

MINUTES

1. CALL TO ORDER

Vice Mayor Shimoni called the meeting of the Flagstaff City Council held November 3, 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:

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

ABSENT:

MAYOR EVANS

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

None

5. 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: Airport Commission.

Moved by Vice Mayor Adam Shimoni, **seconded by** Councilmember Regina Salas to appoint David Steiner to a term expiring October 2023.

Vote: 6 - 0 - Unanimously

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to appoint Christina Caldwell to a term expiring October 2023.

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.

Vice Mayor Shimoni requested that Item 6B be pulled for discussion.

Moved by Councilmember Jim McCarthy, **seconded by** Vice Mayor Adam Shimoni to approve the Consent Agenda Items 6A, 6C, 6D, and 6E as presented.

Vote: 6 - 0 - Unanimously

A. Consideration and Approval of Contract: Purchase water and wastewater treatment chemicals through an Invitation for Bids, Bid number 2021-05 (Approve contracts with four (4) vendors for water & wastewater treatment chemicals).

Approve and award three (3) year initial term contracts, with options to extend for two (2) one (1) year renewals, with four (4) national companies for the purchase of bulk water and wastewater treatment chemicals as follows:

1. DPC Enterprises, L.P. of Glendale, Arizona agrees to provide gaseous chlorine for an annual not to exceed amount of \$70,000.
2. Thatcher Company of Arizona, Inc. of Salt Lake City, Utah agrees to provide cationic polymer for an annual not to exceed amount of \$100,000.
3. Thatcher Company of Arizona, Inc. of Salt Lake City, Utah agrees to provide sodium hypochlorite for an annual not to exceed amount of \$65,000.
4. Univar USA Inc. of Phoenix, Arizona agrees to provide liquid sodium hydroxide (25%) for an annual not to exceed amount of \$30,000.
5. Hills Brothers Chemical Company of Phoenix, Arizona agrees to provide liquid sodium hydroxide (50%) for an annual not to exceed amount of \$30,000.

Authorize the City Manager to sign all necessary documents.

- B. Consideration and Approval of Final Plat** Ponderosa Parkway LLC requests Final Plat approval for Ponderosa Parkway Condominiums Unit 1—a 26-unit residential condominium subdivision at 1650 E. Ponderosa Parkway on 11.97 acres in the High Density Residential (HR) Zone.

Vice Mayor Shimoni asked if there was any potential for bringing the proposed 100% AMI down to 80% AMI. Applicant Jack Kemmerly explained that the 100% AMI had already been set and recorded within the development agreement back in 2019 and at this time it is not feasible to go back and change that.

Vice Mayor Shimoni asked if there was any ability to increase the number of electric vehicle ready spots. Mr. Kemmerly stated that the charging stations can be expanded by the homeowner's association if desired. The spots were installed with the ability to expand.

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Regina Salas 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: 6 - 0 - Unanimously

- C. Consideration and Approval of Contract:** Public Defender Services for the Flagstaff Municipal Court

1. Approve the multi-year Public Defender Services contract with Harris & Winger PC for an annual amount of \$412,000.00 with an annual increase of 2%.
2. Authorize the City Manager to execute all necessary documents.

- D. Consideration and Approval of Contract:** Consideration of the Hexagon Contract for the Computer Aided Dispatch (CAD) upgrade for the amount of \$709,227.48.

1. Approve the contract for the Computer Aided Dispatch (CAD) software and hardware upgrade with Hexagon in the amount of \$709,227.48; and
2. Authorize the City Manager to execute all necessary documents.

- E. Consideration and Approval of Contract:** Recommend approval of the Firewood Processing contract for the Shultz Pass Log Deck Staging Area with Alamo Navajo School Board, Inc. in the amount of \$96,600.00.

1. Approve the contract with Alamo Navajo School Board, Inc. for the Firewood Processing at Shultz Pass Log Deck Staging Area in the amount of \$96,600.00
2. Authorize the City Manager to execute the necessary documents.

7. ROUTINE ITEMS

- A. Consideration and Approval of Preliminary Plat** Miramonte Beaver, LLC requests Preliminary Plat approval for Miramonte at Butler Ave.—a condominium subdivision consisting of 32 residential units and one ground floor restaurant space at 207 S. Beaver St. on 0.54 acres in the T5 Main Street Transect Zone.

