

# MINUTES

REGULAR COUNCIL MEETING  
TUESDAY, DECEMBER 18, 2012  
COUNCIL CHAMBERS  
211 WEST ASPEN AVENUE  
4:00 P.M. AND 6:00 P.M.

1. **CALL TO ORDER**

Mayor Nabours called the meeting to order at 4:03 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**

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

Present:

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

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

3. **PLEDGE OF ALLEGIANCE AND MISSION STATEMENT**

Mayor Nabours called for a Moment of Silence for the New Town, Connecticut community.

Mayor Nabours read the Mission Statement of the City.

**MISSION STATEMENT**

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

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

A. **Consideration of Minutes:** City Council Work Session of November 27, 2012; December 4, 2012, Council Meeting; December 11, 2012, Special Meeting

(Executive Session); December 11, 2012, Work Session; and December 12, 2012, Budget Work Session.

The following corrections were made: 12/04/12, 7D needed the vote recorded; 12/11/12, should indicate review of the 12/18/12 agenda; 11/27/12 re resolution adopted in response to Patriot Act states 2001 (was actually 2002 although speaker said 2001), and on page 5 "consistency" should be "consensus."

It was also recommended that on the 11/27/2012 minutes on the past paragraph of page 5 that it be clarified that when Mr. Eastman stated that amendments had been written, it was the technical amendments; the policy amendments had not been written.

**Councilmember Woodson moved to approve the minutes as amended [City Council Work Session of November 27, 2012; December 4, 2012, Council Meeting; December 11, 2012, Special Meeting (Executive Session); December 11, 2012, Work Session; and December 12, 2012, Budget Work Session]; seconded by Vice Mayor Evans; passed unanimously.**

5. **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.**

Ted Komeda, Flagstaff, addressed the Council regarding the Killip Chess Club.

Andy Wagemaker, Revenue Director, explained why bills were being distributed that were only for a few cents, noting that it helped to clean up the City records.

Sally Trotter, Advisory Council for the City Service Institute at NAU, thanked the City for their support and briefly reviewed the program.

6. **PROCLAMATIONS AND RECOGNITIONS**

None.

7. **APPOINTMENTS**

**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 the City Council may vote to go into executive session, which will not be open to the public, for the purpose of discussing or considering employment, assignment, appointment, promotion,**

**demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of any public body...., pursuant to A.R.S. §38-431.03(A)(1).**

Mayor Nabours moved Item 7-B up on the agenda for discussion first. Discussion was held on how members of the public were notified of vacancies on the City's boards and commissions. Staff noted that vacancies are posted on the City's website and periodically notices are posted on the bulletin boards at City Hall.

**B. Consideration of Appointments: Planning and Zoning Commission.**

Mayor Nabours said that the Planning and Zoning Commission was one of the more critical commissions of the City and he has had several people tell him they would like to apply.

**Mayor Nabours moved to postpone appointment to the Planning and Zoning Commission to the January 15, 2013, meeting; seconded by Vice Mayor Evans.**

Vice Mayor Evans said that they did have a great response to this Commission and some very qualified people have applied. In the future, while they talk about advertising, they need to be aware that even though people may not want to fill out an application it is a requirement and she would not want to make those that have applied wait for the others. Mayor Nabours added that his comments had no reflection whatsoever on those that had already submitted applications. Others agreed.

Brief discussion was held on various ways that advertising for the Boards and Commissions could take place.

**Motion passed unanimously.**

**A. Consideration of Appointments: Heritage Preservation Commission.**

**Councilmember Brewster moved to reappoint Lynn Corbin, as an at-large representative, to a term expiring December 2014 and reappoint Philip Scandura, as an at-large representative, to a term expiring December 2015; seconded by Councilmember Oravits; passed unanimously.**

**C. Consideration of Appointments: Sustainability Commission.**

**Councilmember Overton moved to reappoint Jack Welch to a second (full) term, expiring October 2015; seconded by Councilmember Oravits; passed unanimously.**

**Councilmember Oravits moved to appoint Elisha Dorfsmith with a term expiring October 2015; seconded by Mayor Nabours.**

Councilmember Overton noted that he had been unable to contact the other applicant, Jan Kerata, who on paper was very qualified, and he asked

Mr. Dorfsmith if he would be willing to address the Council on his interest in the Commission.

