

MINUTES

1. CALL TO ORDER

Vice Mayor Shimoni called the meeting of the Flagstaff City Council held June 4, 2019, to order at 4:31 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:

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

ABSENT:

MAYOR EVANS

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

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

The Council and audience recited the pledge of allegiance and Councilmember Odegaard 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.

None

5. **PROCLAMATIONS AND RECOGNITIONS**

A. **Proclamation:** Pride Month

Council approached the podium and presented the proclamation to the Commission on Diversity Awareness.

B. **Proclamation:** Gun Violence Awareness Day

Council approached the podium and presented the proclamation to the Moms Demand Action for Gun Sense in America group.

6. **LIQUOR LICENSE PUBLIC HEARINGS**

Vice Mayor Shimoni opened the public hearing.

Sgt. Collin Seay briefly reviewed the application.

There being no public comment, Vice Mayor Shimoni closed the public hearing.

A. **Consideration and Action on Liquor License Application:** Adam Harrington, "High Altitude Home Brew Supply," 2710 N. Steves Blvd., Suite H, Series 10 (beer and wine store), New License.

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

Vote: 6 - 0 - Unanimously

7. **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.

Councilmember Whelan asked to pull Item 7B for discussion.

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to approve Consent Item 7A.

Vote: 6 - 0 - Unanimously

A. Consideration and Approval of Cooperative Contract: Purchase of Four (4) Itron MC3 lite mobile collection systems for water meter services.

1. Approve the purchase of the four (4) Itron MC3 lite mobile collection systems from Mountain State Pipe and Supply in the amount of \$18,000 each for a total of \$72,000.
2. Authorize the City Manager to execute the necessary documents.

B. Consideration and Approval of Municipal Services Accounts, Miscellaneous Account Receivable, and Insufficient Funds Write-offs: Delinquency and Uncollectible Accounts for FY 2019.

Councilmember Whelan noted that the total write off amount for 2019 is down from \$128,000 in 2018 but it is still too much. She asked what the plan is to further decrease the amount in the future. Revenue Director Sandy Corder stated that disconnect notices were implemented last year to give customers notification of a pending disconnection of their services. This notification helped reduce the overall amount of delinquency. Staff is increasing the outreach to customers and including payment plan progress in the billing statements. The projection is to reduce the write-off amount even further next year.

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jamie Whelan to approve the write-off of delinquent and uncollectible Municipal Services accounts (water/solid waste utility services), Miscellaneous Account Receivables (variety of fees, lease revenue, retiree insurance), and Insufficient Funds (returned checks) in the combined amount of \$91,161.74.

Vote: 6 - 0 - Unanimously

8. ROUTINE ITEMS

A. Consideration and Approval of Cooperative Purchase Contract: Consultant Services Contract for the Fourth Street Reconstruction Design Project

Project Managers Randy Groth and Jeremy DeGeyter provided a PowerPoint presentation that covered the following:

FOURTH ST/1-40 BRIDGE REPLACEMENT UPDATE
CURRENT STATUS
BRIDGE SLIDE PHASING
BUDGET UPDATE
PUBLIC INFORMATION MEETING

Councilmember Whelan asked if staff is working with the schools that will be impacted by the construction. Mr. DeGeyter indicated that they have reached out to NPA directly and staff are trying to be mindful and reactive to the impacts on the surrounding area. It is hoped that the slide can happen prior to school starting which will significantly reduce the traffic impacts.

Councilmember Aslan asked why the existing bridge cannot just be extended rather than fully replaced. Mr. DeGeyter explained that there are structural issues with the age of the bridge which dates back to the 1960s. Councilmember Aslan expressed a desire to understand what

is being done with the demolition materials.

Councilmember Odegaard expressed appreciation with ADOT for their partnership with the City on the project. It is because of the partnership that the project is full expansion rather than just a rehab.

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Regina Salas to award a Consultant Services Contract to AECOM Technical Services, Inc. of Phoenix, AZ under a Cooperative Purchase Contract with the State of Arizona in an amount not to exceed \$176,966.00 with a contract duration of 190 calendar days and authorize the City Manager to execute the necessary documents.

Vote: 6 - 0 - Unanimously

- B. Consideration and Adoption of Resolution No. 2019-16:** A resolution amending Section 5.2 of the Section 8 Administrative Plan to adopt a local preference for selection from the waiting list.

Housing Director Sarah Darr introduced Interim Section 8 Manager Tracey French who provided a PowerPoint presentation that covered the following:

BACKGROUND
LOCAL PREFERENCE
OTHER INFO

Vice Mayor Shimoni asked if the resolution could be adjusted should there be a change in the need. Ms. Darr stated that it is up to the local jurisdiction to manage and modifications can be made if so desired.

