

MINUTES

1. CALL TO ORDER

Mayor Evans called the meeting of the Flagstaff City Council held November 20, 2018, to order at 4:30 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:

ABSENT:

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

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 Vice Mayor Whelan 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: Heritage Preservation Commission.

Moved by Councilmember Celia Barotz, **seconded by** Vice Mayor Jamie Whelan to appoint Stefano Coaloa to an At-Large position with a term expiring December 2020.

Vote: 7 - 0 - Unanimously

Moved by Vice Mayor Jamie Whelan, **seconded by** Councilmember Charlie Odegaard to appoint Dr. Emily Dale to a Professional position with a term expiring December 2020.

Vote: 7 - 0 - Unanimously

7. LIQUOR LICENSE PUBLIC HEARINGS**A. Consideration and Action on Liquor License Application: Steven Hallum "Swift Travel Center," 3099 W. Shamrell Boulevard, Series 10 (beer and wine store), New License.**

Mayor Evans opened the public hearing.

Sgt. Collin Seay addressed the Council with a brief explanation of the license.

Councilmember Odegaard thanked the applicant for coming to the meeting and being available for questions.

There being no public comment Mayor Evans closed the public hearing.

Moved by Councilmember Scott Overton, **seconded by** Councilmember Charlie Odegaard to forward the application to the State with a recommendation of approval.

Vote: 7 - 0 - Unanimously

8. 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 Eva Putzova, **seconded by** Vice Mayor Jamie Whelan to approve Consent Item 7A.

Vote: 7 - 0 - Unanimously

- A. Consideration and Approval of Street Closure(s):** New Year's Eve Safety Street Closure
Approve the street closure of Aspen Avenue (between San Francisco Street and Beaver Street) and Leroux Street (between Route 66 and Birch Avenue) on December 31, 2018, from 8:00 PM, to January 1, 2019 at 1:30 AM.

9. ROUTINE ITEMS

- A. Consideration and Approval of Cooperative Purchasing Contract:** Contract phased retirement program through cooperative purchasing agreement with Mohave Cooperative.

Human Resources Director Shannon Anderson stated that the contract with SmartWorks is a succession planning tool that allows employees the ability to train and complete projects as they phase out to retirement.

Councilmember Putzova asked how many people have utilized the program. Ms. Anderson stated that each year it is between two and four individuals.

Councilmember McCarthy stated that the employee only receives 75% of what they were making before they entered into the program; he asked what the rationale was for that figure. Ms. Anderson stated that the 75% is because the employee is not doing the full scope of the job, they are focused on the knowledge transfer or completion of projects. Additionally, they are receiving their pension from the State retirement system at the same time.

Moved by Vice Mayor Jamie Whelan, **seconded by** Councilmember Jim McCarthy to approve the purchase from SmartworksPlus for an annual amount up to \$800,000 plus applicable taxes.

Vote: 6 - 1

NAY: Councilmember Scott Overton

- B. Consideration and Approval of Purchase Contract:** Purchase of 7 Scott Self-Contained Breathing Apparatus (SCBA), 7 Scott Face Piece masks, and 14 Scott 45-min SCBA Bottles from Fisher Scientific Company, L.L.C.

AARF Manager Tim Skinner provided a display of the equipment and reviewed each one with the Council.

Moved by Councilmember Scott Overton, **seconded by** Vice Mayor Jamie Whelan to approve the contract with Fisher Scientific Company, L.L.C. in the amount of \$51,313.49 with U.S. Department of Transportation, Federal Aviation Administration grant funds and authorize the City Manager to execute the necessary documents.

Vote: 7 - 0 - Unanimously

- C. Consideration and Adoption of Ordinance No. 2018-38:** An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code by amending Title 9 *Traffic Code* Section 9-01-001-0003 *Stopping or Standing and Parking Restrictions*, to modify parking violation fines, providing for penalties, repeal of conflicting ordinances, severability, and establishing an effective date.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to read Ordinance No. 2018-38 by title only for the final time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE BY AMENDING TITLE 9 TRAFFIC CODE SECTION 9-01-001-0003 STOPPING STANDING AND PARKING RESTRICTIONS, TO MODIFY PARKING VIOLATION FINES, PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to adopt Ordinance 2018-38.

