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SUMMARIZED MINUTES COUNCIL MEETING

**October 4, 2011
12:00 p.m.**

A meeting of the Flagstaff City Council was held on Tuesday, October 4, 2011 convening at 12:04 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 Presler

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

Also present were:

**Kevin Burke, City Manager
Dana Kjellgren, Acting City Attorney**

2. PUBLIC PARTICIPATION

None.

3. BOARD AND COMMISSION APPOINTMENTS

- A. Consideration of Applicants for Appointments:** Commission on Diversity Awareness. [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: Defer appointments to the 5:30 p.m. City Council Meeting.

Councilmember White moved to defer this item to the 5:30 p.m. meeting, with second from Councilmember Evans. The motion passed on unanimous vote.

- B. 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 three appointments to terms expiring August, 2014.

Councilmember Overton moved to appoint Dulcie Ambrose, Denise Burley and Charles Hammersley to the commission with terms expiring August 31, 2014. The motion was seconded by Councilmember Evans and passed unanimously.

4. LIQUOR LICENSE PUBLIC HEARINGS

None.

5. CONSENT ITEMS

- A. Consideration and Approval of Purchase Under State Contract:** Cemetery caretaker's residence improvements.

RECOMMENDED ACTION: (1) Approve the purchase from Sky Engineering, Inc. in the amount of \$102,000.00;
(2) Approve change order authority in the amount of \$10,200.00 (10%);
(3) Authorize the City Manager to execute the necessary documents.

- B. Consideration and Approval of Amendment One to Service Agreement:** Intake Triage Unit.

RECOMMENDED ACTION: Approve a one year extension with the Guidance Center in the amount of \$74,250.00.

- C. Consideration and Approval of Maintenance Agreement:** Public safety radio system.

RECOMMENDED ACTION: Authorize payment to Northern Arizona University in the amount of \$323,700.61.

Councilmember Overton moved to postpone this item to the 5:30 p.m. meeting. The motion was seconded by Councilmember White and passed unanimously.

This item was heard at the 5:30 p.m. meeting, but is included here for the sake of clarity.

Becky McGaw and Greg Fowler, Northern Arizona University, participated in the discussion.

Maintenance is included in the contract for a five-year period. After the five-year warranty period, the maintenance or warranty contract will go out to bid. The system is interoperable with other systems, and additional units from other manufacturers can be used. The infrastructure has been built and infrastructure improvements are currently underway. The contract completion date is January 12, 2012.

Councilmember Brewster moved to approve the recommended action, with second from Councilmember White. The motion passed on unanimous vote.

**D. Consideration and Approval of Amendment #1 to Intergovernmental Agreement:
Economic recovery funds.**

RECOMMENDED ACTION: Approve Amendment #1 to the Intergovernmental Agreement with the Governor's Office of Economic Recovery reducing the grant amount to \$300,000.00 for Innovation Mesa electrical project.

Councilmember Babbott moved to approve the recommended action, with second from Councilmember Brewster.

Stacey Brechler-Knaggs, Grants Manager, participated in the discussion.

The contractor has completed the work and has been paid. The City will be submitting the paperwork to the Governor's Office for reimbursement.

The motion passed unanimously.

Councilmember White moved to approve Consent Items 5A and 5B, with second from Councilmember Evans. The motion passed on unanimous vote.

6. ROUTINE ITEMS

None.

7. RECESS

The meeting was recessed at 12:10 p.m.

5:30 P.M. MEETING

RECONVENE REGULAR MEETING

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
Dana Kjellgren, Deputy City Attorney**

10. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

A. Consideration of Minutes: Council Meeting of September 20, 2011.

RECOMMENDED ACTION: Approve the minutes as submitted/corrected.

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

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

a. Commission on Diversity Awareness Presentation of Best Art Work Awards Promoting Diversity in Flagstaff.

Ernest Calderone, Northern Arizona University Board of Regents, talked about the University's successes and thanked the City of Flagstaff for its collaborative and cooperative efforts.

Mr. Calderone was thanked for his service to the University and the community.

Charlotte Dodgson, Chair of the Diversity Awareness Commission, and Manuel Benally, art student, were presented with certificates of appreciation for the first, second, and third place student winners of art projects promoting the theme of making a better future.

Roger Eastman, Zoning Code Administrator, represented the City of Flagstaff in Tucson at the Best Public Education Participation Program. The City received an award for public participation outreach for the new zoning code.

Dawn Dyer expressed her objections to clear cutting at Arizona Snowbowl.

James Anders voiced his opposition to the sale of reclaimed water for snowmaking at Snowbowl.

