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## **SUMMARIZED MINUTES COUNCIL MEETING**

**October 20, 2009  
5:30 p.m.**

A meeting of the Flagstaff City Council was held on October 20, 2009 convening at 5:31 p.m., in the Council Chambers at City Hall, 211 West Aspen Avenue, Flagstaff, Arizona.

### **CALL TO ORDER**

The meeting was called to order by Mayor Presler.

### **1. PLEDGE OF ALLEGIANCE, READING OF THE VISION STATEMENT, AND INVOCATION**

Mayor Presler asked those present to stand for the Pledge of Allegiance, the reading of the Vision Statement, and the Invocation.

### **2. ROLL CALL**

On roll call, the following were present:

**Mayor Presler**

**Vice Mayor White**

**Councilmember Brewster**

**Councilmember Evans**

**Councilmember Haughey**

**Councilmember Overton**

**Councilmember Swanson - Excused**

Also present were:

**City Manager, Kevin Burke**

**City Attorney, Patricia Boomsma**

### **3. MINUTES**

#### **A. Consideration of Minutes:**

There were no outstanding minutes to consider.

**4. PUBLIC PARTICIPATION****A. Flu Season Update and Update on Swine Flu Vaccine.**

Barbara Worgess, Director, Coconino County Health Department, presented an update on the seasonal flu and H1N1 virus, including vaccination information for Coconino County.

**5. CONSENT AGENDA****A. Consideration of Payment of Claims Expenses and/or Settlement Costs: Dennis Archer versus City of Flagstaff.**

RECOMMENDED ACTION: (1) Authorize additional payments of \$25,000.00 not to exceed a total of \$50,000.00 in claim expenses and/or settlement costs; and  
(2) Authorize the City Manager to execute the necessary documents.

**B. Consideration of Bids: Sale of City owned property located at 4800 E. Railhead Avenue, formerly Fire Station 3.**

RECOMMENDED ACTION: Accept the proposal from Nackard Flagstaff, LLC in the amount of \$775,000.00 contingent upon rezoning from PLO-E to a zoning consistent with the adjacent Pepsi-Cola's existing use; and waive rezoning fees and landfill fees for the demolition of the fire training tower in a combined amount not to exceed \$15,000.00.

**C. Consideration of Intergovernmental Agreement: Law enforcement dispatch services.**

RECOMMENDED ACTION: Approve the Fiscal Year 2010 Financial and Operating Plan intergovernmental agreement with the United States Forest Service.

Councilmember Haughey moved to approve the Consent Agenda with the exception of Item 5B. The motion was seconded by Vice Mayor White and passed on unanimous vote.

Returning to Item 5B, Vice Mayor White moved to approve the recommended action, seconded by Councilmember Haughey.

Vice Mayor White asked to have a discussion at a future date on how to prioritize and allocate excess funds from the bond payoff associated with the Fire Station Relocation program.

The motion passed on unanimous vote.

## 6. PUBLIC HEARING ITEMS

- A. **Consideration of Liquor License Application:** Michael Fleming, "SpringHill Suites", 2455 S. Beulah Blvd., Series 10, New License.

RECOMMENDED ACTION: Open the public hearing.  
Receive citizen input.  
Close the public hearing.

The City Council has the option to:

Forward the application to the State with a recommendation for approval;

Forward the application to the State with no recommendation; or

Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

Councilmember Haughey moved to open the public hearing, seconded by Councilmember Overton. The motion passed on unanimous vote.

Sgt. Ryan Coons found no reason to object to the application based on his background investigation.

Kane Kennedy, General Manager of the Courtyard by Marriott and SpringHill Suites, briefly addressed the Council on his knowledge and expertise in handling liquor licenses.

Councilmember Haughey moved to close the public hearing, seconded by Councilmember Brewster. The vote was unanimous in favor.

Vice Mayor White moved to forward the application to the State with a recommendation for approval. The motion was seconded by Councilmember Haughey and passed on unanimous vote.

## 7. REGULAR AGENDA

- A. **Consideration of Applicants for Appointments:** Tourism Commission. [The City Council may vote to discuss this matter in executive session pursuant to A.R.S. §38-431.03(A)(1).

RECOMMENDED ACTION: Make two appointments to hospitality seats for partial terms expiring January, 2011.

Vice Mayor White moved to appoint Jack Dodson and Kevin Heinonen to hospitality seats for partial terms expiring January, 2011. The motion was seconded by Councilmember Haughey and passed on unanimous vote.

