

MINUTES

1. **CALL TO ORDER**

Mayor Daggett called the meeting of the Flagstaff City Council held April 4, 2023, 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 DAGGETT
VICE MAYOR ASLAN
COUNCILMEMBER HARRIS
COUNCILMEMBER HOUSE (virtually)
COUNCILMEMBER MATTHEWS
COUNCILMEMBER MCCARTHY
COUNCILMEMBER SWEET

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

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

The Council and audience recited the pledge of allegiance, Councilmember McCarthy read the Mission Statement of the City of Flagstaff, and Mayor Daggett 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. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- A. **Consideration and Approval of Minutes:** City Council Regular Meeting of March 1, 2022, Regular Meeting of March 15, 2022, Work Session of February 28, 2023, and Regular Meeting of March 7, 2023.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to approve the minutes of the City Council Regular Meeting of March 1, 2022, Regular Meeting of March 15, 2022, Work Session of February 28, 2023, and Regular Meeting of March 7, 2023.

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.

Coordinator for Indigenous Initiatives Rose Toehe addressed Council and provided information about the upcoming CJCC Indigenous Initiatives Committee and Listening Circles.

Richard Holtzin addressed Council with concerns about trash containers that are being placed in bike paths.

Mike Pappas addressed Council with concerns about NAIPTA and how they have treated him.

Jill Stephenson addressed Council with concerns about bicycle safety and the need for more protected bike lanes. She requested better street and pavement markings and more attention to snow covered bike lanes.

Dapper Dre addressed Council about moving away from only giving opportunities to people with cars. Significant improvements are needed for the safety of pedestrians and cyclists.

Scott Heinsius addressed Council asking them to allocate funds to key projects such as elevated bike lanes, protected intersections, and multi-modal positions.

Adam Shimoni addressed Council urging them to direct staff to prioritize funds that go toward making Flagstaff more walkable and bikeable.

Stefan Sommer addressed Council urging them to allocate funding toward bike safety. They need to shift the culture away from combustible vehicles and if things are made more safe more people will chose to bike or walk.

Cameron Clark submitted a written comment encouraging Council to improve safety for cyclists with protected intersections.

6. **PROCLAMATIONS AND RECOGNITIONS**

A. **Proclamation:** Child Abuse Prevention Month

Mayor Daggett read and presented the Child Abuse Prevention Month proclamation.

B. **Proclamation:** Week of the Young Child

Mayor Daggett read and presented the Week of the Young Child proclamation.

C. **Proclamation:** Water Awareness Month

Vice Mayor Aslan read and presented the Water Awareness Month proclamation.

7. **COUNCIL LIAISON REPORTS**

Councilmember House reported that the Commission on Diversity Awareness discussed recommendations for Juneteenth as city holiday, formalized efforts to establish a Woman's Rights Commission, future proclamation recommendations, as well as continued work for the renaming of the San Francisco Peaks. The Housing Commission also met to discuss recommendations for ARPA and CDBG funding allocations.

Councilmember McCarthy reported that the Flagstaff Metropolitan Planning Organization will have their Executive Meeting later that week. He also reported that the Transportation Commission will be meeting to discuss the Butler/Beaver and Butler/San Francisco improved intersection plans and separated bike lanes.

Councilmember Matthews reported that she attended the Colorado Plateau Water Advisory Committee (CPWAC) meeting last week with Councilmember Aslan.

Councilmember Aslan reported that the Sustainability Commission met the prior week. He noted that at the CPWAC meeting, they received a presentation from Friends of the Rio de Flag about all the things going on with the Rio de Flag culturally and the sensitivities around that activity.

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: Library Board.

Moved by Councilmember Miranda Sweet, **seconded by** Councilmember Jim McCarthy to appoint Catherine Moore to a term expiring November 2025.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Miranda Sweet to appoint Lisa Ganey to a term expiring November 2023.

Vote: 7 - 0 - Unanimously

9. LIQUOR LICENSE PUBLIC HEARINGS

A. Consideration and Action on Liquor License Application: Scott Russel Perry Bromley, "Sizzler #429," 2105 S. Milton Road, Series 12 (restaurant), New License.

Mayor Daggett opened the public hearing.

Lieutenant Ryan Turley introduced the application noting nothing of concern.

There being no public comment, Mayor Daggett closed the public hearing.

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Deborah Harris to forward the application to the State with a recommendation for approval.

