

## **WORK SESSION AGENDA**

**CITY COUNCIL WORK SESSION  
TUESDAY  
JUNE 11, 2019**

**COUNCIL CHAMBERS  
211 WEST ASPEN AVENUE  
6:00 P.M.**

**1. Call to Order**

**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 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**

**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.*

MAYOR EVANS  
VICE MAYOR SHIMONI  
COUNCILMEMBER ASLAN  
COUNCILMEMBER MCCARTHY

COUNCILMEMBER ODEGAARD  
COUNCILMEMBER SALAS  
COUNCILMEMBER WHELAN

**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 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.*

**5. Review of Draft Agenda for the June 18, 2019 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.*

6. **Discussion of proposed Ordinance No. 2019-24 prohibiting the sale of tobacco to persons under the age of 21.**
7. **Rio de Flag Flood Control Project - Update**
8. **Board and Commission Interactions with City Council**
9. **Discussion and Direction:** Possible Ballot Measure Committees for the November 2020 General Election
10. **Discussion:** Affordable Housing ballot measure for 2020
11. **Discussion/Direction:** Establish/Create the Affordable Housing Commission discussed in Proposition 422
12. **Discussion:** Ways that the City and a developer could leverage something to create a public art space.
13. **Discussion:** Develop a plan with consideration of zoning changes and multi-modal development in advance of the work in the Fourth Street, Lone Tree, and I-40 corridors
14. **Public Participation**
15. **Informational Items To/From Mayor, Council, and City Manager; future agenda item requests**
16. **Adjournment**

CERTIFICATE OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m. in accordance with the statement filed by the City Council with the City Clerk.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Stacy Saltzburg, MMC, City Clerk

## CITY OF FLAGSTAFF

### STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Sterling Solomon, City Attorney  
**Date:** 06/07/2019  
**Meeting Date:** 06/11/2019




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#### TITLE

**Discussion of proposed Ordinance No. 2019-24 prohibiting the sale of tobacco to persons under the age of 21.**

#### STAFF RECOMMENDED ACTION:

Discussion.

#### EXECUTIVE SUMMARY:

The City Council expressed the desire to further protect the health of the residents of the City of Flagstaff by prohibiting the sale of tobacco products, including e-cigarettes and other similar devices, to persons who are under the age of 21.

In addition, the Coconino Anti-Tobacco Students (CATS) have addressed the Flagstaff City Council on several occasions requesting that the City Council adopt an ordinance prohibiting the sale of tobacco to anyone under 21 years of age. Many of the students have individually addressed the City Council sharing personal experiences of suffering and loss of loved ones due to the use of tobacco products.

The use of tobacco products has devastating health and economic consequences. The negative impacts of tobacco products, including e-cigarettes, has been widely documented. Tobacco product use leads to more than \$300 billion in health care and lost worker productivity costs each year according to the U.S. Department of Health & Human Services and the American Journal of Preventative Medicine.<sup>1</sup> Young minds are particularly susceptible to the addictive properties of nicotine.<sup>2</sup> As a result, approximately 3 out of 4 teen smokers end up smoking into adulthood.<sup>3</sup> An estimated 5.6 million youth aged 0 to 17 are projected to die prematurely from a commercial tobacco-related illness if prevalence rates do not change.<sup>4</sup>

National data show that about 95 percent of adults who smoke begin smoking before they turn 21. The time between ages 18 to 20 is a critical period when many adults who smoke move from experimental smoking to regular, daily use.<sup>5</sup> Moreover, data from the National Youth Tobacco Survey demonstrates that youth use of e-cigarettes continues to increase. The overall use rate of e-cigarettes among youth continues to be higher than other forms of tobacco and has stymied previous progress in the reduction of the overall tobacco use rate for youth.<sup>6</sup> Furthermore, the popularity among youth of newer products are likely responsible for the significant increase of e-cigarette usage among high school students.<sup>7</sup>

In 2015, the Institute of Medicine (now the National Academy of Medicine) concluded that raising the minimum legal sales age for tobacco products nationwide would reduce tobacco initiation, particularly among adolescents aged 15 to 17, improve health across the lifespan, and save lives; and that raising the minimum legal sales age for tobacco products nationwide to 21 would, over time, lead to a 12 percent

decrease in smoking prevalence.<sup>8</sup> The Institute of Medicine also predicted that raising the minimum legal sales age for tobacco products nationwide to 21 would result in 223,000 fewer premature deaths, 50,000 fewer deaths from lung cancer, and 4.2 million fewer years of life lost for those born between 2000 and 2019 and would result in near immediate reductions in preterm birth, low birth weight, and sudden infant death syndrome.<sup>9</sup>

A growing number of state and local jurisdictions have enacted minimum legal sales age 21 policies to further restrict access to commercial tobacco.<sup>10</sup> Three-quarters of adults support raising the minimum legal sales age for tobacco products to 21, including seven out of ten adults who smokes.<sup>11</sup>

Finally, strong policy enforcement and monitoring of retailer compliance with tobacco control policies (e.g. requiring identification checks) is necessary to achieve reductions in youth tobacco sales rates after raising the minimum legal sales age to 21. The National Academy of Medicine recommends imposing penalties on business owners to provide sufficient incentives to comply with the law, and business owners with an economic incentive to avoid violations are more likely to establish company-wide policies and incorporate instruction on tobacco laws into employee training.

The City of Flagstaff recognizes these well-documented facts on the dangers related to tobacco products. As a result, the ordinance establishing a prohibition on the sale of tobacco products, including e-cigarettes, to persons under the age of 21 is recommended in order to prevent further negative health impacts for the citizens of Flagstaff.

**\*\*Citations found in attachments\*\***

**INFORMATION:**

A resolution establishing a fee schedule will be presented to City Council for adoption in the fall. That fee schedule will establish license fees for the sale of tobacco products, including e-cigarettes. Those fees will cover the administrative costs of processing applications for, and issuing licenses for the sale of tobacco products. As a result, the financial impact of the license fees will not produce additional revenues for the City, but will cover the costs of administration only.

Currently, Chapter 7-09 of the City Code establishes the age prohibition for the sale of tobacco products to anyone under 18 years of age. The proposed ordinance revises Chapter 7-09 of the City Code to prohibit the sale of tobacco products to persons under the age of 21. While no direct connection to a City Council Goal may be readily identified, the proposed ordinance will further the mission of the City of Flagstaff which is: To protect and enhance the quality of life for all.

Specific to age limits, on December 21, 1999, a previous City Council adopted Ordinance No. 2011 prohibiting the sale of tobacco products to persons under the age of 18. More recently, and on a broader level, in 2017 and 2018 the previous City Council adopted amendments to the City Code including parks and cemeteries as public places and incorporating e-cigarette's into the City's Tobacco-Free Air portion of the City Code.

[illegible]



## ORDINANCE NO. 2019-24

### AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, AMENDING FLAGSTAFF CITY CODE TITLE 7, *HEALTH AND SANITATION*, CHAPTER 7-09, *TOBACCO PRODUCTS* BY PROHIBITING THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF 21; ESTABLISHING SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

#### RECITALS:

**WHEREAS**, Flagstaff recognizes that the use of tobacco products has devastating health and economic consequences.

**WHEREAS**, Tobacco product use leads to more than \$300 billion in health care and lost worker productivity costs each year according to the U.S. Department of Health & Human Services and the American Journal of Preventative Medicine.

**WHEREAS**, Young minds are particularly susceptible to the addictive properties of nicotine and as a result, approximately 3 out of 4 teen smokers end up smoking into adulthood according to the U.S. Department of Health & Human Services.

