

MINUTES

REGULAR COUNCIL MEETING
TUESDAY, FEBRUARY 19, 2013
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M. AND 6:00 P.M.

1. CALL TO ORDER

Mayor Nabours opened the meeting at 4:09 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).

2. ROLL CALL

NOTE: One or more Councilmembers may be in attendance telephonically or by other technological

Present:

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

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

3. PLEDGE OF ALLEGIANCE AND MISSION 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. **Approval of Minutes:** Special Budget Work Session of January 11, 2013; Special Budget Meeting of February 4, 2013; Regular City Council Meeting of February 5, 2013; Special City Council Meeting (Executive Session) of February 12, 2013; Work Session of February 12, 2013; and the Budget Meeting of February 14, 2013.

The following corrections were made to the minutes:

02/04/2013: Councilmember Oravits asked the City Clerk to clarify the “consensus” at the end of the meeting to include those Councilmembers who agreed. Vice Mayor Evans asked that on page 3 the minutes reflect that she also left the dais during the United Way presentation.

01/11/2013: On page 6, Councilmember Barotz clarified that it should read “project to come out of the ground.”

02/14/2013: On page 4, Councilmember Barotz clarified wording “as there was no direct service for the City’s funds”, and changing “look at the contract with the Science Foundation” to “look at having a contract with the Science Foundation.”

02/05/2013: Councilmember Woodson clarified that he was shown as present for the 4:00 p.m. meeting, but telephonically present for the 6:00 p.m. meeting; should be present for both.

Councilmember Woodson moved to approve [the minutes of the Special Budget Work Session of January 11, 2013; Special Budget Meeting of February 4, 2013; Regular City Council Meeting of February 5, 2013; Special City Council Meeting (Executive Session) of February 12, 2013; Work Session of February 12, 2013; and the Budget Meeting of February 14, 2013] as amended; seconded; 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.

None

6. **PROCLAMATIONS AND RECOGNITIONS**

None

7. **APPOINTMENTS**

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 the City Council may vote to go into executive session, which will not be open to the public, for the purpose of discussing or considering employment, assignment, appointment, promotion, demotion, dismissal,

salaries, disciplining or resignation of a public officer, appointee, or employee of any public body...., pursuant to A.R.S. §38-431.03(A)(1).

A. **Consideration of Appointments:** Personnel Board.

Councilmember Brewster moved to appoint Jonathan Hasemeier to a term expiring October 2017 and appoint Terry Davis to a term expiring October 2016; seconded; passed unanimously.

B. **Consideration of Appointments:** Library Board.

Vice Mayor Evans moved to appoint Joanne Parkes and Joyce Taylor to terms expiring November 2014 and appoint Ruth Garrison to a term expiring November 2015; seconded; passed unanimously.

C. **Consideration of Appointments:** Tourism Commission.

Councilmember Brewster moved to appoint Dino Dullbson as the Hospitality representative, for a term expiring January 2016; seconded; passed unanimously.

Councilmember Brewster moved to appoint Lorri Pappas as an At-large representative, for a term expiring January 2016; seconded; passed unanimously.

Councilmember Brewster moved to appoint Charles Wendt as an At-large representative, for a term expiring January 2016; seconded; passed unanimously.

D. **Consideration of Appointments:** Interim City Attorney.

Mayor Nabours moved to appoint Michelle D'Andrea as Interim City Attorney, effective February 20, 2013, to serve until a new City Attorney has been selected and appointed; seconded; passed unanimously.

8. **LIQUOR LICENSE PUBLIC HEARINGS**

A. **Consideration and Action on Liquor License Application:** Timothy Vasquez, "Someburros Mexican Food", 320 S. Regent St. #G-300, Series 12 (restaurant), New License.

Councilmember Overton moved to open the Public Hearing; seconded; passed unanimously.

Mayor Nabours briefly reviewed the application. With no public comment received, **Mayor Nabours moved to close the Public Hearing; seconded; passed unanimously.**

Councilmember Oravits moved to forward the application to the State with a recommendation for approval; seconded; 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.

- A. **Authorization for Purchase of Equipment:** New Dell computers for the County Library District Computer Replacement program.

Councilman Overton asked if this purchase would be impacted at all by the changes taking place at the Page Library. Mr. Cesare, Library IT Manager, said that Page's computers were replaced last year. They may continue with limited library services.

Councilmember Woodson moved to recommend approval [release County Library District funds for the purchase of replacement computers at a cost of \$183,727 (including tax and shipping) from Dell, through their Premier Customer Agreement ADSPO10-0000010; state contract pricing, contract #WN98ABZ]; seconded; passed unanimously.

