

MINUTES

WORK SESSION
TUESDAY, JANUARY 8, 2013
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
6:00 P.M.

1. Call to Order.

Mayor Nabours called the Flagstaff Work Session of January 8, 2013, to order at 6:04 p.m.

2. **Pledge of Allegiance.**

The City Council and audience recited the Pledge of Allegiance.

3. **Roll Call**

Councilmembers present:

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

Councilmembers absent:

COUNCILMEMBER BAROTZ

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

4. **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.

Andy Fernandez, Flagstaff, addressed the Council with concerns about transparency and difficulties with the City website.

Belinda Isey, Flagstaff, addressed Council concerning the use of reclaimed water at Snowbowl and corresponding signage.

Katie Nelson, Flagstaff, addressed Council about a petition filed in the City Council office with regards to Snowbowl's use of reclaim water.

Berta Benally, Flagstaff, addressed Council asking for a copy of the contract with the Navajo Nation with regard to Red Gap Ranch.

Mr. Burke clarified that the document that Ms. Benally needs should be requested from the Clerk's office and is the Navajo Stipulation Agreement.

Rudy Preston, Flagstaff, thanked members of Council for touring the jail and suggested going unannounced next time.

Mr. Preston also addressed concerning the lack of appropriate signage at Snowbowl for their use of reclaimed water.

Mayor Nabours presented City Manager Kevin Burke with a certificate thanking him for five years of service with the City of Flagstaff.

5. Preliminary Review of Draft Agenda for the January 15, 2013, 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 Overton requested a presentation on item 9E.

Council asked for clarification on item 10B; they would like to see the addresses of the properties included in the title of the staff summary and within the document.

Councilmember Woodson noted that he would be declaring a conflict on item 9G; his firm was a proposer on that item.

Council requested an in-depth discussion of item 14A at the meeting of January 15, 2013.

6. Presentation on Community Development Block Grant (CDBG) funds, annual CDBG process and establishment of Council priorities and process for use of CDBG funds.

Justyna Costa, Housing and Grants Administrator, and Sarah Darr, Housing Manager, presented a PowerPoint presentation on Community Development Block Grant (CDBG) funds and requested priorities from City Council for distribution.

Ms. Darr explained that homelessness has been an ongoing priority with previous councils along with homeownership and neighborhood revitalization. There has been

repetition of these items over the years because of the ongoing concern and great need in these areas.

Council asked if the removal of dilapidated houses could be considered an approved activity. Ms. Darr explained that it could be depending on the benefit and if the house is located in a target neighborhood. Street improvements are also an approved activity so long as it is conducted within a targeted area and it could include any type of function classified as a street improvement.

Council requested a list of projects done in previous years and the location of the projects; they would like to better understand exactly where the CDBG money is being spent. Ms. Darr explained that activities have been conducted in all four target areas. Staff will provide Council with a list of activities performed and locations over the last few years.

Council agreed that having a formal process in place for the distribution of CDBG funding is necessary.

With regard to priorities, Council agreed to the priorities of neighborhood revitalization, homelessness addressing mental issues and serial inebriates, and housing. In addition, Council would like Housing to work with Public Works to put together a proposal for possible street improvements and sidewalk maintenance.

Andy Fernandez, Flagstaff, addressed Council with comments about the housing market.

Devonna McLaughlin, Executive Director of Bothands, addressed Council about the partnership between Bothands and the City of Flagstaff with regard to the use of CDBG monies, and encouraged Council to keep housing as a priority.

Ms. Darr explained the application process. After the release of the process publicly, agencies have about four weeks to prepare proposals. These proposals are vetted through a process to determine eligibility and prioritization. A proposal booklet is created and forwarded to Council for review. Staff comes before Council in April with a recommendation based on how much money is available. By this point it is not uncommon for agencies to revise their proposals to allow for other agencies to also receive funding. Flagstaff promotes collaboration with other agencies to make sure that all are working together for a common goal.

Council expressed that they would like to see staff spend time with the targeted neighborhoods and educate them on where the monies are being spent in each of the targeted neighborhoods. There is a perception that one area is getting all the funding and communication should be clear that all neighborhoods are being served and what those projects are.

