

## MINUTES

### 1. Call to Order

Mayor Nabours called the Work Session of the Flagstaff City Council of December 8, 2015, to order at 6:02 p.m.

### 2. Pledge of Allegiance

The City Council and audience recited the Pledge of Allegiance.

### 3. Roll Call

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

PRESENT

ABSENT

MAYOR NABOURS

NONE

VICE MAYOR BAROTZ

COUNCILMEMBER BREWSTER, telephonically joined at 6:05 p.m.

COUNCILMEMBER EVANS

COUNCILMEMBER ORAVITS

COUNCILMEMBER OVERTON

COUNCILMEMBER PUTZOVA

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

### 4. Preliminary Review of Draft Agenda for the December 15, 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.*

Mayor Nabours stated that the Council will be receiving information about the Dew Downtown and will be taking action on it next week.

## 5. Public Participation

*Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone to have an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.*

Diane Hope addressed Council regarding the forest thinning that is occurring on Observatory Mesa. She expressed concern about the potential soil damage and lack of oversight with the project.

## 6. Presentation on Flagstaff Area Winter Preparedness and Forecast Update.

Public Works Section Director Michael O'Connor stated that every year in the fall the City begins to prepare for the winter season. There are a number of departments that collaborate together in preparation for winter to manage the weather and protect the community. Snow operations rely heavily on temporary plow operators and the City's permanent Street Section employees; the City competes with Coconino County and the Arizona Department of Transportation as well as private entities for snow removal operators. This year a new snow operation stipend will be introduced in an attempt to retain the permanent employees and attract temporary employees for snow removal. In addition to the Street operations the City collaborates with Flagstaff Unified School District and NAIPTA to make sure bus routes are clearly identified and up to date.

Mr. O'Connor showed the Council and public the Snow News website. This website includes several links that direct citizens to important information regarding snow operations. Also included are updates on current operations and information about road conditions throughout the area.

This preparation effort happens every year but with the anticipated strong El Nino staff felt that it would be good to give an update to Council and citizens on the outlook for the season. Mr. O'Connor introduced Brian Klimowsky from the National Weather Service who provided a PowerPoint presentation that covered the following:

WINTER OUTLOOK IMPACTS OF EL NINO  
WHAT IS EL NINO?  
HISTORICAL NINO 3.4 SEA SURFACE TEMPERATURE ANOMALY  
CURRENT EL NINO (OCEAN) CONDITIONS  
EL NINO CONCEPTUAL MODEL  
EL NINO PREDICTION  
6 STRONGEST EL NINOS (EACH HAS IT'S OWN FLAVOR)  
WINTER PRECIPITATION  
SEASONAL SNOWFALL AT FLAGSTAFF  
WINTER OUTLOOK – PRECIPITATION  
SNOW EVENT FREQUENCY AT FLAGSTAFF  
PRECIPITATION: OCT 1 – NOV 30  
OFF TO A GREAT START...

SO...THE EL NINO...  
WHAT TO PREPARE FOR THIS WINTER

Councilmember Oravits asked about the cinder cleanup and how the City is coordinating the cleanup efforts around town. Mr. O'Connor explained that Streets has two new sweepers that have helped aid in the removal of cinders and the employees work hard to clean those cinders off the streets in a timely fashion. Public Works Director Erik Solberg added that there are 17 cinder trucks that operate throughout the City and only four street sweepers; the timing of the storms impact how quickly cinders are cleaned up and patience is necessary.

**7. Discussion/Direction regarding the Dew Downtown Winter Festival.**

Recreation Supervisor Glorice Pavey provided a PowerPoint presentation that covered the following:

DEW DOWNTOWN FLAGSTAFF URBAN SKI AND SNOWBOARD FESTIVAL – DIRECTION  
FOR THE FUTURE  
TOPICS FOR DISCUSSION  
EVENT  
CITY'S ROLE  
STAKEHOLDERS  
CHANGES AND TRANSITIONS  
EVENT OVERVIEW BY RAND JENKINS

Mr. Jenkins explained that there are a few changes from the previous Dew Downtown events the biggest being that the competition portion of the event is being moved to Snowbowl. A three story high tubing inflatable hill, ice skating rink and a giant snow globe will be added this year to make the event more inclusive to families. There is also increased partnership and support of the Downtown Business Alliance to include different activities for the businesses downtown. The layout of the event has changed as well, the street closure area is increasing to accommodate more activities and be more family friendly.

