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SUMMARIZED MINUTES COUNCIL MEETING

**November 18, 2008
5:00 p.m.**

A meeting of the Flagstaff City Council was held on November 18, 2008 convening at 5:14 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: Regular Council Meeting of September 8, 2009.

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

A. Outgoing Board and Commission Member Recognition:

1. ***Vice-Mayor Al White***
 - a. **Christopher Lanterman, Disability Awareness Commission (October 3, 2006 through October 31, 2008).**
2. ***Mayor Sara Presler***
 - a. **Armando Bernasconi, Board of Adjustment (July 16, 2002 through October 31, 2008).**

Vice Mayor White recognized Christopher Lanterman for his service on the Disability Awareness Commission.

Mayor Presler recognized Armando Bernasconi for his service on the Board of Adjustment.

Roger Eastman, Zoning Code Administrator, presented an award to the City Council for Flagstaff's Traditional Neighborhood District Ordinance from the Arizona Planning Association.

5. CONSENT AGENDA

A. Consideration of Change Order No. 1: Wastewater Improvement Plan.

RECOMMENDED ACTION: Approve Change Order No. 1 with Black and Veatch for three days of plant instrumentation and control quality assurance in the amount of \$34,440.00 and no additional contract time.

B. Consideration of Change Order No. 3: Northern Arizona Science, Technology, and Clean Energy Center.

RECOMMENDED ACTION: (1) Approve Change Order No. 3 to Woodruff Construction, Inc in the amount of \$31,497.00; and
(2) Authorize the City Manager to execute the necessary documents.

C. Consideration of Service Agreement: Installation of the wayside horns at the Steves Boulevard and Fanning Drive railroad crossings.

RECOMMENDED ACTION: (1) Approve the agreement with BSNF Railway Company in the amount of \$41,274.00; and
(2) Authorize the City Manager to execute the necessary documents; and
(3) Authorize change order authority in the amount of \$8,255.00 (20%) to cover potential costs associated with unanticipated or additional items of work.

D. Consideration of Grant Agreement: Picture Canyon meander restoration project.

RECOMMENDED ACTION: Approve the grant agreement with the Arizona Water Protection Fund and authorize receipt of grant funds in the amount of \$367,543.20.

E. Consideration of Service Agreement: Picture Canyon meander restoration project and Rio de Flag restoration project.

RECOMMENDED ACTION: Approve the agreement with Natural Channel Design in the amount of \$103,150.00.

F. Consideration of Purchase Under the Strategic Alliance for Volume Expenditure (SAVE) Intergovernmental Agreement: One front loader solid waste truck.

RECOMMENDED ACTION: Approve the purchase from Truck West of Phoenix, Inc in the amount of \$251,896.40, plus applicable tax and freight.

G. Consideration of Street Closure: Marine League Charities "BNSF Santa Comes to Northern Arizona".

RECOMMENDED ACTION: Approve the closure of Aspen Avenue and San Francisco Street on December 20, 2008

H. Consideration of Special Event Funding: Movies on the Square, BNSF/Toys for Tots, Santa Comes to Town, Toy for Tots Christmas Raffle, Special Olympics Arizona Winter Games.

RECOMMENDED ACTION: Approve funding for:

- (1) Downtown Business Alliance- Movies on the Square in the amount of \$5,000.00: Spring-Summer Friday nights 2009;and
- (2) Marine League Charities- BNSF/Toys for Tots, Santa Comes to Town in the amount of \$2,000.00; December 20, 2009;and
- (3) Special Olympics Arizona- Special Olympics Arizona Winter Games in the amount of \$2,500.00; February 20-22, 2009.

Vice Mayor White moved to approve the Consent Agenda, seconded by Councilmember Haughey. The vote was unanimous in favor.

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

- A. Consideration of Liquor License Application:** Leoncio Villarejo-Ruiz, "Roma Pizza", 3504 E Route 66, Series 12, New Application.

