

MINUTES

1. CALL TO ORDER

Mayor Evans called the meeting of the Flagstaff City Council held October 20, 2020, to order at 3:00 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).

2. ROLL CALL

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

PRESENT:

ABSENT:

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

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 Vice Mayor Shimoni 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 Regular Meeting of April 2, 2019, Work Session of April 9, 2019, Special Meeting of April 10, 2019, Work Session of April 30, 2019, Joint Work Session of May 6, 2019, Regular Meeting of May 7, 2019, Work Session of October 8, 2019, Executive Session of October 15, 2019, Executive Session of November 5, 2019, Executive Session of November 12, 2019, Executive Session of November 19, 2019, Executive Session of November 26, 2019, Executive Session of December 3, 2019, and Executive Session of December 17, 2019.

Councilmember McCarthy noted that they were approving both Executive Session meetings on October 15, 2019. He noted one other correction for the May 7, 2019 minutes on item 11 to clarify the statement "Citizenship in Community Merit Badge." Councilmember Odegaard also requested an amendment to the October 15, 2019 meeting to indicate Councilmember Salas was in attendance.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to approve the minutes of the City Council Regular Meeting of April 2, 2019, Work Session of April 9, 2019, Special Meeting of April 10, 2019, Work Session of April 30, 2019, Joint Work Session of May 6, 2019, Regular Meeting of May 7, 2019, Work Session of October 8, 2019, Executive Session of October 15, 2019, Executive Session of November 5, 2019, Executive Session of November 12, 2019, Executive Session of November 19, 2019, Executive Session of November 26, 2019, Executive Session of December 3, 2019, and Executive Session of December 17, 2019 as amended.

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.

Community Development Director Dan Folke recognized Building Official Amy Palmer who was recently recognized as the Arizona Building Official of the Year.

6. **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: Parks and Recreation Commission.

Moved by Mayor Coral Evans, **seconded by** Councilmember Charlie Odegaard to appoint Ryan Martin to a term expiring August 2023.

Vote: 7 - 0 - Unanimously

7. LIQUOR LICENSE PUBLIC HEARINGS

A. Consideration and Action on Liquor License Application: Amy S. Nations, "Dirty Birdies," 2285 E. Butler Avenue, Series 06 and Series 12, New Applications.

Councilmember Odegaard recused himself due to an appearance of a conflict of interest on the item.

Mayor Evans opened the public hearing.

Sergeant Ryan Turley introduced the application.

Councilmember Salas asked about the name Dirty Birdies. Applicant Karan Patel stated that they wanted a fun sports bar kind of name that fit with having a good time, and birdies being a little bit on the fence with what it could mean along with golf and sports related. It is not a typical sports bar name.

Councilmember McCarthy noted concerns with recent violations against two of the applicants and indicated that he would likely be voting against a recommendation for approval. Mr. Patel and Steve Ahlvin explained that the violations were big mistakes in their lives and things that they learned from. There have been no other derogatory matters since that time.

Councilmember McCarthy thanked Mr. Patel and Mr. Ahlvin for their statements related to past events. He indicated that he will be voting in favor of a recommendation for approval.

Councilmember Salas indicated that the applicants had been doing business in Flagstaff for over 20 years and they have been involved in a number of businesses serving food and liquor.

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

Moved by Councilmember Regina Salas, **seconded by** Vice Mayor Adam Shimoni to forward all the applications to the State with a recommendation of approval.

Vote: 6 - 0

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.

Councilmember Whelan requested items 8D and 8E be pulled for discussion.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Jamie Whelan to approve the Consent Agenda Items 8A, 8B, and 8C as presented.

Vote: 7 - 0 - Unanimously

- A. Consideration and Approval of Grant Application:** The Assistance to Firefighters Grant Program - COVID 19 Supplemental Grant Award of \$56,850 with the Federal Portion of \$51,681
Approve the application to Assistance to Firefighters Grant Program for grant funds in the amount of \$51,681.82 with a city match of \$5,168.18
- B. Consideration and Approval of Cooperative Purchase Contract:** Cisco Security Enterprise Agreement with Advanced Network Management, Inc. in an amount not to exceed \$294,655.29 (plus applicable taxes)
1. Approve a Cooperative Purchase Contract with Advanced Network Management, Inc. in an amount not to exceed \$294,655.29 (plus applicable taxes) over a period of five (5) years under the 1 Government Procurement Alliance (1GPA) cooperative purchase contract 1GPA 19-07PV-01; and
 2. Authorize the City Manager to execute the necessary documents.
- C. Consideration and Approval of Cooperative Purchase Contract:** Microsoft Enterprise Agreement Cooperative Purchase Contract in the amount not to exceed \$235,229.30 (plus applicable taxes).
1. Approve a Cooperative Purchase Contract with CDW LLC. in an amount not to exceed \$235,229.30 (plus applicable taxes) annually, for a period of three (3) years under the State of Arizona Cooperative Purchase Contract 1GPA ADSPO17-149774; and
 2. Authorize the City Manager to execute the necessary documents.
- D. Consideration and Approval of Final Plat:** A request by Jon Gauld for Oak 24, a subdivision of two multi-family residential lots on approximately 16,210 square feet located at 24 W Oak Avenue within the High Density Residential (HR) zone.