Mr. Dorfsmith came forward and said that he has been interested in urban farming and local organic farms. Additionally, he is a used book dealer, essentially in the recycling business, and that was another aspect. He is interested in working on all of the things that come up with the Commission.

Councilmember Barotz proposed that they table this to bring back with the other appointment, to try and give the other applicant a chance to be contacted, and she could be invited to the podium as well. Councilmember Oravits said that if they were going to do that they should open it back up for other applicants as well. He said that out of the seven members, four of them were from NAU, and while he had no problem with NAU, he felt the membership should be more diverse.

**Councilmember Oravits amended his motion to postpone appointment to the January 15, 2013, meeting; seconded by Mayor Nabours; passed unanimously.**

D. **Consideration of Appointments:** Open Space Commission.

**Councilmember Woodson moved to appoint Bryan Burton, as a real estate representative, to the Open Space Commission for a term expiring April 2013; seconded by Councilmember Oravits; passed unanimously.**

E. **Consideration of Appointments:** Disability Awareness Commission.

**Councilmember Barotz moved to appoint Liz McGinlay and Alida Pfeil, with terms expiring March 2016; appoint Robert Poirier, with a term beginning March 2013 and expiring March 2016; and Russell Randall, with a term expiring March 2014; seconded by Councilmember Woodson; passed unanimously.**

8. **LIQUOR LICENSE PUBLIC HEARINGS**

None submitted

9. **CONSENT ITEMS**

**ALL MATTERS UNDER 'CONSENT AGENDA' ARE CONSIDERED BY THE CITY COUNCIL TO BE ROUTINE 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 Bids:** 2004 Scrapper Refurbishment

Mike Gallegos, Landfill Manager, said that they went out to bid for not only refurbishing their current equipment, but also for new or used equipment to see

what may be available. They had originally budgeted \$300,000 to refurbish. This bid came in at \$371,610 while one bid was received for a used unit at \$675,000 and another bid for a new unit at \$840,000, but both of those units would require a second piece of equipment and a second driver to use it.

Councilmember Oravits asked that with future purchases of equipment at such large amounts, a picture be included so they can better understand what they were purchasing.

**Mayor Nabours moved to approve [the proposal from Empire Machinery in the amount of \$371,610 for refurbish plus 10% contingency of \$37,161]; seconded by Councilmember Brewster; passed unanimously.**

B. **Consideration of Contracts:** On-Call Professional Water, Wastewater, Energy Engineering Consulting Services.

Ryan Roberts, Utilities Engineering Manager, explained that he was the only engineer in utilities so they have on-call consultants that have gone through a procurement process, that are contracted with to enable them to move forward on those contracts that have been approved through the capital improvements program. It is a more efficient process than having to use the Request for Statement of Qualifications every time they are needed.

Mayor Nabours said that he had no problem with hiring consultants to assist with projects, but he was more concerned with consultants hired to prepare a study and have the study sit on the shelf. Mr. Roberts said that something like the Water Service Master Plan is a study, but if they were to dive into it there is hydraulic modeling involved, condition assessments, etc. which involves an enormous amount of man hours. With one engineer they would never get close to the specialization needed for all the different types of projects.

Further discussion was held on the cap amount of each of the contracts being at \$250,000; several Councilmembers voiced an interest in reducing that amount.