**WHEREAS**, an estimated 5.6 million youth aged 0 to 17 are projected to die prematurely from a commercial tobacco-related illness if prevalence rates do not change according to the U.S. Department of Health & Human Services.

**WHEREAS**, National data show that about 95 percent of adults who smoke begin smoking before they turn 21 and the time between ages 18 to 20 is a critical period when many adults who smoke move from experimental smoking to regular, daily use according to the U.S. Department of Health & Human Services.

**WHEREAS**, Data from the National Youth Tobacco Survey demonstrates that youth use of e-cigarettes continues to increase and the overall use rate of e-cigarettes among youth continues to be higher than other forms of tobacco and has stymied previous progress in the reduction of the overall tobacco use rate for youth according the Centers for Disease Control & Prevention.

**WHEREAS**, The popularity among youth of newer products, such as the brand JUUL, which currently dominates the market, is likely responsible for the significant increase of e-cigarette usage among high school students according to the Centers for Disease Control & Prevention.

**WHEREAS**, In 2015, the Institute of Medicine (now the National Academy of Medicine) concluded that raising the minimum legal sales age for tobacco products nationwide would reduce tobacco initiation, particularly among adolescents aged 15 to 17, improve health across the lifespan, and save lives; and that raising the minimum legal sales age for tobacco products nationwide to 21 would, over time, lead to a 12 percent decrease in smoking prevalence according to the Institute of Medicine.

**WHEREAS**, The Institute of Medicine also predicted that raising the minimum legal sales age for tobacco products nationwide to 21 would result in 223,000 fewer premature deaths, 50,000 fewer deaths from lung cancer, and 4.2 million fewer years of life lost for those born between 2000 and

2019 and would result in near immediate reductions in preterm birth, low birth weight, and sudden infant death syndrome.

**WHEREAS**, Tobacco21.org indicates that a growing number of state and local jurisdictions have enacted minimum legal sales age 21 policies to further restrict access to commercial tobacco.

**WHEREAS**, Three-quarters of adults support raising the minimum legal sales age for tobacco products to 21, including seven out of ten adults who smokes according the American Journal of Preventive Medicine.

**WHEREAS**, Strong policy enforcement and monitoring of retailer compliance with tobacco control policies (e.g. requiring identification checks) is necessary to achieve reductions in youth tobacco sales rates after raising the minimum legal sales age to 21;

**WHEREAS**, The National Academy of Medicine recommends imposing penalties on business owners to provide sufficient incentives to comply with the law, and business owners with an economic incentive to avoid violations are more likely to establish company-wide policies and incorporate instruction on tobacco laws into employee training;

#### **ENACTMENTS:**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:**

SECTION 1. The Flagstaff City Code, Title 7, *Health and Sanitation*, Chapter 7-09 *Tobacco Products*, is hereby amended as indicated by the following language (additions shown as underlined text, and deletions shown as strike-through text):

#### **7-09-001-0001 DEFINITIONS**

In this chapter, unless the context otherwise requires:

~~A. Person means the state, the county, a political subdivision of the state, other governmental entities, a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual. Person also includes a trustee, receiver, an assignee or similar representative.~~

~~B. Tobacco product means any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, snuff or any other form of tobacco which may be utilized for smoking, chewing, inhalation or other manner of ingestion.~~

A. Distribute or Distribution means to furnish, give, provide, sell, or to attempt to do so, whether gratuitously or for any type of compensation.

B. Electronic smoking device means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance intended to be aerosolized or vaporized during the use of the device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs.

devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

- C. No Sales Order for Tobacco Products means an order from the City Manager or the City Manager's designee to immediately cease all sales of any and all tobacco products.
- D. Person means any natural person.
- E. Purchaser means any person who obtains or attempts to obtain a tobacco product.
- F. Tobacco retail establishment means any place of business where tobacco products are available for sale to the general public. The term includes but is not limited to grocery stores, tobacco product shops, kiosks, convenience stores, gasoline service stations, bars, and restaurants.
- G. Self-service display means any display from which customers may select a tobacco product without assistance from the tobacco retailer or the tobacco retailer's agent or employee and without a direct person-to-person transfer between the purchaser and the tobacco retailer or tobacco retailer's agent or employee.
- H. Tobacco product means: (1) any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; (2) any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or (3) any component, part, or accessory of (1) or (2), whether or not any of these contain tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, and pipes. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.
- I. Tobacco retailer means any person, partnership, joint venture, society, club, trustee, trust, association, organization, or corporation who owns or operates any tobacco retail establishment. Tobacco retailer does not mean the non-management employees of an owner or operator of any tobacco retail establishment.
- J. Vending machine means any mechanical, electrical or electronic device that, on insertion of money, tokens or any other form of payment, dispenses tobacco products.

#### **7-09-001-0002 LICENSE REQUIRED**

- A. Each tobacco retailer engaging in the distribution of tobacco products, at each location in Flagstaff shall secure, and display at all times, a tobacco retail sales license from the City or its authorized agent before engaging or continuing to engage in such business. No tobacco retailer may distribute tobacco products without a valid tobacco retail sales license.
- B. The fee for a tobacco retail sales license shall be set according to a separate fee schedule adopted and updated from time to time by City Council and used to cover the

administrative cost for licensing administration, education and training, retail inspections, and unannounced compliance checks. The tobacco retail sales license fee should not exceed the cost of the regulatory program authorized beyond this Ordinance.

- C. A tobacco retail sales license cannot be renewed if the tobacco retailer has outstanding fines pursuant to this Ordinance.
- D. No tobacco retail sales license shall be issued or renewed to a tobacco retail sales license unless the tobacco retailer signs a form stating that the tobacco retailer has read this Ordinance and has provided training to all employees on the sale of tobacco products. Such training shall include information that the sale of tobacco products to persons under 21 years of age is illegal, the types of identification legally acceptable for proof of age, and that sales to persons under 21 years of age shall subject the tobacco retailer to penalties.
- E. Any business found to be selling tobacco products without a license shall be fined and issued a No Sales Order for Tobacco Products pursuant to section 7-09-001-0008(A) of this Chapter.

#### **7-09-001-0003 MINIMUM LEGAL SALES AGE FOR TOBACCO PRODUCTS**

The distribution of any tobacco product to a person under the age of 21 is prohibited.

#### **7-09-001-0004 AGE VERIFICATION**

Before distributing any tobacco product, the tobacco retailer or the tobacco retailer's agent or employee shall verify that the purchaser is at least 21 years of age. Each tobacco retailer or tobacco retailer's agent or employee shall examine the purchaser's government-issued photographic identification. No such verification is required for a person over the age of 30. That a purchaser appears to be 30 years of age or older shall not constitute a defense to a violation of this section.

#### **7-09-001-0005 SELF-SERVICE DISPLAYS**

No tobacco retailer or their employee or agent shall sell or otherwise distribute tobacco products by or from a self-service display or vending machine except in places where persons under the age of 21 are not permitted access at any time.

#### **7-09-001-0006 SIGNAGE**

No tobacco retailer shall sell or permit the sale of tobacco products in the City unless a notice is posted at any location where tobacco products are available for purchase. All notices must be posted in a manner conspicuous to both employees and consumers, unobstructed from view in their entirety, and within six feet of each register where tobacco products are available for purchase. The city of Flagstaff shall provide this notice, which shall state "NO PERSON UNDER THE AGE OF 21 MAY BE SOLD TOBACCO PRODUCTS, INCLUDING ELECTRONIC SMOKING DEVICES." The notice must be at least 14" by 11" and the words on the notice must be legibly printed in a high contrast red color with capitalized letters at least one inch high.

