

COMBINED SPECIAL MEETING/WORK SESSION AGENDA

**CITY COUNCIL COMBINED SPECIAL
MEETING/WORK SESSION
TUESDAY
DECEMBER 11, 2018**

**COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
6:00 PM**

SPECIAL 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 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 and Mission Statement

MISSION STATEMENT

The mission of the City of Flagstaff is to protect and enhance the quality of life for all.

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. 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.

5. Presentation and Recognition of Outgoing Councilmembers

6. **Consideration and Adoption of Ordinance No. 2018-42:** Amending the Flagstaff City Code, Title 8, Public Ways and Property, Chapter 12, Special Events.

STAFF RECOMMENDED ACTION:

- 1) Read Ordinance No. 2018-42 by title only for the final time.
- 2) City Clerk reads Ordinance No. 2018-42 by title only (if approved above).
- 3) Adopt Ordinance No. 2018-42.

7. **Consideration and Adoption of Ordinance No. 2018-43:** An ordinance amending Flagstaff City Code Chapter 7-05, *Smokefree Air*, to change the Title of Flagstaff City Code, Chapter 7-05 to "SMOKE-FREE/TOBACCO-FREE AIR" and to prohibit the use of electronic cigarettes, vaping, and all other tobacco products where smoking is already prohibited in the City of Flagstaff. (An ordinance banning electronic cigarettes and similar devices where smoking is already prohibited).

STAFF RECOMMENDED ACTION:

- 1) Read Ordinance No. 2018-43 by title only for the final time.
- 2) City Clerk reads Ordinance No. 2018-43 by title only (if approved above).
- 3) Adopt Ordinance No. 2018-43.

8. **Consideration and Adoption of Ordinance No. 2018-37:** An ordinance of the Mayor and Council of the City of Flagstaff authorizing the sale or abandonment of approximately 1,278 square feet of City right-of-way adjacent to 1900 North Second Street.

STAFF RECOMMENDED ACTION:

- 1) Read Ordinance No. 2018-37 by title only for the final time
- 2) City Clerk reads Ordinance No. 2018-37 by title only (if approved above)
- 3) Adopt Ordinance No. 2018-37

9. **Consideration and Adoption of Resolution No. 2018-58 and Ordinance No. 2018-45:** An ordinance and resolution amending the Flagstaff City Code, Title 7, *Health and Sanitation*, to update solid waste fees.

STAFF RECOMMENDED ACTION:

- 1) Adopt Resolution No. 2018-58
- 2) Read Ordinance No. 2018-45 by title only for the final time
- 3) City Clerk reads Ordinance No. 2018-45 by title only (if approved above)
- 4) Adopt Ordinance 2018-45

10. **Consideration and Adoption of Ordinance No. 2018-39:** An ordinance amending the Flagstaff City Code, Chapter 1-14, *Personnel System*, by amending the Employee Handbook of Regulations *Nepotism*.

STAFF RECOMMENDED ACTION:

- 1) Read Ordinance No. 2018-39 by title only for the final time
- 2) City Clerk reads Ordinance No. 2018-39 by title only (if approved above)
- 3) Adopt Ordinance No. 2018-39

11. **Consideration and Adoption of Resolution No. 2018-60:** A resolution stating the desire of the City of Flagstaff Housing Authority to obtain a Moving to Work designation and agreeing to comply with the Moving to Work objectives and statutory requirements, as well as the operations notice.

STAFF RECOMMENDED ACTION:

- 1) Read Resolution No. 2018-60 by title only
- 2) City Clerk reads Resolution No. 2018-60 by title only (if approved above)
- 3) Adopt Resolution No.2018-60

12. **Consideration and Approval of Contract:** Contract with Ballard Spahr, LLP for legal services; authorize the City Attorney and any retained legal counsel to file an action to clarify the legal effects of Proposition 126 on the City of Flagstaff and other cities; and direct the City Attorney to prepare a contract for joint representation and cost sharing agreement with other cities.

13. **Adjournment**

WORK SESSION

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. **Review of Draft Agenda for the December 18, 2018 City Council Meeting**

Citizens wishing to speak on agenda items not specifically called out by the City Council may submit a speaker card for their items of interest to the recording clerk.

3. **Homeless Services Overview, 2018 Point in Time Data & Safe Parking Options**

4. **Discussion:** A Citizens' Petition requesting Council consideration of free parking on first Friday of each month.
5. **Discussion:** Bringing back the Youth Commission in some form.
6. **Public Participation**
7. **Informational Items To/From Mayor, Council, and City Manager; future agenda item requests**
8. **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 _____, 2018.

Stacy Saltzburg, MMC, City Clerk

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Shannon Anderson, Human Resources Director
Date: 12/05/2018
Meeting Date: 12/11/2018



TITLE:

Consideration and Adoption of Ordinance No. 2018-39: An ordinance amending the Flagstaff City Code, Chapter 1-14, *Personnel System*, by amending the Employee Handbook of Regulations *Nepotism*.

STAFF RECOMMENDED ACTION:

- 1) Read Ordinance No. 2018-39 by title only for the final time
- 2) City Clerk reads Ordinance No. 2018-39 by title only (if approved above)
- 3) Adopt Ordinance No. 2018-39

Executive Summary:

The Human Resources division consulted with Leadership regarding the recommended changes to the Nepotism policy and also spoke with the Employee Advisory Committee and the City Attorney's office about the potential changes. The proposed Nepotism policy is based upon the Arizona Revised Statute (A.R.S.) Sections 38-101 and 38-481. The A.R.S. sections prohibit direct and indirect supervision for Officers and Officer's Assistants.

Historically the City's policy in the Employee Handbook was more restrictive because a supervisor could not have a family member within the third degree of relationship in any position within the department regardless of reporting structure. The recommended policy changes consider the scope of a position in determining at what level it would be appropriate to employ family members within the third degree of relationship within the same department. The policy changes recommend indirect supervisors be replaced or skipped in an employment process up to the level of Division Director within the organization. It becomes difficult to replace or skip an employee in the position of Division Director or higher in employment processes given their scope and responsibility in meeting organizational needs.

These recommended changes may increase the number of qualified applicants eligible for employment in a smaller local job market and provide greater growth opportunities for employees already existing within the organization while protecting against conflicts of interest and/or perceptions of favoritism.

Financial Impact:

These policy recommendations will not create any financial impacts.

Policy Impact:

These policy recommendations will not impact any other City policies. The policy recommendations do uphold the requirements set forth in the City Charter Article III relating to the position of City Manager.

Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:

The policy recommendation may impact the attraction and retention of City personnel related to the Council Goal - Personnel.

Has There Been Previous Council Decision on This:

No.

Options and Alternatives:

The City Council may choose to approve the recommended changes or to amend this ordinance prior to the ordinance's adoption.

Community Involvement:

Inform.

Attachments: Ord. 2018-39
 Presentation

ORDINANCE NO. 2018-39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, CHAPTER 1-14, *PERSONNEL* SYSTEM, BY AMENDING THE EMPLOYEE HANDBOOK OF REGULATIONS RELATED TO *NEPOTISM*; PROVIDING FOR PENALTIES; REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City Council has authority to approve this Addendum 17 of the Flagstaff Employee Handbook of Regulations pursuant to the Flagstaff City Charter, Article IV;

ENACTMENTS:

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

SECTION 1. In General.

The Flagstaff City Code, Chapter 1-14, *Personnel System*, is amended by adopting amendments (Addendum 17) to the Employee Handbook of Regulations ("Handbook"), as follows.

The Employee Handbook of Regulations, Section 1-60-030, Nepotism, is hereby amended by as shown below (additions are underlined, deletions are stricken):

1-60-030. NEPOTISM

The purpose of this policy is to provide regulations concerning the employment of relatives. This policy is meant to prevent certain behaviors and/or workplace issues, including conflicts of interest and the appearance or existence of favoritism. This policy is guided by Arizona Revised Statute sections 38-101 and 38-481.

A. DEFINITIONS

1. "Family Member(s) Within the Third-Degree of Relationship" means Husband, Wife, Daughter (in-law), Son (in-law), Step Children, Grandchildren, Great Grandchildren, Mother (in-law), Father (in-law), Step Parents, Sister (in-law), Brother (in-law), Grandparents, Great Grandparents, Aunts, Uncles, Nieces, and Nephews. Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
2. "Immediate Supervisor" is the supervisor who is immediately responsible for an employee as viewed on an organizational chart. The immediate supervisor has responsibility for directing the work of an employee, evaluating performance, discipline, and recommending the hiring and/or termination of an employee.
3. "Indirect Supervisor" is the second level supervisor for an employee as viewed on an organizational chart. This supervisor would review the performance and any employment related recommendations of the Immediate Supervisor.

4. "Officer" is the employee(s) in the position of the City Manager, City Attorney, Presiding Magistrate, Magistrate, and On-Call Magistrate.
5. "Officer's Assistant" is the employee(s) in the position of Deputy City Manager, Deputy City Attorney, and anyone who exercises the powers and duties of the Officer.
6. "Process" includes all procedures involving hiring, promotion, assigning work, training, evaluating performance, recognition, discipline, classification and/or compensation, and/or auditing.

B. The City ~~permits-prohibits employment of members of the same family~~ ~~relatives~~ ~~employees from with the following restrictions: Nowhen an employee of the City may employ, taking action to~~ direct the employment, promote, or direct the promotion, directly or indirectly supervise the work, evaluate the performance, or influence the compensation of any ~~f~~Family ~~m~~Member ~~w~~Within the ~~t~~Third-~~d~~Degree of ~~r~~Relationship or work for, arrange, or suggest such employment, promotion, or other benefit. The third degree of relationship includes:

_____ Mother (in-law)	_____ Husband
_____ Father (in-law)	_____ Wife
_____ Sister (in-law)	_____ Step children
_____ Brother (in-law)	_____ Step parents
_____ Daughter (in-law)	_____ Grandchildren
_____ Son (in-law)	_____ Grandparents
_____ Great grandchildren	_____ Great grandparents
_____ Nieces	_____ Nephews
_____ Aunts	_____ Uncles

BC. Family Members Within the Third-Degree of Relationship ~~the same family~~ may ~~not~~ be employed in the same department ~~except~~ in the following circumstances:

1. When ~~one member of a family~~ the Immediate Supervisor is responsible for making decisions in personnel matters involving the employment, retention, or salary level of another ~~Family m~~Member ~~Within the Third-Degree of Relationship the same family.~~
2. When ~~one member of a family~~ the Immediate Supervisor is responsible for supervising, evaluating, or auditing the work of another ~~Family m~~Member ~~Within the Third-Degree of Relationship the same family.~~
3. When the Division Director is responsible for the approval of Processes of another Family Member Within the Third-Degree of Relationship.
4. When other circumstances exist which place ~~Family m~~Members ~~Within the Third-Degree of Relationship the same family~~ in situations of actual or reasonably foreseeable conflict of interest between the interests of the City and the interests of the ~~f~~Family ~~m~~Members ~~Within the Third-Degree of Relationship.~~
5. When the ~~f~~Family ~~m~~Member ~~Within the Third-Degree of Relationship~~ is a relative of ~~the Department Head~~ an Officer or an Officer's Assistant.

D. The City Manager is considered an Officer and is responsible to appoint, lay off, suspend, transfer, demote or remove all eOfficers and employees of the City, except as otherwise provided in the Charter, and may authorize the head of a department or office to appoint and remove subordinates in such department or office subject to such merit system regulations as adopted by City Council per City Charter Article III(3)(c). A Family Member Within the Third-Degree of Relationship of the City Manager may not be employed within the City of Flagstaff organization.

G. While this policy explicitly applies to legally recognized familial relationships, employees are advised that it may be applied in situation where a conflict of interest may occur in relationships which are not legally recognized, for example, employees who maintain a relationship similar to the relationships described in item A above.

E. Family Members Within the Third-Degree of Relationship may be employed in the same department when the Family Member Within the Third-Degree of Relationship is the Indirect Supervisor of an employee. However, the Indirect Supervisor must remove themselves from all Processes so as not to exercise influence over the employment of a Family Member Within the Third-Degree of Relationship.

F. PROCEDURES

1. Applicants will disclose any Family Member Within the Third-Degree of Relationship who is employed by the City on the City Application.
2. Employees in the same department who become a Family Member Within the Third-Degree after hired must notify their Immediate Supervisor, Section Head, Division Director, Deputy City Manager and Human Resources, in writing as soon as practicable to allow for sufficient arrangements consistent with this policy.
3. Applicants or employees who fail to disclose their relationships with a Family Member Within the Third-Degree of Relationship employed in the same department may be subject to disqualification, corrective action, or disciplinary action, up to and including a recommendation for termination.
4. Any employee in the organizational structure of a Family Member Within the Third-Degree of Relationship must remove themselves from all Processes so as not to exercise influence over the employment of a Family Member Within the Third-Degree of Relationship. This employee in the organizational structure will be skipped or replaced by another employee in the Process.
 - a. When an employee identifies a Family Member Within the Third-Degree of Relationship is part of a Process, the employee will be replaced when there is another employee in a similar position within the organizational structure.
 - b. When an employee identifies a Family Member Within the Third-Degree of Relationship is part of a Process, the employee will be skipped when there is not another employee in a similar position within the organizational structure. The employee will not be asked to provide input into the Process.
5. Any Indirect Supervisor in the organizational structure of a Family Member Within the Third-Degree of Relationship must remove themselves from all Processes so

as not to exercise influence over the employment of a Family Member Within the Third-Degree of Relationship. The Indirect Supervisor in the organizational structure will be skipped or replaced by another Indirect Supervisor in Process.

- a. When the Indirect Supervisor identifies a Family Member Within the Third-Degree of Relationship is part of a Process, the Indirect Supervisor will be replaced when there is another Indirect Supervisor in a similar position within the organizational structure.
- b. When the Indirect Supervisor identifies a Family Member Within the Third-Degree of Relationship is part of a Process, the Indirect Supervisor will be skipped when there is not another Indirect Supervisor in a similar position within the organizational structure. This means the next level of supervision must assume responsibility for the Process and shall not ask for the Indirect Supervisor's input.

Link(s):

Arizona Revised Statute 38-101

Arizona Revised Statute 38-481

(Ord. No. 2007-39, Amended, 08/07/07)

SECTION 2. Penalties.

Any person found in violation of any provision of the Handbook may be subject to discipline, as set forth in such Handbook and Flagstaff City Code Section 1-14-001-0001, *Personnel System Adopted*.

SECTION 3. Repeal of Conflicting Ordinances.

All ordinances, parts of ordinances, and any sections of the Handbook in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Severability.

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

SECTION 5. 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 11th day of December, 2018.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



Addendum 17 – Employee Handbook



- Update to Handbook 1-60-030 Nepotism
- Foundation of policy based on Arizona Revised Statutes 38-101 and 38-481
 - Provides definition of Officer and Officer's Assistant
 - Covers any person related to an Officer by affinity or within the third-degree
 - Suggest this does not apply to "mere employees of the Officer"
 - Lists processes to include such as appointment, salary, wages, compensation, vote for or agree to appoint, or to work for, suggest, arrange, or be party to the appointment



Addendum 17 – Employee Handbook

- Evaluated City operations and how to protect against conflicts of interest and appearance or existence of favoritism
 - Defined Immediate Supervisor and Indirect Supervisor
 - Defined all Processes
 - Referred to expectations for City Manager in City Charter Article III(3)(c)
 - Created expectations and procedures



Addendum 17 – Employee Handbook



- Expectations

- Family members may not be employed in same department when related to
 - Officer,
 - Officer's Assistant,
 - Division Director, or
 - Immediate Supervisor
- Family members may be employed in same department when related to an Indirect Supervisor
 - Second level of supervision
 - Must remove themselves from all Processes



Addendum 17 – Employee Handbook



- Procedures

- Applicants and employees must report Family Members
- Failure to disclose leads to disqualification, corrective action or disciplinary action up to and including termination
- Removal from Processes includes:
 - Applies to Indirect Supervisor and all City employees when may exercise influence over employment of a Family Member
 - Replacement – when another employee in a similar position available
 - Skipped – when another employee in a similar position is not available
 - Indirect Supervisor and Employee are not asked for input into the Process



Addendum 17 – Employee Handbook



- Reasons for the recommended policy:
 - Increases the number of qualified applicants eligible for employment in smaller job market
 - Provides greater growth opportunities for employees already existing with the organization
 - Follows Arizona State regulations
 - Protections against conflicts of interest and/or perceptions or existence of favoritism

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Sarah Darr, Housing Director
Date: 11/27/2018
Meeting Date: 12/11/2018



TITLE:

Consideration and Adoption of Resolution No. 2018-60: A resolution stating the desire of the City of Flagstaff Housing Authority to obtain a Moving to Work designation and agreeing to comply with the Moving to Work objectives and statutory requirements, as well as the operations notice.

STAFF RECOMMENDED ACTION:

- 1) Read Resolution No. 2018-60 by title only
- 2) City Clerk reads Resolution No. 2018-60 by title only (if approved above)
- 3) Adopt Resolution No.2018-60

Executive Summary:

The Moving to Work (MTW) demonstration project was established in 1996 to provide statutory and regulatory flexibility to participating public housing agencies (PHA) under three statutory objectives:

- To reduce cost and achieve greater cost-effectiveness in Federal expenditures
- To give incentives to families with children whose heads of household are either working, seeking work, or are participating in job training, educational or other programs that assist in obtaining employment and becoming economically self-sufficient
- To increase housing choices for low-income families.

Legislation in 2016 expanded MTW to include 100 additional PHAs and the first application process opened in October. Staff has determined the City of Flagstaff Housing Authority (CFHA) meets all eligibility criteria to apply to be part of the first expansion cohort. Since program creation, only 39 PHAs nationwide have been afforded the opportunity to participate in the demonstration. The vast majority of the current MTW agencies are large PHAs.

Financial Impact:

While participation in MTW will not bring new funding into the programs, the flexibilities allowed within the program offer many benefits, including:

MTW PHAs can combine Housing Choice Voucher/Section 8, Operating Funds and Capital funds, allowing greater flexibility in how resources are spent. Many participating agencies have used administrative cost savings to invest in new affordable housing units. Other participating agencies have used administrative cost savings to implement additional programs to improve tenant/participant self-sufficiency, increase earned income and accomplish educational goals.

Simplifications in the certification and recertification process have resulted in 35-45% time savings for currently-participating housing authorities.

