from the Tourism Commission.

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**Attachments:**     [Ord. 2015-22.WOption](#)

ORDINANCE NO. 2015-22

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, AMENDING QUALIFICATIONS FOR MEMBERS WHO SERVE ON CERTAIN BOARDS AND COMMISSIONS, AND CONSOLIDATING AND HARMONIZING COMMISSION DUTIES, BY AMENDING TITLE II, *BOARDS AND COMMISSIONS*, BY AMENDING CHAPTER 2-03, *PARKS AND RECREATION COMMISSION*, CHAPTER 2-13, *TOURISM COMMISSION*; CHAPTER 2-14, *BEAUTIFICATION AND PUBLIC ART COMMISSION*; CHAPTER 2-19, *HERITAGE PRESERVATION COMMISSION*; CHAPTER 2-20, *OPEN SPACES COMMISSION*; AND AMENDING TITLE III, *BUSINESS REGULATIONS*, BY AMENDING CHAPTER 3-06, *HOSPITALITY INDUSTRY TAX REVENUES*, AND INCLUDING A CLERICAL CORRECTION TO CONFORM WITH THE CURRENT TAX RATE; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AND EFFECTIVE DATES

**RECITALS:**

WHEREAS, the Flagstaff City Council seeks to eliminate requirements for specialty representatives on certain commissions of the City; and

WHEREAS, the Flagstaff City Council also desires to clarify the City Code by consolidating and harmonizing provisions found in Title III, *Business Regulations*, with Title II, *Boards and Commissions*.

**ENACTMENTS:**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA that the Flagstaff City Code is hereby amended as follows:

SECTION 1. In General.

Title II, Boards and Commissions, Chapter 2-03, *Parks and Recreation Commission*, is amended by amending Section 2-03-001-0004 to read as follows (additions are shown as capitalized text, and deletions are shown as stricken):

**2-03-001-0004            POWERS AND DUTIES:**

- A.     The duties of the Commission shall be to advise the Council, through periodic written reports to the Council, recommending policy direction on City lands, structures and facilities that are set aside or should be set aside or dedicated to recreational purposes, including but not limited to parks, swimming pools, playgrounds, playing and sports fields and golf courses. The scope of the activities of the Commission shall also include but not be limited to advising and recommending policy direction in activities involving recreational and cultural pursuits of the elderly and the young and to otherwise employ in constructive and wholesome manner and leisure time of the citizens.

- B. The City Council may consider the advice and recommendation of the Commission and thereafter give direction through the City Manager to implement the recreational program as they see fit.
- C. The Commission shall review and make recommendation on the annual budget of the Parks Section and Recreation Section prior to the submittal thereof to the City Manager.
- D. WITH RESPECT TO THE PARKS AND RECREATION PORTION OF THE BED, BOARD AND BOOZE TAX ALLOCATED UNDER CHAPTER 3-06, *HOSPITALITY INDUSTRY REVENUES*, THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE COUNCIL CONCERNING THE ANNUAL BUDGETARY ALLOCATION OF THE PARKS AND RECREATION PORTION OF THIS TAX, TO INCLUDE BUT NOT BE LIMITED TO:
  - 1. DEVELOPING PARKS AND RECREATION FACILITIES, AND PROGRAMS AS NEEDED TO BENEFIT THE COMMUNITY AND ITS VISITORS.
  - 2. FUNDING FOR THE FLAGSTAFF URBAN TRAILS SYSTEM DEVELOPMENT AND MAINTENANCE.
  - 3. DEVELOPING, ACQUIRING AND DISTRIBUTING MATERIAL TO PROMOTE PARKS AND RECREATION.
  - 4. RETAINING OF APPROPRIATE STAFF TO IMPLEMENT APPROVED PROGRAMS.
- E. FOR PURPOSES OF SUBSECTION D, "PARKS AND RECREATION" MEANS THE DEVELOPMENT AND MANAGEMENT OF PUBLIC PARKS, RECREATIONAL FACILITIES, AND PROGRAMS WHICH ARE AVAILABLE TO THE RESIDENTS AND VISITORS INCLUDING FUNDING THE FLAGSTAFF URBAN TRAIL SYSTEM. (SAME MEANING AS SET FORTH IN SECTION 3-06-001-0001.)

Title II, *Boards and Commissions*, Chapter 2-13, ***Tourism Commission***, is amended by amending Sections 2-13-001-0002, 2-13-001-0002 and 2-13-001-0006 to read as follows (additions are shown as capitalized text, and deletions are shown as stricken):

**2-13-001-0001            CREATION OF THE COMMISSION:**

There is hereby established a City Tourism Commission. There shall be seven (7) voting members of said Commission who shall meet as hereinafter provided to consider and recommend programs for the expenditure of the TOURISM portion of the Bed, Board and Booze Tax ALLOCATED under CHAPTER 3-06, *HOSPITALITY INDUSTRY REVENUES*. ~~as designated by Ordinance No. 1532.~~

"TOURISM" MEANS THE GUIDANCE, MANAGEMENT, MARKETING, ACCOMMODATION, PROMOTION AND ENCOURAGEMENT OF TOURISTS (SAME MEANING AS SET FORTH IN SECTION 3-06-001-0001).