**7-09-001-0007 ENFORCEMENT**

The tobacco retailer shall be subject to at least two unannounced compliance checks per year. The City or its authorized agent shall conduct compliance checks by engaging persons between the ages of 18 and 20 to enter the tobacco retail establishment to attempt to purchase tobacco products. Unannounced follow-up compliance checks of all non-compliant tobacco retailers are required within three months of any violation of this Ordinance. The results of all compliance checks shall be published by the City or its authorized agent at least annually and made available to the public upon request.

**7-09-001-00028 PENALTIES**

~~A. No person who owns, conducts, operates or manages a business where tobacco products are sold, or are available for sale from a vending machine, nor any person who sells or offers for sale tobacco products, shall place, store or display, or cause to be placed, stored or displayed, such tobacco products or vending machine in an area or manner that is accessible to the public without employee assistance.~~

~~B. A person is exempt from the requirements of this section if both:~~

- ~~1. The business where tobacco products are sold prohibits entry of individuals under the age of eighteen (18) years at all times; and~~
- ~~2. Photographic identification is required from any individual who appears to be twenty-six (26) years of age or younger prior to entering the business where tobacco products are sold.~~

~~C. A violation of this chapter is punishable as a civil offense or as a class 3 misdemeanor. Prior to the issuance of a criminal citation, the Chief of Police or his designated agent shall serve the person to be cited with a written notice of violation if a notice of violation for the same offense, or a substantially similar offense has not been served within the previous 180 (one hundred eighty) days. A notice of violation may be served by personal delivery or via certified mail, return receipt requested. Return of the receipt shall be prima facie evidence of service. If the violation has ceased within 14 (fourteen) days from the date of service of the notice, no criminal citation shall be issued. A person found in violation of this chapter is subject to a fine of one hundred dollars (\$100.00) for the first offense and up to five hundred dollars (\$500.00) for each subsequent offense, except that a violation may be charged as a class 2 criminal misdemeanor if the alleged violator has been responsible on three or more violations of this chapter.~~

**A. Tobacco retailers.** Any tobacco retailer found to have violated this Ordinance shall be subject to:

1. For a first violation, a fine no less than \$500;

2. For a second violation within a thirty-six (36) month period, a fine no less than \$750 and the tobacco retailer shall be prohibited from distributing tobacco products for a minimum of seven (7) days;

3. For a third violation within a thirty-six (36) month period, a fine no less than \$1,000 and the tobacco retailer shall be prohibited from distributing tobacco products for a minimum of thirty (30) days;

4. For a fourth and any subsequent violations within a thirty-six (36) month period, a fine no less than \$1,000 and the tobacco retailer shall be prohibited from distributing tobacco products for a period of three (3) years.

**B. Employees.** Any person found to have violated this Ordinance while acting as a non-management agent or employee of a tobacco retailer shall be subject to non-criminal, non-monetary penalties, including, but not limited to education classes.

**C. Other persons.** Any person 21 years of age or older, besides a tobacco retailer or a tobacco retailer's agent or employee, who violates this Ordinance is subject to an administrative fine of \$50.

#### **7-09-001-0010 RELATED VIOLATIONS**

A violation of any federal, state, or local law, ordinance provision, or other regulation relating to tobacco products is also a violation of this Ordinance. In addition to any other penalty, a tobacco retailer who violates any provision of this Ordinance or any federal, state, or local law, ordinance provision, or other regulation relating to tobacco products, shall be subject to penalties stated in this Ordinance, including fines and a prohibition of the sale of tobacco products

#### **7-09-001-0011 EXCEPTIONS AND DEFENSES**

- A. The penalties in this Ordinance do not apply to a person younger than 21 years old who purchases or attempts to purchase tobacco products while under the direct supervision of City staff or their authorized appointees for training, education, research, or enforcement purposes.
- B. Nothing in this Ordinance prohibits an underage person from handling tobacco products in the course of lawful employment by a tobacco retailer.
- C. It shall be an affirmative defense to a violation of this Ordinance for a tobacco retailer or their agent or employee to have reasonably relied on valid government issued identification demonstrating proof of age.

#### **7-09-001-0012 LIBERAL CONSTRUCTION**

This Ordinance shall be liberally construed so as to further its purposes.

#### **7-09-001-000313 SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**7-09-001-000414 EFFECTIVE DATE**

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The provisions of this Ordinance shall be enforceable 60 (sixty) days from the date this Ordinance becomes effective.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 2<sup>nd</sup> day of July, 2019.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY

Sources:

1. U.S. Dep't of Health & Human Servs., The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General, ch. 12 p. 679 (2014), <http://www.surgeon-general.gov/library/reports/50-years-of-progress/index.html>; Xin Xu et al., *Annual Health Care Spending Attributable to Cigarette Smoking: An Update*, 48 Am. J Prev. Med. (2015).
2. U.S. Dep't of Health & Human Servs., *supra* note 1.
3. Calculated by the Campaign for Tobacco-Free Kids based on data in the National Survey on Drug Use and Health (2016), U.S. Dep't of Health and Human Services. Substance Abuse and Mental Health Services Administration. Ctr. for Behavioral Health Statistics and Quality, National Survey on Drug Use and Health (2016); David Hammond, *Smoking Behaviour Among Young Adults: Beyond Youth Prevention*, 14 Tobacco Control 181 - 5 (2005); Paula M. Lantz, *Smoking on the Rise Among Young Adults: Implications for Research and Policy*, 12 Tobacco Control (Suppl I) i60 – i70 (2003).
4. U.S. Dep't of Health & Human Servs., The Health Consequences of Smoking — 50 Years of Progress: A Report of the Surgeon General, (2014), <http://www.surgeon-general.gov/library/reports/50-years-of-progress/index.html>.
5. U.S. Dep't of Health and Human Services, a Report of the Surgeon General: Preventing Tobacco Use Among Youth and Young Adults (2012), <http://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use>.
6. Ctrs. for Disease Control & Prevention, *Tobacco Use Among Middle and High School Students – United States, 2011 - 2018*, 68 Morbidity & Mortality Wly. 157 (2019), <https://www.cdc.gov/mmwr/volumes/68/wr/pdfs/mm6806e1-H.pdf>.
7. Ctrs for Disease Control & Prevention, *Sales of JUUL E-cigarettes Skyrocket, Posing Danger to Youth* (2018), <https://www.cdc.gov/media/releases/2018/p1002-e-Cigarettes-sales-danger-youth.html>.
8. Inst. of Med., *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products* (2015), <http://iom.nationalacademies.org/Reports/2015/TobaccoMinimumAgeReport.aspx>.
9. *Id.*
10. *Tobacco 21 Cities*, [tobacco21.org](http://tobacco21.org) (Apr. 2015), <http://tobacco21.org/state-by-state>; Haw. Rev. Stat. § 709-908 (2015); Cal. Bus. & Prof. Code § 22958(a)(2).
11. Brian A. King et al., *Attitudes Toward Raising the Minimum Age of Sale for Tobacco Among U.S. Adults*, 49 (4) Am. J. Preventative Med. 583, 583 (2015).



## CITY OF FLAGSTAFF

### STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Trevor Henry, Project Manager  
**Date:** 05/17/2019  
**Meeting Date:** 06/11/2019



#### TITLE:

**Rio de Flag Flood Control Project - Update**

#### DESIRED OUTCOME:

Facilitate Council discussion with an update on the project.

