

FINAL AGENDA

REGULAR COUNCIL MEETING
TUESDAY
OCTOBER 4, 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 ORAVITS
COUNCILMEMBER BREWSTER	COUNCILMEMBER OVERTON
COUNCILMEMBER EVANS	COUNCILMEMBER PUTZOVA

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

MISSION STATEMENT

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

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

- A. **Consideration and Approval of Minutes:** City Council Work Session of September 13, 2016; Regular Meeting of September 20, 2016; Special Meeting (Executive Session) of September 27, 2016; and Combined Special Meeting/Work Session of September 27, 2016.

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

- A. Presentation of Heroism Award:** To Jessica Hallett, Flagstaff Police Department Dispatcher, and Clint Bleeker, Citizen

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).

- A. Consideration of Appointments:** Airport Commission.

RECOMMENDED ACTION:

Make two appointments to terms expiring October 2019.

8. LIQUOR LICENSE PUBLIC HEARINGS

None

9. CONSENT ITEMS

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

- A. Consideration and Approval of Grant Agreement:** A Grant Agreement between the City of Flagstaff and the Arizona Department of Transportation, Multimodal Planning Division Aeronautics Group for the Airport Drainage Study.

RECOMMENDED ACTION:

Approve the Grant Agreement with Arizona Department of Transportation, Multimodal Planning Division Aeronautics Group in the amount of \$315,000. This Grant will allow the Airport to perform a drainage study to assist in both future growth in the area and controlling the flow of water runoff downstream from the Airport. The FAA does require airports to keep a periodically updated drainage study.

B. Consideration and Approval of Agreement:

Consideration of Ratifying Cooperative Law Enforcement Agreement: Approval of the Cooperative Law Enforcement agreement between the City of Flagstaff and the United States Forest Service, Department of Agriculture, for Dispatch Services.

RECOMMENDED ACTION:

Approve the ratification of the five year Cooperative Law Enforcement Agreement and the CY 16 Annual Operating and Financial Plan (Exhibit A) between the City of Flagstaff and the U.S. Forest Service for dispatching services in the amount of \$5,000.00.

10. ROUTINE ITEMS

- A. Consideration and Adoption of Resolution No. 2016-33:** A resolution of the City Council of the City of Flagstaff, Coconino County, Arizona, repealing Resolution No. 2014-37 which adopted the *2014 Board and Commission Members' Rules and Operations Manual*, and adopting the *2016 Board and Commission Members' Rules and Operations Manual*

RECOMMENDED ACTION:

- 1) Read Resolution No. 2016-33 by title only
- 2) City Clerk reads Resolution No. 2016-33 by title only (if approved above)
- 3) Adopt Resolution No. 2016-33

- B. Consideration and Adoption of Ordinance No. 2016-36:** An ordinance of the Flagstaff City Council authorizing the City of Flagstaff to accept specific deeds of real property and establishing an effective date.

RECOMMENDED ACTION:

At the October 4, 2016, City Council Meeting:

- 1) Read Ordinance No. 2016-36 by title only for the first time
- 2) City Clerk reads Ordinance No. 2016-36 by title only (if approved above)

At the October 18, 2016, City Council Meeting:

- 3) Read Ordinance No. 2016-36 by title only for the final time
- 4) City Clerk reads Ordinance No. 2016-36 by title only (if approved above)
- 5) Adopt Ordinance No. 2016-36

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 ORAVITS
COUNCILMEMBER EVANS	COUNCILMEMBER OVERTON
	COUNCILMEMBER PUTZOVA

12. **PUBLIC PARTICIPATION**

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

14. **PUBLIC HEARING ITEMS**

- A. **Public Hearing for Resolution No. 2016-31:** A resolution of the Flagstaff City Council amending the Flagstaff Regional Plan 2030 by amending Chapter 3 to change the categories of Major Plan Amendments and establishing an effective date.

RECOMMENDED ACTION:

- 1) Open Public Hearing
- 2) Continue Public Hearing to _____

15. **REGULAR AGENDA**

- A. **Consideration and Possible Adoption of Resolution No. 2016-20 and Ordinance No. 2016-25:** Declaring as a Public Record that certain document known as the International Fire Code, 2012 Edition, and amendments, additions and deletions thereto and the 2016 Amendments to the Flagstaff City Code, Title 5, Fire Code and adopting said public record by reference.

RECOMMENDED ACTION:

- 1) Adopt Resolution No. 2016-20
- 2) Read Ordinance No. 2016-25 by title only for the final time
- 3) City Clerk reads Ordinance No. 2016-25 by title only (if approved above)
- 4) Adopt Ordinance No. 2016-25

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.

- A. **Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Evans to place on a future agenda a discussion regarding the issue of Recreational Vehicle (RV) parking.

- B. **Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Evans to place on a future agenda a discussion regarding the flooding issues at Wildwood Hills and Kit Carson Trailer Park.

- C. **Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Putzova and a Citizen Petition to place on a future agenda a discussion regarding a resolution of support for the Standing Rock Sioux re the Dakota Access Pipeline.

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 _____, 2016.

Elizabeth A. Burke, MMC, City Clerk

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Elizabeth A. Burke, City Clerk
Date: 09/28/2016
Meeting Date: 10/04/2016



TITLE

Consideration and Approval of Minutes: City Council Work Session of September 13, 2016; Regular Meeting of September 20, 2016; Special Meeting (Executive Session) of September 27, 2016; and Combined Special Meeting/Work Session of September 27, 2016.

RECOMMENDED ACTION:

Amend/approve the minutes of the City Council Work Session of September 13, 2016; Regular Meeting of September 20, 2016; Special Meeting (Executive Session) of September 27, 2016; and Combined Special Meeting/Work Session of September 27, 2016.

EXECUTIVE SUMMARY:

Minutes of City Council meetings are a requirement of Arizona Revised Statutes and, additionally, provide a method of informing the public of discussions and actions being taken by the City Council.

INFORMATION:

COUNCIL GOAL

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

Attachments: [09.13.2016.CCCSMWS.Minutes](#)
[09.20.2016.CCRM.Minutes](#)
[09.27.2016.CCSMES.Minutes](#)
[09.27.2016.CCCSMWS.Minutes](#)

SPECIAL MEETING

1. **CALL TO ORDER**

Mayor Nabours called the Special Meeting of the Flagstaff City Council held September 13, 2016, to order at 6:00 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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

2. **PLEDGE OF ALLEGIANCE AND MISSION STATEMENT**

The audience and City Council recited the Pledge of Allegiance.

3. **ROLL CALL**

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

PRESENT:

ABSENT:

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

NONE

Others present: City Manager Josh Copley and City Attorney Sterling Solomon.

4. **Consideration and Adoption of Resolution No. 2016-32:** A Resolution of the Flagstaff City Council to comply with State law by correcting a portion of Resolution Nos. 2016-26 and 2016-27 which authorized referral of a ballot question to the qualified electors of the city at the General Election on November 8, 2016, with respect to a temporary increase to the City's Secondary Property Tax and authorization for the sale and issuance of bonds of the City of Flagstaff, Arizona in a principal amount up to \$12,000,000 with the proceeds to be designated for purposes of municipal court facilities.

Mr. Solomon introduced Michael Cafiso with Greenberg Traurig, Flagstaff's outside bond counsel.

Mr. Cafiso stated that he is taking full responsibility for the error that is before the City Council. In reviewing the informational packet they realized that some of the language in the ballot question did not meet the standards set forth in state statute. He indicated that he and his staff worked with the City to correct the resolution and ballot wording. He apologized for the error and the confusion that was caused.

Mayor Nabours stated that the corrections appear to be semantic and asked if there was any substantive changes. Mr. Cafiso stated that there are no substantive changes; the changes are simply a reflection of the language required by state statute.

Vice Mayor Barotz asked if the state statute requires only the presented language in the question or if additions can be made. Mr. Cafiso explained that the question is confined to the presented language, nothing can be added or deleted per state statute.

Vice Mayor Barotz asked Mr. Cafiso to explain how the publicity pamphlet speaks to the interest of the bond. Mr. Solomon stated that the posted agenda does not address the publicity pamphlet, only the bond question and associated resolution. Vice Mayor Barotz requested a CCR and a copy of how the interest is presented in the publicity pamphlet.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to read Resolution No. 2016-32 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, TO COMPLY WITH STATE LAW BY CORRECTING A PORTION OF RESOLUTION NOS. 2016-26 AND 2016-27 WHICH AUTHORIZED REFERRAL OF A BALLOT QUESTION TO THE QUALIFIED ELECTORS OF THE CITY AT THE GENERAL ELECTION ON NOVEMBER 8, 2016, WITH RESPECT TO A TEMPORARY INCREASE TO THE CITY'S SECONDARY PROPERTY TAX AND AUTHORIZATION FOR THE SALE AND ISSUANCE OF BONDS OF THE CITY OF FLAGSTAFF, ARIZONA IN A PRINCIPAL AMOUNT UP TO \$12,000,000 WITH THE PROCEEDS TO BE DESIGNATED FOR PURPOSES OF MUNICIPAL COURT FACILITIES

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to adopt Resolution No. 2016-32.

Vote: 7 - 0 - Unanimously

5. Adjournment

The Special Meeting of September 13, 2016, adjourned at 6:10 p.m.

WORK SESSION

1. Call to Order

Mayor Nabours called the Flagstaff City Council Work Session of September 13, 2016, to order at 6:10 p.m.

2. Preliminary Review of Draft Agenda for the September 20, 2016, City Council Meeting.*

** Public comment on draft agenda items may be taken under "Review of Draft Agenda Items" later in the meeting, at the discretion of the Mayor. Citizens wishing to speak on agenda items not specifically called out by the City Council for discussion under the second Review section may submit a speaker card for their items of interest to the recording clerk.*

Vice Mayor Barotz addressed item 9-B and asked if SWCA is a Flagstaff based company and what GIS service they will be providing. Senior Procurement Specialist DiAnn Butkay responded that SWCA is a local company and they will be providing GIS mapping for the FMPO program.

Councilmember Putzova asked how many future agenda item requests are placed on the agendas. Mr. Copley explained that there is not any specific criteria on that however, he has tried to limit future agenda item requests to two per meeting but due to how many are in the queue he is elevating that to three to try and get through them.

3. 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.

John Viktora addressed Council offering an apology to Councilmember Oravits for cutting off his statements at the last meeting.

Charlie Silver addressed Council in regards to parking and flooding issues and concerns in the Southside Neighborhood.

4. Presentation by President Smith of Coconino Community College on the History and State of the College as They Enter Their 25th Year.

President Smith thanked the City for allowing her the opportunity to present. She provided a PowerPoint presentation that covered the following:

VISION AND MISSION
TRAINING WORKERS
TRANSITIONING STUDENTS
STRENGTHENING THE ECONOMY
LIFELONG LEARNING
PARTNERS

President Smith introduced Christina Caldwell with Goodwill who offered that the partnership with Coconino Community College (CCC) consists of several initiatives. She discussed the Certified Apartment Maintenance Technician (CAMT); CAMT is a cohort between Coconino Community College, Goodwill Industries of Northern Arizona, Coconino County Career Center and the National Apartment Association. It is a four week course and a national certification that

teaches everything from HVAC repair, fair housing, equipment maintenance and repair. The program is currently in its third year. She highlighted the experience of one of the 2015 graduates who was offered a job at a Flagstaff apartment complex; in six months he was promoted to supervisor. Because of the CAMT program this individual was able to provide stable income for his family, his wife was able to go to college and his quality of life was vastly improved. Ms. Caldwell emphasized that these partnerships are important and she hopes that they continue and grow.

President Smith continued the presentation.

EDUCATIONAL INSTITUTIONS

THE CHALLENGE

FUNDING SOURCES

STATE FUNDING DECLINE

TUITION INCREASES

STATE FUNDING DECLINE & TUITION INCREASES

ARIZONA COMMUNITY COLLEGE TUITION & FEES COMPARISON

ARIZONA COMMUNITY COLLEGE TAX RATE COMPARISON

WHAT WE COULD DO

\$1/MONTH INCREASE OVER CURRENT PROPERTY TAX BILL

THE OUTCOME

WHAT THE OVERRIDE WOULD HELP FUND

SERVING ALL OF COCONINO COUNTY

IMPORTANT ELECTION INFORMATION

IMPORTANT ELECTION DATES

THANK YOU

Councilmember Brewster asked if there are plans to restore some of the programs that were cut should the proposition pass. President Smith stated that the industry training and continuing education are very important to bring back at a stronger level than they were at before. They have worked on budgets to determine what would be accomplished with the additional resources.

Councilmember Brewster asked if higher tuition costs has reflected a lesser student population at CCC. President Smith indicated that the student population has leveled off. They have been working to develop more funding resources and scholarships to help attract new students as well as help existing students.

Councilmember Putzova stated that President Smith had said that CCC would like to keep the impact on the taxpayers as minimal as possible; she asked who should pay for education if not the tax-payers or the public. President Smith offered that the community college is truly an American form that was designed to be accessible to give people a chance at education and bettering themselves. The question is a hard one to answer but she believes that it is important to keep the cost as low as possible and share the burden. Students have a responsibility as well to work and help pay for their education.

President Smith introduced Patty Garcia, President of CCC Board of Trustees and Chair of the Governing Board. Ms. Garcia stated that the passage of Proposition 410 is critical to CCC; three years ago they went to the voters with an override request that was not successful and they had to reduce their programs even further as a result. CCC has almost fully eliminated its community and corporate learning and lifelong learning programs. She believes that one of the fundamental things that a community college does is allow people to just learn new things and improve their skills. They hope that with the successful passage of Proposition 410 they can restore some of those most severely cut and needed programs.

5. Lone Tree Traffic Interchange - discussion on possibly reducing or eliminating the requirement that development pay for their transportation impact to the Lone Tree / I-40 Traffic Interchange.

Flagstaff Metropolitan Planning Organization Manager Dave Wessel addressed Council with a PowerPoint presentation that covered the following:

LONE TREE TRAFFIC INTERCHANGE
IMAGE FROM I-40 CONCEPT REPORT
HISTORY
LONE TREE T.I. CONSTRUCTION COSTS

Councilmember Evans asked what the cost of the project was in 1987 when it was first being discussed. Mr. Wessel stated that he does not have those costs estimates from that time. As the plans for the system interchange was developed back in the early 1990s the cost was in the \$22 million range. Councilmember Evans indicated that the costs listed in the presentation are from 2010; she asked if the costs are higher now. Mr. Wessel indicated that the costs would be inflated at around four percent per year putting the project in the \$80 million range. The totals include some of the soft costs as well. He added that if the City were to then bond for the project and pay it over a 20 year period the cost goes closer to \$100-\$140 million.

Mayor Nabours asked for clarification on the location of the overpass as the drawing shows the overpass over Lone Tree would occur at a spot east of the existing Lone Tree. Mr. Wessel stated that the existing Lone Tree road would remain but there would be a realignment of about a half a mile, referred to as "new" Lone Tree, to create a separation from the system interchange at I-17. As ADOT did its analysis that realignment was still not sufficient enough to allow a straight diamond interchange and a braid interchange was developed. Mayor Nabours asked if the cost estimates include building the new Lone Tree road. Mr. Wessel stated that the costs do not include the new Lone Tree section.

Councilmember Oravits asked if there are any costs estimates for acquisition and construction for the new Lone Tree. Mr. Wessel stated that the cost is roughly \$150 million with bonding.

Councilmember Evans asked if ADOT would be paying for any of the realignment of Lone Tree. Mr. Wessel indicated that there is a general interest by ADOT to participate; however, in terms of priorities across the state this project is not a high priority. That being said, if the project is done at the same time ADOT widens I-40 there may be some cost sharing and cost savings opportunities with ADOT with regard to construction.

Mr. Wessel continued the presentation.

BENEFITS

Councilmember Oravits stated that the presentation shows an 11% drop in traffic off Milton; he asked for clarification on that. Mr. Wessel stated that there was a lot of debate as to if the interchange could be afforded; in the analysis, the interchange was the only project that brought the level of service on Milton down from an E to a D which is quite significant. There is a slight curve in terms of level of service from A to C but when it is dropped from D to E it is hugely significant.

Councilmember Evans added that both the interchange and the Tank Farm overpass are needed to maximize the effect. Mr. Wessel agreed stating that the interchange has benefit to the south end, the overpass has benefit to the north end and together there is a collective

advantage. The whole is greater than the sum of the parts in terms of corridor development.

Traffic Engineer Jeff Bauman continued the presentation.

JUNIPER POINT PHASE I CONCLUSIONS ADDITIONAL BACKGROUND

Councilmember Evans asked how much Pinnacle Pines and Pine Canyon have contributed. Mr. Bauman stated that Pine Canyon is about halfway through the approximately \$2 million commitment and Pinnacle Pines is about two-thirds through their \$30,000 commitment. Mayor Nabours asked if the amount is for just the Lone Tree Traffic Interchange or all traffic impacts. Mr. Bauman stated that it is for the Lone Tree Interchange; however, the development agreements were modified a few years ago to allow those monies to be used for Lone Tree corridor improvements. Councilmember Oravits asked what the total contribution is at maximum build out. Mr. Bauman stated that it is around \$6 million total.

Mayor Nabours asked ADOT North Central District Engineer Audra Merrick if it is likely that the interchange will be built before I-40 is expanded to six lanes. Ms. Merrick explained that it makes sense to widen I-40 and put the interchange in at the same time and there is an interest to bring them at the same time. Mayor Nabours asked if the interchange or the widening is on the ADOT five year plan. Ms. Merrick stated that they are not on the current five year plan that goes through fiscal year 2021. She explained that currently, about 60–65 percent of ADOT funding is noted for preservation projects and 20-25 percent is dedicated to modernization; that leaves only 15 percent for expansion projects such as a traffic interchange. Mayor Nabours noted that the interchange alone would take five years of ADOT funding. Councilmember Evans asked the likelihood that the State would consider the interchange in the next ten to twenty years. Ms. Merrick stated that it is unlikely.

Councilmember Overton stated that the interchange is not a financially feasible project for the City but it is a needed project. ADOT has already committed resources to get the interchange design where it is today. He asked how Ms. Merrick would advise the City to advocate better for the project and the coordination of the two systems. Ms. Merrick explained that ADOT has a sophisticated technical evaluation process with three phases. Phase One is where they look 40 years out, with no financial constraints, at the needs of the state system; that was completed in 2008 and 2009. Then Phase Two which is the long range transportation plan that estimates the financial resources and needs in the future about 25 years out. Phase Three is the five year program and where the projects are selected. All phases include public participation, the five year program is updated annually. She indicated that speaking out as a community with one message and one voice has proved beneficial. Councilmember Overton asked at what point ADOT shelves a project such as this for not being viable for decades out. It is frustrating that only 15 percent is available for expansion projects and stakeholders see their invested money in a process that may not come to fruition. Ms. Merrick agreed stating that the City is competing at a state-wide level for very limited resources.

Michael Naifeh addressed Council as one of the owners of Juniper Point. He stated that the City wants Juniper Point to pay \$4,804 per unit for the first 1,369 units for a total of \$6.58 million which is well over twice the amount of what Pine Canyon is contributing and their average home price is significantly higher than that of Juniper Point. Juniper Point's goal is to develop affordable workforce housing. Juniper Point is willing to pay its fair share of the impacts; to that end, Juniper Point was installing two lanes of the new Lone Tree through the property as part of the development and dedicating right of way.

Mayor Nabours asked Mr. Naifeh about John Wesley Powell from Pine Canyon to Fourth Street and if it goes through the Juniper Point property. Mr. Naifeh stated that it does go through

Juniper Point and they have expressed a willingness to contribute to that improvement district; he added that this is a more feasible project than the interchange is.

Mayor Nabours asked if the Traffic Impact Analysis (TIA) for Juniper Point requires other traffic improvements. Mr. Naifeh explained that the TIA requires a lot of intersection improvements, participation in the extension of John Wesley Powell, the extension of the new Lone Tree traffic interchange to Pine Knoll and an obligation to participate in some of the existing Lone Tree improvements.

Vice Mayor Barotz asked Mr. Naifeh what he is asking for from the Council. Mr. Naifeh stated that Juniper Point is asking the Council to make a decision on the Lone Tree traffic interchange and extension recognizing that it may never be built. They are contributing to a project that may not be built and they are asking that those contributions focus instead on improvements that are attainable. Councilmember Evans asked if the Council were to remove the project from the equation if the impact fee per household would be lower. Mr. Naifeh stated that it would be lower, every dollar that they put into offsite infrastructure someone pays for; the more dollars you add on the less affordable the house becomes.

Vice Mayor Barotz stated that the Council is faced with this issue all the time and it boils down to where the money is going to come from to pay for the needed infrastructure to accommodate the development; she asked if the tax-payers at large would be expected to pay if the burden is removed from the developer. Mr. Naifeh stated that it seems unfair to ask for payment into a project that may never happen.

Mayor Nabours stated that staff is looking for direction on how to approach the development agreement with Juniper Point or any future development that might come forward. He offered that the expense for the Lone Tree interchange is so high and keeps growing and is so unlikely to move forward in the foreseeable future. The fee is adding several thousand dollars onto the cost of a house for nothing. He would like to see the Lone Tree interchange removed from the formula and have staff come back to Council with something to that effect.

Councilmember Overton offered that he is still a proponent of proportionate share and does not think the City will achieve all of its goals without the interchange. He does feel that removing the interchange will have impacts on the system at a greater degree and there will be other stresses that will need to be addressed. There is an impact to adding 1,500 homes but his value of the land use will far outweigh the mitigation. He is concerned that if they continue to come to disagreement points the City may push so hard that the development becomes luxury lots and that is not smart land use in his opinion. He believes that the City needs to be more realistic in its capital program. He is not at the point of pulling the interchange out but he certainly recognizes the challenges.

Councilmember Oravits stated that the traffic interchange pot has been expanded and he asked how John Wesley Powell to Fourth Street ties into the conversation with the developments, traffic and cost. Mr. Copley offered that there are some unknowns with regards to costs associated with the construction of John Wesley Powell; staff has been having discussions with property owners to find out what kind of improvement district could be formed and how that might fit into this equation.

Mayor Nabours asked if the cost for the John Wesley Powell connection is included in the current Juniper Point TIA. Mr. Bauman explained that John Wesley Powell is one of the options available to Juniper Point as a possible secondary access; the Lone Tree traffic interchange would also serve this purpose. Mayor Nabours stated that he would rather see the money spent on the John Wesley Powell extension rather than put into the pot for an interchange that may never happen.

Councilmember Oravits stated that out of all those developments there is \$6 million being put towards a project that may never happen; he asked what the \$6 million would do if it was directed to a project that can happen. Mr. Bauman explained that the cost estimate for the John Wesley Powell extension is \$18.7 million for a bare bones, two lane road.

Mayor Nabours asked if the cost of the John Wesley Powell extension would be another expense to Juniper Point. Mr. Naifeh stated that it would be another expense; the portion Juniper Point is responsible for is \$5.33 million.

Councilmember Evans stated that she believes that the development needs to pay for itself, she explained that she does not hear the developer saying it does not want to pay for the development but rather that there is some reasonableness factor that is not being considered. She stated that she has seen the Lone Tree traffic interchange cost go from \$20 million to over \$100 million and it does not appear that it will happen any time soon. With that being said, she questions that the Lone Tree interchange should be included in a development agreement.

Vice Mayor Barotz asked Mr. Naifeh about the workforce housing and if the developer is committing to a price point in advance. Mr. Naifeh explained that they are looking at small lots that are designed and targeted for workforce housing; it is hard to do million dollar homes on small lots. He cannot give a price point but he feels that there are builders out there who can provide a better product at a better price than the current inventory. It is smaller lots and bigger supply.

Councilmember Putzova stated that she is hearing from the developer that the impact should be reduced. She asked if another traffic solution is developed or assigned if it would be in line with the impact of the development. She explained that the focus should be on the cost to remedy the impact of development in the area and if it is not the interchange she asked what it is and what it costs. Mr. Naifeh stated that the money going to the interchange is a barrier for development in that area. It is stopping the community from getting affordable housing.

Vice Mayor Barotz stated that she feels that there is more than one goal, but would argue that an equally important goal is not to increase congestion. She cannot support having one goal trump another in the land use agreement. She is not in support of using the money for the Lone Tree interchange for the John Wesley Powell extension.

Councilmember Oravits stated that he supports looking at the arrangement and what can be accomplished with possible alternatives.

Councilmember Overton cautioned that if the Lone Tree interchange is taken out completely it may lock the City into John Wesley Powell as the only solution for traffic impact. He would like to provide as much flexibility as possible to property owners and the City.

Councilmember Brewster stated that she would like to look at alternatives with regards to traffic as the interchange does not look like it will happen anytime soon.

Councilmember Putzova stated that Council is considering changing the requirement for development to pay for transportation impact and the real reason is to facilitate development. She is not supportive of doing so in this manner. Councilmember Evans disagreed stating that Council is discussing the issue because there is no certainty in the interchange. She is not suggesting removing the interchange from the equation all together but to use those monies to fix another road to mitigate traffic. Councilmember Putzova stated that the sequence of decisions should be to figure out the transportation solution in the area and if it is not the interchange then something else, determine the cost and assign a proportionate share to

development. Councilmember Evans offered that the FMPO has a map with other solutions that have been identified; she would like to see staff analyze the map and identify other solutions that would address the issues in that area.

Mr. Solomon clarified that the direction of Council is to reduce the amount that goes toward the Lone Tree interchange from development and directing staff to look into those means and alternatives to be brought back to Council. Mayor Nabours stated that no decision is being made but rather some direction on what Council would like to evaluate. Mr. Solomon stated that the direction of Council is for staff to identify options and costs, get input from the developers and bring them back to Council for further direction.

A break was held from 8:17 p.m. through 8:27 p.m.

6. Discussion on Flagstaff Town Hall - Indigenous Peoples

Assistant to the City Manager Stephanie Smith provided a PowerPoint presentation that covered the following:

FLAGSTAFF TOWN HALL INDIGENOUS PEOPLES
COUNCIL DIRECTION, SPRING 2016
PROPOSED STRATEGY – GOAL
PROPOSED STRATEGY

Councilmember Putzova stated that her original request was to engage the Council in discussion about declaring an Indigenous Peoples Day not only as a symbolic gesture to recognize historic injustices of the Native American community but more importantly, to engage in a process that would bring about meaningful improvements. She would like to make progress on the action plan that will result from the community forums and designate the second Monday in October as Indigenous Peoples Day. She stated that over the spring and summer she met with a diverse group of people from all walks of life, people who have different tribe affiliations, people of all ages and professions. She tried to facilitate a discussion process and many of the ideas that came up will be discussed further by Ms. Smith.

Ms. Smith continued the presentation.

PROPOSED STRATEGY: PROPOSED TOPICS
COUNCIL INPUT ON TOWN HALLS
POSSIBLE TOWN HALL PARTNER HOSTS
OUTREACH
FORMAT
FACILITATION
NEXT STEPS
SUGGESTED DATES/LOCATION
DRAFT OUTREACH

Mayor Nabours stated that he would like to invite or reach out to the tribal councils at least in northern Arizona to invite all or a representative to participate and contribute. He likes the idea of several evenings of town halls so if there is interest in a particular area people can pick and choose which evenings to attend.

Councilmember Evans offered that the economic impact of tribes in the region is large and the community needs to understand this impact; she stated that she would like to see a topic on economic impact. She added that it would be helpful to have a report of each session posted on the website and in written format. She also suggested having the meetings streamed or

recorded for viewing by those who may not be able to attend. She stated that translation services may be something to consider for the meetings as well as possibly partnering with NAIPTA for transportation services to get people to the town halls.

Ms. Smith was thankful for the suggestions and offered that documenting the input received is very much a part of the strategy; whether it happens after each town hall or at the end of the series will depend on the timing between sessions.

Councilmember Overton asked what staff is envisioning as the format for each town hall session. Ms. Smith stated that many of the details are going to be worked out when partnering with a facilitator or co-host. There will be some sort of presentation at the start but the goal is really to hear from as many people as possible at the event. Councilmember Putzova added that she has recently heard that the timeline is a little bit too aggressive and may not leave enough time for reflection. She suggested starting with two sessions in November with a break for the holidays and resume in January. She also suggested switching the topics a little bit to frame and highlight some of the issues that will be heard throughout the series. She suggested starting with race, culture and social justice for the first meeting and homelessness for the second session. She also stated that two hours may not be enough time and it would be better to offer a three hour time window.

The following individuals addressed Council in support of Indigenous Peoples Day:

Jamie Yazzie
Makairyn Marks
Makaius Ruben Marks
Marnie Vail
John Viktora

The following comments were received:

- There are still ignorance and racism issues that isolate the indigenous community.
- I am excited to see this moving forward and having community conversations.
- Environmental Justice should be added as a topic for one of the town hall sessions.
- Christopher Columbus enslaved many Native Americans and he is called a war hero, many other war heroes do not have their own day.
- Indigenous people have long been a part of the community of Flagstaff and lived here before Flagstaff was established.
- Native American lives and cultures have faced serious mistreatment in Flagstaff.
- Last year nearly a dozen cities across the United States renamed Columbus Day as Indigenous Peoples' Day.
- This process is one of accountability and these changes must be systematic, culturally appropriate, transparent and implemented through policy actions of the City Council.
- The sessions should extend beyond the month of October and suggest two sessions in November and the remaining in January.
- Recommend three hour sessions with allowances for additional time if needed.
- Suggest that local organizations or town hall partnering hosts be free to choose a facilitator.
- The Flagstaff Indigenous Peoples' Day working group will help facilitate break-out sessions on the Saturday following each town hall.
- Encourage the City Council to attend and participate in the town hall sessions.
- There is hope that this work will dove tail into a truth and reconciliation process to find some measure of healing.
- This is an Anglo document, how much Native American input went into its creation?
- Suggest establishing goals of respect, honor and cooperation.

Written comment cards in support of Indigenous Peoples' Day were submitted by the following:

Sallie Kladnik
Maria Archibald
Ned Begay
Lauren Brehan
Dawn Dyer

Councilmember Putzova offered that staff remain flexible when it comes to facilitators. She hopes that the process can be structured in a way so it is driven by the Native American community because they deserve all the respect and for the City to follow their lead in how these issues are addressed and discussed.

7. Development Tax Incentives and Proposal for Incentive Related to Project at I-40 and Country Club

Community Investment Director David McIntire provided a PowerPoint presentation that covered the following:

RETAIL DEVELOPMENT TAX INCENTIVES
PUBLIC SUPPORTED ECONOMIC DEVELOPMENT
SOME EXAMPLES OF THIS TOOL IN ARIZONA
GENERAL PURPOSE
CONSIDERATIONS
REQUIRED FINDINGS
OTHER LEGAL REQUIREMENTS
VINTAGE PARTNERS
GEOGRAPHIC LOCATION MAP

Mr. McIntire introduced David Scholl from Vintage Partners to provide an update on the project.

Mr. Scholl offered that sales tax reimbursement tools have been used for 25 years in Arizona. It is a risk free proposal from a financial standpoint and is used for public benefited projects. Flagstaff is a place of scarcity, there is only a certain amount of commercial space available. This tool is not so much about getting the developer what they want but rather what the community wants and needs. The area is already zoned as highway commercial but it has sat undeveloped for many years and this development can address a need to have highway commercial, which is a scarce land use, moving forward with commercial development.

Mr. Scholl reviewed some of the things Vintage Partners hopes to achieve with the property.

- When they purchased the property they found that the original right-of-way for Country Club was not recorded in the right place. At the request of City staff they worked with ADOT to correct the right-of-way and that was done as part of the preliminary plat.
- They have worked with Habitat Harmony to focus on the relocation and preservation of prairie dogs in this location.
- It was made clear that preserving the Rio de Flag is very important and they voluntarily went to the Corp of Engineers and designated it as jurisdictional waters so that water course would be forever preserved and future development could not impact it.
- Vintage Partners was also asked by City staff if there was a way to expand the capacity for Lake Continental. The size and capacity will be expanded to further minimize the flooding downstream.
- Preservation of this area was also emphasized, the plans focus on trail connections, enhanced landscaping and more LID enhancements beyond what is required.

- The undocumented water and sewer easements that run through the area will be cleaned up.
- They have been asked to consider the area for possible future park additions as well as an area for possible snow play.
- Through a FEMA process it was determined that this development will take significant amounts of property out of the floodplain and make them developable.
- There is a portion of the property that Vintage Partners was asked by the neighbors and City staff to consider down-zoning to single family; they plan to do that with the development moving forward.
- Vintage Partners was asked to look for a solution to the Fanning Wash flooding and include that project as a part of the overall improvements to Soliere. As part of the project, Soliere is two lanes in both directions and the ask is that it is elevated to a main collector standard which will bring it to five lanes with bicycle lanes and sidewalks on both sides and median landscaping on the outsides of the road as well. There are other intersection improvements that the development has contributed to as well.

All of this represents a collaborative approach to solving some problems in the community as well as bring development and single family homes to the area. It is also estimated that almost 800 new jobs will be created in the area. The total project is \$9 to \$11 million depending on what is included. Vintage Partners is requesting to use some of the new found sales tax to cover up to \$2.5 million for half of the cost of the Soliere road improvements.

Vice Mayor Barotz stated that there was reference to listening to the community; she asked if Vintage Partners had community meetings and how they would define that process. Mr. Scholl stated that Vintage Partners had meetings with the people from Habitat Harmony, Friends of the Rio, Friends of Flagstaff's Future, snow play groups, City staff, Continental Country Club staff and neighbors. He added that they have been meeting with different people and groups for three to four years.

Vice Mayor Barotz asked if they looked at the City's Parks Master Plan and open space priorities. Mr. Scholl explained that they did look at those plans and priorities. He added that the Parks Department has land east of the property and they currently do not have the funds to make those active use parks. This land is natural to be added onto in the future if they get the funding and the trail connections were a desire from the community.

Mr. McIntire continued the presentation.

SPECIFIC PROJECT BENEFIT CONSIDERATION

Mayor Nabours stated that he has heard that there will be a big grocery store in this development; he asked if that grocery store is going to create new sales or if it will just take sales from existing grocery stores. He asked if those details would be identified with the third party report. Mr. McIntire explained that the shifting of sales from existing businesses to a new business is referred to as cannibalization. While one would assume some percentage of retail cannibalization will occur the idea of bringing in additional retailers to the market that are not well represented is one that will prevent further leakage. Leakage reports have been done and this area is a regional hub for retail; what this means is that more retail experience is seen in this area than one would expect from the population, meaning that people are coming in to the area specifically for retail. It can be assumed that some of this is due to the mall, but when it comes to things like a grocery store or other retailers there is the ability to look at that from the third party perspective. They can determine the percentage of cannibalization that will occur compared to the new sales and jobs that would be created.

Mayor Nabours indicated that he would like to understand how much money will be saved in

the stormwater system with the proposed improvements. Mr. McIntire explained that if staff brings back a development agreement those numbers can be fleshed out. There has been some due diligence already done, but before the resources are expended to do the third party study staff wanted to know if it is something that the Council wanted to consider.

Councilmember Putzova stated that the basic question is if the City is willing to incentivize retail and if this is the kind of market conditions where it is needed. The mall is not far from this site and it has not been at full capacity in recent years; there is also a grocery store nearby. If there is a market for retail, the retail will come. She indicated that she is not convinced that the City should incentivize retail.

Mr. McIntire offered that generally speaking the Economic Development section does not focus on retail; that being said retail is a significant part of the economy. This particular type of retail development could be seen as infill and there are areas within the City's retail environment that are underserved.

John Stigmon with ECoNA addressed Council and stated that tax incentives are sometimes good and sometimes bad. In certain situations they are valuable especially if they are giving back to the community and if the City does move in the direction of incentives there needs to be strong claw backs and criteria. In regards to this particular project there are about 2,500 households south of I-40 that do not currently have retail support. The realignment of Soliere could have significant benefit to the City and the two hotels that are going up in that area will bring more activity and will also relieve some pressure from Milton.

Mayor Nabours stated that he sees a big distinction between incentive that brings manufacturing and money from outside of town and enhancing the overall economy and retail that shifts money around. If there is demand for retail south of I-40 then the market will respond to that demand without incentives. He expressed that he is lukewarm on the idea of incentives for retail; however, if there are community benefits especially with regard to roads, infrastructure and stormwater then that is different. If the City will spend \$2.5 million anyway over the next ten years then this would simply be someone fronting the money for the work now and that is where his interest is. He would like to have staff approach the incentive from that perspective; if it is \$2.5 million that the City will spend anyway then there is at least a break even with the fringe benefit of getting property out of vacancy and into use.

Councilmember Overton stated that he believes that the proof is in the third party analysis. He feels that if the City has the resources to look at this it would be a good process to go through. It is also something that takes a tremendous amount of political capital and he does not want to put forth the effort if no one is willing to support it at the end of the day. This is something that Council has talked about for years; the City's capital program does not keep up with growth, development or infill. There are some valuable things that the developer has offered up. He would be in favor of continuing the process but with the understanding that, for him, it would come down to the analysis.

Mayor Nabours asked how much the third party analysis costs and who would be paying for it. Mr. McIntire explained that the City would pay for the analysis as the development could not be involved with the process. There is no process currently in place so the City would currently absorb those costs. If Council gives direction, a policy could be developed to recapture those costs through an application fee for future requests. There has been no formal procurement process for the analysis report but the cost is roughly \$2,000 to \$3,000.

Councilmember Brewster stated that she had lived in that area for several years and the road realignment really makes sense and some development is needed in that area. She is lukewarm as well on if she would be in favor of the third party report.

Councilmember Oravits indicated agreement with Councilmember Overton stating that the infrastructure in that area is in serious need of improvement. He would like to get a better understanding on the cost of the report first but is interested in seeing the data.

Councilmember Evans stated that she would like to see the third party analysis to make sure that the community benefit matches what is being given up. She indicated that claw backs are extremely important and she would request that they be included in any development agreement that is brought forward. Additionally, she would like to see staff work on developing a policy for this type of incentive and bring that back to Council to determine parameters so it is not dealt with on a case by case basis.

Mr. Scholl explained that the third party analysis cost is only a couple of thousand dollars because the finding that has to occur is that the City benefit will be higher than the incentive amount over some time period. It will not take a whole lot of study to find that the City will be getting at least what they are paying for with the road work. With regards to the cannibalization, the grocery store that they are working with already has a store in Flagstaff; they want to keep the existing store and add another because the market is saying it needs more grocery. The current tenants wanting to expand should give some comfort that sales tax will not just be moving around.

Councilmember Putzova offered that she is hoping to get some community input on the matter; infrastructure has a public benefit but is it the benefit that the community is seeking. The report is marginally important and would have very little impact to her unless the community is interested in the benefits. Before expending resources the public should weigh in on if they want the realignment of Soliere or the improvements that were presented or preserving that piece of land as open space. If the public says yes then the City should move to find out if the value is there. Vice Mayor Barotz agreed stating that she would like to get some sense from the community if they are interested in doing this first understanding that the City may incentivize retail. She is appreciative that Vintage Partners have done some meetings but she suspects many people in Flagstaff are not aware of this type of incentive.

Councilmember Evans offered that the first thing is to do is the analysis, then have a community work session after which would be a decision from the Council on the path forward. Mr. Copley suggested that when staff comes back with the report they can also come back with a community engagement strategy.

8. Review of Draft Agenda Items for the September 20, 2016, City Council Meeting.*

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

Charlie Silver addressed Council indicating that he was pleased to see item 17-C regarding transect zoning on the agenda for next week.

9. Public Participation

Charlie Silver addressed Council to clarify that a statement made during the first public participation section was from him.

10. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests.

Councilmember Evans stated that parking issues in Southside have ramped up again with

school starting. The parking plan is coming before Council in October and November; the community needs to know this. She requested an update to the community letting them know that the City is working on the plan and when the next meetings are. The residents in Southside do not see hope in sight and she believes that some kind of notice or public statement would be helpful in notifying people that a plan is coming forward. Mr. Copley stated that on October 11, 2016, Karl Eberhard will be presenting the parking plan to Council. The Streets Section and Police Department are also working on the issue of undefined curbs and some other issues that are being addressed. Staff will update the Southside on the issues and problems.

Councilmember Oravits requested that staff look at the Butler and Foxglenn area; there is a school zone speed limit that is set at 25 miles per hour and there has been concern from the neighborhood about the new Maverik there increasing traffic. He would like to see if there is a need to limit the speed to 15 miles per hour during school hours like all other school zones.

Mayor Nabours requested an agenda item to discuss the possibility of cancelling the meeting of November 8, 2016 due to the election. There is currently only one item on the agenda.

11. Adjournment

The Work Session of the Flagstaff City Council held September 13, 2016, adjourned at 10:45 p.m.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

I, ELIZABETH A. BURKE, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the Meeting of the Council of the City of Flagstaff held on September 13, 2016. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 4th day of October, 2016.

CITY CLERK

MINUTES

1. CALL TO ORDER

Mayor Nabours called the Regular Meeting of the Flagstaff City Council held September 20, 2016, to order at 4:01 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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

2. ROLL CALL

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

PRESENT:

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

ABSENT:

COUNCILMEMBER EVANS

Others present: City Manager Josh Copley and City Attorney Sterling Solomon

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

The audience and City Council recited the Pledge of Allegiance and Mayor Nabours read the Mission Statement of the City of Flagstaff.

MISSION STATEMENT

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

4. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- A. **Consideration and Approval of Minutes:** City Council Work Session of August 30, 2016; Regular Meeting of September 6, 2016; Special Meeting (Executive Session) of September 6, 2016; and the Special Meeting (Executive Session) of September 13, 2016.

Moved by Councilmember Scott Overton, **seconded by** Mayor Jerry Nabours to approve the minutes of the City Council Work Session of August 30, 2016; Regular Meeting of September 6, 2016; Special Meeting (Executive Session) of September 6, 2016; and the Special Meeting (Executive Session) of September 13, 2016.

Vote: 5 - 0 - Unanimously

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.

None

6. PROCLAMATIONS AND RECOGNITIONS

None

7. APPOINTMENTS

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

- A. **Consideration of Appointments:** Open Spaces Commission.

Moved by Councilmember Scott Overton, **seconded by** Mayor Jerry Nabours to appoint Libby Kalinowski to the Open Spaces Commission with a term expiring April 2017.

Vote: 5 - 0 - Unanimously

8. LIQUOR LICENSE PUBLIC HEARINGS

Mayor Nabours opened the Public Hearing for all three liquor license applications. He noted that the Police, Sales Tax, and Community Development departments had reviewed the applications and voiced no concerns. There being no public input, Mayor Nabours closed the Public Hearing.

Moved by Councilmember Jeff Oravits, **seconded by** Mayor Jerry Nabours to forward all three applications to the State with recommendations for approval.

Vote: 5 - 0 - Unanimously

- A. **Consideration and Action on Liquor License Application:** Lauren Merrett, "Texas Roadhouse", 2201 E. Route 66, Series 12 (restaurant), New License.
- B. **Consideration and Action on Liquor License Application:** Tina Martinez, "Casa Duarte", 1000 N. Humphreys, Suite 243, Series 12 (restaurant), New License.
- C. **Consideration and Action on Liquor License Application:** Danny Thomas, "Cork'N Bottle", 824 N. Beaver St., Series 09 (liquor store - all spirituous liquor), Person Transfer.

9. **CONSENT ITEMS**

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

Moved by Councilmember Scott Overton, **seconded by** Councilmember Eva Putzova to approve Consent Items 9-A and 9-B.

Vote: 5 - 0 - Unanimously

Councilmember Brewster arrived at this time (4:07 p.m.)

- A. **Consideration and Approval of Contract:** Approve the construction contract with JC Cullen, Inc., DBA Niles Radio Communications in the amount of \$54,243.75 for the installation of a SCADA Network Tower for the Woody Mountain well field in Coconino National Forest.
 - 1) Approve the construction with JC Cullen, Inc. DBA Niles Radio Communications in the amount of \$54,243.75.
 - 2) Approve Change Order Authority to the City Manager in the amount of \$5,423.00 (10% of contract amount).
 - 3) Authorize the City Manager to execute the necessary documents.
- B. **Consideration and Approval of Contract:** Increase SWCA, Inc. GIS Services contract 2016-25 in the amount of \$5,500.
 - Approve the contract amendment for \$5,500.

10. **ROUTINE ITEMS**

- A. **Consideration and Adoption of Ordinance No. 2016-31:** An ordinance amending Flagstaff City Code Title 2, Boards and Commissions, Chapter 2-12, Transportation Commission, for the purpose of adding oversight provisions regarding the progress and expenditures of the City's Road Repair and Street Safety Tax Revenues approved by voters in the election of November 2014.

Moved by Councilmember Jeff Oravits, **seconded by** Mayor Jerry Nabours to read Ordinance No. 2016-31 by title only for the final time.

Vote: 6 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING FLAGSTAFF CITY CODE TITLE 2, BOARDS AND COMMISSIONS, CHAPTER 2-12, TRANSPORTATION COMMISSION, FOR THE PURPOSE OF ADDING OVERSIGHT PROVISIONS REGARDING THE PROGRESS AND EXPENDITURES OF THE CITY'S ROAD REPAIR AND STREET SAFETY TAX REVENUES APPROVED BY VOTERS IN THE ELECTION OF NOVEMBER 2014, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Scott Overton to adopt Ordinance No. 2016-31.

Vote: 6 - 0 - Unanimously

- B. Consideration and Adoption of Ordinance No. 2016-33:** An ordinance of the Mayor and Council of the City of Flagstaff, Coconino County, Arizona, amending qualifications for members who serve on the Heritage Preservation Commission, by amending Title II, Boards and Commissions, Chapter 2-19, Heritage Preservation Commission; providing for severability, repeal of conflicting ordinances, and establishing an effective date.

Moved by Councilmember Scott Overton, **seconded by** Councilmember Eva Putzova to read Ordinance No. 2016-33 by title only for the final time.

Vote: 6 - 0 - Unanimously

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, AMENDING QUALIFICATIONS FOR MEMBERS WHO SERVE ON THE HERITAGE PRESERVATION COMMISSION, BY AMENDING TITLE II, BOARDS AND COMMISSIONS, CHAPTER 2-19, HERITAGE PRESERVATION COMMISSION; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Eva Putzova to adopt Ordinance No. 2016-33.

Vote: 6 - 0 - Unanimously

- C. Consideration and Adoption of Ordinance No. 2016-35:** An ordinance of the City Council of the City of Flagstaff, authorizing the City of Flagstaff to accept the deed of certain real property located at 2555 S. Beulah Boulevard, Flagstaff, Arizona to expand current City right-of-way and allow for construction of a public sidewalk along Beulah Boulevard.

Mayor Nabours clarified that the City was not paying for the sidewalk property. Ms. Lee replied that was correct; the development company was paying for it and then donating it to the City.

Moved by Councilmember Karla Brewster, **seconded by** Mayor Jerry Nabours to read Ordinance No. 2016-35 by title only for the final time.

Vote: 6 - 0 - Unanimously

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL, AUTHORIZING THE CITY OF FLAGSTAFF TO ACCEPT THE DEED OF CERTAIN REAL PROPERTY LOCATED AT 2555 S. BEULAH BOULEVARD, FLAGSTAFF, ARIZONA TO EXPAND CURRENT CITY RIGHT-OF-WAY AND ALLOW FOR CONSTRUCTION OF A PUBLIC SIDEWALK ALONG BEULAH BOULEVARD; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Karla Brewster, **seconded by** Councilmember Jeff Oravits to adopt Ordinance No. 2016-35.

Vote: 6 - 0 - Unanimously

D. Consideration and Approval of Consultant Services Contract: Beaver Street and Dale Avenue Bundle #2 Improvements (Road Repair and Street Safety Program) Project

Mayor Nabours said that they would take Items 10-D and 10-E together as they related to the same projects.

James Duval, Capital Improvements, reviewed these items through a PowerPoint presentation which addressed:

PRESENTATION OVERVIEW

PROJECT SCOPE - Vicinity Map

PROJECT SCHEDULE

Design Complete May 2017

Present GMP for Consideration by Council - June 2017

Construction Begins June 2017

Construction Complete August 2018

CONSULTANT SELECTION PROCESS

Qualifications Based Selection Process

Request for Statement of Qualifications

Two separate six-member selection committees evaluated submitting firms

Item 10-D - WLB Group was selected out of five submitted

Item 10-E - Eagle Mountain was selected out of three submitted

WLB GROUP - Design Consulting Contract

Time and Materials Based Contract \$231,160

\$12,000 Contingency

Change Order Authority to City Manager for \$22,000

Contract period is 704 calendar days

EAGLE MOUNTAIN - Construction Manager at Risk

Time and Materials Based Contract \$76,147.50

\$7,000 Contingency

Change Order Authority to City Manager for \$7,000

Contract period is 253 calendar days

PROJECT BUDGET & FUNDING

CMAR DELIVERY SYSTEM

WHY CMAR PROJECT DELIVERY SYSTEM FOR BUNDLE #2

Bret Petersen then reviewed the Road Repair and Street Safety Overview:

COMPLETED CONSTRUCTION
PROPOSED CONSTRUCTION
ANTICIPATED SCHEDULE

Mr. Petersen noted that it was difficult to read the projected schedule, but it could be viewed by everyone at www.flagstaff.az.gov/RoadSafety.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to approve the Professional Services Contract to The WLB Group, Inc. of Flagstaff, Arizona on a time a materials basis in an amount not to exceed \$231,160.00, which includes a \$12,000.00 contingency. The contract period is 704 calendar days; authorize Change Order Authority to the City Manager in the amount of \$22,000.00 (10% of contract amount excluding contingencies) for unanticipated or additional items of work; and authorize the City Manager to execute the necessary documents.

Vote: 6 - 0 - Unanimously

- E. Consideration and Approval of CMAR Design Phase Services Contract:** Beaver Street and Dale Avenue Bundle #2 Improvements (Road Repair and Street Safety Program) Project.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to approve the Construction Manager At Risk (CMAR) Design Phase Services Contract to Eagle Mountain Construction, Inc. of Flagstaff, Arizona on a time a materials basis in an amount not to exceed \$76,147.50, which includes a \$7,000.00 contingency; a contract period is 253 calendar days; authorize Change Order Authority to the City Manager in the amount of \$7,000.00 (10% of contract amount excluding contingencies) for unanticipated or additional items of work; and authorize the City Manager to execute the necessary documents.

Vote: 6 - 0 - Unanimously

- F. Consideration of Amendment to Lease Agreement:** Cogdill Recreation Center Lease With Boys & Girls Club of Flagstaff

Management Services Director Rick Tadder said that this is an amendment to the existing lease for the Cogdill Center with the Boys & Girls Club of Flagstaff. He said that this additional amount was discussed during the April budget retreat. He said that Tim Hansen from the Boys & Girls Club was present if they should have any questions.

Mayor Nabours asked Mr. Hansen how things were going. Mr. Hansen noted that he was the Immediate Past Chairman of the Board for the Boys & Girls Club, just ending his term. He said that it was going well at the club. They recently hired a new Executive Director and they have started their fall programming after a successful summer program, with over 70 kids a day.

He said that they are currently average 35-40 kids a day and the vast majority of those kids are on scholarship. He said that they have alternate programming with Flagstaff High School, Winslow High School and Holbrook High School, and are now providing after school at Pine Forest Charter School, averaging 40 kids a day. He said that those programs were self-funding, and were not impacting their budget in a negative way.

Moved by Councilmember Scott Overton, **seconded by** Councilmember Jeff Oravits to approve Amendment No. one to provide \$50,000 in continued funding to the Boys & Girls Club of Flagstaff for various recreational programs for under served youth within the Flagstaff community; and authorize the City Manager to execute the necessary documents.

Vote: 6 - 0 - Unanimously

RECESS

The 4:00 p.m. portion of the September 20, 2016, meeting recessed at 4:35 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Nabours reconvened the Regular Meeting of September 20, 2016, at 6:00 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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

11. ROLL CALL

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

PRESENT:

ABSENT:

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

NONE

Others present: City Manager Josh Copley and City Attorney Sterling Solomon

12. PUBLIC PARTICIPATION

- Charlie Silver, Flagstaff, read "A Lament for Flagstaff," written by Brad Gerver and published in the September 8, 2016, edition of the Arizona Daily Sun, noting that he agreed with his points.
- Anthony Garcia, Flagstaff, addressed the Council about how they would not need to worry about peace in the world if everyone would find peace within themselves.
- John Viktora, Flagstaff, commented on the documents prepared on the proposed Indigenous People town halls.

- Selest Manning, Flagstaff, presented a Citizen Petition to have the Dakota Access Pipeline placed on a future agenda.
- Marlena Garcia also addressed support for placing a discussion of the Dakota Access Pipeline on a future agenda.

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

None

14. **PUBLIC HEARING ITEMS**

- A. **Public Hearing for Resolution No. 2016-31:** A resolution of the Flagstaff City Council amending the Flagstaff Regional Plan 2030 by amending Chapter 3 to change the categories of Major Plan Amendments and establishing an effective date.

Mayor Nabours said that they have been working on this subject for several meetings, and would not be completing it tonight. He said that they would go for about an hour and get whatever public comment there is this evening, and then he would be calling a special meeting for next week at the beginning of the work session, to continue the public hearing.

Comprehensive Planning Manager Sara Dechter continued the PowerPoint presentation which addressed:

INTRODUCTION
PROPOSED AMENDMENTS
AMENDMENT CRITERIA - WE COVERED LAST TIME
SUMMARY OF ISSUES
AMENDMENT CRITERIA
WE WILL COVER TONIGHT
REGIONAL PLAN AREA AND PLACE TYPES

Ms. Dechter gave an example of deleting or reducing the scale of an activity center currently not requiring a Major Plan Amendment, but the proposed amendment would.

Councilmember Putzova said that the committee spent a lot of time talking about whether these were maps or illustrations and that was the concept that the voters approved. Ms. Dechter said that they have not treated it consistently as a map or illustration. She does not think that they conceptualized when working on it that anyone would ask to move an activity center, but they have already such a request. She said that they are hoping to clear up the inconsistency.

Councilmember Putzova said that the whole idea of illustrations versus maps came up from staff. Ms. Dechter said that staff admits that it came from them, but they have found that it is too loose and that is why they are back.

Councilmember Oravits asked what the voters saw it as. Ms. Dechter said that she would have a hard time answering that.

Councilmember Evans said that at some point they do need clarity. She said that they were talking about Chapter 3 now, and asked what it meant for the other chapters. Ms. Dechter said that it is different in different chapters.

Councilmember Brewster said that it appears to be dependent on how dense an activity is. Ms. Dechter said that is why they have rural, suburban, or urban types.

Vice Mayor Barotz said that those people living in a more rural area should not be treated differently than the other areas; they should all be consistent. Ms. Dechter said that she could bring back some options, talk to staff and run some scenarios.

Councilmember Overton said that he was okay with the way it is. He did not want to send staff off to create different options. He does not see the need to address the activity centers. He believes they should do nothing and leave it at the discretion and interpretation by staff.

Betsy McKellar, Flagstaff, said that she would like to jump ahead to the specific plans. She said that the pyramid showed up over and over and shown specific plans below the Regional Plan. The Regional Plan was supposed to have the answers and specific plans had less power. Now they are trying to say that the specific plans have more power than the Regional Plan.

Ms. Dechter said that some of the current language says that the Regional Plan cannot supersede a specific plan. The specific plans are not lesser plans because they are below a Regional Plan, but they are a more detailed plan. She said that they have always treated specific plans to a fairly high level of scrutiny and detail. The specific plans should confirm with the Regional Plan, but when they do not, they should amend the Regional Plan. She said that they have the same process for public involvement for a specific plan that they have for a Major Plan Amendment, except they do not follow the same timelines.

Councilmember Putzova said that for next week she would like to understand more the relationship between the Regional Plan, specific plans and codes.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to continue the Public Hearing to the September 27, 2016, Special Council Meeting at 6:00 p.m.

Vote: 7 - 0 - Unanimously

15. REGULAR AGENDA

- A. Consideration and Possible Adoption of Resolution No. 2016-20 and Ordinance No. 2016-25: Declaring as a Public Record that certain document known as the International Fire Code, 2012 Edition, and amendments, additions and deletions thereto and the 2016 Amendments to the Flagstaff City Code, Title 5, Fire Code and adopting said public record by reference.

Fire Marshal Patrick Staskey reviewed the current public outreach efforts. He said that the staff summary was updated with further research and additional information. They sent a letter out to all of the bars and restaurants (245) specifically stating that the updates to the 2012 adoption may bring changes to their businesses. Tomorrow morning he has an 8:00 a.m. presentation to the Chamber.

Mr. Staskey then reviewed the COMPARISON ANALYSIS which showed what the State adopted (blue), what was already in the City Code (green) and what was being proposed as an amendment by the City (yellow).

Police Legal Advisor Marianne Sullivan said that when the State adopted this Fire Code, it applies to any cities under 100,000 in population, so it does apply to Flagstaff. If they do not adopt this code the current ordinance would be in conflict with state law. She said that the blue is what they have to adopt; the yellow is what they are proposing in addition to the blue. She added that the yellow proposed wording can only strengthen the 2012 code; it cannot be less restrictive. An example given was the sky lanterns. These are not prohibited in the 2012 Code; however, in Flagstaff they felt it was not safe to allow them due to fire danger, so they are part of the amendments to prohibit them.

Discussion was held on sprinkler systems. Mr. Staskey said that the City previously adopted amendments that required sprinkler systems in commercial buildings above 5,000 sq. ft. and above three stores, and those in traditional neighborhoods. He said that they have moved that amendment forward to the new ones, eliminating the traditional neighborhood allowance because that is in compliance with state statutes. Fire Chief Gaillard clarified that they were not changing anything. He said that the yellow text regarding carbon dioxide systems they were recommending because they felt it needed clarification.

Mr. Staskey said that the bulk carbon dioxide systems are relatively new technology. They are seeing in businesses that it is less expensive for businesses to use a large storage bulk tank, similar to propane, but since that gas is odorless, it is not detected by humans and it can leak in the larger units. They have not had incidents in Flagstaff, but they have seen them occur in the Valley so it is a matter of safety.

Councilmember Oravits asked if the amendment would request or mandate compliance. Mr. Staskey said that the businesses would be required to comply, but they would provide them with a certain amount of time in which to do so.

Discussion was held on whether all of the changes would be retroactive. Chief Gaillard explained that the Fire Code in existence at the time a building is built is what applies, unless there is a threat to public safety. In this particular case, it would be a matter of public safety and they would be required to comply with the new regulations.

Moved by Councilmember Putzova to read Resolution No. 2016-20 by title only; motion failed due to lack of a second.

Additional discussion was held on the carbon dioxide tanks and staff said that they could make some changes for the final read to provide more clarification.

Discussion was then held on the proposed section regarding special events. Chief Gaillard said that they are proposing to codify what they already do with regard to special events. Councilmember Evans said that Parks and Recreation representation should be present at the meeting. Councilmember Oravits asked that the special event people also receive some public outreach.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to postpone action on the item for two weeks.

Vote: 2 - 5

AYE: Mayor Jerry Nabours
Councilmember Jeff Oravits

Moved by Councilmember Eva Putzova, **seconded by** Councilmember Coral Evans to read Resolution No. 2016-20 by title only.

Vice Mayor Barotz said that she would like to see the section of the Special Event packet that relates to these regulations.

Councilmember Oravits said that he was fine with most of the changes, but has serious questions on a few.

Staff was directed to bring back to the next meeting: 1) clean up of language on the carbon dioxide section; 2) additional information re the Special Events and the form used by Fire; and any feedback on the outreach that they receive tomorrow and over the next two weeks.

Vote: 5 - 2

NAY: Mayor Jerry Nabours
Councilmember Jeff Oravits

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT KNOWN AS THE INTERNATIONAL FIRE CODE, 2012 EDITION, AND AMENDMENTS, ADDITIONS AND DELETIONS THERETO AND THE 2016 AMENDMENTS TO FLAGSTAFF CITY CODE, TITLE 5, FIRE CODE

Moved by Councilmember Scott Overton, **seconded by** Councilmember Eva Putzova to read Ordinance No. 2016-20 by title only for the first time.

