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SUMMARIZED MINUTES COUNCIL MEETING

**December 6, 2011
12:00 p.m.**

A meeting of the Flagstaff City Council was held on Tuesday, December 6, 2011 convening at 12:03 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 Vice-Mayor Barotz.

1. ROLL CALL

On roll call, the following were present:

Mayor Presler, Excused

**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

Barbara Goodrich introduced Mozan Sheldon with Evergreen, the successful bidder for the Fourth Street and Route 66 property.

Mr. Sheldon thanked Council for making the property redevelopment a success. He grew up in Flagstaff and his first two jobs were on Fourth Street so he has an emotional connection to the property.

3. BOARD AND COMMISSION APPOINTMENTS

No items were submitted.

4. LIQUOR LICENSE PUBLIC HEARINGS

No items were submitted.

5. CONSENT ITEMS

- A. Consideration and Approval of Proposal:** Sale of City-owned property located at Fourth Street and Route 66.

RECOMMENDED ACTION: Accept the proposal from Evergreen Real Estate Development in the amount of \$4,500,000.00.

- B. Consideration and Approval of Bid:** Construction and installation of Railroad Springs Reservoir #2.

RECOMMENDED ACTION: (1) Approve the bid from Building and Engineering Contractors Southwest, Inc., in the amount of \$417,244.73, with a contract completion time of 240 calendar days; and
(2) Authorize the City Manager to execute the necessary documents.

- C. Consideration and Approval of Consulting Services Contract:** South Beaver and South Leroux engineering design and construction phase services.

RECOMMENDED ACTION: (1) Approve the service contract with Woodson Engineering & Surveying, Inc., in an amount not to exceed \$315,035.00, which includes a \$29,500.00 contract allowance and a contract period of 580 calendar days;
(2) Approve change order authority in the amount of \$28,550.00 (10% excluding contract allowance) for unanticipated or additional items of work; and
(3) Authorize the City Manager to execute the necessary documents.

- D. Consideration and Approval of Street Closures:** 2012 New Year's Eve.

RECOMMENDED ACTION: Approve the street closure of Aspen Avenue between San Francisco Street and Beaver Street, and Leroux Street between Route 66 and Birch Avenue on Saturday, December 31, 2011, from 8:00 p.m., through Sunday, January 1, 2012, at 2:30 a.m.

- E. Consideration and Approval of Street Closure:** 2012 Flagstaff Urban Ski and Snowboarding Event (FUSS).

RECOMMENDED ACTION: Approve the street closure of San Francisco Street between Birch Avenue and Dale Avenue on Thursday, February 9, 2012, from 8:00 p.m., through Sunday, February 13, 2012, at midnight.

Councilmember White moved to approve the Consent Agenda with the exception of Item E. The motion was seconded by Councilmember Evans and passed on unanimous vote.

Returning to Item E, Councilmember Overton moved to approve the recommended action, with a second from Councilmember Brewster.

The City Manager, in coordination with Mark Lambertson of Mountain Sports, worked to create an urban ski and snowboarding event. The streets will be closed for three days plus an additional evening in order to fill the streets with snow and various public works items to create a snow covered course for participants to perform tricks for entertainment. The event is the second weekend in February. As a City-sponsored event, the City is looking for full cost recovery with a 20% contingency margin. Expenses are projected to be \$26,000 in hard cash with anticipated revenues of \$35,000 in hard revenue. Support from sponsors is being solicited and two sponsors have already stepped up. The Downtown Business Alliance will be given the first opportunity for sponsorships. If the remaining commitments equally an 80% funding level do not come in by the end of December, a go/no-go decision will be made on January 1. Initial City funds will come from the City Manager's training budget to pay for the overtime budget in Public Works that would be needed. The second go/no-go decision point would occur on the Wednesday before the event depending on whether there is enough snow in the community to pull it off. Because revenue is important, alcohol will be served even though it is available through a number of downtown businesses.

There was a focus on outreach to the affected businesses. Initially, the plan was to use Leroux, but it sparked off a negative reaction and the event was moved to San Francisco. Some property owners and businesses were surprised, some are excited, and one is cautious. The County is the biggest property owner and has helped reshape discussions and operations, such as no tents or alcohol on the courthouse lawn. From a staff standpoint, the County is supportive of the event and the City will insure them. San Francisco Street will be closed for three days, but access to each property will be preserved, most likely through secondary access points. Jeff Mielbeck of NAIPTA would like to help with the event because the bus route is right in the middle of the event and he can really move people around.

