

## MINUTES

### 1. CALL TO ORDER

Mayor Evans called the meeting of the Flagstaff City Council held October 15, 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 ODEGAARD  
COUNCILMEMBER SALAS  
COUNCILMEMBER WHELAN

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 Mr. Clifton 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. **APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

- A. **Consideration and Approval of Minutes:** City Council Work Session of October 30, 2018; Work Session of November 27, 2018; Regular Meeting of December 18, 2018; Special Meeting (Executive Session) of September 3, 2019; Special Meeting (Executive Session) of September 30, 2019; and Special Meeting (Executive Session) of October 1, 2019

**Moved by** Councilmember Charlie Odegaard, **seconded by** Councilmember Jamie Whelan to approve the minutes of the City Council Work Session of October 30, 2018; Work Session of November 27, 2018; Regular Meeting of December 18, 2018; Special Meeting (Executive Session) of September 3, 2019; Special Meeting (Executive Session) of September 30, 2019; and Special Meeting (Executive Session) of October 1, 2019.

**Vote:** 7 - 0 - Unanimously

#### 5. **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

#### 6. **PROCLAMATIONS AND RECOGNITIONS**

- A. **Recognition:** Climate Action and Adaptation Plan award from Arizona Chapter of the American Planning Association

Council gathered at the podium to read and present the Climate Action and Adaptation Plan award from Arizona Chapter of the American Planning Association.

- B. **Recognition:** Climate Action and Adaptation Plan honor of distinction from Arizona Forward

Council gathered at the podium to read and present the Climate Action and Adaptation Plan honor of distinction from Arizona Forward.

#### 7. **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).*

This item was taken out of order and heard after the Consent Items.

**A. Consideration of Appointments: Parks and Recreation Commission.**

**Moved by** Councilmember Austin Aslan, **seconded by** Councilmember Charlie Odegaard to re-appoint Brian Bloom to term expiring August 2022.

**Vote:** 7 - 0 - Unanimously

**Moved by** Councilmember Jamie Whelan, **seconded by** Councilmember Jim McCarthy to appoint Mark Cox to term expiring August 2022.

**Vote:** 7 - 0 - Unanimously

**8. LIQUOR LICENSE PUBLIC HEARINGS**

**A. Consideration and Action on Liquor License Application: Lynda Apple "Single Speed Coffee Cafe," 2 S. Beaver Street #170, Series 12 (restaurant), New License.**

Mayor Evans opened the public hearing.

Sgt. Collin Seay provided a brief introduction of the application.

There being no comments Mayor Evans closed the public hearing.

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

**Vote:** 7 - 0 - Unanimously

**9. 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 Jamie Whelan to approve the Consent Agenda as presented.

**Vote:** 7 - 0 - Unanimously

**A. Consideration and Approval of Contract: Ratify Flagstaff Watershed Protection Project Challenge Cost Share Agreement 19-CS-11030408-025 with the US Forest Service for Dry Lake Hills.**

Ratify Challenge Cost Share Agreement 19-CS-11030408-025, Flagstaff Watershed Protection Project Phase II-Midway Project with the US Forest Service, Coconino National Forest.

**10. ROUTINE ITEMS**

- A. Consideration and Adoption of Ordinance No. 2019-34:** An ordinance of the City Council of the City of Flagstaff, relating to the financing of certain projects, specifically approving publication of notice of proposed lease of land and buildings from, and lease-purchase back of such land and buildings to, the City and request for bids in connection therewith; authorizing the acceptance of a bid with respect thereto; approving the sale and execution and delivery of Certificates of Participation in a lease-purchase agreement to provide the necessary financing therefor; approving the form and authorization the execution and delivery of necessary agreements, instruments and documents related to the sale and issuance of the certificates; delegating authority to the Management Services Director of the City to determine certain matters and terms with respect to the foregoing; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this ordinance and ratifying all actions taken to further this ordinance; providing for severability, authority for clerical corrections, and establishing an effective date  
**(Certificate of Participation Debt Authorization - Municipal Court Facilities)**

Finance Director Brandi Suda addressed Council stating that the ordinance authorizes the issuance of Certificates of Participation and enters into a lease-purchase agreement for the purpose of financing construction for the Municipal Court Facilities. The debt service payments will be made from the restricted revenues collected at the Municipal Court from Court Improvement Fees and Disposition Fees.

