NOTE: IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES AND THE FLAGSTAFF CITY CHARTER, THE SUMMARIZED MINUTES OF CITY COUNCIL MEETING ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSIONS APPEARING WITHIN QUOTATION MARKS ARE VERBATIM. AUDIO RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

SUMMARIZED MINUTES
COUNCIL MEETING
January 3, 2012
12:00 p.m.

A meeting of the Flagstaff City Council was held on January 3, 2012, convening at 12:00 p.m. in the Council Chambers at City Hall, 211 West Aspen Avenue, Flagstaff, Arizona.

CALL TO ORDER

The meeting was called to order by Mayor Presler.

1. ROLL CALL

On roll call, the following were present:

Mayor Presler
Vice Mayor Barotz
Councilmember Babbott
Councilmember Brewster
Councilmember Evans
Councilmember Overton
Councilmember White

Also present were:

Kevin Burke, City Manager
Rosemary Rosales, City Attorney

2. PUBLIC PARTICIPATION

None.

3. BOARD AND COMMISSION APPOINTMENTS

A. Consideration of Applicants for Appointments: Tourism Commission [The City Council may vote to discuss this matter in executive session pursuant to A.R.S. §38-431.03(A)(1). The names of the applicants may be obtained by contacting the City Clerk.]

RECOMMENDED ACTION: Make one appointment to a hospitality term expiring January, 2014; one appointment to a hospitality term expiring January 2015; and two appointments to at-large terms expiring January, 2015.

Councilmember Overton moved to appoint James Hasapis and Jean Hockman to at-large terms expiring January, 2015, and to appoint Mark Price to a hospitality term expiring January, 2015. The motion was seconded by Councilmember Brewster and passed on unanimous vote.

4. LIQUOR LICENSE PUBLIC HEARINGS

No applications were submitted.

5. CONSENT ITEMS

A. Consideration and Approval of Settlement Agreement: Stallard v. City of Flagstaff.

RECOMMENDED ACTION: Approve the Settlement Agreement in the amount of $250,000.00.

Councilmember White moved to accept the recommended action; seconded by Councilmember Evans. The vote was unanimous in favor.

B. Consideration and Approval of Lease Agreement: Cogdill Recreation Center, 301 S. Paseo del Flag.

RECOMMENDED ACTION:
(1) Approve the Lease Agreement with the Boys and Girls Club of Flagstaff (BGCF) for an annual lease fee of $12.00; start-up costs in an amount up to $175,000.00; an initial term of five years; and an option for on 5-year extension; and
(2) Authorize the City Manager to execute the necessary documents.

Councilmember Brewster moved to approve the recommendation, seconded by Councilmember White. Motion carried unanimously.

Participating in the discussion were Elizabeth Anderson, Community Enrichment Director; and Jim Stratton of the Boys and Girls Clubs of America

The City has engaged in similar instances of subsidization when a service in return is received. Cases in point are the Murdock facility, the FACTS program, and the Northern Arizona Center for Emerging Technologies. Programming that includes government, sports, citizenship and leadership, education, and social recreation will follow the typical plan used across the country. Head Start is the main community partner. BCBG is committed to technology with a learning lab that will use a variety of resources in an after school setting. There will be active post-school programming, summer camps, and day camps in the summer. They hope to fill in gaps in community activities where possible.

Personnel cost is $170,060 of the $280,424 fiscal year budget for Cogdill, all funded by BBB monies. Contractuals are $19,630, primarily building operations and maintenance and the remainder is for commodities, Because the Boys and Girls Club will take on staffing and operations of Cogdill, the City will save costs for staffing and all of the commodities, and one fulltime position will be eliminated. The Club will need staff and it is hoped that existing positions will be transitioned to them.

Mayor Presler moved to recess to Executive Session, seconded by Councilmember White. The vote passed unanimously.

Upon return from executive session, Mayor Presler moved to amend the underlying agreement by adding a new Section 9.18, Background Checks, as follows:

> "Lessee will check all its employees/volunteers for criminal records to ensure that all laws and that City of Flagstaff policies and regulations concerning contact with minors, older adults, or the disabled in recreational programs are enforced."

After second by Councilmember White, the motion passed on unanimous vote.

Councilmember Evans clarified that she had received legal advice that she does not have a conflict of interest on this matter.

C. <u>Consideration and Approval of Grant Agreement:</u> Cooperative Forestry State Assistance Program.

RECOMMENDED ACTION: Approve the grant agreement with the State of Arizona Forestry Division for matching grant funds in the amount of $107,500.00.

Councilmember Evans moved to take the recommended action, seconded by Councilmember White. The vote was unanimous in favor.

