

## MINUTES

### 1. CALL TO ORDER

Mayor Evans called the meeting of the Flagstaff City Council held March 19, 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:

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

ABSENT:

COUNCILMEMBER ASLAN

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 Mr. Solomon read the Mission Statement of the City of Flagstaff.

### MISSION STATEMENT

*The mission of the City of Flagstaff is to protect and enhance the quality of life for all.*

#### 4. PUBLIC PARTICIPATION

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

Alan Bonner addressed Council to thank the Planning and Zoning Commission for their decision on the Weitzel cell tower application.

Suzanne Bonner addressed Council regarding the Weitzel cell tower application and expressed concerns about the proposed location in a residential area.

Brooks Hart also addressed Council about the proposed cell tower indicating that there is not sufficient data to support a tower at the proposed location.

#### 5. LIQUOR LICENSE PUBLIC HEARINGS

Mayor Evans opened the public hearing on both applications.

Sgt Colin Seay provided a brief description of the applications.

Councilmember Whelan inquired about the Legacy Beverage business and asked for the applicant to provide an overview of what the application entails. The applicant, Chris Otzen, offered that Legacy Beverage was formed a few years ago when three wholesalers merged and they are currently operating in two locations. The application is to open a third location to better accommodate their needs.

There being no further comments, Mayor Evans closed the Public Hearing.

**Moved by** Councilmember Regina Salas, **seconded by** Councilmember Charlie Odegaard to forward both applications to the State with a recommendation of approval.

**Vote:** 6 - 0 - Unanimously

A. **Consideration and Action on Liquor License Application:** Christian Otzen, "Legacy Beverage", 2400 N. Walgreens Blvd., Series 04 (wholesaler), New License.

B. **Consideration and Action on Liquor License Application:** David Ledbetter, Jr. "NiMarco's Pizza", 13715 N. Kaspar Drive, Series 12 (restaurant), New License.

#### 6. 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 Jim McCarthy, **seconded by** Councilmember Regina Salas to approve the Consent Agenda as presented.

**Vote:** 6 - 0 - Unanimously

**A. Consideration and Approval of Contract:** Water Services Well & Pump Maintenance Contract

1. Approve the contract award to Empire Pump Corporation out of Phoenix, Arizona for the purchase of Well and Pump Maintenance Services not to exceed \$650,000 (Six hundred fifty thousand dollars) annually.
2. Authorize the City Manager to execute the necessary documents.

**7. ROUTINE ITEMS**

**A. Consideration and Approval of Purchase Through a Cooperative Purchase Contract:** To purchase one (1) 2020 International HV513 SFA Heavy Plow Truck from the RWC Group, LLC through a cooperative purchase contract with the Arizona Department of Administration, State Procurement Office in the amount of \$259,572.23.

Public Works Streets Director Scott Overton addressed Council giving a brief description on the four pieces of equipment. He explained that some of the purchases had been budgeted for the last couple of years and were delayed for different reasons.

Councilmember Whelan asked what happens to the old equipment. Mr. Overton explained that the equipment will be evaluated by fleet to see if there is any need within other City operations. In the event that it cannot be repurposed within the City it would likely go to auction. There is no trade value on any of the equipment being replaced.

**Moved by** Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to approve the equipment purchase for one (1) 2020 International HV513 SFA Heavy Duty Plow Truck from RWC Group, LLC in the amount of \$259,572.23, plus applicable taxes, through cooperative purchase contract #CTR42343/CTR041813 with the Arizona Department of Administration, State Procurement Office and authorize the City Manager to execute the necessary documents.

**Vote:** 6 - 0 - Unanimously

**B. Consideration and Approval of Purchase Through a Cooperative Purchase Contract:** To purchase two (2) 2020 Freightliner M2-106 Street Sweepers from Freightliner of Arizona, LLC, through a cooperative purchase contract with the Arizona Department of Administration, State Procurement Office in the amount of \$540,940.40.

Vice Mayor Shimoni asked how many street sweepers are currently in the fleet. Mr. Overton stated that the current fleet is five; two of the sweepers are damaged with one being completely out of service. The purchase of these vehicles will replace the two damaged sweepers keeping the fleet at five. Four units would be used on the front line and one will be held in reserve.

**Moved by** Councilmember Regina Salas, **seconded by** Councilmember Jim McCarthy to approve the equipment purchase of two (2) 2020 Freightliner M2-106 Street Sweepers from Freightliner of Arizona LLC in the amount of \$540,940.40, through cooperative purchase contract #CTR041810 with the Arizona Department of Administration, State Procurement Office and authorize the City Manager to execute the necessary documents.

**Vote:** 6 - 0 - Unanimously

- C. **Consideration and Approval of a Cooperative Purchase Contract:** To purchase one (1) 2018 Caterpillar CC34B Asphalt Compactor from Caterpillar, Inc through a cooperative purchase contract with the City of Tucson (through the National Intergovernmental Purchasing Alliance) in the amount of \$61,017.00.