Councilmember Whelan asked if the item had been presented before the Planning and Zoning Commission. Planning Director Tiffany Antol stated that because it is a modified sub-division plan with less than four lots it only goes through the internal Design Review Board.

Moved by Councilmember Jamie Whelan, **seconded by** Vice Mayor Adam Shimoni to approve the final plat with the conditions outlined in the staff summary and its attachments, and authorizing the Mayor to sign the final plat when notified by the Development Review Board that all conditions have been met and documents are ready for recording.

Vote: 7 - 0 - Unanimously

- E. Consideration and Approval of Final Plat:** Request by RP4V, LLC and RP40, LLC for approval of Rio Homes Unit 4 Final Plat, a 5.1-acre site located at 1221 E. Emma Dr. This Final Plat is an amendment (replat) to the original Rio Homes Final Plat recorded in 2005. The site is in the Medium Density Residential (MR) Zone and has a Resource Protection Overlay (RPO).

Councilmember Whelan asked what happened with the co-housing community. Guillermo Cortes on behalf of SWI Engineering stated that there was not enough interest or participants for the co-housing component. When they removed that portion and adjusted the density there was more housing being provided to the community in general.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to approve the Final Plat and authorize the Mayor to sign the plat and City Subdivider Agreement when notified by Staff that the documents are ready for recording.

Vote: 7 - 0 - Unanimously

9. ROUTINE ITEMS

- A. Consideration and Approval of Joint Funding Agreement** between the United States Geological Survey and the City of Flagstaff for continued funding towards the C-aquifer Monitoring Program in the amount of \$74,288.

Moved by Councilmember Jim McCarthy, **seconded by** Vice Mayor Adam Shimoni to approve the Joint Funding Agreement with the U.S. Geological Survey (USGS) to contribute \$74,288 from October 1, 2020, to September 30, 2023 and authorize the City Manager to execute the necessary documents

Vote: 7 - 0 - Unanimously

10. PUBLIC HEARING ITEMS

- A. Consideration and Adoption of Development Fee Study and Ordinance No. 2020-25:** Development Fee Study prepared by TischlerBise; and an Ordinance of the Flagstaff City Council amending Flagstaff City Code, Title 3, Business Regulations, Chapter 3-11 Development Fees, by adopting revised Public Safety development fees.

Mayor Evans opened the public hearing.

Joe Galli on behalf of the Greater Flagstaff Chamber of Commerce spoke in opposition of the ordinance because it would add increased cost for development and make housing more expensive. The property tax revenue from new homes should be used to pay for the needed infrastructure. Property taxes should be dedicated to public safety infrastructure.

Mayor Evans indicated that the infrastructure is needed to support the new development and the development fees provide the funding to bring the infrastructure in to support the development.

Councilmember Aslan acknowledged that the action will have an impact on housing but in order to provided housing with the necessary infrastructure, there has to be a way to fund that and current property and sales tax is not able to support new development.

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

ADOPTION OF PUBLIC SAFETY DEVELOPMENT FEES
DEVELOPMENT FEES
EVERY 5 YEARS
PROPOSED FIRE FEES
PROPOSED POLICE FEES

PROPOSED COMBINED FEES

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Austin Aslan to adopt the Development Fee Study.

Vote: 7 - 0 - Unanimously

Vice Mayor Shimoni acknowledged the affordable housing crisis that needs to be addressed but also noted that there are basic services that need to be provided; development fees are the way to provide those services.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Austin Aslan to read Ordinance No. 2020-25 by title only for the first time.

Moved by Councilmember Regina Salas, **seconded by** Councilmember Charlie Odegaard to amend the motion for a later effective date until the economy is back on its feet and after the pandemic is over.

Vote: 1 - 6

AYE: Councilmember Regina Salas

ORIGINAL MOTION:

Vote: 6 - 1

NAY: Councilmember Regina Salas

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 3, BUSINESS REGULATIONS, CHAPTER 3-11 DEVELOPMENT FEES, TO ASSESS DEVELOPMENT FEES ON NEW DEVELOPMENT; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

A break was held from 4:37 p.m. through 4:45 p.m.