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

Police Chief Brent Cooper informed the Council that Sgt. Walt Miller conducted the background investigation on Leoncio Villarejo-Ruiz, found no derogatory reports, and recommends the application for approval.

The applicant, Mr. Leoncio Villarejo-Ruiz, was not present at the Council Meeting.

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

- B. Consideration of Liquor License Application:** Craig Chang, "Pho Dai Loc", 1580 E. Route 66, Series 12, New License.

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

Police Chief Brent Cooper informed the Council that Sgt. Walt Miller conducted the background investigation on the applicant, found no derogatory reports, and recommends the application for approval.

The applicant, Craig Chang, was not present at the meeting.

Councilmember Haughey moved to close the public hearing. The motion was seconded by Councilmember Brewster 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.

- C. **Consideration of Liquor License Application:** Danny Thomas, "The Mason Jar", 2610 E. Route 66, Series 12, New License.

RECOMMENDED ACTION:

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

Police Chief Brent Cooper informed the Council that Sgt. Walt Miller conducted the background investigation on Danny Thomas, on behalf of the Mason Jar, found no derogatory reports, and recommends the application for approval.

Danny Thomas, the applicant, stated he recently retired after serving for over 20 years as an enforcement officer for the Arizona Department of Liquor License and Control in northern Arizona.

Various Councilmembers commented that they appreciated Mr. Thomas' approach of assertive education to business owners and wait-staff to prevent violations and the need for added police enforcement.

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

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

- D. **Consideration of Resolution No 2008-65:** A resolution of the City Council of the City of Flagstaff, Arizona, declaring as a public record that certain document filed with the city clerk and entitled "The Lonetree Corridor Study".

RECOMMENDED ACTION: Read Resolution No. 2008-65 by title only.
Adopt Resolution No. 2008-65.

Councilmember Haughey moved to read Resolution No. 2008-65 by title only. The motion was seconded by Councilmember Overton and passed on unanimous vote. Title was read as follows:

RESOLUTION NO. 2008-65

A resolution of the City Council of the City of Flagstaff, Arizona, declaring as a public record that certain document filed with the city clerk and entitled "The Lonetree Corridor Study".

Councilmember Overton moved to adopt Resolution No. 2008-65. The motion was seconded by Councilmember Haughey and passed on unanimous vote.

E. Consideration of Public Hearing: Minor amendment to the Regional Land Use and Transportation Plan for Lone Tree Corridor Study Option A.

Consideration of Resolution No 2008-67: A resolution adopting Option A of the Lone Tree Corridor Study as a minor amendment of the Regional Land Use and Transportation Plan.

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

Read Resolution No. 2008-67 by title only.
Adopt Resolution No. 2008-67.

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

Bob Caravona, Comprehensive Planning Manager, provided a brief overview of the project, noting that staff is attempting to anticipate infrastructure necessary to support publicly adopted land uses and the community plan.

Yahya Abdurraheem, Director of Facilities for the Flagstaff Unified School District, remarked that if Kinsey School will be negatively impacted by the Lone Tree Corridor, the school district will ask that the City of Flagstaff move the school to a new location and bear the cost of that move. He noted that the school district is in favor of staff's proposed Option A.

Bret Peterson, Capital Improvement Division, explained that the projected cost of staff's recommendations include various remedies for the Kinsey School issue, with the exception of possible property acquisition costs.

David Wessel, Flagstaff Metropolitan Planning Organization, provided written information on the modeled impacts of Lone Tree Corridor on system performance. Some of the goals include: 1) by-passing the downtown area; 2) offering a way around the university; and 3) providing north and south access other than Milton Road. The amendment to the corridor study is being done now as opposed to waiting for the Regional Land Use and Transportation Plan update in order to facilitate land use discussions with partners and to allow for other aspects of the plan to move forward.

