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SUMMARIZED MINUTES COUNCIL MEETING

**August 17, 2010
5:30 p.m.**

A meeting of the Flagstaff City Council was held on August 17, 2010 convening at 5:27 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 Barotz
Councilmember Babbott
Councilmember Brewster
Councilmember Evans
Councilmember Overton
Councilmember White**

Also present were:

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

3. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

No minutes were submitted.

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

Leora Harsh spoke concerning children's health issues, Parks and Recreation Facilities and the noise ordinance as it relates to vehicles.

5. CONSENT AGENDA

- A. Consideration of Accounts Write-offs:** Water, wastewater, refuse, and recycling service, environmental fees, and stormwater fees for the Fiscal Year ending June 30, 2010.

RECOMMENDED ACTION: Approve the write-offs of uncollectible delinquent and bankrupt accounts in the amount of \$60,420.89.

- B. Consideration of Miscellaneous Receivable Write-Offs:** Fiscal year ending June 30, 2010.

RECOMMENDED ACTION: Authorize write-off of miscellaneous receivable accounts totaling \$107,059.95.

- C. Consideration of Transaction Privilege (Sales) Tax Write-Offs:** Fiscal Year ending June 30, 2010.

RECOMMENDED ACTION: Authorize write-off of transaction privilege (sales) tax accounts totaling \$4,866.76.

- D. Consideration of Bids:** Snow blower for Flagstaff Pulliam Airport.

RECOMMENDED ACTION: Reject all bids received and authorize staff to rebid the project.

- E. Consideration of Memorandum of Understanding:** Planning, coordination, and development of regional trails system.

RECOMMENDED ACTION: Approve the Memorandum of Understanding with the United States Forest Service, U.S. Department of Agriculture, on behalf of Coconino National Forest; Coconino County; and Flag Velo Incorporated, dba Flagstaff Biking Organization.

- F. Consideration of Intergovernmental Agreement:** Residential energy efficiency programming and workforce development initiatives.

RECOMMENDED ACTION: Approve the Intergovernmental Agreement with Coconino County for Living Cities grant funds in the amount of \$58,144.00.

- G. Consideration of Intergovernmental Agreement:** Bicycle safety education and encouragement.

RECOMMENDED ACTION: Approve the Intergovernmental Agreement with the Coconino County Public Health Services District for an amount of up to \$7,000.00 in Safe Routes to Schools Program grant funds awarded to the District.

- H. **Consideration of Intergovernmental Agreement:** Right turn lane at Route 40 (E. Route 66) and Steves Boulevard.

RECOMMENDED ACTION: Approve the Intergovernmental Agreement with the State of Arizona and the City of Flagstaff on behalf of the Flagstaff Metropolitan Planning Organization (FMPO) utilizing Federal Surface Transportation Program pass-through funds in an amount not to exceed \$226,000.00.

- I. **Consideration of Intergovernmental Agreement:** Election services for the November 2, 2010 Special Bond Authorization Election.

RECOMMENDED ACTION: Approve the Intergovernmental Agreement with the Coconino Council Recorder's Office at a cost of \$1.00 per registered voter, plus actual costs incurred for outreach and other administrative services.

- J. **Consideration of Change Order No. 2:** Jay Lively Ice Rink reconstruction project.

RECOMMENDED ACTION: (1) Approve Change Order No. 2 with Loven Contracting, Inc., in the amount of \$60,728.82; and
(2) Authorize the City Manager to execute the necessary documents.

- K. **Consideration of Ratification of Grant Agreement:** Fiscal Year 2010 Airport Improvement Program.

RECOMMENDED ACTION: Ratify the grant agreement with the U.S. Department of Transportation, Federal Aviation Administration in the amount of \$1,223,613.00 for snow removal equipment, airport pavement marking improvements, south parallel Taxiway A reconstruction design, and airfield electrical upgrades Phase 1 design.

Councilmember White moved to approve the Consent Agenda. The motion was seconded by Councilmember Brewster and approved on unanimous vote.

