

MINUTES

1. CALL TO ORDER

Mayor Deasy called the meeting of the Flagstaff City Council held March 2, 2021, to order at 3:02 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).

2. ROLL CALL

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

PRESENT:

ABSENT:

MAYOR DEASY (virtually)
VICE MAYOR DAGGETT (virtually)
COUNCILMEMBER ASLAN (virtually)
COUNCILMEMBER MCCARTHY (virtually)
COUNCILMEMBER SALAS (virtually)
COUNCILMEMBER SHIMONI (virtually)
COUNCILMEMBER SWEET (virtually)

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 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.

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.

John Viktora addressed Council and expressed grievances about Mayor Deasy's recent apology. He also thanked a number of staff and Councilmembers.

Written comment cards were submitted by Brendan Trachsel and Danielle McGruer.

5. PROCLAMATIONS AND RECOGNITIONS

A. **Covid-19 Memorial Day**

Mayor Deasy read the Covid-19 Memorial Day proclamation.

B. **Colorectal Cancer Awareness Month**

Mayor Deasy read the Colorectal Cancer Awareness Month proclamation.

C. **National Social Worker Month**

Mayor Deasy read the National Social Worker Month proclamation.

6. CONSENT ITEMS

All matters under Consent Agenda are considered by the City Council to be routine and will be enacted by one motion approving the recommendations listed on the agenda. Unless otherwise indicated, expenditures approved by Council are budgeted items.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to approve the Consent Agenda as presented.

Vote: 7 - 0 - Unanimously

- A. **Consideration and Approval of a Cooperative Purchase Contract:** To purchase one (1) 2020 Weiler Paver P385B PVR Asphalt Paver from Caterpillar, Inc through a cooperative purchase contract with the City of Tucson Procurement Department #161534-01 in the amount of \$193,085.00 plus sales tax \$17,185.00 for a total of \$210,270.00.

Approve the equipment purchase for one (1) 2020 Weiler Paver P385B PVR Asphalt Paver from Caterpillar, Inc in the amount of \$193,085.00, plus applicable taxes, for a total of \$210,270.00 through cooperative purchase contract #161534. Authorize the City Manager to execute the necessary documents.

B. Consideration and Approval of Cooperative Contract: Purchase of new self-contained breathing equipment from Municipal Emergency Services, Inc. with the Assistance to Firefighters grant funds along with other City funding in the total amount of \$680,981.73.

1. Approve the purchase of new Self Contained Breathing Apparatuses (SCBAs) for the Flagstaff Fire Department from Municipal Emergency Services, Inc. (MES) through a Sourcewell Cooperative Purchasing Contract (#032620) for a total dollar amount of \$680,981.73.
 - Funded \$469,090.91 by federal grant EMW-2019-FG-02915
 - Required matching funds of \$46,909.09 from the City
 - \$164,981.73 covered by other City funds
2. Authorize the City Manager to execute the necessary documents.

C. Consideration and Approval of the Construction Contract: with Mountain High Excavating, LLC for the West Flag Improvements - David & Hutcheson Project in the amount of \$2,573,961.01.

1. Approve the Construction Contract with Mountain High Excavating, LLC. in the amount of \$2,573,961.01, which includes a \$122,000.00 Contract Allowance, with a contract duration of 235-calendar days; and
2. Approve Administrative Change Order Authority to the City Manager in the amount of \$245,196.00 (10% of the Contract Amount, less the Contract Allowance); and
3. Authorize the City Manager to execute the necessary documents.

Mayor Deasy asked if there was a way to incorporate conduit into the project. IT Manager Paul Santana explained that the focus for conduit and fiber is on main arterial routes rather than specific neighborhoods. City Engineer Rick Barrett added that the cost to include conduit is quite low but it would change the overall scope of work and timeline for the project.

Councilmember McCarthy suggested that the addition of conduit be considered for future projects. It will also be important to factor in what it will take for homeowners to tie into the system once it is there.

Vice Mayor Daggett stated that the project should go forward as planned but agreed that the questions and considerations are good and should continue with future projects.

