

CITY COUNCIL REGULAR MEETING  
TUESDAY, SEPTEMBER 4, 2018  
CITY HALL COUNCIL CHAMBERS  
211 WEST ASPEN  
4:30 P.M. AND 6:00 P.M.

## MINUTES

### 1. CALL TO ORDER

Mayor Evans called the Regular Meeting of September 4, 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: Interim 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 Barotz 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. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- A. **Consideration and Approval of Minutes:** City Council Special Meeting of March 13, 2018; Work Session of March 27, 2018; Special Meeting (Executive Session) of April 3, 2018; Work Session of April 10, 2018; Special Meeting (Executive Session) of April 17, 2018; Special Meeting (Executive Session) of May 8, 2018; Special Meeting (Executive Session) of May 29, 2018.; Work Session of May 29, 2018; Special Meeting (Executive Session) of June 5, 2018; Regular Meeting of June 19, 2018; and Special Meeting (Executive Session) of June 26, 2018; and Special Meeting (Executive Session) of August 28, 2018.

**Moved by** Councilmember Scott Overton, **seconded by** Vice Mayor Jamie Whelan to approve the minutes of City Council Special Meeting of March 13, 2018; Work Session of March 27, 2018; Special Meeting (Executive Session) of April 3, 2018; Work Session of April 10, 2018; Special Meeting (Executive Session) of April 17, 2018; Special Meeting (Executive Session) of May 8, 2018; Special Meeting (Executive Session) of May 29, 2018.; Work Session of May 29, 2018; Special Meeting (Executive Session) of June 5, 2018; Regular Meeting of June 19, 2018; and Special Meeting (Executive Session) of June 26, 2018; and Special Meeting (Executive Session) of August 28, 2018.

**Vote:** 7 - 0 - Unanimously

#### 5. PUBLIC PARTICIPATION

*Public Participation enables the public to address the Council about an item that is not on the agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.*

None

#### 6. 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. **Appointment of Alternate Council Representative to the FMPO Board**

Councilmember Barotz stated that there should be someone to step in if any of the members of the FMPO Board are unable to attend the meeting.

Councilmember Odegaard offered to be the alternate City Council representative.

**Moved by** Councilmember Scott Overton, **seconded by** Councilmember Jim McCarthy to appoint Councilmember Odegaard as the alternative City Council representative to the FMPO Board.

**Vote:** 7 - 0 - Unanimously

7. **LIQUOR LICENSE PUBLIC HEARINGS**

Mayor Evans opened the public hearing on both applications.

Police Sergeant Collin Seay provided a brief introduction and was available for questions.

Councilmember McCarthy stated that one of the applicants had not yet completed the necessary training. Sergeant Seay stated that at the time of the investigation the training had not been completed however, the completion of the training is required prior to the State issuing the license.

Vice Mayor Whelan shared concerns about the Over Easy application; the three other restaurants they have are targeted to NAU students and at each restaurant there have been violations. She also expressed concern about the delinquent taxes on several of the restaurants.

Mayor Evans closed the public hearing on both applications.

It was asked to take action on the applications separately.

- A. **Consideration and Action on Liquor License Application:** Jeffrey Miller, "Over Easy", 2500 S. Woodlands Village Blvd, Suite 28, Series 12 (restaurant), New License.

**Moved by** Councilmember Scott Overton, **seconded by** Councilmember Jim McCarthy to forward the application to the State with no recommendation.

**Vote:** 7 - 0 - Unanimously

- B. **Consideration and Action on Liquor License Application:** Danny Thomas, "Hot Wok", 1451 S. Milton Rd., Series 12 (restaurant), New License.

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

**Vote:** 6 - 1

NAY: Vice Mayor Jamie Whelan

**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 Charlie Odegaard, **seconded by** Vice Mayor Jamie Whelan to approve all consent items.