#### EXECUTIVE SUMMARY:

- The US Army Corps of Engineers continues to move forward with the design of the Flood Control Project.
- The project plans have been submitted and are in the review process. Completion of the plans is anticipated for summer 2020.
- The City of Flagstaff will be implementing the start of a Stormwater Fee increase in July 2019.
- The City of Flagstaff is working on right-of-way acquisition and environmental clearances.

#### INFORMATION:

##### Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan:

##### **Council Goal 2017 – 2019 - Transportation and Other Public Infrastructure**

Deliver quality community assets and continue to advocate and implement a highly performing multi-modal transportation system.

##### **Council Goal 2017 – 2019 - Environmental and Natural Resources**

Actively manage and protect all environmental and natural resources

##### **Regional Plan – Policy WR 5**

Manage watersheds and stormwater to address flooding concerns, water quality, environmental protections, and rainwater harvesting.

##### **Team Flagstaff Strategic Plan – Priority 3**

Deliver outstanding services through a healthy environment, resources, and infrastructure.

##### **Has There Been Previous Council Decision on This:**

The Rio de Flag project has been before various City Councils for updates within the last 14 years. Council has acted on executing the original Project Cooperation Agreement between the City and the U.S. Army Corps of Engineers, approving concurrent fiscal year budgets and consulting service contracts.

City Council considered the Stormwater Fee increase as presented by staff on November 20, 2018.

City Council award of a professional services contract with Beta Public Relations, LLC on March 19, 2019, for a Public Outreach Campaign.

Staff will provide a presentation to the Council to provide an update on the project. The update will include history, project information, and schedule.

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**Attachments:**     [Presentation in PDF](#)



# City Of Flagstaff

Rio de Flag Flood Control Project  
June 2019 Council Update







# PRESENTATION



- **History**
- **Purpose and Benefits**
- **Project Cost**
- **Schedule**
- **Current topics**
  - Plan Completion, Right of Way Acquisition & Environmental Clearance
- **Questions**



# HISTORY

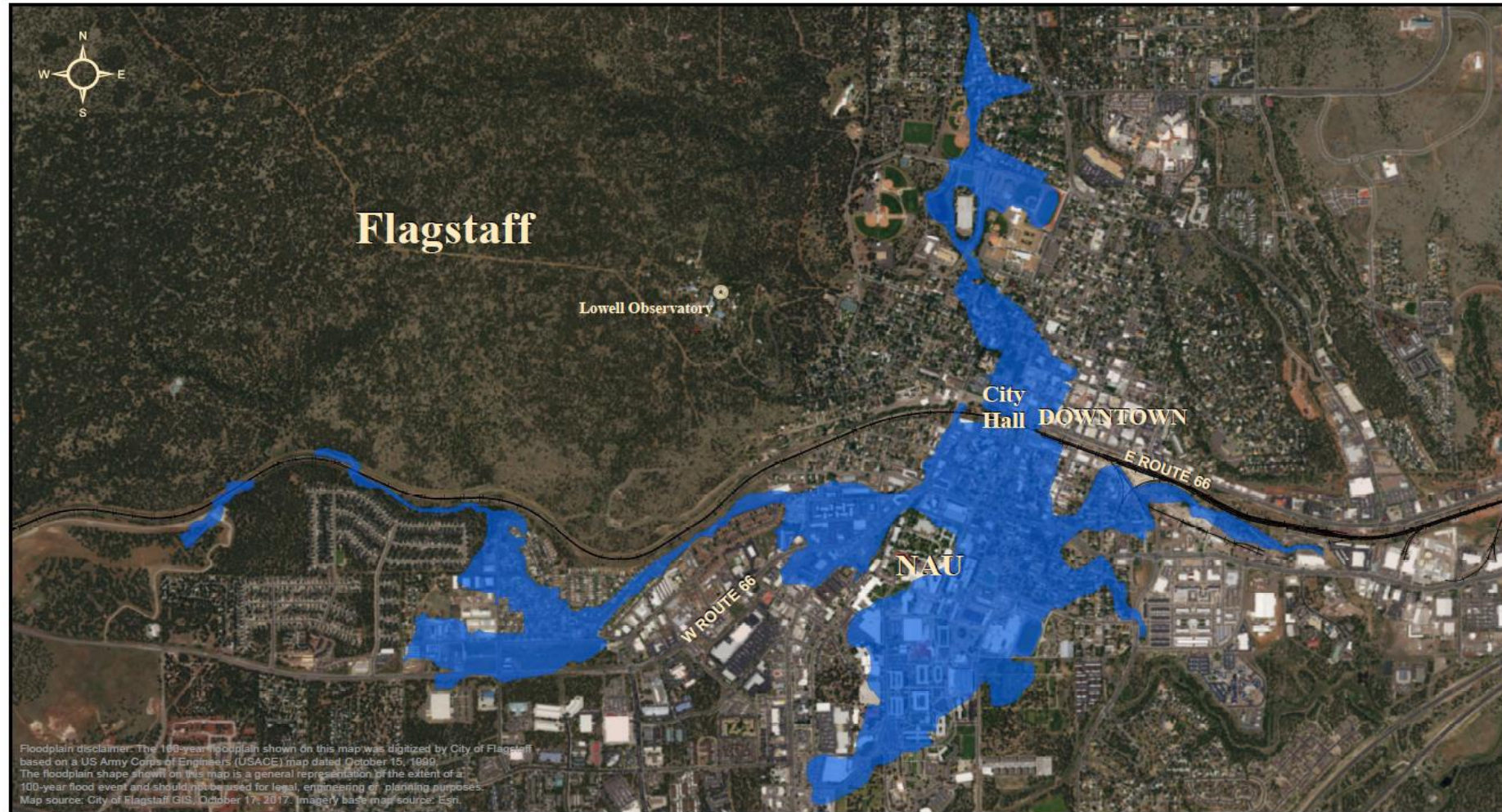


- In 2000 the project was authorized by the Water Resources Development Act.
- 2004 the US Army Corps and the City executed a Project Cooperation Agreement. The US Army Corps is the lead and the City is the non-sponsor.
- The design of the main stem began in 2005.
- Components of the design were constructed in 2009-2012. Clay Avenue Wash Detention Basin, Thorpe Road Bridge and Butler Tunnel.