**Moved by** Councilmember Jamie Whelan, **seconded by** Councilmember Charlie Odegaard to read Ordinance No. 2019-34 by title only for the first time.

**Vote:** 7 - 0 - Unanimously

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, RELATING TO THE FINANCING OF CERTAIN PROJECTS, SPECIFICALLY APPROVING PUBLICATION OF NOTICE OF PROPOSED LEASE OF LAND AND BUILDINGS FROM, AND LEASE-PURCHASE BACK OF SUCH LAND AND BUILDINGS TO, THE CITY AND REQUEST FOR BIDS IN CONNECTION THEREWITH; AUTHORIZING THE ACCEPTANCE OF A BID WITH RESPECT THERETO; APPROVING THE SALE AND EXECUTION AND DELIVERY OF CERTIFICATES OF PARTICIPATION IN A LEASE-PURCHASE AGREEMENT TO PROVIDE THE NECESSARY FINANCING THEREFOR; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF NECESSARY AGREEMENTS, INSTRUMENTS AND DOCUMENTS RELATED TO THE SALE AND ISSUANCE OF THE CERTIFICATES; DELEGATING AUTHORITY TO THE MANAGEMENT SERVICES DIRECTOR OF THE CITY TO DETERMINE CERTAIN MATTERS AND TERMS WITH RESPECT TO THE FOREGOING; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS ORDINANCE AND RATIFYING ALL ACTIONS TAKEN TO FURTHER THIS ORDINANCE; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE*

- B. Consideration and Adoption of Ordinance No. 2019-35:** An ordinance of the City Council of the City of Flagstaff, (1) providing for the sale and issuance of City of Flagstaff, Arizona General Obligation Bonds, Series 2019 and for the annual levy of a tax for the payment of the bond; (2) approving the form and authorizing the execution and delivery of necessary agreements, instruments and documents related to the sale and issuance of the bonds; (3) delegating authority to the Management Services Director of the City to determine certain matters and terms with the respect to the foregoing; (4) adopting continuing disclosure procedures in connection with issuance of obligations of the City; and (5) authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this ordinance and ratifying all actions taken to further this; providing for severability, authority for clerical corrections, and establishing an effective date **(General Obligation Debt Authorization - Public Safety Communication Equipment and Municipal Court Facilities)**

Ms. Suda stated that the ordinance is to issue General Obligation Bond debt for public safety communications equipment and the new municipal courthouse. General obligation bond debt is to be paid back with Secondary Property Tax levies. Issuing of this debt is anticipated to maintain a secondary property tax rate not to exceed 0.8366.

**Moved by** Councilmember Jim McCarthy, **seconded by** Councilmember Jamie Whelan to read Ordinance No. 2019-35 by title only for the first time.

**Vote:** 7 - 0 - Unanimously

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, (1) PROVIDING FOR THE SALE AND ISSUANCE OF CITY OF FLAGSTAFF, ARIZONA GENERAL OBLIGATION BONDS AND FOR THE ANNUAL LEVY OF A TAX FOR THE PAYMENT OF THE BONDS; (2) APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF NECESSARY AGREEMENTS, INSTRUMENTS AND DOCUMENTS RELATED TO THE SALE AND ISSUANCE OF THE BONDS; (3) DELEGATING AUTHORITY TO THE MANAGEMENT SERVICES DIRECTOR OF THE CITY TO DETERMINE CERTAIN MATTERS AND TERMS WITH RESPECT TO THE FOREGOING; (4) ADOPTING CONTINUING DISCLOSURE COMPLIANCE PROCEDURES IN CONNECTION WITH ISSUANCE OF OBLIGATIONS OF THE CITY; AND (5) AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS ORDINANCE AND RATIFYING ALL ACTIONS TAKEN TO FURTHER THIS; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE*