Councilmember Haughey moved to close the public hearing. The motion was seconded by Vice Mayor White and passed on unanimous vote.

Vice Mayor White moved to read Resolution No. 2008-67 by title only, seconded by Councilmember Brewster. The motion passed on majority vote with Mayor Presler, Vice Mayor White and Councilmembers Brewster, Evans, Haughey and Overton in favor and Councilmember Swanson opposed. Councilmember Swanson noted that his vote reflected the fact that he had not seen the information before this evening and had not had sufficient time to review the packet.

Title was read as follows:

RESOLUTION NO. 2008-67

A resolution adopting Option A of the Lone Tree Corridor Study as a minor amendment of the Regional Land Use and Transportation Plan.

Councilmember Haughey moved to adopt Resolution No. 2008-67, seconded by Councilmember Overton. The motion passed on majority vote with Mayor Presler, Vice Mayor White and Councilmembers Brewster, Evans, Haughey and Overton in favor and Councilmember Swanson opposed.

7. REGULAR AGENDA

- A. Consideration of Applicants for Appointments:** Disability Awareness 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 one appointment to term expiring in March 2011.

Vice Mayor White moved to appoint Jacquelyn Thorpe to a term expiring March 2011. The motion was seconded by Councilmember Overton and passed on unanimous vote.

- B. Consideration of Applicants for Appointments:** Open Space 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 one appointment to a Natural Sciences term expiring April 2009.

Vice Mayor White moved to table Items 7B, 7C, and 7D to the December 16, 2008 Council Meeting. The motion was seconded by Councilmember Overton 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: (1) Make one appointment to a term expiring August 2011; and
(2) Realign the term of Christina Menuccini to expire August 2009.

Vice Mayor White moved to table Items 7B, 7C, and 7D to the December 16, 2008 Council Meeting. The motion was seconded by Councilmember Overton and passed on unanimous vote.

- D. Consideration of Applicants for Appointments:** Youth 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 four appointments to terms expiring June 2009

Vice Mayor White moved to table Items 7B, 7C, and 7D to the December 16, 2008 Council Meeting. The motion was seconded by Councilmember Overton and passed on unanimous vote.

- E. Consideration of Ordinance No. 2008-28:** An ordinance amending the Flagstaff City Code by adding Chapter 10-18, "Development Fees," adopting procedures for the imposition, calculation, collection, offset, expenditure and administration of development fees to be imposed on new development; adopting an infrastructure improvement plan and development fee study; and providing for an effective date.

RECOMMENDED ACTION: Read Ordinance No. 2008-28 for the final time by title only. Adopt the Ordinance No 2008-28.

Vice Mayor White moved to read Ordinance No. 2008-28 for the final time by title only, seconded by Councilmember Swanson.

The following individuals were opposed to Ordinance No. 2008-28:

Joe Galli, Chamber of Commerce and Northern Arizona Association of Realtors
David Walker, Northern Arizona Builders' Association
Garrett Brooks, Flagstaff resident

Arguments cited as reasons to oppose the ordinance included:

- The City's consultants agree that a 3% growth rate is needed to support impact fees, and Flagstaff's growth rate continues to be approximately 1.5% to 2.0%.
- Three major American car manufactures are in critical distress, reminding everyone that the nation's economy is still in trouble.
- According to the National Association of Home Builders, growth pays for itself and helps subsidize surrounding areas.
- Other local communities that have adopted impact fees have had to consider lowering those fees in the current economy.

Stephen Knutson was the only speaker in favor of the ordinance, noting that \$700.00 per single home is a reasonable amount and the fees will not have any impact on affordable housing.

Some Councilmembers opposed the ordinance because:

- Flagstaff does not meet the 3% growth rate standard as outlined in the TischlerBise consultant study; holding at 1.62% over the past 8 years.
- Impact fees will open the door to various new taxes and will negatively impact the cost of living in Flagstaff.
- Administrative fees to implement the program will add greater hidden costs.

