

MINUTES

1. CALL TO ORDER

Mayor Deasy called the meeting of the Flagstaff City Council held May 3, 2022, to order at 3:05 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 DEASY
VICE MAYOR SWEET
COUNCILMEMBER ASLAN
COUNCILMEMBER MCCARTHY
COUNCILMEMBER SALAS
COUNCILMEMBER SHIMONI (virtually)

Others present: Acting City Manager Heidi Hansen; City Attorney Sterling Solomon.

3. PLEDGE OF ALLEGIANCE, MISSION STATEMENT, AND LAND ACKNOWLEDGEMENT

The Council and audience recited the pledge of allegiance, Councilmember Aslan read the Mission Statement of the City of Flagstaff, and Councilmember Salas read the Land Acknowledgement.

MISSION STATEMENT

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

LAND ACKNOWLEDGEMENT

The Flagstaff City Council humbly acknowledges the ancestral homelands of this area's

Indigenous nations and original stewards. These lands, still inhabited by Native descendants, border mountains sacred to Indigenous peoples. We honor them, their legacies, their traditions, and their continued contributions. We celebrate their past, present, and future generations who will forever know this place as home.

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.

Wendy White addressed Council about the Community Assistance Teams of Flagstaff a/k/a CATs and their efforts to assist those without housing.

Councilmember McCarthy addressed Council and apologized to Eva Putzova for his comments during the Council vacancy appointment process. He spoke about the efforts made to create an open and fair process.

5. **CITY COUNCIL APPOINTMENT**

A. **Consideration of Appointment of Councilmember**

Mayor Deasy thanked all of the candidates for their participation. He stated that the quality of candidates made it a difficult decision for the Council.

Moved by Mayor Paul Deasy, **seconded by** Councilmember Austin Aslan to appoint Khara House as Councilmember to serve a term expiring December 20, 2022.

Councilmember Salas thanked all of the applicants who stepped forward with an interest in serving the community. She stated that Ms. House is someone who can bring unity, cohesion, and diversity to the Council during the interim time.

Councilmember McCarthy stated that it was a very difficult decision with top notch candidates. He encouraged all of them to consider running in the November election.

Councilmember Shimoni expressed his gratitude for those who stepped forward for consideration. He is excited about the work ahead and he encouraged the other applicants to remain active and involved.

Vice Mayor Sweet stated that it took courage for each applicant to come forward. She thanked everyone for their efforts and commitment to Flagstaff.

Councilmember Aslan offered that the entire process was very encouraging, and he expressed a desire to see the applicants step forward during the election. He is excited for things to come with the Council.

Vote: 6 - 0 - Unanimously

B. Swearing In of New Councilmember

Presiding Judge Tom Chotena administered the Oath of Office to Khara House.

6. PROCLAMATIONS AND RECOGNITIONS**A. Proclamation: Mental Health Awareness Month**

Mayor Deasy read the proclamation and presented it to Bryan Gest and Sirene Lipschutz of Terros.

B. Proclamation: Asian American and Pacific Islander Heritage Month

Mayor Deasy read the proclamation and presented it to Jean Toner on behalf of the Commission on Diversity Awareness.

C. Proclamation: Building Safety Month

Mayor Deasy read and presented the proclamation to Building Official Amy Palmer and her team.

D. Proclamation: National Nurses Week

Mayor Deasy read the proclamation.

E. Proclamation: Teacher Appreciation Week

Mayor Deasy read the proclamation.

F. Proclamation: Bike Month

Mayor Deasy read the proclamation.

Councilmember Salas also recognized Municipal Clerk Week, National Travel and Tourism Week, and that Saturday is National Train Day.

7. COUNCIL LIAISON REPORTS

Councilmember Salas reported that MetroPlan RTAC met the week prior and they discussed grant opportunities and the downtown connection center.

Councilmember McCarthy reported that the MetroPlan Board will be meeting later in the week.

Vice Mayor Sweet reported that the Water Commission has been working hard in their review of the Regional Plan and the Capital Improvement Plan. She also reported that the Beautification and Public Art Commission will be meeting the following Monday.

