

CITY COUNCIL REGULAR MEETING
TUESDAY, JANUARY 15, 2019
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 meeting of the Flagstaff City Council held January 15, 2019, 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 SHIMONI
COUNCILMEMBER ASLAN
COUNCILMEMBER MCCARTHY
COUNCILMEMBER ODEGAARD
COUNCILMEMBER SALAS
COUNCILMEMBER WHELAN

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

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

The Council and audience recited the pledge of allegiance and Councilmember Aslan 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**

None

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.

Janine Kelley addressed Council regarding a recent challenge with her water bill. She also expressed concern and frustration about her phone number being mistakenly attached to two court cases which resulted in a number of unwanted calls even after asking them to remove her number.

David Lash, Betsy Klein, and Matt Francis each addressed the Council requesting that they pass ordinance or resolution banning wildlife killing contests.

6. **PROCLAMATIONS AND RECOGNITIONS**

A. **Proclamation:** Human Trafficking Awareness Month

Council came to the podium to read and present the proclamation.

B. **Recognition:** NAU's Gold Axe Recipients

Council recognized Daniel'le DeVoss, Mellisa Yin, and Laura Garcia for their achievement of receiving NAU's Gold Axe.

7. **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 Jim McCarthy, **seconded by** Mayor Coral Evans to appoint Jill Hough to the Professional designation with a term expiring December 2021.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Regina Salas, **seconded by** Councilmember Charlie Odegaard to appoint Caitlin Kelly to the Historic Property Owner designation with a term expiring December 2020.

Vote: 7 - 0 - Unanimously

Moved by Mayor Coral Evans, **seconded by** Councilmember Austin Aslan to appoint Jerry McLaughlin to the At Large designation with a term expiring December 2021.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Jamie Whelan to switch the designations of Caitlin Kelly and Jerry McLaughlin to reflect Caitlin Kelly as At-Large and Jerry McLaughlin as Historic Property Owner.

Vote: 7 - 0 - Unanimously

B. Consideration of Appointments: Planning and Zoning Commission.

Moved by Vice Mayor Adam Shimoni, **seconded by** Councilmember Jim McCarthy to appoint Eric Nolan to a term expiring December 2021.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Jim McCarthy, **seconded by** Vice Mayor Adam Shimoni to appoint David Zimmerman to a term expiring December 2021.

Vote: 7 - 0 - Unanimously

C. Consideration of Appointments: Board of Adjustment.

Moved by Councilmember Austin Aslan, **seconded by** Councilmember Charlie Odegaard to appoint Lisa Bergstrom to a term expiring May 2022.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Charlie Odegaard, **seconded by** Vice Mayor Adam Shimoni to appoint John Brinkman to a term expiring May 2022.

Vote: 7 - 0 - Unanimously

D. Consideration of Appointments: Transportation Commission.

Moved by Councilmember Regina Salas, **seconded by** Vice Mayor Adam Shimoni to appoint Nick Kraft to a term expiring April 2021.

Vote: 7 - 0 - Unanimously

E. Consideration of Appointments: Tourism Commission.

Moved by Councilmember Jim McCarthy, **seconded by** Vice Mayor Adam Shimoni to appoint Terry Madeksza to a term expiring January 2022.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Regina Salas, **seconded by** Councilmember Jamie Whelan to appoint Steve Finch to a term expiring January 2022.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Regina Salas, **seconded by** Vice Mayor Adam Shimoni to appoint Maggie Thom to a term expiring January 2021.

Vote: 7 - 0 - Unanimously

Moved by Mayor Coral Evans, **seconded by** Councilmember Charlie Odegaard to appoint Jennifer Rolley to a term expiring January 2022.

Vote: 7 - 0 - Unanimously

8. LIQUOR LICENSE PUBLIC HEARINGS

A. Consideration and Action on Liquor License Application: Shelby Lapsley, Sunnyside Chevron, 2205 N. 4th Street, Series 09 (liquor store - all spirituous liquor), Owner Transfer.

Mayor Evans opened the public hearing for both licenses.

