MINUTES

REGULAR COUNCIL MEETING
TUESDAY, SEPTEMBER 18, 2012
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
12:00 NOON AND 5:30 P.M.

12:00 NOON MEETING

1. CALL TO ORDER

Mayor Nabours called the meeting of the Flagstaff City Council held on September 18, 2012, to order at 12:00 noon.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

2. ROLL CALL

NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.

Councilmembers present:	Councilmembers absent:
MAYOR NABOURS	VICE MAYOR EVANS (Excused)
COUNCILMEMBER BREWSTER	COUNCILMEMBER BAROTZ (Excused)
COUNCILMEMBER ORAVITS	
COUNCILMEMBER OVERTON	
COUNCILMEMBER WOODSON	

Others present: City Manager Kevin Burke; Deputy City Manager Josh Copley; City Attorney Rosemary Rosales.

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3. **PUBLIC PARTICIPATION**

A. Recap of the Governor's Rural Economic Development Conference by representatives of the Flagstaff Economic Vitality Division.

Stacy Button, Economic Vitality Director, reported on the Governor's Economic Development Conference she attended last week. She noted that a joint award was presented to the City of Flagstaff, Coconino County and NACET, and the Governor spoke of the many successes of NACET.

B. Public Participation enables the public to address the Council about an item that is not on the agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

None

4. **BOARD AND COMMISSION APPOINTMENTS**

A. **Consideration of Appointments:** Parks and Recreation Commission

Staff was directed to move this item to the 5:30 p.m. meeting so that Vice Mayor Evans was present, as she served with Councilmember Oravits on the Interview Committee.

B. **Consideration of Appointments:** Board of Adjustment

Councilmember Brewster moved to reappoint Phil Scandura and Dan Anderson to the Board of Adjustment, with terms to expire in May 2015; seconded by Councilmember Overton; passed unanimously.

~~*C. **Consideration of Appointments:** Regional Plan Citizen Advisory Committee~~

This item was moved to 5:30 p.m. meeting.

5. **LIQUOR LICENSE PUBLIC HEARINGS**

A. **Consideration and Action on Liquor License Application:** Lois Franz, "Sonesta ES Suites Flagstaff", 3440 N. Country Club Drive, Series 07, Person Transfer.

C**ouncilmember Overton moved to open the Public Hearing; seconded by Councilmember Woodson; passed unanimously.**

Councilmember Overton moved to close the Public Hearing; seconded by Councilmember Woodson; passed unanimously.

Councilmember Overton moved to forward the application to the State with a recommendation for approval; seconded by Councilmember Woodson; passed unanimously.

6. **CONSENT ITEMS**

ALL MATTERS UNDER 'CONSENT AGENDA' ARE CONSIDERED BY THE CITY COUNCIL TO BE ROUTING AND WILL BE ENACTED BY ONE MOTION APPROVING THE RECOMMENDATIONS LISTED ON THE AGENDA. UNLESS OTHERWISE INDICATED, EXPENDITURES APPROVED BY COUNCIL ARE BUDGETED ITEMS.

A. **Consideration and Approval of Construction Contract:** Switzer Canyon Trail FUTS (Flagstaff Urban Trails System) Improvement Project.

Councilmember Overton moved to approve [approve the construction contract with Woodruff Construction in the amount of $197,084.00 including an $18,300.00 contract allowance and a contract time of 70 calendar days; 2) approve Change Order Authority in the amount of $17,880 (10% of contract amount, less allowance) for potential costs associated with unanticipated items of work; and 3) authorize the City Manager to execute the necessary documents]; seconded by Councilmember Woodson.

Staff reported that this funding was to complete segments of the FUTS Trail near the YMCA to provide greater connectivity in that area. It was noted that this was the end of a process that had been previously approved by the prior Council during last year's budget process and the capital improvements plan.

Staff was directed to have clarification available for the upcoming budget discussions on what types of projects these funds could be used for in the future. Staff suggested that the Council discuss the BBB distributions first during the upcoming budget process.