11. REGULAR AGENDA

- A. Consideration and Adoption of Resolution No. 2020-57:** Approval of an Intergovernmental Agreement (IGA) between the City of Flagstaff and Northern Arizona University (NAU) for Applied Natural Resources Research.

Moved by Councilmember Jim McCarthy, **seconded by** Vice Mayor Adam Shimoni to read Resolution No. 2020-57 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FLAGSTAFF AND THE ARIZONA BOARD OF REGENTS FOR AND ON BEHALF OF NORTHERN ARIZONA UNIVERSITY FOR APPLIED NATURAL RESOURCES RESEARCH

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to adopt Resolution No. 2020-57.

Vote: 7 - 0 - Unanimously

- B. Consideration and Adoption of Ordinance No. 2020-26:** An ordinance amending Title 11, *General Plans and Subdivisions*, Division 11-10.30, *Specific Plans*, to provide clarification regarding the process for adopting and amending specific plans.

Deputy City Attorney Kevin Fincel indicated that the proposed ordinance will amend the code to clarify the language on the public hearing process and publication. The proposed amendments do not change the process used it just provides greater detail.

Moved by Councilmember Charlie Odegaard, **seconded by** Vice Mayor Adam Shimoni to read Ordinance No. 2020-26 by title only for the first time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF AMENDING CITY CODE TITLE 11, GENERAL PLANS AND SUBDIVISIONS, DIVISION 11-10.30, SPECIFIC PLANS, TO PROVIDE ADDITIONAL DETAIL AND CLARIFICATION REGARDING THE PROCESS FOR ADOPTING AND AMENDING SPECIFIC PLANS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

- C. Consideration and Adoption of Ordinance No. 2020-27:** An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code, Title 3 Business Regulations, by adopting a new chapter 3-12 Short-Term Rentals; providing for penalties, repeal of conflicting ordinances, severability, and establishing an effective date

Management Analyst Jack Fitchett provided a PowerPoint presentation that covered the following:

SHORT-TERM RENTAL ORDINANCE
BACKGROUND
MAIN PROVISIONS
EDUCATION & OUTREACH

Councilmember Whelan asked if the fines could be used to pay for the contract with any excess dedicated to housing programs. Management Services Director Rick Tadder stated that those types of revenues are generally not restricted for a specific purpose and revenue allocations are determined through the budgeting process.

Council briefly discussed the violation process and agreed that the goal will be to educate in hopes of voluntary compliance before implementing penalties.

Councilmember Salas asked if short term and vacation rental will be required to pay the BBB tax in addition to the general sales tax. Mr. Tadder responded yes that when charging sales taxes to these entities the rate will be similar to that of hotels.

Mayor Evans pointed out that the ordinance does not address the issue of people essentially establishing hotels in neighborhoods rather than providing for owner-occupied or rental

opportunities.

Moved by Councilmember Jim McCarthy, **seconded by** Vice Mayor Adam Shimoni to read Ordinance No. 2020-27 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 3 BUSINESS REGULATIONS, BY ADOPTING A NEW CHAPTER 3-12 SHORT-TERM RENTALS; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

12. DISCUSSION ITEMS

A. **Flagstaff Police Presentation on Public Safety Commissions.**

Mr. Solomon explained that review boards are suggested quite frequently by the public and it is important to remember that boards and commissions only provide recommendations to the City Council. The City Charter does not authorize the Council to establish a review board to manage public safety operations and disciplinary review. Flagstaff has a Council/Manager form of government and the City Manager is in control of all personnel disciplinary matters.

Interim Police Chief Dan Musselman provided a PowerPoint presentation that covered the following:

CITIZEN REVIEW BOARDS AND PUBLIC SAFETY COMMISSIONS
TONIGHT'S DISCUSSION
DEFINITIONS
CITIZEN REVIEW BOARD
CONSENT DECREE
AGENCIES UNDER CONSENT DECREES
CITIZEN REVIEW BOARD TYPE 1
CITIZEN REVIEW BOARD TYPE 2
CITIZEN REVIEW BOARD TYPE 3
CITIZEN REVIEW BOARD TYPE 4
CIVILIAN REVIEW BOARD PROS
CIVILIAN REVIEW BOARD CONS
PUBLIC SAFETY COMMISSIONS
FPD ALREADY HAS A CULTURE OF DOING IT RIGHT
FPD CITIZENS LIAISON COMMITTEE (CLC)

Council discussed whether there was a need to create a public safety commission. Interim Chief Musselman and Senior City Attorney Marianne Sullivan offered that the CLC operates in the same way a commission would and an additional commission may be redundant. There was further discussion about how to increase interest and participation on the CLC.