Moved by Councilmember Regina Salas, **seconded by** Councilmember Austin Aslan to read Resolution No. 2019-16 by title only.

Vote: 6 - 0 - Unanimously

A RESOLUTION AMENDING SECTION 5.2(A) OF THE SECTION 8 ADMINISTRATIVE PLAN

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Austin Aslan to adopt Resolution No. 2019-16.

Vote: 6 - 0 - Unanimously

- C. Consideration and Approval of Contracts:** Annual Workers' Comp and General Liability Insurance.

Risk Manager Dean Coughenour provided a PowerPoint presentation that covered the following:

INSURANCE RENEWALS

RENEWALS PRIOR TO A CHANGE IN RISK MANAGEMENT
BROAD TYPES OF INSURANCE
RESULTS OF NEW PROGRAM
RENEWALS AFTER A CHANGE IN OUR PROGRAM
SAVINGS COMPARED TO 2013-14 PREMIUMS – \$4.1 M
CRYSTAL BALL

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jamie Whelan to approve the renewals of the City's Workers' Compensation agreement with CopperPoint Mutual with an estimated premium of \$515,847, Property Insurance agreement with A.I.G. with an estimated premium of \$234,916, and General Liability, Auto, Umbrella and associated lines of coverage with travelers Insurance with an estimated premium of \$729,590.

Vote: 6 - 0 - Unanimously

- D. Consideration and Approval of Construction Contract:** Recommended Approval of the Construction Contract with Mountain High Excavation, LLC. in the amount of \$845,051.00 for the Aztec Street Improvements Project.

Project Manager Eli Reisner addressed Council stating that staff recommends approval of the contract. The project is a Road Repair and Street Safety (RRSS) project located on Aztec Street from Santa Fe to Francis Short Pond.

Councilmember Whelan asked why a full road will not be put in. Mr. Reisner explained that the RRSS funding has limits to improve existing structures and they are not able to use the money to add curb, gutter, and sidewalks.

Councilmember Whelan asked if there will be bike paths. Mr. Reisner stated that there are not currently bike lanes and the low traffic does not warrant a bike lane and the road is already bike friendly.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Jamie Whelan to approve the Construction Contract with Mountain High Excavation, LLC. in the amount of \$845,051.00, which includes a \$56,000.00 Contract Allowance and a Contract Timeframe of 120 calendar days, approve Change Order Authority to the City Manager in the amount of \$78,905.10 (10% of the Contract Price, less the Contract Allowance), and authorize the City Manager to execute the necessary documents.

Vote: 6 - 0 - Unanimously

- E. Consideration and Adoption of Resolution No. 2019-21:** A resolution of the Flagstaff City Council, approving an Intergovernmental Agreement Between the State of Arizona Department of Revenue and City of Flagstaff for local tax administration; providing for expiration of the existing agreement; and establishing an effective date .

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to read Resolution No. 2019-21 by title only.

Vote: 6 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA AND THE CITY OF FLAGSTAFF FOR LOCAL TAX ADMINISTRATION; PROVIDING FOR EXPIRATION OF THE EXISTING AGREEMENT; AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to adopt Resolution No. 2019-21.

Vote: 6 - 0 - Unanimously

- F. Consideration and Adoption of Resolution No. 2019-22:** A resolution of the Flagstaff City Council, approving a Model Uniform Video Service License Agreement and Application and Affidavit for Uniform Video Service License, as required by state law; providing for delegation of authority and establishing an effective date.

Senior Assistant City Attorney Anja Wendel stated that the license agreement is required by a new state law related to video service licensing. The law was supported by the industry that approves standard forms. The law specifies that these should be adopted on or before July 1st. The City does have an existing license with Suddenlink from 2017 and the new law provides them a right to terminate their existing license after the start of the new year and then apply for a new license through the streamlined process.

Councilmember Whelan asked if there is a new license requested could the City renegotiate a new fee or license. Ms. Wendel stated that the form of license calls for a 5% license fee which could be lowered. The 5% generates about \$500,000 per year for the general fund.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to read Resolution No. 2019-22 by title only.

Vote: 6 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING A MODEL UNIFORM VIDEO SERVICE LICENSE AGREEMENT AND APPLICATION AND AFFIDAVIT FOR UNIFORM VIDEO SERVICE LICENSE, AS REQUIRED BY STATE LAW; PROVIDING FOR DELEGATION OF AUTHORITY AND AN EFFECTIVE DATE

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to adopt Resolution No. 2019-22.

