

## MINUTES

### 1. **CALL TO ORDER**

Mayor Deasy called the meeting of the Flagstaff City Council held August 23, 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 HOUSE  
COUNCILMEMBER MCCARTHY  
COUNCILMEMBER SALAS  
COUNCILMEMBER SHIMONI

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 House read the Mission Statement of the City of Flagstaff, and Councilmember Shimoni 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.*

Mayor Deasy stated that he would be changing the order of the agenda; Item 11F would be taken before Item 11E.

Reverend Penni Honey addressed Council about the upcoming International Day of Peace and invited Council to participate in Flagstaff becoming an International City of Peace on September 17, 2022 at Heritage Square.

Justin Staskey addressed Council about the Fire Department Honor Guard and the events they participate in. He invited Council to attend the September 11 ceremonies in remembrance of the events of September 11, 2001.

A written comment was submitted by Karis DeMarse with regard to the city's response to the Police Department massage parlor operation.

### 5. PROCLAMATIONS AND RECOGNITIONS

#### A. August Work Anniversaries

Senior Deputy City Manager Shannon Anderson presented a PowerPoint presentation that recognized the employees who celebrated work anniversaries in August.

### 6. COUNCIL LIAISON REPORTS

Councilmember Salas reported that she attended the Tourism Commission meeting where they heard a presentation from the Flagstaff Trails Initiative. The commission discussed promoting destinations in Flagstaff as well as events, lodging, and restaurants. She also congratulated Discover Flagstaff for the award they received for the Fire Aware campaign. She also reported that the MetroPlan Regional Transportation Advisory Council was getting ready for the Rural Transportation Summit in September. The event invites state and federal legislators to lend their ears to rural transportation projects in Arizona.

Councilmember Aslan reported that the Sustainability Commission did not meet in July, but they met in June and received an update on the water conservation plan, Observatory Mesa

trail plan draft, and discussed the recent fires. He stated that the quarterly APS meeting had good discussion about federal funding opportunities and innovative technologies to move carbon neutrality efforts forward. He also reported that the Coconino Plateau Water Advisory field trip was coming up on September 30, 2022.

Mayor Deasy reported that the Commission on Inclusion and Adaptive Living received an update on the library accessible ramp as well as website accessibility.

Vice Mayor Sweet reported that the Beautification and Public Art Commission discussed the upcoming art festival in conjunction with Creative Flagstaff. Also, the NACOG Regional Board meeting was later that week.

Councilmember Shimoni reported that Mountain Line had a meeting to discuss the Downtown Connection Center and how the project was coming along. He noted that there are a lot of conversations happening between Mountain Line and the Northern Arizona Healthcare development team to make sure that transportation is considered with their new development. The Indigenous Commission met and discussed the Thorpe Park parcel and Navajo Code Talker Day.

Councilmember House reported that the Housing Commission had struggled to make quorum so they have not been able to meet. The Open Space Commission met and took a tour of many of the trails around Flagstaff. There are a lot of great things happening on use and education of the FUTs spaces.

## 7. 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: Housing Commission

**Moved by** Councilmember Adam Shimoni, **seconded by** Mayor Paul Deasy to appoint Jacquie Kellogg as Building and Real Estate Professional - Residential Multi-Family/Property Management Representative with a term expiring September 2025.

**Vote:** 7 - 0 - Unanimously

**Moved by** Councilmember Khara House, **seconded by** Mayor Paul Deasy to appoint Ross Schafer as Low Income Specialist with a term expiring September 2025.

**Vote:** 7 - 0 - Unanimously

**Moved by** Councilmember Regina Salas, **seconded by** Mayor Paul Deasy to appoint Rebecca Pyrz as Building and Real Estate Professional - Other with a term expiring September 2025.

**Vote:** 7 - 0 - Unanimously

**Moved by** Councilmember Austin Aslan, **seconded by** Mayor Paul Deasy to appoint Glenn Silvers as Low Income Housing Expert with a term expiring September 2025.

**Vote:** 7 - 0 - Unanimously

**Moved by** Councilmember Jim McCarthy, **seconded by** Mayor Paul Deasy to appoint Hayley Zoroya as Building and Real Estate Professional – Developer with a term expiring September 2023.

**Vote:** 7 - 0 - Unanimously

**B. Consideration of Appointments:** Personnel Board.

**Moved by** Councilmember Austin Aslan, **seconded by** Mayor Paul Deasy to appoint Allison Eckert to a term expiring October 2024.