Council expressed their appreciation for the police department and for taking the time to educate the public and the Council on operations and policies. Mayor Evans asked Council to be mindful in future budget discussions about funding community policing programs. These programs put officers in the community in a positive environment rather than in an enforcement capacity.

13. COUNCIL LIAISON REPORTS

Vice Mayor Shimoni reported that the CJCC is back meeting on a regular basis and he is looking forward to having good conversations about helping the most vulnerable in the community.

Councilmember Odegaard reported that the Beautification and Public Art Commission met and discussed the traffic signal box art project and the award of contract for the artists. They will be holding a budget retreat on October 30, 2020 to discuss funding for other art projects.

Councilmember Salas reported that she attended the Parks and Recreation Commission meeting where the two newly appointed commissioners were welcomed to the Commission. It was a productive and engaged meeting consisting of some ideas from commissioners about future discussion items such as opportunities for public/private partnerships with regard to park and recreation programming. They are taking a closer look at a cost recovery approach and a possible policy for recreation programming. She acknowledged the parks and recreation staff for their work in opening the recreation fields and Jay Lively. She also reported that she attended the Annual Discover Flagstaff Stakeholder and Partner Meeting where the keynote speaker spoke about focusing on the path forward and identifying strategic recovery tools for tourism. The Airport Commission also met; she noted that they currently have three vacant seats and they are actively recruiting additional members. They appointed Erik Peterson as the new Commission Chair and they received reports on increases in enplanements and fuel flow which indicates increase aviation activity.

Councilmember Whelan reported that she attended the Northern Arizona Municipal Water User Association meeting where they discussed various letters to the Arizona Department of Water Resources. They are also sponsoring a water leadership forum.

Mayor Evans indicated that she had questions about conflicts of interest of commission members.

Moved by Mayor Coral Evans, **seconded by** Councilmember Austin Aslan to recess into Executive Session for legal advice.

Vote: 7 - 0 - Unanimously

Council recessed into Executive Session at 6:07 p.m. and reconvened into open session at 6:27 p.m.

14. 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 "declare a Housing Crisis in the City of Flagstaff through Emergency Resolution. This action should be followed by the prioritization of housing as a focus of investment, action and support by the City."

CEO of Housing Solutions Devonna McLaughlin introduced the petition and offered comments of support.

Yiqyun Lin addressed Council and spoke in support of passing a Housing Crisis Emergency Resolution.

The following individuals submitted written comments in support of passing a Housing Crisis Emergency Resolution:

- Ross Altenbaugh
- Kathy Gimenez
- Sandi Flores
- Cathy Small
- E. Dru Monroe

Council offered words of support and moved the item forward to a future agenda for discussion.

15. CITY MANAGER REPORT

A. City Manager Report

Mr. Clifton briefly reviewed his report.

16. COVID-19 UPDATES

A. Community Partner and City staff updates on COVID-19

Deputy City Manager Shannon Anderson introduced Joshua Maher, NAU Associate Vice President for Community Relations and Christy Farley, NAU Vice President for External Affairs, who provided a PowerPoint presentation that covered the following:

NAU COVID-19 UPDATE
COVID-19 TESTING AND RESULTS
COCONINO COUNTY TESTING
CAMPUS SIGNAGE

Council discussed the improved communication with students and staff and the enforcement activities for COVID protocols. They discussed the testing operations and the plans to suspend them in the fall due to decreased population on campus. They also discussed the welcome kits provided to all students that included information about COVID.

Ms. Anderson continued the presentation.

IMPACTS OF COVID-19 ON CITY STAFF
THE DATA
CCHHS: COVID-19 WEEKLY CASES
CCHHS: COVID-19 DAILY CASES
CCHHS: HOSPITAL ADMISSIONS
CCHHS: COVID-19 RELATED DEATHS
CCHHS: COMMUNITY TRANSMISSION
ADHS DASHBOARD
NAH: HOSPITAL CENSUS
HALLOWEEN DRIVE THRU

Council and staff discussed some of the employee groups that have been recently impacted

by COVID outbreaks. They shared mitigation efforts and return to work policies.

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

Councilmember McCarthy shared thoughts of shock and disappointment about a recent flag burning on the lawn of City Hall. He encouraged more productive measures for communicating and demonstrations.

Councilmember Salas thanked Parks and Recreation and the Library for their work in making Halloween happen in a safe manner.

Councilmember Odegaard thanked staff for including him in a meeting with a potential employer in Flagstaff and he thanked the Mayor for allowing him to sit in on the Arizona Mayors Roundtable discussion to discuss education at the local level.

18. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held October 20, 2020, adjourned at 7:36 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 20, 2020. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 5th day of July, 2022.

CITY CLERK