Vote: 6 - 0 - Unanimously

- G. Consideration and Adoption of Resolution No. 2019-24:** A resolution of the Council of the City of Flagstaff, Arizona adopting the tentative estimates of the amounts required for the public expense for the City of Flagstaff for Fiscal Year 2019-2020; adopting a Tentative Budget; setting forth the receipts and expenditures; the amount proposed to be raised by direct property taxation; giving notice of the time for hearing taxpayers, for adopting of Budget and for fixing the tax levies. **(Adopt Tentative Budget for City FY 19-20)**

Finance Director Brandi Suda addressed the Council with a PowerPoint presentation that covered the following:

CITY OF FLAGSTAFF FY2020 BUDGET

TIMELINE
LEGAL SCHEDULE A

Vice Mayor Shimoni stated that the item will be continued at the 6:00 p.m. portion of the meeting.

RECESS

The 4:30 p.m. portion of the June 4, 2019, Regular Council Meeting recessed at 5:47 p.m.

6:00 P.M. MEETING

RECONVENE

Vice Mayor Shimoni reconvened the Regular Meeting of June 4, 2019, 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 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).

9. ROLL CALL

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

PRESENT:

VICE MAYOR SHIMONI
COUNCILMEMBER ASLAN (arrived at 6:04 p.m.)
COUNCILMEMBER MCCARTHY (arrived at 6:03 p.m.)
COUNCILMEMBER ODEGAARD
COUNCILMEMBER SALAS
COUNCILMEMBER WHELAN

ABSENT:

MAYOR EVANS

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

10. PLEDGE OF ALLEGIANCE

The Council and audience recited the pledge of allegiance.

11. PUBLIC PARTICIPATION

None

12. CARRY OVER ITEMS FROM THE 4:30 P.M. AGENDA**A. ITEM 8A**

Consideration and Adoption of Resolution No. 2019-24:A resolution of the Council of the City of Flagstaff, Arizona adopting the tentative estimates of the amounts required for the public expense for the City of Flagstaff for Fiscal Year 2019-2020; adopting a Tentative Budget; setting forth the receipts and expenditures; the amount proposed to be raised by direct property taxation; giving notice of the time for hearing taxpayers, for adopting of Budget and for fixing the tax levies. (Adopt Tentative Budget for City FY 19-20)

Ms. Suda continued the presentation.

HIGHLIGHTS**INVESTMENTS BY COUNCIL GOALS****CHANGES SINCE APRIL RETREAT****APPROPRIATIONS INCREASED BY \$77.8 M****ADDITIONAL INFORMATION**

Councilmember Whelan asked if the capital carryovers approved in 2019 can change priorities in the next budget cycle. Ms. Suda stated that carryovers must be used for the originally approved purpose.

Councilmember Whelan asked if there are any projections as to what is going to happen with the state assessment for minimum wage. Ms. Goodrich stated that staff have been working extensively with the Governor's office to get answers to that question. It is the understanding that there will not be any assessment in Fiscal Year 2020. The expectation is to provide \$150,000 to pull down the \$300,000 from the state. There are ongoing discussions with the state as to how those funds will be distributed to the Flagstaff partners.

Ms. Goodrich urged Council to adopt the budget. If a budget is not adopted by July 1, 2019 the City will be unable to spend any monies on 2020 initiatives or enter into any new contracts. On June 25, 2020 the Council would need to pass a continuing resolution that would allow the City to pay employees at their current rate of pay. Statutorily, the City has to have the budget adopted by the 3rd week of July. There are adequate contingencies within the budget for issues as they come up and staff would be back in front of Council to make decisions on how to allocate the funds.

Ms. Suda continued the presentation.

CITY OF FLAGSTAFF PROPERTY TAX

Steve Finch, on behalf of the Flagstaff Lodging, Restaurant, and Tourism Association, addressed Council stating their concern about an increase in property tax. There is increased inventory that is coming into Flagstaff which generates more property tax income, there is no need to increase taxes on existing property.

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to read Resolution No. 2019-24 by title only.

Vote: 5 - 1

NAY: Councilmember Jamie Whelan

*A RESOLUTION OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA
ADOPTING THE TENTATIVE ESTIMATES OF THE AMOUNTS REQUIRED FOR THE
PUBLIC EXPENSE FOR THE CITY OF FLAGSTAFF FOR THE FISCAL YEAR 2019-2020;
ADOPTING A TENTATIVE BUDGET; SETTING FORTH THE RECEIPTS AND
EXPENDITURES; THE AMOUNT PROPOSED TO BE RAISED BY DIRECT PROPERTY
TAXATION; GIVING NOTICE OF THE TIME FOR HEARING TAXPAYERS, FOR
ADOPTING OF BUDGET AND FOR FIXING THE TAX LEVIES*

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to adopt Resolution No. 2019-24.