**Vote:** 7 - 0 - Unanimously

- A. Consideration and Approval of Cooperative Contract:** Approve the Cooperative Purchase Contract with InfoSend, Inc. for Data Processing, Printing and Mailing Services.
- 1) Approve the Cooperative Purchase Contract with InfoSend, Inc. through the Town of Prescott Valley Service Agreement at the established contractual pricing identified in Bid No. INF20170303 and attachments; and
  - 2) Authorize the City Manager to execute the necessary documents.
- B. Consideration and Approval of Contract:** Hydrogeological Services Contract with ATC Group Services, LLC, to oversee a water supply well drilling project
- Staff recommends Council approves the contract with ATC Group Services, LLC (ATC), formerly known as HydroSystems, for a time-and-materials not-to-exceed total of \$408,795. Approval of this contract will authorize the City Manager to execute the necessary documents and will authorize the City to work with ATC to refine the next water supply well location, develop a conceptual well design and specifications, assist the City with developing well drilling specifications, selecting a well driller, and work on behalf of the City to oversee the well drilling and construction phase of the project.
- C. Consideration and Approval of Contract:** On-Call Consulting Services for Building Permit Plan Review and Building Inspection Services
- 1) Approve the On-Call Consulting Contracts with Bureau Veritas North America, Inc. and Shums Coda Associates, Inc. for building permit plan review on-call services;
  - 2) Approve the On-Call Consulting Contracts with Bureau Veritas North America, Inc. and Shums Coda Associates, Inc. for building inspection on-call services; and
  - 3) Authorize the City Manager to execute the necessary documents.
- D. Consideration and Approval of Contract:** Purchase of five (5) vehicles from Courtesy Chevrolet for the total amount of \$139,690.24.
- 1) Approve the purchase of (1) one Traverse LS, (2) two Colorado WT midsize pickups, and (2) two Equinox LS compact SUVs from Courtesy Chevrolet; and
  - 2) Authorize the City Manager to execute the necessary documents.
- E. Consideration and Approval of Cooperative Purchasing Contract:** With Pro Petroleum, Inc. for the purchase of bulk fuel under a Cooperative Purchasing Contract with Coconino County.
- 1) Approve the Cooperative Purchasing Contract for the purchase of bulk fuel from Pro Petroleum, Inc. at a cost identified in the Bulk Fuel Pricing section of the Independent Contractor Agreement with Coconino County; and
  - 2) Authorize the City Manager to execute the necessary documents.

- F. **Consideration and Approval of Cooperative Contract:** Approve the purchase of a new 2018 Caterpillar 430F2 Bhl IT Tier 4 Backhoe through a cooperative purchase contract with the National Intergovernmental Purchasing Alliance (National IPA).

Approve the purchase of the 2018 New Caterpillar 430F2 Backhoe from Empire Machinery and Caterpillar, Inc. through a Tuscon, Arizona Bid Pricing Agreement, No.161534, under the National IPA for \$151,089.95 plus applicable sales tax, and authorize the City Manager to execute the necessary documents.

9. **ROUTINE ITEMS**

- A. **Consideration of Appointments:** Magistrate for the Flagstaff Municipal Court.

**Moved by** Councilmember Scott Overton, **seconded by** Councilmember Eva Putzova to appoint James Speed to a position of Magistrate for the Flagstaff Municipal Court.

**Vote:** 7 - 0 - Unanimously

- B. **Consideration and Adoption of Resolution No. 2018-34:** A resolution of the Flagstaff City Council adopting Notice of Intent to increase Stormwater rates or rate components, fees or service charges and establishing a date for a public hearing on the proposed changes for November 20, 2018

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

STORMWATER SERVICE CHARGE NOTICE OF INTENT  
OVERVIEW  
COMMUNITY NEEDS  
STORMWATER TOP TEN PROJECTS

Councilmember Odegaard asked if the Columbia Circle project will be the first project in the queue because the design is completed. Mr. Kirkendall explained that the Columbia Circle project is fourth in the queue. At the \$600,000 the first commitment is Wildwood Hills.

Mr. Kirkendall continued the presentation.

PREVIOUS COUNCIL DIRECTION  
STORMWATER SERVICE CHARGE PROPOSAL/IMPACTS

Management Services Director Rick Tadder continued the presentation.

STORMWATER SERVICE CHARGE PROPOSAL/IMPACTS  
RESIDENTIAL STORMWATER SERVICE CHARGE SCHEDULE  
COMMERCIAL STORMWATER SERVICE CHARGE SCHEDULE  
SUMMARY OF IMPACTS

Councilmember Putzova requested that when staff comes back in November she would like to understand the risk of going from ten to twelve years and what the exposure to the community would be by slowing down.

Mr. Kirkendall continued the presentation.

PUBLIC OUTREACH

OTHER CONSIDERATIONS  
COUNTY FLOOD CONTROL DISTRICT IMPACTS

Capital Project Manager Trevor Henry continued the presentation.

ARMY CORPS OF ENGINEERS

Councilmember McCarthy asked if collecting fees now aligns with when the money is needed for the project. Mr. Tadder explained that if the fee is started now, the City starts building up a cash flow. This allows the City to be prepared when the Army Corp of Engineers (ACE) is ready to move forward.

Councilmember Barotz asked for clarification of the timeline and if ACE is serious about two years to start construction. Mr. Henry stated that the schedule now is to get 100% plans in May 2020. Once those are in hand there would be a bid advertisement for construction; they are looking at approximately August or September of 2020 to start construction on the lower reach.

Deputy City Manager Shane Dille added that the timeline to get 100% plan design of 21 months in total came from an engaged conversation with ACE which they agreed to. It is a primary focus for the upcoming Washington D.C. lobbying trip. The time associated with moving from design to solicitation for bids is solely based on the City's experience with solicitations not the timeline of ACE. ACE has agreed that it is a workable timeline and the Council message will be that they will be watching very closely.

Councilmember McCarthy asked if there was a chance that some of the costs associated with the Rio de Flag might be paid for by the County Flood Control District tax. Mr. Kirkendall stated that they could. Once staff gets an understanding of what the District's criteria and process are, the intent is to evaluate each of those and put them in front of the District for consideration.