6. ROUTINE ITEMS

A. <u>Consideration and Adoption of Ordinance No. 2011-31:</u> An ordinance amending Title 2, Boards and Commissions, by adding Chapter 2-02, Building and Fire Code Board of Appeals; amending Title 4, Building Regulations, Chapter 4-01, Administrative Enactments, Section 4-01-001-0005, Amendments, Additions, and Deletions, by adding a provision related to the Building and Fire Code Board of Appeals; amending Title 5, Fire Code, Chapter 5-02, Fire Code, Section 5-02-001, Fire Code, Subsection 5-02-001-0005, Amendments, by adding a provision related to the Building and Fire Code Board of Appeals; and repealing Resolutions Nos. 1565 and 2001-42 related to the creation and term limits of the Building and Fire Code Board of Appeals.

RECOMMENDED ACTION: Read Ordinance No. 2011-31 for the final time by title only.
Adopt Ordinance No. 2011-31.

Councilmember Babbott moved to read Ordinance No. 2011-31 for the final time by title only, seconded by Councilmember Evans. The motion passed on unanimous vote and title was read as follows:

ORDINANCE NO. 2011-31

> An ordinance amending Title 2, Boards and Commissions, by adding Chapter 2-02, Building and Fire Code Board of Appeals; amending Title 4, Building Regulations, Chapter 4-01, Administrative Enactments, Section 4-01-001-0005, Amendments, Additions, and Deletions, by adding a provision related to the Building and Fire Code Board of Appeals; amending Title 5, Fire Code, Chapter 5-02, Fire Code, Section 5-02-001, Fire Code, Subsection 5-02-001-0005, Amendments, by adding a provision related to the Building and Fire Code Board of Appeals; and repealing Resolutions Nos. 1565 and 2001-42 related to the creation and term limits of the Building and Fire Code Board of Appeals.

Councilmember White moved for adoption. Upon second by Councilmember Evans, the motion passed on unanimous vote.

B. **Consideration and Adoption of Ordinance No. 2011-33:** An ordinance amending Flagstaff City Code Title 2, Boards and Commissions, by repealing Title 2, Chapter 2-09, Citizens Advisory Commission on Aging, and reserving the same for future use.

RECOMMENDED ACTION: Read Ordinance No. 2011-33 for the final time by title only.
Adopt Ordinance No. 2011-33.

Councilmember Overton moved to read Ordinance No. 2011-33 for the final time by title only, seconded by Councilmember Brewster. The motion passed on unanimous vote and title was read as follows:

ORDINANCE NO. 2011-33

An ordinance amending Flagstaff City Code Title 2, Boards and Commissions, by repealing Title 2, Chapter 2-09, Citizens Advisory Commission on Aging, and reserving the same for future use.

Councilmember White moved to adopt Ordinance No. 2011-33, seconded by Councilmember Evans. The motion passed on unanimous vote.

C. **Consideration and Adoption of Ordinance No. 2011-34:** An ordinance amending Flagstaff City Code Title 2, Boards and Commissions, by repealing Title 2, Chapter 2-06, Safety Commission, and reserving the same for future use.

RECOMMENDED ACTION: Read Ordinance No. 2011-34 for the final time by title only.
Adopt Ordinance No. 2011-34.

Councilmember White moved to read Ordinance No. 2011-34 for the final time by title only, seconded by Councilmember Brewster. The motion passed on unanimous vote and title was read as follows:

ORDINANCE NO. 2011-34

An ordinance amending Flagstaff City Code Title 2, Boards and Commissions, by repealing Title 2, Chapter 2-06, Safety Commission, and reserving the same for future use.

Councilmember Babbott moved for adoption, seconded by Councilmember White; and the motion passed unanimously.

D. <u>Consideration and Possible Adoption of Resolution No. 2012-01:</u> A resolution authorizing the submission of an owner-occupied housing rehabilitation grant application to the Arizona Department of Housing for $330,000.00 in State Housing funds.

RECOMMENDED ACTION: Read Resolution No. 2012-01 by title only.
Approve Resolution No. 2012-01.

Councilmember White moved to read Resolution No. 2012-01 by title only, seconded by Councilmember Brewster. The motion passed on unanimous vote and title was read as follows:

RESOLUTION NO. 2012-01

A resolution authorizing the submission of an owner-occupied housing rehabilitation grant application to the Arizona Department of Housing for $330,000.00 in State Housing funds.

Councilmember Evans moved for adoption, seconded by Councilmember Brewster. The motion passed unanimously.

E. <u>Consideration and Possible Adoption of Resolution No. 2012-02:</u> A resolution Adopting Revised City of Flagstaff Housing Rehabilitation Standards.

