

MINUTES

WORK SESSION
TUESDAY, SEPTEMBER 25, 2012
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
5:30 P.M.

1. CALL TO ORDER

Mayor Nabours called the Flagstaff Work Session of September 25, 2012, to order at 5:40 p.m.

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

Councilmembers present:

MAYOR NABOURS
VICE MAYOR EVANS
COUNCILMEMBER BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER WOODSON

Councilmembers absent:

None

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

3. **Public Participation (Non-Agenda Items Only):**

Public Participation enables the public to address the council about items that **are not** on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. 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 to have 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.

Chuck Crandall, Flagstaff, spoke on issues relating to the City asking him to tear down an existing structure and problems with the information flow within the City.

Anthony Garcia, Flagstaff, invited Council to the 12th annual Project Homeless Connect on September 29th at Christ Church of Flagstaff from 9:00 a.m. – 1:00 p.m.

Mark Landsiedel, Community Development Director, reported that last week the annual state conference of the Arizona Planners Association was held in Flagstaff. Three local individuals and groups were recognize--Nat White as Outstanding Citizen Planning Volunteer, Roger Eastman as Outstanding Planner for the State for his efforts on the zoning code and City of Flagstaff for the best ordinance regulation policy or legislation for the zoning code.

A member of the community reported that the e-mail agenda updates had stopped coming, and asked that they be reinstated.

4. Preliminary Review of Draft Agenda for the October 2, 2012, City Council Meeting.*

Items" (Item 9) later in the meeting. Citizens wishing to speak on agenda items not specifically called out by the City Council for discussion under the second Review section may submit a speaker card for their items of interest to the recording clerk. The item will be called out during the second "Review of Draft Agenda Items" to allow citizens the opportunity to comment. Citizens are also encouraged to submit written comments.

Items 7A and 14D were pulled for further discussion later in the Work Session.

5. Presentation by Salt Lake City Mayor Ralph Becker regarding that city's Civil Rights Ordinance.

Salt Lake City Mayor Ralph Becker spoke about the process to drafting and adopting their civil rights ordinance. Like Arizona, Utah is a conservative state, but Salt Lake City tends to be very liberal relative to the state. Utah prides itself on being a hospitable state and Salt Lake City takes pride in making visitors feel comfortable, safe, and secure. After being elected Mayor he worked with the city attorney to work on drafting a civil rights ordinance. The process took about a year and a half.

The major issues were with employment and housing. They met with many different community stakeholders and special interest groups to gather information on how to best create the document. The serious objection came from the State Legislature, but the Church of Jesus Christ of Latter-day Saints (LDS) church stood up at the Council meeting and expressed support for the ordinance, which was shocking given their stance on gay relations and gay marriage. The ordinance passed unanimously. The Legislature took it up at the next session seeking to override the ordinance, but their attempts were unsuccessful. It has basically become a non-issue in the community and has changed the dynamic of the community especially with economic development.

The following individuals asked questions which were answered by Mayor Becker as indicated.

Mayor Nabours
Vice Mayor Evans
Councilmember Barotz
Councilmember Brewster
Councilmember Overton

Gordon Watkins
Kathryn Jim
Jamie Hasapis
Deborah Taylor
Lisa Raynor
Kristin Whitsen

Did Salt Lake City have such a personnel policy internally in place?

Yes, as well as recognition for benefits.

In retrospect, is there anything you would have done differently or any language you would change?

No, we spent so much time vetting it throughout the community that it was well done and well thought out when adopted. There has been no thought on changing the ordinance now that it is in place.

Has there been any litigation?

No, there were threats but no litigation.

There have been few to no complaints using the ordinance—why do you think this is?

Not entirely sure; there has not been any word on abuse of the ordinance either. He would like to think that entities are taking the issue seriously and incorporating it,s requirements into their work.

What is the process for hearing a complaint?

