

MINUTES

1. Call to Order

Mayor Evans called the Work Session of the Flagstaff City Council held May 28, 2019, to order at 6:02 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 work session, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

2. Pledge of Allegiance and Mission Statement

The Council and audience recited the pledge of allegiance and Vice Mayor Shimoni read the Mission Statement of the City of Flagstaff.

MISSION STATEMENT

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

3. **ROLL CALL**

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

PRESENT:

ABSENT:

MAYOR EVANS
VICE MAYOR SHIMONI
COUNCILMEMBER ASLAN
COUNCILMEMBER MCCARTHY
COUNCILMEMBER ODEGAARD
COUNCILMEMBER SALAS
COUNCILMEMBER WHELAN (via telephone)

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

4. Public Participation

Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the 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.

Austin Kerr with Northland Preparatory Academy addressed Council to introduce some of his students who were there to address Council about community issues.

Meg Moezzi addressed Council about the challenges associated with affordable housing.

Ria Rohrbough addressed Council about the immigrant population in Flagstaff and a need for Flagstaff to end their cooperation with ICE.

Emily Cajali addressed Council about trash and recycling. She discussed the need to eliminate the use of plastics.

Wyatt Runge addressed Council about the lack of entertainment options for young people in Flagstaff. He stated that it needs to be easier for small businesses to start up these types of businesses.

Rick Lopez addressed Council in opposition of raising the property tax by 2%.

5. Review of Draft Agenda for the June 4, 2019 City Council Meeting

Councilmember Salas commented on Item 7G asking staff to be prepared to discuss other funding sources to fund the proposed expenditures aside from property tax.

Mayor Evans also commented on Item 7G and asked for an update on state shared revenues in response to recent information coming in from the State.

6. The Northern Arizona Center for Entrepreneurship and Technology (NACET), doing business as Moonshot at NACET, Annual Report to the City Council.

Community Investment Director David McIntire introduced President and CEO of Moonshot Arizona Scott Hathcock who provided an annual report to Council. Mr. Hathcock provided a PowerPoint presentation the covered the following:

MOONSHOT AT NACET
A BRIEF HISTORY OF NACET
WHY MOONSHOT FOR ENTREPRENEURS?
2018-2019 FUNDING MODEL
2018 A YEAR IN REVIEW
2019 MOONSHOT EVENTS IN ARIZONA

Vice Mayor Shimoni asked about the impacts of the increase in the minimum wage. Mr. Hathcock stated that they were fortunate to be out ahead of the increases. He indicated that

many of their jobs are high paying so there was very little impact.

Councilmember Salas expressed her appreciation of the efforts put forth by NACET and Moonshot to help start-ups launch their businesses and for working to attract business to Flagstaff.

Vice Mayor Shimoni asked if there is any engagement with the high schools to attract young people to the programs. Mr. Hathcock explained that all of their events are open to everyone and there have been discussions about doing a high school boot camp program in the future.

Councilmember Salas asked for a recap on the recent non-profit leadership conference. Mr. Hathcock stated that there are 600 non-profits in Flagstaff, and it is a developing sector that will create jobs. The Paul Thomas Grant will allow them to help non-profits start up and get going. Moonshot is now community-based and the curriculum that is offered to entrepreneurs will also be offered to non-profit founders. The first annual conference had 80 attendees, and he considers it to be a great success and something that will grow each year.

At this time, Mayor Evans announced that Items 10 and 11 will be rescheduled for the meeting next week.

7. Proposed City Code Revisions - Electric Bicycles and Electric Scooters

Public Works Director Andy Bertelsen introduced the item sharing that the revisions that will be discussed seek to address three components; the first requires a permit for bikeshare operations in the community, the second addresses the actual devices and where they are allowed, and the third is the potential changes in other areas of the code to regulate use.

