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

Tuesday, April 3, 2012
12:00 p.m.

1. CALL TO ORDER

The meeting was called to order by Vice-Mayor Barotz at 12:02 p.m..

2. ROLL CALL

On roll call, the following were present:

Mayor Presler, excused

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

Also present were:

Kevin Burke, City Manager
Rosemary Rosales, City Attorney

PUBLIC PARTICIPATION

None.

3. BOARD AND COMMISSION APPOINTMENTS

A. Consideration of Applicants for Appointments: Water 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 December 2014.

Councilmember Brewster moved to appoint Jeffrey Oravits; Bradley Garner and Robert Shinham to the Water Commission with terms expiring December 2014. Motion seconded by Councilmember Overton. Motion carried by unanimous vote.

4. LIQUOR LICENSE PUBLIC HEARINGS

A. Consideration of and Action on Liquor License Application: Alexis Holle, "Sundara", 22 East Route 66, Series 07, Person Transfer and Location Transfer.

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

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

Sgt. Matt Wright, Police Department, conducted the background query and found no derogatory records. The applicant has completed the required liquor license training and the Police Department recommends approval.

Applicant Alexis Holle was present but did not comment.

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

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

B. Consideration of and Action on Liquor License Application: James Thomson, Radisson's Woodlands Hotel Flagstaff, 1175 W. Route 66, Series 11, New License.

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

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

Sgt. Matt Wright, conducted the background investigation on the application and applicant. Mr. Thomson has completed the mandatory liquor license training and no derogatory records were found. Therefore, the Police Department recommended approval of the application.

Jerry Lukos, counsel for Mr. Scott Thomson was also present, he introduced himself and Mr. Thomson to the Council. 80% of their gross sales is from food, well above the state mandate of 40% for this type of license. They run an excellent operation.

Tom Wyatt, on behalf of the Chamber of Commerce, related the organization's support for the new license for the Radisson's Hotel who is an excellent community partner and resource.

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

Councilmember Overton moved to forward the application to the State with a recommendation for approval. The motion passed on unanimous vote.

5. CONSENT ITEMS

A. Consideration and Approval of Purchase under State Contract: 2013 Mack 10 Wheel Cab and Chassis.

RECOMMENDED ACTION: Approve the purchase from Vanguard Truck Center in an amount not to exceed $182,092.46, plus applicable tax.

B. Consideration and Approval of Construction-Manager-At-Risk Contract: Design phase services for the 2012, 2013, and 2014 street maintenance program.

RECOMMENDED ACTION:
(1) Approve the Construction Manager-at-Risk-Contract with C and E Paving and Grading LLC in an amount not to exceed $76,921.00;
(2) Authorize change order authority in an amount not to exceed $3,846.00 (5%); and
(3) Authorize the City Manager to execute the necessary documents.

C. Consideration and Approval of Assignment and Release Agreement: Science and technology park.

RECOMMENDED ACTION:
(1) Approve the Assignment and Release Agreement with Loven Contracting; and
(2) Authorize the City Manager to execute the necessary documents.

D. <u>Consideration and Approval of Service Contract:</u> Water resource management.

RECOMMENDED ACTION:
(1) Approve the service contract with Fluid Solutions in an amount not to exceed $110,000.00; and
(2) Authorize the City Manager to execute the necessary documents.

Councilmember White moved to approve the service contract with Fluid Solutions in an amount not to exceed $110,000; and to authorize the City Manager to execute the necessary documents. Councilmember Evans seconded the motion and the motion passed unanimously.

E. <u>Consideration and Approval of Cooperative Fire Rate Agreement:</u> Forests and wildlands fire protection.

RECOMMENDED ACTION:
(1) Approve the 2012 Cooperative Fire Rate Agreement with the Arizona Forestry Division; and
(2) Authorize the City Manager to execute the necessary documents.

F. <u>Consideration, Approval, and Ratification of Rural Economic Development Grant:</u> Machine Solutions expansion project.

RECOMMENDED ACTION:
(1) Ratify the Economic Development Grant Agreement with the Arizona Commerce Authority in the amount of $100,000.00; and
(2) Authorize the City Manager to execute the necessary documents.

