

MINUTES

REGULAR COUNCIL MEETING
TUESDAY, FEBRUARY 5, 2013
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 4:02 pm.

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

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.

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

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 and Approval of Minutes:** Minutes of the January 15, 2013, Special Meeting (Executive Session); the January 15, 2013, Regular Council Meeting; the January 22, 2013, Special Budget Meeting; the January 29, 2013, Special Meeting (Executive Session); and the January 29, 2013, Special Work Session.

Councilmember Barotz asked for a correction on the minutes of January 15, 2013 where it makes reference to her trip to Washington D.C. The minutes should reflect that she is attending the NLC Conference, not NAIPTA Conference.

Councilmember Barotz also clarified, due to the confusion at last night's meeting, that the minutes for the budget retreat stated that Council agreed that

they would be interested in knowing what else could be done with their funds besides building specific homes. There was no direction to get out of the spec home business but rather approving further exploration.

Councilmember Barotz asked for a correction to the minutes of January 29, 2013 ; the sentence "Ms. Putzova urged the Council to refrain..." , should read "Ms. Putzova urged the Council to re-frame."

Lastly, Councilmember Barotz asked for a correction to the Work Session minutes of January 29, 2013; the sentence "Councilmember Barotz said that she did not see it as misleading, but rather there was an affirmation of protection for all classes" should read "Councilmember Barotz said that she did not see it as misleading, but rather an affirmation of protection for all classes."

Councilmember Oravits asked that the approval of the minutes of January 27, 2013, be postponed so that the video could be reviewed and confirm the direction of Council from the budget retreat with regards to the land trust and spec home discussion.

Mayor Nabours moved to approve the minutes [of the January 15, 2013, Special Meeting (Executive Session); the January 15, 2013, Regular Council Meeting; the January 29, 2013, Special Meeting (Executive Session); and the January 29, 2013, Special Work Session] as amended; seconded by Councilmember Woodson; 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.

Mayor Nabours offered an apology to Council, staff, and the public for not giving more advance consideration to the timing of the mini budget retreat agenda last night and not having an adequate break for dinner.

Christopher Morris, Flagstaff, addressed Council with a proposal to support and participate in a fundraiser to eliminate the national debt. Mayor Nabours encouraged Mr. Morris to send a letter or email to Council with more specifics on the movement.

6. **PROCLAMATIONS AND RECOGNITIONS**

A. Recognition of contributors to the Downtown Thermometer.

Karl Eberhard, Community Design and Redevelopment Manager, introduced and welcomed community volunteers Jim Babbitt, Phil Scandura, and Phil Keesee. These three individuals offered tremendous assistance and vast volunteer time to design, create and install a thermometer downtown.

Mr. Babbitt provided a location for the thermometer and is covering the ongoing electricity costs. Mr. Scandura is the designer and builder of all of the controllers contained within the thermometer. Mr. Keesee has donated hundreds of hours of personal time to design and construct the thermometer. The thermometer took about eight months to complete from idea to installation.

Mayor Nabours performed a virtual flip the switch and presented certificates of appreciation to Mr. Babbitt, Mr. Scandura, and Mr. Keesee.

Mr. Burke said that Mr. Eberhard is underselling his role in this process; he was able to turn a raw idea into something very professional.

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).

None submitted

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.

Councilmember Brewster moved to approve Consent Items 9-A and B. Seconded by Vice Mayor Evans; passed unanimously.

A. **Consideration and Approval of Grant:** Arizona Department of Transportation Intergovernmental Agreement for the Pine Knoll Safe Routes to School Project.

MOTION: Approve the Intergovernmental Agreement (IGA) with Arizona Department of Transportation Safe Routes to School Program for grant funds in the amount of \$400,128.00 and designate the Arizona Department of Transportation as the authorized agent for the City.

- B. **Consideration and Approval of Purchase with Grant Funds:** Accept proposal from Parsons-Brinckerhoff for services to develop the FMPO (Flagstaff Metropolitan Planning Organization) Transportation Benefit Cost Analysis (BCA) tool at a cost not to exceed \$60,000.