Councilmember Shimoni reported that he will be attending the Indigenous Commission, Transportation Commission, and Bicycle Advisory Committee meetings later in the week.

8. 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: Beautification and Public Art Commission.

Moved by Councilmember Jim McCarthy, **seconded by** Mayor Paul Deasy to appoint Claire Johnson to a term expiring June 2025.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Austin Aslan, **seconded by** Mayor Paul Deasy to appoint Chris Verrill to a term expiring June 2025.

Vote: 7 - 0 - Unanimously

B. Consideration of Appointment: Sustainability Commission.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Austin Aslan to appoint Paul Beier to a term expiring October 2022.

Vote: 7 - 0 - Unanimously

9. 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 Item 9A be pulled for discussion.

Moved by Mayor Paul Deasy, **seconded by** Councilmember Jim McCarthy to approve Items 9B through 9E as presented.

Vote: 7 - 0 - Unanimously

A. Consideration and Approval of Contract: Legends Entertainment District Marketing Agreement for advertising in downtown Phoenix on an electronic billboard, for a two year term at cost of \$78,000 per year.

Councilmember McCarthy stated that billboards used to be a major eyesore in Flagstaff and Council and staff spent a lot of time removing those billboards. He feels that the request is contrary to Flagstaff values and that he would not be supporting a motion to approve the contract.

Councilmember Aslan offered words of agreement and that he would like to see all electronic billboards banned throughout the state.

Acting City Manager Heidi Hansen addressed Council stating that the billboard is not electronic, it is a static billboard that is located in Phoenix which is Flagstaff's largest tourism

market.

Convention and Visitor's Bureau Director Trace Ward provided a PowerPoint presentation that covered the following:

LEGENDS ENTERTAINMENT DISTRICT AGREEMENT
FY '22 CREATIVE
VEHICLE AND FOOT TRAFFIC IN #1 DRIVE MARKET
CURRENT OUT-OF-HOME CREATIVE
REQUEST TO RENEW CONTRACT
OTHER FLAGSTAFF REPRESENTATION
LEGENDS ENTERTAINMENT DISTRICT

Councilmember McCarthy stated that it is important for Flagstaff to build partnerships with other cities like Phoenix and if Phoenix wanted to put something like this in Heritage Square it would not be approved. He will not support the item.

Councilmember Aslan stated that he will support Councilmember McCarthy's position and noted that if it is something that is not wanted in Flagstaff it should not be imposed on another community.

Blake Edwards, the General Manager for Legends Entertainment District, stated that he understands the concerns but this is not a billboard but a presence piece located in the heart of downtown Phoenix. The District was set up specifically for these types of installations. The light positioning is directional, low level and it does not create ambient lighting in the surrounding area.

Councilmember Salas stated that the Legends Entertainment District is located in a designated signage district in Phoenix. The installation will bring in BBB tax dollars which funds all the programming within the fund. She is proud of the sustainable tourism message the piece conveys is an example of why Flagstaff has received awards for its outreach efforts.

Terry Madeksza, Chairperson for the Tourism Commission, stated that the location of the piece is in a specifically designated entertainment district. The Tourism Commission supports both the location and the messaging. The piece will be seen by millions of people.

Councilmember Shimoni offered that he sees value in what is being provided.

Moved by Councilmember Regina Salas, **seconded by** Councilmember Adam Shimoni to approve the Contract with the Legends District.

Vote: 5 - 2

NAY: Councilmember Austin Aslan
Councilmember Jim McCarthy

- B. Consideration and Approval of Grant Agreements:** Arizona Office of Tourism Visit Arizona Initiative Grants: 1) Marketing Grant in the amount of \$147,500.00; and 2) Marketing Regional Partnership Grant in the amount of \$192,500.00

Approve the two agreements with the Arizona Office of Tourism Visit Arizona Initiative:

1. Marketing Grant Agreement; and
2. Marketing Regional Partnership Grant Agreement

- C. Consideration and Approval of Contract:** Cooperative Purchase Contract with vCORE Technology Partners, LLC in the amount of \$58,491.73, plus applicable taxes, for VMWare software licensing and migration support.
1. Approve the Cooperative Purchase Contract with vCORE Technology Partners, LLC in the amount of \$58,491.73, plus applicable taxes, for the purchase of VMWare software licensing and migration support; and
 2. Authorize the City Manager to execute the necessary documents.
- D. Consideration and Approval of Letter of Support:** Lowell Observatory Astronomy Discovery Center
- Approve the letter of support
- E. Consideration and Approval of Letter of Support:** Museum Fire flooding congressionally directed spending request
- Approve the letter of support.