**2-13-001-0002 COMPOSITION AND TERM OF OFFICE:**

The composition of the membership shall consist of:

- A. ~~Four (4)~~ SEVEN (7) members to be appointed by the City Council. Each member shall ~~be from the hospitality industry and~~ serve for three (3) years, on a staggered term basis.
- ~~B. Three (3) additional members to be appointed by the City Council, to serve for three (3) years, on a staggered term basis.~~
- B.C. The City Manager or the Manager's designee shall be an ex officio member of the Commission. The member shall have no voting privileges.

The City Manager shall be responsible for staff support of the Tourism Commission.

The Council shall fill vacancies for the unexpired term of any of the members of the Commission.

A member's term in office shall commence with the first regular Commission meeting following the appointment and terminate with the regular Commission meeting at which the successor takes office. No voting member of the Commission may be appointed to more than two (2) consecutive full terms.

**2-13-001-0006 DUTIES:**

The duties of the Commission shall be to:

- A. Prepare a Five (5) Year Master Plan. The Five Year Plan shall be used as a guideline for future programs. Said Plan shall be presented to the Council prior to April 1 of each year.
- B. Develop and present to City council an Annual Plan outlining the Commission's program recommendations for the upcoming fiscal year. Said plan shall be presented to the Council prior to April 1 of each year.
- C. Make recommendations to the City Council concerning the annual budgetary allocation of the tourism portion of the Bed, Board and Booze Tax ~~as outlined in Ordinance No. 1532, Section 4.A.3.b.(1)-(7)~~ TO INCLUDE, BUT NOT BE LIMITED TO:
  1. PROVIDING FUNDING TO THE QUALIFIED, ESTABLISHED PUBLIC OR PRIVATE AGENCY TO ADMINISTER, ON A CONTRACT BASIS, TOURISM PROGRAMS AS REQUIRED.
  2. DEVELOPING AND IMPLEMENTING A MARKETING PLAN. MAJOR ELEMENTS OF THE MARKETING PLAN WILL INCLUDE, BUT NOT BE LIMITED TO, DEVELOPING A SPECIFIC IMAGE FOR FLAGSTAFF, IDENTIFYING TARGET MARKET SEGMENTS, IMPLEMENTING A PROMOTIONAL PLAN DIRECTED TO TARGET MARKET SEGMENTS.

3. ESTABLISHING VISITOR INFORMATION CENTER(S) TO INCLUDE, BUT NOT BE LIMITED TO, A HIGH PROFILE LOCATION, EASY VISITOR ACCESS, ADEQUATE STAFFING, A TOLL-FREE TELEPHONE NUMBER FOR VISITOR INFORMATION, AND DEVELOP OTHER FACILITIES AS NEEDED TO BENEFIT VISITORS AND THE COMMUNITY.
  4. ESTABLISHING AN EDUCATIONAL PROGRAM TO INCLUDE, BUT NOT BE LIMITED TO, SCHOLARSHIPS FOR HOSPITALITY EDUCATION AT NORTHERN ARIZONA UNIVERSITY.
  5. PROMOTING ACTIVITIES THAT ENHANCE THE COMMUNITY'S IMAGE AND THE OVERALL QUALITY OF LIFE.
  6. RETAINING OF APPROPRIATE STAFF TO IMPLEMENT APPROVED PROGRAMS.
- D. Perform any additional duties as determined by the City Council related to tourism activities.

Title II, *Boards and Commissions*, Chapter 2-14, ***Beautification and Public Art Commission***, is amended by amending Sections 2-14-001-0001, 2-14-001-0002 and 2-14-001-0006 as follows (additions are shown as capitalized text, and deletions are shown as stricken):

**2-14-001-0001            CREATION OF COMMISSION:**

There is hereby established a City Beautification and Public Art Commission. There shall be seven (7) voting members of said Commission who shall meet as hereinafter provided to consider and recommend programs for the expenditure of the BEAUTIFICATION AND ARTS AND SCIENCES portions of the Bed, Board and Booze Tax ALLOCATED UNDER CHAPTER 3-06, *HOSPITALITY INDUSTRY REVENUES*. ~~as designated by Section 3-06-001-0003.~~

"ARTS AND SCIENCES" MEANS SUPPORT FOR FLAGSTAFF ARTS, SCIENTIFIC AND CULTURAL ACTIVITIES, EVENTS AND ORGANIZATIONS TO PROVIDE DIRECT AND INDIRECT CITIZEN PARTICIPATION AND ENHANCEMENT OF THE OVERALL QUALITY OF LIFE AND COMMUNITY IMAGE INCLUDING SUPPORT OF PUBLIC ART. (SAME MEANING AS SET FORTH IN SECTION 3-06-001-0001).

"BEAUTIFICATION" MEANS ANY MODIFICATION OF THE URBAN PHYSICAL ENVIRONMENT TO INCREASE PLEASURE TO THE SENSES OR PLEASURABLY EXALT THE MIND OR SPIRIT OR STRENGTHEN THE URBAN DESIGN FRAMEWORK OF THE CITY (SAME MEANING AS SET FORTH IN SECTION 3-06-001-0001).

**2-14-001-0002            COMPOSITION AND TERM OF OFFICE:**

The composition of the membership shall consist of:

- A. ~~One (1) member to be from the hospitality industry, appointed by the City Council. Said member shall serve a three (3) year term.~~
- B. ~~One (1) voting member from the arts community, including but not limited to artists, craftsmen, gallery owners, arts educator, art historian, art curator, art administrator.~~
- C. ~~One (1) voting member who is a design professional, including, but not limited to, architect, landscape architect, urban planner, or graphic designer.~~
- D. ~~Four (4) additional~~ SEVEN (7) members appointed by the City Council.

