

MINUTES

1. CALL TO ORDER

Mayor Deasy called the meeting of the Flagstaff City Council held May 18, 2021, to order at 3:01 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.

Art Babbott addressed Council providing a brief update on the Farmer's Market and his appreciation for the opportunity to open the market this season.

5. **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:** Commission on Diversity Awareness.

Moved by Councilmember Regina Salas, **seconded by** Councilmember Adam Shimoni to appoint Claire Hardi to a term expiring September 2023.

Vote: 7 - 0 - Unanimously

Moved by Mayor Paul Deasy, **seconded by** Councilmember Miranda Sweet to appoint Christine Tucci to a term expiring September 2022.

Vote: 7 - 0 - Unanimously

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 Mayor Paul Deasy, **seconded by** Councilmember Jim McCarthy to approve the Consent Agenda as presented.

Vote: 7 - 0 - Unanimously

A. **Consideration and Approval of a Construction Manager at Risk (CMAR) Construction Services Contract:** Annual Street Maintenance and Overlay and Chip Seal Program 2021 to C and E Paving & Grading, LLC in the amount of \$2,101,819.12.

1. Approve the Annual Street Maintenance Overlay and Chip Seal Program 2021 and execute a CMAR Contract with C and E Paving & Grading, LLC for a Guaranteed Maximum Price (GMP) of \$2,101,819.12 (which includes an Owner's Contingency of \$100,000.00)

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

7. **ROUTINE ITEMS**

- A. **Consideration and Adoption of Ordinance No. 2021-12:** An ordinance of the City Council of the City of Flagstaff abandoning and authorizing the sale of approximately 1,400 square feet of the Hoskins Avenue public right-of-way adjacent to 709 S. O'Leary Street; providing for delegation of authority, repeal of conflicting ordinances, severability, and establishing an effective date.

Real Estate Manager Bryce Doty was available for questions.

Coral Evans addressed Council stating that the abandonment and sale of the right of way is critical and something that the community and neighborhood needs. She stated that Mr. Clifton is the reason that the matter is before Council and the reason for the development of a process that is equitable for all similar requests. She thanked him for the way he has approached the matter.

Councilmembers McCarthy, Salas, and Aslan expressed disappointment in the behavior of the applicant during the first meeting and their accusations of racism in the process. Councilmember Shimoni thanked Mr. Clifton for bringing the item to Council and for developing an ongoing process to handle requests in the future.

Moved by Councilmember Regina Salas, **seconded by** Councilmember Adam Shimoni to read Ordinance No. 2021-12 by title only for the final time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF ABANDONING AND AUTHORIZING THE SALE OF APPROXIMATELY 1,400 SQUARE FEET OF THE HOSKINS AVENUE PUBLIC RIGHT-OF-WAY ADJACENT TO 709 S. O'LEARY STREET; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Austin Aslan, **seconded by** Mayor Paul Deasy to adopt Ordinance No. 2021-12.

Vote: 7 - 0 - Unanimously

8. **REGULAR AGENDA**

- A. **Consideration and Approval of the Construction Contract:** with Standard Construction Company, Inc. in the amount of \$7,140,688.18 for the Coconino Estates Improvements Phase II Project.

Project Manager Eli Reisner provided a PowerPoint presentation that covered the following:

CONSIDERATION AND APPROVAL OF A CONSTRUCTION CONTRACT
COCONINO ESTATES IMPROVEMENTS PHASE II
FUNDING SOURCE
INFORMING THE PUBLIC

Councilmember Shimoni stated that the project is not addressing sidewalks on Talkington.

Mr. Reisner confirmed stating that they are not adding sidewalks where they do not currently exist. Councilmember Shimoni asked if it would be possible to incorporate sidewalks into the project. Mr. Reisner stated that it would require the project to go back and be redesigned. He noted that during the design phase they did consider adding sidewalks, but Proposition 419 does not have funds to add missing sidewalks, only to replace what is currently existing.

City Engineer Rick Barrett stated that they are not opposed to adding sidewalks but perhaps at a later time and not postponing the current project.

Vice Mayor Daggett stated that she does not want to stop the process however she would support and encourage staff to figure out ways to include sidewalks in areas where they do not currently exist for all projects. She is not interested in stopping this process however, she would support sidewalks and encourage finding ways to include sidewalks in areas where they do not currently exist. No street is complete without having functional sidewalks.

Mayor Deasy agreed that the project should proceed with the current plan and then address the sidewalk issue when there is funding to do so.

Moved by Mayor Paul Deasy, **seconded by** Councilmember Miranda Sweet to approve the Construction Contract with Standard Construction Company, Inc. in the amount of \$7,140,688.18, which includes a \$301,122.75 Contract Allowance, with a Contract duration of 540-calendar days, approve Administrative Change Order Authority to the City Manager in the amount of \$683,956.54 (10% of the Contract Amount, less the Contract Allowance), and authorize the City Manager to execute the necessary documents.