A break was held from 7:26 p.m. to 7:39 p.m.

7. City Code Amendments – Property Maintenance Update.

Roger Eastman, Zoning Code Administrator, presented a PowerPoint presentation on amendments of the City Code regarding the Property Maintenance Ordinance.

- ▶ Meeting Purpose
- ▶ Activity since April 10th Work Session
- ▶ 1805-1811 Arrowhead Ave
 - There was a young lady living in that home, worked with the property owner to bring the interior up to code and it is now habitable.
 - Success with getting the structure habitable.
- ▶ 523 Ernest Street
 - There has been action on this property
 - Ultimately the property owners want to keep property themselves
 - Letter to owner stating that home must be brought up to code or the City will conduct repairs and lien the property
- ▶ 1726 North Kutch Drive
 - The property owner vacated the property and is currently in a disgusting state.
 - Structure was breached and vandalized
 - All avenues have been exhausted.
 - County health official will be brought in to determine health risk.
 - Extremely overgrown, nothing in current code to address outside of findings from health inspector.
- ▶ Existing City Code Provisions
 - Title 4 – Building Regulations – 1997 Abatement of Dangerous Buildings Code and 1997 Uniform Housing Code
 - Chapter 6-04 – Nuisances
 - Chapter 6-06 – Littering
 - Chapter 6-07 – Abandoned Vehicles
- ▶ Suggested Path Forward
 - Title 4 - No amendments needed – continue to apply and enforce by Building Officials
 - Nuisances - Repeal and replace with up-to-date and objective standards
 - Littering & Abandoned Vehicles– really out of date. Suggest simplifying and updating the standards. Correct state statute citations.
- ▶ An Option for Implementation
 - Housing Rehabilitation Program – Housing Section
 - Apply program and having a funding source in place to assist in repairs.

Council requested that the City continue to work with homeowners to attempt to come to a reasonable solution for all. Ultimately there is no action until the City says "or else" and they need to be prepared to enforce.

Mike Scheu, Building Official, explained that there have been a few instances where the City has had to demolish a structure.

Council expressed frustration at having a code like this in place with no enforcement. It is necessary to formulate a code that is effective and enforced.

There is concern about the interpretation of section 302 as it is currently presented and the protection of personal property rights. It will be important to make sure that the same things can be accomplished with the appropriate intent spelled out.

Mr. Scheu explained that previous legal opinion has not allowed for any further action if a property is boarded up and secure. Current legal staff is taking a different approach and are supportive for further enforcement of the code.

After discussion, Council agreed that Title 4, section 302 Dangerous Building is the best way to proceed. However, this section needs to be fine tuned, tightened up, clarified and enforced. Council requested that staff draft revisions to section 302 that tighten it up and clarify things; additionally, they would like staff to move forward with drafting the other recommended changes to the code.

David Monihan, Flagstaff, lives on Kutch and recognizes the problem. Mr. Monihan urged Council be equitable with the enforcement and looks forward to seeing the suggested revisions.

Andy Fernandez, Flagstaff, addressed Council with his concern that many of these properties are housed by tenants with limited funds.

Council agreed with the timeline of getting the zoning code amendments completed first and following up with these revisions shortly thereafter.

8. Presentation on Finance Chapter of the Parks and Recreation Organizational Master Plan.

Brian Grube, Recreation Manager, and Barbara Goodrich, Management Services Director, presented a PowerPoint presentation on the finance chapter of the P&R Master Plan.

A majority of Council is supportive of moving forward with the 1st Maintenance Option of increasing BBB Parks to a service level 2, no FUTS construction, and Keep Recreation programming. Councilmember Woodson suggested an alternative to this of maintaining all parks at a service level 3.

Council requested information on what the fund balance would look like if all parks were maintained at a service level 3, no FUTS construction and keep recreation programming.

Mr. Grube continued the presentation on Beautification Funds. Currently, anything that is built with BBB Beautification Funds are maintained with BBB Beautification Funds.

Rudy Preston, Flagstaff, addressed Council concerning the overall cost of park maintenance. Mr. Preston encouraged Council to look at alternatives to maintained parks such as a more natural experience. He also suggested enlisting volunteer efforts to assist in the maintenance.

