

MINUTES

1. CALL TO ORDER

Mayor Evans called the meeting of the Flagstaff City Council held March 17, 2020, to order at 4:32 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 (telephonically)
COUNCILMEMBER ASLAN
COUNCILMEMBER MCCARTHY
COUNCILMEMBER ODEGAARD (arrived at 4:36 p.m.)
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 Whelan read the Mission Statement of the City of Flagstaff.

MISSION STATEMENT

The mission of the City of Flagstaff is to protect and enhance the quality of life for all.

4. **PUBLIC PARTICIPATION**

Public Participation enables the public to address the Council about an item that is not on the agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

Deputy City Manager Shannon Anderson read public comments from the following individuals:

Gregg Ensminger expressed displeasure with the Mayor's proclamation that was issued that temporarily closed restaurants, bars, and entertainment venues.

Anne Duddy expressed concern and opposition to the development of Tract 22 because of traffic, loss of tree resources, noise pollution, and student housing.

Mike Biesemeyer offered comments related to disaster loan assistance for small businesses affected by the Mayor's proclamation to temporarily close businesses.

5. **PROCLAMATIONS AND RECOGNITIONS**

A. **Recognition:** Flagstaff Avalanche Hockey Team State Champions

ITEM WAS BEEN POSTPONED TO A LATER DATE

B. **Recognition:** Coach Kiki Lockett

ITEM WAS BEEN POSTPONED TO A LATER DATE

6. **LIQUOR LICENSE PUBLIC HEARINGS**

A. **Consideration and Action on Liquor License Application:** Andrea Lewkowitz "Drury Inn & Suites," 2300 S. Milton Road, Series 10 (beer and wine store), New License.

Item 6A was moved to the 6:00 p.m. portion of the meeting under Public Hearing Items.

7. **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.

Councilmember McCarthy requested that Item 7A be pulled for discussion.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Austin Aslan to approve Consent Item 7B as submitted.

Vote: 7 - 0 - Unanimously

- A. Consideration and Approval of Contract:** Approve of the construction contract with Kinney Construction, LLC in the amount of \$1,325,256.00 for the Sheep Crossing FUTS Trail Project.

Councilmember McCarthy asked if the trail would be closed to motorized vehicles including e-bikes. Multimodal Planning Director Martin Ince indicated that all trails allow e-bike unless posted otherwise. In this case the trail would be open for e-bikes to use.

Capital Improvements Project Manager David Pedersen provided a PowerPoint presentation that covered the following:

SHEEP CROSSING FUTS TRAIL MAPS
PROJECT DETAILS
JURISDICTION MAPS
EXISTING TWO-TRACK TRAIL
LIGHTING THE TUNNEL
DIGITAL SURFACE MODEL
SPECIAL THANKS TO...

Councilmember Whelan asked if other partners will be contributing financially to the project. Mr. Ince stated that the city will assume all financial responsibility for the project.

Councilmember Salas indicated that she would like to see an ask to assist with funding. Mr. Ince stated that most of the expense was for the underpass on the city's property and construction of the trail is significantly less; it is difficult to differentiate between the two properties. This was a city initiated project and ADOT permitted unrestricted access to their land.

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Austin Aslan to approve the construction contract with Kinney Construction, LLC in the amount of \$1,325,256.00 and a contract duration of 175 calendar days; approve a contract allowance of \$66,262.80, which is 5% of the lowest responsive bid; approve Change Order Authority to the City Manager in the amount of \$132,525.60 which is 10% of the lowest responsive bid; and authorize the City Manager to execute the necessary documents.

Vote: 7 - 0 - Unanimously

- B. Consideration and Approval of Contract:** Purchase of two (2) Commercial Front Load Refuse Trucks from Rush Truck Center Arizona through the Houston-Galveston Area Council Cooperative Purchase Agreement, Contract No. RH08-18 and HT06-18.