Participating PHAs have reported about a 10-15% reduction in their overall administrative costs.

Policy Impact:

There is a two-step application process by which PHAs will be selected for participation in the first expansion cohort studying the impacts of flexibility. In the first step, interested PHAs that meet the eligibility criteria will submit a Letter of Interest package to HUD by January 11, 2019, and HUD will conduct an eligibility review of these interested PHAs. Regional lotteries will then be held to determine which of the eligible, interested PHAs will be invited to apply, which will be placed on a waitlist, and which will not receive MTW designation or continue to the next step of the application process. In the second step, the regional lottery selectees will be invited to submit a full MTW Plan and application requesting MTW designation. A waitlisted PHA may be invited to apply to replace a selected PHA that withdraws or does not successfully complete its application. Upon sufficient completion of the application requirements, regional lottery selectees will then be offered MTW designation in the first cohort of the MTW Expansion. If chosen in the lottery and, upon further analysis, it is determined to no longer be in the best interest of the programs to become an MTW designated agency there are no consequences for withdrawing. PHAs selected for the demonstration are permitted to seek exemption from many existing Public Housing and Housing Choice Voucher program rules found in the United States Housing Act of 1937 in pursuit of the three MTW statutory objectives:

- Reduce cost and achieve greater costs effectiveness in Federal expenditures;
- Give incentives to families with children where the head of household is working, is seeking work, or is preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient; and
- Increase housing choices for low-income families.

PHAs in the MTW Demonstration also have the flexibility to combine Federal funds from the public housing operating and modernization programs and Housing Choice Voucher/Section 8 program into a "block grant" to help them better meet the purposes of the demonstration and the needs of their communities. While MTW agencies have considerable flexibility, they must still abide by all other federal rules and regulations, including the Fair Housing Act, the Civil Rights Act, labor standards, environmental rules, procurement guidelines, demolition and disposition procedures, and relocation regulations. For all activities that affect their residents' rent payments, PHAs must also conduct an impact analysis that recognizes the unforeseen circumstances that may affect their residents and develop an appropriate hardship policy. These safeguards help minimize any potential negative impact of MTW on residents and communities.

HUD recently submitted a report to Congress titled, [Moving to Work: Interim Policy Applications and the Future of the Demonstration](#). The report finds that MTW status provides Public Housing Agencies the flexibility to fund and design unique strategies to address local needs. This has produced significant successes such as allowing MTW Housing Agencies to serve additional families, improve residents' quality of life and preserve public housing. Recognizing that MTW Agencies operate differently from other PHAs, MTW Agencies have different reporting requirements that allow HUD to learn from their activities. Unlike other PHAs, MTW PHAs are required to submit a comprehensive framework for their MTW program in their [Annual MTW Plans and Reports](#) to HUD, which includes outcome measures for all proposed activities and reports on the progress of all MTW activities. The purpose of the Annual MTW Plans and Reports is to provide local stakeholders and HUD with a clear understanding of the Agency's activities. In addition to MTW Plans and Reports, MTW Agencies are also required to report into most of the same HUD reporting systems as other PHAs. Though HUD approves MTW Plans and Reports, HUD approval does not supersede any of the terms of an agency's Moving to Work Agreement, and the approval does not necessarily constitute an endorsement of any particular policies described in an agency's Plan. The [Standard MTW Agreement](#) (also known as the Amended and Restated MTW Agreement), executed in 2008, standardized reporting requirements for all MTW Agencies and allowed for better cross-site comparisons. For all activities, MTW PHAs now outline baselines, benchmarks, and data collection methods to measure the progress of each activity in meeting the three MTW statutory objectives. In 2009, HUD developed an internal database designed to capture information from Annual MTW Plans and Reports that will eventually allow HUD to analyze the types of activities implemented by MTW agencies and to track reporting metrics within and across sites. At this time the database has not been fully developed due to a lack of resources. A full-time staff is dedicated to monitoring MTW

agencies, working with them to measure the impacts of their activities and providing them with technical assistance.

Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:

Team Flagstaff Strategic Plan:

- Foster a resilient and economically prosperous city.
- Work in partnership to enhance a safe and livable community.
- Enhance the organization's fiscal stability and resourcefulness.
- Promote policies that reflect a positive and safe community.

Has There Been Previous Council Decision on This:

No, however, the Flagstaff Housing Authority Board approved a resolution for the same purpose on November 14, 2018.

Attachments: [Res. 2018-60](#)

RESOLUTION NO. 2018-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA DECLARING THE CITY'S DESIRE TO OBTAIN FOR THE HOUSING AUTHORITY A MOVING TO WORK DESIGNATION AND AGREEMENT TO COMPLY WITH THE MOVING TO WORK OBJECTIVES AND STATUTORY REQUIREMENTS AS WELL AS THE OPERATIONS NOTICE.

RECITALS:

WHEREAS the US Department of Housing and Urban Development published a Request for Letters of Interest and Applications under the Moving to Work Demonstration Program for Fiscal Year 2019: Cohort #1 overall impact of Moving to Work Flexibility; and

WHEREAS it has been determined that the City of Flagstaff Housing Authority meets the eligibility requirements for participation in the first expansion Moving to Work cohort; and

WHEREAS submitting a Letter of Interest will place the City of Flagstaff Housing Authority in a lottery from which thirty high-performing Housing Agencies administering less than one thousand combined Housing Choice Vouchers and public housing units will be drawn to participate; and

WHEREAS, if chosen in the lottery, the City of Flagstaff Housing Authority will have an opportunity to later submit an application to implement flexible policies to increase cost effectiveness, provide work incentives for residents and participants and/or increase housing choice.

ENACTMENTS:

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

SECTION 1. The City of Flagstaff Housing Authority desires to obtain a Moving to Work designation and agrees to comply with the Moving to Work objectives and statutory requirements, as well as the operations notice.

PASSED AND ADOPTED by the City Council of the City of Flagstaff, this 11th day of December, 2018.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Anja Wendel, Senior Assistant City Attorney AW

Co-Submitter: Sterling Solomon

Date: 12/04/2018

Meeting Date: 12/11/2018



TITLE:

Consideration and Approval of Contract: Contract with Ballard Spahr, LLP for legal services; authorize the City Attorney and any retained legal counsel to file an action to clarify the legal effects of Proposition 126 on the City of Flagstaff and other cities; and direct the City Attorney to prepare a contract for joint representation and cost sharing agreement with other cities.

STAFF RECOMMENDED ACTION:

Executive Summary:

Arizona voters passed an initiative known as Proposition 126 at the November 8, 2018 General Election ("Prop 126"). Prop 126 amends the Arizona Constitution to prohibit any new tax or fee on the privilege to engage in, or the gross receipts of sales or gross income, derived from any service performed in this state. However, the amendment does not repeal or nullify any tax or fee in effect on December 31, 2017. The term "service" is not defined. The term "in effect" is not defined. Prop 126 calls into question the validity of City voter renewal and/or approval of local transaction privilege tax rates ("sales tax"). City voters have approved a public transportation sales tax rate renewal (effective July 1, 2020) in the November 2016 general election, and in the November 2018 general election approved a transportation tax rate renewal (effective July 1, 2020) and a Lone Tree railroad overpass sales tax rate increase (effective July 1, 2019). The City anticipates it will be necessary to engage in litigation to clarify the scope of City taxing authority.

Financial Impact:

If Prop 126 is interpreted by courts to prohibit local sales tax rate renewals or increases, the City will be unable to fund public transportation, transportation road projects, and/or the Lone Tree railroad overpass. All City sales tax rates have a "sunset" clause and therefore will expire unless renewed. The local sales tax is a key source of general revenue for all City operations.

Policy Impact:

Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:

Has There Been Previous Council Decision on This:

Options and Alternatives:

1. Approve contract with Ballard Spahr, LLP for legal services. Other options: Retain another law firm. Seek only a legislative solution.
2. Authorize litigation. Other options: Do not authorize litigation, and instead seek only a legislative solution at state legislature.
3. Direct City Attorney to prepare a form of joint representation and joint cost sharing agreement with other cities. Other options: Do not join with other cities in litigation. Seek only a legislative solution.

Pros of recommended actions: City will have the benefit of working with other cities on a joint litigation effort. The expense of litigation will be shared with other cities.

Cons of recommended actions: Conflicts of interest may arise among cities due to different circumstances. If conflicts arise, such as at the appeal level, the City will need to obtain separate legal counsel.

Background/History:

The City has never considered sales taxes to be a tax on services. However, others may argue differently.

Community Involvement:

The City hopes to engage the community in a discussion on possible legislative solutions to limiting the financial impacts of Prop 126. The City anticipates pursuing parallel tracks: litigation and a legislative solution. Any legislative solution must further the purposes of Prop 126 and the support of the business community throughout Arizona will be needed.

Attachments: Letter of Representation

1 East Washington Street, Suite 2300
Phoenix, AZ 85004-2555
TEL 602.798.5400
FAX 602.798.5595
www.ballardspahr.com

Joseph A. Kanefield
602-798-5462
kanefieldj@ballardspahr.com

December 7, 2018

Sterling T. Solomon
City Attorney
City of Flagstaff
211 West Aspen
Flagstaff, AZ 86001

Re: Legal Representation

Dear Sterling:

Thank you for selecting this firm to provide representation and assistance to the City of Flagstaff (City) with regard to interpreting and analyzing Proposition 126, which was approved by the Arizona voters at the November 6, 2018 general election (the "Matter"). This letter will serve to confirm the terms under which Ballard Spahr LLP will represent the City in the Matter and will describe the basis on which our firm will provide legal services to the City. If you are in agreement, please sign this letter in the space provided below and return it to me.

Client; Scope of Engagement. Our client in this engagement will be the City of Flagstaff. We have agreed that our engagement is limited to performance of services related to a legal action on local taxing authority as impacted by Proposition 126. Because we are not the City's general counsel, our acceptance of this engagement does not involve an undertaking to represent the City or the City's interests in any other matter.

Staffing. I will have primary responsibility for the representation and will utilize other firm lawyers and legal assistants as I believe appropriate in the circumstances. We will provide legal counsel to the City in accordance with this letter and in reliance upon information and guidance provided by you, to keep you reasonably informed of progress and developments, and to respond to your inquiries.

Cooperation. To enable us to represent the City effectively, you agree to cooperate fully with us in all matters relating to your case, and to fully and accurately disclose to us all facts and documents that may be relevant to the matter or that we may otherwise request. You also will make yourself reasonably available to attend meetings, discovery proceedings and conferences, hearings and other proceedings. You also agree that the City will pay our statements for services and other charges as stated below.

Advice About Possible Outcomes. Either at the commencement or during the course of our representation, we may express opinions or beliefs concerning the litigation or various courses of action and the results that might be anticipated. Any such statement made by any partner or employee of our firm is

intended to be an expression of opinion only, based on information available to us at the time, and should not be construed by you as a promise or guarantee.

Fees. Our fees will be based primarily on the amount of time spent on your behalf. Each lawyer and legal assistant has an hourly billing rate based generally on experience and special knowledge. The rate multiplied by the time expended on your behalf, measured in tenths of an hour, will be initial basis for determining the fee. We will bill this matter at a blended rate of \$385 per hour for attorneys and \$225 per hour for paralegals. Rates are reviewed and adjusted by the firm annually. You will be notified in writing of any proposed increases and no increase will occur without your prior written approval.

Other factors may be taken into consideration in determining our fees, including the novelty and difficulty of the questions involved; the skill requisite to perform the services properly; the experience, reputation and ability of those performing the services; the time limitations imposed by you or the circumstances; the amount involved and results obtained; and any other factors that may be relevant in accordance with applicable rules of professional conduct. However, these factors will not result in our fees exceeding the indicated amounts based on our hourly rates without prior discussion with you.

Costs and Expenses. The firm typically incurs costs in connection with legal representation. These costs may include such matters as long distance telephone charges, special postage, delivery charges, telecopy and photocopy charges and related expenses, travel expenses, meals and use of other service providers, such as printers or experts. In litigation matters, such expenses may also include filing fees, deposition costs, process servers, court reporters and witness fees. We separately bill for computerized legal research and related expenses. You also agree to pay the charges for copying documents for retention in our files. It is not anticipated that these costs will be significant given the limited scope of this representation.

Payment of Statements. Statements normally will be rendered monthly for work performed and expenses recorded on our books during the previous month. Payment is due promptly upon receipt of our statement. If any statement remains unpaid for more than 30 days, we may suspend performing services for you and withdraw as your counsel unless arrangements satisfactory to us have been made for payment of outstanding statements and the payment of future fees and expenses.

Retainer. We will waive our standard practice of requiring a retainer for the above matter. We will bill you monthly in accordance with the attached Engagement Terms. I have also enclosed a copy of our 2018 Disbursement Pricing List.

As we have discussed, the fees and costs relating to this matter are not predictable. Accordingly, we have made no commitment to you concerning the maximum fees and costs that will be necessary to resolve or complete this matter. Any estimate of fees and costs that we may have discussed represents only an estimate of such fees and costs. It is also expressly understood that payment of the firm's fees and costs is in no way contingent on the ultimate outcome of the matter.

Termination of Representation. You may terminate our representation at any time by notifying us. Your termination of our services will not affect your responsibility for payment of outstanding statements and accrued fees and expenses incurred before termination or incurred thereafter in connection with an orderly transition of the matter. If such termination occurs, your papers and property will be returned to you promptly upon receipt of payment for outstanding fees and costs. Our own files pertaining to the

matter will be retained. These firm files include, for example, firm administrative records, time and expense reports, personnel and staffing materials, and credit and accounting records; and internal lawyers' work product such as drafts, notes, internal memoranda, and legal and factual research, including investigative reports, prepared by or for the internal use of lawyers. We may destroy or otherwise dispose of any such documents or other materials retained by us within a reasonable time after the termination of the engagement.

We may withdraw from representation if you fail to fulfill your obligations under this agreement, including your obligation to pay our fees and expenses, or as permitted or required under any applicable standards of professional conduct or rules of court, or upon our reasonable notice to you.

Conflicts. We can confirm that we have no current representations that are adverse to the City of Flagstaff, and we do not anticipate any conflict of interest if we were to be engaged as legal counsel in this Matter. Ballard Spahr LLP, however, is on contract to perform outside legal services on behalf of the State of Arizona and its agencies and will have to obtain a waiver from the Arizona Attorney General before bringing any action that challenges the Proposition 126.

Ballard Spahr LLP has also been engaged separately by the City of Mesa on this same Matter. We have confirmed with the Mesa City Attorney that the interests of the City of Mesa and City of Scottsdale with regard to the Matter are currently aligned. You agree that we may continue to represent the City of Mesa in this Matter and this representation is conditioned on receiving a similar agreement from the City of Mesa. If at any point the interests of the City of Scottsdale and City of Mesa regarding the Matter no longer align or a conflict develops, you agree that we may withdraw as counsel for the City of Scottsdale and continue to represent the City of Mesa.

Moreover, Ballard Spahr LLP represents a number of media clients in open government issues, including the public's rights under the Arizona Public Records and Open Meetings Laws. Ballard Spahr LLP enters into this engagement with the understanding that the City of Scottsdale will consent to such representations, and will not seek to disqualify the firm from representing one or more of its media clients in any matter adverse to the City of Scottsdale involving the media client's rights under Arizona's open government laws. Of course, Ballard Spahr LLP will not represent a media client or any other client on any matter that is substantially related to this engagement, and shall preserve the confidences obtained during the course of its representation pursuant to the Arizona Rules of Professional Conduct and A.R.S. § 38-431.03.

As required by Arizona law, Ballard Spahr LLP agrees as follows:

Conflict of Interest. The City may cancel any Agreement, without penalty or obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating the Agreement on behalf of the City's departments or agencies is, at any time while the Agreement or any extension of the Agreement is in effect, an employee of any other party to the Agreement in any capacity or a contractor to any other party to the Agreement with respect to the Agreement's subject matter. The cancellation will be effective when all other parties to the Agreement receive the City's written notice, unless the notice specifies a later time (A.R.S. § 38-511).

Israel Boycott Ban. Ballard Spahr LLP certifies that it is not currently engaged in and agrees for the duration of the Agreement not to engage in a boycott of Israel as defined in A.R.S. § 35-393.

Sterling T. Solomon, City Attorney
City of Flagstaff
December 7, 2018

E-Verify. Under the provisions of A.R.S. § 41-4401, Ballard Spahr LLP warrants to the City that Contractor and all its subcontractors will comply with all Federal Immigration laws and regulations that relate to their employees and that Ballard Spahr and all its subcontractors now comply with the E-Verify Program under A.R.S. § 23-214(A).

A breach of this warranty by Ballard Spahr LLP or any of its subcontractors will be considered a material breach of this Agreement and may subject Ballard Spahr LLP or subcontractor to penalties up to and including termination of this Agreement or any subcontract. Ballard Spahr LLP will take appropriate steps to assure that all subcontractors comply with the requirements of the E-Verify Program. Ballard Spahr LLP's failure to assure compliance by all its subcontractors with the E-Verify Program may be considered a material breach of this Agreement by the City.

The City retains the legal right to inspect the papers of any employee of Ballard Spahr LLP or any subcontractor who works on this Agreement to ensure that Contractor or any subcontractor is complying with the warranty given above.

The City may conduct random verification of the employment records of Ballard Spahr LLP and any of its subcontractors to ensure compliance with this warranty. Ballard Spahr LLP agrees to indemnify, defend and hold the City harmless for, from and against all losses and liabilities arising from any and all violations of these statutes.

By signing this letter, you consent on behalf of the City to all such future engagements by Ballard Spahr LLP under the terms of this contract that do not presently conflict with the Matter.

* * *

I look forward to working with you on this matter. If you have any questions regarding our engagement either now or during the course of our work together, please do not hesitate to call me.

Sincerely,



Joseph A. Kanefield

I have reviewed this letter and Ballard Spahr's 2018 Disbursement Pricing and I agree to the terms and conditions of representation and the billing arrangements.

Sterling T. Solomon, City Attorney
City of Flagstaff

JK/lb
Enclosure

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Leah Bloom, Housing and Grants Administrator
Co-Submitter: Tiffany Antol
Date: 11/05/2018
Meeting Date: 12/11/2018



TITLE:

Homeless Services Overview, 2018 Point in Time Data & Safe Parking Options

DESIRED OUTCOME:

This presentation is provided at the request of Council and is for informational purposes only.

