

MINUTES

1. CALL TO ORDER

Mayor Evans called the meeting of the Flagstaff City Council held November 5, 2019, to order at 4:31 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 Councilmember McCarthy 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 January 8, 2019; Budget Retreat of January 9, 2019; Regular Meeting of January 15, 2019; and Work Session of September 24, 2019.

Moved by Councilmember Austin Aslan, **seconded by** Councilmember Charlie Odegaard to approve the minutes of the City Council Work Session of January 8, 2019; Budget Retreat of January 9, 2019; Regular Meeting of January 15, 2019; and Work Session of September 24, 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:** Police Officer and Firefighter of the Year/Exchange Club Award

Police Chief Kevin Treadway highlighted and presented Sergeant Charlie Hernandez with the Exchange Club Police Officer of the Year Award.

Fire Chief Mark Gaillard presented Captain Earl Calendar and Captain Dwayne Deck with the Exchange Club Fire Fighter of the Year Award.

- B. **Recognition:** Plug In America "EV City/Municipality" Award

Sustainability Manager Nicole Antonopoulos presented Council with the EV City/Municipality Award awarded to the City of Flagstaff for their work on the 2018 Energy Conservation Code. She thanked Building Official Amy Palmer, Building Plans Examiner Victoria St. Clair, and Sustainability Specialist Jenny Niemann for their work on the building code.

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).

A. Consideration of Appointments: Tourism Commission.

Moved by Councilmember Austin Aslan, **seconded by** Councilmember Jamie Whelan to appoint Chris Verrill to term expiring January 2021.

Vote: 7 - 0 - Unanimously

B. Consideration of Appointments: Housing Commission

Moved by Councilmember Jim McCarthy, to appoint Karen Flores to the Lender position with a term expiring September 2021.

Vote: 7 - 0 - Unanimously

C. Consideration of Appointments: Heritage Preservation Commission.

Moved by Councilmember Charlie Odegaard, **seconded by** Vice Mayor Adam Shimoni to appoint David Hayward, Historic Property Owner, to a term expiring December 2022.

Vote: 7 - 0 - Unanimously

Moved by Vice Mayor Adam Shimoni, **seconded by** Councilmember Jamie Whelan to appoint Harris Abernathy, At-Large, to a term expiring December 2022.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Charlie Odegaard to appoint Charles Webber, Professional, to a term expiring December 2021.

Vote: 7 - 0 - Unanimously

8. CONSENT ITEMS

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

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jamie Whelan to approve the Consent Agenda as presented.

Vote: 7 - 0 - Unanimously

A. Consideration and Approval of Purchase through a Cooperative Purchase Contract: To purchase one (1) 2019 International CV515 SFA Barricade Traffic Control Truck.

1. Approve the equipment purchase for one (1) 2019 International CV515 SFA Barricade Traffic Control Truck from RWC Group in the amount of \$99,341.29 through cooperative purchase contract #CTR041813.
2. Authorize the City Manager to execute the necessary documents

B. Consideration and Approval of Purchase through a Cooperative Purchase Contract: To purchase one (1) 2020 International HV513 SFA Heavy Plow Truck from the RWC Group, LLC through a cooperative purchase contract with the Arizona Department of Administration, State Procurement Office in the amount of \$270,949.24.

1. Approve the equipment purchase for one (1) 2020 International HV513 SFA Heavy Duty plow truck from RWC Group in the amount of \$270,949.24 through cooperative purchase contract #CTR041813 with the Arizona Department of Administration, State procurement office.
2. Authorize the City Manager to execute the necessary documents.

C. Consideration and Approval of Purchase through a Cooperative Purchase Contract: To purchase two (2) 2020 International HV507 SFA Heavy Plow Trucks from the RWC Group, LLC through a cooperative purchase contract with the Arizona Department of Administration, State Procurement Office in the amount of \$463,405.36.

1. Approve the equipment purchase for two (2) 2020 International HV507 SFA Heavy Duty plow truck from RWC Group, LLC in the amount of \$463,405.36 through cooperative purchase contract #CTR041813 with the Arizona Department of Administration, State procurement office
2. Authorize the City Manager to execute the necessary documents.

D. Consideration and Approval of Purchase through a Cooperative Purchase Contract: To purchase one (1) 2020 International MV607 SBA Asphalt Pothole Patch Truck.

