

COMBINED SPECIAL MEETING/WORK SESSION
TUESDAY, AUGUST 28, 2018
COUNCIL CHAMBERS
211 WEST ASPEN AVE.
6:00 P.M.

SPECIAL COUNCIL MEETING

1. Call to Order

Mayor Evans called the Special Meeting of the Flagstaff City Council held August 28, 2018, to order at 6:00 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 combined special meeting/work session, 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. Pledge of Allegiance and Mission Statement

The Council and audience recited the Pledge of Allegiance and Councilmember Odegaard 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.

3. ROLL CALL

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

PRESENT:

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

ABSENT:

NONE

Others present: Interim City Manager Barbara Goodrich; City Attorney Sterling Solomon.

4. Public Participation

Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the special meeting/work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone to have an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

Mayor Evans asked James Hasapis to come forward to sing the National Anthem in honor of Senator John McCain

The following individuals addressed Council regarding recent ICE operations:

- Marcus Ford
- Sandra Lubarsky
- Marilyn Weissman
- Leah Mundell
- Andy Fernandez

The following comments were received:

- The Flagstaff Police Department should be protecting the City not enforcing immigration policy.
- ICE is operating in an immoral fashion.
- Since August 23, 2018, 528 children have been separated from their parents.
- The City must do what it can to shield its immigration population from ICE.
- ICE activity strikes fear in the community and makes people less willing to contact public safety.
- The Flagstaff Police Department needs to stop cooperating with ICE.
- Separation of families and racism are happening in Flagstaff.

Written comment cards in opposition to ICE activity in Flagstaff were submitted by the following individuals:

- Naomi Morrison
- Nathan Edenhofer
- Tyler Barnard
- Ari Burford
- Kim Curtis
- Lisa Hardy
- Heather Martel

5. Recognition of the Flagstaff Girls' Softball Team

The City Council came down to the podium and Mayor Evans presented a recognition to the Flagstaff Girls' Softball Team.

6. **Consideration and Adoption of Resolution No. 2018-42 approving Intergovernmental Agreement with ADOT for P3/Mill Town Project:** A resolution approving an Intergovernmental Agreement (IGA) between the City of Flagstaff (City) and the Arizona Department of Transportation (ADOT) related to the P3/Mill Town project. *(IGA detailing real estate transactions between the parties to facilitate transportation improvements, ADOT relocation, and development of former City and ADOT properties)*

Mr. Solomon addressed Council stating that the Intergovernmental Agreement (IGA) is the next step in the Milltown project. The IGA details the real estate transactions between the City and the Arizona Department of Transportation (ADOT).

Councilmember Putzova asked what the implications are should the Council choose not to adopt the resolution. Mr. Solomon stated that Vintage Partners, ADOT, and the City are in an agreement and if the City does not approve the IGA there are still obligations that the City is required to meet.

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to read Resolution No. 2018-42 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FLAGSTAFF AND THE ARIZONA DEPARTMENT OF TRANSPORTATION RELATED TO THE P3/MILL TOWN PROJECT FOR TRANSPORTATION IMPROVEMENTS TO BEULAH BOULEVARD AND UNIVERSITY BOULEVARD.

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to adopt Resolution No. 2018-42.

Vote: 7 - 0 - Unanimously

7. **Adjournment**

The Flagstaff City Council Special Meeting of August 28, 2018, adjourned at 6:32 p.m.

WORK SESSION

1. **Call to Order**

Mayor Evans called the Work Session of the Flagstaff City Council held August 28, 2018, to order at 6:32 p.m.

2. **Review of Draft Agenda for the July 3, 2018, City Council Meeting.**

Citizens wishing to speak on agenda items not specifically called out by the City Council may submit a speaker card for their items of interest to the recording clerk.

Councilmember Putzova asked about item 14-C and asked for staff to provide information about inviting the type of agreement by volume.

3. Review of sound level regulations at special events.

Recreation Supervisor Claire Harper introduced Mike Dickerson with MD Acoustics. MD Acoustics has a background in municipal noise requirements and was contracted to provide a baseline measurement of sound with a follow up measurement during a permitted special event.

Mr. Dickerson provided a PowerPoint presentation that covered the following:

WHEELER PARK – “SPECIAL EVENT” NOISE STUDY OVERVIEW AND FINDINGS
DB FUNDAMENTALS
DBA VS DBC VS DB WEIGHTING
LOCAL ACOUSTICAL REQUIREMENTS
MONITORING LOCATIONS
MEASUREMENT SETTINGS/PARAMETERS
SUMMARY OF BASELINE NOISE
SUMMARY OF NOISE LEVELS – PART 1
SUMMARY OF NOISE LEVELS – PART 2
SUMMARY OF NOISE LEVELS – PART 3
SUMMARY OF NOISE LEVELS – PART 4
MAIN STAGE SOUND LEVELS @ 33 FT
NOISE CONTOUR MAP
CONCLUSION

Vice Mayor Whelan asked what a reasonable sound level would be at Wheeler Park.

