

MINUTES

1. CALL TO ORDER

Mayor Evans called the meeting of the Flagstaff City Council held February 18, 2020, 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 Councilmember Aslan 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.

Sustainability Director Nicole Antonopoulos addressed Council to introduce the "I'm Making a Difference" initiative to celebrate community members who are taking action to make a difference in the community.

5. LIQUOR LICENSE PUBLIC HEARINGS

- A. Consideration and Action on Liquor License Application: Michael Marquess, "Mother Road Brewing Company," 1300 E. Butler Avenue, Suite 200, Series 07 (beer and wine bar), Owner/Location Transfer.

Mayor Evans opened the public hearing.

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

Councilmember Odegaard asked the applicant where they are ranked in Arizona in terms of the amount of beer produced. Mr. Marquess, on behalf of Mother Road Brewing Company, stated that they are the fourth largest brewer by production.

Councilmember Salas noted that it was Arizona Beer Week and she asked how Mother Road Brewing Company is promoting the entrepreneurship opportunities provided by breweries. Mr. Marquess stated that Mother Road partnered with the Lumberyard to promote the nine breweries in Flagstaff and how Flagstaff is one of the hubs of beer breweries.

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

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to forward the application to the state with a recommendation of approval.

Vote: 6 - 0 - Unanimously

6. CONSENT ITEMS

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

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to approve the Consent Agenda as submitted.

Vote: 6 - 0 - Unanimously

A. Consideration and Approval of Contract: Consideration of a Contract for Human Resources Advertising Services

1. Approve a contract for Human Resources Advertising Services between the City of Flagstaff and Geo & Associates, Inc. for an amount not to exceed \$250,000; and
2. Authorize the City Manager to execute the necessary documents.

7. ROUTINE ITEMS

A. Consideration and Adoption of Ordinance No. 2020-04: An ordinance of the City Council of the City of Flagstaff, authorizing the City of Flagstaff to enter into the Fifth Amendment to Development Agreement with Nestle Purina Petcare Company; providing for repeal of conflicting ordinances, severability, and establishing an effective date.

THIS ITEM WAS CARRIED OVER TO THE 6:00 P.M. PORTION OF THE AGENDA

B. Consideration and Adoption of Resolution No. 2020-05: A resolution of the Flagstaff City Council, authorizing the acquisition of real property interests necessary for the Rio De Flag Flood Control Project, confirming that the project is a public use for the benefit of the residents of the City of Flagstaff; providing for delegation of authority, condemnation authority, prior approval of purchases; and establishing an effective date

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

ACQUISITION OF REAL PROPERTY INTERESTS RIO DE FLAG FLOOD CONTROL PROJECT

OVERVIEW OF PRESENTATION

BACKGROUND/HISTORY

EXPANDED FINANCIAL CONSIDERATIONS

RESOLUTION NO. 2020-05

RIO DE FLAG FLOOD CONTROL PROJECT MAP

RESOLUTION NO. 2020-05

PROJECT UPDATE AND NEXT STEPS

NAVAJO DRIVE TEMPORARY WORK AREA

LOWER REACH

CLAY AVENUE REACH

UPPER REACH

KEY CONSIDERATIONS

Vice Mayor Shimoni asked if there have been any major hurdles associated with the process. Ms. Lee stated that there have been no hurdles that could not be overcome, and that BNSF is being very responsive.

Councilmember Aslan asked how final the \$52 million is in the federal budget. Deputy City Manager Shane Dille stated that there are a number of agencies involved with the project and all proper steps have been taken for the project to move forward. The more the city gets committed and started into the project, the harder it is for that money to be retracted. By getting contracts in place this summer it will add a layer of legality to the allocation of those funds. Staff is moving as aggressively as possible to meet the necessary deadlines.

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Regina Salas to read Resolution No. 2020-05 by title only.