1. Approve the purchase of two (2) Commercial Front Load Refuse Trucks in the amount of \$289,331.70 each for a total purchase amount of \$578,663.40 (page 1 of pricing worksheet) from Rush Truck Center Arizona through the Houston-Galveston Area Council Cooperative Purchase Agreement, Contract No. RH-08-18 and HT06-18; and
2. Authorize the City Manager to execute the necessary documents.

8. ROUTINE ITEMS

- A. Consideration and Adoption of Ordinance No. 2020-06:** An ordinance of the City Council of the City of Flagstaff amending the Employee Handbook of Regulations relating to Compensation, Promotion and Vacation Leave

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Jamie Whelan to read Ordinance No. 2020-06 by title only for the final time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, CHAPTER 1-14, PERSONNEL SYSTEM BY AMENDING THE EMPLOYEE HANDBOOK OF REGULATIONS RELATING TO COMPENSATION, PROMOTION AND VACATION LEAVE; PROVIDING FOR PENALTIES; REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Austin Aslan to adopt Ordinance No. 2020-06.

Vote: 7 - 0 - Unanimously

- B. Consideration and Approval of Contract:** Award Peak Engineering, Inc. a Contract for Professional Engineering Design Services for \$169,925 for the Street Maintenance Program for Fiscal Years 2020, 2021 and 2022 in the total amount of \$509,775.

Councilmember Whelan asked if instead of hiring engineers each cycle if the data can be used year after year. Public Works Streets Director Scott Overton explained that there is an inventory with documented road conditions but what the engineering service provides is verification of the field measurements and confirmation of the work done by staff. They also help identify things that may have been missed in the initial review. Unfortunately, there is not enough manpower and expertise in house to provide these services.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Regina Salas to award the Contract for Professional Engineering Design Services to Peak Engineering, Inc. for \$169,925 for the Street Maintenance Program for Fiscal Years 2020, 2021 and 2022 for a total cost of \$509,775 over the three years and authorize the City Manager to execute the necessary documents.

Vote: 7 - 0 - Unanimously

- C. Rio de Flag Project Update and Consideration and Approval of Contract:** Change Order No. 13 with Shephard-Wesnitzer, Inc. in the amount of \$483,100.00 and adds 365 calendar days for the Rio de Flag Flood Control Utility Relocation design services contract.

Capital Improvements Project Manager Trevor Henry provided a PowerPoint presentation that covered the following:

RIO DE FLAG FLOOD CONTROL PROJECT
UPDATE AND CHANGE ORDER NO. 13
PROJECT DESIGN
REAL ESTATE
ENVIRONMENTAL
BNSF RAILWAY CO.

Councilmember McCarthy stated that meeting with BNSF went very well, and he believes that the communication and partnership on the project has improved. Councilmember Aslan agreed and indicated that it will be important to continue the momentum that has been started. Mayor Evans added that it would be helpful to bring in other councilmembers for

future meetings to understand the perspectives and elements of the project.

Mayor Evans left the meeting at 5:42 p.m. at which time Councilmember Whelan took over as chair of the meeting.

Mr. Henry continued.

USACE
CHANGE ORDER NO. 13
HISTORY OF DESIGN SERVICES WITH SHEPHARD WESNITZER, INC.

Moved by Councilmember Regina Salas, **seconded by** Councilmember Jim McCarthy to approve Change Order No. 13 with Shephard-Wesnitzer, Inc. the amount of \$483,100.00, add 365 calendar days to the design services contract, and authorize the City Manager to execute the necessary documents.

Vote: 6 - 0 - Unanimously

- D. Consideration and Adoption of Resolution No. 2020-08:** A resolution approving an amended and restated intergovernmental agreement between Coconino County and the City of Flagstaff regarding the Flagstaff Metropolitan Planning Organization, also known as MetroPlan, and amending Resolution No. 2070 to add a representative of the Northern Arizona Intergovernmental Public Transportation Authority to the FMPO Executive Board

Item 8D was heard during the 6:00 p.m. portion of the meeting under Carry Over Items.