Vote: 7 - 0 - Unanimously

- B. Consideration and Adoption of Resolution No. 2021-25:** A resolution of the Flagstaff City Council, approving a Data Access/Exchange Agreement between the Arizona Department of Transportation and the City of Flagstaff for access to crash data through the Arizona Crash Information System (ACIS).

Multi Modal Transportation Manager Martin Ince provided a PowerPoint presentation that covered the following:

ADOT ARIZONA CRASH INFORMATION SYSTEM
ILLUSTRATION

Moved by Mayor Paul Deasy, **seconded by** Councilmember Adam Shimoni to read Resolution No. 2021-25 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING AN INTERGOVERNMENTAL DATA ACCESS/EXCHANGE AGREEMENT BETWEEN THE ARIZONA DEPARTMENT OF TRANSPORTATION AND THE CITY OF FLAGSTAFF FOR CRASH DATA FROM THE ARIZONA CRASH INFORMATION SYSTEM (ACIS)

Moved by Mayor Paul Deasy, **seconded by** Councilmember Jim McCarthy to adopt Resolution No. 2021-25.

Vote: 7 - 0 - Unanimously

- C. Consideration and Adoption of Resolution No. 2021-22:** A resolution approving an Intergovernmental Agreement between the City of Flagstaff and the Summit Fire and Medical District for dispatch services.

Police Department Communications Manager Katie Brandis addressed Council asking for the approval of the IGA which would allow Flagstaff to provide dispatch services for Summit Fire and Medical District. This is a contract that has been in place for the last five years.

Moved by Councilmember Regina Salas, **seconded by** Mayor Paul Deasy to read Resolution No. 2021-22 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE SUMMIT FIRE AND MEDICAL DISTRICT AND THE CITY OF FLAGSTAFF FOR DISPATCH SERVICES

Moved by Mayor Paul Deasy, **seconded by** Councilmember Regina Salas to adopt Resolution No. 2021-22.

Vote: 7 - 0 - Unanimously

- D. Consideration and Adoption of Resolution No. 2021-23:** A resolution approving an Intergovernmental Agreement between Coconino County and the City of Flagstaff for a jointly funded dark sky code compliance specialist position.

Dark Sky Compliance Specialist Mark Stento provided a PowerPoint presentation that covered the following:

DARK SKY COMPLIANCE SPECIALIST ACTIVITY SUMMARY
 CITY OF FLAGSTAFF COMPLIANCE HIGHLIGHTS
 CITY COMMERCIAL PROPERTY LUMEN REDUCTIONS THROUGH ENFORCEMENT ACTION
 COCONINO COUNTY COMPLIANCE HIGHLIGHTS
 JOINT LAND USE STUDY IMPLEMENTATION GRANT
 CITIZEN FEEDBACK
 IMPACT EXAMPLES – PRE-COMPLIANCE
 IMPACT EXAMPLES – POST-COMPLIANCE

Community Development Director Dan Folke concluded the presentation.

DARK SKY SPECIALIST
 INTERGOVERNMENTAL AGREEMENT

Council expressed their support and appreciation to Mr. Stento for the work in his program. Councilmember Aslan added that he would like to see a larger regional dark sky preserve and anything that can be done to further those efforts is appreciated.

A written comment in support of preserving dark skies was submitted by Mary Dreusike.

Moved by Mayor Paul Deasy, **seconded by** Councilmember Jim McCarthy to read Resolution No. 2021-23 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN COCONINO COUNTY AND THE CITY OF FLAGSTAFF FOR A JOINTLY FUNDED DARK SKY CODE COMPLIANCE SPECIALIST POSITION

Moved by Mayor Paul Deasy, **seconded by** Councilmember Miranda Sweet to adopt Resolution No. 2021-23.

Vote: 7 - 0 - Unanimously

- E. Consideration and Adoption of Resolution No. 2021-19:** A resolution of the Flagstaff City Council amending the Flagstaff Business Attraction Job Creation Incentive Program to assist in attracting new businesses that will provide high wage jobs in specific industry sectors (**Flagstaff Business Attraction Job Creation Incentive Program**)

Consideration and Adoption of Resolution No. 2021-20: A resolution of the Flagstaff City Council amending the Development Reinvestment Incentive Program to assist in attracting new businesses that will provide high wage jobs in targeted industry sectors (**Flagstaff Business Attraction Development Reinvestment Incentive Program**)

Business Attraction Manager Jack Fitchett provided a PowerPoint presentation that covered the following:

INCENTIVE ALTERATIONS

Councilmember McCarthy thanked Mr. Fitchett for the revisions and noted his support.