Vote: 6 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, AUTHORIZING THE ACQUISITION OF REAL PROPERTY INTERESTS NECESSARY FOR THE RIO DE FLAG FLOOD CONTROL PROJECT, CONFIRMING THAT THE PROJECT IS A PUBLIC USE FOR THE BENEFIT OF THE RESIDENTS OF THE CITY OF FLAGSTAFF; PROVIDING FOR DELEGATION OF AUTHORITY, CONDEMNATION AUTHORITY, PRIOR APPROVAL OF PURCHASES; AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Austin Aslan to adopt Resolution No. 2020-05.

Councilmember Salas expressed gratitude for the work that has gone into making the project happen. She requested that information continue to be provided on the dedicated Rio de Flag webpage.

Vote: 6 - 0 - Unanimously

RECESS

The 4:30 p.m. portion of the February 18, 2020, Regular Council Meeting recessed at 4:58 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Evans reconvened the Regular Meeting of February 18, 2020, at 6:00 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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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 ODEGAARD
COUNCILMEMBER SALAS

COUNCILMEMBER WHELAN

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

Noah Davidson addressed Council in opposition to Representative Thorpe's bill to prohibit students from voting in local elections.

Ann Heitland, on behalf of the Coconino County Democratic Party, addressed Council with concerns about the two-hour parking restrictions on Verde and Elden streets.

Roabie Johnson addressed Council about the Thorpe Park land designations and requested that the old public works property be reverted to a park.

Charlie Silver addressed Council about the old public works yard property and requested that the land be maintained as a park.

Galilea Flores addressed Council to voice opposition to HB2461 that would limit students right to vote locally.

Arizona Yhiha addressed Council on behalf of Up with People asking the community to consider hosting international students during their time in Flagstaff.

Written comment cards in opposition of HB2461 were submitted by the following individuals:

- Gabe Morrow
- Kai Beattie
- Melissa Berry
- Lindsey Greenwood

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

- A. Consideration and Adoption of Ordinance No. 2020-04:** An ordinance of the City Council of the City of Flagstaff, authorizing the City of Flagstaff to enter into the Fifth Amendment to Development Agreement with Nestle Purina Petcare Company; providing for repeal of conflicting ordinances, severability, and establishing an effective date.

Business Retention and Expansion Manager John Saltonstall stated that the Development Agreement was amended in 2016 to facilitate an odor mitigation project, which would result in a 50% reduction of modeled ground level odor at the fence line of the Nestle-Purina property, via two Phases. Phase 1 has been completed and achieved a 44% odor reduction, exceeding the originally planned 37.5%; however, Phase 1 went over Nestle-Purina's estimated budget by \$870,000. Nestle-Purina has determined that the cost of Phase 2, as described in the Development Agreement, is prohibitive. They has the option of returning \$400,000 in property tax savings without any obligation to complete Phase 2. However, Nestle-Purina remains committed to achieving the original goal of at least 50% odor reduction and has proposed a new Phase 2 at a lower cost, which is anticipated to accomplish the 50% reduction originally intended.

Paul Deasy addressed Council urging them to not approve the amendment because it reduces their original obligations. Purina should fulfill their original agreement or pay the \$400,000 back to the city.

Written comment cards in opposition to the amendment were submitted by the following

individuals:

- William Wilson
- Marcia Burns

Vice Mayor Shimoni asked how the 50% reduction is calculated. Mr. Saltonstall explained that Purina contacts with the engineering firm Brown and Caldwell who took a sample of the air coming from the stacks and ran an initial analysis before any work began. They then determined the best way to address the issue and they would come back and do the exact same process after each phase. They returned in December 2017 after Phase 1 was complete and found that there was a 44% reduction. It is important to note that all tests were run on the heaviest production days.

Mr. Saltonstall further explained that Nestle Purina is very aware of the concerns of the community, and they are very interested in being a good partner. They are in compliance with all air quality standards, and they want to meet the obligations of the fourth amendment which is why the current amendment is before Council.

