NOTE:

IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES AND THE FLAGSTAFF CITY CHARTER, THE SUMMARIZED MINUTES OF CITY COUNCIL MEETING ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSIONS APPEARING WITHIN QUOTATION MARKS ARE VERBATIM. AUDIO RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

## SUMMARIZED MINUTES COUNCIL MEETING

November 16, 2010 12:00 p.m.

A meeting of the Flagstaff City Council was held on Tuesday, November 16, 2010 convening at 12:01 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. ROLL CALL

On roll call, the following were present:

Mayor Presier

Vice Mayor Barotz
Councilmember Babbott
Councilmember Brewster
Councilmember Evans
Councilmember Overton
Councilmember White

#### **All Present**

Also present were:

Kevin Burke, City Manager Rosemary Rosales, City Attorney

### 2. PUBLIC PARTICIPATION

Kelly Cullen, Niles Radio, spoke to the new public safety communication bond passed by the voters and asked for a fair and open bid process on the system.

## 3. BOARD AND COMMISSION APPOINTMENTS

A. <u>Consideration of Applicants for Appointments:</u> Airport Commission. [The City Council may vote to discuss this matter in executive session pursuant to A.R.S. §38-431.03(A)(1). The names of the applicants may be obtained by contacting the City Clerk.]

RECOMMENDED ACTION: Make two appointments to terms expiring October, 2013.

Councilmember Brewster moved to reappoint Matt Evans to a term on the Airport Commission expiring October, 2013. The motion was seconded by Councilmember White and passed on unanimous vote.

Consideration of Applicants for Appointments: Water Commission. [The City Council B. may vote to discuss this matter in executive session pursuant to A.R.S. §38-431.03(A)(1). The names of the applicants may be obtained by contacting the City Clerk.]

RECOMMENDED ACTION: Make one appointment to a partial term beginning in December, 2010, and expiring December, 2012; and three appointments to terms beginning in December, 2010, expiring December, 2013.

Councilember Evans moved to appoint Brian Ketter to a partial term on the Water Commission beginning December, 2010, and expiring December 2012; and John Nowakowski, Lindsay Wagner, and Karl Tobin to terms on the Water Commission beginning December, 2010, and expiring December, 2013. The motion was seconded by Councilmember White and passed on unanimous vote.

C. Consideration of Applicants for Appointments: Parks and Recreation Commission. The City Council may vote to discuss this matter in executive session pursuant to A.R.S. §38-431.03(A)(1). The names of the applicants may be obtained by contacting the City Clerk.]

RECOMMENDED ACTION: Make two appointments to terms expiring August, 2013.

Councilmember Babbott moved to appoint Len Spiess and Brian Young to terms on the Parks and Recreation Commission expiring August, 2013. The motion was seconded by Councilmember Overton and passed on unanimous vote.

#### LIQUOR LICENSE PUBLIC HEARINGS

A. Consideration of Liquor License Application: Michael Basha, "Bashas' #67", 1000 N. Humphreys Blvd., #112, Series 09, Location Transfer.

RECOMMENDED ACTION:

Open the public hearing. Receive citizen input.

Close the public hearing.

The City Council has the option to:

- (1) Forward the application to the State with a recommendation for approval;
- (2) Forward the application to the State with no recommendation: or
- (3) 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 White moved to open the public hearing, seconded by Councilmember Overton. The motion passed on unanimous vote.

Police Sergeant Matt Wright conducted the background investigation. There have been no violations or arrests and he found no reason to oppose the application.

Bashas' representative, Brian Thomason, store director, stated that Bashas' has been a good neighbor at the location and that they have had no violations.

There being no further public input, Councilmember Overton moved to close the public hearing. The motion was seconded by Councilmember Overton and passed on unanimous vote.

Councilmember Babbott moved to forward the application to the State with a recommendation for approval, seconded by Councilmember White. The vote was unanimous in favor.

B. Consideration of Liquor License Application: Clare Hollie Abel, "Sam's Club #6604," 1851 East Butler Ave., Series 09, Supplemental Sampling Privileges.

RECOMMENDED ACTION: Open the public hearing.

Open the public hearing. Receive citizen input. Close the public hearing.

The City Council has the option to:

- (1) Forward the application to the State with a recommendation for approval;
- (2) Forward the application to the State with no recommendation; or
- (3) 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 White moved to open the pubic hearing, seconded by Councilmember Evans. The motion passed unanimously.

Police Sergeant Matt Wright performed the background investigation and found nothing derogatory to report. Sam's has guidelines for sampling and a very strict process for anyone who wants to conduct a sampling. It is also a membership only club and everyone would have to be checked for age, signature on sampling forms, stamping of hands to make sure no one is participating more than once and that all samples are being accurately poured. He found no reason to disapprove the application.