Multimodal Transportation Planner Martin Ince provided a PowerPoint presentation that covered the following:

CITY CODE REVISIONS ELECTRIC BICYCLES ELECTRIC SCOOTERS
 PRESENTATION OUTLINE
 PURPOSE
 REGULATE VENDORS
 ADDRESS DEVICES
 THE BROADER CONTEXT
 STATUS OF DOCKLESS BIKESHARE RFP
 NEXT STEPS/PROCESS FOR CITY CODE REVISIONS
 OUTREACH SINCE LAST COUNCIL WORK SESSION
 ELECTRIC BICYCLES
 ELECTRIC SCOOTERS
 CITY CODE REVISIONS
 A. REGULATION OF SERVICE PROVIDERS
 RECOMMENDATION AND INTENT

Mayor Evans asked if it was possible to give tickets and impound a bike, and if so, the number of tickets that would warrant a need to pull the permit. Mr. Ince explained that the intent of the provisions is to prohibit companies who do not have an agreement with the City of Flagstaff from operating in Flagstaff. Bikes would be impounded with the fees charged to the company. It would depend on the terms of the contract on how ongoing issues would be addressed.

Sustainability Manager Nicole Antonopoulos offered that one of the benefits of doing a Request for Proposal (RFP) is that it would allow for a customization of the expectations for Flagstaff.

Staff will continue to get into very specific detail with the vendor and talk about violations, unauthorized bikes, etc. that were experienced during the pilot program.

Mr. Ince continued the presentation.

DECISION POINTS
CURRENT STATUS OF DEVICES
STAFF RECOMMENDATIONS
BASIS FOR RECOMMENDATIONS
COMMISSION/COMMUNITY DISCUSSION
BIKE LANES AND DOWNTOWN SIDEWALKS
SIDEWALKS
FUTS TRAILS

Vice Mayor Shimoni asked about the class of bike and how speed may be regulated. Mr. Ince stated that the position of the Bicycle Advisory Commission and Transportation Commission was that rider behavior should be regulated rather than the class of bike.

The following individuals addressed Council regarding the use of electric bikes on FUTS trails:

- Mark Haughwout
- Chris Gunn
- Joseph Shannon
- Tom Martin
- Emma Benenati
- Joe Murray
- Anthony Quintile
- Susan Hueftle

The following comments were received:

- Use the Arizona Revised Statutes so the rules are consistent regardless of where a rider is.
- It is difficult to distinguish a regular bike from an electric bike.
- There should not be different rules for electric bikes unless a problem is identified.
- The bike lane system in the City needs to be improved to encourage more cyclists and make things more safe.
- There is a safety issue with allowing electric bikes on the FUTS trail where people are walking and running.
- Electric bikes belong on the road only.
- Consider leaving anything that is not physically powered off the trail system.
- Riders cannot be relied upon to use proper speed and safe operations.
- There is not enough law enforcement to regulate the types of equipment on trails.
- Prominent signage will be needed to show what is and is not allowed on the trails.
- There are a lot of misconceptions about electric bikes.
- Electric bikes allow people to ride bikes that otherwise could not.
- There is unfounded fear about electric bikes.
- Regular bikes can often exceed the speed of an electric bike.
- Regulate behavior rather than technology.
- It is mostly older, middle age people who are purchasing these bikes.
- Anything Flagstaff can do to reduce the number of cars on the road is something that should be promoted.

Mayor Evans offered that the FUTS is a citywide network of non-motorized trail; it seems like the original intent was for non-motorized transportation. There is a reason to have these bikes

and they will become a more popular and cheaper form of transportation but it is difficult to discuss regulating behavior when bikes are not held to the same standard as a car. Enforcement tools and consistent regulation need to be established. She indicated that she does not believe that electric bikes should be permitted on FUTS trails.

Councilmember McCarthy stated that his experience with electric bikes is that they feel and operate much like a motorbike. There should be a speed limit for bikes on the trails but it is impractical to enforce given the limited resources in the police department. Allowing any type of motorized vehicle on FUTS and sidewalks is inappropriate. Electric bikes are great and they should be allowed in bike lanes but not on sidewalks or FUTS trails.

Vice Mayor Shimoni stated that most of the people who use electric bikes are those who need some extra assistance. More bikes on the road will equate to more injuries and even death. If electric bikes are not allowed on FUTS trails it is absolutely vital that the road infrastructure be improved to provide better safety for cyclists. Electric bikes are another tool to get people out of cars and it is important to make sure there are safe places for them to utilize this type of transportation. Electric bikes and regular bikes are virtually the same and electric bikes should be permitted on the FUTS trails for ease and safety of transportation.

Councilmember Odegaard indicated that he had the opportunity to try an electric bike and while using the peddle assist he was only able to get to 17 miles per hour. It is the future of cycling and he would support allowing them on the FUTS trails. Allowing them on the trails further supports Flagstaff being a multi-modal community. He is also supportive of the idea of requiring peddle use only on the trails.