Mr. Kirkendall continued the presentation.

SCHEDULE MOVING FORWARD, IF NOI IS APPROVED  
COUNCIL OPTIONS

Councilmember Overton stated that he understands the need for the City to take control of its own way to provide the funding match for the project. On the heels of the Flood Control District it will be difficult to not only have that assessment but also an increased stormwater fee. Paying into two systems will be difficult for people to understand. It would be helpful to know from the Flood Control District what advice or influence they may have over the City's large capital projects so the City can make adjustments on its rate proposals.

Ms. Goodrich offered that the helpful thing for the City is that it can adapt and it could come back with a rate reduction if needed. Without knowing any rules associated with the Flood Control District process for project funding, it is likely that the Council will be looking for a participatory agreement and there will likely not be 100% funding but rather a match of some sort. She does not see that the County would step up to a 100% funding level and it is wise for the City to start funding its own capital program.

Vice Mayor Whelan suggested postponing a decision to see what the County will do. Ms. Goodrich explained that all the resolution is doing is meeting a requirement to allow for discussion and by that time there should be more information from the County.

**Moved by** Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to read Resolution No. 2018-34 by title only.

**Vote:** 7 - 0 - Unanimously

*A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL ADOPTING NOTICE OF INTENTION TO INCREASE STORMWATER RATES OR RATE COMPONENTS, FEES OR SERVICE CHARGES AND ESTABLISHING A DATE FOR A PUBLIC HEARING ON THE PROPOSED CHANGES; THE PUBLIC HEARING DATE TO BE NOVEMBER 20, 2018*

**Moved by** Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to adopt Resolution No. 2018-34.

**Vote:** 7 - 0 - Unanimously

- C. **Consideration and Approval of Cooperative Contract:** 2019-4 Cooperative Purchase Contract with Baker & Taylor, Inc.

**Moved by** Councilmember Scott Overton, **seconded by** Councilmember Charlie Odegaard to approved the 2019-4 Cooperative Purchase Contract with Baker & Taylor, Inc.

**Vote:** 7 - 0 - Unanimously

- D. **Consideration and Potential Adoption of Ordinance No. 2018-28:** A potential ordinance of the Flagstaff City Council amending section 1-07-001-0005, *Salaries*, of the Flagstaff City Code and establishing an effective date.

Human Resources Director Shannon Anderson stated that this is the second read for the ordinance on the council salaries. She asked if the Council adopts the ordinance if they would like for the City Manager to reconvene the Citizens Commission on Council Salaries.

Mr. Solomon requested a recess to discuss a possible amendment to the ordinance with Ms. Anderson and the City Manager.

Mayor Evans stated that the item would be moved to the 6:00 p.m. portion of the meeting to allow time for the City Attorney to make the necessary amendments to the ordinance.

- E. **Consideration and Adoption of Ordinance No. 2018-31:** An ordinance amending the Flagstaff City Code, Chapter 1-14, *Personnel System*, by amending the Employee Handbook of Regulations and Ordinance 2018-19 *Fingerprint Background Checks*; providing for penalties, repeal of conflicting ordinances; severability; and establishing an effective date.

**Moved by** Councilmember Scott Overton, **seconded by** Vice Mayor Jamie Whelan to read Ordinance No. 2018-31 by title only for the final time.

**Vote:** 7 - 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 AND ORDINANCE 2018-19 FINGERPRINT BACKGROUND CHECKS; PROVIDING FOR PENALTIES; REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE*

**Moved by** Vice Mayor Jamie Whelan, **seconded by** Councilmember Jim McCarthy to adopt Ordinance 2018-31.

**Vote:** 7 - 0 - Unanimously

### **RECESS**

The 4:30 p.m. portion of the September 4, 2018, Regular Council Meeting recessed at 5:35 p.m.

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

### **RECONVENE**

Mayor Evans reconvened the Regular Meeting of August 21, 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: Interim 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**

Debra Block addressed Council with concerns about the noise from community events. She believes that successful community events can coexist with the neighborhoods with the appropriate regulations.

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

- A. Consideration and Potential Adoption of Ordinance No. 2018-28:** A potential ordinance of the Flagstaff City Council amending section 1-07-001-0005, *Salaries*, of the Flagstaff City Code and establishing an effective date.

Mr. Solomon explained that there were a couple of issues that he wanted to clarify with some language in the ordinance. The proposed amendment relates to the final two sentences of Section B of the ordinance and provides more consistency and clarity in the section. He provided the Council with the following amendment to consider.

Current

THE CITIZEN COMMISSION RECOMMENDATION AND THE ADOPTION OF THE ORDINANCE MUST BE COMPLETED PRIOR TO THE NEXT SUCCEEDING GENERAL ELECTION. THE ADJUSTED SALARIES shall take effect for those persons elected to the office of Mayor and Councilmember in the next succeeding election or, at the option of Council, the raise in salaries shall take effect when all current terms of office have expired.

