

MINUTES

WORK SESSION
TUESDAY, NOVEMBER 13, 2012
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
6:00 P.M.

Mayor Nabours called the Flagstaff Work Session of November 13, 2012, to order at 6:03 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).

1. **ROLL CALL**

Councilmembers present:

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

Councilmembers absent:

None

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

2. **Public Participation (Non-Agenda Items Only):**

Public Participation enables the public to address the council about items that **are not** on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. 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 to have 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 – Last week Council discussed citizens petition on water. Ms. Zeller presented the Council with another citizens petition requesting information on the research of various bacteria in water.

Ron Hubert – Co-chair of joint SEDI/ECoNA action team. Mr. Hubert presented the Council with a report discussing the impacts of new business start ups on a community and how to bring those advantages to Flagstaff.

3. **Preliminary Review of Draft Agenda for the October 16, 2012, City Council Meeting.***

**Public comment on draft agenda items will be taken under “Review of Draft Agenda Items” (Item No. 9) later in the meeting. Citizens wishing to speak on agenda items not specifically called out by the City Council for discussion under the second Review section may submit a speaker card for their items of interest to the recording clerk. The item will be called out during the second “Review of Draft Agenda Items” to allow citizens the opportunity to comment. Citizens are also encouraged to submit written comments.*

Councilmember Brewster asked staff to clarify the wording on Item 10A – public participation policy to include citizen decision making comes when an item is placed on the ballot for a public vote.

Councilmember Barotz indicated that she had some concerns and clarifications that she would like included in the staff summary and she will work directly with staff to communicate those.

6. **Presentation by Homer Rodgers, Assistant Deputy Director of the Arizona Department of Veterans Services, regarding a potential Veterans Home and Cemetery in Bellmont, Arizona.**

Postponed.

7. **Northern Arizona University (NAU) High Country Conference Center Return on Investment Presentation.**

Heather Ainardi – CVB – introduced the following individuals from the High Country Conference Center and Sodexo: MJ McMahon, Larry Perle, Doddy Fisher, Jane Kuhn, Moses DeBord, Richard Bowen, Jeff Thais.

Rich Bowen provided a PowerPoint presentation.

- ▶ PROJECT BACKGROUND
 - History of project, leveraging partnerships
 - Financing/investment
 - Immediate economic impacts

Jane Kuhn, Associate Vice President continued the presentation

- ▶ OVERVIEW OF THE CONFERENCE CENTER
 - The High Country Conference Center serves many local and national organizations such as the American Cancer Society, NACOG, FMC, Marine League Charities, and many others.

Moses DeBord, General Manager continued the presentation

- ▶ MEETING & EVENT ACTIVITY
- ▶ MONTHLY FLOW OF ACTIVITY
- ▶ CURRENT MIX OF BUSINESS
- ▶ WHERE'S THE BUSINESS COMING FROM
- ▶ BUSINESS TRENDS
- ▶ TOP LINE GROWTH (Revenue Detail)
 - Consistently increased business and revenue
- ▶ RECOGNITION TO OUR COMMUNITY
 - IACC Certification
 - Gold Key Award by Meetings and Conventions Magazine
 - Pinnacle Award by Successful Meetings Magazine
 - Nationwide & International Exposure

Heather Ainardi, CVB Director concluded the presentation

- ▶ FLAGSTAFF CVB SUPPORT
 - Marketing & Public Relations Efforts
 - Sales Support
- ▶ SUCCESSES
 - Science Writers Conference
 - A few others in the works for 2014.

Before High Country Conference Center (HCCC) was opened, Little America and The Radisson were the locations that provided conference capability. The maximum holding at Little America is about 400 people, Radisson is just over 200, and HCCC is 800.

There was hope that the area surrounding the conference center would be motivated to update their facilities to be more accommodating and in line with the atmosphere that the conference center brought, a district of sorts. The question was asked as to what the City of Flagstaff could do to promote enhancing this area and make sure that guest expectations are fulfilled from the City perspective.

The local restaurants in the area are extremely happy. The redevelopment of some of the surrounding hotels/motels could definitely improve and add to the area.

MJ McMann from Northern Arizona University said that she would bring this topic up with the "It's Our Town Group" for input. As the community works together they could have a good discussion about ways to motivate and enhance the area.

The redevelopment of Southside is difficult due to its location in the floodplain. Many establishments are limited to what they can do as far as improvements and redevelopment because of this. Any modifications to more than 50% of the building hold significantly higher costs, regulations and standards. This makes it very difficult for those structures in that area.

Council was interested in the correlation of the conference center to airline service. There is a correlation and the airport has seen increased traffic that relates to some of the bigger conferences that are held.

10. Discussion of Civil Rights Ordinance.

Josh Copley – Deputy City Manager gave a PowerPoint presentation

- ▶ CURRENT CIVIL RIGHTS POLICIES
- ▶ POLICY QUESTIONS
 - Who is protected?
 - How will a new ordinance be enforced?
 - What will be covered in employment and public accommodation?
 - Will there be additional exclusions?
- ▶ CHART OF CURRENT FEDERAL/STATE/LOCAL PROTECTIONS & EXCLUSIONS
- ▶ COMPARISON OF THREE CITIES (Salt Lake City, Tucson, Phoenix)
- ▶ PROTECTED CLASSES
- ▶ ENFORCEMENT
- ▶ COVERED
- ▶ EXCLUSIONS

Mayor Nabours commented that he is reluctant to create a mini EEOC in Flagstaff. One of the things that he is uncomfortable with about having classes of protected persons is that it implies that there is an open door to discriminate against others outside of these classes.