D. Consideration and Approval of the Construction Contract: with Mountain High Excavating, LLC for the West Flag Improvements - Canyon Terrace Project in the amount of \$1,030,031.00.

1. Approve the Construction Contract with Mountain High Excavating, LLC. in the amount of \$1,030,031.00, which includes a \$71,000.00 Contract Allowance, with a contract duration of 235-calendar days; and
2. Approve Administrative Change Order Authority to the City Manager in the amount of \$95,903.00 (10% of the Contract Amount, less the Contract Allowance); and
3. Authorize the City Manager to execute the necessary documents.

7. ROUTINE ITEMS

A. Consideration and Approval of Preliminary Plat: Request from TLC PC Golf, LLC, for Preliminary Plat approval for Club Cabin Condominiums 2 at the Estates at Pine Canyon Unit 1—a three-unit residential condominium subdivision on 10.88 acres at 3000 S. Clubhouse Circle.

Planning Development Manager Genevieve Pearthree provided a PowerPoint presentation that covered the following:

CLUB CABIN CONDOMINIUMS 2 AT THE ESTATES AT PINE CANYON UNIT 1
SUBDIVISION
REQUEST OVERVIEW
VICINITY MAP
BACKGROUND
CLUB CABINS 2 PRELIMINARY PLAT
PLAT UNIT AIRSPACE OWNERSHIP
REQUIRED FINDING #1: ZONING CODE (TITLE 10)
REQUIRED FINDING #2: ENGINEERING STANDARDS (TITLE 13)
REQUIRED FINDING #3: SUBDIVISIONS STANDARDS (TITLE 11)
FINDINGS AND RECOMMENDATION

Moved by Councilmember Adam Shimoni, **seconded by** Councilmember Jim McCarthy to approve the Preliminary Plat.

Vote: 7 - 0 - Unanimously

- B. Consideration and Adoption of Ordinance No. 2021-02:** An ordinance of the Flagstaff City Council amending the Employee Handbook of Regulations, as established by Flagstaff City Code, Chapter 1-14, Personnel System, Section 1-14-001-0001, Personnel System Adopted.

Moved by Councilmember Adam Shimoni, **seconded by** Vice Mayor Becky Daggett to read Ordinance No. 2021-02 by title only for the final time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE EMPLOYEE HANDBOOK OF REGULATIONS RELATING TO COMPENSATION AND PROMOTION, AS ESTABLISHED BY CITY CODE, CHAPTER 1-14, PERSONNEL SYSTEM, SECTION 1-14-001-0001, PERSONNEL SYSTEM ADOPTED; PROVIDING FOR PENALTIES; REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

Moved by Mayor Paul Deasy, **seconded by** Councilmember Jim McCarthy approve Ordinance No. 2021-02.

Vote: 7 - 0 - Unanimously

- C. Consideration of Audited Financial Reports:** Year ending June 30, 2020

Finance Manager Brandi Suda addressed Council stating that the City is required to perform an annual financial audit as well as a single audit due to receiving federal grants in excess of \$750,000. Both audits went very well and there were no errors or material misstatements made.

Management Services Director Rick Tadder thanked the Audit Committee for their work.

Vice Mayor Daggett made note that the City has received the GFOA Award for Financial Excellence and Reporting for the past 25 years.

Moved by Mayor Paul Deasy, **seconded by** Vice Mayor Becky Daggett to approve the FY 2019-2020 Comprehensive Annual Financial Report and the FY 2019-2020 Single Audit Report.

Vote: 7 - 0 - Unanimously

8. PUBLIC HEARING ITEMS

- A. Consideration and Adoption of Ordinance No. 2021-04:** An ordinance of the City Council of the City of Flagstaff amending the Flagstaff Zoning Map to rezone approximately .82 acres of real property generally located at 922 E Route 66 by adding a Landmarks Overlay District designation to the historic sign only, within an existing Highway Commercial District zoning classification

Mayor Deasy opened the public hearing.

