

MINUTES

1. CALL TO ORDER

Vice Mayor Whelan called the Regular Meeting of October 16, 2018, to order at 4:31 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 means.

PRESENT:

VICE MAYOR WHELAN
COUNCILMEMBER BAROTZ (telephonically)
COUNCILMEMBER MCCARTHY
COUNCILMEMBER ODEGAARD
COUNCILMEMBER OVERTON
COUNCILMEMBER PUTZOVA

ABSENT:

MAYOR EVANS

Others present: City Manager Barbara Goodrich and City Attorney Sterling Solomon.

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

The Council and audience recited the pledge of allegiance and Councilmember Putzova read the Mission Statement of the City of Flagstaff.

MISSION STATEMENT

The mission of the City of Flagstaff is to protect and enhance the quality of life for all.

4. 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

5. PROCLAMATIONS AND RECOGNITIONS

None

6. 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:** Northern Arizona Intergovernmental Public Transportation Authority (NAIPTA) Transit Advisory Committee (TAC) Citizen Representative and Alternate Member Appointments.

Moved by Vice Mayor Jamie Whelan, **seconded by** Councilmember Scott Overton to appoint Paul Wagner as an alternate to a term expiring October 2021.

Vote: 6 - 0 - Unanimously

Moved by Councilmember Scott Overton, **seconded by** Councilmember Charlie Odegaard to appoint Kevin Parkes to the permanent position with a term expiring October 2021.

Vote: 6 - 0 - Unanimously

- B. Consideration of Appointments:** Sustainability Commission.

Moved by Vice Mayor Jamie Whelan, **seconded by** Councilmember Charlie Odegaard to appoint Dara Marks-Marino to a term expiring October 2021.

Vote: 6 - 0 - Unanimously

7. 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.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Eva Putzova to approve Consent Items 7A through 7D.

Vote: 6 - 0 - Unanimously

- A. Consideration and Approval of Grant Agreement:** Wildland Fire Hazard Fuels (WFHF) 15-212 grant award - Greater Flagstaff Fuels Reduction Project (2015 Additional Funding).
Approve the Greater Flagstaff Fuels Reduction Project (2015 Additional) Wildland Fire Hazardous Fuels (WFHF) 2015-212 grant award from AZ Dept of Forestry and Fire Management.
- B. Consideration and Approval of Grant Agreement:** Wildland Fire Hazardous Fuels (WFHF) 18-203 grant award - Greater Flagstaff Fuels Reduction Project.
Approve the Greater Flagstaff Fuels Reduction Project Wildland Fire Hazardous Fuels (WFHF) 18-203 grant award from AZ Dept of Forestry and Fire Management.
- C. Consideration and Approval of License Agreement:**
This Agreement is between the City of Flagstaff and the Flagstaff Youth Hockey Association (FYHA). The Agreement outlines the responsibilities for both parties including the rental of ice time from the City of Flagstaff Jay Lively Activity Center.
Approve the license agreement between the City of Flagstaff and the Flagstaff Youth Hockey Association with anticipated revenue of approximately \$69,000.
- D. Consideration and Approval of Grant Award:** FY18 Cooperating Technical Partners Grant Agreement.
Approve the FEMA FY18 Cooperating Technical Partners Grant Agreement in the amount of \$200,000 for the Rio de Flag Hydrology Study.

8. ROUTINE ITEMS

A. Adjustment of Boundary between the United States Forest Service (USFS) and National Park Service (NPS).

Interim Assistant to the City Manager Cliff Bryson introduced Kayci Cook Collins, Superintendent with the National Forest Service, who provided a PowerPoint presentation that covered the following:

FLAGSTAFF AREA NATIONAL MONUMENTS
SUNSET CRATER VOLCANO NM
BACKGROUND
WHAT IS SO SPECIAL?
NPS FACILITIES ON USFS LAND
WHY TRANSFER TRACT FROM USFS TO NPSW
REASONS TO SUPPORT TRANSFER

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Scott Overton to approve a letter support for the boundary adjustment of 97.71 acres from the United States Forest Service (USFS) Coconino National Forest to the National Park Service (NPS) Sunset Crater Volcano National Monument.

Vote: 6 - 0 - Unanimously

RECESS

The 4:30 p.m. portion of the October 16, 2018, Regular Council Meeting recessed at 4:43 p.m.