Mayor Nabours clarified that the ski and snowboarding event down San Francisco street has been moved up to Snowbowl. Mr. Jenkins confirmed but added that there will be snow on San Francisco street for ski and snowboard lessons provided by Snowbowl.

Councilmember Oravits asked for the anticipated cost to the attendees. Mr. Jenkins stated that they are trying to keep it low and affordable; they anticipate \$1 to \$5 for the attraction and they are working with staff to develop a bracelet program.

Vice Mayor Barotz stated that the staff report indicates that staff time will be reduced considerably; she asked for further explanation on that and what the expectation is for the City. Ms. Pavey stated that staff is still working through the figures. With events there are always unexpected things that come up but she indicated that internal costs should be reduced by about \$20,000. Additionally, overtime costs and temporary costs should be reduced by about \$2,000. Overall the event is looking at a \$27,000 total reduction in cost. Mr. Copley added that a majority of the cost for previous years had to do with building the course, which is where the majority of the city time and effort was spent.

Councilmember Putzova asked for some additional information on the marginal increase in sales revenue that the event has brought to the City over the last few years. Ms. Pavey stated that this will be the fifth year of the Dew Downtown. In 2014 the sum gross income from tax

revenue was \$6,159,260, in 2015 it was \$6,208,478 which is an increase in about \$49,000. In previous years the City did see a much higher jump in revenue.

Terry Medeksza addressed Council as the Executive Director of the Downtown Business Alliance (DBA). She stated that the DBA has not taken a formal position on the event but there is excitement in the business community about the event. The event brings people into the downtown area and into stores during a time that is generally slow. While she is hearing support she is also hearing concerns about water usage, the street closure and that the businesses have not been engaged in the event in the past. Those are all things that she and City staff have worked hard to address with this year's event. The water usage is down and activities are being brought in that are designed to bring families into downtown. The DBA wants to assist City staff and would like to see some vibrancy brought to downtown during a time that is slow for business. She indicated that some businesses have seen a great bump in sales while others have lost money during the weekend. This event brings people into the downtown and branching out to attract more families and tourists may be beneficial. Businesses want to be involved in the event and be a part of the attractions that entice people to come downtown.

Councilmember Putzova asked Ms. Medeksza if she would consider promoting the event if it did not include the skiing and snowboard event. Associating the event with Snowbowl is seen as disrespectful by some because there is still an impact of water. Ms. Medeksza stated that the businesses expressed a strong desire to reduce the water but still have some snow downtown to remind people that Flagstaff is a mountain town and it has an event that brings the mountain activities to an urban environment. The goal is to increase the family atmosphere and the people in downtown.

Stuart McDaniel addressed Council on behalf of the Flagstaff Chamber. He stated that the event is something that the Chamber and other 1,100 business owners are in support of. It is something that ties in very well with the designation of Flagstaff being Arizona's Winter Wonderland. The event is beneficial to downtown and all of Flagstaff and the compromises that are proposed should not be taken lightly. For the most part this is a positive event that grows every year. He urged the Council to move forward with the event.

Alicyn Gitlin addressed Council with concerns about the water usage for the event. She pointed out that Williams and California are in a water emergency and would hate for Flagstaff to find itself in that situation. She stated that this event is offensive to a large portion of the community and they feel that water should not be used for celebration. She asked the Council to consider the water issues of Flagstaff while making its decision on this event.

Adam Shimoni addressed Council stated that the event could have a bigger education component associated with it.

A written comment card in opposition to the Dew Downtown event was submitted by Dawn Dyer.

Councilmember Evans stated that she feels that it is important to be transparent about what the event is and how much it will cost the City. She asked for clarification on how much the event actually costs, how much revenue is generated from the event and how much is brought in by sponsorships. She added that there seems to be a lack of connectivity with the other Winterfest events; this event is the kick off to Winterfest and there was an attempt to have an end of Winterfest event on the east side of town that did not garner the level of City support that this event does. It is great to draw people downtown but that should be applied to other areas of town that could also use that assistance.

Vice Mayor Barotz stated that while she does not object to the tax payer resources being allocated to this event she does object because there is a whole category of people that are not represented, don't have a voice in government, who are not getting any subsidies. The City does a lot for business but not much for the working poor. Council should be mindful of this in making the decision. The City needs to broaden its assistance to more than business.

Councilmember Brewster stated that she feels that the proposal is a good path forward; it leaves a smaller footprint overall, uses less water and the events are appropriate for families, more so than previous years.

Councilmember Oravits also stated that he likes the new direction and feels that the family aspect is really great. The more the event can include families the more people it will draw. He is excited about transitioning this event to another organization and added that if the event can include the entire Flagstaff area it will be another benefit.