Vote: 7 - 0 - Unanimously

RECESS

The 4:30 p.m. portion of the November 20, 2018, Regular Council Meeting recessed at 4:47 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Evans reconvened the Regular Meeting of the Flagstaff City Council held November 20, 2018, at 6:00 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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10. ROLL CALL

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

PRESENT:

ABSENT:

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

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

11. PLEDGE OF ALLEGIANCE

The Council and audience recited the pledge of allegiance.

12. PUBLIC PARTICIPATION

Roabie Johnson addressed Council requesting that the fire grills be permanently removed from Thorpe Park because of the fire danger.

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

None

14. PUBLIC HEARING ITEMS

- A. Consideration and Adoption of Ordinance No. 2018-40:** An ordinance of the Mayor and Council of the City of Flagstaff, Arizona amending the Flagstaff City Code, Title 12, Floodplains, Chapter 12-02, Stormwater Management Utility, by amending the Schedule of Stormwater Management Utility Service Charges and Fees; providing for repeal of conflicting ordinances, severability, penalties, and establishing an effective date. ***(Changes in stormwater fees)***

Mayor Evans opened the Public Hearing.

Stormwater Manager Chris Kirkendall provided a PowerPoint presentation that covered the following:

STORMWATER UTILITY SERVICE CHARGE
OVERVIEW
COUNCIL DIRECTION
COMMUNITY NEEDS
STORMWATER CURRENT TOP 10 PRIORITIES
PUBLIC OUTREACH

Councilmember Barotz asked why the Water Commission did not have a recommendation. Water Services Director Brad Hill stated that there was significant discussion and they

considered both the ten- and twelve-year options. They did not like either option so they opted to offer no recommendation.

Management Services Director Rick Tadder continued the presentation.

SERVICE CHARGE INCREASE OBJECTIVES

STORMWATER SERVICE CHARGE – \$36 MILLION INCREASE FOR CAPITAL PROJECTS

STORMWATER SERVICE CHARGE – INCREMENTAL INCREASE

\$36 MILLION INCREASE FOR CAPITAL PROJECTS - INCREMENTAL INCREASE

Councilmember Overton asked if it is possible to leave the current rate and assign it to bond debt over a longer period of time such as 25 or 30 years. Mr. Tadder explained that the current rate would not be enough in that time frame as some of that funding has already been set for other projects. Councilmember Overton asked if it would be enough to fund the federal obligation for the Rio de Flag to which Mr. Tadder responded no.

Capital Improvements Engineer Bret Peterson continued the presentation.

RIO DE FLAG FLOOD CONTROL PROJECT UPDATE

ARMY CORPS OF ENGINEERS' ITEMS

BNSF RAILWAY COORDINATION ITEMS

PUBLIC INVOLVEMENT UPDATE

Councilmember McCarthy asked if all three options would allow for the Rio de Flag project to be funded along with all the other capital projects. Mr. Tadder stated that all projects would be completed but the pay as you go options would delay some of the projects until adequate funding is generated.

Councilmember Barotz asked who pays the stormwater fee. Mr. Tadder stated that everyone within City limits pay the stormwater fee. The residential fee is capped at five ERUs.

Mr. Tadder continued the presentation.

ACCELERATED PROJECTS SCENARIO

Ms. Goodrich stated that the City is at a point with the Army Corp. of Engineers (ACE) with the Rio de Flag project where it is important to understand that as early as October 2019 ACE may be asking for solid assurance that the City has the \$30 to \$36 million it needs for its share of the project. This is why the options are being provided now to generate the funds sooner rather than go through a pay as you go program. While a pay as you go program would get the \$36 million it would not happen soon enough.

Councilmember Overton asked if there are other funding mechanisms if the Rio de Flag project did not come to fruition. It is difficult to ask citizens to pay for a project that has been going on for 15 years with no assurance it will actually come forward. Ms. Goodrich stated that the City needs to start accumulating funds regardless of who does the project. In terms of other funding alternatives, she believes that as long as the City can show ACE that there is a plan in place to accumulate the funding, it would be enough to move forward and give the Council time to develop an appropriate fee schedule.

Vice Mayor Whelan asked if the Council were to move forward with revenue bonds and the project were to not come forward if the bond funds could be returned. Ms. Goodrich stated the Council could give direction to return those funds. Mr. Tadder added that approving the rate

does not authorize the debt, that is a separate action by the Council.