Vote: 5 - 2

NAY: Mayor Jerry Nabours
Councilmember Jeff Oravits

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, ADOPTING THE INTERNATIONAL FIRE CODE, 2012 EDITION AND AMENDMENTS, ADDITIONS AND DELETIONS THERETO AND THE 2016 AMENDMENTS TO FLAGSTAFF CITY CODE TITLE 5, FIRE CODE, BY REFERENCE

B. Consideration of Cancelling the November 8, 2016, Work Session.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Scott Overton to schedule the Work Session of November 8, 2016, at 4:00 p.m. rather than 6:00 p.m. due to the election.

Vote: 7 - 0 - Unanimously

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.

- A. Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Evans to place on a future agenda a discussion regarding a resolution re the Grand Canyon National Park Proposed Backcountry Management Plan.

Councilmember Evans said that she had requested this item because of the many people in Flagstaff that have contacted her regarding the negative impact that the plan would have with regard to the local tour businesses.

The following individuals spoke in favor of placing this item on an agenda to consider a resolution of opposition to a portion of the Grand Canyon National Park Proposed Backcountry Management Plan:

- Anthony Romero
- Scott Cundy
- Ben Murphy

Mayor Nabours asked why the National Park Service wants to do this. Mr. Cundy said that he believed it was similar to the river permits. The river companies have 80% of the river permits, leaving a small number for the private sector. He thinks they are afraid that the hiking world will become totally dominated, but right now it is about 13% of the backcountry use. He said that by moving to a concession system, they will be able to dictate prices and control how many people operate. It will be extremely limiting. He said that they had a meeting with the backcountry office, with 30-40 people in attendance, and if this is approved those companies will all go away.

It was noted that the amount of money coming into the Flagstaff area each year is in the millions because of these tour businesses. If that goes away it will negatively impact the City in a huge way.

A written comment in support of placing this item on a future agenda was submitted by John McCulloch.

Consensus of Council was to place this item on a future agenda. Councilmember Evans asked that those speaking tonight on this issue be invited back to speak when it is placed on the agenda.

- B. Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Evans to place on a future agenda the Creation of a Commission on Women's Issues.

Councilmember Evans said that there were 31 major American cities, including Phoenix, that had a Commission on Women's Issues, and Phoenix's has been in existence for 35 years. They focus on helping women with access to education, information and resources, domestic violence assistance, financial independence, etc., providing a vital link between government, community and women.

Councilmember Brewster asked if they would draw members from the community as a whole or ask for representatives from specific clubs or organizations. Councilmember Evans said

that she was not sure; that is why she would like to discuss this at a work session to talk about specifics.

Consensus of Council was to move forward to a future agenda.

- C. **Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Evans to place on a future agenda the discussion of Transect Zones.

Councilmember Evans said that they have put the community through enough; she did not think they should wait until the lawsuit is over to discuss this issue.

Charlie Silver, Flagstaff, supported placing this item on a agenda.

Councilmember Overton said that he fully supports having a discussion on Transect Zones, but he does not want to open it up to tear it all apart. He thinks they have a good place and he would argue that they should have the discussion to stand behind it. He did want to be sensitive to the legal challenges and court case.

Councilmember Evans said that it is not her intent to get into current court cases in which the Code has been applied. She is interested in having a work session on what it is, why they have it, and how it can be applied. She said that if they wait there could be another project come forward and they will be in the same position.

Consensus of Council was to move the item forward to a future work session agenda.

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

Councilmember Evans said that she would like to have a better understanding of the Citizen Petition process.

Councilmember Evans requested a FAIR item for a resolution on the Greater Grand Canyon National Heritage (this request was withdrawn by Councilmember Evans after the meeting).

19. **ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held September 20, 2016, adjourned at 9:01 p.m.

MAYOR

CITY CLERK

CERTIFICATION

I, ELIZABETH A. BURKE, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the Meeting of the Council of the City of Flagstaff held on September 20, 2016. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 4th day of October, 2016.

CITY CLERK

MINUTES

1. Call to Order

Mayor Nabours called the Special Meeting of September 27, 2016, to order at 4:00 p.m.

2. ROLL CALL

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

PRESENT:

ABSENT:

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

NONE

Others present: City Manager Josh Copley and City Attorney Sterling Solomon.

3. Recess into Executive Session.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to recess into Executive Session for legal advice concerning the Regional Plan Amendments to Chapter 3; and personnel issues related to the City Manager Evaluation Process.

Vote: 7 - 0 - Unanimously

4. Executive Session:

The Flagstaff City Council recessed into Executive Session at 4:00 p.m.

- A.** Discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to A.R.S. 38-431.03(A)(3).
 - i.** Regional Plan Amendments to Chapter 3.
- B.** Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting, pursuant to A.R.S. 38-431.03(A)(1).
 - i.** City Manager Evaluation Process.

5. Adjournment

The Flagstaff City Council reconvened into Open Session at 5:30 p.m. at which time the Special Meeting of September 27, 2016, adjourned.

MAYOR

ATTEST:

CITY CLERK

MINUTES

1. Call to Order

Mayor Nabours called the Special Meeting of September 27, 2016, to order at 6:02 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this work session, 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. Pledge of Allegiance

The audience and City Council recited the Pledge of Allegiance.

3. Roll Call

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

PRESENT:

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

ABSENT:

NONE

Others present: City Manager Josh Copley and City Attorney Sterling Solomon

4. **Public Hearing for Resolution No. 2016-31:** A resolution of the Flagstaff City Council amending the Flagstaff Regional Plan 2030 by amending Chapter 3 to change the categories of Major Plan Amendments and establishing an effective date.

Mayor Nabours said that this was a continuation of the Public Hearing held last week on the proposed amendments to Chapter 3 of the Regional Plan. He said that they would hold the hearing for about an hour and then it would be continued to next week and they would move to the next item on this evening's agenda.

Comprehensive Planning Manager Sara Dechter continued her PowerPoint presentation:

MAJOR PLAN AMENDMENTS, ACTIVITY CENTERS

Ms. Dechter said that the way that the City of Flagstaff has set up their rules (which are not consistent with the state), there are not many procedural differences between a Special Plan and a Major Plan Amendment except the annual timeline which comes from the state statutes.

She said that they are proposing to move away from the acreage threshold of 5, 10 and 20 acres, and move to a goal of using the characteristics to determine up or down. She said that there would be a little interpretation by staff, but they could do that consistently across the City, especially once they get more Special Plans adopted.

Ms. Dechter then gave some examples. She said that currently any change from rural to suburban, up in density of more than 20 acres, is a Major Plan Amendment. She said that there were very few parcels within the City that were more than 20 acres and the proposal would be to make that a Minor Plan Amendment. She said that it all comes down to providing the right information, at the right time, for the right decision by Council.

Vice Mayor Barotz said that she was concerned about a consequence that they may not be seeing at this time. She said that when they voted in the past on transect zones, it was never brought to their attention that a whole part of a block downtown could be combined. When they saw the drawings they saw little bungalows.

Councilmember Putzova said that in all of it, the combining or splitting of parcels may trigger a minor or major amendment, because they do have thresholds. She asked if there was a way to work in some language that it cannot be used to circumvent that. Ms. Dechter said that she would have to ask Legal to respond to that. She said that she does not review annexations or rezonings if they are within the proper areas.

Mayor Nabours asked if it would be a Minor Plan Amendment if the parcel was less than 20 acres currently. Ms. Dechter said that was correct. Since there are so few parcels over 20 acres, staff had suggested that those be put in with the others and come up with a different criteria, making them all Minor Plan Amendments, but people argued against that. The people felt that the rural areas were significant and were talked about in the Regional Plan as areas to preserve.

She reviewed the different options:

Option A - The proposed Criteria

Option B - Moving Existing Activity Center would be Major and Future Activity Centers would be Minor

Option C - All Moves of the Activity Center would be Major

Option D - Moving a Regional Scale Activity Center would be Major and Neighborhood-Scale would be Minor

She said that staff was recommending Option A, "moving the center of an activity center more than 1/2 mile from its original location would require a Major Plan Amendment." She said that the people in the rural areas said they were more aware of Major Plan Amendments than they may be as aware of a Minor.

Discussion was held on the various options. Vice Mayor Barotz said that she was not prepared to support one over the other this evening. Councilmember Putzova said that she would like to understand how splitting and combining parcels factors into this and keeping that original provision.

Ms. Decter then reviewed Major Plan Amendments with regard to Corridors and Great Streets. She said that this situation is one that triggered a request from the Planning and Zoning Commission. She said that they have some problems with categories related to Corridors and Great Streets. She and Legal have looked at other communities and have not found roads and road locations in their Major Plan Amendment criteria.

She said that it means that if they are far away from an Activity Center and are proposing commercial activity, it should be a Major Plan Amendment. The problem is that they do not have maps that show activities, and she does not think they could enforce this. To have a Plan Amendment, they have to change a map or text in the Regional Plan.

She said that they felt this was a poorly written category. To her it is a strong issue in the table that they currently have. Regardless of other changes, she would encourage Council to delete this category. Councilmember Evans asked if there was a way to write it correctly. Ms. Decter said that she did not think so. They do not discuss activities anywhere in the plan.

Councilmember Evans asked if they could pull information out of the other sections and use it here to clarify the language. Ms. Decter said that she would need to think about that.

Ms. Decter reviewed some of the issues related to the Corridors and Great Streets, which included:

1. Only additions/not deletions
2. New roads are common and necessary in newly-subdivided areas
3. Land use/transportation were integrated at a citywide scale
4. Need for a road may not be identified until later in the subdivision process or through the process outside of development review.
5. Commercial activities category is amendment with noting to amend
6. The blue bubble areas show need for roads, but adding future road will require an amendment

She said that they were proposing that this criteria be delivered and have all of these things as Minor Plan Amendments. She said that they could not find a template anywhere in Arizona where they did it the current way.

Councilmember Evans asked how much of a chapter of the Regional Plan can the Council eliminate or change without sending it back to the voters again. Mr. Solomon said that they can find out the threshold and let Council know.

Mayor Nabours and Councilmember Overton said that they agreed with staff on this one.

Councilmember Putzova said that when they were discussing this through the committee process, they spent a great amount of time looking at the network and where streets and Corridors are. They understood that once they identify the corridors, it was important that the Major Plan Amendment required 2/3 of the Council and while it may seem beneficial to have a more detailed plan, the key question that the committee was thinking about is where development will go. When they change the future roads and their plans, then they are changing the direction approved by the committee and the voters. She was not sure she would support that. She would have to think about it more.

Ms. Dechter said that they also have a controlled discretion of what is required for a Minor Plan Amendment. Right now the procedures are the same as a zoning case; however, the Council could require all decisions to be made with a 2/3 approval. Councilmember Evans thanked Ms. Dechter for reminding them of that. She said that when it comes to some of these, she would like to see the 2/3 come before some of the other things. It may be easier for some of them to agree if they knew there was already a 2/3 requirement in place.

Ms. Dechter said that at the next meeting she would go through the Activity Center options discussed last time and probably move on to Minor Plan Amendments.

Vote: 7 - 0 - Unanimously

5. **Adjournment**

The Special Meeting of September 27, 2016, adjourned at 7:11 p.m.

WORK SESSION

1. **Call to Order**

Mayor Nabours called the Work Session of September 27, 2016, to order at 7:11 p.m.

2. **Preliminary Review of Draft Agenda for the October 4, 2016, 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 noted that they would be considering the Fire Code again at next week's meeting. A few of the councilmembers would be meeting with staff to further clarify some of the concerns.

3. **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.

None

4. Review and Discussion of Title 11.20.100 Land Splits and Combinations.

Current Planning Manager Mark Sawyers reviewed a PowerPoint presentation which addressed:

TITLE 11: GENERAL PLANS & SUBDIVISIONS
RESIDENTIAL ZONES: BUILDING FORM STANDARDS

Mr. Sawyers said that they would be focusing the presentation on residential districts.

LOT SIZE AND WIDTH

Mr. Sawyers explained how the front property setback is determined, noting, for example, with a pie-shaped lot, it starts when the lot measures 60 feet wide. He then reviewed the history of what occurred with the Silver Spruce parcel. He said that the property owner took advantage of the new provision to the Zoning Code from 2011 that allowed for a lot size of 6,000 sq. ft.

Mr. Sawyers said that if the Council would like staff to do some research as to how they could have a better uniform lot width that would assure better compatibility of lot widths within all zoning districts, and address irregular shapes they could give staff that direction and they would come back with options.

Councilmember Evans asked how they could have worded it better to address the Council's intent. She said that there seems to be a lot of loopholes in the Code.

Mayor Nabours asked if the proposed house meets the setback from the side property line. Mr. Sawyers said that it would be reviewed as part of the building permit. He said that the lot measures 60' at the front yard setback of 15'. They would still have to comply with the side yard setback as part of a building permit application. In reviewing the dimensions, Mayor Nabours noted that the house could only be 27 feet wide.

Mr. Sawyers said that if they looked comprehensively throughout the City they would find a lot of irregular shaped lots. He said that a lot of cities have some assurance that do not allow such things as flag lots.

Mr. Sawyers said that in the 1990's there was a lot of movement to make provisions in the Zoning Code to address affordable housing. There were a lot of options, including such things as granny flats. This included a lot of smaller lot sizes, smaller setbacks and density changes. At that time the Council knew they were setting some gentle parameters on lot dimensions, but not governing it too much base they wanted to see more infill lots created.

Vice Mayor Barotz asked if staff anticipated this type of configuration when they brought forward this recommendation in the 2011. Mr. Sawyers said that this is an extreme configuration in his experience.

Councilmember Evans asked if the property owner had split the property to provide for the ability to build a building he could not build on one parcel, and once it was built planned on combining them again. Mr. Sawyers said that he was trying to get another lot so he could get a fee simple lot that he could sell.

Councilmember Evans asked Mr. Sawyers if he thought this would negatively impact the property values. Mr. Sawyers said that he did not know; they would need an appraisal to answer that question.

Councilmember Overton said that they have spent a lot of time over the past few years talking about accessory buildings. They were trying to encourage better land use, more dense land use.

Vice Mayor Barotz said that when she voted on the Zoning Code amendments in 2011, she did not realize her vote would allow something like this. She would like to see them at least address these extreme situations.

Councilmember Brewster said that she was not in favor of the extreme situations, but asked if it was not true that the smaller homes on smaller lots helps to bring down the cost of homes. Mayor Nabours said that theoretically that was true.

Steven Jenner, Flagstaff, then came forward noting that he lived across the street from the lot on Silver Spruce. He said that there is presently a home being built on the lot, and it was 26 feet wide. He said that it does not fit in the character of the neighborhood at all; the rest are 45 feet wide. He said that they filed a complaint back in June against the City, but recently withdrew mainly due to financial reasons. He said that they should look at the language used by the County; they measure lots at midpoint.

Vice Mayor Barotz said that when this comes back it would be good to talk about required notification.

Consensus of Council was to ask staff to bring back some suggested language to address these extreme parcels.

Councilmember Evans said that when they were first looking at this they were trying to meet the needs of the public. It seems that there are people whose intent is on finding the loopholes. Now she feels that they have to start looking at every loophole possible, and she hates to be that way.

5. Review of Draft Agenda Items for the October 4, 2016, City Council Meeting.*

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

None

6. Public Participation

None

7. Informational Items To/From Mayor, Council, and City Manager, and future agenda item requests.

None

8. Adjournment

The Combined Special Meeting/Work Session of September 27, 2016, adjourned at 7:58 p.m.

MAYOR

CITY CLERK

CERTIFICATION

I, ELIZABETH A. BURKE, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the Meeting of the Council of the City of Flagstaff held on September 27, 2016. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 4th day of October, 2016.

CITY CLERK

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Patrick Staskey, Fire Marshal
Date: 09/27/2016
Meeting Date: 10/04/2016



TITLE

Presentation of Heroism Award: To Jessica Hallett, Flagstaff Police Department Dispatcher, and Clint Bleeker, Citizen

RECOMMENDED ACTION:

Presentation and Recognition of a Heroism Award

EXECUTIVE SUMMARY:

Presentation of Heroism Award to Jessica Hallett, Flagstaff Police Dept., and Clint Bleeker, Citizen

INFORMATION:

Just after 16:00 PM on July 24 th of this year the Flagstaff Fire Department was dispatched to the 5000 block of Enterprise in east Flagstaff for a patient having difficulty breathing. While en route crews were advised that the patient's condition had deteriorated and that CPR was in progress. FPD dispatcher Jesica Hallett quickly began to give Mr. Bleeker CPR instructions over the 911 phone line.

When crews from FFD and Guardian Medical Transport arrived they found the patient lying on the floor of an office with quality CPR in progress by Mr. Clint Bleeker. FFD and GMT responders combined efforts and performed life saving skills and interventions on a lethal dysrhythmia that was present from the patient's heart. After approximately 15 minutes of CPR the patient regained a pulse and was transported immediately to FMC. To our knowledge the patient has made a full recovery. Cheifs Gaillard and Treadway would like to thank the dispatcher (Jessica Hallett) who gave CPR instructions via the 911 system, and the citizen (Clint Bleeker) who performed these lifesaving efforts for a job well done. These recipients responded as home town heroes in saving the life of a fellow citizen.

Attachments:

No file(s) attached.

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 09/27/2016
Meeting Date: 10/04/2016



TITLE:

Consideration of Appointments: Airport Commission.

RECOMMENDED ACTION:

Make two appointments to terms expiring October 2019.

Executive Summary:

The Airport Commission consists of seven citizens, and is responsible for reviewing and reporting to the Council on the development of the Airpark and on matters affecting the operation and efficiency of the airport, using the Airport Master Plan as a guide. There are currently two seats available. It is important to fill vacancies on Boards and Commissions quickly so as to allow the Commission to continue meeting on a regular basis.

There are four applications on file and they are as follows:

Mary Lou Hagan (existing commissioner)
Leslie Jackson (new applicant)
Blaine Stuart (new applicant)
Allen Turner (new applicant)

In an effort to reduce exposure to personal information the applicant roster and applications will be submitted to the City Council separately.

COUNCIL APPOINTMENT ASSIGNMENT: Councilmember Oravits and Mayor Nabours

Financial Impact:

These are voluntary positions and there is no budgetary impact to the City of Flagstaff.

Connection to Council Goal and/or Regional Plan:

There is no Council goal that specifically addresses appointments to Boards and Commissions; however, boards and commissions do provide input and recommendations based on City Council goals that may pertain to the board or commission work plan.

Has There Been Previous Council Decision on This:

None.

Options and Alternatives:

- 1) Appoint two Commissioners: by appointing members at this time, the Airport Commission will be at full membership, allowing the group to meet and provide recommendations to the City Council.
- 2) Table the action to allow for further discussion or expand the list of candidates.

Community Benefits and Considerations:

The City's boards, commissions, and committees were created to foster public participation and input and to encourage Flagstaff citizens to take an active role in city government.

Community Involvement:

INFORM: Board members and City staff have informed the community of these vacancies though word of mouth in addition to the vacancies being posted on the City's website.

Attachments: [Airport Commission Authority](#)

**CHAPTER 2-11
FLAGSTAFF AIRPORT COMMISSION**

SECTIONS:

- 2-11-001-0001 COMMISSION CREATED:
- 2-11-001-0002 COMPOSITION; TERMS:
- 2-11-001-0003 ORGANIZATION:
- 2-11-001-0004 COMPENSATION:
- 2-11-001-0005 MEETINGS:
- 2-11-001-0006 ACTIONS OF THE COMMISSION:

2-11-001-0001 COMMISSION CREATED:

There is hereby established the Flagstaff Airport Commission to be composed of seven (7) members who shall meet as hereinafter provided to consider and deliberate upon matters of concern to the City Council and citizens that affect the operation and efficiency of the airport toward the end of providing an optimum level of services within available resources using the Airport Master Plan as a basic guide. (Ord. 1897, Amended, 11/21/95)

2-11-001-0002 COMPOSITION; TERMS:

The composition of the membership of the Commission shall be as follows:

- A. Seven (7) members to be appointed by the City Council who shall serve for three (3) year terms, on a staggered basis.
- B. Ex Officio Members: The following persons shall be ex officio members of the Commission, but shall have no vote:
 - The Mayor;
 - The City Manager;
 - The Airport Manager;
 - The FAA Tower Operator.
- C. A quorum shall shall consist of four (4) voting members of the Commission. (Res. 1045, 9-20-77; Ord. 1897, Amended, 11/21/95; Ord. 2007-03, Amended, 02/06/2007; Ord. 2014-28, Amended, 11/18/2014; Ord. 2016-30, Amended, 07/05/2016)

2-11-001-0003 ORGANIZATION:

At the first meeting after appointment and at the first meeting held in any calendar year thereafter, the members of the Commission shall elect a Chairperson and Vice-Chairperson. (Ord. 2007-03, Amended 02/06/2007)

2-11-001-0004 COMPENSATION:

The members of the Commission may be reimbursed by the City for necessary travel and subsistence expenses, but shall not receive compensation for their services. Any such travel must be approved in advance by the City Council or the City Manager with all budgetary considerations taken into account.

2-11-001-0005 MEETINGS:

The Commission shall hold regular monthly meetings, which shall at all times be open to the public, the time and place of said meetings shall be posted in accordance with any currently applicable Arizona State Statutes regulating public meetings and proceedings (open meeting laws). Special meetings may be called by the Chairperson on twenty-four (24) hours' notice.

2-11-001-0006 ACTIONS OF THE COMMISSION:

A. The Commission, with the consent of the City Manager, may call on all City divisions for assistance in the performance of its duties, and it shall be the duty of such divisions to render such assistance to the Commission as may be reasonably required.

B. All discussions, deliberations, actions and recommendations of the Commission shall be advisory to the City Council, and such advisories as the Commission may from time to time make shall be forwarded to the City Council through the City Manager. (Res. 1045, 9-20-77)

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Barney Helmick, Airport Director
Co-Submitter: Adam Meile
Co-Submitter: Stacey Brehler-Knaggs
Date: 09/27/2016
Meeting Date: 10/04/2016



TITLE:

Consideration and Approval of Grant Agreement: A Grant Agreement between the City of Flagstaff and the Arizona Department of Transportation, Multimodal Planning Division Aeronautics Group for the Airport Drainage Study.

RECOMMENDED ACTION:

Approve the Grant Agreement with Arizona Department of Transportation, Multimodal Planning Division Aeronautics Group in the amount of \$315,000. This Grant will allow the Airport to perform a drainage study to assist in both future growth in the area and controlling the flow of water runoff downstream from the Airport. The FAA does require airports to keep a periodically updated drainage study.

Executive Summary:

The Federal Aviation Administration under Federal Air Regulation Advisory Circular 150/5320-5D gives the following guideline: "Storm drainage design is an integral component in the design of transportation facilities. Drainage design for transportation facilities must strive to maintain compatibility and minimize interference with existing drainage patterns, control flooding of the pavement surface for design flood events, and minimize potential environmental impacts from the facility-related storm water runoff."

A drainage system study was done prior to the lengthening of the runway in 2008. There are currently projects planned on airport, such as new hangar tenant projects, and off airport, such as the extension of JW Powell to Lake Mary Road, that could influence the existing storm water runoff from the airport. This study will assist in preparing for these as well as any changes that may have occurred since the 2008 runway project.

Financial Impact:

This Grant will cover \$315,000 (90%) dollars, the City of Flagstaff will cover \$35,000 (10%) for a total project cost of \$350,000. The project is budgeted in account number 221-07-222-3352-0-4421 for \$350,000.

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
- 6) Provide a well-managed transportation system
- 7) Continue to implement the Flagstaff Regional Plan and focus efforts on specific plans
- 11) Ensure that we are as prepared as possible for extreme weather events

Has There Been Previous Council Decision on This:

There has not been a previous Council Decision on this Grant Application for Airport Drainage Study.

Options and Alternatives:

The City of Flagstaff could accept this Grant which will cover 90% of the cost for the Airport Drainage Study. This would reduce the final cost to the City of Flagstaff by \$315,000.

The City of Flagstaff could reject this Grant and cover the entire cost. This would cost the City of Flagstaff \$350,000.

The City of Flagstaff could reject the Grant and not do the study, which could leave the City of Flagstaff at risk of punitive action by the FAA and EPA for not being compliant with Federal Standards.

Background/History:

In 2008, the Flagstaff Airport hired a consultant to do an Environmental Impact Study, which studied the storm water drainage from the runway extension. This included adding weirs in the drainage off of the airport in order to slow the water flow from large rain events from impacting down stream. Airport Staff must monitor all rain events that collect in the principle storm water runoff areas of the airport. They are monitoring for any possible containments that might be collected and discharged into storm water runoff. No illegal discharges have been found in the airport storm water runoff.

Key Considerations:

The routing of JW Powell from Pulliam Drive to Lake Mary Road will run adjacent to the existing Airport storm water runoff area. This project can help identify possible needs for the extension of JW Powell. The extension of JW Powell is important to the future of ground transportation for Flagstaff.

Community Benefits and Considerations:

This project will identify any needed changes or improvements to control storm water runoff down stream from the Airport.

Community Involvement:

Inform, this project will provide information for the Airport and community concerning the safe control of storm water runoff from the Airport

Attachments: [Grant Agreement](#)

**Arizona Department of Transportation
Multimodal Planning Division
Aeronautics Group**

Airport Development Reimbursable Grant Agreement

Part I

THIS AGREEMENT is entered into _____ between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION, through its Multimodal Planning Division (the “State”) and the CITY OF FLAGSTAFF, a political subdivision of the State of Arizona, (the “Sponsor”) for a grant of State funds for the purpose of aiding in financing a Project of *AIRPORT DRAINAGE STUDY* (the “Project”), for the improvement of the FLAGSTAFF PULLIAM Airport (the “Airport”).

WITNESSETH

Recitals:

- 1) The Sponsor desires, in accordance with the authority granted by Arizona Revised Statutes (A.R.S.) Section 28-8413, funds from the State for the purpose of airport planning and/or development.
- 2) The Arizona State Transportation Board, as approved on **June 17, 2016**, and the Director of the Arizona Department of Transportation, in accordance with the authority granted by A.R.S. Sections 28-304, 28-363, and 28-401 and Title 28, Chapter 25, A.R.S., have authorized reimbursement to the Sponsor of funds expended for airport planning and/or development.

Now, therefore, in consideration of the foregoing recitals and of the covenants and agreements made by the parties herein to be kept and performed, the parties agree as follows:

Sponsor’s Responsibility

- 1) The Sponsor shall accept this Agreement within 4 months of the date of the grant offer cover letter: **September 12, 2016**. This Grant offer, if not accepted by the Sponsor, shall expire at the end of the 4-month period.
- 2) The Sponsor shall commence the Project within 6 months of the date the grant was executed by the State. This Project will consist of the airport improvements as described in Exhibit C. The Sponsor shall proceed with due diligence and complete the Project in accordance with the provisions of this Agreement. The Sponsor shall provide and maintain competent supervision to complete the Project in conformance with the plans, specifications and work completion schedule incorporated as part of this Agreement.
- 3) The Sponsor shall submit completed Project Reimbursement and Milestone schedules, which shall be attached hereto, as Exhibit C, Schedules Two and Three respectively and shall complete the Project within that schedule. Any change

Grant Number E7S1V01P
City of Flagstaff
Flagstaff Pulliam Airport

to the schedule shall be submitted in writing and be approved by the State. A time extension beyond the State's obligation to provide funds herein must be reflected by formal Amendment to this Agreement.

- 4) The Sponsor shall comply with the Sponsor Assurances and abide by and enforce the General Provisions and Specific Provisions incorporated herein as Exhibits A, B and C respectively.

Obligations

- 1) The minimum funding participation from the Sponsor shall be **ten percent (10%)** as determined by the State.
- 2) The maximum reimbursement available from the State to the Sponsor for this Agreement shall be **three hundred fifteen thousand dollars (\$315,000)**
- 3) Except as otherwise provided herein, the State's obligation to provide funds hereunder expires upon completion of the efforts required herein or **September 11, 2020**, whichever is earlier.
- 4) The State may, after agreeing to provide said funds to the Sponsor, withdraw/terminate the grant if the Project has not been initiated as evidenced by a Notice to Proceed within 6 months of the date the grant was executed by the State or has not progressed as scheduled over a period of 12 months. If it becomes necessary to terminate a grant at any time, the State will reimburse expenses of the Sponsor, approved by the State, up to the time of notification of cancellation.
- 5) Sponsor acknowledges that in the event of a late payment or reimbursement by the State, the State shall have no obligation to pay a late payment fee or interest and shall not otherwise be penalized.
- 6) In the case where funds are no longer available or have been withdrawn or not appropriated, or the Project is no longer in the State's best interest, the State shall have the right of termination at its sole option. The State shall not reimburse any costs incurred after receipt of the notice of termination. The Governor pursuant to A.R.S. Section 38-511 hereby puts all parties on notice that this Agreement is subject to cancellation.

Preliminary Work Provision

Any preliminary work, for which costs for this Project were incurred after **June 18, 2016** shall be considered eligible for reimbursement provided that said costs are directly related to the Project on which this Agreement is written. The State shall review related records and determine eligibility at its sole discretion.

Part II

The Sponsor shall approve and attach to this agreement a resolution by its governing body that certifies as follows:

- 1) The Sponsor has the legal power and authority:
 - a) to do all things necessary, in order to undertake and carry out the Project;
 - b) to accept, receive and disburse grant funds from the State in aid of the Project.

2) The Sponsor now has on deposit, or is in a position to secure THIRTY-FIVE THOUSAND Dollars (\$ 35,000), or an equivalent amount represented by Sponsor's proposed labor and equipment costs, for use in defraying Sponsor's share of the costs of the Project. The present status of these funds is as follows:

AIRPORT - GENERAL FUND
(enter local funding type and location)

3) The Sponsor hereby designates RECK TADDER, MANAGEMENT SERVICES DIRECTOR
Name Title
to receive payments representing the State's share of project costs.

Signature of Sponsor's Representative
JOSH COPLEY, CITY MANAGER
Title of Representative

4) The Sponsor has on file with ADOT the following vendor identification and address for project payments:

Sponsor Vendor ID #: PZ000011618
Sponsor Vendor Address: 211 West Aspen
Flagstaff, AZ 86001

Exhibits

The following Exhibits are incorporated herewith and form a part of this Agreement.

- Exhibit A - Sponsor Assurances
- Exhibit B - General Provisions
- Exhibit C - Specific Provisions and Project Schedules

STATE:

State of Arizona
Department of Transportation
Multimodal Planning Division

By: _____
Title: Michael Kies, Assistant Director
Date: _____

SPONSOR:

City of Flagstaff
Flagstaff Pulliam Airport

By: _____
Title: JOSH COPLEY, CITY MANAGER
Date: _____

WITNESSED BY:

Signature: _____
Print Name: _____
Date: _____

WITNESSED BY:

Signature: _____
Print Name: ELIZABETH BURKE, CITY CLERK
Date: _____

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A

Sponsor Assurances

Upon acceptance of the grant offer by the Sponsor, these assurances will become a part of this Agreement. The Sponsor hereby covenants and agrees with the State as follows:

General

- 1) That the Project is consistent with plans (existing at the time of approval of the Project) of political jurisdictions authorized by the State to plan for the development of the area surrounding the Airport and has given fair consideration to the interest of communities in or near where the Project is to be located. In making a decision to undertake any airport development Project under this Agreement the Sponsor insures that it has undertaken reasonable consultation with affected parties using the Airport at which the Project is proposed. All appropriate development standards of Federal Aviation Administration (FAA) Advisory Circulars, Orders, or Federal Regulations shall be complied with. All related state and federal laws shall be complied with.
- 2) That these covenants shall become effective upon execution of this Agreement for the Project or any portion thereof, made by the State and shall remain in full force and effect throughout the useful life of the facilities or the planning project's duration developed under the grant, but in any event, not less than twenty (20) years from the date of acceptance of the grant offer by the Sponsor.
- 3) The Sponsor certifies in this Agreement that it is a political subdivision of the State and is the public agency with control over a public-use Airport and/or on behalf of the possible future development of an Airport and is eligible to receive grant funds for the development or possible development of an Airport under its jurisdiction.
- 4) The Sponsor further agrees it holds good title, satisfactory to the State, to the landing area of the Airport or site thereof, or will give assurance satisfactory to the State that good title will be acquired.
- 5) That the Sponsor is the owner or lessee of the property or properties on which the Airport is located and that the lease guarantees that the Sponsor has full control of the use of the property for a period of not less than twenty (20) years from the date of this Agreement. All changes in airport ownership or to an airport lease shall be approved by the State.
- 6) The Sponsor agrees that it has sufficient funds available for that portion of the project costs which are not to be paid by the State (or the United States).
- 7) The Sponsor agrees to provide and maintain competent supervision to complete the Project in conformance with this Agreement.
- 8) Preserving Rights and Powers: The Sponsor agrees it shall not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions and assurances in this Agreement without written permission from the State, and shall act promptly to acquire, extinguish or modify any outstanding rights or claims of right by others which would interfere with such performance by the Sponsor. This will be done in a manner acceptable to the State. The Sponsor shall not sell, lease, encumber or otherwise transfer or dispose of any part of its title or other interests in the property shown on the airport property map included in the most recent FAA-approved Airport Layout Plan, or to that portion of the property upon which State funds have been expended, for the duration of the terms, conditions and assurances in this Agreement without approval by the State. If the transferee is found by the State to be eligible under Title 49, United States Code, to assume the obligations of this Agreement and to have the power, authority and financial resources to carry out such obligations, the Sponsor shall

insert in the contract or document transferring or disposing of Sponsor's interest and make binding upon the transferee all the terms, conditions and assurances contained in this Agreement.

- 9) **Public Hearings:** In Projects involving the location of an Airport, an airport runway or a major runway extension, the Sponsor has afforded the opportunity for public hearings for the purpose of considering the economic, social and environmental impacts of the Airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the State, submit a copy of such hearings to the State.

Financial

Pursuant to A.R.S. 35-326, the Sponsor may elect to utilize the Local Government Investment Pool ("LGIP") maintained by the state treasurer. The Sponsor shall request written approval from the State to use the LGIP. Thereafter, the State may deposit the funds authorized by the grant into the Sponsor's account. After approval of the reimbursements by the state, the funds shall be disbursed through the LGIP account to the Sponsor. The disbursements shall be made pursuant to the applicable laws and regulations.

The Sponsor shall establish and maintain for each Project governed by this Agreement, an adequate accounting record to allow State personnel to determine all funds received (including funds of the Sponsor and funds received from the United States or other sources) and to determine the eligibility of all incurred costs of the Project. The Sponsor shall segregate and group project costs into cost classifications as listed in the Specific Provisions of Exhibit C.

Record Keeping

The Sponsor shall maintain accurate records of all labor, equipment and materials used in this Project and that upon reasonable notice, shall make available to the State, or any of their authorized representatives, for the purpose of audit and examination all records, books, papers or documents of the recipient relating to work performed under this Agreement. For airport development Projects, make the Airport and all airport records and documents affecting the Airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the State upon reasonable request.

Airport Based Aircraft Reporting

The Sponsor shall furnish to the State on a quarterly basis, a current detailed listing (including: Registration/N Number, Name, Address and Phone Number of Owner) of all based aircraft on the Airport in a form approved by the State.

Airport Layout Plan

- 1) The Sponsor shall maintain a current signed/approved Airport Layout Plan (ALP) of the Airport, which shows building areas and landing areas, indicating present and planned development and to furnish the State an updated ALP of the Airport as changes are made.
- 2) The Sponsor shall be required to prepare an ALP for update or revalidation in accordance with current FAA and State standard guidelines. The ALP will indicate any deviations from FAA design standards as outlined in current FAA Advisory Circulars, orders or regulations. A copy of the signed/approved ALP in electronic format shall be forwarded to the State after authentication by FAA or the State.
- 3) The Sponsor shall assure that there are no changes to the airport property boundaries, together with any off-site areas owned or controlled by the Sponsor which support the Airport or its operations as a part of this project.

- 4) If a change or alteration is made at the Airport which the State determines adversely affects the safety, utility or efficiency of the Airport, or any State funded property on or off Airport which is not in conformity with the ALP as approved by the State, the Sponsor will, if requested by the State, eliminate such adverse affect in a manner approved by the State.

Immediate Vicinity Land Use Restriction

The Sponsor shall restrict the use of land, adjacent to or in the immediate vicinity of the Airport, to activities and purposes compatible with normal airport operations and to take appropriate action including the adoption of appropriate zoning laws. In addition, if the Project is for noise compatibility or to protect the 14 CFR Part 77 imaginary surfaces of the Airport, the Sponsor will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the Airport, of the noise compatibility program measures or the imaginary surfaces of the Airport upon which State funds have been expended.

Airport Operation

- 1) The Sponsor shall promote safe airport operations by clearing and protecting the approaches to the Airport by removing, lowering, relocating, marking and/or lighting existing airport hazards and to prevent, to the extent possible, establishment or creation of future airport hazards. The Sponsor shall take appropriate action to assure such terminal airspace as is required to protect instrument and visual operations to the Airport (including established minimum flight altitudes) will be adequately cleared and protected by preventing the establishment or creation of future airport hazards. The Sponsor shall promptly notify airmen of any condition affecting aeronautical use of the Airport.
- 2) The Sponsor further agrees to operate the Airport for the use and benefit of the public and to keep the Airport open to all types, kinds and classes of aeronautical use without discrimination between such types, kinds and classes; provided that the Sponsor shall establish such fair, equal and nondiscriminatory conditions to be met by all users of the Airport as may be necessary for the safe and efficient operation of the Airport; and provided further, that the Sponsor may prohibit any given type, kind or class of aeronautical use of the Airport if such use would create unsafe conditions, interfere with normal operation of aircraft, or cause damage or lead to the deterioration of the runway or other airport facilities.
- 3) In any agreement, contract, lease or other arrangement under which a right or privilege at the Airport is granted to any person, firm or corporation to conduct or engage in any aeronautical activity for furnishing services to the public at the Airport, the Sponsor shall insert and enforce provisions requiring said person, firm or corporation:
 - a) to furnish services on a reasonable and not unjustly discriminatory basis to all users thereof and charge reasonable and not unjustly discriminatory prices for each unit or service;
 - b) and be allowed to make reasonable and nondiscriminatory discounts, rebates or similar types of price reductions to volume purchasers;
 - c) each Fixed Based Operator (FBO) and Air Carrier at the Airport shall be subject to the same rates, fees, rentals and other charges as are uniformly applicable to all other FBOs and Air Carriers making the same or similar uses of the Airport and utilizing the same or similar facilities;
 - d) each Air Carrier using such Airport shall have the right to service itself or to use any FBO that is authorized or permitted by the Airport to serve any Air Carrier at the Airport.
- 4) The Sponsor shall not exercise or grant any right or privilege which operates to prevent any person, firm or corporation operating aircraft on the Airport from performing any services on its own aircraft with its own employees (including but not limited to maintenance, repair and fueling) that it may choose to perform. In the event the Sponsor

itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by a commercial aeronautical operator authorized by the Sponsor under these provisions.

- 5) The Sponsor shall suitably operate and maintain the Airport and all facilities thereon or connected therewith which are necessary for airport purposes and to prohibit any activity thereon which would interfere with its use for aeronautical purposes and to operate essential facilities, including night lighting systems, when installed, in such manner as to assure their availability to all users of the Airport; provided that nothing contained herein shall be construed to require that the Airport be operated and maintained for aeronautical uses during temporary periods when snow, flood or other climatic conditions interfere substantially with such operation and maintenance.
- 6) The Sponsor shall not permit an exclusive right for the use of the Airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, providing services at an Airport by a single FBO shall not be construed as an "exclusive right" if:
 - a) it would be unreasonably costly, burdensome or impractical for more than one FBO; and
 - b) if allowing more than one FBO to provide such services would require a reduction of space leased pursuant to an existing agreement between a single FBO and the Airport.

Note: Aeronautical activities that are covered by this paragraph include, but are not limited to: charter flights, pilot training, aircraft rental, sightseeing, air carrier operations, aircraft sales and services, aerial photography, agricultural spraying, aerial advertising and surveying, sale of aviation petroleum products whether or not conducted in conjunction with any other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity.

- 7) The Sponsor shall terminate any exclusive right to conduct an aeronautical activity now existing at the Airport before any grant of assistance from the State. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the Airport is used as an Airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with State funds.
- 8) Airport Pavement Preservation Program: The Sponsor certifies that they have implemented an effective pavement preservation management program at the Airport in accordance with Public Law 103-305 and with the most current associated FAA policies and guidance for the replacement, reconstruction or maintenance of pavement at the Airport. The Sponsor assures that it shall use and follow this program for the useful life of the pavement constructed, reconstructed or repaired with financial assistance from the State and that it will provide such reports on pavement condition and pavement management programs as may be required by the State.

Sponsor Transactions

The Sponsor shall refrain from entering into any transaction which would deprive the Sponsor of any of the rights and powers necessary to perform any or all of the covenants made herein, unless by such transaction the obligation to perform all such covenants is assumed by another public agency eligible to assume such obligations and having the power, authority and financial resources to carry out such obligations; and, if an arrangement is made for management or operation of the Airport by an agency or person other than the Sponsor, the Sponsor shall reserve sufficient powers and authority to insure that the Airport will be operated and maintained in accordance with these covenants or insure that such an arrangement also requires compliance therewith.

Airport Revenues

The Sponsor shall maintain a fee and rental structure for the facilities and services at the Airport which will make the Airport as self-sustaining as possible under the circumstances existing at the particular Airport, taking into account such factors as the volume of traffic and economy of collection. All revenues generated by the Airport (and any local taxes established after Dec 30, 1987), will be expended by it for the capital or operating costs of the Airport; the local airport system; or the local facilities which are owned or operated by the owner or operator of the Airport and which are directly or substantially related to the actual air transportation of passengers or property, on or off the Airport.

Disposal of Land

- 1) For land purchased under a grant for airport development purposes (it is needed for aeronautical purposes, including runway protection zones, or serve as noise buffer land; and revenue from the interim use of the land contributed to the financial self-sufficiency of the Airport), the Sponsor shall apply to the State and FAA for permission to dispose of such land. If agreed to by the State and/or FAA, the Sponsor shall dispose of such land at fair market value and make available to the State and FAA an amount that is proportionate to the State and FAA's share of the cost of the land acquisition. That portion of the proceeds of such disposition, which is proportionate to the share of the cost of acquisition of such land, shall be (a) reinvested in another eligible airport development Project or Projects approved by the State and FAA or (b) be deposited to the Aviation Trust Fund if no eligible Project exists.
 - 2) Disposition of such land shall be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the Airport.
-

EXHIBIT B

General Provisions

Employment of Consultants

The term consultant, as used herein, includes planners, architects and/or engineers. If a consultant is to be used for this Project, the Sponsor agrees to consider at least three (3) consultant firms. If the Sponsor has contracted with or will contract with a consultant on a retainer basis, the Sponsor assures to the State that prior to entering such a contract, at least three (3) consultants were or will be considered. The Sponsor shall submit to the State, for review and approval, a copy of the request for proposals and/or request for qualifications, and the proposed consultant contract prior to its execution and upon award of the contract, a fully executed copy. All requests for qualifications and requests for proposals shall be in accordance with A.R.S. 34, Chapters 1, 2 and 6, and shall include a list of projects and project locations to be awarded project contracts.

Contracts

- 1) The Sponsor as an independent entity and not as an agent of the State may obtain the services required in order to fulfill the work outlined in the Project Description as approved by the State for funding in the Airport Capital Improvement Program. All contracts awarded to accomplish the project work described in this Agreement shall state:
 - a) The name of the consultant authorized to perform the work and to communicate on behalf of the Sponsor;
 - b) The Sponsor must insure that contracts issued under this Agreement comply with the provisions of Arizona Executive Order 75-5 as amended by Arizona Executive Order 99-4, relating to equal opportunity;
 - c) The terms for termination of the contract either for failure to perform or in the best interest of the Sponsor;
 - d) The duly authorized representatives of the State shall have access to any books, documents, papers and records of the consultant and/or contractor which are in any way pertinent to the contract for a period of five years, in accordance with A.R.S. 35-214, for the purpose of making inspections, audits, examinations, excerpts and transcriptions.
- 2) All contracts shall stipulate and make clear:
 - a) The responsibilities of the consultant to gain authorization for changes on the Project which may have an affect on the contract price, scope, or schedule;
 - b) That all construction contractors and sub-contractors hired to perform services, shall be in compliance with A.R.S. 32, Chapter 10.
 - c) That any materials, including reports, computer programs or files and other deliverables created under this Agreement are the sole property of the Sponsor. That these items shall be made available to the public. The Contractor/Consultant is not entitled to a patent or copyright on these materials and may not transfer the patent or copyright to anyone else.
 - d) That any travel shall be reimbursable by the State only within the rules and costs in accordance with the State of Arizona Travel Policy.

Conflict of Interest

Each consultant submitting a proposal shall certify that it shall comply with, in all respects, the rules of professional conduct set forth in Arizona Administrative Code R4-30-301. In addition, a conflict of interest shall be cause for disqualifying a consultant from consideration; or terminating a contract if the conflict should occur after the contract is made. A potential conflict of interest includes, but is not limited to:

- 1) Accepting an assignment where duty to the client would conflict with the consultant's personal interest, or interest of another client.
- 2) Performing work for a client or having an interest which conflicts with this contract.

Reports

The Sponsor shall submit monthly status reports during planning, shall submit monthly status reports during design, and shall submit weekly reports during construction. All reports shall reflect, at a minimum, the progress accomplished in relation to the Grant and Project schedules and milestones, the reasons for any changes, and the recommended corrections of problems encountered. Upon completion of the Project, the Sponsor shall submit a letter to the State specifying that the Project has been completed to their satisfaction and that the consultant and the contractor have completed their contractual responsibilities.

Changes

Any changes to the consultant contract, authorized by the Sponsor, that include additional funds, time and/or scope, shall be by amendment and shall be approved by the State prior to being made in order to be eligible for reimbursement. Approval of a change by the State shall not obligate the State to provide reimbursement beyond the maximum funds obligated by this Agreement. Any increase to the amount of funds authorized hereunder, to the expiration date of this agreement, or to the scope of work included in this agreement must be by formal amendment, and signed by all parties.

Any changes to the contract documents, authorized by the Sponsor, must be approved by the State prior to any changes being made in order to be eligible for reimbursement.

Audit

Upon completion of the Project, the Sponsor agrees to have an audit performed. The audit examination may be a separate project audit or in accordance with the Single Audit Act of 1984 (Single Audit). If the Sponsor is required under law to have a Single Audit, this Project shall be considered for inclusion in the scope of examination.

The Sponsor shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of the grant, the total cost of the Project in connection with which the grant is given or used, and the amount or nature of that portion of the cost of the Project supplied by other sources, and such other financial records pertinent to the Project. The accounts and records will be kept in accordance with A.R.S. 35-214.

In any case in which an independent audit is made of the accounts of a Sponsor relating to the disposition of the proceeds of a grant relating to the Project in connection with which the grant was given or used, it shall file a certified copied of such audit with the State not later than six (6) months following the close of the fiscal year in which the audit was made.

Grant Number E7S1V01P

City of Flagstaff
Flagstaff Pulliam Airport

The Sponsor shall make available to the State or any of their other duly authorized representatives, for the purpose of audit and examination, any books, documents, papers and records of the recipient that are pertinent to the grant. The Sponsor further agrees to provide the State a certified copy of the audit report. The State is to determine the acceptability of this audit.

Suspension

If the Sponsor fails to comply with any conditions of this Agreement, the State, by written notice to the Sponsor, may suspend participation and withhold payments until appropriate corrective action has been taken by the Sponsor. Costs incurred during a period of suspension may not be eligible for reimbursement by the State.

Failure to Perform

If the Sponsor fails to comply with the conditions of this Agreement the State, may by written notice to the Sponsor, terminate this Agreement in whole or in part. The notice of termination will contain the reasons for termination, the effective date, and the eligibility of costs incurred prior to termination. The State shall not reimburse any costs incurred after the date of termination.

Termination for Convenience

When the continuation of the Project will not produce beneficial results commensurate with the further expenditure of funds or when funds are not appropriated or are withdrawn for use hereunder, the State may terminate this Agreement. In the case where continuation of the Project will not produce beneficial results, the State and the Sponsor shall mutually agree upon the termination either in whole or in part. In the case where funds are no longer available or have been withdrawn or not appropriated, or the Project is no longer in the State's best interest, the State shall have the right of termination as its sole option. The State shall not reimburse any costs incurred after receipt of the notice of termination. The Governor pursuant to A.R.S. Section 38-511 hereby puts all parties on notice that this Agreement is subject to cancellation.

Waiver by State

No waiver of any condition, requirement or right expressed in this Agreement shall be implied by any forbearance of the State to declare a default, failure to perform or to take any other action on account of any violation that continues or repeats.

Compliance with Laws

The Sponsor shall comply with all Federal, State and Local laws, rules, regulations, ordinances, policies, advisory circulars, and decrees that are applicable to the performance hereunder.

Arbitration

In the event of a dispute, the parties agree to use arbitration to the extent required by A.R.S. Section 12-1518.

Jurisdiction

Any litigation between the Sponsor and the State shall be commenced and prosecuted in an appropriate State court of competent jurisdiction within Maricopa County, State of Arizona.

Excess of Payments

If it is found that the total payments to the Sponsor exceed the State's share of allowable project costs, the Sponsor shall promptly return the excess to the State. Final determination of the State's share of allowable costs shall rest solely with the State. Any reimbursement to the Sponsor by the State not in accordance with this Agreement or unsubstantiated by project records will be considered ineligible for reimbursement and shall be returned promptly to the State.

State Inspectors

At any time and/or prior to final payment of funds for work performed under this Agreement, the State may perform an inspection of the work performed to assure compliance with the terms herein and to review the workmanship of the Sponsor's contractors and/or consultants. No inspector is authorized to change any provisions of this Agreement or any provisions of Agreements between the Sponsor and the Sponsor's contractor and/or consultant.

Indemnification

The State of Arizona, acting by and through the Arizona Department of Transportation, does not assume any liability to third persons nor will the Sponsor be reimbursed for the Sponsor's liability to third persons resulting from the performance of this Agreement or any subcontract hereunder.

The Sponsor shall indemnify and hold harmless the State, any of their departments, agencies, officers and employees from any and all liability, loss or damage the State may suffer as a result of claims, demands, costs or judgments of any character arising out of the performance or non-performance of the Sponsor or its independent contractors in carrying out any provisions of this Agreement. In the event of any action, this indemnification shall include, but not be limited to, court costs, expenses of litigation and reasonable attorney's fees.

Required Provisions Deemed Inserted

Each and every provision of law and clause required by law to be inserted in this Agreement shall be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either party, this Agreement shall forthwith be physically amended to make such insertion or correction.

Property of the Sponsor and State

Any materials, including reports, computer programs or files and other deliverables created under this Agreement are the sole property of the Sponsor. The Contractor/Consultant is not entitled to a patent or copyright on these materials and may not transfer the patent or copyright to anyone else. The Sponsor shall give the State unrestricted authority to publish, disclose, distribute and otherwise use at no cost to the State any of the material prepared in connection with this grant. At the completion of the project, the Sponsor shall provide the State with an electronic copy, in a format useable by the State, and one hard copy in a format useable by the State, of final plans, specifications, reports, planning documents, and/or other published materials as produced as a result of this project.

EXHIBIT C

Specific Provisions and Project Schedules

Provisions for Planning

Financial Cost Categories

The Sponsor shall segregate and group project costs in categories as follows:

- 1) "Planning" (as applicable), including consulting services.
- 2) "Sponsor Administration" directly associated with this Project (not to exceed 5% of planning consulting services).
- 3) "Sponsor Force Account" contribution (if applicable).
- 4) "Other" with prior approval of the State.

Planning Documents

- 1) The Sponsor shall include in all published material in connection with the planning Project a notice that the material was prepared under a grant provided by the State. The Sponsor shall give the State unrestricted authority to publish, disclose, distribute and otherwise use any of the material prepared in connection with this grant.
- 2) The Sponsor shall make planning material available for examination by the public and agrees that no material prepared with funds under this Project shall be subject to copyright. That approval of this Project grant or approval of the planning material developed as a part of this grant does not constitute or imply assurance or commitment on the part of the State to approve pending or future application for a State grant or funding.
- 3) The Sponsor shall appoint a Planning Advisory Committee (PAC) for this Project, which will have the opportunity to furnish information, and review the plan as it is developed. Members of the PAC shall be as deemed appropriate to address the special issues of the Project, except that at least one member shall be a non-aviation citizen of the area, and one shall be a representative of the ADOT Aeronautics Group. An invitation will be given to the affected military installations and the Arizona State Land Department (as appropriate) to participate on the Planning Advisory Committee. The Sponsor shall hold a minimum of three meetings throughout the Project, including a minimum of two meetings between the Sponsor, the consultant, and the PAC. A minimum of one public meeting shall be held during the Project. The Sponsor may not accomplish the final acceptance of the plan until the State has reviewed and commented on the work performed. The comments provided by the State shall not be construed as approval of the planning document.
- 4) If the planning performed under this Agreement covers an existing or future airport not located on properties owned or leased by the Sponsor, the Sponsor agrees to obtain full control of the property for a period of not less than twenty (20) years. All changes to airport ownership or to any airport lease shall be approved by the State.
- 5) At the completion of the Project, the Sponsor agrees to provide an electronic copy, in a format usable by the State, of final plans, planning documents, and/or other published materials produced as a result of this planning Project.

Project Schedules for Planning

The Schedule Forms are intended to identify and monitor project scope, costs, and basic milestones that will be encountered during various phases of the Project. The Sponsor shall complete these three schedules showing the project description and total costs, project reimbursements (cash flow) schedule and project milestones.

Schedule One shows the total Project estimated costs associated with each share - State and Federal and Local. Schedule Two shows a projected cash flow for State funds only. The Sponsor is to estimate requests to the State for Project reimbursement. Schedule Three shows anticipated dates of Project milestones. These schedules will be used to keep track of the Project's progress. Be sure to develop realistic schedules.

As the project progresses, and the original reimbursement schedule and or milestone dates change, the Sponsor must submit a revised Schedule to the State for approval.

**Schedule One
Project Description and Funding Allocation**

Detailed Project Description: Airport Drainage Study

Project Cost Category	Total Estimated Project Cost	Estimated Local Share	Estimated Federal Share	Estimated State Share*
Planning Costs	\$ 350,000	\$ 35,000	\$ N/A	\$ 315,000
Sponsor Administration**	\$	\$	\$ N/A	\$
Sponsor Force Account Work***	\$	\$	\$ N/A	\$
Other	\$	\$	\$ N/A	\$
Total Project Costs	\$ 350,000	\$ 35,000	\$ N/A	\$ 315,000

*Total of this column to be used in Schedule Two.

** Sponsor Administration is not eligible for reimbursement above 5% of the planning consulting service costs.

*** All force account work is to be approved by the State prior to the grant agreement being signed.

Schedule Two
Planning Project Reimbursement Schedule

The Sponsor must complete this Project Reimbursement Schedule showing the projected cash flow of State grant funds only for this Project. Projections must include all consultant and contractor services. The reimbursement schedule should be a realistic schedule and will be used to keep track of a project's progress. Reimbursement requests must be submitted regularly by the Sponsor while the grant is active. The cash flow should reflect when a request is submitted to the State, not when invoices are paid by the Sponsor.

Instructions:

- 1) For "Total State Funds" below, enter the Total Project Costs/Estimated State Share from Schedule One.
- 2) For each month/year, indicate the projected reimbursement request amount for State Funds Only (use whole dollars only, e.g. \$540 or \$1,300).
- 3) Continue the process by entering a Zero (Ø) in the month/year for which no reimbursement is anticipated and/or a dollar amount of the reimbursement, until the total State funds are accounted for in the cash flow.

Total State Funds: \$315,000

Projected Reimbursement Requests / State Cash Flow

<i>Calendar Year</i>	Jul	Aug	Sep	Oct	Nov	Dec
2016	N/A	N/A	N/A	\$	\$	\$
2017	\$	\$	\$ 50,000	\$	\$	\$ 50,000
2018	\$	\$	\$ 50,000	\$	\$	\$ 40,000
2019	\$	\$	\$	\$	\$	\$
2020	\$	\$	\$	N/A	N/A	N/A
<i>Calendar Year</i>	Jan	Feb	Mar	Apr	May	Jun
2017	\$	\$	\$ 10,000	\$	\$	\$ 30,000
2018	\$	\$	\$ 50,000	\$	\$	\$ 50,000
2019	\$	\$	\$ 20,000	\$	\$	\$
2020	\$	\$	\$	\$	\$	\$

Grants expire 4 years from the date approved by the State Transportation Board. The Sponsor shall schedule the work to be completed within the 4 years.

**Schedule Three
Planning Project Milestones**

Milestone Duration Guidelines

The below duration periods are intended to provide guidelines for you to consider. These are average time periods (in calendar days), but it is understood these periods may vary by Sponsor and Project, and are subject to modification. If an entry on the form is not applicable write N/A.

- 1) The Consultant Selection Phase for all Projects, regardless of type, is approximately ninety (90) days but should not exceed one hundred eighty (180) days.
- 2) The Planning Phase is subject to the type and complexity of the Project, however, most planning projects can be accomplished within seven hundred thirty (730) days.
- 3) State review periods should be fifteen (15) days.

Milestones	Duration # of Days	Start Date	Completion Date
		Proposed	Proposed
		mm/dd/year	mm/dd/year
Consultant Selection Phase			
Submit Scope for State Review/Approval*		2/1/17	2/15/17
Submit Contract for State Review/Approval		3/1/17	3/15/17
Award Consultant Contract		3/30/17	3/30/17
Planning Phase			
Sponsor Issue Notice to Proceed		4/15/17	4/15/17
Submit Aircraft Forecasts to FAA		7/1/17	7/15/17
First Planning Advisory Committee Meeting		9/15/17	9/15/17
Public Workshop		10/15/17	10/15/17
Final Planning Advisory Committee Meeting		12/15/17	12/15/17
Submit Final Draft to FAA and State		3/30/18	3/30/18
Final Phase			
Master Plan Approval of Board/Council		4/1/18	6/30/18
Submit Final Report and Draft ALP		7/1/18	9/30/18
Submit Approved ALP to State		10/1/18	12/31/18
Submit Final Reimbursement Request and Sponsors Closeout Letter		1/1/19	3/30/19

* The solicitation for qualifications and the resulting service agreements must contain a list of projects, including this grant project, per A.R.S. 34, Chapter 6

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Irene Hunkler, Support Services Supervisor
Date: 09/27/2016
Meeting Date: 10/04/2016



TITLE:

Consideration and Approval of Agreement:

Consideration of Ratifying Cooperative Law Enforcement Agreement: Approval of the Cooperative Law Enforcement agreement between the City of Flagstaff and the United States Forest Service, Department of Agriculture, for Dispatch Services.

RECOMMENDED ACTION:

Approve the ratification of the five year Cooperative Law Enforcement Agreement and the CY 16 Annual Operating and Financial Plan (Exhibit A) between the City of Flagstaff and the U.S. Forest Service for dispatching services in the amount of \$5,000.00.

Executive Summary:

Approval of this agreement will continue to enhance interagency collaboration; information sharing and interoperability between the City of Flagstaff and the U.S. Forest Service in order to promote public safety on lands in close proximity to the City that are under the law enforcement jurisdiction of the U.S. Forest Service. By maintaining radio contact with the Flagstaff Communications & 911 Center, U.S. Forest Service officers can more easily advise Flagstaff Police Officers and Coconino County Sheriff's Deputies of issues or concerns that may affect public safety within the City of Flagstaff and the surrounding areas of Coconino County.

Financial Impact:

Approval of this Intergovernmental Agreement will provide payment to the City of Flagstaff in the amount of \$5,000.00 annually for the dispatch services provided.

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

4) Develop and implement guiding principles that address public safety service levels through appropriate staff levels

Public Safety: This U.S. Forest Service group provides federal law enforcement in the National Forests surrounding the City of Flagstaff and in cooperation with the City of Flagstaff and the Coconino County Sheriff's Department. Continuing the agreement ensures direct and interoperable communication among law enforcement agencies who work together on a regular basis.

Has There Been Previous Council Decision on This:

Yes, these agreements have been approved annually since 2005.