- E. Consideration and Adoption of Resolution No. 2020-11:** A resolution of the Flagstaff City Council adopting a notice of intention to increase Water Services rates or rate components, fees or service charges; and setting a public hearing date on June 2, 2020.

Item 8E was heard at the 6:00 p.m. portion of the meeting under Carry Over Items.

- F. Consideration and Approval of Contract:** Approve a professional services contract for Election Consulting and Public Outreach services with NuPoint Marketing, LLC in the amount of \$145,185.

Item 8F was heard at the 6:00 p.m. portion of the meeting under Carry Over Items.

- G. Consideration and Approval of Amendment to Contract:** Amendment to Contract for Legal Services (on-call) with Dickinson Wright, PLLC.

Item 8G was heard at the 6:00 p.m. portion of the meeting under Carry Over Items.

RECESS

The 4:30 p.m. portion of the March 17, 2020, Regular Council Meeting recessed at 5:48 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Evans reconvened the Regular Meeting of March 17, 2020, at 6:04 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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9. ROLL CALL

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

PRESENT:

ABSENT:

MAYOR EVANS
 VICE MAYOR SHIMONI (telephonically)
 COUNCILMEMBER ASLAN
 COUNCILMEMBER MCCARTHY
 COUNCILMEMBER ODEGAARD
 COUNCILMEMBER SALAS
 COUNCILMEMBER WHELAN

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

10. PLEDGE OF ALLEGIANCE

The Council and audience recited the pledge of allegiance.

11. PUBLIC PARTICIPATION

None

Mayor Evans reordered the agenda and took the Public Hearing items first.

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

D. Consideration and Adoption of Resolution No. 2020-08: A resolution approving an amended and restated intergovernmental agreement between Coconino County and the City of Flagstaff regarding the Flagstaff Metropolitan Planning Organization, also known as MetroPlan, and amending Resolution No. 2070 to add a representative of the Northern Arizona Intergovernmental Public Transportation Authority to the FMPO Executive Board

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jamie Whelan to read Resolution No. 2020-08 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL APPROVING AN AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT BETWEEN COCONINO COUNTY AND THE CITY OF FLAGSTAFF REGARDING THE FLAGSTAFF METROPOLITAN

PLANNING ORGANIZATION, ALSO KNOWN AS METROPLAN, AND AMENDING RESOLUTION NO. 2070 TO ADD A REPRESENTATIVE OF NORTHERN ARIZONA INTERGOVERNMENTAL PUBLIC TRANSPORTATION AUTHORITY TO THE FMPO EXECUTIVE BOARD

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Jamie Whelan to adopt Resolution No. 2020-08.

Vote: 7 - 0 - Unanimously

- E. Consideration and Adoption of Resolution No. 2020-11:** A resolution of the Flagstaff City Council adopting a notice of intention to increase Water Services rates or rate components, fees or service charges; and setting a public hearing date on June 2, 2020.

Management Services Director Rick Tadder provided a PowerPoint presentation that covered the following:

NOTICE OF INTENTION TO INCREASE WATER FEES: WATER RESOURCE PROTECTION AND ENVIRONMENTAL MANAGEMENT OVERVIEW
WATER RESOURCE PROTECTION FEE
IF COUNCIL ADOPTS RES. 2020-11
OPTIONS

Councilmember Whelan asked why the maintenance is not being funded out of the Fire Department budget. Mr. Tadder indicated that because the Fire Department is funded through the general fund, they are limited in funding. The revenue generated from the rate increase would provide an ongoing revenue source to fund the continued maintenance.

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Austin Aslan to read Resolution No. 2020-11 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL ADOPTING A NOTICE OF INTENTION TO INCREASE WATER SERVICES RATES OR RATE COMPONENTS, FEES OR SERVICE CHARGES; AND SETTING A PUBLIC HEARING DATE ON JUNE 2, 2020

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to adopt Resolution No. 2020-11.

