

MINUTES

REGULAR COUNCIL MEETING
TUESDAY, OCTOBER 16, 2012
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M. AND 6:00 P.M.

4:00 P.M. MEETING

1. CALL TO ORDER

Mayor Nabours called the Flagstaff City Council meeting to order at 4:02 p.m.

2. ROLL CALL

Councilmembers present:

Councilmembers absent:

MAYOR NABOURS
VICE MAYOR EVANS
COUNCILMEMBER BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON

COUNCILMEMBER WOODSON

Others present: City Manager Kevin Burke; City Attorney Rosemary Rosales.

3. PLEDGE OF ALLEGIANCE, INVOCATION, AND VISION STATEMENT

MISSION STATEMENT

The mission of the City of Flagstaff is to protect and enhance the quality of life of its citizens.

4. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- A. Consideration of Minutes: Minutes of the Special Meeting and Regular Council Meeting of September 18, 2012; the Special Meeting and Work Session of September 25, 2012, the Special Meeting and Regular Council Meeting of October 2, 2012; and the Special Meeting and Work Session of October 9, 2012.

Mayor requested that the Special Meeting (Executive Session) minutes of September 25, 2012, reflect that he left the room during the Bonito Partners pending litigation discussion because he had a conflict of interest.

Councilmember Brewster moved to approve [September 18, 2012, Special City Council Meeting (Executive Session); September 18, 2012, City Council Meeting; September 25, 2012, Special City Council Meeting (Executive Session) as amended; September 25, 2012, City Council Work Session; October 2, 2012, Special City Council Meeting (Executive Session); October 2, 2012, City Council Meeting; October 9, 2012, Special City Council Meeting (Executive Session); and the October 9, 2012, City Council Work Session]; seconded by Councilmember Oravits; passed unanimously.

5. **PUBLIC PARTICIPATION**

Public Participation enables the public to address the Council about an item that is not on the agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

Ann Marie Zeller - Flagstaff citizen, submitted a citizens petition to City Manager and Council, the petition is requesting that Council discuss the City's water.

6. **PROCLAMATIONS AND RECOGNITIONS**

None submitted.

7. **APPOINTMENTS**

- A. **Consideration of Appointments:** Disability Awareness Commission vacancies.

Councilmember Overton moved to appoint Melissa Bernasconi to a partial term expiring in March 2014; reappoint Kathryn Barrett to a term expiring in March 2015; and reappoint Jim Tuck to a term expiring in March 2015 to the Disability Awareness Commission; seconded by Councilmember Evans; passed unanimously.

- B. **Consideration of Appointments:** Northern Arizona Intergovernmental Public Transportation Authority (NAIPTA) Transit Advisory Committee (TAC Citizen Appointment).

Councilmember Barotz moved to appoint Shari Miller to a three year term expiring in October 2015 to the Northern Arizona Intergovernmental Public Transportation Authority (NAIPTA) Transit Advisory Committee; seconded by Mayor Nabours; passed unanimously.

8. **LIQUOR LICENSE PUBLIC HEARINGS**

- A. **Consideration and Action on Liquor License Application:** Lauren Merrett, "Maverik", 5700 N. Highway 89, Series 09 (liquor store - all spirituous liquor), Person Transfer and Location Transfer.

Mayor Nabours moved to open the public hearing on the liquor license application; seconded by Vice Mayor Evans; passed unanimously.

Mayor Nabours moved to close the public hearing; seconded by Councilmember Brewster; passed unanimously.

Councilmember Overton moved to forward the application to the State of Arizona with a recommendation for approval; seconded by Councilmember Oravits; passed unanimously.

9. **CONSENT ITEMS**

ALL MATTERS UNDER 'CONSENT AGENDA' ARE CONSIDERED BY THE CITY COUNCIL TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION APPROVING THE RECOMMENDATIONS LISTED ON THE AGENDA. UNLESS OTHERWISE INDICATED, EXPENDITURES APPROVED BY COUNCIL ARE BUDGETED ITEMS.