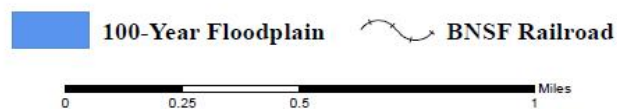




# PURPOSE & BENEFITS



**100-Year Floodplain**  
**Flagstaff Downtown Area**



**RIO de FLAG**  
**Flood Control Project**



# PURPOSE & BENEFITS



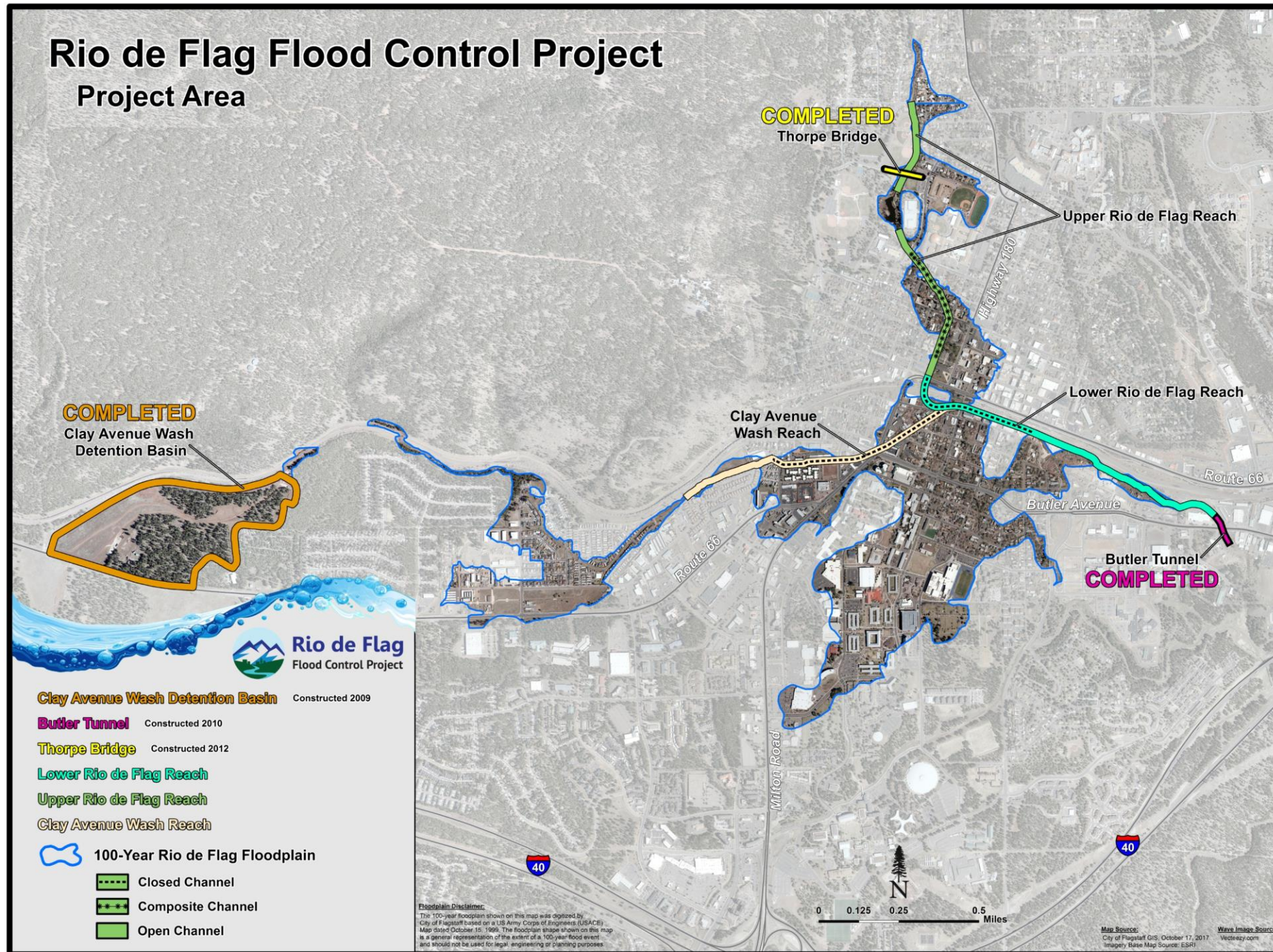
- Reduce damages and economic losses from a major event by containing the 100-year flood within the proposed improvements
  - Damages to over 1,500 structures valued at \$1B
- Once the project has been completed, mandatory flood insurance will be eliminated as well as the restrictive floodplain management regulations.
- Downtown and Southside Redevelopment initiatives





# Rio de Flag Flood Control Project

## Project Area







# PROJECT COST



- The project is currently anticipated at \$106M
- The Project Cooperation Agreement defines the US Army Corps share at 65% and the City share at 35%
- The City share is approximately \$36M. Funding for the project has been budgeted through the City's General Fund.
  - January 2019, the City Council approved a Stormwater Fee increase that will begin in July 2019.



# PROJECT SCHEDULE



- US Army Corps received funding in their FY 19 work program to complete the project plans.
- US Army Corps and City anticipate the project plans will be complete in the summer of 2020.
- Plan and host public meetings with stakeholders and citizens to engage and inform about the project
- If funding is received by the US Army Corps, construction could begin as early as the spring of 2021.



# CURRENT TOPICS



- Design Plan Completion – US Army Corps of Engineers and the City are working with consultants to complete the project plans design.
- Environmental Clearances – City is working to achieve permitted access for adjacent property owners.
- Right of Way Acquisition – City is working to acquire the necessary property rights to allow construction through title reports and appraisals.



# QUESTIONS



## Questions

## **CITY OF FLAGSTAFF**

### **STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Stacy Saltzburg, City Clerk  
**Date:** 06/03/2019  
**Meeting Date:** 06/11/2019



#### **TITLE**

**Board and Commission Interactions with City Council**

#### **STAFF RECOMMENDED ACTION:**

Council Direction

#### **EXECUTIVE SUMMARY:**

Boards and commissions provide an opportunity for residents to participate in the decision-making process of the City Council. The primary role of boards and commissions is to advise and make recommendations to the City Council on matters within their established purpose. The interaction between the City Council and boards and commissions is important and necessary to share information and recommendations. Staff would like to formalize a consistent process by which the Council and their boards and commissions communicate with each other.

#### **INFORMATION:**

At the Work Session of April 9, 2019, Council gave direction to staff to develop and provide some options on how interactions with boards and commissions can be improved. Based on the feedback from Council the following are options to consider:

#### **1. Council representative assigned to each board or commission**

- Council representative will attend assigned commission meetings as desired.
- Staff Liaisons will email all agendas and minutes to their Council representative.
- Council representative will review agendas and minutes from the Staff Liaison and/or meet jointly with the Staff Liaison and the Commission Chair to receive any necessary information.
- Council representative will report to Council during "Council Liaison Reports" as needed to pass information, forthcoming recommendations, and requests for information back and forth.

#### **2. No Council representative**

- Councilmembers will attend commission meetings as desired.
- Staff Liaisons will email all agendas and minutes to the entire Council.
- Requests for information can be made during "To/From" at a Council Meeting or through the City Manager.

#### **3. Formal Updates from Commissions**

- Special meeting dedicated solely to board and commission updates each quarter.
- Commissions are divided up between four meetings.
  - Five Tuesday months

- Four regularly scheduled Work Sessions throughout the year
- Four Special Meetings throughout the year

To provide consistency in how Council requests information from boards and commissions and how boards and commissions communicate recommendations to Council, staff is recommending the following processes:

**1. Requests from Council to boards or commissions**

- Request is made at a Council meeting during "To/From" or "Council Liaison Reports" (depending on decision of Council representatives) with a majority head nod from Council; or
- Request is made through the City Manager.

**2. Recommendations to Council from a board or commission**

- All recommendations from any board or commission are submitted in written format by the Staff Liaison and routed through their respective Divisions and the City Manager's Office before being presented to Council for consideration.
- Recommendations will be presented to Council in a manner prescribed by the City Manager.

Council direction will be formalized and documented in the Board and Commission Member Manual as well as the Staff Liaison Manual which will both come to you for final consideration and possible approval.

Attached you will find a listing of all boards and commissions, their meeting times, and their purpose as established by ordinance or other authority.