**Vote:** 7 - 0 - Unanimously

**Moved by** Vice Mayor Miranda Sweet, **seconded by** Councilmember Adam Shimoni to appoint Corey Ringenberg to a term expiring October 2025.

**Vote:** 7 - 0 - Unanimously

**Moved by** Councilmember Khara House, **seconded by** Mayor Paul Deasy to appoint Wil Hernandez to a term expiring October 2023.

**Vote:** 7 - 0 - Unanimously

**Moved by** Councilmember Jim McCarthy, **seconded by** Mayor Paul Deasy to appoint Cathy Speirs to a term expiring October 2025.

**Vote:** 7 - 0 - Unanimously

**Moved by** Councilmember Adam Shimoni, **seconded by** Mayor Paul Deasy to appoint Cynthia Chilcoat to a term expiring October 2023.

**Vote:** 7 - 0 - Unanimously

**Moved by** Councilmember Regina Salas, **seconded by** Mayor Paul Deasy to appoint Anita Burns to a term expiring October 2022.

**Vote:** 7 - 0 - Unanimously

**Moved by** Mayor Paul Deasy, **seconded by** Councilmember Adam Shimoni to appoint Mark Culbertson to a term expiring October 2022.

**Vote:** 7 - 0 - Unanimously

**8. LIQUOR LICENSE PUBLIC HEARINGS**

Mayor Deasy opened the public hearing on the four applications.

Police Detective Kevin Sapp introduced the applications and noted no concerns.

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

**Moved by** Mayor Paul Deasy, **seconded by** Councilmember Regina Salas to forward the applications to the State with a recommendation for approval.

**Vote:** 7 - 0 - Unanimously

- A. **Consideration and Action on Liquor License Application:** Kyle Wayne Palmer, "Mill Golf," 1790 E. Route 66, Series 07 (Beer and Wine Bar), New Application.
- B. **Consideration and Action on Liquor License Application:** Sasiwimon Chanthaqong Tirakul, "Big Bowl Noodles," 7 N San Francisco Street, Series 12, New Application.
- C. **Consideration and Action on Liquor License Application:** Cecily Maniaci, "Plantasia Eatery," 126 W. Cottage Ave., Series 12, New Application.
- D. **Consideration and Action on Liquor License Application:** Chad Earl Doyle, "Swift Travel Center," 3099 W. Shamrell Boulevard, Series 10 (beer and wine store), New License.

## 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.*

**Moved by** Mayor Paul Deasy, **seconded by** Councilmember Khara House to approve the Consent Agenda as presented.

**Vote:** 7 - 0 - Unanimously

- A. **Consideration and Approval of Contract:** Approve the Annual Master Agreement for Software Maintenance with Hexagon for software utilized by the City Police Department in the amount of \$239,598.24 (plus any applicable sales tax).
  - 1. Approve the Annual Master Agreement for Software Maintenance with Hexagon in the amount of \$239,598.24 (plus any applicable sale tax); and
  - 2. Authorize the City Manager to execute all necessary documents.
- B. **Consideration and Approval of Contract:** Approve First Amendment to the Cooperative Purchase Contract for Executive Recruiting with The Keller Group, LLC, in an amount not to exceed \$60,000.
  - 1. Approve the First Amendment to the Cooperative Purchase Contract for Executive Recruiting for the Human Resources and Risk Management Director position for an estimated not to exceed amount \$60,000; and
  - 2. Authorize the City Manager to execute the necessary documents.
- C. **Consideration and Approval of Contract:** Approve the Cooperative Purchase Contract with PFVT Motors, LLC dba Peoria Ford for the purchase of one (1) fully electric 2022 Ford F-150 Lightning pickup in the amount of \$53,541.53.
  - 1. Approve the Cooperative Purchase Contract with PFVT Motors, LLC dba Peoria Ford for the purchase of one (1) fully electric Ford F-150 Lightning pickup in the amount of \$53,541.53; and
  - 2. Authorize the City Manager to execute the necessary documents
- D. **Consideration and Approval of Ratification:** Letter of support for funding for additional rain gauges

