NOTE:

IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES AND THE FLAGSTAFF CITY CHARTER THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. AUDIO RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

SUMMARIZED MINUTES COUNCIL MEETING

February 17, 2009 5:00 p.m.

A meeting of the Flagstaff City Council was held on February 17, 2009, convening at 5:00 p.m., in the Council Chambers at City Hall, 211 West Aspen Avenue, Flagstaff, Arizona.

CALL TO ORDER

The meeting was called to order by Mayor Presler.

1. PLEDGE OF ALLEGIANCE, READING OF THE MISSION STATEMENT, AND INVOCATION

Mayor Presler asked those present to stand for the Pledge of Allegiance, the reading of the Mission Statement, and the Invocation.

2. ROLL CALL

On roll call, the following were present:

Mayor Presier

Vice Mayor White Councilmember Brewster Councilmember Evans Councilmember Haughey Councilmember Overton Councilmember Swanson

Also present were:

City Manager, Kevin Burke
City Attorney, Patricia Boomsma

3. MINUTES

No minutes were submitted.

4. PUBLIC PARTICIPATION

Norm Wallen, Flagstaff resident, presented complaints regarding the Immigration and Customs Enforcement raids taking place in Flagstaff, and provided the Council with documentation for their review.

The following individuals urged the Council to assist in keeping the Flagstaff High School swimming pool open for public and semi-professional use. Most speakers commented that swimming adds to the quality of life, teaches discipline, and is a positive form of peer pressure for Flagstaff's youth.

Sabrina Ortega Riek, Flagstaff Snow Sharks
Jessica Bennett, Flagstaff Snow Sharks
Lorraine Zannini, Flagstaff Snow Sharks
Ian Baines, Coach for Flagstaff Snow Sharks
Kara Kelty, Flagstaff Snow Sharks
James Carter, M.D., father of Snow Shark
Brad Bransdsky, father of Snow Shark
Janelle Geuen, Flagstaff High School Swim Team

Councilmembers Swanson and Brewster asked that the above issue be placed on a work session agenda so that possible solutions may be discussed. Previously obstructed

Mayor Presler asked that staff meet with representatives from the Flagstaff Snow Sharks and the Flagstaff Unified School District before the work session discussion takes place.

5. CONSENT AGENDA

A. Consideration of Bids: Lead abatement at the Buffalo Park reclaim water storage tank.

RECOMMENDED ACTION: Approve the bid from Spray Systems Environmental Inc. in the amount of \$109,976.00.

B. Consideration of Bids: Professional audit services.

RECOMMENDED ACTION:

Approve the bid from Eide Bailly of Phoenix, Arizona to perform annual audits in the amounts of \$54,925.00 for year ending June 30, 2009; \$59,860.00 for year ending June 30, 2010; \$59,855.00 for year ending June 30, 2011; \$62,020.00 for fiscal year ending June 30, 2012; and \$68,240.00 for year ending June 30, 2013.

C. Consideration of Consultant Agreement: Utility rate capacity study.

RECOMMENDED ACTION:

- (1) Approve the agreement with Willdan Group Inc. in the amount of \$91,315.00;
- (2) Authorize the City Manager to execute the necessary documents; and
- (3) Authorize change order authority in the amount of \$9,000.00 to cover potential costs associated with unanticipated work or additional items.
- D. <u>Consideration of Subgrantee Agreement:</u> 2007 Buffer Zone Projection Plan Glen Canyon project.

RECOMMENDED ACTION:

Approve the subgrantee agreement with the Arizona Department of Homeland Security and authorize acceptance of grant funds in the amount of \$80,000.00.

F.

E. <u>Consideration of Intergovernmental Agreement:</u> Funding for right-of-way easement through Picture Canyon.

RECOMMENDED ACTION: Approve the intergovernmental agreement with Coconino County.

Consideration of Street Closures: 2009 Route 66 Days car show.

RECOMMENDED ACTION: Approve the street closures of Aspen and Birch Avenues

on Saturday, September 12, 2009.

Vice Mayor White moved to approve the Consent Calendar with the exception of Items 5B, 5C, and 5E. The motion was seconded by Councilmember Overton and passed on unanimous vote.

Returning to Item 5B, Councilmember Evans moved to reject the recommended action and to approve the bid from Walker and Armstrong instead. The motion was seconded by Councilmember Swanson.

Some Councilmembers commented that Nordstrom and Associates, in association with Walker and Armstrong, have a long working experience and familiarity with the City of Flagstaff.