1. Approve the equipment purchase for one (1) 2020 International MV607 Asphalt Pothole Patch Truck from RWC Group in the amount of \$188,016.86 through cooperative purchase contract #CTR041813.
2. Authorize the City Manager to the necessary documents

E. Consideration and Approval of a Grant Agreement: Between the City of Flagstaff and the Governor's Office of Highway Safety for Driving Under the Influence/Impaired Driving Enforcement and Equipment Grant #2020-405d-013.

Approve the acceptance of the Grant from the Governor's Office of Highway Safety in the amount of \$50,918.00, for the Flagstaff Police Department to increase staffing in an attempt to reduce injury motor vehicle collisions caused by impaired drivers. The funds will also be used to purchase an Intoxilyzer 9000, a laser printer 19000, and a handheld 2D barcode reader.

F. Consideration and Approval of Final Plat Request by Brookfield Communities, Inc. for Final Plat approval for Woodshire on Butler Condominiums, a 50-unit residential condominium subdivision. The approximately 4.06-acre site is located at 2989 E. Butler Avenue in the HC, Highway Commercial zone and 3001 E. Butler Avenue in the HR, High-Density Residential zone; both are in a Resource Protection Overlay (RPO) zone. **(Subdivision of approximately 4.06 acres into 50 lots located at 2989 and 3001 E. Butler Avenue)**

Staff recommends approving the final plat with no conditions and authorizing the Mayor to sign both the plat and City/Subdivider Agreement when notified by staff that the documents are ready for recording.

9. 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)**

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Jim McCarthy to read Ordinance No. 2019-34 by title only for the final 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

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Charlie Odegaard to adopt Ordinance No. 2019-34.

Vote: 7 - 0 - Unanimously

- 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)**

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Charlie Odegaard to read Ordinance No. 2019-35 by title only for the final 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

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jamie Whelan to adopt Ordinance No. 2019-35.

Vote: 7 - 0 - Unanimously

- 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)**

Moved by Councilmember Austin Aslan, **seconded by** Councilmember Jim McCarthy to read Ordinance No. 2019-33 by title only for the final 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

Moved by Councilmember Austin Aslan, **seconded by** Councilmember Jim McCarthy to adopt Ordinance No. 2019-33.

Vote: 7 - 0 - Unanimously

- 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.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Regina Salas to read Ordinance No. 2019-30 by title only for the final 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

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to adopt Ordinance No. 2019-30.

Vote: 7 - 0 - Unanimously

- E. 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"; 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.

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to adopt Resolution No. 2019-49.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Jamie Whelan to read Ordinance No. 2019-32 by title only for the final 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.

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jamie Whelan to adopt Ordinance No. 2019-32.

Vote: 7 - 0 - Unanimously

- F. 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.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Jamie Whelan to adopt Resolution No. 2019-48.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Jim McCarthy to read Ordinance No. 2019-31 by title only for the final 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 10-40 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.

Moved by Councilmember Jamie Whelan, **seconded by** Vice Mayor Adam Shimoni to adopt Ordinance No. 2019-31.

Vote: 7 - 0 - Unanimously

RECESS

The 4:30 p.m. portion of the November 5, 2019, Regular Council Meeting recessed at 5:10 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Evans reconvened the Regular Meeting of November 5, 2019, at 6:00 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).

10. ROLL CALL

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

PRESENT:

ABSENT:

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

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

11. PLEDGE OF ALLEGIANCE

The Council and audience recited the pledge of allegiance.

12. PUBLIC PARTICIPATION

Mayor Evans recognized that Boy Scout Troop 31 from the Federated Church of Flagstaff was in the audience working on their Citizenship in the Community merit badge.

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

None

14. REGULAR AGENDA

- A. Consideration and Adoption of Resolution No. 2019-53 and Ordinance No. 2019-36:** A resolution of the Flagstaff City Council declaring as a public record that certain document filed with the City Clerk and entitled "*Animal Keeping Code Amendments*;" and an ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code, Title 6, Police Regulations, Chapter 3, Animal Keeping, by referencing that certain document entitled "*Animal Keeping Code Amendments*"; providing for repeal of conflicting ordinances, severability, authority for clerical corrections, and establishing an effective date.

