

MINUTES

1. **CALL TO ORDER**

Mayor Evans called the meeting of the Flagstaff City Council held November 17, 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 Councilmember Salas 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 announced that Flagstaff has been named one of 88 agencies on the 2020 A List as climate leaders from the international non-profit Carbon Disclosure Project.

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 Councilmember Charlie Odegaard, **seconded by** Mayor Coral Evans to appoint Cal McCloy to a term expiring October 2023.

Vote: 7 - 0 - Unanimously

B. Consideration of Appointments: Housing Commission

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Jim McCarthy to appoint Joanna Wheaton to a Community Representative seat for a term expiring in September 2023.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Jim McCarthy, **seconded by** Vice Mayor Adam Shimoni to appoint Chris Kemmerly to a Building and Real Estate Professional - Developer seat to a term expiring in September 2023.

Councilmember Whelan noted that Mr. Kemmerly is a current commissioner and has missed eight of the ten meetings. The commission deserves someone who will be present, attentive, and ready to participate. Councilmember McCarthy stated that he had spoken with Mr. Kemmerly and he noted that he was not attending the meetings that were not relevant to his expertise.

Councilmember Aslan also expressed concern about Mr. Kemmerly's absences. Mayor Evans stated that the developer seat has been extremely difficult to fill and it is important there is a development perspective on the commission. She recommended that Councilmember McCarthy continue to engage with Mr. Kemmerly to further stress the importance of attending meetings.

Vote: 4 - 0 - Unanimously

Moved by Vice Mayor Adam Shimoni, **seconded by** Councilmember Charlie Odegaard to appoint Sandi Flores to a Building and Real Estate Professional - Any seat to a term expiring in September 2023.

Vote: 7 - 0 - Unanimously

Moved by Mayor Coral Evans, **seconded by** Councilmember Charlie Odegaard to appoint Adrah Parafiniuk to a Community Representative seat for a term expiring in September 2021.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Charlie Odegaard, **seconded by** Vice Mayor Adam Shimoni to appoint Eric Davis to a Building and Real Estate Professional - Realtor seat to a term expiring in September 2023.

Vote: 7 - 0 - Unanimously

C. Consideration of Appointment: Sustainability Commission.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Austin Aslan to appoint David McCain to a term expiring October 2023.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to appoint Kevin White to a term expiring October 2022.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Austin Aslan, **seconded by** Councilmember Jim McCarthy to appoint John Daley to a term expiring October 2023.

Vote: 7 - 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 Charlie Odegaard, **seconded by** Vice Mayor Adam Shimoni to approve the Consent Agenda as presented.

Vote: 7 - 0 - Unanimously

A. Consideration and Approval of Contract: Slash Management contract for the Schultz Pass and Dry Lake Hills area with Markit! Forestry.

1. Approve the contract with Markit! Forestry in the amount of \$463,060.
2. Authorize the City Manager to execute the necessary documents.

B. Consideration and Approval of a Consulting Contract: Landfill Road Environmental Assessment with EnviroSystems Management, Inc.

1. Approve a Cooperative Purchasing Contract with EnviroSystems Management, Inc. to provide professional consulting services for an amount of \$73,246.00.
2. Authorize the City Manager to execute all necessary documents.

7. ROUTINE ITEMS

A. 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.

Stephen Hastings submitted a written comment in support of delaying the effective date of the high occupancy housing ordinance.

Moved by Councilmember Jim McCarthy, **seconded by** Vice Mayor Adam Shimoni to adopt Resolution No. 2020-59 with one minor change to amend Section 2 to change the effective date from January 1, 2021 to March 1, 2021.

Moved by Councilmember Charlie Odegaard, **seconded by** Vice Mayor Adam Shimoni to amend the motion to include the following:

Sec. 10-80.20.080—HOHD:

Housing development, either for rental or purchase, in which all dwelling units are permanently affordable and offered at 60 percent of the Area Median Income (AMI) in compliance with the Department of Housing and Urban Development regulations shall not be categorized as High Occupancy Housing Development, regardless of the number units, bedrooms, or zoning.

Sec. 10-80.20.130—MOHD:

Mixed-use housing development, either for rental or purchase, in which all dwelling units are permanently affordable and offered at 60 percent of the Area Median Income (AMI) in compliance with the Department of Housing and Urban Development regulations shall not be categorized as High Occupancy Housing Development, regardless of the number of units, bedrooms, or zoning.

Zoning Code Manager Dan Symer noted that the amendment would eliminate all affordable housing projects from the High Occupancy Housing (HOH) requirements and the HOH requirements were based on developments that could be considered high occupancy regardless of affordability or not.

Councilmember McCarthy noted concerns about removing the public from the discussion about a high occupancy, affordable housing development. If the amendment fails, the project could be done but it would have to go through a Conditional Use Permit process which would give the public an opportunity to review the development.

Mayor Evans indicated that the amendment would address the issue of NIMBYism in terms of

affordable housing. Councilmember Odegaard added that the community has said they want affordable housing for the community and this would be a way to deliver affordable housing.

