

## MINUTES

### 1. CALL TO ORDER

Mayor Evans called the meeting of the Flagstaff City Council held September 3, 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  
COUNCILMEMBER ASLAN  
COUNCILMEMBER MCCARTHY  
COUNCILMEMBER ODEGAARD  
COUNCILMEMBER SALAS  
COUNCILMEMBER WHELAN

ABSENT:

VICE MAYOR SHIMONI

Others present: City Manager Greg Clifton; City Attorney Sterling Solomon.

### 3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

The Council and audience recited the pledge of allegiance and Councilmember Aslan read the Mission Statement of the City of Flagstaff.

#### MISSION STATEMENT

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

#### 4. 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. Recognition of Terra BIRDS

Mayor and Council gathered at the podium to read and present a formal recognition to Terra BIRDS.

#### 6. APPOINTMENTS

*Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that the City Council may vote to go into executive session, which will not be open to the public, for the purpose of discussing or considering employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of any public body...., pursuant to A.R.S. §38-431.03(A)(1).*

##### A. Consideration of Appointments: Housing Commission

Council briefly discussed the board and commission member appointment process and the need for Councilmembers to review the qualifications of the applicants. It was also noted that the Council is able to discuss the nominations should there be a desire.

**Moved by** Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to appoint Erin O'Laughlin to the Architect designation with a term expiring September 2022.

**Vote:** 6 - 0 - Unanimously

**Moved by** Councilmember Jamie Whelan, **seconded by** Councilmember Austin Aslan to appoint Ross Altenbaugh to the Low Income Housing Expert designation with a term expiring September 2022.

**Vote:** 6 - 0 - Unanimously

**Moved by** Mayor Coral Evans, **seconded by** Councilmember Jamie Whelan to appoint Khara House to the Multi-Family Property Management designation with a term expiring September 2022.

**Vote:** 6 - 0 - Unanimously

**Moved by** Councilmember Charlie Odegaard, **seconded by** Councilmember Jamie Whelan to appoint Brian Rhoton to the Developer designation with a term expiring September 2020.

**Vote:** 6 - 0 - Unanimously

**Moved by** Councilmember Regina Salas, **seconded by** Councilmember Charlie Odegaard to appoint Nicole Ellman to the Low Income Housing Expert designation with a term expiring September 2022.

**Vote:** 6 - 0 - Unanimously

**Moved by** Councilmember Austin Aslan, **seconded by** Councilmember Jamie Whelan to appoint Devonnah McLaughin to the Low Income Housing Expert designation with a term expiring September 2021.

**Vote:** 6 - 0 - Unanimously

**Moved by** Councilmember Jim McCarthy, **seconded by** Mayor Coral Evans to appoint Pamela Leffel to the Lender designation with a term expiring September 2021.

**Vote:** 6 - 0 - Unanimously

**Moved by** Councilmember Jamie Whelan, **seconded by** Councilmember Charlie Odegaard to appoint Tad Riggs to the Builder designation with a term expiring September 2021.

**Vote:** 6 - 0 - Unanimously

**Moved by** Mayor Coral Evans, **seconded by** Councilmember Jamie Whelan to appoint Kaijaya Beattie to the Community Representative designation with a term expiring September 2020.

**Vote:** 6 - 0 - Unanimously

**Moved by** Councilmember Charlie Odegaard, **seconded by** Mayor Coral Evans to appoint Erik Davis to the Realtor designation with a term expiring September 2020.

**Vote:** 6 - 0 - Unanimously

**Moved by** Councilmember Regina Salas, **seconded by** Councilmember Austin Aslan to appoint Catherine Esquivel to the Community Representative designation with a term expiring September 2021.

**Vote:** 6 - 0 - Unanimously

**Moved by** Councilmember Austin Aslan, **seconded by** Mayor Coral Evans to appoint Melinda DeBoer-Ayrey to the Realtor designation with a term expiring September 2020.

**Vote:** 6 - 0 - Unanimously

## 7. LIQUOR LICENSE PUBLIC HEARINGS

Mayor Evans opened the public hearing on the three applications.