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

A. Consideration of Applicants for Appointments: Commission on Diversity Awareness. [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) Realign the terms of Dexter Albert and Gordon Watkins to expire in February, 2014;
(2) Make one appointment to a term expiring February, 2014; one appointment to an alternate term expiring February, 2014; and, one appointment to an alternate term expiring February, 2013.

Councilmember White moved to realign the terms of Dexter Albert and Gordon Watkins to expire February, 2014; to appoint Stephanie Boardman to the Commission on Diversity Awareness, with a term expiring February, 2014; and to appoint Susanna Henley as an alternate member of the Diversity Awareness Commission, with a term expiring February, 2013. The motion was seconded by Councilmember Evans and passed on unanimous vote.

13. PUBLIC HEARING ITEMS

- A. Consideration of Public Hearing (PC REZ 2011-003):** Rezoning of approximately 3/4 acre at 1 East Route 66 to the Landmarks Design Review Overlay (LDRO) zoning district.

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

Councilmember Overton moved to open the public hearing, with second from Councilmember Evans. The motion passed unanimously.

Phil Scandura, Jerry McLaughlin and Richard Rummel, members of the Heritage Preservation Commission, expressed support of the rezoning.

Councilmember Overton moved to close the public hearing, with second from Councilmember Brewster. The motion passed unanimously.

- B. Consideration and Possible Adoption of Ordinance No. 2011-24:** An ordinance rezoning approximately 3/4 acre at 1 East Route 66 by adding a Landmarks Design Review Overlay District Designation ("LDRO") to the existing Highway Commercial District Established ("C-3-E") zoning classification.

RECOMMENDED ACTION: Read Ordinance No. 2011-24 for the first time by title only.

Councilmember Babbitt moved to read Ordinance No. 2011-24 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. 2011-24

An ordinance rezoning approximately 3/4 acre at 1 East Route 66 by adding a Landmarks Design Review Overlay District Designation ("LDRO") to the existing Highway Commercial District Established ("C-3-E") zoning classification.

- C. Consideration of Public Hearing:** 2011 Amendments to Flagstaff City Code, Title 3, Privilege and Excise Taxes.

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

Councilmember Overton moved to open the public hearing, with second from Councilmember Brewster. The motion passed unanimously.

Councilmember Overton moved to close the public hearing. The motion was seconded by Councilmember Brewster and passed on unanimous vote.

- D. Consideration and Possible Adoption of Ordinance No. 2011-21:** An Ordinance of the City Council of the City of Flagstaff, Arizona, adopting the "2011 Amendments to the Flagstaff City Code, Title 3, Privilege and Excise Taxes" adding provisions related to medical marijuana; extending the tax exemption regarding solar energy devices; exempting taxes on certain real property rental transactions; and changing the collection of tax requirements for speculative building successor by foreclosure, sale under trust deed, or warranty deed.

RECOMMENDED ACTION: Read Ordinance No. 2011-21 for the first time by title only.

Councilmember Babbott moved to read Ordinance No. 2011-21 for the first time by title only. The motion was seconded by Councilmember Brewster and passed unanimously. Title was read as follows:

ORDINANCE NO. 2011-21

An Ordinance of the City Council of the City of Flagstaff, Arizona, adopting the "2011 Amendments to the Flagstaff City Code, Title 3, Privilege and Excise Taxes" adding provisions related to medical marijuana; extending the tax exemption regarding solar energy devices; exempting taxes on certain real property rental transactions; and changing the collection of tax requirements for speculative building successor by foreclosure, sale under trust deed, or warranty deed.

14. REGULAR AGENDA

- A. Consideration and Possible Adoption of Resolution No. 2011-41:** A resolution approving a development incentive agreement between the City of Flagstaff and Moar Properties, LLC., and Marcs, Inc., A Chrysler dealership.

RECOMMENDED ACTION: Read Resolution No. 2011-41 by title only.
Adopt Resolution No. 2011-41.

Councilmember White moved to read the Resolution No. 2011-41 by title only. The motion was seconded by Councilmember Babbott.

Kevin Burke, City Manager, and Scott Baugh, applicant, participated in the discussion. The Chrysler dealership is the first candidate for the stimulus program. The purpose of the incentive agreement is to stop leakage of Chrysler product sales to other venues, to create new employment opportunities, to fill the vacant Mazda property at the Auto Mall, and to restore HURF funds used to develop the Autopark.

The incentive proposes a tax rebate of 1% of the sales tax on vehicles and parts for four years in an amount not to exceed \$383,920.00, not to include Jeep sales. The rebate will not begin until the dealership has hired 35 fulltime employees who must be paid the median wage plus benefits. The applicant is limited from selling new vehicles at the Route 66 property and must continue with the sale of Nissans at the Autopark. There is a clawback clause requiring repayment of the incentives to the City by the dealership if the terms of the agreement are not met over the life of the agreement.