EXECUTIVE SUMMARY:

The purpose for this work session is to provide an overview of Flagstaff's coordinated entry program, known as Front Door and 2018 homelessness data resulting from the Point in Time (PIT) Count and to discuss potential zoning code amendments to incorporate Safe Parking facilities.

Presenting Flagstaff's Front Door information is Ross Altenbaugh, Executive Director of Flagstaff Shelter Services and Chair of the Systems Design Steering Committee for Front Door. Camie Rasband is the Chair for Coconino County's Continuum of Care (CoC) and David Bridge is Arizona Department of Housing's (ADOH) Continuum of Care Coordinator. Mr. Bridge will present the 2018 PIT data.

What is PIT?

A point-in-time (PIT) count is an unduplicated count on a single night of the people in a community who are experiencing homelessness.

The Importance of PIT:

- Required by the Department of Housing and Urban Development (HUD) to be completed by Continuum of Care (CoC).
- Provides a snapshot of those who are homeless at this single point in time and an opportunity to collect some basic information.
- Information from count is used to measure homelessness on a local and national level. PIT Count data is used to measure progress at local and national levels related to preventing and ending homelessness.
- PIT Count data and the CoC's efforts to produce an accurate count play a critical role in CoC program funding competition. The count is accomplished through local efforts and volunteers.
- PIT Count data is used for local program and system planning to continue to make progress in ending homelessness in the Balance of State (BOS) counties (all counties except Maricopa and Pima).
- Local data can help raise awareness about the challenges faced by persons who are homeless in specific communities.

What is Front Door?

Front Door is a community collaboration. The program is administered by Flagstaff Shelter Services and Catholic Charities of Northern Arizona. Front Door serves those experiencing a housing crisis in Flagstaff. Front Door provides a single entry point into the shelter and housing system to streamline services, reduce shelter stay and length of time homeless, increase program utilization, and eliminate the need for households in crisis to “service hop”.

Front Door Coordinated Entry System was awarded the “2018 Community Builders Award” from United Way of Northern Arizona and the “2017 Advocate of the Year Award” by the Arizona Housing Coalition.

Some key participating agencies involved in Front Door Coordinated Entry

- Flagstaff Shelter Services
- Catholic Charities of Northern Arizona
- Sunshine Rescue Mission
- Northland Family Help Center
- Coconino County Community Services
- City of Flagstaff
- Southwest Behavioral Health Services
- The Guidance Center
- Housing Solutions of Northern Arizona
- Veterans Resource Center
- Arizona Community Foundation
- United Way of Northern Arizona
- Mickenny Vento
- Victim Witness

What is Safe Parking?

Safe parking provides homeless individuals and families residing in vehicles or recreational vehicles a legal place to temporarily park overnight.

INFORMATION:

Some larger communities with a significant population of homeless individuals and families residing in vehicles, known as vehicular homeless have created a Safe Parking Program. Utilizing vehicles, including recreational vehicles for living accommodation purposes, is currently prohibited by the no camping ordinance (FCC section 6-01-001-0022) while the vehicle is parked on public property.

The following data was collected through Coconino County's PIT Count

PIT Year	Vehicular Homeless
2015	40
2016	20
2017	9
2018	14

Safe Parking Options

Staff has identified two ways in which municipalities have incorporated safe parking options into their codes and regulations. The first is to provide designated facilities that are regulated and managed and provide wrap around services. The second is to allow overnight parking within city rights-of-ways in designated areas for short term periods with little to no regulation. The first option has proven to be more successful in permanently housing those experiencing homeless.

Best Practices for Safe Parking

- Specific entry and exit requirements
- Regular monitoring by program staff
- Link safe parking programs to specific supportive services intended for people to move into more permanent housing and earn more stable income
- A private entity, faith-based organization, or non-governmental organization should run the program
- Parking lots can be public or private
- Managing entity and/or property owner could be required to have minimum insurance requirements
- Lots provide the following services (they can be portable or permanent): restroom, wash facilities, trash receptacles, cooking areas
- Night lots are most important, but some also have daytime lots too
- Regulations should be for public safety and security
- Participants are carefully screened and must receive a permit from the sponsoring organization prior to participating
- Sponsoring organizations should apply for a special permit to operate each Safe Parking lot
- Buffer from residential use

Example Code Provisions

1.) City of San Luis Obispo

Requires a Use Permit

- Applicant must be a social service provider, or, if the property owner is not a social service provider, must be affiliated with or can qualify as a social service provider
- Application requirements
 - Site plan
 - Location of trash, recycling, water, restrooms, exterior light fixtures
 - Location and distance to residential properties
 - Location and distance to public transit
 - Location of designated overnight parking spaces
- Hours of operation
- Monitoring and oversight program
- Neighborhood relations plan
- Sufficient information to determine that the applicant is a qualified social service provider, or is associated with a qualified social service provider, capable of running a Safe Parking program

Performance standards

- Program must be run by a qualified Social Service Provider (Director determines this)
- Participants must have a case manager and should be enrolled in a “self-efficiency program” to transition to permanent housing
- Background check – criminal. Social service provider determines if people should be excluded
- Restroom, water, trash – should be available to participants during parking lot hours and should be maintained
- Residency preference – for people with proof of residency in San Luis Obispo for at least 6 months w/in last 2 years
- Buffer from residential use – at least 50 feet (less is permitted on a case-by-case basis). More may be needed, depending on neighborhood context.
- Authorized vehicles only – must be registered with the SSP
- Participant Information – the SSP must have a roster of names and license numbers of all participant authorized to park overnight
- Written agreement – participants must enter into a written agreement with the SSP prior to parking overnight. Must include the following:
 - One vehicle/participant
 - At least one participant must have a valid driver’s license, registration, and insurance (SSP must have all three on record)
 - No possession or use of illegal drugs or alcohol
 - No weapons or firearm

2.) Los Angeles Municipal Code (LAMC) 85.02 – Vehicle Dwelling

- No overnight parking in residential neighborhoods and 300 specific commercial blocks
- Green Streets program
 - Allows people to sleep in vehicles in designated streets (9 pm – 6 am
 - Must be at least 500 feet from licensed schools, pre-schools, daycare facilities, parks
 - Comply with all posted parking restrictions at all times.
 - Registered with the Department of Motor Vehicles (DMV) and insured.
 - Parked > 72 hours or more can be reported as an abandoned vehicle.
 - Parking in alleys is illegal at all times.
 - Vehicles without an engine, wheels, or some other part necessary for safely driving the vehicle are subject to immediate impounding.

Attachments: Presentation



Introductions



Homeless Services, Data & Safe Parking Options

- City Staff
 - Leah Bloom, Housing & Grants Administrator
 - Tiffany Antol, Interim Planning Director
- Homeless Services Overview
 - Ross Altenbaugh, Front Door Chair, Flagstaff Shelter Services
 - Camie Rasband, Coconino's Continuum of Care Chair, Catholic Charities
- 2018 Point in Time Data
 - David Bridge, Arizona Department of Housing, Continuum of Care Coordinator



Tonight's Agenda



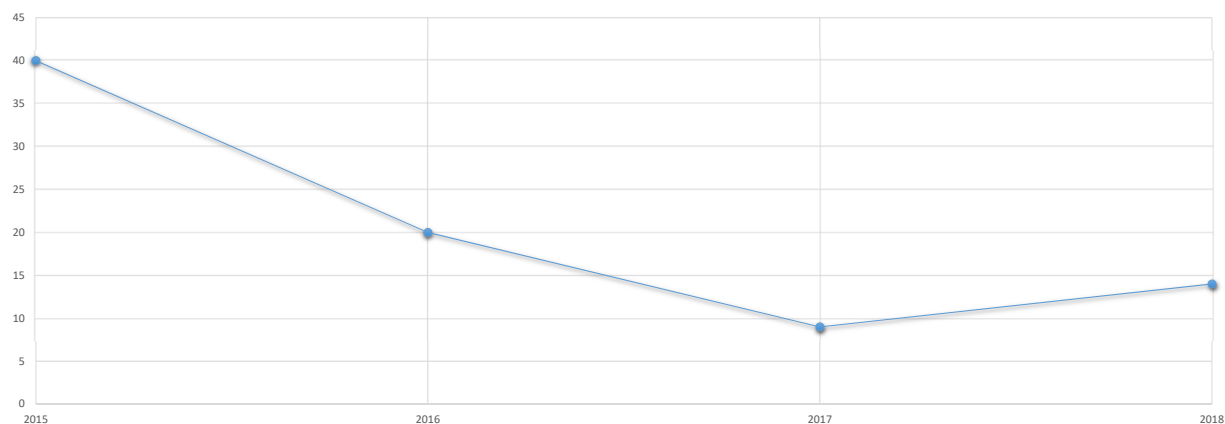
Homeless Services, Data & Safe Parking Options

- Homeless Services Overview
- 2018 Point in Time Data
- Discuss potential Zoning Code Amendments to incorporate Safe Parking facilities

Vehicular Homeless Count Past 5 years



Coconino's Vehicular Homeless Count
Trailers & Cars



Homeless Services Overview



front door

a pathway to end homelessness

Ross Altenbaugh, Front Door Chair,
Flagstaff Shelter Services

Camie Rasband, Coconino's Continuum of Care Chair,
Catholic Charities

Introduction & History



What is this Front Door business and how did we get here?

- How we had always done it
- A plan to bring the community together
- Systems Design Clinic
- Steering Committee Road Map

"For all that has been, Thank you. For all that is to come, Yes!"
- Dag Hammarskjold



front door
a pathway to end homelessness

Committee Roster



- Ross Altenbaugh, Flagstaff Shelter Services
- Leah Bloom, City of Flagstaff
- Stephanie Boardman, Sunshine Rescue Mission
- Sarah Darr, City of Flagstaff
- Aileen Fitz, Northland Family Help Center
- Sandi Flores, Catholic Charities
- Norma Gallegos, Coconino County Community Services
- Tom Issacson, Veterans Resource Center
- Lauren Lauder, The Guidance Center
- Heather Marcy, Northland Family Help Center
- Devonna McLaughlin, Housing Solutions of Northern Arizona
- Steve Peru, United Way of Northern Arizona
- Camie Rasband, Catholic Charities
- Pats Shriver, Arizona Community Foundation of Flagstaff



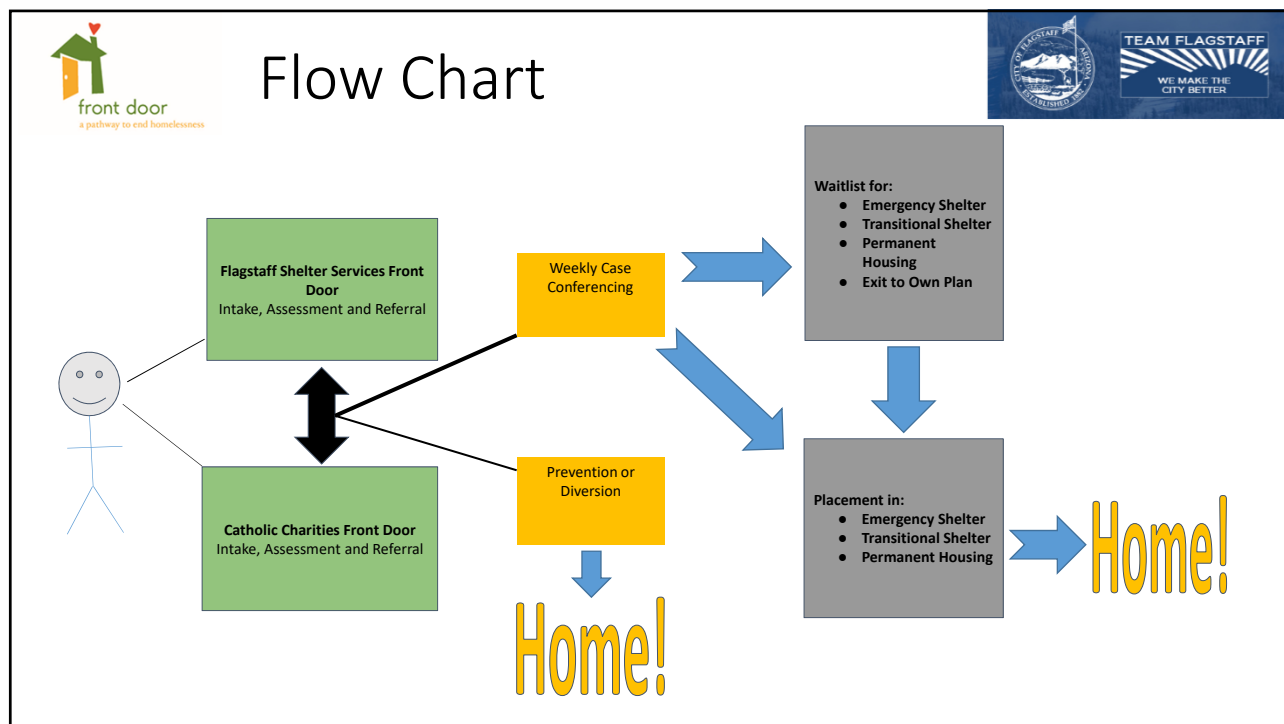
Overview



Create a System of Coordinated Entry & Assessment to best serve people in the quickest and most cost effective manner

- Divert and/or prevent homelessness when possible
- Reduce homeless individual/family time spent on waitlist
- Eliminate individual agency waitlists in our community
- Get individuals and families to the best intervention to solve their experience in homelessness as quickly as possible
- Understand the true need in our community for those experiencing homelessness by using real time data
- Preserve precious resources for those experiencing homelessness & increase agency/community outcomes to increase resources





How it Works

Families and Individuals complete Coordinated Entry intake at either CC or FSS (same process at both locations)

- HMIS Coordinated Entry Demographics and Release of Information
- VI-SPDAT, Prevention and Diversion Checklist, Human Trafficking Questionnaire
- Community resource referrals made
- Housing referrals made at that point



Case Conferencing



Case Conferencing is a critical weekly meeting with all appropriate service providers.

- Each participating agency has signed an MOU with Front Door
- Identify occupancy openings/availability to Front Door Specialists
- Follow-up questions from previous referrals
- Staffing new referrals for the next week



Benchmarks



- Front Door Opened to the public – January 2017
- Utilization Training– January 2017
- Presentation to City Council and Board of Supervisors – Spring 2017
- Data Collection and continued updates to process



Is it Working?



Since January 2017, the two Front Door sites have:

- Assessed 2,416 households (4000+ adults and children)
- Made close to 3,500 referrals to community partners
- 25 area organizations and agencies have signed MOU's of support and partnership with Front Door
- Permanently housed, appropriately placed, prevented and diverted thousands of neighbors in our community

2018 Point in Time Data



Arizona
Department
of Housing

David Bridge, Arizona Department of Housing,
Continuum of Care Coordinator





2018 PIT Count Methodology



METHODOLOGY

“Where People Slept” – Night of January 23rd

- Surveyed from January 23rd to January 27th
- Two Parts
 - Unsheltered “Street Count”
 - Surveys by Volunteers
 - Shelter Count
 - HMIS
 - Shelter Surveys

IMPROVEMENTS

Expanded Survey Dates

Increased Volunteers

- Over 340 Statewide Volunteers (30% Increase)

-City of Flagstaff	-Catholic Charities
-Flagstaff PHA	-Flagstaff Shelter Services
-Steward (HCIC)	-Housing Solutions of Northern AZ
-NAU	-NAVAHCS
-Northland Cares	-Northland Family Help Center
-VRC	