Motion passed 4-1 with Councilmember Oravits casting the dissenting vote.

B. **Consideration and Approval of Utility Account Write-offs:** Delinquent and uncollectable accounts for Fiscal Year 2012.

Staff reviewed a flow chart which demonstrated the process followed when accounts were not paid, which addressed:

- MONTHLY BILLS/FINAL BILL
  - Includes Past Due Amounts
  - Received another bill

●COLLECTIONS

1. Collections Letter Sent (30 day letter) (in house) 3-4 months effort
    a. Miscellaneous
    b. Court – parking fines, tickets, etc.
    c. Sales tax accounts
2. Phone calls
3. Credit Report (If no response)
4.

●CREDIT REPORT

Remains for 7 years from date of 1st delinquency

Discussion was held on other options available to collect and staff was directed to consider using collection agencies with certain accounts in the future.

Mayor Nabours moved to approve Items B, C, D and E [approve write-off of delinquent and uncollectable utility accounts in the amount of $97,198.35; approve the write-off of delinquent and uncollectable miscellaneous receivable accounts in the amount of $33,322.21; approve the write-off of delinquent and uncollectable transaction privilege (sales) tax accounts in the amount of $113,481.22; and approve the write-off of delinquent and uncollectable Non-sufficient Funds (NSF) checks in the amount of $4,566.55]; seconded by Councilmember Brewster; passed unanimously.

C. **Consideration and Approval of Miscellaneous Receivable Account Writeoffs:** Delinquent and uncollectable accounts for Fiscal Year 2012.

D. **Consideration and Approval of Transaction Privilege (Sales) Tax Account Write-offs:** Delinquent and uncollectable accounts for Fiscal Year 2012.

E. **Consideration and Approval of Non-sufficient Funds (NSF) Check Write-offs:** Delinquent and uncollectible accounts for Fiscal Year 2012.

F. **Consideration and Approval of Acceptance of Grant Funding:** U.S. Department of the Interior, Bureau of Reclamation FFY 2012 North Central Arizona Water Supply Grant for the Red Gap Ranch Feasibility Study in the amount of $300,000.

Staff reported that the City had already met their obligation for this grant; it was already funded. They reported that these funds would permit the City to study the impact on cultural, biological and water resources. It is required by the US Fish and Wildlife before they can move forward with the pipeline.

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Councilmember Oravits moved to authorize acceptance of grant funding in the amount of $300,000 from U.S. Department of the Interior, Bureau of Reclamation for cultural, biological and groundwater resource assessments at Red Gap Ranch; seconded by Councilmember Brewster; passed unanimously.

7. **ROUTINE ITEMS**

No items submitted

RECESS

The meeting of September 18, 2012, of the Flagstaff City Council recessed at 12:35 p.m.

5:30 P.M. MEETING

RECONVENE REGULAR MEETING

The meeting of September 18, 2012, of the Flagstaff City Council reconvened at 5:35 p.m.

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

MISSION STATEMENT

The mission of the City of Flagstaff is to protect and enhance the quality of life of its citizens.

9. **ROLL CALL**

Councilmembers present:	Councilmembers absent:
MAYOR NABOURS	None
VICE MAYOR EVANS	
COUNCILMEMBER BAROTZ	
COUNCILMEMBER BREWSTER	
COUNCILMEMBER ORAVITS	
COUNCILMEMBER VOERTON	
COUNCILMEMBER WOODSON	

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

A. **Consideration of Minutes**: August 24-25, 2012, City Council Retreat; September 4, 2012, Special City Council Meeting (Executive Session); September 4, 2012, City Council Meeting; September 11, 2012, Special City Council Meeting (Executive Session); and the September 11, 2012, City Council Work Session.

Mayor Nabours noted that he and the Clerk had discussed a minor change to clarify that he had given a history of the Snow Play issue and she had made that correction.

Councilmember Overton moved to approve [August 24-25, 2012, City Council Retreat; September 4, 2012, Special City Council Meeting (Executive Session); September 4, 2012, City Council Meeting; September 11, 2012, Special City Council Meeting (Executive Session); and the September 11, 2012, City Council Work Session]; seconded by Vice Mayor Evans; passed unanimously.