6. PUBLIC HEARING ITEMS

- A. **Consideration of Liquor License Application:** Meghann Miller, "Vino Loco", 22 East Birch Street, Person and 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 Overton moved to open the public hearing. The motion was seconded by Councilmember Babbott and passed on unanimous vote.

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

Applicant Meghann Miller was present and available for questions.

There being no citizen input, Councilmember Overton moved to close the public hearing, seconded by Councilmember Babbott. The motion passed unanimously.

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

B. Consideration of Liquor License Application: Charles Hoyt, "Louie's Chicken Shack", 2116 E. Route 66, Series 07, Person and 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 Overton moved to open the public hearing with Councilmember Evans seconding the motion. The motion passed on unanimous vote.

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

The applicant was present and available for questions

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

Councilmember Brewster moved to forward the application to the State with a recommendation for approval. Councilmember Evans seconded the motion. The motion passed unanimously

7. REGULAR AGENDA

A. Consideration of Annual Service Agreement: Lobbying services.

- RECOMMENDED ACTION:
- (1) Approve the agreement with Landry Creedon & Associates, Inc., in the amount of \$40,000.00 per year, plus applicable expenses billed at cost; and
 - (2) Authorize the City Manager to execute the necessary documents.

Councilmember White moved to approve the recommended action. The motion was seconded by Councilmember Evans.

Rick Compau was present and participated in the discussion.

Council would like to see State and Federal RFPs coupled and discussed together.

Councilmember Evans requested the following:

- To record the interviews for the federal lobbying contract
- A copy of the second request for proposal from July 2009
- A copy of the original request for proposal that linked the federal lobbying contract to the state lobbying contract

Councilmember Overton moved to call the question with a second from Councilmember White. The motion passed on unanimous vote.

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

B. Consideration of Resolution No. 2010-48: A resolution authorizing the creation of a Beautification in Action Grants program for an amount not to exceed Twelve Thousand, Five Hundred Dollars and authorizing the Beautification and Public Art Commission to implement and oversee the program.

- RECOMMENDED ACTION: Read Resolution No. 2010-48 by title only.
Adopt Resolution No. 2010-48.

Councilmember Evans moved to Read Resolution No. 2010-48 by title only. The motion was seconded by Councilmember White and passed on unanimous vote. Title was read as follows:

RESOLUTION NO. 2010-48

A resolution authorizing the creation of a Beautification in Action Grants program for an amount not to exceed Twelve Thousand, Five Hundred Dollars and authorizing the Beautification and Public Art Commission to implement and oversee the program.

Councilmember Brewster moved to adopt Resolution 2010-48. The motion was seconded by councilmember Evans and passed on unanimous vote.

C. Consideration of Policy Discussion: Proposed water and wastewater capacity fees.

RECOMMENDED ACTION: Discuss and provide direction.

Mayor Presler moved to convene into executive session for legal advice regarding agenda items 7C and 7D. The motion was seconded by Councilmember Overton and passed on unanimous vote. The Council convened into executive session at 6:26 p.m. and reconvened the meeting at 7:00 p.m.

Ryan Roberts, Utilities Engineer Manager, Randy Pelletz, Utilities Director, Brad Hill, Water Resource Manager, and Pierce Rosnan, Willdan Financial Services, gave a presentation on capacity fees and their purpose. Of the five options presented, the Water Commission has recommended option one.

Raising capacity fees is necessary to recapture the costs to pump and supply the water, to complete capital improvement projects that provide infrastructure for growth, and for water resource development.

Speaking against the rate increases were:

- John Malin, President of Continental County Club.
- Bill McGrath, Secretary of the Board of Director of Continental County Club.

Mayor Presler moved to proceed with Option 6 on the clear understanding that new water resources shall not have the secondary policy effect of endorsing any one project, in particular Red Gap Ranch, without Council consultation first. Councilmember White seconded the motion. The motion passed on majority roll-call vote as follows:

Mayor Presler	Yes
Vice Mayor Barotz	Yes
Councilmember Babbott	No
Councilmember Brewster	Yes
Councilmember Evans	No
Councilmember Overton	No
Councilmember White	Yes

D. Consideration of Resolution No. 2010-50: 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 entitled "2010 Amendments to Flagstaff City Code, Title 7, Chapters 7-01, 7-02, and 7-03, Health and Sanitation to Update System Capacity Fees, and User Fees, and Service Fees."