Planning Development Manager Genevieve Pearthree provided a PowerPoint presentation that covered the following:

MIRAMONTE AT BUTLER PRELIMINARY PLAT APPROVAL REQUEST

REQUEST OVERVIEW
VICINITY MAP
DEVELOPMENT OVERVIEW
MIRAMONTE AT BUTLER AVE. PRELIMINARY PLAT
FLOOR PLANS
FIRST FLOOR
SECOND THROUGH FIFTH FLOOR
ELEVATIONS
REQUIRED FINDING #1
MEETINGS ZONING CODE (TITLE 10) STANDARDS
REQUIRED FINDING #2
MEETS ENGINEERING STANDARDS (TITLE 13)
REQUIRED FINDING #3
MEETS SUBDIVISION AND LAND SPLIT REGULATIONS (CHAPTER 11-20)
FINDINGS AND RECOMMENDATION

Councilmember Salas asked if there is ample parking for both residents and commercial customers. Ms. Pearthree indicated that the code required 19 spaces and they are providing 32 spaces. Mr. Kemmerly added that the parking spaces are numbered; when each buyer comes in to contract they will be assigned a parking space which is consistent with other projects they have done. Councilmember Salas expressed concern about only having three spaces for the restaurant. Mr. Kemmerly stated that the operator of the commercial space would have the parking spaces time limited and the business is set up as a grab and go operation. They also have a dedicated two-lane alley for vehicular access.

Councilmember Odegaard asked how many bedrooms are included in the development. Ms. Pearthree stated that there are 52 total beds. Councilmember Odegaard also expressed concern about the parking with only 32 spaces being provided for 52 beds. Ms. Pearthree acknowledged the concern and stated that the development meets the requirements of the transect zone.

Councilmember Aslan also expressed concern about the parking and indicated tht he is not certain that the building is appropriate for the space.

Vice Mayor Shimoni indicated support for the project stating that it has a good room breakdown and it is a good example of infill. He too has concerns about the parking but is hopeful that the location will lend itself to walking, biking, and public transportation. He asked about bicycle parking. Mr. Kemmerly stated that there is surface bike parking outside the building that is geared towards visitors. They will be providing interior bike parking that is secured for residents.

Councilmember Odegaard asked if there will be regulations against short-term rentals to which Mr. Kemmerly responded yes, there will be a 30-day minimum rental requirement.

Moved by Councilmember Jamie Whelan, **seconded by** Vice Mayor Adam Shimoni to approve the Preliminary Plat.

Vote: 6 - 0 - Unanimously

- B. Consideration and Adoption of Ordinance No. 2020-25:** 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.

Councilmember Salas indicated that she would like to again request that the Council put a moratorium on new or increasing fees. She does not feel that the time is right to impose new fees during a pandemic. She would be comfortable approving the fees but delaying the implementation until after the pandemic.

Planning Director Tiffany Antol noted that the fees would come into effect on January 17, 2021.

Council did not support the request to delay implementation of the fees.

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

Vote: 5 - 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

Moved by Councilmember Austin Aslan, **seconded by** Councilmember Jim McCarthy to approve Ordinance No. 2020-25.

Vote: 5 - 1

NAY: Councilmember Regina Salas

- 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 noted that there was a small correction in the ordinance to include emergency contact information on the posting.

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Charlie Odegaard to read Ordinance No. 2020-27 by title only for the final time.

Vote: 6 - 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

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Charlie Odegaard to approve Ordinance No. 2020-27.

Vote: 6 - 0 - Unanimously

- D. 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 stated that the purpose of the amendment is to memorialize the process that is already in use for specific plans.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Jamie Whelan to read Ordinance No. 2020-26 by title only for the final time.

Vote: 6 - 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

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Jamie Whelan to approve Ordinance No. 2020-26.