11. PUBLIC PARTICIPATION

Public Participation enables the public to address the Council about an item that is not on the agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

The following individuals addressed their concern with the City's plans to move forward with using reclaimed water:

Katie Nelson
Ann Marie Zeller
Rudy Preston

Additionally, Ms. Zeller spoke in opposition of the City using a $4 million grant for a new emergency response center and said the ethics of those involved with the grant application have to be questioned.

Rudy Preston addressed the Council regarding the conditions at the jail facilities, and said he hoped the new Council did a better job than the last.

Terry O'Neal said that he disagreed with everything just said, other than he, too, hoped the new Council did a better job than the last.

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

(4)A. **Consideration of Appointments:** Parks and Recreation Commission

Vice Mayor Evans moved to reappoint John Fall and Greg Kleiner to the Parks and Recreation Commission with terms to expire August 2015; seconded by Councilmember Oravits; passed unanimously.

13. **PUBLIC HEARING ITEMS**

No items submitted

14. **REGULAR AGENDA**

Mayor Nabours noted that the members in the audience were for Item B, so he would move that item to be discussed first.

*B. **Consideration of Appointments:** Regional Plan Citizen Advisory Committee

Discussion was held by the Council regarding the following issues associated with the Committee:

- Lack of balanced representation on the current RPUCAC and Steering Committee
- Some members of the RPUCAC itself voiced concern with lack of balance
- The RPUCAC members have been working on this project for over three years
- If the Council were to appoint a City representative, the County could appoint up to three County residents, which could still skew the makeup of the membership
- Without balanced representation the voters may not approve the General Plan Amendments
- The City's partner (the County) should be consulted through the Steering Committee prior to making any appointment
- Need to move quickly on appointment versus taking time to communicate with County and ultimate impact on schedule in relation to election
- Some flexibility with election dates during 2014
- There has been a great deal of public participation throughout the process
- The proposed amendments will go into the public for further comment in January of 2013 and return to the RPUCAC prior to placement on the ballot
- Members of other boards/commissions have terms; perhaps all of the members should be reappointed
- Appearance of push-back on various sides—wanting to appoint now and wanting to first meet with the Steering Committee

Mr. Burke reported that he had spoken with County administration and they were deferring to discussion of the issue by the Steering Committee, which was scheduled for September 26.

CAC Chairman Paul Babbitt commented on the process, noting that at one point during the process they were having quorum issues and it was recommended that vacancies not be replaced, resulting in a smaller committee. They were approaching their fourth year of deliberations and the majority of the work has been accomplished, and they anticipate having it ready for presentation to the public by the end of the year.

Discussion was held on the next meeting of the Steering Committee. It is not regulated by the Open Meeting Law; however, staff was anticipating it being a public meeting.

It was noted that the soonest an appointment could be made would be two weeks from now, so it sounds like they were out of time, except that it would be going back to the Committee for final preparation after it has been before the public, so that may be considered the timeline.

Chairman Babbitt noted that since the beginning they have encouraged citywide participation. They have conducted a number of town halls, assemblies, and fact finding. There have been a lot of venues for the public to make its desires know.

Judy Louchs, CAC Member, said that she wished to speak as a public participant. She was excited to be part of an important process in advancing Flagstaff's future. They have labored as an entire group for well over three years, sifting through an abundance of information. Now they are left with three of the most important issues—economic development, housing and land development, and the process is changing.

They are being divided into smaller focus groups now. There are more meetings and they are not being afforded the same perspective. As they have lost members the imbalance and lack of participation has been evident. The three remaining elements can make or break their community. She has sat patiently, listening to all the others and they would expect to have as much time to discuss these last elements.

Councilmembers further discussed the issue and noted that the creation of the Steering Committee came about through the Public Participation Plan crafted by the City and County, and updated in 2009. Some concerns were raised that CAC members had self-identified what area they represented, but not all agreed with those.