Vote: 4 - 1

NAY: Councilmember Jamie Whelan

Mr. Solomon stated that there has been some new legal advice regarding the next agenda item and recommended an Executive Session.

Vice Mayor Shimoni also announced that Items 15A, 15B, 15C, and 17A are being postponed to a later meeting.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Jamie Whelan to recess into Executive Session.

Vote: 6 - 0 - Unanimously

The Council recessed into Executive Session at 6:36 p.m. and reconvened into Regular Session at 6:41 p.m.

13. **PUBLIC HEARING ITEMS**

A. Public Hearing, Consideration and Possible Adoption of Ordinance No. 2019-014:

Canyon del Rio Investors, LLC requests a Concept Zoning Map Amendment of approximately 83.88 acres at 3200 East Butler Avenue from the RD, Research and Development Zone, to MR, Medium Density Residential Zone (27.9 acres), HR, High Density Residential Zone (30.0 acres), and HC, Highway Commercial Zone (25.9 acres). The area proposed for the Concept Zoning Map Amendment is a portion of a 262-acre development known as Canyon del Rio. (Canyon del Rio Investors, LLC Concept Zoning Map Amendment request for property located at 3200 East Butler Avenue.)

Vice Mayor Shimoni opened the public hearing.

Planning Development Manager Neil Gullickson provided a PowerPoint presentation that covered the following:

RESPONSES TO COUNCIL'S CONCERNS FROM MAY 21, 2019
LIMITATION OF BUILDING HEIGHT ON HR PROPERTIES
CASH-IN-LIEU OF AFFORDABLE HOUSING
RESIDENTIAL DEVELOPMENT EFFICIENCY
SHIELDING OF LOADING DOCKS
FLOOR AREA RATIO (FAR) DEFINED
FAR LIMITATION AT HIGHWAY COMMERCIAL ZONE (HC)

HIGH OCCUPANCY HOUSING REVERSION TO R & D ZONING

The applicant, Brian Rhoton, on behalf of Canyon Del Rio addressed Council stating that he has worked with staff to identify solutions that address many of the Council concerns especially with the High Occupancy Housing. He stated that the offer was recently revised with regard to the affordable housing.

Councilmember McCarthy and Councilmember Whelan offered appreciation to Mr. Rhoton for his work with staff, the neighbors of the area, and the community.

Vice Mayor Shimoni asked if there was a way to limit and regulate short-term rentals within the development. Mr. Rhoton stated that short-term rentals will be addressed in the development's CCRs.

Councilmember Salas asked about the anticipated revenue generation. Mr. Rhoton indicated that the one-time sales tax is estimated to be \$18 million.

Councilmember Aslan stated that he is okay with the limitation on building height given there will be additional forest resource credit.

The following individuals addressed Council regarding the development:

- Wilma Ennenga
- Anne Vonesh
- Dan Powell

The following comments were received:

- Flagstaff needs housing not short-term rentals.
- What is to stop the developer from coming back two years from now saying that they cannot complete the project at the lower building height.
- The corner should stay as R & D and then Council can consider rezoning to commercial should it be needed at a later date.
- Concerned about the density, it should be limited to a number of people per acre.
- The developer is getting 6.7 acres of land for \$650,000 that is a steal in Flagstaff, if the City is trying to make money, this is not the way to do it.
- The land should be offered to the open market.

A written comment card in support of the development was submitted by Joe Galli on behalf of the Greater Flagstaff Chamber of Commerce.

Councilmember Odegaard asked the total amount of developable land. Mr. Gullickson stated that the site is substantially impacted by a transmission line easement and staff estimates that less than 50% of the site is developable. The allowed density per the development agreement is 80 units and that would be difficult to do.

There being no further comment Vice Mayor Shimoni closed the public hearing.

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Regina Salas to read Ordinance No. 2019-14 by title only for the final time.

Vote: 6 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP TO REZONE APPROXIMATELY 83.88 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 3200 EAST BUTLER AVENUE ON PARCEL NUMBERS 106-08-005L, 106-08-005M AND 106-08-005P FROM THE RESEARCH AND DEVELOPMENT (RD) ZONE TO MEDIUM DENSITY RESIDENTIAL (MR), HIGH DENSITY RESIDENTIAL (HR), AND HIGHWAY COMMERCIAL (HC) WITH CONDITIONS; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Regina Salas to adopt Ordinance No. 2019-14.