Vote: 7 - 0 - Unanimously

10. 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 Jim McCarthy, **seconded by** Councilmember Miranda Sweet to approve the Consent Agenda as presented.

Vote: 7 - 0 - Unanimously

A. Consideration and Approval of Contract: Approve the Construction Contract with Morning Dew Landscaping, Inc. in the amount of \$261,057.30 (\$241,212.00 base bid plus \$19,845.30 contract allowance) for the Route 66 and Fanning S. Edge Landscaping Project.

1. Approve the Construction Contract with Morning Dew Landscaping, Inc. in the amount of \$241,212.00 and a contract duration of 40 calendar days;
2. Approve a contract allowance of \$19,845.30, which is 10% of the Engineers Estimate;
3. Approve Change Order Authority to the City Manager in the amount of \$24,121.20 which is 10% of the lowest responsive bid; and
4. Authorize the City Manager to execute the necessary documents.

- B. Consideration and Approval of Contract:** Approve a Materials and Services Contract with JE Fuller Hydrology & Geomorphology, Inc. in the amount of \$61,000 for the Purchase of Flood Alert Gauges and Maintenance to be 100% Reimbursed by the State Department of Forest and Fire Management.

1. Approve the Materials and Services Contract with JE Fuller Hydrology & Geomorphology, Inc. in the amount of \$61,000 for the Purchase Flood Alert Gauges and Maintenance to be 100% Reimbursed by the State Department of Forest and Fire Management; and
2. Authorize the City Manager to execute the necessary documents.

- C. Consideration and Approval of Contract:** Reimbursement Agreement with Coconino County for a sewer main extension from the University Heights neighborhood to Ft. Tuthill.

Approve the Reimbursement Agreement and authorize the City Manager to execute on behalf of the City of Flagstaff.

- D. Consideration and Approval of Ratification:** Letter of Support for the Shadow Mountain Regional Flood Detention Structure

Approve Letter of Support for the Shadow Mountain Regional Flood Detention Structure

11. ROUTINE ITEMS

- A. Consideration and Adoption of Ordinance No. 2023-06:** An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff Zoning Map to rezone approximately 17.08 acres of real property generally located at 2950 East Butler Avenue, from the Rural Residential (RR) and Medium-Density Residential (MR) zones with a Resource Protection Overlay (RPO) to the Highway Commercial (HC) zone with an RPO, providing for severability, authority for clerical corrections, and establishing an effective date.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Deborah Harris to read Ordinance No. 2023-06 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 ZONING MAP TO REZONE APPROXIMATELY 17.08 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 2950 EAST BUTLER AVE FROM THE RURAL RESIDENTIAL (RR) AND MEDIUM-DENSITY RESIDENTIAL (MR) ZONES TO THE HIGHWAY COMMERCIAL (HC) ZONE WITH CONDITIONS; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to adopt Ordinance No. 2023-06.

Vote: 7 - 0 - Unanimously

12. REGULAR AGENDA

- A. Consideration and Adoption of Resolution No. 2023-16 :** A resolution of the Flagstaff City Council, authorizing the execution of a development agreement between the City of Flagstaff and MICM BUTLER LOFTS PROJECT LP, SIERRA VISTA NO 6 L.L.C., and BROOKSTONE VENTURES L.C. for the Lofts on Butler, related to the development of approximately 17.2 acres of land located at 2950 East Butler Ave and establishing an effective date.

Planning Development Manager Patrick St. Clair provided a PowerPoint presentation that covered the following:

LOFTS ON BUTLER DEVELOPMENT AGREEMENT RESOLUTION PZ-21-00284-04
 LOCATION & SURROUNDING USES
 DEVELOPMENT PROPOSAL
 DEVELOPMENT AGREEMENT
 FINDINGS
 FINDING #1: DA PROVIDES COMMUNITY BENEFITS
 FINDING #2: THE DA IS CONSISTENT WITH GENERAL PLAN
 FINDING #3: DA COMPLIES WITH ARS 9-500.05
 COUNCIL OPTIONS
 CITIZEN PARTICIPATION
 RECOMMENDATION

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to read Resolution No. 2023-16 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, AUTHORIZING A DEVELOPMENT AGREEMENT BETWEEN MICM BUTLER LOFTS PROJECT LP, SIERRA VISTA NO 6 L.L.C., BROOKSTONE VENTURES L.C., AND THE CITY OF FLAGSTAFF RELATED TO THE DEVELOPMENT OF APPROXIMATELY 17.2 ACRES OF LAND LOCATED AT 2950 EAST BUTLER AVE AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to adopt Resolution No. 2023-16.

