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SUMMARIZED MINUTES COUNCIL MEETING

**February 3, 2009
5:00 p.m.**

A meeting of the Flagstaff City Council was held on February 3, 2009, convening at 5:06 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 MISSION STATEMENT, AND INVOCATION

Mayor Presler asked those present to stand for the Pledge of Allegiance, the reading of the Mission 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**

Also present were:

**City Manager, Kevin Burke
City Attorney, Patricia Boomsma**

3. MINUTES

A. Consideration of Minutes: Special Council Meeting of October 14, 2008.

RECOMMENDED ACTION: Approve the minutes as submitted/corrected.

Councilmember Overton moved to approve the minutes as submitted. The motion was seconded by Councilmember Brewster and passed on unanimous vote.

4. PUBLIC PARTICIPATION

John Davison, speaking on behalf of the American Legion, discussed the Vietnam Veterans' Memorial traveling display, "The Wall that Heals." John reported that the piece would be in Flagstaff beginning July 8, 2009 and he is planning to hold an opening ceremony at City Hall or Wheeler Park.

Mayor Presler presented a proclamation to Dave Evans, outgoing chairman of the Flagstaff Chamber of Commerce, declaring February 3, 2009 as Dave Evans Day in Flagstaff.

The City Council acknowledged and welcomed Boy Scout Troop No. 127 to the meeting.

5. CONSENT AGENDA

A. Consideration of Service Agreement: Steves/Fanning transportation study.

RECOMMENDED ACTION: Table until such time as alternate proposals can be developed.

Mayor Presler moved to proceed with the Steves/Fanning transportation study, seconded by Vice Mayor White.

Walter Robertson, Flagstaff resident, stated his opposition to the study, believing that Burlington Northern Santa Fe Railway is not interested in the study, but only in the closure of one of the railroad crossings in Flagstaff.

Council made the following observations:

- One public participation meeting is inadequate and not due process.
- The commitment to BNSF Railway must be kept.
- Public input should occur after the study in order to consider the consultants' options.
- The Council should be advised as to where and when the public meetings will take place.
- If the City doesn't have the money for the work, the study would have to be done again.

The motion passed on majority vote with Mayor Presler, Vice Mayor White and Councilmembers Brewster, Haughey and Overton in favor, and Councilmembers Evans and Swanson opposed.

6. PUBLIC HEARING ITEMS (Public Hearing Items Will Not be Heard Prior to 5:30 p.m.)

A. Consideration of Liquor License Application: Andrea Lewkowitz, "Olive Garden Italian Restaurant #1513", 2550 S. Beulah Blvd., Series 12, New License.

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

The 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.

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

Sgt. Ryan Coons, Flagstaff Police Department, conducted an investigation on the applicant and found no derogatory records, liquor violations, or acts of violence. The current managers have completed the required Arizona Department of Liquor License and Control training and Sgt. Coons found no reason to oppose the application.

Andrea Lewkowitz, applicant for both the Olive Garden and Red Lobster applications, informed the Council that the applications are due to an internal restructuring.

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

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

B. Consideration of Liquor License Application: Andrea Lewkowitz, "Red Lobster #845", 2500 S. Beulah Blvd., Series 12, New License.

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

The 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.

Vice Mayor White moved to open the public hearing, seconded by Councilmember Brewster. The motion passed on unanimous vote.

Sgt. Ryan Coons, Flagstaff Police Department, conducted an investigation on the applicant and found no derogatory records, liquor violations, or acts of violence. The current managers have completed the required Arizona Department of Liquor License and Control training and Sgt. Coons recommended the application for approval.

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

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

7. REGULAR AGENDA

- A. Consideration of Applicants for Appointments:** Citizen Advisory Committee [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 the appointments as follows: 12 regular appointments and 3 alternate appointments as recommended by the Citizen Advisory Committee Selection Team and set out in the staff summary attachment.

Vice Mayor White moved to table the item until February 10 or 17, 2009, whichever best accommodates staff. The motion was seconded by Councilmember Haughey and passed on unanimous vote.

- B. Consideration of Resolution No. 2009-09:** A resolution designating the documents known as "2009 Low Impact Development (LID) Amendments to the City of Flagstaff Stormwater Management Design Manual" and the Low Impact Development Guidance Manual as public records.

RECOMMENDED ACTION: Read Resolution No. 2009-09 by title only.
Adopt Resolution No. 2009-09.

Vice Mayor White moved to read Resolution No. 2009-09 by title only, seconded by Councilmember Brewster.

Mayor Presler read comments provided by Joe Galli on behalf of the Flagstaff Chamber of Commerce and the Northern Arizona Association of Realtors in support of the Stormwater Advisory Commission's recommendations of, "voluntary for one year, ½ inch in the second year, and one-inch mitigation in the third year."

Cynthia White, Friends of Flagstaff's Future, stated her organization's support of the proposed amendments.