The Department of Human Services assigns the hearing to an expert that handles diversity complaints. The complaint is filed and the administrator has the ability to not accept the complaint based on incomplete information. It goes to the person it is filed against and they have 15 days to respond. Then the administrator can review the information from the respondent and make a determination that there is no basis for discrimination. There is a conciliation process for both the complainant and responder together to address and remedy the complaint. If at that point there is not the ability for the parties to get together, it is forwarded to the City Attorney and the prosecutor can then make the determination before going to court. It is a civil issue not a criminal issue.

Did you exempt religious organizations as employers?

Yes.

With the LDS church that came out and spoke, who was it?

It was a representative of the President of the church.

Were there both group and individual discussions?

Yes, it was a major discussion item both in groups and individually.

How did you keep the Legislature off your backs?

As a former Legislature member I had relationships with existing members which made it much easier to communicate and negotiate with them. Also, they wrote into the ordinance that they were not creating a "special group" of people. They worked very hard at the Legislature, one on one, to inform legislators what is and isn't in the ordinance, but it was still a close vote.

What do you do about employers not located in the City but have a satellite office in the community?

It has to have 15 or more employees in the City.

Did you consider any other categories (physical characteristics) in the ordinance?

We discussed it but did not extend benefits/rights any further.

Is there a concern that an employer will reduce his department if they have to ask their employees if they fall into one of these categories?

No, it would be wrong to ask during hiring or firing. The ordinance expects performance-based decisions.

Is there a need to know as an employer in order to protect themselves?

I don't know why that should be an issue. Again, it is performance based.

The following comments were also received by these individuals:

Debora Taylor
Camilla Rose

- Speaking on behalf of a religious leader at the Living Christ Lutheran Church, they were in support of the civil rights ordinance that was being discussed. They were proud that Flagstaff was moving forward and asked that they not wait.
- There is no law protecting transgender individuals when it concerns medical services. Housing and employment issues are rampant. They can have as many ordinances as they want but without teeth they are worthless. Please be understanding of the transgender issues as well and continue to meet face to face with people to understand the issues.

How does your ordinance address these types of organizations and the businesses that they run?

This was a big issue in Salt Lake City as you can imagine with the large population of the LDS church. There was a Supreme Court case that was cited in the ordinance that addressed this issue directly. It was a pretty simple provision in the ordinance but it seemed to satisfy the churches.

What did your public process look like, did you do smaller more intimate groups? What did the Council involvement look like?

Salt Lake City has an Office of Human Rights that consists of one employee who staffs the Human Rights Commission. It is important that public meetings are conducted in a guided manner and rules are enforced as necessary. People need guidelines and they need to be enforced.

At any point did you think it wiser to conduct the dialogue before the ordinance was drafted?

There was a lot of dialogue prior to the drafting of the ordinance and we tried to incorporate these discussion items into the ordinance as necessary.

If dialogue meetings were not based on a draft ordinance did the facilitator prompt questions or was it a more general discussion?

The discussions were general. There was one on race, one on gender, one on LGBT matters, etc.

Did you have a timeline set up ahead of time to follow? Did you determine how many people you needed to get in front of or a number of groups?

The timeline was very general and loose. We spent a couple of months setting things up, six months conducting the dialogues and six months drafting the ordinance.

Did you target certain groups and churches or did you leave it more open to "here is the date and time, come if you are interested"?

We went to the groups and churches that were interested and those who had issues.

How different was the final draft from the original draft?

It was hard to remember the original draft as it went through numerous changes.

What was the cost involved with enacting and enforcing the ordinance?

It was all handled within existing personnel. Other than the normal costs associated with developing a policy there was no further cost.

How many people would you allow in the meetings?

We didn't limit the capacity at all, public meetings sometimes get a lot of people sometimes they don't.

The Federal Government has the mechanism to make this happen, why do it at the City level instead of lobbying for Federal change?

I am the Mayor of a community and it was important to the people I represent.

At what point did this become a worthwhile cause for you?

Very early on, it was important for people to feel safe and secure in their communities.

Have you found in Salt Lake City that this was worth all the work?

Without a doubt, the community has been enhanced with this ordinance. This ordinance showed that all were welcome in the community.