6:00 P.M. MEETING**RECONVENE**

Vice Mayor Whelan called the meeting of the Flagstaff City Council held October 16, 2018, to order at 6:00 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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9. ROLL CALL

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

PRESENT:

VICE MAYOR WHELAN
COUNCILMEMBER BAROTZ
COUNCILMEMBER MCCARTHY
COUNCILMEMBER ODEGAARD
COUNCILMEMBER OVERTON
COUNCILMEMBER PUTZOVA

ABSENT:

MAYOR EVANS

Others present: City Manager Barbara Goodrich and City Attorney Sterling Solomon.

10. PLEDGE OF ALLEGIANCE

The Council and audience recited the pledge of allegiance.

11. PUBLIC PARTICIPATION

Mike Marlow with NAU addressed the Council inviting them and the public to attend the NAU Homecoming activities next week. He stated that they will be honoring Stacey Brechler-Knaggs with the Dwight Patterson Alumnus of the Year Award at halftime.

Tyler Linner addressed Council with concerns about the removal of milkweed along Lone Tree Road. He asked the Council to consider marking and protecting these areas to preserve the natural habitat of butterflies.

Paul Kulpinski addressed Council regarding the work of Launch Flagstaff. He thanked the Council for their continued support and asked for the opportunity to do a formal presentation

about their work.

Sarah Goodman, Adeline Travis, and Cheyenne Sorenson addressed Council about the Cinderella Program. The program builds friendships and self-confidence and provides opportunities for young women to be well rounded individuals and leaders in the community.

12. CARRY OVER ITEMS FROM THE 4:30 P.M. AGENDA

None

13. PUBLIC HEARING ITEMS

- A. Consideration and Adoption of Resolution No. 2018-50:** A resolution of the City Council of the City of Flagstaff, Arizona amending the Flagstaff Regional Plan 2030 by amending the Future Growth Illustration (Maps 21 and 22) and the Road Network Illustration (Map 25) to make the land use and road network designations consistent with the McMillan Mesa Natural Area to clarify the extent of surrounding land uses on City property, to correct mapping errors, and establishing an effective date.

Vice Mayor Whelan opened the public hearing.

Comprehensive Planning Manager Sara Dechter provided a PowerPoint presentation that covered the following:

MCMILLAN MESA NATURAL AREA – MAJOR REGIONAL PLAN AMENDMENT
 WHAT IS PROPOSED?
 FRP30 AREA TYPES CURRENT MAP
 FRP30 AREA TYPES AMENDED MAP
 ROAD NETWORK CHANGES
 WHY IS A PLAN AMENDMENT NECESSARY?
 REQUIRED PUBLIC PROCESS AND NOTICE
 REQUIRED NOTICE
 60 DAY PUBLIC REVIEW
 PUBLIC HEARING SCHEDULE
 COMMUNITY BENEFITS
 CONFLICTING GOALS AND POLICIES
 CHANGE TO AREA TYPES
 WHAT ANALYSIS IS REQUIRED?
 IMPACT ANALYSIS SUMMARY
 TRANSPORTATION ANALYSIS SUMMARY
 TRANSPORTATION IMPACTS
 IMPLEMENTATION OF THE GENERAL PLAN

There being no public comment, Vice Mayor Whelan closed the public hearing.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to read Resolution No. 2018-50 by title only.

Vote: 6 - 0 - Unanimously

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA. AMENDING THE FLAGSTAFF REGIONAL PLAN 2030 BY AMENDING THE FUTURE GROWTH ILLUSTRATION (MAPS 21 AND 22) AND THE ROAD NETWORK ILLUSTRATION (MAP 25) TO MAKE THE LAND USE AND ROAD NETWORK DESIGNATIONS CONSISTENT WITH THE MCMILLAN MESA NATURAL AREA, TO CLARIFY THE EXTENT OF SURROUNDING LAND USES ON CITY PROPERTY, TO CORRECT MAPPING ERRORS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Jim McCarthy, **seconded by** Vice Mayor Jamie Whelan to adopt Resolution No. 2018-50.