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

Mayor Evans stated that she is concerned about the change in business model that will allow for the sale of shooters and 40s. She indicated that there has been significant work in the Fourth Street corridor to combat some of the issues with public intoxication and many of the stores in the area have pulled those products from their shelves. She stated that she will be voting no on a recommendation for approval.

Councilmember Odegaard echoed Mayor Evans' comments and expressed disappointment with the intent to sell the single serve items. He will be voting yes on a recommendation for approval but hopes that the owner will work with the City to assist in the effort and realize the importance of the issue in the community.

Councilmember Whelan offered that simply taking the alcohol away will not take away the problem. She encouraged the owner to empower the employees to say no when it is appropriate.

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

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Regina Salas to forward the application to the State with a recommendation of approval.

Vote: 4 - 3

NAY: Councilmember Austin Aslan
Mayor Coral Evans
Vice Mayor Adam Shimoni

- B. Consideration and Action on Liquor License Application:** John Kennelly, "Historic Brewing Company Barrel & Bottle House", 110 S. San Francisco Street, STE C, Series 12 (restaurant), New License.

Moved by Councilmember Regina Salas, **seconded by** Councilmember Jamie Whelan to forward the application to the State with a recommendation of approval.

Vote: 7 - 0 - Unanimously

9. 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** Councilmember Regina Salas to approve the Consent Agenda as presented.

Vote: 7 - 0 - Unanimously

- A. Consideration and Approval of a Cooperative Purchase Contract:** To purchase a Type VI Wildland Engine built to the Flagstaff Fire Department Specs from SNF, Inc. (dba BFX Fire Apparatus).

STAFF RECOMMENDED ACTION:

Approve the purchase of a Type VI Wildland Engine from SNF, Inc. (dba BFX Fire Apparatus) in the amount of \$169,259 through cooperative purchase contract #GS-30F-0025V with the U.S. General Services Administration.

- B. Consideration and Approval of Purchase through an Invitation For Bids Process (IFB):** Purchase of Three (3) F-350 truck and chassis only trucks to the Flagstaff Fire Department Specs.

STAFF RECOMMENDED ACTION:

Approve the purchase of the three (3) truck and chassis only F-350's from Peoria Ford in the amount of \$113,527.65

10. ROUTINE ITEMS

- A. Consideration of Appointments:** On-Call Magistrates for the Flagstaff Municipal Court.

Moved by Mayor Coral Evans, **seconded by** Councilmember Charlie Odegaard to approve the appointments of Rebecca Plevel, Amy Criddle and Matthew Mansfield as On-Call Magistrates.

Vote: 7 - 0 - Unanimously

- B. Consideration and Adoption of Ordinance No. 2018- 46:** An annexation ordinance extending and increasing the corporate limits of the City of Flagstaff by annexing certain land totaling approximately 1.87 acres located at 5595 N. Dakota Street, and establishing city zoning for said land as Highway Commercial, HC. (**Annexation of property to facilitate the redevelopment of a retail sales convenience store with fuel sales.**)

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to read Ordinance No. 2018-46 by title only for the final time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARIZONA REVISED STATUTES, BY ANNEXING CERTAIN LAND TOTALING APPROXIMATELY 1.87 ACRES LOCATED AT 5595 N. DAKOTA STREET, WHICH LAND IS CONTIGUOUS TO THE EXISTING CORPORATE LIMITS OF THE CITY OF FLAGSTAFF, AND ESTABLISHING CITY ZONING FOR SAID LAND AS HIGHWAY COMMERCIAL, HC

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Jim McCarthy moved to adopt Ordinance No. 2018-46.

Vote: 7 - 0 - Unanimously

- C. Consideration and Adoption of Ordinance No. 2018-44:** An ordinance of the Flagstaff City Council approving an Intergovernmental Agreement between the State of Arizona and the City of Flagstaff and authorizing the acquisition of a utility easement for the design and construction of a sewer line relocation located along Milton Rd. just north of McConnell Dr.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegard to read Ordinance No. 2018-44 by title only for the final time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA AND THE CITY OF FLAGSTAFF AND AUTHORIZING THE ACQUISITION OF A UTILITY EASEMENT FOR THE DESIGN AND CONSTRUCTION OF A SEWER LINE RELOCATION LOCATED ALONG MILTON RD JUST NORTH OF MCCONNELL DR

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Regina Salas to adopt Ordinance No. 2018-44.