- C. Consideration and Adoption of Ordinance No. 2019-33:** An ordinance of the City Council of the City of Flagstaff, approving the form and authorizing the execution and delivery of a loan agreement with the Water Infrastructure Financing Authority of Arizona from its Clean Water Revolving Fund program; delegating the determination of certain matters relating thereto to the Management Services Director of the City; providing the transfer of certain moneys and making certain covenants and agreements with respect thereto and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by such loan agreement; providing for severability, authority for clerical corrections, and establishing an effective date **(Water Infrastructure Loan Authorization - Flagstaff Watershed Protection Project)**

Ms. Suda stated that the ordinance is to enter into a loan agreement with the Water Infrastructure Finance Authority of Arizona, also known as WIFA for the remaining \$6M for the Flagstaff Watershed Protection Project. The loan will be paid back with Secondary Property Tax levies. Issuing of this debt is anticipated to maintain a secondary property tax rate not to exceed 0.8366.

**Moved by** Councilmember Jamie Whelan, **seconded by** Councilmember Charlie Odegaard to read Ordinance No. 2019-33 by title only for the first time.

**Vote:** 7 - 0 - Unanimously

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA FROM ITS CLEAN WATER REVOLVING FUND PROGRAM; DELEGATING THE DETERMINATION OF CERTAIN MATTERS RELATING THERETO TO THE MANAGEMENT SERVICES DIRECTOR OF THE CITY; PROVIDING FOR THE TRANSFER OF CERTAIN MONEYS AND MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY SUCH LOAN AGREEMENT; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE*

- D. Consideration and Adoption of Ordinance No. 2019-30:** An ordinance of the City Council of the City of Flagstaff, dedicating certain City property as public right-of-way within the area of John Wesley Powell Boulevard and Shamrell Boulevard; delegating authority to complete the transactions and establishing an effective date.

Real Estate Manager Charity Lee provided a PowerPoint presentation that covered the following:

DEDICATING A PORTION OF CITY PROPERTY FOR FUTURE WIDENING OF JOHN WESLEY POWELL BLVD  
OVERVIEW MAP  
PURPOSE

Vice Mayor Shimoni asked if the plans will accommodate bus only lanes and disconnected bike lanes. City Engineer Rick Barrett stated that staff is not aware if NAIPTA has plans for bus routes on John Wesley Powell and there have been no discussions about bus only lane. The engineering standards include bike lanes to be part of the road system but the FUTS trail is available for off road travel.

Mayor Evans stated that this is the first time the City will actually get to build a major road in Flagstaff and there should be conversations about dedicated bus lanes, dedicated bike lanes, and the expansion of the FUTS. Vice Mayor Shimoni and Councilmember Whelan agreed.

**Moved by** Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to read Ordinance No. 2019-30 by title only for the first time.

**Vote:** 7 - 0 - Unanimously

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, DEDICATING CERTAIN CITY PROPERTY AS PUBLIC RIGHT-OF-WAY WITHIN THE AREA OF JOHN WESLEY POWELL BOULEVARD AND SHAMRELL BOULEVARD; DELEGATING AUTHORITY TO COMPLETE THE TRANSACTIONS AND ESTABLISHING AN EFFECTIVE DATE*

- E. Consideration and Adoption of Resolution No. 2019-47:** A resolution of the Flagstaff City Council, approving an intergovernmental agreement between the Arizona Board of Regents, for and on behalf of Northern Arizona University, and the City of Flagstaff for the processing of organic material produced within City limits at the University's processing facility.

Sustainability Specialist Dylan Lenzen provided a PowerPoint presentation that covered the following:

NAU AND CITY COMPOSTING PILOT  
GOALS FOR THE PILOT PROGRAM  
CONNECTION TO CITY GOALS  
TIMELINE

Councilmember Whelan stated that there had been some conversations about doing composting at the landfill, she asked about the status. Public Works Director Andy Bertelsen indicated that on November 12, 2019 staff will be presenting to Council on the life of the landfill and current operations. The program with NAU will help test things out slowly and prepare for a larger scale operation at the landfill.

Vice Mayor Shimoni expressed concern about the chemicals that are used on lawns and fields and how those may show up in the composting materials. Parks and Recreation Director Rebecca Sayers indicated that they have been working with NAU on testing the material and none of those chemicals are showing up.