G. <u>Consideration and Approval of Sub-recipient Agreement:</u> Machine Solutions, Inc., expansion project.

(1) Approve the Sub-recipient Agreement with Machine Solutions, Inc., for pass-through funding from the Arizona Commerce Authority in the amount of $100,000.00;
(2) Authorize the City Manager to execute the necessary documents.

Councilmember White moved to approve Consent Agenda Items 5A through 5G, with the exception of Item 5D. The motion was seconded by Councilmember Evans and passed on unanimous vote.

6. ROUTINE ITEMS

A. Consideration and Possible Adoption of Ordinance No. 2012-04: An ordinance amending Title 6, Police Regulations, Chapter 6-01, General Offenses, by repealing Section 6-01-001-0016, Search Lights Restricted; and reserving the same for future use.

RECOMMENDED ACTION: Read Ordinance No. 2012-04 for the first time by title only.

Councilmember Overton moved to read Ordinance No. 2012-04 for the first time by title only, with a second from Councilmember White. The motion passed on unanimous vote and title was read as follows:

ORDINANCE NO. 2012-04

An ordinance amending Title 6, Police Regulations, Chapter 6-01, General Offenses, by repealing Section 6-01-001-0016, Search Lights Restricted; and reserving the same for future use.

B. Consideration and Possible Adoption of Ordinance No. 2012-06: An ordinance amending Flagstaff City Code, Title 6, Police Regulations, Chapter 6-01, General Offenses, Section 6-01-001-0013, Weapons; Restrictions; Prohibitions, by clarifying those provisions related to the use and discharge of air guns or air pistols within the City limits; and striking those provisions related to firearms and other deadly weapons.

RECOMMENDED ACTION: Read Ordinance No. 2012-06 for the first time by title only.

Councilmember White moved to read Ordinance No. 2012-06 for the first time by title only, with a second from Councilmember Brewster. The motion passed on unanimous vote and the title was read as follows:

ORDINANCE NO. 2012-06

An ordinance amending Flagstaff City Code, Title 6, Police Regulations, Chapter 6-01, General Offenses, Section 6-01-001-0013, Weapons; Restrictions; Prohibitions, by clarifying those provisions related to the use and discharge of air guns or air pistols within the City limits; and striking those provisions related to firearms and other deadly weapons.

C. Consideration and Adoption of Resolution No. 2012-12: A resolution of the City Council of the City of Flagstaff adopting a cultural resource policy for Picture Canyon.

RECOMMENDED ACTION: Read Resolution No. 2012-12 by title only;
Adopt Resolution No. 2012-12.

Councilmember White moved to read Resolution No. 2012-12 by title only, with second from Councilmember Brewster. The motion passed on unanimous vote and the title was read as follows:

RESOLUTION NO. 2012-12

A resolution of the City Council of the City of Flagstaff adopting a cultural resource policy for Picture Canyon.

Sustainability Specialist McKenzie Jones stated that the town is required to do a cultural resources survey, which is about 85% completed. Now that the snow has melted, the survey will resume and will include a very detailed analysis.

Councilmember White moved to adopt Resolution No. 2012-12. The motion was seconded by Councilmember Evans and passed unanimously.

D. <u>Consideration and Adoption of Resolution No. 2012-14:</u> A Resolution approving the City of Flagstaff Housing Authority's Annual Plan and authorizing its submission to the United States Department of Housing and Urban Development.

RECOMMENDED ACTION: Read Resolution No. 2012-14 by title only;
Adopt Resolution No. 2012-14.

Housing Authority Director Mike Gouhin explained that the Quality Housing Work Responsibility Act requires a residential advisory board that provides representation for the residents. He stated that the Five-year plan would be in depth and does include all public housing.

Councilmember Evans requested a memo outlining the city's outreach efforts.

Councilmember White moved to read Resolution No. 2012-14 by title only, with second from Councilmember Evans. The motion passed on unanimous vote and the title was read as follows:

RESOLUTION NO. 2012-14

A Resolution approving the City of Flagstaff Housing Authority's Annual Plan and authorizing its submission to the United States Department of Housing and Urban Development.

Councilmember White moved to adopt Resolution No. 2012-14. The motion was seconded by Councilmember Evans and passed unanimously.