MOTION: Approve the proposal for services from Parsons Brinckerhoff in the amount of \$60,000 to be paid with federal Surface Transportation Program (STP) funds passed through the Arizona Department of Transportation (ADOT) to the Flagstaff Metropolitan Planning Agency.

10. **ROUTINE ITEMS**

- A. **Consideration and Adoption of Ordinance No. 2013-03:** An ordinance of the Council of the City of Flagstaff, Coconino County, Arizona, approving and authorizing the sale and issuance of City of Flagstaff, Arizona General Obligation Bonds, Series 2013, in the total aggregate principal amount of not to exceed \$13,000,000 and all matters related thereto; prescribing certain terms and conditions of such bonds including the delegation to the Management Services Director of the City to designate the final principal amount, maturities, interest rates and yields and other matters with respect to such bonds; awarding a contract for the purchase of such bonds; ratifying the distribution of a Preliminary Official Statement and approving a final Official Statement. (\$3 million for Picture Canyon/2004; \$6.5 Million for Street Utility Bonds/2010; \$2 Million for Forest Health/2012)

Councilmember Overton moved to read Ordinance No. 2013-03 for the first time by title only; seconded by Councilmember Woodson; passed unanimously.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE SALE AND ISSUANCE OF CITY OF FLAGSTAFF, ARIZONA GENERAL OBLIGATION BONDS, SERIES 2013, IN THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$13,000,000 AND ALL MATTERS RELATED THERETO; PRESCRIBING CERTAIN TERMS AND CONDITIONS OF SUCH BONDS INCLUDING THE DELEGATION TO THE MANAGEMENT SERVICES DIRECTOR OF THE CITY TO DESIGNATE THE FINAL PRINCIPAL AMOUNT, MATURITIES, INTEREST RATES AND YIELDS AND OTHER MATTERS WITH RESPECT TO SUCH BONDS; AWARDING A CONTRACT FOR THE PURCHASE OF SUCH BONDS; RATIFYING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND APPROVING A FINAL OFFICIAL STATEMENT

- B. **Consideration and Adoption of Ordinance No. 2013-01:** An ordinance amending Title 8, Public Ways and Property, Chapter 8-03, Streets and Public Ways, Section 8-03-001-0004, Removal of Snow and Ice.

Councilmember Woodson moved to read Ordinance No. 2013-01 for the final time by title only; seconded by Vice Mayor Evans and Councilmember Brewster; passed 6-1 with Mayor Nabours casting the dissenting vote.

AN ORDINANCE AMENDING FLAGSTAFF CITY CODE TITLE 8, PUBLIC WAYS AND PROPERTY, CHAPTER 8-03, STREETS AND PUBLIC WAYS, SECTION 8-03-001-0004, REMOVAL OF SNOW AND/OR ICE

Councilmember Woodson moved to adopt Ordinance No. 2013-01 for the final time by title only; seconded by Councilmember Brewster; passed 6-1 with Mayor Nabours casting the dissenting vote.

- C. **Consideration and Adoption of Resolution No. 2013-01:** A resolution of the City Council of the City of Flagstaff, Coconino County, Arizona, repealing Resolution No. 2005-117, *Board and Commission Members' Handbook*, and adopting the *2013 Board and Commission Members' Handbook*

Mayor Nabours noted that at earlier planning sessions the Council asked for an overall review of the Boards and Commissions and asked if the changes to the handbook would conflict with anything being done in the future.

Mr. Burke explained that there should not be anything in the handbook that would conflict with future discussion and possible action with relation to Boards and Commission as it addresses rules and procedures.

Council asked about the required training and when it will resume. Liz Burke, City Clerk, replied that while preparing for and scheduling the training it was discovered that the handbook was out of date and needed revision. Once the handbook is approved by Council staff will schedule training in the very near future.