Proposed

THE CITIZEN COMMISSION RECOMMENDATION AND THE ADOPTION OF THE ORDINANCE MUST BE COMPLETED PRIOR TO THE NEXT ~~SUCCEEDING~~ IMMEDIATE GENERAL ELECTION. THE ADJUSTED SALARIES shall take effect for those persons elected to the office of Mayor and Councilmember in the next ~~succeeding~~ IMMEDIATE election **AND FOR THE REMAINING COUNCILMEMBERS AFTER THE SUCCEEDING ELECTION, TWO YEARS LATER.** Or, at the option of Council, **ALL the raise in ADJUSTED salaries shall take effect FOR THE MAYOR AND ALL COUNCILMEMBERS AFTER THE SUCCEEDING ELECTION, IN TWO YEARS.** ~~when all current terms of office have expired.~~

Councilmember Barotz asked for clarification of the policy question, she thought that the Council had a choice on whether or not the increase would affect all at one time.

Mr. Solomon agreed that it is the choice of the Council. However no elected official can vote on an adjustment to their salary. The question is does Council want those coming in at the next election have an increase and the remaining Councilmembers do not until the next election or should all Councilmembers, new and existing, wait until the next election.

To allow Council the time to read the ordinance and proposed changes Mayor Evans changed the order of the agenda to continue the discussion after Item 15-B.

**DISCUSSION CONTINUED AFTER ITEM 15-B**

Councilmember Barotz asked for Ms. Anderson to review what the ordinance does as there are a number of things wrapped into it. Ms. Anderson stated that it removes the every fourth year language and added that the citizen committee could be convened upon the request of a majority of Council. It adds the ability for the City Council to ask the citizen committee to reconsider a recommendation. It also changes the timeframe for the recommendation and adoption; it had an August 1st deadline and it was changed to completion before the next general election. Ms. Anderson stated that the changes were made to provide flexibility to Council.

Councilmember Putzova stated that she would like to add the Commission on Diversity Awareness along with the Commission on Disability Awareness to the commissions called out in the ordinance. She also suggested the following language "the Council shall decide the effective date of salaries of current members of the Council which may or may not coincide of the effective date of the salaries of the incoming members of the Council."

Councilmember Overton stated that no current Councilmember can change their compensation package and Councilmember Putzova's suggestion reads the opposite. Mr. Solomon recommended the following language in place of Councilmember Putzova's "if Council determines to adjust salaries, the Council shall determine the effective date(s) of the adjusted salaries in a manner consistent with State law."

Mayor Evans asked why the citizen commission does not include all the Chairs of all the commissions. Ms. Anderson stated that it is the way the original ordinance was developed based on the input from the Council at that time. This is the first time a Council has looked at the original ordinance for possible amendments.

The Council discussed options for convening a citizen commission and what the make up of that commission would look like and how they would be appointed.

Councilmember Overton stated that he is not interested in making things more complicated and this subject is always controversial. He suggested holding off on any changes and just move forward with the adjustment of the increase.

Councilmember Barotz agreed with holding off on any changes to the ordinance.

Councilmember Putzova stated that she would like to see changes to the ordinance because the Council salaries do not achieve the change in policy that she would like to see. She would like the City Manager to reconvene the commission and have them provide recommendations that address the policy concerns that go with Council salaries.

Councilmember McCarthy stated that he is open-minded to the changes in procedure but is not interested in reconvening the commission at this time.

Councilmember Odegaard stated that he is not supportive of changing the timeframes in the ordinance or reconvening the commission.

Councilmember Putzova stated that reconvening the commission would allow discussion about policy. This would allow the commission to think about the concerns that were brought forward. Many of the Council are retired or self-employed; attracting diverse candidates for Council is difficult when they cannot afford to sit for four years. Addressing this ordinance allows the commission to have that discussion. Even if the Council chooses not to take their recommendations at least there will be some policy discussion surrounding the topic.

Mayor Evans agreed and stated that the reason for reconvening the commission was to look at how the City could broaden the interest in serving on the City Council, it is unfortunate that other people cannot participate due to financial constraints.

Ordinance 2018-28 failed for lack of a motion.

**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

#### 14. REGULAR AGENDA

- A. Consideration and Adoption of Ordinance No. 2018-30: An ordinance to approve the abolition of the Community Enrichment Division and consolidation of Information Technology and Management Services Divisions.

Ms. Goodrich stated that as vacancies occur, the organization has an opportunity to evaluate efficiencies that may be gained with changes to the organizational structure. There are two reorganizations impacting City divisions. The first took place in 2013 with the elimination of Community Enrichment as a result of the resignation of the Community Enrichment Division Director in July 2013. Community Enrichment was created with the reorganization in August 2008 and included the Library and Recreation sections as indicated in the Community Enrichment. As a result, Recreation was moved back to Public Works and the Library was moved back under Economic Vitality. This change provided for budgetary savings during the recession.

Councilmember Barotz stated that she believed that the reorganization should have been approved by Council in 2013 and theoretically, if the Council does not approve Community Enrichment would have to be returned. Mr. Solomon responded that she was correct.

Ms. Goodrich stated that the only reason the first reorganization did not come to Council back when it was done was because staff was not aware of the Charter provision that requires the approval of Council.

Vice Mayor Whelan asked how the reorganization had been going over the last five years since it was done. Ms. Goodrich stated that it has been going well, the alignment between the Library and Economic Vitality has been very successful. There are many organizations that have Parks and Recreation function together very successfully and that has been the experience here, they work much better together than apart.

Ms. Goodrich stated that the next reorganization has not been implemented at this time. The reorganization would move Information Technology (IT) under Management Services would give Management Services Director Rick Tadder oversight of three Sections. There has been a new level of customer service and moving IT would allow for better engagement of IT services across the organization. Additionally, it would give IT an amplified voice with a Section Head and Division Director, and it will provide more opportunity for internal growth. From a financial perspective moving from and IT Division Director to IT Section Head provides salary savings that can be used to fund a much needed IT Application Administrator. The salary savings will not completely cover the position but with additional savings provided by Management Services that additional funding can be covered.

Lastly, it does provide some capacity in the City Manager's Office. The City Manager's

Office has a very aggressive work program and while the supervision of one person does not seem like much it does provide time savings in the office.

Sandy Corder addressed Council as a private citizen speaking in favor of the integration of IT into Management Services.

Councilmember Putzova stated that she is concerned about the structure; purchasing, revenue, and finance are relatively similar and IT is a completely different system. She would like to hear how the Division Director is prepared to handle the new Section. Ms. Goodrich offered that it is not uncommon for a Division Director to depend on the subject matter expertise of their staff. What is looked at is their capability and capacity to learn and lead. Economic Vitality is a great example of this; Economic Vitality Director Heidi Hansen went through this with the addition of the Library to her Division, she took on the learning curve and the result has been very successful.

Vice Mayor Whelan stated that she supports Ms. Goodrich's recommendation and would support moving in that direction.

Mayor Evans agreed stating that it is always good when the organization looks at better utilizing its talent and increasing its efficiencies.

Councilmember Barotz stated that she does not think that it is in the best interest of the City. It may be best to have the new City Manager set up the organization the way they see as effective. The IT Director should have a seat at the table and she would feel more comfortable leaving it as it is right now and letting the permanent City Manager make the decision.

**Moved by** Councilmember Charlie Odegaard, **seconded by** Vice Mayor Jamie Whelan to read Ordinance No. 2018-30 by title only for the first time.

**Vote:** 4 - 3

NAY: Councilmember Celia Barotz  
Councilmember Eva Putzova  
Councilmember Jim McCarthy

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, ABOLISHING THE COMMUNITY ENRICHMENT DIVISION AND CONSOLIDATING THE INFORMATION TECHNOLOGY AND MANAGEMENT SERVICES DIVISION; PROVIDING REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE*

- B. Consideration and Possible Adoption of Ordinance No. 2018-33:** An Ordinance of the Flagstaff City Council amending the Flagstaff City Code, Title 2, Boards and Commissions, Chapter 2-18, Commission on Disability Awareness, to update the commission name and nomenclature; providing for repeal of conflicting ordinances, severability, and establishing an effective date.

Human Resources Analyst Denise Thompson addressed Council stating that about a year ago there was a Council discussion with the Commission on Disability Awareness about possibly changing their name. In March the commission held a strategic planning retreat and proposed a new name of "Commission on Inclusion and Adaptive Living."

**Moved by** Councilmember Scott Overton, **seconded by** Vice Mayor Jamie Whelan to read Ordinance No. 2018-33 by title only for the first time.

**Vote:** 7 - 0 - Unanimously

*AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AMENDING THE FLAGSTAFF CITY CODE, TITLE 2, BOARDS AND COMMISSIONS, CHAPTER 2-18, COMMISSION ON DISABILITY AWARENESS, TO UPDATE THE COMMISSION NAME AND NOMENCLATURE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE*

- C. Consideration and Adoption of Ordinance/Resolution No. 2018-34:** An ordinance amending the Flagstaff City Code Sections 7-02-001-0001 Division Created, and 7-02-001-0024 Public Reclaimed Water Pipeline Extension and Conversion Policy for Reusers . *(An Ordinance retracting the authority to execute certain reclaimed water agreements back to City Council)*

Mr. Solomon addressed Council to provide a brief history on reclaimed water agreements. In 2002 the City Council delegated authority to the Utilities Director to approve reclaimed water agreements. On November 7, 2017 a F.A.I.R. item was asked for to consider a retraction of that authority.

The reason the proposed ordinance included a designation between all agreements and those above two million gallons was arbitrary. It was chosen because there is a sharp uptick in usage above two million. The Council can choose to review all agreements or use some other threshold. The additional update is to change the Utilities Director title to Water Services Director to reflect the recently changed Division name.

Councilmember Putzova asked if an amendment to an existing agreement comes forward if that would that be approved by the City Council. Mr. Solomon answered yes and added that it would have to include the participation from the end user as well as the City.

Councilmember Putzova asked how many reclaimed water customers there are. Water Services Director Brad Hill stated there are 38 customers delivered to 72 different sites.

Councilmember Putzova stated that she would like all reclaimed water agreements be approved by Council.

Councilmember McCarthy stated that if Option 2 is selected the threshold should be reduced from two million to 400,000 gallons.

Councilmember Overton asked if there has been problems with how contracts are being renewed currently. Mr. Solomon stated that there have not been any issues that he is aware of. Councilmember Overton asked if the Council has to approve Out-of-City reclaimed water agreements to which Mr. Solomon answered yes.

Councilmember Putzova stated that they are talking about what the future looks like in terms of the City's system and how they are going to integrate reclaimed water into other uses. It is beneficial for the City Council to see the agreements and how the water is being used. With only 38 customers it would not be a big burden.

Councilmember Overton stated that while it may not be burdensome, he can get the same information from the Water Commission annual reports to Council. They are trying to make more political statements by approving reclaimed water agreements rather than allowing the authority to remain with the Water Services Director. He does not think it is a genuine reason to review and approve these agreements.

Councilmember McCarthy stated that he thinks Council may want to take a more active role in these agreements in the future and not leave it to staff. It is not a political statement but a more practical approach of being involved in the decisions.

Scott Olberts addressed Council asking how the change would affect existing reclaimed water users. He stated that the Council should consider what staff is telling them and leave the renewals under their authority. The staff are the experts and the staff are who the community trusts.

Mayor Evans asked if there is a currently a contract in place that it stays as is and if it comes up for renewal that is when it would come to Council for approval. Mr. Solomon confirmed.

Vice Mayor Whelan offered that she believes it is a policy issue and they are looking at it in many different ways because of the change in value of reclaimed water. It is policy and it is political at times, those two things working together means that the elected officials should be making the decisions.

Councilmember Odegaard stated that Council allows their staff experts to conduct business in order to keep the politics out of the process. Council could be bogged down with reviewing all these water issues. He prefers to keep the politics out of the policy making, staff is more than capable of doing these.

Mayor Evans stated that water discussions become divisive and it is unfortunate that there is an element of fear that the Council may cut businesses off from the water they need to function. This is about policy and making sure future generations have access to water.

**Moved by** Councilmember Eva Putzova, **seconded by** Vice Mayor Jamie Whelan to read Ordinance No. 2018-34 with Option 1 by title only for the first time.

**Vote:** 5 - 2

NAY: Councilmember Scott Overton  
Councilmember Charlie Odegaard

*AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AMENDING THE FLAGSTAFF CITY CODE, SECTIONS 7-02-001-0001 DIVISION CREATED; 7-02-001-0024, PUBLIC RECLAIMED WATER PIPELINE EXTENSION AND CONVERSION POLICY FOR REUSERS, BY RETRACTING THE AUTHORITY TO EXECUTE CERTAIN RECLAIMED WATER AGREEMENTS, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE*

**15. DISCUSSION ITEMS****A. Parks, Recreation, and Open Space Update**

Public Works Director Andy Bertelsen introduced Sustainability Manager Nicole Antonopoulos, Parks and Recreation Director Rebecca Sayers, and Open Space Specialist Robert Wallace.

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

FLAGSTAFF PARKS, RECREATION, AND OPEN SPACE UPDATE  
DISCUSSION  
PARKS AND RECREATION COMMISSION PRIORITIES  
RECENT UPDATES  
RESOURCE/IMPACT MATRIX  
BOULDER POINT PARK  
BOULDER POINT PARK NEXT STEPS

Mr. Wallace continued the presentation.

FY2018 OPEN SPACE HIGHLIGHTS  
VOLUNTEERS  
SHULTZ CREEK TRAILHEAD  
MCMILLAN MESA UPDATE  
VANDALISM AT PICTURE CANYON  
FUNDING

Councilmember McCarthy asked if there is any strategy for avoiding damage to the petroglyph. Mr. Wallace stated that they have upped their education through many different avenues. Having people onsite routinely is the most effective and they are working to develop a stewardship program to aid in that effort.

Councilmember Barotz asked about the parking lot at the Shultz Creek Trailhead. Ms. Antonopoulos stated that in 2015 staff was given direction to create a trailhead and since that time staff has been working toward that end.

Vice Mayor Whelan indicated that the formal paving of the parking lot is the concern. There is a need for parking but could it be done in a way that is not blacktop and lines. Ms. Antonopoulos offered that it is a consideration and they are still looking at the area and the resource overlay along with community input.

Brian Bloom addressed the Council stating that the Parks and Recreation Commission believes that parks and recreation opportunities contribute to quality of life. Flagstaff is growing and there have been no new parks in over 15 years. Many other functions and facilities pull priority but it is important to remember that parks and playgrounds are equally important; close access to forest land is not enough.

Mayor Evans shared that the girls softball team does not have a home base and they have to roam around town to find places to play. There are only a few parks that have lights, Foxglenn, Thorpe, and Continental. She asked why the girls softball team cannot have a field at Thorpe Park. Ms. Sayers stated that staff met with the softball teams last week and

are opening those lines of communication. There are several ideas internally to see if there are things that can be done; Foxglenn is an option and staff is looking into what might be changed to help them with their needs.

Vice Mayor Whelan stated that the Parks and Recreation Section does amazing things with the budget they have. It is time to have a community group help prioritize things and have a voice for the community. The budget has not changed for many years and it is time to start thinking as a Council about how to support the community and their needs.

A break was held from 7:38 p.m. through 7:50 p.m.

## **B. Wildlife Feeding Ordinance**

Police Deputy Chief Walt Miller introduce Tim Folke, Field Supervisor for Arizona Game and Fish. Deputy Chief Miller provided a brief history of the ordinance that prohibits the feeding of wildlife within the Flagstaff city limits. Game and Fish is the investigating agency for enforcement of the ordinance; the Police Department will take calls for service from citizens and then file a report with Game and Fish.

Councilmember McCarthy asked what the definition of wildlife means and if the ordinance prohibits things such as bird feeders. Deputy Chief Miller stated that bird feeders are allowed; the ordinance is focused mainly on deer and elk.

Vice Mayor Whelan asked if the ordinance is dependent on the size of the animal, so it generally applies only to deer and elk. Mr. Folke stated that it is not only size but the science associated with wildlife. Feeding wildlife has impacts on the health of the animal as well as other health and safety hazards of humans. When animals are concentrated there is an increase in diseases, especially in deer and elk. There are economic risks as well, if there is a die off of deer or elk it will impact the open space and wildlife viewing experience. With human feeding conflicts arise and animals can become more aggressive towards humans. Heavy concentrations also brings in larger predators as well.

Mayor Evans asked if water is considered to be food to which Mr. Folke answered no. Mayor Evans asked about apple trees or the fruit left on the ground from those trees. Mr. Folke stated that apple trees are not included as well; the ordinance is specifically directed toward the placement of non-wildlife food.

Mayor Evans asked if there had been any deer or elk attacks in Flagstaff. Mr. Folke stated that there have not but there have been close calls especially during breeding season, the males have approached people aggressively.

Mayor Evans asked how many cities and counties have passed similar ordinances. Mr. Folke stated Gila County, Pinetop, Show Low, Maricopa County, Pinal County, Prescott, and Navajo County.

Mayor Evans stated that the staff summary report indicates that the records of Flagstaff Police Department show no calls for service related to the ordinance. She asked how the citations or warnings are issued if there are no calls. Mr. Folke stated that Game and Fish primarily take these calls, if calls are made to Flagstaff Police Department they are transferred to Game and Fish. Education materials are provided first with a verbal warning and then followed up with citations if there is non-compliance.

The following individuals addressed Council regarding the Wildlife Feeding Ordinance:

- Robert McDonald
- John Wilson
- Gregory Miles
- Gary Gastaldo
- Lori Gastaldo
- Joe Farnsworth
- Joe Ray

The following comments were received:

- Wildlife Biologists have overwhelmingly said that it is unhealthy and sometimes deadly for deer and elk to be fed.
- Many of the deer and elk in the area in 2016 that were being fed through troughs became sick and had to be put down.
- Feed sites concentrate deer in small areas where disease can be easily transferred.
- Young deer and elk will not learn what foods to eat and what foods to avoid when exposed to feeding stations.
- Excrement is a huge problem and creates terrible odors.
- It is not uncommon to see many deer dispersed within an large area; in my yard I have 30-50 deer traveling to the feed stations.
- There has been significant property damage to my property due to the deer coming and going through.
- The ordinance needs to be enforced.
- As long as there is water the animals will come, there is no need for additional feeding.
- My yard is beautiful because of the animals that are there and it is enjoyable to watch nature.
- The ordinance has done nothing but cause problems between neighbors.
- The concentration is not that large and it is not seen as a concern.
- I bought my house because it was mentioned that the deer really liked the area.
- Deer are all over the area, not just in one place.
- The deer do not come to the neighborhood to feed, they feed everywhere.
- The animals were here first, this is their place and people need to learn to live with them.
- The ordinance is not needed.
- People in the area are happy to see the deer.
- None of the elk or deer in the area are aggressive, as long as they are not stressed and pushed.
- If feeding was such a problem why has the State not enacted a statewide ordinance?

Mayor Evans asked how the water sources in Flagstaff are different from feeding. Mr. Folke stated that the larger bodies of water will naturally attract wildlife and the department encourages people live with wildlife but do not feed them; the issues are biological.

Mayor Evans asked what is considered a concentration. Mr. Folke stated that the concentration of deer and elk varies but it is generally about two to five animals per square mile. They predict that it is much higher around town because there are resources and when there are feeding sources that concentration goes even higher.

Councilmember McCarthy indicated that other states do not have this kind of policy and they are indifferent about animal feeding. Mr. Folke responded saying that wildlife science is evolving and as more is learned about wildlife diseases they are seeing more and more

states adopt these types of regulations.