Other Councilmembers noted that a new firm would bring fresh eyes, which could benefit the City.

Sharmen Cawood, Certified Public Accountant and member of the City's Audit Committee, defended the matrix used in selecting the City's auditors for the current year and subsequent four years. The selection team worked to evaluate each bid equally, as though each bidder were approaching the City for the first time.

Councilmember Haughey moved to recess into executive session for legal advice. The motion was seconded by Councilmember Overton and passed on unanimous vote.

The Council meeting resumed at 6:31 p.m.

Councilmember Evans moved to table the item to the next regularly scheduled Council meeting. The motion was seconded by Council Swanson and passed on majority roll-call vote as follows:

Mayor Presler	Aye
Vice Mayor White	Aye
Councilmember Brewster	Aye
Councilmember Evans	Aye
Councilmember Haughey	Nay
Councilmember Overton	Nay
Councilmember Swanson	Aye

Returning to Item 5C, Councilmember Haughey moved to approve the recommended action, seconded by Vice Mayor White.

Randy Pellatz, Utilities Director, explained that the current model was developed in 1996 and is out of date, does not have a users' manual, is difficult to work with, and is questionable as to whether it is legally defensible.

Councilmembers supporting the consultant agreement remarked that: (1) staff does not have the expertise or tools to perform the study in house; (2) the rate standards must be legally defensible and pass muster with the Arizona Corporation Commission; and (3) the value gained outweighs the cost of the study.

Other Councilmembers expressed opposition to the agreement saying that the study should be performed in house.

The motion to approve the recommended action passed on majority roll-call vote as follows:

Mayor Presler	Aye
Vice Mayor White	Aye
Councilmember Brewster	Aye
Councilmember Evans	Nay
Councilmember Haughey	Aye
Councilmember Overton	Nay
Councilmember Swanson	Nay

The Council returned to Item 5E with a motion from Vice Mayor White to approve the recommended action, seconded by Councilmember Brewster.

Councilmember Brewster noted that the action will assist with the restoration of the Rio de Flag and keep the State riparian habitat in place.

The motion passed on unanimous vote.

6. PUBLIC HEARING ITEMS (Public Hearing Items Will Not be Heard Prior to 5:30 p.m.)

A. <u>Consideration of Liquor License Application:</u> Fouad Khodr, "Pita Jungle", 320 S. Regent Street, #312, Series 12, New License.

RECOMMENDED ACTION:

Open the public hearing. Receive citizen input.

Close 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;
- (3) Forward the application to the State with a recommendation for denial based on the testimony at the public hearing and/or other factors.

Councilmember Overton moved to open the public hearing, seconded by Vice Mayor White. The vote was unanimous in favor.

Sgt. Ryan Coons, Flagstaff Police Department, stated that he conducted the background investigation and found no reason to object to the application.

Matt Jenkins, representing the applicant, stated that the business is committed to serving alcohol to their customers in a safe, conservative, and lawful manner. Only approximately 5% of their sales in the Phoenix area are from alcohol.

There being no further public input, Councilmember Haughey moved to close the public hearing, seconded by Vice Mayor White. The motion passed on unanimous vote.

Vice Mayor White moved to forward the application to the State with a recommendation for approval. The motion was seconded by Councilmember Haughey and passed on unanimous vote.

B. <u>Consideration of Liquor License Application:</u> Suzette Knapp, "Pine Grove Liquors", 1926 N. 4th Street, Suite #1, Series 09, Person Transfer.

RECOMMENDED ACTION:

Open the public hearing. Receive citizen input. Close 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:
- (3) Forward the application to the State with a recommendation for denial based on the testimony at the public hearing and/or other factors.

Councilmember Haughey declared a conflict of interest, removed himself from the podium, and did not enter into discussion or vote.

Vice Mayor White moved to open the public hearing, seconded by Councilmember Brewster. The vote was unanimous in favor. Councilmember Haughey was excused from the vote due to a conflict of interest.

Sgt. Ryan Coons, Flagstaff Police Department, stated that he conducted the background investigation and found no reason to oppose the application.

The applicant, Suzette Knapp, was present but did not address the Council.

There being no public input, Vice Mayor White moved to close the public hearing. The motion was seconded by Councilmember Brewster and passed on unanimous vote. Councilmember Haughey was excused from the vote due to a conflict of interest.

Vice Mayor White 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. Councilmember Haughey was excused from the vote due to a conflict of interest.