Mayor Nabours thanked Mayor Becker for coming to Flagstaff and sharing his experiences. The Council then took a break from 7:099 p.m. through 7:22 p.m.

6. Guidance Center Alcohol Stabilization Unit Annual Update

Karissa Nistad and John Echols presented information about the Alcohol Stabilization Unit and asked for future support. They addressed the following:

- ▶ ALCOHOL STABILIZATION UNIT
- ▶ ASU OPENED IN AUGUST 2007

In FY 12, 66% of those admitted were Native American, 30% were Caucasian and 4% African American, Hispanic or other ethnicities. In FY11, those numbers were 74%, 21%, and 5% respectively.
- ▶ IN FY12, 58% OF CONSUMERS WERE TITLE 19 AND 42% OF CONSUMERS WERE NON TITLE 19.
- ▶ IN FY11, 74% OF CONSUMERS WERE TITLE 19 AND 26% OF CONSUMERS WERE NON TITLE 19.
- ▶ FROM THE BEGINNING, THE ASU POPULATION HAS BEEN CONSISTENTLY AROUND 85% MALE AND 15% FEMALE.
- ▶ UNIQUE ADMISSIONS BY AGE GROUP

- ▶ 74% TO 84% OF THOSE ADMITTED TO THE ASU RESIDE IN COCONINO COUNTY
- ▶ A LARGE PERCENTAGE (59% IN FY12) OF ASU CONSUMERS PRESENT ON THEIR OWN, WITH REFERRALS FROM FMC (29% IN FY12) BEING THE SECOND LARGEST SOURCE.

Lt. Mussleman said that oftentimes the Police Department refers people they pick up and transport directly to the ASU. Other times, when individuals are transported to Flagstaff Medical Center (FMC), upon their release FMC will coordinate with ASU. *Community* could be churches, self reporting or other charities in the community.

- ▶ ALL CONSUMERS ARE GIVEN A LIST OF COMMUNITY RESOURCES AT THE TIME OF DISCHARGE

This list includes information on continuing treatment as well as help with family and financial concerns.

- ▶ PHILOSOPHY OF THE ASU

Each time a consumer is admitted to the unit, TGC staff attempts to engage them in ongoing services. In order to maintain the ASU's mission, each consumer is admitted to the unit as long as they meet the criteria. When a consumer returns they develop more trust, we learn more about them, and they become more open to treatment options.

- ▶ RE-ADMISSION RATES
- ▶ AVERAGE LENGTH OF STAY IN THE ASU
- ▶ FUNDING FROM THE ASU COMES FROM:

NARBHA
Coconino County
The Navajo Nation
The City of Flagstaff

He said they were very appreciative of the ongoing and continuing funding.

Councilmembers asked the following questions, and they were answered as indicated.

What is the percentage of the contributing members?

The largest funding comes from NARBHA at about \$800,000, Coconino County contributes \$30,000, Navajo Nation, \$65,000 and City of Flagstaff \$75,250.

It has been a good partnership to this point, and is fairly well established now, there is good traction in the community. What is next? Other than just funding, what can make this service better for the patient process and the service provided to the community?

Last week the ASU sponsored a community meeting to talk about the next steps in bettering the program. Intensive case management is important and they want to look more at how to engage consumers in ongoing treatment. They would like to see an increase in the length of stay and an increase in beds.

Chief Treadway has proposed a program where you have repeat offenders required to participate in a 30 day program in your facility, in the jail, and asked what their participation was in this program?

The ASU is not able to hold someone as they are a voluntary agency; the judge could sentence 30 days in jail and the treatment would occur there. The cost is significantly less if they do not have to incarcerate however.

There is a recovery program at the ASU that people can enroll in and there are a number of outpatient services available as well.

The short length of stay does hinder the effectiveness of treatment, but they really need to focus on how to keep people there longer in hopes of making a more permanent change.

Clarification was asked for on the 30 day treatment program.

