

MINUTES

1. CALL TO ORDER

Mayor Daggett called the meeting of the Flagstaff City Council held July 3, 2023, 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 discussion and consultation 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 through other technological means.

PRESENT:

ABSENT:

MAYOR DAGGETT
VICE MAYOR ASLAN
COUNCILMEMBER HARRIS
COUNCILMEMBER HOUSE
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, Vice Mayor Aslan read the Mission Statement of the City of Flagstaff, and Councilmember House 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.

None

5. PROCLAMATIONS AND RECOGNITIONS**A. July Work Anniversaries and Retirement**

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

JULY EMPLOYEE WORK ANNIVERSARIES!
FIVE YEAR ANNIVERSARIES
TEN YEAR ANNIVERSARIES
FIFTEEN YEAR ANNIVERSARIES
TWENTY YEAR ANNIVERSARIES
25 YEARS PLUS!!
RETIREMENT

6. COUNCIL LIAISON REPORTS

Vice Mayor Aslan reported that the Coconino Plateau Water Advisory Council (CPWAC) had a great retreat. He thanked Mr. Clifton for attending and Deputy City Manager Joanne Keene for facilitating the retreat.

Councilmember Matthews stated that the CPWAC retreat was very informative and educational. She also reported that she participated in the Rio de Flag clean up and attended Movies on the Square.

Councilmember House reported that the Commission on Diversity Awareness met and discussed their upcoming proclamations, ongoing projects and focus areas, and they shared reports on the successes of Pride in the Pines and the Pride parade. She also reported that she attended the most recent Greater Flagstaff Region Fire Crew Graduate ceremony.

Councilmember Sweet stated that the Federal Transit Administration announced that Mountain Line would receive \$16.3 million through the Bus and Bus Facilities Grant to build a new maintenance facility.

Councilmember McCarthy reported that he attended Movies on the Square along with his fellow Councilmembers.

Mayor Daggett reported that the Commission on Inclusion and Adaptive Living was in need of applicants. Many other commissions were seeking applicants as well. She stated that commissions were a great way to get involved with the city and she encouraged the public to apply.

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 Appointment: Sustainability Commission.

Moved by Councilmember Khara House, **seconded by** Vice Mayor Austin Aslan to appoint Dorcas Naa Aku Shika Quarshie to a term expiring October 2025.

Vote: 7 - 0 - Unanimously

Moved by Vice Mayor Austin Aslan, **seconded by** Councilmember Khara House to appoint Amy Wolkowinsky to a term expiring October 2025.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Deborah Harris, **seconded by** Councilmember Miranda Sweet to appoint Priscilla Boateng to a term expiring October 2023.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Miranda Sweet, **seconded by** Vice Mayor Austin Aslan to appoint Mary Ellen Metzger to a term expiring October 2023.

Vote: 7 - 0 - Unanimously

B. Consideration of Appointments: Transportation Commission.

Moved by Vice Mayor Austin Aslan, **seconded by** Councilmember Jim McCarthy to appoint Josh Stone as the NAIPTA Representative to a term expiring July 2025.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Miranda Sweet, **seconded by** Councilmember Jim McCarthy to appoint Jonathan Hansen to a term expiring July 2026.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Deborah Harris, **seconded by** Councilmember Jim McCarthy to appoint Robert Kuhn to a term expiring July 2026.

Vote: 7 - 0 - Unanimously

8. LIQUOR LICENSE PUBLIC HEARINGS

Mayor Daggett opened the public hearing on both applications.

Police Chief Dan Musselman introduced the applications and noted no items of concern.

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

Moved by Councilmember Khara House, **seconded by** Councilmember Lori Matthews to forward both applications to the State with a recommendation for approval.