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

ANIMAL KEEPING CODE REVISIONS
RECAP OF PREVIOUS DISCUSSION
TIMELINE
ANIMAL KEEPING PERMIT PROCESS
EXAMPLE OF A PLOT DRAWING
ADJUST SETBACK REQUIREMENTS
ADDITIONAL REVISIONS
PROHIBIT GOATS ON SMALL LOTS
EDUCATION AND OUTREACH
INTERNAL PROCESS
DISCUSSION ON PERMIT FEE

Councilmember McCarthy stated that it is appropriate that the person keeping the animals be the one who provides the distance between the dwellings. He believes that there should be at least ten feet at the property line instead of five.

A majority of Council was supportive of the change.

In terms of the permit fee, Councilmember Aslan stated that he feels that \$80 is too high. Councilmember McCarthy stated that since it is a one-time fee, he is comfortable with the \$80 permit fee.

Mayor Evans stated that she believes that 100% cost recovery is necessary but suggested starting with \$40 and then raising to \$80 at a certain point.

Councilmember Whelan noted that the issue is about creating one's own food source and there is extra effort associated with that. She would like to see the fee set at \$20 and then adjust if necessary.

Mayor Evans expressed concern about housing the permitting process in Sustainability and feels that the permit should come from a different area of the city.

Councilmember Odegaard added that enforcement and permitting always seems to land in Community Development. He is supportive of starting with \$40 and then readjust as more is known about true time and costs.

Councilmember Salas stated that she liked the tiered approach in terms of having an introductory permit fee and then after the grace period increasing to the full \$80 for 100% cost recovery.

A majority of Council would like to have the introductory permit fee of \$40 and then go up to \$80.

Council asked that the code reflect that birds wings must be clipped, or they must be contained within a structure.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to read Resolution No. 2019-53 by title only and include the following:

1. Animal keeping be at least ten fee from the property line if property line abuts another residential property.
2. Birds shall have clipped wings or be in a covered enclosure.
3. There will be a permit appeals process to be determined.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "ANIMAL KEEPING CODE AMENDMENTS"

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to read Ordinance No. 2019-36 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 CITY CODE, TITLE 6, POLICE REGULATIONS, CHAPTER 3, ANIMALS, BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "ANIMAL KEEPING CODE AMENDMENTS"; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

15. **DISCUSSION ITEMS**

A. **2019 Public Works-Streets Snow Operations Readiness Update**

Streets Director Scott Overton provided a PowerPoint presentation that covered the following:

SNOW OPERATIONS READINESS REPORT 2019
EQUIPMENT PREPARATIONS
PERSONNEL PREPARATIONS
STORM PREPARATIONS
POST STORM OPERATIONS
PUBLIC OPERATIONS ASSISTANCE

Councilmember McCarthy asked how it is determined when streets get plowed. Mr. Overton explained that main roads are plowed when accumulation begins and residential roads will be

plowed when accumulations reach three inches or more.

Mayor Evans stated that there are many who do not follow the winter parking ordinance, she asked when ticketing and towing occurs. Mr. Overton stated that it is a challenge and they are trying to be courteous to citizens while preserving operations. At this stage they are focusing on education. Vehicles are towed as a last resort. Mayor Evans suggested that the Neighborhood Liaison may be able to help with education in the areas near campus.

Vice Mayor Shimoni noted that the bike paths are usually the last to be cleaned of cinders in the spring; he asked if there is a better way to prioritize those lanes for sweeping. Mr. Overton explained that sweeping operations start immediately after snow is cleared but it takes time with over 700 lane miles and four operators.

- B. Schultz Creek Trailhead Community Survey Results, Update, and Future Direction:** Staff will share the results of a community surveys that requested input on how the 20-acre City of Flagstaff property in the Schultz Creek area (3620 W Schultz Pass Rd., Parcel # 30047004), zoned as open space, could be developed and managed. Staff will request direction from City Council on development and management of the parcel.

Open Space Specialist Robert Wallace provided a PowerPoint presentation that covered the following:

SCHULTZ CREEK TRAILHEAD
DISCUSSION
LOCATION MAP
SCHULTZ CREEK TRAILHEAD BACKGROUND
SCHULTZ CREEK TRAILHEAD SURVEY RESULTS
COMMUNITY CONCERNS
500 RESPONSES
IN GENERAL
OVERVIEW MAP
SCHULTZ CREEK TRAILHEAD, "THE Y"
SCHULTZ CREEK TRAILHEAD OPTIONS

Councilmember McCarthy asked how much land it would take to put in 30 parking spaces. Mr. Wallace stated it would likely be less than an acre.