**Moved by** Councilmember Jamie Whelan, **seconded by** Councilmember Charlie Odegaard to approve the equipment purchase for one (1) 2018 Caterpillar CC34B Asphalt Compactor from Caterpillar, Inc in the amount of \$61,017.00, plus applicable taxes, through cooperative purchase contract #161534-01 with the City of Tucson (through the National Intergovernmental Purchasing Alliance) and authorize the City Manager to execute the necessary documents.

**Vote:** 6 - 0 - Unanimously

- D. **Consideration and Approval of Purchase Through a Cooperative Purchase Contract:** To purchase one (1) Aerial Bucket Truck from Altec Industries, Inc through a cooperative purchase contract with Sourcewell (formerly NJPA) in the amount of \$166,867.00.

**Moved by** Councilmember Charlie Odegaard, **seconded by** Vice Mayor Adam Shimoni to approve the equipment purchase for one (1) Chassis and Aerial Bucket from Altec Industries, Inc. in the amount of \$166,867.00, plus applicable taxes, through cooperative purchase contract #012418-ALT with Sourcewell (formerly NJPA) and authorize the City Manager to execute the necessary documents.

**Vote:** 6 - 0 - Unanimously

- E. **Consideration and Approval of Contract:**

Approve the Professional Services Contract with Beta Public Relations, LLC in the amount of \$54,978.88 for the Rio de Flag Flood Control Project Public Outreach Campaign.

Capital Improvements Engineer Bret Peterson addressed the Council and provided a brief description of the public outreach campaign. The purpose of the Communication Plan is to inform and engage the public in the City's current efforts on the project. There will be public meetings, engagement with all stakeholders, periodic updates to City Council as well as regular updates to the City's website. They are also looking to incorporate social media into the outreach.

Vice Mayor Shimoni expressed a desire for videos to be included with the social media outreach.

Councilmember Whelan expressed concern about starting the outreach process when it is going to be at least three years to determine if the project will actually come to fruition. She also expressed concern about the project not having any public input on the design.

Mr. Petersen explained that the Army Corp of Engineers (ACE) is in control of the design; they have been taking input and staff wants to engage a public process, but it is unlikely that the input would have an impact to the design. These outreach efforts are to engage the community and communicate with them the ACE design plans.

Councilmember Whelan suggested that the outreach be tabled until the fall to determine if there is even going to be funding. The City has been working on this for at least 15 years, it should wait six months for a funding decision.

Councilmember McCarthy expressed that he had similar thoughts but believes that going forward is the best way to make sure the community knows what is happening and what will happen.

Mayor Evans stated that regardless of what ACE will or will not do there needs to be a community conversation about the billion-dollar issue that exists in the City. If for some reason ACE does not get funding, there will have been some outreach that can be used to further the conversation about fixing the issue ourselves and understanding what it will take to fund it.

Councilmember Salas offered that she believes it is time to start the outreach while there is momentum on the project.

**Moved by** Councilmember Charlie Odegaard, **seconded by** Councilmember Regina Salas to approve the Professional Services Contract with Beta Public Relations, LLC in the amount of \$54,978.88 and a contract time frame of 1,095 calendar days and authorize the City Manager to execute the necessary documents.

Vice Mayor Shimoni asked what the termination policy is on the contract. Mr. Solomon explained that there is a termination for convenience clause with a 30-day notice. The City would be responsible for paying for all services already provided.

Councilmember Odegaard stated that so far ACE has done what has been expected of them to this point and that is what he is basing his decision on. It is important to do what needs to be done to be supportive.

**Vote:** 5 - 1

NAY: Councilmember Jamie Whelan

- F. **Consideration and Acceptance:** Offer submitted by Woodshire on Butler, LLC regarding Solicitation No. 2019-67, without exceptions, for sale and development of approximately .74 acres of land located at 2989 E. Butler Avenue.

Real Estate Manager Charity Lee provided a PowerPoint presentation that covered the following:

POSSIBLE SALE OF CITY PROPERTY AND DEVELOPMENT OF AFFORDABLE HOUSING  
BACKGROUND  
2989 E BUTLER AVE  
CITY PARCEL – OFF BUTLER AVENUE  
OPPORTUNITY?  
WOODSHIRE ON BUTLER  
SOLICITATION NO. 2019-67  
ONE OFFER RECEIVED  
COUNCIL OPTIONS  
NEXT STEPS

Councilmember Whelan expressed concerns about the roads in and around the development, there are winter weather condition concerns as well as a road that leads to nowhere.