Councilmember Overton moved to read Resolution No. 2013-01 by title only; seconded by Vice Mayor Evans; passed unanimously.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, REPEALING RESOLUTION NO. 2005-117 WHICH ADOPTED THE BOARD AND COMMISSION MEMBERS' HANDBOOK, AND ADOPTING THE 2013 BOARD AND COMMISSION MEMBERS' HANDBOOK

Councilmember Overton moved to adopt Resolution No. 2013-01; seconded by Vice Mayor Evans; passed unanimously.

- D. **Consideration and Approval of an Agreement:** 2013 Rural Economic Development Grant Agreement from the Arizona Commerce Authority to the City of Flagstaff providing for a \$100,000 grant award for the expansion of Joy Cone Company.

Joe Posar Jr., Manager at Joy Cone addressed the Council. Mr. Posar thanked the Council for the City's continued relationship and partnership. Mr. Posar explained that the grant will help fund a \$1 million expansion project that will provide a second batter room, making space for more equipment and

employees.

John Saltonstall, Business Retention and Expansion Manager, provided a brief background on how the grant submittal was developed with Joy Cone.

Councilmember Brewster moved to accept the award of the 2013 Rural Economic Development Grant Agreement in the amount of \$100,000 from the Arizona Commerce Authority for the expansion of Joy Cone Company; seconded by Councilmember Woodson; passed unanimously.

- E. **Consideration and Approval of an Agreement:** Sub-Recipient Agreement with Joy Cone Company providing for Joy Cone to receive a \$100,000 grant award from the Arizona Commerce Authority for the expansion of Joy Cone Company's Flagstaff facility, subject to City oversight and contingent upon Joy Cone's compliance with the grant and related conditions.

Councilmember Overton moved to Approve Sub-Recipient Agreement with Joy Cone Company, and authorize the Mayor to execute the required documents; seconded by Councilmember Brewster; passed unanimously.

RECESS

The Flagstaff City Council Meeting recessed at 5:52 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Nabours reconvened the Council Meeting at 6:13 p.m., at which time members of Boy Scouts Troop 129 presented the colors and led the audience in the Pledge of Allegiance.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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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 BAROTZ
COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER WOODSON

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

12. **PUBLIC HEARING ITEMS**

None submitted

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

None.

14. **REGULAR AGENDA**

- A. **Consideration of Resolution No. 2013-03:** A resolution of the Council of the City of Flagstaff, Arizona, supporting House Bill 2498, Property Tax Levy; Community Colleges (as requested by Coconino Community College for support of an amendment to state law via HB2498, permissive language allowing community college districts to ask voters for an increase to their primary property tax levy limit base after 20 years, but no more than 35 years, from the date they set their initial levy).

Dr. Leah Bornstein, President of Coconino Community College (CCC), addressed the Council about HB 2498. Dr. Bornstein introduced Vice President of Business Administrative Services and CEO, Jamie VanEss, Vice President of Academic Affairs Russ Rotheimer, Executive Director of Community and Corporate Learning John Cardoney, Vice Chair of District Governing Board Dr. Nat White, and Executive Director of Institutional Advancement Scott Talbot.

In the 2010-2011 legislative sessions the college presented some language to adjust the current statute to allow for a municipality or community college district to have permission to go before voters to reset the primary property tax.

At the time the institution began the property tax was set low due to low student population anticipation. After 20 years the student population has grown to 10,000 annually. The problem is that with growth and increased need, the property tax no longer supports the sustainability of the institution. State appropriations have also declined highlighting the low property tax even more. There are two options to address this; change the statute or go out for overrides every seven years to try to be sustainable.

This proposal is not for the legislature to set the property tax but to allow the County population to vote for possible increase in property tax to aid the community college.

Vice Chair Nat White addressed Council. Dr. White provided that CCC opportunities have grown tenfold. CCC's only choice now is to tax their students to increase revenue. State funding is gone. The community college is no longer able to provide for the vast need in the community.

Council asked if the proposed tax is approved by voters would CCC be looking at a tuition decrease. Dr. Bornstein explained that there may possibly be a decrease, at the least tuition could hold steady for awhile. Dr. Bornstein pointed

out that the college is not prepared to offer any definitive numbers yet and are unsure what it would look like should an increase be passed.

