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

December 21, 2010 12:00 p.m.

A meeting of the Flagstaff City Council was held on December 21, 2010 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 Vice-Mayor Barotz.

1. ROLL CALL

On roll call, the following were present:

Mayor Presier

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

There was no public participation.

3. BOARD AND COMMISSION APPOINTMENTS

A. Consideration of Applicants for Appointments: Planning and Zoning 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 two appointments to terms expiring December, 2013.

Vice-Mayor Barotz moved to reappoint Steven Dorsett and Jim McCarthy. The motion was seconded by Councilmember White and passed on unanimous vote. Mayor Presler was absent from the vote.

4. LIQUOR LICENSE PUBLIC HEARINGS

A. Consideration of Liquor License Application: Randy Nations, "Sportsman's", 1000 N. Humphreys St., #98, Series 6, Person Transfer.

RECOMMENDED ACTION: Open the public hearing.

Receive citizen input. Close the public hearing.

The Council has the option to:

- 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 Overton moved to open the public hearing, seconded by Councilmember Evans. The vote was unanimous in favor with Mayor Presler being absent from the room.

Councilmember Overton moved to close the public hearing. The motion was seconded by Councilmember Evans and passed on unanimous vote.

Councilmember White moved to forward the application to the state with a recommendation for approval, seconded by Councilmember Brewster. The vote was unanimous in favor.

5. CONSENT ITEMS

A. Consideration of Bids: Dozer and compactor refurbishment.

RECOMMENDED ACTION: (1)

- (1) Approve the bid from Road Machinery in the amounnt of \$113,182.00 for the refurbishment of one dozer:
- (2) Approve the bid from Empire Southwest in the amount of \$196,695.00 for the refurbishment of one compactor; and
- (3) Approve a contingency of 20% to cover unanticipated expenses.

Councilmember White moved to accept the recommended action. The motion was seconded by Councilmember Babbott and the vote was unanimous in favor.

B. Consideration of First Amendment to Lease: Northern block of Phoenix Avenue bounded by Beaver and San Francisco Streets, formerly known as the J.D. Halstead Lumber Company.

RECOMMENDED ACTION: Approve the First Amendment to Lease with Beaver Street Brewing Company, Inc.

Councilmember Overton moved to take the recommended action, seconded by Councilmember White. The motion passed unanimously.

6. ROUTINE ITEMS

No items were submitted.

RECESS

The meeting recessed at 12:11 p.m.

The meeting reconvened at 5:18 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 Presier

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

Also present were:

Rosemary Rosales, City Attorney Kevin Burke, City Manager

9. DISCUSSION OF LEGISLATIVE AGENDA WITH U.S. REPRESENTATIVE-ELECT PAUL GOSAR, TOPICS WHICH MAY INCLUDE:

By way of introduction, Representative-elect Gosar discussed his upbringing and personal values, along with the reasons he ran for public office.

a. Rio de Flag

Councilmember Evans introduced the Rio de Flag issue, speaking of the history and need for the project, the money that has already been invested, the City's partnership with the Army Corps of Engineers, and concluding that the project is a vital priority for the community and cannot be completed without an additional commitment of federal dollars.

b. Transportation

Councilmember Overton, who chairs the Flagstaff Metropolitan Organization, explained its purpose, and the shortfall of funds creating an inability to improve local regional transportation issues. Congressman-elect Gosar was encouraged to continue looking through the economic lens and keep in mind unique traffic challenges that require federal assistance. Because there is no construction funding available at this time, rural counties are in need of federal funds.

c. Water Settlement

Councilmember Babbott opened the dialogue on a viable, sustainable water supply for Flagstaff that will support continued growth, most of which will come from the Northeastern Arizona Indian Water Rights settlement. The settlement is at the stalemate stage due to litigation, but Senator Jon Kyl has been helpful over the years.

d. Forest Health

Councilmember White presented the topic of forest health, which is critically important to the Flagstaff community. The state has experienced severe wildfires over the last few years; and locally, the Hard and Shultz fires are examples of thinned forest and forest that hasn't been treated and the benefits of the thinning. There is a lot of concern about the Lake Mary area where the forest is thick.

Representative-elect Gosar acknowledged that the County has the same issues and that natural resources and government oversight are key. His office will be very active and he will be returning to the district sometime near the end of January or early February.

The meeting recessed at 5:52 and reconvened at 6:03.

10. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

A. Consideration of Minutes: Council Meeting of December 7, 2010.

RECOMMENDED ACTION: Approve the Minutes as submitted/corrected.

Councilmember White moved to approve the Minutes as submitted. Councilmember Brewster seconded the motion which passed on unanimous vote.

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

Andy Fernandez spoke to the Council on a variety of issues.

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

None.

13. PUBLIC HEARING ITEMS

A. <u>Consideration of Public Hearing and Possible Action (CUP 10-008):</u> Appeal from the Planning and Zoning Commission's denial of a request for a new Greyhound bus terminal at 880 East Butler Avenue.

RECOMMENDED ACTION: Open the public hearing.