Each member shall serve three (3) year terms, on a staggered basis. A member's term in office shall commence with the first regular Commission meeting following the appointment and terminate with the regular Commission meeting at which the successor takes office. No voting member of the Commission may be appointed to more than two (2) full consecutive terms.

**2-14-001-0006 DUTIES:**

The duties of the Commission shall be to:

- A. The Commission shall be responsible for preparing a Five (5) Year Plan. The Five Year Plan shall be used as a guideline for future programs. Said Plan shall be presented to the Council prior to April 1 of each year.
- B. Develop and present to City Council an Annual Plan outlining the Commission's program recommendations for the upcoming fiscal year. Said plan shall be presented to the Council prior to April 1 of each year.
- C. Make recommendations to the City Council concerning the annual budgetary allocation of the beautification and public art portions of the Bed, Board and Booze Tax and other monies as deemed appropriate by the City Council, ~~as outlined in City Code, Section 3-06-001-0004,~~ to include, but not be limited to:
  - 1. Purchase, installation or modification of landscaping and irrigation systems;
  - 2. Purchase, removal or modification of billboards and nonconforming signs;
  - 3. Beautification of buildings and facilities, streetscapes and gateways;
  - 4. Purchase and installation of public art projects;
  - 5. Purchase or lease of easements or property necessary for beautification projects.
- D. Make recommendations to the City Council for public art projects by:
  - 1. Reviewing and defining potential public art projects and writing project descriptions.

2. Determining the artist selection method and writing the call to artists for public art projects.
  3. Evaluating public art proposals for recommendation to the City Council.
  4. Facilitating display of local art in public facilities.
- E. WITH RESPECT TO THE ARTS AND SCIENCE PORTION OF THE BED, BOARD AND BOOZE TAX ALLOCATED UNDER CHAPTER 3-06, *HOSPITALITY INDUSTRY REVENUES*, THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE COUNCIL CONCERNING THE ANNUAL BUDGETARY ALLOCATION OF THE ARTS AND SCIENCE PORTION OF THIS TAX, TO INCLUDE BUT NOT BE LIMITED TO:
1. DEVELOPING AND SUPPORTING THE FLAGSTAFF ARTS, SCIENTIFIC AND CULTURAL ACTIVITIES, EVENTS AND ORGANIZATIONS TO PROVIDE DIRECT AND INDIRECT CITIZEN PARTICIPATION, AND OPPORTUNITIES FOR ENHANCEMENT OF THE OVERALL QUALITY OF LIFE AND COMMUNITY IMAGE.
  2. DEVELOPING, ACQUIRING AND DISTRIBUTING MATERIAL TO PROMOTE ARTS AND SCIENCE.
  3. DEVELOPING FINANCIAL ASSISTANCE PROGRAMS TO STIMULATE ARTISTIC AND SCIENTIFIC ACTIVITIES IN FLAGSTAFF.
  4. RETAINING OF APPROPRIATE STAFF TO IMPLEMENT APPROVED PROGRAMS.
- EF. Perform those additional duties as determined by the City Council, related to THE ~~be~~Beautification and ~~p~~Public ~~a~~Art COMMISSION activities.

Title II, *Boards and Commissions*, Chapter 2-19, ***Heritage Preservation Commission***, is amended by amending Section 2-19-001-0002 as follows (deletions are shown as stricken):

**2-19-001-0002 MEMBERSHIP**

- A. The membership of the commission shall consist of seven (7) voting members. Additional members may be appointed in the future, if and when additional Historic Design Review Districts beyond the first district are created, to represent those additional districts and help develop and adopt design guidelines for those districts.
1. ~~At least two (2) members must be professionals in the areas of architecture, history, architectural history, planning, or archaeology.~~
  2. ~~At least two (2) members shall be owners of locally designated historic properties or properties listed on the National Register of Historic Places.~~
  3. ~~At least three (3) members shall be from the general community.~~

~~4. Any member may satisfy more than one (1) of the above qualifications and any "professional" category may be filled by a person who is retired from that profession.~~

~~B. Appointed members shall have a demonstrated interest in the history of the community and be committed to represent not only their specific areas of expertise, but also the community at large.~~

Title II, *Boards and Commissions*, Chapter 2-20, ***Open Spaces Commission***, is amended by amending Section 2-20-001-0001 as follows (additions are shown as capitalized text, and deletions are shown as stricken):

**2-20-001-0001 CREATION OF THE COMMISSION:**

There is hereby created an advisory body to be called the "Open Spaces Commission" ("Commission") consisting of the following seven (7) regular members all of whom shall be appointed by the City Council, except for designee from the Planning and Zoning Commission: ~~four (4) members from the natural and cultural sciences; one (1) member from the Planning and Zoning Commission; one (1) member who markets real estate or is a representative from real estate development; and one (1)~~ SIX (6) public at-large memberS. All Commission members shall be voting members. A Chairperson shall be selected by a majority vote of those members at a meeting called for that purpose.

Title III, *Business Regulations*, Chapter 3-06, ***Hospitality Industry Tax Revenues***, is amended by amending Sections 3-06-001-0001, 3-06-001-0002, and 3-06-001-0003 as follows (additions are shown as capitalized text, deletions are shown as stricken):

**3-06-001-0001 DEFINITIONS**

"Arts and sciences" means support for Flagstaff arts, scientific and cultural activities, events and organizations to provide direct and indirect citizen participation and enhancement of the overall quality of life and community image including support of public art.