Comprehensive Planning Manager Sara Dechter introduced Heritage Preservation Officer Mark Reavis who provided a PowerPoint Presentation that covered the following:

WHISPERING WINDS MOTEL LANDMARK OVERLAY ZONING MAP AMENDMENT
 LANDING ZONING OVERLAY
 HERITAGE PRESERVATION PROGRAM 10-30.30.010 "PURPOSE"
 INDIVIDUAL SIGNS OF HISTORIC OR CULTURAL SIGNIFICANCE
 WHY IS A LANDMARK OVERLAY REQUIRED FOR AN "INDIVIDUAL SIGNS OF HISTORIC OR CULTURAL SIGNIFICANCE"
 DIRECT TO ORDINANCE ZONING MAP AMENDMENT FOR HISTORIC OVERLAY
 WHISPERING WINDS' SIGN LOCATION
 LAND USE
 CONDITION
 WHISPERING WINDS HISTORIC SIGN GRANT
 WHISPERING WINDS MOTEL SIGN
 HP INCENTIVE GRANT
 HPC REVIEW AND RECOMMENDATION
 PREVIOUS HPC DECISION & UPDATE REQUIRED
 FINDING #1
 FINDING #2
 FINDING #3
 ADDITIONAL HPC FINDINGS
 HPC RECOMMENDATION
 STAFF RECOMMENDED ACTION
 P&Z RECOMMENDATION

Councilmember McCarthy stated that he had initial reservations about the request because the City had worked so hard to remove the signs and billboards from along Route 66 and the sign would not conform with the new sign code. He indicated that after he met with staff and discussed the historical nature and preservation aspects he is now supportive of the sign.

Councilmember Salas stated that this year is the 95th year of historic Route 66.

There being no public comment, Mayor Deasy closed the public hearing.

Moved by Councilmember Regina Salas, **seconded by** Vice Mayor Becky Daggett to read Ordinance No. 2021-04 by title only for the first time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP TO REZONE APPROXIMATELY 0.82 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 922 E ROUTE 66 BY ADDING A LANDMARKS OVERLAY DISTRICT DESIGNATION ("LO") TO THE EXISTING HIGHWAY COMMERCIAL DISTRICT ("HC") ZONING CLASSIFICATION; PROVIDING FOR SEVERABILITY, CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

9. REGULAR AGENDA

- A. Consideration and Adoption of Resolution No. 2021-09:** A resolution of the Flagstaff City Council, approving an Intergovernmental Agreement between the Coconino County Community College District and the City of Flagstaff to share fire training and education resources.

Deputy Fire Chief Mark Wilson addressed Council stating that the IGA is a continuation of an ongoing agreement with Coconino Community College for shared fire training and education resources. It is an agreement that provides mutual benefits for both agencies.

Moved by Mayor Paul Deasy, **seconded by** Councilmember Miranda Sweet to read Resolution No. 2021-09 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COCONINO COUNTY COMMUNITY COLLEGE DISTRICT AND THE CITY OF FLAGSTAFF FOR SHARING OF RESOURCES

Moved by Mayor Paul Deasy, **seconded by** Councilmember Jim McCarthy to adopt Resolution No. 2021-09.

Vote: 7 - 0 - Unanimously

- B. Consideration and Adoption of Resolution No. 2021-10:** A resolution of the Flagstaff City Council, approving Amendment No. 1 to an Intergovernmental Agreement, #19-0007325 and Resolution 2019-51 (IGA) between the State of Arizona, Department of Transportation (ADOT), and the City of Flagstaff (City) to include the replacement of Portland Cement Concrete Pavement (PCCP) within ADOT's Bridge Replacement Project.