Clare Abel, applicant agent, explained that patrons who are not members must check in at the front counter and get a temporary membership by providing identification. An area that is closed to the general public is set aside. Anyone who wants to sample must enter a closed off area, leave their cart and food outside, prove that they are 21 or older. Acceptable additional photo identification must be provided and the person has to sign a form with personal information. Their hands are stamped and their names are entered into a log. No chairs are provided. Patrons are allowed to sample and must dispose of the cup in the sampling area, but they are not given a lot of samples. The procedures are tried and true.

There being no further public comment, Councilmember Overton moved to close the public hearing. The motion was seconded by Councilmember White and the vote was unanimous in favor.

Councimember Babbott moved to forward the application the state with a recommendation for approval, seconded by Councilmember White. The vote was unanimous in favor.

## 5. CONSENTITEMS

A. Consideration of Bids: Energy efficiency and renewable energy program advocate.

RECOMMENDED ACTION: Reject all proposals received and authorize the request for

proposals to be re-advertised.

B. <u>Consideration of Acceptance of Grant Funding:</u> Fiscal Year 2010 Homeland Security grant program.

RECOMMENDED ACTION: Authorize acceptance of grant funds from the Arizona

Department of Homeland Security in the amount of \$89,700.00 for the Flagstaff interoperable radio

communications system expansion.

C. Consideration of Grant Agreement: Patrol motorcycles.

RECOMMENDED ACTION: Approve the grant agreement with the Arizona Governor's

Office of Highway Safety in the amount of \$60,467.40 for the

purchase and equipping of two patrol motorcycles.

D. Consideration of Intergovernmental Agreement: Public safety activities.

RECOMMENDED ACTION: Approve the intergovernmental agreement with the

Governor's Office of Economic Recovery in the amount of

\$99,99 9.00.

E. Consideration of Amended Intergovernmental Agreement: Workforce development.

RECOMMENDED ACTION: Approved the Amended Intergovernmental Agreement with

Coconino County.

F. Consideration of Amendment to Service Agreement: Residential energy retrofits.

RECOMMENDED ACTION: Approve the amendment to the service agreement with Hope

Construction increasing the amount by \$56,651,66 for a total

of \$382,901.00.

G. Consideration of Amendment to Service Agreement: Residential energy retrofits.

RECOMMENDED ACTION: Approve the amendment to the agreement with Peterson

LLC increasing the amount by \$18,825.62, for a total of

\$100,325.62.

Councilmember White declared a conflict, removed himself from the dais, and did not participae in the motion, second, or vote.

Councilmember Evans moved to accept the recommended action. The motion was seconded by Councilmember Brewster and passed on unanimous vote. Councilmember White was excused from the vote due to a conflict of interest.

H. Consideration of Service Agreement: Energy retrofit services quality assurance.

RECOMMENDED ACTION: Approve the Joint Agreement with the Northern Arizona Council of Governments in the amount of \$12,500.00.

I. <u>Consideration of Designation of Applicant Agent and Primary Point of Contact:</u>
Arizona Division of Emergency Management and Public Assistance Program funds.

RECOMMENDED ACTION: Appoint Barbara Goodrich, Management Services Director,

as the Designated Applicant Agent; and Stacey Brechler-Knaggs, Grants Manager, as the Primary Point of Contact.

Councilmember Brewster moved to approve the Consent Calendar with the exception of Item G. The motion was seconded by Councilmember White and passed on unanimous vote.

## 6. ROUTINE ITEMS

A. Consideration of Ordinance No. 2010-35: An ordinance repealing Flagstaff City Code Division 10-09-002, City Council; Division 10-09-003, City Planning and Zoning Commission; and Division 10-09-004, Board of Adjustment; Amending Chapter 2-01, Planning and Zoning Commission, Chapter 2-10, Board of Adjustment; amending the Title of Chapter 2-19, Historic Preservation Commission, to Heritage Preservation Commission; amending various sections of Chapter 2-19, Heritage Preservation Commission; and declaring an effective date.

RECOMMENDED ACTION: Read Ordinance No. 2010-35 for the final time by title only. Adopt Ordinance No. 2010-35.

Councilmember White returned to the dais.

Councimember Overton moved to read Ordinance No. 2010-35 for the final time by title only, seconded by Councilmember Evans. The motion passed on unanimous vote and title was read as follows:

ORDINANCE No. 2010-35

An ordinance repealing Flagstaff City Code Division 10-09-002, City Council; Division 10-09-003, City Planning and Zoning Commission; and Division 10-09-004, Board of Adjustment; Amending Chapter 2-01, Planning and Zoning Commission, Chapter 2-10, Board of Adjustment; amending the Title of Chapter 2-19, Historic Preservation Commission, to Heritage Preservation Commission; amending various sections of Chapter 2-19, Heritage Preservation Commission; and declaring an effective date.