Retroactively approve the letter of support

- E. Consideration and Approval of Contract:** Approval of a professional services contract with Gary R. Anglemyer & Associates, LLC in the amount of \$68,500.00 for appraisal services for the Rio de Flag Flood Control Project (railroad properties).
1. Approve the professional services contract with Gary R. Anglemyer & Associates, LLC in the amount of \$68,500.00 for appraisal services for the Rio de Flag Flood Control Project (railroad properties); and
  2. Authorize the Mayor to execute the necessary documents.
- F. Consideration and Approval of Cooperative Contract:** Approve a Cooperative Purchase Contract with Baker & Taylor, LLC for the purchase of library materials and services in the amount not to exceed \$300,000 through the City of Mesa Cooperative Contract #2017201.
1. Approve the Cooperative Purchase Contract for the purchase of library materials and services from Baker & Taylor, LLC in the amount not to exceed \$300,000 through City of Mesa Cooperative Contract #2017201; and
  2. Authorize the City Manager to execute the necessary documents.
- G. Consideration and Approval of Contract:** Approve the First Amendment to the Master Services and Purchasing Agreement with AXON Enterprise, Inc. (f/k/a Taser International, Inc.) in the amount of \$136,143 for the AXON Virtual Reality (VR) Training Platform.
1. Approve the First Amendment to the Master Services and Purchasing Agreement with AXON Enterprise, Inc. (f/k/a Taser International, Inc.) in the amount of \$136,143.00 for the AXON VR Training Platform; and
  2. Authorize the City Manager to execute the necessary documents.

## 10. ROUTINE ITEMS

- A. Consideration and Approval of Ratifying the Grant Agreement:** Ratifying the Grant Agreement between the City of Flagstaff and the U.S. Department of Agriculture, Natural Resources Conservation Service, Emergency Watershed Protection Program for the Schultz Creek Sediment and Flood Detention Basins Project.

Grants and Contracts Manager Stacey Brechler-Knaggs, Project Manager Adam Miele, and Stormwater Manager Ed Schenk provided a PowerPoint presentation that covered the following:

SCHULTZ CREEK SEDIMENT & DETENTION BASINS  
 GRANT AWARD AGREEMENT  
 CONSTRUCTION CONTRACT AWARD  
 LONG-TERM MITIGATIONS  
 DETENTION BASINS  
 PROJECT HIGHLIGHTS

Councilmember McCarthy suggested thank you letters be sent to all the partners on the project.

Mr. Clifton offered gratitude to the team; it was remarkable to have shovels in the ground within five months of the fire. Everything aligned well and that it was a win-win for everyone. There was still a long way to go for flood mitigation, but things are well on their way.

Council expressed gratitude to staff for their commitment to the project. The work has made a huge impact on the community. The flood mitigation need was so important and it was great

to have a project that could show that the concerns had been heard.

**Moved by** Councilmember Regina Salas, **seconded by** Mayor Paul Deasy to ratify the Grant Agreement with the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) in the amount of \$2,408,180.75.

**Vote:** 7 - 0 - Unanimously

- B. Consideration and Approval of Ratifying the Contract:** Ratify the Emergency Construction Contract between the City of Flagstaff and Fann Contracting, Inc. in the amount of \$2,274,445 for the Schultz Creek Sediment and Flood Detention Basins Project.

**Moved by** Vice Mayor Miranda Sweet, **seconded by** Councilmember Austin Aslan to ratify the Emergency Construction Contract with Fann Contracting, Inc. in the amount of \$2,024,445, and an Owner's Contingency of \$250,000, for a total amount of \$2,274,445 which amount includes all federal, state, and local taxes, as applicable; approve the Administrative Change Order Authority to the City Manager in the amount of \$177,444.50 (10% of the Contract Amount, less the Contract Allowance); and authorize the City Manager to execute the necessary documents.

**Vote:** 7 - 0 - Unanimously

- C. Consideration and Approval of Preliminary Plat PZ-15-00015-24 Sirius at Timber Sky - Block 4:** Capstone Homes requests Preliminary Plat approval for Sirius at Timber Sky - Block 4 located at 3191 McAllister Ranch Road, a 63 lot single-family subdivision on 21.82 acres in the Single-Family Residential (R1) Zone.