- Businesses are leaving the community now, and others will not come to Flagstaff because of the high cost to build here.
- New taxes will work against affordable housing efforts, and puts a new tax on those coming into the community.
- The ordinance will allow for the shifting of responsibility onto our children and grandchildren.
- The method of impact fees is not acceptable at any rate of growth, or in any economy.

Other members of the Council felt that the ordinance should move forward because:

- Councilmembers supporting the fees have greatly compromised by agreeing to a fee that is more than half of what the TischlerBise study recommended.
- The proposed \$750.00 fee constitutes less than three-tenths of a percent on a \$250,000.00 home; and there are much bigger market forces at play in determining the price of that home.
- A downturn in the housing and construction sector is related to the tightening of credit rather than the level of fees.
- Impact fees are not taxes, but are a one time fee on new development.
- It comes down to who should pay these fees; all taxpayers, or those who cause the growth.
- The best time to introduce impact fees is when building is slow, and can be eased in slowly.
- Every business in the world, including the City of Flagstaff, attempts to recover the costs spent in order to provide services.

The motion to read passed on majority roll call vote as follows:

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

Title was read as follows:

ORDINANCE NO. 2008-28

An ordinance amending the Flagstaff City Code by adding Chapter 10-18, "Development Fees," adopting procedures for the imposition, calculation, collection, offset, expenditure and administration of development fees to be imposed on new development; adopting an infrastructure improvement plan and development fee study; and providing for an effective date.

Vice Mayor White moved to adopt Ordinance No. 2008-28, seconded by Councilmember Brewster. 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	Nay
Councilmember Overton	Nay
Councilmember Swanson	Aye

F. **Consideration of Service Agreement:** Coconino Plateau Water Advisory Council

RECOMMENDED ACTION: Approve the agreement with in the amount of \$10,000.00

Councilmember Swanson moved to approve the recommended action, seconded by Councilmember Evans.

Randy Pellatz, Utilities Director, briefly explained that the by-laws of the advisory council do not link the size of the monetary contribution to their voting capacity. Contributing and non-contributing members are all considered voting members. The greatest benefit to all participants is the collaborative, regional approach to water issues.

The vote was unanimous in favor.

G. **Consideration of Ordinance No. 2008-32:** An ordinance of the Flagstaff City Council authorizing and approving the exchange of a portion of that roadway known as Spur Street for certain real property to be used for public roadway purposed.

RECOMMENDED ACTION: Read Ordinance No. 2008-32 for the first time by title only.

Councilmember Evans moved to read Ordinance No. 2008-32 for the first time by title only. The motion was seconded by Councilmember Overton and passed on unanimous vote. Title was read as follows:

ORDINANCE NO. 2008-32

An ordinance of the Flagstaff City Council authorizing and approving the exchange of a portion of that roadway known as Spur Street for certain real property to be used for public roadway purposed.

H. **Consideration of PC-SUB 07-001:** A request for modification to the subdivision regulations, (Chapter 11 of the *Land Development Code*) to allow the division of an existing, 11.66 acre, metes-and-bound parcel (APN 112-10-025B) into three parcels, located at 2232 West Constitution Boulevard.

RECOMMENDED ACTION: Approve the subdivision modification.

Councilmember Haughey moved to approve the recommended action, seconded by Vice Mayor White.

Stephen Knutson, Flagstaff resident, doesn't believe that the proposed action will make the community a better place to live.

The motion passed on unanimous vote.

- I. **Consideration of Ordinance No. 2008-33:** An ordinance authorizing the City of Flagstaff to enter into a development agreement for the development of approximately 8.4 acres of land at 2232 West Constitution Boulevard, Flagstaff, Arizona and dedication of a parcel of approximately 3.2 acres to the City of Flagstaff for open space, passive recreation, establishment of a portion of the Flagstaff Urban Trail, and underground utilities.