Quite some time ago, the property owners received personal contact about the event which was followed up by a letter that was intended as a wrap-up and not as a first notification. The City will be using smart trailers to assist with parking directions. The County has offered on the parking lot on Cherry Avenue for the weekend and the committee has been working on signage and directing people where to park such. City Hall parking is also under consideration.

The City will have to amend its activities and expense projections to include solid waste roll-offs.

David McCormack, expressed his concern about the short notice he received from the City. He two properties on San Francisco Street that are almost half of the area on the on San Francisco and their access will be cut off. He does not support the event.

Council directed that:

- Appropriate commissions be involved in future events such as this.
- The City make every effort to be a good neighbor to downtown denizens.
- Access to downtown properties not be jeopardized.
- Private parking spaces be preserved for the owners of that parking.

- Additional meetings be scheduled with downtown property owners to resolve their concerns.
- Appropriate signage be implemented.
- Contact phone numbers be provided for patrons to call for assistance.

The motion passed on unanimous vote.

6. ROUTINE ITEMS

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

Councilmember White moved to read Ordinance No. 2011-29 for the first time by title only, seconded by Councilmember Evans. The motion passed on unanimous 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.

- B. Consideration and Possible 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 3-11-007-0004, 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 first time by title only.

Councilmember Brewster moved to read Ordinance No. 2011-32 for the first time by title only, seconded by Councilmember Babbott. 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.

The meeting recessed at 12:55 p.m.

7. RECESS

The meeting reconvened at 5:45 p.m. and Mayor Presler called the meeting back to order.

8. 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.

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 November 1, 2011; and Special Council meeting of November 22, 2011.

RECOMMENDED ACTION: Approve the minutes as submitted/corrected.

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

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

Roger Eastman presented environmental friendly coffee tumblers as a token of thanks for to the Council for its work on the Zoning Code.

Merle Henderson identified that the Marine League Charities in conjunction with BNS&F will welcome Santa Claus to town on December 17. He went over the packet handed out to the Council as well as the schedule of events that will occur as part of the festivities.

Moran Hinn, representing Friends of Flagstaff's Future, spoke on behalf of the Shop Local activities. Referring to reclaimed water, she reported what was learned at the December 5 reclaimed water forum.

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

13. PUBLIC HEARING ITEMS

No items were submitted.

14. REGULAR AGENDA

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

Mayor Presler moved to read Ordinance No. 2011-25 for the first time by title only, seconded by Councilmember Babbott.

David Womochil, Assistant City Attorney, participated in the discussion.

Seven additional "whereas" clauses have been added to the ordinance to strengthen it. Section 14-01-001-0003 was changed so that the fee schedule was separate and a section on reciprocity has been added to recognize domestic partnerships from other jurisdictions. The ordinance doesn't impose rights on businesses or other government agencies other than stating that the registry can be presented to businesses as proof of relationship if the business wishes to accept it. However, it would be the business's choice as to whether to accept it or not. As to the reciprocity section, partners will be treated as if they had registered under Flagstaff's registry.

Mayor Presler withdrew her motion, with approval from Councilmember Babbott, and offered a new motion as follows:

Read Ordinance No. 2011-25 as posted, with the changes to Section 14-01-001-0008, Reciprocity, replacing the two words "legal union" with "domestic partnership".

The motion was seconded by Councilmember Babbott.

The following individuals expressed their support for the domestic partner registry:

- Lisa Rayner
- Frances Riemer, representing the Diversity Awareness Commission.
- Dorothy Rissell
- Moran Hinn
- Mik Jordahl

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.

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

Councilmember White moved to read Ordinance No. 2011-26 for the first time by title only, seconded by Vice-Mayor Barotz.

Kevin Treadway, Interim Police Chief, and Martin Ince, Multi-Modal Planner, participated in the discussion.

In outreach efforts, the Police Department sponsors a rodeo and hands out helmets, along with other activities. Because the ordinance doesn't include provisions related to motorized or electric bicycles, the state statutes automatically control. Regarding reflectors, the language in ordinance is a duplication of language in state law to avoid a conflict between the two. This means that bicyclists are required to have a reflector visible at a certain distance. It was not anticipated that a red blinking light would cause a problem for the police department.

Chief Treadway agreed to provide statistics on the number of tickets issued to youth under the age of eighteen and how many were dismissed when proof of a protective helmet was provided.

Mayor Presler asked Mr. Ince to provide direction on what changes need to take place under state law regarding electric bicycles, so that the Council can make a policy decision on how to pursue the matter further with state legislators.