Engineering and Capital Improvements Project Manager Trevor Henry provided a PowerPoint presentation that covered the following:

AMENDMENT NO. 1 TO ADOT/CITY IGA
CONTEXT MAP
VICINITY MAP
RESOLUTION 2019-51
RESOLUTION 2021-10

Moved by Councilmember Austin Aslan, **seconded by** Vice Mayor Becky Daggett to read Resolution No. 2021-10 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING AMENDMENT NO. 1 TO INTERGOVERNMENTAL AGREEMENT 19-0007325-I, PREVIOUSLY APPROVED THROUGH RESOLUTION 2019-51, BETWEEN THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, AND THE CITY OF FLAGSTAFF TO INCLUDE THE REPLACEMENT OF PORTLAND CEMENT CONCRETE PAVEMENT WITHIN THE ARIZONA DEPARTMENT OF TRANSPORTATION'S BRIDGE REPLACEMENT PROJECT

Moved by Vice Mayor Becky Daggett, **seconded by** Mayor Paul Deasy to adopt Resolution No. 2021-10.

Vote: 7 - 0 - Unanimously

A break was held from 4:22 p.m. through 4:35 p.m.

- C. Consideration and Adoption of Ordinance No. 2021-03:** An ordinance of the City Council of the City of Flagstaff, Arizona, amending the Flagstaff City Code, Title 6, Police Regulations, by adopting a new Chapter 6-10, Regulation of Recreational Marijuana.

Deputy City Attorney Kevin Fincel provided a PowerPoint presentation that covered the following:

RECREATIONAL MARIJUANA
OBJECTIVES
HISTORY
KEY PROVISIONS
ENFORCEMENT ISSUES
PRIOR COUNCIL DIRECTION
PROPOSED ORDINANCE

Bernice Carver addressed Council urging them to take a step back and look at what other cities and counties are doing with restricting the High THC Marijuana Establishments, Testing Facilities, and Delivery in the community.

A written comment card in support of the ordinance was submitted by Tanner Glenn.

Councilmember Shimoni asked about the fee schedule. Senior Assistant City Attorney Marianne Sullivan and City Prosecutor Brent Harris explained that the courts have the discretion to set the penalty which could be a fine, community service, or something else.

Vice Mayor Daggett asked what a testing facility is and if they could be considered a place of manufacture of goods to be sold. Zoning Code Manager Dan Symer stated that under state law the testing facilities are limited to those who test for THC and two other chemical components. They also test for harmful contaminants. They cannot manufacture, sell, or grow marijuana.

Mayor Deasy stated that he is concerned with the monopolization of recreational marijuana in Arizona. He asked if it would be possible to only provide licenses to retailers who do not have a license in another Arizona city. Mr. Fincel stated that localities may prohibit or limit the number of permits. He would have to do further research to determine if Flagstaff could add a provision that would only permit licenses to applicants that do not have another establishment.

Councilmember Aslan stated that he is concerned about the pace at which the City is inviting marijuana into the community. Mayor Deasy's suggestion may be a way to limit the number of licenses coming in. The voters have spoken but he believes that there needs to be a measured and metered approach at the front end.

Mr. Fincel suggested that if Council wants to look further into the idea of limiting who can obtain a license that they go back to the original ordinance and limit to dual licenses only. Staff can then come back with proposed amendments once more information is gathered.

Mayor Deasy stated that another idea would be to wait for the social equity licenses to be issued from the State. He asked for clarification on what a social equity license is. Mr. Fincel stated that there is not a lot of information at this point on social equity licenses, but it does allow for 26 additional licenses to be issued state-wide. These licenses would exceed the states cap for recreational locations.

Council was supportive of permitting dual licenses only and then consider amendments once more information is available.

Moved by Councilmember Austin Aslan, **seconded by** Vice Mayor Becky Daggett to read Ordinance No. 2021-03 by title only for the first time as amended to limit recreational marijuana establishments to dual licensees.

Vote: 6 - 1

NAY: Councilmember Regina Salas

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, TITLE 6, POLICE REGULATIONS, BY ADOPTING A NEW CHAPTER 6-10, REGULATION OF RECREATIONAL MARIJUANA; PROVIDING REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

10. **COUNCIL LIAISON REPORTS**

Vice Mayor Daggett reported that the Housing Commission is getting ready to take public comment on a ten-year plan. They have subcommittees working on various topics and they are collecting contact information from people who want to be kept apprised of the process along the way.