10. ROUTINE ITEMS

- A. Consideration and Adoption of Ordinance No. 2022-10:** 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 Alternative Work Schedules; providing for penalties; repeal of conflicting ordinances; severability; and establishing an effective date

Interim Human Resources Director Brandi Suda stated that the amendments reflect the intention to continue forward with a remote work policy and transition to a City Manager Directive to allow for flexibility and modification.

Moved by Mayor Paul Deasy, **seconded by** Vice Mayor Miranda Sweet to read Ordinance No. 2022-10 by title only for the final time.

Vote: 7 - 0 - Unanimously

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

Moved by Mayor Paul Deasy, **seconded by** Vice Mayor Miranda Sweet to adopt Ordinance No. 2022-10.

Vote: 7 - 0 - Unanimously

- B. Consideration and Approval of Preliminary Plat:** TLC PC Land Investors, LLC requests Preliminary Plat for Ghost Tree at Pine Canyon (PZ-21-00155-03) located at 3201 South Clubhouse Circle, a 12-unit single-family home subdivision on 7.87 acres in the Single-Family Residential (R1) Zone.

Senior Planner Genevieve Pearthree provided a PowerPoint presentation that covered the

following:

GHOST TREE AT PINE CANYON
REQUEST OVERVIEW
VICINITY MAP
GHOST TREE PRELIMINARY PLAT
REQUIRED FINDING #1: ZONING CODE (TITLE 10)
LOTS AND BUILDING ENVELOPES
RESOURCE PROTECTION PLAN
REQUIRED FINDING #2: ENGINEERING STANDARDS (TITLE 13)
MEETS ENGINEERING STANDARDS
WATER, SEWER, AND STORMWATER INFRASTRUCTURE
REQUIRED FINDING #3: SUBDIVISION STANDARDS (TITLE 11)
MEETS SUBDIVISION AND LAND SPLIT REGULATIONS (CHAPTER 11-20)
FINDINGS AND RECOMMENDATION
REQUIRED FINDINGS
STAFF RECOMMENDATION

Councilmember Aslan asked the density of the project. Ms. Pearthree stated that it is 1.3 units per acre.

Councilmember Aslan stated that gated communities are unfortunate and that he does not agree with what they stand for. With the housing emergency declared, this kind of zoning and community planning is contrary to what is needed in Flagstaff.

Councilmember McCarthy asked if it is appropriate to be approving plats when the developer has not fulfilled their obligation to build housing in Tract 22. Ms. Pearthree explained that the plat is a by-right project and the approval is only administrative.

Current Planning Director Alax Pucciarelli added that Tract 22 is under permit review for construction.

Councilmembers Aslan and McCarthy noted that the plat technically meets the findings, but it is contrary to the goals for housing and that Flagstaff needs more diversity in housing.

Moved by Mayor Paul Deasy, **seconded by** Councilmember Jim McCarthy to approve the Preliminary Plat in accordance with the findings presented in this report and the Planning and Zoning Commission recommendation of approval (6-0 vote in favor on April 27, 2022).

Vote: 7 - 0 - Unanimously

11. REGULAR AGENDA

A. Consideration and Adoption of Resolution No. 2022-19: A resolution of the Flagstaff City Council, adopting the Arizona State Retirement System Supplementary Salary Deferral Plan

Interim Human Resources Director Brandi Suda addressed Council stating that the resolution is adopting the ASRS supplementary salary deferral plan which is an additional deferred compensation option. SB1348 that passed in May 2021 requires that cities and towns offer this particular deferred compensation plan.