"Beautification" means any modification of the urban physical environment to increase pleasure to the senses or pleurably exalt the mind or spirit or strengthen the urban design framework of the City.

"Economic development" means the encouragement, promotion and assistance of the expansion of economic activity for the purposes of expanding revenue and providing jobs to the community.

"Hospitality industry" means those establishments engaged in business as bar/lounge, restaurant or hotel/motel/campground.

"Hospitality industry tax revenues" means a share of the local transaction privilege tax revenues collected and received pursuant to the City tax code, Sections 3-05-004-0444, Hotels, and 3-05-004-0455, Restaurants and bars, which share is equivalent to two (2) divided by ~~three and seven hundred twenty-one thousandths (3.721) or approximately~~

~~fifty-three and seven hundred forty-nine thousandths percent (53.749%)~~ FOUR AND FIFTY-ONE THOUSANDTHS (4.051) OR APPROXIMATELY FORTY-NINE AND THREE HUNDRED SEVENTY ONE THOUSANDTHS PERCENT (49.371%) of all such revenues.

**OPTION proposed by Mayor/Staff:**

"Hospitality industry tax revenues" means THE REVENUES COLLECTED FROM THE TWO PERCENT (2%) LOCAL TRANSACTION PRIVILEGE TAX IMPOSED ON THE LODGING, RESTAURANT AND LOUNGE BUSINESSES BY ORDINANCE NO. 1532, AS EXTENDED THROUGH MARCH 31, 2018, BY APPROVAL OF A MAJORITY OF THE QUALIFIED ELECTORS VOTING IN THE CITY GENERAL ELECTION HELD ON MAY 18, 2010. THIS TAX IS REFERRED TO AS THE "BED, BOARD, AND BOOZE TAX" OR "BBB TAX" AND IS PART OF THE TOTAL TAX RATE IMPOSED ~~a share of the local transaction privilege tax revenues collected and received pursuant to the City tax code, Sections 3-05-004-0444, Hotels, and 3-05-004-0455, Restaurants and bars. which share is equivalent to two (2) divided by three and seven hundred twenty-one thousandths (3.721) or approximately fifty-three and seven hundred forty-nine thousandths percent (53.749%)~~ of all such revenues

"Parks and recreation" means the development and management of public parks, recreational facilities, and programs which are available to the residents and visitors including funding the Flagstaff urban trail system.

"Tourism" means the guidance, management, marketing, accommodation, promotion and encouragement of tourists.

"Tourists/visitors" means individuals or groups which visit Flagstaff and surrounding areas for business, recreational, educational, scientific or cultural purposes.

**3-06-001-0002            DISTRIBUTION OF HOSPITALITY INDUSTRY TAX REVENUES**

There shall be a separate accounting for all hospitality industry tax revenues collected. Said funds shall be distributed and expended consistent with City ordinances, the City Charter and State law. The funds collected shall be allocated as follows:

- A.     Thirty percent (30%) for tourism in conformance with CHAPTER 2-13, *TOURISM COMMISSION* ~~Section 3-06-001-0003(A).~~
- B.     Twenty percent (20%) for beautification in conformance with CHAPTER 2-14, *BEAUTIFICATION AND PUBLIC ART COMMISSION* ~~Section 3-06-001-0003(B).~~
- C.     Nine and one-half percent (9.5%) for economic development in conformance with Section 3-06-001-0003(C).
- D.     Thirty-three percent (33%) for parks and recreation, in conformance with CHAPTER 2-03, *PARKS AND RECREATION COMMISSION* ~~Section 3-06-001-0003(D).~~

- E. Seven and one-half percent (7.5%) for arts and science in conformance with CHAPTER 2-14, *BEAUTIFICATION AND PUBLIC ART COMMISSION* Section ~~3-06-001-0003(E)~~.

**3-06-001-0003 FINANCIAL CONTROL**

- A. Tourism. Those funds designated for tourism shall be administered PURSUANT TO CHAPTER 2-13, *TOURISM COMMISSION*, OF THE CITY CODE, as follows:

- ~~1. The City Council shall appoint a Tourism Commission composed of nine (9) members, five (5) of whom shall be from the hospitality industry. Recommendations for members will be made by the Flagstaff tourism industry; or~~
- ~~2. The City Council shall designate an appropriate public or private agency to form a Tourism Committee. Said Committee shall be composed of one City Council person and additional members as required, the majority of whom will be from the hospitality industry. (Ord. No. 2006-14, amended, 05/16/2006)~~
- ~~3. This public or private agency, or Commission, shall review the expenditure of the portion of this tax to be applied to tourist related activities and projects and:
  - ~~a. Develop and transmit to the Council an annual master plan outlining the Commission's or public or private agency's program recommendations for the upcoming year.~~
  - ~~b. Make recommendations to the Council concerning the annual budgetary allocation of the tourism portion of this tax to include, but not be limited to:
    - ~~(1) Providing funding to the qualified, established public or private agency to administer, on a contract basis, tourism programs as required.~~
    - ~~(2) Developing and implementing a marketing plan. Major elements of the marketing plan will include, but not be limited to, developing a specific image for Flagstaff, identifying target market segments, implementing a promotional plan directed to target market segments.~~
    - ~~(3) Establishing visitor information center(s) to include, but not be limited to, a high profile location, easy visitor access, adequate staffing, a toll-free telephone number for visitor information, and develop other facilities as needed to benefit visitors and the community.~~
    - ~~(4) Establishing an educational program to include, but not be limited to, scholarships for hospitality education at Northern Arizona University.~~~~~~