Mayor Nabours suggested that Flagstaff could be a trendsetter and draft an ordinance that prohibits discrimination of everyone. Employers can look at what the job skills required to fill a particular job and hiring would be based on merit. Mayor Nabours would like to see enforcement that begins with mediation and is not oppressive.

Councilmember Barotz moved to adjourn into Executive Session; seconded by Councilmember Overton.

Councilmember Barotz would like to understand the legality of how the protection works if there is no class specified as protected.

Councilmember Evans also has legal questions pertaining to the item. There are protected classes in the United States for a reason and she would like to know if it is legal to remove these from the City's ordinance by broadening the protected class.

City Attorney Rosales does not feel that she can answer those questions here and now but would need to do some research.

There is concern about broadening a class so much that they lower the effectiveness of having those protections in the first place. It may make it very difficult to define and justify discrimination.

Council would like to request further research from legal on the proposal of broadening the protected class to include all.

Councilmember Barotz withdrew her prior motion to go into Executive Session; seconded withdrawn by Councilmember Overton.

A break was held from 7:35 p.m. to 7:48 p.m.

The following individuals spoke in support of creating a Civil Rights Ordinance:

Cynthia Pardo	Jamey Hasapies
Gordon Watkins	Breana Sutherlin
Derek Bloom	Kathryn Jim
James Kennedy	Ariana Sauer
Arianne Burford	Matthew de la Torre
Roz Clark	Hailey Sherwood
Matthew Capalby	Alycia Lewis
Ned Del Callejo	Randy Ackley
	Robert "Daniel" Duke

The following individual spoke against the creation of a Civil Rights Ordinance:
David Scopel

Council agreed that they would like to have staff draft an ordinance that includes:

- Businesses with 15 or more local employees
- The complaint will be filed at City Hall with an initial screening and mediation. If that complaint remains unresolved or if the complainant disagrees with the initial screening they may appeal to an outside hearing officer.
- Sanction would be a civil penalty
 - Council requests more information and examples from other areas
- No private cause of action specifically stated in the ordinance
- A clause that addresses dress code and uniform requirements
 - Council requests more information and examples from other areas
- Exclusions would be the same as the Federal exclusions
- Protected classes are the same as Federal with the addition of gender identity, gender expression, and sexual orientation
 - Council requests more information on the Federal protected class of genetic information.

8. Integrated Solid Waste Management Plan & Results from the 2012 Solid Waste Audit

Pat Bourque, Public Works Section Head, introduced Matt Morales, Landfill Engineer. Mr. Morales provided Council with existing waste disposal trends within the City of Flagstaff and how they pertain to the Landfill.

PowerPoint Presentation

- ▶ INTEGRATED SOLID WASTE MANAGEMENT PLAN
- ▶ CITY SOLID WASTE COLLECTIONS
- ▶ DECISION MAKERS GUIDE TO SOLID WASTE MANAGEMENT
 - Data Gathering
 - Determine the triggers for future programs and infrastructure
 - Budget for future infrastructure.

- ▶ DATA GATHERING-IDENTIFY PUBLIC AND PRIVATE STAKEHOLDERS
 - Waste audit invaluable, this helps determine where programs for diversion are needed.
- ▶ WASTE AUDIT
 - 9 truckloads sampled
- ▶ 2011 CITY SOLID WASTE DISPOSAL TRENDS
- ▶ EPA STUDY VS. CITY WASTE AUDIT
- ▶ CITY SOLID WASTE DISPOSAL TRENDS
 - 28% uncaptured recyclables
- ▶ REVENUE FROM CITY-IGA RECYCLING
 - Price of recyclables is increasing over time
 - If we are able to collect all or some of the 28% there is greater return
- ▶ OBSERVATIONS
 - Public solid waste sections IGA's and Institutions
 - Private solid waste sectors
 - Solid waste volumes flat since 2009
 - City waste diversion has increased since 2009
 - Disposal compared to national averages
- ▶ SOLID WASTE SECTION NEXT STEPS
 - Composting
 - Landfill Gas Feasibility Study
 - Cell D Construction

Councilmember Overton noted that it is difficult to house two trash dumpsters and pay two dumpster fees. If they could extrapolate and capture the money gained from the 28%, it was asked how much lower they could take the recycle bin cost. They need to make recycling as close to free as possible as an incentive to business owners.

9. **Discussion/presentation regarding SB1598, Regulatory Bill of Rights, and the implications of its implementation to City permit and approval processes.**

Mayor Nabours requested that this item be postponed to a later date for full and necessary attention.

Councilmember Evans moved to postpone agenda item 9 to a later date; seconded by Councilmember Barotz; passed unanimously.

11. **Review of Draft Agenda Items for the November 20, 2012, City Council Meeting.***

** Public comment on draft agenda items will be taken at this time.*

Mayor Nabours reminded Council that their input on prioritization is needed for item 14 A, Legislative Issues.

Councilmember Barotz clarified that she was looking for Council support to request a presentation on item 15C, Dark Skies Update.

12. **Public Participation**

Nick Nelson – raised concerns with how he was treated at October Fest. Mayor Nabours asked that staff look into Mr. Nelson's complaint.

13. Informational Items To/From Mayor, Council, and City Manager.

Council reported on current events.

- Memorial service for Jim White “Mr. Flagstaff” on November 14, 2012, from 12:00-3:00 p.m.
- Council requested an update on the calcium chloride used during snow removal.
- City Manager Burke requested an Executive Session related to the purchasing agreement for the Core Services Maintenance Facility. Mr. Burke is requesting to have the last two hours on Thursday’s budget retreat for this discussion.

14. Adjournment

The Flagstaff City Council Work Session of November 13, 2012, adjourned at 9:36 p.m.

MAYOR

ATTEST:

CITY CLERK