Sergeant Collin Seay briefly reviewed the applications.

Mayor Evans asked for clarification as to the operation model of the GoBooze business.

Andrea Lewkowitz, on behalf of the applicant, indicated that the Series 10 license allows for off premise sales and the law does allow for the delivery of alcohol. Customers order products from an app and if they choose an age restricted item, they are told an ID will be required. The sale cannot be completed by the driver until the ID is swiped and verified through the card reader. Another protective measure is that drivers are compensated regardless of whether the sale is able to be completed or not.

She stated that there is some confusion about the GoBooze name on the application, it is actually an internal name rather than a dba. The appropriate dba is GoPuff which has been at the current location since 2018. The applicant has submitted an amendment for the proper name. They are also working with staff to resolve a zoning issue related to type of use for the business.

There being no public comments Mayor Evans closed the public hearing

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

**Vote:** 6 - 0 - Unanimously

- A. **Consideration and Action on Liquor License Application:** Rafael Ilishayev, Yakit Gola, and Andrea Lewkowitz "GoBooze," 2001 E. Huntington Dr., Suite 1, Series 10 (beer and wine store), New License.
- B. **Consideration and Action on Liquor License Application:** Michael Dean Diesemeyer and Andrea Lewkowitz "ATL Wings," 1300 S. Milton Road, Suite 107A, Series 12 (restaurant), New License.
- C. **Consideration and Action on Liquor License Application:** Mitul Patel and Juanita Alicia Esparza "Country Host Restaurant & Porky's Pub," 2285 E. Butler Avenue, Series 12 (restaurant), New License.

## 8. **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 Charlie Odegaard to approve the Consent Agenda as presented.

**Vote:** 6 - 0 - Unanimously

- A. **Consideration and Approval:** Cooperative Purchase Contract with SiteOne Landscape Supply, Inc., in the amount of \$105,678.71, for a smart irrigation management system for all park grounds.

### STAFF RECOMMENDED ACTION:

1. Approve the cooperative purchase contract in the amount of \$105,678.71 with SiteOne Landscape Supply, Inc. ("SiteOne") to purchase a smart irrigation system for all park grounds through BuyBoard Contract #529-17; and

2. Authorize the City Manager to execute the necessary documents.

- B. Consideration and Approval:** Service Provider Contract with United Way of Northern Arizona in the amount of \$363,750 for Fiscal Year 2019-2020.

STAFF RECOMMENDED ACTION:

1. Award the Service Provider Contract and allocate funds to United Way of Northern Arizona ("UWNA") in the amount of \$363,750 for the fiscal year 2019-2020 to provide community health and human services; and
2. Authorize the City Manager to execute the necessary documents.

- C. Consideration and Approval:** Cooperative Purchase of Server Hardware from Dell Marketing, L.P. in the amount of \$59,742.48 plus applicable sales tax.

STAFF RECOMMENDED ACTION:

1. Approve the purchase of server hardware in the amount of \$59,742.48, plus applicable sales tax, from Dell Marketing, L.P. ("Dell") using Dell's cooperative purchasing agreement with the State of Arizona - State Procurement Office; and
2. Authorize the City Manager to execute the necessary documents.

- D. Consideration and Approval of Contract:** Purchase of Annual Software Maintenance for GIS Software from Environmental Systems Research Institute, Inc.

STAFF RECOMMENDED ACTION:

1. Approve the Master Agreement and 3-year Small Enterprise Agreement - County and Municipality Government Agreement ("Software Maintenance Agreement") with Environmental Systems Research Institute, Inc. ("Esri") in an amount not to exceed \$50,000 annually (plus applicable taxes); and
2. Authorize the City Manager to execute the necessary documents.