This program is referred to as the ROPE program. It has been around for a couple of years. At the time of booking they make a note for city court judges on how many times they have been arrested and after 5 arrests in a 90 day period they qualify for the ROPE program and are sentenced to 120 days of incarceration. They essentially have more time to detox and obtain treatment through the EXODUS program. The frustration is the statutory limitations that are in place with regards to public intoxication, they can only hold for 24 hours.

How are they sentencing them if not for public intoxication?

These individuals are being picked up for various other crimes such as well, trespassing, shoplifting, etc.

There was at one time an issue with partners not paying or matching fully; was that still the case?

All partners are paid up to date. The Navajo Nation is contributing through AHCCCS funding.

7. **Draft 2012 Parks and Recreation Organizational Master Plan Review.**

Elizabeth Anderson, Community Enrichment Services Director, said she already talked about the format, two most innovative parts about plan 1) budget action strategies and 2) the recreation program classification tool.

She then presented Chapter 5 and Chapter 6 of the draft Parks and Recreation Organizational Master Plan through a PowerPoint presentation which addressed:

- ▶ PROPOSED WORK SESSION SCHEDULE
- ▶ PROGRAMS – NATIONAL TRENDS
- ▶ CITY OF FLAGSTAFF PROGRAM AREAS
- ▶ PROGRAMS – PLANNING CONSIDERATIONS
- ▶ PROGRAMS – OPPORTUNITIES
- ▶ PROGRAM APPROACH – CATEGORIZED 3 WAYS
 - CORE
 - SECONDARY
 - SUPPORT
- ▶ PROGRAM ASSESSMENT CRITERIA
- ▶ FEE CONTINUUM – PROGRAMS AND SERVICES
- ▶ FEE CONTINUUM – FACILITIES
- ▶ FEE PHILOSOPHY RECOMMENDATIONS
- ▶ EVENTS - PLANNING AND CONSIDERATION
- ▶ EVENTS - RECOMMENDATIONS

The following comments/questions were received from Councilmembers.

- With the specialized indoor facilities and charging a fee for use, they need to keep in mind that some of these facilities are paid for with bond monies, and they should be mindful that all people have access to the facilities that they pay for already. Additionally, with marketing Buffalo Park for things such as weddings and reunions, they were not sure that the public reserved those parks for those kinds of functions, but they need to maintain the open space of the park and not cut off access.
- Page 81 referenced the 50% cost recovery for youth and seniors. Staff noted there was a fee philosophy that the City would subsidize 50% for youth and they were now recommending to include seniors in that group, with all adult services having cost recovery at 100%. It was suggested that this be noted in the Plan.
- Are they looking at adding new activities? Staff replied there was a potential to expand their programming, but would use the matrix developed to identify the best areas to place the programs. There was always room for expansion as long as it falls within the specific criteria. It was noted that they should not expand just for the sake of expanding.
- They were glad to see the tool built into the Plan as it allowed for change with the community demand.

Staff noted that they were looking at recreation as a facilitator between the private sector and individuals accessing the facility. Their role was linking the partnerships to provide marketing; they may not provide a certain program but other agencies do and they will help direct them in the right direction.

The higher the cost recovery the more likely it falls into a core service; this seems inverse. If there is a high cost recovery there may be private companies that could benefit from handling the program or event.

They added that it should be kept in mind that the matrices are individual but when looked at together, they may score high in cost recovery but low in all others. The overall calculation will dictate placement, not each item on its own. There is more analysis with the matrix outside of just the score.

8. Update on Information and Outreach on City Bond Questions

Kimberly Ott, Assistant to City Manager, Communications, presented a PowerPoint outline on what the City was doing in preparation for the Bond election:

- ▶ SAFETY SERVICE SATISFACTION
- ▶ VOTER EDUCATION/INFORMATION
- ▶ KEY MESSAGES
- ▶ OPEN HOUSES
 - MEMS ROOM 200 WED, 10/10, 5-7
 - FLAGSTAFF HIGH SCHOOL, COMMONS, THURS, 10/11, 5-7
 - ADDITIONAL OPEN HOUSES AT THE END OF OCTOBER
- ▶ WEBSITE – flagstaff.az.gov/bondinformation
- ▶ CITYSCAPE
- ▶ VOTER OUTREACH
- ▶ QUESTIONS & SUGGESTIONS

It was noted that it was strictly informational. It was requested that the appropriate folks be present to answer questions in a clear and concise manner. Staff was asked if there was a master calendar to check in on and see what the various presentations are and where they are being held so that Council and the public will know how to participate.

