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SUMMARIZED MINUTES COUNCIL MEETING

**December 20, 2011
12:00 p.m.**

A meeting of the Flagstaff City Council was held on December 20, 2011 convening at 12:02 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 Margie Brown, City Clerk.

1. ROLL CALL

On roll call, the following were present:

Mayor Presler

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

Also present were:

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

In the absence of Mayor Presler and Vice-Mayor Barotz, Councilmember Babbott moved to appoint Councilmember Overton as temporary Chair of the meeting, seconded by Councilmember Brewster. The motion passed on unanimous vote.

2. PUBLIC PARTICIPATION

There was no public participation.

3. BOARD AND COMMISSION APPOINTMENTS

No items were submitted.

4. LIQUOR LICENSE PUBLIC HEARINGS

- A. Consideration of and Action on Liquor License Application:** Karan Patel, "Ponderosa Bar & Grill", 2200 E. Butler Avenue, Series 06, Person Transfer.

RECOMMENDED ACTION: Open the public hearing.
 Receive citizen input.
 Close the public hearing.

The Council has the option to:

- (1) Forward the application to the State with a recommendation for approval;
- (2) Forward the application to the State with no recommendation; or
- (3) Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

Councilmember White moved to open the public hearing, seconded by Councilmember Evans. The motion passed on unanimous vote. Mayor Presler was excused from the vote.

Sgt. Matt Wright, Flagstaff Police Department, conducted the background investigation and found that Karan Patel had been arrested as a juvenile for shoplifting. Both applicants have completed mandatory liquor license training. Finding no other derogatory records other than an audit failure in a previous business, Sgt. Wright found no reason to oppose the application.

Karan Patel, one of the applicants, invited the Council to visit the newly remodeled establishment.

Councilmember Evans moved to close the public hearing. The motion was seconded by Councilmember Brewster and passed on unanimous vote. Mayor Presler was excused from the vote.

Councilmember White moved to send the application to the State with a recommendation for approval, seconded by Councilmember Evans. The motion passed unanimously with Mayor Presler being excused from the vote.

5. CONSENT ITEMS

- A. Consideration and Approval of Purchase Under the Arizona State Contract and the Western States Contract Alliance Contract:** Tires, tubes and recaps.

RECOMMENDED ACTION: (1) Approve the purchase, on an as needed basis, through the Arizona State Contract and the Western States Contract Alliance contract.

B. Consideration and Approval of Lease Agreement: Cogdill Recreation Center.

- RECOMMENDED ACTION: (1) Approve the lease between the City of Flagstaff and the Boys and Girls Club of Flagstaff (BGCF) for a monthly lease fee of \$1.00 for an initial term of five years, and an option for one 5-year extension;
- (2) Authorize the City Manager to execute the necessary documents.

This item was withdrawn from the agenda.

C. Consideration and Approval of Settlement Agreement: Westcor v. City of Flagstaff.

- RECOMMENDED ACTION: Approve the settlement agreement with Westcor Company Limited Partnership, Flagstaff Mall SPE LLC, and Railhead Associates, L.L.C. (collectively "Westcor").

D. Consideration and Approval of Intergovernmental Agreement: Election services.

- RECOMMENDED ACTION: Approve Intergovernmental Agreement with the Coconino County Recorder's Office for the March 13 and May 15, 2012, primary and general mail ballot elections at a cost of \$2.00 per registered voter, plus actual costs incurred for outreach and other administrative services.

E. Consideration and Approval of Modification to Cooperative Law Enforcement Agreement and Associated FY12 Annual Operating Plan and Financial Plan: Dispatch services.

- RECOMMENDED ACTION: Approve the modification to the Cooperative Law Enforcement Agreement and the FY12 Annual Operating and Financial Plan with the U.S. Forest Service for dispatching services.

F. Consideration and Approval of Section 8 Housing Adjustment: Section 8 Housing Choice Voucher Program.

- RECOMMENDED ACTION: Approve the increase in the Section 8 Housing Choice Voucher Program payment standard to 120% of Section 8 Fair Market Rents.

G. Consideration and Approval of Release Agreement: Presidio in the Pines

- RECOMMENDED ACTION: (1) Approve the Release Agreement between the City of Flagstaff and American Contractors Indemnity Company; and,
- (2) Authorize the City Manager to execute the necessary documents.

Councilmember White moved to approve the Consent Calendar with the exception of Item B. The motion was seconded by Councilmember Evans and passed on unanimous vote. Mayor Presler was excused from the vote.

6. ROUTINE ITEMS

- A. Consideration and Adoption of Ordinance No. 2011-25:** An ordinance of the City Council of the City of Flagstaff, Arizona, amending the Flagstaff City Code, by adding a new Title 14, Human Relations, Chapter 1, Domestic Partnership Registry; renumbering Title 13, Special Ordinances, to Title 20, Special Ordinances; and Reserving Title 13, Title 15, Title 16, Title 17, Title 18, and Title 19 for future use.