10. **ROUTINE ITEMS**

- A. **Consideration and Adoption of Ordinance No. 2013-03:** An ordinance of the Council of the City of Flagstaff, Coconino County, Arizona, approving and authorizing the sale and issuance of City of Flagstaff, Arizona General Obligation Bonds, Series 2013, in the total aggregate principal amount of not to exceed \$13,000,000 and all matters related thereto; prescribing certain terms and conditions of such bonds including the delegation to the Management Services Director of the City to designate the final principal amount, maturities, interest rates and yields and other matters with respect to such bonds; awarding a contract for the purchase of such bonds; ratifying the distribution of a Preliminary Official Statement and approving a final Official Statement. (\$3 Million for Picture Canyon/2004; \$6.5 Million for Street Utility Bonds/2010; \$2 Million for Forest Health/2012).

Staff was asked why the amounts did not total the \$13,000,000 and they replied that the amount would give them latitude to include the cost of bonding within the total.

Councilmember Overton said that he was reviewing the Preliminary Report and he questioned if the City still has Aspen Place at Sawmill as a debt. Ms. Goodrich said that the City of Flagstaff has the ultimate responsibility for the debt, if anyone were to default. She added that the City does collect their assessments one year in advance.

Mayor Nabours moved to read Ordinance No. 2013-03 by title only for the second time; seconded; passed unanimously.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE SALE AND ISSUANCE OF CITY OF FLAGSTAFF, ARIZONA GENERAL OBLIGATION BONDS, SERIES 2013, IN THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$13,000,000 AND ALL MATTERS RELATED THERETO; PRESCRIBING CERTAIN TERMS AND CONDITIONS OF SUCH BONDS INCLUDING THE DELEGATION TO THE MANAGEMENT SERVICES DIRECTOR OF THE CITY TO DESIGNATE THE FINAL PRINCIPAL AMOUNT, MATURITIES, INTEREST RATES AND YIELDS AND OTHER MATTERS WITH RESPECT TO SUCH BONDS; AWARDED A CONTRACT FOR THE PURCHASE OF SUCH BONDS; RATIFYING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND APPROVING A FINAL OFFICIAL STATEMENT

Councilmember Brewster moved to adopt Ordinance No. 2013-03; seconded; passed unanimously.

B. Consideration of Audited Financial Reports: Year ending June 30, 2012.

Finance Director Rick Tadder came forward to give a presentation. Councilmember Oravits asked if they could postpone this item for two weeks so he had more time to review. Mr. Tadder confirmed they were under no time constraints.

Councilmember Oravits moved to postpone the item to the March 5, 2013, meeting; seconded; passed unanimously.

RECESS

The 4:00 p.m. portion of the February 19, 2013, Council meeting recessed at 4:37 p.m.

6:00 P.M. MEETING

RECONVENE

The 6:00 p.m. port of the February 19, 2013, Council meeting reconvened at 6:13 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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11. **ROLL CALL**

NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.

Present:

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

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

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

Mayor Nabours read a Proclamation, proclaiming February 19, 2013, as *Rosemary Rosales Day* in Flagstaff and presented it to Ms. Rosales, City Attorney, thanking her for her service to the City.

13. **PUBLIC HEARING ITEMS**

None submitted

14. **REGULAR AGENDA**

A. **Consideration of Resolution No. 2013-04**: Renaming the Mountain View Park the James Cullen Memorial Park

Parks Director Steve Zimmerman stated that what was being brought before Council this evening was a request to rename the Mountain View Park as the James Cullen Memorial Park, in honor of a 41-year resident of the City of Flagstaff. He said that he was a business owner and had a lot of dealings with the neighborhood kids and organizations throughout the years.

Mr. Zimmerman reviewed the process by which a park renaming would take place, noting that after the City Manager received a formal request he forwarded it to the Parks and Recreation Commission for a recommendation to the Council. He said that the Commission discussed the request and the Commission recommended by unanimous consent to rename the park.

At this time, the following community members came forward and spoke in support of renaming the park:

Kelly Cullen (son)
Tony Cullen (son)
Ervin Boren
Joe Farnsworth
Ed Leviness
Joe Ray

Mayor Nabours noted that the Cullen family had agreed to pay for the cost of the sign and its maintenance. Councilmembers thanked the community for coming out and all agreed that Mr. Cullen was a great member of the community.