Council discussed philosophical positions in supporting a movement that does not directly involve City government.

It was suggested that the City lobby as many senators and representatives as possible to approve this legislation rather than moving forward with the Resolution.

Further discussion suggested that the Council support the Resolution because CCC is in our community, is an economic driver and it gives the community a chance to weigh in on the matter.

Councilmember Woodson moved to read Resolution No. 2013-03 by title only; seconded by Vice Mayor Evans; motion passed 5-2 with Mayor Nabours and Councilmember Oravits casting the dissenting votes.

RESOLUTION OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, SUPPORTING HOUSE BILL 2498, PROPERTY TAX LEVY; COMMUNITY COLLEGES

Councilmember Brewster moved to adopt Resolution No. 2013-03; seconded by Councilmember Woodson; 5-2 with Mayor Nabours and Councilmember Oravits casting the dissenting votes.

- B. **Consideration and Adoption of Resolution No. 2013-02:** A Resolution of the City Council of the City of Flagstaff designating the "2013 City of Flagstaff Parks and Recreation Organizational Master Plan" as a public record and adopting the 2013 City of Flagstaff Parks and Recreation Organizational Master Plan.

Brian Grube, Recreation Services Manager, offered thanks to all the staff involved with drafting this master plan.

Council expressed concern about the misconception in the public that funding is being pulled from all of the BBB funds and asked for better clarification and outreach that only BBB monies associated with Parks and Recreation are being used.

Some of Council indicated that they would like to have more time to review and study the plan and suggest that they postpone the adoption for a month.

Mayor Nabours moved to postpone this item to a future date at the discretion of the City Manager; seconded by Councilmember Oravits; motion passed 4-3 with Councilmembers Brewster, Overton, and Woodson casting the dissenting votes.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF DESIGNATING THE "2013 CITY OF FLAGSTAFF PARKS AND RECREATION ORGANIZATIONAL MASTER PLAN" AS A PUBLIC RECORD AND ADOPTING THE 2013 CITY OF FLAGSTAFF PARKS AND RECREATION

ORGANIZATIONAL MASTER PLAN

C. **Consideration of Proposals:** Public Works Municipal Services Center Property (aka Core Services Maintenance Facility).

Rick Compau, Purchasing Director, presented a brief history of the current Public Works yard and the proposed Core Services Maintenance Facility timeline to this point.

Mr. Compau explained that through the Request for Proposals (RFP) process the City and the proposer, despite efforts, have been unable to come to an agreement on terms and conditions.

Mr. Burke offered that legally the way the bond question on the ballot was written, the City is not committed to one site. Politically, the City provided information about the proposed site. The decision before Council is if they are comfortable possibly spending the bond money at a different site.

There was discussion about whether this item had been agendaized correctly to make that determination. Ms. Rosales indicated that the item had been agendaized properly to address the issue at hand.

Council asked that the options listed in the staff summary be read. The options are to reject the proposal, reject the proposal and direct staff to conduct new RFP, reject the proposal as submitted and reevaluate process, or accept the proposal and continue to negotiate with proposer.

Steve Thompson from Aspey Watkins Diesel addressed the Council on behalf of the proposer. Mr. Thompson stated that the proposer-caused delays have been resolved and urged the Council to accept the proposal and continue negotiations. He feels that the matter could quickly be concluded now.

Tony Cullum, Flagstaff attorney, said that he represents Kit Carson Mobile Home Park owned by Chris Welch. Mr. Cullum suggested that Council reject the proposal and go back out for another RFP. This would allow not only the current proposer to resubmit their offer but others to submit as well.

Council asked if the bond language specifically referenced the proposer's site.

Barbara Goodrich, Management Services Director, indicated that the language on the ballot was phrased so that it was general in nature, it did not reference the proposer's site. The publicity pamphlet spoke to a specific site; however the City is not legally bound to that language.

Mr. Burke stated that the presentations to community groups did reference a specific site and possibly an article in cityscape also mentioned the site specifically.