The meeting recessed at 12:30 p.m.

<u>7. RECESS</u>

<u>5:30 P.M. MEETING</u>

8. RECONVENE REGULAR MEETING

<u>NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION</u>

The meeting reconvened at 5:33 p.m. and Mayor Presler called the meeting back to order.

9. 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.

10. ROLL CALL

On roll call the following were present:

Mayor Presler

Vice Mayor Barotz
Councilmember Brewster (arrived at 6:20 p.m.)
Councilmember Evans
Councilmember Overton
Councilmember White
Councilmember Woodson

Also present were:

Kevin Burke, City Manager
Rosemary Rosales, City Attorney

11. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

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

Assistant Scoutmaster Brad Hill introduced members of Boy Scout Troop 31 who are working on their citizenship and merit badges.

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

None.

13. PUBLIC HEARING ITEMS

14. REGULAR AGENDA

A. Consideration and Adoption of Notice of Intention to Adjust Fees: Environmental Management and Solid Waste Collection Fees.

RECOMMENDED ACTION:
(1) Adopt a notice of intention to adjust the City Environmental Management and Solid Waste Collection Fees; and
(2) Set May 15, 2012 as the date for the public hearing.

Councilmember White moved to approve the recommended action. Motion seconded by Councilmember Evans and passed on unanimous vote.

B. **Consideration and Possible Adoption of Ordinance No. 2012-01:** An ordinance amending Flagstaff City Code, Title 3, Business Regulations, Chapter 3-02, Pawnbrokers, Secondhand and Junk Dealers, by expanding the definition of secondhand dealers to include, among other things, precious metal dealers; requiring secondhand and antique dealers to pay a fee for each transaction they are legally required to report; deleting those provisions related to junk dealers and junk collectors; and requiring pawnshops, secondhand dealers and antique dealers to electronically submit reporting information.

RECOMMENDED ACTION: Read Ordinance No. 2012-01 for the first time by title only.

Interim Police Chief Kevin Treadway provided follow up information requested by the Council regarding the current cost of the pawn program and the proposed amendments for Council consideration.

Police Sergeant Roberta Coons provided an overview of what other jurisdictions are doing.

Sean Feeney, Executive Vice President of Bookmans, provided statistics on the impact to Bookman's if the amendments are passed.

Tonya Packard, part-owner of Super Pawn thanked the Council for reopening the discussion and said that they would be happy with a shared fee. She thought that enough revenue would be generated if it only increased to $2.50.

Councilmember Brewster arrived at 6:20 p.m.

Citizen Chris Deidle expressed concerns with the negative impact the ordinance would have on local businesses.

In response to a question by City Manager Kevin Burke, Chief Treadway responded that he preferred the original language in the ordinance and stated that if the fair market value for example, of ipods, were sold for under $50, it would not be a deterrent.

City Manager Kevin Burke suggested bringing this item back to the next meeting.

In order to give staff time to provide options as discussed by Council, Councilmember White moved to postpone the adoption of Ordinance No. 2012-01 until the next meeting (April 17, 2012). Motion seconded by Councilmember Brewster. Motion carried by unanimous vote.

C. **Consideration and Possible Adoption of Ordinance No. 2012-03:** An ordinance adopting amendments to Chapter 9 of the Stormwater Management Design Manual to comply with the rainwater harvesting requirements and adopting a new Chapter 6 of the City of Flagstaff Low Impact Development (LID) Guidance Manual.

RECOMMENDED ACTION:
(1) Move to read Ordinance No. 2012-03 for the final time by title only.
(2) Move to amend Ordinance No. 2012 as read into the record.
(3) Vote on the motion to amend.
(4) Vote on the underlying motion to read.
(5) Adopt Ordinance No. 2012-03.

Marilyn Weissman, Friends of Flagstaff's Future, thanked the Council for reconsidering the addition of active rainwater harvesting for commercial properties and looked forward to a comprehensive water policy discussion where residential requirements could also be considered.

Vice Mayor Barotz requested that staff develop a flowchart that explains how this works and provide a link on the city's homepage.