Vote: 6 - 0 - Unanimously

14. **REGULAR AGENDA**

- A. Consideration and Adoption of Ordinance No. 2018-35:** An ordinance amending the Flagstaff City Code, Chapter 1-14, *Personnel System*, by amending the Employee Handbook of Regulations related to *General Definitions* and *Residency Requirements* and by adding *Use of City Vehicles*; providing for repeal of conflicting ordinances; severability; and establishing an effective date (**Addendum 14 to Employee Handbook**)

Human Resources Director Shannon Anderson provided a PowerPoint presentation that covered the following.

ADDENDUM 14 – EMPLOYEE HANDBOOK
ADDENDUM 12 – EMPLOYEE HANDBOOK

Casey Gonzales addressed Council expressing support of the Ordinance on behalf of United Flagstaff Firefighters Association.

Vice Mayor Whelan asked if the issue was time sensitive and if not she suggested postponing a decision to allow for a more open discussion with the public at a Work Session.

Mr. Gonzales stated that it is not a time sensitive issue but it is something that has been discussed over the last couple of years and more in depth within the last eight months with the increasing cost of housing. While it is not a dire emergency it is something that the Association would appreciate a little urgency on. Expanding the residency area to the state has no cost impact, it is a cost neutral benefit with immediate impact and morale increase.

Flagstaff Fire Chief Mark Gaillard offered his agreement with Mr. Gonzales stating that there are two vacancies coming up in the recruitment process and if there is a change in the residency requirement it may help broaden the applicant pool.

Councilmember Barotz stated that she is supportive of moving forward now; there is not any one solution that will make the issue go away, it is housing, cost of living, and salary. Securing multiple strategies to help the department is something that she would support.

Vice Mayor Whelan asked how many times firefighters report to work per month. Chief Gaillard stated that they report to work five times per month which is why the expanded residency area has no impact on operations. He is not concerned about any negative impact to public safety and offered that through partnerships with other surrounding agencies there is always adequate coverage for response to a large event.

Vice Mayor Whelan offered that she believes that the issue is bigger than a Council decision and the community needs to participate in the discussion.

Councilmember Overton agreed and suggested that perhaps the Firefighter Union and Flagstaff Fire Department do outreach to the community to explain what the change means for the community.

Councilmember Barotz asked if it is common practice to allow firefighters to live outside municipal limits. Chief Gaillard responded that it is very uncommon to find residency restrictions in other areas. Mr. Gonzales added that there are two cities in Arizona that have restrictions.

Councilmember Putzova stated that she is comfortable with the amendments and does not believe that a public conversation would lead to any other outcome. If there are restricted residency requirements, then there needs to be salaries to match.

Councilmember McCarthy stated that if there is concern from the public, they have the opportunity to provide those comments at the second read of the ordinance.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to read Ordinance No. 2018-35 by title only for the first time.

Vote: 5 - 1

NAY: Vice Mayor Jamie Whelan

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, CHAPTER 1-14, PERSONNEL SYSTEM, BY AMENDING THE EMPLOYEE HANDBOOK OF REGULATIONS RELATED TO GENERAL DEFINITIONS AND RESIDENCY REQUIREMENTS AND BY ADDING USE OF CITY VEHICLES; PROVIDING FOR PENALTIES; REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

- B. Consideration and Adoption of Ordinance No. 2018-36:** An ordinance amending the Employee Handbook of Regulations *Employment Categories* and *Employee Advisory Committee*; providing for penalties; repeal of conflicting ordinances; severability; and establishing an effective date. **(Addendum 15, relating to FMPO Executive Director)**

Ms. Anderson provided a PowerPoint presentation that covered the following:

ADDENDUM 15 – EMPLOYEE HANDBOOK

Moved by Councilmember Eva Putzova, **seconded by** Councilmember Jim McCarthy to read Ordinance No. 2018-36 by title only for the first time.

Vote: 6 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, CHAPTER 1-14, PERSONNEL SYSTEM, BY AMENDING THE EMPLOYEE HANDBOOK OF REGULATIONS EMPLOYMENT CATEGORIES AND EMPLOYEE ADVISORY COMMITTEE; PROVIDING FOR PENALTIES; REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

- C. **Consideration and Adoption of Resolution No. 2018-47:** A resolution approving an Intergovernmental Agreement/Third-Party Agreement between the City of Flagstaff, Coconino County, and Paw Placement of Northern Arizona for Animal Shelter Services.

