

MINUTES

1. CALL TO ORDER

Mayor Evans called the meeting of the Flagstaff City Council held September 17, 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:

ABSENT:

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

COUNCILMEMBER ODEGAARD

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 Whelan 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.

This item was taken out of order and taken after Item 5.

Planning Director Tiffany Antol addressed Council to recognize Comprehensive Planning Manager Sara Dechter for becoming a Certified Public Participation Professional. Ms. Dechter is the 10th person in the nation to receive the distinction and 3rd in Arizona.

5. LIQUOR LICENSE PUBLIC HEARINGS

Mayor Evans opened the public hearing.

Police Sergeant Collin Seay briefly reviewed the applications.

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

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Jim McCarthy to forward both applications to the State with a recommendation of approval.

Vote: 6 - 0 - Unanimously

- A. **Consideration and Action on Liquor License Application:** Kelsey Drayton "Brandy's Restaurant & Bakery," 1500 E. Cedar Avenue #40, Series 12 (restaurant), New License.
- B. **Consideration and Action on Liquor License Application:** Kelsey Drayton "Brandy's Cafe," 18 S. Beaver Street, Series 12 (restaurant), New License.
- C. **Consideration and Action on Liquor License Application:** Ross Taylor "Real Kitchen," 1509 S. Milton Road, Series 12 (restaurant), New License.

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 Austin Aslan to approve the Consent Agenda as presented.

Vote: 6 - 0 - Unanimously

- A. **Consideration and Approval of Final Plat:** Request from Neighborhood Homes, LLC, for final plat approval for Homes at Verkamp: **a six (6)-unit residential condominium subdivision on .49 acres at 623 North San Francisco Street in the R1N (Single-Family Residential Neighborhood) Zone.**

Staff recommends the City Council approve the final plat and authorize the Mayor to sign the plat and City Subdivider Agreement when notified by Staff that the documents are ready for recording.

- B. **Consideration and Approval of Final Plat**
Request from TLC PC Golf, LLC, for final plat approval for Club Cabin Condominiums at the Estates at Pine Canyon Unit 1: **a four (4)-unit residential condominium subdivision located at 3000 S. Clubhouse Circle on 10.88 acres in the R1 (Single-Family Residential) Zone.**

Staff recommends the City Council approve the final plat and authorize the Mayor to sign the plat when notified by Staff that the document is ready for recording.

7. **ROUTINE ITEMS**

- A. **Consideration and Adoption of Ordinance No. 2019-26:** An ordinance of the City Council of the City of Flagstaff, authorizing the acquisition of real property and/or easements for the Switzer Canyon Water Transmission Main Project - Phases IV & V; providing for delegation of authority, subsequent council approvals, severability, and establishing an effective date.

Melinda Bell addressed Council asking that communication with surrounding neighbors continue throughout the project and ensure that the area is restored to its original condition.

Walt Taylor addressed Council in support of the project and indicated that he is looking forward to the potential opportunity to access city water.

Real Estate Manager Charity Lee addressed Council stating that she has been working with surrounding property owners to discuss their concerns and maintaining good communication. Community Development Director Dan Folke explained that there will be a final walk-through with the property owner before there is a final sign-off of the project.

Moved by Councilmember Regina Salas, **seconded by** Councilmember Jamie Whelan to read Ordinance No. 2019-26 by title only for the final time.

Vote: 6 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AUTHORIZING THE ACQUISITION OF REAL PROPERTY AND/OR EASEMENTS FOR THE SWITZER CANYON WATER TRANSMISSION MAIN PROJECT- PHASES IV & V; PROVIDING FOR DELEGATION OF AUTHORITY, SUBSEQUENT COUNCIL APPROVALS, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Regina Salas, **seconded by** Councilmember Jim McCarthy to adopt Ordinance No. 2019-26.

Vote: 6 - 0 - Unanimously

- B. 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.

Moved by Councilmember Jim McCarthy, **seconded by** Vice Mayor Adam Shimoni to read Ordinance No. 2019-28 by title only for the final time.

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

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Austin Aslan to adopt Ordinance No. 2019-28.

Vote: 6 - 0 - Unanimously

- C. Consideration and Adoption of Resolution No. 2019-44:** A resolution of the Flagstaff City Council authorizing Amendment No. One to an Intergovernmental Agreement with the Arizona Department of Transportation for Construction of the Fourth Street /I-40 Bridge Replacement Project.

Community Development Project Manager Jeremy DeGeyter provided a PowerPoint presentation that covered the following:

FOURTH ST./I-40 BRIDGE REPLACEMENT
BACKGROUND
PROJECT LOCATION
BRIDGE SLIDE PHASING
BUDGET UPDATE
PROJECT ENHANCEMENTS
VISUALIZATION
PUBLIC INFORMATION MEETING

Councilmember McCarthy asked if the beautification component of the project will be funded through BBB funds. Community Investment and Redevelopment Manager David McIntire stated that the funds for the aesthetics will come from BBB and that ADOT is excited about the possibility of integrating beautification enhancements into the project.