Vote: 7 - 0 - Unanimously

RECESS

The 4:30 p.m. portion of the January 15, 2019, Regular Council Meeting recessed at 5:24 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Evans reconvened the Regular Meeting of January 15, 2019, at 6:01 p.m.

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11. ROLL CALL

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

PRESENT:

ABSENT:

MAYOR EVANS
VICE MAYOR SHIMONI
COUNCILMEMBER ASLAN
COUNCILMEMBER MCCARTHY
COUNCILMEMBER ODEGAARD
COUNCILMEMBER SALAS
COUNCILMEMBER WHELAN

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

12. PLEDGE OF ALLEGIANCE

The Council and audience recited the pledge of allegiance.

13. PUBLIC PARTICIPATION

Councilmember Aslan stated that there were Boy Scouts in the audience working on one of their merit badges.

Paul Kulpinski addressed Council and provided them with a proposal for expanding high quality preschool in Flagstaff. He requested an opportunity to formally present the proposal to the Council at a future meeting.

Anthony Garcia addressed Council about finding ways to incorporate public art into large scale developments coming into town. He asked the Council to consider the idea as a FAIR agenda topic for the future.

Greg Westbrook addressed Council with concerns about the Campus Advantage development coming in near Pinnacle Pines. He is particularly concerned with the lack of parking and the challenges that may cause the surrounding neighborhoods.

Mayor Evans stated that Item 16C is being removed from the agenda; it will come back to Council at a later meeting.

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

None

15. REGULAR AGENDA**A. Consideration of Assignments: City Council Liaison Assignments****Flagstaff Metropolitan Planning Organization (3 liaisons & 1 alternate)**

The Council assigned Mayor Evans, Councilmember McCarthy, and Councilmember Odegaard as the liaisons with Councilmember Salas as the alternate.

Northern Arizona Intergovernmental Public Transportation Authority (2 liaisons & 2 alternates)

The Council assigned Councilmember McCarthy and Councilmember Whelan as the liaisons with Vice Mayor Shimoni and Councilmember Aslan as the alternates.

Northern Arizona Municipal Water Users' Association (1 liaison)

The Council assigned Councilmember Whelan as the liaison and Vice Mayor Shimoni as an alternate.

Audit Committee (1 liaison)

The Council assigned Councilmember Odegaard as the liaison.

Economic Collaborative of Northern Arizona Executive Board (1 liaison)

The Council assigned Mayor Evans as the liaison and Councilmember Salas as the alternate.

Northern Arizona Council of Governments (1 liaison & 1 alternate)

The Council assigned Councilmember Whelan as the liaison and Councilmember Odegaard as the alternate.

Self-Insurance Trust Fund Board (1 liaison)

A Council representative was not assigned at this time because the Board is currently inactive.

Colorado Plateau Water Advisory Council (1 liaison & 1 alternate)

The Council assigned Mayor Evans as the liaison and Councilmember Aslan as the alternate.

Sister Cities (1 liaison)

The Council assigned Councilmember Salas as the representative and Vice Mayor

Shimoni as the alternate.

Joint Land Use Study Policy Committee (2 liaisons)

The Council assigned Councilmember McCarthy and Councilmember Salas.

16. DISCUSSION ITEMS

A. Discussion and Possible Direction: 2019 State of Arizona Legislative Trip and 2019 Federal Legislative Trip.

Assistant to the City Manager Cliff Bryson stated that staff is in the process of planning the 2019 state and federal lobbying trips. The tentative dates for the federal trip is the week of March 5, 2019, either Tuesday through Thursday or Wednesday through Friday. At Council's direction, the City's Federal Lobbyist Bob Holmes will begin setting meetings with the appropriate officials.