Councilmember Aslan stated that he is in favor of allowing Class 1 and Class 2 electric bikes on the FUTS trails and then revisiting the issue after a period of time to evaluate if there have been any issues. Electric bikes are a type of bicycle and therefore should be treated as such; the same rules should apply. He would be willing to ban Class 1 and Class 2 bikes from certain areas of FUTS trails where the dynamics of the area would call for that but it would be a shame to totally ban these bikes on all trails.

Councilmember Salas indicated that her experience with regular cyclists has been troubling and she is concerned for the safety of all users of the FUTS trails especially if electric bikes are introduced. She is not supportive of allowing any electric bikes on FUTS trails.

Councilmember Whelan stated that she is supportive of electric bikes but would be willing to evaluate specific areas where they should not be permitted. Ultimately, the roads need to be made safer for cyclists and until then it is not appropriate to be relegating electric bikes to road use only.

Mayor Evans offered that she would be willing to compromise on some of the areas She added that if electric bikes will be allowed on FUTS trails than they should be limited to paved trails only.

A majority of Council agreed to the Mayor's suggestion of limiting electric bikes to paved FUTS trails only. They asked for staff to take the matter back to the Bicycle Advisory Committee to identify commuter trails and bring that information back to Council for further discussion.

Senior Assistant City Attorney Marianne Sullivan continued the presentation.

C. OTHER CONSIDERATIONS
RECOMMENDATION
TRUTHFUL NAME/DOB

Council provided direction to require operator information.

OPERATING UNDER THE INFLUENCE

A majority of Council agreed that operating under the influence should apply to both electric bikes and regular bikes.

Councilmember Whelan left the meeting at 8:45 p.m. at which time a break was held through 8:57 p.m.

8. Sidewalk Maintenance Program

Public Works Street Director Scott Overton provided a PowerPoint presentation that covered the following:

SIDEWALK MAINTENANCE PROGRAM
ORDINANCE HISTORY
CITY SIDEWALKS
 270 MILES CITYWIDE
SIDEWALK ISSUES
SIDEWALK WORK PROGRAM TODAY
SIDEWALK PROGRAM DIRECTION

Vice Mayor Shimoni stated that having a proactive inspection program is something that the City should be doing. The City is responsible for maintaining the sidewalks and utilizing the most cost-effective strategy for doing so is important. Cost recovery is equally important but overall maintenance is top priority.

Councilmember Odegaard expressed his support for a more comprehensive sidewalk inspection program. He believes that the City should take more of a lead on paying for the maintenance rather than trying to chase down the property owners.

Councilmember McCarthy is supportive of the repairs being done in bulk to reduce costs. He asked if there was an estimate of cost should the City take the repairs over. Mr. Overton explained that without a program in place and a comprehensive identification of the needs it is hard to estimate. It is likely a couple million dollars citywide.

Councilmember McCarthy and Councilmember Aslan expressed their support of a comprehensive program and the City taking on the cost of repairs.

Councilmember Salas stated that she is supportive of sharing the cost of the repairs with the property owners. She is supportive of a comprehensive program and proactive inspection. She indicated that once there are better estimates of costs and finance options she is open to having conversations about the City absorbing more of the costs.

Mayor Evans agreed that the cost should be split with the property owner but would like to see the ordinance updated.

Vice Mayor Shimoni added that he would like to have a discussion about areas that still need sidewalks and how the City can provide funding to get those done.

Mr. Overton explained that staff will bring forward some options for Council consideration in the

revised ordinance.

Moved by Councilmember Charlie Odegaard, **seconded by** Vice Mayor Adam Shimoni to continue the meeting in accordance with the City Council Rules of Procedure.

Vote: 6 - 0 - Unanimously

9. **Discussion:** 1) the City's request to amend the industrial zones, and resolving conflicts, incorporating technical corrections and clarity, and add definitions to the Zoning Code; and 2) an applicant's request to add the Amusement/Entertainment and Sales, Indoor land use as a Conditional Use Permit to the Light Industrial (LI) zone, and incorporating related provisions to the Specific to Uses section and definitions.

