

## **WORK SESSION AGENDA**

**CITY COUNCIL WORK SESSION  
TUESDAY  
JANUARY 31, 2017**

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

**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 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**

**3. Roll Call**

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

MAYOR EVANS  
VICE MAYOR WHELAN  
COUNCILMEMBER BAROTZ  
COUNCILMEMBER MCCARTHY

COUNCILMEMBER ODEGAARD  
COUNCILMEMBER OVERTON  
COUNCILMEMBER PUTZOVA

**4. Preliminary Review of Draft Agenda for the February 7, 2017, 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.*

**5. Public Participation**

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

6. **Recognition of the NAU Men's Cross Country Team.**
7. **Discussion of Resolution Opposing Dakota Access Pipeline.**
8. **Discussion/presentation regarding a proposed 2017 Arizona Public Service Rate Case to the Arizona Corporation Commission.**
9. **Discussion of Current Issues Before the Arizona Legislature and Federal Issues.**
10. **Review of Draft Agenda Items for the February 7, 2017, City Council Meeting.\***  
*\* Public comment on draft agenda items will be taken at this time, at the discretion of the Mayor.*
11. **Public Participation**
12. **Informational Items To/From Mayor, Council, and City Manager; future agenda item requests.**
13. **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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
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:** 01/26/2017  
**Meeting Date:** 01/31/2017



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#### **TITLE:**

**Discussion of Resolution Opposing Dakota Access Pipeline.**

#### **DESIRED OUTCOME:**

Council direction

#### **EXECUTIVE SUMMARY:**

Council has requested that this item be placed back on a Work Session to discuss a resolution opposing the Dakota Access Pipeline.

#### **INFORMATION:**

On October 4, 2016, the City Council considered a F.A.I.R. item to bring forward the discussion of a resolution opposing the Dakota Access Pipeline, at the request of Councilmember Putzova and a citizens' petition. At that meeting a majority of Council did not support moving this item to a future meeting. With changes in membership on the City Council, a F.A.I.R. item was considered at the December 20, 2016, Council meeting and staff was directed to place this item on a future Work Session agenda.

The items attached to this staff summary are those presented previously for discussion purposes.

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**Attachments:** Sample Resolutions

## Petition to Add a Discussion of the Dakota Access Pipeline to a Future City Council Agenda

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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.**



# City of Saint Paul

City Hall and Court House  
15 West Kellogg Boulevard  
Phone: 651-266-8560

## Legislation Text

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**File #: RES 16-1489, Version: 1**

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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.

## CITY OF FLAGSTAFF

### STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council

**From:** Nicole Woodman, Sustainability Manager/Interim  
Public Works Section Dir.

**Co-Submitter:** Sterling Solomon, City Attorney

**Date:** 01/24/2017

**Meeting Date:** 01/31/2017



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#### TITLE:

**Discussion/presentation regarding a proposed 2017 Arizona Public Service Rate Case to the Arizona Corporation Commission.**

#### DESIRED OUTCOME:

This is informational only.

#### EXECUTIVE SUMMARY:

Arizona Public Service (APS) filed a general rate case with the Arizona Corporation Commission (ACC) on June 1, 2016 (Docket Number: E-01345A-16-0036). The case, which proposes new rates and a demand rate structure, is expected to be ruled on April 24, 2017. If approved by the ACC and the rate case is completed, the new rate structures would go into effect on July 1, 2017 impacting commercial and residential customers.

Commercial Customers: If approved, the new rate structure would impact commercial customers depending on their rate type. For the City of Flagstaff, the most significant impact would be to the Utilities Department, since the majority of the high-use meters are associated with water production and treatment. City staff prepared fiscal scenarios based on FY 17 data and anticipates an annual increase of \$166,000. APS is analyzing City data and will provide more comprehensive estimates at the 1/31/17 work session.