Councilmember Odegaard stated that many people have been parking on the private property portion of the area and he asked if the owner is allowing that parking or if there had been attempts to mitigate the parking there. Mr. Wallace explained that the he believes that the owner has been allowing the parking, but they anticipate that the privately owned land may no longer be available in the near future.

Joe Shannon and Ian Torrence addressed Council in support of improving the Schultz Creek Trailhead.

Following discussion, Council gave no direction to change course on the use of the property.

A break was held from 8:20 p.m. through 8:30 p.m.

16. COUNCIL LIAISON REPORTS

Councilmember Aslan complimented Sustainability on a successful open house last week.

Councilmember Whelan congratulated NAIPTA for their work to prevent a \$1.2 Billion cut in federal transportation dollars.

17. 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 McCarthy to place on a future agenda a discussion as to when and how the City might negotiate an agreement to disallow short term rentals such as through development agreements or rezoning agreements.

Councilmember McCarthy stated that he is looking for Council support to move the item forward for discussion.

The following individuals addressed Council regarding short-term rentals:

- Tobias Kreidel
- Allison Steinly

The following comments were received:

- Short-term rentals are a huge issue in the state.
- Short-term rental owners are small business owners that make contributions to the community.
- Existing regulations must be enforced and acted upon to keep the property owners accountable.
- Existing properties should be grandfathered in.
- Problem properties that generate complaints and do not follow rules should be penalized.
- Responsible renters should not be punished.
- Action by the city should wait until the legislature can formally decide on something at the state level.

Councilmember Odegaard stated that a development had just been before Council for a rezone and Council was able to limit short-term rentals. Community Development Director Dan Folke explained that the development agreement is a good mechanism for a new development project to limit short-term rentals and puts enforcement power into the hands of the homeowner's association.

Mr. Solomon explained that if there is Council support to move forward with the item, there would be some additional legal research to make sure the city is working in accordance with the law. Municipalities are not allowed to regulate short term rentals but homeowner's associations have that ability.

At least three Councilmembers were in support of moving the item forward to a future agenda.

- B. Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Aslan to place on a future agenda a discussion about reasonable restrictions on the uses of potable water.

Councilmember Aslan stated that he would like to have a future conversation about policies that speak to water consumption behavior especially for people who have more resources at their disposal. This is not about keeping people from using water, it is about creating policy to incentivize people to not use water as they otherwise would in certain situations.

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

18. CITY MANAGER REPORT

A. City Manager Report

Mr. Clifton briefly reviewed his report with Council.

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

Vice Mayor Shimoni reported that Halloween at City Hall was a lot of fun and he thanked staff for their work putting it together. He reported he attended a tribal symposium that was well organized and a good event. He met with Representative Blackman and the Arizona League last week about short term rentals and state shared revenues. He stated that he is looking forward to the Recovery Court graduation tomorrow and the LAUNCH Flagstaff breakfast on Thursday.

Councilmember Whelan made the following requests:

1. When referring to the budget year please use the full year name.
2. Hold budget retreats in concurrent days rather than splitting the process up over different months.
3. Budget requests be provided to Council throughout the process, not just on the last day of the retreat.

Councilmember McCarthy reported that he attended a meeting in Winslow to discuss the preservation of Amtrak. He would like Council to consider Amtrak preservation as a future Council priority. He would also like the City to become members of All Aboard Arizona to show support and be made aware of issues and upcoming events.

Councilmember Aslan requested a CCR on the background of banning of plastic bags in Flagstaff.

Councilmember Odegaard reported that he attended the International Downtown Business Alliance meeting. It was a great meeting with beneficial breakout sessions.

Councilmember Salas commended the Economic Vitality Division and their work with local businesses. She requested that the DBA consider starting local's night earlier on Tuesday night. She also noted that Monday is Veteran's Day and offered gratitude to all who have served.

Mayor Evans reported that she, and Councilmembers McCarthy and Aslan, had a great

meeting with BNSF and the Army Corp about the Rio project.

20. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held November 5, 2019, adjourned at 9:24 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 November 5, 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