**Moved by** Councilmember Austin Aslan, **seconded by** Councilmember Jamie Whelan to read Resolution No. 2019-47 by title only.

**Vote:** 7 - 0 - Unanimously

*A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ARIZONA BOARD OF REGENTS, FOR AND ON BEHALF OF NORTHERN ARIZONA UNIVERSITY, AND THE CITY OF FLAGSTAFF FOR THE PROCESSING OF ORGANIC MATERIAL PRODUCED WITHIN CITY LIMITS AT THE UNIVERSITY'S PROCESSING FACILITY*

**Moved by** Councilmember Charlie Odegaard, **seconded by** Councilmember Jamie Whelan to adopt Resolution No. 2019-47.

**Vote:** 7 - 0 - Unanimously

- F. Consideration and Adoption of Resolution No. 2019-51:** A resolution of the Flagstaff City Council, approving an Intergovernmental Agreement between the State of Arizona, Department of Transportation, and the City of Flagstaff for the advertising, bid, award, excavation and backfill of the channel under the Rio de Flag Bridge on the Interstate 40 Business Route.

Capital Improvement Project Manager Trevor Henry addressed Council stating that the Intergovernmental Agreement is with ADOT for their bridge replacement project. The project is set to begin next construction season in the spring and the agreement covers work that will support the Rio De Flag flood control project.

**Moved by** Councilmember Charlie Odegaard, **seconded by** Vice Mayor Adam Shimoni to read Resolution No. 2019-51 by title only.

**Vote:** 7 - 0 - Unanimously

*A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, AND THE CITY OF FLAGSTAFF FOR THE ADVERTISING, BID, AWARD, EXCAVATION AND BACKFILL OF THE CHANNEL UNDER THE RIO DE FLAG BRIDGE ON THE INTERSTATE – 40 BUSINESS ROUTE.*

**Moved by** Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to adopt Resolution No. 2019-51.

**Vote:** 7 - 0 - Unanimously

### **RECESS**

The 4:30 p.m. portion of the October 15, 2019, Regular Council Meeting recessed at 5:15 p.m.

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

### **RECONVENE**

Mayor Evans reconvened the Regular Meeting of October 15, 2019, at 6:00 p.m.

### **NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION**

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**11. 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 ODEGAARD  
COUNCILMEMBER SALAS  
COUNCILMEMBER WHELAN

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

**12. PLEDGE OF ALLEGIANCE**

The Council and audience recited the pledge of allegiance.

**13. PUBLIC PARTICIPATION**

Heather Newman addressed Council requesting that the transgender flag be flown from November 16, 2019 through November 23, 2019 to bring awareness and visibility to the transgender community and acknowledge the discrimination and violence they face.

Debra Taylor, President of Northern Arizona Pride Association, addressed Council to thank them for recognizing the importance and symbolism of the pride flag and asked that they fly the transgender flag in November. She also requested that 18 smaller flags be posted in memory of the 18 lives lost.

Steve Finch with the Flagstaff Lodging, Restaurant, and Tourism Association addressed Council about the lack of affordable housing and how recently discussed zoning changes discourage vertical building which is needed to bring in more units.

Paul Beier addressed Council offering thanks to city staff and their hard work.

Anthony Garcia addressed Council concerning the civil disobedience that happened in City Hall yesterday. He thanked Mayor Evans for her tact, compassion, tolerance, and patience in the situation.

Al White addressed Council asking them to attend the Center for the Arts visioning event on October 16, 2019 and to support arts in northern Arizona.

Phillip Nackard addressed Council about traffic in Flagstaff and the Lone Tree Overpass.