Vote: 7 - 0 - Unanimously

- A. **Consideration and Action on Liquor License Application:** Zachariah Adam Miller, "Americana Motor Hotel," 2650 E. Route 66, Series 11 (Hotel/Motel), New License.
- B. **Consideration and Action on Liquor License Application:** Troy Travis Spray, "Altitudes of Flagstaff," 2 South Beaver Street, Series 12 (restaurant), 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 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:** Contract for Services to Conservation Legacy in a total amount of \$149,850 including a Grant Award from Arizona State Parks for the Picture Canyon Restoration and Trail Work
1. Approve the Contract for Services to Conservation Legacy in the total amount of \$149,850.00 including a Grant Award from Arizona State Parks for Picture Canyon Restoration and Trail Work; and
 2. Authorize the City Manager to execute the necessary documents.
- B. **Consideration and Approval of Contract:** Approve a Cooperative Purchase Contract with Courtesy Chevrolet in the amount of \$63,300.00, in addition to other fees and taxes, for an Emergency Response Truck.
1. Approve a Cooperative Purchase Contract with Courtesy Chevrolet in the amount of \$63,300, in addition to other fees and taxes, for a Emergency Response Truck; and
 2. Authorize the City Manager to execute the necessary documents.
- C. **Consideration and Approval of Contract:** Construction Manager at Risk Construction Services Agreement with Eagle Mountain Construction, Inc. for the Grandview Utilities and Wedge Clearing portion of the Spruce Wash Flood Mitigation Suite of Projects.
1. Approve the Construction Manager at Risk Construction Services Agreement with Eagle Mountain Construction for a Guaranteed Maximum Price (GMP1) in the amount of \$2,906,383.00 and a contract duration of 845-calendar days;
 2. Approve an Owners Contingency of \$50,000.00, which is 2% of the Guaranteed Maximum Price; and
 3. Authorize the City Manager to execute the necessary documents.
- D. **Consideration and Approval of Contract:** Lumen Utility Relocation for the Rio de Flag Flood Control Project and Addition of City Fiber Conduit
1. Approve the Lumen Utility Relocation and City Fiber Addition Proposal and a Not-to-Exceed (NTE) payment authority of \$250,000; and
 2. Authorize the City Manager to execute the necessary documents.

- E. **Consideration and Approval of Revised Grant Agreement:** Revised Grant agreement between the U.S. Department of Housing and Urban Development and the City of Flagstaff for the Flagstaff Home Energy Retrofit Program for low-income and vulnerable families.

Approve the revised U.S. Department of Housing and Urban Development grant for FY2022 Economic Development Initiative, Community Project Funding Grant (B-22-CP-AZ-0018), in the amount of \$750,000 for the Flagstaff Home Energy Retrofit Program for low-income and vulnerable families.

- F. **Consideration and Approval of Grant Agreement:** Approve Grant Agreement with the U.S. Department of Justice, through the Arizona Criminal Justice Commission, for the Edward Byrne Justice Assistance Grant funds in the amount of \$219,363.82 for the Northern Arizona Street Crimes Task Force (METRO unit).

Approve the acceptance of the grant from the U.S. Department of Justice, through the Arizona Criminal Justice Commission, Edward Byrne Justice Assistance Grant funds in the amount of \$219,363.82 for FY2023-2024.

- G. **Consideration and Approval of Contract:** Approve the Cooperative Purchase Contract with Courtesy Chevrolet in the amount of \$183,380.00, plus additional fees and costs to purchase three 2024 Chevrolet pickup trucks for the Streets Section

1. Approve the Cooperative Purchase Contract with Courtesy Chevrolet in the amount of \$183,380.00, plus additional fees and costs to purchase three 2024 Chevrolet pickup trucks for the Streets Section; and
2. Authorize the City Manager to execute the necessary documents.

- H. **Consideration and Approval of Contract:** Cooperative Purchase Contract with Brightly Software, Inc. in the amount of \$308,022.53, plus additional fees and taxes, for Facilities Maintenance Software

1. Approve the Cooperative Purchase Contract with Brightly Software, Inc. in the amount of \$308,022.53, plus additional fees and taxes, for Facilities Maintenance Software; and
2. Authorize the City Manager to execute the necessary documents.

- I. **Consideration and Approval of Contract Amendment:** Purchase Contract for property acquisition services with TB Real Property Consultants, LLC in the amount of \$100,000.00 for property acquisitions necessary for the Milton Road and University Avenue Right of Way Capital Project.

1. Approve an amendment to the contract for property acquisition services with TB Real Property Consultants, LLC, to increase the scope of work and contract amount to an amount not to exceed \$100,000.00 for property acquisitions necessary for the Milton Road and University Avenue Right of Way Capital Project; and
2. Authorize the City Manager to execute the necessary documents.

- J. **Consideration and Approval of Grant Agreement:** Arizona 911 Grant Agreement between Arizona Department of Administration Office of Grants and Federal Resources and the City of Flagstaff Acting as System Administrator for Coconino County in the amount of \$943,515.00.

Approve the grant agreement from the Arizona Department of Administration Office of Grants and Federal Resources in the amount of \$943,515.00 for the 911 budget for Coconino County.