Councilmember White moved to read Ordinance No. 2012-03 for the final time by title only. Motion seconded by Councilmember Brewster. Motion carried unanimously and the title was read as follows:

ORDINANCE NO. 2012-03

> An ordinance adopting amendments to Chapter 9 of the Stormwater Management Design Manual to comply with the rainwater harvesting requirements and adopting a new Chapter 6 of the City of Flagstaff Low Impact Development (LID) Guidance Manual.

City Clerk Margie Brown read the following amendments to Ordinance No. 2012-03:

delete the eighth whereas clause;

add "if utilized" to 9.1.2.d. second sentence; after the phrase"

strike existing language in sub-paragraph (d) of Section 9.2;

strike existing language in Section 9.4 and replace with the following wording:
"9.4 a. Any covenant, condition, or restriction contained in a deed, contract, security agreement, or any other instrument which affects the transfer or sale of real property, which is entered into after May 20, 2012 and which effectively prohibits the installation or use of a rainwater harvesting system is void and unenforceable."

Councilmember Evans moved to amend Ordinance No. 2012-03 as read into the record. Motion seconded by Councilmember White and motion carried by unanimous vote.

Councilmember Evans moved to vote on the motion to amend. Motion seconded by Councilmember White and carried by unanimous vote.

Councilmember White moved to adopt Ordinance No. 2012-03. Motion seconded by Councilmember Evans. Motion carried unanimously.

D. **Consideration and Adoption of Resolution No. 2012-13:** A resolution designating Flagstaff City Code, Title 13, Engineering Design Standards and Specifications for New Infrastructure, as a public record.

RECOMMENDED ACTION: Read Resolution No. 2012-13 by title only.
Adopt Resolution No. 2012-13.

Reid Miller, Engineering Section, presented the proposed revisions to the Engineering Design Standards. He explained that the revisions are compatible with the new Zoning Code. The three major revisions deal with as-built plans, low impact development in rights-of-ways, and boring versus open cuts on existing streets.

Mayor Presler asked that the "boring" information be shared with the utilities.

Councilmember White moved to read Resolution No. 2012-13 by title only. Motion seconded by Councilmember Woodson. Motion carried unanimously.

Amendments to Engineering Design Standards and Specifications for New Infrastructure were read into the record as follows:

Amend 13-02 to ***add*** "Mapping"

Section 13-01-002-0001C2 to ***add*** "Upon acceptance by the City, the improvements shall be guaranteed against all defects in material and workmanship for one year from the date they are accepted by the City Engineer."

Section 13-01-002-0003A to ***add*** "Should new right of way be contemplated in the development process which anticipates being established into the State Highway System by an Arizona Department of Transportation (ADOT) Board Resolution, to include fee or easement rights, temporary construction easements, drainage, access control, signals, or any other incidential use thereof, the City and developer agree to immediately communicate and coordinate with ADOT. At that time, ADOT will provide further direction and guidance on necessary processes required to meet state standards in order to legally establish the new right of way for the benefits of the travelling public."

Section 13-01-002-0003B to ***add*** "Approval of construction shall be obtained prior to operating new water and sewer mains and prior to obtaining associated certificates of occupancy. It shall be the sole responsibility of the developer to obtain all applicable permits and approvals from ADEQ."

Section 13-01-002-0005A.3. ***replace*** "Qwest Telephone Company" with "CenturyLink"

Section 13-01-002-0005A4. ***replace*** "NPG Cablevision" with "Suddenlink"

Chapter 13-02 ***replace*** title with the word "Mapping"

Chapter 13-02 ***strike*** "Section 13-02-001" and "Section 13-02-001-0001 Subdivision Procedures and Requirements" and ***replace*** with "Section 13-02-001-0001 Mapping"

Section 13-05-002-0002 ***add*** "(medium or large in accordance with the Zoning Code)," after the words "plat, change of zoning request,"

Section 13-09-002-0010F. ***add*** "it shall be abandoned at the property line and capped using the appropriate material (PVC, clay, or concrete)."

ADEQ Bulletin No. 12. Table 9-4 ***change*** "DEMAND" TO "AVERAGE"

Section 13-09-003-0008.2B ***strike B*** in its entirety.

Section 13-10-010-0001C2. ***strike 2*** in its entirety.

