

**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**

**May 1, 2012  
12:00 p.m.**

A meeting of the Flagstaff City Council was held on Tuesday, May 1, 2012 convening at 12:00 p.m. in the Council Chambers at City Hall, 211 West Aspen Avenue, Flagstaff, Arizona.

### **1. CALL TO ORDER**

The meeting was called to order by Vice-Mayor Barotz at 12:00 noon.

### **2. ROLL CALL**

On roll call, the following were present:

**Mayor Presler, Excused**

**Vice Mayor Barotz  
Councilmember Brewster  
Councilmember Evans  
Councilmember Overton  
Councilmember White  
Councilmember Woodson, Excused**

Also present were:

**Kevin Burke, City Manager  
Rosemary Rosales, City Attorney**

### **PUBLIC PARTICIPATION**

### **3. BOARD AND COMMISSION APPOINTMENTS**

### **4. LIQUOR LICENSE PUBLIC HEARINGS**

### **5. CONSENT ITEMS**

- A. Consideration and Approval of Sole Source Purchases:** Advertising for the Convention and Visitors Bureau.

RECOMMENDED ACTION: Approve the purchases from Arizona Republic/AZCentral.com in a total amount not to exceed \$85,000.00 and from AdReady in an amount not to exceed \$85,000.00; and authorize the City Manager to execute the necessary documents.

**B. Consideration and Approval of Bids: 2012-30 Solid waste trucks.**

RECOMMENDED ACTION: Reject all bids received.

**C. Consideration and Approval of Construction Contract: Sixth and Arrowhead Flagstaff Urban Trails System FUTS connector.**

RECOMMENDED ACTION: (1) Approve the construction contract with RTR Paving and Resurfacing in the amount of \$468,768.05, including a \$40,000.00 contract allowance and a 90-day contract period;

(2) Approve change order authority in the amount of \$42,900.00 (10% of the contract amount excluding allowance) for unanticipated or additional items of work; and

(3) Authorize the City Manager to execute the necessary documents.

**D. Consideration and Approval of Construction Contract: Dodge Avenue roadway and infrastructure improvements.**

RECOMMENDED ACTION: (1) Approve the construction contract with RTR Paving, Inc., in the amount of \$989,616.00, including a \$70,000.000 contract allowance and a 120-day contract period;

(2) Approve change order authority in the amount of \$91,900.00 (10% of the contract amount excluding allowance) for unanticipated or additional items of work; and

(3) Authorize the City Manager to execute the necessary documents.

**E. Consideration and Approval of Sub-recipient Grant Agreement: Residential and commercial solar installation.**

RECOMMENDED ACTION: (1) Approve the sub-recipient grant agreement with the Arizona Governor's Office of Energy Policy for Department of Energy, Rooftop Challenge, in the amount of \$43,500.00, with a City match of \$5,000.00; and

(2) Authorize the City Manager to execute the necessary documents.

**F. Consideration and Approval of Grant Application: Police overtime; and Sheriff Department mobile radios and associated accessory parts, software, and programming.**

RECOMMENDED ACTION: (1) Approve the grant application to the U.S. Department of Justice, FY 2012 Edward Byrne Memorial Justice Assistance, in the amount of \$23,402; and

(2) Authorize the City Manager to execute the necessary documents.

**G. Consideration and Approval of Intergovernmental Agreement:** Mobile radios and installation.

RECOMMENDED ACTION: Approve the intergovernmental agreement with Coconino County for FY 2012 Edward Byrne Memorial Assistance funds in the amount of \$7.020.00.

Councilmember White moved to approve the Consent Agenda as submitted. Motion seconded by Councilmember Evans and approved by unanimous vote.

**6. ROUTINE ITEMS:**

**A. Consideration and Adoption of Ordinance No. 2012-01:** An ordinance amending Flagstaff City Code Title 3, Business Regulations, Chapter 3-02, Pawnbrokers, Secondhand, and Junk Dealers, by expanding the definition of secondhand dealers to include, among other things, precious metal dealers, requiring secondhand and antique dealers to pay a fee for each transaction they are legally required to report; deleting those provisions related to junk dealers and junk collectors; and requiring pawnshops, secondhand dealers, and antique dealers to electronically submit reporting information.

RECOMMENDED ACTION: Read Ordinance No. 2012-01 for the final time by title only. Adopt Ordinance No. 2012-01.