Planner Ben Mejia provided a PowerPoint presentation that covered the following:

SIRIUS AT TIMBER SKY  
REQUEST OVERVIEW  
VICINITY MAP  
TIMBER SKY – BACKGROUND  
SIRIUS AT TIMBER SKY – PRELIMINARY PLAT  
RESOURCE PROTECTION PLAN  
REQUIRED FINDING #1: ZONING CODE (TITLE 10)  
MEETS OVER RELEVANT STANDARDS  
REQUIRED FINDING #2: ENGINEERING STANDARDS (TITLE 13)  
MEETS ENGINEERING STANDARDS  
REQUIRED FINDING #3: SUBDIVISIONS STANDARDS (TITLE 11)  
FINDINGS AND RECOMMENDATION

The applicant John Sutherland stated that the patent easement did not exist anymore, and the request was that it not be shown on the final plat.

Councilmember Shimoni asked if they were open to putting a FUTS trail in along Woody Mountain. Mr. Sutherland stated that within the northeast corner of parcel four there was a park area that had trails going through it and a ramada. It was not a formal FUTS connection. The requirement for the FUTS connection was part of the larger Timber Sky development. Zoning Code Manager Tiffany Antol added that there was not a FUTS trail as part of the plat. There would be a FUTS in the future when Woody Mountain Road was done. It would not connect at this time, so there is a contribution in lieu. There was also a FUTS that ran through the open space within the development.

**Moved by** Councilmember Jim McCarthy, **seconded by** Councilmember Adam Shimoni to approve the Preliminary Plat with the following conditions:

- The applicant shall provide the purpose of each tract on the final plat.
- The final plat shall show the patent as shown on Sheet 2 of the preliminary plat and on the Timber Sky Final Block Plat.
- All lots shown with less than a 60-foot lot width at the 25-foot front setback shall have building envelopes with front setbacks set at the point where the lot width is 60 feet. A note shall be added to the lot typical identifying which lots have alternative front setbacks.

**Vote:** 7 - 0 - Unanimously

## 11. REGULAR AGENDA

- A. Consideration and Adoption of Resolution No. 2022-39:** A resolution of the Flagstaff City Council, approving an Intergovernmental Agreement between Coconino County and the City of Flagstaff to establish an advisory Library Board for the Coconino County Free Library District.

Acting Library Director Richard Tutwiler provided a PowerPoint presentation that covered the following:

LIBRARY DISTRICT BOARD IGA  
 WHAT THE IGA COVERS  
 WHY A LIBRARY BOARD AGAINST A COMMISSION?  
 DATE AND TERM  
 SUGGESTED ACTION

**Moved by** Mayor Paul Deasy, **seconded by** Councilmember Khara House to read Resolution No. 2022-39 by title only.

**Vote:** 7 - 0 - Unanimously

*A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN COCONINO COUNTY AND THE CITY OF FLAGSTAFF TO ESTABLISH AN ADVISORY LIBRARY BOARD FOR THE COCONINO COUNTY FREE LIBRARY DISTRICT*

**Moved by** Mayor Paul Deasy, **seconded by** Councilmember Khara House to adopt Resolution No. 2022-39.

**Vote:** 7 - 0 - Unanimously

- B. Consideration and Adoption of Resolution No. 2022-38:** A resolution of the Flagstaff City Council, approving an Intergovernmental Agreement between Coconino County and the City of Flagstaff for the Application for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2022 Local Solicitation/ CFDA #16.738

Police Department Support Services Manager Allison Hughes stated that the Police Department had a proven track record of establishing and maintaining crime prevention programs that elicit cooperation between community members and law enforcement personnel. The Department utilized the grant funds to help with community policing activities, such as Tequila Sunrise, New Year's Eve festivities, educational presentations, and National Night Out.

The JAG Grant program was created in 1984 to allow agencies to support a broad range of activities to prevent and control crime based on their local needs. The JAG program provided agencies with the flexibility to prioritize and place funds where they were needed most. The funding requested is \$37,337 and would be divided between the City of Flagstaff Police Department and the Coconino County Sheriff's Office. The city share was slated to be used for discretionary overtime for officers.

**Moved by** Mayor Paul Deasy, **seconded by** Councilmember Jim McCarthy to read Resolution No. 2022-38 by title only.

**Vote:** 7 - 0 - Unanimously

*A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN COCONINO COUNTY AND THE CITY OF FLAGSTAFF FOR THE APPLICATION FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FY 2022 LOCAL SOLICITATION / CFDA #16.738*

**Moved by** Mayor Paul Deasy, **seconded by** Councilmember Jim McCarthy to adopt Resolution No. 2022-38.

**Vote:** 7 - 0 - Unanimously

- C. ~~**Consideration and Adoption of Resolution No. 2022-40:** A resolution of the Flagstaff City Council, approving an Intergovernmental Agreement (IGA) Between Coconino Community College and Flagstaff Police Department for High Country Training Academy. This is a Arizona POST accredited basic training academy for police certification operated out of Coconino Community College.~~