RECOMMENDED ACTION: Read Resolution No. 2012-02 by title only.
Adopt Resolution No. 2012-02.

Councilmember Evans moved to read Resolution No. 2012-02 by title only, seconded by Councilmember White.

During discussion, it was learned that the Council was concerned about:

- Using Community Development Block Grant (CDBG) monies for emergency repairs up to $50,000.
- Lack of sweat equity.
- Future reliability of CDBG funding.
- The inclusion of applicants who own multiple properties.

Additionally, the following information was requested:

- Past performance and past use.
- Identification of the changes that are legally mandated and those that fall within the City's purview.

Councilmember Overton moved to postpone to the evening meeting, seconded by Councilmember Brewster. The motion passed on unanimous vote.

<u>7. RECESS</u>

The meeting recessed at 12:55 p.m.

5:30 P.M. MEETING

RECONVENE REGULAR MEETING

The meeting reconvened at 5:35 p.m.

8. PLEDGE OF ALLEGIANCE, INVOCATION, AND VISION STATEMENT

Mayor Presler asked those present to stand for the Pledge of Allegiance, the reading of the Vision Statement, and the Invocation.

9. ROLL CALL

On roll call the following were present:

Mayor Presler

Vice Mayor Barotz
Councilmember Babbott
Councilmember Brewster
Councilmember Evans
Councilmember Overton
Councilmember White

Also present were:

Kevin Burke, City Manager
Rosemary Rosales, City Attorney

10. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

A. **Consideration of Minutes**: Regular Council Meeting of October 4, 2011 and Regular Council Meeting of December 6, 2011.

RECOMMENDED ACTION: Approve the minutes as submitted/corrected.

Councilmember Overton moved to approve the minutes as submitted, seconded by Councilmember Evans. The vote was unanimous in favor.

11. PUBLIC PARTICIPATION PROCLAMATIONS, AND RECOGNITION OF OUTGOING BOARD AND COMMISSION MEMBERS

Cindy Iniguez, speaking on behalf of numerous individuals and the hoteliers and restaurant association, spoke in support of the downtown Flagstaff Urban Snowboard and Skiing event.

Gordon Watkins presented the Council with 100-plus signatures opposing the Flagstaff Urban Snowboard and Ski event. He was upset that he received no notice of the event that would occur within 200 feet of his back door.

Joan Martini voiced her opposition to the downtown snowboard and ski event.

Mark Lamberson, a co-founder of the event, communicated his efforts and support for the event.

James Craven, Hotel Monte Vista, also supported holding the event downtown.

Jim Bertude decried the lack of notification to affected downtowners regarding the snow event.

John Van Wick expressed his support for the activity.
Lynn Baker was adamantly opposed to a downtown ski and snowboard event on the basis of its location.

Robin Prema asked the Council to move forward with the downtown snowboard festivity.

Charlotte Welch didn't receive notification of the event and was concerned about parking in the neighborhoods.

Deborah Bell did not receive notification and would like the special event moved somewhere else.

Marianne Ball, speaking to the snowboarding event, wanted to know what the City would do about runoff from ice melt and preferred the event to be moved to another location.

Holly Stahl, owner of Arizona Gallery, wondered why the downtown organizations have not openly promoted the event.

Jerry McLaughlin, downtown merchant and property owner, has problems with the event: location and the way locations are decided. He believed another venue would be appropriate.

Steve Scully supported the Flagstaff Urban Snowboard and Ski event, but would like for it to be relocated.

James Martin owns a downtown business and was worried about the ethanol glycol used in the area where snow will be transported from.

12. CARRY OVER ITEMS FROM THE 12:00 NOON AGENDA

6E. Consideration and Possible Adoption of Resolution No. 2012-02: A resolution Adopting Revised City of Flagstaff Housing Rehabilitation Standards.

RECOMMENDED ACTION: Read Resolution No. 2012-02 by title only.
Adopt Resolution No. 2012-02.

David McIntire, Sarah Darr, and Steve Posey participated in the discussion.

The owner-occupied housing rehabilitation program is governed by Federal and State regulations from the funding sources, the City Charter, City Code, process and procedures, and the Owner Occupied Housing Rehabilitation Standards. The program addresses health and safety issues and only those homes with identified health and safety issues are covered. Hazardous materials, major repairs, energy efficiency and sustainability, and code violations are addressed. In the last two years, 40 projects under the $40,000 cap have been completed and only six were over $30,000. More than half of the beneficiaries are seniors on fixed incomes. The City can only work on a property owner's primary residence.