Councilmember Evans moved to read Ordinance No. 2012-01 for the final time by title only. Motion seconded by Councilmember Brewster. Motion approved unanimously and title was read into the record as follows:

ORDINANCE NO. 2012-01

An ordinance amending Flagstaff City Code Title 3, Business Regulations, Chapter 3-02, Pawnbrokers, Secondhand, and Junk Dealers, by expanding the definition of secondhand dealers to include, among other things, precious metal dealers, requiring secondhand and antique dealers to pay a fee for each transaction they are legally required to report; deleting those provisions related to junk dealers and junk collectors; and requiring pawnshops, secondhand dealers, and antique dealers to electronically submit reporting information.

Councilmember White moved to adopt Ordinance No. 2012-01. Motion seconded by Councilmember Evans and motion carried unanimously.

**B. Consideration and Adoption of Resolution No. 2012-17:** A resolution of the Mayor and Council of Flagstaff, Arizona appointing election boards for the mail ballot General Election to be held in the City of Flagstaff, Arizona, on Tuesday, May 15, 2012.

RECOMMENDED ACTION: Read Resolution No. 2012-17 by title only. Adopt Resolution No. 2012-17.

Councilmember Overton moved to read Resolution No. 2012-17 by title only. Motion seconded by Councilmember Evans. Motion carried unanimously and title was read into the record as follows:

**RESOLUTION NO. 2012-17**

A resolution of the Mayor and Council of Flagstaff, Arizona appointing election boards for the mail ballot General Election to be held in the City of Flagstaff, Arizona, on Tuesday, May 15, 2012.

Councilmember White moved to adopt Resolution No. 2012-17. Motion seconded by Councilmember Evans. Motion carried by unanimous vote.

**7. RECESS**

The meeting recessed at 12:10 p.m.

**5:30 P.M. MEETING****8. RECONVENE REGULAR MEETING**

The meeting reconvened at 5:31 p.m. and Vice-Mayor Barotz called the meeting back to order.

**9. PLEDGE OF ALLEGIANCE, INVOCATION, AND VISION STATEMENT**

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

Vice-Mayor Barotz extended heartfelt condolences to the family of Mr. Alexander Dale Owen, an Olympic athlete who passed away unexpectedly last night in Flagstaff.

**10. ROLL CALL**

On roll call the following were present:

**Mayor Presler, Excused  
Vice Mayor Barotz  
Councilmember Brewster  
Councilmember Evans**

**Councilmember Overton  
Councilmember White  
Councilmember Woodson, Excused**

Also present were:

**Kevin Burke, City Manager  
Rosemary Rosales, City Attorney**

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

- A. Consideration and Approval of Minutes:** Regular Council Meetings of October 04, 2011, February 21, 2012; April 3, 2012, and April 17, 2012; and the Special Council Meeting of February 22, 2012.

**RECOMMENDED ACTION:** Approve the minutes as submitted/corrected.

Councilmember Overton moved to approve the minutes as submitted. Motion seconded by Councilmember Evans. Motion carried unanimously.

**PUBLIC PARTICIPATION PROCLAMATIONS, AND RECOGNITION OF OUTGOING BOARD AND COMMISSION MEMBERS**

**a. Presentation of Proclamation: Law Day.**

Vice-Mayor Barotz read a proclamation in honor of Law Day and presented it to Wendy Kasprzyk-Roberts.

**b. General Public Participation**

J. T. Tannous, Executive Director of Flagstaff Cultural Partners, announced that they have developed the beginnings of a funding program to support artists through a National Endowment of the Arts Grant award. Flagstaff Cultural Partners will do what it can to leverage these funds.

John Dunford was happy that the managers of the Park Service were retained.

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

**13. PUBLIC HEARING ITEMS**

**14. REGULAR AGENDA**

**A. Consideration and Approval of Portfolio Transfer Agreement: U.S. Department of Commerce Economic Development Administration Revolving Loan Fund Program.**

RECOMMENDED ACTION: Approve the portfolio transfer from the Northern Arizona Council of Governments (NACOG) to the City of Flagstaff.

Councilmember Brewster moved to approve the recommended action. Motion seconded by Councilmember White. Motion passed unanimously.

**B. Consideration and Adoption of Resolution No. 2012-18: A resolution of the City Council of the City of Flagstaff naming the auditorium at the Law Enforcement Administration Facility the "Brent F. Cooper Memorial Auditorium."**

RECOMMENDED ACTION: Read Resolution No. 2012-18 by title only.  
Adopt Resolution No. 2012-18.

Councilmember White moved to read Resolution No. 2012-18 by title only. Motion seconded by Councilmember Evans and approved by a unanimous vote and title was read into the record as follows:

RESOLUTION NO. 2012-18

A resolution of the City Council of the City of Flagstaff naming the auditorium at the Law Enforcement Administration Facility the "Brent F. Cooper Memorial Auditorium."

Councilmember Overton moved to adopt Resolution No. 2012-18. Motion seconded by Councilmember White and carried unanimously.