- B. Consideration of Ordinance No. 2009-14:** An ordinance of the City of Flagstaff, Arizona repealing Flagstaff City Code, Title 2, Boards and Commissions, Chapter 02-16 "Youth Commission". [The names of the applicants may be obtained by contacting the City Clerk's Office.]

RECOMMENDED ACTION: Read Ordinance No. 2009-14 for the first time by title only.

Councilmember Brewster moved to read Ordinance No. 2009-14 for the first time by title only, seconded by Councilmember Evans. The vote was unanimous in favor and title was read as follows:

ORDINANCE NO. 2009-14

An ordinance of the City of Flagstaff, Arizona repealing Flagstaff City Code, Title 2, Boards and Commissions, Chapter 02-16 "Youth Commission". [The names of the applicants may be obtained by contacting the City Clerk's Office.]

- C. Consideration of Ordinance No. 2009-28:** An ordinance authorizing the City of Flagstaff to enter into a development agreement with Orpheum Holdings, LLC for the expansion, renovation, and improvement of its facility located at 15 Aspen Avenue.

RECOMMENDED ACTION: Read Ordinance No. 2009-28 for the final time by title only.  
Adopt Ordinance No. 2009-28

Vice Mayor White moved to read Ordinance No. 2009-28 for the final time by title only, seconded by Councilmember Brewster.

Stephen Knutson and Jeff Thorsett, both residents, spoke in opposition to the action.

The motion passed on majority roll-call vote as follows:

Mayor Presler	Aye
Vice Mayor White	Aye
Councilmember Brewster	Aye
Councilmember Evans	Nay
Councilmember Haughey	Aye
Councilmember Overton	Nay

Title was read as follows:

ORDINANCE NO. 2009-28

An ordinance authorizing the City of Flagstaff to enter into a development agreement with Orpheum Holdings, LLC for the expansion, renovation, and improvement of its facility located at 15 Aspen Avenue.

Councilmember Brewster moved to adopt Ordinance No. 2009-28. The motion was seconded by Vice Mayor White and passed on majority vote with Mayor Presler, Vice Mayor White and Councilmembers Brewster and Haughey in favor, and Councilmembers Evans and Overton opposed.

- D. Consideration of Ordinance No. 2009-15:** An ordinance amending Flagstaff City Code Title 6, Police Regulations, Chapter 1, General Offenses, Section 6-01-001-0022, Camping on Public Property Within the City Limits to clarify its purpose and clarify its application.

RECOMMENDED ACTION: Read Ordinance No. 2009-15 for the first time by title only.

Vice Mayor White moved to read Ordinance No. 2009-15 for the first time by title only. The motion was seconded by Councilmember Haughey.

ORDINANCE NO. 2009-15

An ordinance amending Flagstaff City Code Title 6, Police Regulations, Chapter 1, General Offenses, Section 6-01-001-0022, Camping on Public Property Within the City Limits to clarify its purpose and clarify its application.

James Speed, Assistant City Attorney, read amendments to Ordinance No. 2009-15 as follows:

A. PURPOSE: Paragraph 1; The purpose of this Section is to provide for the safety... whether recreational or as a primary living space. Nothing in this ordinance is meant to imply that homelessness is illegal in Flagstaff.

B. PROHIBITION: Paragraph 7; The above listed activities shall constitute camping when it reasonably appears, in light of all the circumstances... ~~Nothing in this section shall be construed or interpreted as applying solely to homeless persons.~~

Vice Mayor White moved to approve the amendments as submitted, seconded by Councilmember Evans. The motion passed on unanimous vote.

Councilmember Evans moved to amend the ordinance as follows:

E. A violation of this section is a class 4 3 misdemeanor. Each day that a violation of this section continues shall constitute a separate offense.

The motion was seconded by Mayor Presler and passed on majority roll-call vote as follows:

Mayor Presler	Aye
Vice Mayor White	Aye
Councilmember Brewster	Nay
Councilmember Evans	Aye
Councilmember Haughey	Nay
Councilmember Overton	Aye

The motion to read Ordinance No. 2009-15 for the first time by title only as amended passed on majority roll-call vote as follows:

Mayor Presler	Aye
Vice Mayor White	Aye
Councilmember Brewster	Aye
Councilmember Evans	Aye
Councilmember Haughey	Aye
Councilmember Overton	Aye

- E. **Consideration of Ordinance No. 2009-38:** Ordinance of the Council of the City of Flagstaff, Arizona, approving the form and authorizing the execution and delivery of a loan repayment agreement and a continuing disclosure undertaking; accepting a loan from the Greater Arizona Development Authority pursuant to such loan repayment agreement in the amount of not to exceed \$3,500,000.00 to the Flagstaff Business Incubator; authorizing the approval of the portions of an official statement describing the City and the distribution and use thereof; delegating to the Management Services Director of the City the authority to designate the final interest rate, maturity date, principal amount, prepayment provisions and other matters with respect to such loan repayment agreement; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this ordinance and declaring an emergency.