- K. Consideration and Approval of Contract:** Approve the Cooperative Purchase Contract with AT&T Corp. in the amount of \$2,340,156.05 to transition to the Next Gen 9-1-1 Call System and Equipment.
1. Approve the Cooperative Purchase Contract with AT&T Corp. in the amount of \$2,340,156.05 to transition to the Next Gen 9-1-1 Call System and Equipment; and
 2. Authorize the City Manager to execute the necessary documents.
- L. Consideration and Approval of Lease Renewal Amendments:** Lease No: GS-09P-LAZ94446 for Building 3 and GS-09P-LAZ03408 for Buildings 4 and 5 of the United States Geological Survey (USGS) facility located at 2255 North Gemini Drive.
1. Approve the lease renewal amendments to extend the term of the leases from 12/31/2023 to 12/31/2028 with an option to extend for an additional 5 year term until 12/31/2033.
 2. Authorize the City Manager to execute the necessary documents.
- M. Consideration and Approval of Contract:** Approve a Cooperative Purchase Contract with Goodmans Interior Structures in the amount of \$146,397.72, in addition to taxes and other charges, for the purchase and installation of new cubicles and office furniture for the Community Development and City Engineering Divisions.
1. Approve a Cooperative Purchase Contract with Goodmans Interior Structures in the amount of \$146,397.72, in addition to taxes and other charges, for the purchase and installation of new cubicles and office furniture; and
 2. Authorize the City Manager to execute the necessary documents.

10. ROUTINE ITEMS

- A. Consideration and Adoption of Ordinance No. 2023-15:** An ordinance levying upon the assessed valuation of the property within the City of Flagstaff, Arizona, subject to taxation a certain sum upon each one hundred dollars (\$100.00) of valuation sufficient to raise the amount estimated to be required in the Annual Budget, less the amount estimated to be received from other sources of revenue; providing funds for various bond redemptions, for the purpose of paying interest upon bonded indebtedness and providing funds for general municipal expenses, all for the Fiscal Year ending the 30th day of June 2024. (**Primary and secondary property tax levies for FY 2023-2024**)

Moved by Councilmember Lori Matthews, seconded by Councilmember Miranda Sweet to read Ordinance No. 2023-15 by title only for the final time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF FLAGSTAFF, ARIZONA, SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR VARIOUS BOND REDEMPTIONS, FOR THE PURPOSE OF PAYING INTEREST UPON BONDED INDEBTEDNESS AND PROVIDING FUNDS FOR GENERAL MUNICIPAL EXPENSES, ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2024

Moved by Councilmember Lori Matthews, seconded by Councilmember Miranda Sweet to adopt Ordinance No. 2023-15.

Vote: 7 - 0 - Unanimously

- B. Consideration and Adoption of Ordinance No. 2023-20:** An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff Zoning Map to rezone approximately 1.17 acres of real property located at 1899 S Woodlands Village Boulevard from the Light Industrial Open (LI-O) zone with the Resource Protection Overlay (RPO) to the Highway Commercial (HC) zone with the Resource Protection Overlay (RPO), providing for severability, authority for clerical corrections, and establishing an effective date.

Moved by Councilmember Deborah Harris, **seconded by** Councilmember Lori Matthews to read Ordinance No. 2023-20 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 1.17 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 1899 S WOODLANDS VILLAGE BOULEVARD, FROM THE LIGHT INDUSTRIAL OPEN (LI-O) ZONE WITH A RESOURCE PROTECTION OVERLAY (RPO) TO THE HIGHWAY COMMERCIAL (HC) ZONE WITH A RESOURCE PROTECTION OVERLAY (RPO), PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Lori Matthews to adopt Ordinance No. 2023-20.

Vote: 7 - 0 - Unanimously

- C. Consideration and Adoption of Resolution No. 2023-38 and Ordinance No. 2023-16:** A resolution of the Flagstaff City Council declaring as a public record that certain document filed with the City Clerk and entitled "2023 Short-Term Rental Code", and an ordinance of the City Council amending the Flagstaff City Code, Title 3 Business Regulations, by adopting by reference that certain document entitled "2023 Short-Term Rental Code".

Senior Assistant City Attorney Anja Wendel addressed Council and stated that since the first read, a few revisions were made to the ordinance. The first was that the neighborhood notice would not be required at the time the owner applied for a license. The notice would be required before the owner offered the unit up for rent. Next, was that an application would not be denied if the owner did not disclose whether the unit was owner-occupied or not. The information would still be requested. Next, the language was clarified to state that liquor control violations and the production of pornography were prohibited. Finally, the additional \$5 per year annual increase would begin on November 1, 2024.

