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SUMMARIZED MINUTES COUNCIL MEETING

**June 5, 2012
12:00 p.m.**

A meeting of the Flagstaff City Council was held on June 5, 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**

Also present were:

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

PUBLIC PARTICIPATION

There was no public participation.

3. BOARD AND COMMISSION APPOINTMENTS

- A. Consideration of Applicants for Appointments:** Parks and Recreation 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 term expiring August, 2013.

Councilmember White moved to appoint Emily Outhwaite to a term expiring 2013, seconded by Councilmember Brewster. The vote was unanimous in favor.

- B. Consideration of Applicants for Appointments:** Open Spaces 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 three appointments to natural and cultural sciences terms expiring April, 2015; and one appointment to a real estate term expiring April, 2013.

Councilmember Woodson moved to appoint Stephen Hirst and Richard Miller to terms on the Open Spaces Commission expiring in April, 2015. With a second from Councilmember Brewster, the motion passed unanimously.

- C. Consideration of Applicants for Appointments:** Board of Adjustment. [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: Appoint a Planning and Zoning Commission representative with a term corresponding to the length of service on the Planning and Zoning Commission.

Vice-Mayor Barotz moved to appoint Planning and Zoning Commissioner Stephen Dorsett to the Board of Adjustment. The motion was seconded by Councilmember Overton and passed on unanimous vote.

4. LIQUOR LICENSE PUBLIC HEARINGS

None.

5. CONSENT ITEMS

- A. Consideration and Approval:** Annual blanket purchase orders exceeding \$50,000.00.

RECOMMENDED ACTION: Approve the issuance of blanket purchase orders in the amounts specified in the staff summary attachment, plus a 10% contingency for each expenditure.

B. Consideration of Sole Source Purchase: Enterprise resource planning and Community Development software systems and support.

- RECOMMENDED ACTION:
- (1) Approve the purchase from N. Harris Computer Corporation for Community Development software and implementation in the amount of \$97,500.00 plus software support in the amount of \$26,000.00 per year for five years;
 - (2) Approve the purchase from N. Harris Computer Corporation of Innoprise Resource Planning for the legacy HTE enterprise resource planning, including software and support, in the amount of \$115,000.00 per year for five years; and
 - (3) Authorize the City Manager to execute the necessary documents.

C. Consideration of Purchase through General Services Administration (GSA) Government Bid: Wildland fire engines.

- RECOMMENDED ACTION: Approve the purchase of two Type 6 Wildland fire engines from Brand FX Body Company in the total amount of \$253,600.00, plus applicable tax.

D. Consideration of Bid: Landfill compactor.

- RECOMMENDED ACTION: Approve the bid from RDO Equipment Co., in the amount of \$969,295.36.

Councilmember Overton moved to convene into executive session, seconded by Councilmember White. The motion passed unanimously.

Upon reconvening, Councilmember White moved to accept the recommendation, seconded by Councilmember Evans.

This item was postponed to the evening meeting for further discussion.

E. Consideration of Confirming Change Order. No. 2: Wildcat digester repair.

- RECOMMENDED ACTION:
- (1) Approve Confirming Change Order No. 2 with PCL Construction Inc. in the amount of \$75,650.00; and
 - (2) Authorize the City Manager to execute the necessary documents.

F. Consideration of Facilities On-Call Construction and Maintenance Service Contracts: General contracting, HVAC mechanical and controls, plumbing, electrical, roofing, painting, flooring, and snow removal.

RECOMMENDED ACTION: (1) Approve the on-call service contracts not to exceed \$150,000.00 per firm as follows:

General Contracting: SDB, Inc.; Sky Engineering;
and Woodruff Construction;

HVAC Mechanical: Arizona Comfort, Pueblo
Mechanical, and Sky
Engineering;

HVAC Controls: Arizona Comfort, Pueblo
Mechanical, and Sky
Engineering;

Plumbing: Speedy Plumbing;

Electrical: Goodman Electric, Northland
Electric, and Sky Engineering;

Roofing: Flagstaff Design &
Construction, Maximum
Roofing, and Sky Engineering;

Painting: Certra Pro Painters, Highwood
Construction, and Major
League Painting;

Flooring: Highland Floors, Sky
Engineering;

Snow Removal: Flagstaff Design &
Construction, Maximum
Roofing, and Morning Dew
Landscaping; and

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

G. Consideration and Approval of Construction Contract: Skunk Canyon drainage improvements.

RECOMMENDED ACTION: (1) Approve the construction contract with Eagle River Investments, Inc., doing business as C. J. Excavating, in the amount of \$286,613.00, including a contract allowance of \$21,000.00 and a contract time of 90 calendar days;

(2) Approve change order authority in the amount of \$26,500.00 for unanticipated or additional items of work; and

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

H. Consideration and Approval of Construction Contract: Cherry Avenue paving project.

- RECOMMENDED ACTION:
- (1) Approve the construction contract with C and E Paving & Grading LLC in the amount of \$957,700.00, including an \$80,000.00 contract allowance and a 120-day calendar contract period;
 - (2) Approve change order authority in the amount of \$87,770.00 (10% of the contract amount, less allowance) for unanticipated or additional items of work; and
 - (3) Authorize the City Manager to execute the necessary documents.