Mr. Tadder concluded the presentation.

ACCELERATED PROJECTS SCENARIO - \$33M/25 YEAR DEBT
ACCELERATED PROJECTS SCENARIO - \$33M/25 YEAR DEBT – INCREMENTAL
INCREASE
FLAT RATE SCENARIO

Mayor Evans asked if the Coconino County Flood Control District has provided any indication that the Rio de Flag project could be funded by the District. Ms. Goodrich stated that the District has not provided that information.

Vice Mayor Whelan stated that the Rio de Flag project has been going on for a very long time and it now looks like a real possibility to get it done. The City needs to move on the rates and keep the fee as small as possible. If the way to go is revenue bonds that can be pulled back if the project does not go forward then that is what she is supportive of doing.

The following individuals addressed Council in opposition of changes to stormwater fees:

- Stephen Vedral
- Rick Lopez
- Andy Fernandez

The following comments were received:

- It is difficult to absorb the doubling of anything into a budget.
- It is already expensive to live in Flagstaff this will make it even more so.
- The Rio de Flag project began as a \$20 million project and now it is a \$130 million project.
- Skeptical that ACE will actually come through and deliver the project.
- The what ifs need to be addressed before asking citizens to shoulder the cost.
- NAU needs to come to the table as a financial partner, they have a huge impact in the event of a flood.
- The City has been dragging their feet on the project and now the citizens are paying for that.

A written comment card in opposition of changes to stormwater fees was submitted by Joe Galli.

Councilmember Barotz stated that putting this off only makes the City more vulnerable and if ACE does not come through the money will be needed more than ever to complete the project without them.

Mayor Evans agreed and offered that there is a billion-dollar issue right in the middle of the city that needs to be addressed with or without ACE and the City needs the funding to address it.

Councilmember Overton agreed that the project is a top priority and the City is at capacity. He is advocating for looking at a flat tax and using that revenue for bonding to show ACE that a plan is in place. Without 100% plans he is not comfortable charging the citizens for something that is still unknown.

Councilmember Odegaard offered that he believes the City is at a crossroads with ACE committing to begin construction by 2020. He expressed support for revenue bonds that are

paid for by the stormwater fee. He acknowledged that it is an increase, but it is one where the community will see a physical impact in the City.

Councilmember McCarthy stated that he is supportive of the 25-year bonding option.

Mayor Evans asked if it would be possible to adopt the ordinance and delay the collection of fees until July 2019 to see if ACE will deliver as promised. Mr. Tadder explained that it is an option should a majority of Council be supportive.

There being no further public comment Mayor Evans closed the Public Hearing.

Councilmember Putzova stated that the stormwater fee must be part of the solution because it is the impervious surfaces that are contributing to the issue.

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to read Ordinance 2018-40 by title for the first time with the debt financed option.

Moved by Mayor Coral J. Evans, **seconded by** Councilmember Scott Overton to amend the motion to have a start time of July 1, 2019 and reserve the option to bring the ordinance back in case the Army Corp of Engineers does not meet the first deadline.

Councilmember Putzova stated that the proposed rate per ERU is regardless of the size of the surface; she asked why a tiered approach has not been pursued based on the size of the property. Ms. Goodrich explained that for the City to provide a tiered rate for a particular user it has to show a direct impact to some part of the infrastructure. For example, if the City had to put in larger storm sewer drains for a big box store because of the water that comes off the surface of that property versus a neighborhood which does not need as large of a drain, then there would be a clear nexus to create tiered rates. However, there is no variation in the infrastructure needed regardless of the size of the surface. Mr. Solomon added that stormwater rates have to be standard across the board; if they are not, the rates can be considered an arbitrary fee.

Vote: 5 - 2

NAY: Councilmember Charlie Odegaard
Councilmember Jim McCarthy

Original motion:

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA AMENDING THE FLAGSTAFF CITY CODE, TITLE 12, FLOODPLAINS, CHAPTER 12-02, STORMWATER MANAGEMENT UTILITY, BY AMENDING THE SCHEDULE OF STORMWATER MANAGEMENT UTILITY SERVICE CHARGES AND FEES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, PENALTIES, AND ESTABLISHING AN EFFECTIVE DATE.

A break was held from 7:51 p.m. through 8:05 p.m.

15. REGULAR AGENDA

- A. Consideration and Adoption of Resolution No. 2018-56:** A resolution adopting the Climate Action and Adaptation Plan.