Vice Mayor Shimoni asked if there was a way to require a public process on the affordable housing developments. Senior Assistant City Attorney Christina Rubalcava stated that Council cannot make a requirement that specific projects go through public meeting process because they would be an entitled project that is administratively decided.

Vote: 6 - 1

NAY: Councilmember Jim McCarthy

ORIGINAL MOTION:

Vote: 6 - 1

NAY: Councilmember Jamie Whelan

Council requested that during the time before the effective date of March 1, 2021, that staff review the amended language to determine if there are any concerns that would necessitate further amendment.

Moved by Councilmember Jim McCarthy, **seconded by** Vice Mayor Adam Shimoni to read Ordinance No. 2020-28 by title only for the final time with the amended date.

Vote: 6 - 1

NAY: Councilmember Jamie Whelan

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

Moved by Vice Mayor Adam Shimoni, **seconded by** Councilmember Charlie Odegaard to adopt Ordinance No. 2020-28.

Vote: 6 - 1

NAY: Councilmember Jamie Whelan

- B. 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.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to read Ordinance No. 2020-29 by title only for the final time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF ABANDONING AND AUTHORIZING THE SALE OF 1,168 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

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to adopt Ordinance No. 2020-29.

Vote: 7 - 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***)

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

Vote: 7 - 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

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to adopt Ordinance No. 2020-30.

Vote: 7 - 0 - Unanimously

- D. Consideration and Approval of Amendment One to the Construction Manager At Risk Construction Services Agreement:** for the northern portion of the Coconino Estates Improvements Phase I Project.

Capital Improvements Project Manager Eli Reisner provided a PowerPoint presentation that covered the following:

CMAR CONSTRUCTION SERVICES AGREEMENT AMENDMENT ONE
AMENDMENT ONE
VICINITY MAP

Moved by Councilmember Charlie Odegaard, **seconded by** Vice Mayor Adam Shimoni to approve Amendment One to the Construction Manager At Risk (CMAR) Construction Services Agreement No. 2019-37, with Eagle Mountain Construction, to include the Guaranteed Maximum Price (GMP) for the northern portion of the Coconino Estates Improvements Phase I Project in the amount of \$3,192,513.34 with no changes to the contract duration, approve an Owner's Contingency of \$74,842.99, which is approximately 2.3% of the Guaranteed Maximum Price for the northern portion of the Project, and authorize the City Manager to execute the necessary documents.

Vote: 7 - 0 - Unanimously

E. Consideration and Approval of Contract: Federal Lobbying Services

Purchasing Director Patrick Brown addressed Council stating proposals were solicited and submitted using a request for proposals. The scope of work was drafted with the City Manager's Office based on the needs of the city and a scoring criteria was established. Nexxus Consulting was the highest responsive bidder.

Management Analyst Sarah Langley addressed Council stating that Nexxus Consulting has a strong presence in Northern Arizona and is keenly aware of the needs of the city. They have in-depth knowledge about projects such as the Rio de Flag and the Airport.

Council expressed appreciation for the work done by Nexxus Consulting in prior years and were excited to see their contract with the city continued.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Regina Salas to approve the Contract with Nexxus Consulting, LLC to provide federal lobbying services for the City of Flagstaff for an annual fee of \$96,000 for the first year with a provision for a 2.5% increase each succeeding year, plus applicable expenses billed at cost and authorize the City Manager to execute the necessary documents.

Vote: 7 - 0 - Unanimously

A break was held from 4:30 p.m. through 4:45 p.m.

8. REGULAR AGENDA**A. Consideration and Adoption of Ordinance No. 2020-31: An ordinance amending Flagstaff City Code, Chapter 1-18, Administrative Departments, to establish the Engineering and Capital Improvements Division in City Code.**

Mr. Clifton addressed Council stating that the ordinance is to permit a restructure of the organization to put into place something that is already occurring internally.

Deputy City Manager Shannon Anderson added that the ordinance would update the city code to include a new Engineering and Capital Improvements Division that will report up to one of the Deputy City Managers.

Councilmember Whelan asked what the financial impact of the restructure is. Mr. Clifton noted that there is some impact that would involve a reclassification but it is not significant.

Moved by Vice Mayor Adam Shimoni, **seconded by** Councilmember Jim McCarthy to read Ordinance No. 2020-31 by title only for the first time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, CHAPTER 1-18, ADMINISTRATIVE DEPARTMENTS, TO ESTABLISH THE ENGINEERING AND CAPITAL IMPROVEMENTS DIVISION; PROVIDING REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

- B. Consideration and Adoption of Ordinance No. 2020-32:** An ordinance of the City Council of the City of Flagstaff, changing the name of Agassiz Street to ____; providing for severability, authority for clerical corrections, and establishing an effective date

Management Analyst Sarah Langley provided a PowerPoint presentation that covered the following:

AGASSIZ STREET RENAMING
BACKGROUND & COUNCIL DIRECTION
ESTIMATED COSTS
NAME SUGGESTIONS/VETTING PROCESS
SURVEY RESULTS
RATIONALES OF TOP 5 RESULTS
QUESTIONS/COUNCIL DIRECTION

Deb Harris addressed Council in support of changing the street name to Wilson Riles.