Removed VI-SPDAT

Better Weather Overall



2018 Summary – AZ Balance of State



2,187 Persons Identified

1,102 Sheltered

1,085 Unsheltered

1,415 Men

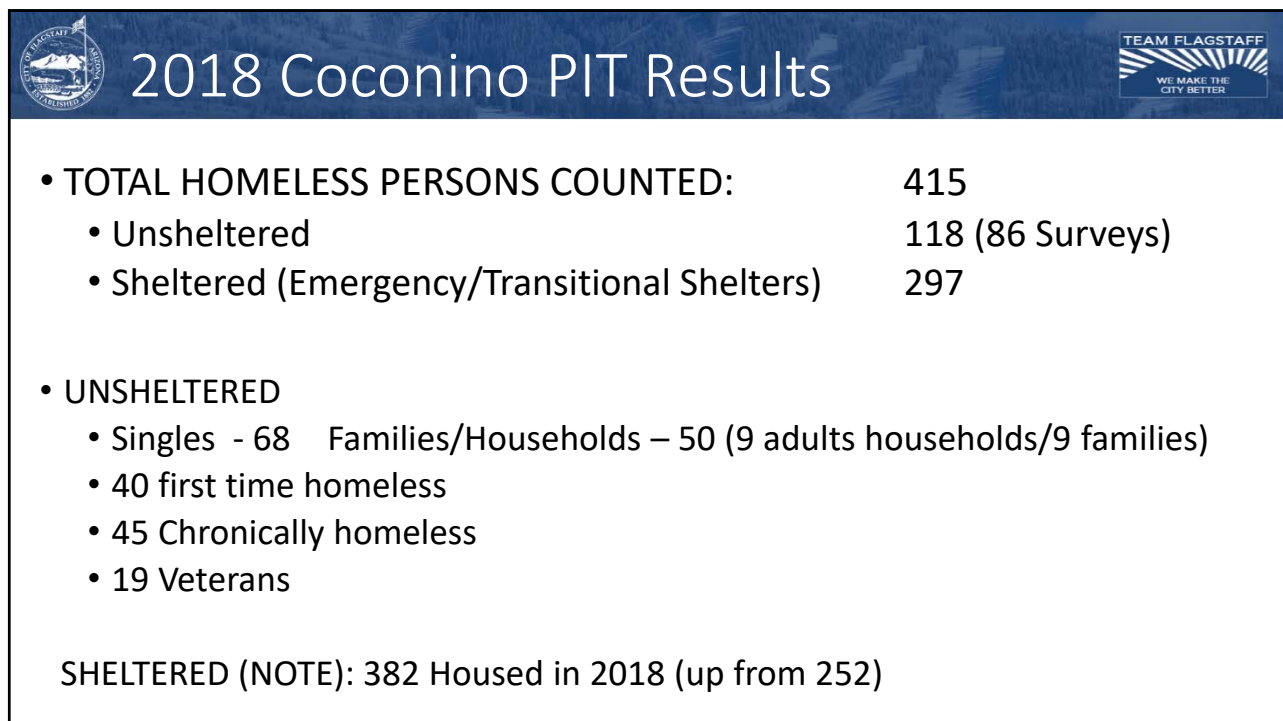
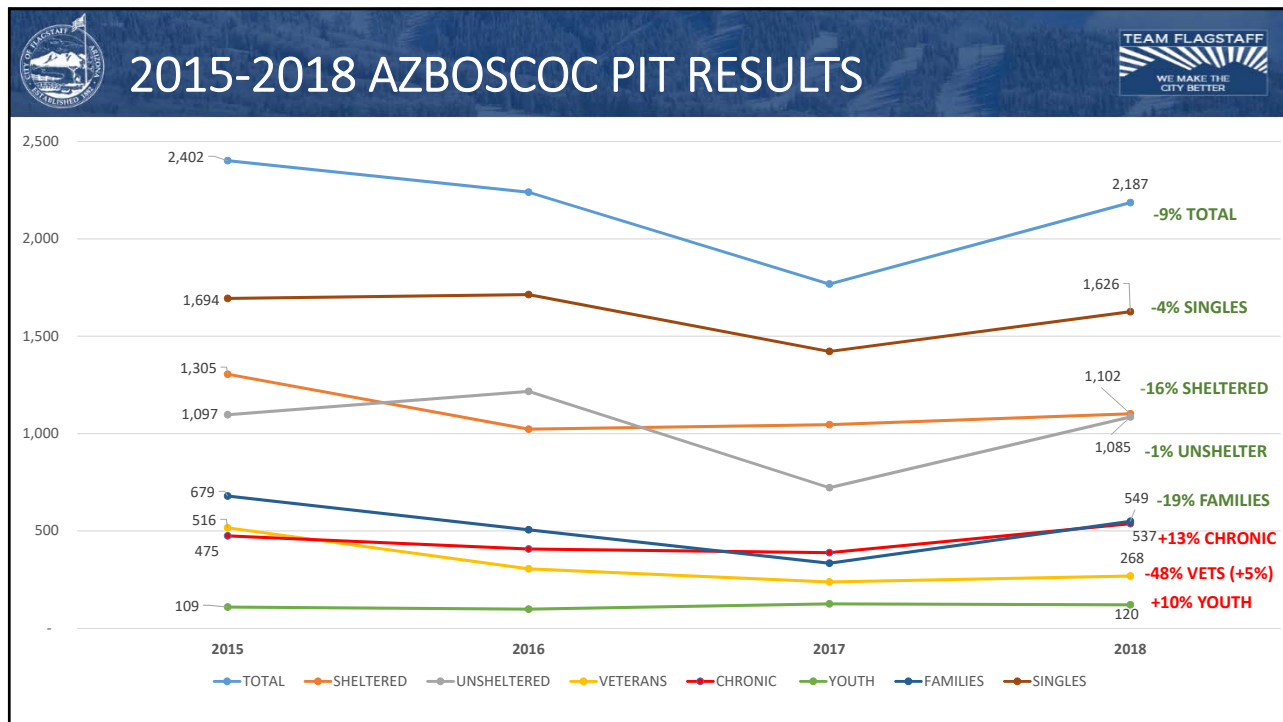
752 Women

169 Families (549 Persons 25% of Total)

31 Families (111 Persons) Unsheltered

537 Chronically Homeless (478 Unsheltered – 89%)

277 Veterans (170 Unsheltered – 61%)

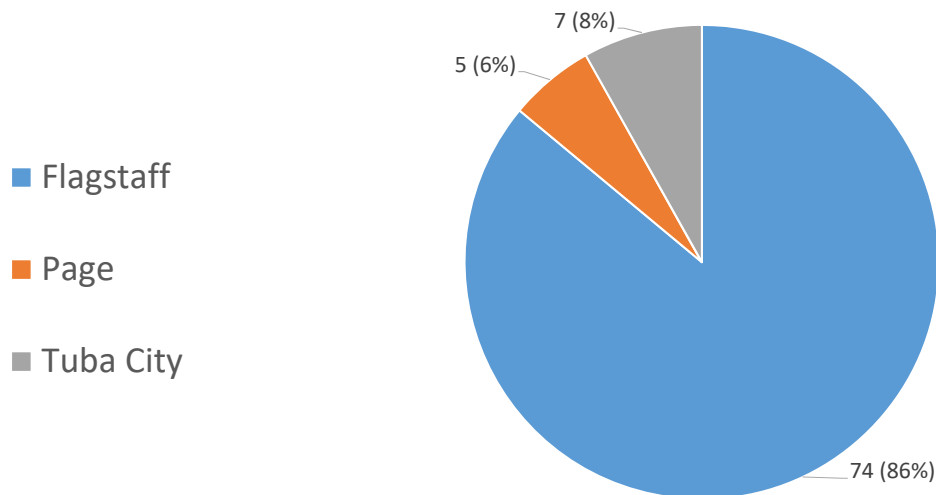




Coconino PIT



Where Surveyed?



2018 UNSHELTERED PIT COUNT



DEMOGRAPHICS	COCONINO	%	DEMOGRAPHICS	COCONINO	%
GENDER			Employed	19	22.1%
Male	62	72.1%	REASON HOMELESS		
Female	23	26.7%	Loss of Job	20	23.3%
Non Conforming	1	1.2%	Afford. Housing	18	20.9%
AGE			Unemployment	13	15.1%
18-24	3	3.5%	Rent/Mortgage	13	15.1%
25-34	9	10.4%	Economic Issues	53 of 86	61.6%
35-44	27	31.4%	MEDICAL ISSUES		
45-54	33	38.4%	Alcohol Abuse	41	47.7%
55-64	11	12.8%	Substance Abuse	41	47.7%
65+	3	3.5%	Phys./Mental Dis.	26	30.2%
RACE			Mental Disability	12	14.0%
White	37	43.0%	Medical Conditions	70 of 86	81.4%
African American	2	2.4%	DOMESTIC CONDITIONS	51 of 86	59.3%
Native American	42	48.9%	First Time Homeless	40	46.5%
Multi	5	5.8%			



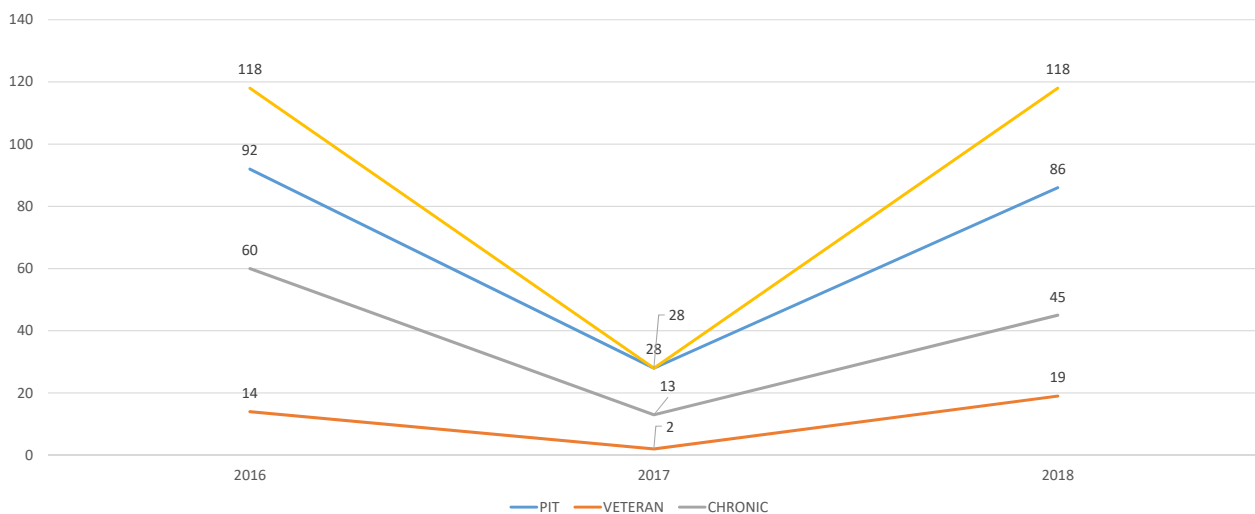
SUB-POPULATIONS



	SURVEYS	CHRONIC		VETERANS		DOMESTIC VIOLENCE	
		#	%	#	%	#	%
2016	92	60	65.2%	14	15.2%	28	30.4%
2017	28	13	46.4%	2	7.1%	4	14.2%
2018	86	45	52.3%	19	22.1%	20	23.3%



PIT COUNT HISTORY – COCONINO





WHAT DO WE DO WITH THIS?



Next Steps – System Improvement

- Prepare for 2019 Count
- Compare to Other HUD Reports
 - System Performance Measures (Recidivism, First Time Homeless, Employment, Housing Retention)
 - Housing Inventory
 - Annual Performance Reports
- Strategies to Consider
 - REVIEW AND DETERMINE LOCAL PRIORITIES

• Reduce Long Stayers/System Users	:	Prioritize for Housing
• Reduce Veterans or other Subpopulation	:	Increased Coordination/Housing Prioritization
• Reduce First Timers (Reduce Inflow)	:	Increased Diversion

Year Round Process

Safe Parking Options



Tiffany Antol, Interim Planning Director



Safe Parking



Provides homeless individuals and families residing in vehicles or recreational vehicles a legal place to temporarily park overnight.

Two Types

- Provide designated facilities that are regulated/managed and provide wrap around services
- Allow overnight parking within city rights-of-ways in designated areas for short term periods with little to no regulation



Best Practices for Safe Parking



- Specific entry and exit requirement
- Regular monitoring by program staff
- Link safe parking programs to specific supportive services
- A private entity, faith-based organization, or non-governmental organization should run the program
- Parking lots can be public or private
- Managing entity and/or property owner required to have minimum insurance requirements



Best Practices for Safe Parking



- Lots provide services including: restrooms, wash facilities, trash receptacles and cooking areas
- Night lots are most important, but some also have daytime too
- Regulations should be for public safety and security
- Screening participants
- Require a special permit – in this case probably a CUP
- Require a buffer from residential uses

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Stacy Saltzburg, City Clerk
Date: 12/05/2018
Meeting Date: 12/11/2018



TITLE

Discussion: A Citizens' Petition requesting Council consideration of free parking on first Friday of each month.

STAFF RECOMMENDED ACTION:

Council direction.

EXECUTIVE SUMMARY:

In accordance with Art. II, Sect. 17 of the Flagstaff City Charter, any citizen may present a written petition to the City Manager, signed by a minimum of 25 citizens from the City...who shall present it to the Council at its next regular meeting. The attached petition was filed with the City Manager's Office on October 2, 2018, requesting that the Council consider free parking on the first Friday of each month.

INFORMATION:

Chapter 1-12 of the Flagstaff City Code formalizes the information to be required, and the attached petition conforms to those requirements. As outlined in this chapter, the petition is to be submitted to the Council under Future Agenda Item Request (F.A.I.R.) to determine if there is Council interest in placing the item on a future agenda for consideration. On October 16, 2018, Council requested the petition be placed on a future agenda for discussion.

Attachments: Petition #2018-04



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:

FIRST FRIDAY ARTWALK

Action Requested:

FREE PARKING ON FIRST FRIDAY
OF EACH MONTH - ~~25~~ METERS OFF.Printed Name
of Submitter:HOLLY STAHL

(Submitter must also sign below and complete information)

Contact Information:

928 310 9084 hollyjgramm@gmail.com

(Phone Number and/or e-mail address)

PETITION SIGNATURES

DATE SIGNED	PRINTED NAME	RESIDENCE ADDRESS	SIGNATURE
6/23/18	Holly Stahl	429 E. David Dr	
7-23-18	Carolyn Young	110 E. Cedar Ave.	
7/24/18	Nina Swickler	1455 E. Linda Vista Dr	Nina Swickler
7/24/18	Ken Wulfer	118 Sherwood Lane	Ken Wulfer
7/24/18	Karen McKay	1601 N. Beaver St.	Karen McKay
7-24-18	Shirley F	1617 N. Sunset	
7/24/18	Greg Hill	1635 W. University Hb.	
7/24/18	Sarah Walker	319 W. Juniper Ave.	Sarah Walker
7/24/18	Edward Dunn	21 W. Pine Ave	Edward Dunn
7/24/18	MARSHA OWEN	2071 N. RAIN TREE	Marsha Owen
7/24/18	Min Joo Wee	1234 W Lil Ben Rd Flag	

RECEIVED BY CITY OF FLAGSTAFF

DATE RECEIVED	BY	COUNCIL MEETING DATE
10/2/18	Stacy Saltburg	

DATE SIGNED	PRINTED NAME	RESIDENCE ADDRESS	SIGNATURE
7-24-18	Shanna Minarik	2099 N Rain Tree Rd Flagstaff, AZ	
7-24-18	Arlene Martens	1927 N. Marion Dr. Flagstaff ^{AZ 86001}	
7-24-18	Stephen Natz	3200 S. Litzler Dr	
7/24/18	Tom Yack	5005 E. Dan Ave	
7/24/18	Kathi Baron	611 N. San Francisco	
7/24/18	Kamath A. Lash	118 Shavano Ln	
7/24/18	SONDRA FRANKIE Sondra Frank	622 E. Cherry	
8/3/18	Antoinette Berser	3910 Hidden Hollow Rd	
8/3/18	Robin Squire	1918 N. Mesa Dr Flag	
6/3/18	Dore Roach	1585 E. Everest	Flag 86004
8/3/18	Shont Begay	7 E. Aspen #	Flag 86001
8/3/18	ANN MARIE DUKES	980 N. Mangum Way ⁸⁶⁰⁰¹ Flagstaff	
8/3/2018	John Dewees	980 N. Mangum Way ⁸⁶⁰⁰¹	
8/3/2018	Diane Roach	1585 E. Everest ⁸⁶⁰⁰⁴	
8/3/2018	Shont Begay	7 E. Aspen	
8/3/2018	George Anenbeck	324 W. Birch	
8/3/2018	Lily Stevens	550 W Old Territory Trail	
8/3/2018	Shayne Montoya	9215 Green RD	
8/4/2018	NANCY WARDEN	402 N. SITHKRAVES ST	
8/4/2018	Sixten Jordan	220 W Cherry Ave	
8/4/2018	Aileen Clark	P.O.B. 30613	
8/11/2018	Iz. Sh. Padilla	2717 N. Center	
8/11/2018	Marla Krug	1414 N. Beaver St.	

02/2016

8/11/2018 Kimbry Branson 2213 E. Arroyo

8/11/2018 Debra Gauld-Lash 1101 Mountain Ave Rd

8-14-18 Leif Gundersen 110 E. Cedar Ave

CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Stacy Saltzburg, City Clerk
Date: 12/05/2018
Meeting Date: 12/11/2018



TITLE

Discussion: Bringing back the Youth Commission in some form.

STAFF RECOMMENDED ACTION:

Discussion/Direction

EXECUTIVE SUMMARY:

Councilmember Odegaard provided the Future Agenda Item Request on August 28, 2018, which was supported by the required number of Councilmembers.

INFORMATION:

Attachments: CCR-Youth Commission History

CITY COUNCIL REPORT

DATE: September 21, 2017

TO: Mayor and City Council

FROM: Elizabeth A. Burke, MMC, City Clerk

CC: Josh Copley, City Manager; Barbara Goodrich and Shane Dille, Deputy City Managers; Sterling Solomon, City Attorney; Leadership Team; Stacy Saltzburg, Deputy City Clerk

SUBJECT: History of Flagstaff Youth Commission

The Flagstaff Youth Commission was established by Ordinance No. 1694, adopted on May 7, 1991. The Commission was composed of eleven (11) members who were to be representative of the diversity of the youth of the community and were residents of the City, according to the following:

- 2 representatives from each high school
- 1 representative from each junior high school
- 2 at-large members between the ages of 12-18 who do not attend one of the above schools
- 1 member of the Flagstaff City Council

The members served two-year terms and the Commission met at least once a month during the school year. The commission stayed in place until 2009, when under the recommendation of the remaining members of the Flagstaff Youth Commission, the ordinance establishing the commission was repealed on November 3, 2009, through Ord. 2009-14.

The following recitals contained in the final ordinance help explain the reason for such a recommendation:

WHEREAS, the Youth Commission is limited in its membership and scope by procedural requirements, such as the quorum requirement, the requirement that members reside within the City, and the small number of participants currently permitted on the Youth Commission; and

WHEREAS, to address these issues, the Youth Commission has recommended that a Youth Advisory Committee be created under different procedural rules to be advisory to the Community enrichment Services Director, as well as making periodic reports to the Flagstaff Parks and Recreation Commission and the City Council.

In searching past minutes, I could not find that the Youth Advisory Council (Committee) made any type of presentation to the Council. Today I reviewed two binders located in the Recreation Office, hoping to find additional information. However, these binders included copies of agendas/minutes of the Youth Commission and then a few agendas for the Flagstaff Youth Advisory Council. It appears that the last activity of the Advisory Council was a Youth Town Hall held on March 31, 2010.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Claire Harper, Recreation Supervisor
Date: 12/05/2018
Meeting Date: 12/11/2018



TITLE:

Consideration and Adoption of Ordinance No. 2018-42: Amending the Flagstaff City Code, Title 8, Public Ways and Property, Chapter 12, Special Events.

STAFF RECOMMENDED ACTION:

- 1) Read Ordinance No. 2018-42 by title only for the final time.
- 2) City Clerk reads Ordinance No. 2018-42 by title only (if approved above).
- 3) Adopt Ordinance No. 2018-42.

Executive Summary:

In an effort to clarify and simplify the special event permit process, staff has amended Chapter 8-12 of the Flagstaff City Code (Special Events) to include all required regulatory language and policy direction, including permitted decibel levels and street closure criteria. Staff presented this approach to Council on October 23, 2018 and received direction to move forward with amending the ordinance.

Financial Impact:

This policy recommendation will not create any financial impacts.

Policy Impact:

This policy recommendation will not impact any other city policies.

Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:

Team Flagstaff Strategic Plan

Strategic Priority 4: Work in partnership to enhance a safe and livable community

-Promote high quality of life through consistent standards, rules and regulations.