Mr. Bryson stated that on February 19, 2019, Council will review the draft agenda and talking points. Staff is also looking for direction on who will be attending the trip so travel arrangements can be made.

Mayor Evans stated that historically the Mayor attends with one Councilmember from the old Council and one Councilmember from the newly elected Council. This helps keep the historical knowledge in play. The talking points are divided among those in attendance to help everyone stay on point with the approved Council message. Councilmember McCarthy went two years ago and Councilmember Odegaard went last year.

Councilmember Whelan expressed her interest in going and the Council was supportive of her attending.

Mayor Evans stated that since Councilmember Whelan is attending she would like to have the Vice Mayor stay in Flagstaff for this trip to ensure proper coverage at the Council meeting.

Councilmember Aslan stated that he was interested in attending but had to check with his family's schedule. Councilmember Salas stated that if Councilmember Aslan is unable to attend, she would be willing to attend. Those attending agreed that Tuesday through Thursday is preferable.

Mr. Bryson continued stating that the state lobbying trip is currently scheduled for the upcoming Friday, January 18, 2019. Ms. Goodrich expressed concern about the quick turnaround on talking points for Friday and proposed that the Council consider rescheduling to make sure there is a consensus on messaging and better opportunity to schedule and coordinate with the various members of the delegation.

The Council agreed that having more time to prepare is appropriate and asked staff to coordinate a more appropriate time in the future.

Mr. Bryson stated that he will bring information back to a future Work Session to discuss with the Council.

B. Discussion and Possible Direction: City Council Rules of Procedure

City Clerk Stacy Saltzburg stated that when there is a new Council elected it is customary to allow the Council body to review their Rules of Procedure and identify any areas of desired adjustment. In addition to the general review staff would like direction on the disposition of F.A.I.R. items that were brought forward by a previous Councilmember and staff is also suggesting the codification of the process by which the Vice Mayor is selected.

Councilmember Odegaard stated that he would like for the Councilmember who brought the F.A.I.R. item forward to be present at the Council meeting to discuss why they asked for that item. a F.A.I.R. request.

Councilmember Whelan agreed with Councilmember Odegaard and added that there be time to review the F.A.I.R. items remaining from prior Councilmembers before they get removed from the queue. Councilmember McCarthy also agreed.

Mayor Evans suggested that the remaining F.A.I.R. items be listed as needing a sponsor from the current Council to continue moving the item through the queue. After 30 days if the item is not sponsored, they will be removed from the queue.

Council agreed to require the requesting Councilmember to be present at the meeting when their item is discussed as well as placing the items remaining from the prior Council on a list seeking sponsorship for a 30-day period.

Mayor Evans discussed her desire to change the requirement of needing two Councilmembers in support of a F.A.I.R. item to three in support. Her rationale is that only requiring two means that everything will be discussed even if there is not a possibility of ultimately receiving majority support; this significantly increases the workload of staff and the Council when the result is that it does not go any further than a discussion. By increasing to three the items can still be discussed but it is closer to a majority and possibility of future action. The Council agreed to changing the Rules of Procedure to reflect a F.A.I.R. item requiring three Councilmembers in support to move forward.

Councilmember McCarthy requested that the process to ask for a F.A.I.R. item to be expedited be modified to allow the Council to determine the priority of the queue based on majority support. The Council agreed to this modification.

Mayor Evans asked that the Vice Mayor selection process be included in the Rules of Procedure to reflect the historical practice of appointing the highest vote getter at the prior election as Vice Mayor.

Council discussed a couple of different possibilities with regard to the Vice Mayor selection process and determined that the historical practice should be codified in

the Rules of Procedure.

Mayor Evans requested a new provision in the Rules of Procedure related to Council and members of the press video recording and taking pictures at or near the dais. She proposed that all pictures and video recording be done behind the presentation counter or lectern. There is a safety issue with people approaching the dais and it can be a distraction when done by Council as well. Council agreed to the addition of this provision.