Vote: 6 - 0 - Unanimously

14. REGULAR AGENDA

- A. Consideration and Approval of Preliminary Block Plat** Request by Canyon del Rio Investors, LLC, for Preliminary Plat approval for Canyon del Rio, a subdivision consisting of 22-parcels, 8-tracts and Rights-of-Way on 262 acres, located at 1200 East Butler Avenue in the R1, Single-Family Residential Zone, the MR, Medium-Density Residential Zone, the HR, High-Density Residential Zone and the HC, Highway Commercial Zone.

Mr. Gullickson provided a PowerPoint presentation that covered the following:

CANYON DEL RIO PRELIMINARY BLOCK PLAT
 ARIEL MAP
 PROPOSAL
 PRELIMINARY PLAT MAP
 ZONING REQUIREMENTS
 RESOURCES
 TRAFFIC
 UTILITIES
 SUMMARY OF FINDINGS
 CONDITIONS

Dan Powell addressed Council with concerns about selling the parcel for such a low price.

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Jim McCarthy to approve the Preliminary Block Plat with the following conditions; 1. The final plats for each phase shall be in substantial conformance with the preliminary plat including the phasing plan and map (sheets PH01 and PH02) of the preliminary Block Plat of Canyon del Rio. Each phase and parcel of the Canyon del Rio plat must meet all requirements independently. 2. Dedication of Tracts B and C and easements for tracts A, D, E, F, G and H are provided with the final block plat for Canyon del Rio. 3. Internal vehicle and pedestrian connections between blocks must be provided to the greatest extent feasible with special attention to connections from each block to the designated open space/civic space areas as well as adjacent activity centers.and 4. Permanent public pedestrian easements on all trails within the Canyon del Rio Subdivision(s) must be granted and shown on all final plats of the parcels.

Vote: 6 - 0 - Unanimously

- B. Consideration and Possible Adoption of Resolution No. 2019-20:** A resolution authorizing the execution of a Development Agreement between Canyon del Rio Investors, LLC and the City of Flagstaff related to the development of approximately 262 acres of real property generally located at 3200 East Butler Avenue. (**Canyon del Rio Development Agreement**)

Mr. Gullickson provided a PowerPoint presentation that covered the following:

CANYON DEL RIO DEVELOPMENT AGREEMENT
 DEVELOPMENT AGREEMENT HIGHLIGHTS
 REGIONAL TRAFFIC IMPROVEMENTS CASH IN-LIEU PAYMENTS
 BUTLER AND FOURTH STREET FRONTAGE IMPROVEMENTS
 BUTLER/I-40 INTERCHANGE IMPROVEMENTS
 OTHER CITY PROJECTS IN THE AREA
 WATER IMPROVEMENTS SECTION 4.10
 DEVELOPMENT AGREEMENTS HIGHLIGHTS CONTINUED

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to read Resolution No. 2019-20 by title only for the final time and include the increase in the cash-in-lieu contribution for workforce affordable housing to \$650,000.

Vote: 6 - 0 - Unanimously

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN CANYON DEL RIO INVESTORS, LLC AND THE CITY OF FLAGSTAFF RELATED TO THE DEVELOPMENT OF APPROXIMATELY 262 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 3200 EAST BUTLER AVENUE AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Jamie Whelan to adopt Resolution No. 2019-20.

Vote: 6 - 0 - Unanimously

A break was held from 7:35 p.m. through 7:51 p.m.

- C. Consideration and Adoption of Resolution No. 2019-26 and Ordinance No. 2019-16:** Adoption of the *"The 2018 Suite of Codes and the 2019 Amendments to City Code, Title 4, Building Regulations."*

Building Official Amy Palmer and Building Plans Examiner Victoria St. Clair provided a PowerPoint presentation that covered the following:

2018 BUILDING AND FIRE CODE ADOPTION AND AMENDMENTS
 PROPOSED MODEL CODES
 ADOPTION TIMELINE
 DEFINITION OF "SUBSTANTIAL STRUCTURAL DAMAGE"
 CONDITION 1
 CONDITION 2
 CONDITION 3
 COCONINO COUNTY/CITY OF FLAGSTAFF COMPARISON
 BLOWER DOOR TESTING
 BENEFITS OF BLOWER DOOR TESTING
 CONSUMER PROTECTION

HISTORY OF BLOWER DOORS IN THE CODE

Councilmember Salas stated that she supports having the same City and County codes rather than the City including additional requirements for EV parking and solar ready. Sustainability Manager Nicole Antonopoulos indicated that the discussion on including those elements was financial in nature because there is a cost savings to doing those things up front rather than retrofitting later. Councilmember Salas stated that she would rather those elements be voluntary.