After further discussion on the procurement process, **Councilmember Oravits moved to approve [the twelve (12) On-Call Engineering Consulting Service Contracts for Wastewater Treatment, Water Treatment and Energy Efficiency, (Wastewater Treatment: Brown & Caldwell, Carollo, GHD Engineers, Tata & Howard, Tetra Tech; Water Treatment: Brown & Caldwell, Carollo, HDR Engineers, Tata & Howard; Energy Efficiency: HDR Engineers, NCS Engineering, Tata & Howard)] not to exceed \$150,000 annually per firm in each discipline, [and authorize the City Manager to execute the necessary documents]; seconded by Councilmember Overton; motion passed 4-3 with a roll call vote as follows:**

Mayor Nabours	Yes
Vice Mayor Evans	No
Councilmember Barotz	No
Councilmember Brewster	No
Councilmember Oravits	Yes

Councilmember Overton     Yes  
Councilmember Woodson     Yes

- C.     **Consideration and Approval of Bids:** Tires, tubes and recaps from Northern Arizona Tire utilizing the Western States Contract Alliance (WSCA) # ADSPO12-021289.

Candace Schroeder, Senior Procurement Specialist, said that this was through a WSCA (Western States Contract Alliance) contract, similar to a state contract.

Richard McGaugh, Fleet, said that the City spends approximately \$200,000 on tires, tubs and recaps every year. Mr. Burke confirmed that this amount was budgeted each year within the budget, but not as a separate line item. He said that this comes back to the Council for approval because it is over the \$50,000 limit.

**Councilmember Overton moved to approve [tires, tubes and recaps from Northern Arizona Tire utilizing the Western States Contract Alliance (WSCA) # ADSPO12-021289]; seconded by Vice Mayor Evans; passed unanimously.**

10.    **ROUTINE ITEMS**

- A.     **Consideration and Adoption of Resolution No. 2012-42:** A Resolution of the City Council of the City of Flagstaff, Arizona authorizing the City Manager to negotiate and execute those contracts and agreements necessary for the successful promotion, production and presentation of the 2013 Dew Downtown Flagstaff Snowboard and Ski Festival.

Brian Grube, Recreation Services Director, said that this resolution would authorize the City Manager, or designee, to sign agreements/contracts in order to produce the Dew Downtown in 2013, allowing them to draw up agreements with private property owners, not only for parking but extension of activities.

Discussion was held on whether the City could turn over the sponsorship of this event to a private party. Mr. Burke said that they could look into that; they would need to look at their in-kind contributions to understand how another event sponsor would take it on. He added that one disadvantage would be that they would have less control.

It was suggested that staff had been directed to analyze the event after this year was over. Mr. Burke clarified that previous direction from the Council was for staff to consider different locations in the future.

After further discussion it was suggested that this be a Section 15, Discussion, item on a future agenda. Mayor Nabours said that they could review all of the projects that Parks and Recreation does, or put it into the budget discussions.

**Councilmember Overton moved to read Resolution No. 2012-42 by title only; seconded by Vice Mayor Evans; passed unanimously.**

*RESOLUTION NO. 2012-42*

*A Resolution of the City Council of the City of Flagstaff, Arizona authorizing the City Manager to negotiate and execute those contracts and agreements necessary for the successful promotion, production and presentation of the 2013 Dew Downtown Flagstaff Snowboard and Ski Festival.*

**Councilmember Overton moved to adopt Resolution No. 2012-42; seconded by Councilmember Brewster; passed unanimously.**

- B. **Consideration and Adoption of Resolution No. 2012-43:** A resolution of the Mayor and Council of the City of Flagstaff, Arizona declaring for purposes of section 1.150.2 of the Federal Treasury Regulations, official intent to be reimbursed in connection with certain capital expenditures relating to Forest Health and Water Supply Protection and a Core Services Maintenance Facility.

Management Services Director Barbara Goodrich explained that adoption of this resolution would allow the City to move forward with bonding of the projects recently approved in the election, but did not obligate them to do so.