I. Consideration and Approval of Construction-Manager-at-Risk Contract: Izabel Homes Phase III.

- RECOMMENDED ACTION:
- (1) Approve the Construction-Manager-at-Risk contract with Loven Contracting, Inc., in an amount not to exceed \$801,437.78; and
 - (2) Authorize the City Manager to execute the necessary documents.

J. Consideration and Approval of Intergovernmental Agreement: Maintenance and operation of U.S. 180/Fremont Boulevard/Shultz Pass traffic signal.

- RECOMMENDED ACTION: Approve the intergovernmental agreement with the Arizona Department of Transportation.

K. Consideration and Approval of Intergovernmental Agreement: Americans with Disabilities Act (ADA) compliant walkway on Sitgreaves Street.

- RECOMMENDED ACTION: Approve the intergovernmental agreement with Arizona Department of Transportation for a joint walkway project on Sitgreaves Street from Milton Road to Santa Fe Avenue.

Councilmember White moved to take the recommended action, seconded Councilmember Evans.

The vote was postponed to the 5:30 portion of the meeting, at which time it passed unanimously.

L. Consideration and Approval of Intergovernmental Agreement: School resource officers.

- RECOMMENDED ACTION: Approve the intergovernmental agreement with the Flagstaff Unified School District.

This item was withdrawn from the agenda.

M. Consideration and Approval of Settlement of Employment Claim: Jensen vs. City of Flagstaff.

RECOMMENDED ACTION: Confirm Offer of Judgment and approve \$15,000.00 for attorneys' fees.

Councilmember White moved to approve the Consent Agenda with the exception of Items 5D, 5K, 5L, and 5M, seconded by Councilmember Evans. The motion passed on unanimous vote.

Returning to Item M, Councilmember Evans moved to confirm the Offer of Judgment and approve \$15,000.00 for attorney's fees. The motion was seconded by Councilmember Brewster and passed on unanimous vote.

6. ROUTINE ITEMS

A. Consideration and Adoption of Ordinance No. 2012-10: An ordinance authorizing the City of Flagstaff to transfer title of approximately 33.5 acres of property consisting of three parcels located at the southeast and southwest corners of the intersection of Fourth Street and Route 66, and the northwest corner of Fourth Street and Huntington Drive adjacent to the Fourth Street overpass to Evergreen Real Estate Development.

RECOMMENDED ACTION: Read Ordinance No. 2012-10 for the final time by title only.
Adopt Ordinance No. 2012-10.

Councilmember White moved to read Ordinance No. 2012-10 for the final time by title only, seconded by Councilmember Evans.

Councilmember Overton requested occasional updates as Evergreen works its way through the City's development process.

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

ORDINANCE NO. 2012-10

An ordinance authorizing the City of Flagstaff to transfer title of approximately 33.5 acres of property consisting of three parcels located at the southeast and southwest corners of the intersection of Fourth Street and Route 66, and the northwest corner of Fourth Street and Huntington Drive adjacent to the Fourth Street overpass to Evergreen Real Estate Development.

Councilmember Overton moved for adoption. The motion was seconded by Councilmember Evans and passed unanimously.

B. Consideration and Adoption of Ordinance No. 2012-12: An ordinance authorizing the City of Flagstaff to accept Deeds of real property or Easements from 2006 through March 31, 2012

RECOMMENDED ACTION: Read Ordinance No. 2012-12 for the first time by title only.
Adopt Ordinance No. 2012-12

Councilmember Overton moved to read Ordinance No. 2012-12 for the first time by title only, seconded by Councilmember Brewster. The motion passed on unanimous vote and title was read as follows:

ORDINANCE NO. 2012-12

An ordinance authorizing the City of Flagstaff to accept deeds of real property or easements from 2006 through March 31, 2012.

- C. Consideration and Adoption of Resolution No. 2012-24:** A resolution of the City Council of the City of Flagstaff approving the submission of a grant application to the Arizona State Parks for the Growing Smarter State Trust Land Acquisition Program to acquire land at Picture Canyon.

RECOMMENDED ACTION: Read Resolution No. 2012-24 by title only.

Adopt Resolution No. 2012-24.

Councilmember White moved to read Resolution No. 2012-24 by title only, seconded by Councilmember Evans. The motion passed on unanimous vote and title was read as follows:

RESOLUTION NO. 2012-24

A resolution of the City Council of the City of Flagstaff approving the submission of a grant application to the Arizona State Parks for the Growing Smarter State Trust Land Acquisition Program to acquire land at Picture Canyon.

Councilmember White moved to adopt Resolution No. 2012-24, seconded by Councilmember Brewster. The vote was unanimous in favor.

7. RECESS

5:30 P.M. REGULAR CITY COUNCIL MEETING

8. RECONVENE REGULAR MEETING

The meeting reconvened at 5:39 p.m. and Mayor Presler called the meeting back to order.

9. 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.