Narvia Riles Bostick submitted a written comment in support of changing the street name to Wilson Riles.

Alexa Hart submitted a written comment in support of changing the street name to Wilson Riles or Dr. Charles Drew.

Gregg Ensminger submitted a comment card in opposition to changing the name of the street.

Council expressed appreciation for the outreach to residents and the public engagement process for soliciting possible names. They discussed the history of Wilson Riles and his impact on Flagstaff. They also discussed some of the other names submitted including Annie Watkins Lane, Code Talker Way, and Pluto Place.

Due to another street in Flagstaff named Wilson, Council agreed that the name should be abbreviated to WC Riles to avoid confusion. They also discussed the possibility of providing compensation for the affected property owners for the inconvenience associated with having to change their street address however, there was not majority support for compensation.

Council expressed a desire to develop an education component to the renaming that highlights who Wilson Riles was and his impact on the Flagstaff community.

Moved by Councilmember Jamie Whelan, **seconded by** Mayor Coral Evans to read Ordinance No. 2020-32 by title only for the first time with the name W C Riles.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, CHANGING THE NAME OF AGASSIZ STREET TO W C RILES DRIVE; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

- C. **Consideration and Adoption of Resolution No. 2020-62:** A resolution of the Mayor and Council of the City of Flagstaff, Coconino County, Arizona, declaring official and adopting the results of the General/Special Election held on November 3, 2020.

City Clerk Stacy Saltzburg reported that the total voter turnout was 83.44% which is the highest voter turnout in Flagstaff since 1990. Paul Deasy received the highest number of votes for Mayor. For Councilmembers; Becky Daggett, Jim McCarthy, and Miranda Sweet were the three highest vote getters. The elected officials will be officially sworn in on December 15, 2020.

Ms. Saltzburg noted that she received notification from Coconino County that while they were doing their final audit of all the results, they identified a discrepancy and there were 100 early ballots that were not included in the reports that they issued last week. They corrected the deficiency and issued updated reports yesterday which are reflected in the numbers presented today. As a result of the discrepancy the County Board of Supervisors delayed their canvass until Friday, November 20, 2020. Legally the Council can canvass the results now but the best practice would be to wait until the Board of Supervisors canvasses their results on Friday. To do this, a special meeting will need to be called on Monday, November 23, 2020 to canvass the results.

Council agreed that a special meeting should be called for Monday, November 23, 2020 to canvass the results of the election.

9. **COUNCIL LIAISON REPORTS**

10. **FUTURE AGENDA ITEM REQUESTS**

After discussion and upon agreement by three members of the Council, an item will be moved to a regularly-scheduled Council meeting.

- A. **Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Salas to place on a future agenda a discussion about a policy of a moratorium on any new or increased fees until after the global pandemic is over as set forth by CDC.

Councilmember Salas stated that she would like to have a discussion about a possible policy to suspend or defer the implementation of new fees or increased fees until after the pandemic is over.

Joe Galli, on behalf of the Greater Flagstaff Chamber of Commerce, submitted a written comment in support of moving the item forward to a future agenda for discussion.

Four members of Council were supportive of moving the item forward to a future agenda for discussion. It was requested that when the discussion comes back that the decision to defer or suspend fees be tied to the recession plan as well as the budget.

11. **CITY MANAGER REPORT**

A. **City Manager Report**

Mr. Clifton briefly reviewed his report.

12. COVID-19 UPDATES

Deputy City Manager Shannon Anderson provided a PowerPoint presentation that covered the following:

AGENDA

THE DATA

CCHHS: COVID-19 WEEKLY CASES

CCHHS: COVID-19 DAILY CASES

CCHHS: COVID-19 RELATED DEATHS

CCHHS: COMMUNITY TRANSMISSION

COUNCIL DISCUSSION ON COMMUNITY TRANSMISSION LEVEL

ADHS DASHBOARD

Councilmembers expressed concern about the number of cases, the capacity of the hospitals, and concerns about how state officials are reporting information.

Coordinator for Indigenous Initiatives Rose Toehe continued the presentation.

INDIGENOUS NATIONS DATA

NAVAJO NATION

HOPI TRIBE

INDIGENOUS NATIONS UPDATE

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

Councilmember Salas thanked everyone for their hard work and reminded everyone to stay safe, mask up, and physically distance.

Vice Mayor Shimoni stated that November is Native American Heritage month and there are a number of events happening where the community can engage, learn, and listen. He thanked the Economic Vitality staff for their work on the Flagstaff Local movement. He reported that ADOT will be hosting a couple of town halls in the near future and he expressed gratitude to the Arizona Board of Regents for hosting a town hall at NAU.

Mayor Evans stated that she had the opportunity to speak with the Arizona Board of Regents and it is exciting to see the community understanding the roll of the Board in the strategic plan and leadership of NAU.

14. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held November 17, 2020, adjourned at 6:39 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 17, 2020. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 20th day of September, 2022.

CITY CLERK