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

None

## 15. PUBLIC HEARING ITEMS

- A. Consideration and Adoption of Resolution No. 2019-49 and Ordinance No. 2019-32:** A Resolution of the City Council of the City of Flagstaff, Coconino County, Arizona, declaring as a public record that certain document filed with the City Clerk and entitled "**Case No. PZ-19-00094 Updates to Zoning Code 2019 –Miscellaneous Part 1**" "~~Case No. PZ-19-00095-Updates to Zoning Code 2019 –Accessory Dwelling Units~~"; and, an Ordinance of the City Council of the City of Flagstaff, Coconino County, Arizona, amending the Flagstaff City Code, Title 10, Flagstaff Zoning Code (Ordinance No. 2011-20), for the purpose of modifying chapters, divisions, and sections of Title 10, Flagstaff Zoning Code, including the sections of Division 10-20.30: Common Procedures, Division 10-20.40: Permits and Approvals, Division 10-30.60: Site Planning Design Standards, Division 10-40.30: Non-Transect Zones, Division 10-40.40: Transect Zones, Division 10-40.60: Specific to Uses, Division 10-50.30: Building Height, Division 10-50.40: Encroachments, Division 10-50.50: Fences and Screening, Division 10-50.60: Landscaping Standards, Division 10-50.100: Sign Standards, Division 10-50.90: Resource Protection Standards, and Division 10-80.20: Definition of Specialized Terms, Phrases, and Building Functions, to resolve conflicts, incorporate technical corrections and clarity, and to add new, and modify existing, requirements, provisions, and definitions.

Mayor Evans opened the public hearing.

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

CITY'S REQUEST TO AMEND THE ZONING CODE

PURPOSE

CHAPTER 10-20: ADMINISTRATION, PROCEDURES, AND ENFORCEMENT

TEMPORARY USE PERMITS AND EXEMPT TEMPORARY ACTIVITIES

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 10-40.60.150 DAY CARE HOME AND CENTER

SECTION 10-40.60.250 MINI-STORAGE WAREHOUSING

SECTION 10-50.90.060 FOREST

TECHNICAL ADDITIONS

ADDED DEFINITIONS FOR TEMPORARY AND PERMANENT STORAGE CONTAINERS

SECTION

REQUIRED FINDINGS

ADDITIONAL COUNCILMAN DEVELOPED OPTIONS THAT MAY BE INCORPORATED

Councilmember McCarthy thanked Mr. Symer for his assistance and patience with walking him through a number of questions.

Vice Mayor Shimoni confirmed that the public process was not being changed. Mr. Symer stated that the only change is that the public participation requirement is changing from a hearing to a meeting.

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

**Moved by** Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to read Resolution No. 2019-49 by title only with the following modifications incorporated into to Exhibit A:

1. Delete patios and trellises, from Section 2, number 10-20.40.080 Minor Improvement Permits. B. 1.;
2. Add the following note to Table 10-40.60.020.B.7.d. of Section 21, "Refer to Section 10-50.50.030 Siting and Building Standards regarding the locations and heights of walls and fences."; and
3. Add the following to the proposed definition of Storage Structure of Section 40, "(Also see the definitions for Storage Structure, Permanent; and Storage Structure, Temporary.)"

**Vote:** 7 - 0 - Unanimously

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "CASE NO. PZ-19-00094 UPDATES TO ZONING CODE 2019 – MISCELLANEOUS PART 1"*

**Moved by** Councilmember Jamie Whelan, **seconded by** Councilmember Regina Salas to read Ordinance No. 2019-32 by title only for the first time.

**Vote:** 7 - 0 - Unanimously

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, TITLE 10, FLAGSTAFF ZONING CODE, CHAPTERS 10-20, 10-30, 10-40, 10-50, AND 10-80, AS PROVIDED IN THAT CERTAIN DOCUMENT ENTITLED "CASE NO. PZ-19-00094 UPDATES TO ZONING CODE 2019 – MISCELLANEOUS PART 1" DECLARED TO BE A PUBLIC RECORD BY RESOLUTION NO. 2019-49; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.*

- B. Consideration and Adoption of Resolution No. 2019-48 and Ordinance No. 2019-31:** A Resolution of the City Council of the City of Flagstaff, Coconino County, Arizona, declaring as a public record that certain document filed with the City Clerk and entitled "Case No. PZ-19-00095 Updates to Zoning Code 2019 - Accessory Dwelling Units"; and, an Ordinance of the City Council of the City of Flagstaff, Coconino County, Arizona, amending the Flagstaff City Code, Title 10, Flagstaff Zoning Code (Ordinance No. 2011-20), for the purpose of modifying chapters, divisions, and sections of Title 10, Flagstaff Zoning Code, including the sections of Division 10-40.60: Specific to Uses, and Division 10-80.20: Definition of Specialized Terms, Phrases, and Building Functions, to resolve conflicts, incorporate technical corrections and clarity, and to add new and modify existing requirements, provisions, and definitions.