10. ROLL CALL

On roll call the following were present:

Mayor Presler

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

Also present were:

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

11. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- A. Consideration of Approval of Minutes from Previous Meetings:** Regular Meetings of August 17, 2010; December 21, 2010; January 3, 2012; March 6, 2012; May 1, 2012; and May 15, 2012; and the Special Council Meetings of April 13, 2010; April 27, 2010; January 31, 2012; and February 28, 2012.

RECOMMENDED ACTION: Approve the minutes as submitted/corrected.

Councilmember Evans moved to approve the minutes as submitted, seconded by Councilmember Brewster. The motion passed unanimously.

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

- a. Presentation of Proclamation:** Gay, Lesbian, Bisexual, and Transgender Pride Month.

Mayor Presler read and presented the Gay, Lesbian, Bisexual, and Transgender Pride Month proclamation to Gordon Watkins and Frances Riemer of the Diversity Awareness Commission.

On behalf of the Commission, Mr. Watkins thanked the Mayor and presented the proclamation to Kathryn Jim.

Ms. Jim expressed her appreciation for all that the Council has done to support the gay, lesbian, bisexual, and transgender community, encouraging the Council to attend and participate in the upcoming Pride in the Pines festival.

- b. General Public Participation:**

Nat White asked the Council to open up the snowplay process to have more public participation and discussion of more sites within and without city limits.

Georgia Duncan, President of the Flagstaff Chapter of Parents, Families, and Friends of Lesbian and Gays, thanked the Mayor for issuing the GLBT proclamation and urged the Council to move forward with a civil rights ordinance.

Joseph Sanders and his female companion told the Council that he and his friend will go on a hunger strike until the City cancels its wastewater contract with the Snowbowl and takes other actions to protect the area.

Desiree DuCharm asked the Council to move forward with the civil rights action that has been requested.

Blaze Pedell voiced his encouragement for a civil rights ordinance.

Kathryn Jim was disappointed that the civil rights ordinance has not yet come to the Council and asked that the Council make it a priority.

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

Consent Agenda:

D. Consideration of Bid: Landfill compactor.

RECOMMENDED ACTION: Approve the bid from RDO Equipment Co., in the amount of \$969,295.36.

This item was removed from the agenda and will return at a later time.

13. PUBLIC HEARING ITEMS

No items were submitted.

14. REGULAR AGENDA

A. Consideration and Approval of Amendment to Application: Airport passenger facility charges.

RECOMMENDED ACTION: (1) Approve Amendment 09-02-C-00-FLG to increase the passenger facility charge from \$3.00 per enplanement to \$4.50 per enplanement to reimburse the City for the City's match of \$1,208,991.00 of the airport runway extension project; and

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

Mayor Presler moved to take the recommended action. The motion was seconded by Councilmember Evans and passed on unanimous vote.

- B. Consideration and Approval of Resolution No. 2012-22:** A resolution of the City Council of the City of Flagstaff adopting the 2012 City of Flagstaff Resiliency and Preparedness Study as a public record and adopting Municipal resiliency and preparedness policy statements.

RECOMMENDED ACTION: Read Resolution No. 2012-22 by title only.

Adopt Resolution No. 2012-22.

Councilmember Evans moved to read Resolution No. 2012-22 by title only, seconded by Councilmember Brewster. The motion passed on unanimous vote and title was read as follows:

RESOLUTION NO. 2012-22

A resolution of the City Council of the City of Flagstaff adopting the 2012 City of Flagstaff Resiliency and Preparedness Study as a public record and adopting Municipal resiliency and preparedness policy statements.

Councilmember White moved to adopt Resolution No. 2012-22. Upon second by Councilmember Evans, the motion passed on unanimous vote.

- C. Consideration and Approval of Resolution No. 2012-26:** A resolution of the City Council of the City of Flagstaff adopting the "2012 City of Flagstaff Parks and Recreation Organizational Master Plan" as a public record.

RECOMMENDED ACTION: Read Resolution No. 2012-26 by title only.

Adopt Resolution No. 2012-26.

Margie Brown, City Clerk, read a proposed amendment to the resolution into the record as follows:

Add a new Section 3 as follows:

"Section 3. That the Parks and Recreation Commission has prioritized parks and recreation unfunded capital improvement projects in order to guide and plan for future development and acquisition with the list as follows:

- Westside park land acquisition
- Competitive lap pool
- Bushmaster Park improvements
- Enclosed tennis structure/bubble
- Continental park improvements, Phase I
- Wheeler Park redesign, Phase I
- Christensen Park development
- Soccer fields."

Elizabeth Anderson, Community Enrichment Director, identified that the plan is being adopted minus the financial section which needs some tweaks on what BBB funding can be used for.

Given Council concerns over the lack of financial information and readiness for adopting the plan itself, it was agreed that the plan will come back to the Council for a chapter-by-chapter presentation at works sessions until the Council is comfortable with the plan. In addition, information on previously articulated Council concerns and how they are addressed will be included in future agenda packets. Finally, the Council requested a joint meeting with the Parks and Recreation Commission.

15. DISCUSSION ITEMS

None.

PUBLIC PARTICIPATION

None.

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

16. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at * 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 June 5, 2012. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 20th day of June, 2012.

CITY CLERK