Councilmember Aslan reported that the Sustainability Commission met and considered and awarded grant applications. He indicated that they will be coming to Council later in March to discuss the implementation of the Climate Action and Adaptation Plan.

Councilmember McCarthy reported that the MetroPlan Board would be meeting tomorrow.

Councilmember Salas reported that at the Tourism Commission meeting it was reported that there was a 12.6% increase in hotel occupancy between 2020 and 2021 which is due in part to the back to back snowstorms in January. She also reported that she attended the Parks and Recreation Commission meeting and they have gone through the proposed fiscal year 2021-2022 budget for the Parks and Recreation department and they have started reviewing the exiting master plan. The commission will be bringing recommendations to the Council in the future.

Councilmember Salas also reported that she attended the ECONA Advisory Board meeting where Senator Mark Kelly was the guest speaker. He outlined his priorities and she was able to bring attention to the City's legislative priority of affordable attainable housing.

Councilmember Shimoni reported that the Indigenous Commission met last week; it was a very introductory meeting and he looks forward to keeping the Council up to date on their progress. He also reported that the 911 Diversion group met recently; there are only a small amount of calls being diverted but it is good work that is being done.

Councilmember Sweet reported that she attended her first NACOG and Water Commission meetings and will provide more details in upcoming meetings.

11. **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 Councilmember Salas to place on a future agenda a discussion to consider a Code of Conduct and Ethics Standards to govern Mayor and Council.

John Viktora addressed Council in support of establishing a Code of Conduct and Ethics Standards.

Councilmember Salas stated that a Code of Conduct can help facilitate collaboration and provide a solid foundation for Council. She indicated that there are Codes of Conduct and Ethics Policies for different areas in the organization and many other cities and towns have policies in place that can be built upon and personalized for Flagstaff.

Council was supportive of moving the item forward for future discussion.

- B. **Future Agenda Item Request (F.A.I.R.):** A request by Mayor Deasy to place on a future agenda a discussion to consider legislation that makes it illegal to fabricate a 911 report based on someone's race, ethnicity, religious affiliation, gender or sexual orientation

The Council discussed the challenges in establishing intent in the filing of a false police report based on certain characteristics. They also discussed the challenges related to enforcement; it was also mentioned that it is already illegal to file a false police report.

The Council felt that the issue was bigger than the specific request and that a broader discussion is needed. Mayor Deasy agreed and indicated that he will bring forward another FAIR item in the future for a broader discussion.

There was not support to move the item forward.

12. **CITY MANAGER REPORT**

- A. **City Manager Report**

Mayor Deasy encouraged the public to take a look at the report as it is filled with great information.

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

Councilmember Sweet stated that there have been recent letters to the editor and she has received some questions from the public about how Council is moving forward from recent events at the dais. She stated that she thinks some communication from Council as a whole could be beneficial for the community. She has drafted a letter to the editor and has asked Mr. Clifton to circulate the letter to Council for their consideration. She is hopeful that there can be an agreement to send the letter as a collective body.

Councilmember Shimoni asked that a discussion about port-a-johns and sanitation stations be included with the next conversation on COVID to see if there are ways to address the needs of the unsheltered population.

Councilmember Shimoni announced that the Text to 911 system is live and it is a great resource for the community. He also offered appreciation to the firefighting team that helped with the incident on Mount Elden as well as to Officer Rogers who responded to a call where an infant was not breathing; he provided CPR and the baby is doing well now.

Councilmember Salas reported that March is International Women's Month and March 8, 2021 is International Women's Day.

Vice Mayor Daggett reported that the County has opened up vaccinations to people aged 55 and older. She encouraged everyone who qualifies for 1a or 1b to schedule their appointments.

Mayor Deasy thanked the Council for a productive and efficient meeting.

14. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held March 2, 2021, adjourned at 6:35 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 March 2, 2021. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 6th day of April, 2021.

CITY CLERK