Vote: 7 - 0 - Unanimously

- B. Consideration and Adoption of Ordinance No. 2023-05:** An Ordinance of the City Council of the City of Flagstaff, amending Flagstaff City Code, Title 14 Human Relations, Chapter 14-02 Civil Rights, Section 14-02-001-0006 Complaint Procedures, to allow a verified charge to be filed within one hundred and eighty (180) calendar days after the alleged violation occurred; providing for repeal of conflicting ordinances, severability, authority for clerical corrections, and establishing an effective date.

Item rescheduled to May 2, 2023 Council Meeting.

- C. Consideration and Adoption of Ordinance No. 2023-07:** An ordinance of the Flagstaff City Council authorizing the acquisition of real property for the Cinder Lake Landfill Road Improvement Project; providing for delegation of authority, repeal of conflicting ordinances, severability, authority for clerical corrections, and establishing an effective date

Real Estate Manager Bryce Doty provided a PowerPoint presentation that covered the following:

CINDER LAKE LANDFILL ROAD IMPROVEMENTS PROJECT PROPERTY ACQUISITION
VICINITY MAPS
REQUIRED PRIVATE PROPERTY ACQUISITIONS
CURVE 1 TAKE DEPICTION
CURVE 3 TAKE DEPICTION

Council briefly discussed the design and how the route of the road was determined.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Lori Matthews to read Ordinance No. 2023-07 by title only for the first time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR THE CINDER LAKE LANDFILL ROAD IMPROVEMENTS PROJECT; PROVIDING FOR DELEGATION OF AUTHORITY, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

- D. Consideration and Adoption of Ordinance No. 2023-08:** An ordinance of the City Council of the City of Flagstaff authorizing the acquisition of real property interests for the Schultz Creek Stabilization Project and the Highway 180 Culvert Project; providing for delegation of authority, severability, repeal of conflicting ordinances, authority for clerical corrections, and establishing an effective date

Real Estate Manager Bryce Doty provided a PowerPoint presentation that covered the following:

HIGHWAY 180 CULVERT PROJECT PROPERTY ACQUISITION
VICINITY MAP
30% DESIGN
REQUIRED PRIVATE PROPERTY ACQUISITIONS
CHANNEL STABILIZATION
REQUIRED PRIVATE PROPERTY ACQUISITIONS

Councilmember Matthews asked if the water will be redirected to the north side. Stormwater Manager Ed Schenk stated that the project is not intended to move water or flow lines, it is only to stabilize the area. There will be rock structures that will help keep the channel in place and reduce debris movement into the neighborhoods.

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Miranda Sweet to read Ordinance No. 2023-08 by title only for the first time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF AUTHORIZING THE ACQUISITION OF REAL PROPERTY INTERESTS FOR THE SCHULTZ CREEK STABILIZATION PROJECT AND THE HIGHWAY 180 CULVERT PROJECT; PROVIDING FOR DELEGATION OF AUTHORITY, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

- E. Consideration and Adoption of Ordinance No. 2023-09:** An ordinance of the City Council of the City of Flagstaff dedicating a public access easement across city-owned property located at 3500 N. West St.; providing for delegation of authority, repeal of conflicting ordinances, severability, clerical corrections, and establishing an effective date

Real Estate Manager Bryce Doty provided a PowerPoint presentation that covered the following:

3050 N. WEST ST. CITY PROPERTY PUBLIC ACCESS DEDICATION
VICINITY MAPS
CONCEPT PLAN
STREETVIEW
CONCEPT PLAN

Councilmember Matthews stated that providing access is a good alternative to what they have to deal with now and will help get them back to some sort of normalcy.

Anissa Doten addressed Council in support of the public access easement. She stated that the easement would allow her and her neighbors to construct an alternate driveway to their properties and increase the useable space that has been lost due to the flooding.

Mr. Clifton stated that he would like to keep the option open for the city to provide in kind assistance to the properties. The risk of flooding will remain a way of life for the property owners and finding ways to adapt is important.

Mayor Daggett expressed her support and stated that she is grateful that there is some kind of mitigation that can help people live in their homes.