Mayor Daggett noted that city and county staff did sit down and discuss their respective ordinances to ensure that they were complimentary.

Moved by Councilmember Miranda Sweet, **seconded by** Councilmember Jim McCarthy to adopt Resolution No. 2023-38.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Miranda Sweet, **seconded by** Councilmember Jim McCarthy Jim McCarthy to read Ordinance No. 2023-16 by title only for the final time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 3 BUSINESS REGULATIONS, BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "2023 SHORT TERM RENTAL CODE"; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

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

Vote: 7 - 0 - Unanimously

- D. Consideration and Adoption of Ordinance No. 2023-14:** An ordinance of the City Council of the City of Flagstaff authorizing the acquisition of real property for the Lone Tree Overpass Project; providing for delegation of authority, subsequent City Council approvals, severability, and establishing an effective date.

Moved by Councilmember Jim McCarthy, seconded by Councilmember Khara House to read Ordinance No. 2023-14 by title only for the final time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR THE LONE TREE OVERPASS PROJECT; PROVIDING FOR DELEGATION OF AUTHORITY, SUBSEQUENT COUNCIL APPROVALS, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Jim McCarthy, seconded by Councilmember Khara House to adopt Ordinance No. 2023-14.

Vote: 7 - 0 - Unanimously

- E. Consideration and Adoption of Ordinance No. 2023-17:** An ordinance of the City Council of the City of Flagstaff, abandoning approximately 5,140 square feet of public right-of-way connecting to the north side of West Route 66, providing for sale of such property, delegation of authority, recording, repeal of conflicting ordinances, severability, authority for clerical corrections, and establishing an effective date

Moved by Councilmember Lori Matthews, seconded by Councilmember Miranda Sweet to read Ordinance No. 2023-17 by title only for the final time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF ABANDONING AN APPROXIMATELY 5,140 SQUARE FEET OF PUBLIC RIGHT-OF-WAY CONNECTING TO THE NORTH SIDE OF WEST ROUTE 66; PROVIDING FOR SALE OF SUCH PROPERTY, DELEGATION OF AUTHORITY, RECORDING, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Jim McCarthy, seconded by Councilmember Miranda Sweet to adopt Ordinance No. 2023-17.

Vote: 7 - 0 - Unanimously

- F. Consideration and Adoption of Ordinance No. 2023-19:** An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code, Chapter 1-18, Administrative Departments, to rename the City Clerk Division to the Communication and Civic Engagement Division

Moved by Councilmember Khara House, seconded by Councilmember Miranda Sweet to read Ordinance No. 2023-19 by title only for the final time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, CHAPTER 1-18, ADMINISTRATIVE DEPARTMENTS, TO RENAME THE CITY CLERK DIVISION TO THE COMMUNICATION AND CIVIC ENGAGEMENT DIVISION; PROVIDING REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR

CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Khara House, **seconded by** Councilmember Miranda Sweet to adopt Ordinance No. 2023-19.

Vote: 7 - 0 - Unanimously

- G. **Consideration and Adoption of Ordinance No. 2023-18:** An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code, Title 1 Administrative, Chapter 1-16, City Elections, to provide for the manner of conducting elections for initiative and referendum measures, providing for severability, authority for clerical corrections, and establishing an effective date

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Miranda Sweet to read Ordinance No. 2023-18 by title only for the final time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 1 ADMINISTRATIVE, CHAPTER 1-16 CITY ELECTIONS, TO PROVIDE FOR THE MANNER OF CONDUCTING ELECTIONS FOR INITIATIVE AND REFERENDUM MEASURES; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Deborah Harris, **seconded by** Councilmember Lori Matthews to adopt Ordinance No. 2023-18.

Vote: 7 - 0 - Unanimously

- H. **Consideration and Approval of Contract:** Professional Services Contract with Shephard Wesnitzer, Inc, an Ardurra Company, in the amount of \$499,520.00 for inspection services of the Inner Basin Waterline Restoration Project.

Capital Improvements Project Manager David Pedersen provided a PowerPoint presentation that covered the following:

INNER BASIN WATERLINE RESTORATION PROJECT
PROJECT STAKEHOLDERS
EXCITING NEWS
BRIEF UPDATE
FIELD DAY PHOTOS
INSPECTION SERVICES

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Lori Matthews to approve the Professional Services Contract for inspection services with Shephard Wesnitzer Inc., (SWI) an Ardurra Company, in the amount of \$499,520.00 and a contract duration of 516 calendar days, approve Change Order Authority to the City Manager in the amount of \$49,952.00 which is 10% of the contract amount, and authorize the City Manager to execute the necessary documents.