RECOMMENDED ACTION: Read Ordinance No. 2011-25 for the final time by title only.
Adopt Ordinance No. 2011-25.

This item was delayed to the 5:30 p.m. meeting.

- B. Consideration and Adoption of Ordinance No. 2011-26:** An ordinance amending Flagstaff City Code, Title 9, Transportation, Chapter 9-05, Bicycles, by revising and replacing outdated regulations; clarifying the duties and responsibilities of bicycle riders on the City's rights-of-way; and adopting provisions related to the registration of bicycles.

RECOMMENDED ACTION: Read Ordinance No. 2011-26 for the final time by title only.
Adopt Ordinance No. 2011-26.

Councilmember Evans moved to read Ordinance No. 2011-26 for the final time by title only, seconded by Councilmember White. Mayor Presler was excused from the vote. The motion passed on unanimous vote and title was read as follows:

ORDINANCE NO. 2011-26

An ordinance amending Flagstaff City Code, Title 9, Transportation, Chapter 9-05, Bicycles, by revising and replacing outdated regulations; clarifying the duties and responsibilities of bicycle riders on the City's rights-of-way; and adopting provisions related to the registration of bicycles.

Councilmember White moved for adoption, seconded by Councilmember Evans. The vote was unanimous in favor with Mayor Presler excused from the vote.

- C. Consideration and Adoption of Ordinance No. 2011-29:** An ordinance of the Council of the City of Flagstaff, Coconino County, Arizona, abandoning whatever right, title, or interest it has in an approximately seven square foot portion of public right-of-way generally located at Huntington and Horizon Drive to LNN Enterprises, Inc.

RECOMMENDED ACTION: Read Ordinance No. 2011-29 for the final time by title only.
Adopt Ordinance No. 2011-29.

Councilmember Brewster moved to read Ordinance No. 2011-29 for the final time by title only. The motion was seconded by Councilmember Evans and passed on unanimous vote. Mayor Presler was excused from the vote and title was read as follows:

ORDINANCE NO. 2011-29

An ordinance of the Council of the City of Flagstaff, Coconino County, Arizona, abandoning whatever right, title, or interest it has in an approximately seven square foot portion of public right-of-way generally located at Huntington and Horizon Drive to LNN Enterprises, Inc.

Councilmember White moved for adoption. The motion was seconded by Councilmember Evans and passed on unanimous vote. Mayor Presler was excused from the vote.

- D. Consideration and Adoption of 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.

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

Mayor Presler arrived at the meeting at this time.

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

- E. Consideration and Adoption of Ordinance No. 2011-32:** An ordinance amending Chapter 3-11, Development Fees, by combining Division 3-11-007, Police Protection Development Fee, and Division 3-11-008, Fire Protection Development Fee into Division 3-11-007; amending the Title of Division 3-11-007 from "Police Protection Development Fee" to "Police and Fire Protection Development Fee"; amending residential and nonresidential development fees in Section 3-11-007, Police and Fire Protection Development Fees; deleting Section 3-11-007-0003, Development Fees for Residential Development, Section 3-11-007-004, Development Fee for Nonresidential Development, and Division 3-11-008, Fire Protection Development Fee; and declaring an effective date.

RECOMMENDED ACTION: Read Ordinance No. 2011-32 for the final time by title only.
Adopt Ordinance No. 2011-32.

Councilmember Babbott moved to read ordinance No. 2011-32 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. 2011-32

An ordinance amending Chapter 3-11, Development Fees, by combining Division 3-11-007, Police Protection Development Fee, and Division 3-11-008, Fire Protection Development Fee into Division 3-11-007; amending the Title of Division 3-11-007 from "Police Protection Development Fee" to "Police and Fire Protection Development Fee"; amending residential and nonresidential development fees in Section 3-11-007, Police and Fire Protection Development Fees; deleting Section 3-11-007-0003, Development Fees for Residential Development, Section 3-11-007-0004, Development Fee for Nonresidential Development, and Division 3-11-008, Fire Protection Development Fee; and declaring an effective date.

Councilmember Brewster moved to adopt Ordinance No. 2011-32, seconded by Councilmember Evans. The motion passed unanimously.

- F. Consideration and Possible 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 first time by title only.

Councilmember Overton moved to read Ordinance No. 2011-33 for the first time by title only, seconded by Councilmember Babbott. The vote was unanimous in favor 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.

- G. Consideration and Possible 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 first time by title only.

Councilmember Babbott moved to read Ordinance No. 2011-34 for the first time by title only, seconded by Councilmember Evans. The vote was unanimous in favor 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.

- H. Consideration and Adoption of Resolution No. 2011-44:** A resolution authorizing the transfer of funds between funds.

RECOMMENDED ACTION: Read Resolution No. 2011-44 by title only.
Adopt Resolution No. 2011-44.

Councilmember White moved to read Resolution No. 2011-44 by title only, seconded by Councilmember Brewster. The motion passed on unanimous vote and title was read as follows:

RESOLUTION NO. 2011-44

A resolution authorizing the transfer of funds between funds.