RECOMMENDED ACTION: (1) Read changes to the "2010 Amendments to the Flagstaff City Code, Title 7, Chapters 7-01, 7-02, and 7-03, Health and Sanitation to update System Capacity Fees, and User Fees, and Service Fees" into the record, if any.

(2) Move to amend the "2010 Amendments to the Flagstaff City Code, Title 7, Chapters 7-01, 7-02, and 7-03, Health and Sanitation to update System Capacity Fees, and User Fees, and Service Fees" as read into the record.

(3) Read Resolution No. 2010-50 by title only.

(4) Adopt Resolution No. 2010-50.

John Nowakowski and Richard Kersey, Water Commission members, briefly explained the recommendations of the commission and expressed their disappointment about the delayed implementation of the rate increase.

Andy Fernandez spoke against capacity fees.

Ryan Roberts, Utilities Engineer, and Pierce Rosnan, Willdan Financial Services, gave a rate presentation showing the fixed charges of the tier structure, comparing the current with the proposed. The proposed tiered structure has changed significantly and is recommended by the Water Commission.

Council had concerns about lowering the fixed meter charge, even temporarily, without finding another source to make up the anticipated decrease in revenue.

The meeting was recessed at 9:38 p.m. and resumed at 9:46.

Tiers one and two are under the current rates to promote conservation. The goal of the fixed meter charge is to provide 20 % of the revenue so that it provides a fixed stream of revenue year round.

Mayor Presler moved to give direction to staff by adopting the water rates as recommended by the water commission, adding the recovered/reclaimed rates and untreated surface water rates as provided under figure four, and highlighted in yellow, and including Option Six on the capacity fees. The motion was seconded by Vice-Mayor Barotz. The motion passed by majority vote. Voting in favor were Mayor Presler, Vice-Mayor Barotz, Councilmembers Babbott, Brewster, and White. Voting against were Councilmember Evans and Overton.

The meeting was recessed at 10:10 p.m. and resumed at 10:18 p.m.

Changes to the 2010 proposed amendments were read into the record as follows:

Flagstaff City Code, Title 7, Chapter 7-01, 7-02, and 7-03:

- Page 4, paragraphs B1, B2, B3, and B4, capacity charges, will be reinstated and in effect until 01/01/2012,
- Page 4, paragraph 2, struck-out items are reinstated,
- Page 5, struck-out items are reinstated,
- Page 5, add *"effective 07/01/12, sewer capacity fee in the amount of \$3,126" underneath "effective 01/01/06"*.
- Reinstated the current sewer capacity rates, adding a column effective 07/01/12 with the proposed sewer capacity rates:

Meter size:	Rate:
¾ "	\$ 3,126.00
1 "	\$ 5,210.00
1 ½ "	\$ 10,419.00
2 "	\$ 16,671.00
3 "	\$ 31,257.00

4"	\$ 52,095.00
6"	\$104,191.00
8"	\$166,705.00
10"	\$239,639.00

- Page 16, paragraph B, reinstate meter size and capacity fees effective 01/01/09
- Page 17, water capacity fees, effective 07/01/12, add "water capacity fees Option Six":

Meter size	FY 2013	FY 2014	FY 2015
3/4"	\$ 5,013.00	\$ 5,497.00	\$ 5,891.00
1"	\$ 8,371.00	\$ 9,180.00	\$ 9,819.00
1 1/2"	\$ 16,692.00	\$ 18,304.00	\$ 19,638.00
2"	\$ 26,717.00	\$ 29,298.00	\$ 31,420.00
3"	\$ 50,126.00	\$ 54,968.00	\$ 58,913.00
4"	\$ 83,560.00	\$ 91,632.00	\$ 98,188.00
6"	\$167,070.00	\$183,208.00	\$196,376.00
8"	\$267,322.00	\$293,144.00	\$314,201.00
10"	\$384,316.00	\$421,440.00	\$451,664.00

- Page 17, remainder of paragraph B and paragraph C are reinstated,
- Page 23, Water Resources Development fee is reinstated, adding "in effect until 07/01/12",
- Page 12, Water Rates Final Report is amended as follows:

Description	Current	FY 2011	FY2012	FY2013	FY2014	FY2015
Single Family Residential						

Flagstaff City Code, Title Seven, Chapter 7-01, page four, paragraphs B1, B2, B3, and B4, capacity charges, will be reinstated and stay in effect until July 1, 2012. Under paragraph two, the struck-out items are reinstated. Title seven, page five, reinstate struck-out items, and add a line item underneath effective 01/01/06, add effective 7/1/12 sewer capacity rates, in the amount \$3,126.00, modify the chart. Reinstate the current sewer capacity rates, add column effective 7/1/12 with the proposed sewer rates: 3/4 inch meter 1 inch

Councilmember Brewster moved to read Resolution No, 2010-50 by title only. Mayor Presler seconded the motion. The motion was approved on unanimous vote. The title was read as follows:

RESOLUTION NO. 2010-50

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 entitled "2010 Amendments to Flagstaff City Code, Title 7, Chapters 7-01, 7-02, and 7-03, Health and Sanitation to Update System Capacity Fees, and User Fees, and Service Fees."

A motion to adopt Resolution No. 2010-50 was made by Councilmember White and seconded by councilmember Brewster. The motion passed on unanimous vote.

- E. Consideration of Ordinance No. 2010-23:** An ordinance of the City Council of the City of Flagstaff, Arizona, adopting the "2010 Amendments to the Flagstaff City Code, Title 7, Chapters 7-01, 7-02, and 7-03, Health and Sanitation to Update System Capacity Fees, User Fees, and Service Fees".

RECOMMENDED ACTION: Read Ordinance No. 2010-23 for the first time by title only.

Councilmember Babbott moved to read Resolution 2010-23 for the first time by title only. Councilmember Brewster seconded the motion. The motion passed on majority roll-call vote as follows:

Mayor Presler	Aye
Vice Mayor Barotz	Aye
Councilmember Babbott	Nay
Councilmember Brewster	Aye
Councilmember Evans	Nay
Councilmember Overton	Nay
Councilmember White	Aye

The title of Ordinance No. 2010-23 was read as follows:

ORDINANCE NO. 2010-23

An ordinance of the City Council of the City of Flagstaff, Arizona, adopting the "2010 Amendments to the Flagstaff City Code, Title 7, Chapters 7-01, 7-02, and 7-03, Health and Sanitation to Update System Capacity Fees, User Fees, and Service Fees".

- F. Consideration of Ordinance No. 2010-08:** An ordinance amending Section 5-01-001-0003 of the Flagstaff City Code regarding fire protection services in county islands and other selected unincorporated property.

RECOMMENDED ACTION: (1) Read Ordinance No. 2010-08 for the first time by title only.
(2) Move to consider the reading of Ordinance No. 2010-08 for the final time by title only (*requires unanimous affirmative vote*).

- (3) Upon the unanimous vote above, move to read Ordinance No. 2010-08 for the final time by title only.
- (4) Adopt Ordinance No. 2010-08

Councilmember White moved to read Ordinance No. 2010-08 for the first time by title only. The motion was seconded by Councilmember Evans and passed on unanimous vote. The title was read as follows:

ORDINANCE NO. 2010-08

An ordinance amending Section 5-01-001-0003 of the Flagstaff City Code regarding fire protection services in county islands and other selected unincorporated property.

Councilmember White moved to consider the reading Ordinance No. 2010-08 for the final time by title only. The motion was seconded by Councilmember Evans and passed on unanimous vote.