Deputy City Manager Shane Dille explained that there is a roundabout planned for that area and there has been substantial work on the ingress and egress off of Butler. Community Development Director Dan Folke added that there is a lot of planning underway for the Butler corridor that would include a number of roundabouts in the area to ease many of the traffic

and safety concerns.

**Moved by** Councilmember Charlie Odegaard, **seconded by** Councilmember Regina Salas to accept the offer submitted by Woodshire on Butler, LLC without exceptions, authorize Staff to negotiate a Purchase Agreement and Development Agreement including affordable housing obligations, for sale of approximately .74 acres of City property located at 2989 E. Butler Avenue, subject to Council approval of the final documents and adoption of an Ordinance to transfer the property.

**Vote:** 6 - 0 - Unanimously

- G. Consideration and Action:** Joining an amicus brief in the case of New York v. United States Department of Commerce.

Mayor Evans moved this item to the Carryover section of the 6:00 p.m. meeting.

### **RECESS**

The 4:30 p.m. portion of the March 19, 2019, Regular Council Meeting recessed at 5:43 p.m.

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

### **RECONVENE**

Mayor Evans reconvened the Regular Meeting of March 19, 2019, at 6:00 p.m.

### **NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION**

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### **8. ROLL CALL**

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

PRESENT:

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

ABSENT:

COUNCILMEMBER ASLAN

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

**9. PLEDGE OF ALLEGIANCE**

The Council and audience recited the Pledge of Allegiance.

**10. PUBLIC PARTICIPATION**

Emily Davalos addressed Council with concerns about improper staffing of the Labor Standards Office and the need for more staff and better outreach to the community.

Luke Pileggi addressed Council about the shrinking housing market and the need to raise the building height requirements in Flagstaff to encourage additional housing and density.

An unknown resident addressed Council regarding the proposed Weitzel cell tower and her concerns with the proposed location.

Written comment cards in support of a Keep Families Free and Together Ordinance were submitted by the following individuals:

- Josefina Montelongo
- Maria de Jesus Morales
- Emily Davalos

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

- A. Consideration and Action:** Joining an amicus brief in the case of New York v. United States Department of Commerce.

Ms. Goodrich stated that she had been approached by Felix Ortiz to see if the City of Flagstaff would be interested in joining an amicus brief in the case of New York v. United States Department of Commerce. The issue is surrounding not having a citizenship question included on the census questionnaire.

**Moved by** Councilmember Regina Salas, **seconded by** Councilmember Jim McCarthy to join the amicus brief in the case of New York v. United States Department of Commerce.

**Vote:** 6 - 0 - Unanimously

**12. REGULAR AGENDA**

- A. Consideration and Adoption of Resolution No. 2019-13:** A resolution of the Mayor and Council of the City of Flagstaff supporting Congressman Raul Grijalva's proposed house bill titled "Grand Canyon Centennial Protection Act," which will enact a permanent ban on uranium mining on more than one million acres of land around the Grand Canyon.

**Moved by** Councilmember Regina Salas, **seconded by** Councilmember Jamie Whelan to read Resolution No. 2019-13 by title only.

**Vote:** 6 - 0 - Unanimously

*A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF  
SUPPORTING CONGRESSMAN RAUL GRIJALVA'S PROPOSED HOUSE BILL TITLED  
"GRAND CANYON CENTENNIAL PROTECTION ACT" WHICH WILL ENACT A  
PERMANENT BAN ON URANIUM MINING ON MORE THAN ONE MILLION ACRES OF  
LAND AROUND THE GRAND CANYON*

**Moved by** Councilmember Regina Salas, **seconded by** Councilmember Jamie Whelan to adopt Resolution No. 2019-13.

**Vote:** 6 - 0 - Unanimously

**13. DISCUSSION ITEMS**

**A. Discussion and Possible Direction: 2019/2020 Election Overview and Timeline Review**

City Clerk Stacy Saltzburg provided a PowerPoint presentation the covered the following:

2019/2020 ELECTION OVERVIEW  
ELECTION DATES  
TYPES OF ELECTIONS  
SPECIAL ELECTIONS  
UPCOMING ELECTION DATES  
INITIATIVE/REFERENDUM  
2020 GENERAL ELECTION TIMELINE  
POSSIBLE TIMELINE  
FINANCIAL CONSIDERATIONS

The Council indicated that there is no need for a Special Election prior to 2020. Council asked for staff to come back to Council with a discussion about a plan to create a citizen commission as well as formulate a list of possible ballot items for Council to consider assigning to the citizen commission.