Staff replied that they were working on one, and it will be available online and to Council and community.

Mayor Nabours asked if, as a Council, they had to remain neutral. Staff replied that they did as a body, but not as an individual.

It was noted that if they were giving balanced information they should also be giving information that if this does not pass the tax rate could go down. Staff noted that there were variables that could dictate whether this could happen as it is a Council decision during the budget discussions.

Karen Malis-Clark, Flagstaff, said she recently retired with the Forest Service. A lot of time was spent informing the public about forest fires and forest restoration. There are a lot of lessons learned from the Shultz fire and the subsequent flooding. She thanked them for taxing her and for having an innovative vision to protect their watershed and their community.

Andy Fernandez, Flagstaff, said he has serious issues with how the City has handled business; they were cutting back on services but also asking for additional monies for service

9. Review of Draft Agenda Items for the October 2, 2012, City Council Meeting. *

**Public comment on draft agenda items will be taken at this time.*

7A - Consideration of Appointments: Regional Plan Citizen Advisory Committee

Vice Mayor Evans requested that this item be moved to the 6:00 p.m. meeting

It was noted that it was the only item on the 4:00 agenda, therefore the regular the Council agreed that the Council Meeting would start at 6:00 p.m.

14D - Consideration and Possible Adoption of Ordinance No. 2012-13: An ordinance of the Mayor and Council of the City of Flagstaff amending Flagstaff City Code, Title 3, Business Regulations; Chapter 3, User Fees; Section 3-10-001-0005, Recreation, revising Jay Lively Activity Center fees.

Staff was asked if it was correct that \$560,000 comes from the BBB funding. Staff replied that was correct. He said that he would get the cost recovery numbers to the Council. It was noted that they need to be careful about placing the two numbers together because it doesn't take into consideration their programs, in that they do not pay themselves to use the fields.

Staff was asked for further clarification on how the BBB funds influence, or don't influence, programming at the four recreational facilities.

10. Public Participation

Andy Fernandez, Flagstaff, voiced concern with many issues related to the City.

11. Informational items and reports from Council and Staff requests for future agenda items.

Councilmember Oravits said that he has been getting a lot of calls about the condition of the sidewalks. At the first budget retreat in November, he would like to talk about reallocating funds to address their infrastructure.

He said that off-site signs were not allowed through the Sign Code; however, the new Walgreens has a sign on City-owned property, and he asked that staff look into it to make sure there is fair and equitable regulation for all.

He reported that he went to NAU's opening of the Math Center. Governor Brewer was there for the dedication; it was a great facility and great to see those things happening.

Vice Mayor Evans reported that she attended the Arizona Planning Association conference held in Flagstaff and it was exciting that Roger Eastman, Nat White, and their City department received awards.

She also attended a facilitated workshop, and would like to make sure they were still on board with crafting a public participation policy.

On Saturday she attended the Northern Arizona Education Summit. It was a great workshop with a lot of great information.

Councilmember Brewster congratulated the award winners for planning.

She also attended the Education Workshop, and found it interesting especially regarding the privatization of the public school system.

She reported that NAU had a great win over Montana for the first time in 15 years

She also attended the Governor's dedication ceremony at NAU, which was a good event.

Mr. Burke reported that he would be out of town for the October 9 meeting and Josh Copley would be filling in.

12. ADJOURNMENT

The Flagstaff City Council Work Session of September 25, 2012, adjourned at 9:10 p.m.

MAYOR

ATTEST:

CITY CLERK