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**Attachments:**     Board/Commission Detailed List  
                             Presentation

## City of Flagstaff Boards and Commissions

NAME	LIAISON	MEETING DATE	DATE	RESPONSIBILITIES
Airport Commission City Code, Title 2, Ch. 2-11	Barney Helmick	2nd Thurs. - 1:00 PM	9/20/1977	Responsible for reviewing and reporting to the Council on the development of the Airpark and on matters affecting the operation and efficiency of the airport, using the Airport Master Plan as a guide.
Audit Committee Resolution Nos. 1320, 2029, 2002-59	Rick Tadder	At least once a year	9/6/1983	Review the Annual Financial and Single Audit reports. The Councilmember, City Manager, and Management Services Director are considered voting members.
Beautification & Public Art Commission City Code, Title 2, Ch. 2-14	Mark DiLucido	2nd Mon. - 4:00 PM	8/2/1988	Recommends expenditures from the BBB beautification fund and public art portion of arts and science fund. It studies and recommends community beautification projects ranging from landscaping and irrigation, signs and billboards, buildings, streetscapes, gateways, the purchase and installation of public art projects within beautification projects, property acquisition for beautification and/or public art and neighborhood-initiated projects, to mention a few.
Board of Adjustment ARS 9-462-06; Code, Title 10, Ch. 10-09	Daniel Symer	As Needed	7/13/1971	The Board holds hearings on request for variances and appeals of decision by the Zoning Administrator. The Board does not have the authority to change zoning law.
Building & Fire Code Board of Appeals Resolution Nos. 1565, 2001-42	Amy Palmer	As Needed	8/2/1988	The Board holds hearings on appeals related to the application and interpretation of City building and fire codes. The Board of Appeals has no authority to interpret the administrative provisions of the code, nor is the board empowered to waive requirements of the code.
Commission on Inclusion & Adaptive Living City Code, Title 2, Ch. 20-18	Denise Thompson	4th Tue. - 12:00 PM	11/17/1992	Serves the disabled community in Flagstaff. Goals are to expand educational opportunities; improve access to housing, buildings, and transportation; have greater participation in recreational, social, and cultural activities; encourage greater opportunity for employment and expand and strengthen rehabilitative programs and facilities.
Commission on Diversity Awareness City Code, Title 2, Ch. 2-08	Shannon Anderson	3rd Tue. - 1:30 PM	10/17/2000	The mission of the commission includes, but is not limited to, fostering mutual understanding, tolerance, respect, and awareness among all citizens; recognizing the different economic, cultural, social, religious, and ethnic groups within the City; cooperating in the development of educational programs dedicated to improving community relations and enlisting support of various groups to foster diversity awareness.
Flagstaff Housing Authority City Code, Title 1, Ch 1-13; ARS 36-1404.B	Sarah Darr	3rd Thur. - 10:00 AM	4/4/1941	Oversees the functions of the Housing Authority. The Authority implements the public housing programs. Members are appointed by the Mayor.
Heritage Preservation Commission City Code, Title 2, Ch. 2-19	Sara Dechter	3rd Wed. - 4:00 PM	7/6/1976	Advises the City Council on all matters relating to historic preservation, and reviews development projects in designated historic districts.

## City of Flagstaff Boards and Commissions

NAME	LIAISON	MEETING DATE	DATE	RESPONSIBILITIES
Industrial Development Authority Resolution No. 1636	Brandon Kavanagh	As Needed	1/10/1986	This is an independent authority established by State law. The Authority issues revenue bonds to projects eligible for financing under State statute. The City Council gives final approval on all bonds.
Library Board Intergovernmental Agreement	Mark Cesare	1st Thur. - 1:00 PM	1/3/1978	Deliberate upon matters of concern to the City Council of the City of Flagstaff, the Board of Supervisors of the County, and the citizens of the City and County that affect the operation and efficiency of the Library in order to provide an optimum level of library services using the available resources. Act in an advisory capacity to, and make recommendations to, the Library Director, the City Manager, the City Council and the Board of Supervisors.
Open Spaces Commission City Code, Title 2, Ch. 2-20	Robert Wallace	4th Mon. - 4:00 PM	2/4/2003	Serves as an advisory body on the acquisition, management, use, restoration, enhancement, protection, and conservation of open space land within the City of Flagstaff.
Parks & Recreation Commission City Code, Title 2, Ch. 2-03	Rebecca Sayers	3rd Wed. - 4:00 PM	12/12/1972	Makes recommendations to the Council regarding City parks and recreational programs, the annual budget and capital improvements for the Parks and Recreation Divisions.
Personnel Board Ord. Nos. 971, 1041, 1116, 1146, 1198	Shannon Anderson	As Needed	6/29/1971	Conducts hearing to ensure due process for regular, classified employees who are dismissed, demoted, or suspended without pay. The Board forwards all recommendations to the City Manager who has final authority in all personnel matters.
Planning & Zoning Commission City Code, Title 2, Ch 2-01; ARS § 9-461.02	Tiffany Antol	2nd/4th Wed. - 4:00 PM	10/8/1945	Serves as an advisory board to the Council on matters relating to the growth and physical development of the City. The commission also conducts hearings on amendments to the Zoning Map, tentative subdivision plats, and Development Review Board appeals.
Pub. Safety. Personnel Retirement System ARS § 38-847	V. Fennema - Fire A. Hughes - Police	As Needed	1982	The board meets to process membership and retirement applications from the Flagstaff police officers and firefighters. Citizen members are appointed by the Mayor.
Self-Insurance Trust Board of Trustees City Code, Title 1, Ch. 1-24	Dean Coughenour	As Needed	9/6/2016	Administers the self-insurance program of the City in a manner prescribed by A.R.S. § and in the Declaration of Trust Agreement, and shall perform such other duties as may be delegated by the City Council from time to time.
Sustainability Commission City Code, Title 2, Ch. 2-17	Jenny Niemann	4th Thur. - 4:30 PM	4/17/2007	The commission serves in an advisory and working capacity to recommend and coordinate activities in concert with the Flagstaff Sustainability Program. Among the Commission's directives are the promotion of sustainable practices in all spheres of life and educating Flagstaff citizens.



City of Flagstaff Boards and Commissions

NAME	LIAISON	MEETING DATE	DATE	RESPONSIBILITIES
Tourism Commission City Code, Title 2, Ch. 2-13	Trace Ward	4th Tue. - 1:30 PM	8/2/1988	The mission of the Tourism Commission is to develop, promote, and maintain Flagstaff as a year-round destination with professional visitor services that will benefit the community economically, environmentally, and socially.
Transportation Commission Code, Title 2, Ch. 2-12	Jeffrey Bauman	1st Wed. - 4:00 PM	12/20/1977	Reviews requests for changes in traffic regulations and formulates and recommends traffic-related policies and ordinances to the Council. The commission sponsors two subcommittees: the Bicycle Advisory Committee and the Pedestrian Advisory Committee, each consisting of seven voting members.
Bicycle Advisory	Martin Ince	1st Thur. - 4:30 PM		Reports to the City's Transportation Commission on issues related to planning for and accommodation of bicycles. Appointed by the Transportation Commission.
Pedestrian Advisory	Martin Ince	2nd Thurs. - 4:00 PM		Reports to the City's Transportation Commission on issues related to planning for and accommodation of pedestrians. Appointed by the Transportation Commission.
Water Commission City Code, Title 2, Ch. 2-04	Brad Hill	3rd Thur. - 3:30 PM	8/29/1958	Reviews extensions of the water and sewer collection systems, treatment and use of water furnished by the City, treatment and disposal of the City's sewage system effluent, and water/sewer rates.