Options and Alternatives:

Approve the ratification of the agreement allows continued communication/dispatch interoperability with the U.S. Forest Service law enforcement groups.

Disapproval will eliminate the Agreement.

Background/History:

The Flagstaff Police Department through the Flagstaff Communications & 911 Center has provided limited dispatch services for the U.S. Forest Service-Coconino & Kaibab National Forest Law Enforcement group for several years. A formal Cooperative Law Enforcement Agreement between the U.S. Forest Service and the City of Flagstaff was initially entered into in December of 2005 and renewed in January of 2011 through 2016.

The U.S. Forest Service budgeting procedure to enter into a new Financial and Operating Plan for each year will continue. Attached is the five year Cooperative Law Enforcement Agreement and the CY 16 Financial and Operating Plan (Exhibit A). Approval of this request will allow the Financial and Operating Plan for Fiscal Year 2016 to be completed.

Key Considerations:

The approval of this Agreement provides for continued dispatch services as outlined and for the payment of \$5000.00 annually by the U.S. Forest Service for those services.

Community Benefits and Considerations:

The U.S. Forest Service group provides law enforcement efforts in and around the City of Flagstaff and Coconino County. Approval of this agreement ensures continued interoperable communication among law enforcement agencies in Flagstaff and Coconino County.

Community Involvement:

Inform the Council and the general public of the ratification and acceptance of the agreement and the intended use of the funds.

Expanded Options and Alternatives:

1. Approve and accept the ratification of Intergovernmental Agreement.
2. Reject the ratification of the Intergovernmental Agreement.

Attachments: [Cooperative Law Enforcement Agreement #16-LE-11030420-006 for Dispatch Services](#)



FS Agreement No. 16-LE-11030420-006

Cooperator Agreement No. _____

COOPERATIVE LAW ENFORCEMENT AGREEMENT
Between The
CITY OF FLAGSTAFF, POLICE DEPARTMENT
And The
USDA, FOREST SERVICE
COCONINO NATIONAL FOREST

This COOPERATIVE LAW ENFORCEMENT AGREEMENT ('Agreement') is entered into by and between The City of Flagstaff, Police Department, hereinafter referred to as "The City," and the USDA, Forest Service, Coconino National Forest, hereinafter referred to as the "U.S. Forest Service," under the provisions of the Cooperative Law Enforcement Act of August 10, 1971, Pub. L. 92-82, 16 U.S.C. 551a.

Background: The parties to this agreement recognize that public use of National Forest System lands (NFS lands) is usually located in areas that are remote or sparsely populated. The parties also recognize that the enforcement of State and local law is related to the administration and regulation of NFS lands and The City has/have a limited amount of financing to meet their responsibility of enforcing these laws.

The City has monitored the U.S. Forest Service radio communications year-round for emergency or assistance required for the past 10 years. Both agencies wish to continue this cooperative working relationship.

Title: Cooperative Law Enforcement Agreement

I. PURPOSE:

The purpose of this agreement is to document a cooperative effort between the parties to enhance State and local law enforcement in connection with activities on NFS lands and provide for reimbursement to The City for the intensified portion of this effort.

In consideration of the above premises, the parties agree as follows:

II. THE COOPERATOR SHALL:

- A. Perform in accordance with the approved and hereby incorporated Annual Financial and Operating Plan (Annual Operating Plan) attached as Exhibit A. *See related Provision IV-E.*
- B. Ensure that the officers/agents of The City performing law enforcement activities under this agreement meet the same standards of training required of the officers/agents in their jurisdiction, or the State Peace Officers Standards of Training where they exist.



- C. Provide uniformed officers/agents with marked vehicles to perform all activities unless agreed to otherwise in the Annual Operating Plan.
- D. Advise the U.S. Forest Service Principal Contact, listed in Provision IV-B, of any suspected criminal activities in connection with activities on NFS lands.
- E. Upon the request of the U.S. Forest Service, dispatch additional deputies within manpower capabilities during extraordinary situations as described in Provision IV-J.
- F. Complete and furnish annually the U.S. Forest Service with Form FS-5300-5, Cooperative Law Enforcement Activity Report, identifying the number of crimes occurring on NFS lands. The report shall follow the FBI Uniform Crime Reporting groupings, Part I and Part II offenses. Offenses and arrest information shall be combined and reported for each crime. This report shall separate the crimes handled under this agreement from those handled during regular duties.
- G. Provide the U.S. Forest Service Principal Contact, listed in Provision IV-B, with case reports and timely information relating to incidents/crimes in connection with activities on NFS lands.
- H. Bill the U.S. Forest Service for The City's actual costs incurred to date, displayed by separate cost elements, excluding any previous U.S. Forest Service payment(s) made to the date of the invoice, not to exceed the cumulative funds obligated hereunder and as specified on the Annual Operating Plan. Billing frequency will be as specified in the Annual Operating Plan. *See related Provisions III-B, IV-I, and IV-P.*
- I. Give the U.S. Forest Service or Comptroller General, through any authorized representative, access to and the right to examine all records related to this agreement. As used in this provision, "records" include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of whether such items are in written form, in the form of computer data, or in any other form.
- J. Comply with all Federal statutes relating to nondiscrimination and all applicable requirements of all other Federal laws, Executive Orders, regulations, and policies. These include, but are not limited to Sections 119 and 504 of the Rehabilitation Act of 1973 as amended, which prohibits discrimination on the basis of race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, participation in any public assistance program, or disability.
- K. Maintain current information in the System for Award Management (SAM) until receipt of final payment. This requires review and update to the information at least annually after the initial registration, and more frequently if required by changes in information or agreement term(s). For purposes of this agreement, System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a Cooperative. Additional information about registration procedures may be found at the SAM Internet site at www.sam.gov.



- L. Monitor the U.S. Forest Service radio communications during the following time period(s): for any emergency or assistance required between the dates of last signature on the agreement and the performance period listed in the current Annual Operating Plan. Address any concerns or notify/ request assistance from the U.S. Forest Service as required in the judgment of The City.

III. THE U.S. FOREST SERVICE SHALL:

- A. Perform in accordance with the Annual Operating Plan attached as Exhibit A.
- B. Reimburse The City for actual expenses incurred, not to exceed the estimated amount shown in the Annual Operating Plan. The U.S. Forest Service will make payment for project costs upon receipt of an invoice. Each correct invoice shall display U.S. Forest Service agreement number 16-LE-11030420-006 and The City’s actual expenditures to date of the invoice, displayed by separate cost elements as documented in the Annual Operating Plan, less any previous U.S. Forest Service payments. *See related Provisions II-H and IV-I.* The invoice should be forwarded as follows:

Submit original invoice(s) for payment to:

USDA, Forest Service
 Albuquerque Service Center
 Payments – Grants & Agreements
 101B Sun Avenue NE
 Albuquerque, NM 87109
 FAX: (877) 687-4894
 E-Mail: asc_ga@fs.fed.us

Send copy to:

Emily Stoddard
 U.S. Forest Service
 Coconino National Forest
 1824 S. Thompson St.
 Flagstaff, AZ 86001
 Phone: 928-527-3477
 E-Mail: emilystoddard@fs.fed.us

IV. IT IS MUTUALLY UNDERSTOOD AND AGREED UPON BY AND BETWEEN THE PARTIES THAT:

- A. The parties will make themselves available, when necessary to provide for continuing consultation, exchange information, aid in training and mutual support, discuss the conditions covered by this agreement and agree to actions essential to fulfill its purposes.
- B. The principal contacts for this agreement are:

Principal Cooperator Contacts:

<u>Cooperator Program Contact</u>	<u>Cooperator Administrative Contact</u>
Kevin Treadway, Chief City of Flagstaff, Police Department 911 Sawmill Road Flagstaff, AZ 86001 Phone: 928-556-2309 FAX: 928-213-3372 E-Mail: ktreadway@coconino.az.gov	Irene Hunkler, Communications Manager City of Flagstaff, Police Department 911 Sawmill Road Flagstaff, AZ 86001 Phone: 928-213-3373 FAX: 928-213-3372 E-Mail: ihunkler@coconino.az.gov



Principal U.S. Forest Service Contacts:

U.S. Forest Service Program Manager Contact	U.S. Forest Service Administrative Contact
Jon Nelson, Patrol Captain, NAZ Zone Coconino National Forest, Supervisor's Ofc. 1824 S. Thompson S. Flagstaff, AZ 86001 Phone: 928-527-3509 FAX: 928-527-3620 Email: jnelson01@fs.fed.us	Emily Stoddard, Grant Mgmt. Specialist Coconino National Forest, Supervisor's Ofc. 1824 S. Thompson S. Flagstaff, AZ 86001 Phone: 928-527-3477 FAX: 928-527-3620 Email: emilycstoddard@fs.fed.us

- C. An Annual Operating Plan will be negotiated on a calendar year basis. At the end of the year, funds not spent may be carried forward to the next year, or de-obligated at the request of the U.S. Forest Service. Upon expiration of the Cooperative Law Enforcement Agreement, funds not spent will be de-obligated.

- D. This agreement has no effect upon The City's right to exercise civil and criminal jurisdiction on NFS lands nor does this agreement have any effect upon the responsibility of the U.S. Forest Service for the enforcement of federal laws and regulations relative to NFS lands.

- E. Any Annual Operating Plan added to this agreement will be jointly prepared and agreed to by the parties. The Annual Operating Plan shall at a minimum contain:
 - 1. Specific language stating that the Annual Operating Plan is being added to this agreement thereby subjecting it to the terms of this agreement.
 - 2. Specific beginning and ending dates.
 - 3. Bilateral execution prior to any purchase or the performance of any work for which reimbursement is to be made.
 - 4. Specify any training, equipment purchases, and enforcement activities to be provided and agreed rates for reimbursement including the maximum total amount(s) for reimbursement.
 - 5. An estimate of the useful life of any equipment purchased under this agreement as required by Provision IV-K.
 - 6. Billing frequency requirement(s). *See related Provisions II-H and III-B.*
 - 7. Designation of specific individuals and alternate(s) to make or receive requests for enforcement activities under this agreement.
 - 8. A review and signature of a U.S. Forest Service Agreements Coordinator.



- F. Nothing in this agreement obligates either party to accept or offer any Annual Operating Plan under this agreement.
- G. The officers/agents of The City performing law enforcement activities under this agreement are, and shall remain, under the supervision, authority, and responsibility of The City. Law enforcement provided by The City and its employees shall not be considered as coming within the scope of federal employment and none of the benefits of federal employment shall be conferred under this agreement.
- H. Federal Communication Commission procedures will be followed when operating radio(s) on either party's frequency.
- I. The City's reimbursable expenses must be: listed in an approved Annual Operating Plan; expended in connection with activities on NFS lands; and expenses beyond those which are normally able to provide.
- J. During extraordinary situations such as, but not limited to: fire emergency, drug enforcement activities, or certain group gatherings, the U.S. Forest Service may request to provide additional special enforcement activities. The U.S. Forest Service will reimburse The City for only the additional activities requested and not for activities that are regularly performed by The City.
- K. Reimbursement may include the costs incurred by The City in equipping or training its officers/agents to perform the additional law enforcement activities authorized by this agreement. Unless specified otherwise in the Annual Operating Plan, reimbursement for equipment and training will be limited to a pro rata share based on the percentage of time an officer/agent spends or equipment is used under this agreement.

When reimbursement for items such as radios, radar equipment, and boats is being contemplated, reimbursement for leasing of such equipment should be considered. If the U.S. Forest Service's equipment purchases are approved in the Annual Operating Plan, an estimate of the useful life of such equipment shall be included. When purchased, equipment use rates shall include only operation and maintenance costs and will exclude depreciation and replacement costs. Whether The City is/are reimbursed for lease/purchase costs, or the U.S. Forest Service purchases and transfers the equipment, the total cost for the equipment cannot exceed the major portion of the total cost of the Annual Operating Plan unless approved by all parties in the agreement and shown in the Annual Operating Plan.

When the U.S. Forest Service provides equipment, the transfer shall be documented on an approved property transfer form (AD-107) or equivalent. Title shall remain with the U.S. Forest Service, however; The City shall ensure adequate safeguards and controls exist to protect loss or theft. The City shall be financially responsible for any loss at original acquisition cost less depreciation at the termination of the agreement. The City is/are responsible for all operating and maintenance costs for equipment that the U.S. Forest



Service has reimbursed The City for and/or transferred to The City under the AD-107 process or equivalent.

- L. Equipment and supplies approved for purchase under this agreement are available only for use as authorized. The U.S. Forest Service reserves the right to transfer title to the U.S. Forest Service of equipment and supplies, with a current per-unit fair market value in excess of \$5,000.00, purchased by The City using any Federal funding. Upon expiration of this agreement The City shall forward an equipment and supply inventory to the U.S. Forest Service, listing all equipment purchased throughout the life of the project and unused supplies. The U.S. Forest Service will issue disposition instructions within 120 calendar days, in accordance with equipment regulations contained in 7 CFR 3016.32.
- M. When no equipment or supplies are approved for purchase under an Annual Operating Plan, U.S. Forest Service funding under this agreement is not available for reimbursement of The City's purchase of equipment or supplies.
- N. When State conservation agencies have the responsibility for public protection in addition to their normal enforcement responsibility, their public protection enforcement activities may be included in Annual Operating Plans and are then eligible for reimbursement. Reimbursement is not authorized to State Conservation Agencies for enforcement of fish and game laws in connection with activities on NFS lands.
- O. Pursuant to 31 U.S.C. 3716 and 7 CFR, Part 3, Subpart B, any funds paid to The City in excess of the amount to which The City is/are finally determined to be entitled under the terms and conditions of the award constitute a debt to the federal Government. If not paid within a reasonable period after the demand for payment, the Federal awarding agency may reduce the debt by:
1. Making an administrative offset against other requests for reimbursements.
 2. Withholding advance payments otherwise due to The City.
 3. Taking other action permitted by statute.
- Except as otherwise provided by law, the Federal awarding agency shall charge interest on an overdue debt in accordance with 4 CFR, Chapter II "Federal Claims Collection Standards" and 31 U.S.C. Chapter 37.
- P. Modifications within the scope of the agreement shall be made by mutual consent of the parties, by the issuance of a written modification, signed and dated by both parties, prior to any changes being performed. The U.S. Forest Service is not obligated to fund any changes not properly approved in advance.
- Q. Either party, in writing, may terminate this agreement in whole, or in part, at any time before the date of expiration. Neither party shall incur any new obligations for the



terminated portion of this agreement after the effective date and shall cancel as many obligations as is possible. Full credit shall be allowed for each party's expenses and all noncancelable obligations properly incurred up to the effective date of termination.

- R. Federal wage provisions (Davis-Bacon or Service Contract Act) are applicable to any contract developed and awarded under this agreement where all or part of the funding is provided with Federal funds. Davis-Bacon wage rates apply on all public works contracts in excess of \$2,000 and Service Contract Act wage provisions apply to service contracts in excess of \$2,500. The U.S. Forest Service will award contracts in all situations where their contribution exceeds 50 percent of the cost of the contract. If The City is/are approved to issue a contract, it shall be awarded on a competitive basis.
- S. This agreement in no way restricts the U.S. Forest Service or The City from participating in similar activities with other public or private agencies, organizations, and individuals.
- T. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned:
 - a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All cooperators, their employees, volunteers, and contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.
- U. Any information furnished to the U.S. Forest Service under this agreement is subject to the Freedom of Information Act (5 U.S.C. 552).
- V. This agreement is executed as of the date of the last signature and, unless sooner terminated, shall be effective for a period of five years through December 31, 2020.
- W. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this agreement. In witness whereof, the parties hereto have executed this agreement as of the last date written below.



Jerry Nabours

JERRY NABOURS, Mayor
City of Flagstaff

9.15.16

Date

Kevin Treadway

KEVIN TREADWAY, Chief of Police
City of Flagstaff, Police Department

9/16/16

Date

Attest:

Elizabeth Burke

ELIZABETH BURKE, City Clerk
City of Flagstaff

9.15.16

Date

Approved by:

Marianne Sullivan

MARIANNE SULLIVAN, Senior Assistant to the Attorney
City of Flagstaff

9/14/2016

Date

LAURA JO WEST, Forest Supervisor
U.S. Forest Service, Coconino National Forest

Date

ROBIN POAGUE
Special Agent in Charge, Region 3

Date

The authority and format of this agreement have been reviewed and approved for signature.

EMILY STODDARD
U.S. Forest Service Grants Management Specialist

Date

**Burden Statement**

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.



FS Agreement No. 16-LE-11030420-006
Cooperator Agreement No. _____

EXHIBIT A

**COOPERATIVE LAW ENFORCEMENT ANNUAL OPERATING PLAN &
FINANCIAL PLAN**

**Between The
CITY OF FLAGSTAFF, POLICE DEPARTMENT
And the
USDA, FOREST SERVICE
COCONINO NATIONAL FOREST**

2016 ANNUAL OPERATING AND FINANCIAL PLAN

This Annual Financial and Operating Plan (Annual Operating Plan), is hereby made and entered into by and between The City of Flagstaff, Police Department, hereinafter referred to as "The City," and the USDA, Forest Service, Coconino National Forest, hereinafter referred to as the "U.S. Forest Service," under the provisions of Cooperative Law Enforcement Agreement #16-LE-11030420-006, executed on _____. This Annual Operating Plan is made and agreed to as of the last date signed below and is for the estimated period beginning January 1 and ending December 31.

Previous Year Carry-over: \$0.00
Current Calendar Year Obligation: \$5,000.00
CY2016 Total Annual Operating Plan: \$5,000.00

I. GENERAL:

A. The following individuals shall be the designated and alternate representative(s) of each party, so designated to make or receive requests for special enforcement activities.

Principal Cooperator Contacts:

Cooperator Program Contact	Cooperator Administrative Contact
Kevin Treadway, Chief City of Flagstaff, Police Department 911 Sawmill Road Flagstaff, AZ 86001 Phone: 928-556-2309 FAX: 928-213-3372 E-Mail: ktreadway@coconino.az.gov	Irene Hunkler, Communications Manager City of Flagstaff, Police Department 911 Sawmill Road Flagstaff, AZ 86001 Phone: 928-213-3373 FAX: 928-213-3372 E-Mail: ihunkler@coconino.az.gov



Principal U.S. Forest Service Contacts:

U.S. Forest Service Program Manager Contact	U.S. Forest Service Administrative Contact
Jon Nelson, Patrol Captain, NAZ Zone Coconino National Forest, Supervisor's Ofc. 1824 S. Thompson S. Flagstaff, AZ 86001 Phone: 928-527-3509 FAX: 928-527-3620 Email: jnelson01@fs.fed.us	Emily Stoddard, Grant Mgmt. Specialist Coconino National Forest, Supervisor's Ofc. 1824 S. Thompson S. Flagstaff, AZ 86001 Phone: 928-527-3477 FAX: 928-527-3620 Email: emilycstoddard@fs.fed.us

B. Reimbursement for all types of enforcement activities shall be at the following rates unless specifically stated otherwise:

Dispatch Services:

To be billed as a **lump sum** for personnel expenses paid at the following rate:

- No mileage authorized
- No per diem authorized
- Regular wages at the rate of \$47.00 per hour, which includes any fringe benefits

Special Enforcement Activities:

- Mileage authorized at \$0.54 per mile
- No per diem authorized
- Regular wages: maximum rate not to exceed \$47.00 per hour, including any fringe benefits.
- Overtime wages: maximum rate not to exceed \$66.00 per hour, including any fringe benefits.

II. DISPATCH ACTIVITIES:

NOTE: ONLY Radio dispatch services are authorized and funded for CY2016.

A. Time schedules for dispatch services will be flexible to allow for emergencies, other priorities, and day-to-day needs of both The City and the U.S. Forest Service. The U.S. Forest Service will follow all standards and protocols set by The City Communications Center for dispatch services.

B. Radio dispatch activities will include:

1. Officer status checks as requested
2. Registered vehicle and owner information
3. Driver's license information
4. Wants and warrant checks
5. Calls for assistance or service (agency notifications, tow trucks, locksmith, etc.).
6. Hard copy information as requested

Note that the reporting for dispatch services does not include Uniform Crime Reporting as the City does not respond to the calls, but only passes the information



through its dispatch center. UCR Reporting will be done by the U.S. Forest Service or its other law enforcement partners.

Total reimbursement for this category shall not exceed the amount of: **\$5,000.00.**

III. SPECIAL ENFORCEMENT SITUATIONS:

A. Special Enforcement Situations include but are not limited to: Fire Emergencies, Drug Enforcement, and certain Group Gatherings.

B. Funds available for special enforcement situations vary greatly from year to year and must be specifically requested and approved prior to any reimbursement being authorized. Requests for funds should be made to the U.S. Forest Service designated representative listed in Item I-A of this Annual Operating Plan. The designated representative will then notify The City whether funds will be authorized for reimbursement. If funds are authorized, the parties will then jointly prepare a revised Annual Operating Plan.

1. Drug Enforcement: This will be handled on a case by case basis. The request will normally come from the Patrol Captain; however, it may come from the Special Agent in Charge or his/her designated representative. Reimbursement shall be made at the rates specified in Section I-B. Officers assigned to the incident will coordinate all of their activities with the designated officer in charge of the incident.

2. Fire Emergency: During emergency fire suppression situations and upon request by the U.S. Forest Service pursuant to an incident resource order, The City agrees to provide special services beyond those provided under Section II-A, within The City's resource capabilities, for the enforcement of State and local laws related to the protection of persons and their property. The City will be compensated at the rate specified in Section I-B; the U.S. Forest Service will specify times and schedules. Upon concurrence of the local Patrol Captain or his/her designated representative, an official from the Incident Management Team managing the incident, City personnel assigned to an incident where meals are provided will be entitled to such meals.

All requests to provide additional law enforcement support on National Forest System (NFS) lands during extreme fire conditions will become effective and reimbursable only when:

- 1) the U.S. Forest Service specifically requests assistance through the U.S. Forest Service Dispatch or Expanded Dispatch Office;
- 2) a Resource Order is provided; and
- 3) The City Communications Center is notified of the request.



Note: Initial attack responses without a Resource Order by the U.S. Forest Service are **not** reimbursable.

Upon request and concurrence by The City:

The City shall:

- a. Provide the U.S. Forest Service fully-equipped Officers who meet the standards of training as listed in the Cooperative Law Enforcement Agreement (16-LE-11030420-006), Provisions II-B and II-C, including appropriate vehicle(s), in numbers requested by the U.S. Forest Service to provide law enforcement for fire severity or fire suppression situations. These duties are above and beyond the customary duties that are routinely provided by The City and will be covered under Special Enforcement Situations. The Officers will continue to work under the direction of The City. The Officers will coordinate their patrol activities with the Patrol Captain, or his/her designee, while assigned to each specific fire severity or fire suppression patrol area, and coordinate their activities with the Incident Commander while assigned to each specific fire severity or fire suppression situation. All Officers assigned to a fire severity or fire suppression situation are required to follow Check-in and Demobilization procedures.
- b. Assign Officers requested by the U.S. Forest Service for fire severity or fire suppression situation patrols and law enforcement.
- c. Furnish itemized statements of expenditures by the U.S. Forest Service for fire severity or fire suppression situation services requested by the U.S. Forest Service, to the contacts below:

Jon Nelson, Patrol Captain, NAZ Zone
Coconino National Forest, Supervisor's Office
1824 S. Thompson St.
Flagstaff, AZ 86001
Email: jnelson01@fs.fed.us

Emily Stoddard, Grants Management Specialist
Coconino National Forest, Supervisor's Office
1824 S. Thompson St.
Flagstaff, AZ 86001
Email: emilystoddard@fs.fed.us

The Patrol Captain will review and approve the invoice and forward the invoice and support documentation to Incident Finance for payment.

Invoice/Bill requests will include the following information:

- i. Cooperator name, address, phone number, and agency financial contact;



- ii. Invoice or Bill number;
- iii. Resource Order number(s);
- iv. Appropriate incident numbers (State code or U.S. Forest Service S- or P-code and override);
- v. Cooperative Law Enforcement Agreement number: 16-LE-11030420-006;
- vi. Dates of the incident covered by the Invoice/Bill; and
- vii. Location and jurisdictional unit of the incident.

Summary Cost data for the amount being Invoiced/Billed:

Use incident-generated cost reports generated by the Agency to support the Invoice/Bill whenever possible. Summary cost data may include, but is not limited to, a list of personnel expenses, including base, overtime, travel, and a listing by vendor name and amount spent for supplies and services procured.

The U.S. Forest Service shall:

- a. Relay requests to The City to provide fully-equipped Officers, including vehicles, through the U.S. Forest Service Dispatch or Expanded Dispatch Office to The City Dispatch Office/Communications Center, including specific information on numbers of Officers needed, tour, location, expected length of duty, authorization for overtime expenditures, and fire severity (S-Code) or fire suppression (P-code) for invoice/billing. A Resource Order number must be issued by the U.S. Forest Service to support each request. The Resource Order number will be provided to The City by the U.S. Forest Service Dispatch Coordinator.
 - b. Post each Officer's time and vehicle mileage to a Fire Time Report (Optional Form 288) to provide documentation to support payment of each itemized statement of expenditures provided by The City.
 - c. Reimburse The City for requested fire severity or fire suppression situation services that are provided and covered under this Section, at the rates as per Section I, Paragraph B above.
3. **Group Gatherings:** This includes but is not limited to situations which are normally unanticipated or which typically include very short notices, large group gatherings such as rock concerts, demonstrations, and organization rendezvous. Upon authorization by the U.S. Forest Service representative listed in Section I-A for requested services of this nature, reimbursement shall be made at the rates specified in Section I-B. Officers assigned to this type of incident will normally coordinate their activities with the designated officer in charge of the incident.

IV. BILLING FREQUENCY:

See Cooperative Law Enforcement Agreement Provisions II-H and III-B for additional information.



- A. The City will be reimbursed for authorized and approved expenditures on a quarterly basis.
- B. The following is a breakdown of the total estimated costs associated with this Annual Operating Plan.

Category	Estimated Costs	Not to Exceed by %
Radio Dispatch Services	\$5,000.00	N/A
Training	\$0.00	N/A
Equipment	\$0.00	N/A
Special Enforcement Situations	TBD	N/A
Total	\$5,000.00	N/A

- C. Any remaining funding in this Annual Operating Plan may be carried forward to the next calendar year and will be available to spend through the term of the Cooperative Law Enforcement Agreement, or de-obligated at the request of the U.S. Forest Service. *See Cooperative Law Enforcement Agreement Provision IV-D.*

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 09/27/2016
Meeting Date: 10/04/2016



TITLE:

Consideration and Adoption of Resolution No. 2016-33: A resolution of the City Council of the City of Flagstaff, Coconino County, Arizona, repealing Resolution No. 2014-37 which adopted the *2014 Board and Commission Members' Rules and Operations Manual*, and adopting the *2016 Board and Commission Members' Rules and Operations Manual*

RECOMMENDED ACTION:

- 1) Read Resolution No. 2016-33 by title only
- 2) City Clerk reads Resolution No. 2016-33 by title only (if approved above)
- 3) Adopt Resolution No. 2016-33

Executive Summary:

Attached is a copy of the current Board and Commission Members' Rules and Operations Manual which was approved by the City Council in October 2014. Based on prior discussions, the proposed changes have been added and are indicated in red with strikethroughs and underlines; sections needing Council direction are highlighted in **YELLOW**.

The proposed changes include:

- Various editing and clean up items were addressed.
- Quasi-Judicial Hearing section was added.
- Clarification of seated commissioners applying for service on another board or commission.
- Update of the training sections to now include the online training opportunities.
- Removal of the Rules of Procedure section; this has been replaced with Appendix C (Rules of Procedure for the Flagstaff City Council).
- Addition of the Council appointment process.

The section regarding Board and Commission Member Appointment Process needs clarification from Council. The section addresses how Councilmembers are rotated to make appointments; however, there has been no direction about what happens if the Councilmember makes a recommendation that does not pass, they choose not to make another recommendation, or if the list of applicants is exhausted. Staff has provided the following options that Council may wish to consider:

The assigned Councilmember will make a motion to appoint their selected individual for the City Council to vote upon for possible approval. Should the motion not pass, the assigned Councilmember may select another applicant for possible approval. This process may continue until an applicant is successfully approved. If the assigned Councilmember chooses not to make another motion...

RESOLUTION NO. 2016-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, REPEALING RESOLUTION NO. 2014-37 WHICH ADOPTED THE 2014 BOARD AND COMMISSION MEMBERS' RULES AND OPERATIONS MANUAL, AND ADOPTING THE 2016 BOARD AND COMMISSION MEMBERS' RULES AND OPERATIONS MANUAL

RECITALS:

WHEREAS, the Flagstaff City Charter, Article 5, Section 1, authorizes the Flagstaff City Council to create boards or commissions and to grant them duties and powers consistent with the Charter; and

WHEREAS, a vital and healthy boards and commissions program is essential to the successful function of City government; and

WHEREAS, those who serve on Flagstaff's boards and commissions dedicate invaluable time and energy to the Flagstaff community and provide valuable advice to the City Council; and

WHEREAS, board and commission recommendations have a direct impact on the quality and level of services the City of Flagstaff offers its citizens; and

WHEREAS, on October 21, 2014, the Flagstaff City Council adopted Resolution No. 2014-37 adopting the 2014 Board and Commission Members' Rules and Operations Manual; and

WHEREAS, it has been determined that changes were needed to the Handbook to be consistent with current state law and practices.

ENACTMENTS:

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

SECTION 1. Resolution No. 2014-37, adopted on October 21, 2014, is hereby repealed.

SECTION 2: The *2016 Board and Commission Members' Rules and Operations Manual*, attached hereto, is hereby adopted.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 4th day of October, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



City Clerk's Office
City of Flagstaff
211 W. Aspen Ave.
Flagstaff, AZ 86001
(928) 213-2077

CITY OF FLAGSTAFF

Board and Commission Members' **RULES AND OPERATIONS MANUAL**

• • • • • • • • • •

“Service to Community”

BOARD AND COMMISSION MEMBERS' RULES AND OPERATIONS MANUAL

PREFACE

This Board and Commission Members' manual provides guidelines for City board* or commission* members. This information is designed to closely follow the rules and regulations that apply to the City Council and to delineate their roles and responsibilities in order to create a uniform public process for the City of Flagstaff's public bodies. Most of the information contained in the manual will apply to your board and commission; however, your board or commission may have additional special provisions that are specific to its function. If you are unsure whether or not a specific rule applies to your board or commission, or, if you have further questions concerning any aspect of your duties and responsibilities, you should ask your staff liaison for clarification or contact the City Clerk's Office.

** For the purpose of this manual, the terms "board" and/or "commission" include those boards, commissions, authorities, or committees which have been established by the City Council to perform functions in accordance with City and State law.*

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APPENDIX A	Open Meeting Law
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*Appendices are updated periodically as prescribed by the Flagstaff City Council and changes in State law. Those updates are automatically incorporated administratively as the appendices to this Board and Commission Members' Rules and Operations Manual.

INTRODUCTION

Welcome to the official City of Flagstaff family and the challenging and rewarding arena of public service! The Flagstaff City Council and staff thank you for your active participation in the governing process of our community.

The board and commission process is essential to the successful function of City government; and your contributions are invaluable. As a City board or commission member, your role is to help shape the future of the City of Flagstaff. You will be studying and recommending policy direction on a variety of issues vital to the City's future. This manual has been developed to help you meet the challenges you will face along the way.

It takes a substantial commitment of time and hard work to be a good commission member. Your decisions and recommendations can have a direct impact on the quality and level of services the City offers to its citizens, so it is important to keep in mind the needs of all citizens during the decision making process. You will read and study materials in advance of meetings. You will be required to listen to hours of discussion and testimony at public meetings. Often you will be asked to make difficult recommendations. You may even be asked to make recommendations that may have dramatic effects on your friends and neighbors. In your role as a board and commission member, you are asked to no longer consider solely your own perspective or that of your own peer group, but to consider the perspectives of all the communities who have a stake in any particular issue. Your role is to support the democratic process by considering the broadest set of perspectives on issues.

Your deliberations help the City Council to do its job. Sometimes Council decisions will directly incorporate your recommendations into their decisions, while other times your input will be one of many factors to be weighed by the Council prior to a final decision.

As a board and commission member, you are now a City official and you are bound by ethical standards, State laws, and City policies. You will work closely with City staff, policymakers, citizens, other government representatives, lobbyists, and grass-roots organizations. This manual is intended to guide you through these areas and assist you in your service as a board and commission member.

Your decisions will be reviewed and scrutinized by the public, the City Council, media, and other interested parties.

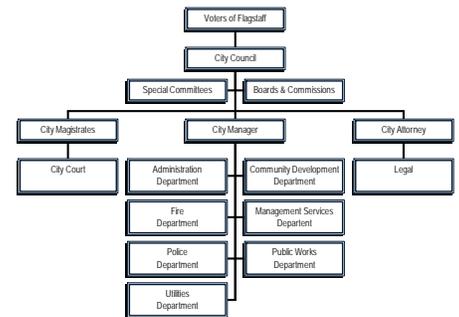
It is important to understand that your personal behavior, both inside and outside public meetings, will be observed and open to criticism by others. Ethics, good judgment, and dignity are the foundation of public service and the credo of City officials. By meeting these expectations, you will enhance our community's perception of city government.

Being a commission member is often challenging, but if you do it well, it will be an exciting and rewarding experience as you help shape the future of our community. We hope that this Board and Commission manual will help prepare you for serving as a member of the City of Flagstaff's boards and commissions program.

FLAGSTAFF MUNICIPAL GOVERNMENT

ORGANIZATION

The Flagstaff City Charter (~~included with this manual~~) was adopted by the city voters in 1958 and is the basic governing authority of the City. The City Charter establishes a Council-Manager form of government. This means that the City Council provides leadership and formulates the laws and general policies of the City which are then administered by the City Manager. The Charter also outlines the duties and responsibilities of each area of City government.



CITY COUNCIL

The City Council consists of a Mayor and six Councilmembers who are elected at large to serve as the legislative body of the City. The Mayor is elected every two years and acts as Chairperson of the Council presiding over Council meetings. Councilmembers hold staggered, four-year terms, with three seats decided every two years. Shortly after every City General Election, the Council chooses a Vice-Mayor to serve in the absence of the Mayor.

Consistent with applicable laws and regulations enacted by the Federal and State Governments, the City Council bears sole responsibility and exercises sole authority in establishing the policies governing the operation of the City of Flagstaff. The City Council enacts local legislation, adopts budgets, and establishes public policy. To do this, the Council sets goals and objectives based on strategic planning; recommendations from the City Manager, City Attorney, boards and commissions; public input; and through the budgeting process.

BOARDS AND COMMISSIONS

Article 5, Section 1, the Flagstaff City Charter authorizes the City Council to create boards or commissions and to grant to them duties and powers consistent with the Charter. Boards and commissions lie at the heart of citizen involvement in local government. The strength of the board and commission process is its ability to conduct detailed analysis and involve our community at the grassroots level. Board and commission members are appointed by and serve solely at the discretion of the City Council.

CITY MANAGER

The City Manager is the City's administrative head and is directly responsible to the City Council. The City Charter grants the City Manager a non-voting seat on the Council. This allows the City Manager to take part in Council discussions. The City Manager implements Council policies and directives and makes recommendations to the Council on measures necessary for the efficient and effective operation of municipal services. It is the Manager's responsibility to direct the preparation of the City's annual budget and submit it to the Council for approval. In addition, the City Manager oversees the day-to-day operation of the City and directs the activities of City employees.

CITY ATTORNEY

The City Council also appoints the City Attorney. The City Attorney's Office serves as the legal branch of the City, representing the City's legal interests and rights, providing legal advice, and prosecuting criminal complaints. Among other things, the City Attorney's office drafts and reviews the City's legal documents and issues legal opinions.

CITY CLERK

The City Clerk is appointed by the City Manager ~~with the approval of the Council~~. The Clerk conducts City elections, ensures compliance with the Open Meeting Law, and maintains the official records of the City. The City Clerk administers the City's board and commission program and conducts board and commission member training, as well as maintaining membership rosters for the City's boards and commissions and processing board and commission applications. Be sure to provide any changes in your contact information as soon as possible to the Clerk's Office so that your record is accurate.

CITY DIVISIONS

The primary City divisions are: Administration, Community Development, Economic Vitality, Fire, Management Services, Police, Public Works, Utilities, the City Attorney's Office and Municipal Court. You will find that your board or commission works very closely with at least one city division, if not more.

MEMBERSHIP ON CITY BOARDS AND COMMISSIONS

GENERAL

The strength of the boards and commissions lies in their ability to provide detailed review of specific issues and to increase public input and citizen participation in the determination of City policies and procedures. This process provides an opportunity for further public discussion and gives the City Council a broader base of information on which to formulate decisions. As a result, boards and commissions are an important governmental structure for generating broad public input and recommendations to the City Council.

Boards and commissions are established and may be dissolved by the City Council. With few exceptions specified herein, boards and commissions are advisory to the City Council. All actions taken by a board or commission are advisory to the City Council, except as specified by State law or City ordinance.

As an advisory body, a board or commission shall not take independent action to represent a position or opinion, whether or not related to its responsibility pursuant to City ordinance, except by submitting an advisory recommendation to the City Council or as otherwise specified by State law or City ordinance. A board or commission member may express a personal opinion outside his or her role as a board or commission member, but he or she shall not represent himself/herself as a board or commission member or use the title of board or commission member in doing so.

The boards and commissions with authority to take non-advisory action consistent with State law or City ordinance are: Board of Adjustment, Building and Fire Code Board of Appeals, Planning and Zoning Commission, and Traffic Commission. Board and commission members on these bodies need to be careful to act only within the authority assigned to them by City ordinance.

Most board and commission actions will be advisory and based on staff report, public input, and group discussion. Board and commission members shall take care to ensure the public's business is conducted openly and that public input is expressed in public meeting or in writing and recorded as part of the record of deliberation. It is not appropriate for citizens who are the principal parties in interest or who have a financial stake in a forthcoming agenda item to meet in private, undisclosed meetings with commissioners. These discussions should occur at public meetings. Commissioners may, however, engage in information gathering outside the public meeting framework, except for those acting in a quasi-judicial capacity.

Board and commission recommendations are presented to the City Council by report prepared by staff including minutes of meetings or by request as approved by the full commission. The City Council reviews and considers the board or commission recommendation before making decisions; however, the final decision rests with the City Council.

Boards and commissions are accountable to the City Council on issues delegated to them by the Council, and the City Council may direct the method and time of its accomplishment.

Board and commission recommendations are important to the City Council; they are given substantial weight. Your work is fundamental to the Council's decision making process. The City Council has several options and may:

- Approve the recommendation.
- Change the provisions of a recommendation.
- Send a matter back for further consideration.
- Not accept the recommendation.

Only the City Council, or a person acting pursuant to the direction of the City Council, may issue a communication (verbal or written) which represents an official position of the City. This includes, but is not limited to, statements of support of or opposition to an issue, resolutions on any matter, directives or requests of any kind to external agencies or entities; or anything that remotely purports to be of official city import. In addition, boards and commissions may not make recommendations for elective candidates, or take a position on an election issue. Upon the request of the City Council, a board or commission shall advise the City Council on a matter. A board or commission may also submit to the City Council recommendations on matters within the scope of its mission as established by the City Council.

The mission of your board or commission is found in its establishing legislation (ordinance or resolution). Your commission should focus on issues that fall squarely within the umbrella of activities created for you by the City Council.

QUASI-JUDICIAL HEARINGS

The Open Meeting Law defines a quasi-judicial body as "a public body, other than a court of law, possessing the power to hold hearings on disputed matters between a private person and a public agency and to make decisions in the general manner of a court regarding such disputed claims." Contested proceedings or quasi-judicial or adjudicatory proceedings conducted by public bodies are subject to all of the requirements of the Open Meeting Law, as well as a number of additional due process requirements. These due process requirements include: no ex-parte communication and an opportunity for the person to present their case through witnesses, cross-examination, and argument. Robert's Rules are difficult to apply to quasi-judicial hearings, and separate rules for such hearings may be necessary. The following boards or commissions are considered quasi-judicial:

- Board of Adjustment
- Building and Fire Code Board of Appeals

ROLES AND RESPONSIBILITIES

Appointed Board and Commission Members

It is the City Council's policy that an individual may serve on only one board or commission at any given time, unless the board or commission member serves as a liaison to another board or commission, or as otherwise required by statute or regulation. A board or commission member may apply to serve on a different board or commission during the last six months of his or her term if he or she does not intend to apply for reappointment to the current board or commission. If the Council appoints that individual to a new board or commission, overlapping service is

~~permitted to finish the current term and begin the new term., although there are some limited exceptions to this rule.~~ Commissioners serve at the discretion of the City Council and, like any other Council-appointed position, may be removed from office by an official vote.

Membership on the city's boards and commissions consists of seven (7) members unless otherwise required by state statute.

Most appointments to Flagstaff's boards, commissions, and committees are for three-year terms, unless an appointment is made for the balance of a member's term due to resignation, disqualification from office, or removal, or a different term length is set by state law. Under most circumstances, a board and commission member is eligible to serve two full terms. If the commissioner indicates his or her desire for reappointment at the expiration of the first term, the commissioner will be given consideration for reappointment.

In addition, the City's policy provides that board or commission members may continue to serve after term expiration until an appointment is made to replace them. Typically, however, appointments are made as soon as possible when a commissioner becomes ineligible for another term. If your term limit on a commission has expired, you are eligible to serve on any other city board or commission. Once you have been off of a board/commission for one year, you are then eligible to reapply for consideration of appointment to any vacancy on said board/commission.

If eligible to serve a second term, a board or commission member may be considered for reappointment to a second term by notifying the staff liaison or City Clerk prior to the expiration of his/her term. Board and commission members seeking a second term are considered along with all other applicants for the vacant seat on the board or commission.

Board and Commission Member Appointment Process

With a few exceptions, the City Council appoints members to the various boards and commissions. To give each Councilmember the opportunity to appoint members of their choosing, a randomly rotating list of Councilmembers has been developed for each board or commission to assign Councilmembers when vacancies arise. Using the list for the board or commission desired, one councilmember is assigned to a single vacancy or appointment. If there is more than one appointment for that particular board or commission the next councilmember on the list will be assigned to the next appointment and so on. The assigned Councilmember will make a motion to appoint their selected individual for the City Council to vote upon for possible approval. Should the motion not pass, the assigned Councilmember may select another applicant for possible approval. This process may continue until an applicant is successfully approved. If the assigned Councilmember chooses not to make another motion

A. Another member of the Council may make a motion to appoint.

B. The next Councilmember on the rotating list may make a motion to appoint.

In the event that the list of applicants is exhausted, the appointment will be postponed until additional applications are received.

Other Representatives

A few boards and commissions have additional members who are not appointed by Council.

Cross Membership on Boards and Commissions

In some cases, a voting member from one city board or commission will serve on another board or commission. A commissioner whose membership is derived from a parent commission may not serve in the capacity of an officer on the secondary commission. The primary purpose of this provision is to equalize spheres of influence and maintain a level playing field for commissions who have a joint interest in a matter.

Officers

Most boards or commissions elect a Chairperson and Vice-Chair, usually on an annual basis. The Chairperson is the moderator of meetings and speaks on behalf of the commission when authorized by a majority of the members to do so. The chairperson may also review meeting agendas prior to their distribution and posting. The Vice-Chair serves in the absence of the Chairperson. Chairpersons and Vice-Chairpersons also have authority to call special meetings, as do a majority of the membership, when it is deemed necessary due to time constraints. Other than the above, officers have no additional duties than any other commission member.

Staff Liaison

The City Manager assigns a City staff member to work with each board or commission. Your staff liaison wears many hats and one of those is to provide support for your commission. Among other things, the staff liaison's role is to:

- Prepare meeting agendas with input from the commission, write and present staff reports and support paperwork to the board or commission prior to meeting time.
- Ensure compliance with Open Meeting Law requirements.
- Assist a commissioner in distributing information to the body of the commission according to proper protocols.
- Respond to commissioner requests for information related to commission business.
- Prepare letters or other missives of the commission and process them for review and approval by the Mayor.
- Facilitate interaction with other boards and commissions.
- Place items on a commission meeting agenda, in response to direction from the City Council or City Manager, a request from a commissioner or chairperson, a request for other boards and commissions, or as deemed necessary by the staff liaison.
- Coordinate requests for legal assistance with the City Attorney.
- Prepare commission recommendations to the City Council and make presentations to the City Council on behalf of the Commission.

The staff liaison also has authority to call special meetings, when necessary, to meet program directives for the board or commission.

Commissioners do not have authority over the work program of city staff. Rather, the liaison acts as an information resource and provides technical assistance. Board and commission members may not direct city staff in the performance of their commission-related activities, nor can they assign projects or direct the work of staff. A board or commission may request staff's assistance on various projects; however, the City Manager must approve all requests which create a substantial demand for a work product.

Subcommittees

Boards and Commissions may appoint subcommittees or advisory committees to work on various matters. Subcommittee or advisory committees cannot contain a quorum or more of parent commissioners. If a quorum or more of the parent commissioners attend a subcommittee or advisory committee meeting, it becomes a full-blown commission meeting and an appropriate agenda and minutes would be required. If the subcommittee or advisory committee is not limited to commission-only membership, the remaining members must be appointed by the City Council. Subcommittees and advisory committees are bound by the Arizona Open Meeting Law requirements, which means that agendas must duly be prepared and posted and minutes must be prepared. The sole purpose of subcommittees and advisory committees is to make recommendations to the main commission and they have no authority of their own.

Residency

The City Charter requires all board and commission members to be residents of the City of Flagstaff at the time of their appointment and for the full duration of their term in office. This means that your primary physical residence must be located within city limits and that you reside at that location. A board or commission member who moves out of town during a term of office is no longer eligible to serve on the board or commission. The only exception to this rule is the joint City/County Library Board where the County appoints two individuals who are County residents but who may or may not be residents of the City.

Meeting Attendance

The success of your board or commission depends on your active participation. A commission meeting cannot proceed without a quorum of members in attendance. Often a quorum is one more than half of the full voting membership of a board or commission; however, some commissions have a different quorum requirement based upon the statutory or other language that defines the commission. Please check with your staff liaison to determine the number of commissioners that constitutes a quorum for your particular board or commission. Some establishing ordinances contain attendance requirements, while other commissions have adopted bylaws to clearly define attendance requirements. However, as a general rule, a board or commission may recommend to the City Council the dismissal of any citizen member who is absent for more than two consecutive regular meetings without prior notification. This same rule applies if a commission member is absent for more than thirty percent (30%) of all meetings during a twelve-month period.

Orientation

As a board and commission member, you are required to participate in at least one session of the city's board and commission training within your first three months in office. The city clerk's office ~~has made this training available online at <http://www.flagstaff.az.gov/index.aspx?nid=994> under "Member Training."~~ will notify you as these sessions are scheduled. Additionally, at least one day prior to taking office members must sign an affirmation that they have read the open meeting law materials available online as required by state law. The city clerk's office will also provide, upon request, specific training sessions to boards and commissions to supplement formal orientations.

Qualifications

Occasionally a commission's organizational structure will require a member to have a specific qualification or background. ~~For example, the Tourism Commission must have a specified number of members from the tourism industry; the members of the Audit Committee are usually Certified Public Accountants or have a strong accounting background, and the Youth Commission is comprised of middle and high school level students.~~

Membership Roster

The City Clerk maintains current membership rosters for all the City's official boards and commissions. If your home or work address or phone number changes, be sure to notify the Clerk's office as quickly as possible.

LAWS, REGULATIONS, AND POLICIES

GENERAL INFORMATION

This portion of the manual is devoted to helping you navigate the difficult waters that come with being a public official. Public agencies and public officials are bound by stricter standards than the private sector. Preparation for meetings, meeting decisions, discussion items, agendas, and commissioner conduct are all strictly regulated by state law. These statutes require compliance and they affect all government agencies. Non-compliance or willful disregard of these laws can result in painful consequences.

The two most important laws that you will face as a commissioner are Arizona's Open Meeting Law (Arizona Revised Statutes Title 38, Chapter 3, Article 3.1) and the Conflict of Interest Law (Arizona Revised Statutes, Title 38, Chapter 3, Article 8). Protecting the public and safeguarding the public process is at the core of these laws. Because they have a direct bearing on your board or commission's activities and your behavior as a commissioner, it is vitally important for you to become familiar with them.

With few exceptions, all boards and commissions meet on a regular basis. If a quorum is not in attendance, by definition, a meeting cannot be conducted. It is important that all, or a majority of, commissioners receive information and engage in discussion at the same time. This ensures a level playing field for commissioner members and the members of the public interested in the issue. In cases where a quorum is present at the beginning of the meeting but is lost due to attrition during the meeting, the meeting shall be concluded at the time of the departure of the commissioner whose absence results in the lack of a quorum.

OPEN MEETING LAW (A.R.S §38-431.09)

Arizona's Open Meeting Law states that:

"...It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided..."

In other words, meetings shall be open to the public and all legal action, as well as the proposing and discussing of all such action, must take place during the public meeting. Further, only items on the agenda may be discussed. Regular or special meetings, work or study sessions, or other gatherings at which a quorum of the public body is present to discuss or decide the public body's business, must comply with the notice, agenda, and minute requirements and must be open to the public.

Boards and commissions must designate, in writing to the City Clerk, the place where meeting notices will be posted. Notices must state when and where the meeting will be held and list the items of business to be discussed. In most cases, a copy of the agenda can serve as the meeting notice so long as it contains all of the elements required in this section. These notices are prepared by your staff liaison and kept on file in the Clerk's Office for public inspection.

A minimum of 24-hour public notice to board and commission members and the general public is required for all public meetings unless an actual emergency exists. In addition to notice of the

time, date, and place of each meeting, the Open Meeting Law requires a prepared agenda. Notices and agendas must contain enough information to inform the public of the matters to be discussed or decided. This does not permit the use of agenda items such as "new business" or "old business," unless the specific items of new and old business are listed. Once again, your staff liaison will make sure that your agendas are prepared and posted in accordance with the law as a matter of course.

All persons desiring to attend and listen to meetings must be accommodated. This may result in the need to move a meeting to a larger facility when an issue causes a large amount of public concern and many citizens wish to attend a meeting. Your staff liaison should be advised if you suspect that different accommodations will be required for a meeting because of larger than normal public interest.

Actions taken at a meeting held in violation of the Open Meeting Law are null and void unless ratified within 30 days of discovery and notice and a detailed description is given at least 72 hours prior to the meeting to ratify the non-complying action(s).

The Open Meeting Law requires minutes for all meetings. At a minimum, minutes must contain the date, time, and location of the meeting; a list of governing board members in attendance and those members who are not in attendance; a description of the topic(s) under discussion and/or consideration; the name of each person "making statements or presenting material to the public body;" all first and second motions, along with the person's name who made the motion; and a numerical breakdown of the vote. Either written minutes or an audio recording of a public meeting must be available for the public within three working days after the meeting, and must be posted on the City's website within this same period of time. Written minutes that have not yet been approved should be marked "draft" before being made available for public inspection.

Practices such as polling individual members to reach a decision prior to the meeting are prohibited. If the public body or its presiding officer appoints a committee or subcommittee to study a particular issue, the law also governs the meetings of the committee or subcommittee. This is true regardless of the composition of the committee or subcommittee.

Whether oral, written or e-mail, discussion and deliberation between less than a quorum of members for the purposes of circumventing the Open Meeting Law is a violation of the law. The City of Flagstaff recommends that two or more commissioners may not engage in discussion for the purpose of influencing the outcome of a decision of a board or commission. The effect of one vote carried in a private setting may alter the course of a commission's ultimate decision and this violates the spirit of the Open Meeting Law. Observance of this recommendation will remove commissioners from dangerous environs and protect them from censure.

To avoid pitfalls associated with Arizona's Open Meeting Law, information and materials that a commissioner wishes to share with members of his/her commission should be provided to the staff liaison for distribution to the commission at open meeting or should be distributed by the commissioner at an open meeting with sufficient copies for those in attendance. Discussion is to be limited to public sessions in keeping with the spirit of the Open Meeting Law. This means that the public's business is to be conducted in public.

A board or commission agenda may include a "Call to the Public" to designate a part of the meeting for the public to address the board or commission on items that are not on the prepared agenda. Following an open call to the public, members of a public body may respond to criticism

raised, ask staff to review a matter raised or ask that a matter raised be put on a future agenda. However, neither discussion nor action may occur on issues that are not on the agenda.

On a rare occasion, a board or commission may convene for an executive session. Executive sessions shall not be held without the prior consent of the City Attorney. Executive sessions must meet the minimum 24-hour posting requirement and agendas, again, must inform the public of the matters under consideration. Bodies are allowed to convene in executive session only under seven auspices. The most likely topic of an executive session involving a board or commission would be to consult with the City's attorneys. Occasionally, the City Council will request a joint executive session with a board or commission. Executive sessions are not open to the public and no formal action is taken. In addition, the particulars of executive sessions matters are confidential and may not be discussed with anyone.

Arizona's Open Meeting Law includes penalty provisions for violations. Anyone affected by an "illegal action" can file suit in Superior Court. If the Court finds that the Open Meeting Law has been violated, it may levy a fine of up to \$500 against the commissioner(s) for each violation. The commissioner as an individual, and not the municipality, must pay the fine. The commission member is also subject to removal from office.

The Arizona Attorney General has published an "Agency Handbook" on its website. Chapter 7 is devoted to public agency duties and responsibilities under the Open Meeting Law. If you would like to view this information, you can visit the Attorney General's website at: <https://www.azag.gov/sites/default/files/sites/all/docs/agency-handbook/ch07.pdf>. This document is fully linked for your convenience and is also available on the City's website under City Hall/Agendas & Minutes/City Council/Meetings.

If violations of the Open Meeting Law continue to occur after admonishments to a commission, any of its members, or the staff liaison in conjunction with the commission or its members, a formal complaint may be filed with the Arizona Attorney General's office to seek compliance in order to protect the best interests of the community and the City of Flagstaff.

E-MAIL AND OTHER COMMUNICATIONS AMONG COMMISSIONERS OUTSIDE A PUBLIC MEETING

Communications can occur among commission members in a variety of ways in other than a public setting: face-to-face, in writing, over the telephone and through the use of e-mail. The Attorney General's Office is enforcing the Open Meeting Law to prohibit the use of e-mail between a quorum of the members of a public body where public matters are discussed, considering such e-mail discussion to be a "meeting" held in violation of the Open Meeting Law.

E-mail (or electronic) communications can constitute a "meeting". The public does not have access to commissioners' e-mail, so when members of a public body begin having discussions by electronic or telephonic communication, it can result in Open Meeting Law violations. In addition, the staff liaison or other staff member is not allowed to communicate the various positions of commissioners to each other. Once a commissioner commits to written form a communication related to commission business, that record no longer belongs to the commissioner as an individual, but becomes part of the public domain. Anyone involved in sending messages back and forth which even discuss possible action or propose a formal action are breaking the law—the same as if the commissioners had met together in a private meeting.

Finally, anything you commit to in writing pertaining to commission business is a public record and must be produced in response to a public information request.

It is important to emphasize the City's policy that communications among commissioners outside of the public meeting setting should first be forwarded to the staff liaison who will distribute the information according to proper protocols.

CONFLICT OF INTEREST LAW (ARS §38-503)

Conflict of interest laws are written to protect the public's interests, primarily, but they also provide protections for the public agency and for you.

It is a felony if you knowingly or intentionally violate the Conflict of Interest Law. A negligent or reckless violation is a misdemeanor. You can also be prosecuted for failing to disclose a conflict that you did not know about but should have. You have to be alert to this possibility and make all reasonable efforts to identify potential conflicts.

The Conflict of Interest Law applies to all public officers, including board and commission members, and employees of incorporated cities and towns. It can also apply to relatives of public officers and employees. Generally, all City employees and elected and appointed officials must be constantly on guard against conflicts of interest. Because there are severe penalties for violating the Conflict of Interest Law, you should understand your obligations, liabilities, and rights.

The Conflict of Interest Law distinguishes between interests that are "remote" and those that are "substantial". Remote interests are considered so minor that they do not constitute legitimate conflicts of interest. Any pecuniary or proprietary interest that is not remote is a "substantial" interest and does constitute a conflict of interest.

Remote Interest

If you have a remote interest in a matter, then you can still vote and participate in the discussion of your board or commission. For a public officer or employee, or a relative of a public officer or employee, a remote interest is:

1. A non-salaried officer of a non-profit corporation doing business with or requesting money from the City.
2. The landlord or tenant of a contracting party. (For example, an advisory board member may lease office space to a party with a private interest in a public matter without it resulting in a conflict of interest.)
3. An attorney whose client is a contracting party.
4. A member of a non-profit cooperative marketing association doing business with the City.
5. The owner of less than three percent of the shares of a corporation doing business with the City, provided that:
 - a. the total annual income from dividends, including the value of stock dividends, does not exceed five percent of the officer's or employee's total annual income; and
 - b. any other payments made to the officer or employee by the corporation do not exceed five percent of the officer's or employee's total annual income.

6. Being reimbursed for actual and necessary expenses incurred in performance of official duties.
7. Receiving municipal services on the same terms and conditions as if you were not an officer or employee of the municipality. (For example, when a Councilmember who owns a business within the City votes for or against an increase in the business license tax, a conflict would not exist because this action would apply to all businesses in the corporate limits.)
8. An officer or employee of another political subdivision, a public agency or another political subdivision, or any other public agency voting on a contract or decision which would not confer a direct economic benefit or detriment upon the officer. Thus, a Councilmember who is a schoolteacher may vote to enter into an intergovernmental agreement with the school district, unless such agreement would confer some direct economic benefit, such as a salary increase, upon the Councilmember.
9. A member of a trade, business, occupation, profession, or class of persons who has no greater interest than the other members of similar trades, businesses, occupations, professions, or classes of persons. (For example, a plumber who serves on the City Council may vote to increase or decrease plumbing inspection fees since the effect of this decision will be equal on all plumbers within the City.)

Substantial Interest

When a substantial conflict of interest exists, you must remove yourself from the commission discussion and decision on the item. A substantial conflict generally involves a monetary (salaried) or ownership relationship with a private entity doing business with the city. This kind of conflict of interest requires you to identify a conflict of interest publicly on the record and to refrain from discussion, vote, or any attempt to influence the decision.

If you are the chairperson and you declare a conflict of interest, you must hand the conduct of the meeting over to your vice-chair and leave the podium. It is inappropriate for the Chairperson to preside over a matter when the chair has declared a conflict of interest.

A substantial conflict of interest is defined as any pecuniary (monetary) or proprietary (ownership) interest that is not remote. In general, a conflict of interest exists when an officer or employee of the City is involved in substantial ownership or salaried employment with a private corporation doing business with the City. For example, if a Councilmember owns or is employed by a lumberyard selling to the City, a conflict may exist. On the other hand, if the Councilmember is the lawyer of the lumberyard, or if the Councilmember leased land to the lumberyard, a conflict may not exist.

A public officer or an employee may sell equipment, material, supplies, or services to the municipality in which the officer or employee serves if this is done through an award or contract let after public competitive bidding. However, the City officer or employee would not be able to influence the bidding process in any way and must make known such interest in the official records of the City.

The Conflict of Interest Law also contains the following restrictions on the activities of public officers:

- When a public officer has exercised "administrative discretion" in an issue, that officer or employee cannot receive compensation if representing another person

before an agency of the City on the same issue. This restriction extends to twelve months after termination of office or employment with the city or town.

- A public officer cannot use confidential information obtained during the term of office or employment for personal gain.
- A public officer cannot receive any compensation for performance of services in any case, special proceeding, application, or other matter pending before any agency of the City. This does not apply, however, to ministerial functions such as filing or amending tax forms, applying for permits, licenses, or other documents.
- A public officer cannot use his or her position to obtain anything of value that would normally not be received in the performance of official duties. Something is considered of "value" when it exerts a "substantial and improper" influence on the duties of the public official.

A conflict of interest also occurs when a public officer or employee has the opportunity to perform some act or participate in making a decision in an official capacity that might affect an economic interest of either themselves or their relatives.