Ann Marie Zeller, Flagstaff, said she found it disturbing that the CAC believes that everyone belongs to the Chamber. They had talked about having representation of the Native Americans, but they were not represented.

Ben Anderson, Flagstaff, said that from the beginning this has been one of the more democratic processes in the region. The CAC has done a remarkable job in trying to balance the perspectives.

Councilmember Barotz moved to place this item on the agenda in two weeks, to allow time for the Steering Committee and full CAC to discuss it further; seconded by Councilmember Brewster. After further discussion, it was clarified that **placement on the agenda of the October 2, 2012, meeting would be "Discussion and possible appointment"; motion passed 6-1 with Councilmember Overton casting the dissenting vote.**

A break was held from 6:45 p.m. to 6:53 p.m.

A. **Consideration and Possible Adoption of Changes to Title 1, Chapter 14, *Personnel System*, of the Flagstaff City Code:**

i. Resolution No. 2012-33: A resolution of the City Council of the City of Flagstaff, Arizona declaring as a Public Record that certain document filed with the City Clerk and entitled "The 2012 Addendum 4 to the Flagstaff Employee Handbook of Regulations"

ii. Ordinance No. 2012-14: An ordinance of the City Council of the City of Flagstaff amending the Flagstaff City Code, Title 1, *Administrative*, Chapter 14, *Personnel System*, Section 1-14-001-0001, *Personnel System Adopted*; adopting the *Flagstaff Employee Handbook of Regulations* by reference, relating to policies and procedures concerning equal employment opportunity, affirmative action, non-discrimination and anti-harassment, Americans with Disabilities Act, complaints, grievances, probationary employees, performance evaluations and reductions in force; providing for penalties, repeal of conflicting ordinances, severability, authority for clerical corrections and establishing an effective date.

Mayor Nabours asked that the Legal staff address, between now and the October 2, 2012, meeting, in more detail the applicability of the Personnel Code to situations where there is a conflict between city employee/city employee; city employee/non-city employee; and non-city employee/city employee.

Mayor Nabours moved to read Resolution No. 2012-33 by title only; seconded by Councilmember Barotz; passed unanimously.

Vice Mayor Evans moved to read Ordinance No. 2012-14 by title only for the first time; seconded by Councilmember Woodson; passed unanimously.

15. **DISCUSSION ITEMS**

None.

16. **PUBLIC PARTICIPATION**

None.

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

Council reported on the following:

●City of Flagstaff won an award at the Governor's Economic Development Conference, in conjunction with the County and NACET, for the NACET project.
●The Mayor and several Councilmembers attended the Drum, Dance and Song last weekend and they had a great turnout.

●Today was the United Way Kick-Off Luncheon and it was shared that a family of four needs to have an income of at least $52,807 to live without any type of assistance. Right now 51% of families in Flagstaff earn less than $50,000 a year.
●In periodic Chamber reports it is indicated that the City of Flagstaff's cost of living is 20% more than other communities, which ties in with the above statement.
●Several Councilmembers attended the meeting today at the Museum of Northern Arizona wherein the author of The Great Arridness, Bill DuBuys, spoke regarding the change of weather patterns, and also several staff members gave presentations.
●Councilmember Woodson will be absent from the October 16, 2012, Council meeting, but may be able to attend telephonically.
●Several Councilmembers attended the tour of the Innerbasin Waterline project last week.
●Attended the community roundtable at the Orpheum last night and they had a great turnout.
●The NAU Football Team was congratulated for their win last weekend at home.
●Councilmember Barotz requested that a discussion item be placed on a future agenda for creation of a Flagstaff Children's Memorial Park.

18. **ADJOURNMENT**

The Flagstaff City Council meeting of September 18, 2012, adjourned at 6:55 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CERTIFICATION

STATE OF ARIZONA)
) ss.
County of Coconino)

I, ELIZABETH A. BURKE, 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 September 18, 2012. I further certifty that the Meeting was duly called and held and that a quorum was present.

DATED this 16th day of October, 2012.

_____
CITY CLERK