ITEM REMOVED FROM AGENDA

- D. **Consideration and Adoption of Resolution No. 2022-41:** A resolution of the Flagstaff City Council adopting a Notice of Intention to increase stormwater rates or rate components, fees or service charges and establishing a date for a public hearing on the proposed changes for November 15, 2022

Stormwater Manager Ed Schenk introduced Water Resources Economics Consultant Sanja Guay who provided a PowerPoint presentation that covered the following:

STORMWATER RATE ADJUSTMENT – NOTICE OF INTENT  
 OVERVIEW  
 PREVIOUS COUNCIL DIRECTION  
 PURPOSE OF RATE ADJUSTMENT  
 CURRENT RATES  
 PROPOSED RATES  
 STORMWATER'S 6 YEAR CAPITAL IMPROVEMENT PROJECTS  
 STORMWATER CAPITAL NEEDS  
 JURISDICTIONAL ROLES  
 RATE BASIS – ERU  
 PROPOSED POLICY RECOMMENDATIONS  
 DEVELOPMENT OF FINANCIAL PLAN  
 PROJECTED CAPITAL EXPENDITURE  
 STATUS QUO: PROJECT CASH POSITION

SUMMARY  
RATE IMPLEMENTATION TIMELINE – IF NOI IS APPROVED  
COUNCIL OPTIONS

Councilmember McCarthy stated that he would like more information about the city responsibilities and the Coconino County Flood Control District responsibilities. He believed that flood mitigation costs should be paid for by stormwater fees as opposed to property taxes based on property value.

Mayor Deasy stated that he would also like to know more about jurisdictional goals and how the city fees compare with the flood control district.

**Moved by** Mayor Paul Deasy, **seconded by** Vice Mayor Miranda Sweet to read Resolution No. 2022-41 by title only.

**Vote:** 7 - 0 - Unanimously

*A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL ADOPTING A NOTICE OF INTENTION TO INCREASE WATER SERVICES RATES OR RATE COMPONENTS, FEES OR SERVICE CHARGES; AND SETTING A PUBLIC HEARING DATE ON NOVEMBER 15, 2022*

**Moved by** Mayor Paul Deasy, **seconded by** Vice Mayor Miranda Sweet to adopt Resolution No. 2022-41.

**Vote:** 7 - 0 - Unanimously

A break was held from 5:00 p.m. through 5:24 p.m.

- E. Consideration and Adoption of Ordinance No. 2022-18:** An ordinance of the City Council of the City of Flagstaff amending the Flagstaff City Code, Title 10, Flagstaff Zoning Code, Division 10-40.60: Specific to Uses, Section 10-40.60.220 Marijuana Establishments Subsection C. Hours of Operation for Marijuana Dispensaries, providing for penalties, repeal of conflicting ordinances, severability, and establishing an effective date.

Zoning Code Manager Tiffany Antol presented on Items 11 E, F, and G together.

AMENDMENTS TO THE ZONING CODE MARIJUANA OPERATIONS  
MARIJUANA OPERATIONS – HOURS OF OPERATION  
STAFF RECOMMENDATION  
PZ-22-00089 SINGLE RECREATIONAL SALES ESTABLISHMENT  
BACKGROUND  
CITY'S PROPOSED ZONING CODE TEXT AMENDMENT  
2000-FOOT SEPARATION  
2500-FOOT SEPARATION  
ONE MILE SEPARATION  
STAFF RECOMMENDATION

The following individuals spoke in opposition of permitting social equity licenses:

- Steve Thompson
- Ryan Hermansky
- Dave Spullman
- Andy Fernandez

The following comments were received:

- There have been no requests for social equity licenses.
- Flagstaff has the highest ratio of establishments to population in Arizona.
- Flagstaff will become a target for social equity licenses.
- 18 of the licenses have ended up in the hands of large operators; these will compete with the small mom and pop shops.
- There needs to be protection from the big box stores.
- If these operators come to Flagstaff they will split the business up and it would hurt local businesses and cost local jobs.
- Allowing an influx of companies in that will not cultivate locally would be detrimental.
- Licenses were first determined and awarded based on population, there was no concern about new licenses coming to Flagstaff.
- No Flagstaff residents were awarded a social equity license and those that were awarded will be sold to larger dispensaries coming in from the valley.
- Protect the small businesses.
- Table the discussion and take time to find out what other cities are doing.