Deputy Police Chief Walt Miller provided a PowerPoint presentation that covered the following:

ANIMAL SHELTER SERVICES
SUMMARY
SECOND CHANCE BUILDING – 1665 N. HIGHWAY 89
REQUEST FOR PROPOSALS (RFP) PROCESS
CONCERNS
FINANCIAL IMPACTS

Councilmember Overton expressed concern about the financial contribution to the building; while it is a match by the City now, will the expectation be to fund it ongoing. The City does not own the building and he does not want to set a precedent of taking on the maintenance of county structures.

Deputy Chief Miller stated that this is a one time ask to help Paw Placement get up and running and there is a five-year limit for the matching contribution. Councilmember Overton stated that he would like to see that contribution be paid in full up front rather than over the five-year period.

Deputy County Manager Mike Townsend stated that the \$12,300 contribution by the City and County is related to capital expenses for the interior of the building. The contractor will be running the facility. It is meant to create a fund for the contractor to take care of the things internally as needed.

A break was held from 7:29 p.m. through 7:37 p.m.

Moved by Councilmember Eva Putzova, **seconded by** Vice Mayor Jamie Whelan to read Resolution No. 2018-47 by title only.

Vote: 6 - 0 - Unanimously

A RESOLUTION APPROVING THE INTERGOVERNMENTAL AND THIRD PARTY AGREEMENT BETWEEN THE CITY OF FLAGSTAFF, COCONINO COUNTY AND PAW PLACEMENT OF NORTHERN ARIZONA FOR ANIMAL SHELTER SERVICES

Moved by Councilmember Eva Putzova, **seconded by** Councilmember Jim McCarthy to adopt Ordinance No. 2018-47.

Vote: 6 - 0 - Unanimously

- D. Consideration and Adoption of Resolution No. 2018-49:** A resolution of the City Council of the City of Flagstaff, Arizona amending the Procurement Code Manual, Article 25, Change Orders, Sections 25.1 Change Order Process, Section 25.2 Change Order Conditions, and Section 25.3 Change Order Membership and establishing an effective date.

Purchasing Director Rick Compau provided a PowerPoint presentation that covered the following:

PROCUREMENT CODE MANUAL PROPOSED AMENDMENTS TO ARTICLE 25
"CHANGE ORDERS"

OVERVIEW

HISTORY OF F.A.I.R.

PROPOSED AMENDMENTS: SECTION 25.1 "CHANGE ORDER PROCESS" LETTER (E)

Councilmember Barotz asked for a clarification on when a Change Order would need to be approved by Council. Senior Assistant City Attorney Christina Rubalcava explained that Change Orders are looked at cumulatively and once it meets the \$50,000 threshold then it comes to Council for approval.

Mr. Compau continued the presentation.

PROPOSED AMENDMENTS: SECTION 25.2 "CHANGE ORDER CONDITIONS"
LETTER (A)

Councilmember McCarthy asked what triggers a Change Order. Mr. Compau stated that when things that are not identified in the specifications or if something is added or removed a Change Order would be issued. An example would be a change in the price or quantity of asphalt needed for a project. Those estimates are included in the original bid but they are not always exact.

Vice Mayor Whelan asked why contract allowances do not start at 5% and then negotiate from there. Mr. Compau stated that the proposed changes remove the set percentages and replaces the language with may so there is more flexibility in setting the percentage based on the work to be done.

Mr. Compau continued.

PROPOSED AMENDMENTS: SECTION 25.2 "CHANGE ORDER CONDITIONS"
LETTER (B)

PROPOSED AMENDMENTS: SECTION 25.2 "CHANGE ORDER CONDITIONS" ADDITION

Councilmember Odegaard asked if any of the proposed changes will slow down or speed up projects. Mr. Compau stated that they could potentially slow down the process when Change Orders need to come to Council for approval due to agenda availability.

Councilmember Bartoz asked who decides what an extenuating circumstance is. Mr. Compau stated that it is a judgment call between the contractor, project manager, and the project manager's director. Extenuating circumstances are generally if something is time sensitive to correct or a safety concern.

Andy Fernandez addressed Council in opposition of the changes proposed by staff.