Councilmember Overton indicated that he feels that the City is missing the boat by taking away the ski and snowboard event. While he recognizes that it does take City resources, the event will be lacking the urban ski and snowboard feel. The new attributes would have been a great addition to the previous event.

Councilmember Putzova stated that she cannot get behind the event the way that it is outlined. Many people find the event offensive, it does not support the water conservation policy in the Regional Plan and it is inconsistent with City policies. She also has concerns about irregular process and safety issues at the event.

Councilmember Evans stated that there has been concern about competition with the bars and restaurants downtown. Mr. Jenkins stated that he has gone door to door and talked to a lot of people about ways to get their business involved. They are working to try and put together a soup crawl to the downtown restaurants. As far as he is aware, the only food vendor at the event is Fratelli's, which is a downtown business that does not compete with any other restaurant. He is continuing to work with other bars and businesses on ways they want to be involved. He feels that there is enough attendance at the event to make the businesses successful as well as have a beer garden.

Mayor Nabours stated that there is majority in favor of continuing with the plan.

A break was held from 7:10 p.m. through 7:20 p.m. Councilmember Brewster left the meeting at 7:20 p.m.

## **8. Policy Discussion on Proposed Amendments to Chapter 10-40 (*Specific to Zones*) of the Flagstaff Zoning Code.**

Comprehensive Planning and Code Administrator Roger Eastman stated that the Council will be looking at Chapter 10-40 of the Zoning Code. The main issues are secondary single family dwellings, meeting facilities in the LI zone, residential uses in the Community Commercial zones specific to the Southside Neighborhood, micro-breweries and micro-distilleries.

Mr. Eastman began with the secondary single family dwelling issue. This portion of the Code was adopted in 2002; the purpose of the section was to allow for smaller lot splits in certain neighborhoods to provide greater opportunities for affordable homes. This is a lot splitting process and staff's recommendation is to move this section into the sub-division section. To

split a lot would require a minimum of 12,000 square feet of lot size. What the secondary single family lot split does is reduce the minimum lot size to 5,000 square feet. It also says that there has to be two dwellings existing on the property that were constructed prior to November 5, 2002. This requirement automatically limits the properties that the rule can be applied to. The purpose of this was to maintain a relationship between a larger primary building and a smaller secondary building typically towards the rear of the property.

In 2006/2007 the Council established the Historic Townsite Overlay District to help maintain the character of the community. Today if someone comes in with their two buildings and other necessary requirements and splits the lot, the concern that has been heard from the neighborhood is if the secondary building is demolished and it is now its own lot, what keeps the property owner from erecting a new primary dwelling which is out of character for maintaining a relationship between the primary and secondary dwelling. This is the issue that needs to be resolved. The amendment presented is to suggest a requirement for a restrictive covenant that is signed at the time of the lot split that restricts that rear lot to a secondary single family residence and it may only be rebuilt to the same size as before subject to the Townsite rules.

There is a concern with Proposition 207 because a more restrictive land use is being imposed. The alternative is to remove the R1N zone and only allow the secondary single family section to apply to MR and HR zones. Ultimately, there are three options, do nothing, go with restrictive covenant or move from R1N.

Councilmember Putzova asked if Proposition 207 has been tested in Flagstaff or Arizona in general; she stated that the Council often hears about the proposition preventing the Council from doing something but there does not seem to be much information on the application. Mr. Eastman stated that the first lawsuit that was filed in Arizona was filed out of Flagstaff by the Townsite Neighborhood; it was dropped on procedural grounds and the issue was never answered. There are a number of other cities that have had similar cases but it really has not been tested. In writing the 2011 Zoning Code staff did so in an effort to reduce the liability of Proposition 207.

Mayor Nabours stated that in hindsight when the section was first written it should have addressed the instance where either of the residences is demolished or destroyed then it is to be rebuilt to what was existing. Mr. Eastman agreed. Mayor Nabours asked Mr. Eastman what he felt was the best solution to the issue. Mr. Eastman stated that to remove R1N from the secondary single family section is the best option. Anyone in MR and HR can still apply for the split. The reason for that is that it protects the integrity of the historical neighborhood.

Councilmember Oravits stated that he is trying to get a visual understanding of how much of Flagstaff it effects to remove the R1N. Mr. Eastman explained that R1N is only applied to the Northend Neighborhood, Flagstaff Townsite Neighborhood, La Plaza Vieja and Southside; nowhere else in the City is the R1N zone applied.