Moved by Councilmember Austin Aslan, **seconded by** Councilmember Jim McCarthy to read Resolution No. 2019-44 by title only.

Vote: 6 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING AMENDMENT NO. ONE TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ARIZONA DEPARTMENT OF TRANSPORTATION AND THE CITY OF FLAGSTAFF FOR THE CONSTRUCTION OF THE FOURTH STREET AND INTERSTATE 40 BRIDGE REPLACEMENT PROJECT.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Austin Aslan to adopt Resolution No. 2019-44.

Vote: 6 - 0 - Unanimously

- D. **Consideration and Approval of Payment:** Payment to the Flagstaff Metropolitan Planning Organization (FMPO) in the amount of \$114,000 for drainage work on Plaza Way associated with the Arizona Department of Transportation's (ADOT) Plaza Way Right Turn Lane Project.

City Engineer Rick Barrett addressed Council stating that this is a request from FMPO for payment associated with work conducted by ADOT for the Plaza Way right turn lane project.

Moved by Councilmember Jim McCarthy, **seconded by** Mayor Coral Evans to approve payment to the Flagstaff Metropolitan Planning Organization (FMPO) in the amount of \$114,000 for drainage work on Plaza Way associated with the Arizona Department of Transportation's (ADOT) Plaza Way Right Turn Lane Project.

Vote: 6 - 0 - Unanimously

- E. **Consideration and Approval of Lease of City-Owned Property:** Amendment to extend the Flagstaff Railroad Passenger Station Facility Lease with National Railroad Passenger Corporation (Amtrak) for a term of five (5) years, with options for renewal.

ITEM POSTPONED TO OCTOBER 1, 2019

- F. **Consideration and Approval of Amendment One to Purchase Agreement:** Between the City of Flagstaff and Brinshore Development LLC, an amendment to clarify the total compensation provided by the purchaser to the seller with no change to the payment terms or the total amount.

ITEM POSTPONED TO OCTOBER 1, 2019

RECESS

The 4:30 p.m. portion of the September 17, 2019, Regular Council Meeting recessed at 5:08 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Evans reconvened the Regular Meeting of September 17, 2019, at 6:00 p.m.

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8. ROLL CALL

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

PRESENT:

ABSENT:

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

COUNCILMEMBER ODEGAARD

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

9. PLEDGE OF ALLEGIANCE

The Council and audience recited the pledge of allegiance.

10. PUBLIC PARTICIPATION

Paul Beier with Friends of the Rio addressed Council asking that the city reaffirm and expand the possibility of developing the Rio de Flag project without the Army Corp.

Johnathon Stone with Flagstaff Arts Council addressed Council, thanking them for their continued support and invited them to attend an upcoming community meeting on October 16, 2019 to learn about the vision for arts and sciences in Flagstaff and Coconino County.

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

None

12. PUBLIC HEARING ITEMS

- A. Consideration and Adoption of Ordinance No. 2019-29:** A Zoning Map Amendment, requested by San Francisco de Asis Parish and the Planning Director, of approximately 0.62 acres located at 244 S. Kendrick Street to add Landmarks Overlay (LO) Zone to the existing zoning classification of High Density Residential (HR) Zone.

Comprehensive Planning Manager Sara Dechter provided a PowerPoint presentation that covered the following:

OUR LADY OF GUADALUPE CATHOLIC CHURCH LANDMARK OVERLAY ZONING
 AMENDMENTS
 REZONING REQUEST
 LANDMARK OVERLAY ZONING MAP AMENDMENT
 LAND USES
 PRESENT USES
 PROPOSED USES
 FINDINGS
 SIGNIFICANCE AND INTEGRITY

REGIONAL PLAN
RECOMMENDATIONS

The following individuals addressed Council in support of the zoning amendment:

- Charlie Silver
- David Hayward
- Alice Rosalez
- Matt Haversel

The following comments were received:

- Fully support the amendment for the iconic Flagstaff landmark.
- Options for preserving historic landmarks within the city is more limited than it has been and this kind of community involvement is important.
- Sacred places such as these need to be preserved.
- The purpose is to preserve the architecture of the building but leave options open for the remainder of the parcel.

There being no further public comment, Mayor Evans closed the public hearing.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Regina Salas to read Ordinance No. 2019-29 by title only for the first time.