Councilmember Whelan noted some of the differences between City and County dwellings and why it makes sense to include those elements in the City code. Councilmember McCarthy agreed and Councilmember Aslan stated that he is excited to see those elements included because retrofitting makes it difficult for people to change behavior.

Bobby Eccleston addressed Council expressing his support of the proposed amendments.

Councilmember Odegaard asked about the suggested edits from the Arizona Multi-Housing Association regarding snow loads. Ms. Palmer stated that they have been in contact and made some adjustments based on their suggestions.

Councilmember Odegaard stated that he had some initial hesitations but he is supportive of the proposed amendments.

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Austin Aslan to read Resolution No. 2019-26 by title only.

Vote: 5 - 1

NAY: Councilmember Regina Salas

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING AS A PUBLIC RECORD THOSE CERTAIN DOCUMENTS FILED WITH THE CITY CLERK ENTITLED "THE 2018 SUITE OF CODES AND THE 2019 AMENDMENTS TO CITY CODE, TITLE 4, BUILDING REGULATIONS" WHICH INCLUDE THE INTERNATIONAL BUILDING CODE, 2018 EDITION; INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION; INTERNATIONAL EXISTING BUILDING CODE, 2018 EDITION; INTERNATIONAL MECHANICAL CODE, 2018 EDITION; INTERNATIONAL PLUMBING CODE, 2018 EDITION; INTERNATIONAL FUEL GAS CODE, 2018 EDITION; INTERNATIONAL ENERGY CONSERVATION CODE, 2018 EDITION; INTERNATIONAL SOLAR ENERGY PROVISIONS, 2018 EDITION; INTERNATIONAL SWIMMING POOL AND SPA CODE, 2018 EDITION; NFPA 70 – NATIONAL ELECTRICAL CODE, 2017 EDITION; ICC A117.1-2017 STANDARD FOR ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES; UNIFORM HOUSING CODE, 1997 EDITION; UNIFORM ADMINISTRATIVE CODE, 1997 EDITION; UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION; AND THE 2019 AMENDMENTS TO CITY CODE, TITLE 4, BUILDING REGULATIONS

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Austin Aslan to read Ordinance No. 2019-16 by title only for the first time.

Vote: 5 - 1

NAY: Councilmember Regina Salas

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, ADOPTING THAT CERTAIN DOCUMENT ENTITLED "THE 2018 SUITE OF CODES AND THE 2019 AMENDMENTS TO CITY CODE, TITLE 4, BUILDING REGULATIONS" BY REFERENCE AND FIXING THE EFFECTIVE DATE OF THE CODES AND AMENDMENTS; REPEALING ALL SECTIONS OF THE CITY CODE IN CONFLICT WITH THIS ORDINANCE; PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN UNDER THE PRIOR CODES; PROVIDING PENALTIES FOR VIOLATIONS; AND PROVIDING FOR SEVERABILITY

D. Consideration and Adoption of Resolution No. 2019-27 and Ordinance No.

2019-17: Declaring as a Public Record that certain document known as "The International Fire Code, 2018 Edition, and the 2019 Amendments to the Flagstaff City Code, Title 5, Fire Code" and adopting said public record by reference.

Tom Scheel addressed Council with concerns about the fire code taking away access to rooftops which is important for solar access.

Deputy Fire Chief Jerry Bills explained that the amendments to the code include the State minimum standards but they also include the authority for the Fire Marshall to make adjustments on a case by case basis. He indicated that there is always room to make adjustments to allow for as much access as possible.

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Jim McCarthy to read Resolution 2019-27 by title only.

Vote: 6 - 0 - Unanimously

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING AS A PUBLIC RECORD THOSE CERTAIN DOCUMENTS FILED WITH THE CITY CLERK ENTITLED "THE INTERNATIONAL FIRE CODE, 2018 EDITION, AND THE 2019 AMENDMENTS TO FLAGSTAFF CITY CODE, TITLE 5, FIRE REGULATIONS"

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Jim McCarthy to read Ordinance 2019-17 by title only.