To help you decide if you have a conflict, ask yourself three questions:

- Will my decision have a positive or negative impact on an interest of my relative's or mine?
- Do I have a monetary or ownership interest in the matter?
- Is my interest other than one of the designated remote interests?

If you find that you have a substantial conflict of interest, you must:

1. Refrain from voting or in any way influencing the decision.
2. Make the conflict of interest known in the official records of the City by declaring at the board or commission meeting that a conflict of interest exists so that the declaration can be officially entered into the minutes.
3. Leave the table or the room until the item is discussed and acted upon.
4. File a conflict of interest disclosure statement with the City Clerk's office that describes the nature of the conflict.

Public Perception and the Appearance of a Conflict of Interest

On occasion, a member of the public, or even a fellow commission member may believe that you have a conflict of interest, when you do not. These are some additional filters to help you determine if you do, indeed, have a conflict of interest:

1. Is there **sufficient appearance of a connection** between you and the subject matter that your continued participation in the issue **would harm your ongoing credibility, that of your board or commission and/or the ongoing credibility of the City?**
2. Is the accusation reasonably grounded or is it a flight of fancy?
3. Does the accuser stand to gain something by your withdrawal from the discussion?

Public perception is not a sufficient basis alone upon which to determine whether or not a conflict of interest occurs. Citizens, by and large, are not familiar with conflict of interest laws. Citizens

have also been known to try to use a “conflict of interest” argument to keep a public official from voting on a matter when that citizen did not agree with the public official’s position or vote.

If you have an appearance of a conflict of interest, or you are not sure whether or not you have a conflict, you may request a finding. The appropriate protocol is to address the matter with your staff liaison, in writing or verbally, who will then forward it to the City Manager for disposition.

Prohibited Acts Within a Year After Leaving Public Office

It is possible to violate the Conflict of Interest Law even after leaving public office. Within a year after leaving office, former public officials may not:

- Receive or accept compensation when representing any private person or entity before the city on an issue that was discussed during the term of office.
- Use confidential information obtained during the term of office for personal gain.
- Receive any compensation in any special matter pending before any agency of the City (with the exception of administrative actions such as filing routine forms, routine applications for permits, licenses, etc.)

Misusing a Declaration of Conflict of Interest

The conflict of interest argument can be misused, as well. It should never be raised as a way to escape accountability for a vote, to avoid taking a stand on a controversial issue, or to appease an unfounded public perception. You are appointed to do much of the homework for the City Council and to make informed and unbiased recommendations to the City Council. It is important that you fulfill this obligation. It cannot be emphasized enough that the success of your board or commission depends on your active participation. Regular and frequent “conflicting out” of your board or commission’s business may limit your effectiveness as a commissioner.

CODE OF CONDUCT

Your conduct as a board or commission member is very important. It can strengthen or undermine the credibility of your board or commission and the decisions or recommendations that it makes. A commission member's statements and actions assume special significance and, if not responsibly discharged, could be detrimental to the City's best interests. In addition, improprieties of a board or commission member can have a legal impact on the City.

For these reasons, all board and commission members are required to [view the attend-an orientation workshop online](#) as a condition of appointment. In addition, each board and commission member is asked to observe the following guidelines.

As an official member of the City of Flagstaff team, City policies apply to board and commission members.

A public process has been established for commission recommendations and decisions to be presented to the City Council in public meetings. Individual commission members should not meet jointly or separately with members of the City Council on matters of commission business. However, this provision is not meant to deprive the commissioner, as a citizen, of the right to meet with any member of the City Council on any other matter. Private meetings with City Councilmembers can be interpreted as attempting to influence the outcome of a vote of the City Council prior to a matter coming to the Council at an open meeting. Not only is it illegal for commissioners to discuss commission business with each other behind the scenes, but discussing commission business behind the scenes with City Councilmembers could also lead City Councilmembers into violations of the Open Meeting Law if the item is forthcoming on a Council meeting agenda, particularly if a commissioner conveys information from one Councilmember to another, as the Open Meeting Law prohibits Councilmembers and commissioners from communicating through an intermediary.

As a member of a board or commission, you do not lose your rights as a private citizen. However, you may not use your official title or make any statement as a representative or member of your commission to influence an election, further a personal position, or for personal benefit. Under City policy, you are not allowed to make unauthorized statements as a representative of your commission. Your title belongs to the City and is to be used when you are engaged in official business of the City such as at public meetings.

The City of Flagstaff has adopted a mission and values statement that pertains to all of its municipal officers, officials, and employees. It states that:

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

Some of the values needed to achieve this goal are:

- Accountability
- Honesty
- Responsibility
- Cost consciousness
- Teamwork in partnership with citizens
- Problem solving.

As a public official of the City of Flagstaff, these ideals apply to you.

Along the way, commissioners may find themselves facing ethical dilemmas. Matters of ethics are often difficult to detect. It is important that you make every possible step to preserve the public perception of your ethics and values. What you do in any given situation is a reflection upon the organization as a whole. The values you hold will greatly influence your behavior when you are confronted with an ethical question.

People are quick to judge by appearance. During meetings and at official public functions, your words and actions will come under intense public scrutiny. Your public behavior is a statement about the democratic process in the City of Flagstaff. It is also a reflection on the way the City of Flagstaff conducts its business. Consequently, you should consider ethical questions through the “filter” of public perception.

If you have a question on an ethical issue, contact your staff liaison before the meeting and take no position on the issue until you have resolved the dilemma. It is very important to act in an appropriate manner at all times.

Gift giving is one of the most common ethical situations that come into play with public officials. Some gifts are harmless and have no hidden meaning while others are subtly, or even overtly, meant to influence your behavior and vote. If a citizen or some other entity tenders you a gift, it may be helpful to ask the following questions in whether or not you should accept the gift:

1. Is the giver associated with an individual or organization involved with a past, present, or future matter that has been considered or will be considered by your board or commission?
2. Does the giver expect something in return?
3. Is the gift of more than nominal value?
4. Would someone question your integrity and values if they knew about the gift?

If your answer is “yes” to even one of these questions, then you should not accept the item regardless of whether or not it is innocent in intent.

Create a good impression of city government. Your conduct and performance is a picture in the eyes of the public of the way the city is run. It should be as pleasant and comforting a picture as possible.

- Be knowledgeable about the process and procedures of municipal government and the specific responsibilities associated with being a member of your board or commission.
- Avoid making recommendations or expressing views that have not been approved by a majority of the members of the board or commission you represent without clearly indicating that you are speaking as a private citizen.
- Public statements should contain no promises to the public that may be construed to be binding on the board or commission, staff, or City Council.
- When making a public statement, stress that the commission actions are recommendations and that final action will be taken by the City Council. Or, in the case of the few boards and commissions with decision-making authority, are subject to appeal to the City Council.

- Attend the meetings of your board or commission. Be sure to arrive promptly and stay until all business has been concluded.
- Conduct official business in a fair, objective, and professional manner.
- Be respectful of others.
- Listen to what others have to say, including those with whom you disagree.
- Place the public welfare ahead of your own.
- Conduct the public's business in public.
- Make recommendations and/or decisions in the best, long-term interest of Flagstaff citizens as a whole.
- Be informed about issues having a direct relation to the board or commission you represent.
- Maintain a good relationship with the public, City Council, City staff, and other commission members.
- City of Flagstaff elections are non-partisan. Do not use your appointed office or title to conduct political activities.
- Act lawfully, as well as within the spirit of the law, including those laws that apply directly to your role as a board or commission member.

MEETINGS

AGENDAS

As discussed in the section on Arizona's Open Meeting Law, boards and commissions are required to prepare and post agendas for their meetings. Boards and commissions may establish deadlines within which to place items on an agenda in order to allow sufficient time for the agenda to be prepared, posted, and distributed to the commissioners. Items are placed on agendas in a variety of ways:

- In response to direction from the City Council.
- In response to a directive from the City Manager.
- As requested by any commissioner at a public meeting.
- In response to a request from the chairperson.
- As deemed necessary by the staff liaison.
- As requested by other boards and commissions.

Requested agenda items will be placed on an agenda as the associated work can be completed by the staff liaison.

Agendas are necessary to the conduct of a meeting and they inform the commission and the public of items that will be discussed. Items must be stated in a sufficiently clear way as to identify the subject matter and potential action(s) that can be taken. Placing an item on an agenda allows a commission to discuss and possibly act on an item.

SPECIAL RULES

STATE AND LOCAL RULES

Established guidelines and rules are essential to a productive and successful meeting. The City Council has established a successful format for conducting business at Council meetings and boards and commissions should follow those guidelines in conducting their own meetings. The City Council is bound first by the Arizona Revised Statutes, in particular the Open Meeting Law. The Flagstaff City Charter also establishes rules regarding the conduct and meetings of the City Council and is the local legal authority on several aspects of meeting activity.

The Charter of the City of Flagstaff provides that, in the absence of a conflict of interest, an abstention is counted as an affirmative vote:

"No member of the Council present at any meeting shall be excused from voting, except in matters involving the consideration of their own official conduct. In all other cases, a failure to vote shall be entered on the minutes as an affirmative vote."

When a refusal to vote occurs, it is entered on the minutes as an affirmative vote with no explanation. The no-vote or abstention clause is intended to provide an incentive to vote. The

provision also protects the public process and ensures that, at a minimum, a majority of members present at a meeting vote on an issue.

Following the form outlined in the Charter, the chairperson role is similar to that of the Mayor. A chairperson is a regular voting member of the commission. The chairperson may call a special meeting when deemed necessary. The chairperson also presides over meetings and acts as spokesperson for the commission when appropriate. As with the City Council, citizens may petition a commission to have an item placed on an agenda and the item is to be placed on the next available agenda, if possible.

RULES OF PROCEDURE

The Rules of Procedure for the Flagstaff City Council are included as Appendix C. The most recent version of the Rules may also be found on the City of Flagstaff website. If a board or commission has adopted its own rules and the board or commission's rules conflict with the Rules of Procedure for the Flagstaff City Council, the Council's rules will prevail. Provisions in this manual are designed to follow closely the rules and regulations established by the City Council and apply to all boards and commissions. Where the Rules refer to the city council, please substitute the appropriate board or commission. Where the Rules refer to the mayor or councilmembers, please substitute the chair of the board or commission and the board or commission members.

~~Of particular interest and application to Flagstaff's boards and commissions are the following rules regarding Meeting Decorum and Order, Right of Appeal from the Chair, Public Participation in Commission Discussions, and Rules Governing Motions by the Council. Adopted from the City Council's Rules of Procedure, wherever necessary, the language has been revised to fit boards and commissions.~~

~~MEETING DECORUM AND ORDER~~

~~Decorum and Order among Commissioners~~

~~The Chair shall preserve decorum and decide all questions of order, subject to appeal to the commission. During commission meetings, commissioners shall preserve order and decorum and shall not delay or interrupt the proceedings or refuse to obey the order of the Chair or the rules of the Commission. Every commissioner desiring to speak shall address the Chair, and upon recognition by the Chair, shall confine himself or herself to the question under debate and shall avoid all personal attacks and indecorous language. A commissioner once recognized shall not be interrupted while speaking unless called to order by the Chair or unless a point of order is raised by another commissioner. If a commissioner is called to order while he or she is speaking, he or she shall cease speaking immediately until the question of order is determined. If ruled to be out of order, he or she shall remain silent or shall alter his or her remarks so as to comply with the rules of the commission. Commissioners shall confine their questions to the particular issues before the commission. If the Chair fails to act, any member may move to require him or her to enforce the rules and the affirmative vote of the majority of the commission shall require the Chair to act.~~

~~Decorum and Order among Citizen Participants~~

~~Citizens attending commission meetings shall also observe the same rules of propriety, decorum, and good conduct applicable to members of the commission. Any person who causes a~~

~~disturbance while attending a commission meeting, may be removed from the room if so directed by the Chair. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations that cause a disturbance shall not be permitted by the Chair, who may direct the sergeant-at-arms to remove such offenders from the room. Should the Chair fail to act, any member of the commission may move to require the Chair to enforce the rules, and the affirmative vote of the majority of the commission shall require the Chair to act. Any member of the public desiring to address the commission shall be recognized by the Chair, shall state his or her name and address in an audible tone for the record, and shall limit his or her remarks to the questions under discussion. Any remarks shall be addressed to the Chair and to any or all members of the commission.~~

~~CIVILITY AT MEETINGS~~

~~It is the chairperson's responsibility to maintain meeting civility, whether or not it is at the commissioner level, staff level, or audience level. Meetings should be conducted in a professional manner so that a commission's business is accomplished in a fair, impartial, and orderly manner. Inappropriate meeting conduct by both the participants and audience sets the example and tone for how the rest of the meeting will take place. Occasionally, a chairperson will be required to take steps to maintain control of the meeting by intervening in a controversial discussion and to bring control of the meeting back to the podium.~~

~~The Chairperson should not allow outbursts from the audience. Members of the audience should be reminded that, when it is their time to speak, they must address the board or commission, and not the city employee, consultant working on a project, or other citizens. When a member of the audience or the speaker at the podium displays hostile behavior toward the commission, city staff, paid consultant, or other citizens, it should be corrected in order to maintain control of the meeting.~~

~~Should the commission find itself in a meeting where emotions run high, the Chairperson is encouraged to, and has the authority to, take any of the following actions:~~

- ~~• Remind the speaker that comments are to be confined to the issue at hand and there are to be no attacks on any participant in the meeting.~~
- ~~• Cut off the speaker's remaining time.~~
- ~~• Revoke the speaker's speaking privilege.~~
- ~~• Remove a speaker from who is causing a disturbance at the meeting.~~
- ~~• Remind the audience that outbursts from the audience will not be allowed.~~
- ~~• Advise the audience that a 10-minute recess will be called if audience members do not refrain from catcalls and outbursts.~~
- ~~• Call a 10-minute recess and advise the audience that, when the meeting reconvenes, if hostilities and displays do not cease, the meeting will be continued to another date and time.~~
- ~~• Reconvene the meeting or continue the meeting to another night.~~

~~The audience should clearly understand that it is their behavior that dictates whether or not the meeting will proceed or be continued to another date.~~

~~RIGHT OF APPEAL FROM THE CHAIR~~

~~Process for Appeal~~

~~Any member may appeal to the commission from a ruling of the Chair. If the appeal is seconded, the member making the appeal may briefly state his or her reason for the same, and the Chair may briefly explain the Chair's ruling. There shall be no debate on the appeal, and no other member shall participate in the discussion. The Chair shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote "aye", the ruling of the Chair is sustained; otherwise, it is overruled.~~

PUBLIC PARTICIPATION IN COMMISSION DISCUSSIONS

Call to the Public

~~Commissions may make an open call to the public to allow individuals to speak up on any issue within its jurisdiction, however, commission members may not discuss or take action on matters raised during the call to the public that are not specifically identified on the agenda. Commission members may respond to criticism and/or ask that the matter be taken under review or placed on a future agenda.~~

~~Agendas should contain language that explains why commission members cannot respond and what the options are so that the public knows in advance what to expect.~~

Regular Agenda Items

~~Public participants may address the commission on agenda items. The Chair must recognize the person before that person may address the public body and the speaker must identify his or her name and city of residence for the record. He or she shall limit his or her remarks to the matter under discussion and shall address his or her remarks to the Chair. The Chair shall limit the period of speaking to a reasonable period of time as specified by, and at the discretion of, the Chair.~~

Public Hearings

~~In the case of a public hearing, the Chair shall announce prior to such hearing the total time limit to be allowed for public debate, depending upon the circumstances and public attendance. The Chair shall also announce the time limits for each speaker (normally no more than five minutes), and the number of times each speaker will be heard from during the public hearing (generally no more than twice, although the Chair may limit each speaker to one time where time constraints or the number of persons desiring to speak on an issue dictate otherwise). These rules will be announced with majority consent of the commission present. This rule will not preclude questions from members of the commission to the speaker where it is deemed necessary for purposes of clarification or understanding, but not for purposes of debate or argument.~~

Quasi-Judicial Hearings

~~The Open Meeting Law defines a quasi-judicial body as "a public body, other than a court of law, possessing the power to hold hearings on disputed matters between a private person and a public agency and to make decisions in the general manner of a court regarding such disputed claims." Contested proceedings or quasi-judicial or adjudicatory proceedings conducted by public bodies are subject to all of the requirements of the Open Meeting Law, as well as a number~~

~~of additional due process requirements. These due process requirements include: no ex-parte communication and an opportunity for the person to present their case through witnesses, cross-examination, and argument. Robert's Rules are difficult to apply to quasi-judicial hearings, and separate rules for such hearings may be necessary.~~

~~Limits on Public Participation~~

~~Members of the public are limited to addressing the public body once on each item. They may not approach the chair multiple times. If an individual's issue cannot be addressed within the allotted time, the individual may submit additional written comments. If a commission member engages the speaker in discussion, the clock will be stopped and the speaker will not be penalized for the time spent answering the commissioner or for the commissioner's time in talking to the speaker.~~

~~Further, the public is expected to display courteous behavior. Inappropriate behavior is subject to forfeiture of allotted time to speak and may result in removal from the meeting.~~

~~RULES GOVERNING MOTIONS BY THE COMMISSION~~

~~Motion to be Stated by the Chair—Withdrawal~~

~~When a motion is made and seconded, it shall be so stated by the Chair before debate commences. A motion may not be withdrawn by the mover without the consent of the member seconding it.~~

~~Motion to Suspend Rules~~

~~Suspension of these rules requires a majority consent of the commissioners present. A motion to suspend may not be made while another motion is pending unless it directly applies to the pending motion.~~

~~Motion to Change Order of Agenda~~

~~The Chair may, at his or her discretion, or shall, upon the majority vote of commissioners present, change the order of the agenda. However, caution should be given to not changing the order to circumvent the Open Meeting Law.~~

~~Motion to Postpone~~

~~A motion to postpone is in order when an item is rescheduled to a time certain, when it is delayed with conditions, or when the matter is intended to be disposed of without action. If the motion prevails, the *item shall return for commission action at the meeting specified or in accordance with the conditions established in the postponement*. A motion to postpone may be debated prior to vote, but no other motion, including a motion to amend, may be offered until the vote is taken and only if the motion to postpone fails.~~

~~A motion to postpone indefinitely, if it receives a majority vote, effectively extinguishes an item.~~

~~Motion to Table~~

~~A motion to lay on the table shall preclude all amendments or debate on the subject under consideration and is used to delay discussion on an item until later in the meeting or until the next meeting. Neither the motion on the table or other business can be discussed, until a vote has been taken on the motion. If the motion prevails, the consideration of the subject may be resumed only upon motion of a member voting with the majority of the members present. To take a motion off the table at the same or immediately succeeding meeting, a motion and second must be made to take the item off the table, and it must pass by majority vote. If not revived by the adjournment of the immediately succeeding meeting, the matter is considered to be dead.~~

~~Motion to Divide the Question~~

~~If the question contains two or more divisionable propositions, the Chair may, and upon request of a member, shall divide the same.~~

~~Motion to Amend~~

~~On a motion to amend or “strike out and insert”, the motion shall be made so that the intent of the amendment is clear to the commission and public, and for the record.~~

~~Motion to Amend an Amendment~~

~~A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.~~

~~Motion to Reconsider~~

~~After the decision on any question, any member who voted with the majority may move a reconsideration of any action at the same or the next succeeding meeting, provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require the same number of votes as is required to adopt an ordinance or resolution. After a motion for reconsideration has once been acted on, no other motion for a reconsideration thereof shall be made without unanimous consent.~~

~~Motion for Roll Call Vote~~

~~Any commissioner may request a roll call vote, or the Chair may ask for a roll call vote for purposes of clarifying a vote for the record. The roll may be called for yeas and nays upon any questions before the commission. Unless allowed by the Chair, it shall be out of order for members to explain their vote during the roll call, or to engage in additional debate or discussion on the subject after the vote is taken.~~

ROBERT'S RULES OF ORDER

The City Council has adopted Robert's Rules of Order as its guide to parliamentary authority. Robert's Rules of Order contains within itself a provision that identifies itself as the last in the line of authority and last in the order of precedence. Thus, Robert's Rules should be the last authority, after all other existing authorities have been exhausted. If there is any conflict between Robert's Rules of Order and other laws or adopted rules, the other regulations control. The City Council's Rules of Procedure state, in Rule 11, Section 11.04, that:

"Robert's Rules of Order, latest edition, shall govern the [commission] in all cases to which they are applicable, provided they are not in conflict with these rules or with the Charter of the City of Flagstaff or the laws of the State of Arizona."

It is important to remember that Robert's Rules of Order is a guide for conducting the business of a meeting and it is not the law. The only required actions to make an item legal are a motion, a second, and a vote. Within that motion, second, and vote, intent must be clear and those who vote on the matter must clearly understand the intent. Robert's Rules provides formulas for the sequencing of different kinds of motions and an orderly rule for conducting a meeting. However, if a motion is plainly made, a second to the motion is placed on the record, and the voting participants understand the effect of their vote and support the outcome of the motion, it will stand up on its own even if it does not follow the letter of Robert's Rules.

Robert's Rules of Order establishes a fair and impartial process for commissions to conduct their business and it ensures that members get their say. ~~A condensed version of Robert's Rules is included with this manual for your reference.~~

CONDUCTING A SUCCESSFUL MEETING

When representing and dealing with public concerns, fairness should be everyone's goal. Not everyone will be satisfied with the outcome of every decision your board or commission makes. However, equal treatment during the decision making process will leave most participants satisfied that they were treated fairly. To ensure every citizen receives fair and equitable treatment, meetings will benefit from the consistent application of the following guidelines for conducting a successful meeting:

GUIDELINES FOR CONDUCTING A SUCCESSFUL MEETING

1. Give adequate and timely notice of all meetings.
2. Start and end each meeting on time.
3. Conduct all meetings in accordance with the Open Meeting Law, the City Charter, Council Rules of Procedure, and refer to "Robert's Rules of Order" as a guide.
4. Follow a published agenda—supply enough copies of the agenda for everyone attending the meeting.
5. Ensure the place that you hold meetings can accommodate all members of the public who wish to attend.
6. Limit the agenda to the number of topics that can be dealt with in the time allotted.
7. Allow time for discussion and comment and notify speakers in advance of the amount of time they will have to speak.
8. Announce the meeting format to the participants at the beginning of each meeting or, in some cases, portions thereof.

9. Cover the most urgent subjects first.
10. Let everyone be heard.
11. All speakers must be asked to identify themselves (name and city of residence) for the record.
12. The Chairperson should facilitate the meeting so that no one person dominates the discussion.
13. Discuss the pros and cons of an issue after everyone has had an opportunity to present his/her point of view.
14. Try to keep your comments and questions neutral, focusing on the facts presented to you.
15. Direct your attention to the speaker, issue, or task at hand--do not be distracted by minor points.
16. Make decisions based on fact.
17. Avoid conflicts of interest (see Page 14).
18. Bring issues to a vote, with each member having the opportunity to explain his/her decision/point of view (if appropriate).
19. For the benefit of the audience and participants, announce the voting results after each vote is taken.
20. Keep records of all actions taken.
21. Adjourn the meeting promptly when all business has been concluded.

REMOVAL FROM APPOINTED OFFICE

Commissioners serve at the discretion of the City Council and, like any other Council-appointed position, may be removed from office by an official vote of the City Council. On a rare occasion, circumstances surrounding the conduct of a commissioner may necessitate disciplinary action. Following are examples of activities that can precipitate admonishment or removal from office:

- Violation of the Open Meeting Law
- Refusal to sign the Official Oath of Office
- More than two consecutive unexcused absences from regularly scheduled commission meetings
- A 30% absenteeism rate or more from regularly scheduled commission meetings
- Persistent or willful violation of the Conflict of Interest Law
- Conduct jeopardizing the City's and community's best interests
- Rude, abusive, slanderous, and/or disrespectful behavior directed at the public, city staff, or members of the City Council
- Failure or refusal to participate in board and commission member training within a year of appointment, or when directed by the City Council, City Manager, or City Attorney
- Violation of City policies
- Unethical behavior
- Using your status as a City official (board or commission member) in an attempt to influence the outcome of an election
- Using your title as a City commissioner for personal purposes, to influence an election, or other unsanctioned activities not related to official commission business
- Willful non-compliance with the provisions of this manual
- Fraud, collusion, or coercion
- Inefficiency, neglect of duty, or malfeasance in office

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Charity Lee, Real Estate Manager
Date: 09/27/2016
Meeting Date: 10/04/2016



TITLE:

Consideration and Adoption of Ordinance No. 2016-36: An ordinance of the Flagstaff City Council authorizing the City of Flagstaff to accept specific deeds of real property and establishing an effective date.

RECOMMENDED ACTION:

At the October 4, 2016, City Council Meeting:

- 1) Read Ordinance No. 2016-36 by title only for the first time
- 2) City Clerk reads Ordinance No. 2016-36 by title only (if approved above)

At the October 18, 2016, City Council Meeting:

- 3) Read Ordinance No. 2016-36 by title only for the final time
- 4) City Clerk reads Ordinance No. 2016-36 by title only (if approved above)
- 5) Adopt Ordinance No. 2016-36

Executive Summary:

Real property, whether in fee or in easement form is often acquired during the development review process through dedication or donation. These acquisitions may be for drainage, utilities, the urban trails system, slopes, rights of way or other public purposes. The City Charter, in Article VII Section 5, requires the City to acquire real property by ordinance. The approval of this ordinance will formally accept the real property donated or dedicated to the City.

Financial Impact:

Real property is considered a fixed asset in the City. Until City Council approves an ordinance accepting the acquisition that value is not recognized in an audit so while there is not an actual financial expenditure associated with these acquisitions, there is a fixed asset value the City receives through this action.

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:

An ordinance accepting previous dedications and donations was approved on May 19, 2015. No previous decisions have been made regarding the dedications and donations listed in Exhibit A of the ordinance.

Options and Alternatives:

- 1) Adopt Ordinance No. 2016-36 and accept the dedicated and donated real property into City of Flagstaff ownership. Pros: Formalizes the transfer of property rights to provide for community goals and benefits. Cons: No Cons.
- 2) Do not adopt Ordinance No. 2016-36 and do not accept the dedicated and donated property. The City would have to deed the real property back to the Grantor,. Pros: no pros known. Cons: This will remove protections for utilities, trails, drainage and other public purposes.

Background/History:

Real property is acquired by the City, as necessary, when developments come through the permitting and review process. These properties can be easements to allow for a specific purpose such as a utility line or a drainage area, or they can be actual property received through a deed for rights of way or the protection of open space, or land received in the land trust program. The policy for City acceptance of these dedications is governed both by the charter and by internal process.

Key Considerations:

Real property is acquired throughout the year by donation and dedication necessary to achieve the Council and Regional Plan goals and to ensure utilities, roads, and specialized area are properly protected. All real property must be acquired by ordinance per the City Charter. There is a due diligence process that each acquisition goes through to ensure it is donated or dedicated properly and that the City's interests are protected. These acquisitions are necessary for the provision of services as the community grows and the liability assumed is consistent with these same real property rights throughout the community.

Community Benefits and Considerations:

Community benefits of the acceptance of the parcels includes proper protection for rights determined necessary for utilities, urban trail systems, drainage, slopes, open spaces, rights of way and others.

Community Involvement:

Inform

Attachments: [Ord. 2016-36](#)

ORDINANCE NO. 2016-36

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE CITY OF FLAGSTAFF TO ACCEPT SPECIFIC DEEDS OF REAL PROPERTY AND EASEMENTS AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, The City of Flagstaff ("City") has obtained numerous deeds and easements for real property through grants and donations that have not been formally accepted by City Council; and

WHEREAS, pursuant to Article VII, Section 5 of the Flagstaff City Charter, the City shall 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 acceptance of the specific grants and donations of interests in real property as more particularly described and depicted in Exhibit A, attached to this ordinance, are hereby authorized and ratified.

SECTION 2: That the City Manager, the City Attorney, the City Clerk, the Finance Director, the City Real Estate Manager, 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: Effective Date

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 18th day of October, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A

Document #	Recordation Date	Rights	Grantor	Landmark or General Area
3758077	7/20/2016	Public Utility Easement, water and sewer	CCC-Flagstaff, LLC	555 W. Forest Meadows Street
3755279	6/20/2016	Right of Way	CCC-Flagstaff, LLC	555 W. Forest Meadows Street
3744741	2/22/2016	Public Utility Easement	FAE Holding 461578R LLC	300 S. Babbitt Drive
3741782	1/8/2016	Urban Trails Easement	Station 1 @ Rt. 66, LLC	Lot 1 of the Final Plat of the Trax, Phase I as recorded in doc # 3725884
3739327	12/7/2015	Sewer Utility Easement	Fourth Street Flagstaff Partners, LLC	1701 N. Fourth Street
3739326	12/7/2015	Sidewalk Easement	Fourth Street Flagstaff Partners, LLC	1701 N. Fourth Street
3739325	12/7/2015	Water Utility Easement	Fourth Street Flagstaff Partners, LLC	1701 N. Fourth Street
3739324	12/7/2015	Drainage Easement	Fourth Street Flagstaff Partners, LLC	1701 N. Fourth Street
3739323	12/7/2015	Urban Trails Easement	Fourth Street Flagstaff Partners, LLC	1701 N. Fourth Street
3732960	9/24/2015	Public Utility Easement	Pine Knoll Apartments, LLC	Tracts A and E, Woods at Clear Creek, Case 8, Map 25
3732961	9/24/2015	Public FUTS, Drainage and Slope, Utility Easement	Consolidated Investment Co. Inc.	Tract E, Woods at Clear Creek, Case 8, map 25
3727564	7/23/2015	Water Utility Easement	Flagstaff Motor Company	Lot 1, the Marketplace/Flagstaff Auto Park Final Plat APN 11382001, portion of Tract A Final Plat of the Market Place/Flagstaff Auto Park APN 113-82-015B
3723146	6/8/2015	Streets, Improvements and Public Utility Easements	Alliance Bank of Arizona	Lot 118 Amended Plat Aspen Place at the Sawmill
3763779	9/19/2016	Urban Trails Easement	Evergreen-Trax, LLC	Track A according to the Final Plat of The Trax, Phase I, recorded in Inst. No. 3725884
3763716	9/19/2016	Sidewalk Easement	CCC-Flagstaff, LLC	555 W. Forest Meadows Street
3763691	9/19/2016	Public Utility Easement	Mountainside MAR LLC	Lot 29 A Woodlands Village Unit 3, Case 4 Map 131
Land Acquisitions, Housing Land Trust Program				
3756501	6/30/2016	Fee simple ownership	Thaylia Yazzie	104-17-100, 1472 E. Russ Way
3745362	2/29/2016	Fee simple ownership	Frank Deirdre	104-17-033, 1363 E. Hatcher Drive

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Sara Dechter, AICP, Comprehensive Planning Manager
Date: 09/27/2016
Meeting Date: 10/04/2016



TITLE:

Public Hearing for Resolution No. 2016-31: A resolution of the Flagstaff City Council amending the Flagstaff Regional Plan 2030 by amending Chapter 3 to change the categories of Major Plan Amendments and establishing an effective date.

RECOMMENDED ACTION:

- 1) Open Public Hearing
- 2) Continue Public Hearing to _____

Executive Summary:

The purpose of the minor amendments to Chapter 3 is to ensure a fair and transparent public process for all plan amendments and specific plans. The amendments would achieve this by creating a clear description of which development applications and City projects will require a major or minor plan amendment, clarifying the role of specific plans, filling in information missing from the current chapter, and reorganizing information in a more logical sequence.

Staff has limited the scope of this minor amendment to the content of Chapter 3. Changes to other Plan chapters may be considered as part of the future work program.

Financial Impact:

There is no financial impact related to this resolution.

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

- 7) Continue to implement the Flagstaff Regional Plan and focus efforts on specific plans
- 8) Improve effectiveness of notification, communication, and engagement with residents, neighborhoods and businesses and about City services, programs, policies, projects and developments

REGIONAL PLAN:

Policy CC.1.3. Design development patterns to maintain the open character of rural areas, protect open lands, and protect and maintain sensitive environmental areas like mountains, canyons, and forested settings.

Policy LU.1.1. Plan for and support reinvestment within the existing city centers and neighborhoods for increased employment and quality of life.

Policy LU.1.6. Establish greater flexibility in development standards and processes to assist developers in overcoming challenges posed by redevelopment and infill sites.

Policy NH.6.1. Promote quality redevelopment and infill projects that are contextual with surrounding neighborhoods. When planning for redevelopment, the needs of existing residents should be addressed as early as possible in the development process.

Goal ED.1. Create a healthy environment for business by ensuring transparent, expeditious, and predictable government processes.

Policy ED.1.2. Steadily improve access to easily understandable public information.

Has There Been Previous Council Decision on This:

No.

Options and Alternatives:

Major plan amendments are inherently rare. There have only been a handful since 2001, when the last Regional Plan was adopted. It is difficult to determine if the result of any change to major plan amendment categories would result in greater or fewer major plan amendments. The amendments proposed to Chapter 3 are intended to correct factual errors in some of the language, vague descriptions that make it difficult to understand the categories for amendments, incomplete information about the relationship of the Plan to other laws and regulations, and illogical gaps in the categories provided in the ratified Regional Plan.

Adopting this amendment will make the procedures for the Flagstaff Regional Plan 2030 more transparent and will provide a fair process that helps the public and the applicant. It will also ensure that major plan amendments are applied for projects with requests tied to alter the underlying assumptions and balance of the Future Growth Illustration.

Background/History:

City staff is proposing minor plan amendments to the Flagstaff Regional Plan 2030, Chapter 3 How the Plan Works, as described in the Regional Plan Annual Report 2015. The Flagstaff Regional Plan 2030 (Regional Plan) is the General Plan for the City of Flagstaff. The amendment includes several types of proposed changes:

1. Changes proposed to major plan amendment categories and criteria (with options for addressing changes from Rural to Suburban Area Types),
2. Clarifications regarding minor plan amendment categories and procedures,
3. Adopt a clear and legally accurate description of specific plans,
4. Clarifications about the role of the City Council, and
5. Non-substantive editorial changes to the Chapter.

The reasons for these proposed changes are because of factual errors in some of the language, vague descriptions that make it difficult to understand the categories for amendments, incomplete information about the relationship of the Plan to other laws and regulations, and illogical gaps in the categories provided in the ratified Regional Plan.

Key Considerations:

The key considerations for this decision is whether or not the proposed amendments to Chapter 3 will:

1. Provide for clear and effective implementation of the Flagstaff Regional Plan,
2. Accurately reflect the legal environment of plan implementation,
3. Promote a fair and predictable government process applicants, and
4. Give the community ample opportunity to participate in decisions regarding plan amendments of all types.

Community Involvement:

Consult - The Comprehensive Planning Manager met with individuals and groups that were involved in the development of the Regional Plan and asked about their thoughts on major plan amendments before developing a detailed proposal for the public to review. This early feedback influenced several criteria in the table, including making goals and policies a major plan amendment category.

Involve - Staff provided a traditional public review period and posted the sections that changed the most on the Flagstaff Community Forum for the public to comment on and share ideas about how the changes could be different or clearer.



Minor Amendments to the Flagstaff Regional Plan, *Chapter 3: How This Plan Works*

September 20, 2016
Sara Dechter, AICP
Comprehensive Planning
Manager



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Introduction

- Chapter 3 is the nuts and bolts chapter of the Plan.
- Staff has proposed this amendment to clarify amendment categories, roles, & processes.
- Staff desires LESS discretion and need to make interpretations.



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Proposed Amendment

1. Changes to Major Plan Amendment Criteria
2. Clarifications regarding Minor Amendments
3. Clear and legally accurate description of Specific Plans
4. Clarification about roles and development processes
5. Non-substantive changes



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Amendment Criteria We covered last time

1a. No Change

- UGB
- Urban to Rural

1b. Minor to Major

- Goals and Policies/Amendment Criteria
- Special Districts
- Employment
- Parks/Open Space



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Summary of Issues (so far)



- Categories that fit the definition of major plan amendment but are currently not listed
- Minimize Bait and Switch and U-turns
- Close Special District and Parks/Open Space loopholes



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Amendment Criteria

We will cover tonight

1b. Minor to Major

- Activity Centers

1c. Uncertain

- Urban/Suburban Changes

1d. Major to Minor

- Rural/Suburban Changes
- Corridors and Great Streets

Footnote about Major Amendments
Exceptions for Specific Plans

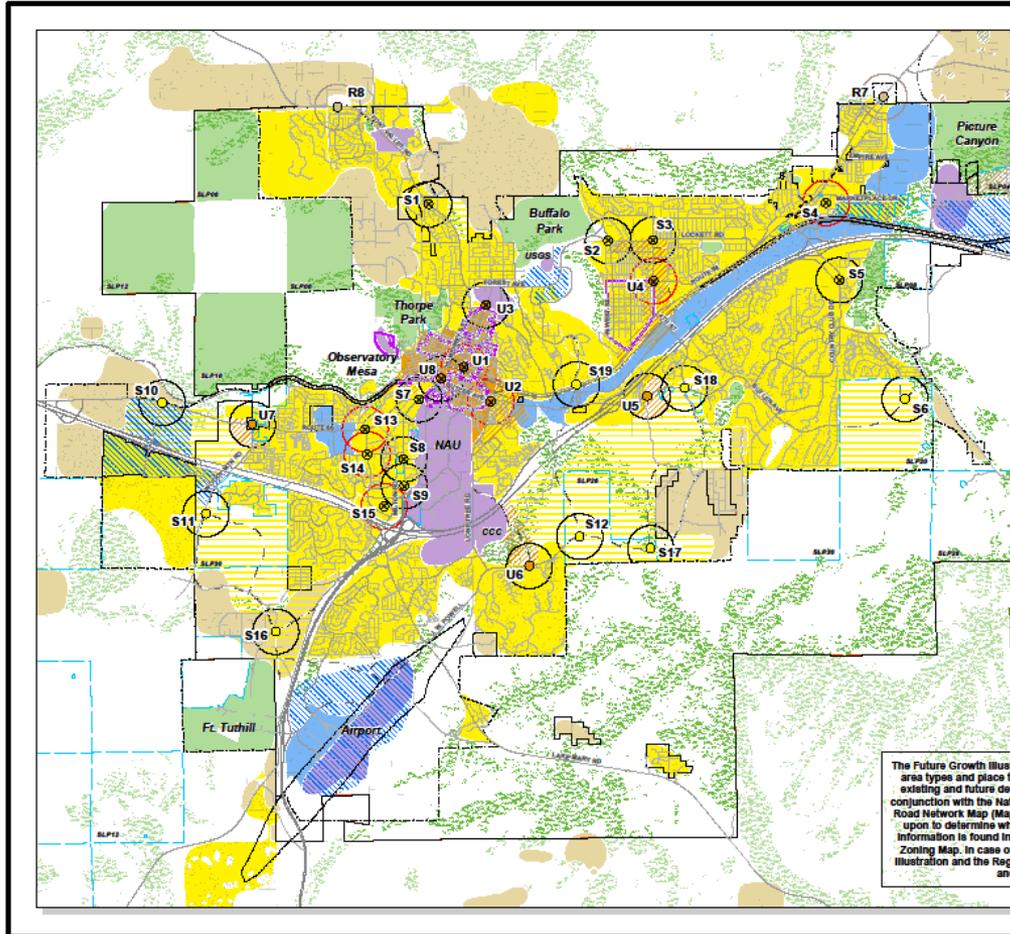


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Regional Plan Area and Place Types



AREA TYPES

Employment – BLUE

Urban – ORANGE

Suburban – YELLOW

Rural – TAN

Special District – PURPLE

Parks/Open Space – GREEN

PLACE TYPES

Activity Center – CIRCLE AND DOT

Corridor or Great Street – MAPS 25 and 12

Neighborhoods – ALL OTHER Urban, Suburban, Rural



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1b. Major Amendments Activity Centers

CURRENT

- Addition of a new activity center 

PROPOSED

- Addition or deletion of an activity center
- Moving the center of an activity center more than ½ mile from its original location.
- Reduction in the category of an activity center (urban to suburban, suburban to rural, or regional to neighborhood) without creating a proportional increase in the scale of an activity center elsewhere in the Flagstaff region.



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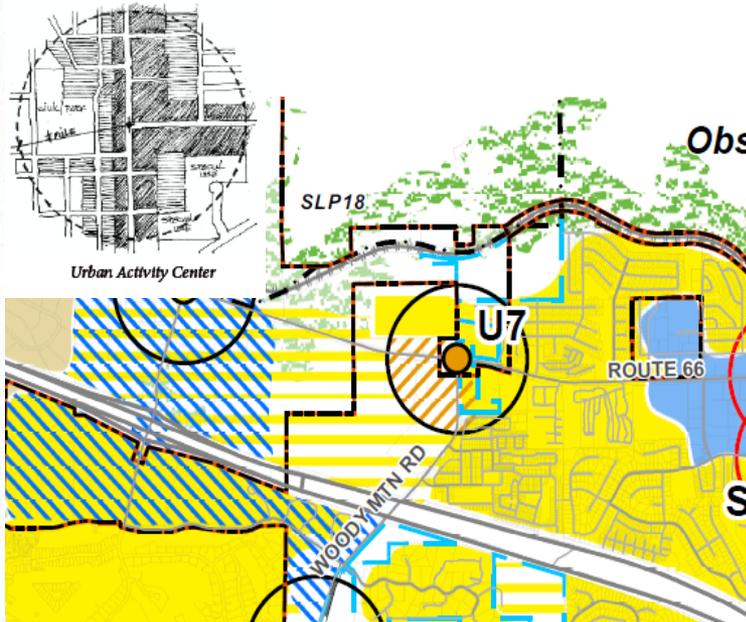
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1b. Major Amendments Activity Centers

Example 1: Deleting or Reducing the scale of an Activity Center



PROPOSED CRITERIA

- Addition or deletion of an activity center
- Reduction in the category of an activity center...

MAJOR AMENDMENT



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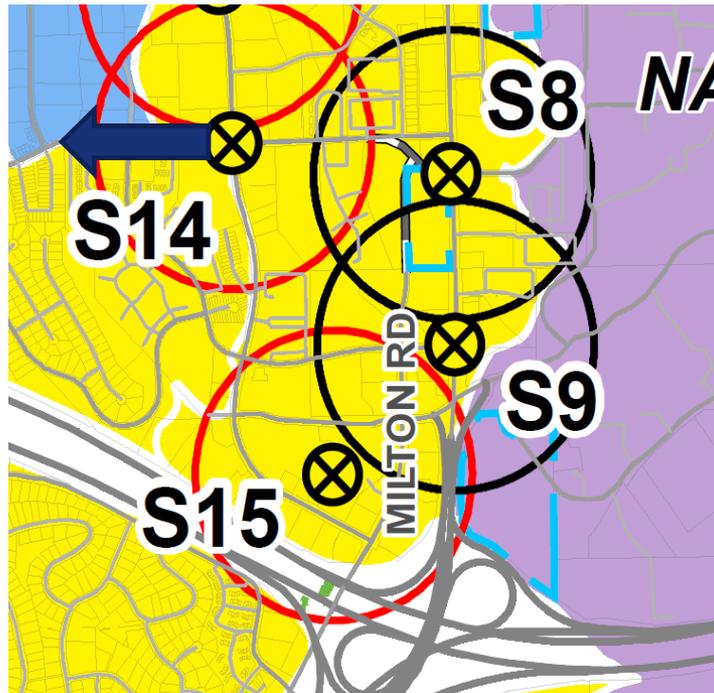
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1b. Major Amendments Activity Centers

Example 2: Moving an Activity Center



PROPOSED CRITERIA

Moving the center of an activity center more than ½ mile from its original location.

MINOR AMENDMENT



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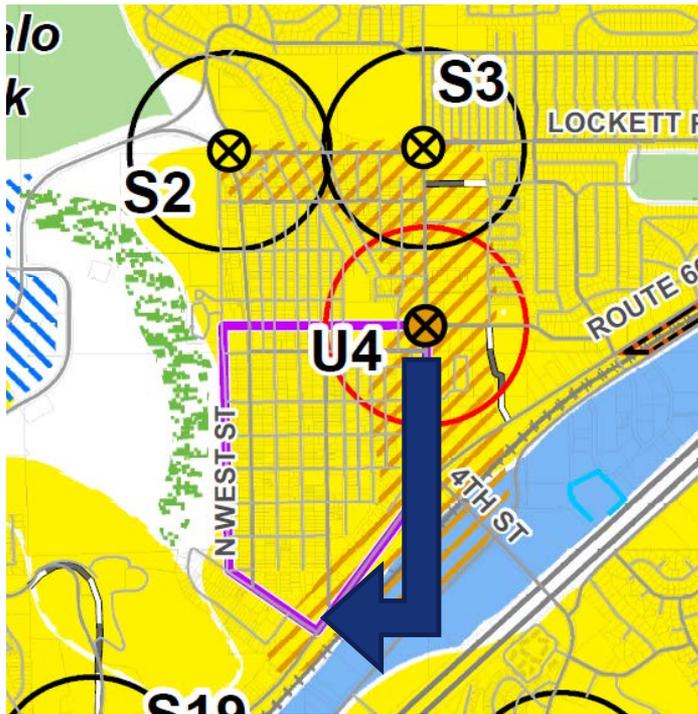
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1b. Major Amendments Activity Centers

Example 3: Moving an Activity Center



PROPOSED CRITERIA

Moving the center of an activity center more than ½ mile from its original location.

MAJOR AMENDMENT



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QUESTIONS?



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1c. Changes to Categories that would have Varied or Uncertain Outcomes



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1c. Major Amendments Urban/Suburban/Rural



Proposed Change to Area Types		
Protect employment areas	Any change to the boundaries of employment areas to urban, suburban, or rural area types	Any change from urban, suburban, or rural area types to employment area type
Expanding or changing the boundaries of one area type to another area type within the specified acreage thresholds	Urban to suburban greater than 10 acres	Urban to suburban less than or equal to 10 acres
	Urban to rural of any size	
	Suburban to urban greater than 10 acres	Suburban to urban less than or equal to 10
	Missing Category	Suburban to rural less than or equal to 5
	Rural to suburban greater than 20 acres	Rural to suburban less than or equal to 20
	Rural to urban of any size	

In RLUTP, acre thresholds were 40, 60 and 80 acres.



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1c. Major Amendments Urban/Suburban/Rural

Most significant change proposed to these categories

Why?

- Missing category
- Acre thresholds are arbitrary
- Acre thresholds are difficult to apply when the map is not parcel specific
- Area and Place types work together to determine the appropriate scale and context



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1c. Major Amendments Urban/Suburban/Rural

CURRENT

- Urban to suburban greater than 10 acres
- Suburban to urban greater than 10 acres

Rural to suburban greater than 20 acres
Will address under 1d: Major to Minor



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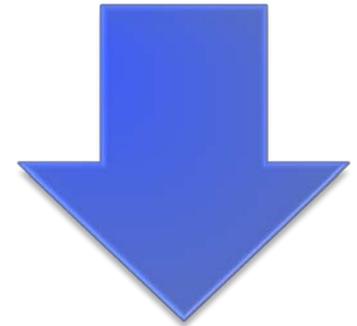




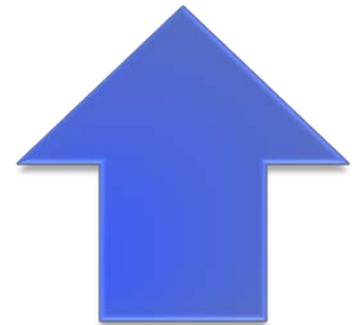
1c. Major Amendments Urban/Suburban/Rural

PROPOSED

- In activity centers, changes to area types that reduce the range of intensity, density and mix of uses, except where done to protect natural or cultural resources.



- In neighborhoods and along commercial corridors, more than ¼ mile from an activity center, changes from suburban to urban area types.



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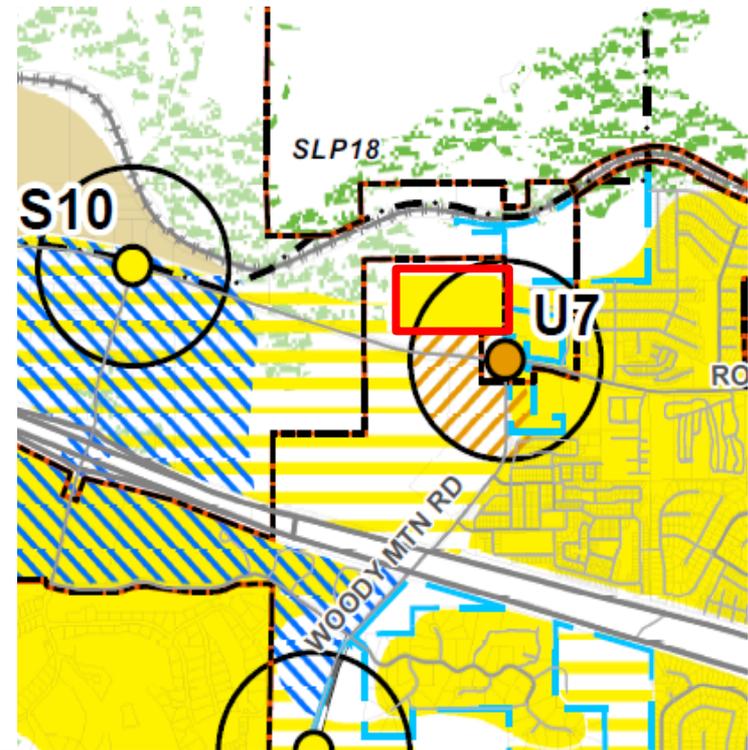
1c. Major Amendments Urban/Suburban

Example 1: Core Services Yard - Urban to Suburban in an Activity Center

Proposed Criteria

In activity centers, changes to area types that reduce the range of intensity, density and mix of uses, except where done to protect natural or cultural resources.

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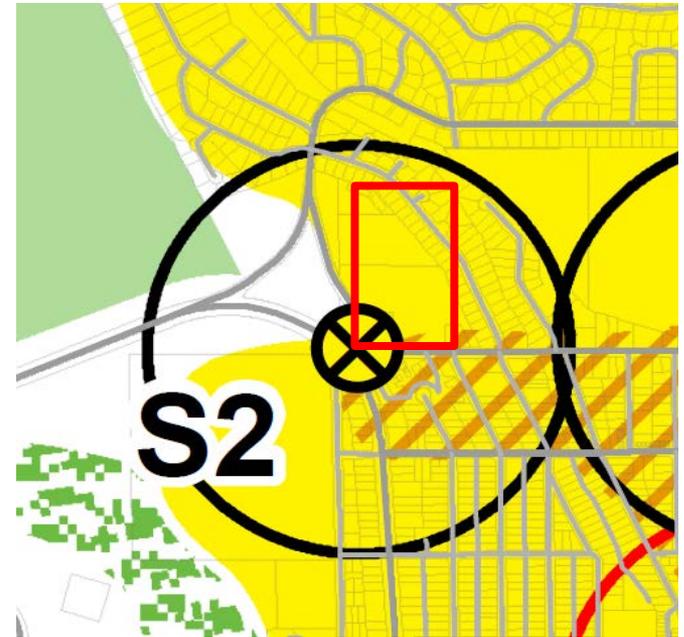


1c. Major Amendments Urban/Suburban

Example 2: Cedar and West St.
Suburban to Urban in an Activity Center

Proposed Criteria

In activity centers, changes to area types that reduce the range of intensity, density and mix of uses, except where done to protect natural or cultural resources.
MINOR AMENDMENT



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1c. Major Amendments Urban/Suburban

Urban Neighborhood Area-Place Type

URBAN NEIGHBORHOOD CHARACTERISTICS

Urban areas have a higher density of people, residences, jobs and activities; buildings are taller and close to the street; streets and sidewalks are in a grid pattern of relatively small blocks; the area is walkable and a variety of services and goods are available; served by public transportation and with various forms of shared parking (lots, garages, etc.) and street parking.

Existing Urban Area
*Symbol from Map 22



Future Urban Area
*Symbol from Map 22

Desired Pattern	Minimum 2 stories within a commercial core and on urban corridors
Block Size	300 X 300 to 300 x 600
Density Range	Minimum 8 units per acre. Increased density within the 1/4 mile pedestrian shed; exception for established Historic Districts.
Intensity	(FARs) of 0.5 +. Higher range of intensity within the commercial core of activity centers and corridors; exception for established Historic Districts.
Air Quality	Consider long-term impacts to air quality by proposed development. Refer to Air Quality Goal E&C.1.
Solar Access	Consider solar access for all development, allowing passive/active solar collection.



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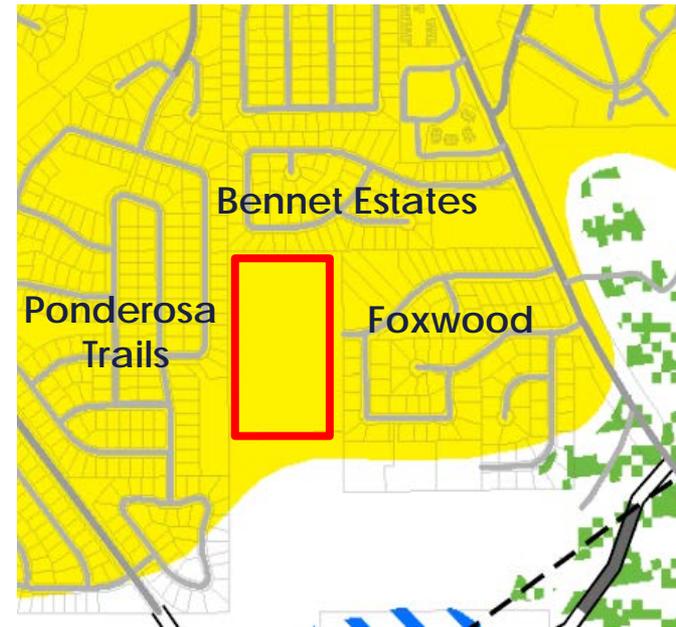
1c. Major Amendments Urban/Suburban

Example 3: Suburban to Urban in Neighborhood

Proposed Criteria

In neighborhoods and along commercial corridors, more than ¼ mile from an activity center, changes from suburban to urban area types.

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QUESTIONS?



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1d. Current Major Amendment Categories proposed as Minor



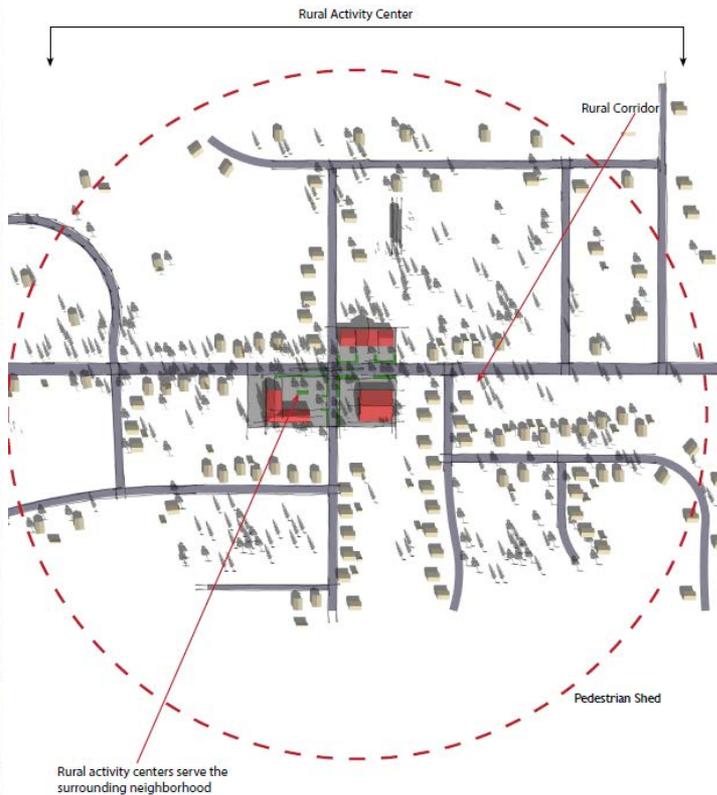
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1d. Major Amendments Rural to Suburban



CURRENT CRITERIA

Any change from Rural to Suburban more than 20 acres

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PROPOSED CRITERIA

In neighborhoods and along commercial corridors, more than ¼ mile from an activity center, changes from suburban to urban area types.