None submitted

10. **ROUTINE ITEMS**

- A. **Consideration and Approval of Change Order No. 1: Coconino/Elden/Humphreys 2010 Bond Improvements.**

Tiffin Miller, Capital Improvements Project Manager, reviewed the project. There will be a detour set up that will include a section of Birch between Elden and Verde; this will become a two way road to help with access to the businesses along this roadway.

Councilmember Brewster moved to approve Change Order No. 1; seconded by Councilmember Oravits; passed unanimously.

RECESS

The meeting of October 16, 2012, of the Flagstaff City Council recessed at 4:20 p.m.

6:00 P.M.MEETING

RECONVENE REGULAR MEETING

The meeting of October 16, 2012, of the Flagstaff City Council reconvened at 6:01 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

11. **ROLL CALL**

Councilmembers present:

MAYOR NABOURS
VICE MAYOR EVANS
COUNCILMEMBER BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON

Councilmembers absent:

COUNCILMEMBER WOODSON

Others present: City Manager Kevin Burke; City Attorney Rosemary Rosales.

12. **CARRY OVER ITEMS FROM THE 4:00 P.M. AGENDA**

None

13. **PUBLIC HEARING ITEMS**

No items submitted.

14. **REGULAR AGENDA**

- A. **Consideration and Adoption of Resolution No. 2012-36:** A resolution of the City Council of the City of Flagstaff, Arizona supporting the City of Flagstaff as a STEM (Science, Technology, Engineering and Math) Community.

David Engelthaler, Director of Programs and Operations for TGen North, offered his appreciation to the City Council for the Resolution and their participation in the Proclamation event.

Councilmember Overton moved to read Resolution No. 2012-36 by title only; seconded by Councilmember Evans; passed unanimously.

RESOLUTION NO. 2012-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA SUPPORTING THE CITY OF FLAGSTAFF AS A STEM (SCIENCE, TECHNOLOGY, ENGINEERING AND MATH) COMMUNITY

Councilmember Brewster moved to adopt Resolution No. 2012-36; seconded by Councilmember Evans; passed unanimously.

- B. **Consideration and Approval of Street Closure(s):** 2013 Dew Downtown Flagstaff Urban Snowboard and Ski Festival and **Consideration and Approval of Amplification Exception:** 2013 Dew Downtown Flagstaff Urban Snowboard and Ski Festival.

Glorige Pavey with Community Events reviewed the application and stated she was available for questions. This item was tabled from the last Council Meeting in an effort to make sure that all surrounding community members were properly notified. Door hangers were personally handed out downtown in an effort to communicate with and notice the community of the upcoming event.

Staff explained that the exception to the amplification is only to allow amplification during the hours of 9:00 a.m. and 12:00 p.m. It is not a decibel issue but a time issue. The street closure is identical to the 2011 event.

The following individuals spoke in favor of the event:

Kyle Patterson
Mark Lamberson
Riley Weathers
Jacob Schnieder

The following individuals spoke in opposition to the event and asked for an alternate location.

Jared Holland
Joan Martini
Lynn Baker
Angela Thomas

Council agreed to have a work session discussion after the event this year to discuss possible alternatives to the location. Staff will create a more scientific approach to the evaluation process. Council requested staff to include community members on the steering committee.

There was further discussion about the overall use of downtown for events and whether it is fair to the neighborhood to consistently disrupt the area for events. Council decides on the City sponsored events and also approves the street closures; it is up to Council to determine which events will move forward.

Councilmember Overton moved to approve the street closure; seconded by Councilmember Brewster; passed unanimously.

Councilmember Brewster moved to approve the amplification exception; seconded by Mayor Nabours; passed unanimously.

- C. **Consideration and Approval of Lease Amendment of City-Owned Property:**
Approval of Lease Amendment #3 between the City of Flagstaff and the General Services Administration (GSA).

Sergio Enriquez, Facilities Maintenance Superintendent, reviewed the request.

Councilmember Overton moved to approve the lease amendment; seconded by Councilmember Evans; passed unanimously.

D. **Consideration and Approval of Grant Agreement and Acceptance of Grant Funding:** Fiscal Year 2012 Arizona State Parks Growing Smarter Grant.