- ~~(5) Promoting activities that enhance the community's image and the overall quality of life.~~
  - ~~(6) Retaining of appropriate staff to implement approved programs.~~
  - ~~c. Perform those additional duties determined by the Council as set forth by ordinance.~~
- B. Beautification. Those funds designated for beautification and public art shall be administered PURSUANT TO CHAPTER 2-14, *BEAUTIFICATION AND PUBLIC ART COMMISSION*, OF THE CITY CODE as follows:
- ~~1. The City Council shall appoint a Beautification and Public Art Commission composed of nine (9) members to review the expenditure of the portion of this tax to be applied to beautification activities and projects. Funds for the public art program shall be derived from an allocation of the arts and sciences portion of this tax as set out in Section 3-06-001-0003(E) and from other monies as the City Council may consider appropriate.~~
  - ~~2. The Beautification and Public Art Commission shall:
 
    - ~~a. Make recommendations concerning the allocation of this tax.~~
    - ~~b. Make recommendations to the Council concerning the annual budgetary allocation of the beautification and public art portions of this tax and other monies as deemed appropriate, to include but not be limited to:
 
      - ~~(1) Purchase, installation or modification of landscaping and irrigation systems.~~
      - ~~(2) Purchase, removal or modification of billboards and nonconforming signs.~~
      - ~~(3) Beautification of buildings and facilities, streetscapes and gateways.~~
      - ~~(4) Development and support of the City's public art program.~~
      - ~~(5) Purchase or lease of easements or property necessary for beautification projects.~~~~~~
  - ~~3. Perform those additional duties determined by the Council as set forth by ordinance.~~
- C. Economic Development. Those funds designated for economic development shall be administered as follows:
- The City Council shall:

1. Appoint or act as an Economic Development Commission;
2. Designate an appropriate public or private economic development agency. Said agency shall be composed of at least two City Council persons and additional members as required;
3. This public or private agency shall:
  - a. Develop and transmit to the Council an annual master plan outlining the Commission's or public or private agency's program recommendations for the upcoming year. Said plan shall be presented to the Council prior to April 1st of each year.
  - b. Make recommendations to the Council concerning the annual budgetary allocation of the economic development portion of this tax, to include but not be limited to:
    - (1) Developing, acquiring and distributing advertising material to promote economic development.
    - (2) Providing financial assistance programs to stimulate relocation and retention of industrial prospects to Flagstaff.
    - (3) Retaining of appropriate staff to implement approved programs.
    - (4) Perform those additional duties determined by the Council as set forth by ordinance.

D. Parks and Recreation. Those funds designated for parks and recreation shall be administered PURSUANT TO CHAPTER 2-03, *PARKS AND RECREATION COMMISSION*, OF THE CITY CODE. as follows:

~~The City Council shall:~~

- ~~1. Appoint a Parks and Recreation Commission which shall:~~
  - ~~a. Review the expenditure of the portion of this tax to be applied to parks and recreation related activities and projects.~~
  - ~~b. Develop and transmit to the Council an annual operating plan outlining the Commission's program recommendations for the upcoming year.~~
  - ~~c. Make recommendations to the Council concerning the annual budgetary allocation of the parks and recreation portion of this tax, to include but not be limited to:~~
    - ~~(1) Developing parks and recreation facilities, and programs as needed to benefit the community and its visitors.~~



~~(3) Developing financial assistance programs to stimulate artistic and scientific activities in Flagstaff.~~

~~(4) Retaining of appropriate staff to implement approved programs; and~~

~~d. Perform those additional duties determined by the Council as set forth by ordinance.~~

SECTION 2. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

SECTION 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. Effective Dates.

This ordinance shall become effective thirty (30) days following adoption by the City Council. The tax rate correction set forth in SECTION 5, City Code Section 3-06-001-0001 is a clerical correction effective as of January 1, 2014.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 5th day of January, 2016.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

**CITY OF FLAGSTAFF**  
**STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** David McIntire, Community Investment Director  
**Co-Submitter:** Charity Lee, Real Estate Manager  
**Date:** 12/29/2015  
**Meeting Date:** 01/05/2016



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**TITLE:**

**Consideration and Adoption of Ordinance No. 2016-02:** An ordinance authorizing the acquisition and dedication of rights of way and easements for the realignment and improvement of Industrial Drive. *(Dedication of right-of-way for improvements to Industrial Drive).*

**RECOMMENDED ACTION:**

At the January 5, 2016 City Council Meeting

- 1) Read Ordinance No. 2016-02 by title only for the first time
- 2) City Clerk reads Ordinance No. 2016-02 by title only for the first time (if approved above)

At the January 19, 2016 City Council Meeting

- 3) Read Ordinance No. 2016-02 by title only for the final time
- 4) City Clerk reads Ordinance No. 2016-02 by title only for the final time (if approved above)
- 5) Adopt Ordinance No. 2016-02 Read Ordinance