Council expressed interest in letting a company get naming rights to a park in exchange for maintaining the park or certain contributions. They requested that Legal provide an opinion on the legality of that idea.

Mayor Nabours moved agenda item 10 up in the agenda.

10. Review of Draft Agenda Items for the January 15, 2013, City Council Meeting.*

** Public comment on draft agenda items may be taken at this time, at the discretion of the Mayor.*

Item 10-B

Al White, Chairman of Flagstaff Housing Administration (FHA), addressed the Council about the disposition of the City property being offered for sale at North San Francisco close to the Elk's Lodge. Mr. White indicated that this property has been looked at for the use of housing elderly, disabled, low income individuals. Mr. White requested Council to consider three options, replacing this parcel with another for consideration, to refer consideration to partnership alternatives in the RFP process to FHA for a recommendation, or give the Housing Authority different parcels with similar attributes to consider.

A break was held from 9:33 p.m. to 9:43 p.m.

9. Presentation on Principles of Sound Water Management - Water Policies

Brad Hill, Utilities Director, presented a PowerPoint presentation on the next sections of the Water Policy for Council to review, Section B Water Resources Management (B1-B3).

Council requested that the word *maximize* in section B1.1 be replaced with the word *prioritize*.

Mr. Burke indicated that the definition of renewable water did not include any reference to groundwater. Some groundwater is renewable, other is not. Mr. Burke requested that there is consideration of adding these distinctions.

Based on the information in the policy, if the City has grown to a point where all the water is committed, there would be a moratorium on any new sub-divisions because there would be no water available. If the community cannot perform there will be no further platting of subdivisions.

Mr. Hill clarified that if Coconino County chooses to adopt mandatory water adequacy rules the City would be forced to do the same. Council asked if there would be any benefit in adopting mandatory water adequacy rules first. The benefit would be that the City could offer guaranteed water; however, the greatest concern is the hauling of the water. If the City is making a guarantee to the citizens within City limits and water resources get tight, supplying water outside of the City is not required but consequential to our county neighbors.

Council pointed out some concerns with sections B4.7, B4.8, B4.9, and B4.10 on page 20. B4.7 addresses a commodity rate and appears contradictory with page 10 that talks about full cost recovery. There is concern with B4.8 only talking about golf courses and community lakes; believes that this is where recreation uses should be included. In B4.9 there is a serious issue with reclaimed water being underpriced and the general water users offset the cost. There is concern about subsidizing the commercial use of reclaimed water. In section B4.10 would like to clarify the word or in "the priority uses or future allocation", should it be "or" or "for"?

Hailey Sherwood, Flagstaff, addressed the Council with concerns about the comingling of reclaimed water and ground water.

Alicyn Gitlin, Flagstaff, encouraged Council to adopt a policy that requires them to live within their water means and not go elsewhere for water.

Rudy Preston, Flagstaff, addressed Council with a request to look at how they can use less water and promote a sustainable community.

Marilyn Wiseman, representing Friends of Flagstaff Future, requested Council adopt a policy that plans for sustainability in the future, the conservation plan should be extensive.

Katie Nelson, Flagstaff, addressed Council with her concerns with the sustainability of their water supply. Ms. Nelson encouraged the Council to focus on conservation efforts and not over-allocate our water.

Uncle Don Fanning, Flagstaff, addressed Council with concerns about section B3.3c. Mr. Fanning is concerned that the testing will become non-cost effective and then sacrificed at the risk of public health.

11. Public Participation

None

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

Mayor Nabours requested an agenda item to discuss the Council trip to Washington DC.

Councilmember Oravits requested that the City follow up with the newly seated County Recorder about the election issues brought up in 2012 and work on a plan moving forward.

Council requested an update and check-in on the schedule of upcoming budget sessions.

Mr. Burke reminded Council of the upcoming Budget Retreat this Friday, January 11, 2013, at 12:30 p.m. at City Hall

Rosemary Rosales confirmed her announcement of resignation effective March 1.

13. Adjournment

The Flagstaff City Council Work Session of January 8, 2013, adjourned at 10:41 p.m.

MAYOR

ATTEST:

CITY CLERK