- E. Consideration and Approval of Purchase:** The purchase of five (5) 2020 Ford Police Interceptor Utility Hybrid vehicles, in the amount of \$199,552.40 from Babbitt Ford Lincoln Mercury. It should be noted the total includes all applicable fees and taxes, as well as the local Transaction Privilege Tax; the actual cost to the City will be slightly less, once the TPT is paid back to the city. (TPT- 2.051%)

STAFF RECOMMENDED ACTION:

1. Approve the purchase to Babbitt Ford for the purchase of five (5) 2020 Ford Police Interceptor Utility Hybrid vehicles, a total cost of \$199,552.40 (includes all applicable taxes and fees).
2. Authorize the City Manager to execute the necessary documents.

- F. Consideration and Approval of Final Plat:** Request by Capital Equity Investments, LLC, for Final Plat approval for Flagstaff Lofts Condominiums, consisting of six (6) residential condominium units and one (1) commercial unit on approximately 0.37 acres, located at 602 West Coconino Avenue in the High Density Residential (HR) Zone. **(Subdivision of 0.37 acres into 7 units located at 602 W. Coconino Avenue)**

STAFF RECOMMENDED ACTION:

Staff recommends the City Council approve the final plat and authorize the Mayor to

sign the plat when notified by staff that the documents are ready for recording. Note that a city/subdivider agreement is not required for this condominium subdivision since no public improvements are required.

## 9. ROUTINE ITEMS

### A. Discussion and Direction: Joint Meetings with Community Partners

City Clerk Stacy Saltzburg addressed Council asking for direction on future meetings with community partners. The Council typically holds a joint meeting with the Coconino County Board of Supervisors but has recently met with NAU and the Chamber. She asked if the Council would like to continue meeting NAU and the Chamber and if there were other community partners they would like to potentially meet with.

After discussion, the Council decided that they would like to continue meeting with the Coconino County Board of Supervisors, NAU, the Chamber, as well as Native American partners throughout Northern Arizona.

### RECESS

The 4:00 p.m. portion of the September 3, 2019, Regular Council Meeting recessed at 5:46 p.m.

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

### RECONVENE

Mayor Evans reconvened the Regular Meeting of September 3, 2019, at 6:00 p.m.

### NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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## 10. ROLL CALL

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

PRESENT:

ABSENT:

MAYOR EVANS  
VICE MAYOR SHIMONI (arrived at 7:35 p.m.)  
COUNCILMEMBER ASLAN  
COUNCILMEMBER MCCARTHY  
COUNCILMEMBER ODEGAARD  
COUNCILMEMBER SALAS  
COUNCILMEMBER WHELAN

Others present: City Manager Greg Clifton; City Attorney Sterling Solomon.

11. **PLEDGE OF ALLEGIANCE**

The Council and audience recited the pledge of allegiance.

12. **PUBLIC PARTICIPATION**

Paul Beier with Friends of the Rio de Flag addressed the Council with concerns and suggestions about the current Rio de Flag project.

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

None

14. **REGULAR AGENDA**

Mayor Evans reordered the agenda to move item 14G to the end of the agenda.

- A. Consideration and Adoption of Ordinance No. 2019-27:** Direct to Ordinance Zoning Map Amendment, by Miramonte Arizona, LLC, for Ponderosa Parkway of approximately 11.97 acres located at 1650 East Ponderosa Parkway from the Rural Residential (RR) zone to the High Density Residential (HR) zone. The development site is located within the Resource Protection Overlay (RPO).

Planning Development Manager Alexandra Pucciarelli provided a PowerPoint presentation that covered the following:

MIRAMONTE AT PONDEROSA PARKWAY DIRECT TO ORDINANCE ZONING MAP  
AMENDMENT  
VICINITY MAP  
RECOMMENDATION

**Moved by** Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to read Ordinance No. 2019-27 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 11.97 ACRES OF REAL PROPERTY LOCATED AT 1650 EAST PONDEROSA PARKWAY, FROM RURAL RESIDENTIAL ("RR") TO HIGH DENSITY RESIDENTIAL ("HR"); PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE*

**Moved by** Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to adopt Ordinance No. 2019-27.

**Vote:** 6 - 0 - Unanimously

- B. Consideration and Adoption of Resolution No. 2019-43:** A resolution authorizing the execution of a Development Agreement between Ponderosa Parkway, LLC and the City of Flagstaff related to the development of approximately 11.97 acres of real property located 1650 East Ponderosa Parkway. (Miramonte at Ponderosa Parkway Condominiums Development Agreement)