**Executive Summary:**

Ordinance No. 2016-02 authorizes the purchase and dedication of rights-of-way and easements for the realignment and improvement of Industrial Drive from Nestle Purina Drive to the underpass of the US Interstate 40 Interchange. This is phase 2 of the improvements and realignment and includes utility relocation, drainage improvements, edge improvements and paving among others. There are two owners who have land necessary for the improvements. The acquisition from Nestle Purina was authorized in a development agreement and has been completed and recorded. The easements from Property Development Group, LLC were provided in 2015, a purchase contract was executed for the rights-of way, and the capital improvements work was accomplished. However, due to scheduling issues and compensation concerns between Property Development Group, LLC and Arizona Public Service the actual acquisition was delayed through mutual agreement. After the issues were resolved escrow was opened and it was determined that the previous authorizations had not extended to the rights-of-way needed from Property Development Group, LLC. Ordinance 2016-02 allows for the voluntary purchase of the rights needed. As mentioned the work has already been accomplished. Please see attached recorded survey for a description of the specific easements and rights-of way.

**Financial Impact:**

The purchase contract is for \$13,242 for all required properties. This is approximately \$4.00 per square foot for the rights-of way. Not approving the ordinance could result in expenses related to addressing the areas where improvements have been made.

**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

**REGIONAL PLAN:**

Goal PF.2 - Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient manner to serve all population areas and demographics.

**Has There Been Previous Council Decision on This:**

Council has approved the capital improvements plan as a part of the budget which authorized this project. Additionally, Section 9 of the First Amendment to the Development Agreement with Nestle Purina, approved and recorded in 2008, provides for the acquisition of parts of the required rights of way and easements for the realignment of Industrial Drive.

**Options and Alternatives:**

1) Approve Ordinance 2016-02 which authorizes the necessary acquisitions. Pro: This allows for the acquisitions required for a budgeted capital improvements project and addresses the issue that in this situation the improvements have already been made. Cons: No cons.

2) Not approve Ordinance 2016-02 and not authorize the necessary acquisitions. Pro: No positives are currently clear for this course of action. Cons: Eliminates the ability to receive the land necessary for the approved capital project and generates an issue regarding land rights and improvements.

**Community Involvement:**

Inform

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**Attachments:**    Recorded survey  
                          Ordinance 2016-02



**ORDINANCE NO. 2016-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AUTHORIZING THE ACQUISITION AND DEDICATION OF CERTAIN REAL PROPERTY AS A PUBLIC RIGHT-OF-WAY AND ESTABLISHING AND PROVIDING FOR THE IMPROVEMENT OF INDUSTRIAL DRIVE.**

WHEREAS, the City of Flagstaff has an interest in planning, developing, and maintaining an adequate infrastructure system, including a surface transportation system to meet the needs of the community; and

WHEREAS, the City Council is generally authorized pursuant to the general powers enumerated in A.R.S. § 9-240 to establish and maintain right-of-way including roads and streets within the City; and

WHEREAS, the City Council is more specifically authorized by the City Charter Article I, Section 3; and Article VIII, Section 10(4) to acquire, establish, dedicate and maintain right of way for roads and streets within the City; and

WHEREAS, the City has identified the real property described in Exhibit "A" as an appropriate component of the City's surface transportation system; and

WHEREAS, the City Council now desires to provide for the acquisition, dedication, establishment and maintenance of the real property described in Exhibit "A" as public right-of-way;

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

SECTION 1. The City is hereby authorized to acquire, dedicate, establish and maintain the real property more specifically described in Exhibit "A" as public right-of-way and easements, said right-of-way and easements being more specifically described in Exhibit "A", attached hereto and incorporated herein by reference.

SECTION 2. That the Mayor, City Manager, the City Attorney, the City Clerk, the Finance Director, or other employees or agents as deemed necessary are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Ordinance.

SECTION 3. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

SECTION 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5. Clerical Corrections.

The City Clerk is hereby authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary related to this ordinance as amended herein, and to make formatting changes needed for purposes of clarity and form, or consistency, within thirty (30) days following adoption by the City Council.

SECTION 6. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the Council and approved by the Mayor of the City of Flagstaff, this 19 day of January, 2016.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Randy Whitaker, Project Manager  
**Date:** 12/29/2015  
**Meeting Date:** 01/05/2016



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**TITLE:**

**Consideration and Adoption of Ordinance No. 2016-01:** An ordinance authorizing the acquisition of certain real property for use as a public right-of-way for a Roundabout at the Switzer Canyon Drive-Turquoise Drive intersection.

**RECOMMENDED ACTION:**

At the January 5, 2016 City Council Meeting

- 1) Read Ordinance No. 2016-01 by title only for the first time
- 2) City Clerk reads Ordinance No. 2016-01 by title only for the first time (if approved above)

At the January 19, 2016 City Council Meeting

- 3) Read Ordinance No. 2016-01 by title only for the final time
- 4) City Clerk reads Ordinance No. 2016-01 by title only for the final time (if approved above)
- 5) Adopt Ordinance No. 2016-01 Read Ordinance

**Executive Summary:**

This property acquisition is for a Highway Safety Improvement Program (HSIP) grant project so the property acquisition must be in compliance with Federal Highway Administration (FHWA) process and regulations. The project is at the point in the process where the City can proceed with the necessary property acquisition. The ordinance is the first step. It authorizes the acquisition of the property, up to and including condemnation, if necessary. We will next obtain Title Reports, Appraisals, Legal Descriptions and negotiate with the property owners. The construction of the roundabout is scheduled to begin Spring of 2017.