Mr. Dickerson stated that it depends on the size of the venue and the number of people, both of which have an impact on sound. During Hullabaloo the readings never exceeded 100 dbc at 50 feet. The decibels could potentially be reduced by 10 dbc and still have an enjoyable event.

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

- Debra Block
- Joan Martini
- Roabie Johnson
- Jason Moeller
- Andy Fernandez
- Charlie Silver
- Eli Cohen
- Gina Byers

The following comments were received:

- Over 20 years living in Flagstaff, there has been a significant increase in noise level.
- Ear plugs are often needed when sitting on the front porch.
- Please lower the decibel level.
- Other communities are down around 50-55 decibels or have no amplification allowed.
- More training is needed for the people who respond to noise complaints.
- It is too bad that the City's system is predicated on complaint driven code enforcement.
- Festival producers want to work with the community and are open to options.
- The improvements in downtown are exciting and events allow people to further enjoy that space.

Councilmember McCarthy stated that many of the allowable sound levels in other communities is about 30 decibels less than Flagstaff.

Mayor Evans stated that there is one park in Sunnyside that is treated very differently than all the other parks with regard to sound. There is a lower decibel level in that park and events are required to use remote speakers. There was a design specifically for that park where speakers were placed on posts and directed towards the people attending the event. There are different ways to configure speakers and systems you can use to keep the music to where the people are.

Councilmember Putzova offered that it is always neighbors close to the event that are most impacted. Wheeler Park is not suited for concerts due to the proximity to the residential area.

Parks and Recreation Director Rebecca Sayers stated that staff has tried to work with event producers that have requested a move of the location and new events wanting to come in. The issue they run into is the lack of available space.

Councilmember Barotz asked if there is a written framework that the City operates within when promoters request a venue. Ms. Sayers stated that there is a framework; Council and staff worked on the regulations and one of the things that was decided was to not allow any new events in Wheeler Park. The other policy is historical precedence, if a particular event has been using a particular space for a period of time, they have the first right of refusal.

Councilmember Barotz asked how staff determines if the size of an event is appropriate for the venue. Ms. Sayers stated that there are some events that come to the City with an estimate of 10,000 people which we know we cannot accommodate. Staff works with producers to help find the most appropriate place for their event knowing the challenges that come with each location. Staff also works with the producers on ways to minimize their impact on the park.

A break was held from 7:41 p.m. through 7:48 p.m.

Councilmember Overton stated that it is disappointing that the community has not found a way to have co-hosted events with neighboring properties, it is becoming more and more difficult to have an event in Flagstaff and that is disappointing. There were noise complaints from the Flying Over Flagstaff event last weekend too, he understands that it can be noisy for a couple of hours but these events are what make Flagstaff enjoyable. At what point is good enough; the City has done a lot to react to the concerns and find reasonable solutions. He agrees that sound is disruptive, but it is down to 40 decibels three blocks away and it is part of living in a city. He is concerned that a move will be made to lower the sound and it will never be enough. It is a give and take and the City has given a lot.

Councilmember McCarthy suggested that staff go back and do more analysis. He also proposed reducing the limit from 90 dba at 100 feet to 75 dba at 100 feet.

Mayor Evans offered that it is a good start, but she thinks the same complaints will continue. She believes that there is a way to look at a park and determine what the best sound system is, best set up, etc.

Councilmember Odegaard stated that he is interested in turning the level down just a little bit, not so far as 75 decibels. He suggested notifying the neighbors in the area of the event to give them a heads up on what will be happening. He would recommend reducing the level by 10 decibels.

Vice Mayor Whelan agreed with the 10 decibel reduction with a re-evaluation after the event season. She emphasized the importance of community members, system designers, producers, staff, and elected officials sitting down at the beginning of the season and

discussing. The same meeting should occur at the end of the season to assess what was found.

Councilmember Barotz stated that she is supportive of a 75 decibel limit.

Councilmember Putzova indicated that she is interested in exploring regulations on how the sound carries through the neighborhood and make that a part of the event production. She indicated that she is also supportive of the 75 decibel limit.