Zoning Code Manager Dan Symer provided a PowerPoint presentation that covered the following:

CITY'S AND APPLICANT'S REQUEST TO AMEND THE ZONING CODE
 WORK SESSION OBJECTIVES
 REQUEST
 ORDER OF PRESENTATION AND DISCUSSION
 CITY'S PROPOSED ZONING CODE TEXT AMENDMENT
 ANTICIPATED TIMEFRAME OF CODE TEXT AMENDMENTS

Nick Wood with Snell & Wilmer continued the presentation.

NORTH POLE EXPERIENCE
 TEXT AMENDMENT REQUEST
 WHAT IS THE NORTH POLE EXPERIENCE?
 CONTEXT AERIAL
 SITE AERIAL
 CONCEPTUAL FLOOR PLAN
 CONCEPTUAL BUS DROP OFF & CIRCULATION PLAN
 ADD NEW USE AND DEFINITION OF NEW USE

Councilmember McCarthy asked if the request has gone through the Planning and Zoning Commission. Mr. Wood stated that the information has been provided to them and they will be making a recommendation.

10. **Discussion/Direction:** Establish/Create the Affordable Housing Commission discussed in Proposition 422
 Receive direction in order to bring back an action item reflective of Council's desires.

ITEM POSTPONED TO JUNE 4, 2019.

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

ITEM POSTPONED TO JUNE 4, 2019.

12. **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:

STATE AND FEDERAL LEGISLATIVE UPDATE
PRESENTATION OUTLINE
GENERAL LEGISLATIVE OVERVIEW
STATE BUDGET OVERVIEW
FEDERAL LEGISLATIVE OVERVIEW
SB1241: STATE PARKS BOARD; HERITAGE FUND
SB1001: HIGHWAY SAFETY FEE
HB2672: VACATION RENTALS; SHORT TERM RENTAL; REGULATIONS
WAYFAIR
SB1225: APPROPRIATIONS; DEVELOPMENTAL DISABILITIES SERVICES PROVIDERS
(HB2576)
HB2747
REALLY SB2756

Mayor Evans clarified that by July 30, 2019 the State will assess the difference between the current state minimum wage and The City of Flagstaff minimum wage and invoice the City accordingly.

Deputy City Manager Shane Dille stated that the State Comptroller would determine the amount based on estimates from the Administrative Heads of each State Department. The League is working with the Comptroller to get a better idea on how the process works and what it might look like for the City.

Mayor Evans expressed concern that the Council is set to vote on the budget next week and there is now a \$100,000 shortfall for this fiscal year. It makes it very difficult to budget when the assessment amount is unknown. She asked what the plan is for adopting the budget next week when this information is not available. Mr. Dille explained that the best thing is to adopt the budget understanding that the City will respond accordingly.

Vice Mayor Shimoni stated that the service providers need support now and that is what the focus should be. He prefers the two to one ratio rather than the state shared funding approach.

Monica Attridge addressed Council stating that her understanding of the bill is different than what she is hearing tonight.

The City's State Lobbyist Todd Madeksza stated that the bill is so new, and it is taking some time to get through all the language. It was poorly crafted, and it is meant to be a message to other cities who may want to increase their minimum wage. There are so many unknowns and he is continuing to work with the League and the State to better understand the impacts, how the numbers are calculated, and the assessment timelines.

Moved by Mayor Coral Evans, **seconded by** Vice Mayor Adam Shimoni to recess into Executive Session.

Vote: 6 - 0 - Unanimously

The City Council recessed into Executive Session at 10:40 p.m.

The City Council reconvened back into Regular Session at 11:04 p.m. Mayor Evans left the meeting at this time and Vice Mayor Shimoni presided over the remainder of the meeting.

Councilmember Odegaard stated that in light of the State willing to match dollars for the current year, he would like staff to look at the possibility of finding an additional \$100,000 for this current year to contribute.

A majority of Council was supportive of that direction.

13. Public Participation

None

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

Councilmember McCarthy requested a FAIR item to discuss how the City might negotiate an agreement to disallow short term rentals such as through development agreements or rezoning agreements.

Mr. Dille reminded Council that on May 30, 2019 there is a groundbreaking ceremony for the Courthouse and on June 30, 2019 there will be a groundbreaking for the Veteran's Home.

15. Adjournment

The Flagstaff City Council Work Session of May 28, 2019, adjourned at 11:13 p.m.

MAYOR

ATTEST:

CITY CLERK