RECOMMENDED ACTION: Read Ordinance No. 2008-33 for the first time by title only.

Councilmember Haughey moved to read Ordinance No. 2008-33 for the first time by title only. The motion was seconded by Councilmember Brewster and passed on unanimous vote. Title was read as follows:

ORDINANCE NO. 2008-33

An ordinance authorizing the City of Flagstaff to enter into a development agreement for the development of approximately 8.4 acres of land at 2232 West Constitution Boulevard, Flagstaff, Arizona and dedication of a parcel of approximately 3.2 acres to the City of Flagstaff for open space, passive recreation, establishment of a portion of the Flagstaff Urban Trail, and underground utilities.

- J. **Consideration of Resolution No. 2008-63:** A resolution of the Flagstaff City Council dedicating a public utility easement at 2255 North Gemini Drive to those utility companies authorized to provide services within the City.

RECOMMENDED ACTION: Read Resolution No. 2008-63 by title only.
Adopt Resolution No. 2008-63.

Councilmember Haughey moved to read Resolution No. 2008-63 by title only, seconded by Vice Mayor White. The vote was unanimous in favor and title was read as follows:

RESOLUTION NO. 2008-63

A resolution of the Flagstaff City Council dedicating a public utility easement at 2255 North Gemini Drive to those utility companies authorized to provide services within the City.

Councilmember Overton moved to adopt Resolution No. 2008-63. The motion was seconded by Vice Mayor White and passed on unanimous vote.

- K. **Consideration of Resolution No. 2008-64:** A resolution of the Flagstaff City Council abandoning and vacating whatever right, title or interest it has in portions of that right-of-way easement generally referred to as Railhead Avenue.

RECOMMENDED ACTION: Read Resolution No. 2008-64 by title only.
Adopt Resolution No. 2008-64.

Councilmember Overton moved to read Resolution No. 2008-64, seconded by Councilmember Haughey. The vote was unanimous in favor and title was read as follows:

RESOLUTION No. 2008-64

A resolution of the Flagstaff City Council abandoning and vacating whatever right, title or interest it has in portions of that right-of-way easement generally referred to as Railhead Avenue.

Vice Mayor White moved to adopt Resolution No. 2008-64. The motion was seconded by Councilmember Overton and passed on unanimous vote.

- L. **Consideration of Resolution No. 2008-68:** A resolution of the Mayor and Council of the City of Flagstaff declaring Flagstaff to be a "Golden Rule City".

RECOMMENDED ACTION: Read Resolution No. 2008-68 by title only.
Adopt Resolution No 2008-68

Vice Mayor White moved to read Resolution No. 2008-68 by title only. The motion was seconded by Councilmember Swanson and passed on unanimous vote. Title was read as follows:

RESOLUTION No. 2008-68

A resolution of the Mayor and Council of the City of Flagstaff declaring Flagstaff to be a "Golden Rule City".

Mayor Presler moved to adopt Resolution No. 2008-68. The motion was seconded by Vice Mayor White and passed on unanimous vote.

B. COUNCIL DISCUSSION ITEMS

- A. **Consideration of Council Discussion:** Amendment to Ordinance No. 2005-11 "Camping on Public Property within City Limits".

RECOMMENDED ACTION: Discuss and provide direction.

Councilmember Swanson, sponsor of the item, asked that the Council consider certain modifications to the Camping on Public Property Ordinance at a future Council Meeting with the goal of making the ordinance more humane.

Mike VanNess, Catholic Charities, and Wendy White, Flagstaff Shelter Services, spoke in favor of placing the item on a future Council agenda. Mayor Presler read a letter from Mik Jordahl, a local attorney, who also supports amendments to the ordinance.

At the conclusion of Council discussion, the consensus was to place the item on the Council's first agenda in December.

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

10. ADJOURNMENT

There being no further business to come before the Council, the Meeting was adjourned at 8:34 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 November 18, 2008. 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