Councilmember Oravits moved to reject this proposal and have staff come back to Council with alternatives including possible use of City property and perhaps a new RFP; seconded by Councilmember Brewster and Vice

Mayor Coral Evans; 6-1 with Mayor Nabours casting the dissenting vote.

15. **DISCUSSION ITEMS**

A. **Discussion and Possible Action Item:** Arizona Accord.

Vice Mayor Evans thanked Council for allowing this item to be placed on the agenda as she is looking for Council permission to add this as an action item on a future agenda.

Vice Mayor Evans introduced Brian Baraby and Carolyn O'Connor who are members of the East Valley Patriots for American Values Mesa to present on this item.

Mr. Baraby provided a brief background about the Arizona Accord. In the summer and fall of 2010, business, religious, community and law enforcement leaders in Utah began drafting the Utah Compact, as they were aware that immigrants play a vital role in Utah's economy. The Compact is a statement of five principles to guide policy making regarding immigration issues. In Arizona the Utah Compact was appropriated and renamed the Arizona Accord.

They were asking City Council to endorse the Arizona Accord to send a strong message to their representatives in Washington to stand firm in bringing to fruition the recent immigration legislation proposals. Multiple cities have since signed on and showed support.

Carolyn O'Connor, Chair of the East Valley Patriots for American Accord, continued the presentation. The five guiding principles in the accord should be used as a foundation when developing Arizona immigration reform proposals. The accord encourages lawmakers to look at pros and cons it will have on families, communities, law enforcement and the economy

The following individuals spoke in favor of the Arizona Accord:

Anna Maria Ortiz, Public Affairs Coordinator, representing Hernandez Global, an immigration law office in Flagstaff, the Northern Arizona Interfaith Council, Industrial Areas Foundation, and Arizona Dreamers in Action.

Tom Wyatt, representing the Flagstaff Lodging and Restaurant Association.

Council discussed whether or not to place on a future agenda as an action item. There was concern about the document's silence on differentiating the difference between legal and illegal immigrants. There was also discussion about making resolutions that are far beyond City governments.

Council majority agreed that this should come back as an action item at a later meeting, perhaps sometime in April. Vice Mayor Evans and Councilmember Barotz offered to work together to provide some suggested text to staff to aid in drafting the resolution.

B. **Discussion and Possible Action Item:** City's Sister Cities Program and

possible new city.

Vice Mayor Evans reported that she had recently had an opportunity to speak with the consulate of Mexico. One of the things mentioned was that they have a very vibrant sister city program and possibly an addition to Flagstaff's Sister City program. Ms. Evans would like to see more information on the program and would ask for Council support to place it on a future agenda.

Council agreed that they would like to have more information on the program and asked staff to provide an update through a memo to Council.

16. **PUBLIC PARTICIPATION**

Sofia Barquet, Flagstaff, addressed the Council with regard to an incident she witnessed associated with panhandling. Ms. Barquet would like to see the panhandling law revoked as well as a commission or committee formed that addresses poverty and police conduct.

Kathy Ann Trotta, Flagstaff, offered a thank you to Council on how they handled the budget debate on non-profit contributions.

Brian Grube, Recreation Services Manager, provided Council with two Mountain Dew bags and cordially invited them to attend this weekend's Dew Downtown event starting Friday at 4:00 p.m. with preliminary runs down the course and activities all weekend.

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

Councilmember Brewster reported that there is an information only seminar on taxes, Thursday February 28, 2013, from 6:30-8:30 p.m. at the Murdoch Community Center.

Councilmember Barotz requested from the City Attorney provide a brief memo on the panhandling ordinance and other issues related to its status.

Mayor Nabours reported that the February 19, 2013, meeting is a regular session Council meeting and the Civil Rights ordinance is listed as a discussion item. The consensus of Council is to make this an action item.

Mr. Burke reminded Council that the budget retreat is scheduled for February 14, 2013, and half day February 15, 2013.

18. **ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held on February 5, 2013, adjourned at 7:45 p.m.

MAYOR

ATTEST:

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 February 5, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 19th day of February, 2013.

CITY CLERK