Mayor Evans opened the public hearing.

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

CITY'S CURRENT ZONING CODE PROVISIONS  
 PURPOSE  
 ACCESSORY DWELLING UNITS (ADU)  
 REQUIRED FINDINGS  
 ADDITIONAL COUNCILMAN DEVELOPED OPTIONS THAT MAY BE INCORPORATED

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

**Moved by** Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to read Resolution No. 2019-48 by title only, with the following modification incorporated into to Exhibit A:

1. Add the word "internet" to the requirement of number 17 (a) before the word "telephone"

**Vote:** 7 - 0 - Unanimously

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "CASE NO. PZ-19-00095 UPDATES TO ZONING CODE 2019 – ACCESSORY DWELLING UNITS"*

Councilmember Aslan left the dais.

**Moved by** Vice Mayor Adam Shimoni, **seconded by** Councilmember Jamie Whelan to read Ordinance No. 2019-31 by title only for the first time.

**Vote:** 6 - 0 - Unanimously

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, TITLE 10, FLAGSTAFF ZONING CODE, CHAPTERS 10-40 AND 10-80, AS PROVIDED IN THAT CERTAIN DOCUMENT ENTITLED "CASE NO. PZ-19-00095 UPDATES TO ZONING CODE 2019 – ACCESSORY DWELLING UNITS" DECLARED TO BE A PUBLIC RECORD BY RESOLUTION NO. 2019-48; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE*

Councilmember Aslan returned to the dais.

## 16. **REGULAR AGENDA**

- A. Consideration and Adoption of Resolution No. 2019-45:** A resolution approving an Intergovernmental Agreement (IGA) between the Arizona Department of Economic Security and the City of Flagstaff to provide up to \$150,000 in voluntary city funding to qualified developmental disability service providers within the city limits of Flagstaff, Arizona; and establishing an effective date.

Senior Management Analyst Cliff Bryson provided a PowerPoint presentation that covered the following:

IGA CRT046165 DEVELOPMENTAL DISABILITIES SERVICE PROVIDERS  
PRESENTATION OUTLINE  
HISTORY  
IGA LANGUAGE

The following individuals addressed Council in support of the resolution:

- Jane Lemons
- Monica Attridge
- Armando Bernasconi

The following comments were received:

- Thank you for supporting individuals with developmental disabilities.
- This agreement will give service providers some much needed breathing room to make funding stretch further.
- Disabled people are having to leave Flagstaff because service providers are no longer able to support them.

**Moved by** Councilmember Jim McCarthy, **seconded by** Councilmember Regina Salas to read Resolution No. 2019-45 by title only, contingent upon clarification from the State that the funds only cover the difference between the current state minimum wage and the current Flagstaff minimum wage; furthermore, Council authorizes \$150,000 now.

**Vote:** 7 - 0 - Unanimously

*A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ARIZONA DEPARTMENT OF ECONOMIC SECURITY AND THE CITY OF FLAGSTAFF TO PROVIDE \$150,000 IN VOLUNTARY CITY TO QUALIFIED DEVELOPMENTAL DISABILITY SERVICE PROVIDERS WITHIN THE CITY LIMITS OF FLAGSTAFF, AZ AND ESTABLISHING AN EFFECTIVE DATE.*

**Moved by** Councilmember Austin Aslan, **seconded by** Councilmember Charlie Odegaard to adopt Resolution No. 2019-45.

**Vote:** 7 - 0 - Unanimously

- B. Consideration and Adoption of Resolution No. 2019-50:** A resolution of the Flagstaff City Council urging the United States Congress to ratify the United States-Mexico Agreement (USMCA).

Mr. Bryson briefly reviewed the draft resolution with Council.