Councilmember McCarthy stated that it might be better for staff to consider the comments

and questions from Council and provide further edits.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to postpone the item until staff has the chance to consider Council comments and come back with changes.

Vote: 6 - 0 - Unanimously

- E. Consideration and Adoption of Ordinance No. 2018-20:**A(n) ordinance amending Section 5-01-001-0001 of the Flagstaff City Code regarding fire protection services in County islands and other selected unincorporated property.

Deputy Fire Chief Mark Wilson stated that the ordinance will amend the methodology that is used to calculate contract rates for property outside city limits that do not currently have a contract with the City. The ordinance will also change from a Consumer Price Index (CPI) to a 2% flat rate for those properties that already have a contract. The proposal is to change from the old method that was based off of call volume and move to a top burden rate for three person companies for an engine and water tender. This would bring some equality between those who are paying taxes and those who are on contract. Those who are not on contract would be billed in the same manner as well.

Andy Fernandez addressed Council and suggested that the county islands throughout the City should be annexed into the City and pay taxes for fire service.

Moved by Councilmember Scott Overton, **seconded by** Councilmember Charlie Odegaard to read Ordinance No. 2018-20 by title only for the first time.

Vote: 6 - 0 - Unanimously

AN ORDINANCE AMENDING SECTION 5-01-001-0001 OF THE FLAGSTAFF CITY CODE REGARDING FIRE PROTECTION SERVICES IN COUNTY ISLANDS AND OTHER SELECTED UNINCORPORATED PROPERTY.

- F. Consideration and Possible Action:** Cancel the 6:00 p.m. portion of the November 6, 2018 Regular Meeting and the Regular Meeting of January 1, 2019.

Moved by Councilmember Jim McCarthy, **seconded by** Vice Mayor Jamie Whelan to cancel the 6:00 p.m. portion of the November 6, 2018 Regular Meeting and the Regular Meeting of January 1, 2019.

Vote: 6 - 0 - Unanimously

15. COUNCIL LIAISON REPORTS

None

16. FUTURE AGENDA ITEM REQUESTS

After discussion and upon agreement by two members of the Council, an item will be moved to a regularly-scheduled Council meeting.

- A. Future Agenda Item Request (F.A.I.R.):** A Citizens' Petition requesting Council consideration of free parking on first Friday of each month.

Terry Madeksza addressed Council stating that a policy is being created for requests to offer free parking during certain events downtown. She indicated that the policy should be coming before Council soon and feels that the consideration of the petition should come after a policy is finalized.

Councilmember Putzova suggested that both conversations can happen at the same time.

Councilmember Overton expressed concern about setting a policy and having a request at the same meeting. He would rather have a policy in place and then have the requester go through the process. Ms. Madeksza agreed stating that they have been working on a policy for the last couple months and it is nearing completion. The policy would put a process in place that is fair and that can be applied consistently.

Two Councilmembers were in favor of Councilmember Putzova's suggestion and moving the item to a future agenda.

- B. Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Odegaard to place on a future agenda a discussion about bringing back the Youth Commission in some form.

Councilmember Odegaard stated that after attending the League of Cities and Towns Annual Conference and seeing other cities bringing youth to the event he would like to discuss a similar practice for Flagstaff.

Vice Mayor Whelan added that there is also movement in the community to find ways to empower youth; this could be something that could be a partnership with those efforts.

At least two Councilmembers were in favor of moving the item to a future agenda.

- C. Future Agenda Item Request (F.A.I.R.):** A request by Vice Mayor Whelan to place on a future agenda a discussion about reestablishing the conversation about Thorpe Park with regards to future use as a park, affordable housing, and the community building.

At least two Councilmembers were in favor of moving the item to a future agenda.

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

Councilmember Odegaard reported that General Semonite will be in Flagstaff tomorrow to discuss the Rio de Flag. He is excited about what will come from that meeting.

Vice Mayor Whelan reported that she attended the Stronger as One meeting which was well attended. There is urgency in looking at death by suicide which has increased 45% in the last year within the region. This statistic is very alarming, and the group is working together on the issue and will be making recommendations in the near future.

18. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held October 16, 2018, adjourned at 9:12 p.m.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

I, STACY SALTZBURG, 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, 2018. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 27th day of August, 2019.

CITY CLERK