**Financial Impact:**

There is approximately 6,637 square-feet of fee title property that will need to be acquired from four (4) separate parcels. See attachment for parcel number, address and ownership. Appraisals have not been obtained but the Project Assessment used \$7.00 per square foot for a total of \$46,459. Other costs associated with the property acquisition, such as hiring a right-of-way consultant, title reports, appraisals and legal descriptions add \$102,555 for a total of \$149,014. There is \$177,000 in the FY15/16 Transportation Tax, Traffic Signal Program budget (account 040-05-112-3055-6-4432) that will be used for the property acquisition.

**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

**Has There Been Previous Council Decision on This:**

Yes – Original IGA/JPA was approved on June 14, 2011 and Amendment One on June 11, 2012.

**Options and Alternatives:**

- 1) Approve the ordinance
- 2) Reject the ordinance - If the property is not obtained and the project is not completed the City would have to reimburse FHWA for any costs already occurred.

**Background/History:**

The original project scope in 2011 was to do an assessment and construct either a roundabout or a signal at the Lone Tree / Zuni and the Switzer Canyon / Turquoise intersections. After the Project Assessment was completed in 2013 the estimated cost of a roundabout at each intersection allowed only one of the intersections to be constructed. The Switzer Canyon / Turquoise intersection is being constructed due to a greater benefit / cost ratio.

The roundabout design is 60% complete and the environmental clearances have been obtained. At this point the City can proceed with the property acquisition necessary for the project. There is \$177,000 in the FY15/16 Transportation Tax, Traffic Signal Program budget that will be used for the property acquisition.

This is a federal funded grant project so the property acquisition must be in compliance with federal regulations. Given the strict federal regulations the City has entered into an agreement with a consultant, Tierra Right-of-Way, to obtain the property. The City will also need to enter into other agreements with companies for the Title Reports, Appraisals and Legal Descriptions. Tierra right-of way will provide total services to acquire the property with minimal direction from the City but if an impasse is reached with any of the property owners the City will need to start condemnation action. The condemnation process is not in Tierra’s scope of work.

**Key Considerations:**

The 2013 grant eligibility letter and the 2011 IGA/JPA between the City and ADOT does not reflect the current project estimate. The City will be submitting a revised grant eligibility request to ADOT and in the near future Staff will be presenting for Council approval an amended IGA/JPA.

**Expanded Financial Considerations:**

The project is not a “percentage based” or “matching fund” basis but the total project cost minus a fixed grant amount was used to determine the City’s contribution.

Below is the different phases of the project and cost for each phase:

Alternative Assessment	\$126,927	Completed 2013
Design	\$372,164	
Property	\$149,014	
Construction	\$1,742,747	
Total	\$2,390,852	

The past and estimated future total project cost is \$2,390,852. The Grant’s share is \$1,795,000 and the City’s share is \$595,852. The City’s share has been and will continue to be funded by Transportation Tax, Traffic Signal Program FY15-18.



**ORDINANCE NO. 2016-01**

**AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY AS A PUBLIC RIGHT-OF-WAY FOR CONSTRUCTION OF A ROUNDABOUT PROJECT AT THE INTERSECTION OF SWITZER CANYON DRIVE AND TURQUOISE DRIVE.**

**RECITALS:**

WHEREAS, the City of Flagstaff and the Arizona Department of Transportation entered into an Intergovernmental Agreement to study the intersection of Switzer Canyon Drive and Turquoise Drive on June 14, 2011; and

WHEREAS, the City Council approved a construction contract for the roundabout at Switzer Canyon Drive and Turquoise Drive on June 3, 2014; and

WHEREAS, the City has identified the real property identified in Exhibit "A" as an appropriate component of the City's surface transportation system, and, more specifically, the real property is required for the roundabout construction at Switzer Canyon Drive and Turquoise Drive; and

WHEREAS, the City of Flagstaff ("City") has an interest in planning, developing, and maintaining an adequate infrastructure system, including a surface transportation system to meet the needs of the community; and

WHEREAS, Article VII, Section 5 of the Flagstaff City Charter requires the City to acquire real property by ordinance.

**ENACTMENTS:**

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

SECTION 1: That the City requires the property specifically described in Exhibit "A" for public right-of-way for the roundabout located at Switzer Canyon Drive and Turquoise Drive;

SECTION 2: That City staff is hereby authorized to acquire the property described in Exhibit "A" for use as right-of-way. Staff may exercise the City's right to condemn property for public use to acquire this property.

SECTION 3: That the City Manager, the City Attorney, the City Clerk, the Finance Director, the Assistant to the City Manager for Real Estate, or their delegees or agents, are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Ordinance.