Councilmember Salas stated that the goal of the fourth amendment was to achieve a 50% odor reduction. The reason Council is considering the amendment is for Purina to continue their pursuit of the promised goal of a minimum of 50% odor reduction. This is only a modification of how to get to that goal.

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Regina Salas to read Ordinance No. 2020-04 by title only for the final time.

Vote: 6 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AUTHORIZING THE CITY OF FLAGSTAFF TO ENTER INTO A FIFTH AMENDMENT TO DEVELOPMENT AGREEMENT WITH NESTLE PURINA PETCARE COMPANY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Regina Salas to adopt Ordinance No. 2020-04.

Vote: 6 - 0 - Unanimously

12. PUBLIC HEARING ITEMS

- A. Public Hearing:** On Land Use Assumptions and Infrastructure Improvement Plan in support of updated Public Safety Development (Impact Fees).

Mayor Evans opened the public hearing.

Planning Director Tiffany Antol provided a PowerPoint presentation that covered the following:

DRAFT LAND USE ASSUMPTIONS AND INFRASTRUCTURE IMPROVEMENTS PLAN
 OVERVIEW OF THE ADOPTION PROCESS
 ELIGIBLE COSTS
 DEMAND FACTORS – RESIDENTIAL
 DEMAND FACTORS – NONRESIDENTIAL
 LAND USE ASSUMPTIONS

PROPOSED FIRE FEES
PROPOSED POLICE FEES
FEE COMPARISON
ADOPTION TIMELINE

Councilmember McCarthy expressed support for Option 1 by bedroom instead of by unit. Councilmember Odegaard agreed.

Vice Mayor Shimoni stated that he was open to Option 1 and asked if there was a way for there to be a phased approach to the increase in fees. Ms. Antol explained that if there was a phased approach, the city would have to pay the difference each year until full roll out. The fee has to be proportionate to each and every home.

MacKenzie Brower addressed Council with concerns about the cost of housing and the impact it has on students.

Mayor Evans stated that it is important to consider the level of service. If the desire is to maintain the current level of service, current response times, and number of officers and fire personnel, then the city is going to need additional things. There will need to be a consideration of whether levels of service will be maintained or lowered with growth.

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

13. DISCUSSION ITEMS

A. Case No. PZ-19-00187: Lake Mary Road and I-17 Zoning Code Text Amendment

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

APPLICANTS REQUEST TO AMEND THE ZONING CODE
LOCATION
DESCRIPTION OF THE RURAL AND URBAN FLOODPLAINS
GENERAL LOCATION OF HISTORIC AND MODIFIED FLOWS
SITE MAP
AREA OF CHANGE FROM RURAL FLOODPLAIN TO URBAN FLOODPLAIN
ZONING CODE TEXT AMENDMENT FINDINGS

Councilmember McCarthy stated that when he went and looked at the area, he observed that it was definitely not a channelized wash. He takes issue with calling it a channelized wash because it looks more natural he wondered if it is appropriate to make the change. Floodplain Manager Jim Janacek indicated that it is not a typical channelized wash but there is a man-made redirection of water to divert a historical natural watercourse to accommodate development on the northeast side of Lake Mary Road.

Councilmember McCarthy asked how the change in zoning would impact development in the area. Mr. Janacek indicated that any development would still have to adhere to FEMA's rules related to flood areas. One potential implication is the community rating system. The change could impact that rating, not significantly, but it is a potential outcome. The channel was developed in the 1950s to divert water away from the Bow and Arrow neighborhood.

Mayor Evans indicated that the situation was an attempt to address one area's issues but inadvertently created other issues. She asked if this type of situation could happen again. Mr. Janacek stated that with the regulations currently in place this type of situation would not

be able to occur.

Councilmember McCarthy stated that if it was left as a rural floodplain it would have to stay the way that it is, if it is changed to an urban floodplain then a concrete channel could be put in and the land could be used for development. Mr. Symer offered that rural floodplains have to stay in their natural states and urban floodplains have to adhere to all the FEMA regulations. Mr. Janacek added that the channels are protected by the Clean Water Act and all environmental impacts have to be addressed before any channels can be destroyed. Turning a natural channel into a concrete channel would require approval by the Army Corp of Engineers.