There is a consensus of Council in agreement with the recommendation of Mr. Eastman to remove the R1N zone.

Duffie Westheimer addressed Council in support of staff's recommendation and asked Council to move forward with approval.

Moving to the next issue Mayor Nabours stated that in the LIO zone there are things allowed such as schools, trade schools, public services major and minor, hospital, and much of this zoning is over in the Woodlands Village area and lies right along University Avenue. On the other side of University Avenue there are HC, apartments, and businesses. Part of the LIO has

business centers and existing businesses. The purpose of the LIO zone is to develop certain commercial uses and provide appropriate uses in the areas that transition from industrial to commercial and residential. He feels that churches, synagogues and meeting places would be a good transition and would be a good use in the LIO zone under certain circumstances. He would like to consider adding churches, synagogues and similar meeting places as a use in that zone with a use permit and the Planning & Zoning Commission determining if it is an appropriate use in that area.

Councilmember Overton stated that his concern would be the other LIO or industrial zones, the City is limited on that type of zoning and that land use. The concern is that by allowing these uses it would further limit the LI zone when there are more suitable zones within the City.

Mr. Eastman stated that under the former Land Development Code the City had performance zones and established zones. When those zones were combined to create the LI and HI zones that exist today the City had to be thoughtful about the permitted uses. There are open zones, LIO and HIO, which relate back to performance zones in the old code. Resources need to be protected in the open zones and limited commercial is allowed in the LIO and HIO zones because that was what was allowed in the former Land Development Code. It is limited to hotels, offices, and general retail. There are regulations in the Floor Area Ratio Standard that provide limits on how much commercial can be in the industrial zones. The former Regional Plan had goals and policies that limited how much intrusion anything but industrial uses were allowed in those zones. The current Regional Plan has a similar goal and policy to protect existing business and industrial land uses from encroachment and allow for their expansion. Staff has worked to ensure that this goal is honored and to not allow too many other uses into the industrial zones. He feels that consideration could be given to adding the meeting use facility subject to the Floor Area Ratio restriction; it would still meet the intent of the Regional Plan but there is a limitation on how much on a particular parcel goes to anything that is not industrial.

Mayor Nabours stated that currently in LIO a charter school could be there, a trade school of some kind, a small hospital and day care center; it seems compatible to allow a church next to a Montessori school. Mr. Eastman agreed but indicated that there still has to be a balance with the Regional Plan policy. The Council agreed to have staff look into the concept further and bring back a recommendation.

Councilmember Oravits stated that he had received questions about the changes to rooming and boarding facilities; he asked for Mr. Eastman to explain the change. Mr. Eastman stated when the 2011 code was adopted, the Rooming and Boarding Facility category was created and that included dormitories, fraternities and sororities and single room occupancy. Hindsight has suggested that this was an error because each of these things are really separate functions. The change is that they are now separated out into their own categories and single room occupancy would not be allowed in the CC or CS zones. The reason for that is because those zones do not allow lodging. He stated that staff will be meeting with the lodging association to discuss the change and better understand any concerns that they may have. Councilmember Oravits requested that any concerns be communicated back to the Council.

Mayor Nabours indicated that there has been some concern about the CC zone and staff has indicated that there is some merit to those concerns and as a result, a modification was developed. Mr. Eastman stated that they found an unclear statement in the proposed standards which has been modified in the amendments presented. The proposal is that in the CC zone, which is in Sunnyside south of 6<sup>th</sup> Street, a duplex or single family home may be built by right without going through the planned residential option or obtaining a Conditional Use Permit. If the density allows a duplex, someone could also build two single detached dwellings on the

property. The recommendation became unclear in regard to building height and what it should be for single family homes; that has been clarified in the amendments and it should be the same as the R1 zone of 35 feet.

Jeff Knorr addressed Council indicating that he feels the issue has been addressed and asked what setbacks would be required with this change. Mr. Eastman stated that the setbacks would be the same as in the CC zones which are less restrictive than they are for the R1 zone. Mr. Knorr continued stating that this change could play a role in the revitalization of Sunnyside. His concern with the CC zone is that most of the lots in Sunnyside are 50 feet wide, the CC zone has 15 foot side setbacks leaving only 20 feet in the middle on which to build whereas the HR zone only has a five foot setback and the R1 zone has an eight foot setback. It makes it difficult to build anything in that area.

Councilmember Oravits asked for clarification on the setback requirements as it will be helpful in making the decision. Mr. Eastman stated that he has made note of the concern and will work on putting together a recommendation that makes the issue of setbacks more clear when building a residential structure in the CC zone.