Joe Galli with the Chamber of Commerce and Karen Enyedy addressed Council in support of the resolution.

Councilmember Aslan requested amendments to the resolution. There was additional discussion about amendments and Mayor Evans asked for the changes to be forwarded to staff for consideration and integration. She asked that the item be tabled until after the Rio De Flag Update.

**Moved by** Councilmember Jim McCarthy, **seconded by** Councilmember Jamie Whelan to table the item to later in the meeting.

**Vote:** 7 - 0 - Unanimously

Mr. Bryson presented a revised resolution that incorporated the proposed changes from Councilmember Aslan.

Councilmember Salas thanked Council for their support.

Councilmember McCarthy requested the addition of "per year" after the word billion in the fifth

whereas statement.

**Moved by** Councilmember Austin Aslan, **seconded by** Councilmember Regina Salas to read Resolution No. 2019-50 by title only for the first time and include the following amendments:

1. in the first whereas statement, strike "is the strongest and most advanced trade agreement ever negotiated. It" and "truly"
2. before last whereas statement, add "Whereas, the agreement echoes language contained in all U.S. trade agreements, as required under the U.S. Trade Promotion Authority, related to the enforcement of environmental regulations, such as noting that it is "inappropriate to encourage trade or investment by weakening or reducing the protection afforded in the respective environmental law;" and "Whereas, the USMCA maintains the Commission for Environmental Cooperation (CEC), and identifies a broad and ambitious range of environmental and conservation topics to be addressed through trilateral cooperation, within both existing legal agreements and other objectives, including tackling illegal trade in forest products, combating marine plastic litter and reducing alien invasive species"
3. in the fifth whereas statement, add "per year" after billion

**Vote:** 7 - 0 - Unanimously

*A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL URGING THE UNITED STATES CONGRESS TO RATIFY THE UNITED STATES-MEXICO-CANADA AGREEMENT (USMCA)*

**Moved by** Councilmember Austin Aslan, **seconded by** Councilmember Regina Salas to adopt Resolution No. 2019-50.

**Vote:** 7 - 0 - Unanimously

## 17. DISCUSSION ITEMS

### A. Rio de Flag Flood Control Project - Update

Community Development Director Dan Folke introduced the Rio de Flag project management team and turned the presentation over to City Engineer Rick Barrett who provided a PowerPoint presentation that covered the following:

CITY OF FLAGSTAFF RIO DE FLAG FLOOD CONTROL PROJECT  
 AGENDA  
 PROJECT IMPORTANCE  
 HISTORY AND BACKGROUND  
 COST/FUNDING HISTORY  
 RIO DE FLAG MAINSTEM PROJECT MAP  
 CLAY WASH DETENTION BASIN  
 BUTLER TUNNEL  
 THORPE BRIDGE  
 COMPLETED PRELIMINARY PROJECT ELEMENTS  
 THORPE PARK BALL FIELDS  
 ADDRESSING COMMUNITY CONCERNS DETENTION AND FLOODWALLS  
 THORPE PARK DETENTION ALTERNATIVE – 2000 FEASIBILITY STUDY  
 NAVAJO DRIVE FLOOD WALL  
 OPEN CHANNEL  
 COMPOSITE CHANNEL – UPPER REACH

CLAY AVENUE REACH CROSS SECTIONS  
WEST SECTION – OPEN CHANNEL  
EAST SECTION – CLOSED CHANNEL  
LOWER REACH CROSS SECTION  
FEMA DESIGN CONCEPT REPORT

Project Manager Trevor Henry continued the presentation.

PROJECT COST  
PROJECT SCHEDULE  
CURRENT TOPICS  
US ARMY CORP  
BNSF RAILWAY  
CITY OF FLAGSTAFF  
CURRENT TOPICS  
PUBLIC OUTREACH  
SUMMARY

A break was held from 8:40 p.m. through 8:51 p.m.