Ms. Pucciarelli provided a PowerPoint presentation that covered the following:

MIRAMONTE AT PONDEROSA PARKWAY RESOLUTION FOR A DEVELOPMENT AGREEMENT  
PURPOSE OF THE AGREEMENT  
DENSITY BONUS  
ATTAINABLE HOUSING UNITS  
ADDITIONAL PROVISIONS  
COUNCIL OPTIONS

Councilmember McCarthy asked about the bike parking spaces and if they would be covered. Ms. Pucciarelli explained that the intent is to have a solid roof structure but there would be no walls.

**Moved by** Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to read Resolution No. 2019-43 by title only.

**Vote:** 6 - 0 - Unanimously

*A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN PONDEROSA PARKWAY, LLC AND THE CITY OF FLAGSTAFF RELATED TO THE DEVELOPMENT OF APPROXIMATELY 11.97 ACRES OF REAL PROPERTY LOCATED AT 1650 EAST PONDEROSA PARKWAY, FLAGSTAFF, ARIZONA AND ESTABLISHING AN EFFECTIVE DATE*

**Moved by** Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to adopt Resolution No. 2019-43.

**Vote:** 6 - 0 - Unanimously

- C. **Consideration and Adoption of Ordinance No. 2019-28:** An ordinance of the Flagstaff City Council accepting drainage and slope easements along Ponderosa Parkway; delegating authority, and establishing an effective date.

Ms. Pucciarelli provided a PowerPoint presentation that covered the following:

EASEMENTS AT PONDEROSA PARKWAY CONSIDERATION AND ADOPTION OF ORDINANCE NO 2019-28  
VICINITY MAP  
SITE PLAN  
BACKGROUND  
COUNCIL OPTIONS

There were questions about the stormwater system and drainage easement and Ms. Pucciarelli explained that the final detention basis eases into the drainage easement which will have some comingling of water at the end. The City will be taking on the maintenance of the drainage easement so the culvert will remain clear and allow the system to function as designed.

**Moved by** Councilmember Charlie Odegaard, **seconded by** Councilmember Regina Salas to read Ordinance No. 2019-28 for the first time by title only.

**Vote:** 6 - 0 - Unanimously

*AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL ACCEPTING DRAINAGE AND SLOPE EASEMENTS ALONG PONDEROSA PARKWAY; DELEGATING AUTHORITY; AND ESTABLISHING AN EFFECTIVE DATE*

- D. **Consideration and Adoption of Resolution No. 2019-42:** A resolution of the Flagstaff City Council, declaring, for the purposes of Section 1.150-2 of the Federal Treasury Regulations, official intent to be reimbursed in connection with certain capital expenditures relating to the Municipal Court Facilities Project, Water Projects, Wastewater Projects and Stormwater Projects, and establishing an effective date.

Management Services Director Rick Tadder addressed Council stating that the resolution is a procedural requirement related to the Federal Treasury Regulations allowing the City to reimburse itself for expenditures made on voter-approved projects and water, wastewater, and stormwater projects that are currently being planned or under construction in advance of issuing the debt. The City issues debt when most appropriate and beneficial for the City. It is a favorable time now and staff is looking to issue debt later in the calendar year.

**Moved by** Councilmember Jamie Whelan, **seconded by** Councilmember Jim McCarthy to read Resolution No. 2019-42 by title only.

**Vote:** 6 - 0 - Unanimously

*A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, DECLARING, FOR PURPOSES OF SECTION 1.150 2 OF THE FEDERAL TREASURY REGULATIONS, OFFICIAL INTENT TO BE REIMBURSED IN CONNECTION WITH CERTAIN CAPITAL EXPENDITURES RELATING TO THE MUNICIPAL COURT FACILITIES PROJECT, WATER PROJECTS, WASTEWATER PROJECTS, AND STORMWATER PROJECTS, AND ESTABLISHING AN EFFECTIVE DATE*

**Moved by** Councilmember Jamie Whelan, **seconded by** Councilmember Jim McCarthy to adopt Resolution No. 2019-42.

**Vote:** 6 - 0 - Unanimously

- E. **Consideration and Adoption of Resolution No. 2019-40:** A resolution approving an Intergovernmental Agreement (IGA) with Coconino County for shared building inspection and plan review services.