Mayor Evans stated that she is supportive of the 75-decibel limit but added that she believes that there are other ways of mitigating the sound and would like staff to look into alternatives.

A majority of Council was supportive of lowering the decibel level to 75 for the next event season.

4. Brief Updates from Area Professionals Regarding the Flagstaff Business Community and discussion of a possible Business Listening Tour

Business Retention and Expansion Manager John Saltonstall introduced Christina Caldwell from Goodwill and Scott Hathcock from Amazon Web Services.

Ms. Caldwell provided information about Goodwill. One of Goodwill's programs is to deliver a qualified work force. The Business Services team consists of senior leadership, CAVIAT, Coconino County, Chamber of Commerce, Coconino Community College, Department of Economic Security and the City of Flagstaff. The Business Services team held a number of events over the last year that focused on internship opportunities, employer round tables, recruitment tools, and networking.

Mr. Hathcock stated that cloud computing is another first for Flagstaff. Cloud computing is the on-demand delivery of IT services over the internet, it is like a library that has things to borrow. Cloud Start was designed by Amazon Web Services and beyond helping new enterprises, it also supports workforce training. They are finalizing a workforce development deployment model that targets the underserved along with Coconino Community College and NAU students.

Mr. Saltonstall continued the presentation with a PowerPoint that covered the following:

BUSINESS COMMUNITY UPDATE & LISTENING TOUR PROPOSAL
BUSINESS LISTENING TOUR PLAN
QUARTERLY PRESENTATIONS – EVERY 5TH TUESDAY
THURSDAY TOURS
OPTIONS AND INFORMATION
POSSIBLE PRESENTATION DATES

Councilmember Odegaard stated that he thinks it is a good start. It is important to get a pulse on the business community and having them speak and providing updates to Council is very helpful and appreciated.

A majority of Council is supportive of a business listening tour and community updates. The Council would like to have sector presentations such as the tourism sector, the healthcare sector, etc.

5. Flagstaff Advanced Water Treatment Feasibility Study. (Information on potential advanced treatment of reclaimed water - information only)

Regulatory Compliance Section Manager Steve Camp provided a PowerPoint presentation that covered the following:

ADVANCED WATER RECLAMATION FEASIBILITY STUDY
ADVANCED TREATMENT FACILITY FOR DIRECT POTABLE REUSE
WHY NOW?
2017 WATER DELIVERIES
FLAGSTAFF MUST BE PROACTIVE TO OBTAIN NEW WATER SUPPLIES
DPR IS JUST ONE WAY TO PROVIDE WATER FOR FUTURE GENERATIONS
PUBLIC OUTREACH PRIOR TO RULE CHANGE
PUBLIC OUTREACH COMPONENT
STATES WITH INDIRECT POTABLE REUSE RULES
STATUS OF DPR RULES BY STATE
STATUS OF ARIZONA DPR RULES AND REGULATIONS
REGULATORY APPROACH
WHAT'S UNIQUE ABOUT ARIZONA'S APPROACH
REVIEW

Mr. Camp introduced Brown and Caldwell Project Manager Robert McCandless who continued the presentation.

DEFINITION OF POTABLE REUSE
 INDIRECT POTABLE REUSE
 DIRECT POTABLE REUSE
STUDY OBJECTIVES
STAKEHOLDER INTERVIEWS
ADVANCED TREATMENT GOALS
TREATMENT OPTIONS
 USING REVERSE OSMOSIS
 USING OZONE-BIOLOGICAL FILTER
ADVANCED WATER TREATMENT PROCESS COMPARISON
RIO DE FLAG CONCEPTUAL SITE LAYOUT
WILD CAT HILL CONCEPTUAL SITE LAYOUT
RO BRINE DISPOSAL
COMPARISON
IMPLEMENTATION CONSIDERATIONS
IMPLEMENTATION TIMELINE

Vice Mayor Whelan stated that the timeline seems very short for the design of things.

Mr. McCandless stated that it can depend on the public outreach and getting the funding and financing. Water Services Director Brad Hill added that it is important to make sure that all of the due diligence is done, this is a proactive approach and the first in Arizona.

Ward Davis addressed Council and stated that Flagstaff is doing things that no one else is doing. The recommendation and the interest in indirect reuse is clear and people have indicated that they are ready for it.

Mr. Hill indicated that staff is developing a survey to be included in the next CityScape to get an idea on where the community is on the issue. It has been very clear that when there is no public buy-in the project did not go anywhere. To be successful there needs to be buy-in and an

extensive education effort.