Vote: 6 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, ADOPTING "THE INTERNATIONAL FIRE CODE, 2018 EDITION, AND THE 2019 AMENDMENTS TO FLAGSTAFF CITY CODE, TITLE 5, FIRE REGULATIONS" BY REFERENCE AND FIXING THE EFFECTIVE DATE THEREOF; REPEALING ALL SECTIONS OF SAID CODE IN CONFLICT WITH THIS ORDINANCE; PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

E. Consideration and Adoption of Resolution No. 2019-28 and Ordinance No. 2019-19: A resolution and ordinance amending the Flagstaff City Code, Title 8, *Streets and Public Ways* and Title 9, *Traffic*, Chapter 9-05, *Bicycles*.

Multi-Modal Planner Martin Ince provided a PowerPoint presentation that covered the following:

CITY CODE REVISIONS
REVISIONS MADE FOLLOWING MAY 28 WORK SESSION
PAVED AND UNPAVED FUTS
TABLE OF DEVICES AND FACILITIES
FUTS TRAIL MAP
NAME, DOB, ADDRESS
OPERATING UNDER THE INFLUENCE

The following individuals addressed Council in opposition of the ordinance:

- Sasha Heinman
- Risha Vanderway
- Jim Gibson
- Sara Gibson
- Jan Smith
- Chris Gunn
- Lindsey Dietrich
- Mitch Buckingham
- Justin Inglis
- Bobby Eccelston
- Dan Stoffel
- Anthony Quintile
- Andres Adanto
- Ken Lane
- Miranda Sweet
- David Actor
- Kyle Doherty
- Joseph Armstrong
- Karin Wadsack
- Arteck Durham
- Dan Powell
- Julie Leid
- Hardy Stroziek

The following comments were received:

- Concerned about the biking infrastructure in Flagstaff and pushing more bikes to use unsafe bike lanes because they cannot use the FUTS trails.
- The ordinance places more barriers to cycling in a community that already has enough barriers.
- The capacity for harm while bicycling under the influence is only to the rider.
- So many people use e-bikes to get around for both recreation and work.
- People have a right to be here and enjoy themselves on their bikes.
- It is virtually impossible to tell the difference between an e-bike and a regular bike.
- People ride within the limits and safe and responsible bike riders will be the same on e-bikes.
- The technology allows many differently-abled people to ride a bike and they should be

allowed on the FUTS trails.

- By limiting e-bikes many would be unable to bike commute anymore.
- E-bikes are not a safety issue on the trails, e-bikes being limited to the road only is a safety issue.
- There is not sufficient data that shows e-bikes are more dangerous than regular bikes.
- There is room on the trails for everyone to enjoy using them whether walking, running, or riding a bike.
- The City should be doing more to support bike use in Flagstaff, allowing e-bikes on FUTS trails is one such way.
- The City of Flagstaff should be an example to others on the use of e-bikes and highlight the desire to be a bicycle-friendly community.
- This is an exercise in looking for a solution to a problem that does not exist.
- Go by state law, clarify no e-bikes on sidewalks, and treat them like a regular bike.
- Separating FUTS trails into commuter and recreational categories is not practical, all FUTS trails are commuter.
- Anything that deters people from getting on a bike is a bad thing.
- Ruining someone's life, career, and reputation for riding a bike while intoxicated is not appropriate.
- Allowing e-bikes on trails is supported by the CAAP.
- Go with the data and not emotion.

The following individuals addressed Council in favor of the ordinance:

- Joan Martini
- Joe Shannon

The following comments were received:

- Any type of motorized travel should not be allowed on unpaved FUTS trails.
- It would be a step backwards to allow e-bikes on the non-motorized FUTS trails.
- The discussion about e-bikes reemphasizes the need for complete roads.
- Majority of people like the FUTS because it does not have motorized traffic.

Written comment cards in opposition of the ordinance were submitted by the following:

- Karin Wadsack
- Leslie L. Barton
- Jim Gibson
- Elizabeth Bramer
- Kurt Barton
- Karen Malis-Clark
- Sara Gibson
- Lillian Santamaria
- Cynthia McKinnon
- Elson Miles
- Artec Durham

Written comment cards in favor of the ordinance were submitted by the following:

- Ellen Tibbetts
- Mimi Murov

A break was held from 10:03 p.m. through 10:10 p.m.

Councilmember Aslan stated that there is a divide in the community on the issue. He does not see a functional difference between regular bikes and e-bikes and does not believe they should be treated differently. As such, whatever applies to one should apply to all. Flagstaff

needs to be leading in the use of e-bikes.

Councilmember Odegaard stated that Flagstaff is a multi-modal community and e-bikes are a part of that. Class 1 and 2 e-bikes should be allowed on all FUTS trails. He is thankful that he had the opportunity to experience an e-bike and after using one believes they are not the threat that some believe they are. He does believe that there should be some consequences attached to biking under the influence regardless of bicycle type. Five days in jail and a \$250 fine is too harsh but there should be some sort of penalty.