Has There Been Previous Council Decision on This:

- August 15, 2017- Council requested a review of the permitted sound levels in city event regulations through the FAIR process.
- August 23, 2018- Sound consultant report and recommendations were discussed with Council. Council recommended lowering the permitted decibel level at special events from 90 dBA, 100 feet from the speaker locations, to 75 dBA, 100 feet from the speaker locations
- October 23, 2018- Council confirmed staff's recommendation to revise the ordinance related to special events.
- November 20, 2018- Council revisited their recommendation for sound level regulations for special events.

Options and Alternatives:

The City Council may choose to approve the recommended changes or to amend this ordinance prior to the ordinance's adoption.

Background/History:

In an effort to clarify and simplify the special event permit process, staff has amended Chapter 8-12 of the Flagstaff City Code (Special Events) to include required regulatory language and policy direction including the following:

- Permitting criteria including street closure criteria
- Grounds for denial of a permit application
- Sound level regulations
- Time and notice of decision for permit approval or denial
- Establishment of an appeal process
- Establishment of a new application packet

Community Benefits and Considerations:

These changes to the special event ordinance will streamline the event application permitting process and clarify the regulatory requirements. Staff met with event producers on October 17, 2018 and all event producers in attendance were supportive of making these changes to the special event process.

Attachments: ORD. 2018-42
 Presentation

ORDINANCE NO. 2018-42

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA AMENDING THE FLAGSTAFF CITY CODE, TITLE 8, *PUBLIC WAYS AND PROPERTY*, CHAPTER 12, *SPECIAL EVENTS*, PROVIDING FOR SEVERABILITY AND AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City Council of the City of Flagstaff has determined that it is in the best interests of the City to amend the chapter of its City Code regarding special events to clarify the framework for regulating and permitting special events that occur in or on City controlled property such as parks and streets; and

WHEREAS, the City Council intends, by adopting the proposed amendments, to protect and promote the public health, safety, convenience, and general welfare of the citizens of the City of Flagstaff.

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

SECTION 1. In General.

The Flagstaff City Code, Title 8, *Public Ways and Property*, Chapter 12, *Special Events*, is hereby amended as set forth below (deletions shown as stricken red text and additions shown as underlined red text):

CHAPTER 8-12 SPECIAL EVENTS

SECTIONS:

- 8-12-001-0001 Definitions
- 8-12-001-0002 ~~Special Event~~ Permit ~~Required~~
- 8-12-001-0003 ~~Special Event~~ Application Packet
- 8-12-001-0004 Noise Regulations
- 8-12-001-0003⁵ Permit Fees and Deposits
- 8-12-001-0004⁶ Prohibitions

8-12-001-0001 Definitions

~~In For the purposes of this Chapter, the following terms, phrases and words shall have the following meaning.~~

CITY ~~OWNED OR CONTROLLED PROPERTIES~~ PROPERTY means all land, facilities, parks, streets, ~~street areas, sidewalks,~~ and parking lots owned, leased, ~~operated, maintained,~~ or controlled by the City of Flagstaff.

FESTIVAL means a concert, fair, art show, community event, ceremony, carnival, observance, or other similar event.

PARADE means a march, procession, or other similar activity consisting of persons, animals, vehicles, or things, or any combination thereof, that disrupts the normal flow of traffic upon any public street. A funeral procession is not a parade.

~~ORGANIZED means having a formal organization to coordinate and carry out activities.~~

PERSON means any person, firm, partnership, association, corporation, company or organization of any kind, public or private.

SPECIAL EVENT means: an outdoor FESTIVAL or PARADE taking place on CITY PROPERTY, or any other outdoor event taking place on CITY PROPERTY that may require for its successful execution City services over and above those routinely provided under ordinary circumstances or that requires the exclusive use of said CITY PROPERTY.

~~A. Any organized public outdoor gathering or celebration involving the use of City owned or controlled properties that involves, but is not limited to, any of the following activities:~~

- ~~1. Community events, celebrations, or observances;~~
- ~~2. Dances accompanied by amplified music;~~
- ~~3. Amplified Music or the use of a public address device;~~
- ~~4. Dramatic productions;~~
- ~~5. Athletic tournaments;~~
- ~~6. Amusements, festivals or carnivals;~~
- ~~7. Sale of merchandise, food or alcohol;~~
- ~~8. Parades; organized walks, bicycle rides, runs or races;~~

~~9. Distribution of food or alcohol to the public; or~~

~~10. Exclusive use of City owned or controlled properties, or a portion thereof.~~

~~B. Any private outdoor gathering or celebration involving the use of City owned or controlled properties that involves any of the following activities:~~

~~1. Ceremonies or observances;~~

~~2. Amplified music or the use of a public address device;~~

~~3. Amusements, festivals or carnivals;~~

~~4. Exclusive use of City owned or controlled properties, or a portion thereof.~~

~~C. Any activity taking place on City owned or controlled properties which may require for its successful execution City services over and above that routinely provided under ordinary circumstances.~~

8-12-001-0002 Special Event Permit Required

A. Permit Required. In addition to any other permits, licenses, taxes or requirements imposed by this Code, a permit ~~shall~~ must be obtained from the City of Flagstaff Recreation Section's Office of Community Events before any person conducts a ~~special event~~ SPECIAL EVENT.

B. Permit Application. Applications for a ~~special event~~ Special Event ~~p~~Permit shall be made in writing on forms prescribed by the City of Flagstaff Recreation Section and must be received within the time specified in the ~~s~~Special e~~Event~~ -Application Packet ~~rules and regulations.~~ The required forms and Special Event Application Packet are on file in the Office of Community Events, and can be found online at <http://www.flagstaff.az.gov/index.aspx?nid=463>, ~~on forms provided by the Recreation Section.~~

C. Permitting Criteria. All Special Event Permit Applications will be evaluated based on the following criteria:

1. Availability of CITY PROPERTY on requested date(s);

2. Whether the requested CITY PROPERTY is suitable for the event;

3. Whether the CITY PROPERTY requested can safely accommodate the event without experiencing physical or resource damage;

4. Prior history of the event and applicant;

5. For SPECIAL EVENTS that involve a street closure, requested street closures may be denied for the following reasons:

a. The nature of the event does not justify or require a street closure (street closures are intended to accommodate parades or other events that require the exclusive use of a street, as well as large-scale events that require additional space to ensure public safety);

b. Street closure would substantially or unnecessarily interfere with traffic;

c. Street closure would unreasonably impact business activities in the immediate vicinity of the closure;

d. Public safety personnel are not available at the date and time requested to facilitate the street closure;

e. Emergency services would be unreasonably inhibited in their ability to travel on and across public streets; or

f. Area requested to be closed is under construction or due to be under construction during time requested.

g. A street closure will not be approved if the sole purpose of the closure is to allow or provide an expanded area for the sale of alcohol.

Nothing in this section shall authorize the City of Flagstaff to deny or revoke a permit based on the content of the expressive activities at the proposed event if the expressive activities are considered protected speech under the First Amendment of the United States Constitution.

The City Recreation Section may attach reasonable conditions to any permit approval.

D. Grounds for denial: An application may be denied or revoked for any of the following reasons:

1. The application was not submitted timely (see Special Event Application Packet for submittal deadlines);

2. The application does not include the required information, application fee, or security deposit;

3. The application contains material misrepresentations;

4. The applicant has previously violated the terms of a Special Event Permit issued to or on behalf of the applicant;
5. The applicant has on prior occasions damaged City property and/or has not paid in full for such damage;
6. A complete and fully executed application has already been submitted for the same time and place, and a permit has been or will be granted for the requested use or activities;
7. The proposed event would conflict with previously planned programs organized, conducted, or sponsored by the City and previously scheduled at or near the same time and place;
8. The proposed event would present an unreasonable danger to the public health or safety;
9. The proposed event would substantially or unnecessarily interfere with traffic and/or parking in the vicinity surrounding the event;
10. The event would likely interfere with the movement of emergency equipment and/or police protection in areas contiguous or in the vicinity of the event;
11. There would not, at the time of the event, be sufficient law enforcement and traffic control officers to adequately protect participants and non-participants from traffic related hazards in light of the other demands for police protection at the time of the proposed event;
12. The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations concerning the sale or offering for sale of any goods or services;
13. The use or activity intended by the applicant is prohibited by law;
14. The requested date and location of the event conflicts with another event that has historical precedence.

~~C. Permits shall be issued to persons 18 years old or older by the Recreation Superintendent or his or her designee within a reasonable period of time following receipt of application, in accordance with this Chapter and the City Recreation Section's administrative policies.~~

E. Other terms and conditions.

1. ~~Permits will only be issued to persons 18 years or older, and P~~permits for ~~special events- SPECIAL~~ EVENTS at which alcohol is to be served ~~shall will~~ only be issued to persons 21 years old or older.
- ~~D2.~~ Permits issued pursuant to this ~~S~~section must remain on-site during the permitted activity and ~~shown~~ made available upon request by City personnel.
- ~~E3.~~ ~~Functions Events shall must~~ be confined to those parts of the ~~City owned or controlled property- CITY~~ PROPERTY assigned to the permit holder.
- ~~F4.~~ The City Recreation ~~Section-Superintendent, or his or her designee, shall will~~ send copies of applications and other pertinent material to other City departments/divisions ~~which that~~ might be affected by the proposed ~~special event~~ SPECIAL EVENT. Such departments/divisions may recommend to the Recreation Section that a permit be issued only after the applicant has met, at his or her own ~~cost~~ expense, certain stipulations including, but not limited to, the following:
 - ~~4a.~~ Hiring a stated number of security personnel;
 - ~~2b.~~ Hiring a stated number of parking attendants;
 - ~~3c.~~ Erecting security fencing or security barriers;
 - ~~4d.~~ Providing sanitary facilities;
 - ~~5e.~~ Hiring and providing for any and all traffic control devices and/or traffic personnel as recommended by the City of Flagstaff Traffic Engineer;
 - ~~6f.~~ Applying for and receiving ~~all~~ any other necessary permits and approvals;
 - ~~7g.~~ Taking other measures to provide for fire protection or the health, safety, and welfare of the public;
 - ~~8h.~~ Obtaining a certificate of insurance naming the City of Flagstaff as additional insured for a monetary amount to be determined by City of Flagstaff Risk Management;
 - ~~9i.~~ Sign and submit a liability agreement prepared by the City;
 - ~~10j.~~ Agreeing to pay for any unanticipated or unforeseen costs associated with the special event, including posting a performance bond if requested by the Recreation Section.

~~G5.~~ Continuous use of facilities by clubs, organizations and associations shall be permitted through a signed agreement which may be reissued as necessary at the discretion of the Recreation Services Director Superintendent or ~~his or her~~ designee. A permit issued pursuant to this paragraph shall not exceed one (1) year.

~~H6.~~ Activities sponsored or co-sponsored by the City shall have first priority in the use of any ~~City-owned or controlled properties~~ CITY PROPERTY.

~~I7.~~ Any request for a use not contemplated by this Chapter or by administrative policies, or denied by the Recreation ~~Superintendent Section~~, may be forwarded to the ~~Community Enrichment Services- Public Works~~ Director who shall take the request before the City Manager for consideration.

~~J8.~~ Protest rallies, picketing activities, ~~or and~~ other such gatherings for the common purpose of exhibiting a public display of sentiment for or against a person or cause to exercise free speech rights under the First Amendment of the United States Constitution or Article II, Section 6 of the Arizona Constitution, shall be exempt from these permit requirements. Where a street closure is requested to conduct protesting and/or picketing activities, the organizer should contact the City of Flagstaff Police Department to request the street closure.

F. Time and notice of decision. The Recreation Section will provide a response to submitted applications within a reasonable period of time and in accordance with the timelines specified in the Special Event Application Packet. A notice of denial or revocation will clearly set forth the grounds upon which the permit was denied or revoked and, where feasible, shall contain a proposal for measures by which the applicant may cure any defects in the application or otherwise procure a permit. Where an application is denied because the proposed event would conflict with another event that has or will be approved, the Recreation Section will propose an alternative location, if available for the same time, or an alternative time, if available for the same location.

G. Appeals. An applicant may appeal the denial or revocation of an application by submitting a written appeal to the Recreation Section's Office of Community Events within ten (10) days after issuance of the denial. Within five (5) days after receipt of the written appeal, or such longer period of time agreed to by the applicant, the appeal will be reviewed, and a response will be provided by the City Manager or designee, who shall be a Deputy City Manager. The decision to issue a permit or uphold the denial or revocation shall be based solely on the criteria set forth in this section.

A. Application Packet. The Public Works Director, or designee, shall have the authority to create the Special Event Application Packet, which will establish the processes for obtaining a Special Event Permit in accordance with this Chapter. The Special Event Application Packet may include additional rules and regulations that are consistent with but not contained in this Chapter.

B. Posting Application Packet. The Special Event Application Packet will be maintained on file in the Recreation Section's Office of Community Events and will be posted on the City of Flagstaff web page.

8-12-001-0004 Noise Regulations

A. Event amplification must end by 10:00 p.m., except for SPECIAL EVENTS at Wheeler Park where event amplification must end by 9:00 p.m. All SPECIAL EVENTS with amplification may not begin amplified entertainment until 9:00 a.m. Monday through Saturday and 12:00 p.m. on Sundays.

B. It is the intent of the City Council of the City of Flagstaff to provide citizens with an environment free from excess sounds or noise that may jeopardize their health, welfare and safety, degrade the quality of life, interrupt the tranquility of a neighborhood, or deny the right of quiet enjoyment of personal property. Event Organizers must be mindful of noise generated by entertainment and equipment and how it may negatively affect the quality of life of nearby residents and businesses. Police may submit a written notice to the Event Organizer providing requirements to alleviate noise related complaints.

C. The City's Noise Ordinance (Flagstaff City Code, Section 6-08) applies at all times.

D. If event staff do not to comply with police directives, the Flagstaff Police Department has the authority to close an event or a portion of an event when responding to a legitimate citizen complaint. A police service fee for responding to two or more complaints (after having received a written notice) may be assessed to the Event Organizer.

E. The ability to offer live amplified entertainment in City-owned parks will be determined on a case-by-case basis.

F. The following rules will apply to all permits allowing amplified entertainment:

1. For events at Wheeler Park, sound levels measured at 50 feet from the speaker locations must not exceed 85 decibels, "A" weighted; for events at other locations where permits are allowed for amplified entertainment, the sound levels measured at 100 feet from the speaker locations must not exceed 90 decibels, "A" weighted.~~Decibel levels read from 100 feet of the speaker locations must not~~

~~exceed 90 decibels, "A" weighted. Event Organizers are required to have a decibel level meter at the soundboard for all events with amplified sound. Levels must be monitored during the event and remain within the allowed decibel level.~~

2. Speakers must be directed away from neighborhood areas. It is recommended that event producers orient speakers in a "surround sound" setup, where speakers are faced into the event space and sound can be contained within the park.
3. Working directly or in concert with the event producer, the Police Department and/or Recreation Services may lower the allowed decibel levels at any time during the event. The genre of music will not be used to determine whether to lower decibel levels.

8-12-001-00035 Permit Fees and Deposits

- A. Permit fees shall be established by the Recreation ~~Superintendent~~ Section with approval from the Parks and Recreation Commission and City Council. All fees will be reviewed annually.
- B. All fees and deposits must be ~~made paid~~ prior to the date of the SPECIAL EVENT ~~special event~~, unless other arrangements are made in writing with the Recreation ~~Superintendent or his or her designee~~ Section.

8-12-001-00046 Prohibitions

~~The following prohibitions shall apply to those activities requiring a special event permit:~~

- A. It is unlawful for any person to stage, present, or conduct a ~~ny~~ SPECIAL EVENT ~~special event~~ without first obtaining a permit pursuant to this chapter.;
- B. It is unlawful for any person to participate in a SPECIAL EVENT ~~special event~~ for which the person knows a SPECIAL EVENT ~~special event~~ permit has not been issued.;
- C. It is unlawful for any person in charge of, or responsible for the conduct of, a duly permitted SPECIAL EVENT ~~special event~~ to knowingly fail to comply with any term or condition of the special event permit.
- D. It is unlawful to intentionally hamper, obstruct, impede, or interfere with a permitted SPECIAL EVENT.

SECTION 2. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the

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

SECTION 3. Clerical Corrections.

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

SECTION 4. 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 11th day of December 2018.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Amending Special Event Ordinance





Amending Special Event Ordinance

Background

- Current packet is 31 pages.
- October 23, 2018- Council confirmed staff's recommendation to revise the ordinance related to special events.
- Revised ordinance includes additional regulatory language and policy direction.

Amending Special Event Ordinance

Revisions:

- Permitting criteria
- Street closure criteria
 - One-way street closures would no longer be presented to Council for approval.



Amending Special Event Ordinance



Revisions continued:

- Marches and protests
 - Permit only required if organization is requesting exclusive use of city property or street closure.





Amending Special Event Ordinance



Revisions continued:

- Grounds for denial
- Appeal process
- New application packet
- Noise regulations





Amending Special Event Ordinance

Thank you!

Claire Harper, Recreation Supervisor

928.213.2311

CHARPER@flagstaffaz.gov

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Sterling Solomon, City Attorney
Date: 12/05/2018
Meeting Date: 12/11/2018



TITLE:

Consideration and Adoption of Ordinance No. 2018-43: An ordinance amending Flagstaff City Code Chapter 7-05, *Smokefree Air*, to change the Title of Flagstaff City Code, Chapter 7-05 to "SMOKE-FREE/TOBACCO-FREE AIR" and to prohibit the use of electronic cigarettes, vaping, and all other tobacco products where smoking is already prohibited in the City of Flagstaff. (An ordinance banning electronic cigarettes and similar devices where smoking is already prohibited).

STAFF RECOMMENDED ACTION:

- 1) Read Ordinance No. 2018-43 by title only for the final time.
- 2) City Clerk reads Ordinance No. 2018-43 by title only (if approved above).
- 3) Adopt Ordinance No. 2018-43.

Executive Summary:

On June 6, 2017 the City Council amended the Flagstaff City Code expanding Chapter 7-05, Smokefree Air from enclosed public places to parks and cemeteries. At that time the Council expressed an interest in prohibiting the use of electronic cigarettes, vaping and all other tobacco products in the same locations.

The current language in the Flagstaff City Code, Chapter 7-05 prohibits smoking which involves the actual combustion of tobacco substances resulting in smoke. If approved, ordinance 2018-43 would apply to all tobacco products prohibiting the use of such in all locations where smoking is currently prohibited in the City of Flagstaff. In addition, the City already has a tobacco-free workplace policy for City employees.