State statutes clearly supersede local regulations on roadways, but they don't address pathways and trails. As Flagstaff is currently in its low activity season, it is a good time to take on the lead on pushing for provisions in the definitional criteria set for in the proposed legislation. There should also be an industry push as it is a way to assist local businesses in growth. Motorized wheelchairs should also be allowed on the paths.

The following speakers supported the ordinance:

- Anthony Quintile, Flagstaff Biking Organization
- Lisa Rayner, Friends of Flagstaff's Future

Council agreed that e-bikes should be scheduled as a future agenda item in concert with the local industry experts.

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.

- C. Consideration and Adoption of Resolution No. 2011-42:** A resolution of the Mayor and Council of the City of Flagstaff, Arizona, supporting reauthorization of the Secure Rural Schools and Community Self Determination Act.

RECOMMENDED ACTION: Read Resolution No. 2011-42 by title only.
Adopt Resolution No. 2011-42.

Councilmember White moved to read Resolution No. 2011-42 by title only, seconded by Vice-Mayor Barotz. The motion passed on unanimous vote and title was read as follows:

RESOLUTION NO. 2011-42

A resolution of the Mayor and Council of the City of Flagstaff, Arizona, supporting reauthorization of the Secure Rural Schools and Community Self Determination Act.

Councilmember Overton moved for adoption, with a second from Councilmember Evans. The vote was unanimous in favor.

- D. Consideration and Approval of Employment Contract:** City Attorney

RECOMMENDED ACTION: Approve the employment agreement with Rosemary Rosales.

Councilmember Evans moved to approve the contract as distributed at the dais. The motion was seconded by Councilmember Brewster and passed on majority vote with Mayor Presler and Councilmembers Babbott, Brewster, Evans, Overton, and White voting in favor, and Vice-Mayor Barotz opposed.

15. DISCUSSION ITEMS

A. Consideration/Discussion: Property maintenance ordinance.

RECOMMENDED ACTION: Discuss and provide direction, if any.

Roger Eastman participated in the discussion.

A property maintenance ordinance is an ordinance that sets minimum maintenance standards for the exterior and/or interior of buildings and for property and its benefits include public health and safety, maintaining property values, and many other positives. In 2008, the Council directed staff to begin working on a property maintenance ordinance for all zoning districts with emphasis on staying out of building interiors, complaint based response, and being lenient in an effort to achieve compliance. Because the City has a good basis in its existing code requirements, existing sections of code can be extracted and compiled into one section that would account for about 80% of the work that can then be built on. Exterior building standards are missing from current regulations and existing standards would be updated to include fence repair, and overgrown weeds. A nuisance provision would have to be employed to deal with animal keeping.

A property maintenance ordinance isn't a panacea for cleaning up the community. City staff will build an outreach list and work with the League of Neighborhoods to get community input. Staff is looking at a funding source for low-interest rate loans for the underprivileged to help them get the work done. The ordinance will have to be objective and promote health, safety, and public welfare. There are some areas that will require followup such as abandonment building codes and whether or not a roof must be fixed when the building is abandoned.

Enforcement will be approached from a limited resource standpoint and it will be complaint driven. In fact, the first contact from staff will take the form of education rather than citation.

As Council considered the item, it became clear that there were additional items to pay attention to in the ordinance:

- Creating a middle-of-the-road document that would not panic the community.
- Retaining the ability to grow a home garden.
- Looking at CDBG funds as a way to assist residents on their properties.
- Enacting provisions that create a clean and safe community and include remediation of boarded up structures.
- Outreach to the County regarding potential for resources that could be helpful.
- Obtaining consensus on challenging issues.
- Looking at a fine structure where the revenues could be used to help clean up properties.
- Setting out policy in the "whereas" clauses of the ordinance.
- Conducting a class on the property maintenance ordinance, but not a full-blown university as was done with the Zoning Code.

16. PUBLIC PARTICIPATION

Kathryn Jim, President of Northern Arizona Pride Association, voiced her excitement about the domestic partnership registry.

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

Councilmember Evans asked for, and received, permission to work with Deputy City Manager Jerene Watson to get samples of other jurisdictions' public participation policies.

Mayor Presler mentioned that testimony at Independent Redistricting Commission hearings is on the line. There is tremendous division on the commission, but Flagstaff has maintained its position and appreciates its partners.

A legislative forum has been scheduled for December 13, although confirmations have been slow coming in. The event will run from 1:00 to 3:00 p.m. If the Speaker and two legislators can attend, the forum will go forward.

18. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 7:54 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 December 6, 2011. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 4th day of January, 2012.

CITY CLERK