Moved by Councilmember Jim McCarthy, **seconded by** Mayor Paul Deasy to read Resolution No. 2021-19 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL AMENDING THE FLAGSTAFF BUSINESS ATTRACTION JOB CREATION INCENTIVE PROGRAM TO ASSIST IN ATTRACTING NEW BUSINESSES THAT WILL PROVIDE HIGH WAGE JOBS IN SPECIFIC INDUSTRY SECTORS

Moved by Councilmember Jim McCarthy, **seconded by** Mayor Paul Deasy to adopt Resolution No. 2021-19.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Jim McCarthy, **seconded by** Mayor Paul Deasy to read Resolution No. 2021-20 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL AMENDING THE DEVELOPMENT REINVESTMENT INCENTIVE PROGRAM TO ASSIST IN ATTRACTING NEW BUSINESSES THAT WILL PROVIDE HIGH WAGE JOBS IN TARGETED INDUSTRY SECTORS

Moved by Councilmember Jim McCarthy, **seconded by** Mayor Paul Deasy to adopt Resolution No. 2021-20.

Vote: 7 - 0 - Unanimously

A break was held from 4:14 p.m. through 4:25 p.m.

F. Discussion and Possible Action: City Council Rules of Procedure Rule 11.07

Mayor Deasy stated that he requested the item be brought forward because he is concerned that the broad language could be interpreted as overly restrictive. He stated that the word "representatives" means anyone who represents any government bodies which would include staff and elected officials. He believes that this could affect Council's participation in the CJCC, NAIPTA, Colorado Plateau Water Advisory, Sister Cities, AZ League of Cities and Towns, or any other similar agency. The rule would prohibit any Councilmember from attending and participating in those meetings and the language needs to be more explicit so it does not hinder the Council's ability to do their jobs.

Councilmember Aslan stated that he does not think that the rule threatens participation in the various organizations mentioned because the liaison appointments are made by Council.

Councilmember McCarthy indicated that it seems appropriate to revise the wording to define the intent that it applies to federal congressman, senators, and possible state legislators. He also offered that there should be an option to meet with people on behalf of themselves and not as a representative of the City Council.

Councilmember Salas stated that the rule specifically addresses lobbying and the relationship with tribal partners. She appreciates the rotation approach, so all members of Council have an opportunity to participate and accompany the Mayor in the meetings. The Mayor's concern could be addressed in a separate item that will speak to Councilmember roles and responsibilities with regard to participation in outside boards.

Vice Mayor Daggett stated that she is comfortable with the language the way that it is. Councilmember Sweet also noted that she was comfortable with the language as written.

Mayor Deasy stated that there could be a violation if a member of Council speaks with a staff member of other elected leaders. He is suggesting that the language be changed to add the word "elected" in front of representatives. Councilmember McCarthy agreed.

Council further discussed the language in the rules and if they should be changed.

Mr. Clifton stated that the matter can always come back to Council should there be an issue that arises that necessitates the need to change.

There was not a majority of Council interested in changing the language of rule 11.07.

9. COUNCIL LIAISON REPORTS

Councilmember Sweet reported that she is looking forward to the Mountain Line meeting tomorrow.

Councilmember Shimoni also reported that he is looking forward to attending the Mountain Line meeting.

Councilmember Salas reported that the Airport Commission met last week and the numbers for enplanement are promising. She stated that they also discussed the recurring issue of bringing bus service to the airport to provide transportation to residents and further climate goals.

Vice Mayor Daggett made another call to citizens to take the Flagstaff Housing Survey.

Mayor Deasy reported that he attended a meeting with the Arizona League of Cities and Towns where they discussed the response to the flat tax that the state is looking to impose. The League is taking the stance that cities and towns should remain intact. The League is also advocating to raise the percent of cities share of income tax from 15% or higher to ensure same amount of revenue received.

He also reported that he attended the Commission on Diversity Awareness where they discussed the Pride Proclamation for June and had a spirited presentation from Flagstaff High School students on renaming the Peaks. They were good discussions and it was nice to see young people engaging and being active.

10. CITY MANAGER REPORT**A. City Manager Report**

Mr. Clifton briefly reviewed his report.

Sustainability Section Director Nicole Antonopoulos briefly reviewed the Sustainability monthly report.

Economic Vitality Director Heidi Hansen briefly reviewed the Economic Vitality monthly report.

Mr. Barrett briefly reviewed the Capital Projects monthly report.

Mayor Deasy thanked Mr. Clifton and staff for providing the reports, they were very informative.

Councilmember Shimoni asked if Mr. Clifton could provide information on the reopening of city facilities. Mr. Clifton stated that City Hall opened yesterday, hours are limited from 8:00 a.m. to 1:00 p.m. for now. The Library and Aquaplex will be opening for regular business in the near future.

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

Councilmember Salas recognized active military members and thanked them for their service in recognition of Armed Forces Day. She also stated that last Saturday was the Peace Officer Memorial Day to honor every police officer who gave their lives in the line of duty; she thanked every member of the Flagstaff Police Department for their dedication and service.

Councilmember Shimoni reported that he did a ride along with Corporal Oliver at the Police Department to get insight as to what our officers are faced with on a nightly basis. It was very educational, and he encouraged Council to take advantage of the opportunity.

Councilmember Shimoni also brought attention to emails he had received concerning the 100-person limit on city fields. He also stated that he would like to see Council go back to in person meetings in June.

12. **ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held May 18, 2021, adjourned at 5:46 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 May 18, 2021. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 7th day of September, 2021.

CITY CLERK