6. Discussion of Solid Waste Rate Structure

Public Works Director Andy Bertelsen introduced Solid Waste and Fleet Director Todd Hanson and Interim Sustainability Specialist Dylan Lenzen.

Mr. Hanson provided a PowerPoint presentation that covered the following:

- A SUSTAINABLE SOLID WASTE FUND
- DISCUSSION
- HEALTH OF THE SOLID WASTE FUND
 - SOLID WASTE FUND LEGAL MINIMUM BALANCE
- CURRENT CONDITIONS
 - LAST RATE INCREASE 2008
- CURRENT RATES COMPARED TO OTHER ARIZONA CITIES
- CURRENT RATES COMPARE TO OTHER CITIES OTHER THAN ARIZONA
- CHANGES IN THE WASTE INDUSTRY
- CURRENT AND FUTURE NEEDS
- EPA RULE CHANGES
 - LANDFILL GAS COLLECTION AND CONTROL VARIABLES
- FUTURE NEEDS

Mr. Lenzen continued the presentation.

- SERVICE INFRASTRUCTURE
 - IMPLEMENTING VOLUMETRIC PRICING
 - OUTREACH
 - OUTREACH SPENDING COMPARED TO OTHER ARIZONA CITIES
 - OUTREACH SPENDING PER RESIDENT OF SUCCESSFUL RECYCLING
- PROGRAMS
- RETHINK WASTE
 - FUNDING NEEDED TO ACHIEVE GOALS
- MOVING TO A SUSTAINABLE FUND
 - MOVING FORWARD

Councilmember McCarthy expressed his concern that with smaller trash bins people will just throw their trash in the recycle cans. Mr. Hanson indicated that it is a challenge and that is why there needs to be adequate resources for education.

Vice Mayor Whelan asked if there is a way to divert organic waste. Mr. Hanson stated that staff is educating the public about keeping the organic stuff separate from the other stuff during bulky pickup and two separate trucks are used in the collection.

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

Vote: 7 - 0 Unanimous

7. Discussion of Condemnation for public uses related to affordable housing.

Mayor Evans stated that she is not interested in the City Council using condemnation for affordable housing all over Flagstaff. She is specifically asking for consideration of 703 Blackbird Roost, formally known as Arrowhead Village.

Mr. Solomon reminded the Council that the topic for discussion is not related to a specific property and needs to be a general discussion about condemnation for affordable housing. Mayor Evans could ask for a separate F.A.I.R. item related to a specific property.

Councilmember Putzova asked if the City is required to pay a market value for a property they condemn and how that price is determined. Mr. Solomon stated that State Statutes require fair market value be paid and the value is assessed through appraisal.

A written comment card for this item was submitted by Andy Fernandez.

8. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests.

Councilmember McCarthy requested a F.A.I.R. item to discuss the Thunder over Flagstaff event last weekend to review the appropriateness of the event knowing that it disrupts the peace and quiet of the community.

Councilmember Odegaard offered thanks to Deputy City Manager Shane Dille and Mayor Evans for attending the Arizona League of Cities and Towns event last week; it was a great event.

Councilmember Odegaard requested a F.A.I.R. item to discuss bringing back the youth commission in some form. The League event always has a gathering of youth from several cities and it helps promote civics and government.

Vice Mayor Whelan congratulated the NARBHA Institute and Guidance Center for coming together on services. She also offered celebration for the Economic Vitality Section for their work in bringing in United Airlines and a direct flight to Denver.

Vice Mayor Whelan requested a F.A.I.R. item to reestablish the conversation about Thorpe Park with regards to its future use as a park or housing and use of the community building on the lot.

Councilmember Putzova stated that she attended an event on Sunday and learned that there are 1,800 beds for children who have been separated from their parents who are here without documents. She would like to have a conversation with Police and Sheriff's Departments along with the Coconino County Board of Supervisors about how Flagstaff is keeping the community safe.

Mayor Evans stated that she, along with a number of City of Flagstaff employees and community partners participated in a Community Welcome in partnership with NAU. They went into different neighborhoods and reached out to people and students about expectations and sharing information. It is the first time an event like this has been done and it was a great success.

Mayor Evans requested a F.A.I.R. item to reengage the conversation about a Code of Ethics for the City Council.

Mayor Evans also requested a F.A.I.R. item to have a discussion regarding condemnation of property in the general area of 703 Blackbird Roost for affordable housing.

9. Adjournment

The Work Session of the Flagstaff City Council held August 28, 2018, adjourned at 9:42 p.m.

MAYOR

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 Special Meeting of the Council of the City of Flagstaff held on August 28, 2018. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 7th day of May, 2019.

CITY CLERK