**B. Discussion/Direction: Current Issues Before Arizona Legislature and Federal Issues.**

Interim Assistant to the City Manager Cliff Bryson provided a PowerPoint presentation the covered the following:

03.19.19 LEGISLATIVE OVERVIEW  
STATE LEGISLATIVE UPDATE  
HB2320: HIGHWAY SAFETY FEE; REDUCTION (CAMPBELL)  
HB2720: TPT, MARKETPLACE FACILITIES; NEXUS (TOMA)  
SB1460: TPT; DIGITAL GOODS AND SERVICES (UGENTI-RITA)  
HB2672: VACATION RENTALS; SHORT-TERM RENTALS; REGULATION (KAVANAGH)  
SB1305: (LIVINGSTON) AND HB2559 (GRANTHAM): PEER-TO-PEER CAR SHARING  
HB2115: LANDLORD TENANT; STATE PREEMPTION (GRIFFIN)  
HB2047: HURF DISTRIBUTION; CITIES, TOWNS, COUNTIES (COOK)

Mr. Bryson indicated that they are looking to schedule a follow-up lobbying trip to the State in early April. He added that the materials for the Washington D.C. lobbying trip will be ready and distributed to the City Council in the next day or two.

Andy Fernandez addressed Council asking them to consider lobbying to ban the purchase of automatic weapons as well as making it illegal to own a weapon that has been modified.

**14. COUNCIL LIAISON REPORTS**

Councilmember Odegaard reported that the Audit Committee recently met to review the results of the audit. There was no opinion registered from the auditor which means there were no changes or amendments requested. This outcome speaks well for the transparency of the organization and the work of the staff.

**15. FUTURE AGENDA ITEM REQUESTS**

*After discussion and upon agreement by three 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 former Councilmember Putzova to place on a future agenda a discussion about Affordable Housing ballot measure for 2020.

Devonna McLaughlin addressed Council in support of a future discussion about an affordable housing ballot measure for 2020.

Rick Lopez addressed Council in support of a future discussion and looks forward to identifying ways to improve on the 2018 ballot.

Andy Fernandez addressed Council in opposition to an affordable housing ballot measure.

Councilmember Whelan expressed her support to sponsor this F.A.I.R. item moving forward.

There were at least three Councilmembers in support of moving the item forward to a future agenda for discussion.

- B. Future Agenda Item Request (F.A.I.R.):** A request by Mayor Evans to place on a future agenda a discussion regarding establishing/creating the Affordable Housing Commission discussed in Prop 422.

Mayor Evans indicated that there is a need to establish an affordable housing commission to evaluate how to move forward strategically for the community. The commission could assist in identifying zoning code changes to make affordable housing more attractive to developers, or how to make building less expensive. The commission could also look at lending tools that are available or the different housing models used throughout the country. These recommendations could be forwarded to the Council for consideration and discussion. They could also look into why the last ballot measure failed and how a future question could be improved.

Rick Lopez addressed the Council indicating that it is important to convene this commission as soon as possible to be successful in bringing forward a question for 2020.

Andy Fernandez addressed Council in opposition of forming a commission.

There were at least three Councilmembers in support of moving the item forward to a future agenda for discussion.

Mayor Evans requested that the item be expedited.

A majority of Council was supportive of expediting the item and combining it with the previous item to develop an affordable housing ballot question for 2020.

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

Councilmember McCarthy reported that he went to a community meeting last week that discussed the concerns with fracking at the state and national levels. The No Fracking group has a website that indicates a number of things that need to be done.

Councilmember Odegaard requested a F.A.I.R. to discuss how the City can add more residential units within the single-family residential zoning parcels.

Councilmember Salas reported that she attended a business workshop hosted by the Flagstaff Lodging Restaurant and Tourism Association (FLRTA), the workshop provided interesting insights in terms of how restaurants in San Francisco have adjusted to their higher minimum wage. She is hopeful that the business community and the FLRTA will continue with the workshops to highlight resources for local business.

Councilmember Salas requested a F.A.I.R. item to hear from the City's commissions and if it is possible have them present every month on what they are doing. Ms. Goodrich indicated that staff is looking for ways to enhance communication with boards and commissions and it is scheduled for an upcoming agenda.

Ms. Goodrich reported that Community Development Director phone interviews are scheduled for next week and in person interviews the first week of April. She also reported that the City Manager's Office will be hiring two additional Management Analysts, one will be focusing on Labor Standards, one on legislative matters, and the other focused on City Manager Office scheduling and special projects.

Vice Mayor Shimoni requested regular reports on licenses that the State is issuing for drilling activities to help keep the Council apprised of those activities.

Councilmember Odegaard stated that the funeral of Officer Beckwith will be held tomorrow at the Church of the Nazarene. He offered his thoughts and prayers to the police force and the family of Officer Beckwith.

Mayor Evans asked that a conversation about drilling, seismic testing, and the City's authority to impact those activities be added to an upcoming Executive Session agenda.

**17. ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held March 19, 2019, adjourned at 7:39 p.m.

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MAYOR

ATTEST:

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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 March 19, 2019. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 2nd day of June, 2020.

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CITY CLERK