# Board & Commission Interaction with Council

Stacy Saltzburg, City Clerk

06/11/2019







# Staff Recommendations

## **Requests from Council to boards or commissions**

- Request made during “Council Liaison Reports”
- Request made through the City Manager

## **Recommendations to Council from board or commission**

- All recommendations submitted in writing through respective Divisions and then City Manager’s Office
- Recommendations presented for consideration in a manner prescribed by City Manager



# B/C Interaction Options

## **1. Council Representative Assigned to Each Board or Commission**

- Attend commission meetings as desired
- Staff Liaison will email all agendas and minutes to the Council
- Review agendas and minutes and/or meet jointly with the Staff Liaison and Commission Chair to receive any necessary information
- Report to Council during "Council Liaison Reports"



# B/C Interaction Options

## **2. No Council Representative Assignments**

- Councilmembers attend commission meetings as desired
- Staff Liaisons will email all agendas and minutes to the Council
- Councilmembers can report during “Council Liaison Reports” as desired
- Requests for information can be made during “To/From” at a Council meeting or through the City Manager



# B/C Interaction Options

## **3. Formal Updates from Commissions**

- Dedicated meetings for board and commission updates.
  - Commissions divided up between four meetings.
    - Five Tuesday months
    - Four Work Sessions
    - Four Special Meetings



# Council Discussion

- 1. Council Representative Assigned to Each Board or Commission**
- 2. No Council Representative Assignments**
- 3. Formal Updates from Boards and Commissions**
  - 5 Tuesday months, Regular Work Sessions, or Special Meetings?



## CITY OF FLAGSTAFF

### STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Stacy Saltzburg, City Clerk  
**Date:** 06/04/2019  
**Meeting Date:** 06/11/2019




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#### TITLE

**Discussion and Direction:** Possible Ballot Measure Committees for the November 2020 General Election

#### STAFF RECOMMENDED ACTION:

Council Discussion/Direction

#### EXECUTIVE SUMMARY:

The Council has identified a number of considerations for possible ballot questions at the November 2020 General Election.

- Affordable Housing
- Open Space and Parks and Recreation
- Charter Amendments
- Public Safety Personnel Retirement System Unfunded Liability
- Ongoing Funding for Flagstaff Watershed Protection Project (FWPP)
- Implementation of the Climate Action and Adaptation Plan (CAAP)
- Other identified capital needs
- Base Expenditure Limitation

Should the Council wish to consider one or more of these items for the ballot it may be helpful to create citizen committees to evaluate the various options and provide recommendations back to Council. *Tonight's direction to form a citizen commission to consider one or more of these questions in an effort to evaluate options and provide a recommendation does not in any way obligate Council on their future vote on whether to place an item on the November 2020 general election ballot.*

If there are any potential ballot questions the Council is interested in, staff is seeking direction on the number of committees, the specific purpose and assignment of each committee, how long the committee should be active, and the desired makeup of the committee.

Council has already given direction to create an Affordable Housing Commission regardless of a ballot measure; further clarification and direction is needed if the Council would like this commission provide recommendations on a possible housing ballot question.

Staff recommends holding off on Charter Amendments and Base Expenditure Limitation for the 2020 election and instead doing an off-year Special Election. Both issues are quite technical and the public would benefit from a more focused educational outreach rather than trying to combine the questions with other matters. However, it would be beneficial to form a Charter Amendment Committee now to begin the process of reviewing the Charter and identifying possible amendments well in advance of a possible 2021, or other odd year election.



The options to consider include:

- One single committee to evaluate all possible ballot questions
- One committee for each issue
- Or combining some issues together for a smaller number of committees

Should a committee formation be directed:

- The specific purpose and assignment of each committee
- How long the committee should be active
- The desired makeup of the committee

Staff is requesting this direction now so that recruitment can occur over the summer break and Council can make appointments in the fall.

## **INFORMATION:**

Council requested information about the City's bonding capacity and the City's sales tax rates. Below is information about bonding capacity and attached you will find information regarding sales taxes, their sunset dates, and revenue generation. Also included below is information on the City's Expenditure Base Limitation.

## **General Obligation Bonds**

To be issued - \$21,162,713 (All currently have voter approval)

- Lake Mary Regional Park and other park land acquisitions - \$2,800,000
- Public Safety/City Operations Communication System - \$362,713
- Forest Health and Water Supply Protection Project - \$6,000,000
- Municipal Court House - \$12,000,000

Legal Limits Assessed Valuations - 20% Limitation (Statutory limitation - specified uses noted below)

- Water, sewer, artificial lighting, parks, open space, recreational facilities, public safety, law enforcement, fire and emergency services and street and transportation facilities
- Allowable - \$201 million
- Current Outstanding/Authorized - \$63 million
- Current Available - \$138 million

Legal Limits Assessed Valuations - 6% Limitation (Statutory limitation - general use noted below)

- Everything else (i.e. Housing)
- Allowable - \$60 million
- Current Outstanding - \$0 million
- Current Available - \$60 million

## Secondary Property Tax Rate

- Currently 0.8366 per \$100 of Assessed Valuation
- Only allowed to make debt service payments on general obligation bonds (principle and interest)
- Recent changes:
  - Assessed Valuation for Secondary Property Tax is now the same as the Primary Property Tax
  - Assessed Valuation maximum 5% increase annually
  - Limited to maintain 10% fund balance

## Capacity Based on Current Policy

- Currently 0.8366 per \$100 of Assessed Valuation
- For planning purposes:

- General obligation debt is usually issued for 20 years
- Plan to issue 100% of approved bonds
- Conservative projection of Assessed Valuations
- Estimated Capacity \$62M *within current rate (Note: as shown above, the City has statutory capacity in excess of this amount. Authorizing future general obligation bonds for more than \$62 million dollars will most likely increase the rate).*
  - Remaining capacity through FY 2042
  - Majority of debt paid off by FY 2022

## **Expenditure Base Limitation**

The expenditure limitation sets the total operational spending a city/town may budget and spend in any single fiscal year, as adjusted by certain deductions. Exceeding the expenditure limitation can trigger sizable penalty payments to the State of Arizona. Expenditure limitations for cities and other governmental agencies were established by legislation in 1980. The City of Flagstaff has received 2 permanent base adjustments. One when the BBB tax was approved by the voters in 1988 and the 2<sup>nd</sup> in 2006, with the detail shown in bullet format below. The alternative to Expenditure Limitation is Alternative Expenditure Control or Home Rule that requires municipalities to receive voter approval every 4 years. The difference between the two is that a vote to change our base expenditure limitation permanently adjusts the base upward. The Home Rule options sets no boundary on a municipalities budget but it is only approved for a 4 year period of time.

The last Expenditure Limitation was in May 2006. Voters approved a permanent base adjustment of \$25 million dollars due to:

- A 49.8% increase in primary property tax collections (\$1.3 million)
- A 26.4% increase in City sales tax (\$2.9 million)
- A 34.1% increase in auto lieu tax (\$650 thousand)
- An \$8 million increase in transportation tax, and
- A 37.4% increase in pay-as-you go capital (\$13.2 million)

Since 2006 the City has adopted the following new revenues and taxes:

- Road Repair & Street Safety taxes - \$7 million
- Parking District - \$1.5 million
- Stormwater - \$3.6 million (since FY2006)
- Water Service Rate increases \$14.1 million (since FY2006)
- Flagstaff Housing Authority - \$1.9 million
- Butler/Route 66 Bridge \$4.8 million

In FY2018 the City was \$19 million dollars below the limitation. However, with the increased pay-as-you-go capital improvement program, the City budget has been consistently close to the expenditure limitation over the past several years. It is recommended that City request authorization by the voters for an additional \$25 million dollars. As with the Charter amendments, the educational outreach on a permanent base adjustment is significant and staff recommends that this item be put before the voters at a special election or a general election that does not have other City questions. A citizen commission would not be needed for this question as it is a technical in nature and the information and process is prescribed in statute.