Hilton Harris, Manager of the Autopark, shared his concerns to the vacant lots at the Autopark. The Chrysler dealership is the only user of the Mazda building in the foreseeable future.

Mayor Presler moved to recess into executive session, the motion died due to lack of a second.

Councilmember White moved to table the discussion, with second from Councilmember Brewster. The motion failed on majority vote. Voting in favor were Mayor Presler and Councilmembers Brewster and White. Voting against were Vice-Mayor Barotz and Councilmembers Babbott, Evans, and Overton.

The motion to read Resolution No. 2011-41 by title only failed on majority vote. Voting in favor were Mayor Presler and Councilmembers Brewster and White. Voting against were Vice-Mayor Barotz and Councilmembers Babbott, Evans and Overton.

B. Consideration and Possible Adoption of Ordinance No. 2011-20: An ordinance adopting the "2011 Flagstaff Zoning Code"; amending and renaming Title 10, Land Development Code, by adopting and enacting a new zoning code for the City of Flagstaff; providing for the repeal of certain ordinances; providing a saving clause; providing a severability clause; providing a repealing clause; providing for penalties; and providing an effective date.

RECOMMENDED ACTION: Read Ordinance No. 2011-20 by title only.

Councilmember Overton moved to read Ordinance No. 2011-20 by title only, with second from Councilmember Brewster.

Roger Eastman, Zoning Code Administrator, participated in the discussion.

The Regional Plan establishes policy and is implemented through the zoning code. It is in line to be readopted, and the preliminary draft will be available in March, 2012. The Regional Plan and the zoning code will be evaluated together annually, and the Zoning Code will be reviewed every five years.

Councilmember Overton declared a conflict of interest on the storage container issue and removed himself from the dais during the comments regarding storage containers.

Speaking in favor of residential storage containers were:

Steve Bushman
Gillian Bleeker
Clint Bleeker
Buchanan Bleeker

Speaking against residential storage containers were:

Jerome Naleski
Paula Montofer
Ann Heitland
Lee Riddell
Marilyn Weissman
Hal Stern
Danielle Lawrence
Judy Louks
Tad Riggs
Gary Nelson

A building permit is required for accessory structures of 120 square feet and larger. A minor improvement permit is required for accessory structures less than 120 square feet.

Vice-Mayor Barotz moved to amend Ordinance No. 2011-20 by striking the language in Section 2, and replacing that section as follows:

10-40.60.020.D.1.b, Permanent Use. Storage containers and storage containers mounted on trailers/wheels shall not be permitted as a permanent use on any property zoned for residential use.

The motion was seconded by Councilmember Babbott and passed on majority vote. Voting in favor were Mayor Presler, Vice-Mayor Barotz and Councilmembers Babbott, Brewster, and White. Voting against was Councilmember Evans.

Councilmember Overton did not participate in the vote due to a conflict of interest.

Mayor Presler moved to amend Ordinance No. 2011-20 to amend 10-40.60.020D.1.a.(1) by replacing the word "one" with "two", and the word "time" with "times". The motion was seconded by Councilmember White and passed on unanimous vote.

Councilmember Overton returned to the dais.

The motion to read Ordinance No. 2011-20, as amended, by title only passed unanimously and title was read as follows:

ORDINANCE NO. 2011-20

An ordinance adopting the "2011 Flagstaff Zoning Code"; amending and renaming Title 10, Land Development Code, by adopting and enacting a new zoning code for the City of Flagstaff; providing for the repeal of certain ordinances; providing a saving clause; providing a severability clause; providing a repealing clause; providing for penalties; and providing an effective date.

- C. Consideration and Action on Revisions to Legislative Map(s):** Independent Redistricting Commission State Voter Districts.

RECOMMENDED ACTION: Discuss and recommend a preferred redistricting concept.

A congressional map was adopted by the Independent Redistricting Commission and is posted on their web site. Two options of the legislative map were presented yesterday. The Council's values have been aligned to the maps and Option Two, 8A were the closest.

Stephanie McKinney pointed out the positive aspects of the City's value statement. The City's current values will continue into the meeting of October 13, 2011.

15. DISCUSSION ITEMS

None.

16. PUBLIC PARTICIPATION

None.

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

The City Manager will provide a status of the stoplight installations at Fourth and Sparrow and Franklin and South San Francisco.

The joint work session with the Coconino County Board of Supervisors has been scheduled for October 10, 2011.

18. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:55 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 4, 2011. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 21st day of December, 2011.

CITY CLERK