Councilmember Putzova asked Mr. Folke to describe the situation before and after the ordinance and asked how the ordinance is working. Mr. Folke stated that the goal of the ordinance was not to get deer out of town but to give a tool to protect the wildlife from diseases and to a lesser extent human safety. Most compliance happens voluntarily. The intended purpose of education is working well. Councilmember Putzova stated that the ordinance was meant to stop the spread of disease and asked what the metric is for measuring that. Mr. Folke stated that it is hard to predict and it is truly unknown.

Mayor Evans stated that according to notes from a staff memo from some time ago, the original motivation for the ordinance was a result of a complaint by the Country Club Homeowners Association, it had nothing to do with accidents and none of the accidents that did happen could be attributed to feeding. She asked if there is a difference in statistics. Mr. Folke encouraged the Council and residents to look broader than the City of Flagstaff. There have been deaths attributed to wildlife feeding in Pinetop and Payson.

Mr. Solomon asked if the notes Mayor Evans was referring to were handwritten notes to which Mayor Evans responded yes. Mr. Solomon explained that they are not aware of where those notes originated from and have not been substantiated. Assistant City Attorney Marianne Sullivan added that it is possible that the hand written notes were based on comments made by the public at the meeting but not necessarily facts that the Legal Department has verified as true.

Councilmember Overton offered that he believes that there is a symbiotic relationship with wildlife but there should not be feeding. He is frustrated that there has been a number of warnings and only a few citations; the activity is still continuing even after five years. The goal of the ordinance was to end the practice and give Game and Fish a tool to help, it is disappointing that the City and Game and Fish cannot convince citizens that it is not good to feed wildlife. Mr. Folke stated that he believes that it is an effective tool. They cannot measure success; the behavior is deeply rooted in the care of wildlife which causes a challenge for changing the behavior.

Vice Mayor Whelan indicated that she does not believe it best to feed wildlife, especially in an urban area. She believes that wildlife will continue to frequent the area because of the water and that people need to look at other options rather than feeding. It is hard to understand why the feeding continues when the science shows that it is harmful.

Mayor Evans stated that she voted no on the ordinance in 2013 because she felt that the issue should have been handled by the Homeowners Association and between the neighbors. There are other areas in the City that have feeding of wildlife occurring but because there are no complaints nothing is done. Unless the law is enforced fairly and across the board there will be no impact.

Councilmember McCarthy feels that the law should remain the way that it is. Feeding wildlife is inappropriate; it is bad for the wildlife and the health of the species.

Councilmembers Overton and Odegaard agreed stating that they are not supportive of a change in the ordinance.

Councilmember Barotz also indicated that she is not supportive of changing the ordinance. The ordinance is in place and when laws are passed the expectation is for people to follow them, even if they do not like it.

A majority of Council is in support of leaving the Wildlife Feeding Ordinance as it is.

**16. COUNCIL LIAISON REPORTS**

None

**17. 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 Councilmember Odegaard to place on a future agenda a discussion about City employee compensation by looking at the budget just passed for FY2019 to see if there are unanticipated revenues to offer a one-time compensation benefit for City employees.

There was not Council support to move this item forward.

- B. Future Agenda Item Request (F.A.I.R.):** A request by Councilmember McCarthy to place on a future agenda a discussion about if there are unanticipated revenues in the budget; consider adding a position to the Planning Section.

There was not Council support to move this item forward.

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

Mayor Evans stated that the Governor has sent the City a request to consider recognizing October as Domestic Violence Awareness month by lighting City Hall purple. It is a month-long effort to bring awareness to domestic violence and he would like the City to join them in supporting the effort. She requested that the City consider the request.

Mayor Evans also reported that she talked with some sound experts and was told that the change the Council made would not have a negative impact if done correctly and it was unfortunate that the Daily Sun had such an inflammatory article. She requested a F.A.I.R. item to discuss a possible sound demonstration event in the park to show the community what it would sound like.

Councilmember Overton offered congratulations to Senator Kyl on this appointment. He suggested having conversations with him about the City's federal priorities.

Councilmember Odegaard recognized Duane from Facilities Maintenance as it is his last night at the City. He thanked Duane for his service and wished him well at his next job.

Mayor Evans congratulated Stacy Saltzburg for being appointed as the new City Clerk.

Ms. Goodrich stated that the City has secured a table at the United Way event on Friday. She asked the Council to please let their Assistant Erin Ulloa know if they want to attend.

Ms. Goodrich also reported that Interim Deputy City Manager Kevin Treadway will be

Acting City Manager while she and Mr. Dille will be traveling with members of the Council to Washington D.C.

Ms. Goodrich shared that she received a request from the Governor’s Office to add one municipal position to the State Liquor Board. If the Council is interested in having a discussion to make a recommendation to the League she will put it on the September 11, 2018 meeting.

**19. ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held September 4, 2018, adjourned at 9:45 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 September 4, 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