Building Official Amy Palmer addressed Council stating that she is requesting approval of the IGA for building and plan review services. She explained that the partnership with Coconino County shows how the City and County are working together to offer as much consistency as possible in the building inspection and review process across jurisdictions. The City and County would share common resources which could potentially reduce the overall costs associated with using third party services. The partnership would also provide opportunities for cross training and experience for inspectors. For example, the City has more commercial buildings than the County so having access to that experience is helpful for County inspectors.

Councilmember McCarthy expressed some concerns about lack of compensation for the work but indicated he will support the efforts.

Councilmember Salas indicated that opportunities to share resources can be of mutual benefit

for both parties because of the high load of building inspections. She also believes that having consistent inspection processes will bring better customer service to the community.

**Moved by** Councilmember Jamie Whelan, **seconded by** Councilmember Regina Salas to read Resolution No. 2019-40 by title only.

**Vote:** 6 - 0 - Unanimously

*A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN COCONINO COUNTY AND THE CITY OF FLAGSTAFF FOR SHARED BUILDING INSPECTION AND PLAN REVIEW SERVICES*

**Moved by** Councilmember Regina Salas, **seconded by** Councilmember Jamie Whelan to adopt Resolution No. 2019-40.

**Vote:** 6 - 0 - Unanimously

- F. Consideration and Adoption of Resolution No. 2019-41:** A resolution urging the Arizona Legislature to hear and ratify an amendment to the Constitution of the United States relative to equal rights for men and women.

Senior Management Analyst Cliff Bryson addressed Council and stated that Arizona is one of 15 states that has not ratified the amendment.

Marilyn Koenitzer addressed Council in support of the resolution offering that the failure of the State of Arizona to approve the Equal Rights Amendment is a social injustice that has been ignored for far too long.

**Moved by** Councilmember Jamie Whelan, **seconded by** Councilmember Jim McCarthy to read Resolution No. 2019-41 by title only.

**Vote:** 6 - 0 - Unanimously

*A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, URGING THE ARIZONA LEGISLATURE TO HEAR AND RATIFY AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN*

**Moved by** Councilmember Austin Aslan, **seconded by** Councilmember Jamie Whelan to adopt Resolution No. 2019-41.

**Vote:** 6 - 0 - Unanimously

- G. Consideration and Approval of a Contract:** With Gotcha Mobility, LLC ("Gotcha") for Bike Share Systems.

Public Works Director Andy Bertelsen introduced Sustainability Specialist Jenny Nieman who provided a PowerPoint presentation that covered the following:

BIKE SHARE SOLICITATION  
GOTCHA MOBILITY

Councilmember McCarthy asked if NAU was supportive of electric bikes on campus. Ms. Nieman explained that NAU was part of the selection committee and they will be moving

forward with a contract. Mr. Solomon added that if the City chooses to not proceed with an award of contract that does not preclude NAU for moving forward with their own program.

Councilmember McCarthy expressed concern about other bike share operations coming to Flagstaff and suggested that rules be put in place that limit the number of bikes permitted in the community. He noted that there is discussion in the community about another company coming in with 50 bikes for trail rides. Ms. Neiman stated that if a business wants to run a tour type operation, there are other permits that must be applied for and issued. There are also other regulations in terms of using forest roads and trails. As it stands a permit would be required by any vendor who would come in with 50 or more bikes.

Vice Mayor Shimoni asked if the proposal was to provide pedal assist electric bikes. Ms. Neiman stated that the proposal includes both types of bike; the user would have the option to choose one or the other depending upon availability and preference. There will be a slightly higher rental cost for the electric bikes.