Councilmember White moved to adopt Ordinance No. 2010-35, seconded by Councilmember Babbott. The vote was unanimous in favor.

B. Consideration of Ordinance No. 2010-36: An ordinance amending the Flagstaff City Code by adopting that certain document known as "Title 11, General Plans and Subdivisions" previously declared to be a public record; repealing Chapter 10-11, Subdivision and Minor Land Division Regulations, and Chapter 10-12, Planning Documents; and declaring an effective date.

RECOMMENDED ACTION: Read Ordinance No. 2010-36 for the final time by title only. Adopt Ordinance No. 2010-36.

Councilmember Brewster moved to read Ordinance No. 2010-36 for the final time by title only. The motion was seconded by Councilmember Evans and passed on unanimous vote. Title was read as follows:

#### ORDINANCE No. 2010-36

An ordinance amending the Flagstaff City Code by adopting that certain document known as "Title 11, General Plans and Subdivisions" previously declared to be a public record; repealing Chapter 10-11, Subdivision and Minor Land Division Regulations, and Chapter 10-12, Planning Documents; and declaring an effective date.

Councilmember White moved to adopt Ordinance No. 2010-36, seconded by Councilmember Brewster. The vote was unanimous in favor.

C. Consideration of Ordinance No. 2010-37: An ordinance creating a new Chapter 3-11, Development Fees; transferring Flagstaff City Code Chapter 10-18, Development Fees, to Chapter 3-11, Development Fees; and declaring an effective date.

RECOMMENDED ACTION: Read Ordinance No. 2010-37 for the final time by title only. Adopt Ordinance No. 2010-37.

Councilmember White moved to read Ordinance No. 2010-37 for the final time by tite only, seconded by Councilmemer Evans. The motion passed on unanimous vote and title was read as follows:

#### ORDINANCE No. 2010-37

An ordinance creating a new Chapter 3-11, Development Fees; transferring Flagstaff City Code Chapter 10-18, Development Fees, to Chapter 3-11, Development Fees; and declaring an effective date.

Upon motion to adopt Ordinance No. 2010-37 by Councilmember White and second by Councilmember Brewster, the motion passed unanimously.

D. <u>Consideration of Resolution No. 2010-69:</u> A resolution of the Mayor and Council of the City of Flagstaff, Coconino County, Arizona, declaring official and adopting the results of the Special Bond Authorization Election held on November 2, 2010.

RECOMMENDED ACTION: Read Resolution No. 2010-69 by title only.

Adopt Resolution No. 2010-69.

Councilmember White moved to read Resolution No. 2010-69 with the following amendments:

SECTION 1. That the total number of ballots cast at said Special Bond Authorization Election, as shown by the poll lists, was 29,068.

SECTION 2. That the following results of the November 2, 2010 Special Bond Authorization Election are hereby declared official:

## **PROPOSITIONS**

Proposition 400 Yes No Total Votes Cast	6,139 10,267 16,406	37.42% 62.58% 100.00%
Proposition 401 Yes No Total Votes Cast	6,895 9,414 16,309	42.28% 57.72% 100.00%
Proposition 402 Yes No Total Votes Cast	9,822 6,636 16,458	59.68% 40.32% _100.00%
Proposition 403 Yes No Total Votes Cast	10,978 5,624 16,602	66.12% 33.88% 100.00%
TOTAL REGISTERED VOTERS TOTAL VOTES CAST: TURNOUT:	<u>29,0</u> 17,8	

Councilmember Brewster seconded the motion which passed on unanimous vote and title was read as follows:

#### RESOLUTION No. 2010-69

A resolution of the Mayor and Council of the City of Flagstaff, Coconino County, Arizona, declaring official and adopting the results of the Special Bond Authorization Election held on November 2, 2010.

Councilmember White moved for adoption. The motion was seconded by Councilmember Brewster and the vote was unanimous in favor.

## 7. RECESS

The meeting recessed at 12:29 p.m.

## **RECONVENE**

The meeting reconvened at 5:30 p.m. and Mayor Presler called the meeting back to order.

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

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

## 9. ROLL CALL

On roll call the following were present:

## **Mayor Presler**

Vice Mayor Barotz
Councilmember Babbott
Councilmember Brewster
Councilmember Evans
Councilmember Overton
Councilmember White

Also present were:

Kevin Burke, City Manager Rosemary Rosales, City Attorney

### 10. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

A. Consideration of Minutes: Regular Council Meeting of November 2, 2010.

RECOMMENDED ACTION: Approve the Minutes as submitted/corrected.

Councilmember Brewster moved to approve the Minutes as submitted, seconded by Councilmember Babott. The motion passed on unanimous vote.