Vote: 7 - 0 - Unanimously

- F. Consideration and Approval of Contract:** Approve a professional services contract for Election Consulting and Public Outreach services with NuPoint Marketing, LLC in the amount of \$145,185.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to approve a professional services contract for Election Consulting and Public Outreach services (Contract No. 2020-85) with NuPoint Marketing, LLC in the amount of \$145,185 and authorize the City Manager to execute the necessary documents.

Vote: 7 - 0 - Unanimously

G. Consideration and Approval of Amendment to Contract: Amendment to Contract for Legal Services (on-call) with Dickinson Wright, PLLC.

Mr. Solomon explained that the amendment to the contract is with one of the city's on-call legal providers. There are opportunities for on-call providers to request a price adjustment and that is what is being presented. He indicated that the price adjustment seems significant but is based on discussions with other outside firms. The contract amount is well below what average firms charge which is why staff is recommending approval.

Mr. Solomon noted that staff is currently in the process to go through an RFP process to solicit contracts for new or renewed on-call legal services. Currently there are 14 firms on contract with the city.

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to approve amendment for price adjustment to contract for on-call legal services with the law firm Dickinson Wright, PLLC.

Vote: 7 - 0 - Unanimously

13. PUBLIC HEARING ITEMS

A. Consideration and Action on Liquor License Application: Andrea Lewkowitz "Drury Inn & Suites," 2300 S. Milton Road, Series 10 (beer and wine store), New License.

Mayor Evans opened the public hearing.

Sergeant Ryan Turley introduced the application.

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

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

Vote: 7 - 0 - Unanimously

B. Consideration and Adoption of Ordinance 2020-05: 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 Section 10-90.40.030 of the Zoning Code, the Rural Floodplain Map, to change the map designation of approximately 1.47 acres from Rural Floodplain to Urban Floodplain on an approximate 4.46-acre parcel located at 3451 East Lake Mary Road.

Mayor Evans opened the public hearing.

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

APPLICANT'S REQUEST TO AMEND THE ZONING CODE
PZ-19-00187 LAKE MARY AND I-17 RURAL TO URBAN FLOODPLAIN
LOCATION
DESCRIPTION OF THE RURAL AND URBAN FLOODPLAINS
GENERAL LOCATION MAP

SITE MAP
AREA OF CHANGE FROM RURAL FLOODPLAIN TO URBAN FLOODPLAIN
ZONING CODE TEXT AMENDMENT FINDINGS

Councilmember Aslan asked when the last rural floodplain was altered. Ms. Antol stated that in April 2017 there was a modification, there was a loss of properties. They went back in to add properties into the rural floodplain and the property was not one of them.

Mr. Mark Woodson with Woodson Engineering provided a PowerPoint presentation that covered the following:

SITE PHOTO
AERIAL MAP
SITE DESCRIPTION AND PHOTOS
USGS HISTORICAL TOPOGRAPHIC MAP – 1954
USGS HISTORICAL TOPOGRAPHIC MAP – 1962

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

Councilmember Whelan noted that the Planning and Zoning Commission unanimously recommended approval.

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jamie Whelan to read Ordinance No. 2020-05 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 10, FLAGSTAFF ZONING CODE, SECTION 10-90.40.030 RURAL FLOODPLAIN MAP, TO CHANGE THE MAP DESIGNATION OF APPROXIMATELY 1.47 ACRES FROM RURAL FLOODPLAIN TO URBAN FLOODPLAIN ON APPROXIMATELY 4.46 ACRES OF REAL PROPERTY LOCATED AT 3451 EAST LAKE MARY ROAD; PROVIDING FOR SEVERABILITY; AUTHORITY FOR CLERICAL CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE

14. **REGULAR AGENDA**

- A. **Presentation, Briefing and Discussion:** Coconino County Health and Human Services update regarding novel (new) coronavirus, COVID-19

Deputy County Manager Dr. Marie Peoples provided an update to the Council. She stated that the Coconino County Board of Supervisors will be meeting on March 18, 2020 to consider an emergency status for the County. She indicated that the Emergency Operation Center has been activated

There was discussion concerning testing options and process, confirmed cases, quarantine protocols, and community outreach. There was also discussion regarding the need to secure quarantine housing for the unsheltered population.