Sustainability Manager Nicole Antonopoulos introduced Sustainability Specialist Jenny Niemann who provided a PowerPoint presentation that covered the following:

FLAGSTAFF CLIMATE ACTION AND ADAPTATION PLAN
FOUNDATION
PLANNING PROCESS
OVERARCHING GOALS
SEVEN FOCUS AREAS
IMPLEMENTATION PRIORITIES

The following individuals addressed Council in support of the Climate Action and Adaptation Plan:

- Rolf Vom Dorp
- Gabrielle Neilson
- Bellicia Vaiza
- Juniper Holland
- Rick Lopez
- Dustin Kuluris
- Christina Lizzo
- Andy Bessler
- Clarice Linskey
- Benjamin Heirigs
- Rick Moore
- Adam Shimoni

The following comments were received:

- Supportive of the Plan and encourage the City Council to participate in informing everyone in the community about it.
- The Plan is only as good as the backing it receives from the community.
- Climate issues are immensely important to address.
- Protecting the earth is important for the future.
- Climate change is the most vital issue facing the world today.
- Take action on the Plan and implement it fully.
- As the federal level falls behind in taking action on climate change, it is even more important to move forward at a local level.
- There is concern about the financial impacts of the Plan on the community.
- Impressed with the process and the community input that was included.
- Proud to see Flagstaff take action on such an important issue.
- This is not a plan that will sit on the shelf, it will move forward and be successful.
- Supportive of the Plan's goals and targets.
- Implementation of the Plan needs to be adequately funded.
- A revolving load fund for citizens to develop rooftop solar is a great idea.
- It is important that Flagstaff be ready to take on the issues of climate change and the Plan gets us closer to that goal.
- The Grand Canyon Trust fully supports the Climate Action and Adaptation Plan.
- It will be important to educate citizens and empower them to implement the Plan.

The following individuals submitted written comment cards in support of the Climate Action and Adaptation Plan:

- Leah Mundell
- Ivan DeGeyter
- Aneeka Bippus
- Keetra Bippus
- Taylor Asher
- Patricia Ellsworth
- Sophia Marshall
- Kim Curtis
- Debra Block
- Gessica Montrose Neilson
- Robinli Uber
- Michael Caulkins
- Nathan Edenhok
- Kai Jaykan Beattie
- Etienne MacCormack
- Maya Rappaport
- John Kaltenstein
- Frankie Beesley
- Nora Timmerman
- Gemma Giovale
- Shawn Newell
- Ma'ayan Rothes Cohen

Moved by Councilmember Jim McCarthy, **seconded by** Vice Mayor Jamie Whelan to read Ordinance No. 2018-56 by title only for the final time.

Councilmember Putzova offered appreciation to the staff and those who participated in forming the Plan. This is a historic moment and she is proud of the Council for having the courage to pursue the Plan. She would like staff to bring forward a budget proposal for implementation during the next budget cycle.

Councilmember McCarthy also offered appreciation to the staff and all those in the community who took part in the process.

Councilmember Odegaard stated that the challenge will be the implementation of the Plan and the number of action items that will be brought forward. He appreciated the inclusion of the chart of estimated costs, it will be helpful as the Council identifies ways to begin moving forward.

Councilmember Overton offered that the Plan is a reflection of the community and its values. This will not be an easy plan to implement, when the budget realities set in there will be difficult decisions to make. It is important to temper the community expectation and communicate that it will take time to move things forward. He is supportive of the Plan but really wants to underscore the difficulties there will be in carrying it out.

Mayor Evans thanked staff for taking on the challenge of developing a plan; she also thanked the community for their involvement. The Plan is something that represents the community and it is an example to other communities in Arizona. This is only the first step in the process and she encouraged the community to continue to be engaged.

Vote: 7 - 0 - Unanimously

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA,
ADOPTING THE CLIMATE ACTION AND ADAPTATION PLAN.*

Moved by Councilmember Jim McCarthy, **seconded by** Vice Mayor Jamie Whelan to adopt Ordinance No. 2018-56.

Vote: 7 - 0 - Unanimously

- B. Consideration and Adoption of Resolution No. 2018-54:** A resolution of the Flagstaff City Council authorizing an Intergovernmental Agreement with the Arizona Department of Transportation for Construction of the Fourth Street /I-40 Bridge Replacement Project.