On the unanimous vote above, Councilmember Brewster moved to read Ordinance 2010-08 for the final time by title only. Council member White seconded the motion which passed unanimously. Title was read as follows:

ORDINANCE NO. 2010-08

An ordinance amending Section 5-01-001-0003 of the Flagstaff City Code regarding fire protection services in county islands and other selected unincorporated property.

Following the reading of Ordinance 2010-08 for the final time by title only, Councilmember White moved to adopt Ordinance 2010-08. The motion was seconded by Councilmember Evans and passed unanimously.

G. Consideration of Bids: Cherry Avenue drainage improvement project, Phase 1.

RECOMMENDED ACTION: Reject all bids submitted and authorize staff to re-bid the project.

This item was deferred until the September 7, 2010 City Council Meeting.

Staff was directed to contact the two citizens who appeared tonight with questions regarding this item. Specifically, the time line involved and the relocation of the river rock located in the right-of-way.

H. Consideration of Ordinance No. 2010-04: An ordinance amending Title 6, Police Regulations, Chapter 6-01, General Offenses, by repealing Section 6-01-001-0017, Water Flowing Upon Streets.

RECOMMENDED ACTION: Read Ordinance No. 2010-04 for the final time by title only. Adopt Ordinance No. 2010-04.

This item was deferred to the September 7, 2010 City Council Meeting.

- I. **Consideration of Ordinance No. 2010-09:** An ordinance amending Title 1, Administration, Chapter 1-15, Municipal Court, by adding Section 1-15-001-0011, Civil Enforcement Procedures.

RECOMMENDED ACTION: Read Ordinance No. 2010-09 for the final time by title only.
Adopt Ordinance No. 2010-09.

This item was deferred to the September 7, 2010 City Council Meeting.

- J. **Consideration of Ordinance No. 2010-13:** An ordinance amending Title 1, Chapter 1-24, "Insurance" by revising procedures related to administration of the Self-Insurance Trust Fund.

RECOMMENDED ACTION: Read Ordinance No. 2010-13 for the final time by title only.
Adopt Ordinance No. 2010-13.

This item was deferred to the September 7, 2010 City Council Meeting.

- K. **Consideration of Ordinance No. 2010-22:** An ordinance transferring Flagstaff City Code Sections 9-02-001-0015, Damage to Sidewalks, 9-02-001-0019, Unnecessary Vehicle Noise, and 9-02-001-0020, Restriction of Trucks and Heavy Vehicular Traffic, to Chapter 9-01, Traffic Code; renumbering and remaining 9-02-001-0015, Damage to Sidewalks, as 9-01-001-0009, Repairing Vehicles on Sidewalks Prohibited, renumbering 9-02-001-0019, Unnecessary Vehicle Noise, as 9-01-001-0010, Unnecessary Vehicle Noise, and 9-02-001-0020, Restriction of Trucks and Heavy Vehicular Traffic, as 9-01-001-0011, Restriction of Trucks and Heavy Vehicular Traffic; and repealing Chapter 9-02, Miscellaneous Traffic Regulations.

RECOMMENDED ACTION: Read Ordinance No. 2010-22 for the final time by title only.
Adopt Ordinance No. 2010-22.

This item was deferred to the September 7, 2010 City Council Meeting.

- L. **Consideration of Applicants for Appointments:** Historic Preservation 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 partial at-large term expiring December, 2011; one appointment each to an at-large term, a professional term, and an historic property owner term, all expiring December, 2012.

This item was deferred to the September 7, 2010 City Council Meeting.

M. Consideration of Applicants for Appointments: Beautification and Public Art 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 the six appointments as outlined in the staff summary.

This item was deferred to the September 7, 2010 City Council Meeting.

N. Consideration of Appointments: Councilmember liaisons to various public bodies.

RECOMMENDED ACTION: Make Council liaison appointments to the appropriate public bodies.

This item was deferred to the September 7, 2010 City Council Meeting.

8. DISCUSSION ITEMS

No items were submitted.

9. PUBLIC PARTICIPATION

Andy Fernandez talked about the City's procurement policy.

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

None.

11. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 11:18 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 August 17, 2010. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 19th day of April, 2011.

CITY CLERK