Section 13-15-001-0001M. ***add*** "The permittee shall fully conform to the requirements of A.R.S. Section 40-360.21, restrictions for working near over power lines

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

RESOLUTION NO. 2012-13

A resolution designating Flagstaff City Code, Title 13, Engineering Design Standards and Specifications for New Infrastructure, as a public record.

Councilmember Brewster moved to adopt Resolution No. 2012-13, as amended. Motion seconded by Councilmember White. Motion carried by unanimous vote. :

E. **Consideration and Possible Adoption of Ordinance No. 2012-05:** An ordinance of the Mayor and City Council of the City of Flagstaff, Arizona, adopting new Title 13 of Flagstaff City Code entitled Engineering Design and Construction Standards and Specifications for New Infrastructure.

RECOMMENDED ACTION: (1) Read Ordinance No. 2012-05 for the first time by title only.

Councilmember Woodson moved to read Ordinance No. 2012-05 for the first time by title only. Motion seconded by Councilmember Brewster. Motion carried by unanimous vote and the title was read as follows:

ORDINANCE NO. 2012-05

An ordinance of the Mayor and City Council of the City of Flagstaff, Arizona, adopting new Title 13 of Flagstaff City Code entitled Engineering Design and Construction Standards and Specifications for New Infrastructure.

15. DISCUSSION ITEMS

A. **Consideration/Discussion:** Final draft of Parks and Recreation Organizational Masterplan.

RECOMMENDED ACTION: Discuss and provide direction, if any.

Elizabeth Anderson, Community Enrichment Services Director, stated that consultants were hired to assist with inventory, future and strategic planning needs, and providing tools to get there. The plan will be different from any other masterplan because it is meant to be useable on a daily basis as a guiding blueprint for the future depending on changing economic conditions. It will come back in a month for input and discussion, after which it will be presented for adoption.

Consultant Leslie Dornfelt reviewed the status of the planning process that has taken place for over a year and involved discussions with stakeholders and users with the Parks and Recreation Commission, Open Spaces Commission, and the Disability Awareness Commission. She explained that although there are needs for new parks, as the city becomes denser, the physical size of the existing parks should also increase. She explained that this document provides recommendations addressing need for new facilities, program needs, events, maintenance and levels of service. Previously, Parks and Recreation did not have to think about generating revenue, zero budgeting, or budget cuts. They weren't viewed as economic development, physical green structure, or programs that unite the community, and give the community its character. The Parks Department has been cut substantially and now it needs to figure out how to provide services and facilities recognizing that they won't get the funding it used to get. The public is asking communities to operate more entrepreneurially.

Ms. Anderson expressed appreciation for supporting the vision and future of Parks and Recreation.

Mayor Presler asked what does the community want and what are they willing to pay for it.

In response to a comment by Councilmember Evans regarding the Boulder Pointe area park, City Manager Kevin Burke replied that this area is underserved and addressing that need is a priority.

PUBLIC PARTICIPATION

None.

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

Councilmember Evans reported on the following items: 1) A request was received from Campfire Limited asking Council to pass a resolution limiting campfires. She asked that such a resolution be created and placed on a future Agenda for consideration; 2) Plaza Viejo requests the status of the approval of the neighborhood plan and would like to visit with the Fire Chief regarding plans for a fire station. They also request permission to use the community center for events even though it is closed; 3) She mentioned that the Furniture Barn is moving and she would like to discuss the economic activities in the neighborhood.

Vice Mayor Barotz requested that Community Development provide a monthly list of developments approved in the city.

Councilmember Brewster stated that she attended a meeting with a camp that is looking to relocate just north of Munds Park at Fox Ranch Road from the Prescott area. They plan to incorporate community assets into the ranch that operates year round.

Mayor Presler expressed appreciation to staff for their pro-active activities on legislative bills. She mentioned that the Undersecretary for the Forest Service will be in Flagstaff on Monday. A Dark Sky Cooperative Meeting will be held next Monday at the Lowell Observatory. In addition, the American Association of University Women would be sponsoring a mother/daughter tour of City Hall next Thursday at 3:00 p.m.

18. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:32 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 April 3, 2012. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 18th day of April 2012.

CITY CLERK