The motion passed on unanimous vote and title was read as follows:

RESOLUTION NO. 2009-09

A resolution designating the documents known as "2009 Low Impact Development (LID) Amendments to the City of Flagstaff Stormwater Management Design Manual" and the Low Impact Development Guidance Manual as public records.

Councilmember Haughey moved to adopt Resolution No. 2009-09. The motion was seconded by Vice Mayor White and passed on unanimous vote.

- C. **Consideration of Ordinance No. 2009-07:** An ordinance adopting the "2009 Low Impact Development (LID) Amendments to the City of Flagstaff Stormwater Management Design Manual", which adopts a new Chapter 9 of the City of Flagstaff Stormwater Management Design Manual, entitled "The Low Impact Development (LID) Requirements" and amends Chapter 8 of the Stormwater Management Design Manual to comply with the Low Impact Development requirements; adopting the Low Impact Development (LID) Guidance Manual; and providing for housekeeping changes.

RECOMMENDED ACTION: Read Ordinance No. 2009-07 for the first time by title only.

Councilmember Haughey moved to read Ordinance No. 2009-07 for the first time by title only, seconded by Councilmember Swanson. The motion passed on unanimous vote and title was read as follows:

ORDINANCE No. 2009-07

An ordinance adopting the "2009 Low Impact Development (LID) Amendments to the City of Flagstaff Stormwater Management Design Manual", which adopts a new Chapter 9 of the City of Flagstaff Stormwater Management Design Manual, entitled "The Low Impact Development (LID) Requirements" and amends Chapter 8 of the Stormwater Management Design Manual to comply with the Low Impact Development requirements; adopting the Low Impact Development (LID) Guidance Manual; and providing for housekeeping changes.

- D. **Consideration of Resolution No. 2009-03:** A resolution approving the ground lease and development agreement between the City of Flagstaff and Habitat for Humanity Flagstaff, Inc.

RECOMMENDED ACTION: Read Resolution No. 2009-03 by title only.
Adopt Resolution No. 2009-03.

Vice Mayor White moved to read Resolution No. 2009-03 by title only, seconded by Councilmember Swanson. The motion passed on unanimous vote and title was read as follows:

RESOLUTION No. 2009-03

A resolution approving the ground lease and development agreement between the City of Flagstaff and Habitat for Humanity Flagstaff, Inc.

Councilmember Evans moved to adopt Resolution No. 2009-03, seconded by Vice Mayor White. The vote was unanimous in favor.

- E. **Consideration of Resolution No. 2009-10:** A resolution supporting the Northern Arizona Intergovernmental Public Transportation Authority's efforts to obtain funding for public transportation infrastructure and rolling stock.

RECOMMENDED ACTION: Read Resolution No. 2009-10 by title only.
Adopt Resolution No. 2009-10.

Mayor Presler read written comments from Jeff Meilbeck, Director of Northern Arizona Intergovernmental Public Transit Authority, in support of the action. He stated that public transit reduces dependence on foreign oil, reduces carbon emissions, and makes Flagstaff more affordable.

Vice Mayor White moved to read Resolution No. 2009-10, seconded by Councilmember Brewster. The motion passed on unanimous vote and title was read as follows:

RESOLUTION NO. 2009-10

A resolution supporting the Northern Arizona Intergovernmental Public Transportation Authority's efforts to obtain funding for public transportation infrastructure and rolling stock.

Vice Mayor White moved to adopt Resolution No. 2009-10. The motion was seconded by Councilmember Brewster and passed on unanimous vote.

8. COUNCIL DISCUSSION ITEMS

A. Consideration of Citizen Petition: New city noise ordinance.

RECOMMENDED ACTION: The City Council may:

- (1) Table the action to allow time to gather more information.
- (2) Direct staff to prepare a new ordinance as submitted.
- (3) Direct staff to prepare a new noise ordinance with modifications; or
- (4) Take no action.

Police Chief Cooper reviewed statistical information provided in a handout, noting that officers have the ability to use discretion in dealing with loud parties on a case-by-case basis. Currently, the ordinance does not penalize the landlord or owners of the property, only the persons present making the noise.

Some Councilmembers felt that the police department has the tools necessary to address large party disturbances, and perhaps additional enforcement is all that's needed.

Other Councilmembers were in favor of placing the issue on a future agenda to receive more information and to possibly strengthen the ordinance and make it a more effective tool.

A majority of the Council requested that the issue return on a Work Session agenda in three to four weeks, and to receive a presentation from the police department on ways to strengthen the ordinance and make it more effective.

9. PUBLIC PARTICIPATION

None.

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

Councilmember Swanson asked that a meeting be scheduled between the City Council and the leadership staff at Northern Arizona University to consider options for keeping the Center for High Altitude Training open and to retain its Olympic designation.

11. ADJOURNMENT

There being no further business to come before the Council, the Meeting was adjourned at 6:46 p.m.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

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

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 February 3, 2009. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 29th day of July, 2009.

CITY CLERK