Receive citizen input. Close the public hearing.

Option 1: Affirm the Planning and Zoning Commission's

denial of the conditional use permit.

Option 2: Approve the conditional use permit with a

modification to Condition No. 4 stating: "The terminal building, at this site, shall remain open and availlable to passengers no less than one hour before and one hour after the arrival of any bus, providing basic service including shelter, climate control, and access to communication

services."

Councilmember White moved to open the public hearing, seconded by Councilmember Babbott. The vote was unanimous in favor.

Neil Gullickson, Planner, and Ruth Ann Costa participated in the discussion.

When Greyhound's request for a conditional use permit went before the Planning and Zoning Commission, the commission was concerned about hours of operation, adequacy of the site, and access to other modes of transportation for the company's patrons. Although parking is adequate on the site and there are no concerns over bus movements, there are better locations for the terminal. The application meets basic requirements, including ADA and landscaping needs. The Council could consider requiring a 24-hour per day operation, or keeping the terminal open a length of time before and after buses arrive. A change of language in Condition 4 of the Conditional User Permit is recommended, which the applicant seems amenable to.

Greyhound is committed to keeping the terminal open for one hour before and after arrivals. They run 10 trips per day. They have asked for the CUP in this location because they need a larger and better site. When there is inclement weather, Greyhound has the ability to hold customers over in Phoenix and not route them into Flagstaff. They run up to 10 trips per day and schedules can vary up to 30 minutes.

Councilmember Overton moved to adopt Recommended Action No. 2, striking condition 4. Councilmember Evans seconded the motion. The motion failed on majority vote with Councilmembers Evans and Overton voting in favor, and Mayor Presler, Vice-Mayor Barotz, and Councilmembers Babbott, Brewster, and White opposed.

Councilmember White moved to approve Recommended Action No. 2, seconded by Councilmember Brewster. The motion passed on majority vote with Mayor Presler, Vice-Mayor Barotz, and Councilmembers Babbott, Brewster, Evans, and White in favor, and Councilmember Overton opposed.

14. REGULAR AGENDA

A. Consideration and Adoption of Resolution No. 2010-76: A resolution of the City Council of the City of Flagstaff, Arizona, designating "Our Flagstaff: City of Flagstaff Zoning Code, Public Review Draft, August 30, 2010" as the "2010 Draft Zoning Code" and declaring the same to be a public record.

RECOMMENDED ACTION: Read Resolution No. 2010-76 by title only. Adopt Resolution No. 2010-76.

Councilmember White moved to read Resolution No. 2010-76 by title only. Motion seconded by Councilmember Overton. Motion carried unanimously. Title was read as follows:

Resolution No. 2010-76

A resolution of the City Council of the City of Flagstaff, Arizona, designating "Our Flagstaff: City of Flagstaff Zoning Code, Public Review Draft, August 30, 2010" as the "2010 Draft Zoning Code" and declaring the same to be a public record.

Councilmember White moved to adopt Resolution No. 2010-76. Motion seconded by Councilmember Evans and vote unanimously carried.

B. Consideration of Approval of Amendments to the Draft Zoning Code: Preamble and Chapter 10-10, "Title, Purpose and Jurisdiction".

RECOMMENDED ACTION: Approve the amendments listed in the staff summary attachment.

Councilmember White moved to take the recommended action. Motion seconded by Mayor Presler and carried upon majority vote.

15. DISCUSSION ITEMS

A. Continuation of Review and Discussion Draft Zoning Code: Chapter 10-20, "Administration, Procedures, and Enforcement", excluding Division 10-20-50, "Amendments to the Zoning Code and the Zoning Map," but including corresponding language in other divisions of the Draft Zoning Code related to the remainder of Chapter 10-20.

RECOMMENDED ACTION: Discuss and provide direction.

Councilmember White moved to open for discussion and Councilmember Evans seconded the motion. Motion carried unanimously.

Zoning Code Administrator Roger Eastman reviewed 15A pages 1-4 containing recommendations for changes to Council and pointed out that the handout addresses Chapter 10-20.

Discussion followed regarding whether or not to have parking lot maintenance permits, temporary signage issues, ADA parking space and size requirements, neighborhood services, farmers markets to provide healthy options to the community, temporary use permits, businesses, and food vendors.

Councilmember Babbott declared a conflict of interest and left the room during the Farmers Market discussion.

Zoning Code Administrator Roger Eastman will pick up again with review of Chapter 10-20 garage sales and then on to 10-20-60 at a future meeting.

16. PUBLIC PARTICIPATION

None.

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

The Mayor and Council extended Christmas greetings to all.

18. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:38 p.m.

		MAYOR
ATTEST:		
CITY CLERK		
	<u>CERTIFICATION</u>	
STATE OF ARIZONA,)) ss.	
Coconino County	<i>)</i> 33.	

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

CITY CLERK

Meeting of the Council of the City of Flagstaff held on December 21, 2010. I the Meeting was duly called and held and that a quorum was present.	I further certify that
DATED this 30th day of May, 2012.	