Written comments in support of postponing Council action were submitted by Samantha Field and Veronica Dudine.

Mayor Deasy said that the possible number of new establishments was difficult to determine, but they were estimating around five. He asked if increasing the radius to 2,500 feet between dispensaries would reduce the number of potential new establishments. Ms. Antol stated that it was really difficult to estimate, but the recommendation was to stay at 2,000 feet.

Vice Mayor Sweet asked if there had been any inquiry or interest about the dual licenses in Flagstaff. Ms. Antol responded that there have been no inquiries about dual licenses but there had been inquiries as to whether Flagstaff would allow recreational sales.

Mayor Deasy asked about the opportunity to put Conditional Use Permit (CUP) requirements on marijuana establishments. That would require a public hearing before they were permitted to move forward. Ms. Antol reminded the Council that a CUP was a permitted use. The intention of a CUP was to specifically require or deal with mitigation that was specific to that use through conditions of approval. There were very specific findings required for a CUP, and they are very development-oriented. If the findings were met, then the permit was granted; it may not achieve what it was that they were looking to achieve. The public hearing sometimes gives the public a false sense of security and is not as definitive as a rezoning.

Councilmember Salas noted that she appreciated the concept of adding a public process moving forward with other potential establishments. She would like to see staff develop a public participation process that would apply to marijuana establishments. Ms. Antol stated that they could look at the options. She offered that the problem is how to handle the comments and a public process where staff was in the position of making a decision that may be against public sentiment because it complies with the code. There was not much discretion afforded to the decision if it met all the requirements.

Councilmember House expressed a willingness to look further into the potential of some kind of public process.

Councilmember Shimoni agreed that more time was needed to evaluate how to review and approve businesses coming in.

Councilmember Aslan stated that he did not want to see social equity licenses in Flagstaff.

The CUP process or something similar would not provide an opportunity to deny a request if the requirements were met. He was not thrilled about the extension of hours either.

Vice Mayor Sweet stated that if social equity licenses were permitted there needed to be parameters in place to avoid them all being located in one area; a larger separation would be necessary for her to support it. She was supportive of pausing things to gather more information and see what other communities are doing.

Councilmember McCarthy stated that he was okay with the change in operating hours. On the social equity licenses, he did not feel that a person's prior marijuana conviction should allow them to get a license. He also would not support the addition of a CUP as it would only slow the process down and not change the outcome.

Mayor Deasy stated that he would support postponing to gather more information on a public process. He added that three counties had opened up social equity licenses. If Coconino County opened up, the businesses would set up outside city limits and Flagstaff would not get any revenue benefit.

**Moved by** Mayor Paul Deasy, **seconded by** Councilmember Jim McCarthy to read Ordinance No. 2022-18 by title only for the first time.

**Vote:** 6 - 1

NAY: Councilmember Austin Aslan

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 10, FLAGSTAFF ZONING CODE, DIVISION 10-40.60: SPECIFIC TO USES, SECTION 10-40.60.220 MARIJUANA ESTABLISHMENTS, SUBSECTION C. HOURS OF OPERATION FOR MARIJUANA DISPENSARIES, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE*

- F. Consideration and Adoption of Resolution No. 2022-37 and Ordinance No. 2022-19:** A Resolution of the Flagstaff City Council declaring as a public record that certain document filed with the City Clerk and entitled "PZ-22-00089 Marijuana Operations and Retail Establishments" and an Ordinance of the Flagstaff City Council amending the Flagstaff City Code, Title 10, Flagstaff Zoning Code, to allow recreational marijuana retail sales by establishments that may not be dual licensees and clarify definitions and terms in relation to Marijuana Operations.

**Moved by** Mayor Paul Deasy, **seconded by** Vice Mayor Miranda Sweet to postpone items 11F and 11G.

**Vote:** 7 - 0 - Unanimously

- G. Consideration and Adoption of Ordinance No. 2022-22:** An ordinance of the City Council of the City of Flagstaff, Arizona, amending the Flagstaff City Code, Title 6, Police Regulations, Chapter 6-10, Regulation of Recreational Marijuana; providing for repeal of conflicting ordinances, severability, authority for clerical corrections, and establishing an effective date.