## 11. PUBLIC PARTICIPATION PROCLAMATIONS, AND RECOGNITION OF OUTGOING BOARD AND COMMISSION MEMBERS

Mayor Presler announced the wearing of pink t-shirts as breast cancer recognition for flagstaff families and women.

Mayor Presler introduced the Collingwood Football Club from Australia and read a proclamation in their honor.

Coach Mick Malthouse explained that the genesis of the team's success can be traced back to the High Altitude Training Center where the team has trained; and he thanked the Mayor for the proclamation.

Mayor Presler acknowledged Eric Jenssen's presence on behalf of the Flagstaff Sister Cities committee.

Andy Fernandez complained about his treatment at public participation, scheduling noon meetings, change orders, bids, video quality, cutting off the video cameras, and transparency in government.

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

None.

## 13. PUBLIC HEARING ITEMS

No items were submitted.

## 14. REGULAR AGENDA

A. Consideration of Resolution No. 2010-71: A resolution of the Mayor and City Council of Flagstaff, Arizona, approving an intergovernmental agreement between the City of Flagstaff, Northern Arizona University ("NAU"), and the Northern Arizona Intergovernmental Public Transit Authority ("NAIPTA") for transit service between the downtown area and the Woodlands Village area through and within the Northern Arizona University Campus.

RECOMMENDED ACTION: Read Resolution No. 2010-71 by title only. Adopt Resolution No. 2010-71.

Councilmember White moved to read Resolution No. 2010-71 by title ony, seconded by Councilmember Brewster.

Andy Fernandez suggested tabling the matter until he can provide more information to the Council.

Andrew Gardner expressed concern on mitigation of additional bus traffic going through the NAU campus.

Jeff Mielbeck explained that the buses will operate on a fixed route. Noise concerns should be addressed with the hydroelectric buses which are considerably lighter than diesel buses. Mountain Links will assist off campus residents in getting on campus. In terms of students parking off campus, the Northern Arizona Intergovernmental Public Transit Authority did not do a parking study.

Speaking with the NAU President would be a good place to start addressing neighborhood parking, ambulance access, and firetruck access. There are also three tools to address neighborhood parking: (1) point of origin to point of destination connecting to the neighborhood and the Phoenix parking lot; (2) more supply; and (3) revisiting the use of parking meters. Other opportunities for park and ride would have to be explored.

Minor seasonal adjustments could be made to the intergovernmental agreement but they aren't anticipated. After the minimum route availability is established, the hope is to increase service.

Mr. Mielbeck agreed to provide further information on trip displacement for the target population. He is bringing in new resources that don't displace other service needs. If the economy continues to deteriorate, other options will be evaluated. Federal funding looks solid. The NAIPTA board considers the route to be a priority and of value to all partners.

Noting that the intergovernmental agreement as amended by the City Attorney's Office and handed out at the dais was the version to be approved, the motion to read passed on unanimous vote and title was read as follows:

#### RESOLUTION No. 2010-71

A resolution of the Mayor and City Council of Flagstaff, Arizona, approving an intergovernmental agreement between the City of Flagstaff, Northern Arizona University ("NAU"), and the Northern Arizona Intergovernmental Public Transit Authority ("NAIPTA") for transit service between the downtown area and the Woodlands Village area through and within the Northern Arizona University Campus.

Councilmember White moved for adoption, seconded by Councilmember Babbott. The motion passed on unanimous vote.

## 15. DISCUSSION ITEMS

No items were submitted.

## 16. PUBLIC PARTICIPATION

None

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

Councilmember White requested that work session time be set aside to address the re-districting process with Representative Chabin.

Councilmember Evans requested:

- A meeting with Representative Chabin to discuss property improvement districts.
- A work session discussion with the Game and Fish to talk about Walnut Canyon.

The Council did not object to waiting until federal discussions to initiate discussions about Walnut Canyon.

As to a Washington, D.C., lobbying trip, it will depend on Congressional budget action during the lame duck session. Four members of the Council have expressed interest in attending and updated travel budget information will be provided. In the meantime, Councilmember White will continue his lobbying efforts in Phoenix.

## 18. ADJOURNMENT

There	being no	further	business	to come	before the	Council,	the	meeting	was	adiourned	at 6	3:35
6:35 p.	.m.							•				

		MAYOR
ATTEST:		
CITY CLERK		
		CERTIFICATION
STATE OF ARIZONA,	) ) ss.	
Coconino County.	) 33.	
Coconino, State of Arizona, Meeting of the Council of the	and that t e City of F	that I am the City Clerk of the City of Flagstaff, County of he above Minutes are a true and correct summary of the lagstaff held on November 16. 2010. I further certifty that nd that a quorum was present.
DATED this 8th day of Dece	mber, 2010	0.
		CITY CLERK