Councilmember Salas asked if there is a conflict of interest for Vice Mayor Shimoni in that he owns a bike shop that could profit from the decision made on the issue. Mr. Solomon explained that there is no conflict of interest because there are more than ten similar businesses in Flagstaff. This is referred to as the Rule of Ten within the conflict of interest law.

Councilmember Salas stated that Flagstaff embraces the multi-modal transportation system; however, most cyclists feel unsafe on the street and in bike lanes and that is a major issue. She appreciates the value of e-bikes, increasing mobility, enhancing wellness, reducing pollution, and recognizes the financial benefit of e-bikes. Her position about the safety of e-bikes is based on her own experience with not so responsible cyclists. There is no data to suggest that e-bikes are more dangerous and many of her safety concerns have been addressed through the comments made. The focus should be on encouraging self-discipline, education, and bike manners regardless of bike type. Given that, she is willing to consider permitting Class 1 and 2 e-bikes on the FUTS but some FUTS should be designated solely for non-motorized use.

Councilmember McCarthy stated that Class 1 and 2 e-bikes should be allowed on the FUTS but he is still concerned that pedestrians will be discouraged to use the trails as a result. He is interested in establishing speed limits and designating certain trails as non-motorized such as Buffalo Park and Mars Hill. He also believes that there should be some penalty for biking under the influence however five days in jail is excessive.

Councilmember Whelan stated that providing a truthful name and date of birth is important as is some sort of penalty for biking under the influence but no jail time or large monetary penalties. She requested that the Pedestrian Advisory Committee and the Bicycle Advisory Committee evaluate and identify routes that are solely recreational like Buffalo Park. There needs to be areas for pedestrians to be alone without bike interference. She agreed that Class 1 and 2 e-bikes be allowed on FUTS with the caveat that there be some further discussion about trails that could be used for just pedestrians.

Vice Mayor Shimoni stated that he prefers all classes of e-bikes be permitted but he is willing to compromise with Class 1 and 2 only. He believes that much of the concerns can be addressed with education about proper and respectful bike operation. He added that he is open to conversations about some areas that would not allow bikes. Ultimately there needs to be an increased effort to widen the FUTS to accommodate many different types of transportation and improving streets to make them more accessible and safer to cyclists. Any bike share program that comes in needs to be held accountable for their bike placement and docking stations should be highly encouraged. He is not interested in placing any further regulations on bicycles including biking under the influence.

A majority of Council agreed to allow Class 1 and 2 e-bikes on all FUTS trails regardless of surface type, allow Class 1 and 2 e-bikes on sidewalks outside of the downtown area, and no regulation on biking under the e-bikes.

Moved by Councilmember Austin Aslan, **seconded by** Councilmember Charlie Odegaard to read Resolution No. 2019-28 as amended to allow Class 1 and Class 2 e-bikes on FUTS trails, not allow Class 3 e-bikes on sidewalks and FUTS trails, and amend to remove any operating under the influence provisions.

Vote: 6 - 0 - Unanimously

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING CERTAIN DOCUMENTS KNOWN AS "THE 2019 AMENDMENTS TO TITLE 8, STREETS AND PUBLIC WAYS AND TITLE 9, TRAFFIC, CHAPTER 9-05, BICYCLES OF THE FLAGSTAFF CITY CODE" AS PUBLIC RECORDS

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Austin Aslan to read Ordinance No. 2019-19 by title only for the first time.

Vote: 6 - 0 - Unanimously

15. DISCUSSION ITEMS

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

ITEM POSTPONED TO JUNE 11, 2019

- B. Discussion:** Affordable Housing ballot measure for 2020

ITEM POSTPONED TO JUNE 11, 2019

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

ITEM POSTPONED TO JUNE 11, 2019

16. COUNCIL LIAISON REPORTS

None

17. 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 Mayor Evans to place on a future agenda a discussion about a cell phone tower ordinance to require that the coverage map provided in the application be done by an independent third party.

ITEM POSTPONED TO JUNE 18, 2019

- B. Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Odegaard to place on a future agenda a discussion about the creation of a City Veterans' Liaison Coordinator position.

ITEM POSTPONED TO JUNE 18, 2019

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

None

19. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held June 4, 2019, adjourned at 11:05 p.m.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

I, STACY SALTZBURG, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the Meeting of the Council of the City of Flagstaff held on June 4, 2019. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 19th day of January, 2021.

CITY CLERK