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**Attachments:**     Sales Taxes  
                              Presentation

Sales Tax By Proposition and Sunset Date

Flagstaff City Code 3-05-008-0800 Tax Sunset Dates

History						
Tax Name	Revenue FY20 (Approx)	Base Rate	w/BBB	Sunset Date	1st Election Date	2nd Election Date
Privilege Taxes	\$ 21,766,468	1.000%	1.000%	11/4/2024	2020	2022
Hospitality Industry Tax: (Bed, Board and Beverage)	\$ 9,225,000	0.000%	2.000%	3/31/2028	2024	2026
Transportation Sales Tax	\$ 8,949,394	0.426%	0.426%	6/30/2041	2038	2040
Road Repair and Street Safety Tax	\$ 6,932,629	0.330%	0.330%	12/31/2034	2032	2034
Transit Tax	\$ 6,197,350	0.295%	0.295%	6/30/2030	2026	2028
Lone Tree Overpass Sales Tax	\$ 4,831,833	0.230%	0.230%	6/30/2039	2036	2038
Total City Sales Tax	\$ 57,902,674	2.281%	4.281%			



# 2020 Election Committees

June 4, 2019

Stacy Saltzburg, City Clerk







# Ballot Question Considerations

## Possible Ballot Questions

- Affordable Housing
- Open Space & Parks and Recreation
- Charter Amendments \*\*Not recommended for 2020\*\*
- PSPRS Unfunded Liability
- FWPP Ongoing Funding
- CAAP Implementation
- Other Capital Needs
- Base Expenditure Limitation \*\*Not recommended for 2020\*\*



# Citizen Commissions/Committees

## Options to Consider

- One single committee to evaluate all possible ballot questions
- One committee for each issue
- Combining some issues together for a smaller number of committees

## Committee Formation Direction

- What is the specific purpose of the committee?
- How long should the committee be active?
- What is the desired makeup of the committee?

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Stacy Saltzburg, City Clerk  
**Date:** 06/04/2019  
**Meeting Date:** 06/11/2019



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**TITLE:**

**Discussion:** Affordable Housing ballot measure for 2020

**DESIRED OUTCOME:**

Discussion/Direction

**EXECUTIVE SUMMARY:**

Councilmember Whelan provided the Future Agenda Item Request on March 19, 2019, which was supported by the required number of Councilmembers.

**INFORMATION:**

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**Attachments:**

## CITY OF FLAGSTAFF STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Sarah Darr, Housing Director  
**Date:** 06/04/2019  
**Meeting Date:** 06/11/2019



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### TITLE:

**Discussion/Direction:** Establish/Create the Affordable Housing Commission discussed in Proposition 422

### DESIRED OUTCOME:

Receive direction in order to bring back an action item reflective of Council's desires.

### EXECUTIVE SUMMARY:

On March 19, 2019, City Council discussed a Future Agenda Item Request (FAIR) to place a discussion regarding establishing the Affordable Housing Commission/Committee on a future Council agenda. There was a Council majority to place the item on a future agenda and was also in favor of doing so in an expedited fashion.

### INFORMATION:

Staff will present from the attached PowerPoint.

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**Attachments:** Presentation



# Establishing an Affordable Housing Commission/Committee

Sarah Darr

May 28, 2019







# Background

March 19, 2019 City Council discussed a Future Agenda Item Request (FAIR) to place a discussion regarding establishing the Affordable Housing Commission/Committee on a future Council agenda.

There was a Council majority to place the item on a future agenda and was also in favor of doing so in an expedited fashion.



# During the FAIR conversation...

Council discussed multiple components of what the Committee could focus on:

- Determine whether to place a Housing Bond Proposition on the 2020 election
- Review Proposition 422 to learn why it failed
- Explore ideas of creating affordable market rate housing looking at zoning code changes, etc.
- Look for creative solutions to creating more affordable housing

In addition, the Committee could also serve as an advisory board to  
City Council



# Background - Existing Commission

## Board of Commissioners of the City of Flagstaff Housing Authority

- Membership - 6 people and the Mayor
  - State law specifies the commission shall either be the City Council with a program representative **OR** be appointed by the Mayor, and that the Mayor shall automatically be and act as a commissioner
  - In either case, at least one member must be either a resident of Public Housing or a Section 8 voucher holder per federal requirements



# Background – Scope of CFHA Board



Responsibilities are centered around Housing Authority programs, HUD functions and...

“Investigate living, dwelling and housing conditions and the means and methods of improving such conditions through public housing projects and make recommendations to the City Council regarding these matters including recommendations for increasing the number of low income housing opportunities and projects in the City.”



## What we think we heard on March 19...

Short term body with focused limited scope mainly centered on funding identification for affordable housing, such as a possible bond ballot measure for 2020

Would like the body established ASAP

Council would like to appoint the members

Members would represent different areas of expertise



# Options



## Option A

- Affordable Bond Committee contained in Prop 422
  - “If the bonds are approved, the City Council will create and appoint a Housing Bond committee to advise the City Council on the use of the proceeds of the sale of the bonds and related matters.”

## Option B

- Affordable Housing 2020 Election Commission
  - Similar to the Transportation Tax Commission in 2018



# Option A

## Affordable Bond Committee contained in Prop 422

- Need clarification on the scope and purpose of the Committee

*Creation of a  
Housing Bond  
Oversight  
Committee*

**Element One**



- Oversee bond programs / expenditures and report to City Council and the Community
- Possible committee membership
  - At large member
  - Realtor
  - Mortgage lender
  - Subject matter expert
  - Low income community member
  - Moderate income community member
  - Developer/builder
  - Flagstaff Housing Authority Commission member

*Slide from April 2018  
Council Presentation*







# Option B

- Affordable Housing 2020 Election Commission
  - 15 voting members
    - 14 appointed by Council and 1 from the CFHA Board

*(Transportation Tax Committee had non-specific voting membership appointed by Council with the addition subject matter experts as non-voting participants in the process)*



# Option B



## Possible Membership or Subject Matter Experts

Representatives from the following areas

- Builders
- Developers
- Business Community
- Multi-Family
- Realtors
- Housing Non-Profits
- General Community Members
- Neighborhood
- Low/Moderate Income
- “Workforce”

# Seeking Direction

## Option A

Affordable Bond Committee  
contained in Prop 422

## Option B

Affordable Housing 2020  
Election Commission

Something else?



## *Questions:*

- Scope
- Short term or long term
- Membership
- Subject Matter Experts

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Stacy Saltzburg, City Clerk  
**Date:** 06/07/2019  
**Meeting Date:** 06/11/2019



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**TITLE**

**Discussion:** Ways that the City and a developer could leverage something to create a public art space.

**STAFF RECOMMENDED ACTION:**

Discussion/Direction

**EXECUTIVE SUMMARY:**

Councilmember Odegaard provided the Future Agenda Item Request on April 16, 2019, which was supported by the required number of Councilmembers.

**INFORMATION:**

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**Attachments:**



## CITY OF FLAGSTAFF STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Stacy Saltzburg, City Clerk  
**Date:** 06/07/2019  
**Meeting Date:** 06/11/2019



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### TITLE

**Discussion:** Develop a plan with consideration of zoning changes and multi-modal development in advance of the work in the Fourth Street, Lone Tree, and I-40 corridors

### STAFF RECOMMENDED ACTION:

Discussion/Direction

### EXECUTIVE SUMMARY:

Councilmember Whelan provided the Future Agenda Item Request on April 16, 2019, which was supported by the required number of Councilmembers.

### INFORMATION:

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### Attachments: