

MINUTES

1. **CALL TO ORDER**

Vice Mayor Sweet called the meeting of the Flagstaff City Council held November 15, 2022, to order at 3:01 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

2. **Roll Call**

NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.

PRESENT:

VICE MAYOR SWEET
COUNCILMEMBER ASLAN (virtually)
COUNCILMEMBER HOUSE
COUNCILMEMBER MCCARTHY
COUNCILMEMBER SALAS
COUNCILMEMBER SHIMONI

ABSENT:

MAYOR DEASY

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 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.

Daniel Chavez addressed Council about the Flagstaff Fire Department non-profit charities program and what they do.

5. PROCLAMATIONS AND RECOGNITIONS

A. Proclamation: Veterans Brain Health Awareness Day

Vice Mayor Sweet read and presented the proclamation.

6. COUNCIL LIAISON REPORTS

Councilmember Salas reported that she attended the ECONA Executive Board meeting, where they welcomed new members to the Board. She attended the Airport Commission meeting where they discussed Cares Grant projects and the snow removal plan.

Councilmember McCarthy reported that he participated in the Stuff the Bus event in coordination with Coconino County and Mountain Line to help people donate turkeys and other food items.

Vice Mayor Sweet noted that she would be attending the Mountain Line and Water Commission meetings later that week.

Councilmember Shimoni reported that he attended the CJCC meeting and met the new Coordinator. He would also be attending the Mountain Line meeting and the Coconino Crisis Group meeting later in the week.

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: Heritage Preservation Commission.

Written comments in support of appointing Duffie Westheimer to the Heritage Preservation Commission were submitted by Charlie Silver and Ellen Ryan.

Moved by Councilmember Austin Aslan, **seconded by** Councilmember Khara House to appoint Duffie Westheimer to the AT-LARGE appointment a term expiring December 2025.

Vote: 6 - 0 - Unanimously

Moved by Councilmember Khara House, **seconded by** Councilmember Jim McCarthy to appoint Abbey Buckham to the Professional seat to a term expiring December 2024.

Vote: 6 - 0 - Unanimously

Moved by Councilmember Adam Shimoni, **seconded by** Councilmember Jim McCarthy to appoint Caitlin Kelly to the Historic Property Owner seat to a term expiring December 2025.

Vote: 6 - 0 - Unanimously

Moved by Vice Mayor Miranda Sweet, **seconded by** Councilmember Jim McCarthy to appoint Shelli Dea to Historic Property Owner position to a term expiring December 2025.

Vote: 6 - 0 - Unanimously

Moved by Councilmember Regina Salas, **seconded by** Councilmember Jim McCarthy to appoint Elizabeth Burcham to a Professional position a term expiring December 2024.

Vote: 6 - 0 - Unanimously

8. 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 Vice Mayor Miranda Sweet, **seconded by** Councilmember Regina Salas to approve the Consent Agenda as posted.

Vote: 6 - 0 - Unanimously

A. Consideration and Approval of Contract: Professional Engineering Airport Planning Services Contract with Coffman and Associates for the Environmental Airside/Landside Documentation in the amount not to exceed \$750,000.

1. Approve the Professional Planning Services Contract with Coffman & Associates for the Environmental Airside/Landside Documentation in the amount not to exceed \$750,000 with a contract time of 365 calendar days; and
2. Authorize the City Manager to execute the necessary documents.

B. Consideration and Approval of a Cooperative Purchase Contract: Approve the Cooperative Purchase Contract for a Vacuum Excavator in the amount of \$99,184.06 from Empire Southwest, LLC on a National Intergovernmental Purchasing Alliance cooperative purchase agreement (Contract #161534-01).

1. Approve the Cooperative Purchase Contract for a Vacuum Excavator in the amount of \$99,184.06 from Empire Southwest, LLC, on a National Intergovernmental Purchasing Alliance cooperative purchase agreement (Contract #161534-01); and
2. Authorize the City Manager to execute all 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) 2022 Ford Expedition 4x4 in the amount of \$57,139.93 through an Arizona State cooperative contract.

1. Approve the Cooperative Purchase Contract to PFVT Motors, LLC DBA Peoria Ford for the purchase of One (1) 2022 Ford Expedition 4x4 in the amount of \$57,139.93 through an Arizona State cooperative contract; and
2. Authorize the City Manager to execute all necessary documents.

9. ROUTINE ITEMS

A. Consideration and Adoption of Resolution No. 2022-51 and Ordinance No. 2022-27: 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 entitled "PZ-19-00248 Updates to Zoning Code - Outdoor Lighting Standards" 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 modify the existing Outdoor Lighting Standards.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Khara House to adopt Resolution No. 2022-51.

Vote: 6 - 0 - Unanimously

Moved by Vice Mayor Miranda Sweet, **seconded by** Councilmember Jim McCarthy to read Ordinance No. 2022-27 by title only for the final time.

Vote: 6 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 10, FLAGSTAFF ZONING CODE, BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "PZ-19-00248 UPDATES TO ZONING CODE-OUTDOOR LIGHTING STANDARDS"; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Khara House to adopt Ordinance No. 2022-27.

Vote: 6 - 0 - Unanimously

- B. Consideration and Adoption of Ordinance No. 2022-28:** An Ordinance of the City Council of the City of Flagstaff, Coconino County, Arizona, amending the Flagstaff City Code, Title 10, Flagstaff Zoning Code, Section 10-90.40.030 Rural Floodplain Map, to change the map designation of approximately 7.76 acres of real property from Rural Floodplain to Urban Floodplain on eight parcels of land (APNs 101-01-020A, 101-01-020B, 101-28-005G, 101-28-005H, 101-28-005K, 101-28-013A, 101-28-013B, and 101-28-013D) located generally between W Forest Avenue and N San Francisco Street; providing for severability and establishing an effective date.

The following individuals addressed Council in opposition to the ordinance:

- Bill Wade
- Jane Jackson

The following comments were received:

- Please consider the decisions carefully.
- Flagstaff has been through some of the most expensive and devastating flooding in decades.
- This will open an area of important drainage to serious flooding and damage.
- This area is an important wildlife corridor.
- It is in the best interest of residents to not develop in areas where it could flood.
- Council should consider the location and how it will grow.
- There are too many unanswered questions.

Steven Holloway addressed Council in support of the ordinance and stated that there was an opportunity to take a proactive approach. He noted that there was limited time to see federal funds for flood mitigation and if the area stays rural that opportunity would be lost.

Councilmember Salas asked the definition of urban designation. Senior Planner Tiffany Antol stated that urban designated areas are areas that had been disturbed over time. They could be channelized, but channelization was never the preferred method. Keeping flood plains in their natural state was preferable. There were no plans to channelize the area. Rural floodplains have a high value in preserving areas that are natural, pristine, and not exposed to development. The impact to the floodplain is meant to be minimal. In this case, there is a floodway and flood fringe. To develop in the floodway, a developer would have to work with FEMA to obtain a different designation.

Councilmember House stated that the city was limited or restricted from installing flood mitigation measures to try to positively impact the negative impacts of flooding. She asked if the amendment would change that situation and allow the city to put in mitigation if it was needed. Ms. Antol stated yes. The risk of experiencing similar events like that summer in the area was smaller but possible and the existing rural designation would prevent the city from taking mitigation measures.

Councilmember McCarthy stated that he believes that the area was substantially undisturbed, and it should stay that way. The landowner had the ability to build regardless of the designation.

Councilmember Aslan agreed. The area should be protected from the zoning amendment. It would send the wrong message to rezone to allow a developer to build there when the city was dealing with significant flood events in other areas. The second finding was questionable to him in that it could be detrimental to the health and safety of the community. He felt that it was growth for growth's sake and put open space, trails, forests, night sky, and wildlife habitats at risk. He did not believe that the change would allow for better mitigation.

Councilmember Salas stated that the request was not about a development agreement or a site plan, it was about a zoning code text amendment to change the designation of a parcel from rural floodplain to urban floodplain. She also noted that the Planning and Zoning Commission recommendation was to support the amendment.

Councilmember House added that she too was struggling with the request and was challenged by competing community interests and community needs.

Moved by Councilmember Regina Salas, **seconded by** Vice Mayor Miranda Sweet to read Ordinance No. 2022-28 by title only for the final time.

Vote: 4 - 2

NAY: Councilmember Austin Aslan
Councilmember Jim McCarthy

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, TITLE 10, FLAGSTAFF ZONING CODE, SECTION 10-90.40.030 RURAL FLOODPLAIN MAP, TO CHANGE THE MAP DESIGNATION OF APPROXIMATELY 7.76 ACRES OF REAL PROPERTY FROM RURAL FLOODPLAIN TO URBAN FLOODPLAIN ON EIGHT PARCELS OF LAND (APNS 101-01-020A, 101-01-020B, 101-28-005G, 101-28-005H, 101-28-005K, 101-28-013A, 101-28-013B, AND 101-28-013D) LOCATED GENERALLY BETWEEN W FOREST AVENUE AND N SAN FRANCISCO STREET; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Regina Salas, **seconded by** Vice Mayor Miranda Sweet to adopt Ordinance No. 2022-28.

Vote: 6 - 0 - Unanimously

- C. Consideration and Adoption of Ordinance No. 2022-30:** An ordinance amending City Code to align City Code and industrial discharge permits with the language in Environmental Protection Agency (EPA) 40, and Code of Federal Regulations (CFR) 403.

Moved by Vice Mayor Miranda Sweet, **seconded by** Councilmember Regina Salas to read Ordinance No. 2022-30 by title only for the final time.

Vote: 6 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING CITY CODE 7, HEALTH AND SANITATION, CHAPTER 02-001-0010, INDUSTRIAL SELF-MONITORING; AND CHAPTER 02-001-0012, SIGNATORY REQUIREMENTS; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Vice Mayor Miranda Sweet, **seconded by** Councilmember Regina Salas to adopt Ordinance No. 2022-30.

Vote: 6 - 0 - Unanimously

- D. Consideration and Approval of Contract:** Approve Change Order No. 16 with Shephard Wesnitzer, Inc. in the amount of \$151,200.00 and a 470 calendar day time extension for the Rio de Flag Flood Control Utility Relocation Design Services Contract.

Capital Improvements Project Manager Jeremy DeGeyter provided a PowerPoint presentation that covered the following:

RIO DE FLAG FLOOD CONTROL PROJECT CHANGE ORDER NO. 16
PROJECT AREA MAP
HISTORY OF DESIGN SERVICES WITH SHEPHARD WESNITZER, INC.
PROJECT UPDATE

Councilmember Salas offered gratitude to staff, Council, and prior Councils for all the work and advancement of the project in recent years.

Moved by Councilmember Regina Salas, **seconded by** Councilmember Adam Shimoni to approve Change Order No. 16 with Shephard Wesnitzer, Inc. the amount of \$151,200.00 and a 470 calendar day time extension for the Rio de Flag Flood Control Utility Relocation Design Services Contract and authorize the City Manager to execute the necessary documents.

Vote: 6 - 0 - Unanimously

10. PUBLIC HEARING ITEMS

- A. Consideration and Adoption of Ordinance No. 2022-32:** An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code, Title 12, Floodplains, Chapter 12-02, Stormwater Management Utility, by amending Section 12-02-002-0003, Schedule of Stormwater Management Utility Service Charges and Fees; providing for repeal of conflicting ordinances, severability, penalties, authority for clerical corrections, and establishing an effective date

Vice Mayor Sweet opened the public hearing.

Water Services Stormwater Manager Ed Schenk provided a PowerPoint presentation that covered the following:

STORMWATER RATE ADOPTION
OVERVIEW
GO BOND PASSED!
STORMWATER PROGRAM OVERVIEW
UTILITY STRUCTURE – FLAGSTAFF IS COMPLEX
STORMWATER RATES
RATE BASIS – ERU
CURRENT RATES
STORMWATER CIP HISTORY
STORMWATER RATE ASSESSMENT
PURPOSE OF RATE ADJUSTMENT
STORMWATER MAINTENANCE
MAINTENANCE EXAMPLE – COPELAND
PROJECTED EXPENDITURES
DEVELOPMENT OF FINANCIAL PLAN
STATUS QUO: PROJECTED CASH POSITION

SUMMARY OF STATUS QUO
STORMWATER RATE OPTIONS
ALTERNATIVE EVALUATION
WHICH CAPITAL PROJECTS WILL RECEIVE FUNDING?
SCENARIO COMPARISON

Sanjay Gaur with Water Resources Economics continued the presentation.

SCENARIO 1: PROJECTED CASH POSITION
SCENARIO 2: PROJECTED CASH POSITION
SCENARIO 3: PROJECTED CASH POSITION
STORMWATER SERVICE CHARGE
RATE IMPACTS
NATIONAL STORMWATER SURVEY

Water Services Management Analysis Lisa Deem continued the presentation.

RATE IMPLEMENTATION TIMELINE
STORMWATER RATE COMMUNITY OUTREACH

Councilmember McCarthy asked if the rate could be reduced in future years should the city receive grants. Management Services Director Rick Tadder stated that staff looked at water rates every five years to evaluate the health of the fund and make adjustments as desired by Council.

Councilmember Salas stated that she felt like more time was needed to collect feedback from the community. The impact to non-profits had not been calculated because they often rent commercial properties.

Michele James, on behalf of Friends of Flagstaff's Future, addressed Council in support of Option 1. Stormwater rates were not keeping up with the community and the impacts of post fire flooding was vast. Climate change would continue to impact the community. The status quo would not provide the service the community needed and wanted, and Option 2 would result in more debt.

Mr. Clifton stated that there were comments about frontloading costs and timing issues at the last meeting. He appreciated the options provided by staff to address those timing concerns. Public outreach had been aggressive and compressed into a small timeframe. It begs the question as to the urgency of implementation and he did not think it would be out of line to suggest a continuation of the public hearing. He disagreed that relying on federal grant dollars was risky, there had been success in the past and he believed there would be success in the future.

Councilmember McCarthy stated that he supported the pay as you go philosophy and that he was leaning toward Scenario 1 but could support something between Scenario 1 and Scenario 2.

Councilmember Salas stated that she believed that the Scenarios needed to be more fully vetted by the community. The city needed to exhaust all efforts to tap into federal and state funding and there were opportunities for congressional direct allocation to fund flood mitigation. She supported a continuation of the public hearing to engage in a more robust community outreach.

Councilmember Aslan stated that the matter would not have come forward unless there was

a dire need. He felt that there was an opportunity to slow things down a bit. He also expressed that he was more tentative about the ability to secure grant funding. He was leaning toward something between Scenario 1 and Scenario 2.

Councilmember Shimoni stated that the community had high needs and high demands. He acknowledged that the timing was difficult but there was a need to make decisions and move forward.

Councilmember House acknowledged the urgent need to act in order to meet the operational and capital needs of the community. She noted that it was important to make sure enough time was taken to do appropriate outreach in the community. She was leaning toward postponing until there was more outreach and feedback from the community.

Vice Mayor Sweet stated that she would like more information about outside sources of funding. She also wanted more outreach done, particularly with the business community. She suggested postponing until after the first of the year.

Councilmember McCarthy stated that he did not support delaying until January. There had been a lot of public input already and they were elected to make difficult decisions.

Councilmember Salas stated that it was not a question of delaying but rather taking the time to engage the community in terms of what they feel about the three scenarios.

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

Moved by Councilmember Jim McCarthy to read Ordinance No. 2022-32 by title only for the first time and that the amount of funding be half way between scenario 1 and 2 with final numbers being provided at second read.

Motion failed for lack of a second.

Moved by Councilmember Regina Salas, **seconded by** Councilmember Adam Shimoni to postpone the public hearing to a date certain of January 31, 2023.

Vote: 6 - 0 - Unanimously

A break was held from 5:37 p.m. through 6:02 p.m.

11. REGULAR AGENDA

- A. **Consideration and Adoption of Ordinance No. 2022-31:** An Ordinance of the City Council of the City of Flagstaff, abandoning approximately 5,237 square feet of public right-of-way at the northwest corner of Fountaine Street and Hoskins Avenue; providing for delegation of authority, repeal of conflicting ordinance, severability, and establishing an effective date

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

NAU ABANDONMENT REQUEST HOSKIN AVE.
VICINITY MAP
AREA PHOTOS
REGIONAL PLAN FUTURE TRAIL

Moved by Councilmember Regina Salas, **seconded by** Councilmember Jim McCarthy to read Ordinance No. 2022-31 by title only for the first time.

Vote: 6 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF ABANDONING APPROXIMATELY 5,237 SQUARE FEET OF PUBLIC RIGHT-OF-WAY AT THE NORTHWEST CORNER OF FOUNTAINE STREET AND HOSKINS AVENUE; PROVIDING FOR DELEGATION OF AUTHORITY, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

Councilmember McCarthy asked if there would be a trade for the abandoned property. Mr. Doty explained that they got close to identifying other parcels for trade but there was a snag in that process due to the master planning that NAU was doing. The property would remain with the city until NAU was ready to formally transfer which would be memorialized in an IGA.

- B. Consideration and Adoption of Ordinance No. 2022-24:** 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

Councilmember House recused herself due to a potential conflict of interest and left the dais.

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

BEULAH EXTENSION/UNIVERSITY ROADWAY PROJECT PROPERTY ACQUISITION
VICINITY MAP
CURRENT DESIGN OVERVIEW

Councilmember Shimoni asked if the cost increase was discussed by Council. Capital Improvements Engineer Trevor Henry stated it was discussed during the FY23 budget process and it was included in the adopted budget in July.

Councilmember Shimoni stated that he was not supportive of the two-lane roundabout and felt that Council should have had a larger discussion about the project when costs were more than two times the budgeted amount. Councilmember Salas stated that the project had been approved by voters in May 2000 and the additional \$9.2 million in FY23 was budgeted from Prop 419.

Councilmember Shimoni stated that he would vote no because he felt that the process was not one he could support.

Moved by Councilmember Adam Shimoni, **seconded by** Vice Mayor Miranda Sweet to read Ordinance No. 2022-24 by title only for the first time.

Vote: 4 - 1

NAY: Councilmember Adam Shimoni

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

At this time, Councilmember House returned to the dais.

- C. Consideration and Adoption of Resolution No. 2022-54:** A resolution adopting the 2023 Revised Stormwater Credit Manual.

Moved by Vice Mayor Miranda Sweet, **seconded by** Councilmember Jim McCarthy to read Resolution No. 2022-54 by title only.

Vote: 6 - 0 - Unanimously

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF ADOPTING THE 2023 REVISED STORMWATER CREDIT MANUAL FOR THE CITY OF FLAGSTAFF

Moved by Vice Mayor Miranda Sweet, **seconded by** Councilmember Khara House to adopt Resolution No. 2022-54.

Vote: 6 - 0 - Unanimously

- D. Consideration and Adoption of Resolution No. 2022-53:** A resolution approving the Second Amendment to the Intergovernmental/Third-Party Agreement between the City of Flagstaff, Coconino County and Paw Placement of Northern Arizona dba High Country Humane for Animal Sheltering Services

Police Chief Dan Musselman addressed Council and stated that the amendment included language that all three entities had agreed to and it outlined the responsibilities of all parties involved.

Moved by Councilmember Jim McCarthy, **seconded by** Vice Mayor Miranda Sweet to read Resolution No. 2022-53 by title only.

Vote: 6 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING AMENDMENT TWO TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN COCONINO COUNTY, PAW PLACEMENT OF NORTHERN ARIZONA, DBA HIGH COUNTRY HUMANE, AND THE CITY OF FLAGSTAFF FOR ANIMAL SHELTERING SERVICES

Moved by Councilmember Jim McCarthy, **seconded by** Vice Mayor Miranda Sweet to adopt Resolution No. 2022-53.

Vote: 6 - 0 - Unanimously

- E. Consideration and Adoption of Resolution No. 2022-55:** A resolution of the City Council of the City of Flagstaff adopting the City Council Holiday Display Policy for the City of Flagstaff.

Mr. Solomon addressed Council and stated that staff was directed to draft a holiday display policy which would allow the City Council to give direction to display both secular and non-secular items that demonstrated peace, harmony, and love during the holiday season.

Councilmember Salas expressed her appreciation for the policy.

Councilmember McCarthy stated that he believed that the policy put the city in an unnecessary position of entanglement with religion. The city should stay out of the business of anything that even remotely appeared supportive of any religion.

Moved by Councilmember Regina Salas, **seconded by** Councilmember Adam Shimoni to read Resolution No. 2022-55 by title only.

Vote: 5 - 1

NAY: Councilmember Jim McCarthy

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF ADOPTING THE CITY COUNCIL HOLIDAY DISPLAY POLICY FOR THE CITY OF FLAGSTAFF

Moved by Councilmember Regina Salas, **seconded by** Vice Mayor Miranda Sweet to adopt Resolution No. 2022-55.

Vote: 5 - 1

NAY: Councilmember Jim McCarthy

12. DISCUSSION ITEMS

A. Thorpe Park Annex Updated Concept

Assistant Parks and Recreation Director Amy Hagin addressed Council and recapped some of the changes to the concept design. There was an overarching need for the restoration of native plantings, open spaces, indigenous gardens, and a larger orchard to surround the Indigenous Community Cultural Center. There was a relocation of the pickleball courts to the current bark park for a future phase. There was also the incorporation of an interpretive trail. Ms. Hagin displayed the Final Concept design and reviewed the elements within the plan.

Councilmember McCarthy asked about potential flooding at the bark park. Ms. Hagin stated that they had not witnessed extreme flooding in the area. There were some contours that they would work within to avoid any flooding issues in the future.

Councilmember McCarthy asked if enough parking was planned for with a housing component. Ms. Hagin stated that there were a lot of conversations and research that still needed to be done on the possibility of housing but that it would not compete with the parking for the park.

Councilmember Shimoni stated that a bicycle work stand would be a good element to include in the design along with covered bike parking.

Councilmember Salas asked if there would be an opportunity to build a covered or indoor pickleball court to allow for year-round play. Ms. Hagin stated that the opportunity would always be there with additional funding or partnership.

Councilmember Salas asked Coordinator of Indigenous Initiatives Rose Toehe to provide any feedback regarding the design and Indigenous Community Cultural Center. Ms. Toehe stated that the Indigenous community was very supportive of the proposed changes. They believed that it would be a community space for everyone.

A written comment in support of a culturally based treatment center with emergency shelter was submitted by Klee Benally.

Rick Lopez addressed Council and stated that he felt deceived by the city. The new public works facility and the new court facility were sold to the community under the guise that the existing facilities would be sold to pay for those new buildings. That did not happen as promised. The Thorpe Park Annex would be a great location for a tax credit housing development and would satisfy the needs within the housing emergency.

B. Discussion regarding adult use marijuana retail sales.

Zoning Code Manager Tiffany Antol provided a PowerPoint presentation that covered the following:

ADULT USE MARIJUANA RETAIL SALES
SMART AND SAFE ARIZONA ACT – PROPOSITION 207
BACKGROUND
SMART AND SAFE PROVISIONS
ADULT USE MARIJUANA RETAIL SALES
STAFF DIRECTION

Councilmember Aslan stated that the decision should not be rushed, and it would be beneficial to wait and see what other cities are doing. The presence of the existing dispensaries in Flagstaff are not problematic. It should not be about revenue but about doing it right.

Councilmember Salas stated that she supported retail sale when Council approved a Conditional Use Permit process. The text amendment should be driven by industry representatives or business owners.

Councilmember Shimoni supported a gradual approach. His concern was that there were two establishments on the west side of town and it was an equity issue in terms of location of facilities. He would support waiting and learning from other cities and towns.

Councilmember House was in agreement to delay. She noted concern with the text amendment coming from industry representatives because it would run the risk of allowing a decision to be guided by industry representatives. She would rather take the time to learn more and do things right the first time rather than have to go back and revise.

Vice Mayor Sweet also noted her support to delay for the time being.

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 to adopt Option 2 of the proposed culvert improvements at HWY 180 and Schultz Creek to complement the Schultz Creek detention basin and provide relief to flood-beleaguered and vulnerable neighborhoods and use available funds and strive for completion before the 2023 monsoon season to protect people and property

Council provided the requisite support to move the item forward for discussion but noted that direction had already been given for Option 2 which was already underway.

14. PUBLIC PARTICIPATION

None

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

Councilmember Shimoni reported that he spoke to an NAU class and was pleased to see how engaged the students were with local government. He also stated that he would be attending the upcoming Homeless and Hunger Awareness Week events put on by Native Americans for Community Action.

Vice Mayor Sweet thanked Council for a good meeting. She reported that she would be attending the Alliance meeting that week.

Councilmember Salas thanked voters for taking part in the election and that she was looking ahead to continue to serve the community in different capacities. She offered gratitude for her opportunity to serve as a Councilmember for the last four years.

16. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held November 15, 2022, adjourned at 7:47 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 15, 2022. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 6th day of February, 2024.

CITY CLERK