MINOR AMENDMENT



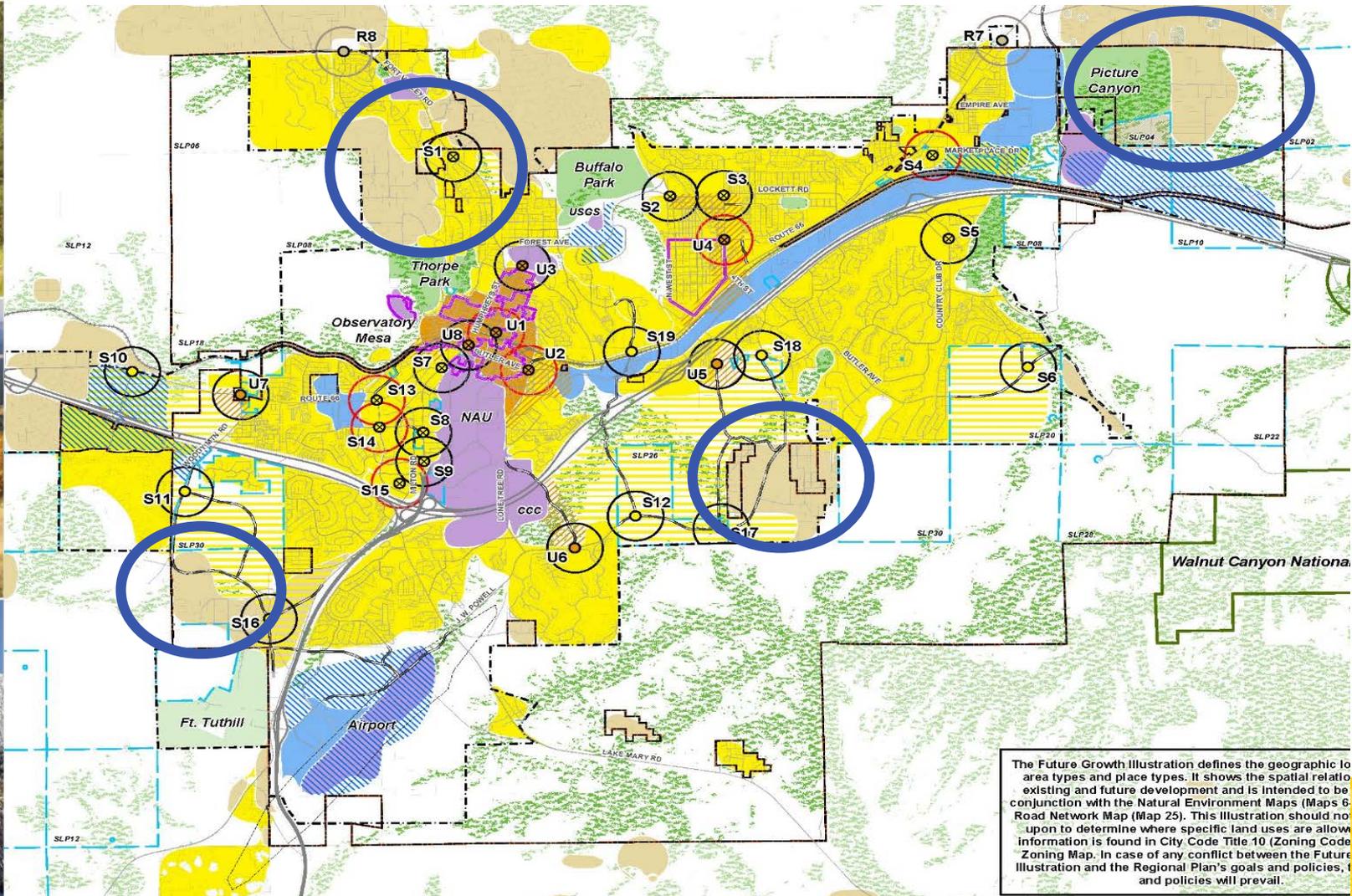
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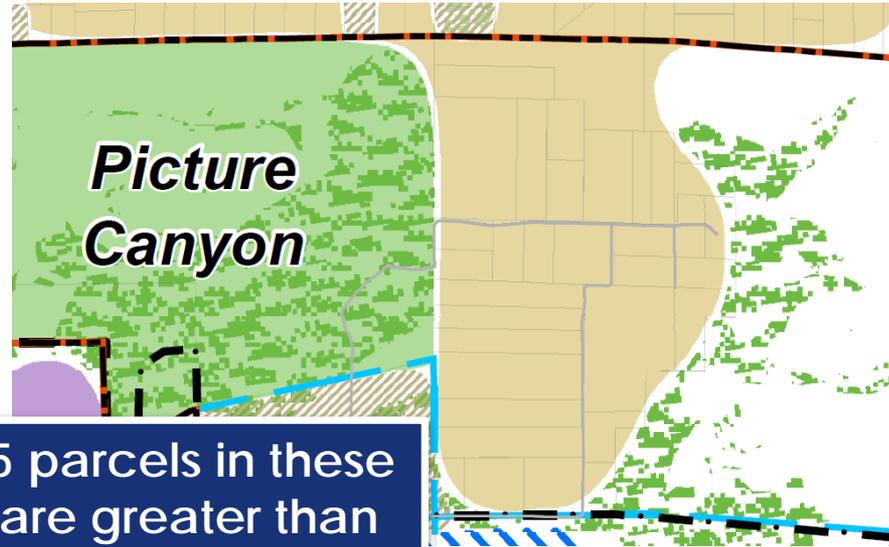




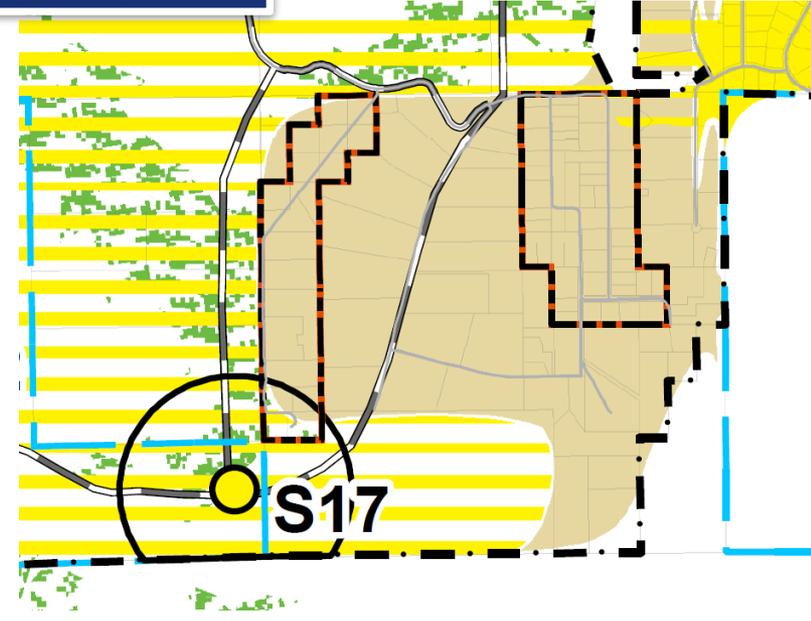
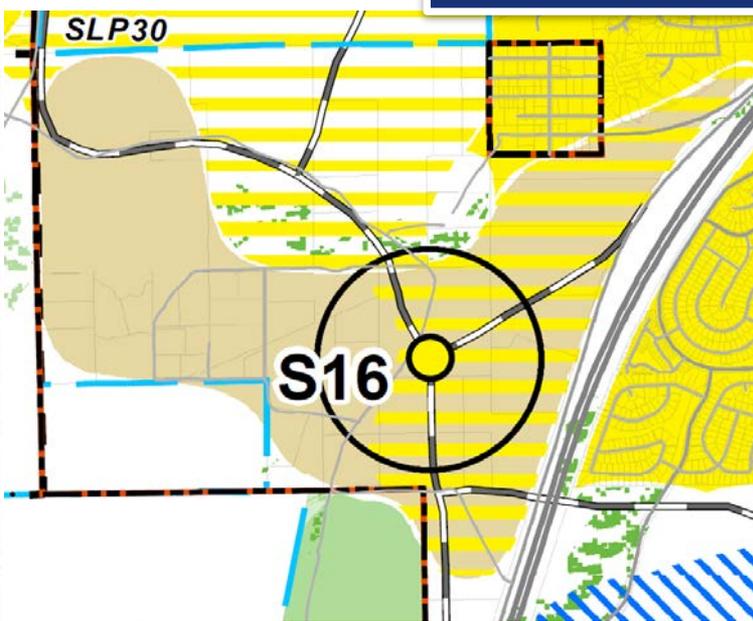
1d. Major Amendments Rural to Suburban



The Future Growth Illustration defines the geographic location, area types and place types. It shows the spatial relationship between existing and future development and is intended to be used in conjunction with the Natural Environment Maps (Maps 6 and 7), the Road Network Map (Map 25). This Illustration should not be used to determine where specific land uses are allowed. For more information is found in City Code Title 10 (Zoning Code) and the Zoning Map. In case of any conflict between the Future Growth Illustration and the Regional Plan's goals and policies, the Regional Plan's goals and policies will prevail.



Only 15 parcels in these areas are greater than 20 acres. (~7%)



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1d. Major Amendments Rural to Suburban

Why did staff propose to make Rural to Suburban a Minor Amendment?

- As written, 93% of applications would be minor unless parcels are combined.
- Desired density for Suburban and Rural Neighborhoods have caps:
 - 0.2 to 1 units/acre in Rural
 - 2 to 10 units/acre in Suburban
 - 8+ units/acre in Urban
- Site Plan availability



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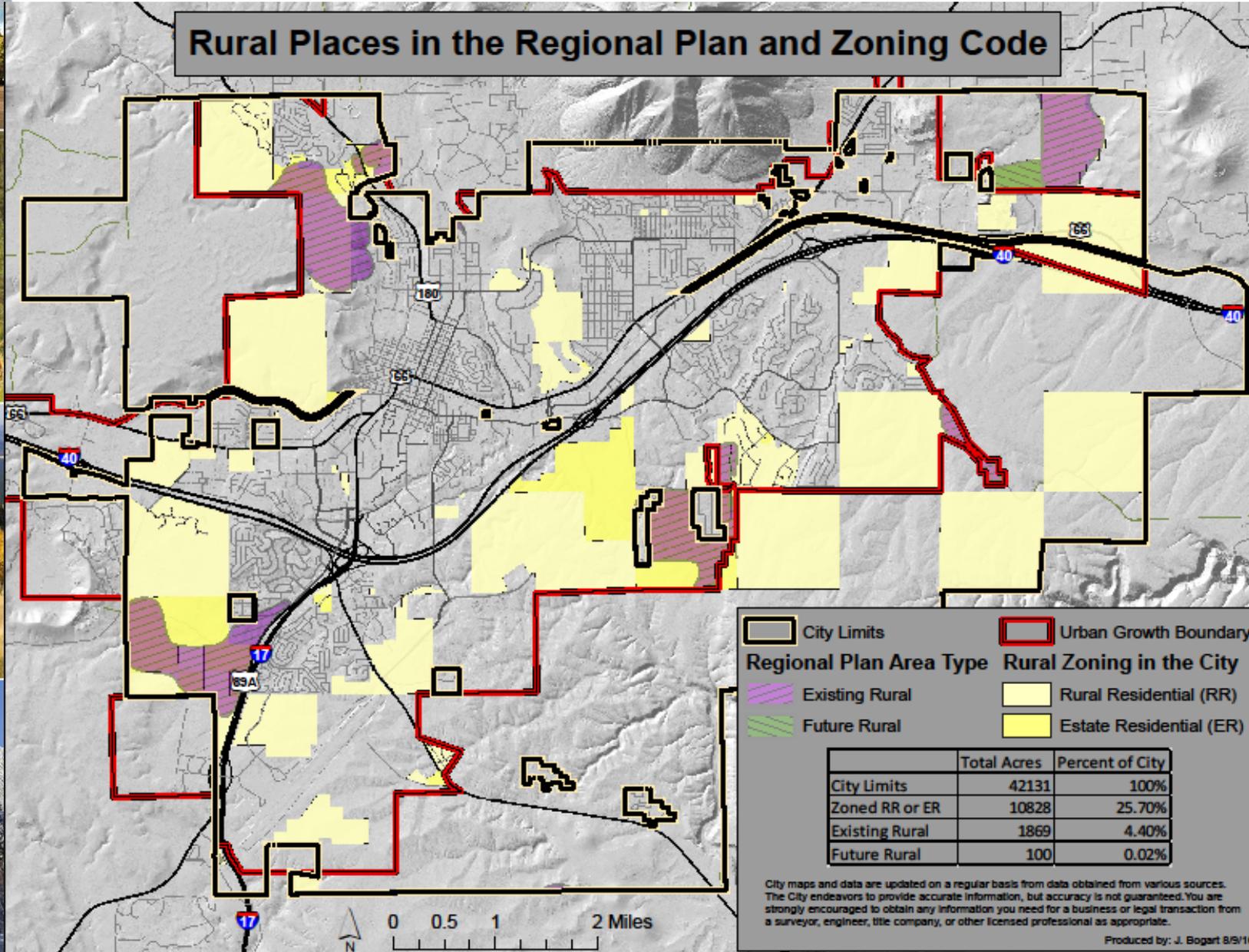
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Rural Zoning & Area Type



Rural Places in the Regional Plan and Zoning Code



- City Limits
- Urban Growth Boundary
- Regional Plan Area Type**
- Existing Rural
- Rural Residential (RR)
- Future Rural
- Estate Residential (ER)

	Total Acres	Percent of City
City Limits	42131	100%
Zoned RR or ER	10828	25.70%
Existing Rural	1869	4.40%
Future Rural	100	0.02%

City maps and data are updated on a regular basis from data obtained from various sources. The City endeavors to provide accurate information, but accuracy is not guaranteed. You are strongly encouraged to obtain any information you need for a business or legal transaction from a surveyor, engineer, title company, or other licensed professional as appropriate.



1d. Major Amendments Rural to Suburban

- **Option A:** Treat all changes from Rural to Suburban as minor amendments (original proposal)
- **Option B:** Keep current category.
- **Option C:** Only require a major amendment for Rural area types more than $\frac{1}{4}$ mile from an activity center



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1d. Major Amendments Rural to Suburban

OPTION B

Keep Current Criteria for Major Category

- In activity centers, changes to area types that reduce the of intensity, density, and mix of uses³ except where done to protect natural or cultural resources.
- In neighborhoods and along commercial corridors more than 1/4 mile from an activity center, changes from suburban to urban area types.
- Rural to suburban greater than 20 acres

- Addition or deletion of an activity center

OPTION C

Integrate into Major Category for Urban/Suburban/Rural

- In activity centers, changes to area types that reduce the of intensity, density, and mix of uses³ except where done to protect natural or cultural resources.
- In neighborhoods and along commercial corridors more than 1/4 mile from an activity center, changes from from rural to suburban or suburban to urban area types.

- Addition or deletion of an activity center

Staff recommends Options A or C



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1d. Major Amendments Rural to Suburban

OPTION A

Minor Amendments

- Conditions of Approval for Zoning
- More detailed plans
- Fewer public meetings/ shorter timeline

OPTION C

Major Amendments

- More public comment opportunities
- No Conditions of Approval
- Possibility of Bait-and-Switch

Staff recommends Options A or C



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QUESTIONS?



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1d. Major Amendments Corridors and Great Streets

CURRENT



- Any commercial activities proposed outside of the activity center and along a corridor that is not contiguous to the activity center.



- This category does not trigger a change to any map or text in the Flagstaff Regional Plan. It is essentially amending nothing.
- Can't ask applicants to pay for an amendment that doesn't amend the plan

BOTTOM LINE: Unenforceable



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1d. Major Amendments Corridors and Great Streets

CURRENT

- Addition of a corridor or great street; Specific Plan needed.
- Extension of a corridor or great street more than a 1/4 mile in length.



- Adding roads is an essential part of subdivisions and implementing the Regional Plan.
- Future areas and corridors to not represent complete street system that would meet our policies and Engineering Standards.
- Not every decision about new roads or extensions is made by a development application



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What's the Difference?

Major Amendment

- Big Picture
- Concept-level information about development of the site. No dedications or final routes for infrastructure.

Minor Amendment

- Details
- Specific information about traffic, infrastructure, land uses, natural environment, community character. Can be accompanied by dedications and a development agreement that addresses costs.

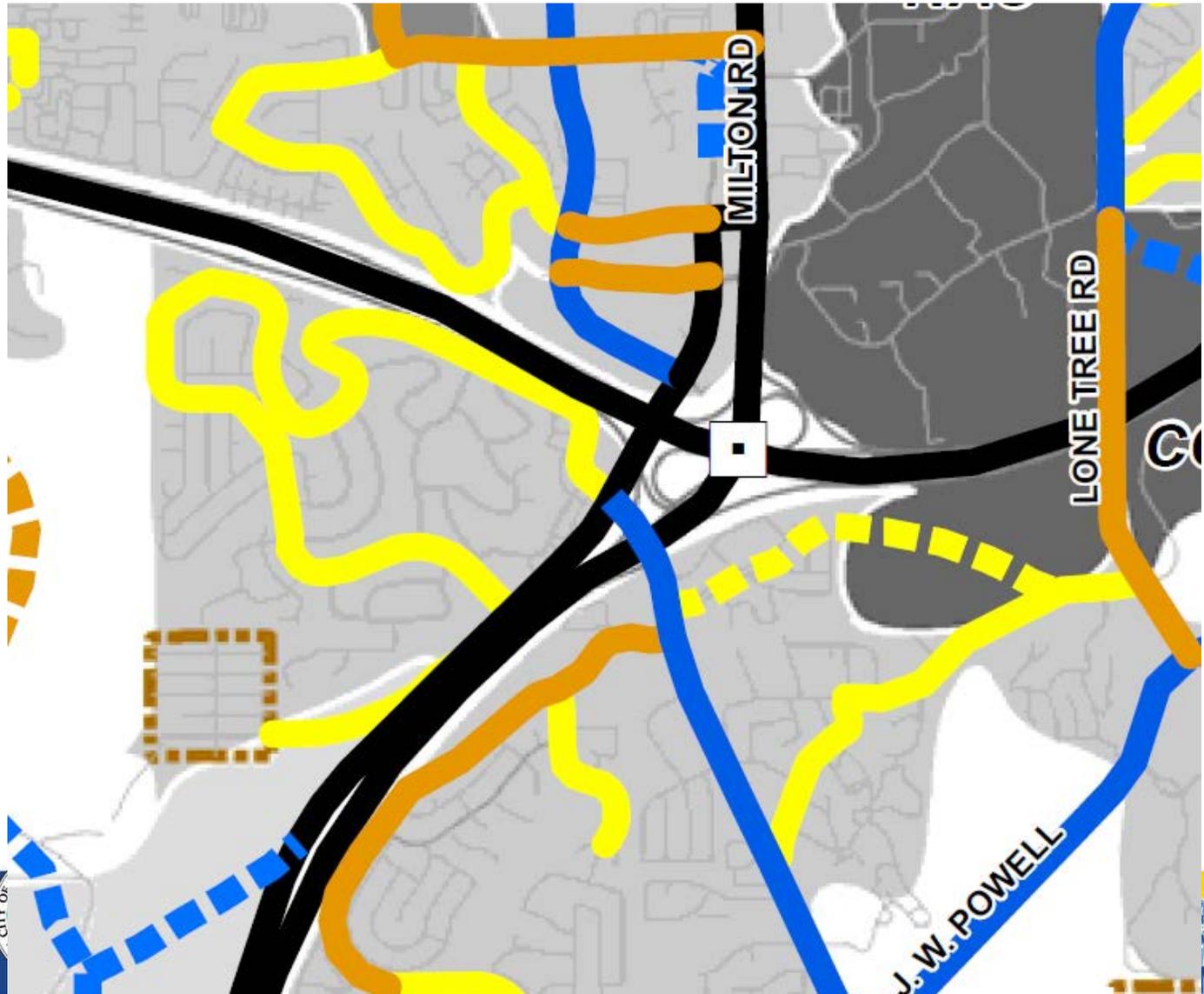


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1d. Major Amendments Corridors and Great Streets



CITY OF



1d. Major Amendments Corridors and Great Streets





1d. Major Amendments Corridors and Great Streets

Issues with current categories

1. Only addition/ no deletion category
2. New roads are common and necessary in newly subdivided areas
3. Land use and transportation were integrated at a Citywide scale through scenario planning models.
4. The need for a road may not be identified until later in the subdivision process or through a process outside of development review.



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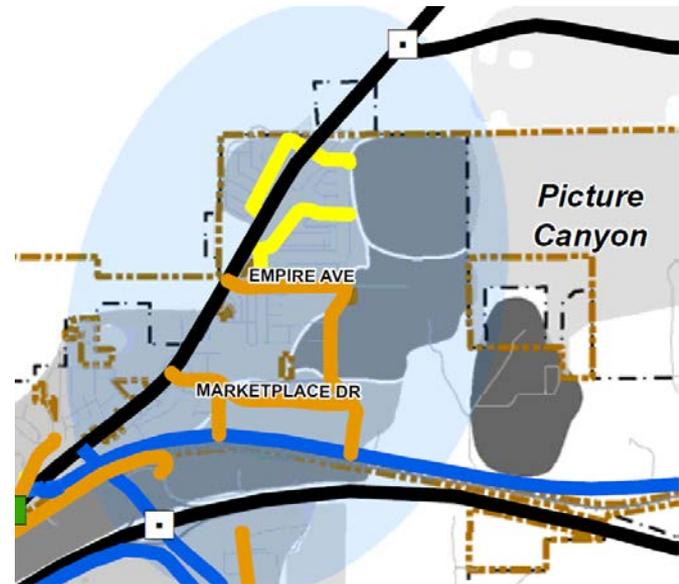


1d. Major Amendments Corridors and Great Streets

Issues with current categories

5. Commercial Activities category is an amendment with nothing to amend. No map or text would change in this scenario. It is a conformity issue.

6. The blue bubble areas show the need for roads but adding future road will require an amendment.



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1d. Major Amendments Corridors and Great Streets

PROPOSED

No major amendment categories specific to Corridors or Great Streets.

All amendments would be processed as minor amendments either with an application or part of the annual Regional Plan update.



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QUESTIONS?



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1. Major Amendments Exceptions for Specific Plans

1. This category excludes changes that are the result of a Specific Plan from the major amendment timeline

- Urban Growth Boundary
- Urban/Suburban/Rural Area Types
- Activity Centers
- Goals and Policies



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1. Major Amendments Exceptions for Specific Plans

ONLY EXEMPTED FROM ANNUAL TIMELINE

Even though Specific Plans are minor amendments,

- Title 11 required the Same Process for Public Notice and hearings as a Major
- Specific Plans usually have a longer and more involved timeline
- Still require a 2/3rds majority
- Specific Plans are comprehensive and have more analysis requirements.



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QUESTIONS?



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Summary of Issues

- Address categories that fit the definition of major plan amendment but are currently not listed
- Minimize Bait and Switch and U-turns
- Close Special District and Parks/Open Space loopholes
- Complete categories for activity centers



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Summary of Issues



- Address missing categories and arbitrary acre thresholds
- Make sure categories can be tied to plan content and are decisions that will be made by development applications
- Duplicative processes for Major Amendments and Specific Plans



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Next time....

2. Clarifications regarding Minor Amendments
3. Clear and legally accurate description of Specific Plans
4. Clarification about roles and development processes
5. Non-substantive changes



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Conclusions

- As a whole, the amendments proposed would increase the number of situations that require a major plan amendment.
- The amendments will resolve inconsistencies between other laws and the Regional Plan.
- Categories being made minor have localized impacts and ensure decisions made by any process are treated the same.



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QUESTIONS?



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RESOLUTION NO. 2016-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA AMENDING THE FLAGSTAFF REGIONAL PLAN 2030 BY AMENDING CHAPTER 3 TO MODIFY THE DESCRIPTIONS OF CRITERIA FOR MAJOR PLAN AMENDMENTS, ACCURATELY DEFINE THE ROLE OF SPECIFIC PLANS, AND COMPLETE MISSING INFORMATION AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the Flagstaff Regional Plan 2030 (the "Regional Plan") was adopted by the Mayor and Council of the City of Flagstaff (the "City Council") on January 14, 2014 and ratified by the qualified electors of the City of Flagstaff (the "City") on May 20, 2014; and

WHEREAS, City staff applied for a minor plan amendment to the Regional Plan to amend Chapter 3, titled "How this Plan Works" to modify the descriptions of criteria for major plan amendments, accurately define the role of Specific Plans, and complete missing information; and

WHEREAS, pursuant to section § 9-461.06, Arizona Revised Statutes, and the Regional Plan, the City has consulted with, advised and provided the opportunity for public comment on the proposed amendment to the Regional Plan; and

WHEREAS, pursuant to A.R.S. § 9-461.06 and the Regional Plan, the City Planning and Zoning Commission held a public hearing on the proposed Regional Plan amendment on May 25, 2016 and provided notice of such hearing in the manner required by A.R.S. § 9-461.06(E); and

WHEREAS, the Planning and Zoning Commission recommends the amendment after the required notice and hearing; and

WHEREAS, pursuant to A.R.S. § 9-461.06 and the Regional Plan, the City Council held a public hearing in the City Council Chambers on the proposed Regional Plan amendment on September 6, 2016 and provided notice of such hearing by publication of said notice in the manner required by A.R.S. § 9-461.06(E); and

WHEREAS, the City Council finds and determines that (i) proper notice of the proposed Regional Plan amendment has been given in a manner required by A.R.S. § 9-461.06, and (ii) that each of the required publications have been made in the *Arizona Daily Sun*, a newspaper of general circulation within the City; and

WHEREAS, the amendments to Chapter 3 accurately reflect the Arizona Revised Statutes requirements for major and minor plan amendments and Specific Plans;

WHEREAS, the City Council desires to amend Chapter 3 of the Regional Plan to modify the descriptions of criteria for major plan amendments, accurately define the role of Specific Plans, and complete missing information.

ENACTMENTS:

NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. That Chapter 3 of the Regional Plan is hereby amended to modify the descriptions of criteria for major plan amendments, accurately define the role of Specific Plans, and complete missing information, as indicated in the attached **Exhibit A**.

SECTION 2. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized to take all steps necessary to carry out the purpose and intent of this Resolution.

SECTION 3. This resolution 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 6th day of September, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Options for Plan Amendments for Changes from Rural to Suburban Area Types

Background

The Rural Area Type makes up 4.4% of the area within the City Limits on the Regional Plan's Future Growth Illustration (See Map for details). Currently, about 20% of the City is zoned for Rural Residential (RR) or Estate Residential (ER), which are the similar Zoning Districts. So the Regional Plan already calls for over 80% of areas that currently have a Rural zoning category (i.e. RR and ER) to convert to Suburban or Urban landscapes if Flagstaff is built out according to the Future Growth Illustration

The remaining 4.4% "Rural" landscape is primarily located in areas at the edge of the City, near County islands, or in areas that are difficult to serve with water and sewer. However, infrastructure improvements on adjacent properties may eventually make those areas more attractive or feasible for Suburban development. For example, the J.W. Powell improvements may make the Rural Area Type on the southeast side of Flagstaff more attractive to be purchased for Suburban neighborhood development at some point in time. So a request to change from Rural to Suburban area type is not imminent but is certainly a possibility that should be considered in setting criteria for major plan amendments.

Options

There are pros and cons to how changes from Rural to Suburban are treated (Summarized below and explained in more detail in Attachment D). Council may select an option for inclusion in the final amendment.

Option A: Treat all changes from Rural to Suburban as minor amendments (original proposal)

In the current Regional Plan, there is a major plan amendment category for "Rural to Suburban greater than 20 acres." In reviewing the categories originally, staff proposed that changes from Rural to Suburban be made a minor amendment. This was proposed because:

- Suburban Neighborhoods in the Regional Plan have a maximum density of 10 dwelling units per acre, unlike the Urban Neighborhood characteristics, which have no maximum density.
- Minor amendments will be accompanied by a precise zoning request and likely a site plan, so conditions of approval can be effectively attached to the zoning request. This would prevent someone from proposing single family homes in their major plan amendment request and then 3 years later proposing a medium density apartment building in their zoning request.
- The requirements for notification of surrounding properties and HOAs is the same for major and minor plan amendments.

One downside of Option A is that minor plan amendments do require fewer public meetings but the application requires more detail and the decision is easier to enforce. Another potential downside is that the public may perceive "minor" amendments as less important. They may therefore fly under the radar for some residents.

Option B: Keep current category.

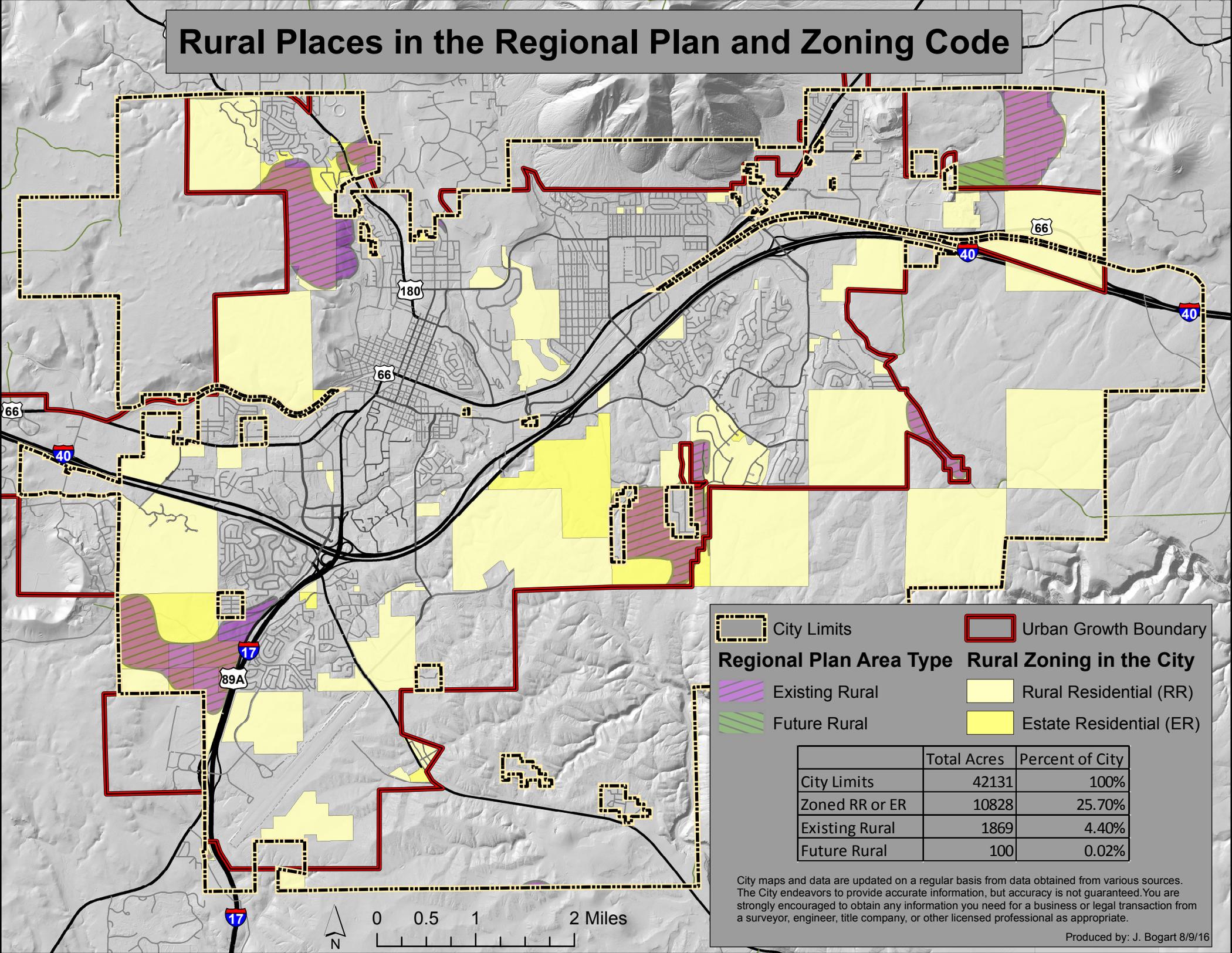
If we were to retain the current category for Rural to Suburban Area Types, it would be the only category with an acre limit. Under Option B, amendments with 19 acres would still be large enough to impact rural character but would not be treated the same as a 20 acres proposal. Option B would create an arbitrary threshold between proposals that staff does not support.

Option C: Require a major amendment for changes from Rural to Suburban Area Types more than ¼ mile from an activity center

Option C would provide the greatest protection for the Rural Area Types. It would guarantee the most public involvement for Rural Areas in the Plan. Option C and would separate the plan amendment and the zoning request, which vests of property rights and allows the City to request conditions of approval that can effectively tie the development to the plan amendment. Option C would increase the amount of time and costs for submitting rezoning applications in these areas because of the additional year needed to process a major plan amendment. Option C could not guarantee that major plan amendment proposals are similar to their zoning requests as described for Option A.

Recommendation: Staff supports either Option A or Option C. Staff does not support Option B because of the arbitrary threshold between proposals that it would create.

Rural Places in the Regional Plan and Zoning Code



 City Limits Urban Growth Boundary
Regional Plan Area Type **Rural Zoning in the City**
 Existing Rural Rural Residential (RR)
 Future Rural Estate Residential (ER)

	Total Acres	Percent of City
City Limits	42131	100%
Zoned RR or ER	10828	25.70%
Existing Rural	1869	4.40%
Future Rural	100	0.02%

City maps and data are updated on a regular basis from data obtained from various sources. The City endeavors to provide accurate information, but accuracy is not guaranteed. You are strongly encouraged to obtain any information you need for a business or legal transaction from a surveyor, engineer, title company, or other licensed professional as appropriate.

CHAPTER 3 AMENDMENT - PUBLIC PARTICIPATION PLAN

March 24, 2016

PURPOSE

A Public Participation Plan will provide a clear and comprehensive summary of all public participation opportunities and notification procedures required for the Chapter 3 Text Amendment.

PROPERTY OWNERS AND NOTIFICATION

The update of Chapter 3 does not impact any particular property; therefore, the requirement to notify property owners within 300 feet does not apply to this amendment. Instead, notification of the general public will take several forms:

- One-on-one and small group meetings to inform the public and seek early feedback
- Press releases for open house and hearings.
- Notification of the Regional Plan email list (approx. 340 recipients) prior to all meetings.
- Notification on the Flagstaff Regional Plan 2030 Facebook page prior to all meetings. Posts for Open House and Hearings will be cross-listed on other City social media and paid for promotions.
- Staff will develop a project webpage and check that it comes up in relevant search engines.
- Flyers for the open house on community bulletin boards around town.
- Posters for the open house in City Hall, libraries, and the Aquaplex
- Legal notices for public hearings.

MEETINGS OVERVIEW

In lieu of a neighborhood meeting, staff will hold a community-wide open house at City Hall on April 7th. The open house will provide an opportunity for the public to review the proposed revised amendment table and related text changes.

Prior to and after the open house, Comprehensive Planning staff will meet with several community groups to inform them of the proposed changes to the amendment table and text edits in Chapter 3. Community feedback gathered from these discussions will be reported back to the core team and presented at all public hearings. A calendar showing all community outreach is attached (Appendix A).

The Planning and Zoning commission will have an initial briefing on the plan amendment on January 27, 2016. There second briefing will be a work session to review the proposed draft on April 6, 2016. There will also be a Citizen's Review Meeting held during a working session with the Planning and Zoning Commission prior to the required public hearing.

The required Planning and Zoning Commission and City Council hearings will be held at City Hall approximately in May and June.

ONLINE PUBLIC INVOLVEMENT

Staff will post the draft proposal and a topic on the Flagstaff Community Forum during the 30 day comment period. Results of the online forum topic will be provided to the Planning Director in a report at least 15 days prior to the Citizen Review Session.

MEETING SCHEDULE

Meeting 1: Initial Briefing to the Planning and Zoning Commission

January 27, 2016 6pm at Flagstaff Aquaplex

Meeting 2: Review of the Draft Proposal with the Planning and Zoning Commission

April 6, 2016 4pm at City Hall

Meeting 2: Open House, City Hall, 2 hours

April 7, 2016 4:30pm to 6:30pm at City Hall

The Comprehensive Planning Manager will consolidate the questions/comments heard at the open house meeting into a FAQ document that will be posted to the project's webpage and distributed to the email distribution list.

Meeting 3: Citizen's Review Work Session at Planning & Zoning Commission

May 2016, TBD

The citizen review work session shall be held at a work session of the Planning Commission scheduled not less than five days and no more than 14 days prior to the public hearing at the Planning Commission for the consideration of the proposed map and text amendments. Landowners and other citizens potentially affected by the proposed text amendment shall have an opportunity to address the Planning Commission on the proposal.

At least 15 days before the Citizen's Review Session, the final proposal shall also be posted on the City's website.

METHODS TO KEEP THE DIRECTOR INFORMED

The Director will be notified immediately if there is any change in the location, date or format of the meetings. The results will be provided in a Record of Proceedings, as provided by City Title 11-10.10.020.

Evidence of Plan Approval

X 

Dan Folke, AICP
Planning Director



Chapter 3 Regional Plan Amendment – Public Comment & Open House

Comprehensive Planning staff identified the need for clarifications and revisions to the Regional Plan's Chapter 3 – How This Plan Works. Specifically, revisions are required for a table used to determine if an application requires a major or minor plan amendment. Currently a public review period of the proposed changes is being held and will close on Friday, April 15, 2016. In addition to sending comments to the City through traditional methods, there is a new way for residents to comment on the Flagstaff Community Forum, using the new Digital Commenter. The Digital Commenter allows you to post your comments on a draft PDF and respond to comments from other citizens, so please share your thoughts online at www.flagstaff.az.gov/fcf by Friday, April 15.

The City will also host an Open House on the proposed plan amendment on Thursday, April 7, 2016 from 4:30 pm to 6:30 pm in the Council conference room.

You can download the draft amendment and find information about upcoming meetings at: <http://tinyurl.com/planamendments>. To be added to a Flagstaff Regional Plan notification email list, or to submit written comments about the proposed amendment, contact Sara Dechter, the City's Comprehensive Planning Manager at: sdechter@flagstaffaz.gov or (928) 213-2631.

Comments from Chapter 3 Minor Plan Amendment - 30 day review

Topic	Comment	Response
General	<p>Please add a language definition everywhere a map is referenced, i.e., Map 25 (Road Network Illustration).</p> <p>People will not have map definitions memorized especially if one only references the document sporadically.</p>	
General	<p>there are basic spelling and grammatical errors</p>	<p>These will be corrected in the final between Planning and Zoning and City Council Review.</p>
Neighborhood preservation	<p>Where activity centers are defined next to, or part of a neighborhood, the neighborhood should be involved in the process</p>	<p>Requirements for notification of rezoning, annexation and plan amendment requests ensure that nearby residents are involved in the process. We have added a criteria related to the neighborhood area type.</p>
Neighborhood preservation	<p>I agree generally. I think there needs to be greater protections for neighborhoods. Development proposals visa-vis neighborhood protections feels very lopsided toward development proposals.</p>	<p>We have added a criteria related to the neighborhood area type.</p>
Page III-11	<p>I find it interesting that the proposed distinctions protect a minimum amount of resource space against reduction, but also require a minimum amount of human density. I suppose resource space is a horizontal planning issue, protecting edges and boundaries, but human density has a vertical component that does not necessarily work against resource space, though it requires the consideration of buildings with more bulk and scale. I am not sure the Citizens want bulk and scale everywhere. On the whole I recommend a re-write.</p>	<p>This comment summarizes the issue well. In order to meet the City's estimated demand for future growth and protection of open space, vertical mixed use is a necessary component. The plan does not call for increased density and intensity everywhere, only in activity centers and along corridors. The problem is that the City has zoning that allows activity center intensity and density in large areas outside of our designated activity centers. While the city can't force a property owner to build below their current entitlements, we can incentivize context appropriate scale and not create unnecessary barriers to neighborhood compatibility for those property owners who may wish to rezone to a lower intensity and density in the right locations.</p>

Comments from Chapter 3 Minor Plan Amendment - 30 day review

Topic	Comment	Response
Page III-8 Specific Plans	There needs to be a sunset time for when a specific plan needs to be revisited. For example the McMillan Plan was about 15 years old and out of date by the time real development was possible. Times Changes things.	A good comment but outside the scope of this amendment. The place to make changes to procedures and content of specific plans is in Title 11 of the City Code. This is in the work program for the Comprehensive Planning staff within the next 2 years.
Page III-8 Specific Plans	New specific plans may 'clarify' but also must meet the goals and policies. That cannot be restated enough.	Language was removed
Page III-8 Specific Plans	Special Area Plans and studies should be given very high weight in conjunction with the regional plan for conformance unless Council specifically rejected them at the time of completion. This is because with staff or council changes something completely worthy of all the protocol and input can slip by without formal approval. Their value, if done correctly, reflects the areas desire no less.	Language was changed to reflect that even though they cannot be used for findings of conformance that they reflect the community desires unless specifically rejected.
Page III-8 Specific Plans	...the proposed new Special Area Studies section...creates more rather than less confusion. This language gives the example of the 2005 Southside Plan to indicate that, on the one hand such a plan exists, while on the other hand it wasn't adopted--on the one hand, much effort on the part of citizens and staff was spent creating it, on the other hand staff is free to disregard it despite the progress it <u>did</u> make through the system.... as it appears the city will not be undertaking a new Southside Plan in the foreseeable future, it seems especially pointed to dismiss what we do have, though imperfect	Staff rewrote the section to simplify and to recognize that the studies has value even if they cannot be used in conformance analysis. Appendix A was also reorganized to demonstrate which plans have been adopted in what ways.

Comments from Chapter 3 Minor Plan Amendment - 30 day review

Topic	Comment	Response
Page III-8 Specific Plans	Explain what a specific plan is up front and explain the differences more clearly and simply.	Staff reorganized this section of the chapter and made it brief based on other comments but incorporated Title 11 by reference. Title 11 is the appropriate place to outline the purpose, content and procedures for Specific Plans.
Page III-8 Specific Plans	The language is unclear because there is more to the story than, "The Flagstaff Regional Plan cannot supersede specific plans adopted by ordinance." For example, my understanding is that only portions of the ordinance-adopted specific plan (goals and policies) cannot be superseded. But there are other portions of specific plans which are advisory only. This needs to be made explicitly clear! This chapter must be able to stand on it own two feet; where required it needs specificity not just simplicity.	Good point. We'll clarify that each specific plan provides guidance on how to interpret it. There are everything from standards to aspirational statements in these documents.
Page III-8 Specific Plans	The new language doesn't so much make it more clear as cover itself regarding the Southside 2005 Plan. The current language in the FRP assigns value to that plan, which it should since it was an important citizen effort. This new language takes a roundabout path toward discrediting the report entirely for not having been adopted. As I understand, since the Southside Plan would be the next specific plan to be re-written, why not leave it as is? The SSP may be outdated but outlines the shared vision for the area quite accurately. Now, with inappropriate development pressing on the area, would be a very poor time to change this language.	The 2005 Southside Plan was not adopted as a specific plan. Regardless of what the current plan says, State law does not allow for it to be considered equally to the Regional Plan or an adopted specific plan because it cannot be used in a finding of conformance. That does not discredit the document as a valuable resource that captures the values and aspirations of the community at the time. Updating the plan and seeing it brought forward for adoption is an important future project for the Comprehensive Planning program. There have now been two development cases where the current language lead to misleading expectations and it is therefore important to replace the oversimplified language. Because the status of a plan can change over time, staff has removed the specific examples from the Chapter 3 text and included them in Appendix A.

Comments from Chapter 3 Minor Plan Amendment - 30 day review

Topic	Comment	Response
Page III-8 Specific Plans	the explanation of plans adopted by ordinance, by resolution, or commissioned but not officially adopted, or amended but only by the City, is generally confusing. I understand the distinctions because I have the deep background. But do these paragraphs need to be said at all? The language is not clarifying	Specific Plans are an essential tool in plan implementations. They do need to be described accurately in this chapter. Staff will refine the section to make it simpler and easier to understand.
Overall direction	It is clear from the development of the HUB that the regional plan and city zoning codes aren't working. We should quit hiring California people to tell us how we want our City to be. Flagstaff looks more and more like CA all the time, due to this misguided approach. If we are going to let the HUB proceed, we should just scrap the entire planning process, cuz it ain't working.	Not relevant to the proposal
Page III-10	The process for major and minor plan amendments needs to be defined. For example, major plan amendments require 15 public comment periods, over a 3 year time period, etc. I am being facetious but I hope you see my point - need to understand the procedural differences between the two type of amendments.	The process is defined in detail in Title 11 of the City Code. We will add a call out box that provides some basic information but defers to the City Code for details.

Topic	Comment	Response
Page III-10	<p>At this point, my confidence that the Plan will be interpreted and applied as the Regional Plan Citizen Advisory Committee (CAC) and voters intended is low. As such, the proposed text about ALL types of amendments not listed as major are minor does not sit well. I think absolutes like ALL can be problematic. I fear design arounds to a proposal that would have triggered a major plan amendment, but with a slight tweak, now "downgrades" it to a minor amendment with less public input. My interpretation may be way off, but that is part of my point, the process needs to be explicit and clear so there is no opportunity for misinterpretation.</p>	<p>We made some additions to this paragraph to clarify. There is no legal way to make administrative changes to the Regional Plan. So the statement that any amendment that is not major is minor is actually an accurate description of the current condition. Once the City establishes categories for major plan amendments they cannot make ad hoc decisions that upgrade minor amendments to major. To add a new category, the plan must be amended. The current table listed some types of minor plan amendments but not all and as a result was confusing for applicants. If someone proposed a project that needed to amend the plan but was not listed in the current table, the City would still require a minor amendment.</p>
Page III-10 and 12 Future v. existing area types	<p>The section, "Minor Amendments to Other Maps and Plan Content," is very concerning. It reads that changes to land use would be decided equally on what is written in the document as proposed future development and what is existing and possibly embraced by citizens as their preference. First this sets us up for conflicts. What is in the doc as possible futures are only that: possible. The possible development described in the doc may be widely out of favor with public desires even when written and/or out of scale by the time it could be built and so if in the doc it could be pushed on the community.</p>	<p>The future area types in the Regional Plan are not merely possible outcomes of the future condition. The entire plan was calibrated based on the community charrettes to a community model that integrated, the built and natural environment to optimize a future Flagstaff with 150,000 residents and 75,000 jobs (see Page II-11). If the development that occurs is far under the intensity and density described by activity centers and future area types, there may not be affordable housing, enough good paying jobs, room for business to grow, larger environmental impacts, increased congestion, and a less efficient use of water and sewer infrastructure.</p> <p>The transition between the existing condition and the future condition is an essential ongoing community conversation, but to universally favor the existing to the future conditions undermines the foundation of the Regional Plan and would result in a less sustainable future for our community.</p>

Comments from Chapter 3 Minor Plan Amendment - 30 day review

Topic	Comment	Response
Page III-11	Thank you for the opportunity to respond to the proposed Regional Plan Amendments. I was a member of the Regional Plan Advisory Committee. I have a few constructive comments. First, there is nothing that is transparent in the proposed substitution of one Table for another. This may be partially due to the nature of our Plan which is more about Placemaking, relies less upon traditional mapping, and emphasizes creating intensity and density centers. Still, and for example, it is hard to comment upon the proposals without actually attaching Maps 21, 22 & 24.	This comment was received on the community forum. Staff added links to the maps within a few days. One of the ways the city staff improved the chapter between the current and proposed version is adding explanatory information about the interpretations commonly used for maps 21 and 22 so that we can be consistent in our reviews and transparent with the public. A better introduction to this section and clearer heading were provided as a result of this comment
Page III-11	#6 Many activity centers designated on the map were placed ‘just because’ but with no description of density. Therefore the phrase should include both ‘reduce and increase’ density.	There is a description of density that is general to all activity centers and specific plans can refine or redefine those ranges. The densities have no maximum right now (for example 6 du/acre+) and so it would be impossible to develop a case in an activity center that is requesting an increase in density and intensity outside the range of what the plan calls for. Because of this, the maximum building heights in the zoning code are the only controls for maximum density and intensity.
Page III-11	Any part that talks about Activity Centers is problematic at this point because the CAC designations on the map had no discussion as to density or anything other than at some point there may be an intersection and development or something already exists. Activity center is an incompletely defined concept and yet it is used that defines a major or minor amendment.	Further refinement of language related to activity centers will be considered as part of the next plan amendment in the program schedule. This amendment is meant to update Chapter IX: Growth and Land Use. Updating how activity centers are refined and defined could have major impacts on the outcomes of the plan.
Page III-11 & 12	#3 The relevant example on page III-12 is not clear.	Clarified
Page III-12	the minor amendment examples need clarifying. For example adding or deleting a policy could change the intent of the corresponding goal.	Added policies into the major plan amendment category

Comments from Chapter 3 Minor Plan Amendment - 30 day review

Topic	Comment	Response
Page III-12	The whole thing with urban and suburban seems tangled up with major amendment definition.	Broke it into 2 examples to try and clarify
Page III-12	In general I am uneasy with Page III-12 because in reading it I don't form a clear picture of the checks and balances.	Added explanatory sentences to page III-12. Staff may consider enhanced participation for minor plan amendments, such as a public review period, when the next round of Title 11 updates are considered.
Page III-12	Growth Boundary changes are mentioned as a criteria both in the major amendment wording and minor amendment example. Can it happen in both?	Added a clarifying example
Page III-13	Make the language about future and existing area types clearer that they reference maps 21 and 22 and that they are tied to descriptions in the tables of characteristics in Chapter 9	Added clarifying language
Page III-2	Diagram, Was Vision 2020 finished in 1996?	Started in January 1996 and completed in June 1997
Page III-4	History: The Guide 2000 was the first general plan that talked about goals, open space, FUTS and alternate transportation in a way that reflected city wide input. It is a great reference if one wants to understand our city development from about 1988 to 2005. It is really the basis for Vision 2020 and the 2001 regional plan.	Modified description of the Growth Management Guide 2000 on page III-4 in the call out box to emphasize its foundational purpose.
Page III-5	Use of the broad term 'property rights' bothers me because it can be over interpreted. How about just zone changes?	Removed language and replaced with development applications and city-led projects to identify the scope of the decisions relevant to the plan.
Page III-5	Don't delete 'development approvals' because that is the final step that reflects the goals of the regional plan. The term is used on page III-6.	Put it back in with clarifying language

Comments from Chapter 3 Minor Plan Amendment - 30 day review

Topic	Comment	Response
Page III-5	The added phrase ‘intended to be’ I don’t think reflects the understanding of the CAC. It should be deleted because it assumes something I don’t believe is the total thought.	Done.
Page III-5	It is also unclear to me why the words “development approvals” are deleted given the role council plays in approving rezoning requests as well as CUP appeals and other appeals that may come before it.	Not all development approvals are discretionary or presented to the City Council. Some are completed administratively. In addition, not all decisions before Council give equal weight to the Regional Plan. For instance, CUPs do not need a finding of conformance with the Regional Plan.
Page III-5	I am concerned about the meaning of the changes to the role of city council on page III-5. The box on the right indicates that some language was struck, but only three words “inform a final” were shown as struck and those words are out of context.	This sentence has been rephrased to clarify the meaning and intent.
Page III-6	Don’t delete ‘or applications’. This is one of the points some public are using in discussing the HUB project. It encourages public input which also helps in implementing the Regional Plan reflective of its community goals.	The change in wording does not change the meaning, given the list of examples that follows and remains unchanged. Poor wording led to confusion over the legal extent to which the plan can be applied in development decisions.
Page III-8 Specific Plans	The present moment, when there is so much disagreement about whether the Regional Plan is being appropriately applied to large development projects, is exactly the wrong time to try to fine tune the language.	The language in the plan that is largely the source of current disagreement related to Chapters 8, 10 and 13 of the Regional Plan. Any policy analysis, whether for a major or minor plan amendment, would address the trade-offs between these policies. The Region Plan was meant to provide more flexibility than the 2001 Plan. It was also meant to be revised and updated regularly to reflect current issues and concerns. None of the changes proposed would have influenced how the Regional Plan was interpreted in recent development cases.

Comments from Chapter 3 Minor Plan Amendment - 30 day review

Topic	Comment	Response
Page III-9	When is the Annual Review due if you delete the phrase? Will the public be purposefully notified of its completion and availability?	The annual review is due on a date that is now left to the discretion of the City Manager. Right now the report is compiled after the budget process is completed for the next fiscal year but before the work program has begun. This is in part due to the timing of data availability. If data availability and reporting can be streamlined in the future, then the report may be prepared and sent to Council earlier in the process.
Prop 207	It terms of the new language, it is important to note that in a Prop 207 world, “changes in property rights” are a one way decision. Council can increase property rights, but its ability to decrease them is quite restricted.	This sentence was changed to remove this language based on other comments. All potential Prop 207 issues are discussed with the City’s legal department.
Staff priorities	Leave the update of Chapter 3 alone in favor of more pressing matters in the community, like the Southside Plan	Staff began working on the update to Chapter 3 in November 2015, based on direction from Council to proceed with a strategic plan for updating the Regional Plan identified in the Annual Report. The City Council did not provide direction on which specific plan staff should pursue next until January 26, 2016. Completing a Specific Plan take about 5-10 times more work than a minor amendment, therefore they are not interchangeable projects.
Timing and Process	The CAC worked on the plan for 5 years, the revision process is not equal to the effort made to create the original.	Records and interviews with former CAC members show that Chapter 3 was not reviewed or discussed with the CAC prior to public hearings. The review period for this plan amendment is intended to provide a second chance for those involved in developing the Plan to comment and revise this section.
Timing and Process	The current draft of the regional plan was developed by a committee of citizens who met over a number of years. It was then extensively revised by city council and passed by the voters.	Records and interviews with former CAC members show that Chapter 3 was not reviewed or discussed with the CAC prior to public hearings. The review period for this plan amendment is intended to provide a second chance for those involved in developing the Plan to comment and revise this section.

Comments from Chapter 3 Minor Plan Amendment - 30 day review

Topic	Comment	Response
Timing and Process	<p>The citizen's committee spent 5 years bringing this update forward. To relegate any revisions to a (very) short term window, and an online process, is quite the slap in the face for all who volunteered so many hours to such a lengthy process.</p> <p>I ask you to extend the process a minimum of 30 days, and perhaps consider alternative avenues for additional input.</p>	<p>The process for the proposal included in-person meetings with several members of the Citizen’s Advisory Committee prior to creating a proposal. During those interviews, all but one member had no memory of reviewing Chapter 3 in advance of public hearings and noted that there was very little comment or public input on this topic at the time. Meeting notes also lack evidence of collaborative input on this chapter of the Plan. Staff, therefore, proceeded with providing a more focused second chance for the public to review the Chapter. Prior to releasing a proposal, staff held a work session with the Planning and Zoning commission that was open to the public on January 26th. Staff created opportunities for public involvement during the 30 day comment period both online and in person. In person opportunities included an open house on April 7th and another Planning and Zoning Commission work session on April 13. In addition, the Comprehensive Planning Manager was available for one-on-one meetings, of which there were 2 during this time period. There will be another chance for involvement at a Citizen's Review Session, which is a meeting of the Planning and Zoning Commission tentatively scheduled on May 11th.</p>
Timing and Process	<p>Agree...please extend both the process and outreach. I see members of the community struggling to understand the ramifications of the replacement text throughout this Chapter. As we are finding, the words matter.</p>	<p>The process for a minor plan amendment was enhanced in the case of this amendment. No comment period is required by Title 11 and staff scheduled time to meet one on one with interested individuals and organizations before developing a proposal for review. There will be further opportunities for citizen’s to comment on the proposal during the public hearing process.</p>

Track Changes Key

■ Initial proposed text ■ Post public comment text



HOW THIS PLAN WORKS

Who this Plan is For

The *Flagstaff Regional Plan* applies to the 525-square-mile FMPO planning area. It extends from Bellemont to Winona and from Kachina Village and Mountainaire to north of the San Francisco Peaks. The Plan serves as the general plan for the City of Flagstaff, and in the county areas works in conjunction with the Coconino County Comprehensive Plan and other community area plans. This Plan is for the people that live here, and the businesses that employ here. This Plan is for the visitors, prospective businesses, elected officials, City and County departments, the development community, interest groups, and resource agencies. This Plan is for the present and future generations.

How this Plan is Used

The *Flagstaff Regional Plan* is used for decision making so that Flagstaff City government is accountable for publicly derived policy outcomes and goals. It also provides the basis for policies and regulations to guide physical and economic development within the Flagstaff region. The Plan will be used as a guide, or roadmap, for the future of the City and the region, and it establishes priorities for public action and direction for complementary private decisions, thus striving to establish predictability in the decision-making process.

General plans are not static documents; they recognize growth as a dynamic process, which may require revisions to the plan as circumstances or changes warrant. **This Chapter works in conjunction with Flagstaff City Code, Title 11, Chapter 11-10 (General Plans), to establish the process for how to amend the Plan.**

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Photo by: Brittney Proctor

Connected chapter
to City code

The Planning Process

Why Do We Plan?

We plan in order to guide growth and development in a way that allows our region to remain an outstanding area in which to live. We also plan so that we may build and pay for larger projects that benefit our whole community, present and future. This Plan presents a comprehensive vision for the future of the area, and provides guidance as to how that vision can become a reality.

Why Do We Have a Regional Plan?

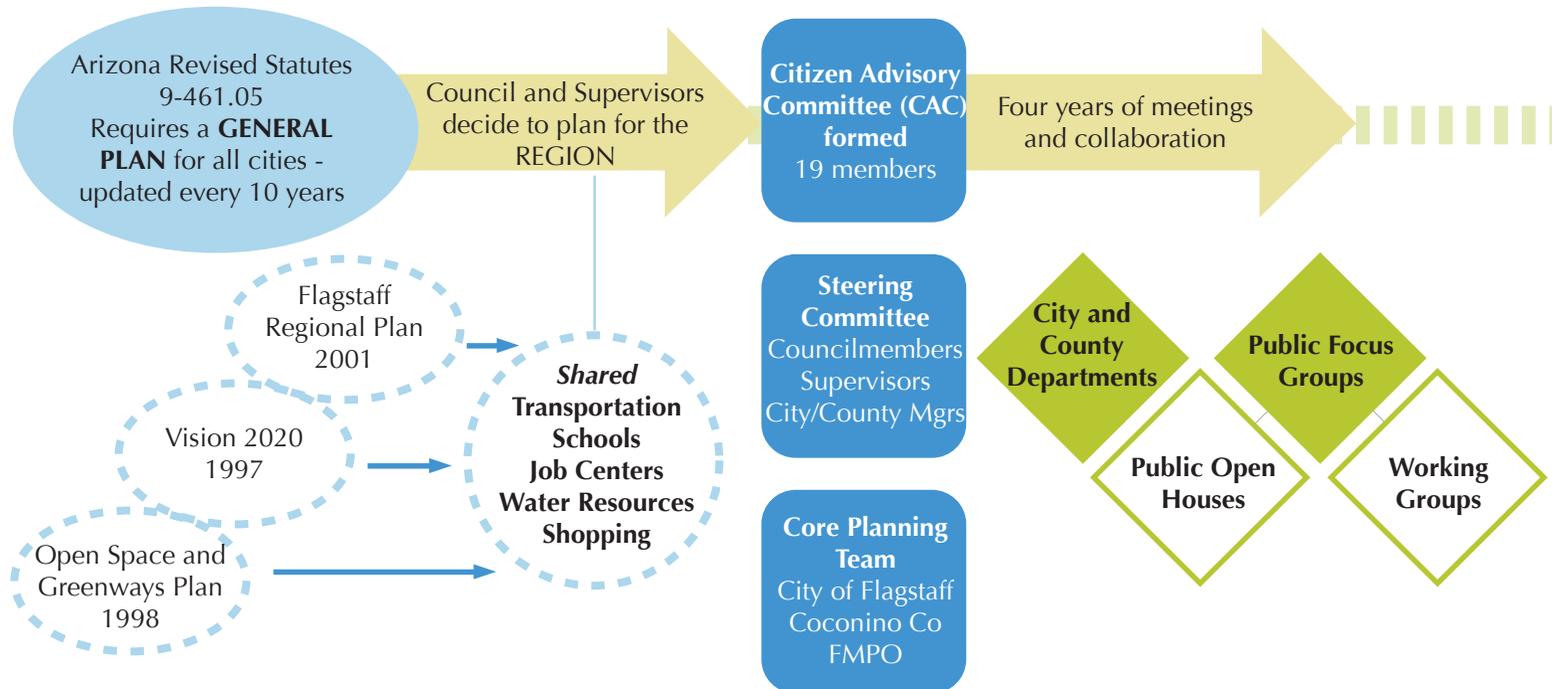
The Growing Smarter Statutes adopted by the State Legislature in 1998 and 2000 require that all municipalities and counties adopt general or comprehensive plans, and that these plans be updated every 10 years. However, the principal reason to have a plan is to make informed choices about our future. The *Flagstaff Regional Plan* contains goals and policies that provide guidance for making choices about public investment and for setting priorities.

A Regional Focus

The City and surrounding communities all have unique identities and characters, but as a whole, the greater Flagstaff area functions as a unified community. Residents of the outlying neighborhoods and tribal

lands work and shop in the city, attend the schools, and use the services and medical facilities that are largely located within the City. The City and the County do address capital improvements differently; however, economic and environmental issues such as water and air quality, forest protection, and open space do not adhere to political boundaries. As such, the City and County chose to partner on the Plan even though they were not legally required to do so.

Creation of *A Vision for our Community: Flagstaff 2020* was the first step in bringing the City and County together, which was continued through the 2001 Regional Land Use and Transportation Plan (RLUTP) and enhanced in this *Flagstaff Regional Plan*.



How We Got Here

The *Flagstaff Regional Plan* is the guiding policy document for the City of Flagstaff as required by state law. It is important that the Plan was created as a collaboration of Flagstaff citizens, public officials, and staff members, using an open planning process. A 19-member Citizen Advisory Committee (CAC) was appointed by the Flagstaff City Council and Coconino County Board of Supervisors. The CAC met monthly or bimonthly for over four years to develop the vision, guiding principles, and goals and policies for each of the topics covered by this Plan. In addition, a Steering Committee ~~composed~~ **comprised** of two Councilpersons and two Supervisors met quarterly to keep the process on track and make sure the public participation plan was effective. A core planning team of City and County staff also met regularly throughout the process to provide support to the CAC, draft sections of the Plan, and carry out all aspects of public participation. Hundreds of City and County residents provided important comments through open houses and focus groups, provided comments on the web site, blogs, and participated in surveys, all of which were crucial in defining the Plan's direction.

Creating a Plan that Works

The *Flagstaff Regional Plan* is a living, working plan that relies on the disciplined and artful execution of three activities. First, the analysis of local conditions and historical trends, larger trends, our community vision, and best practices was learned from other communities. Second, the information gathered for those inputs was incorporated in a planning process that recognized the high level of economic, social, and environmental uncertainty we currently face. Third, the Plan must communicate transparently how those inputs were utilized and why the final plan decisions were chosen over other alternatives.



Flagstaff's Planning History

Moved Flagstaff's Planning History box from page III-11 to III-4 and removed title "Flagstaff's Planning History" from within the box.