Councilmember Aslan stated that he does not think a change is currently warranted. It is not primary or prime land and he is leaning towards not changing the zoning for the time being. Mr. Symer clarified that it is not a change in zoning but rather a change in the floodplain map designation.

Rick Shuller, with Woodson Engineering, addressed Council stating that they believe that the area was erroneously designated as rural when it should have been designated as urban. The change in the map designation does not mean that the area will be replaced with a concrete channel, it could be an earthen channel. Currently there is no way to cross the area except for a dirt access road which does not seem consistent with the zoning on the land.

Vice Mayor Shimoni expressed concern with how the land could be developed should the amendment be granted.

Mayor Evans stated that she is comfortable moving forward with the text amendment.

Councilmember Odegaard asked if the Planning and Zoning Commission reviewed the application. Mr. Symer stated that the Planning and Zoning Commission considered the application and voted unanimously to recommend approval.

B. Discussion on the Wastewater Biosolids Master Plan prepared by Carollo Engineers

Water Services Engineer Ryan Roberts introduced Russ Wachter and Brian Bernard from Carollo Engineers who provided a PowerPoint presentation that covered the following:

BIOSOLIDS MASTER PLAN

TODAY'S AGENDA

PROJECT BACKGROUND AND GOALS

GENERAL APPROACH FOR FLAGSTAFF

THREE MAIN EVALUATIONS COMPLETED IN THIS MASTER PLAN WERE USED IN THE DEVELOPMENT OF THE CIP

PRIORITIZATION OF MAJOR CAPITAL IMPROVEMENT NEEDS

CONDITION ASSESSMENT OF EXISTING FACILITIES

RIO DE FLAG WATER RECLAMATION PLANT -CONDITION ASSESSMENT

RIO DE FLAG WRP – CONDITION ASSESSMENT SUMMARY

WILDCAT HILL WATER RECLAMATION PLAN – CONDITION ASSESSMENT

WILDCAT HILL WRP – CONDITION ASSESSMENT SUMMARY

BIOSOLIDS MANAGEMENT STRATEGIES FOR THE WILDCAT HILL WRP

EXISTING BIOSOLIDS MANAGEMENT DISPOSAL STRATEGY

A BIOSOLIDS MANAGEMENT STRATEGY CONSISTS OF TWO MAIN COMPONENTS –
END USE/DISPOSAL METHODS AND SOLIDS TREATMENT PROCESSES

WHAT ARE THE POTENTIAL MARKETS THAT EXIST FOR THE WHWRP BIOSOLIDS?
SOLIDS TREATMENT PROCESSES WERE SELECTED FOR THE WILDCAT HILL WRP
BASED ON THE PREFERRED BIOSOLIDS END USE/DISPOSAL OPTIONS

RECOMMENDED NEAR-TERM BIOSOLIDS MANAGEMENT STRATEGY
SOLIDS TREATMENT PROCESSES - BIOSOLIDS NEED #1 – DIGESTER CAPACITY
EXPANSION AT WILDCAT HILL WRP
RECOMMENDED LONG-TERM BIOSOLIDS MANAGEMENT STRATEGY
SOLIDS TREATMENT PROCESSES - BIOSOLIDS NEED #2 – ADD MECHANICAL
DEWATERING AT WILDCAT HILL WRP
SOLIDS TREATMENT PROCESSES - BIOSOLIDS NEED #3 – SOLAR DRYING AT
WILDCAT HILL
LIQUIDS CAPACITY NEEDS AT WHWRP AND RDFWRP
LIQUIDS CAPACITY – EVALUATION
LIQUIDS CAPACITY – CURRENT OPERATION
LIQUIDS CAPACITY – FLOW DIVERSION OPTION 1
LIQUIDS CAPACITY – FLOW DIVERSION OPTION 2
LIQUIDS CAPACITY – SUMMARY AND RECOMMENDATIONS
SUMMARY AND CAPITAL IMPROVEMENT PLAN RECOMMENDATIONS
SUMMARY
PRIORITIZATION OF MAJOR CAPITAL IMPROVEMENT NEEDS