Dr. Peoples stressed that the County Department of Health and Human Services is the lead agency for the matter.

Staff read submitted public comments from the following:

Erin O'Donohue expressed concern about students returning to campus after spring break.

Tegan Harrington also expressed concern about the return of students to the community.

Roy Hunter indicated that more efforts should be made to limit the strain on the medical system.

- B. Consideration and Adoption of Resolution No. 2020-09:** A resolution endorsing the declaration of a climate emergency for the City of Flagstaff, and requesting regional collaboration on an equitable transition and urgent mobilization efforts to restore a safe climate.

ITEM POSTPONED TO A LATER DATE

- C. Consideration and Adoption of Resolution No. 2020-10:** A resolution of the Council of the City of Flagstaff, proposing a permanent adjustment to the 1979-1980 base expenditure limitation of the City of Flagstaff.

Finance Director Brandi Suda indicated that a two-thirds majority vote of Council is needed to propose the adjustment to the base expenditure limitation for the City of Flagstaff. She stated that staff is confident with the requested increase of four million.

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Jim McCarthy to read Resolution No. 2020-10 by title only.

Vote: 5 - 1

NAY: Councilmember Austin Aslan

A RESOLUTION OF THE COUNCIL OF THE CITY OF FLAGSTAFF, PROPOSING A PERMANENT ADJUSTMENT TO THE 1979-80 BASE EXPENDITURE LIMITATION OF THE CITY OF FLAGSTAFF

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Jamie Whelan to adopt Resolution No. 2020-10.

Vote: 6 - 1

NAY: Councilmember Austin Aslan

- D. Consideration and Potential Action:** Possible Modification of Future Council Meetings

Mayor Evans stated that City facilities will be closed until at least April 1, 2020. Due to limitations to technology she suggested canceling the Council meetings in March and April to allow staff time to develop options for remote Council Meetings. She also stated that the state and federal lobbying trips have been postponed and she would suggest that future meetings with outside agencies be postponed.

Council expressed support for canceling the upcoming meetings with outside entities. A majority of Council supported canceling the upcoming March and April Council meetings and expressed a desire for staff to look for options for remote meetings.

Moved by Mayor Coral Evans, **seconded by** Councilmember Jim McCarthy to cancel the meetings of March 24, 2020, April 14, 2020, April 20, 2020, and April 28, 2020 with the understanding the City Manager can convene meetings as needed during that time.

Vote: 7 - 0 - Unanimously

15. DISCUSSION ITEMS

- A. Discussion:** Beautification project providing flowers and planters in certain Downtown and Southside commercial and community areas.

ITEM POSTPONED TO A LATER DATE

16. COUNCIL LIAISON REPORTS

Councilmember Whelan read a statement from Mountain Line regarding a continuation of their services.

Councilmember Odegaard reported that he attended the Beautification and Public Art Commission meeting where they discussed a mural at the East Flagstaff Library.

17. CITY MANAGER REPORT

- A. City Manager Report**

Mr. Clifton briefly reviewed his report.

- B. Talking Points Regarding PSPRS Unfunded Liability**

Mr. Clifton reviewed the provided talking points and Council thanked him and staff for providing them.

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

Mr. Solomon spoke briefly about the Mayor's authority to proclaim a declaration of emergency.

Council made statements regarding the closures and mandates related to the Mayor's declaration. They expressed gratitude for the leadership demonstrated by the Mayor and City Manager.

19. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held March 17, 2020, adjourned at 8:06 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 March 17, 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