City Engineer Rick Barrett addressed Council stating that the City partnered with the Arizona Department of Transportation (ADOT) to construct the Fourth Street/I-40 Bridge. There have been previous Council actions to support the replacement project. The cost will be split equally between the City and ADOT and will be funded out of the Transportation Tax and the Fourth Street funds

Councilmember Overton asked about the timeline for construction. Mr. Barrett stated that they are pushing to get the final design concept to understand what methods can be used to accelerate the project. It is hoped that construction can begin in March of 2020.

Andy Fernandez addressed Council in support of the project.

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Scott Overton to read Resolution No. 2018-54 by title only.

Vote: 7 - 0 - Unanimously

*A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL APPROVING AN
INTERGOVERNMENTAL AGREEMENT BETWEEN THE ARIZONA DEPARTMENT OF
TRANSPORTATION AND THE CITY OF FLAGSTAFF FOR THE CONSTRUCTION OF
THE FOURTH STREET AND INTERSTATE 40 BRIDGE REPLACEMENT PROJECT.*

Moved by Councilmember Charlie Odegaard, **seconded by** Vice Mayor Jamie Whelan to adopt Resolution No. 2018-54.

Vote: 7 - 0 - Unanimously

- C. Consideration and Adoption of Resolution No. 2018-43 and Ordinance No. 2018-32:** An ordinance and resolution amending the Flagstaff City Code, Title 7, *Health and Sanitation*, and Title 12, *Floodplains*, to adopt an Enforcement Response Plan related to enforcement of water, pretreatment, wastewater, and stormwater regulations, including administrative fines and/or penalties for violations

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to read Resolution No. 2018-43 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING THOSE CERTAIN DOCUMENTS KNOWN AS "THE 2018 UPDATES TO THE WATER SERVICES REGULATIONS" AND THE "ENFORCEMENT RESPONSE PLAN" AS PUBLIC RECORDS

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to read Ordinance No. 2018-32 by title only for the first time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA AMENDING THE FLAGSTAFF CITY CODE, TITLE 7, HEALTH AND SANITATION, AND TITLE 12, FLOODPLAINS, TO ADOPT AN ENFORCEMENT RESPONSE PLAN RELATED TO ENFORCEMENT OF WATER, PRETREATMENT, WASTEWATER, AND STORMWATER REGULATIONS, INCLUDING ADMINISTRATIVE FINES AND/OR PENALTIES FOR VIOLATIONS; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

- D. Consideration and Adoption of Resolution No. 2018-55 and Ordinance No. 2018-41:** An ordinance and resolution amending the Flagstaff City Code, Chapter 1-14, *Personnel System*, by adopting Addendum 16 to the Employee Handbook of Regulations to add *Drug and Alcohol-Free Workplace* and *Employee Alcohol and Controlled Substance Testing Policy*.

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

ADDENDUM 16-EMPLOYEE HANDBOOK

Vice Mayor Whelan stated that she has some legal questions and would like to schedule an Executive Session to discuss.

Moved by Vice Mayor Jamie Whelan, **seconded by** Councilmember Charlie Odegaard to postpone the item until January 15, 2019 after an Executive Session on January 8, 2019.

Vote: 6 - 1

NAY: Councilmember Scott Overton

16. DISCUSSION ITEMS

- A. Discussion:** Sound level regulations at special events.

Recreation Supervisor Claire Harper provided a PowerPoint presentation that covered the following:

CONTINUED DISCUSSION OF SOUND REGULATIONS AT SPECIAL EVENTS
BACKGROUND
MD ACOUSTICS RECOMMENDATION
COUNCIL'S RECOMMENDATION
MD ACOUSTICS REVISED RECOMMENDATION
CONTINUED DISCUSSION

The following individuals addressed Council concerning sound levels at special events:

- Debra A. Taylor
- Joan Martini
- Rick Moore
- Russell R. Mann
- Gina Marie Byers
- Ryan Martin
- Charlie Silver
- Andy Fernandez

The following comments were received:

- If the ordinance is passed, it will affect all community events. Some events may have to leave town.
- Reducing sound levels will have an impact on festivals and the vendors who participate in them.
- Those events who are at 100 feet or more from a residential domain should remain at 90 decibels.
- Supportive of the decibel limit being reduced to 85 decibels at 50 feet.
- C Level sound regulations should also be added.
- There should be no amplified music downtown.
- Suggest that zones be created to classify each park and assign different sound level regulations to each.
- Wheeler Park is not suitable for festivals.
- 90 decibels is very difficult to hear at a larger park such as Thorpe.
- There is no data about the number of complaints received, if there are only four or five complaints compared to the 4,000 attendees it is an unfair comparison.
- We need to evaluate the value festivals bring to the City in order to make a fair assessment of the adjustments and what that means for those festivals.
- There are so many variables to consider with sound such as wind, hearing capability, and distance so each event can sound differently when using the same decibel levels.

The following individuals submitted written comment cards regarding sound levels:

- Roabie Johnson
- Joe Galli
- Jen Blue

Councilmember McCarthy stated that he is not suggesting shutting down events in Flagstaff; he wants to try and balance the needs of the neighborhood against the needs of people having fun. A compromise is on the table for 85 decibels at 50 feet and based on the data it should still allow a successful event.

Mayor Evans stated that the compromise is based on one event at Wheeler Park and while it might work there it may not work for other events at other locations. There needs to be a more comprehensive solution. There should be a way to design a system with a configuration to keep the music contained. A one size fits all may not be appropriate.

Councilmember McCarthy stated that he does not think the City should be involved in the setup of equipment, the issue is the sound emanating from the event. He offered that the compromise be adopted for Wheeler Park with a commitment to adjust other parks later.

Councilmember Barotz added that she would support the idea of the compromise applying to Wheeler Park. She does not believe it will diminish the quality of the events there. It would be a step in the right direction to address the concerns in that park and it would be

unfortunate if nothing was done at all.

Vice Mayor Whelan stated that there needs to be a demonstration that allows Council and the neighboring residents to observe. She does not believe that this is ready to move forward yet, more analysis is needed. Councilmember Odegaard agreed with Vice Mayor Whelan stating that it should wait.

Councilmember Overton stated that he is in favor of leaving the policy as it is with no change in the sound levels.

Mayor Evans stated that ultimately something needs to be done. The event season is over until May so there is time to continue discussions and formulate recommendations.

A majority of Council agreed to leave the current policy in place and asked staff to do further research and bring another discussion to Council before the season begins next year.

A break was held from 10:10 p.m. through 10:15 p.m.

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to continue the meeting in accordance with the Rules of Procedure.

Vote: 7 - 0 - Unanimously

17. COUNCIL LIAISON REPORTS

None

18. 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 request by Mayor Evans to place on a future agenda a discussion about a sound demonstration in Wheeler Park.

Mayor Evans stated that there was majority direction from Council on this item included with the last discussion item.

- B. Future Agenda Item Request (F.A.I.R.):** A request by Mayor Evans to place on a future agenda a discussion about the condemnation of property in the general area of 703 Blackbird Roost for affordable housing

The following individuals addressed Council in support of placing the item on a future agenda for discussion:

- Vanessa Savel
- Frankie Beesley
- Nathan Edenhofer
- Luis Fernandez
- Olga Garcia
- Gerardo Alvarado
- Adam Shimoni

The following comments were received:

- The area needs to be prioritized for the displaced families of Arrowhead Village.
- Prioritizing affordable housing will prioritize all families in Flagstaff.
- Do not pay more for the property than the previous owner.
- Community discussion is needed before any action should be taken.
- Affordable housing needs to be defined.
- The Council should seriously consider purchasing the property.
- Please think of the community and not just the commercial owners.
- The Council needs to work with a developer to bring in housing that supports the neighborhood in a positive way.
- Using this property to address the needs of the most vulnerable in the community is a great prospect.

The following individuals submitted written comment cards in support of placing the item on a future agenda for discussion:

- Leah Mundell
- Erin Hillbert
- Nathan Edenhofer
- Madeline Ramirez
- Gerardo Alvarado
- Marcus Ford
- Alejandra Becera
- Mare Schumacher
- KaiJaylaan Beattie
- Mara Pfeffer
- Angelica Sanchez
- Nereyda Bojorquez
- Jody Clements
- Frankie Beesley
- Olga Garcia
- Luis Fernandez
- Michael Caulkins
- Sandra Lubarsky
- Miriam Meza
- Ned Del Callejo
- Nora Timmerman
- Kim Curtis
- Maya Rappaport
- Kevin Alvarez
- Kyra Bennett
- James Irr

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

- C. **Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Putzova to place on a future agenda a discussion about Keep Families Free and Together.