Moved by Mayor Paul Deasy, **seconded by** Vice Mayor Miranda Sweet to read Resolution No. 2022-19 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, ADOPTING THE ARIZONA STATE RETIREMENT SYSTEM SUPPLEMENTAL SALARY DEFERRAL PLAN

Moved by Mayor Paul Deasy, **seconded by** Vice Mayor Miranda Sweet to adopt Resolution No. 2022-19.

Vote: 7 - 0 - Unanimously

- B. Consideration and Adoption of Resolution No. 2022-20:** A resolution approving Binding Waivers of Enforcement for twenty-nine parcels of land located in the City of Flagstaff.

Senior Assistant City Attorney Christina Rubalcava provided a PowerPoint presentation that covered the following:

PROP 207 CLAIMS – BINDING WAIVERS OF ENFORCEMENT
BACKGROUND
ORDINANCE 2020-28
PROP 207 CLAIMS
OVERVIEW OF PROP 207
BINDING WAIVER OF ENFORCEMENT

Councilmember Salas asked how many waivers have been approved related to High Occupancy Housing. Ms. Rubalcava stated that this is the fourth round of approvals and believes there were around 120 or so total.

Councilmember Salas stated that she would like to see Council consider a review of the High Occupancy Housing ordinance that is inviting the Prop 207 claims.

Moved by Mayor Paul Deasy, **seconded by** Councilmember Khara House to read Resolution No. 2022-20 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING BINDING WAIVERS OF ENFORCEMENT FOR TWENTY-NINE PARCELS OF LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF FLAGSTAFF

Moved by Mayor Paul Deasy, **seconded by** Councilmember Khara House to adopt Resolution No. 2022-20.

Vote: 7 - 0 - Unanimously

A break was held from 4:55 p.m. through 5:14 p.m.

- C. Consideration and Approval of Lease Amendments:** Flagstaff Airport Rental Car Concessions, IFB 2011-09A: Amendment to leases with Avis Budget Car Rental LLC, Alamo Rental Car/National Car Rental, The Hertz Corporation, and Enterprise Rent-A-Car companies. (Amendment to current leases with car companies for a one-year extension)

Real Estate Manager Bryce Doty addressed Council stating that the lease amendments will extend the term of the car rental services contracts at the airport. The contracts had been in place since 2010 and it was time to go back out for new bids to update the contracts. An extension is needed to the current leases to allow the necessary time to complete the solicitation and bid review.

Moved by Mayor Paul Deasy, **seconded by** Vice Mayor Miranda Sweet to approve the amendments to the current leases agreement for a lease renewal for one (1) year between the City of Flagstaff and Avis Budget Car Rental LLC, Alamo Rental Car/National Car Rental, The Hertz Corporation, and Enterprise Rent-A-Car Companies and authorize the City Manager to execute all necessary documents.

Vote: 7 - 0 - Unanimously

- E. Consideration and Adoption of Resolution No. 2022-18:** A resolution of the City Council of the City of Flagstaff, Arizona, calling a Primary Election to be held on August 2, 2022 for the purpose of nominating two mayor candidates for the General Election

Moved by Mayor Paul Deasy, **seconded by** Councilmember Jim McCarthy to read Resolution No. 2022-18 by title only.

Vote: 7 - 0 - Unanimously

*RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA,
CALLING A PRIMARY ELECTION TO BE HELD ON AUGUST 2, 2022, FOR THE
PURPOSE OF NOMINATING TWO MAYOR CANDIDATES FOR THE GENERAL
ELECTION*

Moved by Mayor Paul Deasy, **seconded by** Councilmember Jim McCarthy to adopt Resolution No. 2022-18.