Vote: 6 - 0 - Unanimously

8. PUBLIC HEARING ITEMS

- A. Consideration and Adoption of Ordinance No. 2020-29:** An ordinance of the City Council of the City of Flagstaff abandoning and authorizing the sale of approximately 1,200 square feet of public right-of-way adjacent to 4013 S. Holland Road; providing for delegation of authority, repeal of conflicting ordinances, severability, and establishing an effective date.

Vice Mayor Shimoni opened the public hearing.

Community Development Director Dan Folke provided a PowerPoint presentation that covered the following:

REQUEST TO ABANDON A PORTION OF SOUTH HOLLAND ROAD ROW
S. HOLLAND ROAD ABANDONMENT
VICINITY MAP
FINAL PLAT
CITY CODE 11-20.160
REQUEST TO ABANDON PUBLIC RIGHT-OF-WAY
CITY CHARTER: ARTICLE 8 CONTRACTS, 10 SALE OF CITY PROPERTY
ARS 28-7204.C SALE OF VACATED PROPERTY
ORDINANCE 2020-29

Property owner David Hitesman addressed Council stating that when they purchased their home they were aware of the right-of-way but they did not anticipate that the road would be

built up so high causing privacy issues. He feels that the path forward is a win for all parties and an opportunity to improve the aesthetics of the corner while providing privacy options.

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

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Jamie Whelan to read Ordinance No. 2020-29 by title only for the first time.

Vote: 6 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF ABANDONING AND AUTHORIZING THE SALE OF APPROXIMATELY 1,200 SQUARE FEET OF PUBLIC RIGHT-OF-WAY ADJACENT TO 4013 S. HOLLAND ROAD; PROVIDING FOR DELEGATION OF AUTHORITY, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

- B. Consideration and Adoption of Resolution No. 2020-59 and Ordinance No. 2020-28:** 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-19-00125 Updates to Zoning Code 2020 - High Occupancy Housing Land Use;" 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, to implement the High Occupancy Housing Plan by adopting the High Occupancy Housing Development (HOHD) and Mixed-Use High Occupancy Housing Development (MHOHD) land uses and related standards.

Vice Mayor Shimoni opened the public hearing.

Zoning Code Manager Dan Symer and Comprehensive Planning Manager Sara Dechter provided a PowerPoint presentation that covered the following:

UPDATES TO ZONING CODE 2020-HIGH OCCUPANCY HOUSING SPECIFIC PLAN
WHAT HAPPENED LEADING UP TO THE HOH PLAN
WHY DID THE CITY ADOPT THE HOH PLAN?
CITY'S PROPOSED ZONING CODE TEXT AMENDMENT
DEFINITIONS
ZONES THAT THE MHOHDS ARE ALLOWED
ACTIVITY CENTERS
RESIDENTIAL ZONES
COMMERCIAL AND TRANSECT ZONES
SPECIFIC TO USE PROPERTY DEVELOPMENT CRITERIA
CONDITIONAL USE PERMIT CRITERIA
FINDINGS FOR ZONING CODE TEXT AMENDMENTS
STAFF RECOMMENDATION

Written comments were provided by David Carpenter expressing concerns about the complexity of the amendments and the ability for the code to do what it is intended.

Councilmember Whelan expressed appreciation to staff for the work done on the amendments. Vice Mayor Shimoni agreed stating that the amendments will have a positive impact on future development.

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

Moved by Councilmember Jamie Whelan, **seconded by** Vice Mayor Adam Shimoni to read Resolution No. 2020-59 by title only.

Vote: 6 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "CASE NO. PZ-19-00125 UPDATES TO ZONING CODE 2020 – HIGH OCCUPANCY HOUSING LAND USE"

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Jamie Whelan to read Ordinance No. 2020-28 by title only for the first time.

Vote: 6 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 10, FLAGSTAFF ZONING CODE, BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "CASE NO. PZ-19-00125 UPDATES TO ZONING CODE 2020 – HIGH OCCUPANCY HOUSING LAND USE"; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

9. REGULAR AGENDA

- A. Consideration and Adoption of Resolution No. 2020-60:** A resolution approving an Intergovernmental Agreement between the Summit Fire Medical District, the Highlands Fire District, the Pinewood Fire District, the Ponderosa Fire District and the City of Flagstaff on behalf of the Flagstaff Fire Department to expend grants funds and participate in regional training of emergency services personnel.