**9. Policy Discussion on Proposed Amendments to Zoning Code Division 10-50.100. (Sign Standards).**

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

OVERVIEW  
REED V TOWN OF GILBERT, AZ  
REED TAKEAWAYS  
FLAGSTAFF'S SIGN STANDARDS  
SIGN STANDARD  
10-50.100.010  
10-50.100.020  
10-50.100.030  
10-50.100.040  
10-50.100.050  
10-50.100.060  
10-50.100.070  
10-50.100.090  
10-50.100.090 PROPOSED AMENDMENTS  
10-50.100.090 CURRENT CODE  
10-50.100.100  
10-50.100.100 – FLAGSTAFF SIGN FREE ZONE  
NEEDED OTHER AMENDMENTS  
DISCUSSION – A PATH FORWARD

Mr. Eastman stated that because of the Reed case, non-commercial signs may not be placed in the right of way. Mayor Nabours clarified that the City cannot say no signs in the right of way except for political signs and they cannot say no signs in the right of way except for non-profit signs. Senior Assistant City Attorney Kevin Fincel agreed stating that what applies to one must apply to all with regard to signs in the right of way.

Councilmember Evans suggested that the City should not allow any signs in the right of way. Vice Mayor Barotz agreed stating that it will be very important to be clear that it will only apply to the right of way and other opportunities for signs do exist.

A consensus of Council agreed that no signs should be allowed in the right of way.

Mayor Nabours asked about the free standing signs on vacant property and if any kind of sign is allowed to be placed in the vacant lot or if it can only be a for sale sign. Mr. Eastman stated that there cannot be restrictions on content, the property owner may put a sign or signs up to 32 square feet displaying their message.

Mayor Nabours asked about a business operation that has signs on their building as well as a pole sign or monument sign out front. He asked what other signs the business can have and what regulations can be placed on them. Mr. Eastman stated that the City could restrict temporary signs and not allow them at all or they can be allowed under certain time and size restrictions. The issue is with enforcement.

Councilmember Overton stated that finding a manageable solution without having to hire multiple staff members is the challenge. Mr. Eastman agreed stating that the implications to staff is enormous if the City begins permitting temporary signs which is why staff is recommending no permit except for wall signs and the signs be removed at the end of each day.

Councilmember Oravits asked if there are no time limits on temporary signs as they get destroyed is there something in the code that regulates the appearance of temporary signs. Mr. Eastman stated that there is a maintenance standard included in the code that can be applied to temporary signs.

Councilmember Putzova stated that in regards to temporary sign placement on commercial property, she is leaning toward an arrangement that the intent of the code is to have control over sign clutter but not going with permits. She is not sure if removing signs at the end of the day is the answer and it may be difficult for the property owners to follow because of weather. She would like to see established area and time limitations and not requiring removal at the close of the business day.

Councilmember Oravits stated that he is concerned about enforcement and bringing signs in every night is not practical. He feels that he needs more time to think about if a time limit should be required.

Mr. Eastman suggested that staff work on a draft that indicates no permitting and allows signs to remain out for 24 hours. Wall signs would be permitted and allowed to display for 30 days. Council could come back in six months to revisit the topic and see how it is working.

**10. Review of Draft Agenda Items for the December 15, 2015, City Council Meeting.\***

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

Vice Mayor Barotz requested that item 10A be moved from routine to the 6:00 p.m. regular meeting. She feels that the topic is more appropriate for the evening portion of the meeting.

**11. Public Participation**

None

**12. Informational Items To/From Mayor, Council, and City Manager; Future Agenda Item Requests (FAIR).**

Councilmember Evans requested a memo that discusses what is going on with the project at Observatory Mesa and the tree concern that was brought up at public participation. Vice Mayor Barotz stated that she is also interested in that information. Mr. Copley stated that he will have staff provide a memo and indicated that tours of the area can be arranged should Council wish to go out there.

Mr. Copley reminded Council about the Budget Retreat scheduled for tomorrow morning, December 9, 2015 at 9:00 a.m. at the Aquaplex.

He also indicated that the Working Calendar shows February 2, 2016 as the tentative first read for the zone change amendments. Vice Mayor Barotz requested that the Council vote on each section separately instead of one big vote for the entire code.

**13. Adjournment**

The Flagstaff City Council Work Session of December 8, 2015, adjourned at 8:46 p.m.

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MAYOR

ATTEST:

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CITY CLERK