Councilmember Haughey returned to the meeting.

7. REGULAR AGENDA

A. Consideration of Applicants for Appointments: Tourism 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 one appointment to a partial hospitality term expiring January, 2011; one appointment to hospitality term expiring January, 2012; and two appointments to at-large terms expiring January, 2012.

Vice Mayor White moved to appoint Mary Berg and Jamey Hasapis to at-large terms expiring in January, 2012; Richard Svedson to a partial hospitality term expiring in January, 2011; and Mark Price to a hospitality term expiring in January, 2012. The motion was seconded by Councilmember Overton and passed on unanimous vote.

B. Consideration of Ordinance No. 2009-07: An ordinance adopting the "2009 Low Impact Development (LID) Amendments to the City of Flagstaff Stormwater Management Design Manual", which adopts a new Chapter 9 of the City of Flagstaff Stormwater Management Design Manual, entitled "The Low Impact Development (LID) Requirements" and amends Chapter 8 of the Stormwater Management Design Manual to comply with the Low Impact Development requirements; adopting the Low Impact Development (LID) Guidance Manual; and providing for housekeeping changes.

RECOMMENDED ACTION: Read Ordinance No. 2009-07 by title only for the final time. Adopt Ordinance No. 2009-07.

Councilmember Evans moved to read Ordinance No. 2009-07 for the final time by title only, seconded by Vice Mayor White. The motion passed on unanimous vote and title was read as follows:

ORDINANCE No. 2009-07

An ordinance adopting the "2009 Low Impact Development (LID) Amendments to the City of Flagstaff Stormwater Management Design Manual", which adopts a new Chapter 9 of the City of Flagstaff Stormwater Management Design Manual, entitled "The Low Impact Development (LID) Requirements" and amends Chapter 8 of the Stormwater Management Design Manual to comply with the Low Impact Development requirements; adopting the Low Impact Development (LID) Guidance Manual; and providing for housekeeping changes.

Councilmember Haughey moved to adopt Ordinance No. 2009-07. The motion was seconded by Vice Mayor White and passed on unanimous vote.

C. Consideration of Ordinance No. 2009-08: An ordinance amending Flagstaff City Code, Title 2, Chapter 4, Water Commission, by reorganizing the Water Commission to change its membership and incorporate Stormwater management activities into its duties; repealing Title 2, Chapter 21, Stormwater Advisory Committee, and providing for housekeeping changes.

RECOMMENDED ACTION: Read Ordinance No. 2009-08 for the first time by title only.

Vice Mayor White moved to read Ordinance No. 2009-08 for the first time by title only, seconded by Councilmember Haughey. The vote was unanimous in favor and title was read as follows:

ORDINANCE No. 2009-08

An ordinance amending Flagstaff City Code, Title 2, Chapter 4, Water Commission, by reorganizing the Water Commission to change its membership and incorporate Stormwater management activities into its duties; repealing Title 2, Chapter 21, Stormwater Advisory Committee, and providing for housekeeping changes.

8. COUNCIL DISCUSSION ITEMS

No items were submitted.

9. PUBLIC PARTICIPATION

None.

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

Councilmember Evans requested a work session discussion on how Bed, Board, and Beverage funds (BBB) are allocated.

Mark Landsiedel, Community Development Division, reported that communications have improved between the Army Corps of Engineers' Washington D.C. office, the Los Angeles office and the City of Flagstaff in reference to timeline and funding issues with the Rio de Flag project.

Councilmember Evans advocated for staff to meet face-to-face with division representatives in San Francisco, since they will be allocating the Federal stimulus monies for the South Pacific Division.

Councilmember Brewster requested that staff provide Council with a brief weekly update on the efforts to secure funding for the completion of the Rio de Flag project.

Councilmember Haughey asked that a Section 8 discussion be scheduled for a project he would like to initiate called Victory Gardens.

11. ADJOURNMENT

There being no further business to come before the Council, the Meeting was adjourned at 7:17 p.m.

			MAYOR
ATTEST:			
CITY CLERK			
		CER	TIFICATION
STATE OF ARIZONA,)		
Coconino County.)	SS.	
Coconino, State of Arizona	a, and th the City	at the ab of Flagst	am the City Clerk of the City of Flagstaff, County of the ove Minutes are a true and correct summary of the aff held on February 17, 2009. I further certify that a quorum was present.
DATED this 29 th day of Jul	y, 2009.		
			CITY CLERK