The dedication ceremony will take place on May 16, 2012.

- C. Consideration and Adoption of Resolution No. 2012-21:** A resolution of the Council of the City of Flagstaff, Arizona, calling upon the Congress of the United States to approve an amendment to the United States Constitution to affirm the authority of Congress and the States to regulate corporations and to regulate and set limits on all election contributions and expenditures.

RECOMMENDED ACTION: Read Resolution No. 2012-21 by title only.  
Adopt Resolution No. 2012-21.

The following citizens spoke in favor of the resolution:

Vic Smith  
Rebecca Crist, Flagstaff for Democracy Group  
Eva Severseid  
Doug Ballard

Vice Mayor Barotz and Councilmembers White, Evans, and Brewster stated their support of the resolution, noting that corporations are not people and that a constitutional definition of "human" is needed.

Councilmember Overton explained that in spite of his personal support for the minority decision, he would not vote in favor of the resolution due to his overriding respect for the U. S. Supreme Court decision.

Councilmember Evans moved to read Resolution No. 2012 by title only. Motion seconded by Councilmember White. Motion carried 4 – 1 with Vice Mayor Barotz, Councilmembers Brewster, Evans and White in favor, and Councilmember Overton opposed.

Vice-Mayor Barotz read the full title and text of Resolution No. 2012-21 into the record.

Councilmember Evans moved to adopt Resolution No. 2012-21. Motion seconded by Councilmember White. Motion approved 4 – 1 with Vice Mayor Barotz, Councilmembers Brewster, Evans and White in favor, and Councilmember Overton opposed.

## **15. DISCUSSION ITEMS**

- A. Consideration/Discussion:** Campfire ban resolution.

RECOMMENDED ACTION: Discuss and provide direction, if any.

The following citizens spoke in support of the city adopting a resolution banning campfires:

Katie Locke, Campfires Limited.  
Jim McAvoy  
Steve Caulkins, Secretary/Treasurer of Black Bear Park Neighborhood Association.  
Lou Ann Meek, Campfires Limited.  
Roabie Johnson

Jack Welch  
Jerry Johnson  
Duffie Westheimer  
Rose Houk

Direction was given to wait and hear the interagency wildland fire update on May 8, 2012, give the Forest Service a chance to respond; and then decide what the next steps should be.

A copy of Lou Ann Meek's suggested mitigation measures were requested.

**B. Consideration/Discussion of Citizen Petition:** City of Flagstaff March 13, 2012, primary election results.

RECOMMENDED ACTION: There is no recommended action.

Councilmember White excused himself from the discussion.

Paul Reilly, Flagstaff City Council candidate stated that in his opinion there are problems with elections regarding the March 13 Flagstaff primary and also with all future elections. There have been and continue to be systematic and deliberate violations of election law. Mr. Reilly listed a number of violations and asked that the Council de-certify the Flagstaff election results. He stated that this was done in Palm Beach, Florida because of irregularities found there. He asked that the City discontinue the use of the Coconino County Election Services until a restructuring has taken place.

Jim Marsh stated that there was no separate paper or electronic record of the votes, which goes straight into a central database and there is no independent record. According to the audit logs on the computer, a flash drive was used numerous times. When the County moved data in and out, they broke the only safety net the computer has. It is done when it is moved to another system, altered and then brought back. He felt that hand tampering is too easy with the kind of system the County has. No legal electronic counting happened. He urged the Council to call for a hand count of the March 13th primary election results.

Herlinda Reilly likewise asserted that something untoward happened. She stated that the elective process has been corrupted and fraud had occurred. Two sets of GEMS voting databases suggest fraud. Election laws were violated. She urged the Council to de-certify the primary election canvass and order a hand recount.

No Council direction for follow-up was given and no comment was made..

### **PUBLIC PARTICIPATION**

### **INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND STAFF, REQUESTS FOR FUTURE AGENDA ITEMS**

Councilmember White returned to the room at 7:25 p.m.

Councilmembers Evans and Brewster expressed their support for renaming the auditorium at the Law Enforcement Administration Facility the "Brent F. Cooper Memorial Auditorium"

Councilmember Evans reported that she attended the Arizona Town Hall where cities and towns were encouraged to adopt public participation policies to enable citizens to interact with their government.

City Manager Kevin Burke announced that the groundbreaking for the Inner Basin Pipeline is May 21, 2012. It will take about \$4 million to rebuild.

Vice Mayor Barotz expressed her appreciation to those in the Manager’s Office who put the books together for the Council.

**16. ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 7:30 p.m.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**CERTIFICATION**

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

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 May 1, 2012. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 2nd day of May, 2012.

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CITY CLERK