Councilmember Putzova provided the Council with a proposed ordinance. She stated that the group that drafted the ordinance worked with an attorney and they believe the ordinance

is within the confines of SB1070. The ordinance proposes to amend the Title 14 of the City Code by adding an additional chapter.

The following individuals addressed Council in support of placing the item to a future agenda:

- Frankie Beesley
- Vanessa Savel
- Nathan Edenhofer
- Virgil Clark
- Alejandra Becerra
- Luis Fernandez
- Adam Shimoni
- Robert Neustadt
- David Melendez

The following comments were received:

- The issue of family separation does not just happen in just boarder communities, it happens everywhere.
- The ordinance takes a stance for keeping the community safe.
- Please adopt something that has legal weight to keep families together.
- There is significant concern about the criminalization and discrimination of immigrant families in the community.
- Immigrants are contributors to the community culture in everyway and Flagstaff would not function the same without these families.
- Local law enforcement working with Immigration and Customs Enforcement (ICE) is unacceptable.
- The fear in the immigrant population keeps them from reporting crime.
- The City must stand in solidarity with its immigrant residents.
- There should not be punishment for simply being an undocumented immigrant.
- Employers of immigrants are threatening to call ICE as a way to control their employees.
- It is the right of everyone to live, work, and play where they want.
- Cooperation with ICE does not make communities safer, it only creates a more vulnerable population.
- If cities stop cooperating with ICE the community becomes safer because people feel more comfortable contacting the police.
- Everyone in Flagstaff should feel safe and protected in the community.
- Please allow this item to move forward.
- Lawyers and community members have been involved in the drafting of the ordinance.
- Immigrants are very productive members of the community.
- There are a lot of people who are still in the beginning of the process of being here legally and they are being unfairly targeted.
- The federal administration is dividing the community.
- Courtesy holds are not legal and other communities do not do them.
- If the City cannot defend its most vulnerable, it cannot defend anyone.

The following individuals submitted written comment cards in support of placing the item on a future agenda:

- Kim Curtis
- Ned Del Callejo
- Nora Timmerman
- Nereyda Bojorquez

- Jody Clements
- Sandra Lubarsky
- Marcus Ford
- James Irr
- Luis Fernandez
- Michael Caulkins
- Frankie Beesley
- Nathan Edenhofer
- Mara Pfeffer
- Chrycia Legendre
- Madeline Ramirez
- Maya Rappaport
- Nina Porter
- Leah Porter
- Tyler Barnard
- Ian Tong
- Alejandra Becerra
- Angelica Sanchez
- Emily Davalos
- Nick Humphries
- Amanda Burns
- KaiJaylaan Beattie
- Dustin Kuluris
- Erin Hiebert

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

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

Councilmember Odegaard reported that he attended the ADOT Transportation Board meeting in Wickenburg and shared Flagstaff's success with the transportation measures at the past election.

Vice Mayor Whelan requested a F.A.I.R. item to discuss the continuation of communicating with the Arizona Board of Regents and invite them to a meeting or send a letter sharing the City's concern about local impacts.

Councilmember McCarthy asked if staff could follow up on the public participation request and review the installation of the fire grills at Thorpe Park.

Councilmember Putzova requested a F.A.I.R. item to discuss changing the City's organizational structure to create a Sustainability Department and elevate the function of that department.

Councilmember Putzova requested another F.A.I.R. item to discuss the possibility of an affordable housing ballot measure for the 2020 election.

Councilmember Putzova also requested a CCR regarding how the \$100,000 in funding to assist displaced residents was used.

Ms. Goodrich reported that final election results were received but not in time to have them

approved at this meeting. The results must be approved before next Tuesday so there will be a Special Meeting called for Monday, November 26, 2018 at 6:00 p.m. to take the necessary action.

Mayor Evans reported that she attended the Alliance meeting last Friday and the participating organizations have stated that they will be bringing forward properties they have available for possible work force and affordable housing.

Mayor Evans requested a F.A.I.R. item to discuss establishing the Affordable Housing Commission discussed in Prop 422.

20. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held November 20, 2018, adjourned at 11:02 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 November 20, 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