1945 – The City of Flagstaff's Planning and Zoning Commission is established

1957 – A Workable Program is established as a prerequisite to any city redevelopment activity and includes a 20-year physical growth plan

1959 – The *City of Flagstaff Metropolitan Plan* is published

1964 – Coconino County adopts its first zoning ordinance and subdivision ordinance

1965 – Flagstaff General Plan is created

1969 – The Flagstaff City Council adopts a General Plan for the Year 1985 as a guide to the development of the Flagstaff planning area

1974 – The *Coconino County General Plan 1990* is adopted as the County's first comprehensive plan

1975 – The City's 1969 General Plan is revised and renamed the 1990 General Plan

1986 – The Flagstaff City Council adopts the *Growth Management Guide 2000* as a ~~the City's first comprehensive physical plan for the City's growth and the central frame of reference for all other city plans that included goals, open space, FUTS and alternate transportation in a way that reflected citywide input. The Guide was the foundation for all other City plans and future general plans~~

1990 – The *Coconino County Comprehensive Plan* is adopted, differing from its 1974 predecessor by including goals and policies for future growth and development

1997 – *A Vision for our Community: Flagstaff 2020* is developed through a visioning process involving more than 5,000 community members in interviews, focus groups, and surveys designed to elicit a common vision for Flagstaff's future in the year 2020

1998 – The *Flagstaff Area Open Spaces and Greenways Plan* is published "to provide guidance in protecting and preserving existing open spaces with the demands of urban growth"

2001 – The *Flagstaff Area Regional Land Use and Transportation Plan (RLUTP)* is developed as a cooperative effort by the City of Flagstaff and Coconino County, based on the 2020 visioning process, as a resource plan created to guide future land use decisions in the City of Flagstaff and surrounding areas

2003 – The *Coconino County Comprehensive Plan* is updated in response to the state's Growing Smarter Act of 1998 and Growing Smarter Plus Act of 2000, requiring counties to update their comprehensive plans prior to December 31, 2003

SOURCES: "A Short History of Planning and the Future in

Updated per public comments

Implementing the Flagstaff Regional Plan

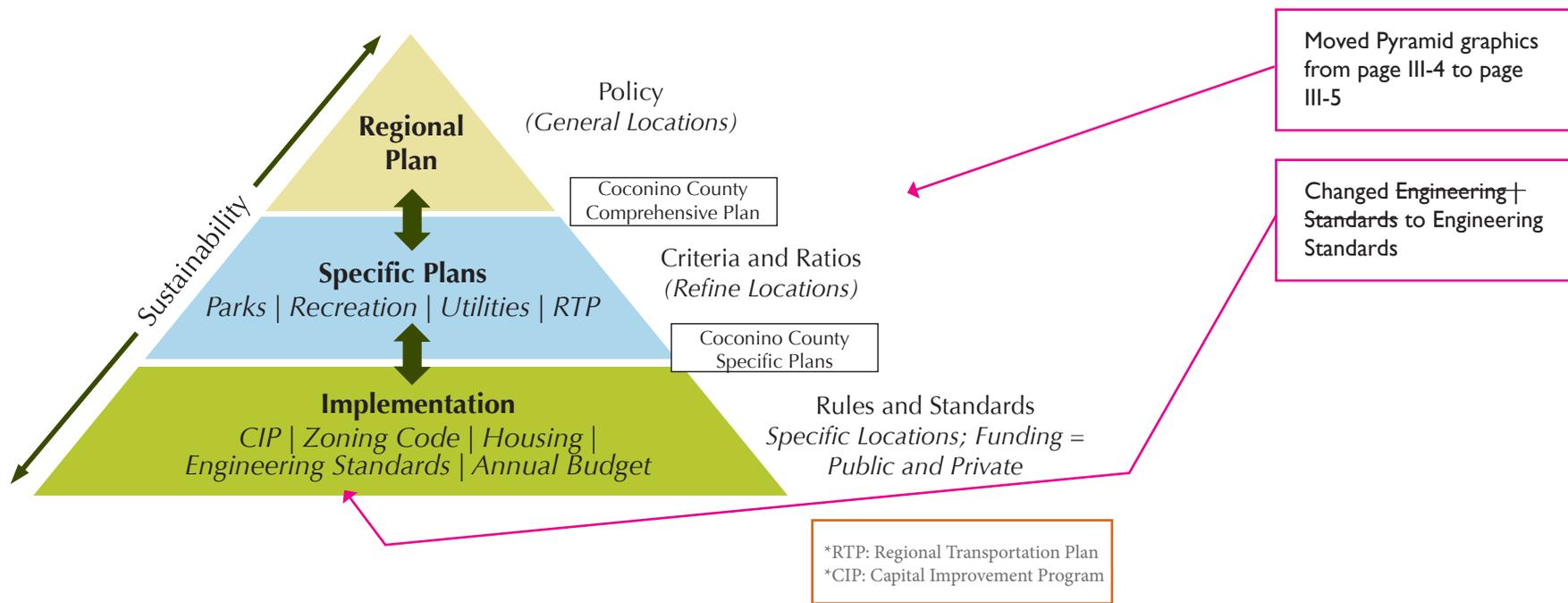
The relationship between the *Flagstaff Regional Plan* and such implementation tools as master plans, the Zoning Code, and other regulations is illustrated below; the *Flagstaff Regional Plan* establishes the vision for the future growth and development of Flagstaff and its surrounding area through goals and policies. City-adopted master plans and County area plans, City and County Zoning Codes, and other City codes, on the other hand, implement the goals and policies of the *Flagstaff Regional Plan* by providing standards, regulations, and tools for land development.

City of Flagstaff

Who Implements the Regional Plan?

Most importantly, the *Flagstaff Regional Plan* is used in the regulatory decision-making process by the City Planning and Zoning Commission, City Council, and City staff. The Commission and the Council are responsible for making development decisions such as zoning map amendments or annexations, approval of which depends on whether the proposed changes or projects are consistent with the Plan's goals and policies. When reviewing development proposals,

Replaced subtitle Implementation by Decision-Making with "Who Implements the Regional Plan?"



City staff, the Planning and Zoning Commission, and the City Council will review applicable goals and policies to determine whether a proposed development is consistent with the Plan. The Future Growth Illustrations (Maps 21 and 22) and the text of the Plan will provide supplemental information for the interpretation of goals and policies. In case of any conflict between the Future Growth Illustration and the Plan's goals and policies, the goals and policies will prevail. The Plan is also used to guide decisions related to the expansion of public infrastructure, for example, the building or improvement of new roads and trails, investment in parks or public buildings, and other facilities. Many initiatives to improve the community start at the grassroots level. Thus, the Plan may be used by all citizens in order to ensure that new development conforms to the Plan and for assistance in implementing actions that will further the Plan's vision and direction. Generally, the City will use the Plan as follows:

- **City Council**—will use the Plan to **inform a final evaluate development applications and City projects that come before Council and require consideration of the Plan requests for changes in property rights. The Plan is the basis for the finding of conformance and discussions of compatibility decisions for such most** land use **decisions, efforts** including Regional Plan amendments, zoning map amendments, annexations, **discretionary development applications approvals,** and master/specific plans, **such as the City's Open Space Plan.** The *Flagstaff Regional Plan* provides a general background (why/intent), goals and policies (how), and a sense of priorities **for making decisions.** The Plan is **intended to be** broad enough to permit Council priorities to change between major plan updates.
- **City Planning and Zoning Commission**—serves in an advisory role to the City Council, and will use the Plan similarly, possibly to provide a clear connection to supporting technical documents to best justify or explain their recommendations.
- **City Management (including legal counsel, department, and division heads)**—also serve in an advisory role to the City Council, and will use the Plan to review staff recommendations, assess legal implications (e.g., property acquisition or impact issues), and explain budget and program recommendations (e.g., funding for master planning efforts, regulation

Corrected confusing/
inaccurate language



Photo by: Tom Bean

Updated per public
comments

[Proposed text]-
City Council—will use the Plan to **evaluate development applications and City projects that come before Council and require consideration of the Plan.** **The Plan is the basis for the finding of conformance and discussions of compatibility for such** land use **decisions,** including Regional Plan amendments, zoning map amendments, annexations, **discretionary development applications,** and master/specific plans. The *Flagstaff Regional Plan* provides a general background (why/intent), goals and policies (how), and a sense of priorities **for making decisions.** The Plan is broad enough to permit Council priorities to change between major plan updates.

updates, business attraction efforts, facilities planning).

Clearer wording

- **Public Agency Staff**—will use the Plan to develop and evaluate **development application application-of-regulations-to-development** requests such as Regional Plan amendments, zoning map amendments, subdivision plats, and other requests that require recommendations to management and governing bodies. The Plan will permit staff to clearly communicate to applicants the community expectations and concerns relevant to the property in question, subsequent recommended modifications or conditions for approval, and the reasoning behind them. Further, the Plan will be an essential tool for all City staff when, for example, prioritizing capital improvement projects, pursuing land acquisition, and developing agency budgets.
- **Development Community/Realtors/Prospective Buyers/Land Owners**—will use the Plan to determine the desirability of different development proposals on their properties, advise developers or owners on best available properties suitable to a proposed use or “highest and best use” for a given property, inform on the range of possible uses surrounding a property and their potential impacts on that property, and inform on long-range changes including infrastructure.
- **Interest Groups (e.g., environmental, business, education)**—similar to property owners, interest groups will use the Plan to advocate positions related to proposals **or-applications**, but often on a broader range of policy issues. These groups may use the Plan to advocate for or against new initiatives such as plans, infrastructure investments, educational programs, or business districts.
- **Resource Agencies**—will use the Plan in discussions with the City on resource/agency management plans, joint agreements, and cooperative initiatives.
- **General Public**—requires an accessible Plan that allows them to decide on whether **the Plan it** represents the “right” direction for the region.
- **Future Generations**—will have the full benefits, as well as address the challenges, of this Plan.

Implementation Through the Development Process How Do We Implement?

The *Flagstaff Regional Plan* is intended to play a pivotal role in shaping the future of the City. Implementation of the Plan will evolve over time with new budgets, capital plans, work programs, and changing priorities, but listed below are some practical ways to ensure that future activities are consistent with the *Flagstaff Regional Plan*:

- **Capital Improvement Plans**—The City’s capital improvement plans and long-range utility and transportation plans will be prepared consistent with the Flagstaff Regional Plan’s land use policies and infrastructure recommendations (water, sewer, stormwater, transportation, and parks/recreation). Major new improvements that are not reflected in the Flagstaff Regional Plan, and which could dramatically affect the Plan’s recommendations, should be preceded by a comprehensive update to the Plan.
- **Development Approvals**—The approvals process for development proposals, including zoning map amendments and subdivision plats, are an important implementation tool of the Plan. The City of Flagstaff’s Zoning Code ([Flagstaff City Code](#), Title 10) and the Subdivision Regulations (Title 11) will be updated in response to regulatory strategies presented in the Plan.
- **Illustrative Plans**—These are plans or maps that depict (illustrates, but does not regulate) the streets, lots, buildings, and general landscaping **for of a** proposed



Photo by: K DeLong

development and redevelopment areas.

- **Master or Specific Plans**—Master plans or specific plans should include a statement(s) describing how the plan implements *Flagstaff Regional Plan* goals and policies, and how it is compatible with the Plan.
- **Economic Incentives**—Economic incentives should carry out *Flagstaff Regional Plan* goals and policies. **Geographic** Areas identified by **specific and** illustrative plans should have higher priorities for incentives and public/private partnerships.
- **Private Development Decisions**—Property owners and developers should consider the strategies and recommendations of the Plan in their own land planning and investment decisions. Public decision-makers will be using the Plan as a guide in their development-related deliberations.
- **Annual Work Programs and Budgets**—The City Council and individual City divisions will use the **recommendations of the** Plan when preparing annual work programs and budgets.
- **Future Interpretations**—The City Council should call upon the City Planning Director and Planning and Zoning Commission to provide interpretation of major items that are unclear or are not fully addressed in the Plan. In formulating an interpretation, the Planning Director and Commission may call upon outside experts and other groups for advice. Minor items that require interpretation should be handled by the appropriate agency as it implements the Plan.
- **Staff Reports**—When preparing reports to the City Council and City Commissions, staff reports should identify if and how the Plan’s goals and policies are being implemented.

Coconino County

For areas outside the City of Flagstaff limits, but within the FMPO boundaries, the *Flagstaff Regional Plan* will guide land use decisions in conjunction with the Coconino County Comprehensive Plan and applicable area plans. The goals and policies in the Plan are used by County planning staff, the County Planning and Zoning Commission, and the Board of Supervisors to evaluate development proposals and to determine if such developments are appropriate for the unincorporated areas of the FMPO region. The *Flagstaff Regional Plan* is consistent with and complementary to the Coconino County Comprehensive Plan and the local community area plans in the region. These plans are decision-making tools used by residents, landowners, developers, Coconino County Community Development, Planning and Zoning Commission, and the Board of Supervisors. The Plan also serves as a comprehensive reference and blueprint for community programs as well as for public- and private-sector initiatives.

Moved paragraph
“Coconino County
from III-8”

Relationship to Other Planning Documents

The *Flagstaff Regional Plan* incorporates, updates, and builds upon many past planning efforts within the Flagstaff region, and every effort has been made to ensure consistency with these other planning documents and to minimize conflicts.

Appendix A contains a list of documents that implement, or are related to, the *Flagstaff Regional Plan*.

Moved sentence from
bottom of page III-8

Flagstaff Pathways 2030 Regional Transportation Plan

The FMPO adopted the *Flagstaff Pathways 2030 Regional Transportation Plan (RTP)* in December 2009 that identifies and prioritizes future transportation investments for roads, public transit, and trails. This plan evaluates the cost and effectiveness of projects for each major travel mode and addresses the relationships between land use, transportation, the economy, and the environment. This document is updated every five years.

Other Regional Planning Documents

There are two federal management plans in the planning area for Walnut Canyon National Monument and Sunset Crater Volcano National Monument. In addition, the Coconino National Forest has been working to revise its Forest Plan. At the county level, the *Coconino County Comprehensive Plan* adopted in 2003 also applies to the 460 square miles of unincorporated county land within the *Flagstaff Regional Plan* area. In addition, the County has 10 community area plans, of which five are within the area covered by the *Flagstaff Regional Plan*—Bellemont, Fort Valley, Doney Park Timberline-Fernwood, Kachina Village, and Mountaineer. These area plans also have goals and policies specific to each community and four of the five also have design review overlay guidelines which serve to ensure that new commercial buildings are compatible with the character of each community.

Study Area Plans Specific Plans and Studies for Areas and Corridors

~~Over the past decade, the City of Flagstaff's RLUTP proposed the development of special study area plans to deal with unique community and neighborhood issues, including, for example, the *Southside 2005 Plan* and the *La Plaza Vieja Neighborhood Plan (2011)*. These study area plans were developed in close coordination with local residents.~~

~~This new *Flagstaff Regional Plan* does not supersede these plans. They will remain in effect except for any provisions that may conflict with this new Plan, until such times as the plans are amended or repealed by the City Council.~~

~~The *Flagstaff Regional Plan* attempts to integrate social, economic, aesthetic, and environmental issues described within the study area plans into physical manifestations, demonstrated in illustrative plans that will result in increasingly livable communities. Additional special area plans may also be created and adopted as amendments to the *Flagstaff Regional Plan*.~~

~~Prior to the *Flagstaff Regional Plan*, the City of Flagstaff adopted several specific plans for corridors and areas. The purpose of a specific plan is to provide a greater level of detail for a geographic area or element of the *Regional Plan*, and to provide for the systematic implementation of the *Regional Plan*. Specific plans can also be adopted as master plans for development when they accompany a request for rezoning. The development of specific plans is essential for implementation of the *Flagstaff Regional Plan* and its vision. These plans are necessary to further determine the nature and scale of activity centers, corridors and neighborhoods, the cross-sections and alignment of future corridors, and the priority of goals and policies in a particular area. For more details about the content and purposes of specific plans, see *Flagstaff City Code, Title 11, General Plans, & and Subdivisions*. Specific plans can be adopted in a number of ways.~~

~~Specific plans, such as the *The Woodlands Village at Flagstaff Specific Plan*, were adopted by ordinance and provide development standards and phasing of infrastructure for the planned area. The *Flagstaff Regional Plan* cannot supersede specific plans adopted by ordinance, but must be considered if they are amended. When plans adopted by ordinance are updated, the changes made to them will be evaluated for their conformance to the *Flagstaff Regional Plan*. However, the entire document is not required to conform to each and every goal and policy. It is the role of the City Commissions and Council to determine if competing goals and policies have been adequately addressed by a proposed amendment.~~

~~Specific Plans adopted by resolution, such as the *Lone Tree Corridor Specific Plan*, are official City policy providing direction on how to implement the *Regional Plan*. If the plan was developed prior to May 2014, Only portions of the specific plan that align with the *Regional Plan 2030* are valid, when the plan was adopted by resolution. If the specific plan has a section that conflicts with the new *Flagstaff Regional Plan*, the new Plan supersedes the older specific plan until it is amended or repealed by the City Council.~~

~~Plans that were proposed but not adopted by resolution or ordinance can be used as strategic documents and~~

The original text from page III-11 was deleted and was factually inaccurate. During the comment period, the public identified that the proposed text was too difficult to understand. So the blue text is a simplified version and some details were moved to Appendix A

studies to better understand unique community and neighborhood issues. They reflect the desired future conditions supported by the community unless specifically rejected by the City Council. Rezoning, annexation, and plan amendment requests typically consider these plans and studies, but are not required to demonstrate conformance with them.

Within each specific plan or study, there is language that describes which parts of the documents are aspirational, advisory, strategy, and which are standards and guidelines. Specific Plans need to be read in the context of their status, intent, and conformance with the Regional Plan. Appendix A lists Specific Plans that were adopted or worked on by the City and their status. Some of the *Flagstaff Regional Plan's* policies will need further illustration and evaluation in certain areas to be implemented effectively. New specific plans adopted under the *Flagstaff Regional Plan* can clarify broader policy statements pertaining to an area, activity center or corridor. These plans may further determine the nature and scale of activity centers, the cross-sections and alignment of future corridors, or the priority of goals and policies.

Special Area Studies

Over the past decade, the City of Flagstaff's RLUTP proposed the development of strategic documents and studies to better understand unique community and neighborhood issues. Some of those studies, such as the *2005 Southside Plan: Strategies for Development*, were completed but not carried forward and adopted as a specific plan. Other studies like the Westside Study were used as the basis for infrastructure projects and for Regional Plan content. Still other studies were completed but the City Council at the time chose not to adopt them as an official City policy.

City staff frequently reviews these studies, when evaluating a development proposal or applications for rezoning, annexations and plan amendments. However, it is important to look at the final action taken by Council on the study to understand how the proposal was adopted (by resolution or ordinance) or why it was not. Rezoning, annexation, and plan amendment requests typically consider these plans and studies, but are not required to demonstrate conformance with them.



Photo by: Tom Bean

Picture moved
"Annual Plan
Review and
Monitoring"
section from
page III-7

Keeping the Plan Current

Annual Plan Review and Monitoring

The purpose of annual reviews and monitoring is to ensure that **the Plan it** continues to reflect core community values and to evaluate how new developments have been approved in compliance with the Plan. To achieve this, department directors will provide the City Manager and City Council with an annual review of Regional Plan-related activities **prior to the initiation of the budget process each year**. This review will accomplish the following:

Keeping the Plan Current

The *Flagstaff Regional Plan* is a dynamic document that can be updated, revised, and improved over time to respond to emerging issues, new ideas, and changing conditions. To assess the Plan's effectiveness, the City will need to monitor actions affecting the Plan. As a result of these monitoring efforts or private development requests, the City will need to amend the Plan periodically. The Planning and Zoning Commission and City Council **members** need to consider each proposed amendment carefully to determine whether or not it is consistent with the Plan's goals and policies. In addition, the cumulative effect of many changes may result in a change in policy direction. For this reason, Plan amendments must be evaluated in terms of their significance to overall City policy. A comprehensive summary listing of the goals and policies for the Plan is included at the end of this document, and will serve as a valuable tool to ensure any future changes or amendments are in keeping with the Plan's original vision and intent.

Moved title up

Sidebar moved
from page
III-10.

- Measure the City’s success in achieving Plan goals and policies through recommended strategies such as measuring on a per-project basis how sustainability indicators have been achieved
- Identify proposed strategies to be pursued under the coming year’s budget
- Identify unlisted strategies that will achieve Plan goals
- Document growth trends and compare those trends to plan objectives
- List development actions that affect the Plan’s provisions
- Explain difficulties in implementing the Plan
- Review community indicators
- Review outside agencies’ actions affecting the Plan.

Refer to Appendix D, Annual Report Template

Comprehensive Plan Review

To ensure that the *Flagstaff Regional Plan* remains an effective guide for decision-makers, Flagstaff will conduct comprehensive evaluations of the Plan every 10 years as required by Arizona Revised Statute §9-461.06 and should address the following in addition to any state mandated requirements:

- Progress in implementing the Plan
- Changes in community needs and other conditions that form the basis of the Plan
- Fiscal conditions and the ability to finance public investments recommended by the Plan
- Community support for the Plan goals and policies
- Changes in state or federal laws that affect the City’s tools for Plan implementation
- Changes in land ownership, usage, or development in areas immediately outside of the planning boundary and jurisdiction (such as those that might be implemented on the Navajo Nation to the east and north, or by the Hopi Tribe on parcels it owns, or by Camp Navajo to the west, or in communities such as Parks).

Amendments and Development Review Processes

The codified processes described below serve as tools for City staff to implement the goals, policies, and strategies of the *Flagstaff Regional Plan*. In addition, through public hearings when applicable, these processes provide opportunities for citizens to make recommendations to the Planning and Zoning Commission and City Council regarding the goals and policies of the *Flagstaff Regional Plan*.

Annexations – All proposed annexations will be evaluated for consistency with the goals and policies of this Plan. The proposed annexation should not be detrimental to the majority of the persons or property in the surrounding area or the community in general. The City’s basic position regarding annexation is that the annexation must demonstrate a favorable benefit to the taxpayers of the City. All applications for annexations of real property shall be reviewed, processed, and approved in conformance with Arizona Revised Statute §9-471 et seq. (Annexation of territory, procedures, notice, petitions, access to information, restrictions). Annexations may be initiated by the following:

- City Council or City Manager – The City Council or the City Manager may direct the Planning Director to review a specific property to determine whether it may be legally annexed and to contact property owners to determine whether they will sign an annexation petition.
- Property Owners – One or more property owners may submit an application to the City to annex property.

Zoning Code Amendments – In accordance with the City of Flagstaff Zoning Code, Division 10-20.50, an amendment to the zoning map or the text of the Zoning Code may only be approved if:

- The proposed zoning map amendment(s) is consistent with and conforms to the goals and policies of the *Flagstaff Regional Plan* and any applicable specific plans.
- If the application is not consistent with and does not conform to the *Flagstaff Regional Plan*, and any other specific plan, the applicable plan must be amended in compliance with the procedures established in the [Flagstaff City Code](#), Title 11, Chapter 11-10 (General Plans), prior to consideration of the proposed amendment(s).



Moved photo from page III-10

Photo by: Tom Bean

Major and Minor Plan Amendment Procedures

The Regional Plan is a living document and is expected to be amended regularly to keep it current and relevant. There are two types of plan amendments: major and minor. In Arizona, each jurisdiction can determine what changes require a major plan amendment in the General Plan (*Flagstaff Regional Plan 2030*). The procedures for processing plan amendments can be found in the Flagstaff City Code, Title II General Plans, & Subdivisions. Flagstaff City Code may change independent of the Regional Plan and should be referred to details of any related process.

Arizona Revised Statutes (A.R.S.) require all major amendments to the Regional Plan to be presented at a single public hearing during the calendar year the proposal is made. The process for major amendment proposals is very specific and deadline driven. Major plan amendments must be processed before an application for rezoning or annexation can be accepted. The process includes public notification, Planning and Zoning Commission review, and a minimum of three public hearings. The proposal is also required to be sent to the Planning and Zoning Commission, City Council, and a review and comment period 60 days prior to public notice. Major amendments to the general plan also require an affirmative vote of at least two-thirds of the members of the City Council. These requirements may be changed by the City or the State.

A minor amendment to the general plan requires only one public hearing by the Planning and Zoning Commission and one by the City Council. These minor amendment public hearings may be held at any time during the calendar year, and do not require two-thirds vote of the City Council. Minor plan amendments may be processed concurrently with rezoning and annexation applications.

New text added per public comment

Public Development Projects – City- and County-sponsored projects and Capital Improvement Programs should be required to adhere to all applicable goals and policies of the *Flagstaff Regional Plan* through project planning and budgeting to ensure funding is available to implement the Plan.

Amendments to Goals and Policies and Maps 21, 22 and 24

Major plan amendments should evaluate proposals that would substantially alter the balance between the goals and policies of the *Flagstaff Regional Plan*. When a major plan amendment is proposed, it will be evaluated for its conformance to goals and

policies, and systematic impacts that would alter the expected growth scenario that the Regional Plan embodies (See Page II-11 for details). The growth scenarios used a computer model to integrate land use, transportation, and environmental outcomes to a preferred build out scenario that informed the Regional Plan's Maps 21 and 22 (Future Growth Illustration) and Map 24 (Activity Centers). When a major plan amendment is proposed to these maps, its expected outcome will be compared to the original assumptions of the plan and the systematic impacts of the change. Only those changes listed in the chart as requiring a major plan amendment need such an amendment. **All other changes require only a minor plan amendment.**

Original draft did not have any explanatory text to explain major and minor plan amendments

A major plan amendment is one that meets any one of the criteria on the chart on Page III-14. Major plan amendment categories one through seven relate to Maps 21 and 22 (Future Growth Illustration), and Map 24 (Activity Centers). Any changes made to the content of these maps can be carried forward to other maps, using the same features for background, as part of the City's annual update. Major plan amendment category eight only applies to text found in the "Goals and Policies" call out boxes that are located throughout the plan. Deletions, additions or changes to goals and policies in the Regional Plan can only be proposed by the City of Flagstaff.

Any other changes to Maps 21 and 22, (~~Future Growth Illustration~~), and Map 24 (~~Activity Centers~~) or goals and policies not shown in the Major Plan Amendments Chart are considered minor plan amendments. Minor plan amendment analysis is focused on conformance with the goals and policies of the Regional Plan. Some minor plan amendments may have consequences for how the Plan is implemented, but it is difficult to define them as "major" based on any criteria that could be identified early in the application process. **Some examples of minor plan amendments are:**

We had significant public comment on what information was helpful in understanding the amendment process and how the Regional Plan's Growth and Land Use Chapter relates to this contentworks

- ~~Changes from urban to suburban, or rural to suburban~~ area types outside of activity centers
- Changes from rural to suburban area type outside of an activity center
- Changes from urban, suburban, and rural area types to employment or special district
- Identifying a new area type for an "Area in White" ~~area in white~~ on Maps 21 and 22 (Future Growth Illustration)
- Refinement of place types at the parcel level as part of a specific plan
- Wording changes to goals and policies that do not substantially alter their meaning
- Expansion of the Urban Growth Boundary to bring an area with City utility services into compliance or to serve facilities in parks/open space
- ~~Adding or deleting a policy.~~

Area and Place Type Guidelines

Maps 21 and 22 (Future Growth Illustration) and Map 24 (Activity Centers) are generalized representations of area and place types. The following descriptions relate to the content of Chapter IX that describes areas and place types through the maps, goals and policies, and Tables of Characteristics, which give detail on the desired conditions within Urban, Suburban, and Rural Activity Centers, Neighborhoods, and Corridors.

If there are overlapping area types, either type could be used to analyze plan consistency without requiring an amendment to Maps 21 and 22 (Future Growth Illustration).

Places ~~areas~~ with "future" area types on Maps 21 and 22 (Future Growth Illustration) that are currently developed to a lower intensity and density ~~that are already developed~~ do not require an amendment if they are compatible with the existing development pattern. ~~to Maps 21 and 22 unless the development application requires a change to the underlying area type.~~ For instance, if an area with a future urban/existing suburban area is proposed for a development that fits the suburban area type according to the table of characteristics, then an amendment is not required. ~~If an area a place~~ has only a future area type and no existing area type, then the application must conform to the future area type or would require an amendment.

Tables of Characteristics for each area and place type are found in Chapter IX: Growth and Land Use. **The tables**

include information that describes the combined area-place type, such as Suburban Neighborhood, in terms of desired pattern, block size, density and intensity, mix of uses, transportation, open space, and parks. Parks/Open Space, Employment, and Special District area types are not described in the tables but have explanations of similar characteristics described in the text. These tables are intended to be interpreted at a scale that at a minimum is a neighborhood or activity center, and may be larger. Every row is not a standard or guideline unto itself. The tables are meant to be taken as a whole, and used along with an analysis of how the project would or would not move the community towards the goals and policies throughout the document. For projects that are generally compatible with the characteristics in the table but do not fall within the range of density or intensity, the planner will consider the site-specific preservation of nature resources and compatibility of the proposal with the existing and future neighborhood context through an analysis of goals and policies. Specific plans may further refine how density and intensity is considered within an activity center or a neighborhood.

Parcels with more than one area or place type do not have to meet the exact acre of each area type. The lines dividing each area type are general, unless a specific plan has made site-specific interpretations. Parcels with more than one area or place type but must show they meet the intent of what is displayed on Maps 21 and 22 (Future Growth Illustration). For example, a 20-acre parcel with “urban” next to a commercial corridor and “suburban” further away can show that the proposal increases density in the front of the property along the road and scales back without having 10 acres of each and no plan amendment would not be required. If the parcel is along a Great Street or within the pedestrian shed of an activity center, characteristics of the place types must also be demonstrated.

Minor Amendments to Other Maps and Plan Content

If the Plan changes are the result of a development application that complies with the urban growth boundary, area types, and place types, amendments to other maps in the plan may be completed as part of the City’s annual update of the Regional Plan. Changes or updates to other parts of the Regional Plan will be gathered throughout the year and presented for City Council adoption along with the Regional Plan Annual Report. In these cases, it is not required to have a plan amendment processed along with the development application. For instance, changes to Map 25 (Road Network Illustration) as a result of a subdivision plat may be processed separately from the application, if all the underlying land uses and dedications comply.

If the application requires a change to the urban growth boundary, area or place types, then all amendments to other maps in the Regional Plan should be processed concurrent with the changes to Maps 21, 22, and 24.

Specific Plan Amendments to the Flagstaff Regional Plan 2030

Specific Plans are processed as a minor amendment but follow the enhanced procedural requirements for public participation and notification required of major plan amendments. If a Specific Plan proposes a change to the Regional Plan related to a major amendment category identified on Page III-14, and the application follows the same notification and public participation requirements of a major plan amendment, the proposal may be exempted from the timeline for submittals and reviews of major plan amendments in Title 11. ~~The hearing for the Specific plan must be at the same meeting as hearings for all other major plan amendments in the calendar year, in this case.~~

Reconsidered this requirement



Comprehensive Updates and New Elements

Refer to Flagstaff City Code, Title 11, Chapter 11-10 (General Plans), for procedures relating to the addition of a new element to the Regional Plan, or for comprehensive General Plan update requirements.

Major Plan Amendments Chart

Major Plan Amendment Category	Criteria	
1 Urban growth boundary ¹	Expansion of the urban growth boundary that requires an expansion of public utility infrastructure, except where services are already provided, or for the purpose of designating Parks/Open Space area type.	← New Table
2 Area Type - Employment	Reduction of the employment area type, unless offset by an exchange of acres within the same master planned area.	
3 Area Type - Urban/Rural	Changes from urban to rural or rural to urban area types.	
4 Area Type – Special District	Creation of a new special district, or reduction in the size of a special district.	
5 Area Type – Parks/Open Space	Reduction of the land designated for conservation and active or passive recreation. ²	
6 Area Types – Urban/Suburban/Rural ¹	<ul style="list-style-type: none"> - In activity centers, changes to area types that reduce the anticipated range of intensity, density, and mix of uses³ except where done to protect natural or cultural resources. without creating a proportional increase in intensity, density and mix of uses within the activity center. - In neighborhoods and along commercial corridors more than ¼ mile from an activity center, changes from suburban to urban area types. 	<ul style="list-style-type: none"> ← Removed condition to simplify ← New criteria
7 Place Type – Activity Centers ¹	<ul style="list-style-type: none"> - Addition or deletion of an activity center - Moving the center of an activity center more than ½ mile from its original location. - Reduction in the category of an activity center (urban to suburban, suburban to rural, or regional to neighborhood) without creating a proportional increase in scale of an activity center elsewhere in the Flagstaff Region. 	
8 Goals and Policies ^{1,4}	Add or delete a goal or policy in any chapter of the Plan.	← Per public comment

¹ This category excludes changes that are the result of a Specific Plan. Such changes will be processed as minor amendments.

² Lands designated for conservation and active and passive recreation are displayed as Parks/Open Space on the Future Growth Illustration. ~~Within the Parks/Open Space area type,~~ ~~Public facilities, such as tanks, utilities, roads, and staging areas, may be located, within the Parks/Open Space area type.~~ If these facilities have substantially altered the natural environment or created a brownfield site, removing them from the Parks/Open Space designation may be processed as a minor amendment. Expansion of such facilities does not require a plan amendment.

³ See tables of Area/Place Type characteristics found in Chapter IX: Growth and Land Use and relevant Specific Plans for the range of density, intensity and mix of uses..

⁴ Deletion or addition, of goals and policies to the Regional Plan can only be proposed by the City of Flagstaff.

← correction



1b. Major Amendments Activity Centers

CURRENT

- Addition of a new activity center 

PROPOSED

- Addition or deletion of an activity center
- Moving the center of an activity center more than ½ mile from its original location.
- Reduction in the category of an activity center (urban to suburban, suburban to rural, or regional to neighborhood) without creating a proportional increase in the scale of an activity center elsewhere in the Flagstaff region.



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1b. Major Amendments Activity Centers

- Option A: Proposed Criteria
- Option B: Moving Existing AC would be Major and Future AC would be Minor
- Option C: All Moves of the Activity Center would be Major
- Option D: Moving a Regional Scale AC would be Major and Neighborhood-scale would be Minor



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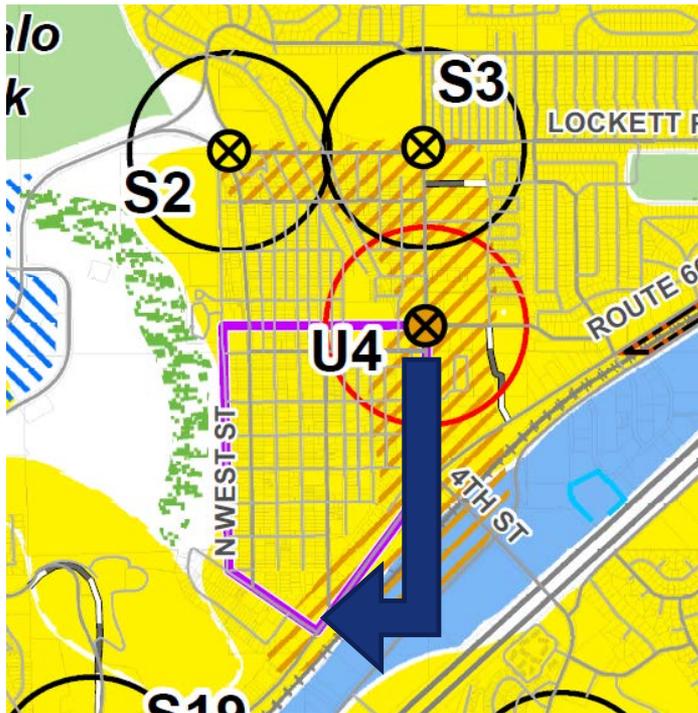
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1b. Major Amendments Activity Centers

Option A: Moving an Activity Center



PROPOSED CRITERIA

Moving the center of an activity center more than 1/2 mile from its original location.

MAJOR AMENDMENT



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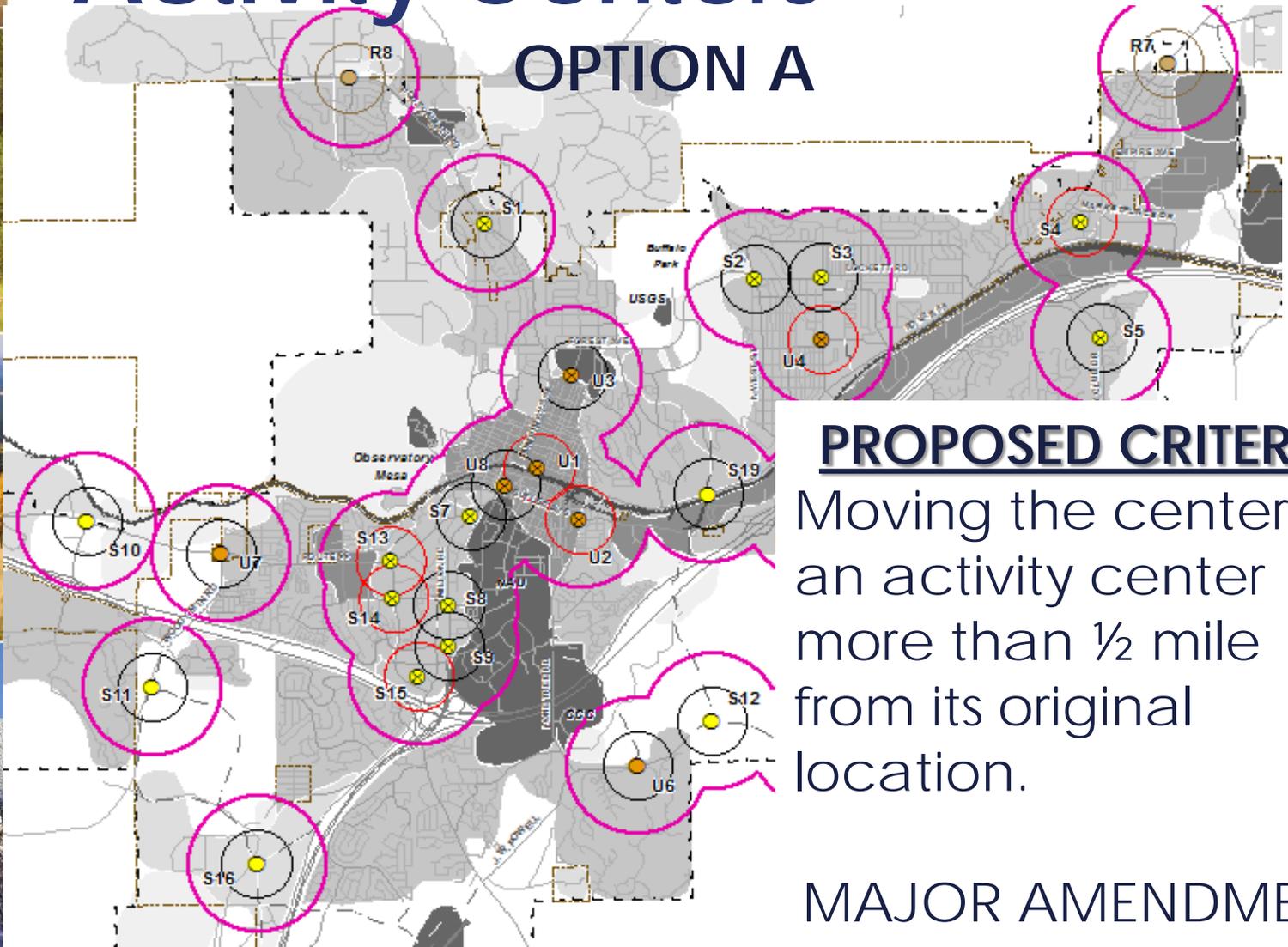
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1b. Major Amendments Activity Centers

OPTION A



PROPOSED CRITERIA

Moving the center of an activity center more than 1/2 mile from its original location.

MAJOR AMENDMENT



1b. Major Amendments Activity Centers

OPTION A

Pros

- Treats all activity centers the same regardless of scale or type

Cons

- Sets distance measure for major v. minor



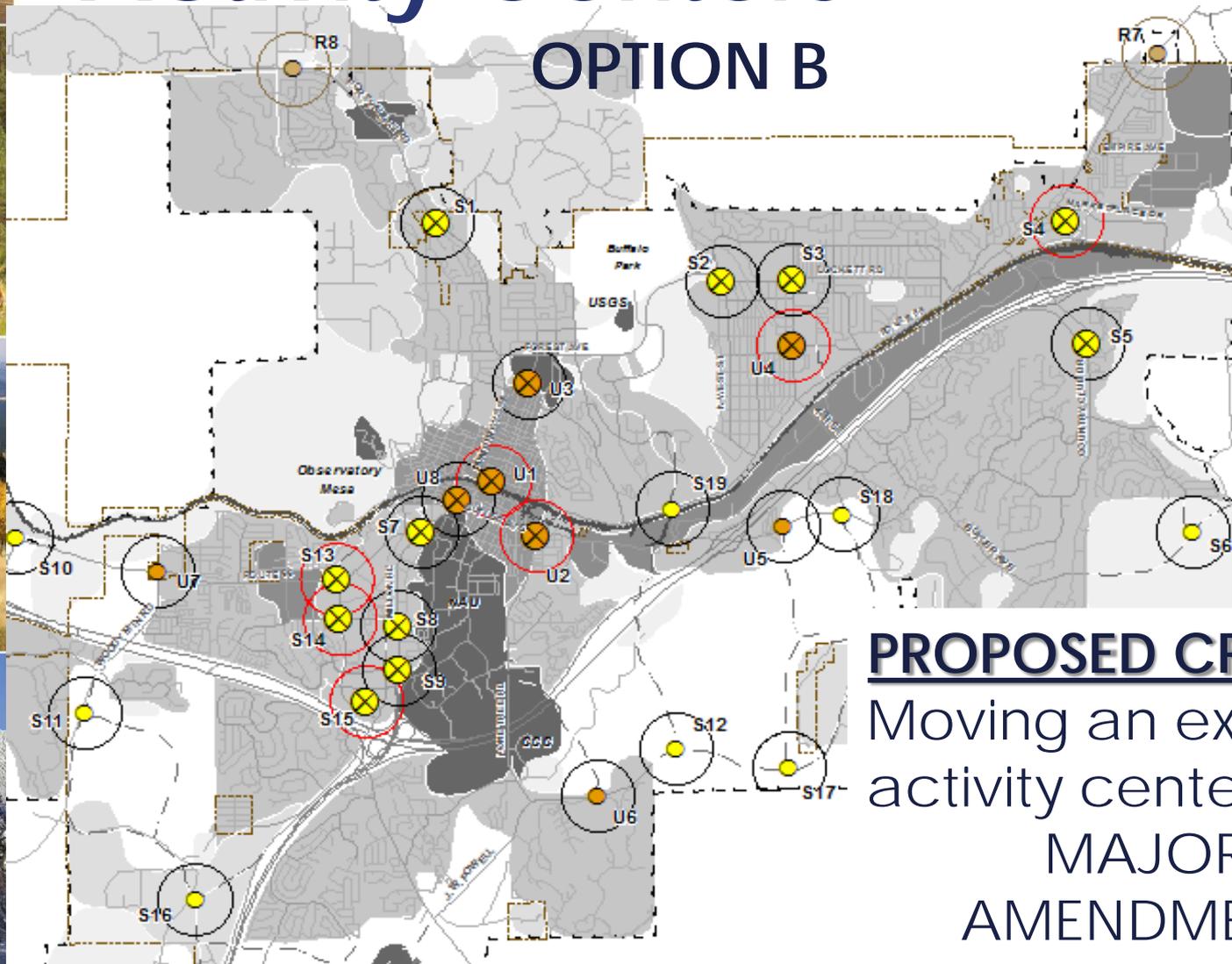
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1b. Major Amendments Activity Centers



OPTION B

PROPOSED CRITERIA

Moving an existing activity center
MAJOR AMENDMENT



1b. Major Amendments Activity Centers

OPTION B

Makes changes to 15 out of 28
ACs major amendments

Pros

- Simple and keeps with the intent
- Could also tie the major/minor threshold for "Reduction in the category of an activity center"



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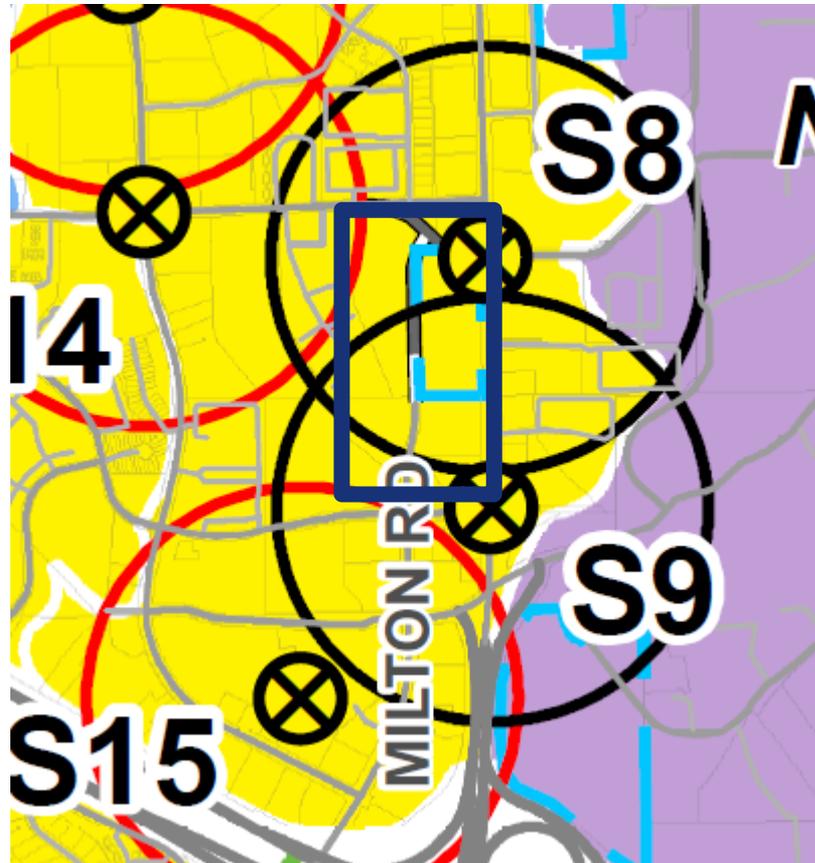
1b. Major Amendments Activity Centers

OPTION B

Current application under review as a minor amendment that would have been major under this criteria.

Changes

Neighborhood to Regional scale & moving the Activity Center to Beulah and University.



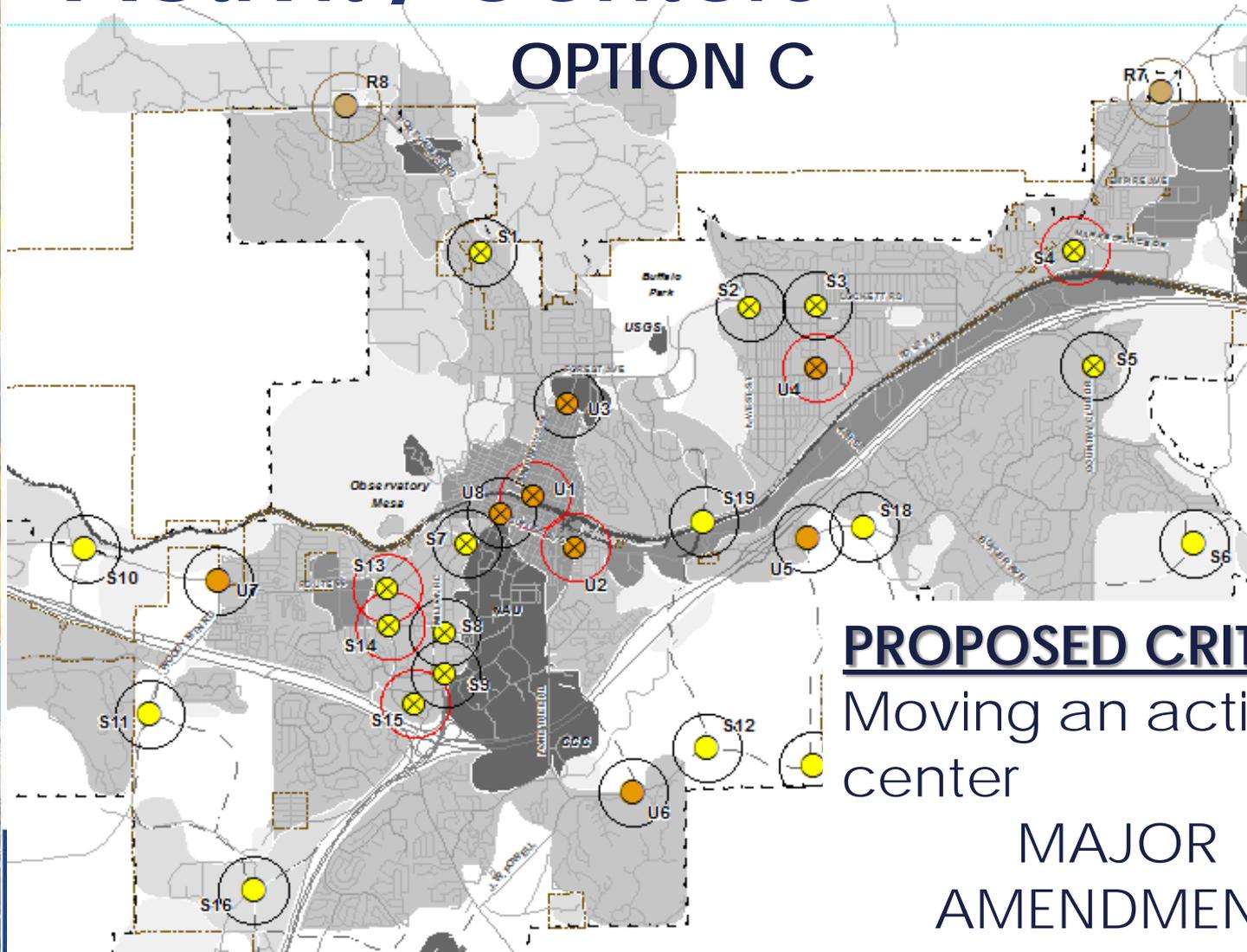
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1b. Major Amendments Activity Centers





1b. Major Amendments Activity Centers

OPTION C

Pros

- Treats all activity centers the same regardless of scale or type

Cons

- Very little flexibility
- Means changes to road alignments and activity center locations in large undeveloped areas would be difficult to do
- Staffs interpretation of the boundary and type of activity center would be important



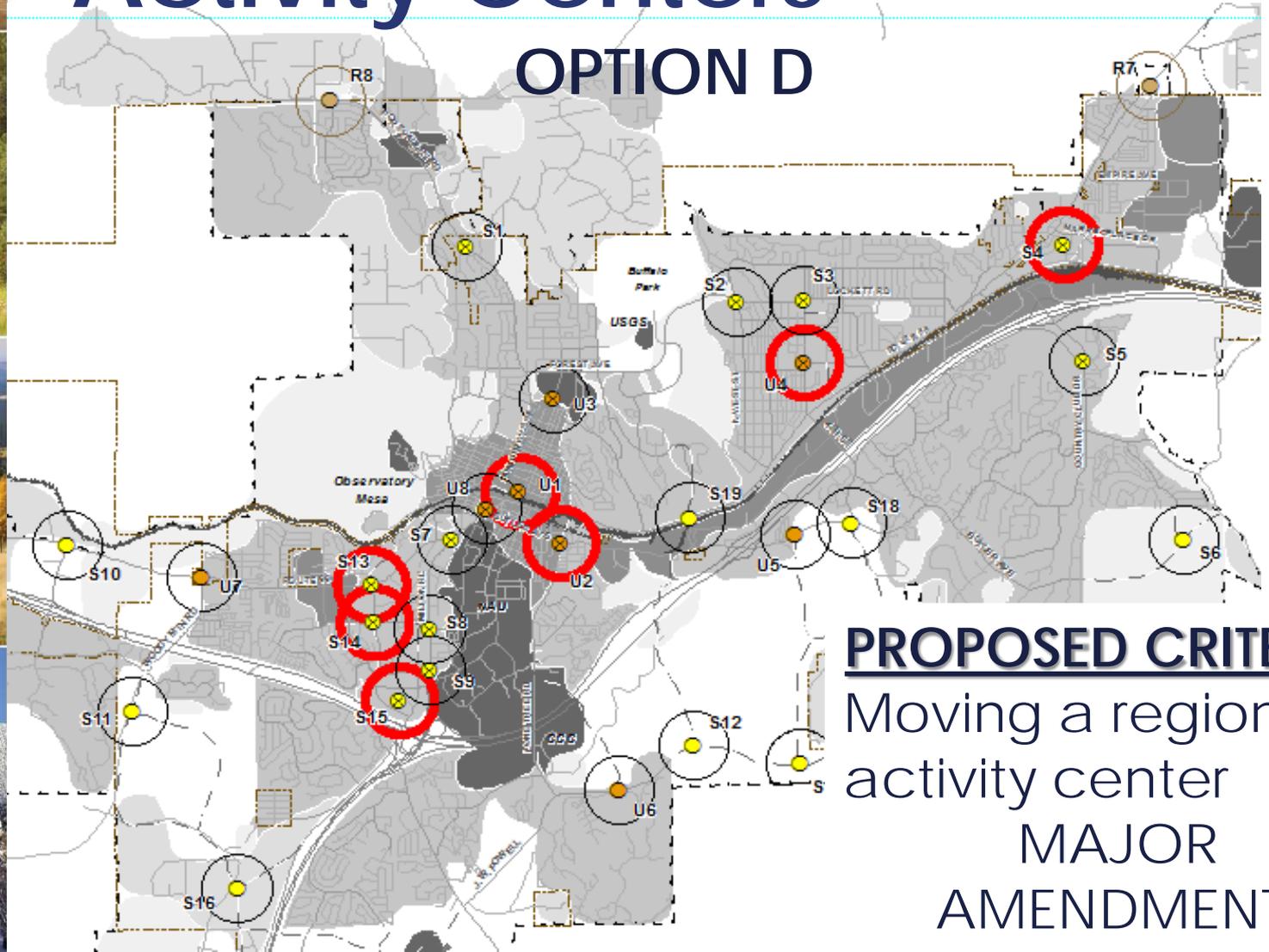
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1b. Major Amendments Activity Centers





1b. Major Amendments Activity Centers

OPTION D

7 of 28 ACs would require a major amendment

Pros

- Regional ACs would rarely move

Cons

- Not clear if changes to neighborhood scale ACs are that different



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**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Patrick Staskey, Fire Marshal
Date: 09/27/2016
Meeting Date: 10/04/2016



TITLE:

Consideration and Possible Adoption of Resolution No. 2016-20 and Ordinance No. 2016-25: Declaring as a Public Record that certain document known as the International Fire Code, 2012 Edition, and amendments, additions and deletions thereto and the 2016 Amendments to the Flagstaff City Code, Title 5, Fire Code and adopting said public record by reference.

RECOMMENDED ACTION:

- 1) Adopt Resolution No. 2016-20
- 2) Read Ordinance No. 2016-25 by title only for the final time
- 3) City Clerk reads Ordinance No. 2016-25 by title only (if approved above)
- 4) Adopt Ordinance No. 2016-25

Executive Summary:

The action of adopting this ordinance will enact the 2012 International Fire Code, and subsequent amendments to the Flagstaff City Code, Title 5, Fire Regulations. The purpose of this adoption is to keep our Flagstaff fire codes in compliance with previously adopted state legislation, as well as the adoption of local amendments. The effective date for the 2012 IFC to take effect would be November 3, 2016.

Financial Impact:

There are no costs to the city associated with updating to a more contemporary version of the IFC. Plans review and construction inspections with updated standards will place some new demand on our fire inspectors, for a few months post adoption as they incorporate the new code.

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:

1. Work across all government operations and services to prepare for the impacts of natural and human caused disasters.
2. Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to service all populations' areas and demographics.
3. Provide high quality emergency response and public safety services including law enforcement, fire, medical and ambulance transport service.

Has There Been Previous Council Decision on This:

The 2006 International Fire Code (The model code presently in use) was amended and subsequently adopted by Ordinance No. 2010-21, on November 5, 2010. Discussion has been held at the September 6 and 20, 2016, Council meetings, as well as the October 4, 2016, meeting. Additional information, as requested, has been included in the attached Supplemental Memo and related documents.

Options and Alternatives:

1. Table the ordinance to allow for more public input. The effect of this action would be to delay adoption.
2. Amend the ordinance to add or remove specific requirements.
3. Do not approve the ordinance. This action would have little effect as the State of Arizona has adopted this version of the IFC which placed it as a minimum requirement.

Background/History:

Adopting this ordinance will enact the 2012 International Fire Code, and the 2012 amendments to the Flagstaff City Code, Title 5: Fire Regulations and provide for their incorporation into city code. This action codifies the model fire code in Flagstaff that was previously adopted by the State Fire Marshal's Office in January of 2016.

With Resolution No. 2016-20 the City of Flagstaff Council has declared the 2012 International Fire Code (IFC) and the 2012 amendments to the Flagstaff City Code, Title 5 Fire Regulations (2012 Amendments) to be public record, three copies of which are on file in the office of the city clerk.

The Flagstaff Fire Department routinely updates its local Fire Code with a more contemporary model version. This update traditionally takes place every 6 years in accordance with the building department's model code update. The building department is presently using the 2012 International Building Code (IBC). Model codes such as the IFC and IBC are designed as minimum standards and local jurisdictions are encouraged to amend them locally to suit local conditions. Local amendments are proposed for the IFC. In the future, it is the intent of the Fire Department to match the fire code edition with the other ICC codes adopted by the City.

The 2012 Amendments deal with changes in the model code that are of significant local importance. The changes to the model code specific to Flagstaff are as follows: 1. Fire sprinkler systems to be required in all commercial buildings greater than 5000 square feet or three stories in height. This has been required in Flagstaff since the 1980's. 2. Adding a chapter specific to community special events, the chapter includes guidelines on fencing and exiting, crowd management and mobile food trucks.

3. Addition of Flagstaff's local addressing criteria.

4. Refrigerant Detection Equipment in convenience stores with a minimum quantities of hazardous materials used for this application.

Key Considerations:

1. Little impact on single family residential construction. The IFC is geared to commercial business operations
2. Clarity in requirements. The adoption process will place the 2012 IFC as the single model code for fire protection requirements in the region. NAU, the county and the state of Arizona are presently using the 2012 IFC code adoption will enhance developer friendly environment
3. Streamline the project review process the city building department and the fire department are using the same year model code.
4. Address specific community Hazards through our amendment adoptions. This includes a special events section as an example.

Community Benefits and Considerations:

In February and March of this year, the Fire Department scheduled meetings with local general contractors as well as scheduled an open house with fire protection subcontractors. The purpose of these meetings was to educate these stakeholders about the IFC adoption proposal and review significant updates from the 2006 IFC as well as amendments. Specific external interest groups included: Northern Arizona Homebuilders and service clubs. There was little to no negative feedback from these external interest groups only clarifications as to the code and updates, feedback seemed positive. The Fire Department has also met with various city divisions seeking input and offering our availability to meet and discuss the code adoption process. Those internal city groups included: community development, engineering, the building department, and code compliance. Input was discussed and in most cases incorporated into the local amendments.

Community Involvement:

Consult/Involve:

Through our community outreach activities we have consulted and elicited feedback from those community members who are most effected by the code adoption.

-
- Attachments:**
- [Significant Changes between the 2006 and 2012 Codes as well as the City of Flagstaff Adopted Amendments](#)
 - [3-3-16 FP Open House Roster](#)
 - [Res. 2016-20](#)
 - [Ord. 2016-25](#)
 - [PowerPoint](#)
 - [Comparison Table](#)
 - [Follow Up Memo](#)
 - [2nd Letter](#)
 - [Letter to Special Event Vendors](#)
 - [Special Event Matrix](#)
 - [Special Event Master Form](#)
 - [Special Events Manual](#)



FLAGSTAFF FIRE DEPARTMENT

211 W Aspen Avenue
Flagstaff AZ 86001

Phone 928-779-7688
Fax 928-779-7668

Significant Changes between the 2006 and 2012 Codes as well as the City of Flagstaff Adopted Amendments

Fire Prevention's goal through this 6 month process has been to:

- Simplify our amendments
- Make our amendments more user and customer friendly with regard to understanding and life safety specific information and regulations.
- Clean up deficiencies and ambiguities in the old document by way of removing sections that were no longer needed due to changes in the new Code
- Add language specifically applicable to the community we live in
- Only recommend amendments unique to our community while attempting to standardize requirements, as much as possible, with the building department that will make it easier for the general public and the building trades to work in this area, without compromising life safety.
- Come up with a product that would be understandable, enforceable, and life safety oriented while taking into consideration our customers' needs
-

Purpose for the adoption of the 2012 Code

- Present code is 6 years old 2 code cycles (Best practices encourage 6 year code cycles as a maximum)
- Alignment with Building Department (They are working out of the 2012 models codes)
- New code addresses new technology in the construction industry
- SFMO- Moved to the 2012 IFC, this will be a minimum requirement at the state level (NAU's Jurisdiction)
- Our present ISO Rating based on code updates every 6 years

The attached document depicts what code sections have been amended.