**Councilmember Brewster moved to read Resolution No. 2012-43 by title only; seconded by Councilmember Woodson; passed unanimously.**

*RESOLUTION NO. 2012-43*

*A resolution of the Mayor and Council of the City of Flagstaff, Arizona declaring for purposes of section 1.150.2 of the Federal Treasury Regulations, official intent to be reimbursed in connection with certain capital expenditures relating to Forest Health and Water Supply Protection and a Core Services Maintenance Facility.*

**Councilmember Brewster moved to adopt Resolution No. 2012-43; seconded by Councilmember Woodson; passed unanimously.**

Mayor Nabours thanked Elizabeth Anderson, Community Enrichment Director, for her years of service to Flagstaff and said they would miss her and wished her the best of luck. Ms. Anderson thanked the Mayor and Council for their support over the years. She said she has tried hard to bring recreational programs, parks, libraries, to the forefront to make sure the community was well provided. It has been her pleasure and her honor to serve the Council and the community.

**RECESS**

The Flagstaff City Council meeting of December 18, 2012, recessed at 5:49 p.m.

**6:00 P.M. MEETING**

**RECONVENE**

Mayor Nabours reconvened the meeting of the Flagstaff City Council of December 18, 2012, at 6:05 p.m.

Mayor Nabours called for a Moment of Silence for the New Town, Connecticut community.

**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).

11. **ROLL CALL**

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

Present:

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

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

12. **CARRY OVER ITEMS FROM THE 4:00 P.M. AGENDA**

None.

Mayor Nabours moved Public Participation up on the agenda, and said that he would open it back up later if needed.

16. **PUBLIC PARTICIPATION**

Moran Hann, Friends of Flagstaff's Future, thanked the Mayor and Council for their proclamation re Shop Local.

Andy Hernandez, Flagstaff, spoke on a variety of issues related to Flagstaff.

Ruth Ellen Elinski, Director of the Coconino Coalition of Children and Youth (CCCY), reviewed some projects they have been working on.

Holly Huland, Board President for CCCY, gave a brief history on the Coalition.

13. **PUBLIC HEARING ITEMS**

- A. **Public Hearing and Possible Action:** Consideration of Ordinance No. 2012-17 to amend the official zoning map for a site of approximately 9.02 acres at 2400 North Gemini Drive from Rural Residential (RR to Research & Development (R&D) (conditional).

**Councilmember Overton moved to open the Public Hearing; seconded by Councilmember Brewster; passed unanimously.**

Neil Gullickson, Planning Development Manager, reviewed the amendment to the zoning map request, and provided a PowerPoint presentation which addressed:

THE PROPOSAL  
REGIONAL PLAN AND USGS MASTER PLAN  
INNOVATION MESA SITE DEVELOPMENT  
PROPOSED BUILDING ELEVATIONS  
MAP AMENDMENT-FINDINGS  
RECOMMENDATION

Since this was the first zoning map amendment since adoption of the new City Code, Mr. Gullickson explained the difference between small, medium and large amendments.

Councilmember Barotz thanked Mr. Eberhard for his work on the design plans. Mr. Gullickson said that staff was happy with the plans as they were quite detailed for this level of review.

Mr. Gullickson explained the condition of the amendment, stating that the Planning & Zoning Commission was interested in seeing that the Innovation Mesa proposal was part of the amendment. He said that without that condition as part of the amendment, a developer would be able to do whatever they wanted, within the limitations of the Zoning Code.

Mr. Gullickson said that by having this condition as part of the amendment the community has had input on the proposal, both now and previously during the Planning and Zoning Commission public hearing, and also the proposer had a public meeting at which the public had input.

Mr. Eberhard said that there were three people that attended the public meeting, which was primarily informational, and the one question raised was whether there would be accommodations available for food preparing incubation, such as a candy/cookie company, and the answer was yes.

Mr. Gullickson clarified that this condition, if made as part of the amendment, would be binding on a future owner if the property should be sold to another party.