Councilmember McCarthy asked about docking stations for charging and parking. Ms. Neiman indicated that there are no charging stations but there is geo-fenced parking locations and users are required to park in those areas. If the bikes are not parked in one of those designated areas they are charged a fee. In terms of charging for the electric bikes, the batteries are interchangeable and Gotcha will have staff that monitor and deploy around town to replace the batteries as needed.

Mayor Evans asked what the penalty fee is for parking a bike inappropriately. Sean Flood with Gotcha Mobility stated that the penalty fee varies by community and on average it is a \$5 penalty with larger penalties for parking outside of the service area. Mayor Evans stated that during the pilot, bikes were left all over the place and suggested that a higher fee would be appropriate to make sure people are abiding by the rules. She asked who receives the penalty fees.

Ms. Neiman stated that the fee would go to Gotcha because they employ the people who will be retrieving and replacing the bikes in the proper locations. It is not a City operation but rather a vendor that provides the services.

Mr. Flood suggested that the fee not be set now and allow an education period to start with. He indicated that Gotcha is happy to continue discussing options for setting the fees, but it would be helpful to have information about the behaviors that are seen in the community first. He offered that the outreach and education plan is very detailed and that is rolled out as the launch date nears. The average fee structure has worked pretty well, and most people want to do the right thing. Picking up and dropping off just anywhere is not their model.

The following individuals addressed Council with concerns about the program:

- Anthony Garcia
- Jeff Goulden

The following comments were received:

- People are concerned about bikes being left all over the city.
- There is still a lot of misinformation on the matter.
- The Bicycle Advisory Committee should have played a bigger role in the decision making.

Mayor Evans stated that she would like to see the contract include the ability to assess a fine for bikes that city staff have to respond to and relocate. She also indicated that she would like

to set a timeframe in which Gotcha would have to respond to bikes located in inappropriate areas.

Council discussed a probationary period for the program with a reevaluation in six months to make adjustments or determine if the City should continue with the program.

**Moved by** Councilmember Regina Salas, **seconded by** Vice Mayor Adam Shimoni to approve award of contract with Gotcha, a bike share system company, to provide an innovative and cost-effective bike share system that will advance multi-modal transportation options for Flagstaff and Northern Arizona University and stipulating a six month review to the Council after launch.

Mayor Evans expressed a desire for additional conversations to be had with Gotcha to identify and set fees and timelines for a response for bikes that are parked inappropriately.

**Moved by** Mayor Coral Evans, **seconded by** Councilmember Jim McCarthy to amend the motion to instruct staff to go back and have a conversation and further negotiate with Gotcha for either a penalty or a fee and a timeline for when bikes are parked outside the geo-fencing areas.

**Vote:** 6 - 1

NAY: Councilmember Charlie Odegaard

**Original Motion:**

**Vote:** 7 - 0 - Unanimously

- H. **Consideration and Adoption of Resolution No. 2019-38:** A resolution of the Flagstaff City Council, repealing Resolution No. 2016-33 which adopted the *2016 Board and Commission Members' Rules and Operations Manual*, and adopting the *2019 Board and Commission Members' Rules and Operations Manual* and the *2019 Board and Commission Staff Liaison Resource Guide*.

**Moved by** Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to read Resolution No. 2019-38 by title only.

**Vote:** 6 - 0 - Unanimously

*A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, REPEALING RESOLUTION NO. 2016-33 WHICH ADOPTED THE 2016 BOARD AND COMMISSION MEMBERS' RULES AND OPERATIONS MANUAL, AND ADOPTING THE 2019 BOARD AND COMMISSION MEMBERS' RULES AND OPERATIONS MANUAL AND THE 2019 BOARD AND COMMISSION STAFF LIAISON RESOURCE GUIDE*

**Moved by** Councilmember Charlie Odegaard, **seconded by** Councilmember Regina Salas to adopt Resolution No. 2019-38.

**Vote:** 6 - 0 - Unanimously

I. **Consideration and Direction:** Board and Commission Council Representative Assignments

Ms. Saltzburg addressed Council and provided a brief recap of the timeline associated with getting to the decision before Council. At this time she asked for Council to make assignments for the commissions presented in the staff summary. After discussion the following assignments were made.