Financial Impact:

None.

Policy Impact:

None.

Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:

Strategic Plan #4 - Work in partnership to enhance a safe and livable community.

1. Foster a safe, healthy, equitable and accessible community.
4. Promote high quality of life through consistent standards, rules, and regulations.

Has There Been Previous Council Decision on This:

No.

Attachments: Ord. 2018-43

ORDINANCE NO. 2018-43

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, AMENDING FLAGSTAFF CITY CODE TITLE 7, HEALTH AND SANITATION, CHAPTER 7-05, *SMOKEFREE AIR* CHANGING THE NAME OF THE CHAPTER TO “*SMOKE-FREE/TOBACCO-FREE AIR*” AND AMENDING SECTIONS OF CHAPTER 7-05 TO PROHIBIT THE USE OF ELECTRONIC CIGARETTES; ESTABLISHING SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, The City Council has provided for areas of “Smokefree Air” in Flagstaff as established under Chapter 7-05 of the Flagstaff City Code;

WHEREAS The City Council now desires to amend Chapter 7-05 to change the title “Smoke-free/Tobacco-free Air”; and

WHEREAS, The City Council desires to amend Chapter 7-05 to prohibit the use of electronic cigarettes and other forms of tobacco use in all areas where smoking is already prohibited with in the City of Flagstaff; and

WHEREAS, There is no risk-free level of contact with second hand smoke or electronic cigarette emissions and exposure to such is harmful to health; and

WHEREAS, studies of electronic cigarettes, emissions from electronic cigarettes, vaping, and all other forms of tobacco use continue to demonstrate the negative impacts of tobacco and other similar products and methods of inhalation; and

WHEREAS, the Mayor and Council find that it is in the best interest of the City of Flagstaff to prohibit electronic cigarettes and tobacco use in all areas of the City of Flagstaff where smoking is already prohibited.

ENACTMENTS:

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

Section 1. In General.

The Flagstaff City Code, Title 7, *Health and Sanitation*, Chapter 7-05 *Smokefree Air*, is hereby amended by striking certain language from the specific Sections indicated below

as shown in strikethrough text, and by adding the following language to the specific Sections indicated below as shown in capitalized, underlined text:

CHAPTER 7-05 SMOKEFREE AND TOBACCO-FREE AIR

SECTIONS:

7-05-001-0003 PROHIBITION OF SMOKING AND USE OF ELECTRONIC CIGARETTES IN PUBLIC PLACES

7-05-001-0004 PROHIBITION OF SMOKING AND USE OF ELECTRONIC CIGARETTES IN PLACES OF EMPLOYMENT

7-05-001-0006 WHERE SMOKING AND USE OF ELECTRONIC CIGARETTES NOT REGULATED

7-05-001-0001 DEFINITIONS

The following words and phrases, whenever used in this Ordinance, shall be construed as defined in this Section:

"Accessory bar" means a place within a restaurant or other business building for the service of alcoholic beverages and associated snacks for on-site consumption.

"Business" means a sole proprietorship, partnership, joint venture, corporation, including a municipal corporation, limited liability company or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, accounting, medical, dental, engineering, architectural, or other professional services are delivered.

"Cemeteries" means any areas in the City of Flagstaff as defined in the Flagstaff City Code, Section 10-80.20.030, which are owned by the City of Flagstaff.

"ELECTRONIC CIGARETTE" MEANS ANY PRODUCT CONTAINING OR DELIVERING NICOTINE OR ANY OTHER SIMILAR SUBSTANCE INTENDED FOR HUMAN CONSUMPTION THAT CAN BE USED BY A PERSON TO SIMULATE SMOKING THROUGH INHALATION OF VAPOR OR AEROSOL FROM THE PRODUCT. THE TERM INCLUDES ANY SUCH DEVICE, WHETHER MANUFACTURED, DISTRIBUTED, MARKETING, OR SOLD AS AN E-CIGARETTE, E-CIGAR, E-PIPE, E-HOOKAH, OR VAPE PEN, OR UNDER ANY OTHER PRODUCT NAME OR DESCRIPTOR.

"EMISSIONS FROM ELECTRONIC CIGARETTES" MEANS ANY TOBACCO AEROSOL, VAPOR, ODOR, OR ANY OTHER SUBSTANCE RELEASED INTO THE AIR FROM THE USE OF ELECTRONIC CIGARETTES.

"Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit.

"Employer" means a person, business, association, trust, or non-profit entity that employs the services of one or more individual persons.

"Enclosed area" means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.

"Health care facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

"Opening" means an entrance, window or ventilation system.

"Park property" means any areas in the City of Flagstaff as defined in the Flagstaff City Code, Section 8-11-001-0004(A).

"Place of employment" means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a childcare, adult day care, or health care facility.

"Private club" means an establishment, operated by an organization established for patriotic, fraternal, benevolent or recreational purposes that does not employ any employees and provides goods or services to members only.

"Public place" means an enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, health care facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores,

shopping malls, sports facilities, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a childcare, adult day care, or health care facility.

"Reasonable distance" means a distance sufficient to ensure that persons entering or leaving the building shall not be subjected to breathing tobacco smoke AND EMISSIONS FROM ELECTRONIC CIGARETTES.

"Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

"Shopping mall" means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

"Smoking" or "to smoke" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, plant, or other combustible substance in any manner or in any form.

"Sports facilities" means enclosed or covered sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

"Stand-alone bar" means any place of business that is used to sell and serve alcoholic beverages and that is not located within a restaurant or other business building.

7-05-001-0003 PROHIBITION OF SMOKING AND USE OF ELECTRONIC CIGARETTES IN PUBLIC PLACES

Smoking AND USE OF ELECTRONIC CIGARETTES shall be prohibited in all enclosed and unenclosed public places within the City of Flagstaff, including but not limited to:

1. Aquariums, galleries, libraries, and museums.
2. Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public, including but not limited to, professional offices, banks, laundromats, hotels, and motels.
3. Accessory bars and stand-alone bars.
4. Bingo facilities.
5. Convention facilities.
6. Elevators.
7. Facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital, or other similar performance.

8. Health care facilities.
9. Licensed childcare and adult day care facilities.
10. Lobbies, hallways, and other enclosed, common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
11. Polling places.
12. Public transportation facilities, including buses and taxicabs, under the authority or franchise of the City of Flagstaff, and ticket, boarding, and waiting areas of public transit depots.
13. Restaurants.
14. Restrooms, lobbies, reception areas, hallways, and other common-use areas.
15. Retail stores.
16. Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the City of Flagstaff.
17. Shopping malls.
18. Sports facilities.
19. Park property.
20. Cemeteries.

7-05-001-0004 PROHIBITION OF SMOKING AND USE OF ELECTRONIC CIGARETTES IN PLACES OF EMPLOYMENT

A. Smoking AND USE OF ELECTRONIC CIGARETTES shall be prohibited in all enclosed facilities within places of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

B. This prohibition on smoking AND USE OF ELECTRONIC CIGARETTES shall be communicated to all existing employees by employers by the effective date of this Ordinance and to all prospective employees upon their application for employment.

7-05-001-0005 REASONABLE DISTANCE

Smoking AND USE OF ELECTRONIC CIGARETTES AREis prohibited within a reasonable distance outside an opening to an enclosed area where smoking AND USE OF ELECTRONIC CIGARETTES AREis prohibited, so as to ensure that tobacco smoke does not enter the area through entrances, windows, ventilation systems, or other means. Such reasonable distance shall be a distance sufficient to ensure that persons entering or leaving the building shall not be subjected to breathing tobacco smoke AND EMISSIONS FROM ELECTRONIC CIGARETTES. All smoking receptacles shall be

placed outside the no smoking area in order to discourage smoking **AND USE OF ELECTRONIC CIGARETTES** in these areas.

7-05-001-0006 WHERE SMOKING AND USE OF ELECTRONIC CIGARETTES NOT REGULATED

Notwithstanding any other provision of this Ordinance to the contrary, the following areas shall be exempt from the provisions of Sections 7-05-001-0003 and 7-05-001-0004:

1. Private residences, except when used as a licensed childcare, adult day care, or health care facility.
2. Hotel and motel rooms that are rented to guests and are designated as smoking rooms **AND ROOMS FOR USE OF ELECTRONIC CIGARETTES**; provided that not more than twenty percent (20%) of rooms rented to guests in a hotel or motel may be designated as smoking **AND FOR USE OF ELECTRONIC CIGARETTES**. Hotels and motels that have twenty-six (26) or fewer rooms that are rented to guests may designate a percentage of rooms as smoking **AND FOR USE OF ELECTRONIC CIGARETTES** and nonsmoking. The status of rooms as smoking **AND FOR USE OF ELECTRONIC CIGARETTES** or nonsmoking may not be changed except to permanently add nonsmoking rooms.
3. Outdoor areas of places of employment except those covered by the provisions of Section 7-05-001-0005.
4. Native American or other religious ceremony practice pursuant to the American Indian Religious Freedom Act of 1978, as amended.
5. Theatrical production sites, if smoking **AND USE OF ELECTRONIC CIGARETTES ARE** is an integral part of the story in the theatrical production.
6. Medical research or treatment sites, if smoking **AND USE OF ELECTRONIC CIGARETTES ARE** is integral to the research or treatment being conducted.
7. Private clubs.
8. Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one (1) or more persons, all of whom are smokers **OR USERS OF ELECTRONIC CIGARETTES** and have requested in writing to be placed in a room where smoking **OR USE OF ELECTRONIC CIGARETTES** is permitted; provided that smoke **AND EMISSIONS FROM ELECTRONIC CIGARETTES** from these places does not infiltrate into areas where smoking **AND USE OF ELECTRONIC CIGARETTES** is otherwise prohibited under the provisions of this Article.

7-05-001-0007 DECLARATION OF ESTABLISHMENT AS NONSMOKING AND FREE FROM USE OF ELECTRONIC CIGARETTES

Notwithstanding any other provision of this Ordinance, an owner, operator, manager, or other person in control of a privately owned establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place AND FREE FROM THE USE OF ELECTRONIC CIGARETTES. Smoking AND USE OF ELECTRONIC CIGARETTES shall be prohibited in any place in which a sign conforming to the requirements of Section 7-05-001-0008 is posted.

7-05-001-0008 POSTING OF SIGNS

A. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking AND USE OF ELECTRONIC CIGARETTES ARE is prohibited by this Ordinance, by the owner, operator, manager, or other person in control of that place.

B. Every public place and place of employment where smoking AND USE OF ELECTRONIC CIGARETTES ARE is prohibited by this Ordinance shall have posted at all primary public entrances a conspicuous sign clearly stating that smoking is prohibited.

C. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by this Ordinance by the owner, operator, manager, or other person having control of the area.

7-05-001-0011 VIOLATIONS AND PENALTIES

A. A person who smokes OR USES ELECTRONIC CIGARETTES in an area where smoking AND ELECTRONIC CIGARETTES ARE is prohibited by the provisions of this Ordinance shall be guilty of a petty offense, punishable by a fine not exceeding fifty dollars (\$50.00).

B. A person who owns, manages, operates or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Ordinance shall be guilty of a petty offense, punishable by:

1. A fine not exceeding one hundred dollars (\$100.00) for a first violation.
2. A fine not exceeding two hundred dollars (\$200.00) for a second violation within one (1) year.
3. A fine not exceeding three hundred dollars (\$300.00) for each additional violation within one (1) year.

C. Each day on which a violation of this Ordinance occurs shall be considered a separate and distinct violation.

7-05-001-0012 OTHER APPLICABLE LAWS

This Ordinance shall not be interpreted or construed to permit smoking OR USE OF ELECTRONIC CIGARETTES where it is otherwise restricted by other applicable laws.

Section 2. Severability.

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

Section 3. Effective Date.

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

PASSED AND ADOPTED by the Flagstaff City Council this 11th day of December, 2018.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Charity Lee, Real Estate Manager
Date: 12/05/2018
Meeting Date: 12/11/2018



TITLE:

Consideration and Adoption of Ordinance No. 2018-37: An ordinance of the Mayor and Council of the City of Flagstaff authorizing the sale or abandonment of approximately 1,278 square feet of City right-of-way adjacent to 1900 North Second Street.

STAFF RECOMMENDED ACTION:

- 1) Read Ordinance No. 2018-37 by title only for the final time
- 2) City Clerk reads Ordinance No. 2018-37 by title only (if approved above)
- 3) Adopt Ordinance No. 2018-37

Executive Summary:

A proposal to abandon a portion of the public right-of-way adjacent to property located at 1900 N. 2nd Street, upon finding that the property is not necessary for a public use as a roadway.

Financial Impact:

The abandoned public right-of-way will be sold at public auction and abutting owners shall have preference rights. Market value indicators will determine the minimum bid. The applicant is required to pay expenses that may include title insurance, closing costs, escrow fees and survey costs.

Policy Impact:

None

Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:

TRANSPORTATION AND OTHER PUBLIC INFRASTRUCTURE

Deliver quality community assets and continue to advocate and implement a highly performing multi-modal transportation system

Has There Been Previous Council Decision on This:

No

Background/History:

On March 11th, 1979 the City acquired approximately 1,278 square feet of right-of-way from the property located at 1900 N. 2nd Street. City Staff has researched our records and has been unable to determine why the City initially acquired the property, however Staff has determined that the additional right-of-way is not necessary and recommends abandoning the property.

Key Considerations:

This portion of the right of way has never been developed or used as a roadway. An internal review of the abandonment concurs that there is no public need to retain this portion of the right of way.

Community Benefits and Considerations:

Abandoning a portion of this right of way removes any public responsibility for this portion of the property.

Expanded Options and Alternatives:

Arizona Revised Statutes Sections 28-7201 et seq provide for the disposition of unnecessary public roadways and the methods available to cities and towns. Adoption of an ordinance to dispose of property is required by City Charter.

Attachments: Exhibit A
 Ord. 2018-37

562
at the request of CITY OF FLAGSTAFF

When recorded, notify
CITY CLERK
CITY OF FLAGSTAFF
P. O. Box 1208
Flagstaff, Az 86001

Witness my hand and official seal.

HELEN I. HUDGENS
By Blanche V. Berrena County Recorder
Deputy Recorder

Compared
Photostated
Fee:

QUIT-CLAIM DEED

ROADWAY RIGHT OF WAY

For the consideration of One Dollar, and other valuable considerations, I or we, Sylvester & Lupe Garcia, Frank & Frances Garcia, Albert & Eula Garcia hereby quit-claim to CITY OF FLAGSTAFF, a municipal corporation organized and existing under and by virtue of the laws of the State of Arizona, all right, title, or interest in the following real property situated in Coconino County, Arizona:

A portion of land located in the NE 1/4 of Section 14, T21N, R7E, G&SRB&M, as recorded on the plat of Sunnyside Addition in Book 1, Page 48, Records of Coconino County, Coconino County Courthouse, Flagstaff, Arizona, more particularly described as follows:

The southerly 9 feet of Lot 16, Block 14 of the aforementioned plat.

Containing in all 1278 square feet more or less.

All as shown on the attached Exhibit "A" made a part hereof by this reference.

DATED this 11th day of March, 1976

Frank Garcia Sylvester Garcia Albert Garcia
Frances Garcia Guadalupe Garcia Eula Garcia

STATE OF ARIZONA)
County of Coconino) ss

On this, the 11th day of March, 1976, before me, the undersigned officer personally appeared Frank Garcia and Frances Garcia husband and wife,

Sylvester Garcia and Guadalupe Garcia husband and wife

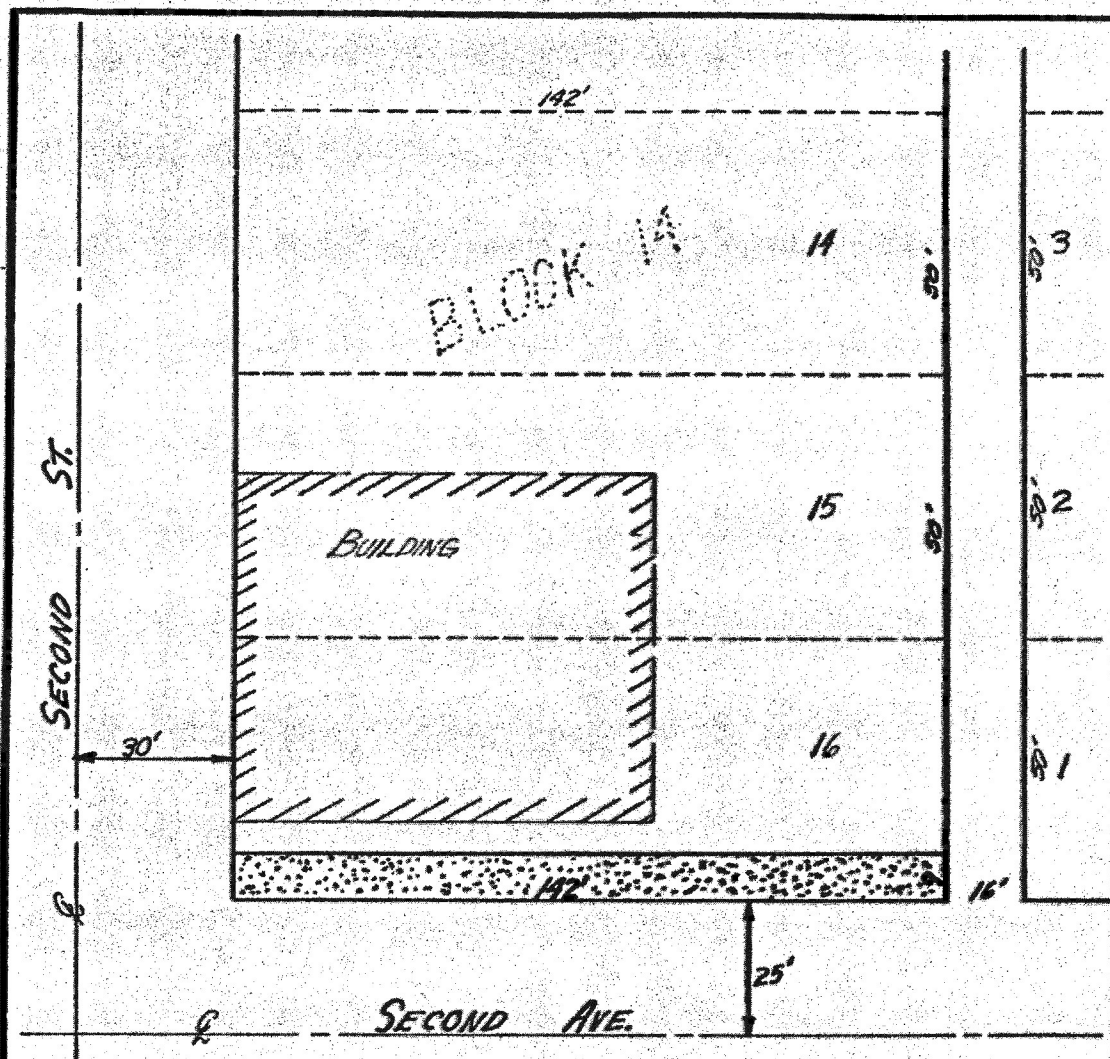
Albert Garcia and Eula Garcia husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged that they executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Kenneth L. Pittman
Notary Public

My Commission expires: Aug. 13, 1979

City of Flagstaff, Arizona



REQUIRED RIGHT-OF-WAY



SCALE: 1" = 30'

EXHIBIT "A"

CITY OF FLAGSTAFF, ARIZONA

ENGINEERING DEPARTMENT

DRN. B. DANIELS

SEC 14

DATE Aug 19, 1976

T21N R7E

ORDINANCE NO. 2018-37

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF AUTHORIZING THE SALE OR ABANDONMENT OF APPROXIMATELY 1278 SQUARE FEET OF CITY RIGHT-OF-WAY ADJACENT TO 1900 NORTH SECOND STREET; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City has authority to abandon public rights-of-way pursuant to A.R.S. § 28-7201 et seq, and pursuant to the City Code, Title 11, *General Plans and Subdivisions*, Division 11-20-160, *Abandonment or Vacation of Public Right-of-Way*; and has authority to dispose of real property pursuant to the Flagstaff City Charter, Article VIII, Section 10; and

WHEREAS, all public utility companies, City divisions and agencies have had the opportunity to review a map of the public right-of-way proposed to be abandoned; and

WHEREAS, the City Engineer in consultation with the Water Services (formerly Utility) Director and Public Works Director have determined that the proposed abandonments are consistent with the General Plan, Zoning Code, any applicable Specific Plan, and all applicable Division standards, as referenced in the staff report on file with the City Clerk.