Mandatory changes are (1) cap on value of the home after rehabilitation; (2) methods of historic preservation; (3) hazardous material updates. The City's voluntary or recommended changes, such as the $10,000 increase in project cap, housing replacement option, change to eligibility that includes a 99-year ground lease, income eligibility guidelines, and recapture provision, can be removed without a negative effect.

The City Council requested additional information on the:

- Percentage of program money spent on administration.
- Percentage of money that is allowed to be spent on administration and the percentage to be spent on the community.

Under program standards, the City can grant amounts below $3,000; but anything over that must be a loan. Applications that were determined to be ineligible were not based on lack of funds, but rather on failure to qualify. Funding sources are drying up, but more alternatives are being pursued.

Councilmember Babbott moved to amend to cap the maximum at $24,999.00, seconded by Councilmember Overton. The motion passed on split vote with Mayor Presler, Vice-Mayor Barotz, and Councilmembers Babbott and Overton in favor, and Councilmembers Brewster, Evans, and White in opposition.

Councilmember Overton moved to strike the housing replacement option, seconded by Councilmember Babbott. The motion to amend passed on split vote with Mayor Presler, Vice-Mayor Barotz, and Councilmembers Babbott and Overton in favor. Councilmembers Brewster, Evans, and White voted against the amendment.

The main motion passed on majority vote with Mayor Presler, Vice-Mayor Barotz, and Councilmembers Babbott, Overton, and White voting in favor, and Councilmembers Brewster Evans opposed. Title was read as follows:

RESOLUTION NO. 2012-01

A resolution authorizing the submission of an owner-occupied housing rehabilitation grant application to the Arizona Department of Housing for $330,000.00 in State Housing funds.

Councilmember Babbott moved for adoption, seconded by Councilmember Overton. The motion passed on majority vote with Mayor Presler, Vice-Mayor Barotz, and Councilmembers Babbott, Brewster, Overton, and White voting in favor, and Councilmember Evans opposed.

13. PUBLIC HEARING ITEMS

14. REGULAR AGENDA

15. DISCUSSION ITEMS

A. Consideration/Discussion: Fee policy for sports concessions.

RECOMMENDED ACTION: Discuss and provide direction, if any.

Elizabeth Anderson, Community Enrichment, participated in the discussion.

The West Flagstaff Little League and Continental Little League built the concessionaire facilities and conveyed them to the City, but not all leagues have had equal opportunity to use them, nor is there an agreement in place for their use. By going through a competitive bid process, all groups will have equal opportunity to be engaged. The request for proposals is anticipated to hit the street by the end of February, with a license for three years and two 1-year renewal options. The Council unanimously expressed support for a license and for equal opportunity.

Victor Westling, on behalf of the Little League, and Christine Pierce, president of the Flagstaff Girls Little League, both asked for the opportunity to work out a solution with the little league groups. The leagues are meeting in two days and hope to come up with a proposal. They would like to come up with a workable plan that will keep costs down and their integrity intact.

Unanimous consensus of the Council was that the presidents of the lead organizations would first meet and talk to each other, after which they will communicate with their own boards and then provide ideas to City staff. If this approach doesn't work, the issue will go to the Parks and Recreation Commission for a recommendation. When it comes back to the Council, consideration can be given to what to do with other at-large events. Staff will share the estimated hard costs; and, if not palatable to the groups, but important to the Council, could trigger an RFP process.

16. PUBLIC PARTICIPATION

None.

17. INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND STAFF, REQUESTS FOR FUTURE AGENDA ITEMS

Councilmember Evans relayed kind words she received about City staff Greg Brooks and City Attorney Rosemary Rosales.

The Flagstaff Urban Snowboard and Ski petition will be scheduled as a Section 15 item to see if there is interest in pursuing the discussion of a limitation of two downtown events per year, but there was no Council support for Vice-Mayor Barotz's request to bring back an action item to cancel or relocate the event.

As to the upcoming February/March Washington, D.C., trip, Mayor Presler offered to make the travel to represent the Council in Vice-Mayor Barotz's absence.

Mayor Presler asked that a Section 15 item be scheduled for a Council discussion of condemnation of a tourist home in San Francisco.

The City Manager reported that lights in the LCD projects have been replaced so that the colors match. In addition, a .6% pay cut restoration will come back as an update item to the Council the coming work session agenda.

18. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:00 p.m.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

STATE OF ARIZONA,)
) ss.
Coconino County.)

I, MARGIE BROWN, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the Meeting of the Council of the City of Flagstaff held on January 3, 2012. I further certifty that the Meeting was duly called and held and that a quorum was present.

DATED this 7th day of March 2012.

CITY CLERK