Vice Mayor Shimoni stated that he is happy to see that there are plans to take the waste and use it for something useful. He asked if there had been any testing to determine any contamination of the land. Mr. Wachter explained that there has been no testing at this point. There is a lot of ongoing dialogue about future potential chemicals but today, the disposal of the solids meet all regulations and requirements. Water Services Director Brad Hill added that testing for unregulated compounds has not been done because they are unregulated and there is no standard for measurement of levels. The City maintains all compliance with state and federal regulations.

Vice Mayor Shimoni stated that ASU had done some testing but the results have not been obtained. He asked if those could be requested and provided to Council.

14. COUNCIL LIAISON REPORTS

Councilmember Odegaard reported that the Audit Committee met last week to review the recent audit results. There were no concerns noted in the audit which is a great thing for the City and speaks to the quality of processes and staff.

Vice Mayor Shimoni reported that the CJCC committee group is leaving tomorrow for Clearwater, Florida to tour a safe harbor facility.

Councilmember Salas reported that she attended the Parks and Recreation Commission and Airport Commission meetings last week. She indicated that both are involved in reviewing budget recommendations.

Councilmember McCarthy reported that Erika Mazza is leaving Mountain Line and that the Board has been meeting to determine the appointment of an Interim CEO.

Mayor Evans reported that she and Councilmember Odegaard attended the Inclusive and Adaptive Living Commission's 2019 community recognition where 11 recognitions were handed out to members of the community. It was a great event.

15. 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 that the Council "formally declare 2020 the year of the mother in Flagstaff, Arizona to help promote and push conversations to take motherhood seriously to challenge local employers to find ways to better support mothers and get real about maternal mental health."

Vice Mayor Shimoni and Mayor Evans voiced their opposition to the petition as submitted. Three members of Council were supportive of moving it forward to a future agenda.

- B. Future Agenda Item Request (F.A.I.R.)** A request by Councilmember Aslan to have a discussion about strategies that would recognize the true cost of carbon associated with transportation in Flagstaff and looking at options to offset that true cost in some fashion.

Councilmember Aslan stated that a conversation around carbon offsets is something that should be done especially in light of the Climate Emergency Declaration.

Three members of Council were supportive of moving it forward to a future agenda.

16. CITY MANAGER REPORT

- A. City Manager Report**

Mr. Clifton briefly reviewed his report.

- B. Review of Outcomes from the December 5, 2019 Retreat**

Mr. Clifton reported that there were five takeaways from the retreat that speak to outcomes that were fairly agreed to. He reviewed the outcomes to make sure staff and Council are moving in the right direction.

Council expressed gratitude for the retreat and were supportive of the outcomes and direction thus far.

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

Councilmember Salas reported that she met with the Industrial Commission and discussed strengthening their presence in Northern Arizona through consultation with businesses and non-profits. She will continue to connect with them and offer assistance as needed.

Councilmember Odegaard expressed frustration at missing some recent meetings related to the Flood Control District and the Fourth Street Bridge.

Councilmember McCarthy noted that he will be reaching out to the City Manager and Community Investment Director David McIntire to discuss the public comment made about two-hour parking. He also asked about Ordinance 425 that was never recorded and

asked if it could be recorded now. Mr. Solomon explained that the topic would require an Executive Session.

Mayor Evans stated that she is supportive of the Council sending a letter in opposition to HB2461. She also requested a joint meeting with the City Council and Coconino County Flood Control District Board. Mr. Clifton explained that a request was forwarded to the Council which they politely declined.

18. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held February 18, 2020, adjourned at 8:24 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 February 18, 2020. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 18th day of January, 2022.

CITY CLERK