Councilmember McCarthy indicated that the current rules state that upon vote of a majority of Council they can call a Special Executive Session; he suggested that the rule indicate that the City Manager may call a Special Executive Session. Mr. Solomon stated that the City Attorney's Office, in partnership with the City Manager, have the authority to call an Executive Session; this is in addition to an Executive Session called by a majority of Council.

Councilmember McCarthy asked about clarifying when items not acted on at a Regular Meeting have to come back for action. The rules indicate that they come back at the next meeting and he suggested clarifying the next Regular Meeting because typically the next meeting is a Work Session which is not a voting meeting. Mr. Solomon stated that by keeping the language as it is, it allows for flexibility on when to bring the item back. A Special Meeting can be called for the next week in connection with the Work Session or it can wait until the next Regular Meeting depending upon the urgency of the item.

Councilmember McCarthy requested that the Pledge of Allegiance be formally added to the 6:00 p.m. agenda. It is currently only listed in the Rules of Procedure at the 4:30 p.m. portion of the meeting but the practice has been that it is done at both sessions. Council agreed to the addition of the Pledge of Allegiance at the 6:00 p.m. meeting.

Councilmember Whelan asked to simplify the process of removing a requested F.A.I.R. item. The requester should be able to remove their own F.A.I.R. item if the item has not yet been presented on an agenda. Ms. Goodrich clarified that the process is already set up that way and there has to be consensus to remove an item only after it has received the support of three Councilmembers.

Councilmember McCarthy requested that if an item is pulled before it comes on an agenda that the City Manager notify the Council that there has been a request to remove the item. This would allow another Councilmember to take on sponsorship if they were wanting the item to come forward. Council agreed with the clarification being added to the rules.

Ms. Saltzburg stated that she will incorporate the Council direction and bring back a draft for review and consideration by the Council.

C. Discussion and Possible Direction: Commission Recommendation Process

Item postponed to a future meeting.

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 to reengage the conversation about a Code of Ethics for the City Council.

At least three Councilmembers were supportive of moving the item forward to a future agenda.

- B. Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Putzova to place on a future agenda a discussion about developing a policy to prioritize water uses in times of shortage, in the context of public investment, and for community planning.

Councilmember Whelan offered to be the sponsor on the F.A.I.R. item with the departure of former Councilmember Putzova.

At least three Councilmembers were supportive of moving the item forward to a future agenda.

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

Councilmember Salas stated that she attended the Flagstaff Police Department promotion ceremony and thanked the Department for the invitation.

Councilmember Odegaard requested a F.A.I.R. item to discuss ways that the City could leverage something with a developer to create public art space in their development.

Councilmember Aslan reported that his wife had an opinion article published in the newspaper recently about climate change and its effects on wildlife.

Councilmember Whelan reported that she was excited to be invited to Flagstaff High School to participate in a student youth group.

Councilmember Whelan requested a F.A.I.R. item to have a discussion about developing a plan and recommendations for zoning for the upcoming work in the Fourth Street, Lone Tree, and I-40 corridors.

Councilmember Whelan also suggested putting posters and stickers about human trafficking in all City facilities.

Ms. Goodrich stated that the Sustainability Program will be walking neighborhoods and placing tags on trash cans reminding people what is recyclable in Flagstaff. She also reported that interviews for the Indigenous Coordinator were completed and the panel is hopeful to have some good news on filing that position in the next few weeks.

Ms. Goodrich also offered that there is an opportunity to schedule a Council presentation on the Launch proposal brought forward by Mr. Kulpinski during public participation. The presentation will provide staff and the Council more information for consideration for the February Budget Rretreat.

Mayor Evans reported that she participated in a tour of NAU and indicated that it was interesting to better understand the numbers and concept of growth at the University. She is looking forward to sharing that presentation with others in the community.

Mayor Evans requested a F.A.I.R. item to discuss the correlation between sales tax dollars on a vehicle purchase in Flagstaff and what those dollars specifically fund from a tangible perspective.

20. **ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held January 15, 2019, adjourned at 7:47 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 January 15, 2019. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 5th day of November, 2019.

CITY CLERK