**Moved by** Mayor Paul Deasy, **seconded by** Vice Mayor Miranda Sweet to postpone items 11F and 11G.

**Vote:** 7 - 0 - Unanimously

**12. DISCUSSION ITEMS****A. Bond Public Outreach Plan**

Senior Deputy City Manager Shannon Anderson, City Clerk Stacy Saltzburg, Economic Vitality Director Heidi Hansen, and Public Affairs Director Sarah Langley provided a PowerPoint presentation that covered the following:

BOND PUBLIC OUTREACH PLAN  
BOND OUTREACH TEAM  
OUTREACH GOAL AND OBJECTIVE  
OUTREACH METHODS  
BOND WEBSITE  
PUBLICITY PAMPHLET  
BOND LOGO  
ADVERTISING  
DISPLAYS FOR CITY FACILITIES  
POSTERS AND BANNERS  
VIDEOS  
IN-PERSON AND RECORDED PRESENTATION  
SOCIAL MEDIA  
NEWS RELEASES AND ONGOING MEDIA  
EMAILS TO GROUPS AND ORGANIZATIONS

Andy Fernandez addressed Council in opposition of the bond questions.

Vice Mayor Sweet encouraged people to share the information with their friends, neighbors, colleagues, etc.

Councilmember Shimoni asked when the website and pamphlet should be complete for distribution. Ms. Anderson explained that the website was live, the publicity pamphlet should be uploaded later that week or the next, and the rest of the information would come out in the next two to three weeks.

**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 "Nuclear Weapons: Existential Threat"**

Dr. David Spence addressed Council and stated that he belonged to a national organization of healthcare providers who had been promoting an initiative called Back from the Brink designed to reduce the existential threat of nuclear weapons to the world and bring communities together to abolish nuclear weapons. There are 64 communities that had endorsed the initiative, including Tucson. He requested that the City Council consider endorsing the initiative. It was a way for communities to tell the federal government that they want nuclear weapons to be reduced.

Councilmember Shimoni stated that he valued the message and goal but would not support moving forward due to the other things that were before the Council. He found value in the effort and felt that a more effective approach would be to lobby the federal government. He

suggested that it be added to the Council's federal lobbying priorities.

Councilmember McCarthy voiced his support for moving the matter forward to a future discussion.

Councilmember House stated that while she would be interested in having the discussion, it was better suited for legislative advocacy.

Mayor Deasy stated that he was not supportive of moving the item forward but suggested that the Council could send a letter of support.

There was not requisite support to move the item forward to a future discussion.

**B. Future Agenda Item Request (F.A.I.R.): A Citizens' Petition titled "Protect Abortion Access"**

Susan Shapiro addressed Council on behalf of the Flagstaff Abortion Alliance requesting that the Council discuss protecting residents from possible arrest and prosecution for providing, access, or assisting with an abortion. It is an issue of great concern for the community, and it is urgent that the Council act now. The residents of Flagstaff, particularly the thousands of students, need to know what they are facing if they have an unwanted pregnancy. People in Flagstaff are terrified to seek help for an abortion. Tucson has taken action and Flagstaff should as well.

A written comment in support of advancing the petition was submitted by Kyle Nitschke.

Council supported the advancement of the petition to a future discussion.

**14. PUBLIC PARTICIPATION**

Kyle Nitschke addressed Council and invited them to participate in voter registration events at NAU.

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

Councilmember Shimoni stated that it was good to be back from summer recess. He acknowledged and thanked staff for their leadership and work around all the flooding and mitigation efforts.

Vice Mayor Sweet stated that it was a difficult and long summer for those who were helping with the flooding and those who were experiencing flooding. She was happy to be back from summer recess and was looking forward to more great meetings.

Councilmember McCarthy stated that he was able to go out and see the impacts of the flooding and the tremendous impact they have had on the community. He thanked staff for all the efforts to mitigate the effects.

Councilmember Salas reported that grant opportunities for neighborhood assets and equity would be coming soon. The Flagstaff Aquaplex would turn fourteen at the end of the week and, to celebrate, annual memberships would be discounted 25% and admission would be free all day on August 26, 2022.

Mayor Deasy announced that the Council would be meeting on Monday the following week to

allow the Council to attend the Arizona League of Cities and Towns annual conference.

**16. ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held August 23, 2022, adjourned at 7:33 p.m.

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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 August 23, 2022. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 19th day of December, 2023.

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CITY CLERK