Mr. Gullickson said that the report indicates that this property currently uses a private pressure wastewater system. He said that both systems are owned by the City, but that is because this property is currently owned by the City. There is not a public main available so there is a pressurized system to push it uphill to the main. It is ultimately the responsibility of the property owner.

**Councilmember Brewster moved to close the Public Hearing; seconded by Vice Mayor Evans; passed unanimously.**

**Councilmember Barotz moved to read Ordinance No. 2012-17 by title only for the first time; seconded by Councilmember Brewster.**

Councilmember Oravits said that he would support the zoning amendment, but he did not support the project.

**Motion passed unanimously.**

*ORDINANCE NO. 2012-17*

*AN ORDINANCE AMENDING THE FLAGSTAFF ZONING MAP DESIGNATION OF APPROXIMATELY 9.02 ACRES OF REAL PROPERTY LOCATED AT 2400 NORTH GEMINI DRIVE FROM "RR", RURAL RESIDENTIAL, TO "R&D", RESEARCH AND DEVELOPMENT. (Conditional)*

14. **REGULAR AGENDA**

No items submitted

15. **DISCUSSION ITEMS**

- A. **Discussion Item**: Amendment to Rules of Procedure to address how an item is placed on an agenda.

Mayor Nabours said that he had requested this item be placed on an agenda for further discussion because it appeared that by requiring a majority vote to move an item from Discussion to a future agenda, they were already voting on it.

Further discussion was held on the purpose of requiring a majority vote of Council to place an item on an agenda and it was determined that a majority of the Council did not want to move this to a future agenda for consideration.

- B. **Discussion Item**: Zoning Code Amendment Process

Mayor Nabours said that he had requested this item be placed on an agenda as there was some confusion the last time the Zoning Code Amendments came before Council. He said they need to: 1) decide if they are going to vote on whether the issue can be considered; and 2) if they will vote on each item.

Councilmember Woodson asked staff if the Zoning Code already addressed the process for its amendment. Mr. Eastman replied that it did; it says that staff

would provide recommendations to the Planning and Zoning Commission, they would have a public work session, formulate recommendations and then it would go to Council for final decision. He said that issues will come to staff a number of ways; it could be from experience—acknowledging that something is not working, sometimes through staff or the public, and on occasion, a member of Council may bring it forward.

Vice Mayor Evans said she believed the process was backward. She could see staff spending a lot of time on an issue that Council does not want to move forward, especially if it is a policy issue.

After further discussion a consensus of the Council (Vice Mayor Evans, Councilmembers Barotz, Brewster and Overton) agreed to bring the items back to be addressed one by one. Staff noted that they would be brought back in January.

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

Councilmembers wished everyone Happy Holidays.

Councilmember Woodson said that he had received an e-mail from a resident in Oak Park Manor, and he asked staff for a report on the status of the recent flooding.

Councilmember Oravits thanked Public Works and all involved with the plowing. He said that he had received a lot of calls regarding the 4" snow policy and would like to request this be placed under Section 15, Discussion, on a future agenda.

He also asked if it would be possible to get the Board/Commission application that is online placed in a fillable format, able to be submitted electronically.

He said that it has been six months since he came on the Council and thinks they have done a lot of good things. He looked forward to serving with all of them in the future.

Councilmembers Barotz and Brewster both agreed that they would like to revisit the 4" snow policy as well.

Mayor Nabours concluded the meeting stating that he felt great sympathy for the Mayor and Council in Newtown, Connecticut as he felt it is a Mayor and Council's job to protect their citizens, so he wrote a letter to their Mayor.

18. **ADJOURNMENT**

The Flagstaff City Council Meeting of December 18, 2012, adjourned at 7:17 p.m.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATION**

ARIZONA)  
          ) ss.  
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 December 18, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 15th day of January, 2013.

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CITY CLERK