McKenzie Jones, Sustainability Specialist, reviewed the item and noted she was available for questions. The City of Flagstaff will only receive this grant money if the City is the successful bidder of the property at the auction. If the City of Flagstaff is the successful bidder they will also be matching the grant fund with monies from the 2004 voter approved bond to acquire open space land. There is approximately \$3.2 million remaining of this bond which is designated specifically for open space acquisition; of that the City is looking at using approximately \$2.9 million dollars as matching funds to purchase Picture Canyon.

Once Picture Canyon becomes open space residents could recreate there. The various uses of this area include transportation access for bicycles and equestrians, rock art formations; it may be used by public schools and universities, and is a watchable wildlife area and corridor.

Council asked about the maintenance of this area after it is acquired. Staff explained that there are very passionate community members that have volunteered their time to help with maintenance at Picture Canyon and they expect that to continue. \$10,000 has been set aside to assist with the maintenance of Open Space. Additionally, there has been discussion with State Parks for an IGA with the City that sends volunteers to look at the culture resources (petroglyphs) and notifies the City of Flagstaff if there are any issues so they can be rectified in a timely manner.

The following individuals spoke in favor of the acquisition of Picture Canyon.

David Wilcox
Donald Weaver
Robert Martin

Councilmember Barotz moved to approve and accept the grant agreement; seconded by Councilmember Evans; motion passed unanimously.

E. **Consideration and Adoption of Resolution No. 2012-037:** A resolution of the Mayor and Council of the City of Flagstaff, Arizona declaring, for purposes of section 1.150-2 of the Federal Treasury Regulations, official intent to be reimbursed in connection with certain capital expenditures relating to Street and Utility Improvements, and FUTS and Open Space purchases.

Barbara Goodrich, Management Services Director, reviewed the issue and was present for questions. This was a standard course of business that will allow them to spend money for voter-approved bonds ahead of when they issue the bonds. This allows them to provide earnest monies at the Picture Canyon auction. They are spending money from the General Fund and getting reimbursed from bond funds once issued.

Councilmember Barotz moved to read Resolution No. 2012-37 by title only; seconded by Councilmember Evans; motion passed unanimously.

RESOLUTION NO. 2012-037

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING, FOR PURPOSES OF SECTION 1.150-2 OF THE FEDERAL TREASURY REGULATIONS, OFFICIAL INTENT TO BE REIMBURSED IN CONNECTION WITH CERTAIN CAPITAL EXPENDITURES RELATING TO STREET AND UTILITY IMPROVEMENTS AND FUTS AND OPEN SPACE PURCHASES

Councilmember Overton moved to adopt Resolution No. 2012-37; seconded by Councilmember Brewster; motion passed unanimously.

Flagstaff resident Andy Fernandez spoke in favor of the item.

- F. **Consideration of Ordinance No. 2012-16**: An Ordinance of the Flagstaff City Council authorizing the acquisition and purchase of approximately 479 acres most commonly referred to as Picture Canyon.

Jill Trompeter, Assistant to the City Manager, Real Estate, was present for questions.

Council thanked all of those involved with this process from community members, staff, and other government agencies.

Mayor Nabours moved to read Ordinance No. 2012-16 for the first time by title only; seconded by Councilmember Barotz; motion passed unanimously.

ORDINANCE NO. 2012-16

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE ACQUISITION AND PURCHASE OF APPROXIMATELY 479 ACRES MOST COMMONLY REFERRED TO AS PICTURE CANYON

Mayor Nabours moved to read Ordinance No. 2012-16 for the final time by title only; seconded by Councilmember Brewster; motion passed unanimously.

ORDINANCE NO. 2012-16

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE ACQUISITION AND PURCHASE OF APPROXIMATELY 479 ACRES MOST COMMONLY REFERRED TO AS PICTURE CANYON

Councilmember Barotz moved to adopt Ordinance No. 2012-16; seconded by Councilmember Evans; motion passed unanimously.

A break was held from 7:33 p.m. to 7:46 p.m.