Councilmember White moved for adoption. The motion was seconded by Councilmember Evans and passed on unanimous vote.

7. RECESS

5:30 P.M. MEETING

RECONVENE REGULAR MEETING

The meeting reconvened at 5:44 p.m. and Mayor Presler called the meeting back to order.

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

Cathy Trotta expressed her appreciation for the Council allowing people to give voice and to listen to them.

John Malin voiced his appreciation to the Council for its support over the year.

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

- 6A. Consideration and Adoption of Ordinance No. 2011-25:** An ordinance of the City Council of the City of Flagstaff, Arizona, amending the Flagstaff City Code, by adding a new Title 14, Human Relations, Chapter 1, Domestic Partnership Registry; renumbering Title 13, Special Ordinances, to Title 20, Special Ordinances; and Reserving Title 13, Title 15, Title 16, Title 17, Title 18, and Title 19 for future use.

RECOMMENDED ACTION: Read Ordinance No. 2011-25 for the final time by title only.
Adopt Ordinance No. 2011-25.

Councilmember Evans moved to read Ordinance No. 2011-25 for the final time by title only, seconded by Councilmember White. The motion passed on unanimous vote and title was read as follows:

ORDINANCE NO. 2011-25

An ordinance of the City Council of the City of Flagstaff, Arizona, amending the Flagstaff City Code, by adding a new Title 14, Human Relations, Chapter 1, Domestic Partnership Registry; renumbering Title 13, Special Ordinances, to Title 20, Special Ordinances; and Reserving Title 13, Title 15, Title 16, Title 17, Title 18, and Title 19 for future use.

Councilmember White moved to adopt Ordinance No. 2011-25, seconded by Councilmember Evans. The motion passed unanimously.

13. PUBLIC HEARING ITEMS

No Items were submitted.

14. REGULAR AGENDA

A. Consideration and Adoption of Resolution No. 2011-43: A resolution approving the City of Flagstaff's Modification of Designation of Adequate Water Supply Application.

RECOMMENDED ACTION: Read Resolution No. 2011-43 by title only.
Adopt Resolution No. 2011-43.

Councilmember Brewster moved to read Resolution No. 2011-43 by title only, seconded by Councilmember White.

Karen Goodwin, on behalf of Friends of Flagstaff's Future, conveyed reservations that Red Gap Ranch would ever be a dependable and/or safe water source and asked for to allow public education and public comment.

Brad Hill participated in the discussion.

The City has already received its designation for Red Gap Ranch. Tonight's request of the State is for the designation of City property and is only a piece of the City's water policy. As part of the Red Gap designation, the City was required to submit this request for local water on the remainder of City property by January 7, 2012. When a water portfolio is submitted, it takes about 270 days to be reviewed, to go back and forth between agencies, and then achieve a designation. Once a designation is granted, the Department of Water Resources requires cities to come back routinely to "true up" their applications. If they find differences, they will request a modification to the City's designation. Red Gap is a part of the City's portfolio, but the State can remove it if the City does not keep the Department updated on its progress.

The State is working with the City and the consultant on a timeline for a completion of the hydrological study, after which the numbers can be refined. Once the application is submitted, the City will have that time within which to provide the hydrological study.

The water supply in the application to the Department of Water Resources has been limited to 8,000 acre feet per year in spite of the designation of 16,500 acre ft. Language referencing the Stipulation with the Navajo Nation could be included in the resolution but it may make it more confusing. The designation is not about financial capability, but, rather, about local water supply.

Councilmember Babbott asked for a copy of the application materials to be provided to the City Council.

Councilmember Babbott moved to amend, seconded by Councilmember Evans to add a final "whereas" clause to the resolution as follows:

“Whereas, the City of Flagstaff has entered into a stipulation with the Navajo Nation on ____ (date of stipulation) ____ regarding the Red Gap Ranch;”

The motion to amend passed on unanimous vote.

The underlying motion to read passed on unanimous vote and title was read as follows:

RESOLUTION NO. 2011-43

A resolution approving the City of Flagstaff’s Modification of Designation of Adequate Water Supply Application.

Councilmember Brewster moved for adoption. The motion was seconded by Councilmember Babbott and passed on unanimous vote.

B. Consideration and Approval of Legislative Agenda: 2012 Legislative Agenda Amendments.

RECOMMENDED ACTION: Approve the amendments to the 2012 Legislative Agenda.

Jerene Watson, Deputy City Manager, explained that on the state legislative agenda, a request to amend the definition of e-bikes in the state legislation, has been added.

Councilmember White moved to approve the legislative agenda with an amendment adding the e-bike legislation and to clarify that the City is seeking to influence the State Blue Skies law and not the federal laws. The motion was seconded by Councilmember Evans and passed unanimously.

15. DISCUSSION ITEMS

No Items were submitted.

16. PUBLIC PARTICIPATION

Gordon Watkins, Frankie Madridge, and Kathryn Jim, thanked the Council for the partnership registry.

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

18. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 6:25 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 December 20, 2011. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 8th day of February, 2012.

CITY CLERK