Vote: 7 - 0 - Unanimously

12. DISCUSSION ITEMS

- A. Proposed Framework for Residential Solar and Electric Bike Rebates**

Sustainability Director Nicole Antonopoulos provided a PowerPoint presentation that covered the following:

PROPOSAL FOR RESIDENTIAL SOLAR AND ELECTRIC BIKE REBATES
AGENDA
RESIDENTIAL SOLAR AND ELECTRIC BIKE REBATE FRAMEWORK
RESIDENTIAL SOLAR REBATE – WHY?
RESIDENTIAL SOLAR REBATE FRAMEWORK
SCENARIO A: MODERATE INCENTIVE
SCENARIO B: AGGRESSIVE INCENTIVE

SCENARIO C: MAXIMUM INCENTIVE
RESIDENTIAL SOLAR REBATE – FUTURE ELEMENTS
E-BIKE REBATE – WHY?
E-BIKE REBATE FRAMEWORK
E-BIKE INCENTIVE
E-BIKE CONVERSION KIT INCENTIVE
E-BIKE REBATE – FUTURE ELEMENTS

Councilmember Aslan expressed concerns about inclusion and equity in applying the rebates. The effectiveness is getting the rebates where they need to be to get a more diverse clientele to take advantage of them.

Councilmember McCarthy stated that the proposed rebates will be for Type 1 and Type 2 e-bikes. One of those is not permitted on the city's FUTs trails and he does not think it is appropriate to give a rebate for a bike that can not be used on the trails. He also stated that he was surprised at how few people would benefit from the program.

Ms. Antonopoulos stated that once there is direction from Council, staff will present the material to the equity group for review and feedback.

Councilmember Shimoni expressed his full support for the e-bike rebate program.

Vice Mayor Sweet stated that she would like a more concrete plan on the solar rebate, and she is concerned about the equity. She likes the future elements on both programs but would appreciate additional information.

Mayor Deasy stated that with the limited funds available, it is great to be able to fund this at the moderate level with the low-income incentives being higher, and using the pilot to understand what improvements are needed. Starting at moderate level will help get the word out and then look at potentially expanding it.

Councilmember Aslan stated that he wants to make sure that the rebates are going to people who are in the market to buy and use a bike, not just an opportunity for someone to take advantage of a great deal. He asked that they keep that in mind as they develop ways to reach targeted groups.

Councilmember Salas stated that the program is for \$50,000 for solar rebate and \$25,000 for e-bikes. She asked if it is budgeted in the current fiscal year and if it will be proposed for a higher amount in the next fiscal year budget. Mr. Clifton stated that it is not a one-year project but one that may, if successful, warrant consideration for an ongoing program. The rebates are for the upcoming budget year.

Mayor Deasy asked for information to better understand how many low-income individuals are looking to put solar on their home. He is interested in the income brackets for those who are in order to better analyze what it would take for a low-income homeowner to have an opportunity to put solar on their home.

13. PUBLIC PARTICIPATION

None

14. INFORMATIONAL ITEMS TO/FROM MAYOR, COUNCIL, AND STAFF, AND FUTURE AGENDA ITEM REQUESTS

Vice Mayor Sweet reported that she attended the Viola Awards; it was a great event and she extended congratulations to all of the winners. She also reported that she participated in the kick off to the Flagstaff Bike Month and that Friday is first Friday Artwalk downtown.

Councilmember McCarthy stated that his heart is in solidarity with the Ukrainian people.

Councilmember Sweet reported that she attended the grand opening and ribbon cutting of the Evergreen Academy Pre-school which is a partnership between Quality Connections and the YMCA. The pre-school was achieved through a grant from United Way and is under the guidance of Elevate Pre-K. It is offered to the community and provides a critical need for high quality childcare and a workforce development program for employees of Quality Connections.

Councilmember Shimoni offered his congratulations to all the Viola Award nominees and winners. He stated that May is Bike Month and encouraged people to visit www.flagstaffbiking.org for more information on all the events happening during the month. He also reported that the Coconino County Recovery Court graduation is happening in person for the first time since COVID, he encouraged people to take part and celebrate the hard work of the graduates.

Mayor Deasy expressed appreciation to Councilmember House and that he is looking forward to the contributions she brings to the Council.

15. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held May 3, 2022, adjourned at 6:01 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 May 3, 2022. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 28th day of August, 2023.

CITY CLERK