This currently is a draft and is subject to change at the discretion of the Building and Fire Board of Appeals or the Fire Department based on feedback prior to submission for approval.

Section Specific Recommended Amendments to the 2012 International Fire Code

Chapter 1- Scope and Administration

- No significant changes to previous amendments recommended
- New amendment recommendation to include adopting all applicable reference codes and standards in Chapter 80 of the IFC.
- Recommendation – we are presently looking into modifying the existing Fee Schedule to make it more beneficial to our customers and the city.

Chapter 2- Definitions

- Clarification of a detached building
- Recommendation to add a new definition; “Sky Lantern”. Sky Lanterns have gained popularity, and demonstrated to be problematic.

Chapter 3- General Requirements

- Recommendation to prohibit the aforementioned “Sky Lantern”(s).

Chapter 4- Emergency Planning and Preparedness

- No recommended amendments

Chapter 5- Fire Service Features

- New amendments to reflect existing Fire Department amendments with regard to consistency with other IFC chapter, definitive terminology, and to accommodate the local equipment that will be used in emergency responses.
 - Note- this includes items such as turning radius specific to the apparatus that the fire department currently responds with as well as road and driveway grades.
 - Subject to A.R.S. 9-808 “*Fire apparatus road or approved route; one or two family residences; utility or miscellaneous accessory buildings or structure definitions*”, that the 2012 Code cannot be amended with regard to the current adopted code without the possibility of negating its requirements
- Recommendation to define the dimensions of addressing numbers and letters for visibility to responding emergency units. Sizes can change depending on the distance, location, or visibility of the numbers or letters with regard to the building distance from the approach route of emergency response units.

Chapter 6- Building Services and Systems

- Recommendation based on 2012 model code that includes detection and alarms systems in areas where refrigerant mechanical equipment is located –Specifically and convenience stores and restaurants. amendments

Chapter 7- Fire Resistance-Rated Construction

- No recommended amendments

Chapter 8- Interior Finish, Decorative Materials and Furnishings

- No recommended amendments

Chapter 9- Fire Protection Systems

- Recommendation to clarify the wording of the current Code language to make it more clear and consistent with the 2012 IFC. The majority of the changes to this section are to reflect the need to carry forward our current amendments and formatting to the new Code. None of the reflected changes are any more restrictive than the existing Code and amendments.
 - Note
 - The 2012 IFC specifically addresses sprinkler system requirements in each occupancy classification. Amendments to each classification center on local previous code amendments to require a sprinkler system in all commercial occupancies when square footage is over 5000 Square feet or 3 stores in height.
- Recommendation to require that records of Fire Protection Systems inspection, tests, and maintenance, revealing significant deficiencies, be forwarded, by hard copy, to the Fire Department within 30 business days.
- Recommendation to delete Section 905.3.4.1 “Hose and Cabinets” in its entirety.
 - Note: the reason for this deletion is that we do not want the general public to attempt to use a fire hose to suppress a fire and we cannot regulate the continued maintenance and testing of private fire hose to assure its functionality for our use. We will however continue to require, per the Code, installation of standpipes that we can connect Fire Department hose to as needed.

Chapter 56- Explosives and Fireworks

- A.R.S. 36-3601 “Relating to Fireworks ”, The city has adopted ordinance 5-02-002-0001 to comply with new Arizona Revised Statutes requirements

With regard to subsequent Chapters:

- The 2012 International Fire Code has significantly changed with regard to comprehensiveness and clarity; therefore, the need to amend Chapters past Chapter 9 has not been found to be necessary during this code cycle.
- Recommendation based on our community's special events calendar and frequency to include the addition of a Special Events Chapter into Flagstaff's IFC which would be Chapter 12

Appendices to the 2012 Fire Code

Note:

Per the Fire Code language- "Provisions contained in the appendices are not mandatory unless specifically referenced in the adopting ordinance. "

Appendix "A"- Board of Appeals

- Recommend to delete in its entirety

Appendix "B"- Fire Flow Requirements for Buildings

- Recommend to adopt in its entirety.

Appendix "C"- Fire Hydrant Locations and Distribution

- Recommend to adopt in its entirety.

Appendix "D"- Fire Apparatus Access Roads

- Recommend to adopt in its entirety to be consistent with aforementioned Fire Service Features- (Chapter 5)

Appendix "E"- Hazard Categories

- Not recommended for adoption as it is for information purposes only and not intended for adoption.

Appendix "F"- Hazard Ranking

- Not recommend to adopt in its entirety.

Appendix "G"- Cryogenic Fuels- Weight and Volume

- Not recommended for adoption as it is for information purposes only and not intended for adoption.

Appendix "H"- Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement Instructions (HMIS)

- Recommend to adopt in its entirety.

Appendix "I"- Fire Protection Systems- Noncompliant Conditions

- Recommend to adopt in its entirety.

Appendix "J"- Building Information Sign

- Not recommended for adoption as a valuable tool for our jurisdiction.

FFD Open House – Fire Protection Trades

3-3-16 - Discussion and training on 2012 Code Adoption

Name

Company

E Mail Contact

1. James Devens Century Sec Century Security@Earthlink.net

2. Nathan R Jackson AZ Fire Sprinklers azfire@swiftaz.net

3. MARC FARMAN AETC AEC@COMMSPEED.NET

4. Bobby Town Firemaster Bob Town^{Town}@Gmail.com

5. Warren Blake Copper State Fire ~~wb~~ wblake@copperstatefire.com

6. James Battise AZ Fire sbcricket88@yahoo.com

7. Robert Glaze Wicked Fire wickedfp@msn.com

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

RESOLUTION NO. 2016-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT KNOWN AS THE *INTERNATIONAL FIRE CODE, 2012 EDITION, AND AMENDMENTS, ADDITIONS AND DELETIONS THERETO AND THE 2016 AMENDMENTS TO FLAGSTAFF CITY CODE, TITLE 5, FIRE CODE*

RECITALS:

WHEREAS, the Mayor and City Council of the City of Flagstaff ("City") wish to declare the *International Fire Code, 2012 Edition and amendments, additions, and deletions thereto and 2016 Amendments to Flagstaff City Code, Title 5, Fire Code*, to be a public record to be maintained by the City Clerk for the convenience of its citizens and to permit its adoption by reference into the City Code; and

WHEREAS, the City Council finds that three copies of the *International Fire Code, 2012 Edition and amendments, additions, and deletions thereto and 2016 Amendments to Flagstaff City Code, Title 5, Fire Code*, have been placed on file with the City Clerk as a public record available for inspection by the public until such time as the City Council shall adopt a later edition of the Flagstaff Fire Code.

ENACTMENTS:

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

SECTION 1: That the *International Fire Code, 2012 Edition and amendments, additions, and deletions thereto and 2016 Amendments to Flagstaff City Code, Title 5, Fire Code*, three copies of which are on file in the office of the City Clerk, are hereby declared to be a public record.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 4th day of October, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

*International Fire Code, 2012 Edition and Amendments, Additions and Deletions Thereto
and 2016 Amendments to the Flagstaff City Code, Title 5, Fire Code*

5-02-001-0005 AMENDMENTS

The following provisions shall have the effect of either amending, adding to, or deleting from the International Fire Code, ~~2006~~ [2012](#) Edition:

CHAPTER 1, IFC, Administration**Amend Section 101.1 Title, to read:**

These regulations shall be known as the Fire Code of City of Flagstaff, hereinafter referred to as "this code."

Amend Section 102.7 entitled "Reference codes and standards", by adding:

Referenced codes and standards as listed in Chapter 80, and in this document are adopted in their entirety.

Amend Section 104.6, Official Records, to read:

The fire code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained as prescribed by state and city archival regulations.

Amend Section 105.6.2 entitled "Amusement Buildings" to read:

An operational permit is required to operate any amusement building or special event as required by the fire code official.

Amend Section 105.6.30 Open Burning, by deleting:

Exception: Recreational fires.

Amend Section 108.1 entitled "Board of appeals established", to read:

The Building and Fire Code Board of Appeals created in Chapter 2-02 of the Flagstaff City Code shall hear and decide appeals of orders, decisions or determinations made by the fire official relative to the application and interpretation of this code.

Amend Section 109.4 entitled "Violation penalties", to read:

Persons who violate a provision of this code or fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under a provision or provisions of this code, shall be guilty of a class one misdemeanor and upon conviction shall be punishable by a fine and/or imprisonment set forth by the governing laws of the jurisdiction. Each separate day or any portion thereof, during which any violation of this Code occurs or continues, shall be deemed to constitute a separate offense.

CHAPTER 2, IFC, Definitions**Amend Section 202 entitled "Definitions; Detached Building" to read:**

DETACHED BUILDING: A separate stand alone structure that is separated from other buildings in accordance with the requirements of the International Building Code, greater than 200 square foot and/or within 15 feet of the existing or primary structure. This classification shall include, but not limited to the following:

Casitas
 Gazebos
 Storage
 Sheds
 Garages
 Green
 Houses
 Ramadas
 BarnsShops

Amend Section 202 entitled Definitions, by adding:

SPECULATIVE WAREHOUSE. A building designed for high piled combustible storage without a known type or commodity designation specified.

SKY LANTERN. A device designed to carry an open flame as an airborne light. Also known as, but not limited to, Kongming Lantern, Whish Lantern, Sky Candle, Fire Balloon.

CHAPTER 3, IFC, General Requirements

Amend Section 308 entitled "Open Flames" by adding:

308.1.1.1 Sky Lanterns. The lighting of, and/or release of Sky Lanterns is prohibited.

Amend Section 308.1.5 Location near combustibles, to read:

Candles or other open flame devices shall not be left unattended. Open flames shall be extinguished when direct supervision is unavailable.

BBQ grills shall be for outdoor use only. BBQ grills may be used on open balconies if proper clearances from combustibles are maintained. For listed appliances, follow the manufacturer's instructions for proper clearances. Instructions for listed grills must be kept on premises and be made available to the Fire Department. BBQ grills shall never be used directly under unprotected combustible construction. Units must be supported by sturdy, non-combustible construction. In the absence of manufacturer's instructions and for all unlisted appliances, clearances shall be maintained as follows: from the front, sides, floor, and rear of unit 36 inches.

Exception: A minimum of 6 inches may be allowed to the rear of BBQ grills equipped with a metal lid, as long as combustible construction does not exceed the horizontal plane of the unit, i.e. above the unit.

CHAPTER 5, IFC, Fire Service Features

Amend Section 503.1.2 Additional Access, by adding:

Approved secondary access shall be provided to all subdivisions and developments when fire access exceeds 1200 feet in length. Secondary access shall be provided for all one or two family residential developments that exceed 30 units/lots.

Amend Section 503.2.3 Surface, to read:

Fire apparatus access roads shall be designed and maintained to support a minimum 80,000 pounds gross vehicle weight shall be surfaced as to provide all weather driving capabilities. A maintenance agreement for private roads or other fire access may be required showing the responsibility for roadway maintenance and snow plowing.

Amend Section 503.2.4 entitled "Fire Service Features; Fire Apparatus Access Roads; Specifications; Turning Radius", to read:

The required minimum turning radius of a fire apparatus access road shall be 35 feet inside, 55 feet outside, or 45 feet on center

Amend Section 503.2.5 Dead ends, by adding:

There shall be no parking or other obstructions in fire apparatus turnaround areas that would impair turning of apparatus. When parking or other design features are desired, the proper design must be approved. Accumulation of snow must also be accounted for to prevent winter time obstructions.

Amend Section 503.2.7 entitled "Fire Service Features; Fire Apparatus Access Roads; Specifications; Grade, to read:

The gradient for a fire apparatus access road shall not exceed 10 percent on straight sections of roadway and 5 percent side slope on turnarounds and curves

Amend Section 504.2 Maintenance of exterior doors and openings, by adding:

Exterior doors and openings required by this code or the building code shall be maintained readily accessible for emergency access by the fire department. Exterior doors shall be supplied with an approved exterior handle

Amend Section 505.1 Address Numbers, by adding:

Commercial address numbers shall be a minimum of 6 inches high with a minimum stroke width of 0.5 inch. Buildings in multi-building complexes must be marked with 12" minimum numbers. When address numbers attached to buildings are insufficient to be seen from the street, additional numbers may be required at a location approved by the Chief. Approved identification shall also be provided on the rear door(s) at any location where access into the building may be difficult to determine.

Amend Section 507.3 Fire Flow, to read:

Fire flow tests used to design sprinkler systems, standpipe systems, and fire supply mains shall be performed by a contractor licensed by the State of Arizona, and who has a current business license issued by the City of Flagstaff. The test shall be witnessed by the Flagstaff Fire Department.

Amend Section 508 Fire Protection Water Supplies, by adding:

508.6 Modifications. When automatic fire sprinkler systems or other approved fire protection systems or features are installed, the specifications of this section may be modified at the discretion of the Chief, when in his opinion, fire fighting or rescue operations will not be impaired.

Amend Section 507.1 Required water supply, by adding:

When any portion of the facility or building protected is in excess of 300 feet from a water supply on a public street for commercial occupancies and 500 feet from a water supply for

residential single family and duplex occupancies, as measure by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the Chief.

Amend Section 507.2 Type of water supply, by adding:

Water supply for a major system component as described by the American Water Works Association must provide a continuous and uninterrupted supply of fire protection water through redundancy. Fire mains in excess of 1,000 feet in length or which have more than 3 hydrants affixed shall be looped to a second source of water. All fire mains hereafter constructed shall be a minimum of 8 inch diameter but in all cases shall be of sufficient size to adequately supply the required fire flow.

Amend Section 507.3 Fire flow, to read:

The method for determining fire flow requirements for buildings and subdivisions shall be Appendix B Fire Flow Requirements for Buildings.

CHAPTER 6, IFC, Building Services and Systems

Amend Section 606.8 Refrigerant detector, to read:

Machinery rooms shall contain a refrigerant detector with an approved and distinctive audible and visual alarm. The alarm notification devices shall comply with the audible and visual requirements of the *National Fire Alarm Code*, NFPA 72. A supervisory alarm shall be activated when the mechanical ventilation system fails. The detector, or a sampling tube that draws air to the detector, shall be located in an area where refrigerant from a leak will concentrate. The alarm shall be activated at a value not greater than the corresponding TLV-TWA values shown in the International Mechanical Code. Detectors and alarms shall be placed in one or more locations to assure notifications of all occupants.

CHAPTER 9, IFC, Fire Protection Systems

Amend Section 901.2 entitled "Construction documents", by adding:

Automatic sprinkler systems designed in accordance with NFPA 13, 13D and 13R shall be submitted and reviewed bearing a review certification and signature of a minimum level III NICET Certified Engineering Technician (CET) or Arizona registrant. Fire alarm systems designed in accordance with NFPA 72 shall be reviewed and submitted bearing a review certification and signature of a minimum level III NICET Technician or Arizona registrant.

Amend Section 901.3 by adding:

901.3.1 Modifications. No person shall remove or modify any fire protection system installed or maintained under the provisions of this code without prior approval by the fire chief or fire code official.

Amend Section 901.6.2 entitled "Records", to read:

Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and deficiencies shall be copied to the authority having jurisdiction within thirty (30) business days.

Amend Section 901.6, by adding:

901.6.3 Inspection and testing. All fire protection systems shall be inspected and tested annually by a contractor licensed by the State of Arizona and who has a current business

license issued by the City of Flagstaff to work on the specific type of fire protection system being inspected or tested.

Amend Section 903.2 entitled "Fire Protection Systems; Automatic Sprinkler Systems; Where required", by adding:

In addition to the requirements of the fire and building codes, an approved automatic monitored sprinkler system shall be installed throughout all levels of all new Group B, E, F, M, U and S occupancies 5,000 square feet (464m²) or greater and in all buildings over 3 stories in height regardless of the total square footage.

Such systems shall be in accordance with the International Fire Code, International Building Code and installed in accordance with NFPA 13, 13D or 13R as specified by the fire code official.

Notwithstanding the foregoing, an automatic monitored fire sprinkler system may be installed in any building regardless of floor area.

Amend Section 903.2.1.1 entitled "Fire Protection Systems, Automatic Sprinkler Systems; Where required; Group A-1, to read:

An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (464m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi theater complex.

Amend Section 903.2.1.3 entitled "Fire Protection Systems, Automatic Sprinkler Systems; Where required; Group A-3", to read:

An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (464m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Amend Section 903.2.1.4 entitled "Fire Protection Systems, Automatic Sprinkler Systems; Where required; Group A-4", to read:

An automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (464m²).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Amend Section 903 entitled "Fire Protection Systems; Automatic Sprinkler Systems; Where required; by adding:

903.2.2.1 Group B

An automatic monitored sprinkler system shall be provided throughout all Group B

occupancies where any of the following exist:

1. Where Group B fire area is 5,000 square feet (464m²) and greater, or
2. Fire area is located more than three stories above grade

Amend Section 903.2.2 Ambulatory care facilities, to read:

903.2.2.2 Ambulatory care facilities

An *automatic sprinkler system* shall be installed throughout the entire floor containing an ambulatory care facility where either of the following conditions exist at any time:

1. Four or more care recipients are incapable of self-preservation, whether rendered incapable by staff or staff has accepted responsibility for care recipients already incapable.
2. One or more care recipients that are incapable of self-preservation are located at other than the level of exit discharge serving such a facility.

In buildings where ambulatory care is provided on levels other than the *level of exit discharge*, an *automatic sprinkler system* shall be installed throughout the entire floor where such care is provided as well as all floors below, and all floors between the level of ambulatory care and the nearest *level of exit discharge*, including the *level of exit discharge*.

Amend Section 903.2.3 entitled "Fire Protection Systems, Automatic Sprinkler Systems; Where required; Group E", to read:

An automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 5000 square feet (462m²) in area.
2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.

Exception: An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level.

Amend Section 903.2.4 entitled "Fire Protection Systems, Automatic Sprinkler Systems; Where required; Group F-1", to read:

An automatic sprinkler system shall be provided throughout all buildings containing Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 fire area exceeds 5,000 square feet (464m²).
2. A Group F-1 fire area is located more than three stories above grade plan.
3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 5,000 square feet (464m²).
4. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²).

Amend Section 903.2.4.1 Woodworking operations, to read:

An automatic sprinkler system shall be provided throughout all F-1 occupancy fire area that contain woodworking operations in excess of 2500–5000 square feet in area (464

m2) which generate finely divided combustible waste or which use finely divided combustible materials

Amend Section 903.2.7 entitled "Fire Protection Systems; Automatic Sprinkler Systems; Where required; Group M", to read:

An automatic sprinkler system shall be provided throughout buildings containing Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 5,000 square feet (464m²).
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 5,000 square feet (464m²).
4. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet (464 m²).

Amend 903.2.8 entitled Group R, to read:

An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R-1 and R-2 fire area.

Amend Section 903.2.9 entitled "Fire Protection Systems, Automatic Sprinkler Systems; Where required; Group S-1", to read:

An automatic sprinkler system shall be provided throughout all buildings containing Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 5,000 square feet (464m²).
2. A Group S-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 5,000 square feet (464m²).
4. A Group S-1 fire area used for the storage of commercial trucks or buses where the fire area exceeds 5,000 square feet (464 m²).

Amend Section 903.2.9.1 entitled "Fire Protection Systems, Automatic Sprinkler Systems; Where required; Repair Garages", to read:

An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the International Building Code, as shown:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5,000 square feet (464m²).
2. Buildings no more than one story above grade plane, with a fire area containing a repair garage exceeding 5,000 square feet (464m²).
3. Buildings with repair garages servicing vehicles parked in basements.
4. A Group S-1 fire area used for the repair of commercial trucks or buses where the fire area exceeds 5,000 square feet (464 m²).

Amend Section 903.2.10 entitled "Fire Protection Systems, Automatic Sprinkler Systems; Where required; Group S-2 enclosed parking garages", to read:

An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the International Building Code as follows:

1. Where the fire area of the enclosed parking garage exceeds 5,000 square feet (464m²)
2. Where the enclosed parking garage is located beneath other groups.

Exception: Enclosed parking garages located beneath Group R-3 occupancies.

Amend Section 903.3.1.1.1 entitled "Fire Protection Systems; Automatic Sprinkler Systems; Installation requirements; Exempt locations", to read:

Automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the fire code official.
3. Generator and transformer rooms separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire resistance rating of not less than 2 (two) hours.
4. Fire service access elevator machine rooms and machinery spaces.
5. Machine rooms and machinery spaces associated with occupant evacuation elevators designed in accordance with Section 3008 of the International Building Code.

Amend Section 903.3.5 entitled "Fire Protection Systems; Automatic Sprinkler Systems; Installation requirements; Water supplies", by adding:

The introduction of any toxic substance shall be prohibited. If a sprinkler system is connected to a potable water supply, the use of solutions other than that of pure glycerin (C.P. or U.S.P. 96.5 percent grade) or propylene glycol shall not be permitted."

Amend Section 903.3 installation requirements, by adding:

903.3.8 Speculative warehouse special requirements

Speculative warehouses shall comply with Chapter 32, and this Chapter. Where the maximum allowable storage height can exceed 12 feet (3658mm) but less than 22 feet (6706mm) the following shall apply:

1. Design for a Class IV non-encapsulated commodity, double row rack storage, 8 foot (2,438mm) aisles and 286 degree sprinklers; and
2. Hydraulically design to protect the maximum possible clear height of storage without in-rack sprinklers; and
3. Add 500 GPM at the base of the riser for inside hose to hydraulic calculations, and provide the hose stub-outs for future installation or use existing columns for hose installing locations.

Where the maximum allowable storage height can exceed 22 feet (6706mm) the following shall apply:

1. Hydraulically design system to protect the maximum possible clear height of storage without in-rack sprinklers; and
2. Provide .64 GPM per square foot over the hydraulically most remote 2,000 square feet (609600mm); or use an approved alternative design such as ESFR sprinklers.

Amend Section 905 Standpipe Systems, by adding:

Section 905.12 Other Standpipe Systems Required Locations. Notwithstanding the previously specified required locations, approved standpipe systems shall also be required in: Commercial buildings greater than two stories in height.

Amend Section 912.2 Location, to read:

With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located such that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. Fire department connections (FDC) shall be remote from the building if possible.

Amend Section 912.2.1 Visible Location, to read:

Fire department connections shall be located at the primary entrance to the site, fully visible and recognizable.

CHAPTER 12, IFC, Reserved

Amended Chapter 12, by adding:

Chapter 12 - Special Event Requirements

Section 1201 Definitions

Special Event: A non-routine organized activity involving the use of, or having impact upon, city property, city facilities, parks, sidewalks, street areas or the temporary use of city property in a manner that varies from its current land use.

Exhibit: A space or portable structure used for the display of products or services.

Outdoor assembly event: Private or public event conducted outdoors including but not limited to festivals, and or celebrations having the projected attendance or 500 people or more persons throughout the event or confining 500 or more attendees by the permitted or temporary installation of barricades or fencing.

Crowd Manager: A person responsible for defining his/her establishment's emergency plan for evacuation. He or she is also responsible for ensuring that the employees properly understand their roles in crowd management is assisting and directing the crowd in an orderly manner for evacuation.

Mobile Food truck: A licensed motorized vehicle or mobile food unit which is temporarily or permanently staged on a property where food items are sold to the general public.

1201.1 Scope An assembly of persons with a common purpose to watch or participate in an activity that is different than the normal course of business for a location. The event may include entertainment, food/beverage, and use of temporary fencing, stands, structures or tents. Events

may include but not limited to concerts, circuses, fairs, festivals, parades, trade shows, exhibits, mazes or similar celebrations. Special events may increase the impact or disruption of normal traffic flow or involve road closures.

1202 General Requirements

1202.1 Permit A permit and any applicable fees shall be required for special events, outdoor events or exhibits as set forth by the City of Flagstaff Special Event Permit Review Process.

1202.2 Site Plans Detailed site plans shall be submitted with the special events permit for Outdoor Events.

1202.3 Permits and site plans shall be submitted per the City's special event process and shall include but not limited to:

1. Means of egress
2. Location and width of exits and aisles
3. Location of exit signs
4. Location of fencing or means used to confine attendees
5. Total square footage of enclosed space
6. Location, size and arrangement of all tents, booths and cooking equipment
7. Location and access of emergency vehicle access roads
8. Location of fire protection equipment
9. Type and location of heating and electrical equipment where applied.

1202.4 Access for Firefighting and Medical Services Approved vehicle access for firefighting and EMS services shall be maintained.

1202.5 Combustible Storage Combustible materials stored at special events shall be stored in approved locations and containers.

1202.6 Crowd managers Crowd managers shall be required when the code official determines that an indoor or outdoor gathering warrants crowd control.

1202.7 Fire Extinguishers Fire extinguishers shall be in accordance with section 906.

1202.8 Fire Watch Fire watch shall be in accordance with section 403.1.

1202.9 Housekeeping The special events and related areas shall be kept free from combustible debris at all times.

1203 Outdoor Assembly Events

1203.1 General Outdoor events shall be in accordance with this section and section 10.

1203.2 Exits Exits shall comply with chapter 10, be as remote from each other as practical and comply with table below.

Outdoor Events Table 1203

Occupant Load	Minimum number of Exits
1-500	2
501-1000	3
1001-1500	4
Each additional 500 Persons	36" of additional exit width for each exit

1203.3 Exit Width The aggregate clear width of exists shall be a minimum of 36 “width wide for each 500 persons to be accommodated

1203.4 Exit Signs Exits shall be identified with signs that read -EXIT – The signs shall be weather resistant with letters on a contrasting background. Lettering shall be of sufficient height and brush stroke to be visible within 100 feet. Placement of the exit signs shall be approved by the fire code official.

1204 - Outdoor Concerts / Crowd Management

1204.1 Front Stage Isle/Separation Minimum 10 foot aisle space for front of stage, adequate crowd manager’s during the concert or event to maintain minimum widths. Main isle shall be a minimum of 10 feet in width or a minimum required means of egress width whichever is greater and shall be maintained during the event.

Isle Width Table 1204

Square Footage of Exhibition	Minimum Isle Width
Greater than 15,000 Square Feet	10 Feet
5000- to 15000 Square Feet	8 feet
Less than 5000 Square Feet	6 feet

1205 - Mobile Food Vehicles

1205.1 General

Mobile food vehicles that are temporary or permanently stored on a property where food items are processed or prepared and sold to the public shall comply with this section.

Exception: Food Peddlers operating a retail food establishment from a vehicle designated to be readily mobile in which food is sold or given away but not composed compounded, thawed, reheated, cut, cooked, processed, or prepared.

1205.2 Kitchen Hood

A type 1 hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors. Commercial kitchen exhaust hoods shall comply with the requirements of the *International Mechanical Code*

1205.3 Maintenance

Hoods shall be inspected, tested and maintained in accordance with NFPA 96
Inspection and testing – Kitchen hood extinguishing systems shall be inspected every 6 months by a registered fire protection system contactor. A dry chemical fire extinguisher with a rating of 2-A-10BC shall be provided. An approved class K extinguisher shall be provided within 30 feet of deep fat fryers using vegetable oils.

1205.4 Liquefied Petroleum Gas (LP Gas). LP gas use shall be in accordance with Chapter 61 and NFPA 58

1205.5 Maximum number and quantity – A maximum of 2 LP gas containers with a total aggregate water capacity of 25 gallons is permitted per mobile food vehicle

1205.6 LP Gas Cylinder Hoses - Hoses shall be designed for a working pressure of 350 PSI with a safety factor of 5 to 1 and shall be consistently marked with LP gas, propane 350 PSI working pressure and a manufacturers name or trademark.

Hose assemblies after the application of couplings shall have a design capability or 700 PSIG. Hose assemblies shall be leak tested at the time of installation at not less than the operating pressure of the system in which they are installed.

1205.7 Location Mobile food vehicles shall not be located within 20 feet of tents canopies and membrane structure.

CHAPTER 50, IFC, Hazardous Materials – General Provisions**Amend Section 5003.2.2.1 Design and construction to read:**

(2) Piping and tubing shall be identified indicate the material conveyed and the direction of flow. Pipe labels shall be provided at a maximum spacing of 20 feet at each change of direction and on both sides of walls or floor/ceiling penetrations.

Amend section 5003.2.2.1 Design and constriction and add:

(7) Pressure tests of piping constructed of non- metallic material used to convey hazardous materials shall be limited to hydrostatic tests. Pneumatic pressure testing of non-metallic piping shall not be permitted.

Amend Section 5004.9 Emergency alarm to read:

An approved manual emergency alarm system shall be provided in buildings, rooms or areas used for storage of hazardous materials. The emergency alarm system shall be designed using the manual fire alarm requirements of the *National Fire Alarm Code*, NFPA 72. Emergency alarm initiating devices shall be installed outside of each interior exit or exit access door of the storage buildings, rooms or areas. Activation of a emergency alarm-initiating device shall sound an audible signal distinctly different than that of the fire alarm signal. Emergency alarm notification devices shall be yellow or amber in color.

CHAPTER 53, IFC, Compressed Gases**Amend Section 5301.1 Scope, to read:**

Storage, use and handling of compressed gases in compressed gas containers, cylinders, tanks and systems shall comply with this chapter, and National Fire Protection Association standard, NFPA 55, Compressed Gases and Cryogenic Fluids, 2010 edition. Where there

is a conflict between the International Fire Code, 2012 edition and NFPA 55, 2010 edition, the more restrictive provision shall apply. Partially full *compressed gas* containers, cylinders or tanks containing residual gases shall be considered as full for the purpose of the controls required.

Amend Section 5302.1 Definitions to add:

Point of Use means detection shall be provided at each location where material or chemical is placed into action.

Amend Section 5303.16.10.1 Insulated Liquid Carbon Dioxide Systems to add:

(A) Gas detection shall be provided at each point of use whether the cylinder vessel, and/or container are located inside or outside the structure. Basements and/or subterranean spaces that could be physically entered, and which contain CO2 process lines, shall have gas detection.

(B) When a CO2 gas detection device reaches 15,000 ppm a local warning/supervisory alarm shall sound at a normally occupied location, and/or transmit a supervisory signal to a supervising station if system is monitored off-site.

(C) When a CO2 gas detection device reaches 30,000 ppm a general evacuation signal shall sound for the occupancy and transmit a gas specific alarm to a supervisory station if system is monitored off-site.

(D) Where there are DOT approved non-insulated cylinders stored and/or used inside or outside the structure, per system, gas detection and alarm systems shall not be required.

CHAPTER 55, IFC, Cryogenic Fluids

Amend Section 5501.1 Scope to read:

Storage, use and handling of *cryogenic fluids* shall comply with this chapter and National Fire Protection standard NFPA 55, Compressed Gases and Cryogenic Fluids Code, 2010 edition. Where there is a conflict between the International Fire Code, 2012 edition and NFPA 55, 2010 edition, the more restrictive provision shall apply. *Cryogenic fluids* shall also comply with Chapter 50 for general requirements. Partially full containers containing residual *cryogenic fluids* shall be considered as full for the purposes of the controls required.

CHAPTER 56, IFC, Explosives and Fireworks

Amend Section 5601.2.4 Financial responsibility, to read:

Before a permit is issued, as required by Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The *fire code official* is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

Amend Section 5608 by deleting it in its entirety.

Amend Section 5609 by deleting it in its entirety.

APPENDIX D Fire Apparatus Access Roads**Amend Section D102 Required Access to read:**

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be an accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at last 80,000 pounds.

~~Amend Section 101.1, Title. To read:~~

~~These regulations shall be known as the Fire Code of The City of Flagstaff, hereinafter referred to as "this code."~~

~~Amend Section 104.6, Official Records, to read:~~

~~The fire code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained as prescribed by state and city archival regulations.~~

~~Amend Section 105.6.2, Amusement Buildings, to read:~~

~~Amusement buildings or special event. An operational permit is required to operate an amusement building or special event.~~

~~Amend Section 105.6.30 Open Burning by deleting:~~

~~Exception: Recreational fires.~~

~~Amend Section 108, Board of Appeals, as follows:~~

~~The Building and Fire Code Board of Appeals created in Chapter [2-02](#) of the Flagstaff City Code shall hear and decide appeals of orders, decisions or determinations made by the fire official relative to the application and interpretation of this code.~~

CHAPTER 3, IFC, General Precautions Against Fire

~~Amend Section 308.3.3, Location Near Combustibles, by adding:~~

~~Candles or other open flame devices shall not be left unattended. Open flames shall be extinguished when direct supervision is unavailable.~~

~~BBQ grills shall be for outdoor use only. BBQ grills may be used on open balconies if proper clearances from combustibles are maintained. For listed appliances, follow the manufacturer's instructions for~~

~~proper clearances. Instructions for listed grills must be kept on premises and be made available to the Fire Department. BBQ grills shall never be used directly under unprotected combustible construction. Units must be supported by sturdy, non-combustible construction. In the absence of manufacturer's instructions and for all unlisted appliances, clearances shall be maintained as follows: from the front, sides, floor, and rear of unit 36 inches.~~

~~Exception: A minimum of 6 inches may be allowed to the rear of BBQ grills equipped with a metal lid, as long as combustible construction does not exceed the horizontal plane of the unit, i.e. above the unit.~~

CHAPTER 5, IFC, Fire Service Features

Amend Section 503.1.2, Additional Access, by adding:

~~Approved secondary access shall be provided to all subdivisions and developments when fire access exceeds 1200 feet in length. Secondary access shall be provided for all developments that exceed 50 units/lots.~~

Amend Section 503.2.3 Surface. By adding:

~~Fire apparatus access roads shall be designed and maintained to support a minimum 80,000 pounds gross vehicle weight. A maintenance agreement for private roads or other fire access may be required showing the responsibility for roadway maintenance and snow plowing.~~

Amend Section 503.2.5 Dead Ends, by adding:

~~There shall be no parking or other obstructions in fire apparatus turnaround areas that would impair turning of apparatus. When parking or other design features are desired, the proper design must be approved. Accumulation of snow must also be accounted for to prevent winter time obstructions.~~

Amend Section 503.2.7 Grade. By adding:

~~The gradient for a fire apparatus access road shall not exceed 10 percent on straight sections of roadway and 5 percent side slope on turnarounds and curves.~~

Amend Section 503, Fire Apparatus Access Roads, by adding Section 503.7 as follows:

~~503.7 Modifications. When automatic fire sprinkler systems or other approved fire protection systems or features are installed, the specifications of this section may be modified at the discretion of the Chief, when in his opinion, fire fighting or rescue operations will not be impaired.~~

Amend Section 504.2 Maintenance of exterior doors and openings, by adding:

~~Exterior doors and openings required by this code or the building code shall be maintained readily accessible for emergency access by the fire department. Exterior doors shall be supplied with an approved exterior handle.~~

Amend Section 505.1 Address Numbers, by adding:

~~Commercial address numbers shall be a minimum of 6 inches high with a minimum stroke width of 0.5 inch. When address numbers attached to buildings are insufficient to be seen from the street, additional numbers may be required at a location approved by the Chief. Approved identification shall also be provided on the rear door(s) at any location where access into the building may be difficult to determine.~~

Amend Section 508 Fire Protection Water Supplies, by adding Section 508.6, Modifications, as follows:

~~508.6 Modifications. When automatic fire sprinkler systems or other approved fire protection systems or features are installed, the specifications of this section may be modified at the discretion of the Chief, when in his opinion, fire fighting or rescue operations will not be impaired.~~

Amend Section 508.1 Required water supply, by adding:

~~When any portion of the facility or building protected is in excess of 300 feet from a water supply on a public street for commercial occupancies and 500 feet from a water supply for residential single family and duplex occupancies, as measure by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the Chief.~~

~~Amend Section 508.2 Type of water supply, by adding 508.2.3, Water Supply, as follows:~~

~~508.2.3 Water Supply. Water supply for a major system component as described by the American Water Works Association must provide a continuous and uninterrupted supply of fire protection water through redundancy. Fire mains in excess of 1,000 feet in length or which have more than 3 hydrants affixed shall be looped to a second source of water. All fire mains hereafter constructed shall be a minimum of 8 inch diameter but in all cases shall be of sufficient size to adequately supply the required fire flow.~~

~~Amend Section 508.3 Fire Flow, by adding:~~

~~The method for determining fire flow requirements for buildings and subdivisions shall be Appendix B Fire Flow Requirements for Buildings.~~

~~CHAPTER 6, IFC, Building Services and Systems~~

~~Amend Chapter 6 by adding Section 610 Apartment-Type Buildings, as follows:~~

~~Section 610.1 Apartment-Type buildings. Buildings or parts of buildings classified as R1 or R2 are required to utilize exterior wall coverings that have a minimum Class A Flame Spread Rating.~~

~~CHAPTER 7, IFC, Fire Resistance-Rated Construction~~

~~Amend Section 703 Fire Resistance-Rated Construction. By adding:~~

~~Section 703.4 Roof Coverings. Roof coverings shall be non-combustible. Wood shake roof coverings are prohibited.~~

~~Exception: Wood shakes may be used as decorative accent coverings when approved by the Community Development Department and Fire Department. Historical buildings desiring to use wood shakes shall be treated on a case-by-case basis with review by both the Community Development Department and the Fire Department.~~

~~CHAPTER 9, IFC, Fire Protection Systems~~

~~Amend Section 903, Automatic Sprinkler Systems, by adding new Section 903.2.14, Other Sprinkler System Required Locations, as follows:~~

~~Section 903.2.14 Other Sprinkler System Required Locations. Notwithstanding the previously dictated required locations, automatic fire sprinkler systems shall also be required in:~~

- ~~1. Commercial buildings greater than 5,000 square feet.~~
- ~~2. Commercial buildings greater than three stories in height.~~
- ~~3. Buildings and structures within Traditional Neighborhood Districts.~~

~~When there are practical difficulties in complying with this provision, alternate methods and materials complying with the intent of the code may be considered by the code official. Refer to Section 104.8.~~

~~Amend Section 905, Standpipe Systems, by adding new Section 905.3.8, Other Standpipe Systems Required Locations, as follows:~~

~~Section 905.3.8 Other Standpipe Systems Required Locations. Notwithstanding the previously specified required locations, approved standpipe systems shall also be required in:~~

- ~~1. Commercial buildings greater than two stories in height.~~

~~CHAPTER 33, IFC, Explosives and Fireworks~~

~~Amend Section 3301.2.4 Financial responsibility, by deleting and substituting "A \$1,000,000 bond in lieu of a \$100,000 bond."~~

~~Amend Section 3308, Fireworks Display, by adding new Section 3308.2.3, Permit Cancellations, as follows:~~

~~Section 3308.2.3 Permit Cancellations. Outdoor fireworks displays will not be permitted and any previously issued permits will be automatically rescinded when the Fire Danger Rating for the Flagstaff Area of the Coconino National Forest reaches Very High or greater.~~

ORDINANCE NO. 2016-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, ADOPTING THE *INTERNATIONAL FIRE CODE, 2012 EDITION AND AMENDMENTS, ADDITIONS AND DELETIONS THERETO* AND THE *2016 AMENDMENTS TO FLAGSTAFF CITY CODE TITLE 5, FIRE CODE*, BY REFERENCE

RECITALS:

WHEREAS, the City Council has previously adopted the *International Fire Code, 2012 Edition, (providing for amendments, additions, and deletions thereto) and 2016 Amendments to Flagstaff City Code Title 5, Fire Code* as a public document, and directed that three copies be placed on deposit with the City Clerk and shall remain on file; and

WHEREAS, the City Council has determined that amending Flagstaff City Code, Title 5, "Fire Regulations", by incorporating the *International Fire Code, 2012 Edition (and amendments, additions, and deletions thereto) and 2016 Amendments to Flagstaff City Code Title 5, Fire Code* is necessary for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures, and premises and the mitigation of wildland fires; and

WHEREAS, the City Council has determined that adopting the *International Fire Code, 2012 Edition (and amendments, additions, and deletions thereto) and 2016 Amendments to Flagstaff City Code Title 5, Fire Code* is necessary for providing the standards necessary to provide safety to firefighters and emergency responders during emergency operations; and

WHEREAS, the City Council has determined that adopting the *International Fire Code, 2012 Edition (and amendments, additions, and deletions thereto) and 2016 Amendments to Flagstaff City Code Title 5, Fire Code* is necessary for the issuance of permits and collection of fees pursuant thereto, and for implementing and enforcing each and all of the regulations, provisions, penalties, conditions and terms of an updated Flagstaff Fire Code; and

WHEREAS, the City Clerk shall maintain as a public record the *International Fire Code, 2012 Edition (and amendments, additions, and deletions thereto) and 2016 Amendments to Flagstaff City Code Title 5, Fire Regulations* as a public record available for inspection until such time as the City Council shall adopt a later edition of the Flagstaff Fire Code.

ENACTMENTS:

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

SECTION 1:

Section 5-02-01-0001, *Adoption of 2006 International Fire Code*, is hereby amended as follows:

5-02-001-0001 ADOPTION OF ~~2006~~ 2012 INTERNATIONAL FIRE CODE.

There is hereby adopted by the City of Flagstaff for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Code known as the ~~2006~~ 2012 International Fire Code, including the following appendices:

~~Appendix B – Fire Flow Requirements For Buildings~~
~~Appendix C – Fire Hydrant Locations and Distribution providing for amendments, additions and deletions thereto and~~
Appendix B, Fire Flow Requirements for buildings
Appendix C, Fire Hydrant Locations and Distribution providing for amendments, additions and deletions thereto
Appendix D, Fire Apparatus Access Roads providing for the amendments thereto
Appendix E, Hazard Categories
Appendix F, Hazard Ranking
Appendix G, Cryogenic Fluids – Weight and Volume Equivalents
Appendix H, Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions.
Appendix I, Fire Protection Systems –Noncompliant Conditions
Appendix J, Building Information Sign

International Wildland Urban Interface Code (IWUIC), 2006 Edition, including the following appendices:

Appendix A – General Requirements
 Appendix B – Vegetation Management Plan
 Appendix C – Fire Hazard Severity Form
 Appendix D – Fire Danger Rating System providing for amendments, additions and deletions thereto of which not less than three (3) copies have been and now are on file in the office of the City Clerk of the City of Flagstaff, and the same which are hereby adopted and made part hereto by this reference as fully and completely as if fully herein set forth and from the date on which this Chapter should take effect

Said codes have been adopted as part of a public record through Resolution No. 2016-20 on September 20, 2016, entitled *The International Fire Code, 2012 Edition and amendments, additions, and deletions thereto and 2016 Amendments to Flagstaff City Code Title 5, Fire Code*, three copies of which are on file in the office of the City Clerk, made a part hereof as if fully set out in this ordinance.

SECTION 2.

Section 5-02-001-0004, Violation and Penalties, is hereby amended as follows:

5-02-001-0004 VIOLATION AND PENALTIES

- A. Violations. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any building or property, or permit the same to be done in violation of this Code.

- B. Penalties. Any person, firm, or corporation violating any provision of this Code shall be deemed guilty of a [class one](#) misdemeanor, and upon conviction thereof, shall be punishable by a fine and/or imprisonment set forth by the governing laws of the jurisdiction. Each separate day or any portion thereof, during which any violation of this Code occurs or continues, shall be deemed to constitute a separate offense.

SECTION 3.

Section 5-02-001-0005, *Amendments*, is hereby amended through adoption of that document known as *The International Fire Code, 2012 Edition and amendments, additions, and deletions thereto and The 2016 Amendments to Flagstaff City Code Title 5, Fire Code*, adopted as a public record through Resolution No. 2016-20 on September 20, 2016, three copies of which are on file in the office of the City Clerk, made a part hereof as if fully set out in this ordinance.

SECTION 4:

These amendments shall become effective thirty (30) calendar days after the adoption of this Ordinance.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 4th day of October, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



FFD 2012 International Fire Code Adoption

Community Risk Reduction



Overview

- Purpose
- Goal
- Review





Build and Maintain Safety

Outdated Code

PURPOSE

Alignment

Technology in Construction



Life Safety

Regional Consistency

GOAL

Clarity

Keeping Current



Summary

- Purpose
- Goal
- Adoption of 2012 International Fire Code
- Questions ?

International Fire Code (IFC) 2006 – 2012 Significant Changes Matrix

2012 State Adopted Code
 2006 Local Amendments
 New Local Amendments

Section / Topic	2006 Flagstaff Fire Adopted (IFC)	2012 State Adopted Model Code	2012 Amended COF (proposed)	Notes
Part 1 -Chapters 1& 2; Scope & Administration/ Definitions	Chapters 1-45	Reorganized code by grouping of Chapters in Parts - Chapters 1-80 Many left blank for amended add ins	Adoption of the same reorganization of the chapters.	Adoption proposed to be in compliance with State adoption of 2012 IFC.
Definition 2702.1 <i>Detached Building</i>	A separate single story building without a <i>basement</i> or crawls space used for storage or use of hazardous materials and located an <i>approved</i> distance from all structures.	A separate single story building without a <i>basement</i> or crawls space used for storage or use of hazardous materials and located an approved distance from all structures.	DETACHED BUILDING: A separate stand-alone structure that is separated from other buildings in accordance with the requirements of the International Building Code, greater than 200 square foot and/or within 15 feet of the existing or primary structure. This classification shall include, but not limited to the following: Casitas, Gazebos, Storage Sheds, Garages, Green Houses, Ramadas, Barns, Shops	Proposed Local Language (not in conflict with state definition) to provide more specific definition and understanding of detached building.
Definition Section 202 <i>Sky Lantern</i>			SKY LANTERN. A device designed to carry an open flame as an airborne light. Also known as, but not limited to, Kongming Lantern, Whish Lantern, Sky Candle, or Fire Balloon.	Proposed Local addition to Code (not currently in the State Adopted code) These devices are designed to be used over bodies of water , and are not conducive to our wildland interface areas
Chapter 3- General Requirements			Amend Section 308 entitled "Open Flames" by adding: 308.1.1.1 Sky Lanterns. The lighting of, and/or release of Sky Lanterns is prohibited	Proposed Local addition to Code (not currently in the State Adopted code) These devices are designed to be used over bodies of water , and are not conducive to our wildland interface areas

International Fire Code (IFC) 2006 – 2012 Significant Changes Matrix

2012 State Adopted Code
 2006 Local Amendments
 New Local Amendments

Section / Topic	2006 Flagstaff Fire Adopted (IFC)	2012 State Adopted Model Code	2012 Amended COF (proposed)	Notes
Chapter 5- Fire Service Features				
Section 503.1.2 <i>Additional Access</i>	Section 503.1.2 Additional Access. Approved secondary access shall be provided to all subdivisions and developments when fire access exceeds 1200 feet in length. Secondary access shall be provided for all developments that exceed 50 units/lots.	503.1.2 Additional Access. The fire code official is authorized to require more than one fire access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access	Section 503.1.2 Additional Access. Approved secondary access shall be provided to all subdivisions and developments when fire access exceeds 1200 feet in length. Secondary access shall be provided for all one or two family residential developments that exceed 30 units/lots.	Proposed Local Amendment as Continuation of 2006 Code with regard to the 1200 foot length requirement. Proposed local amendment with regard to the 30 units as required by Appendix D already adopted by state Adoption but added in this section to be more specific.
503.2.1 <i>Dimensions</i>	503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 m) except for approved security gates in accordance with section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches.	503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096m m) exclusive of shoulders except for approved security gates in accordance with section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115mm).	503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096m m) exclusive of shoulders except for approved security gates in accordance with section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115mm).	Proposed Adoption in Compliance with State Statue

International Fire Code (IFC) 2006 – 2012 Significant Changes Matrix

2012 State Adopted Code
 2006 Local Amendments
 New Local Amendments

Section / Topic	2006 Flagstaff Fire Adopted (IFC)	2012 State Adopted Model Code	2012 Amended COF (proposed)	Notes
503.2.3 <i>Surface</i>	503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support a minimum 80,000 pounds gross vehicle weight. A maintenance agreement for private roads or other fire access may be required showing the responsibility for roadway maintenance and snow plowing.	503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so to provide all weather driving capabilities	503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support a minimum 80,000 pounds gross vehicle weight. A maintenance agreement for private roads or other fire access may be required showing the responsibility for roadway maintenance and snow plowing	Proposed local Amendment is a Continuation of 2006 Local Amendment (not in conflict with the state Adoption) The road surface must be capable of caring the load of emergency response vehicles. Our aerial apparatus has a GVW of approximately 80,000 pounds. This proposal is to give more specific standards
503.2.4 <i>Turning Radius</i>	503.2.4 Turning Radius The required turning radius of a fire apparatus access road shall be determined by the fire code official	503.2.4 Turning Radius The required turning radius of a fire apparatus access road shall be determined by the fire code official	503.2.4 Turning Radius The required minimum turning radius of a fire apparatus access road shall be 35 feet inside, 55 feet outside, or 45 feet on center	Adoption proposed to be in compliance with State adoption of 2012 IFC. These dimensions are required due to Appendix D adopted by the State. This is also added in this portion of the code for more specificity and to avoid confusion. This provision provides prescriptive information on specific turning radius or FFD apparatus. Our aerial apparatus turning radius is 45 feet on center.

International Fire Code (IFC) 2006 – 2012 Significant Changes Matrix

2012 State Adopted Code
 2006 Local Amendments
 New Local Amendments

Section / Topic	2006 Flagstaff Fire Adopted (IFC)	2012 State Adopted Model Code	2012 Amended COF (proposed)	Notes
<p>Section 503.2.5 <i>Dead ends.</i></p>	<p>Section 503.2.5 Dead ends.</p> <p>There shall be no parking or other obstructions in fire apparatus turnaround areas that would impair turning of apparatus. When parking or other design features are desired, the proper design must be approved. Accumulation of snow must also be accounted for to prevent winter time obstructions.</p>	<p>Section 503.2.5 Dead ends.</p> <p>Dead end fire access roads in excess of 150 feet (45720mm) in length shall be provided with an approved area for turning around fire apparatus</p>	<p>Section 503.2.5 Dead ends.</p> <p>Dead end fire access roads in excess of 150 feet (45720mm) in length shall be provided with an approved area for turning around fire apparatus</p> <p>There shall be no parking or other obstructions in fire apparatus turnaround areas that would impair turning of apparatus. When parking or other design features are desired, the proper design must be approved. Accumulation of snow must also be accounted for to prevent winter time obstructions.</p>	<p>Adoption proposed to be in Compliance with State Statute and as a Continuation of 2006 Local Amendment</p> <p>There are inherent hazards associated with backing fire apparatus long distances. This code intends to ensure for a safer operation. This provision takes into consideration snow impacts in the Flagstaff region.</p>
<p>Section 503.2.7 <i>Grade</i></p>	<p>Section 503.2.7 Grade.</p> <p>The gradient for a fire apparatus access road shall not exceed 10 percent on straight sections of roadway and 5 percent side slope on turnarounds and curves .</p>	<p>503.2.7 Grade.</p> <p>The grade of the fire apparatus access road shall be within the limits established by the fire code official based on the fire departments apparatus.</p>	<p>Section 503.2.7 Grade.</p> <p>The gradient for a fire apparatus access road shall not exceed 10 percent on straight sections of roadway and 5 percent side slope on turnarounds and curves .</p>	<p>Continuation of 2006 Local Amendment (not in conflict with State Adoption)</p> <p>Flagstaff's unique topography and weather requires this provision for an adequate working platform for our operations.</p>

International Fire Code (IFC) 2006 – 2012 Significant Changes Matrix

2012 State Adopted Code
 2006 Local Amendments
 New Local Amendments

Section / Topic	2006 Flagstaff Fire Adopted (IFC)	2012 State Adopted Model Code	2012 Amended COF (proposed)	Notes
Section 505.1 <i>Address Numbers</i>	<p>Section 505.1 Address Numbers. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast in their background. Address numbers shall be Arabic numerals or alphabetical letters. Numbers shall be a minimum of 4 inch (102mm) high with a minimum stroke width of 0.5 inch (12.7 mm)</p> <p>Commercial address numbers shall be a minimum of 6 inches high with a minimum stroke width of 0.5 inch. When address numbers attached to buildings are insufficient to be seen from the street, additional numbers may be required at a location approved by the Chief. Approved identification shall also be provided on the rear door(s) at any location where access into the building may be difficult to determine.</p>	<p>Section 505.1 Address Numbers. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast in their background. Where required by the fire code official Address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numerals or alphabetical letters. Numbers shall be a minimum of 4 inch (102mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means used to identify the structure. Address numbers shall be maintained</p>	<p>Section 505.1 Address Numbers . New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast in their background. Where required by the fire code official Address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numerals or alphabetical letters. Numbers shall be a minimum of 4 inch (102mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means used to identify the structure. Address numbers shall be maintained Commercial address numbers shall be a minimum of 6 inches high with a minimum stroke width of 0.5 inch. Buildings in multi-building complexes must be marked with 12" minimum numbers. When address numbers attached to buildings are insufficient to be seen from the street, additional numbers may be required at a location approved by the Chief.</p>	<p>Adoption proposed to be in Compliance with State Statute and as a Continuation of 2006 Local Amendment</p> <p>Address numbering should be easily identifiable to emergency responders from their vehicle. This includes multiple sides of the building as well as addresses where there are multiple buildings such as in apartment complexes. This is important during daylight hours as well as at night. Consistency in the size and location is important for emergency response personnel.</p>

International Fire Code (IFC) 2006 – 2012 Significant Changes Matrix

2012 State Adopted Code
 2006 Local Amendments
 New Local Amendments

Section / Topic	2006 Flagstaff Fire Adopted (IFC)	2012 State Adopted Model Code	2012 Amended COF (proposed)	Notes
			Approved identification shall also be provided on the rear door(s) at any location where access into the building may be difficult to determine	
Chapter 6- Building Services & Systems				
Section 606.8 Refrigerant Detector	Section 606.8 Refrigerant Detector Machinery rooms shall contain a refrigerant detector with an audible and visual alarm. The detector or a sampling tube that draws air into the detector shall be located in an area where refrigerant from a leak will concentrate. The alarm shall be actuated at a value not greater than the corresponding TLV-TWA values shown in the international mechanical code for the refrigerant classification. Detectors and alarms shall be placed in approved locations	Section 606.8 Refrigerant Detector Machinery rooms shall contain a refrigerant detector with an audible and visual alarm. The detector or a sampling tube that draws air into the detector shall be located in an area where refrigerant from a leak will concentrate. The alarm shall be actuated at a value not greater than the corresponding TLV-TWA values shown in the international mechanical code for the refrigerant classification. Detectors and alarms shall be placed in approved locations The detector shall transmit a signal to an approved location.	Section 606.8 Refrigerant Detector Machinery rooms shall contain a refrigerant detector with an approved and distinctive audible and visual alarm. The alarm notification devices shall comply with the audible and visual requirements of the <i>National Fire Alarm Code</i> , NFPA 72. A supervisory alarm shall be activated when the mechanical ventilation system fails. The detector, or a sampling tube that draws air to the detector, shall be located in an area where refrigerant from a leak will concentrate. The alarm shall be activated at a value not greater than the corresponding TLV-TWA values shown in the <i>International Mechanical Code</i> . Detectors and alarms shall be placed in one or more locations to assure notifications of all occupants	Proposed local amendment to provide clarity on design standards (not in conflict with State Adoption) This provision provides 2 guidelines. 1. To provide guidance on installation standards 2. Requires notification of all occupants.

International Fire Code (IFC) 2006 – 2012 Significant Changes Matrix

2012 State Adopted Code
 2006 Local Amendments
 New Local Amendments

Section / Topic	2006 Flagstaff Fire Adopted (IFC)	2012 State Adopted Model Code	2012 Amended COF (proposed)	Notes
Chapter 9- Fire Protection Systems				
901.6.3 <i>Inspection and testing and Maintenance</i>			901.6.3 Inspection and testing. All fire protection systems shall be inspected and tested annually by a contractor licensed by the State of Arizona and who has a current business license issued by the City of Flagstaff to work on the specific type of fire protection system being inspected or tested	Proposed Local amendment by adding clarity to maintenance requirements Fire protection system design has had many new advancements due to technology. This amendment ensures that work is being performed by qualified fire protection contractors.
901.6.2 Records	901.6.2 Records Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on premises for a minimum of 3 years and shall be copied to the fire code official upon request	901.6.2 Records Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on premises for a minimum of 3 years and shall be copied to the fire code official upon request	901.6.2 Records Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on premises for a minimum of 3 years and shall be copied to the fire code official upon request and deficiencies shall be copied to the authority having jurisdiction within thirty (30) business days	Proposed Local Amendment (not in conflict with State Adoption) Record keeping of fire protection systems is critical for business owners as well as fire departments. This amendment ensures adequate record keeping is in place. Recall situations may also occur. Records are important to remedy equipment recall situations.

International Fire Code (IFC) 2006 – 2012 Significant Changes Matrix

2012 State Adopted Code
 2006 Local Amendments
 New Local Amendments

Section / Topic	2006 Flagstaff Fire Adopted (IFC)	2012 State Adopted Model Code	2012 Amended COF (proposed)	Notes
Section 903.2.14 <i>Other Sprinkler System Required Locations</i> <i>*Specific Building Classifications</i> Section 903.2 Section 903.2.1.1 Section 903.2.1.3 Section 903..2.1.4 Section 903.2.2.1 Section 903.2.3 Section 903.2.4 Section 903.2.4.1 Section 903.2.7 Section 903.2.8 Section 903.2.9 Section 903.2.9.1 Section 903.2.10	Section 903.2.14 Other Sprinkler System Required Locations. Notwithstanding the previously dictated required locations, automatic fire sprinkler systems shall also be required in: Commercial buildings greater than 5,000 square feet. Commercial buildings greater than three stories in height. Buildings and structures within Traditional Neighborhood Districts	All Sections listed in First column of table for specific building classifications. Approved automatic monitored sprinkler system shall be installed throughout all levels of all new Group A, B, E, F, M, R, S and U occupancies. Requirements on square footage of each building classification vary from 2500 Sq. ft. for F-1 woodworking facilities to 24,000 Sq. Ft. for F-1 factories	All Sections listed in First column of table for specific building classifications. In addition to the requirements of the fire and building codes, an approved automatic monitored sprinkler system shall be installed throughout all levels of all new Group B, E, F, M, U and S occupancies 5,000 square feet (464m ²) or greater and in all buildings over 3 stories in height regardless of the total square footage. Such systems shall be in accordance with the International Fire Code, International Building Code and installed in accordance with NFPA 13, 13D or 13R as specified by the fire code official. Notwithstanding the foregoing, an automatic monitored fire sprinkler system may be installed in any building regardless of floor area	Proposed Local Amendment as a Continuation of 2006 Local Amendment (not in conflict with State Adoption) And reference to traditional neighborhood district have been removed to become compliant with state statute A.R.S. Section 9-808 and 9-807. This provision also offers additional guidance on design standards for sprinkler systems.