Residential Customers: If approved by the ACC as proposed, the average monthly bill according to APS for residential customers would increase 7.96 percent, from \$139.32 to \$150.41. APS is also seeking to change the peak hours for customers on time-of-use rates from noon to 7 p.m. in summer to 3 p.m. to 8 p.m. Electricity is priced higher on those rate plans during those hours. As proposed, the demand charge rate structure would be mandatory.

Residential Solar Customers: The proposed rate case would reduce the amount of compensation rooftop solar customers receive for excess energy they send back to the grid. The net metering credit would drop from the current retail electricity rate to the wholesale rate of between 2.5 cents and 3 cents per kilowatt-hour. APS has met the Arizona Renewable Energy Standard requirement.

City staff will discuss the potential impacts of the proposed rate structure on City and residential customers. APS staff will provide additional information on the rate case.

#### INFORMATION:

COUNCIL GOALS:

- 5) Explore and adopt policies to lower the costs associated with housing to the end user
- 10) Support and assist the most vulnerable

**REGIONAL PLAN:**

- 1) Policy E.1.7. Support policies and programming that reduce electricity, natural gas, and water consumption in order to conserve natural resources and reduce financial costs.
- 2) Policy E.1.8. Incorporate alternative energy conservation and renewable energy systems in applicable codes.
- 3) Policy E.1.11. Identify financing mechanisms to support water and energy efficiency improvements in public, residential, commercial, and industrial sectors.
- 4) Policy E.2.1. Promote renewable energy sources that reduce demand upon fossil fuels and other forms of generation that produce waste.
- 5) Policy E.2.2. Preserve opportunities for development of renewable energy resources in the planning process.
- 6) Policy E.2.4. Encourage small-scale renewable energy production and use on the local level on appropriate residential, commercial, and industrial parcels.
- 7) Policy E.2.5. Pursue, promote, and support utility-scale renewable energy production such as biomass facilities, solar electricity, wind power, waste-to-energy, and other alternative energy technologies.

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**Attachments:**     APS Rate Case 2017





# Discussion

- Rate case overview
- Impacts of rate case
  - Commercial customers
  - Residential customers
  - Residential solar customers
- Discussion with APS



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**Filed by APS on June 1, 2016**

- Dependent on account rate type
- To be heard by Arizona Corporation Commission (ACC) on April 24, 2017
- If approved and rate process completed, potential effective date of July 1, 2017



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# Impacts of Rate Case

## Commercial

- Rate types impacted: E-32 L, E-32 M, E-32 XS/S, E-221
- Most significant impact to the City would be to the Utilities Department
- Based on FY17 energy use data and weather trends preliminary estimates are an \$166,000 increase to City's electric costs



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# Impacts of Rate Case

## Residential

- Proposes rate increase of 7.96%
  - Example: \$139.32 bill would increase to \$150.41
- Proposes to change peak hours for customers on time-of-use rates
- If approved and rate process complete, APS requests an effective date of July 1, 2017



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# Impacts of Rate Case

## Residential Solar

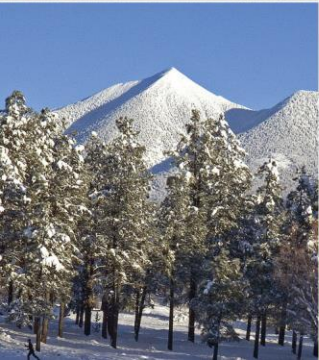
- Proposes a reduction in compensation for excess energy produced
  - Credit would drop from current retail rate to wholesale rate
- Installation prior to July 1, 2017 would be grandfathered in for 20 years



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# Sustainability Programming

## Efforts to stabilize municipality's energy future

- Reduce energy consumption
- Improve efficiencies
- Increase renewable energy portfolio
- New construction and remodel energy efficiency building standards
- Employee education



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# Sustainability Programming

## Programming to support residential energy efficiency

- Energy rebate program
- Do It Yourself home energy efficiency program
- Energy efficiency education



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