1. Airport Commission – Councilmember Salas
2. Beautification and Public Art Commission – Councilmember Odegaard
3. Commission on Diversity Awareness – Vice Mayor Shimoni
4. Commission on Inclusion and Adaptive Living – Mayor Evans
5. Housing Commission – Councilmember McCarthy and Mayor Evans
6. Open Spaces Commission – Councilmember Aslan
7. Parks and Recreation Commission – Councilmember Salas
8. Sustainability Commission – Councilmember Aslan
9. Tourism Commission – Councilmember Salas
10. Transportation Commission – Councilmember Odegaard
11. Water Commission – Councilmember Whelan

15. **COUNCIL LIAISON REPORTS**

None

16. **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 the fees the City assesses for special events on private property and the possibility of implementing a staggered fee schedule similar to what is done for events on public property.

Mayor Evans stated that there had not previously been a fee for events on private property and now there is a \$345 fee for any and all events. She is concerned for those events such as a car wash that would be significantly impacted. She would like to further discuss whether adjustments could be made to the permitting process.

A majority of Council was supportive of moving the item forward for discussion.

- B. **Future Agenda Item Request (F.A.I.R.)** A Citizens' Petition requesting Council consideration of adding a grandfather clause to Ordinance 2019-24 (T21 Smoking Ordinance).

Mr. Solomon briefly reviewed the City's citizen petition process.

The following individuals addressed Council in support of the proposed grandfather clause:

- Miguel Flores
- Colin Robinson

- Amanda Wheeler
- Jenna Quisenberry
- Steve Finch

The following comments were received:

- This would be like the grandfather clause done with alcohol in 1985 where so long as someone was 19 or 20 by a certain date they were allowed to continue to purchase.
- A lot of people have been able to legally buy, and it is not entirely fair to have them cut off all the sudden.
- Gradually the list of 18 to 20 year old people will get smaller.
- Those who have been able to legally purchase up to the ordinance passing should be able to continue doing so.
- The City is unintentionally creating a black market for tobacco.
- There have been other T21 legislation passed across the country and they included roll out clauses.
- This will make things more stressful on students who are going to have to go through withdrawal while going to school.
- This ordinance is causing people to purchase items outside of Flagstaff, the City is losing tax revenues.
- If the intent is to control tobacco sales then the entire county needs to be involved.

The following individuals addressed Council in opposition of the proposed grandfather clause:

- Anastacia Dougi
- Karime Arce-Romero
- Akasha Ashley

The following comments were received:

- Tobacco use is a problem on a daily basis in middle and high schools; 18- and 19-year-old students are buying and providing tobacco items to younger students.
- Delaying the rollout will only continue the problem.
- Do not implement a grandfather clause, it will not help solve the problems associated with tobacco use.
- Not a single business has gone out of business as a result of T21.

Councilmember Whelan indicated that she is not interested in implementing a grandfather clause. Prevention and cessation must be the focus.

Councilmember McCarthy and Mayor Evans made comments that suggested the matter should have been brought forward during one of the many meetings where the Council discussed the ordinance.

Council was not supportive of moving the item forward for further discussion.

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

Councilmember Salas reported that she attended a portion of the Board Retreat for Launch Flagstaff.

Councilmember Odegaard reported that there is positive movement on the field grant that FMPO applied for.

Councilmember Whelan also reported that she attended the Launch Flagstaff meeting. She stated that they are continuing to work on fine tuning the implementation plan. She also reported that she has been contacted by a number of community members about the design of the Rio de Flag project. She would like for there to be conversations with commissions and the public about what the project should look like from a holistic perspective. She also asked for an update on the outcome of the commission discussion about the trails that should be preserved as walking trails only.

Mayor Evans suggested a work session to have an update on the Rio de Flag project, where it is in the process, and what types of input could be provided.

**18. ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held September 3, 2019, adjourned at 10:48 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 September 3, 2019. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 16th day of March, 2021.

\_\_\_\_\_  
CITY CLERK