SECTION 4: That if any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the City Code adopted herein by reference is for any reason held to be

invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5: That this Ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this — day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
MAYOR

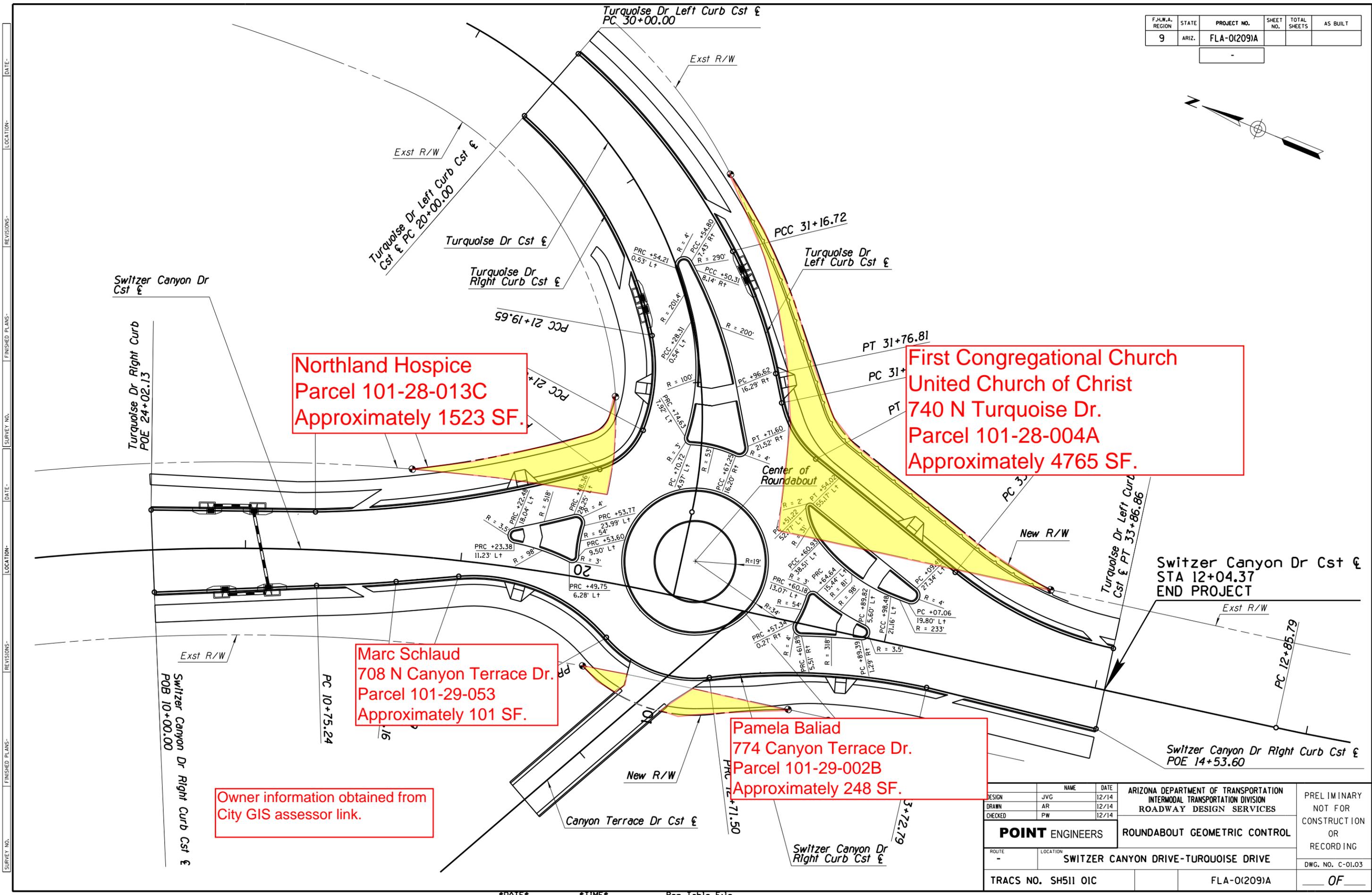
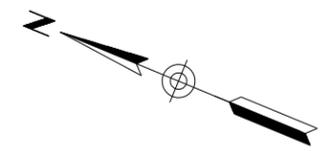
ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

F.H.W.A. REGION	STATE	PROJECT NO.	SHEET NO.	TOTAL SHEETS	AS BUILT
9	ARIZ.	FLA-0(209)A			



**Northland Hospice  
Parcel 101-28-013C  
Approximately 1523 SF.**

**First Congregational Church  
United Church of Christ  
740 N Turquoise Dr.  
Parcel 101-28-004A  
Approximately 4765 SF.**

**Marc Schlaud  
708 N Canyon Terrace Dr.  
Parcel 101-29-053  
Approximately 101 SF.**

**Pamela Baliad  
774 Canyon Terrace Dr.  
Parcel 101-29-002B  
Approximately 248 SF.**

**Owner information obtained from  
City GIS assessor link.**

**Switzer Canyon Dr Cst &  
STA 12+04.37  
END PROJECT**

DESIGN	NAME	DATE	ARIZONA DEPARTMENT OF TRANSPORTATION INTERMODAL TRANSPORTATION DIVISION ROADWAY DESIGN SERVICES	PRELIMINARY NOT FOR CONSTRUCTION OR RECORDING
DRAWN	JVC	12/14		
CHECKED	AR	12/14		
<b>POINT ENGINEERS</b>			<b>ROUNDABOUT GEOMETRIC CONTROL</b>	DWG. NO. C-01.03
ROUTE - SWITZER CANYON DRIVE-TURQUOISE DRIVE			FLA-0(209)A	OF

DATE: \_\_\_\_\_ LOCATION: \_\_\_\_\_ REVISIONS: \_\_\_\_\_ FINISHED PLANS: \_\_\_\_\_ SURVEY NO. \_\_\_\_\_ DATE: \_\_\_\_\_ LOCATION: \_\_\_\_\_ REVISIONS: \_\_\_\_\_ FINISHED PLANS: \_\_\_\_\_ SURVEY NO. \_\_\_\_\_