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Regina Salas to read Resolution No. 2020-60 by title only.

Vote: 6 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE HIGHLANDS FIRE DISTRICT, PONDEROSA FIRE DEPARTMENT, PINEWOOD FIRE DEPARTMENT, SUMMIT FIRE AND MEDICAL DISTRICT AND THE CITY OF FLAGSTAFF FOR THE ASSISTANCE TO FIREFIGHTERS REGIONAL TRAINING GRANT PROGRAM

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Regina Salas to adopt Resolution No. 2020-60.

Vote: 6 - 0 - Unanimously

- B. Consideration and Approval of Contract:** Approve the Contract to Crandell Research Solutions for Regional Fire Officer Training

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to approve the Contract with Crandell Research Solutions in the amount of \$116,100 and authorize the City Manager to execute the necessary documents.

Vote: 6 - 0 - Unanimously

- C. Consideration and Adoption of Ordinance No. 2020-30:** An ordinance of the Flagstaff City Council ratifying the grant and reservation of easements; and formally accepting dedications and donations of easements and real property interests; delegating authority; and establishing an effective date. (*approving receipt/transfer of easements and real property interests*)

Real Estate Manager Bryce Doty stated that it has been staff's practice to bundle the right-of-way and easement acquisitions and transfers from the year into one annual ordinance as required by Charter.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Austin Aslan to read Ordinance No. 2020-30 by title only for the first time.

Vote: 6 - 0 - Unanimously

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL RATIFYING THE GRANT AND RESERVATION OF EASEMENTS; AND FORMALLY ACCEPTING DEDICATIONS AND DONATIONS OF EASEMENTS AND REAL PROPERTY INTERESTS; DELEGATING AUTHORITY; AND ESTABLISHING AN EFFECTIVE DATE

10. COUNCIL LIAISON REPORTS

Councilmember Odegaard reported that he attended the Beautification and Public Art Commission's budget retreat and that he will be attending the Transportation Commission meeting later in the week; he will provide a report to the Council at the next meeting.

11. CITY MANAGER REPORT

A. City Manager Report

Mr. Clifton briefly reviewed his report.

i. Traffic Signal Cabinets Public Art Project

Beautification and Public Art Manager Eliza Kretzmann stated that the traffic signal art is a pilot project, they are hoping to add other cabinets with additional funding in future years. There is currently funding for three or four locations and they have initially selected San Francisco and Butler as well as Gemini and Cedar at the entrance of Buffalo Park. There was a good community response to the request for proposals with 34 applications received. Feedback from the community will be solicited to evaluate if there is a desire to add additional cabinets in the future.

Council expressed excitement about the project and a desire to hopefully see the program continue and expand. There was a request to continue using culture and personality of the surrounding areas to accentuate the diversity of Flagstaff.

12. COVID-19 UPDATE

Deputy City Manager Shannon Anderson reviewed the recent COVID-19 trends.

Vice Mayor Shimoni stated that with numbers increasing again he wants to encourage everyone to mask, social distance, and stay safe.

Councilmember Whelan asked about any changes that the State Health Department made related to the categories of transmission and severity. Ms. Anderson stated that there were changes made about three weeks ago where a community had to have all categories a particular range for two weeks until the overall community transmission level changes. Flagstaff has remained in the moderate category because there are two categories that have not been in substantial. Councilmember Whelan indicated that she is not comfortable with how the state is interpreting community levels.

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

Councilmember McCarthy thanked the City Clerk and City Manager for responding to the request to keep the agenda light due to the election.

Councilmember Aslan offered congratulations to all the candidates and wished them all the best. He expressed gratitude for the measures at the polling places to keep people safe while voting.

Councilmember Salas thanked Court Administrator Jessica Cortes and Deputy Court Administrator Heidi Lofgren for leading a tour of the new courthouse. She also requested a FAIR item to discuss a policy for a moratorium on any new or increased fees until after the global pandemic is over as set forth by CDC.

Vice Mayor Shimoni thanked Council and wished the candidates well in the election.

14. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held November 3, 2020, adjourned at 4:23 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 3, 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