Vote: 7 - 0 - Unanimously

- I. **Consideration and Approval of Contract:** A Professional Services Contract with DOWL, LLC in an amount not to exceed \$523,993.00 for a Land Availability and Suitability Analysis and a Development Code and Process Analysis

Planning Director Michelle McNulty provided a PowerPoint presentation that covered the following:

LAND AVAILABILITY AND SUITABILITY STUDY AND DEVELOPMENT CODE AND PROCESS ANALYSIS
PROJECT INTRODUCTION
COORDINATION AND PUBLIC OUTREACH
SCOPE OF PROJECT

1. LASS
 2. CODE AND PROCESS ANALYSIS
 DELIVERABLES
 SCHEDULE
 THEN WHAT?

Councilmember Matthews asked how the project would inform or compliment the Regional Plan process. Ms. McNulty stated that Cascadia Partners was leading the Regional Plan outreach and they were a partner of DOWL. The partnership would provide good coordination between the two plans.

Councilmember Matthews stated that the Downtown Business Alliance was undergoing a revisioning of downtown and asked how that was coordinated with the project. Ms. McNulty stated that the downtown visioning was more coordinated with the Regional Plan and through virtue of that, it would inform the project.

Councilmember House believed that the analysis would help determine how the city could responsibly develop and redevelop in the future. Councilmember Harris agreed and asked how the fifty sites were going to be selected. Ms. McNulty explained that staff were still working on the development of the approach, but it would generally include an analysis of all the properties, their existing status and infrastructure, and how that related to the development desired.

Councilmember Harris expressed her desire to ensure that all neighborhoods were considered equally and evaluated for potential impacts on infill and redevelopment. Ms. McNulty added that another thing that the consultant team would consider were the impacts of dislocation and gentrification of neighborhoods. It would be important to avoid adverse impacts on vulnerable populations.

Moved by Councilmember Khara House, **seconded by** Vice Mayor Austin Aslan to award a Professional Services Contract with DOWL, LLC, in an amount not to exceed \$523,993.00 for a Land Availability and Suitability Analysis and a Development Code and Process Analysis and authorize the City Manager to execute the necessary documents.

Vote: 7 - 0 - Unanimously

11. **REGULAR AGENDA**

- A. **Consideration and Adoption of Resolution No. 2023-40:** A resolution of the Flagstaff City Council, designating its Chief Fiscal Officer for officially submitting the fiscal year 2023-2024 expenditure limitation report to the Arizona Auditor General, and establishing an effective date.

Management Services Director Rick Tadder addressed Council and stated that the resolution was related to a state statute that required the city to designate a Chief Fiscal Officer for the city each year.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Lori Matthews to read Resolution No. 2023-40 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, DESIGNATING THE CHIEF FISCAL OFFICER FOR OFFICIALLY SUBMITTING THE FISCAL YEAR 2023-2024 EXPENDITURE LIMITATION REPORT TO THE ARIZONA AUDITOR GENERAL, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to adopt Resolution No. 2023-40.

Vote: 7 - 0 - Unanimously

- B. Consideration and Adoption of Resolution No. 2023-27:** A resolution approving the designation of an applicant agent and authorizing the agent to apply for and sign on behalf of the City of Flagstaff for the receipt of funds from the Arizona Department of Emergency Management and Military Affairs Assistance Programs.

Grants, Contracts, and Emergency Management Director Stacey Brechler-Knaggs addressed Council and stated that the resolution was a simple authorization that designated Emergency Program Manager Daniel Kelly as an Alternate Applicant Agent for the city.

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Miranda Sweet to read Resolution No. 2023-27 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING THE DESIGNATION OF AN APPLICANT'S AUTHORIZED REPRESENTATIVE AND ALTERNATE AUTHORIZED REPRESENTATIVE FORMS SUBMISSION TO THE ARIZONA DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Miranda Sweet to adopt Resolution No. 2023-27.

Vote: 7 - 0 - Unanimously

- C. Consideration and Adoption of Resolution No. 2023-42:** A resolution of the City Council of the City of Flagstaff, Arizona amending the Procurement Code Manual, Articles 1 through 7, and establishing an effective date.

Mayor Daggett asked when it was expected that the other revisions related to housing and climate goals would be back to Council for consideration. Purchasing Director Patrick Brown stated that there was still some work to do on the revisions but the intent was to bring them back in the first quarter of calendar year 2024.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Khara House to read Resolution No. 2023-42 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF AMENDING THE PROCUREMENT CODE MANUAL, ARTICLES 1 -- 7, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Khara House to adopt Resolution No. 2023-42.

Vote: 7 - 0 - Unanimously

- D. Consideration and Adoption of Resolution No. 2023-41:** A resolution of the Flagstaff City Council adopting amendments to the Active Transportation Master Plan

Senior Transportation Planner Martin Ince provided a PowerPoint presentation that covered the following:

ACTIVE TRANSPORTATION MASTER PLAN AMENDMENTS
ACTIVE TRANSPORTATION MASTER PLAN
ATMP AMENDMENTS
SUMMARY OF AMENDMENTS
COMPLETE STREETS CONVERSIONS
SAFE STREETS FOR ALL GRANT
BUTLER AVE COMPLETE STREET CONVERSION

Mayor Daggett asked if the amendments had been presented to the Bicycle and Pedestrian Advisory Committees. Mr. Ince responded yes and indicated that both had voted in support of the amendments and the grant application.

Councilmember Matthews expressed excitement about having the project penciled out and that a grant application was moving forward. She asked if the design work had been started. Mr. Ince stated that there had been some preliminary work done in-house but full design work had not been started.

Councilmember Harris noted concerns with the O'Leary and Butler crossing and difficulty seeing oncoming traffic and pedestrians. She asked if that would be considered in the design work. Mr. Ince stated that part of the preliminary work was evaluating site distance to make sure that there were adequate site lines for proper crossing. There was still more work to do to get into the details.

Moved by Councilmember Lori Matthews, seconded by Councilmember Miranda Sweet to read Resolution No. 2023-41 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, ADOPTING AMENDMENTS TO THE ACTIVE TRANSPORTATION MASTER PLAN

Moved by Councilmember Lori Matthews, seconded by Councilmember Miranda Sweet to adopt Resolution No. 2023-41.

Vote: 7 - 0 - Unanimously

- E. Citizen Petition: Consideration of Prior Council Action: Consideration and Approval of Contract: Approve a Cooperative Purchase Contract with General Acrylics, Inc., in the total amount of \$920,642.42 to design and build eight pickleball courts and overlay existing tennis and basketball courts at Bushmaster Park.**

Mayor took public comment on Items 11E, 11Ei, and 11F all together.

The following individuals addressed Council in opposition to the installation of pickleball courts at Bushmaster Park:

- Connie Folsom
- Steve Walter
- Audria Smith
- Kathleen Day
- Julie Piering
- Paul Malis
- Malia Rodriguez
- Mary Walter
- Annalisa (no last name given)

The following comments were received:

- Neighborhood impact studies and sound studies were necessary before the decision was made on where to put pickleball courts.
- The noise generated by pickleball was terrible and obnoxious.
- Other cities had created ordinances and enacted standards for courts.
- Placing pickleball courts anywhere demands mindful planning.
- The city needed to ensure that the courts would not have an adverse impact on the population.
- Pickleball courts at Bushmaster would overrun the park and people would no longer be able to use the other amenities.
- Thorpe Park was a much better location for dedicated pickleball courts.
- Pickleball noise was the most annoying frequency.
- The best solution was to build courts as far away from residents as possible.
- Flood abatement at Bushmaster needed to be considered.

- The project was already over budget.
- There was inadequate public outreach on the project and no indication of any recourse the residents might have.
- There was no respect given to the residents who lived near the park.
- Many times kids were not able to use the courts and were sent away, this was not fair to the kids who lived near and used the park.
- The area near Bushmaster Park was low-income and pickleball was a rich man's sport.
- Do not dismiss the concerns of the residents near Bushmaster Park.

The following individuals addressed Council in support of the installation of pickleball courts at Bushmaster Park:

- Amanda Allen
- Jennifer Kottra, on behalf of ten or more people
- Dawson Henderson
- Lynn Walsh, on behalf of ten or more people
- Sandra Smith

The following comments were received:

- Pickleball was a community that was welcoming to all.
- There deserved to be a space for pickleball and a space for the community to enjoy the sport.
- The Council should stand by its original decision.
- Direction was given to move the courts as far north as possible and to remove as few trees as possible.
- Thorpe Park was also a good location for the courts, but they were not ready.
- Pickleball was growing and it would continue to grow.
- Bushmaster Park was a good location and would provide a benefit for basketball, tennis, and pickleball.
- The noise of pickleball is greatly exaggerated.
- The proposal brought by staff was something that had been well-vetted and considered.
- Dedicated courts were desperately needed.
- Pickleball brought people into the park, which helped to keep trouble away.

A written comment in support of the pickleball courts at Bushmaster Park was submitted by Steve Pulos.

Mr. Solomon explained that the first action before Council was to consider the prior action of Council to approve the contract. If there was a desire to consider the contract again, a motion and vote were required. Should there be a successful motion to consider the contract, then Council could move forward with a discussion about the contract scope and details.

Moved by Councilmember Jim McCarthy, seconded by Councilmember Deborah Harris to consider the prior action of Council regarding the Cooperative Purchase Contract with General Acrylics, Inc., in the total amount of \$920,642.42 to design and build eight pickleball courts and overlay existing tennis and basketball courts at Bushmaster Park.

Vice Mayor Aslan explained that he would not change his original position on the contract and would vote no. He did not feel that there was any new information presented that was not considered as part of the original action.

Councilmember Matthews stated that she was concerned about the precedent it would set should Council take a different position.

Councilmember McCarthy stated that he hoped to at least have the discussion; the original decision may stand but he felt it important to consider it.

Vote: 2 - 5

**AYE: Councilmember Jim McCarthy
Councilmember Khara House**

i. **Consideration and Approval of Contract (Contingent Upon Approval of Previous Item):**

Approve a Cooperative Purchase Contract with General Acrylics, Inc., in the total amount of \$920,642.42 to design and build eight pickleball courts and overlay existing tennis and basketball courts at Bushmaster Park.

Based on the action of Item 11E, there was no support to consider the prior action of Council regarding the contract to install pickleball courts at Bushmaster Park.

F. **Consideration of Citizen Petition:** A Citizens' Petition titled Reconsideration of Pickleball Courts at Thorpe Park Annex

Based on the action of Item 11E, there was not requisite Council support to move the matter forward to a future agenda.

12. **DISCUSSION ITEMS**

A. **City Council discussion regarding the City of Flagstaff's Tobacco 21 Ordinance.**

Mr. Solomon addressed Council and stated that Council adopted the Tobacco 21 (T21) ordinance that raised the minimum age to 21 for the sale of tobacco products in Flagstaff. The ordinance did not penalize persons under the age of 21 for purchasing products, but rather the retailers who sold tobacco products to those under 21.

Shortly after the T21 ordinance adoption, the federal government enacted a law raising the age to 21 for the purchase of tobacco products. Now that the federal law was in place, it may be a factor for consideration of licensing and enforcement provisions within the city ordinance. Licensing and enforcement provisions existed in the ordinance, but the programs had not yet been created. The plan was to fund the program with the fees from issuing sales licenses within the city. With the federal prohibition in place, there was an opportunity to partner with other government entities for enforcement.

Mr. Solomon introduced Erika Mansour, a Tobacco Enforcement Unit Attorney with the Arizona Attorney General's Office. Ms. Mansour addressed Council and stated that her unit worked in close collaboration with the Arizona Department of Health Services as well as the FDA inspection program that also did federal youth tobacco inspections. They conduct roughly 100 inspections in Coconino County with undercover youth volunteers. The inspections were publicly available, and they could follow up and provide information from the Attorney General's office such as police reports, citations, and other report materials. There were opportunities to partner and similar discussions were ongoing with the City of Tucson.

Mr. Solomon stated that he was seeking direction from Council as to whether there should be amendments to the ordinance to allow for collaboration with the Attorney General's Office for enforcement or to continue with the original ordinance that included in-house enforcement.

Councilmember Matthews asked if the enforcement that the Attorney General's office did covered both state and federal enforcement. Ms. Mansour explained that the State Attorney General's Office partnered with the FDA Inspection Program on federal inspection and enforcement. They had one state and one federal officer in the car together and then the youth volunteers were cross-certified in both programs. It would be entirely possible to include a city officer as well.

The following individuals addressed Council regarding the T21 ordinance:

- Jeremy Gaertz
- Mark Barnes
- Bernice Carver
- Trish Hard

The following comments were received:

- A partnership between the city and state would be welcomed.
- Include retailers in a committee to consider a separate tobacco tax license.
- Preventing Tobacco Addiction Foundation supported the work on the T21 ordinance.
- Please continue the work and move forward with implementing the enforcement program.
- Arizona was second in the country as far as the increase in vaping by young adults ages 18 to 24.
- Merely adopting a law that prohibited the sale of tobacco to youth under 21 was insufficient, it must be partnered with quality enforcement.
- Higher fines were needed to send the message that tobacco sales to youth were not tolerated.
- Take all steps necessary to make sure children and youth do not have access to tobacco products.