ENACTMENTS:

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

SECTION 1. In General.

That the City Council hereby finds that the certain public right-of-way, approximately 1,278 square feet in area, located adjacent to 1900 North Second Street, and legally described as attached hereto as Exhibit A ("the Property") is no longer necessary for a public roadway and is hereby abandoned;

That the Property shall be noticed for sale and such notice of sale shall be published one time per week for three weeks prior to the opening of bids pursuant to Article 8, Section 10, of the Flagstaff City Charter;

That pursuant to A.R.S. § 28-7204 an abutting property owner's timely offer shall be preferred over all other offers;

That the City Council shall have the right to reject any and all bids received for the Property.

[OPTION 1]

That in the event no bids are received, then for a two-year period the City Manager may, subject to Council approval, enter into an agreement to sell the property for an amount reasonably consistent with an appraisal without further notice and bid process.

[OPTION 2]

That the Property shall be offered for sale for a minimum bid of \$7,668, and if such an offer is received the Property shall be deemed abandoned and transferred by Quit Claim Deed to the successful bidder;

That all conveyances of property shall be by Quit Claim Deed and are "AS IS WHERE IS" and subject to all easements of record, including but not limited to public utilities easements.

SECTION 2: Delegation of Authority.

That the Mayor and City Manager are hereby authorized to execute all documents necessary and take all actions necessary and proper relevant to the sale of said Property.

SECTION 3: Repeal of Conflicting Ordinances.

That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4: Severability.

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

SECTION 5: Effective Date.

Pursuant to A.R.S. § 28-7213 this ordinance shall become effective when recorded in the office of the Coconino County Recorder, which shall be at least thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff, this 11th day of December, 2018.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Todd Hanson, Solid Waste Section Director
Co-Submitter: Dylan Lenzen
Date: 12/05/2018
Meeting Date: 12/11/2018



TITLE:

Consideration and Adoption of Resolution No. 2018-58 and Ordinance No. 2018-45: An ordinance and resolution amending the Flagstaff City Code, Title 7, *Health and Sanitation*, to update solid waste fees.

STAFF RECOMMENDED ACTION:

- 1) Adopt Resolution No. 2018-58
- 2) Read Ordinance No. 2018-45 by title only for the final time
- 3) City Clerk reads Ordinance No. 2018-45 by title only (if approved above)
- 4) Adopt Ordinance 2018-45

Executive Summary:

Staff presented several Solid Waste collection and disposal services rate options to Council at the November 27th work session, and received direction to move forward with amending the ordinance rates identified in Option 1.

Option 1:

Residential Trash and Recycling Service: 7.5% increase each year for 5 years

Landfill Fees: One-time 3% increase

Commercial Trash and Recycling Service: One-time 3% increase

Hoist and Haul Service: One-time 3% increase

Financial Impact:

Rate Option 1 scenario generates increased revenue to fund multiple capital projects. These projects are outlined below:

Option 1

Project	Amount	Implementation Date
Fleet	\$ 1,000,000.00	Annual cost
Landfill Cap (for current working cell)	\$ 5,200,000.00	2022-2024
Landfill Gas Capture (for current working cell)	\$ 2,800,000.00	2023-2025

Post-closure monitoring	\$ 11,000,000.00	Expended over 30 years after closure
Road Infrastructure	\$ 3,000,000.00	2023
Water Infrastructure	\$ 1,800,000.00	2023
Electric	\$ 1,500,000.00	2023
New Cell Construction	\$ 1,000,000.00	2021
Landfill Gas Capture (for new cell)	\$ 3,000,000.00	2021
Volumetric Pricing	\$ 300,000.00	2020-2021
Recycling Outreach	\$ 100,000.00	Annual cost

Policy Impact:

The Option 1 rate will generate increased revenue that will fund projects that support the City's Rethink Waste Plan. Projects and programming, such as volumetric pricing and increased recycling outreach, will lead to increases in waste diversion and prevention, which also extends the life of the landfill and delays costly capital projects. Major capital projects, such as landfill gas capture, also directly support the City's climate action goals by reducing the potent greenhouse gases such as methane produced by the landfill.

The increased revenue will also allow the City to update its fleet vehicles, infrastructure, and technology to better serve residents.

Many of these capital projects allow the City to remain in compliance with U.S. Environmental Protection Agency regulations covering landfill gas emissions.

Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:

CLIMATE CHANGE: Take meaningful climate change action. Actively manage and protect all environmental and natural resources.

ENVIRONMENTAL AND NATURAL RESOURCES: Actively manage and protect all environmental and natural resources.

- Further develop sustainability and waste removal policies and programs.

REGIONAL PLAN:

Policy E&C.2.1. Encourage the reduction of all energy consumption, especially fossil-fuel generated energy, in public, commercial, industrial, and residential sectors.

Policy E.1.3. Empower all community members to make smarter energy choices through education and incentives.

Has There Been Previous Council Decision on This:

No

Attachments: Res. 2018-58
 2018 Update to Solid Waste Fee
 Ord. 2018-45

RESOLUTION NO. 2018-58

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF
FLAGSTAFF, ARIZONA, DECLARING CERTAIN DOCUMENTS KNOWN AS
“THE 2018 UPDATES TO THE SOLID WASTE FEES” AS PUBLIC RECORDS**

RECITALS:

WHEREAS, pursuant to A.R.S. § 9-802, a municipality may enact or amend provisions of the City Code by reference to a public record, providing that the adopting ordinance is published in full;

ENACTMENTS:

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

Those certain documents known as “The 2018 Updates to the Solid Waste Fees” attached hereto as Exhibit A are hereby declared to be public records, and three (3) copies shall remain on file with the City Clerk or one paper copy and one electronic copy maintained in compliance with A.R.S. § 44-7041 or public record shall remain on file with the City Clerk.

PASSED AND ADOPTED by the City Council of Flagstaff on 11th day of December.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Attachments:

Exhibit A: The 2018 Updates to the Solid Waste Fees

THE 2018 UPDATES TO THE SOLID WASTE FEES

The Flagstaff City Code, Title 7, *Health and Sanitation*, Chapter 7-04, *Municipal Solid Waste Collection Service*, is thereby amended as shown below (changes shown in redline and ALLCAPS as new or deleted text with a strike-through).

7-04-001-0010 FEES

The rates and charges for solid waste and recycling collection services outlined below are based on the cost of the services provided. The Director or designee may establish special rates or charges when required by unusual, unique or special needs, or to provide discounts for high-volume customers when collection efficiencies are realized.

A. Deposit:

1. Landfill account customers shall provide a deposit of two hundred fifty dollars (\$250.00) per account.
2. The deposit shall be refunded when:
 - a. The account has been paid in a current manner for one (1) year; or
 - b. The account is closed out and paid in full; or
 - c. There has been no activity on the account for ninety (90) days.
3. If an inactive or closed account is reactivated, a new deposit shall be collected or a new credit application will be required.
4. If a customer's service is terminated due to non-payment after the City refunds a customer's deposit, payment of existing balance plus an additional five hundred dollar (\$500.00) deposit will be required before service is resumed.
5. Specific exemptions from deposit provisions shall apply to churches, non-profit community organizations, and other utilities.
6. No interest shall be paid by the City upon any deposit refund.

B. Residential Collection Fees:

1. Automated Collection: ~~Seventeen dollars seventy-three cents (\$17.73)/month for one (1) time a week collection of the solid waste and recycling containers, once every four (4) week bulk waste collection, weekly white goods collection, access to the landfill (except construction and demolition waste), and access to the Hazardous Products Center. Billing will apply to each residential property continuously.~~ THE MONTHLY FEE PER SERVICE ADDRESS FOR WEEKLY COLLECTION OF THE SOLID WASTE AND RECYCLING CONTAINERS RESIDENTIAL REFUSE COLLECTION SERVICE, AND ONCE EVERY FIVE (5) WEEKS BULK WASTE COLLECTIONS, WEEKLY WHITE GOODS COLLECTION, ACCESS TO THE LANDFILL (EXCEPT CONSTRUCTION AND DEMOLITION WASTE), AND ACCESS TO THE HAZARDOUS PRODUCTS CENTER. BILLING WILL APPLY TO EACH RESIDENTIAL PROPERTY CONTINUOUSLY SHALL BE AS FOLLOWS:

<u>2-1-2019</u>	<u>1-3-2020</u>	<u>1-3-2021</u>	<u>1-3-2022</u>	<u>1-3-2023</u>
<u>\$19.06</u>	<u>\$20.49</u>	<u>\$22.03</u>	<u>\$23.68</u>	<u>\$25.45</u>

2. Additional Automated Containers: Cost of the container to the City plus ten-dollar (\$10.00) service fee with an additional monthly service fee equaling fifty percent (50%) of the normal monthly fee.

3. Replacing Automated Containers: Actual cost of container to the City plus ten dollar (\$10.00) service fee.

4. Special Collection Service: Special bulky waste collection will be provided upon request to residential and business customers for a fee equal to the cost for equipment, manpower, and landfill disposal, at a one-half (1/2) hour minimum rate.

5. Residential collection fees apply whether the residence is occupied or unoccupied. The monthly service charge is based on the fixed cost of operating and maintaining the residential collection system so that the system is available to provide residential collection to the parcel when residential collection service is activated. Unoccupied parcels will continue to pay monthly service charges because residential collection service is available and may be activated and used by the property owner at any time.

6. ~~Glass Recycling Three dollars fifty-five cents (\$3.55)/month for once per month pick-up.~~
THE MONTHLY FEE PER SUBSCRIBED SERVICE ADDRESS FOR MONTHLY COLLECTION
OF THE RESIDENTIAL GLASS RECYCLING CONTAINERS SHALL BE AS FOLLOWS:

<u>2-1-2019</u>	<u>1-3-2020</u>	<u>1-3-2021</u>	<u>1-3-2022</u>	<u>1-3-2023</u>
<u>\$3.81</u>	<u>\$4.10</u>	<u>\$4.41</u>	<u>\$4.74</u>	<u>\$5.09</u>

C. Commercial, Industrial, and Multifamily Residential Collection Fees:

1. The monthly fee per service address for commercial, industrial, and multifamily residential refuse collection service shall be as follows:

REFUSE COLLECTION

LEVEL OF SERVICE

Container Size	1X/Week	2X/Week	3X/Week	4X/Week	5X/Week	6X/Week	7X/Week
90 Gal. 1 Barrel	32.36	58.24	84.14	110.02	135.80	-	-
	33.33	59.96	86.67	113.32	139.88		
2 Barrels	52.35	93.19	134.16	175.04	215.78	-	-
	53.92	95.98	138.19	180.29	222.26		
3 Barrels	72.50	128.45	184.58	240.58	296.40	-	-
	74.67	132.30	190.12	247.80	305.29		
4 Barrels	92.64	163.69	234.98	306.11	377.00	-	-
	95.42	168.60	242.03	315.29	388.31		
195 Gal. 1 Barrel	38.49	68.83	99.48	129.96	159.85	-	-
	39.65	70.89	102.46	133.86	164.64		
2 Barrels	62.03	110.13	158.40	206.55	254.05	-	-
	63.90	113.44	163.16	212.74	261.67		
3 Barrels	85.76	151.66	217.78	283.75	349.01	-	-
	88.34	156.21	224.31	292.26	359.49		

REFUSE COLLECTION

LEVEL OF SERVICE

Container Size	1X/Week	2X/Week	3X/Week	4X/Week	5X/Week	6X/Week	7X/Week
4 Barrels	109.49 112.78	193.18 198.97	277.15 285.46	360.93 371.75	443.94 457.26	-	-
300 Gal. 1 Barrel	42.70 43.95	76.30 78.59	110.02 113.32	143.65 147.96	177.17 182.49	-	-
2 Barrels	68.69 70.75	121.78 125.43	175.04 180.29	228.18 235.03	281.15 289.58	-	-
3 Barrels	94.88 97.72	167.61 172.64	240.58 247.80	313.39 322.79	385.95 397.53	-	-
4 Barrels	121.06 124.69	213.43 219.83	306.11 315.29	398.57 410.53	490.73 505.45	-	-
2 Cu. Yd. 1 Bin	53.01 54.60	94.33 97.16	135.80 139.88	177.17 182.49	218.40 224.96	273.53 281.74	331.41 341.36
2 Bins	84.97 87.52	150.27 154.77	215.78 222.26	281.15 289.58	346.30 356.69	433.40 446.40	524.85 540.60
3 Bins	117.18 120.70	206.64 212.84	296.40 305.29	385.95 397.53	475.20 489.46	594.53 612.37	719.82 741.42
4 Bins	131.46 135.40	231.44 238.39	331.76 341.71	431.84 444.79	531.59 547.53	664.95 684.89	804.97 829.12
3 Cu. Yd. 1 Bin	63.31 65.21	112.37 115.74	161.59 166.44	210.70 217.02	259.64 267.43	325.07 334.83	393.78 405.59
2 Bins	101.25 104.29	178.76 184.12	256.53 264.22	334.12 344.14	411.45 423.79	514.83 530.28	623.39 642.09
3 Bins	139.49	245.68	352.22	458.52	564.46	706.10	854.82

REFUSE COLLECTION

LEVEL OF SERVICE

Container Size	1X/Week	2X/Week	3X/Week	4X/Week	5X/Week	6X/Week	7X/Week
	143.67	253.05	362.79	472.27	581.39	727.28	880.47
4 Bins	156.39 161.08	275.07 283.32	394.14 405.97	512.94 528.33	631.34 650.28	789.64 813.33	955.85 984.52
4 Cu. Yd. 1 Bin	73.78 75.99	130.68 134.60	187.78 193.41	244.74 252.09	301.52 310.56	377.42 388.74	457.12 470.83
2 Bins	117.78 121.32	207.70 213.93	297.91 306.85	387.91 399.55	477.62 491.94	597.54 615.47	723.47 745.17
3 Bins	162.14 167.01	285.32 293.88	408.91 421.18	532.22 548.18	655.11 674.76	819.41 843.99	991.93 1021.69
4 Bins	181.71 187.16	319.37 328.96	457.50 471.23	595.30 613.16	732.65 754.63	916.27 943.76	1109.08 1142.35
5 Bins	213.28 219.68	374.57 385.81	536.41 552.50	697.87 718.80	858.79 884.55	1073.93 1106.15	1299.83 1338.83
6 Bins	243.10 250.39	426.71 439.51	610.93 629.26	794.73 818.57	977.91 1007.25	1222.82 1259.51	1479.98 1524.38
7 Bins	266.17 274.15	467.02 481.03	668.55 688.60	869.60 895.69	1069.99 1102.09	1337.89 1378.03	1619.20 1667.77
8 Bins	289.41 298.09	507.64 522.87	726.61 748.40	945.06 973.41	1162.79 1197.67	1453.88 1497.49	1759.52 1812.31
6 Cu. Yd. 1 Bin	94.26 97.09	166.53 171.53	239.05 246.22	311.39 320.73	383.49 395.00	479.89 494.29	581.11 598.54
2 Bins	150.15 154.66	264.34 272.27	378.91 390.28	493.22 508.01	607.14 625.35	759.45 782.23	919.37 946.95