Councilmember Overton moved to read Resolution No. 2013-04 by title only; seconded; passed unanimously.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF RENAMING MOUNTAIN VIEW PARK THE "JAMES CULLEN MEMORIAL PARK"

Councilmember Overton moved to adopt Resolution No. 2013-04; seconded; passed unanimously.

Mr. Farnsworth came forward and stated it was his pleasure knowing Rosemary Rosales and was sorry to see her go.

- B. **Consideration and Approval of Grant Award:** Reimbursement Agreement between the City of Flagstaff and the U. S. Department of Homeland Security, Transportation Security Administration.

Police Lieutenant Frank Higgins gave a brief background on this agreement, noting that it was \$80,900 per year for three years and it covered the costs of the officers at about 79%, depending on the number of flights per day.

Councilmember Brewster moved to approve [the Reimbursement Agreement with the U.S. Department of Homeland Security (DHS), Transportation Security Administration (TSA) and accept the total award of \$242,700 (\$80,900 per year) to offset the cost of mandatory law enforcement officer (LEO) presence during airport passenger screening over the next three years]; seconded; passed 6-1 with Councilmember Oravits casting the dissenting vote.

- C. **Consideration of Ordinance No. 2013-08:** An Ordinance of the City Council of the City of Flagstaff, Arizona, amending Flagstaff City Code Title 14, Human Relations, by adding Chapter 2, Civil Rights.

Deputy City Manager Josh Copley briefly reviewed the process to this point, noting that what was before them this evening was based on past discussions and direction. He said that it does not interfere with current rights afforded under state and federal law and would not create a new right or remedy that is already provided for.

Mayor Nabours said that several months ago the Council was asked whether they wanted to consider this issue further and with a majority interested, they invited Mayor Ralph Becker of Salt Lake City to give a presentation on their Civil Rights Ordinance. Additionally, Mr. Copley has conducted several meetings with various groups in town to get their comments and the Council has discussed those and given further direction to staff.

He said that the Council as a group has heard from many people regarding this ordinance. Many are in favor of some form of the ordinance, and he has talked with many business owners to whom it would apply and they have raised two points. First, they asked what indication there was that the businesses in Flagstaff have discriminated and, second, they did not care if it was enacted because they were not discriminating now.

He said that an ordinance was not going to change someone's attitude or their heart, so this ordinance may not really affect behavior. Fortunately, he said, he has not heard from anyone who believes they should have the right to discriminate.

Mayor Nabours said that he could easily and readily say there was no one on Council that was prejudice, and just because some of them may have expressed concerns with the ordinance it did not equate to any prejudice. He said that he welcomed the public's comments but would ask that the comments focus more on whether the wording was clear, fair and unambiguous, etc.

Councilmember Barotz said that she did want to hear from everyone, even those that have spoken before. She wanted everyone to feel welcome to come forward and not feel intimidated.

The following individuals spoke in favor of the proposed ordinance:

Lisa Rayner
Jamey Hasapis
Kristine Pavlik
Ann Ingram
Matthew Capalby
Gary Robbins
Jim McCarthy
Dan Frazier
Kathryn Jim
Moran Henn
Avtar Khalsa
Christine Fredericks
Jennifer Cody
Becky Daggett
Abigail Isakson
Susan Manker-Seale
Ky J. Dio
Marilyn Weissman

The following individuals spoke against the proposed ordinance:

Ann Ingram
Oregon McDiarmid
Scott Myers
Nolan Laughlin

A break was taken from 7:23 p.m. to 7:35 p.m.

Councilmember Barotz moved to read Ordinance No. 2013-08 with option 2 on page 8 [A person found responsible for a civil infraction for the first time shall be fined not more than five hundred dollars (\$500.00) per civil infraction. A person found responsible for the same civil infraction for a second time shall be fined not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000.00). A person found responsible for the same civil infraction for a third or subsequent time shall be fined not less than nine hundred dollars (\$900.00) nor more than twenty-five hundred dollars (\$2,500.00). The imposition of a fine for a civil infraction under this section shall not be suspended], and after further discussion, section J on page 4 to end after “selected by the city manager”; seconded.

Councilmember Woodson said that he agreed with the motion and although he felt there were other housekeeping items, none of them were deal breakers and he believed they would be ironed out as time goes by. He said that it is something that the people of Flagstaff have deserved. Many people have called and said it was not necessary; many more have said it was and he was ready to move forward.

Mayor Nabours said that the requested changes he had asked for a few weeks ago had been made and he agreed with Option 2.