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Jim McCarthy to read Ordinance No. 2023-09 by title only for the first time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF DEDICATING A PUBLIC ACCESS EASEMENT ACROSS CITY-OWNED PROPERTY LOCATED AT 3050 N. WEST ST; PROVIDING FOR DELEGATION OF AUTHORITY, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

- F. Consideration and Adoption of Ordinance No. 2023-10:** An ordinance of the Flagstaff City Council authorizing the acquisition of real property interests for the Milton Road and University Avenue right-of-way project; providing for delegation of authority, repeal of conflicting ordinances, severability, clerical corrections, and establishing an effective date

Real Estate Manager Bryce Doty provided a PowerPoint presentation that covered the following:

BEULAH EXTENSION/UNIVERSITY ROADWAY PROJECT PROPERTY ACQUISITION
VICINITY MAP
PROJECT MAP

Councilmember Matthews asked if the taking of the property is permanent. Mr. Doty explained that it is an underground infrastructure easement and there is a value to that but it is not a permanent take.

Councilmember Aslan stated that he is supportive; had it been a conversation of increasing the amount of property versus reducing he would have been more reluctant to move forward.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Lori Matthews to read Ordinance No. 2023-10 by title only for the first time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE ACQUISITION OF REAL PROPERTY INTERESTS FOR THE MILTON ROAD AND UNIVERSITY AVENUE RIGHT-OF-WAY PROJECT; PROVIDING FOR DELEGATION OF AUTHORITY, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Deborah Harris to read Ordinance No. 2023-10 by title only for the final time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE ACQUISITION OF REAL PROPERTY INTERESTS FOR THE MILTON ROAD AND UNIVERSITY AVENUE RIGHT-OF-WAY PROJECT; PROVIDING FOR DELEGATION OF AUTHORITY, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Jim McCarthy to adopt Ordinance No. 2023-10.

Vote: 7 - 0 - Unanimously

13. 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 titled Declare Macy's Coffeehouse as a historic landmark

Brenden Trachsel addressed Council stating that Macy's has unique historical properties. It began in 1980 and was the states' first coffee house who served and roasted their own beans. It is a staple within the community and it deserves recognition. The City of Flagstaff has never actually put a property independently on the Flagstaff register and this would be a great candidate for that.

Councilmember McCarthy stated that philosophically he supports the request but would like to understand the legal implications. Neighborhood Planner Mark Reavis stated that an individual listing is very difficult, a district listing might be more appropriate as it is part of the Southside Neighborhood. The building that houses Macy's has been considered and determined as a contributing property to the district designation.

Mr. Clifton noted that there are conflicts with the Rio de Flag project that would need to be considered. More research is needed to understand what the implications may be so additional issues are not created down the road.

Vice Mayor Aslan stated that he is inclined to support advancing the petition because it is an interesting conversation and worthy topic. He would like to explore alternative ways of honoring and recognizing the business that are not so prescriptive. He likes the idea of interpretive materials and perhaps a non-binding resolution that recognizes the significance of the coffeehouse and its importance to the Southside Neighborhood.

Councilmember House stated that she finds the concept interesting and wants to know more. She does have questions about its eligibility and would like to examine the implications a designation may have on the Rio de Flag project. She would support moving the petition forward to a future meeting for discussion.

Council was supportive of moving the matter forward for further consideration and discussion.

14. PUBLIC PARTICIPATION

Anthony Garcia addressed Council about the repurposing of Fire Station #2. He expressed support for the potential project and thanked the Council for their consideration.

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

Councilmember Harris extended an invitation to Ms. Cleo's Tea Party on April 20, 2023.

Councilmember Matthews reported that she attended the Viola Awards. She also participated in the Regional Planning activities for community input. She will be hosting a Regional Plan mapping exercise at Anew Living next week. She also reported that she hiked Picture Canyon and encouraged the public to take advantage of that beautiful resource.

Councilmember House stated that April is National Poetry Month and she encouraged people to read, share, and enjoy poetry. She also attended the Viola Awards and noted that it was a great evening and several remarks were made about embracing and

diversifying the interpretation of the arts. She noted that April is also Fair Housing Month and the city will be hosting a Flagstaff Landlord Tenant Act Training on April 12, 2023.

Mayor Daggett reported that she participated as a judge with the Flagstaff Youth Climate Summit; it was a lot of fun and the projects that were put forth by students were very inspiring. She also reported that she attended an alternate response team meeting for an update on the RARE Assessment. She stated that she would like to consider having them present to the City Council at some point.

16. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held April 4, 2023, adjourned at 5:09 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 April 4, 2023. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 20th day of June, 2023.

CITY CLERK