Vote: 6 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP TO REZONE APPROXIMATELY 0.62 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 224 S KENDRICK STREET (PREVIOUSLY KNOWN AS NORMAL SCHOOL ADDITION BLOCK 119 TRACTS 1 THROUGH 8) BY ADDING A LANDMARKS OVERLAY DISTRICT DESIGNATION ("LO") TO THE EXISTING HIGH DENSITY RESIDENTIAL NEIGHBORHOOD ("HR") ZONING CLASSIFICATION; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

13. REGULAR AGENDA

- A. Appeal of Approval by the Planning and Zoning Commission:** the appeal of Conditional Use Permit PZ-18-00182-02. This appeal was requested by the Flagstaff City Council.

THIS ITEM WAS CONSIDERED AS A PUBLIC HEARING

Mayor Evans opened the public hearing.

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

COMMONS AT SAWMILL APPEAL OF CONDITIONAL USE PERMIT PZ-18-00182-02, FOR
A ROOMING AND BOARDING FACILITY
COMMONS AT SAWMILL – CUP
LOCATION MAP
ROOMING AND BOARDING
PREVIOUS ACTION
CURRENT SITE

FINDINGS
RECOMMENDATION
OPTIONS

Vice Mayor Shimoni asked if there is a penalty or fine for the project being in violation for a number of years and the approximate total of the fine. Planning Director Tiffany Antol stated that it would be about \$185,000 per year or about \$1.8 million total. Senior Assistant City Attorney Christina Rubalcava added that there is no amount certain as it would have to be imposed by a judge. The numbers provided would be an estimate should the maximum daily fine had been assessed.

Nick Woods with the Commons at Sawmill stated that when they purchased the project it had operated as a student housing project and they were not aware that it did not have or need a CUP. When city staff notified them of the CUP requirement, they began the process of applying. They are trying to do the right thing and did not know that they were out of compliance when they purchased. There is a pre-existing use that is not changing, and they know that there is no additional impact coming forward. The property has been student housing for the last ten years and there has not been an issue with parking. It is a combination of studios, two, and three bedrooms that are affordable for students in comparison to other larger student housing complexes. They will bring the development up to standard for landscaping and they are also entering into a bus pass program for two years. He asked that the Council uphold the decision of the Planning and Zoning Commission.

Councilmember Whelan asked for them to consider increasing the two year bus pass program to five years. Mayor Evans agreed and also asked that if a residential parking district process be initiated that they participate.

Councilmember McCarthy expressed concern about the lack of sidewalks in the areas and suggested that the addition of sidewalks in the immediate area be included in the agreement.

Charlie Silver addressed Council stating that it is not fair to the City or taxpayers to be responsible for the applicant not doing their due diligence on the purchase of the property and its use. There should be a penalty for noncompliance.

Mr. Woods stated that he does not disagree that when someone violates the law there should be penalties and his clients were not aware of this when they bought the property. As soon as they were made aware of the issue they began working to correct it.

Ms. Rubalacava offered the addition of the language below to the CUP based on Council's conversation:

1. By signing the CUP, applicant consents to the installation of residential permit parking under any of the available configurations. Applicant will defer to the majority of the property owners in favor of the residential permit parking as to the specific parking configuration selected for the neighborhood;
2. Applicant agrees to purchase eco-passes for all residents for five years.

There being no further public comment, Mayor Evans closed the public hearing.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Jamie Whelan to affirm the decision of the Planning and Zoning Commission with the added stipulations that the owner will provide bus passes to residents for five years and support a parking district if brought forward by the adjacent neighborhoods.

Mayor Evans stated that she will support the CUP because she is unable to make the findings necessary to not approve. She believes that it is an issue of equity for this particular neighborhood. There are loopholes that need to be closed sooner rather than later to better protect existing neighborhoods.

Councilmember Aslan added that it was an important factor that the owner came forward with a willingness to meet the accommodations requested and acknowledged their willingness to discuss and find solutions.

Vote: 6 - 0 - Unanimously

14. DISCUSSION ITEMS

A. **Case No. PZ-19-00094 Updates to Zoning Code 2019 – Miscellaneous Part 1**

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

CITY'S REQUEST TO AMEND THE ZONING CODE
WORK SESSION OBJECTIVES
CITY'S PROPOSED ZONING CODE TEXT AMENDMENTS
SECTION 10-20: ADMINISTRATION, PROCEDURES, AND ENFORCEMENT
SECTION 10-40.30.030 RESIDENTIAL ZONES
SECTION 10-40.30.040 COMMERCIAL ZONES
SECTION 10-40.30.050 INDUSTRIAL ZONES
SECTION 10-40.60.020 ACCESSORY BUILDINGS AND STRUCTURES
SECTION 10-50.90.060 FOREST
TECHNICAL ADDITIONS AND MODIFICATIONS
ANTICIPATED TIMEFRAME OF CODE TEXT AMENDMENTS

Councilmember McCarthy asked that a clearer definition of storage structure be added.