Councilmember Brewster said that she agreed with the amendments and intends to vote for it. It has taken too long and she did not see it as creating a special class as it includes all of the others addressed by EEOC. She said that it was not a negative for their community; they are a diverse community. It sends a message that they will not tolerate discrimination of anyone.

Councilmember Barotz said that the City has adopted several resolutions over the past years to show that Flagstaff values diversity and inclusion. They were pre-steps in identify this important value and a vote now is “where the rubber meets the road.” Currently there are no state or federal laws that protect individuals based on their sexual orientation or gender identity or expression.

She said that it was time to take steps to ensure that people will not be fired from their jobs or denied service in a business for being a member of GLBT community. She believes there is broad support in the community for the ordinance, as shown by the many that have spoken over the years and also over 330 e-mails received by the Council.

She said that in 2011 the Commission on Diversity Awareness sent a letter in support of such an ordinance. People from all walks of life in Flagstaff have come into the Chambers and expressed support. Mayor Becker from Salt Lake City emphasized that the Mormon Church agreed with the ordinance and it made good economic sense. In June 2012 they heard from Lisa Rayner that non-discrimination ordinances were an important piece of economic competitiveness.

She said that the complaint process encourages that the parties come to an agreement; it is not punitive in nature.

Vice Mayor Evans said that whether it was their first time or twentieth, or whether they spoke or not, and regardless of whether she agreed with what they had to say, she was glad the public was there. She said that a lot of people had talked about Martin Luther King, Jr. and she shared that in 1963 he said, "*An injustice anywhere is a threat to justice everywhere.*" Additionally, John F. Kennedy said, "*The rights of every man are diminished when the rights of one man are threatened.*"

She said that she could not remember who said it but she quoted, "*If not us, who? If not now, when?*" She said that it is now 50 years later since Martin Luther King, Jr. made the above statement and they now had the ability and opportunity to address this issue. She said she was proud to be a part of the "*who*" and to being doing it "*now*."

The motion passed unanimously.

Consideration of Ordinance No. 2013-08: An Ordinance of the City Council of the City of Flagstaff, Arizona, amending Flagstaff City Code Title 14, Human Relations, by adding Chapter 2, Civil Rights.

Mayor Nabours thanked everyone that appeared, and for the respect shown. A short break was then taken from 8:25 p.m. to 8:37 p.m.

15. **DISCUSSION ITEMS**

A. **Discussion and Possible Action Item:** 4" Snow Policy.

Brief discussion was held on whether to bring forward for further discussion the 4" Snow Policy. It was agreed that they would put it on a future agenda, perhaps in April as they were discussing budgeting options.

16. **PUBLIC PARTICIPATION**

Tom Wyatt, speaking on behalf of the Board President of the Flagstaff Area Lodging Association, thanked the Council for participating in their recent Annual Meeting. He said that those kinds of events are never a success if there is not the attendance and partnership of elected officials and he appreciated them attending. He encouraged them to call any time.

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

The following comments were made:

- Need to clarify on CCR's when they are confidential
- Would like further information on employee reclassifications and whether there have been related pay increases, how many, etc.

- Ask the lobbyist to look into HB2338 (it was noted that he was)
- New countertops at the Airport look good
- Ask for a report on HB2608, revamping of election official retirement plan, and its implications for the state and city
- Attended Tourism Dinner at the Phoenician in Phoenix at which the Flagstaff Airport received an award
- Attended the CCY pancake breakfast

Mayor Nabours asked that a Discussion Item be placed on a future agenda regarding an ordinance prohibiting the feeding of wildlife.

Mr. Burke said that he would be adding to the next agenda a discussion item to address who would be invited to sit at the table during the April 8 Special Work Session to address the Zoning Map Amendment process.

Additionally, Mr. Burke said that he wanted to thank Rosemary Rosales for two great years, and for always being approachable. He said that her legacy would be the change in attitude of service that staff has received from the Legal Department, and he wished her the best.

Ms. Rosales thanked everyone for the *Rosemary Rosales* proclamation and for allowing her to serve as their attorney for the last few years. She said that she and her husband left Flagstaff in 1984 and 1985 and it was always their dream to come back. They just celebrated their 25th wedding anniversary last week and Flagstaff has a lot of history for them. She was sad to leave, but happy to be with her family again. She said that she hoped they continue to appreciate the wonderful staff they have and she would miss everyone. She said that she was leaving them in the capable hands of Michelle D'Andrea.

18. **ADJOURNMENT**

The Flagstaff City Council meeting of February 19, 2013, adjourned at 8:54 p.m.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

ARIZONA)
) ss.
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 February 19, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of March, 2013.

CITY CLERK