Written comments in support of the T21 ordinance were submitted by Tiffany Kerr, Bernice Carver, and Haley Analla.

Vice Mayor Aslan stated that he supported the continued discussion. There were gaps between what the state offered and what was federally available for enforcement. Flagstaff should enforce its local ordinance and what currently existed was an unfunded mandate that needed a solution.

Mr. Clifton added that enforcement should be effective and there were tools available that were not when the ordinance was enacted. He requested that the direction be premised more on the use of current resources rather than the institution of a new licensing regiment that would require more staff and resources than what currently existed.

Councilmember Harris noted her support.

Councilmember House stated that she supports the alignment of the city ordinance with federal rules. She supported the addition of enforcement in conjunction with the state and federal levels. C

ouncilmember Matthews stated that it was more efficient and effective to utilize and collaborate with partners in the Attorney General and FDA's offices to work together and have instantaneous support and enforcement.

Councilmember Sweet also voiced her support for collaboration with the state and federal agencies for enforcement.

Councilmember McCarthy stated that he was open minded about changes to the ordinance if it resulted in effective enforcement.

Mayor Daggett offered support for partnerships for enforcement. She also noted that while Coconino County had a smoking cessation program, they did not have a T21 ordinance. She asked that the city engage with them to help them amplify their messaging about their smoking cessation program and encourage them to adopt their own ordinance.

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 request by Vice Mayor Aslan to place on a future agenda a discussion about a pond next to Ponderosa Trails neighborhood between Pulliam and I-17.

Vice Mayor Aslan stated that his request was to explore the feasibility of establishing a permanent pond near the Ponderosa Trails neighborhood. There was an existing detention basin that could potentially be improved for a full-time pond. He believed there was community interest in maintaining the pond year-round, especially for recreational activities such as ice skating and fishing. There would be consideration for engineering feasibility, cost, maintenance, and ecological considerations such as local wildlife populations. He noted that there could be opportunities to partner with Coconino County as well.

There was requisite Council support to advance the item to a future agenda for discussion.

- B. Future Agenda Item Request (F.A.I.R.):** A request by Councilmember House to place on a future agenda a discussion about designating Juneteenth as an official holiday for the City of Flagstaff

Councilmember House stated that Juneteenth became a federal holiday a few years ago, and it was an opportunity for the nation to recognize that connection, definition and redefinition, and reconsideration of what freedom truly meant for the country. She would like for the City of Flagstaff to be part of that larger conversation and make Juneteenth an official city holiday.

There was requisite Council support to advance the item to a future agenda for discussion.

14. PUBLIC PARTICIPATION

None

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

Vice Mayor Aslan offered words of apology for some of his heated remarks during the pickleball discussion. He stated that he was looking forward to the summer recess and the opportunity to participate in the Fourth of July parade.

Councilmember Harris requested a cheat sheet on Robert's Rules of Order.

Councilmember Matthews requested a FAIR item to have a discussion regarding an ordinance to protect renters from income source discrimination. She also indicated a desire for both sides of the pickleball issue to come together and find meaningful solutions. There were ways to help lower the noise and modifications that players could consider as well.

Councilmember Sweet also noted that she was looking forward to the summer recess and the upcoming Fourth of July events. She also stated that she did not take her pickleball decision lightly and that she spent time with both staff and the public to understand the situation.

Councilmember McCarthy stated that he was disappointed that there was not an opportunity to discuss pickleball again. He had walked the park and he felt that the sound was outrageous. He shared that he had observed people who were included in a larger group for public comment also give individual comments. He requested a more rigorous system to avoid duplicate comments.

Mayor Daggett indicated that she had also gone to the park and met with people on both sides of the pickleball issue. She was hopeful that there would be continued efforts refine the design to make pickleball more tenable.

Mr. Clifton stated that Council had their fair share of intense topics over the last six months. He stated that the decorum at the dais had always been very good and even though topics were tense and robust there was always decorum. He indicated that leadership would continue to meet during the summer break and take that time to delve into matters that did not directly concern Council. He noted his upcoming vacation and that the League Conference would be at the end of August and was a great opportunity for the Council to network with their colleagues from around the state.

16. **ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held July 3, 2023, adjourned at 7:15 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 July 3, 2023. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 19th day of March, 2024

CITY CLERK