Councilmember Whelan expressed frustration with how slow the process for zoning code changes has been. She had made requests three years ago to change codes to prevent high occupancy housing in historic neighborhoods and there has still not been any resolution. Mr. Symer explained that there are a lot of amendments currently moving through the process with some coming forward in the relatively near future. Many of the amendments have to occur concurrently to avoid conflicts throughout the code. Mr. Folke stated that they are trying to be responsive and a plan has been laid out but it is a combination of a number of things and as they work through these amendments, other issues are discovered.

Mayor Evans offered that it is important to recognize the capacity in the planning and development program. The High Occupancy Housing Plan had to be developed before rules could be established. There are staffing issues within Community Development that have slowed the process down. Despite those challenges staff continues moving forward.

B. Case No. PZ-19-00095 Updates to Zoning Code 2019 - Accessory Dwelling Units (ADU)

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

WORK SESSION OBJECTIVES
CITY'S PROPOSED ZONING CODE TEXT AMENDMENT
ACCESSORY DWELLING UNITS (ADU)
CITY'S CURRENT ZONING CODE PROVISIONS
ANTICIPATED TIMEFRAME OF CODE TEXT AMENDMENTS

Councilmember Whelan asked if separating this would accelerate the ability to limit short-term rentals. Mr. Symer explained that the code only allows ADUs to be rented for 30 days or more, but state law precludes the City from specifically addressing short-term rentals.

Mr. Symer stated that future discussions are planned during the amendment process as it is a large topic with a number of components.

15. COUNCIL LIAISON REPORTS

Councilmember Salas stated that she attended her first meetings with two of her assigned commissions. The Airport Commission is reviewing policies and formulating recommendations. She is impressed with the amount of public engagement the commission has been doing. She asked for staff to consider moving the commission meetings to the airport rather than City Hall. The Parks and Recreation Commission is developing priorities with regard to park development, facilities, and deferred maintenance. They are looking to have a joint meeting with the Open Spaces Commission.

Vice Mayor Shimoni stated that he has heard from commission members that more communication is needed when a commissioner's term is not extended. He asked that a better process be developed.

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 all aspects of the City Council operations including office space, support staff, budget, and salary and establishing a committee to evaluate these items

Majority in support of moving this forward. Mayor Evans acknowledged that this is a discussion that is tied to the budget and can be included in that process.

- B. Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Salas to place on a future agenda a discussion about a possible resolution or letter to the Congress and Senate supporting ratification of the US Mexico Canada Agreement (USMCA).

Councilmember Salas explained that she believes that this letter of support is important and asked Council to support it. She also asked that it be expedited.

Council was in support of moving the FAIR forward and a majority of Council was in support of expediting.

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

Councilmember McCarthy reported that he attended the Pickin in the Pines event and it was a great event.

Councilmember Whelan offered congratulations to Kate Morely with NAIPTA who is this year's Mass Transit 40 under 40. She also reported that she attended the Stronger as One executive committee meeting. She would like to have the Stronger as One program brought to Council at a Work Session to get an update on what it offers to the community. She attended a meeting with Water Resources Manager Erin Young where water representatives from California and Arizona shared different perspectives on water management. She stated that Flagstaff is doing a great job. Lastly, she attended an opioid training session where one of the key points was proper disposal of medications along with proper storage with limited access.

Vice Mayor Shimoni reported that he attended the United Way Luncheon with a few other Councilmembers where United Way appointed a new Director. He also reported that the September 11 memorial event was very nicely done. He stated that there was a basketball game held by the Police Department at the Hal Jensen Recreation Center. It was great to see the Police Department make efforts to connect with the community and he looks forward to participating in the future. He congratulated Sara Dechter on her award and requested a FAIR item to have a conversation about cyclist safety infrastructure and planning, and evaluate the plan on how projects incorporate cyclist safety.

Mr. Clifton reminded Council about the retreat the following week which will be a two day facilitated meeting. He also stated that he is working on scheduling one on one meetings between himself and each Councilmember. He reminded the Council that October 14, 2019 is Indigenous Peoples Day and that there will be a number of functions, festivities, and educational discussions happening at City Hall. Lastly, he announced that there is a reorganization going on in the City Manager's Office that will offer some refinements to help with how things are functioning. One of those is with regards to more assistance to Council. There are some other things in play that will be coming forward.

Mayor Evans congratulated Ms. Dechter on her designation and asked that a CCR be sent out that lays out the public participation policy that is in place and more specifics about what Ms. Dechter's designation entails. She requested an update on the employee training on the Stronger as One mental health first aid training. Councilmember Whelan noted that a number of staff at the Police Department have received training, but it would be helpful to know numbers across the organization. Lastly, she reported that she was able to DJ the Quality Connections Ball and that she thought it was a great event.

18. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held September 17, 2019, adjourned at 8:22 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 17, 2019. 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