The following individuals addressed Council:

- Deborah Harris
- Kathy Flaccus
- Leonard Dalton
- Matthew Muchna
- Eric Nolan
- Marie Jones
- Maryann VanDrieler

The following comments were received:

- Stick with the plan as it is and let's get Southside out of the floodplain.
- This project should not just be a concrete box.
- An engineering study should be commissioned to evaluate the project and treat each neighborhood fairly.
- The current design does not address core values of Flagstaff like habitat, recreation, climate action, tourism, and environment.
- A project that is over \$121 million should address more than moving water.
- This does not fully remove all the localized flooding in Flagstaff.
- We need a design that keeps everything above ground and maintains the feel of Flagstaff.
- The City should pursue its own design that follows FEMA standards.
- Concerned about the environmental impact and the removal of a riparian habitat.
- It is important to get people out of the floodplain as quickly as possible.
- A social vulnerability assessment should be done for this project.
- Please continue to engage the public in this process as much as you can.
- Please support the development of an alternative to the Army Corp plan.
- The plan does not provide for aquifer replenishment or recapture.
- Concerned about the lack of meaningful public involvement and support.
- There is no backup if the plan is not funded by the government.
- The composite channel will greatly increase the value north of the tracks; why not a similar enhancement in the southside.

The following individuals submitted written comment cards in opposition to the Army Corp design plans:

- Mimi Murov
- Caroline Pilkington
- Earl Weston
- Janice Busco

Council discussed the project and decided to stay the course and continue working with the Army Corp.

**Moved by** Councilmember Austin Aslan, **seconded by** Councilmember Charlie Odegaard to pick up tabeled item 16B and continue the meeting in accordance with the Council Rules of Procedure.

**Vote:** 7 - 0 - Unanimously

Council returned to Item 16B.

**18. COUNCIL LIAISON REPORTS**

None

**19. 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 Citizens' Petition requesting Council declare a Climate Emergency Resolution. This action should be followed by immediately elevating the Sustainability Section to Department status, so staff have the ability to expedite the Climate Action and Adaptation Plan and can then implement CAAP goals. This would be a significant positive step for the public safety of Flagstaff residents.

The following individuals addressed Council in support of declaring a climate emergency:

- Dr. David Spence
- EmilyKate Copenhaver
- Andy Bessler
- Joe Shannon
- Dara Marks Marino
- Liane Giunta

The following comments were received:

- 1,100 local governments and 28 countries have adopted a climate emergency action plan.
- A climate emergency resolution would give urgency to the Climate Action and Adaptation Plan.
- Climate change starts at the local level.
- The climate crisis is the top national security threat.

- The business of normal life must change and integrate into the emergency response.
- Climate change has always been an important topic for Flagstaff.
- This matter must be expedited.
- The climate rally was amazing and showed the support in Flagstaff for climate change.
- Flagstaff should be a leader and be the first in Arizona to declare a climate emergency.

A majority of Council was in favor of moving the item forward and a majority were supportive of expediting to the January 28, 2020 meeting.

- B. Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Whelan to place on a future agenda a discussion about the name Agassiz to see if the Agassiz designation in Flagstaff is named after biologist Louis Agassiz and, if so, look at renaming anything named after him due to accusations of racism.

At least three Councilmembers supportive of moving the item forward to a future agenda.

- C. Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Whelan to place on a future agenda a discussion regarding pocket parks.

Councilmember Whelan stated that there had been a decision made that pocket parks are no longer recommended because of the costs associated with them. Some pocket parks were promised and not delivered and it is possible to design pocket parks that do not need constant maintenance.

At least three Councilmembers supportive of moving the item forward to a future agenda.

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

Vice Mayor Shimoni requested that the transgender flag be flown from November 16, 2019 through November 23, 2019.

Councilmember McCarthy requested a FAIR item to review parking alternatives for the Southside, especially if it would be appropriate to issue residential parking permits for on-site parking

Councilmember Aslan requested a FAIR item about the feasibility of initiating a carbon tax at the Flagstaff airport

Councilmember Odegaard stated that the FAIR items are piling up again and Council needs to be careful about the things they are asking for and the time it will take to get to all of them.

Councilmember Salas stated that she attended the Out of the Darkness walk at Buffalo Park to create awareness for suicide.

**21. ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held October 15, 2019, adjourned at 11:15 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 October 15, 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