- G. **Consideration of the Response to Request For Proposals No. 2012-49:**
Purchase of property for Core Services Maintenance Facility located on the northwest corner of West Kaibab Lane and South Thompson Street.

Rick Compau, Purchasing Director, explained the City performed an RFP process to purchase approximately 22 contiguous acres. This item is to acknowledge FW Thompson as the sole responsive proposer for the Core Services Maintenance Facility and allows staff to move forward with negotiations of a purchase agreement.

Council asked about an appraisal of the property and how the purchase price was determined as there was only one responder. Staff explained that the RFP was clearly advertised on multiple occasions as required. They went with a sealed bid and a competitive process. Land price is a factor, existing buildings and building improvements is a factor, as well as the income producing property which is currently in existence and generating revenue. There is no right answer, staff believed that they came to a reasonable conclusion; Council may or may not agree.

Mark Belsanti, Flagstaff resident and realtor, spoke about the notification process for RFPs. He was unaware of the process and as a commercial realtor feels that it should be better advertised and market analysis should be done prior to solicitation.

Andy Fernandez, Flagstaff resident, spoke against the item.

Mayor Nabours moved to declare the proposal of F.W. Thompson as the sole proposal responsive to the City's request for proposals and continue negotiations for the purchase of 16.75 acres of land and improvements located in the area generally described as the northwest corner of West Kaibab Lane and South Thompson Street contingent upon the following terms: 1) negotiation of a purchase agreement acceptable to the City Council and the property owners; 2) subject to the passage of Ballot Question #406 presented to the Flagstaff voters on November 6, 2012; seconded by Councilmember Overton; motion passed 4-2 with Councilmembers Barotz and Oravits dissenting.

15. **DISCUSSION ITEMS**

- A. **Discussion Item:** Northern Arizona Intergovernmental Public Transportation Authority (NAIPTA) Annual update presentation

Jeff Meilback, NAIPTA, presented a Powerpoint Presentation.

- B. **Discussion Item:** Flagstaff Children's Memorial Park

Councilmember Barotz provided a memo asking for majority support to move this item to a regular agenda item.

Anna Lebenz, President and Founder of the JLB project, explained that this organization provides support services to families who have lost a baby because of miscarriage, stillbirth, or infant death. Since January 1, 2012, they have served 22 families in Flagstaff. They are requesting a children's memorial park to offer a place for families to remember their lost children.

The proposal does not require any cost to the City. The proposed location is currently underutilized, bare and in need of landscaping. The children will be remembered by a low wall where families could purchase a star that would be attached to the wall. The wall could possibly accommodate a couple hundred stars.

Mr. Burke requested to allow staff to work with the JLB project to gather information and present to the Parks and Recreation Commission for further comment and recommendation.

C. **Discussion Item:** Reading of Proclamations at Council Meetings

Discussion was held on whether or not proclamations should be read at Council meetings. It was suggested that if a councilmember would like to see a proclamation read at a City Council meeting they should speak with the Mayor about their request.

16. **PUBLIC PARTICIPATION**

Andy Fernandez, Flagstaff resident, spoke to numerous concerns he has about the City of Flagstaff.

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

Council reported on current events.

- Council requested an update on the Civil Rights ordinance; when it is coming forward and the timeline on when to expect a draft.
 - Mr. Burke responded that this is scheduled for November 13.
- Council asked for information about the process for citizen petitions.
 - Mr. Burke responded that the City has 30 days to respond and they will be bringing the item to a future Council meeting.
- Council requested a presentation about the deicer used and the effect it has on trees.
- The Council Budget Retreat was moved from November 7 and 8 to November 14 and 15.
- There is no Council meeting scheduled for October 23 but there is a Special Joint meeting with the County Supervisors on Monday October 22. Additionally, there will be an executive session immediately following the joint meeting.

18. **ADJOURNMENT**

The Flagstaff City Council Meeting of October 16, 2012, adjourned at 9:13 p.m.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

STATE OF ARIZONA)
) ss.
County of Coconino)

I, ELIZABETH A. BURKE, 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 16, 2012. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 6th day of November, 2012.

CITY CLERK