RECOMMENDED ACTION: Read Ordinance No. 2009-38 for the first time by title only.  
Read Ordinance No. 2009-38 for the final time by title only.  
Adopt Ordinance No. 2009-38.

Vice Mayor White moved to read Ordinance No. 2009-38 for the first time by title only. The motion was seconded by Councilmember Evans and passed on unanimous vote. Title was read as follows:

ORDINANCE NO. 2009-38

Ordinance of the Council of the City of Flagstaff, Arizona, approving the form and authorizing the execution and delivery of a loan repayment agreement and a continuing disclosure undertaking; accepting a loan from the Greater Arizona Development Authority pursuant to such loan repayment agreement in the amount of not to exceed \$3,500,000.00 to the Flagstaff Business Incubator; authorizing the approval of the portions of an official statement describing the City and the distribution and use thereof; delegating to the Management Services Director of the City the authority to designate the final interest rate, maturity date, principal amount, prepayment provisions and other matters with respect to such loan repayment agreement; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this ordinance and declaring an emergency.

Councilmember Overton moved to read Ordinance No. 2009-38 for the final time by title only, seconded by Councilmember Evans. The vote was unanimous in favor.

Following the reading of Ordinance No. 2009-38 for the final time by title only, Vice Mayor White moved to adopt Ordinance No. 2009-38. The motion was seconded by Councilmember Haughey and passed on unanimous vote.

- F. **Consideration of Resolution No. 2009-45:** A resolution adopting the City of Flagstaff's Incentive Policy for Affordable Housing.

RECOMMENDED ACTION: Read Resolution No. 2009-45 by title only.  
Adopt Resolution No. 2009-45.

Councilmember Overton moved to read Resolution No. 2009-45 by title only, seconded by Councilmember Evans.

Mayor Presler moved to amend the Incentive Policy for Affordable Housing as follows:

1. OVERVIEW: Decent, safe and affordable housing has been established by the City Council as one of its top priorities. The Incentive Policy for Affordable Housing IPAH incentivises developments that commit to permanently affordable housing units. If a developer desires to take advantage of the incentives under the IPAH document, they would need to provide rental and/or ownership opportunities that have resale and rent restrictions placed on the units for intended affordable housing. The City Council has adopted policies that aim to further the goal of housing that is affordable within Flagstaff...

Councilmember Evans seconded the motion which passed on unanimous vote.

Vice Mayor White, returning to an earlier discussion regarding the expedited review process, moved to amend the policy as follows:

5.4 Expedited Review: IPAH developments are eligible for expedited review throughout the post-entitlement planning process, which is typically faster than the review time for a conventional development project. City staff will work with applicants to usher projects through review and inspection as quickly and efficiently as possible, on a timeline to be negotiated in the development agreement.

The motion to amend was seconded by Councilmember Evans and passed on unanimous vote.

Stephen Knutson, resident, expressed concern that the policy is too complicated.

The motion to read Resolution No. 2009-45 by title only as amended passed on unanimous vote and title was read as follows:

#### RESOLUTION NO. 2009-45

A resolution adopting the City of Flagstaff's Incentive Policy for Affordable Housing.

Councilmember Overton moved to adopt Resolution No. 2009-45. The motion was seconded by Councilmember Evans and passed on unanimous vote.

### **8. COUNCIL DISCUSSION ITEMS**

**A. Consideration of Request:** Smokefree air for Flagstaff Housing Authority facilities.

RECOMMENDED ACTION: Discuss and provide direction, if any.

*WITHDRAWN.*

**B. Consideration of Request: Community Prescription Discount Card.**

RECOMMENDED ACTION: Provide direction to staff to conduct additional research as to the benefits and costs to the community, and bring back a recommendation to Council.

The Council was in agreement to move forward and conduct additional research on a community prescription discount card.

**9. PUBLIC PARTICIPATION**

None.

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

Councilmember Evans requested that a link to CrimeReports.com be placed on the City's website on the "neighborhoods" page.

**11. ADJOURNMENT**

There being no further business to come before the Council, the Meeting was adjourned at 7:08 p.m.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

CERTIFICATION

STATE OF ARIZONA,            )  
                                          ) ss.  
Coconino County.            )

I, MARGIE BROWN, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the Meeting of the Council of the City of Flagstaff held on October 20, 2009. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 18<sup>th</sup> day of November, 2009.

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CITY CLERK