International Fire Code (IFC) 2006 – 2012 Significant Changes Matrix

2012 State Adopted Code
2006 Local Amendments
New Local Amendments

Section / Topic	2006 Flagstaff Fire Adopted (IFC)	2012 State Adopted Model Code	2012 Amended COF (proposed)	Notes
5303.16.10.1 Insulated Liquid Carbon Dioxide Systems			<p>5303.16.10.1 Insulated Liquid Carbon Dioxide Systems</p> <p>(A) Gas detection shall be provided at each point of use whether the cylinder vessel, and/or container are located inside or outside the structure. Basements and/or subterranean spaces that could be physically entered, and which contain CO2 process lines, shall have gas detection.</p> <p>(B) When a CO2 gas detection device reaches 15,000 ppm a local warning/supervisory alarm shall sound at a normally occupied location, and/or transmit a supervisory signal to a supervising station if system is monitored off-site.</p> <p>(C) When a CO2 gas detection device reaches 30,000 ppm a general evacuation signal shall sound for the occupancy and transmit a gas specific alarm to a supervisory station if system is monitored off-site.</p> <p>(D) Where there are less than two 50 lb. DOT approved cylinders stored and/or used inside or outside the structure, per system, gas detection and alarm systems shall not be required.</p>	<p>Proposed Local Amendment (not contained in State adoption) This is a new risk and hazard now being found in businesses. CO2- detectors provide early warning of a carbon dioxide leak. Such leakage could result in a significant health hazard, if not discovered and stopped or occupants evacuated from the building.</p>

International Fire Code (IFC) 2006 – 2012 Significant Changes Matrix

2012 State Adopted Code
 2006 Local Amendments
 New Local Amendments

Section / Topic	2006 Flagstaff Fire Adopted (IFC)	2012 State Adopted Model Code	2012 Amended COF (proposed)	Notes
Chapter 12 - Special Event Requirements			Chapter 12 - Special Event Requirements Adding Definitions General Requirements Outdoor Assembly Events Outdoor concerts /Crowd Management Mobile Food Vehicles	Proposed Local Amendment (not contained in State Adoption) Chapter 12 – Special Events is a local amendment to the State adopted 2012 IFC- Offering specific requirements to maintain safety at local special events within Flagstaff. These include Special Event Exiting Mobile Food Units Crowd Management
Appendix Section				*Appendices must be specifically adopted to be in effect - The State adopted all of the following Appendices
Appendix B -Fire Flow Requirements in a Building	Adopted in 2006 Code Adoption Process	Adopted in 2012 State Code as a part of Adoption Process	Adopt in its entirety	Adoption proposed to be in compliance with State adoption of 2012 IFC governing minimum fire flow for firefighting
Appendix C Fire Hydrant Location and Distribution	Adopted in 2006 Code Adoption Process	Adopted in 2012 State Code as a part of Adoption Process	Adopt in its entirety	Adoption proposed to be in compliance with State adoption of 2012 IFC governing fire hydrant design in new construction.

International Fire Code (IFC) 2006 – 2012 Significant Changes Matrix

2012 State Adopted Code
 2006 Local Amendments
 New Local Amendments

Section / Topic	2006 Flagstaff Fire Adopted (IFC)	2012 State Adopted Model Code	2012 Amended COF (proposed)	Notes
Appendix D <i>Fire Apparatus Access Roads</i>	Not Adopted in 2006 Code Adoption Process	Adopted in 2012 State Code as a part of Adoption Process	Adopt in its entirety	Adoption proposed to be in compliance with State adoption of 2012 IFC to determine proper fire apparatus access road minimum requirements in new commercial and residential construction design. Specifically Code Section D-103.1 Cul-de-Sac- Minimum Diameter Distance is 96 Feet.
Appendix E <i>Hazard Categories</i>	Not Adopted in 2006 Code Adoption Process	Adopted in 2012 State Code as a part of Adoption Process	Adopt in its entirety	Adoption proposed to be in compliance with State adoption of 2012 IFC This provision provides guidance on proper signage of hazard risks in the community
Appendix F <i>Hazard Ranking</i>	Not Adopted in 2006 Code Adoption Process	Adopted in 2012 State Code as a part of Adoption Process	Adopt in its entirety	Adoption proposed to be in compliance with State adoption of 2012 IFC. This provision provides guidance on proper ranking of hazards of specific material.
Appendix G <i>Cryogenic Fuels – Weight and Volume</i>	Not Adopted in 2006 Code Adoption Process	Adopted in 2012 State Code as a part of Adoption Process	Adopt in its entirety	Adoption proposed to be in compliance with State adoption of 2012 IFC. The procedure for determining clarification of cryogenics fuels in weight volume.

International Fire Code (IFC) 2006 – 2012 Significant Changes Matrix

2012 State Adopted Code
 2006 Local Amendments
 New Local Amendments

Section / Topic	2006 Flagstaff Fire Adopted (IFC)	2012 State Adopted Model Code	2012 Amended COF (proposed)	Notes
Appendix H <i>Hazardous Materials Management Plan (HMMP)</i>	Not Adopted in 2006 Code Adoption Process	Adopted in 2012 State Code as a part of Adoption Process	Adopt in its entirety	Adoption proposed to be in compliance with State adoption of 2012 IFC. The procedure for identifying hazardous materials and processes in local business, for the purposes of preplan emergency response information, and planning. .
Appendix I <i>Fire Protection Systems –Non Compliment Conditions</i>	Not Adopted in 2006 Code Adoption Process	Adopted in 2012 State Code as a part of Adoption Process	Adopt in its entirety	Adoption proposed to be in compliance with State adoption of 2012 IFC. The appendix is intended to identify conditions that can occur when fire protection systems are not properly maintained or components damaged.
Appendix J <i>Building Sign Information</i>	Not Adopted in 2006 Code Adoption Process	Adopted in 2012 State Code as a part of Adoption Process	Adopt in its entirety	Adoption proposed to be in compliance with State adoption of 2012 IFC. The appendix is intended to identify building information



MEMORANDUM

TO: Flagstaff City Council
FROM: FM/BC P. Staskey
DATE: 09/25/16
SUBJECT: Updates on International Fire Code Adoption Project

The following are updates, and attached exhibits on the council adoption project per notes taken from the first read minutes dated September 20, 2016

1. Outreach Update

- On September 21, Community Risk Reduction (CRR) staff met with local business leaders at a regular meeting hosted by the Chamber of Commerce. The Fire Dept. updated the group on the proposed code adoption. The discussion was positive. The group asked what specially would be changing for local business owners. We highlighted the items that went out in our first outreach letter dated Sept. 14. This included updates to inspection and testing of fire protection equipment and bulk CO2 system requirements. The group understood the goal and purpose of these items and there was no additional discussion. The second item brought up by the group was minimum street width, and cul-de-sac width requirements found in Chapter 5 (503.2.1-Deminsions) and Appendix D of the 2012 IFC. Again CRR explained the purpose of these requirements and the fact that minimum street widths of 20 feet were in the 2006 IFC adoption. Cul-de-sac minimums are mandated by the state due to the 2012 state adoption in January of this year.
- On September 22nd, a second update letter went out to 245 businesses on bulk storage CO2 tanks as well as information providing public input on the proposed adoption of the fire code. (See attached letter.) This information was also distributed on the fire department and city Facebook pages this weekend.
- CRR received two follow-up phone calls this past week and 1 interaction with a local restaurant owner who was at the September 20th meeting. The basis of the feedback was clarification on the difference between an insulated bulk CO2 system and a non-insulated CO2 system. On further

clarification neither business owner will fall under the new proposed requirement. The interaction with the restaurant owner was positive and he understood and supported the safety concerns of the amendment.

2. Clarification on Insulated Liquid Carbon Dioxide Systems (5303.16.10.1)

The type of container regulated by the new provision is the insulated bulk ONLY. See the examples below.



The Dewar Tank

Insulated Bulk CO2 Tank



DOT- Non-insulated CO2 50 LB Tank

The previous language in paragraph D of the amendment has been changed to provide clarity.

Two other points to consider on this issue are as follows.

- Once the amendment is adopted the business owner has the option to use insulated bulk storage CO2 system or a system using standard DOT non-insulated tanks. The opportunity to choose a bulk system can be weighed against costs of a detection system, product costs, efficiency of operations, and the amount of carbon dioxide used during peak business times.
- If a business chooses to use an insulated bulk CO2 system, CRR will work with business owners to ensure compliance, over a reasonable time frame.

Out of 245 bars in restaurants in Flagstaff, CRR is aware of approximately 27 bulk CO2 systems. These 27 businesses will be impacted by the new requirements.

3. Chapter 12 Special Events

Per council request our division has developed a Significant Changes Matrix, specifically for Chapter 12 Special Events. (See attached) This matrix displays proposed changes to the code. It details 2012 state fire code sections that apply, present practices in review of special events, as well as updates to codify our special event review process, and ensures safety of operations. CRR has met with the recreation division to get their input on the matrix and to set up multiple options for our local special event planners to offer feedback, and gain understanding of the updates. An open house meeting has been set up with them on Friday, September 30, at 11:00 AM at city hall. We will bring any feedback to the next council meeting. (See attached letter).

I have also attached the current special events check sheet CRR uses in reviewing all large special events. Also attached is an electronic location of a document entitled "Special Events Contingency Planning Job Aid (2010)" put out by Federal Emergency Management Association as it is a resource for much of the material in Chapter 12.



FLAGSTAFF FIRE DEPARTMENT

211 W. Aspen Avenue
Flagstaff, AZ 86001

Phone 928-213-2500
Fax 928-213-2599

Dear Restaurant/Bar Owner:

September 21, 2016

This letter has been drafted to update you on progress the Flagstaff Fire Department has made toward adoption of a new International Fire Code, as stated in a previous letter dated September 14, 2016. The ultimate goal of this adoption is to enhance the safety of your business and your employees.

The following is an update:

1. At the city council meeting on 9-20-16 the council tentatively adopted the code with a successful vote on the first read of the adoption process. One of the points of discussion at the meeting was the proposed amendment to require carbon dioxide detecting systems in businesses that presently have a bulk insulated liquid carbon dioxide system. Below you will find further reference to this requirement as stated in our previous letter. The city council is seeking any feedback that business owner have in reference to this requirement.

If there is feedback regarding this requirement there are two opportunities to address your concerns;

- There will be a second read of the code adoption on October 4, at 6:00PM at 211 W Aspen in council chambers. There will be an opportunity for public comments on the adoption.
- You can contact our office directly with feedback or questions. The contact information is below.
- City Council agendas and meeting materials are available on the city website www.flagstaff.az.gov.

2. 5303.16.10.1 Insulated Liquid Carbon Dioxide Systems

Gas detection shall be provided at each point of use whether the insulated cylinder vessel, and/or container are located inside or outside the structure. Basements and/or subterranean spaces that could be physically entered, and which contain CO2 process lines, shall have gas detection. Where there are less than two 50 lb. DOT approved non-insulated cylinders stored and/or used inside or outside the structure, per system, gas detection and alarm systems shall not be required. For clarification this code applies only to systems where there is a bulk insulated carbon dioxide tank in place as the supply. It does not apply to systems that use the non-insulated 50 pound tank used as the supply for the system.

This is a new requirement due to carbon dioxide poisoning scenarios that have taken place in restaurants recently. Carbon Dioxide is a colorless, odorless gas that cannot be detected by human senses.

The Flagstaff Fire Department would like to thank you for taking the time to review this letter with your staff. Our goal is to ensure the safety of your business for your patrons and employees. If you have any questions, please give us a call.

Respectfully,

Patrick Staskey, Fire Marshal
Flagstaff Fire Department
Office – 929-213-2507- or 2508
pstaskey@flagstaffaz.gov



FLAGSTAFF FIRE DEPARTMENT

211 W. Aspen Avenue
Flagstaff, AZ 86001

Phone 928-213-2500
Fax 928-213-2599

Dear Event Producer:

September 27, 2016

The Flagstaff Fire Department is currently moving to adopt an updated version of the International Fire Code. Presently, we are using the 2006 IFC. The State of Arizona has recently adopted the 2012 IFC as a state minimum for fire protection and life safety standards. Our goal is to locally adopt the updated version to be in compliance with the State of Arizona. This letter is designed to educate event producers of the proposed changes to special event requirements. Please see the attached matrix that overviews the chapter and defines each of the requirements.

The following will be new requirements for special events:

Crowd Manager: A person responsible for outlining an emergency plan for evacuation. This person is also responsible for ensuring that employees properly understand their roles in crowd management and directing the crowd in an orderly manner for evacuation.

Stage Aisle/Separation (1204.1): This requirement determines a front of stage minimum aisle width maintained by the crowd manager. Front stage aisle width shall be based on the square footage of the exhibition area.

General Requirements for Mobile Food Vehicles (1205.1): This section defines a mobile food vehicle and addresses the minimum safety requirements for vendor vehicles.

We are requesting your feedback regarding these updates to our International Fire Code and future requirements for special events. There are three opportunities to offer feedback:

- Join us on Friday, September 30th at 11am in City Council Chambers to discuss changes and offer feedback.
- Contact us directly at:
Patrick Staskey, Fire Marshal: 928-213-2307 or pstaskey@flagstaffaz.gov
Claire Harper, Interim Community Events Supervisor: 928-213-2311 or charper@flagstaffaz.gov
- Attend the council meeting on Tuesday, October 4th at 6pm for second read of the code adoption. Council meetings take place in Council Chambers at 211 W Aspen Ave.

The Flagstaff Fire Department would like to thank you for taking the time to review this letter. Our goal is to ensure the safety of future events for your patrons and employees. If you have any questions, don't hesitate to contact us.

Respectfully,

Patrick Staskey, Fire Marshal
Flagstaff Fire Department
Office – 928-213-2507- or 2508
pstaskey@flagstaffaz.gov

Chapter 12 analysis

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Chapter 12	Notes
Definitions	
<p>Special Event: A <i>non-routine</i> organized activity within the community involving the use of, or having impact upon, city property, city facilities, parks, sidewalks, street areas or the temporary use of city property in a manner that varies from its current land use.</p>	<p>Proposed local addition to the code. (Not currently in the state adopted code) Definition of a special event per City of Flagstaff Recreation services –Special Events –Rules and Regulations Also definition taken from FEMA- 2010 Special Events Contingency Planning Manual Proposed Local Language (not in conflict with state definition) to provide more specific definition and understanding of a special event.</p>
<p>Crowd Manager: A person responsible for defining his/her establishment's emergency plan for evacuation. He or she is also responsible for ensuring that the employees are properly understand their roles in crowd management is assisting directing the crowd in an orderly manner for evacuation.</p>	<p>Proposed local addition to the code. (Not currently in the state adopted code) Definition of a crowd manager NFPA 101 (Life Safety Code) also defined in FEMA- 2010 Special Events Contingency Planning Manual Addressed in the City of Flagstaff Recreation services –Special Events – Rules and Regulations. Security considerations. Proposed Local Language (not in conflict with state definition) to provide more specific definition and understanding of a crowd manager.</p>
<p>Exhibit: A space or portable structure used for the display of products or services.</p>	<p>Proposed local addition to the code. (Not currently in the state adopted code) Definition of a crowd manager NFPA 101 (Life Safety Code) also defined in FEMA- 2010 Special Events Contingency Planning Manual Addressed in the City of Flagstaff Recreation services –Special Events – Rules and Regulations. Security considerations. Proposed Local Language (not in conflict with state definition) to provide more specific definition and understanding of a crowd manager.</p>
<p>Outdoor assembly event: Private or public event conducted outdoors including but not limited to festivals, and or celebrations having the projected attendance or 500 or more persons throughout the event or confining 500 or more attendees by the permitted or temporary installation of barricades or fencing.</p>	<p>Proposed local addition to the code. (Not currently in the state adopted code) Definition of an outdoor assembly event per state standard practices. Definition consistent with municipal regulations on special events around the state of Arizona, where these events are common place down in the Phoenix area. - FEMA- 2010 Special Events Contingency Planning Manual Special Events Chapter 17 2012 IFC Proposed Local</p>

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	Language (not in conflict with state definition) to provide more specific definition and understanding of an outdoor assembly event.
Mobile Food truck: A licensed motorized vehicle or mobile food unit which is temporarily or permanently staged on a property where food items are sold to the general public.	Proposed local addition to the code. (Not currently in the state adopted code) Definition of a mobile food vehicle per state standard practices. Definition consistent with municipal regulations on special events around the state of Arizona, where these events are common place down in the Phoenix area. - FEMA- 2010 Special Events Contingency Planning Manual – NFPA 96 Standard ventilation Control and Fire Protection of Commercial cooking operations. Proposed Local Language (not in conflict with state definition) to provide more specific definition and understanding of a mobile food vehicle.
1201.1 Scope An assembly of persons with a common purpose to watch or participate in an activity that is different than the normal course of business for a location. The event may include entertainment, food/beverage, and use of temporary fencing, stands, structures or tents. Events may include but not limited to concerts, circuses, fairs, festivals, parades, trade shows, exhibits, mazes or similar celebrations Special events may increase the impact or disruption normal traffic flow or involve road closures	Proposed local addition to the code. (Not currently in the state adopted code) Definition of the scope of a special event. per City of Flagstaff Recreation services –Special Events –Rules and Regulations Also definition taken from FEMA- 2010 Special Events Contingency Planning Manual Proposed Local Language (not in conflict with state definition) to provide more specific understanding of these requirements in relation to local special events.
1202 General Requirements	
1202.1 Permit: A permit and any applicable fees shall be required as set forth by the City of Flagstaff Special Event Permit Review Process for special events, outdoor events or exhibits.	Current practice of a special event per City of Flagstaff Recreation services –Special Events –Rules and Regulations, and FFD policies on permits. (FCC 3-10-001-0003) Proposed Local Language (not in conflict with state definition) to provide more specific understanding of these requirements of a permits when applying for local special events within the city.

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<p>1202.2 Site Plans – detailed site plans shall be submitted with the special events permit for outdoor events.</p>	<p>Proposed local addition to the code. (Not currently in the state adopted code) Definition of special event site plans per City of Flagstaff Recreation services –Special Events –Rules and Regulations Also definition taken from FEMA- 2010 Special Events Contingency Planning Manual</p> <p>Proposed Local Language (not in conflict with state definition) to provide more specific definition and understanding of site plans in relation to a special event.</p>
<p>1202.3 Permits and site plans shall be submitted per the city's special event process and shall include but not limited to:</p> <ol style="list-style-type: none"> 1. Means of egress 2. Location and width of exits and aisles 3. Location of exit signs 4. Location of fencing or means used to confine attendees 5. Total square footage of enclosed space 6. Location, size and arrangement of all tents, booths and cooking equipment 7. Location and access of emergency vehicle access roads 8. Location of fire protection equipment 9. Type and location of heating and electrical equipment where applied. 	<p>Proposed local addition to the code. (Not currently in the state adopted code) Definition of special event site plans per City of Flagstaff Recreation services –Special Events –Rules and Regulations Also definition taken from FEMA- 2010 Special Events Contingency Planning Manual.</p> <p>Requirement consistent with municipal regulations on special events around the state of Arizona, where these events are common place.</p> <p>Proposed Local Language (not in conflict with state definition) to provide more specific understanding of these requirements when applying for a local special events permit within the city.</p>
<p>1202.4 Access for firefighting and medical services -- Approved vehicle access for firefighting and EMS services shall be maintained.</p>	<p>Addressed in section 503 and code section 3310.1 of 2012 State adopted code</p> <p>Consistent with past practices per City of Flagstaff Recreation services – Special Events –Rules and Regulations and review process.</p> <p>Proposed Local Language (not in conflict with state definition) to provide more specific understanding of these requirements for sufficient emergency vehicle access into a special event for purposes of an emergency.</p>

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<p>1202.5 Combustible Storage - combustible materials stored at special events shall be stored in approved locations and containers.</p>	<p>Addressed in code section 304.1.1 of 2012 State adopted code Consistent with past practices per City of Flagstaff Recreation services – Special Events –Rules and Regulations and review process. Proposed Local Language (not in conflict with state definition) to provide more specific understanding of these requirements for prohibiting disorderly un kept storage or accumulation of trash and other combustible materials at a special event</p>
<p>1202.6 Crowd managers – crowd managers shall be required when the code official determines that an indoor or outdoor gathering warrants crowd control.</p>	<p>Addressed in code section 3104.202 of 2012 State adopted code Consistent with past practices per City of Flagstaff Recreation services – Special Events –Rules and Regulations and review process. Also consistent with FEMA- 2010 Special Events Contingency Planning Manual Requirements consistent with municipal regulations on special events around the state of Arizona, where these events are common place down in the Phoenix area. Proposed Local Language (not in conflict with state definition) to provide more specific understanding of these requirements for crowd managers in relation to being present, training and activities carried out at a special event</p>
<p>1202.7 Fire Extinguishers - Fire extinguishers shall be in accordance with section 906.</p>	<p>Addressed in section 906 of 2012 State adopted code Consistent with past practices per City of Flagstaff Recreation services – Special Events –Rules and Regulations and review process. Proposed Local Language (not in conflict with state definition) to provide more specific understanding of portable fire extinguisher requirements at a special event</p>
<p>1202.8 Fire Watch - fire watch shall be in accordance with section 403.1.</p>	<p>Addressed in section 403.1 of 2012 State adopted code Consistent with past practices per City of Flagstaff Recreation services – Special Events –Rules and Regulations and review process. Proposed Local Language (not in conflict with state definition) to provide more specific understanding of a fire watch requirement At a special event by qualified firefighting personnel during specific situations such as open burning events.</p>

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<p>1202.9 Housekeeping -the special events and related areas shall be kept free from combustible debris at all times</p>	<p>Addressed in section 304.1 of 2012 State adopted code</p> <p>Consistent with past practices per City of Flagstaff Recreation services – Special Events –Rules and Regulations and review process. Proposed Local Language (not in conflict with state definition) to provide more specific understanding of these requirements for prohibiting disorderly un kept storage or accumulation of trash and other combustible materials at a special event</p>										
<p>1203 Outdoor Assembly Events</p>											
<p>1203.1 General – Outdoor events shall be in accordance with this section and section 10.</p>											
<p>1203.2 Exits - Exits shall comply with chapter 10, be as remote from each other as practical and comply with table below. Outdoor Events Table 1203</p> <table border="1" data-bbox="205 789 1108 1016"> <thead> <tr> <th>Occupant Load</th> <th>Minimum number of Exits</th> </tr> </thead> <tbody> <tr> <td>1-500</td> <td>2</td> </tr> <tr> <td>501-1000</td> <td>3</td> </tr> <tr> <td>1001-1500</td> <td>4</td> </tr> <tr> <td>Each additional 500 Persons</td> <td>36" of additional exit width for each exit</td> </tr> </tbody> </table>	Occupant Load	Minimum number of Exits	1-500	2	501-1000	3	1001-1500	4	Each additional 500 Persons	36" of additional exit width for each exit	<p>Generally addressed in code section 1005.3 of 2012 State adopted code. Consistent with past practices per City of Flagstaff Recreation services – Special Events –Rules and Regulations and review process. Also consistent with FEMA- 2010 Special Events Contingency Planning Manual Requirements consistent with municipal regulations on special events around the state of Arizona, where these events are common place down in the Phoenix area.</p> <p>Proposed Local Language (not in conflict with state definition) to provide more specific understanding of these requirements for adequate number and size of egress points for special events that are enclosed by fencing or barricades.</p>
Occupant Load	Minimum number of Exits										
1-500	2										
501-1000	3										
1001-1500	4										
Each additional 500 Persons	36" of additional exit width for each exit										
<p>1203.3 Exit Width- The aggregate clear width of exists shall be a minimum of 36 "width wide for each 500 persons to be accommodated</p>	<p>Addressed in code section 1005.2 of 2012 State adopted code</p> <p>Consistent with past practices per City of Flagstaff Recreation services – Special Events –Rules and Regulations and review process. Also consistent with FEMA- 2010 Special Events Contingency Planning Manual Requirements consistent with municipal regulations on special events around the state of Arizona, where these events are common place down in the Phoenix area. Proposed Local Language (not in conflict with state definition) to provide more specific understanding of these</p>										

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	<p>requirements for adequate number and size of egress points for special events that are enclosed by fencing or barricades.</p>								
<p>1203.4 Exit Signs Exits shall be identified with signs that read -EXIT – The signs shall be weather resistant with letters on a contrasting background. Lettering shall be of sufficient height and brush stroke to be visible within 100 feet. Placement of the exit signs shall be approved by the fire code official.</p>	<p>Addressed in code section 1011.1 of 2012 State adopted code Consistent with past practices per City of Flagstaff Recreation services – Special Events –Rules and Regulations and review process. Also consistent with FEMA- 2010 Special Events Contingency Planning Manual Requirements consistent with municipal regulations on special events around the state of Arizona, where these events are common place down in the Phoenix area. Proposed Local Language (not in conflict with state definition) to provide more specific understanding of these requirements for adequate signs that readily identify egress points for special events that are enclosed by fencing or barricades.</p>								
<p>1204 - Outdoor Concerts / Crowd Management</p>									
<p>1204.1 Front Stage Isle/Separation - Minimum 10 foot Aisle space for front of stage- Adequate Crowd manager’s during the concert or event to maintain minimum widths. Main Isle shall be a minimum of 10 feet in width or a minimum required means of egress width whichever is greater and shall be maintained during the event.</p> <p style="text-align: center;">Isle Width Table 1204</p> <table border="1" data-bbox="205 998 1108 1187"> <thead> <tr> <th>Square Footage of Exhibition</th> <th>Minimum Isle Width</th> </tr> </thead> <tbody> <tr> <td>Greater than 15,000 Square Feet</td> <td>10 Feet</td> </tr> <tr> <td>5000- to 15000 Square Feet</td> <td>8 feet</td> </tr> <tr> <td>Less than 5000 Square Feet</td> <td>6 feet</td> </tr> </tbody> </table>	Square Footage of Exhibition	Minimum Isle Width	Greater than 15,000 Square Feet	10 Feet	5000- to 15000 Square Feet	8 feet	Less than 5000 Square Feet	6 feet	<p>Consistent with past practices per City of Flagstaff Recreation services – Special Events –Rules and Regulations and review process. Also consistent with FEMA- 2010 Special Events Contingency Planning Manual Requirements consistent with municipal regulations on special events around the state of Arizona, where these events are common place down in the Phoenix area. Proposed Local Language (not in conflict with state definition) to provide more specific understanding of these requirements for adequate Isle spacing and security personnel at outdoor concerts special events.</p>
Square Footage of Exhibition	Minimum Isle Width								
Greater than 15,000 Square Feet	10 Feet								
5000- to 15000 Square Feet	8 feet								
Less than 5000 Square Feet	6 feet								
<p>1205 - Mobile Food Vehicles</p>									

<p>1205.1 General Mobile food vehicles that are temporary or permanently stored on a property where food items are processed or prepared and sold to the public shall comply with this section. Exception: Food Peddlers operating a retail food establishment from a vehicle designated to be readily mobile in which food is sold or given away but not composed compounded, thawed, reheated, cut, cooked, processed, or prepared.</p>	<p>Proposed local addition to the code. (Not currently in the state adopted code) Definition of a mobile food vehicle literature and using NFPA 96 - Provisions cover the design; installation; operation; and inspection, testing, and maintenance of the full spectrum of cooking equipment, hoods, grease removal devices, exhaust duct systems, fans, fire suppression systems, and clearance to combustibles, as a guide. Proposed Local Language (not in conflict with state definition) to provide more specific definition and understanding of a mobile food vehicle</p>
<p>1205.2 Kitchen Hood A type 1 hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors. Commercial kitchen exhaust hoods shall comply with the requirements of the <i>International Mechanical Code</i></p>	<p>Addressed in code section 904.2.1 of 2012 State adopted code, and in accordance with International Mechanical Code. Proposed Local Language (not in conflict with state definition) to provide more specific understanding of these requirements for an adequate suppression system to combat a fire on cooking surfaces of grease producing appliances and with the hood and exhaust system in mobile food vehicles .</p>
<p>1205.3 Maintenance Hoods shall be inspected, tested and maintained in accordance with NFPA 96. Inspection and testing – Kitchen hood extinguishing systems shall be inspected every 6 months by a registered fire protection system contractor. Fire Extinguishers 2-A-10BC rated Dry Chemical extinguisher shall be provided within 30 feet of deep fat fryers using animal oil. An approved class K extinguisher shall be provided within 30 feet of deep fat fryers using vegetable oils.</p>	<p>Addressed in code section 904.1.1 of 2012 State adopted code Proposed Local Language (not in conflict with state definition) to provide more specific understanding of these requirements for adequate maintenance of commercial kitchen hoods and requires qualified technicians to perform this maintenance in mobile food vehicles.</p>
<p>1205.4 Liquefied Petroleum Gas (LP Gas). LP gas use shall be in accordance with Chapter 61 and NFPA 58</p>	<p>Addressed in code section Chapter 61 of 2012 State adopted code. Also NFPA 58 Liquefied Petroleum Gas Code Proposed Local Language (not in conflict with state definition) to provide more specific understanding of the use of liquefied propane gas in mobile food vehicles</p>

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<p>1205.5 Maximum number and quantity – A maximum of 2 LP gas containers with a total aggregate water capacity of 25 gallons is permitted at one mobile food vehicle</p>	<p>Addressed in code section 6103.2.1.7 of 2012 State adopted code Proposed Local Language (not in conflict with state definition) to provide more specific understanding of the maximum amount of liquefied propane gas in use and stored on mobile food vehicles</p>
<p>1205.6 LP Gas Cylinder Hoses - Hoses shall be designed for a working pressure of 350 PSI with a safety factor of 5 to 1 and shall be consistently marked with LP gas, propane 350 PSI working pressure and a manufacturers name or trademark. Hose assemblies after the application of couplings shall have a design capability or 700 PSIG. Hose assemblies shall be leak tested at the time of installation at not less than the operating pressure of the system in which they are installed.</p>	<p>Addressed in code section 6103 of 2012 State adopted code. Also NFPA 58 Liquefied Petroleum Gas Code Proposed Local Language (not in conflict with state definition) to provide more specific understanding of the hose specifications for use in liquefied propane gas cooking systems in mobile food vehicles</p>
<p>1205.7 Location Mobile food vehicles shall not be located within 20 feet of tents canopies and membrane structure.</p>	<p>Proposed Local Language (not in conflict with state definition) to provide more specific understanding of minimum separation distances of mobile food vehicles and tents for purposes of potential ignition sources.</p>



Protecting Values at Risk

CITY OF FLAGSTAFF FIRE DEPARTMENT

211 W. Aspen Avenue
Flagstaff AZ 86001

Phone 928-213-2500
Fax 928-213-2599

SPECIAL EVENT PERMIT CONDITIONS

Event:
Location:
Fire Inspector: P. Staskey
Applicant:

Event Dates
Event #
Date:
Phone:

Please comply with entries that only apply to your event:

- 1. Designated fire lane(s) required.
- 2. Aspen St. May be **closed**. The north side of the street may be **blocked**, from the center of the street to the face of the curb. The south side of the street shall remain clear and open. **NO EXCEPTIONS.**
- 3. *Do not block streets.* Streets cannot be **blocked** off for any length of time, thus, preventing fire department vehicles from immediate emergency access. Closed portions of the street(s) are allowed from the curb to the center on the street but shall not include the center painted lines. (One half on the street shall remain clear at all times.) Fire hydrants shall have a clear space of at least 3' on the sides and back and a wide clearance in front of the hydrant (street side). Corner of Humphreys St. and Birch Avenue fire hydrant can not be fenced in. **NO EXCEPTIONS.**
- 4. Parade route as shown on the site plan is approved. *Streets along the parade route cannot be **blocked** off for any length of time, thus preventing fire department vehicles from immediate access.*
- 5. Use only commercial type barricades and traffic cones.
- 6. Banners, signs, arches, and objects shall not be strung or erected across any portion of the street or fire department access; unless the vertical clearance below any part of the object is 13' 6" or higher, and the width is one traffic lane wide (minimum of 15' or as approved by the Fire Code Official). Failure to comply with this requirement will require the removal of this device. **NO EXCEPTIONS.**
- 7. The finish line fence type shall allow for easy removal for emergency vehicle access. If an overhead type device is used, it shall have an overhead clearance of 13' 6" for the entire overhead device and a minimum width from edge of curb to the center of the street.
- 8. Do not block business exits.
- 9. Do not **block** the alleyway(s). They are fire dept. access.
- 10. The maximum occupancy load for Heritage Square:
Plaza Area – 957
Steps – 230

Stage - 82



Heritage square is built above an underground parking garage. The floor of Heritage Square is designed to support only the weight of the occupancy loads listed above. The occupancy load shall not be exceeded throughout the event. Use barricades and persons with counters to enforce the maximum occupancy loads.

When the Fire Department determines the occupancy load limits are not being enforced, off duty Flagstaff Fire Inspector(s) will be assigned to this event to monitor the occupancy loads until the event ends. The event sponsor or applicant will be billed at the rate of \$35.00 per hour for each fire inspector.



11. A complete inspection of all amusement rides is required; this includes the generator, generator trailer, all carnival amusements, static and mechanical, (regardless of size), and fun house(s).



12. **Tents (Section 2403):** Tents and membrane structures having areas in excess of 400 sf. are to be manufactured of flame resistant material or to be treated with an approved flame retardant. **Tent-** closed on more than 25% of all sides. Tent Inspection Charge \$50.00 for permit.



13. Cooking and heating equipment shall not be located within 5 feet of combustible materials, such as wood pallets and boxes, cardboard materials, cloth or other fibrous materials, etc.



14. Tents where cooking is performed shall be located 20' from any other tent, canopy or membrane structure.



15. LP-gas (propane) containers shall be located outside and secured from tipping over. Safety relief valves shall be pointed away from tent canopy or membrane structures.



16. Compressed gas bottles/cylinders must be secured to prevent tipping or falling over.



17. Liquid or gas fueled appliances must be in good repair without fuel leaks or frayed electrical cords. Extra fuel must be kept in containers approved for that use and must not exceed 5 gallons in capacity.



18. Small generators (under 25Kva) shall be located a minimum of 5 feet from tents, canopies, or membrane structures and placed with the exhaust pointed away from these structures and other combustible materials and secured to prevent a trip and burn hazard to the public .



19. Extension cords must be of the heavy duty, grounded type (12/3) and listed for exterior use (weatherproof). The ground prong must be intact and must only be plugged into a 3-pronged receptacle.



20. Food vendors must be pre-approved and inspected after setup (prior to the start of the event). Call a City of Flagstaff Fire Inspector for condition questions and approval.



21. Prevent cooking appliances from tipping over. Protect cooking appliances from persons coming into contact with the devices.



22. Prevent heating devices from tipping over.



23. An automatic hood fire extinguishing system is required for mobile kitchens where produce grease-laden vapors are produced. Ex: hamburgers, potato fries, onion rings, fry-bread, donuts, etc. System must have evidence (an affixed tag), of being serviced and inspected within the last six (6) months. *Local fire protection system companies are available to inspect your kitchen hood system. Check the local phone book for company listings.*

24. A portable fire extinguisher (Minimum size: 2:A, 10:BC) is required inside of cooking tents, cooking canopies, cooking trailers and mobile kitchens and outside each cooking area (except at public grills in the city).

25. **Beware!** All open flame demonstrations: fire dancing/juggling, artsy fire demonstrations, etc. are strictly prohibited without a special fire permit which includes the presence of a uniformed, Flagstaff Firefighter. For fire demonstration permit information and permit fees, contact a City of Flagstaff Fire Inspector at (928) 213-2500.

26. Generators over 25Kva are required to have permits. These permits are issued by the City of Flagstaff Building Division. At (928) 213-2620. These generators shall be located a minimum of 20 feet from tents, canopies, or membrane structures and setup with the exhaust pointed away from these structures and other combustible materials.

27. All generators: Gasoline for each portable generator; Five (5) gallons maximum shall be in "approved" containers.

28. A fire extinguisher must be kept near the generator. Minimum size: 2:A10: BC.

29. Cover electrical cables to mitigate tripping hazards.

30. A fire safety inspection is required. Contact the City of Flagstaff Fire Department to arrange for a fire safety inspection at (928) 213-2500 (allow ample time before the start of the event).

31. Other Requirements: Open Burning permit and Fire Watch Agreement

32. Other Requirements: Tents 400sq ft or larger require a permit.

33. Other Requirements:

All permit fire safety conditions must be followed from the start of the event and continued through, until the completion of the event. Failure to follow these fire safety conditions will result in the discontinuance of the specific activity, until all fire safety violations are corrected.

Definitions:

Closure: Street is closed by means of barricading, with industrial type barricades, normally at street intersections. Still allows for thru access for emergency vehicles by keeping one half of the street open and clear.

Blocked: Reduced street width that does not allow thru access for emergency vehicles. Blockage may include objects being placed, parked, or erected in the travel lanes that are temporary or permanent.

Electronic Version of Special Events Contingency Planning Job Aids manual
May 2010 FEMA

URL: <https://www.hsdl.org/?view&did=759939>

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Elizabeth A. Burke, City Clerk
Date: 09/27/2016
Meeting Date: 10/04/2016



TITLE

Future Agenda Item Request (F.A.I.R.): A request by Councilmember Evans to place on a future agenda a discussion regarding the issue of Recreational Vehicle (RV) parking.

RECOMMENDED ACTION:

Council direction.

EXECUTIVE SUMMARY:

Rule 4.01, Procedures for Preparation of Council Agendas, of the City of Flagstaff City Council Rules of Procedure outlines the process for bringing items forward to a future agenda. Councilmember Evans has requested this item be placed on an agenda under Future Agenda Item Requests (F.A.I.R.) to determine if there is a majority of Council interested in placing it on a future agenda.

INFORMATION:

None

Attachments:

No file(s) attached.

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Elizabeth A. Burke, City Clerk
Date: 09/27/2016
Meeting Date: 10/04/2016



TITLE

Future Agenda Item Request (F.A.I.R.): A request by Councilmember Evans to place on a future agenda a discussion regarding the flooding issues at Wildwood Hills and Kit Carson Trailer Park.

RECOMMENDED ACTION:

Council direction.

EXECUTIVE SUMMARY:

Rule 4.01, Procedures for Preparation of Council Agendas, of the City of Flagstaff City Council Rules of Procedure outlines the process for bringing items forward to a future agenda. Councilmember Evans has requested this item be placed on an agenda under Future Agenda Item Requests (F.A.I.R.) to determine if there is a majority of Council interested in placing it on a future agenda.

INFORMATION:

None

Attachments:

No file(s) attached.

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Elizabeth A. Burke, City Clerk
Date: 09/27/2016
Meeting Date: 10/04/2016



TITLE

Future Agenda Item Request (F.A.I.R.): A request by Councilmember Putzova and a Citizen Petition to place on a future agenda a discussion regarding a resolution of support for the Standing Rock Sioux re the Dakota Access Pipeline.

RECOMMENDED ACTION:

Council direction.

EXECUTIVE SUMMARY:

Rule 4.01, Procedures for Preparation of Council Agendas, of the City of Flagstaff City Council Rules of Procedure outlines the process for bringing items forward to a future agenda. Councilmember Putzova has requested this item be placed on an agenda under Future Agenda Item Requests (F.A.I.R.) to determine if there is a majority of Council interested in placing it on a future agenda. Additionally, at the September 20, 2016, Council meeting a Citizen Petition (attached) was submitted to the City and in compliance with Article II, Section 17, of the Flagstaff City Charter, to consider such petitions within 30 days of their receipt, this petition is also being considered through this agenda item item.

INFORMATION:

None

Attachments: Citizen Petition

Petition to Add a Discussion of the Dakota Access Pipeline to a Future City Council Agenda

The Dakota Access Pipeline is slated to run 1,172 miles long which is only seven miles shorter than the Keystone XL Pipeline would have been. The pipeline would carry Bakken crude oil, which was preliminarily concluded to be a particularly flammable type of oil by U.S. regulator, Pipeline and Hazardous Materials Safety Administration.

The pipeline would be built across 50 counties across North Dakota, South Dakota, Iowa, and Illinois, where it will join with already existing pipelines and travel to refineries and markets as far as the Gulf and East Coast. The pipeline would cross the Missouri River and one of its tributaries, the Big Sioux River, putting the whole watershed at risk in the event of an oil spill.

These pipelines are not safe, the ratio/chance of spills is incredibly high. In reference to how frequently these kinds of pipelines break/spill, Sierra Club's Michael Brune has said, "It's not a question if a pipeline will malfunction, but rather a question of when". In 2010 an Enbridge pipeline spilled 1.2 millions of gallons of crude oil into the Kalamazoo river - one of the worst oil disasters to happen in America. Tens of thousands of gallons leaked into the Yellowstone River, on not one but two occasions. Oil and chemicals contaminated Canada's North Saskatchewan River just last month, so you can see the chances or severe environmental damage are high.

As well as crossing major waterways the pipeline would go through active farmland and forests - meaning a break would be even more devastating. This pipeline would endanger waterways, wreck havoc on natural habitats and ecosystems, devastate access to clean water, as well as the agriculture landscape and access to food.

This pipeline is another prime example of government and corporate interest having no regard for indigenous populations and viewing native communities as disposable. As the pipeline was originally proposed to go through Bismark - but was rerouted because the city's environmental assessment said the pipeline would be a major threat to the city's water supply. While the risks inherent in the pipeline and potential devastation is no different for the Standing Rock Sioux community (if anything there is much more at stake) - no protection is being afforded to the Sioux nation. This is another example of many of governments reinforcing environmental racism by allowing extractive, environmentally exploitative and toxifying processes near indigenous communities (as well as poor and predominantly communities of color) To not stand against this injustice and is completely abhorrent.

In 1967, a court in California ruled (*Farley v. Healey*, 67 Cal.2d 325) that "one of the purposes of local government is to represent its citizens before the Congress, the Legislature, and administrative agencies in matters over which the local government has no power. Even in matters of foreign policy it is not uncommon for local legislative bodies to make their positions known." This is why it is entirely relevant for our community to speak out and support Standing rock. Yakama Chairman JoDe Goudy has been quoted saying, "Together, we express to the U.S. government that now, more than ever, is the time to fulfill the trust obligations laid out within the treaties and historical interactions with the Native peoples of this land. Until such things come to pass, the spirit and voice of all peoples shall unite with Standing Rock. One voice, one heart, and

one spirit to speak for those things that cannot speak for themselves." So while the voices of Standing Rock are being ignored - we must do our part to speak with those not being listened to.

Standing Rock Sioux Tribal Chairman Dave Archambault II has said, "We have a serious obligation, a core responsibility to our people and to our children, to protect our source of water. Our people will receive no benefits from this pipeline yet we are paying the ultimate price for it with our water. We will not stop asking the federal government and Army Corps to end their attacks on our water and people"

Abolitionists passed local resolutions against U.S. policies on slavery. The anti-apartheid movement did the same, as did the nuclear freeze movement, the movement against the PATRIOT Act, the movement in favor of the Kyoto Protocol, etc. It is our turn to now stand in solidarity and strength with our indigenous brothers and sisters against this pipeline and to stop violence enacted on indigenous communities through ****

More than 150 tribes so far have sent resolutions and letters of support to show solidarity with the Standing Rock Sioux and the Seven Council Fires of the Lakota's efforts to stop the pipeline.

Seattle, Saint Paul and Minneapolis have both passed resolutions of support for the Standing Rock Sioux Nation in the effort to stop the Dakota Access Pipeline. Seattle Mayor Edward Murray said the city recognizes "the importance of outside jurisdictions respecting tribal cultural and natural resources". Murray came together indigenous and non-indigenous people to stop the Cherry Point coal port - another example of extractive and exploitative industry indigenous communities would have had to face because of corporate priority over people. The city council of Saint Paul's city council recognized the struggle against the DAPL and shared its own efforts to honor sacred places within their city. *** See attached resolutions written by other cities

We, Indigenous Youth 4 Cultural Survival, are asking you today to please join the growing list of localities taking action to support and stand in solidarity with indigenous communities at Standing Rock Sioux Reservation and their struggle to protect their land and water resources. And recognize that their struggle is our struggle by adding a discussion of the Dakota Access Pipeline to a future city council agenda.

PETITION TO FLAGSTAFF CITY COUNCIL
 Pursuant to Flagstaff City Charter Article II Section 17
 and Flagstaff City Code Title I Chapter 12

Pursuant to the Flagstaff City Charter and the City Code, any citizen (resident) of the City may present a written petition to the City Manager, signed by a minimum of 25 citizens from the City of Flagstaff, which shall be presented to the City Council.

Title of Issue: Dakota Access Pipeline

Action Requested: Add discussion to future ite

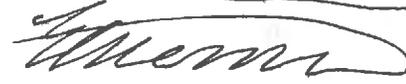
Printed Name of Submitter: Indigenous Youth 4 Cultural Survival (MT Garcia)
 (Submitter must also sign below and complete information)

Contact Information: 928-380-9595 / email indigenousyouth4cs@gmail.com
 (Phone Number and/or e-mail address)

PETITION SIGNATURES

DATE SIGNED	PRINTED NAME	RESIDENCE ADDRESS	SIGNATURE
9-12-16	Tyler Barnard	792 North Canyon Terrace Flagstaff AZ 86001	<i>Tyler Barnard</i>
9/12/16	Marlena Garcia	3500 W. Teo Blvd #110 Flagstaff AZ 86001	<i>Marlena Garcia</i>
9/12/16	Cody Fatty	1001 N 4th Street Appt 4 Building 104	<i>Cody Fatty</i>
9/12/16	Firdaus Ali	11509 N 81st Dr	<i>Firdaus Ali</i>
9/12/16	Kyle MacPhee	6th 905 S. Beaver St. Flagstaff, AZ 86001	<i>Kyle MacPhee</i>
9/12/16	Darrell Marks	Po Box 2315 Page AZ 86040	<i>Darrell Marks</i>
9/12/16	Phil Dudas	5155 E Bluejay Ln Flagstaff AZ 86004	<i>Phil Dudas</i>
9/12/16	Clayson Bernath	PO BOX 1492	<i>Clayson Bernath</i>
9/12/16	Benjamin Heisig	82 Seneca Dr AZ 86005	<i>Benjamin Heisig</i>
9/12/16	Jason Tankersley	2403 N. Center St. Flagstaff AZ 86001	<i>Jason Tankersley</i>

RECEIVED BY CITY OF FLAGSTAFF		
DATE RECEIVED	BY	COUNCIL MEETING DATE
9.20.16	<i>Ea Burke</i>	10.7.16

date signed	printed name	address	signature
09-12-16	Morrison Begay	900 N Sunrise Ln	
09/12/16	Etienne MacLormack	1480 W. Roman Av. Flagstaff AZ	
9-12-16	Vanessa Chicharello	2420 N. Center Dr. #7	
9-12-16	Carolyn Wells	43 S. Paseo del Flag	
9/12/16	Danifza Miranda	423 W Santa Fe Ave	
9/12/16	Moran Henn	803 W. Grand Canyon Ave FLA Blvd	
9/12/16	Avi Henn	803 W. Grand Canyon Ave FLA Blvd	
9/12/16	Muhammad Alshaybi	853 S Highland mesa Rd.	
9-13-16	DAVID VIGARI	510 S. Fountain Dr Apt. 1	

TITLE OF ISSUE: Dakota Access Pipeline

PAGE _____ OF _____

DATE SIGNED	PRINTED NAME	RESIDENCE ADDRESS	SIGNATURE
9/13	Keith Honore	52800 Highland Max Rd	
9/13	Alexandra Espinoza	12608 Peaceful Valley Rd 300 Parks, AZ 86008	
9/13	Brandon Yazzie	2251 N. Isabel St.	
9/13	ERIN GUEVARA	1334 W. 7th Dr.	
9/13	Sela Buted	1500 S San Francisco St.	
9/13	Caleigh Curley	1450 W Kaibab Ln Lot 10 Flagstaff AZ 86001	
9/13	TAYLOR DAVIS	11	
9/13	Ifeoluwa Abigail	1360 N Rockridge Rd.	
9/13	Ogugbo Ijeoma	3850 N Pine Circle	
9/13	EMILY GRIEB	875 E. Pine Knoll Dr. #201	
9/13	Emil Eich	1365 N. 80th Dr. Peoria AZ 85381	
9-13	Kyle Martinez-Bahe	3785 S Yagoi Dr Apt 1D	
9-13	Gerardo Burgos	2920 W. Center St #405	
9-13	Jasmine Bryant	3759 S Yaqui Dr 2D	
9-13	Quinn Parker	324 E Pine Knoll Dr. 20783	
9-13	Lauren Ramos	7780 E. Beautiful Pl	
9/13	Kyle Gierke	2517 E. Pinchot Ave	
9/13	Paula Plata	2270 N. Colter Street	
9/13	Chelsea Tatum	706 W. University Ave apt 4-203	
9/13	Max Zelaya	Flagstaff, AZ	
9/13	Connor Mowe	101 E. McConnell St	
9/13	KYLE BROWN	Kwib 32 @ naved 1	
9/13	DT Marcelino	5250 E Cortland Blvd	

PETITION TO FLAGSTAFF CITY COUNCIL (Continued)

TITLE OF ISSUE: _____

PAGE _____

OF _____

DATE SIGNED	PRINTED NAME	RESIDENCE ADDRESS	SIGNATURE
9/12/16	Morgan Turner	2626 E Jeffrey Loop Flagstaff, AZ 86004	
9.12.16	Juan Lopez	2905 N. Aris St Apt F Flagstaff, AZ 86001	
9-12-16	Daniel Cunningham	8405 Antelope Lane Flagstaff AZ 86001	
9/12/16	Kayla Scott	2800 S Highland Mesa Rd. Flagstaff AZ 86001	
9/12/16	Ashley Dempsey	923 W. University Ave. #106 Flagstaff, AZ 86001	
9/12/16	Kristen Becenti	923 W. University Ave. #106 Flagstaff, AZ 86001	
9/12/16	Roland Becenti	923 W. University Ave #106 Flagstaff, AZ 86001	
9/12/16	Richard Cody	2578 Tovar Trail #35, 86005 Flagstaff AZ.	
9/12/16	Justin Susan	7273 West Laurel Lane Phoenix AZ 85345	
9/12/16	Steven Anthony Galb	2505 N 38th Ln Phoenix AZ 85019	
9/12/16	Elizabeth Gung	1879 S Southern Pacific St.	
9/12/16	Jodeci Avalos	1515 S Yale St, Flagstaff, AZ	
9/12/16	Kory Joe	1515 S Yale St, Flagstaff, AZ	
9/12/16	Chelena Betoney	5000 N. Mall Way Flagstaff, AZ	
9/12/16	Cody Chee	1240 Cone Tree Rd. Flagstaff AZ 86001	
9/12/16	Jayne Sandoval	300 E. McConnell Drive Flagstaff, AZ 86001	
9/12/16	Chassity Begay	1055 S. Beaver St, Flagstaff, AZ 86011	
9/12/16	Ashly DeBlancor	1055 S. Beaver St. Flagstaff AZ 86011	
9/12/16	Rosita MacDonald	520 S verde street Unit D Flagstaff AZ 86001	
9/12/16	Elena Leifer	2800 S Highland Mesa Flagstaff, AZ 86001	
9/12/16	Paige Bonwood	520 S. Verde Street Unit D Flagstaff AZ 86001	
9/12/16	Kaleb Deatherage	2790 W Darleendr. 86001	
9/13/16	Chelsea Thompson	60. E. Anisa Ave #11-103	
02/26/16	Danna Planck	9. W. university Dr. #A25	



City of Saint Paul

City Hall and Court House
15 West Kellogg Boulevard
Phone: 651-266-8560

Legislation Text

File #: RES 16-1489, Version: 1

Expressing solidarity with Indigenous Resistance to the Dakota Access Pipeline.

WHEREAS: The proposed Dakota Access Pipeline would carry as many as 570,000 barrels of fracked crude oil per day for more than 1,100 miles from the Bakken oil fields of North Dakota to Illinois, passing over sensitive landscapes including treaty protected land containing recognized cultural resources and across or under 209 rivers, creeks, and tributaries including the pristine Missouri River, which provides drinking water and irrigates agricultural land in communities across the Midwest; and

WHEREAS: Despite deep opposition from the Standing Rock Sioux Tribe as well as farmers, scientists, more than 30 environmental advocacy groups, and other Tribal nations along the proposed route, and without Tribal consultation or meaningful environmental review as required by federal law, in July, 2016 the U.S. Army Corps of Engineers issued a permit allowing construction of the fracked oil pipeline to move forward; and

WHEREAS: In a show of monumental cooperation not seen in the 140 years since the Battle of the Greasy Grass or Custer's Last Stand, members of the Lakota Standing Rock Sioux Tribe have united with the Oceti Sakowin, the Seven Fires Council - which include the confederation of Lakota, Dakota, and Nakota Nations - and established a peaceful encampment in Cannon Ball, North Dakota known as the Sacred Stones Camp to resist the construction of the Dakota Access Pipeline with a cultural and spiritual presence; and

WHEREAS: On August 15, 2016 the Standing Rock Sioux Tribal Council led by Tribal Chairman David Archambault II called on Tribal nations and Indigenous people around the world to issue resolutions in support of the Standing Rock Sioux and the Sacred Stones Camp, and

WHEREAS, the majority of the American Indian population in Saint Paul belong to the Oceti Sakowin, the Great Sioux Nation, have come together with their allies to oppose the construction of the Dakota Access Pipeline through their protected treaty lands, threatening not only their water source, but millions of inhabitants downstream; and

Whereas, the Eastern Dakota creation story places the origin of the Dakota people's in what is now known as Saint Paul at B'dote, the confluence of the Mississippi and Minnesota rivers; and

Whereas, the city of Saint Paul has recognized our appalling history of relations with American Indian tribes and their peoples and has made significant and on-going efforts to repair those relationships. In 2013, Saint Paul recognized the year as "The Year of the Dakota: Remembering, Honoring, and Truth-Telling." Saint Paul has also invested in the restoration and protection of sacred sites within our city boundaries. These sites include Wakan Tipi as part of our current Lower Phalen Creek Project, Mounds Park, Kaposia, and the Wabasha Caves; and

Now, Therefore, Be It Resolved: By the City Council of the City of Saint Paul, that we stand in support of the Indigenous opposition to the Dakota Access Pipeline and we call on all residents of Saint Paul to raise awareness about this important struggle for Indigenous sovereignty and environmental justice and to support the Sacred Stones Camp efforts in any way they can.



By: Cano, Reich, Gordon, Frey, Warsame,
Goodman, Glidden, Bender, Quincy, A. Johnson, Palmisano

Expressing Solidarity With Indigenous Resistance to the Dakota Access Pipeline

- WHEREAS: The proposed Dakota Access Pipeline would carry as many as 570,000 barrels of fracked crude oil per day for more than 1,100 miles from the Bakken oil fields of North Dakota to Illinois, passing over sensitive landscapes including treaty protected land containing recognized cultural resources and across or under 209 rivers, creeks, and tributaries including the pristine Missouri River, which provides drinking water and irrigates agricultural land in communities across the Midwest; and
- WHEREAS: Despite deep opposition from the Standing Rock Sioux Tribe, as well as farmers, scientists, more than 30 environmental advocacy groups, and other Tribal nations along the proposed route, and without Tribal consultation or meaningful environmental review as required by federal law, in July, 2016 the U.S. Army Corps of Engineers issued a permit allowing construction of the fracked oil pipeline to move forward; and
- WHEREAS: In a show of monumental cooperation not seen in the 140 years since the Battle of the Greasy Grass or Custer's Last Stand, members of the Lakota Standing Rock Sioux Tribe have united with the Oceti Sakowin, the Seven Fires Council - which include the confederation of Lakota, Dakota, and Nakota Nations - and established a peaceful encampment in Cannon Ball, North Dakota known as the Sacred Stones Camp to resist the construction of the Dakota Access Pipeline with a cultural and spiritual presence; and
- WHEREAS: On August 15, 2016 the Standing Rock Sioux Tribal Council led by Tribal Chairman David Archambault II called on Tribal nations and Indigenous people around the world to issue resolutions in support of the Standing Rock Sioux and the Sacred Stones Camp; and
- WHEREAS: Minneapolis is home to the highest concentration of urban American Indian families in the United States and is the birthplace of the American Indian Movement, signifying a legacy of activism and civic engagement which continues to this day as many Minneapolis residents, including youth, and Minnesota Tribal members have been inspired to take action and join the Sacred Stones Camp to protect our environment and mother earth; and
- WHEREAS: The City of Minneapolis understands the importance of recognizing the specific challenges facing the original inhabitants of this land and honoring their contributions symbolized through the adoption of the American Indian Memorandum of Understanding, the observation of the Year of the Dakota in 2013 and the declaration of Indigenous Peoples Day each October;

Now, Therefore, Be It Resolved:

By the Mayor and City Council of the City of Minneapolis, that we stand in support of the Indigenous opposition to the Dakota Access Pipeline and we call on all residents of Minneapolis to raise awareness about this important struggle for Indigenous sovereignty and environmental justice and to support the Sacred Stones Camp efforts in any way they can.

Adopted by Council this Nineteenth Day of August 2016 A.D.

BARBARA A. JOHNSON, *President of City Council*

APPROVED:

BETSY HODGES, *Mayor*

ATTEST:

CASLY JOE CARL, *City Clerk*

WHEREAS, the proposed Dakota Access Pipeline (DAPL) is a 1,168-mile, 30-inch diameter pipeline being developed by Energy Transfer Partners and its affiliates, which would carry as much as 570,000 barrels per day of Bakken crude from western North Dakota to Illinois; and

WHEREAS, the DAPL would run across or beneath 209 rivers, creeks and tributaries, including the Missouri River, which provides drinking water and irrigates agricultural land in communities across the Midwest, serving nearly 10 million people; and

WHEREAS, the DAPL would also run through the ancestral lands and waters reserved for the traditional use of the Standing Rock Sioux Tribe by the Treaty of Ft. Laramie, including the Missouri River, burial grounds and gravesites, and other sacred sites of cultural, religious, and historical significance; and

WHEREAS, Indian Treaties such as the Treaty of Ft. Laramie are recognized by the U.S. Constitution as “the supreme law of the land,” and require consultation and cooperation by the United States with its Indian Treaty partner before any federal action is taken that affects Treaty lands, territories, waters or other resources; and

WHEREAS, the American Indian Religious Freedom Act of 1978 affirms the need to “protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions,” particularly in American Indian sacred places; and

WHEREAS, Washington State recognizes that American Indian burial grounds and historic graves are “a finite, irreplaceable, and nonrenewable cultural resource, and are an intrinsic part of the cultural heritage of the people of Washington” (RCW 27.44.030);

WHEREAS, Articles, 11, 12, and 25 of the United Nations Declaration on the Rights of Indigenous People (UNDRIP), as endorsed by the United States in 2010, affirms that indigenous peoples like the Standing Rock Sioux Tribe possess the right to maintain and protect their culture, religion, practices, and relationship with their “traditionally owned or otherwise occupied and used lands, territories [and] waters”; and

WHEREAS, the UNDRIP Article 32 further provides that governments shall consult with indigenous peoples “in order to obtain their free and informed consent prior to the

approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources”; and

WHEREAS, the Seattle City Council proclaimed in 2012 by Resolution 31420 that Seattle is a Human Rights City and is committed to promoting human rights; and

WHEREAS, the Seattle City Council passed Resolution 31538 in 2014 to recognize the second Monday in October as Indigenous Peoples’ Day in the City of Seattle, in recognition of “the systematic racism towards Indigenous people in the United States” and in “honor [of] our nation’s indigenous roots, history, and contributions”; and

WHEREAS, the U.S. Army Corps of Engineers failed to consult with or obtain the free, prior and informed consent of the Standing Rock Sioux Tribe as required by the Treaty of Fort Laramie, Executive Order 13175, the UNDRIP Article 10, and other federal and international laws, before issuing a “Mitigated Finding of No Significant Impact” that would result in an easement for horizontal directional drilling for the DAPL; and

WHEREAS, any spill of oil into the Missouri River would irreparably harm the Standing Rock Sioux Tribe’s Treaty reserved lands, territories, waters and other resources; burial grounds, gravesites and other sacred sites of cultural, religious, and historical significance; and spiritual relationships and indigenous ways of life; and

WHEREAS, the Mayor of the City of Seattle, City Councils of Portland, Oregon, St. Paul and Minneapolis, Minnesota, Affiliated Tribes of Northwest Indians comprised of 59 Indian Nations in the Northwest, and nearly 200 Indian Nations, are among the governmental bodies that have taken formal action to support the Standing Rock Sioux Tribe and oppose the DAPL; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

Section 1. The City of Seattle stands in support of the Standing Rock Sioux Tribe’s opposition to construction of the Dakota Access Pipeline (DAPL) across the Tribe’s ancestral lands, waters and sacred sites.

Section 2. The City of Seattle calls upon the United States and the Army Corps of Engineers to obtain the free, prior and informed consent of the Standing Rock Sioux Tribe, prior to taking any federal action regarding the DAPL that would harm or destroy the Tribe's ancestral lands, waters and sacred sites.

Section 3. The City of Seattle proclaims that October 10, 2016, Indigenous Peoples' Day in the City of Seattle, will commemorate and support the Standing Rock Sioux Tribe's opposition to the DAPL.