REFUSE COLLECTION

LEVEL OF SERVICE

Container Size	1X/Week	2X/Week	3X/Week	4X/Week	5X/Week	6X/Week	7X/Week
3 Bins	206.49 212.68	362.93 373.81	519.89 535.48	676.48 696.78	832.56 857.53	1041.22 1072.46	1260.32 1298.13
4 Bins	231.27 238.21	406.10 418.29	581.52 598.97	756.54 779.23	930.96 958.89	1164.17 1199.09	1409.03 1451.30
5 Bins	271.34 279.48	476.19 490.48	681.72 702.17	886.77 913.38	1091.14 1123.88	1364.37 1405.31	1651.27 1700.81
6 Bins	309.20 318.47	542.38 558.66	776.35 799.64	1009.77 1040.06	1242.42 1279.69	1553.45 1600.05	1880.04 1936.44
7 Bins	338.48 348.63	593.56 611.37	849.50 874.98	1104.84 1137.98	1359.33 1400.11	1699.57 1750.55	2056.82 2118.53
8 Bins	367.97 379.01	645.13 664.49	923.22 950.91	1200.65 1236.67	1477.17 1521.48	1846.85 1902.26	2235.02 2302.07
8 Cu. Yd. 1 Bin	114.98 118.43	202.79 208.87	290.89 299.62	378.79 390.16	466.40 480.39	583.52 601.03	706.50 727.70
2 Bins	182.89 188.37	321.63 331.28	460.83 474.65	599.71 617.70	738.12 760.27	923.18 950.88	1117.49 1151.01
3 Bins	251.33 258.87	441.41 454.65	632.11 651.08	822.38 847.05	1012.01 1042.37	1265.53 1303.50	1531.74 1577.69
4 Bins	281.39 289.83	493.81 508.63	706.95 728.16	919.59 947.18	1131.52 1165.46	1414.86 1457.31	1712.37 1763.74
5 Bins	330.07 339.97	578.96 596.33	828.68 853.54	1077.81 1110.15	1326.12 1365.91	1658.10 1707.84	2006.67 2066.87
6 Bins	376.04	659.37	943.64	1227.24	1509.90	1887.81	2284.61

REFUSE COLLECTION

LEVEL OF SERVICE

Container Size	1X/Week	2X/Week	3X/Week	4X/Week	5X/Week	6X/Week	7X/Week
	387.32	679.15	971.94	1264.06	1555.20	1944.45	2353.15
7 Bins	411.60	814.03	1164.86	1514.87	1863.72	2330.11	2819.82
	423.95	838.45	1199.81	1560.32	1919.63	2400.02	2904.42
8 Bins	447.42	784.17	1122.05	1459.13	1795.09	2244.26	2715.89
	460.85	807.70	1155.71	1502.91	1848.95	2311.59	2797.36

2. The monthly fee per service address for commercial, industrial, and multifamily residential recycling collection service shall be as follows:

RECYCLING

Level of Service

Container Size	1X/Week	2X/Week	3X/Week	4X/Week	5X/Week
90 Gal. 1 Barrel	22.23	28.89	35.54	42.29	49.06
	22.89	29.76	36.61	43.56	50.53
2 Barrels	26.67	34.67	42.65	50.75	58.87
	27.47	35.71	43.93	52.27	60.64
3 Barrels	31.21	40.57	49.90	59.38	68.88
	32.14	41.78	51.40	61.16	70.95
4 Barrels	35.57	46.25	56.88	67.69	78.52
	36.64	47.63	58.59	69.72	80.88
195 Gal. 1 Barrel	27.04	35.15	43.24	51.45	59.68
	27.85	36.21	44.53	53.00	61.47
2 Barrels	32.45	42.18	51.88	61.74	71.62

RECYCLING

Level of Service

Container Size	1X/Week	2X/Week	3X/Week	4X/Week	5X/Week
	33.42	43.45	53.44	63.59	73.77
3 Barrels	37.96 39.10	49.35 50.83	60.70 62.53	72.24 74.41	83.80 86.31
4 Barrels	43.28 44.58	56.26 57.95	69.20 71.28	82.35 84.82	95.53 98.39
300 Gal. 1 Barrel	26.67 27.47	34.67 35.71	42.65 43.93	50.75 52.27	58.87 60.64
2 Barrels	32.01 32.97	41.61 42.86	51.18 52.71	60.90 62.73	70.65 72.76
3 Barrels	37.45 38.57	48.68 50.14	59.88 61.67	71.25 73.39	82.66 85.13
4 Barrels	42.69 43.97	55.50 57.16	68.26 70.31	81.23 83.67	94.23 97.05
2 Cu. Yd. 1 Bin	32.01 32.97	41.61 42.86	51.18 52.71	60.90 62.73	70.65 72.76
2 Bins	38.41 39.56	49.93 51.43	61.41 63.26	73.08 75.27	84.77 87.32
3 Bins	44.94 46.28	58.42 60.17	71.85 74.01	85.51 88.07	99.19 102.16
4 Bins	51.23 52.76	66.60 68.59	81.91 84.37	97.48 100.40	113.07 116.46
3 Cu. Yd. 1 Bin	38.41 39.56	49.93 51.43	61.41 63.26	73.08 75.27	84.77 87.32

RECYCLING

Level of Service

Container Size	1X/Week	2X/Week	3X/Week	4X/Week	5X/Week
2 Bins	46.09	59.92	73.70	87.70	101.73
	47.47	61.71	75.91	90.33	104.78
3 Bins	53.92	70.10	86.22	102.61	119.02
	55.54	72.20	88.81	105.68	122.59
4 Bins	61.47	79.91	98.30	116.97	135.69
	63.32	82.31	101.24	120.48	139.67
4 Cu. Yd. 1 Bin	46.09	59.92	73.70	87.70	101.73
	47.47	67.71	75.91	90.33	104.78
2 Bins	55.31	71.90	88.43	105.24	122.08
	56.97	74.06	91.09	108.39	125.74
3 Bins	64.71	84.12	103.47	123.13	142.83
	66.65	86.64	106.57	126.82	147.11
4 Bins	73.77	95.90	117.95	140.37	162.82
	75.98	98.77	121.49	144.58	167.71
6 Cu. Yd. 1 Bin	55.31	71.90	88.43	105.24	122.08
	56.97	74.06	91.09	108.39	125.74
2 Bins	74.66	97.06	119.39	142.07	164.80
	76.90	99.97	122.97	146.33	169.75
3 Bins	94.08	122.30	150.43	179.01	207.65
	96.90	125.97	154.94	184.38	213.88
4 Bins	113.36	147.37	181.27	215.71	250.22
	116.76	151.79	186.70	222.18	257.73
8 Cu. Yd. 1 Bin	66.37	86.28	106.12	126.29	146.49

RECYCLING

Level of Service

Container Size	1X/Week	2X/Week	3X/Week	4X/Week	5X/Week
	68.36	88.87	109.31	130.07	150.89
2 Bins	89.60 92.28	116.48 119.97	143.26 147.56	170.48 175.60	197.76 203.70
3 Bins	112.89 116.28	146.76 151.16	180.51 185.93	214.81 221.26	249.18 256.66
4 Bins	136.03 140.12	176.84 182.15	217.52 224.04	258.85 266.61	300.26 309.27

3. Exceptional Services:

a. Return to blocked bin: ~~Fifteen dollars thirty-one cents (\$15.31)~~ FIFTEEN DOLLARS SEVENTY-SIX CENTS (\$15.76).

b. Extra pick-up (scheduled): ~~Ten dollars twenty-one cents (\$10.21)~~ TEN DOLLARS FIFTY-ONE CENTS (\$10.51) X CUBIC YARD SIZE OF CONTAINER.

c. Extra pick-up (unscheduled): ~~Fifteen dollars thirty-one cents (\$15.31)~~ FIFTEEN DOLLARS SEVENTY-SIX CENTS (\$15.76) X CUBIC YARD SIZE OF CONTAINER.

d. Other: Actual cost of service.

D. White Goods Collection: White goods will be collected for a fee of ~~thirty-three dollars sixty-three cents (\$33.63)~~ THIRTY-FOUR DOLLARS SIXTY-FOUR CENTS (\$34.64) per unit WITH PROOF THAT REFRIGERANTS, OIL OR COMPRESSORS HAVE BEEN REMOVED for appliances and freezers/refrigerators with the refrigerant, oil and compressors removed with proper documentation, and ~~fifty-five dollars seven cents (\$55.07)~~ OR FIFTY-SIX DOLLARS SEVENTY-TWO CENTS (\$56.72) per unit WHERE REFRIGERANTS, OIL OR COMPRESSORS HAVE NOT BEEN REMOVED for appliances with refrigerant, oil and compressors in place.

WHITE GOODS ARE DEFINED AS APPLIANCES, INCLUDING FREEZERS,
REFRIGERATORS, AND AIR CONDITIONERS.

E. Hoist and Haul:

1. Minimum charge of one (1) pull per month, for City owned containers. From May through October the City may charge a minimum of two (2) pulls per month.

2. Customer Owned Container: The cost shall be ~~one hundred twenty dollars seventy-five cents (\$120.75)~~ ONE HUNDRED TWENTY-FOUR DOLLARS THIRTY-SEVEN CENTS (\$124.37) per pull for overhead costs plus the posted landfill tipping fee per ton for landfill disposal costs.

3. Recycling Compactor: ~~One hundred fifteen dollars seventy-five cents (\$115.75)~~ ONE HUNDRED NINETEEN DOLLARS TWENTY-TWO CENTS (\$119.22) per pull for overhead costs plus the current Norton Environmental recycling fee.

4. City Owned Container: The cost shall be ~~one hundred forty-one dollars seventy-five cents (\$141.75)~~ ONE HUNDRED FORTY-SIX DOLLARS (\$146.00) per pull for forty (40) yard containers and ~~one hundred twenty-six dollars (\$126.00)~~ ONE HUNDRED TWENTY-NINE DOLLARS SEVENTY-EIGHT CENTS (\$129.78) per pull for twenty (20) and thirty (30) yard containers, plus the posted landfill tipping fee per ton for landfill disposal costs.

5. Exceptional Services: Actual cost.

F. Any service required that does not fit into the above fee schedules must have an alternative payment schedule approved by the Director or designee. Such schedule will be in writing and signed by both parties.

G. Replacement Fees: Should a bin or roll-off (hoist and haul) container need replacement as per Section 7-04-001-0007, the replacement costs shall be equal to the actual replacement cost to the City plus a fifty dollar (\$50.00) service fee.

H. Landfill Fees: Landfill fees shall be calculated at the actual cost per ton plus an additional amount to be determined by City Council to establish a capital account to fund future projects and equipment purchases. The City shall establish a legal reserve within the Environmental Services Fund for the purpose of funding costs of closing the landfill as required by the EPA or

its designee. Monies shall be appropriated and set aside monthly in an amount to meet the estimated capital costs, to include liner system, methane collection and cover material. Interest shall accrue to this account to be used for all the same purposes mentioned above.

1. Environmental Maintenance Facility Fee: In addition to the landfill tipping fees outlined below, the City shall collect a fee of two dollars fifty cents (\$2.50) per-ton TIPPING FEE to fund the facilities that support the activities associated with municipal solid waste collection. THE CITY Monies shall ~~be allocated~~ annually ALLOCATE THE ~~in the amount of~~ two dollars fifty cents (\$2.50) ~~of the~~ per-ton tipping fee ~~on scaled tonnage based on the posted landfill tipping fee. Environmental maintenance facility fee funds shall be used, in part,~~ to service the debt associated with construction of the core services maintenance facility. The City shall establish a legal reserve fund for this purpose. Interest shall accrue to this account to be used for all of the same purposes mentioned above.

The two dollars fifty cents (\$2.50) per ton fee referenced in this subsection shall remain in effect until retirement of the debt associated with construction of the core services maintenance facility.

2. The landfill TIPPING FEES~~dumping rates~~ for each user category shall be as follows, plus all applicable State and Federal taxes:

a. Category 1: City residents who pay for City of Flagstaff water and refuse services will be charged the following fees to use the landfill:

Type of Refuse	Cost
Residential solid waste	\$44.42 \$45.75 per ton (if less than one ton there is no charge)
Construction and demolition material (less than one ton)	\$20.00 per pickup truck, additional \$20.00 per trailer
Construction and demolition material (greater than one ton)	\$44.42 \$45.75 per ton
Green waste (tree limbs, logs/stumps and Xmas trees)	Free *Note: pine needles and leaves are NOT green waste

Type of Refuse	Cost
White goods	Free
Electronics	Free (must be disposed at HPC)
Freon evacuation for household units	Free
Unsecured load charge (i.e., load not covered or tied down)	\$20.00 additional charge per unsecured load

b. Category 2: Non-City Residents who live in Coconino County and City residents who do not pay for City of Flagstaff water and refuse services will be charged the following fees to use the landfill:

Type of Refuse	Cost
Residential solid waste (bagged)	\$2.00 per bag
Residential solid waste (less than one ton)	\$20.00 per pickup truck, additional \$20.00 per trailer
Residential solid waste (greater than one ton)	\$44.42 \$45.75 per ton
Construction and demolition material (less than one ton)	\$20.00 per pickup truck, additional \$20.00 per trailer
Construction and demolition material (greater than one ton)	\$44.42 \$45.75 per ton
Green waste (tree limbs, logs/stumps and Xmas trees)	Free *Note: pine needles and leaves are NOT green waste
White goods <u>(WITH PROOF THAT REFRIGERANTS, OIL OR COMPRESSORS HAVE BEEN REMOVED)</u>	\$8.49 \$8.74 per UNIT item (refrigerant must be evacuated prior to disposal^{1,2})
Electronics	Must be disposed at HPC
Unsecured load charge (i.e., load not covered or tied down)	\$20.00 additional charge per unsecured load

THE COST FOR DISPOSAL OF WHITE GOODS REQUIRING THE ~~per-unit~~ EXTRACTION OF REFRIGERANT, OIL OR COMPRESSORS WILL BE BASED ON THE ACTUAL COST TO THE CITY FOR A THIRD-PARTY TO PERFORM THE SERVICE.

c. Category 3: Commercial hauled refuse (including refuse hauled by licensed solid waste collection companies) from within City WILL BE CHARGED THE FOLLOWING FEES TO USE THE LANDFILL:

~~Notice: It is required that all commercial haulers wear reflective vests, safety shoes, and hard hats upon crossing the administration and scale house boundary.~~

Type of Refuse	Cost
Commercial solid waste	\$44.42 \$45.75 per ton (minimum charge of one ton)
Green waste (tree limbs, logs/stumps and Xmas trees)	\$44.42 \$45.75 per ton *Note: pine needles and leaves are NOT green waste
White goods <u>(WITH PROOF THAT REFRIGERANTS, OIL OR COMPRESSORS HAVE BEEN REMOVED)</u>	\$8.49 \$8.74 per <u>UNIT</u> item (refrigerant must be evacuated prior to disposal^{1,2})
Metal only (recycle fee)	Current Norton Recycling fee \$32.25 per ton
Electronics	Must be disposed at HPC
Exceptional waste (e.g., asbestos)	\$44.42 \$45.75 per ton plus \$20.00 one-time handling fee
Unsecured load charge (i.e., load not covered or tied down)	\$20.00 additional charge per unsecured load

THE COST FOR DISPOSAL OF WHITE GOODS REQUIRING THE ~~per-unit~~ EXTRACTION OF REFRIGERANT, OIL OR COMPRESSORS WILL BE BASED ON THE ACTUAL COST TO THE CITY FOR A THIRD-PARTY TO PERFORM THE SERVICE.

1. Inert Material

i. LANDFILL TIPPING fees may be waived or reduced for clean soil, rubble and other inert material that can be UTILIZED FOR BENEFICIAL USE TO THE LANDFILL used as alternative daily cover, AS DETERMINED provided material is approved by the Director or designee and is beneficial to the City.

ii. IF THE INERT MATERIAL IS NOT CLEAN SOIL, RUBBLE OR OTHER INERT MATERIAL, THE HAULER WILL BE CHARGED \$45.75 PER TON. Inert Material: The rate for haulers disposing of inert material (dirt, rock and clean concrete) will be as follows:

d. Category 4: Refuse hauled from outside the County.

Type of Refuse	Cost
For all items accepted at landfill	\$86.59 \$89.19 per ton

²If you have a unit evacuated elsewhere (not at the landfill), you must submit an appliance disposal form if you intend on disposing of the unit at the landfill.

• Per unit appliance fees are still applicable when an appliance disposal form is submitted to landfill staff.

• If an appliance disposal form is not submitted to landfill staff, evacuation fees will apply.

a. Fees may be waived or reduced for clean soil, rubble and other inert material that can be used as alternative daily cover, provided material is approved by the Director or designee and is beneficial to the City.

b. Inert Material: The rate for haulers disposing of inert material (dirt, rock and clean concrete) will be as follows:

c. White Goods Disposal: Disposal of white goods/appliances and freezers/refrigerators from business establishments with the refrigerant, oil and compressors removed with proper documentation is eight dollars forty-nine cents (\$8.49) per unit or twenty-seven dollars ninety cents (\$27.90) per unit with refrigerant, oil and compressors still in place. Landfill customers

~~paying the City residential solid waste service charge may dispose of refrigerators/freezers with refrigerants free of charge. Landfill customers not paying the City residential solid waste service charge may dispose of refrigerators/freezers with refrigerant for a fee of twenty-seven dollars ninety cents (\$27.90) per unit.~~

- I. Environmental Management Fee: An ~~e~~Environmental ~~m~~Management ~~f~~Fee of four dollars (\$4.00) per month per City utility bill shall be charged to fund Citywide environmental programs, including, but not limited to, environmental management, brownfield land recycling, sustainability, environmental code enforcement, and conservation education programs.

ORDINANCE NO. 2018-45

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA AMENDING SECTION 7-04-001-0010, MUNICIPAL SOLID WASTE FEES, OF THE FLAGSTAFF CITY CODE

RECITALS:

WHEREAS, solid waste fees are established to charge the user of a specific service the cost of delivering the specific service; and

WHEREAS, the City of Flagstaff ("City") has found that it is necessary to update, adjust and increase solid waste fees in order to provide for the present and future cost of maintaining service levels and system capacity; and

WHEREAS, the City wishes to change language in the City Code, Title 7, Chapter 7-04, *Health and Sanitation*, to update, adjust and increase solid waste fees in the City Code; and

WHEREAS, the City finds that the updates, adjustments and increases to the solid waste fees are all just and reasonable.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED by the Flagstaff City Council that:

SECTION 1. In General.

The Flagstaff City Code, Title 7, *Health and Sanitation*, is hereby amended by adoption of those amendments set forth in the document known as "The 2018 Updates to the Solid Waste Fees", which are adopted as public records by Resolution 2018-58 and maintained on file with the City Clerk.

SECTION 2. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of the code adopted herein are hereby repealed.

SECTION 3. Severability

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

SECTION 4. Clerical Corrections.

The City Clerk is hereby authorized to correct clerical and grammatical errors, if any, related to this ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the Flagstaff City Code.

SECTION 5. Effective Date. The fees imposed by this Ordinance shall take effect February 1, 2019.

PASSED AND ADOPTED by the City Council of Flagstaff on 11th day of December, 2018

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY