CITY COUNCIL REGULAR MEETING AGENDA

A M E N D E D *

REGULAR COUNCIL MEETING
TUESDAY
OCTOBER 1, 2024

COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
3:00 P.M.

All City Council Meetings are live streamed on the city's YouTube page (https://www.youtube.com/@FlagstaffCityGovernment)

PUBLIC COMMENT

Verbal public comments not related to items appearing on the posted agenda may be provided during the "Open Call to the Public" at the beginning and end of the meeting and may only be provided in person.

Verbal public comments related to items appearing on the posted agenda may be given in person or online and will be taken at the time the item is discussed.

To provide online verbal comment on an item that appears on the posted agenda, use the link below.

ONLINE VERBAL PUBLIC COMMENT

Written comments may be submitted to publiccomment@flagstaffaz.gov. All comments submitted via email will be considered written comments and will be documented in the record as such.

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1. CALL TO ORDER

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.

MAYOR DAGGETT
VICE MAYOR ASLAN
COUNCILMEMBER HARRIS
COUNCILMEMBER HOUSE
COUNCILMEMBER MATTHEWS
COUNCILMEMBER MCCARTHY
COUNCILMEMBER SWEET

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

MISSION STATEMENT

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

LAND ACKNOWLEDGEMENT

The Flagstaff City Council humbly acknowledges the ancestral homelands of this area's Indigenous nations and original stewards. These lands, still inhabited by Native descendants, border mountains sacred to Indigenous peoples. We honor them, their legacies, their traditions, and their continued contributions. We celebrate their past, present, and future generations who will forever know this place as home.

4. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

A. **Consideration and Approval of Minutes:** City Council Special Meeting (Executive Session) of June 21, 2019, Combined Special Meeting/Work Session of June 25, 2019, Work Session of October 29, 2019, Joint City/County Work Session of November 4, 2019, Combined Special Meeting/Work Session of November 12, 2019, Regular Meeting of January 21, 2020, Work Session of January 28, 2020, Budget Retreat of April 23, 2020, Work Session of May 12, 2020, Combined Special Meeting/Work Session of May 26, 2020, Work Session of June 11, 2020, Special Meeting of December 11, 2020, Infrastructure Retreat of September 30, 2021, Infrastructure Retreat of December 9, 2021, Capital Projects Retreat of March 31, 2022, Work Session of January 10, 2023, Combined Special Meeting/Work Session of January 31, 2023, Work Session of March 28, 2023, Work Session of November 28, 2023, Regular Meeting of December 5, 2023, Budget Retreat of December 14, 2023, Regular Meeting of December 19, 2023, Special Meeting (Executive Session) of March 5, 2024, Special Meeting (Executive Session) of March 12, 2024, Work Session of March 12, 2024, Special Meeting (Executive Session) of March 26, 2024, Special Meeting (Executive Session) of April 2, 2024, Special Meeting (Executive Session) of April 9, 2024, Work Session of April 9, 2024, Special Meeting (Executive Session) of April 16, 2024, Special Meeting (Executive Session) of April 23, 2024, Combined Special Meeting/Work Session of April 23, 2024, Special Meeting (Executive Session) of May 7, 2024, Special Meeting (Executive Session) of May 14, 2024, Special Meeting (Executive Session) of June 4, 2024, Special Meeting (Executive Session) of June 25, 2024, Special Meeting (Executive Session) of July 2, 2024, Special Meeting of August 19, 2024, Special Meeting (Executive Session) of August 26, 2024, Regular Meeting of August 26, 2024, Regular Meeting of September 3, 2024, Work Session of September 10, 2024, and Special Meeting (Executive Session) of September 10, 2024.

STAFF RECOMMENDED ACTION:

Approve the minutes of City Council Special Meeting (Executive Session) of June 21, 2019, Combined Special Meeting/Work Session of June 25, 2019, Work Session of October 29, 2019, Joint City/County Work Session of November 4, 2019, Combined Special Meeting/Work Session of November 12, 2019, Regular Meeting of January 21, 2020, Work Session of January 28, 2020, Budget Retreat of April 23, 2020, Work Session of May 12, 2020, Combined Special Meeting/Work Session of May 26, 2020, Work Session of June 11, 2020, Special Meeting of December 11, 2020, Infrastructure Retreat of September 30, 2021, Infrastructure Retreat of December 9, 2021, Capital Projects Retreat of March 31, 2022, Work Session of January 10, 2023, Combined Special Meeting/Work Session of January 31, 2023, Work Session of March 28, 2023, Work Session of November 28, 2023, Regular Meeting of December 5, 2023, Budget Retreat of December 14, 2023, Regular Meeting of December 19, 2023, Special Meeting (Executive Session) of March 5, 2024, Special Meeting (Executive Session) of March 12, 2024, Work Session of March 12, 2024, Special Meeting (Executive Session) of March 26, 2024, Special Meeting (Executive Session) of April 2, 2024, Special Meeting (Executive Session) of April 9, 2024, Work Session of April 9, 2024, Special Meeting (Executive Session) of April 16, 2024, Special Meeting (Executive Session) of April 23, 2024, Combined Special Meeting/Work Session of April 23, 2024, Special Meeting (Executive Session) of May 7, 2024, Special Meeting (Executive Session) of May 14, 2024, Special Meeting (Executive Session) of June 4, 2024, Special Meeting (Executive Session) of June 25, 2024, Special Meeting (Executive Session) of July 2, 2024, Special Meeting of August 19, 2024, Special Meeting (Executive Session) of August 26, 2024, Regular Meeting of August 26, 2024, Regular Meeting of September 3, 2024, Work Session of September 10, 2024, and Special Meeting (Executive Session) of September 10, 2024.

5. OPEN CALL TO THE PUBLIC

Open Call to the Public enables the public to address the Council about an item that is not on the prepared agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. Open Call to the Public appears on the agenda twice, at the beginning and at the end. The total time allotted for the first Open Call to the Public is 30 minutes; any additional comments will be held until the second Open Call to the Public.

If you wish to address the Council in person at today'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 Open Call to the Public and Public Comment. 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.

6. PROCLAMATIONS AND RECOGNITIONS

A. **Proclamation:** Domestic Violence Awareness Month

B. **Proclamation:** Out of the Darkness Suicide Prevention Walk *

7. COUNCIL LIAISON REPORTS

8. APPOINTMENTS

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that the City Council may vote to go into executive session, which will not be open to the public, for the purpose of discussing or considering employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of any public body...., pursuant to A.R.S. §38-431.03(A)(1).

A. **Consideration of Appointments:** Planning and Zoning Commission

STAFF RECOMMENDED ACTION:

1. Make one appointment for a term expiring December 2025.

B. **Consideration of Appointments:** Building and Fire Code Board of Appeals

STAFF RECOMMENDED ACTION:

1. Make one appointment for a term expiring October 2026.

9. LIQUOR LICENSE PUBLIC HEARINGS

Applications under Liquor License Public Hearings may be considered under one public hearing and may be acted upon by one motion unless otherwise requested by Council.

STAFF RECOMMENDED ACTION:

1. Open the Public Hearing
2. Staff Presentation
3. Council Questions
4. Public Comment
5. Close Public Hearing
6. Council Deliberation and Action

The City Council has the option to:

1. Forward the application to the State with a recommendation for approval;
2. Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

A. **Consideration and Action on Liquor License Application:** Jared Michael Repinski, "Kickstand Kafe", 719 N Humphreys Street, Series 12 (Restaurant), New License

STAFF RECOMMENDED ACTION:

1. Forward the application to the State with a recommendation for approval;
2. Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

B. **Consideration and Action on Liquor License Application:** Jun Yu, "Hunan Restaurant," 1926 N. 4th St., Ste. 8, Series 07 (Beer and Wine Bar), Owner Transfer

STAFF RECOMMENDED ACTION:

1. Forward the application to the State with a recommendation for approval;
2. Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

C. **Consideration and Action on Liquor License Application:** Lauren Mosier, "Embassy Suites Flagstaff," 706 S. Milton Rd, Series 06, Owner Transfer

STAFF RECOMMENDED ACTION:

1. Forward the application to the State with a recommendation for approval;
2. Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

10. CONSENT AGENDA

All matters under Consent Agenda are considered by the City Council to be routine. Unless a member of City Council expresses a desire at the meeting to remove an item from the Consent Agenda for discussion, the Consent Agenda will be enacted by one motion approving the recommendations listed on the agenda. Unless otherwise indicated, expenditures approved by Council are budgeted items.

STAFF RECOMMENDED ACTION:

Approve the Consent Agenda as posted.

A. **Consideration and Approval of Contract:** Fourth Amendment to the Construction Manager at Risk (CMAR) Construction Services Agreement with Eagle Mountain Construction, Inc. for the Spruce Wash Flood Mitigation Suite of Projects to add Guaranteed Maximum Price (GMP) 4.

STAFF RECOMMENDED ACTION:

1. Approve the Fourth Amendment to the CMAR Construction Services Agreement with Eagle Mountain Construction, Inc. for the Spruce Wash Mitigation Suite of Projects to include GMP 4 in the amount of $1,949,943.54 and adding 0 days to the contract duration; and
2. Approve an Owner's Contingency of $75,000.00, which is approximately 6% of GMP 4; and
3. Authorize the City Manager to execute the necessary documents.

B. **Consideration and Approval of Contract:** Ratify the Project Partnership Agreement with the Department of the Army for Killip School Regional Detention Basin Inlet Project

STAFF RECOMMENDED ACTION:

Ratify the Project Partnership Agreement between the Department of the Army and the City of Flagstaff for Design and Constructin Assistance for the Killip School Regional Detention Basin Inlet Project in the amount of $1,500,000.

C. **Consideration and Approval of Contract:** Ratify the Agreement with the USDA, Forest Service for the Spruce Wash, Wedge Detention Basin

STAFF RECOMMENDED ACTION:

Ratify the Agreement between the USDA, Forest Service Southwestern Region, Coconino National Forest and the City of Flagstaff for the Spruce Wash, Wedge Detention Basin in the amount of $3,500,000.

D. **Consideration and Approval of Proprietary Purchase:** Purchase of Saf-T-Chlor dry sodium chlorite water treatment chemicals from CDG Environmental in an amount not to exceed $200,000, annually.

STAFF RECOMMENDED ACTION:

1. Approve the Purchase of Saf-T-Chlor dry sodium chlorite water treatment chemicals from CDG Environmental, LLC in an amount not to exceed $200,000, annually; and
2. Authorize the City Manager to execute all necessary documents.

E. **Consideration and Approval of Contract:** Cooperative Purchase Contract with Courtesy Chevrolet in the amount of $55,631.64, for the purchase of one (1) Chevrolet 2500 Silverado WT for Facilities.

STAFF RECOMMENDED ACTION:

1. Approve the contract with Courtesy Chevrolet for the purchase of one (1) Chevrolet Silverado 2500 WT in the amount of $ 55,631.64 for Facilities; and
2. Authorize the City Manager to execute the necessary documents.

11. PUBLIC HEARING ITEMS

1. Open the Public Hearing
2. Presentations (Staff and/or Applicant)
3. Council Questions
4. Public Comment
5. Close the Public Hearing
6. Council Deliberation and Action

A. **Consideration and Adoption of Resolution No. 2024-37 and Ordinance No. 2024-22:** 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-24-00008 -- Concept Plan Review, Accessory Structures, Accessory Uses, Home Occupations, and Basement, Basement Garages, Building Stem Walls, Crawl Spaces and Podium Parking" 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.

STAFF RECOMMENDED ACTION:

At the October 1, 2024, Council Meeting:
1) Read Resolution No. 2024-37 by title only
2) City Clerk reads Resolution No. 2024-37 by title only (if approved above)
3) Read Ordinance No. 2024-22 by tile only for the first time
4) City Clerk reads Ordinance No. 2024-22 by title only (if approved above)
At the October 15, 2024, Council Meeting:
5) Adopt Resolution No. 2024-37
6) Read Ordinance No. 2024-22 by title only for the final time
7) City Clerk reads Ordinance No. 2024-22 by title only (if approved above)
8) Adopt Ordinance No. 2024-22

B. Consideration and Adoption of Resolution No. 2024-38 and Ordinance No. 2024-23: 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-24-00010 - Zoning Map Amendment Process" 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

STAFF RECOMMENDED ACTION:

At the October 1, 2024, Council Meeting:
1) Read Resolution No. 2024-38 by title only
2) City Clerk reads Resolution No. 2024-38 by title only (if approved above)
3) Read Ordinance No. 2024-23 by tile only for the first time
4) City Clerk reads Ordinance No. 2024-23 by title only (if approved above)
At the October 15, 2024, Council Meeting:
5) Adopt Resolution No. 2024-38
6) Read Ordinance No. 2024-23 by title only for the final time
7) City Clerk reads Ordinance No. 2024-23 by title only (if approved above)
8) Adopt Ordinance No. 2024-23

C. Consideration and Adoption of Resolution No. 2024-39 and Ordinance No. 2024-24: 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-24-00134 - Accessory Dwelling Units" 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.

STAFF RECOMMENDED ACTION:

At the October 1, 2024, Council Meeting:
1) Read Resolution No. 2024-39 by title only
2) City Clerk reads Resolution No. 2024-39 by title only (if approved above)
3) Read Ordinance No. 2024-24 by tile only for the first time
4) City Clerk reads Ordinance No. 2024-24 by title only (if approved above)
At the October 15, 2024, Council Meeting:
5) Adopt Resolution No. 2024-39
6) Read Ordinance No. 2024-24 by title only for the final time
7) City Clerk reads Ordinance No. 2024-24 by title only (if approved above)
8) Adopt Ordinance No. 2024-24

12. REGULAR AGENDA

A. ~~Consideration and Adoption of Resolution No. 2024-42 and Ordinance No. 2024-25: A resolution of the Flagstaff City Council declaring as a public record that certain document filed with the City Clerk and entitled "Noise Control Amendments" and an ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code, Title 6, Police Regulations, Chapter 6-08, Noise Control, by adopting by reference that certain document entitled "Noise Control Amendments"; providing for repeal of conflicting ordinances, severability, authority for clerical corrections, and establishing an effective date.~~

STAFF RECOMMENDED ACTION:

~~At the October 1, 2024 Council Meeting:~~
~~1) Read Resolution No. 2024-42 by title only~~
~~2) City Clerk reads Resolution No. 2024-42 by title only (if approved above)~~
~~3) Read Ordinance No. 2024-25 by title only for the first time~~
~~4) City Clerk reads Ordinance No. 2024-25 by title only (if approved above)~~
~~At the October 15, 2024 Council Meeting:~~
~~5) Adopt Resolution No. 2024-42~~
~~6) Read Ordinance No. 2024-25 by title only for the final time~~
~~7) City Clerk reads Ordinance No. 2024-25 by title only (if approved above)~~
~~5) Adopt Ordinance No. 2024-25~~

13. DISCUSSION ITEMS

A. **Discussion and Direction:** Regional Plan modification to allow the option to provide water and sewer service outside Urban Growth Boundary upon City of Flagstaff Council approval.

City Council's support for the Flagstaff Regional Land Use Plan 2045 modification to allow water and sewer services to be extended outside the Urban Growth Boundary to properties that will not be considered for annexation in the future, when the extension of water and sewer service is practical and in the best interest of the City of Flagstaff as determined by approval of the City of Flagstaff.

14. 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 "Jack Welch Memorial Bridge at Picture Canyon"

Council Direction

15. OPEN CALL TO THE PUBLIC

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

17. ADJOURNMENT

CERTIFICATE OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on _____, at _____ a.m./p.m. in accordance with the statement filed by the City Council with the City Clerk.

Dated this _____ day of _____, 2024.

_____
Stacy Saltzburg, MMC, City Clerk

THE CITY OF FLAGSTAFF ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. With 48-hour advance notice, reasonable accommodations will be made upon request for persons with disabilities or non-English speaking residents. Please call the City Clerk (928) 213-2076 or email at stacy.saltzburg@flagstaffaz.gov to request an accommodation to participate in this public meeting.

NOTICE TO PARENTS AND LEGAL GUARDIANS: Parents and legal guardians have the right to consent before the City of Flagstaff makes a video or voice recording of a minor child, pursuant to A.R.S. § 1-602(A)(9). The Flagstaff City Council meetings are live-streamed and recorded and may be viewed on the City of Flagstaff's website. If you permit your child to attend/participate in a televised Council meeting, a recording will be made. You may exercise your right not to consent by not allowing your child to attend/participate in the meeting.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Stacy Saltzburg, City Clerk

Date: 09/26/2024

Meeting Date: 10/01/2024

TITLE:

Consideration and Approval of Minutes: City Council Special Meeting (Executive Session) of June 21, 2019, Combined Special Meeting/Work Session of June 25, 2019, Work Session of October 29, 2019, Joint City/County Work Session of November 4, 2019, Combined Special Meeting/Work Session of November 12, 2019, Regular Meeting of January 21, 2020, Work Session of January 28, 2020, Budget Retreat of April 23, 2020, Work Session of May 12, 2020, Combined Special Meeting/Work Session of May 26, 2020, Work Session of June 11, 2020, Special Meeting of December 11, 2020, Infrastructure Retreat of September 30, 2021, Infrastructure Retreat of December 9, 2021, Capital Projects Retreat of March 31, 2022, Work Session of January 10, 2023, Combined Special Meeting/Work Session of January 31, 2023, Work Session of March 28, 2023, Work Session of November 28, 2023, Regular Meeting of December 5, 2023, Budget Retreat of December 14, 2023, Regular Meeting of December 19, 2023, Special Meeting (Executive Session) of March 5, 2024, Special Meeting (Executive Session) of March 12, 2024, Work Session of March 12, 2024, Special Meeting (Executive Session) of March 26, 2024, Special Meeting (Executive Session) of April 2, 2024, Special Meeting (Executive Session) of April 9, 2024, Work Session of April 9, 2024, Special Meeting (Executive Session) of April 16, 2024, Special Meeting (Executive Session) of April 23, 2024, Combined Special Meeting/Work Session of April 23, 2024, Special Meeting (Executive Session) of May 7, 2024, Special Meeting (Executive Session) of May 14, 2024, Special Meeting (Executive Session) of June 4, 2024, Special Meeting (Executive Session) of June 25, 2024, Special Meeting (Executive Session) of July 2, 2024, Special Meeting of August 19, 2024, Special Meeting (Executive Session) of August 26, 2024, Regular Meeting of August 26, 2024, Regular Meeting of September 3, 2024, Work Session of September 10, 2024, and Special Meeting (Executive Session) of September 10, 2024.

STAFF RECOMMENDED ACTION:

Approve the minutes of City Council Special Meeting (Executive Session) of June 21, 2019, Combined Special Meeting/Work Session of June 25, 2019, Work Session of October 29, 2019, Joint City/County Work Session of November 4, 2019, Combined Special Meeting/Work Session of November 12, 2019, Regular Meeting of January 21, 2020, Work Session of January 28, 2020, Budget Retreat of April 23, 2020, Work Session of May 12, 2020, Combined Special Meeting/Work Session of May 26, 2020, Work Session of June 11, 2020, Special Meeting of December 11, 2020, Infrastructure Retreat of September 30, 2021, Infrastructure Retreat of December 9, 2021, Capital Projects Retreat of March 31, 2022, Work Session of January 10, 2023, Combined Special Meeting/Work Session of January 31, 2023, Work Session of March 28, 2023, Work Session of November 28, 2023, Regular Meeting of December 5, 2023, Budget Retreat of December 14, 2023, Regular Meeting of December 19, 2023, Special Meeting (Executive Session) of March 5, 2024, Special Meeting (Executive Session) of March 12, 2024, Work Session of March 12, 2024, Special Meeting (Executive Session) of March 26, 2024, Special Meeting (Executive Session) of April 2, 2024, Special Meeting (Executive Session) of April 9, 2024, Work Session of April 9, 2024, Special Meeting (Executive Session) of April 16, 2024, Special Meeting (Executive Session) of April 23, 2024, Combined Special Meeting/Work Session of April 23, 2024, Special Meeting (Executive Session) of May 7, 2024, Special Meeting (Executive Session) of May 14, 2024, Special Meeting (Executive Session) of June 4, 2024, Special Meeting (Executive Session) of June 25, 2024, Special Meeting (Executive Session) of July 2, 2024, Special Meeting of August 19, 2024, Special Meeting (Executive Session) of August 26, 2024, Regular Meeting of August 26, 2024, Regular Meeting of September 3, 2024, Work Session of September 10, 2024, and Special Meeting (Executive Session)

of September 10, 2024.

Executive Summary:
Minutes of City Council meetings are a requirement of Arizona Revised Statutes and, additionally, provide a method of informing the public of discussions and actions being taken by the City Council.

Financial Impact:
None

Policy Impact:
None

Previous Council Decision or Community Discussion:
None

Options and Alternatives to Recommended Action:
Council could choose to not approve the minutes.

Connection to PBB Priorities and Objectives:
High Performing Governance: Serve the public by providing high quality customer service

Connection to Regional Plan:
None

Connection to Carbon Neutrality Plan:
None

Connection to 10-Year Housing Plan:
None

Attachments:

06/21/2019 - CCSMES
06/25/2019 - CCCSMWS
10/29/2019 - CCWS
11/04/2019 - CCJWS
11/12/2019 - CCCSMWS
01/21/2020 - CCRM
01/28/2020 - CCWS
04/23/2020 - CCBR
05/12/2020 â€“ CCWS
05/26/2020 â€“ CCCSMWS
06/11/2020 - CCWS
12/11/2020 - CCSM
09/30/2021 - CCR
12/09/2021 â€“ CCR
03/31/2022 - CCR
01/10/2023 â€“ CCWS
01/31/2023 - CCCSMWS
03/28/2023 - CCWS
11/28/2023 - CCWS
12/05/2023 â€“ CCRM
12/14/2023 - CCBR
12/19/2023 - CCRM

03/05/2024 - CCSMES
03/12/2024 - CCSMES
03/12/2024 - CCWS
03/26/2024 - CCSMES
04/02/2024 - CCSMES
04/09/2024 - CCSMES
04/09/2024 - CCWS
04/16/2024 - CCSMES
04/23/2024 â€“ CCSMES
04/23/2024 - CCSMWS
05/07/2024 - CCSMES
05/14/2024 - CCSMES
06/04/2024 - CCSMES
06/25/2024 - CCSMES
07/02/2024 - CCSMES
08/19/2024 - CCSM
08/26/2024 - CCSMES
08/26/2024 - CCRM
09/03/2024 - CCRM
09/10/2024 - CCWS
09/10/2024 â€“ CCSMES

SPECIAL MEETING (EXECUTIVE SESSION)
FRIDAY, JUNE 21, 2019
STAFF CONFERENCE ROOM
SECOND FLOOR - CITY HALL
211 WEST ASPEN AVE
8:00 A.M.

1. Call to Order

Mayor Evans called the Special Meeting (Executive Session) to order at 8:00 a.m.

2. ROLL CALL

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

PRESENT:	ABSENT:
MAYOR EVANS	
VICE MAYOR SHIMONI	
COUNCILMEMBER ASLAN	
COUNCILMEMBER MCCARTHY	
COUNCILMEMBER ODEGAARD	
COUNCILMEMBER SALAS	
COUNCILMEMBER WHELAN	

Others present: Human Resources Director Shannon Anderson

3. Recess into Executive Session

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to recess into Executive Session.

Vote: 7 - 0 - Unanimously

4. Executive Session:

A. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting, pursuant to A.R.S. Section 38-431.03(A)(1).

i. City Manager Recruitment

5. Adjournment

The Special Meeting (Executive Session) of the Flagstaff City Council held June 21, 2019, reconvened into Open Session at 10:00 a.m. at which time the meeting adjourned.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY COUNCIL SPECIAL MEETING/WORK SESSION
TUESDAY, JUNE 25, 2019
CITY HALL COUNCIL CHAMBERS
211 WEST ASPEN AVE
6:00 P.M.

MINUTES

1. CALL TO ORDER

Mayor Evans called the Special Meeting of June 25, 2019, to order at 6:01 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 through other technological means.

PRESENT:	ABSENT:
MAYOR EVANS	
VICE MAYOR SHIMONI	
COUNCILMEMBER ASLAN	
COUNCILMEMBER MCCARTHY	
COUNCILMEMBER ODEGAARD	
COUNCILMEMBER SALAS	
COUNCILMEMBER WHELAN	

Others present: Deputy City Manager Shane Dille; City Attorney Sterling Solomon

3. Pledge of Allegiance and Mission Statement

The Council and audience recited the pledge of allegiance and Deputy City Manager Shane Dille read the Mission Statement of the City of Flagstaff.

MISSION STATEMENT

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

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.

Michael Hardy addressed Mayor, Vice Mayor, and Council and presented an idea he had while working with the Beautification and Public Art Commission to create a graffiti wall to reduce public vandalism. He emphasized that his ultimate goal is to establish a juvenile rehabilitation facility, envisioning such a center being built in Flagstaff to address issues related to adults.

5. PUBLIC HEARING ITEMS

A. **Consideration and Adoption of Resolution No. 2019-31 and Ordinance No. 2019-22:** 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 and entitled "2019 Zoning Code Amendments Industrial Zones and Miscellaneous Revisions (PZ-19-00087 AND PZ-19-00093)"; 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 (Ordinance No. 2011-20), Chapters 10-20, 10-40, 10-50, 10-60, and 10-80, as provided in that certain document entitled "2019 Zoning Code Amendments Industrial Zones and Miscellaneous Revisions (PZ-19-00087 and PZ-19-00093)" Declared to be a Public record by Resolution No. 2019-31; providing for repeal of conflicting ordinances, severability, and establishing an effective date.

Mayor Evans opened the public hearing.

Zoning Code Manager Daniel Symer presented the staff amendments and the applicant's amendments and addressed the requested additions and modifications.

Councilmember Whelan asked Mr. Symer about temporary use and whether there was storage available for the remainder of the time. Mr. Symer clarified that the applicant would have storage on-site, which was permitted.

Councilmember Odegaard asked about the membership of the Planning and Zoning Commission. Planning Director Tiffany Antol responded that there was not full membership on the Planning and Zoning Commission at that time.

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

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Regina Salas to read Resolution No. 2019-31 by title only.

Vote: 7 - 0 - Unanimously

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 AND ENTITLED "2019 ZONING CODE AMENDMENTS INDUSTRIAL ZONES AND MISCELLANEOUS REVISIONS (PZ-19-00087 AND PZ-19-00093)"

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Regina Salas to read Ordinance No. 2019-22 by title only for the first time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE , TITLE 10, FLAGSTAFF ZONING CODE (ORDINANCE NO. 2011-20), CHAPTERS 10-20, 10-40, 10-50, 10-60, AND 10-80, AS PROVIDED IN THAT CERTAIN DOCUMENT ENTITLED "2019 ZONING CODE AMENDMENTS INDUSTRIAL ZONES AND MISCELLANEOUS REVISIONS (PZ-19-00087 AND PZ-19-00093)" DECLARED TO BE A PUBLIC RECORD BY RESOLUTION NO. 2019-31; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

6. REGULAR AGENDA

A. **Consideration and Adoption of Ordinance No. 2019-25:** An ordinance of the City Council of the City of Flagstaff, Arizona, amending the Flagstaff City Code, Title 2, Boards and Commissions, by adding a new chapter 2-25, creating a Housing Commission; providing for repeal of conflicting ordinances, severability, and establishing an effective date.

Housing Director Sarah Darr addressed Council regarding the creation of a Housing Commission. She stated that staff had used the Transportation Tax Commission makeup as a reference for drafting the Housing Commission membership. She added that the intention was to have the commission appointed after the summer break. Ms. Darr stated that the final ordinance would be presented at the next Council Meeting with any updates requested by Council. She stated that staff suggested having seven members on the commission.

Councilmember Salas stated she wanted to incorporate the duties of the commission in the policy recommendations.

Councilmember McCarthy asked about exploring ideas to create market-rate homes within zoning codes. He stated that he wanted the commission to identify how to make it more practical for builders and developers to build more houses. He wanted to keep the scope of the commission broad.

Senior City Attorney Christina Rubalcava expressed concern about the broadness of the commission and the required expertise for not only housing matters but also bond management and zoning.

Councilmember Whelan agreed with Councilmember McCarthy. She stated that broadness needed to be added to the commission's authority to guarantee that the commission could get created now. She suggested that another committee might be necessary to make recommendations to the commission.

Vice Mayor Shimoni stated that he felt this commission needed to have a more philosophical discussion before they addressed the bond. He wanted to add "explore alternative models of housing" to the ordinance.

Councilmember Aslan added that he believed that the comment of putting up more housing quickly had more nuance with rapidly changing growth. He stated that growth needed to be in reason, the vision of the community needed to be measured, and the quality of housing needed to be considered.

Councilmember Odegaard stated that what was presented was not his vision of the commission. He asked the City Attorney if a first and second read could be done at the next meeting. Mr. Solomon stated that the Council could do a first read that evening and stated that it could be read for the second time and adopted at the next Council meeting with any requested changes.

Planning Director Tiffany Antol stated that the concern was that the broad duties of the commission would cross over multiple other commissions' work. She was also concerned that Housing staff did not have the expertise needed as it related to zoning matters. Her suggestion was to have a member from each commission sit as a representative on the others' commission to consider all matters collectively and collaborate on recommendations.

Mayor Evans stated that Council was making the commission more complicated than it needed to be. It was her impression that a Housing Commission would be created to look at how to get more affordable housing in the community and that experts from each field would review the recommendations. Her understanding was that the first goal was to review the past bond and figure out what was negative and positive in the bond. The second goal was to tell Council what it would take to make homes more affordable. She added that if the suggestion was to change the zoning code, then that would go to the zoning staff, and other changes would go to the respective staff for review.

Vice Mayor Shimoni stated that all recommendations would come to Council so it did not all need to be

figured out now and could be hashed out at later conversations.

Councilmember Aslan stated that he was not convinced that a second housing bond would be successful and may not be something Council wanted to pursue.

Ms. Darr added that the scope Council had placed in front of staff was very large and that staff would move it with the urgency and efficiency that Council had directed, but staff would probably bring the commission back several times for prioritization.

Councilmember Whelan stated that she understood that it was a large scope and that it would never be her intent to stop encouraging affordable housing/down payment assistance.

Mayor Evans addressed the number of commission members. She stated that the proposed membership concerned her. The original proposition was for fifteen members, and a group of seven created a constraint on diversity of thought. She focused on the building/real estate professionals being only two members and how that was very limiting. Mayor Evans proposed that the original membership of fifteen commissioners be brought back.

Council discussed the number of commissioners and the appointment of commissioners. Ms. Darr addressed the rolling seats and how there may be a lack of applicants if membership was very specific. Mayor Evans proposed to Council that they be mindful of assigning a diverse group of members.

Ms. Rubalcava stated that she suggested simplification because she could not tell the difference between the community representatives, the other category, and the at-large members. Ms. Darr added that it was important to have a renter representative. Ms. Rubalcava suggested creating four categories with more representatives in each.

Councilmember McCarthy stated that he thought that they could reduce the number of categories. He added that a builder and developer should be required, but he did not know what a land use expert was and thought it should be deleted and replaced with private business representatives.

Council was interested in moving the residential multi-family/property management seat to the Building and Real Estate Professionals category and broadening it. They supported creating six Building and Real Estate Professional seats and four Low-Income Housing seats.

Rick Lopez and Joe Galli, representing the Greater Flagstaff Chamber of Commerce, addressed Council. They stated that the issue was complicated, and a commission would not solve the problems immediately. The purpose of the commission should be broad enough that they can review anything staff proposed in order to make recommendations to Council to assist the entry-level homebuyer or tenant.

Vice Mayor Shimoni stated that the commission should start with thirteen seats with the possibility of increasing to fifteen seats if Council felt that was needed in the future.

City Attorney Solomon stated that the number of seats needed to be decided and that the commission can always seek expertise from non-members.

Councilmember McCarthy stated that he served on the Planning & Zoning Commission, the Water Commission, and the Regional Plan Committee which had thirty members. He added that the size of the Regional Plan Committee slowed down the process. He stated that the bigger the commission gets, the more difficult it is to control.

Deputy CIty Manager Shane Dille offered that the seven commission members helped keep the commission nimble and able to provide recommendations quickly. He stated that having thirteen or fifteen members could be problematic in terms of scheduling and quorum.

Councilmember Salas stated that thirteen members seemed reasonable and represented the

community's diversity.

Councilmember McCarthy stated that nine seats could be a better compromise.

Councilmember Whelan stated that her concern was that there was not a renter or homeowner seat currently. Ms. Darr stated that the membership would include renters and homeowners. Ms. Rubalcava added that the Community Representative was such a board category that a renter could come from that category.

Councilmember Odegaard stated that he would like to see thirteen seats and asked if there was a time limit on the commission. Ms. Darr stated that there was not a sunset date.

Mayor Evans asked if the commission could operate with less than thirteen members. Ms. Rubalcava addressed that the commission could still meet if all the seats were not filled so long as a quorum was present.

Councilmember Odegaard asked if there would be term limits for seats on the commission. Ms. Darr shared that terms would be three years long, except for the start of the commission so they can stagger seat expiration. She added that the application would allow for applicants to self-select their category.

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Jim McCarthy to read Ordinance No. 2019-25 by title only for the first time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, TITLE 2, BOARDS AND COMMISSIONS, BY ADDING A NEW CHAPTER 2-25, CREATING A HOUSING COMMISSION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

7. 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 Mayor Evans to place on a future agenda a discussion about a cell phone tower ordinance to require that the coverage map provided in the application be done by an independent third party.

Mayor Evans stated that it was optional to require a coverage map to be provided in an application to build a cell phone tower.

Planning Director Ms. Antol asked for clarification on whether the coverage map would be required to be provided by a third party or if the requirement was only to have a third party review the coverage map.

Mayor Evans stated that she would like a coverage map to be required as part of the application. Ms. Antol clarified that the current ordinance asked for a third party to review the coverage map, but that it was optional. Mayor Evans stated that she would like to work with a third party on the application.

The majority of Council supported advancing the item forward to a future meeting for further discussion and possible action.

B. **Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Odegaard to place on a future agenda a discussion about the creation of a City Veterans' Liaison Coordinator position.

John Davidson brought this item forward to Councilmember Odegaard to create a liaison for state-

level decisions on veterans' affairs.

Councilmember Whelan added that it was a great idea and that when the veterans' facility is built, perhaps forces could be joined.

Councilmember Aslan asked what type of position it would be.

Councilmember Odegaard stated that it would be discussed after the FAIR is moved forward.

Vice Mayor Shimoni asked for staff to look for other comparable positions in the nation.

Mayor Evans suggested looking at Parks to see what they have done.

The majority of Council supported advancing the item to a future agenda for further discussion and possible action.

8. Adjournment

Mayor Evans adjourned the Special Meeting of June 25, 2019, at 7:43 p.m.

WORK SESSION

1. Call to Order

Mayor Evans called the Work Session of June 25, 2019, to order at 7:43 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 work session, 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. Review of Draft Agenda for the July 2, 2019 City Council Meeting

Citizens wishing to speak on agenda items not specifically called out by the City Council may submit a speaker card for their items of interest to the recording clerk.

Mayor Evans suggested that any Councilmembers who have questions on next week's agenda email the City Manager.

Councilmember Salas noted that the meeting time was changed to 4:00 p.m.

3. Greater Flagstaff Region (GFR) Regional Training Coordinator annual update

Regional Training Coordinator Scott Walton addressed the Council to provide an update. He gave a presentation regarding the training program that covered the following:

- Our GFR Partners
- Major Objectives of our GFR Partnership.
- How Many Members in Our Team
- GFR Firefighter Recruit Academy
- GFR Academy Partners' Participation.
- Retention of Firefighters Trained in GFR Academies.
- Average Academy Cost for Each Recruit
- Academy Focuses
- Examples of GFR Multi-Company Training
- GFR Sponsored Outside Training Opportunity

- Blue Card Communication Model Certification
- On-Going Training & Task Books.
- Joint Purchases
- IGA Opportunities Between GFR Partners.
- Common Radio Dispatching
- Not All Fire is Bad Fire

Councilmember Whelan thanked Mr. Walton for organizing and supporting the program. She asked how many instructors there were. Mr. Walton stated that there were instructors from every agency, and there were at least 20 on the books. Councilmember Whelan also asked if there were any needs in the academy. Mr. Walton stated that training was always expensive, but the partners were working very well together to create an amazing program. Mr. Walton stated that his position was annual, and he felt it was important to make the position permanent.

Councilmember Aslan extended his gratitude to Mr. Walton. He asked if Mr. Walton had seen any regional trends in search and rescue. Mr. Walton stated that mountain rescues were common and they partnered with the Sheriff's office to provide them with training on search and rescue on Mt. Elden.

Vice Mayor Shimoni asked about the education outreach efforts and technology associated with recruitment. Mr. Walton stated that the community college reached out to potential students. The Fire Science Director at Coconino Community College recently conducted a camp focusing on young women and introducing them to careers in fire service. Vice Mayor Shimoni recommended asking the interns to take videos for social media and congratulated the academy on their graduation.

Councilmember Salas stated that she would like to see the list of partner agencies grow and encouraged continued outreach.

4. Public Participation

None.

5. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests

Councilmember Salas stated that she was appointed to the Coconino County Workforce Development Board.

Councilmember Odegaard expressed his thoughts on how Council serves the people and its role. He reminded all councilmembers to take their work seriously and to stay especially cognizant of what they do on social media.

Councilmember Aslan requested a Future Agenda Item: A discussion on potential strategies for cleaning up cinders in a more timely, efficient manner near the airport. He expressed that the airport was the gateway to the city and there were problems with leftover cinders throughout town. He stressed that it would be valuable to set aside time to discuss how to clean up cinders.

Councilmember McCarthy asked about the e-bikes decision and stated he would like to see the commissions recommend trails that allow e-bikes, especially the Open Spaces Commission.

Vice Mayor Shimoni stated that he would join the next meeting telephonically since he would be in Israel.

Councilmember Whelan stated that she toured the Phoenix Connection Center and learned about how the center benefited businesses near it. She also spoke about a Pride Event, the NAIPTA Board meeting, an upcoming meeting on the Rio de Flag project, the minimum wage and its effect on businesses, and the City Manager search.

Councilmember Salas stated that she took a tour of Kindercamp and attended the Greater Flagstaff Chamber of Commerce breakfast. Deputy City Manager Dille reported that the US Department of Transportation announced federal aviation grant awards. He added that the Flagstaff Pulliam Airport was one of thirteen airports to receive the funding.

Councilmember Whelan stated that Water Services Director Brad Hill took Councilmember Salas and her on a tour of Red Gap Ranch.

Mayor Evans thanked staff for their work on the grant and thanked Deputy Chief Musselman for his work at the Pride event. She also spoke about the Fourth of July parade float and stated that she spent the night at Flagstaff Shelter Services shelter last Friday with the Executive Director, which was a humbling experience.

6. Adjournment

The Work Session of the Flagstaff City Council held June 25, 2019, adjourned at 8:22 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 June 25, 2019. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 1st day of October, 2024

_____
CITY CLERK

CITY COUNCIL WORK SESSION
TUESDAY, OCTOBER 29, 2019
CITY HALL COUNCIL CHAMBERS
211 WEST ASPEN AVE
6:00 P.M.

MINUTES

1. Call to Order

Mayor Evans called the Work Session of the Flagstaff City Council held October 29, 2019, to order at 6:02 p.m.

2. Pledge of Allegiance and Mission Statement

The Council and audience recited the pledge of allegiance and City Attorney Solomon read the Mission Statement of the City of Flagstaff.

MISSION STATEMENT

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

3. ROLL CALL

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

PRESENT: ABSENT:

MAYOR EVANS
VICE MAYOR SHIMONI
COUNCILMEMBER ASLAN
COUNCILMEMBER MCCARTHY
COUNCILMEMBER ODEGAARD - joined via phone at 6:05 p.m.
COUNCILMEMBER SALAS
COUNCILMEMBER WHELAN

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

4. Public Participation

Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. 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 to have 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.

Joe Galli from the Greater Flagstaff Chamber of Commerce addressed Council and shared information about events at the Greater Flagstaff Chamber of Commerce. He highlighted the December 14, 2019, Voya Holiday Light Parade which started at 6:00 p.m. downtown.

Miranda Sweet addressed Council regarding sales tax projections. She spoke of her experiences as a retailer and community member. She stated that the last year was difficult and that she then had the lowest number of employees ever. She stated that she also saw a shift in the demographics of her customers between locals and tourists. She stated that she was looking forward to the Locals Only campaign.

Scott Talboom introduced Councilmember Salas' family who were visiting from the Philippines. Her family had been touring Northern Arizona, and Mr. Talboom addressed the beauty of Lowell Observatory.

5. **Review of Draft Agenda for the November 5, 2019 City Council Meeting**

Citizens wishing to speak on agenda items not specifically called out by the City Council may submit a speaker card for their items of interest to the recording clerk.

Councilmember Whelan asked about Item 8A, ro purchase vehicles through the Highway User Revenue Fund (HURF). She asked if purchasing vehicles qualified as a HURF "other expenses" line item. Public Works Director Andy Bertelsen addressed the HURF revenue and stated that they were tied to state gas tax. He added that there had been a lot of discussion on HURF revenues and how the state had diverted them over time. He stated that the purchase of vehicles was allowed if they were road maintenance vehicles.

Councilmember Whelan also asked for clarification regarding Item 8B and what budget year the funding was associated with. Mr. Bertelsen explained that the purchase was approved as part of the current budget.

Councilmember Salas asked about Item 15B. She wanted to know if the presentation would have an impact on the Save Schultz Meadow citizen initiative. Mr. Solomon stated that it would not.

Vice Mayor Shimoni asked about Item 15A and requested information about cinder removal and snow operations. Mr. Bertelsen stated that they would discuss the items at the meeting.

6. **Proclamation:** Indigenous Heritage Month

Vice Mayor Shimoni read and presented the proclamation.

7. **Recognition:** Housing America Student Posters

Housing Director Sarah Darr stated that October was Housing Awareness Month and that Housing staff partnered with the recreation centers to have youth participate in a poster contest of "What Home Means to Me." She shared that the poster winners would be forwarded to the state level and then to the national level to be placed in a calendar. Mayor Evans shared some of the stories behind the posters and presented each participant with a recognition award.

8. **Private Waste Hauler Regulations**

Public Works Director Andy Bertelsen introduced Solid Waste Section Director Todd Hanson and Sustainability Specialist Dylan Lenzen, who provided a presentation on the Rethink Waste Plan and the adoption of regulations for private waste hauling companies. The presentation covered the following:

- Outline
- Background -- Existing Regulations
- Background -- Challenges
- Application
- Licensing Fee
- Insurance Requirements
- Data Reporting Requirement
- Other Service Requirements

- Relationship to Council Goals

Councilmember Whelan asked if the requirements expected from private operators would also be expected from the city. Mr. Hanson stated that the city would need to comply with its own rules. He added that when he was in private industry, those types of regulations were normal.

Vice Mayor Shimoni asked about commercial and multi-family properties, mentioning that 50 to 60% of the city's trash removal was handled by city operations. Mr. Hanson stated it was his best guess and that the city had about 2,200 business accounts. Vice Mayor Shimoni asked what percentage of commercial trash was getting service from private owners. Mr. Hanson stated that the city did not know how much trash the other services were collecting.

Councilmember Whelan asked about the transfer station. Mr. Hanson stated that it was a County station and he did not know how much longer it would be running.

Joe Galli addressed Council representing the Greater Flagstaff Chamber of Commerce. He stated that the private haulers had not had a chance to vet the regulations and that the Chamber had some concerns about them since they added costs to the private haulers, especially when considering them as competition to the city's hauler. Mr. Galli would like to see a Request for Proposal for residential service created.

Councilmember Aslan asked if Mr. Galli had spoken to the private haulers. Mr. Galli stated that he had spoken to them but he was not speaking on their behalf. Councilmember Aslan asked about data reporting and if Mr. Galli believed that the reporting was not relevant. Mr. Galli clarified that he was concerned about the added cost and that the data may not be as readily available as thought. He reminded the Council that the city was in competition with the private haulers and that perhaps if the city was not in the business, then the prices could be lowered for the consumers.

Vice Mayor Shimoni asked Mr. Galli how transferring the data would be complicated if all waste was weighed. Mr. Galli stated that he had heard that logistics for data reporting would be a concern.

Councilmember McCarthy commented that there was a problem with privatizing residential trash service if the private company decided to withdraw from the city and that caution should be used regarding the idea. He also asked Mr. Hanson about quantifying the trash collection. Mr. Hanson stated that the city would look at weight only and that the private haulers were already collecting that information.

Mayor Evans stated that Council could pull items off the list of things they were not interested in to ensure the meetings were more effective.

Mr. Hanson continued the presentation.

- Bolstering licensing and insurance requirements
- More robust vehicle inspection

The Council unanimously stated that they were in favor of bolstering licensing and insurance requirements.

Councilmember Salas asked if the Moter Vehicle Department was doing inspections and OHSA compliance. Mr. Hanson stated that there were no emission tests in the Flagstaff area, but there were safety checks, though it was not specific to solid waste vehicles.

The Council supported the creation of more robust vehicle inspections.

Mr. Hanson continued the presentation.

- Develop a plan for accepted materials
- Licensing Fee: per vehicle per year
- Reporting
- Other options: Colors match City

Councilmember McCarthy asked if the recycling bins were blue. Mr. Hanson stated that they were not yet all blue for commercial use. Councilmember McCarthy expressed a desire to have consistent signage for recycling and trash bins.

Council requested that staff return with an update before anything was privatized.

9. **Discussion on *Council Salaries* section 1-07-001-0005 of the Flagstaff City Code.**

Deputy City Manager Shannon Anderson addressed Council with Interim HR Director Alison Eckert. They provided background on the current code and the updates that were done in 2017. There were proposed changes in 2018 that were not supported by Council at that time. Staff was seeking direction from Council on whether to reconvene the commission, make any changes to the membership of the commission, and possible areas of focus.

Mayor Evans stated that the current salaries do not provide a livable wage for Council or the full-time position of Mayor. The Council should be paid fairly and at a rate that is comparable to the duties of the position. She stated that she would like to have the commission reconvene as soon as possible and she suggested that the commission be provided with the calendars of the Mayor and Councilmembers to understand their duties and workload. She stated that serving on the Council should be accessible to anyone who may wish to serve.

Vice Mayor Shimoni stated that it was a very pressing issue and he was supportive of reconvening the commission. He suggested that the commission look at the Vice Mayor's role separately from the rest of Council. He also wanted to ensure that everyone had the ability to serve.

Anthony Garcia addressed Council and stated that he participated in the last commission. He suggested that the process could be refined and added that he would like to be considered for the next commission.

Mayor Evans recommended that the commission consider other council salaries in Arizona, the workload of Councilmembers, and what a typical work week looked like.

Councilmember McCarthy suggested that the commission should include human resources professionals and that he thought seven commissioner was appropriate.

Councilmember Odegaard expressed his support to move forward with reconvening the commission.

Council supported a commission comprised of nin members that included two human resource professionals and two at-large members.

A break was held from 8:11 p.m. through 8:22 p.m.

10. **Discussion:** How the City can add more residential units within the single-family residential zoning parcels.

Current Planning Manager Tiffany Antol stated that duplexes and triplexes were allowed in residential zones. She stated that the difference between zones was the acreage and added that accessory dwelling units were incentivized.

Councilmember Whelan asked if there were requirements regarding square footage or lot size. Ms. Antol replied that there were requirements for both and that there was a lot of flexibility in the requirements.

Councilmember Odegaard stated that there were suggestions in the staff summary to increase the number of units allowed per acre.

The Council supported advancing the topic to a future agenda for discussion and possible action.

11. Public Participation

None.

12. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests

Councilmember Salas thanked Council for welcoming her family.

Councilmember Odegaard stated that he had been in Baltimore, Maryland for a downtown conference to learn about making downtown areas more robust.

Councilmember Aslan stated that he attended the Sustainability Commission meeting where they had a meeting with Dr. Daniel Akoli. He added that NAU was in the process of adapting its own Climate Action and Adaptation Plan. He stated that the Open Space Commission was working with the Parks and Recreation Commission regarding a potential bond request. He added that there were some questions at the meeting regarding e-bikes, the FUTS system, and open spaces. He also said that there was a new website being developed regarding city-owned parcels.

Councilmember McCarthy reported that he attended the Sustainability Commission meeting where they discussed raising the Sustainability Section to another level. He stated that the discussion would be presented to Council on January 28, 2020.

Councilmember Whelan requested a clean energy update and discussion for a future agenda.
She stated that she and the Mayor attended the NACOG meeting in Pinetop where they discussed the determination and direction of Head Start. She and the Mayor also visited Show Low where they house one of the largest grow operations in the country. She stated that the company produced medical marijuana and she would like to possibly explore a grow operation at Red Gap Ranch.

Vice Mayor Shimoni shared that he and Councilmember McCarthy went to Flagstaff Arts and Leadership Academy to be interviewed by their media team and carved pumpkins with the students. He added that the Stronger as One meeting at Coconino Community College was a wonderful event and he complimented Councilmember Whelan on her work with the program. He requested information on Tequila Sunrise and what the City had done regarding the event in the past. He spoke about the Coconino County Youth Coalition event for Self-Healing Communities.

Mayor Evans stated that the community was confused by zoning versus building codes and she would like to partner with a local developer to help address the issue. She suggested a public forum outside of regular Council meetings or a Building Code 101 class to discuss zoning and building matters. She indicated that the Chamber could be a good partner. Mr. Clifton stated that staff would work on creating a forum on the issue that there was a joint meeting with the Chamber coming up and that it could be a possible agenda item.

Mayor Evans also stated that Head Start was going to close the Codgill Head Start site. She added that there were no windows in the facility and that she wanted to see if the city could put windows in the preschool area. She suggested that the city put out an RFP for a cooperative preschool, another Head Start program, or another childcare provider. She suggested Launch Flagstaff.

Mayor Evans stated that she had been interviewed by a student at NAU about the party ordinance. She informed the student that the parties were breaking several codes and the police responded to parties within the context of the noise ordinance.

13. Adjournment

The Work Session of the Flagstaff City Council held October 29, 2019, adjourned at 8:59 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

JOINT CITY / COUNTY WORK SESSION
MONDAY, NOVEMBER 4, 2019
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M.

MINUTES

1. Call to Order

Councilmember Aslan called the Joint Work Session of the Flagstaff City Council and the Coconino County Board of Supervisors held November 4, 2019, to order at 4:05 p.m.

2. Pledge of Allegiance and Mission Statement

The Council, Board of Supervisors, and audience recited the pledge of allegiance and Councilmember Odegaard read the Mission Statement of the City of Flagstaff.

3. Roll Call:

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

BOARD OF SUPERVISORS PRESENT:	BOARD OF SUPERVISORS ABSENT:
CHAIRWOMAN FOWLER VICE-CHAIRMAN PARKS SUPERVISOR ARCHULETA SUPERVISOR BABBOTT SUPERVISOR RYAN	NONE

CITY COUNCILMEMBERS PRESENT:	CITY COUNCILMEMBERS ABSENT:
MAYOR EVANS (arrived 4:18 PM) VICE MAYOR SHIMONI (arrived 4:18 PM) COUNCILMEMBER ASLAN COUNCILMEMBER MCCARTHY COUNCILMEMBER ODEGAARD COUNCILMEMBER SALAS COUNCILMEMBER WHELAN (arrived 4:18 PM)	NONE

4. Public Participation:

None.

5. Flagstaff-Coconino County Community Census Team Informational Update

City of Flagstaff Comprehensive Planning Manager Sara Dechter and Coconino County Director of Special Initiatives Kim Musselman gave an update on the 2020 Census. The presentation was prepared by the US Census Bureau Partnership Specialist for Coconino, Navajo, and Apache County Kim Robinson. Ms. Dechter and Ms. Musselman shared the Census toolkit with the group. The presentation covered the following:

- 2020 Census Operational Timeline
- Phased Approach to Communications
- Sample Advertisement

Ms. Musselman shared that the Public Relations subcommittee was going with the message "I Count. You Count" and that the subcommittee has selected a public relations firm.

- Subcommittees
  - Public Relations and Media
  - Language
  - Rural Outreach
  - Business
  - K12
  - NAU
- Circle of Influence

Ms. Musselman shared that there was an opportunity for each person to make the Census "real" for everyone in their circle. They proposed doing a workshop in January or February to have a discussion on ways to communicate with constituents on how to talk about the Census. She also discussed the Fall 2019 Progress Report.

Supervisor Archuleta shared that the National Association of Latino Elected Officials has a website that could be a good resource.

Councilmember McCarthy asked Ms. Musselman to explain why the Census mattered. Ms. Musselman stated that the Census determined redistricting and legislative breakdowns for the state and stated that the funding allocated by population was a huge component of the Census that allowed for funding for roads, housing, and other programs. She encouraged everyone to find the area that was most important to the person they were speaking with.

Chairwoman Fowler shared the importance of the Census. She also shared the other avenues which people could register for the Census. Ms. Musselman added that they hoped to provide detailed information at their next meeting for areas where people could get access to the Census to ensure that they were counted.

Vice Mayor Shimoni asked about the possibility of a coordinator for social media. Ms. Musselman shared that they were looking into that.

6. Museum Fire Incident and Flood Mitigation Update

Coconino County Flood Control District Administrator Lucinda Andreani and City of Flagstaff Public Works Director Andy Bertelsen provided an update on the Museum Fire incident and the flood mitigation efforts.

Assistant Fire Management Officer and Battalion Chief Jesse Causer stated that there was a quick and measured response to the fire and within the first hour and a half, the entire Newman Fire organization that was working on the fire by Lake Mary was able to be refocused to the Museum Fire and transition to the Type III team. They were also able to make an order for the Type I team quickly, especially since there were a lot of local members in the Type I team, so they were able to transition much faster than typical.

Flagstaff Watershed Protection Project (FWPP) Project Manager and Burn Area Emergency Response (BAER) Coordinator Jake Thomas spoke about the BAER implementation. They worked to reinforce the burned area against the damage from the next large storm. There are three phases to help mitigate storm damage that are being worked on: aerial mulching, trail stabilization, and road stabilization. The total cost for the road work is about $2 million and the work will reinforce the roads against the next damaging storm.

Supervisor Babbott asked that the fuels reduction and tree removal treatments overlay be presented to the FWPP crew and the community to help continue the support for building resilient landscapes. He also asked what had been done to educate the public on the efforts. Mr. Thomas responded that there had been open forums to educate the public and that there had been open and transparent conversations in the community. He stated that the crews hit non-traditional areas first where the most

damage would occur. The ground-based activity ensured that any fuel cut would be removed. Mr. Thomas stated that there is a continuing dialogue with the public.

Councilmember Odegaard asked if there were water retention ponds planned for the burn area to prevent flooding. Mr. Thomas stated that he did not know of one from the BAER perspective because water retention is outside their scope.

Coconino County and Flood Control Engineer Christopher Tressler provided a presentation that covered the following:

- Museum Fire
- EOC Operations by Director of Emergency Management Todd Whitney

Chairwoman Fowler asked if the reimbursement for the incident had been completed Mr. Whitney stated that the State should have an answer regarding reimbursement for the incident in the next couple of weeks.

- County/City Emergency Operations Center
- One County Response with Statewide & Local Partnerships
- Flood Control District Flood Mitigation Experience
- Flood Control District Experience Applied to Museum Flood Response
- Museum Flood Area Mitigation
- Serious Flood Risk
- Museum Fire Flood Impacts
- Science-Based Approach to Flood Mitigation
- Flood Map
- Flood Mitigation Overview
- Flood Mitigation: Barriers
- Flood Mitigation: Sandbags
- Vegetation Removal
- Mitigating Flood Debris
- Utilities Protection
- Museum Flood Mitigation
- The Power of Partnerships

Vice Mayor Shimoni asked about the cost reimbursement and where the funds were coming from. Mr. Tressler responded that the funds are anticipated from DEMA and the reimbursement was expected to be about 75% of eligible expenses. Vice Mayor Shimoni asked about eligible expenses. Mr. Tressler stated that most of what was done was eligible, but some of the proactive measures may not be.

The presentation continued.

- Communications & Outreach Efforts
- Community Meetings
- Museum Fire Flood Area Webpage
- Information Materials
- Recent Communication to Residents & Property Owners

Vice Mayor Shimoni asked about the emergency notification link and where the videos were streamed. Mr. Peterson stated that the site was www.coconino.az.gov/ready and the videos were streamed on Facebook. Vice Mayor Shimoni asked about ongoing communications and storage of videos for future viewings.

- 2019: "Non-Soon"
- Flood Mitigation Recommendations
- Keep your Sand Bags!

Councilmember Whelan asked if the elderly would receive help with returning sandbags. Ms. Andreani stated that there would be assistance and that a volunteer effort would be provided to help relocate bags.

Supervisor Archuleta asked about replacing broken sandbags and if there are sandbags on site. Ms. Andreani stated that there were, and that broken sandbags could be taken to the King Street location and the public could secure new bags there.

Supervisor Archuleta asked if there would be assistance in covering bags and if there would be information available regarding what kind of plastic. Ms. Andreani stated that the information would be at the site and that if people need help, it would be available.

Councilmember Aslan noted how many hours staff put into the effort and expressed his appreciation. He asked about the watershed health and restoration if there were no heavy rains that summer or if that would just delay the crisis. Ms. Andreani stated that their experience showed that it would lead to a delayed crisis. She added that the steep slopes that were burned significantly would have impacts for up to another five years. The snow pack would affect the re-vegetation. North-facing slopes that held moisture in the Schultz Burn Scar had the most re-vegetation and it was a slow process.

Supervisor Parks asked about the mulching efforts and asked what kind of rain event would wash them off. Staff stated that they cannot be sure. Supervisor Parks asked if there was enough seed in that area to be beneficial to the mulching process. Staff responded that there were sprouts throughout the area.

- Going Forward: Long-Term Mitigation
- On-Forest Measures
- Linda Vista Culvert Emergency Protective Measures
- Continuing Vigilance
- Discussion

Councilmember McCarthy asked if the mitigation efforts were left in place, how concerned should residents be that they would get flooding in their homes. Ms. Andreani stated that they developed the mitigation plan for a two-inch storm based on the Schultz Fire Burn Scar watershed impacts and the plan was developed for this. She added that if there is a larger storm, then there would likely be impacts. Vigilance was still necessary and she expected that there would be a flood event next summer.

Vice Mayor Shimoni asked if anyone has driven through high-risk communities to observe the mitigation efforts. Ms. Andreani stated that they had seen some degradation, likely due to vehicular impacts and other various impacts. Vice Mayor Shimoni suggested a "winter get-ready campaign" to reset flood mitigation efforts. Ms. Andreani stated that the intention was to do that before the monsoon season. Vice Mayor Shimoni asked if there was reseeding in the area. Staff responded that there was no reseeding in the area currently and there was no plan to reseed due to research showing that steep, windy slopes did not benefit from reseeding due to seeds washing or blowing away. They added that low-intensity areas have a substantial seed bank.

Councilmember Whelan asked about the parking areas with jersey barriers and if the questions should go to the Flagstaff Flood Control District or Public Works at the City. Staff explained that residents could reach out to either entity.

7. Informational Items To/From Chairman, Supervisors and County Manager, Mayor, Council and City Manager

Supervisor Archuleta invited the Coconino County Deputy County Manager and Financial Officer Mike Townsend to the podium to recognize him for his 20-year contribution to the County. The City Council also expressed appreciation and well wishes to Mr. Townsend. Mr. Townsend thanked the Supervisors and Council for their words and spoke about his new direction.

Councilmember Odegaard expressed his gratitude for the partnership with the County. He stated that the way the fire was handled showed how strong the partnership between the City and the County was.

Supervisor Parks thanked everyone for their work on the Museum Fire and flood mitigation.

Councilmember McCarthy stated that he appreciated the County coming and that the County and City

work well together.

Supervisor Ryan stated that the joint meetings were about the community at large and that working together allows for greater opportunities and ideas. He stated that it was important to recognize the people who worked on the Museum Fire.

Supervisor Archuleta recognized everyone who participated in the Museum Fire relief efforts and stated that she was proud of the way the two organizations pulled together to respond to the crisis. Councilmember Whelan added that it was an honor to work with everyone through the event.

Supervisor Babbott stated that he appreciated taking the time to recognize the work. He expressed that relationships drive the community and that both groups do a great job controlling what can be controlled. He spoke about the Mt. Elden Estates Homeowners Association meeting and stated the need to do a good job in getting info out regarding open trails and roads.

Vice Mayor Shimoni expressed gratitude for the partnership with the County. He was overseas in Israel when the fire started, and he was reassured that the crisis would be handled because of that partnership.

City Manager Greg Clifton extended his thanks to the Mayor and Chairwoman regarding the creation of the agenda.

County Manager James Jayne reiterated that the partnership between the City and the County worked well. He also stated that he was grateful to work with City Manager Greg Clifton and looked forward to working with him in the future.

Mayor Evans recognized Chairwoman Fowler for her work with the mental health and well-being of the people who were working on the fire. She stated that Chairwoman Fowler brought out a medicine man to bless the workers and the mountain during the fire incident.

Chairwoman Fowler stated that partnerships work, and that her district was also working closely with other communities and Representative Tom O'Halloran on a bill regarding the closing of the Navajo Generating Station. The bill was drafted by multiple parties and all the support received had been appreciated. She stated that the partnership between the City and County was special, and she thanked everyone for their work.

8. Public Participation

None.

9. Adjournment

The Joint Work Session of the Flagstaff City Council and the Coconino County Board of Supervisors held November 4, 2019, adjourned at 6:24 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY COUNCIL COMBINED SPECIAL MEETING / WORK SESSION
TUESDAY, NOVEMBER 12, 2019
CITY HALL COUNCIL CHAMBERS
211 WEST ASPEN AVE
6:00 P.M.

MINUTES

1. Call to Order

Mayor Evans called the Special Meeting of the Flagstaff City Council held November 12, 2019, to order at 6:00 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this work session, 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. Pledge of Allegiance and Mission Statement

The Council and audience recited the Pledge of Allegiance and Councilmember Whelan read the Mission Statement of the City of Flagstaff.

MISSION STATEMENT

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

3. Roll Call

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

PRESENT:	ABSENT:
MAYOR EVANS	
VICE MAYOR SHIMONI - via phone	
COUNCILMEMBER ASLAN	
COUNCILMEMBER MCCARTHY	
COUNCILMEMBER ODEGAARD	
COUNCILMEMBER SALAS	
COUNCILMEMBER WHELAN	

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

4. Public Participation

Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. 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 to have 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.

Dina Ettsity addressed Council regarding the potential for a city-sponsored detox facility. She felt that the response to intoxicated individuals in Flagstaff could be improved and that she believed that creating a facility could lower the criminal rate of intoxicated individuals.

Sara Kubisty addressed Council asking them to declare a climate emergency.

5. **Consideration of Appointments:** Building & Fire Code Board of Appeals.

Moved by Councilmember Whelan and seconded by **Councilmember McCarthy** to nominate Bill Hastings to a term expiring in October 2022.

Vote: 7 - 0

6. **Adjournment**

The Special Meeting of the Flagstaff City Council held November 12, 2019, adjourned at 6:06 p.m.

WORK SESSION

1. **Call to Order**

Mayor Evans called the Work Session of the Flagstaff City Council held November 12, 2019, to order at 6:06 p.m.

2. **Review of Draft Agenda for the November 19, 2019 City Council Meeting**

Citizens wishing to speak on agenda items not specifically called out by the City Council may submit a speaker card for their items of interest to the recording clerk.

Councilmember McCarthy expressed his desire for more information on the animal keeping ordinance, emphasizing the need for additional options beyond a simple yes or no decision. He raised concerns about the potential burdens of permits and suggested a complaint-driven response system instead. Sustainability Specialist Tyler Lenzen sought clarification from Councilmember McCarthy, specifically asking if his concern was solely about permits. Councilmember McCarthy clarified that he was also concerned about permits and animal keeping regulations, particularly regarding setbacks rather than zoning. The rest of the Council also expressed interest in exploring more options.

Councilmember Odegaard requested that staff investigate similar ordinances in other communities and present their findings to the Council. Mr. Lenzen stated that staff had conducted extensive research and could provide a presentation to the Council.

Councilmember Whelan inquired about Item 7E regarding Coconino Estates, seeking clarification on the expanded financial considerations and how the water line project would be financed. She asked if approving the item would automatically include it in the next fiscal budget or if it required separate budget allocation. City Engineer Rick Barrett explained that approving the item would effectively change the budget for FY20 and the five-year program, relying on funding from the Water Services Division. Councilmember Whelan questioned the level of community involvement in the project, and expressed concern that it seemed more like informing the community rather than involving them. Mr. Barrett clarified that the current phase was for community information and explained the changes and replacements involved. Councilembmer Whelan also asked about the addition of sidewalks, to which Mr. Barrett responded that sidewalks were not included and detailed the prior community involvement process for adding sidewalks on Beale and Navajo Roads. He announced a community forum later that week at Marshall School.

Councilmember Whelan also sought information on Item 8A regarding existing data on complaints, tickets, warnings, and home visits related to problem properties before proposed changes. Public

Works Director Andy Bertelsen stated that staff had the data and would share it with the Council.

Councilmember Whelan asked about Item 8B; why it was an emergency request and if other office options were explored. Real Estate Manager Charity Lee explained that multiple locations downtown were considered, but the current lease had a 30-day notice to vacate clause, and Park Flag sought a more stable environment. Councilmember Whelan requested a report on the other available office spaces.

3. **Flagstaff Arts Council -- Annual Update**

Beautification, Arts & Sciences Manager Eliza Kretzmann and Flagstaff Arts Council Executive Director Jonathan Stone presented an update on the Flagstaff Arts Council's contract with the City of Flagstaff. Mr. Stone also shared a video on a musical art installation in Montreal.

Vice Mayor Shimoni thanked Mr. Stone for presenting and the Arts Council for their work in the community. He asked if there were ways to leverage the awarded funds to secure additional grants. Economic Vitality Director Heidi Hanson stated that many received additional grants by leveraging the funds the Flagstaff Arts Council awarded. Vice Mayor Shimoni commented that he would like to see more large-scale projects that involve neighborhoods, schools, or the youth. Ms. Kretzmann stated that staff was looking at those types of projects in the future and they had recently completed a mural at the Joe C. Montoya Center that involved youth. Vice Mayor Shimoni suggested partnering with Kinlani Dorms for future projects.

Councilmember Whelan asked if there were criteria that separated institutions like Lowell from Willow Bend and if there was consideration for that during grant awarding. Mr. Stone stated that there was a need-blind eligibility matrix. The impact of the organization was the important measure in the matrix, and the grant committee ensured that they were supporting start-up and smaller efforts.

Councilmember Odegaard referenced the Downtown Master Plan and stated that he hoped there would be an arts component. Mr. Stone stated that Terry Madeska had joined their Board and they had discussed the Downtown Master Plan.

4. **Sidewalk Program Discussion**

Streets Section Director Scott Overton presented to Council regarding revisions to the sidewalk ordinance and asked for their input on the proposed changes.

Councilmember McCarthy stated that he liked the idea of the city taking over the sidewalk repair program but was concerned about complaints from people who did not have sidewalks. He asked where the money for the sidewalk program would come from because he was not comfortable raising property or sales tax for sidewalks. Mr. Overton stated his focus was only on existing sidewalks and other departments were focused on projects for infill and connecting locations, which would address potential future sidewalks.

Councilmember Whelan asked why now. Mr. Overton stated that historically, the city had a lot of need for sidewalk repair and he believed the program needed attention. He added that he wanted to improve infrastructure and that the sidewalks were no different than the Flagstaff Urban Trail system, bike lanes, or roads and that they needed to be maintained as well. Councilmember Whelan asked if Public Works needed waivers to fix sidewalks on private property. Mr. Overton replied that they did not need the homeowner's permission since sidewalks were in the right of way. Councilmember Whelan stated that other cities were moving to asphalt sidewalks because the cost was less expensive and they were easier to keep clean. She added that she would like to have a conversation about asphalt sidewalks in the future. Mr. Overton stated that he would like to engage engineering staff on the idea since asphalt sidewalks were subject to more wear and tear and were not as aesthetically pleasing. Mr. Overton stated that he had seen asphalt sidewalks in other municipalities not save on costs because of replacement issues.

Mayor Evans stated that she was fine with the current ordinance, but it needed to address inconsistencies and enforcement. She stated she would like to see consistency in the ways that the

ordinance was enforced.

Vice Mayor Shimoni stated it would be more cost-efficient and effective to have the city complete sidewalk repairs. He stated that he did not wish to see sidewalk repair as the property owner's responsibility and was open to other possibilities.

Councilmember Odegaard asked if the revisions would be for residential sidewalks only. Mr. Overton stated that direction was to have consistency between residential and commercial sidewalk repair. Councilmember Odegaard stated that he did not believe that property owners should be responsible for sidewalk replacements and that the challenge was funding.

Council recessed into Executive Session from 7:23 p.m. through 7:38 p.m.

Councilmember Aslan inquired about situations where the property owner was responsible for damage. Mr. Overton stated that the current ordinance held the homeowner responsible for the cost and that it was sometimes awkward when things like trees needed to be removed. Councilmember Aslan asked if the percentages that the city versus the property owner paid for repairs could be changed. Mr. Overton stated that the ordinance could be revised to reflect a proportional share. Councilmember Aslan also recommended that residential property owners should not be responsible for sidewalk repairs. He stated that sidewalks were a big part of beautification.

Mayor Evans was not sure that the city would be able to fix all panels at once. Councilmember Aslan stated that the City would gain leverage to do repairs quickly and on better terms. Councilmember Odegaard clarified that he would like to see no cost for residential property owners only.

Councilmember Whelan added that she would like to leave the ordinance as is and see consistency and regularity in the enforcement of the ordinance. She spoke about the needs of small commercial property owners versus residential property owners and stated that she was concerned about small businesses being able to afford costly repairs. She would like flexibility in the ordinance.

Councilmember McCarthy asked about finding other solutions for the replacement of panels. Mr. Overton stated that there were other repairs done rather than replacement, like grinding. His direction was to stay with existing policy. He also added that there was potential for property owners to pay off repairs over time on their water bill rather than placing a lien on the home.

Vice Mayor Shimoni asked if there would be delays or confusion if the ordinance was not amended. Mr. Overton stated that it was a more difficult conversation with citizens. Vice Mayor Shimoni stated that the repairs would be more effective if under the city's oversight and more efficient. He stated that he did not want to see property owners responsible for the cost of repairs for both residential and commercial properties.

Councilmember Salas stated that her direction was to amend and that she would like to revisit the cost share and payment plans. She added she would like to see a tiered fee to help owners with their ability to pay and she would like to offer commercial property owners the same incentives and relief.

5. **Discussion about the life of the landfill, composting and organic waste**

Solid Waste Section Director Todd Hanson and Sustainability Specialist Dylan Lenzen presented on the life of the landfill, composting, and organic waste.

Councilmember Whelan asked about the geosynthetic tarp. Mr. Hanson replied that it was a big, thick tarp used instead of dirt to cover trash. He added that it lasted for years and could be repaired.

Councilmember McCarthy asked how the tarps were used. Mr. Hanson answered that the tarps were placed at night and removed during the day.

Vice Mayor Shimoni stated that he was impressed by the staff and fully supported their efforts. He added that he would like to see a video created to educate on the Materials Recycling Facility (MRF) and to get information out to the public.

Councilmember Salas added her admiration for the staff and the work that had been done.

Councilmember McCarthy asked when the landfill started. Mr. Hanson stated the landfill was created in 1965. Councilmember McCarthy asked about methane production and if the City would be collecting the methane generated off the early cells or if that was only happening to the later cells. Mr. Hanson stated that the city would not be required to do that because the methane gas would not hit the threshold required to put a gas system in place. He added that the landfill was not producing much gas due to the altitude and the arid conditions. He also stated that part of the plan with additional funding was to gasify the current cells, but they might find more important alternatives that could be more impactful at the landfill, such as solar arrays.

Councilmember Aslan stated that Flagstaff could accept trash from other suppliers and municipalities and that there was a temptation to make money off the landfill by collecting other people's trash. He asked what was stopping Flagstaff from cashing in on the landfill. Mr. Hanson stated it would be a different business model and added that while policy did not allow that now, things could be different in the future.

Mayor Evans added her appreciation for looking at the issue now. She stated that it was interesting that the landfill was started in 1965 and added that Flagstaff was pre-empted in regulating the use of single-use plastics. She stated that she wondered what percentage of the landfill was occupied by single-use plastics and if the lifespan of the landfill could be extended if they were removed.

Mr. Hanson stated that staff could pull some numbers on how much single-use plastic arrived when they did the waste characterization at the landfill. Mr. Hanson added that landfill mining, where a part of the landfill is reclaimed by digging it up, sorting it through, and taking the soil and stuff that needs to go back in, could add some space to the landfill. Mayor Evans stated that the City needed to look into landfill mining and single-use plastics.

Vice Mayor Shimoni stated he would also be curious to get that information on single-use plastics and explore landfill mining. He added that he would like to see styrofoam information as well. Vice Mayor Shimoni and Mayor Evans both stated they wanted to quantify the data on how much it was costing.

Councilmember Salas wondered if the business community could be engaged to discourage the use of single-use plastics and styrofoam with, perhaps, a monetary program.

6. **Legally Designated Open Space Management Plan - McMillan Mesa Natural Area Management Chapter:**

Open Space Specialist Robert Wallace and Sustainability Manager Nicole Antonopoulos provided a summary of the draft McMillian Mesa Natural Area Management Open Space Management Plan.

Councilmember Odegaard clarified that the funding for the cultural survey would be requested in the FY21 budget.

Vice Mayor Shimoni asked about the timeline for the enhancements if the budget was approved. Mr. Wallace stated that it could be a quick turnaround for the educational signs, but a parking area would require more time. Vice Mayor Shimoni wondered if there was a way to expedite the educational opportunities. Mr. Wallace stated that staff was working with STEM creators to create a program that teachers could use on their own.

Vice Mayor Shimoni asked about another bond measure and if it would potentially ask for $300,000. Public Works Director Andy Bertelsen spoke about the Parks, Recreation, and Open Spaces Joint Commission and stated that it would be a part of the bigger bond they were working on. Mr. Wallace stated that there was a citizen's survey that incorporated this study and volunteers would be utilized.

Councilmember Whelan asked if a mechanism for maintenance would be phased in since it was not included in the proposition measure. She asked if open space should just be open space or if it should be managed. Mr. Wallace stated that the community survey indicated that intervention in the open space should be limited.

Marilyn Weissman addressed the Council and stated that she was part of the team involved in the open space initiative. She thanked the Open Space staff for their thorough analysis. She added that she wanted to see more people recreating on the Mesa and that she preferred to see parking on main access roads for the Arizona Trail rather than on the Mesa. She stated that she believed the area she lived in was inappropriate for parking and that people currently parked there for Basis school. She also expressed concerns about the truck turnaround and the ability for fire trucks to turn around.

Councilmember Salas asked about the cost associated with invasive plant management. Mr. Wallace stated that the $12,500 involved reseeding, mapping, and labor involved in pulling the invasive plants. Councilmember Salas stated that she was also concerned about parking and discussed the collaboration with the neighboring businesses for parking and asked to formalize the partnerships. She wanted to address unauthorized access and social trails in the area.

7. Discussion of Potential City Council Flag Policy

City Attorney Sterling Solomon discussed with the Council the creation of a flag policy and shared a proposed policy. He stated that designating flagpoles for the United States flag, the Arizona State flag, and the Prisoners of War (POW) flag would reiterate state and federal law. He explained that the City Council could also designate a temporary pole to fly other flags. He added that the temporary pole would be an expression of government speech, not determined by the public.

Mayor Evans stated that she would like the Council to determine which flags would be flown. Mr. Solomon indicated that the attached policy included that information. Mayor Evans expressed a desire for the policy to move forward as soon as possible.

Councilmember Aslan agreed with Mayor Evans. He added he wanted to see the resolution for flag designations passed in December.

Vice Mayor Shimoni asked if the matter should be addressed multiple times a year to allow for revisiting the list. Mayor Evans opposed this, stating that the Council had a good sense of the community's preferences and Council goals. Vice Mayor Shimoni asked if the resolution would be approved in December, with flags determined afterward. Mr. Solomon stated that the resolution could be passed at the next meeting and that a separate resolution would determine the flags.

Councilmember Odegaard suggested it would be best to set the flags at the end of December for simplicity.

Councilmember Whelan asked for clarification on whether two flags could be flown each month. Mr. Solomon confirmed that it was permitted in the proposed policy.

Councilmember McCarthy supported flying the United States, Arizona, POW, and City of Flagstaff flags but no other flags.

A majority of Council supported flying the United States, Arizona, POW, and City flags, as well as commemorative flags, with the option for two a month.

8. Public Participation

None.

9. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests

Vice Mayor Shimoni stated that he had attended the Recovery Court Graduation the previous week and expressed his desire to acknowledge graduates on a monthly basis. He also mentioned he attended the Bigger Together luncheon, where $35,000 was raised for Big Brothers, Big Sisters, and noted that Big Brother, Big Sisters was actively seeking mentors. He reported that the Veterans' Day event had been a great success and confirmed his attendance at the Coconino County Criminal Justice and NAU Economic Outlook Conference. He added that there had been an Alliance meeting

the previous Friday, during which he had brought up the idea of reaching out to students at risk of dropping out. Additionally, he requested a Future Agenda Item Request or City Council Report on a 24/7 facility space for people to detox and to receive support from professionals to divert them from the criminal justice system. He expressed curiosity about the barriers to implementing this at the local level, potential partners, and what it would take to initiate the process.

Councilmember McCarthy shared that he and others had met with BNSF regarding the flood control project under the railroad tracks. He also mentioned attending the FMPO meeting and the Climate Action Coffee downtown. He added that the first Housing Commission meeting would be held at the NACET building.

Councilmember Whelan inquired about the discussion with the railroad and when Council would receive updates. Councilmember McCarthy explained that there had been an agreement for engineers from BNSF, the City, and other parties to collaborate on resolving the issues. He mentioned that multiple options were being explored, and that the meeting attendees expressed concerns about potential impacts on the adjacent tracks during excavation. He emphasized that the primary objective of the meeting was to facilitate dialogue among the engineers and reported that the meeting had been productive.

Councilmember Aslan noted that he had also attended the BNSF meeting.

Councilmember Salas expressed gratitude to veterans for their service and mentioned attending the CVB's Coffee Klatch at Flag Tag. She inquired about the Meet and Greet event between members of the Flagstaff City Council and the Hualapai Tribal Council, which was listed as a placeholder on the working calendar. Mr. Clifton informed her that the item had been rescheduled for a later date. Councilmember Salas requested a Future Agenda Item Request for discussion regarding a program to engage local businesses in voluntarily eliminating single-use plastics.

Mayor Evans urged staff to prepare a detailed CCR regarding a detox center, citing Flagstaff's history of having one. She thanked Councilmembers Whelan and Salas for hosting a tea to welcome Mrs. Clifton to the City. She also addressed the BNSF meeting, mentioning their invitation for the City to visit their operation center. Mayor Evans inquired about the Eternal Flame at the American Legion, noting issues with its functionality. She recalled a previous Council discussing funding for its repair, including covering gas costs, and requested staff to gather more information on the matter. She also mentioned that the League of Arizona Cities and Towns passed a resolution for a Mexico/America agreement, with the Executive Director present at the last meeting. Lastly, she mentioned the annual Sunnyside Stone Soup event scheduled for the following week.

10. Adjournment

The Flagstaff City Council Work Session of November 12, 2019, adjourned at 9:37 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 12, 2019. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 1st day of October, 2024

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CITY CLERK

CITY COUNCIL REGULAR MEETING
TUESDAY, JANUARY 21, 2020
CITY HALL COUNCIL CHAMBERS
211 WEST ASPEN AVE
4:30 P.M. and 6:00 P.M.

MINUTES

1. CALL TO ORDER

Mayor Evans called the meeting of the Flagstaff City Council held January 21, 2020, to order at 4:30 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 through other technological means.

PRESENT:	ABSENT:
MAYOR EVANS	
VICE MAYOR SHIMONI	
COUNCILMEMBER ASLAN	
COUNCILMEMBER MCCARTHY	
COUNCILMEMBER ODEGAARD	
COUNCILMEMBER SALAS	
COUNCILMEMBER WHELAN	

Others Present: City Manager Greg Clifton; Senior Assistant Attorney Christina Rubalcava

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

The Council and audience recited the pledge of allegiance and Councilmember McCarthy read the Mission Statement of the City of Flagstaff.

MISSION STATEMENT

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

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 Evans announced that the agenda would be reordered and that the proclamations would take place at the end of the meeting.

5. PROCLAMATIONS AND RECOGNITIONS

A. Recognition: Lunar Legacy Awards

Economic Vitality Director Heidi Hansen announced to Mayor and Council that the Lunar Legacy campaign was awarded three tourism awards. The three awards were the Arizona Governor's Tourism Award for Outstanding Tourism in Rural Communities; DNA Best Idea Award; and the Arizona Lodging and Tourism Association award.

Councilmember Salas stated that she was able to join the Arizona Governor's Tourism Conference and was honored to be there. She asked about the "I Heart Pluto" event that would be held at Lowell Observatory. Lowell Observatory's Public Information Officer Kevin Schindler stated they would celebrate the founding of Pluto at the event.

Vice Mayor Shimoni added his congratulations to the team.

B. Recognition: ADOT Scenic Sign Reveal

Postponed to the March 3, 2020 meeting.

C. Recognition: CrisCom Company's Leader for America Award Presentation

Communications Manager Jessica Drum introduced President of CrisCom Company Chuck Jelloian and CrisCom Company President of Public Affairs Carole Sarian who explained their company's Leader for America Award. Mayor Evans called the winner of the award, Billy Weldon, forward to join Council at the dais. Mayor Evans stated that she nominated Mr. Weldon for the award and read parts of her nomination letter. Mr. Weldon, a long-time community member and a veteran, was nominated for his work with veterans in Flagstaff and the State of Arizona. Mr. Jelloian and Ms. Sarian presented Mr. Weldon with the award.

6. LIQUOR LICENSE PUBLIC HEARINGS

A. Consideration and Action on Liquor License Application: Chad Cook "Black Hat Distilling," 1311 E Butler Avenue, Building B, Series 18 (In-state Craft Distillery), New License.

Mayor Evans opened the public hearing.

Sergeant Collin Seay briefly reviewed the application and noted no concerns.

Councilmember McCarthy asked if the old location license would become inactive if the new one was approved. Sergeant Seay stated that the license was not transferable, so the new license would replace the existing.

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

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Charlie Odegaard to forward the application to the State with a recommendation for approval.

Vote: 7 - 0 - Unanimously

7. CONSENT ITEMS

All matters under Consent Agenda are considered by the City Council to be routine and will be enacted by one motion approving the recommendations listed on the agenda. Unless otherwise indicated, expenditures approved by Council are budgeted items.

Councilmember McCarthy asked to pull Item 7A and Councilmember Whelan asked to pull Item 7C. Mayor Evans postponed Items 7A and 7C to the 6:00 p.m. portion of the meeting.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Jamie Whelan to approve Consent Items as submitted with the exception of items 7A and 7C.

Vote: 7 - 0 - Unanimously

A. **Consideration of Appointments:** On-Call Magistrates for the Flagstaff Municipal Court.

Councilmember McCarthy stated that he pulled the item to define who the on-call magistrates were and have them on record. Court Administrator Jessica Cortes stated that the three on-call magistrates were Hector Figueroa, Russell Hughes, and Lewis Levin.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Jamie Whelan to approve the appointments of On-Call Magistrates.

Vote: 7 - 0 - Unanimously

B. **Consideration and Approval of Grant Agreement:** Grant Agreement between the City of Flagstaff and Arizona Department of Transportation for Airport Snow Removal Equipment.

STAFF RECOMMENDED ACTION

Approve the Grant Agreement with the Arizona Department of Transportation (ADOT) in the amount of $71,947 for the Airport Snow Removal Equipment. The grant will match the City's costs associated with the equipment purchase.

C. **Consideration and Approval of a Cooperative Purchase Contract:** Approve the purchase of a 900-ECO 12 Yard Truck Mounted Combination Sewer Cleaner through the Sourcewell cooperative purchase contract, from Sewer Equipment of America and its Arizona distributor Arizona Wastewater Industries in the amount of $408,979.07 plus any additional fees or taxes.

Councilmember Whelan stated that the Stormwater Section was being moved into the Water Services Division and one of the pieces in the move was shared equipment. She stated that Water Services had two trucks whereas Stormwater had one that was fifteen years old. She asked if three trucks within one department was an absolute need. Operations Section Director Mark Richardson stated there was no crossover between the Water and Stormwater trucks due to sanitation needs. He added that the three trucks would be separate and would not work continuously. Councilmember Whelan said she did not know about the contamination piece and thanked Mr. Richardson for his insight.

Moved by Councilmember Jamie Whelan, **seconded by** Vice Mayor Adam Shimoni to approve the purchase of a 900-ECO 12 Yard Truck Mounted Combination Sewer Cleaner through the Sourcewell cooperative purchase contract, from Sewer Equipment of America and its Arizona distributor Arizona Wastewater Industries in the amount of $408,979.07 plus any additional fees or taxes.

Vote: 7 - 0 - Unanimously

D. **Consideration and Approval of Grant Agreement:** between the City of Flagstaff and Arizona Department of Transportation for the Airport Drainage Plan Improvements.

STAFF RECOMMENDED ACTION

Approve the Grant Agreement with the Arizona Department of Transportation (ADOT) in the amount of $350,000 for the Airport Drainage Plan Improvements.

E. **Consideration and Approval of Application:** Between the City of Flagstaff and the Federal Aviation Administration for the 2020 Passenger Facility Charge (PFC) Application.

STAFF RECOMMENDED ACTION

Approve the 2020 Federal Aviation Administration (FAA) Passenger Facility Charge (PFC) application and authorize the City Manager to make non-substantive adjustments as necessary to address FAA requests.

F. **Consideration and Approval of Grant Agreement:** Arizona Text-to- 911 Grant Agreement between Arizona Department of Administration Office (ADOA) of Grants and Federal Resources and the City of Flagstaff acting as System Administrator for Coconino County.

STAFF RECOMMENDED ACTION

Approve the acceptance of the grant from the Arizona Department of Administration Office of Grants and Federal Resources in the amount of $56,700 for Text- to-911 for Coconino County for a period of five (5) years.

8. ROUTINE ITEMS

A. **Consideration and Adoption of Ordinance No. 2020-01:** An ordinance repealing part of Ordinance 2018-30 and amending Flagstaff City Code, Chapter 1-18, Administrative Departments, to reestablish the Information Technology Division, reflect the prior abolishment of the Community Enrichment Division, and rename the Utilities Division to the Water Services Division in City Code.

Moved by Councilmember Charlie Odegaard, **seconded by** Vice Mayor Adam Shimoni to read Ordinance No. 2020-01 by title for the final time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, REPEALING PART OF ORDINANCE 2018-30 AND AMENDING THE FLAGSTAFF CITY CODE, CHAPTER 1-18, ADMINISTRATIVE DEPARTMENTS, TO REESTABLISH THE INFORMATION TECHNOLOGY DIVISION, REFLECT THE PRIOR ABOLISHMENT OF THE COMMUNITY ENRICHMENT DIVISION AND RENAME THE UTILITIES DIVISION TO THE WATER SERVICES DIVISION; PROVIDING REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Charlie Odegaard, **seconded by** Vice Mayor Adam Shimoni to adopt Ordinance No. 2020-01.

Vote: 7 - 0 - Unanimously

RECESS

The 4:30 p.m. portion of the January 21, 2020, Regular Council Meeting recessed at 4:59 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Evans reconvened the Regular Meeting of January 21, 2020, at 6:00 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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

9. ROLL CALL

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

PRESENT: ABSENT:

MAYOR EVANS
VICE MAYOR SHIMONI
COUNCILMEMBER ASLAN
COUNCILMEMBER MCCARTHY
COUNCILMEMBER ODEGAARD
COUNCILMEMBER SALAS
COUNCILMEMBER WHELAN

Others Present: City Manager Greg Clifton; Senior Assistant Attorney Christina Rubalcava

10. PLEDGE OF ALLEGIANCE

The Council and audience recited the pledge of allegiance.

11. PUBLIC PARTICIPATION

John Viktora addressed Mayor and Council regarding Martin Luther King, Jr. Day. He spoke about a transcript of a KNAU broadcast called M2.

Anthony Garcia addressed Mayor and Council regarding the climate emergency. He urged Mayor and Council to act on the climate emergency.

12. CARRY OVER ITEMS FROM THE 4:30 P.M. AGENDA

Council discussed and took action on Items 7A and 7C.

13. REGULAR AGENDA

Mayor Evans recognized that there was a Boy Scout, Max Marks, in the audience and Councilmember McCarthy stated that he spoke to him and that he was one badge away from becoming an Eagle Scout.

A. **Consideration and Adoption of Resolution No. 2020-02:** A resolution to approve Intergovernmental Agreements (IGAs) between the City of Flagstaff, acting as the 911 System Administrator and Williams Police Department, Page Police Department, and Grand Canyon National Park for the Arizona Text-to-911 Program.

Police Communications Manager Katie Brandis addressed Council and stated that the IGA's would allow the City of Flagstaff to submit and pay the Text to 911 operating bills for the Coconino County Public Safety Answering Points (PSAP's) and be reimbursed by the Arizona Department of Administration Office of Grants and Federal Resources State 911 Office through the Text to 911 Grant in the amount of $56,700.00.

Moved by Councilmember Regina Salas, **seconded by** Councilmember Charlie Odegaard Odegaard to read Resolution No. 2020-02 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF WILLIAMS, CITY OF PAGE, GRAND CANYON NATIONAL PARK, AND THE CITY OF FLAGSTAFF FOR THE ARIZONA TEXT-TO-911 GRANT PROGRAM

Moved by Councilmember Regina Salas, **seconded by** Councilmember Charlie Odegaard to adopt Resolution No. 2020-02.

Vote: 7 - 0 - Unanimously

B. **Consideration and Adoption of Ordinance No. 2020-03:** An ordinance of the Flagstaff City Council ratifying the grant and reservation of easements; and formally accepting dedications and donations of easements and real property interests; delegating authority; and establishing an effective date. ***(approving receipt/transfer of easements and real property interests)***

Real Estate Specialist Carmen Pryer addressed Council and was available for questions.

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Jim McCarthy to read Ordinance No. 2020-03 by title only for the first time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, RATIFYING THE GRANT AND RESERVATION OF EASEMENTS; AND FORMALLY ACCEPTING DEDICATIONS AND DONATIONS OF EASEMENTS AND REAL PROPERTY INTERESTS; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

C. **Consideration and Approval:** Federal & State Legislative Priorities - Amendments

Management Analyst Sarah Langley presented the Federal Legislative Priority amendments.

Councilmember Whelan stated that she had asked for Gun Sense to be added and had requested support from the rest of Council to place the issue on both the Federal and State legislative priorities rather than just the State priorities.

Mayor Evans inquired about the Regional Plan language and expressed concern that it was limiting. She stated she would like to remove "and the voter-approved Flagstaff Regional Plan 2030." The rest of Council expressed their support for the edit.

Councilmember Salas mentioned she would like to see "and funding" added to the veterans' priority. A majority of Council expressed their support for the edit.

Marisa Scionti addressed Council regarding gun violence prevention. She stated that she was the leader of Moms Demand Action (MDA) in Flagstaff and added that Coconino County had an above-average rate of gun deaths.

Councilmember Whelan asked if there were specific areas of focus for gun sense laws. Ms. Shante stated that they included closing loopholes in background checks, advocating for gun safety, and disarming domestic abusers.

Councilmember McCarthy expressed support for adding the language to the Federal priorities.

Councilmember Aslan asked if MDA was against gun ownership or just gun violence. Ms. Shante clarified that they were only against gun violence.

Councilmember Whelan requested the addition of the topic "gun violence" to both the state and the federal priorities in the Gun Sense priority.

The majority of Council agreed to the addition of gun violence to the priority.

Management Analyst Jack Fitchett then presented the State Legislative Priority amendments.

Mayor Evans requested that Council consider an education priority for the state priorities. She asked staff to propose language to present to Council.

Councilmember Salas pointed out that under planning and growth, the priorities spoke to community colleges and universities and to advocate for state funding and legislation that supports colleges and universities. She suggested that Council expand that point to advocate for state funding supporting early childhood development. Mr. Fitchett updated the state priority to reflect this update.

Mayor Evans suggested tabling the item to later in the meeting so Mr. Fitchett could update the state priorities.

Following agenda Item 15A, Ms. Langley and Mr. Fitchett returned and continued the discussion.

Mr. Fitchett presented the requested amendments. Councilmember Salas requested to include "and training" after cradle to career education.

Moved by Councilmember Regina Salas, **seconded by** Councilmember Jamie Whelan to approve the Federal and State Legislative Priorities.

Vote: 7 - 0 - Unanimously

D. **Consideration and Adoption of Ordinance No. 2020-02:** An ordinance of the City Council of the City of Flagstaff, Repealing Chapter 8-01 of the Flagstaff City Code, Sidewalks, and adopting a new Chapter 8-01 of the Flagstaff City Code, Sidewalks, to provide for revised standards and procedures; providing for severability, authority for clerical corrections, and establishing an effective date

Public Works Streets Director Scott Overton addressed Council regarding the sidewalk code. He stated that staff had revisited the work group after direction from the two previous Work Sessions.

Councilmember McCarthy inquired about the criteria for determining when a sidewalk was in poor enough condition to warrant replacement. Mr. Overton explained that there were guidelines in place for sidewalk replacement and that the ordinance would grant the city the authority to carry out replacements based on established regulations and policies.

Councilmember Whelan inquired whether the ordinance could include provisions for using different materials. Mr. Overton clarified that while staff believed the same materials should be used for sidewalk repair, new sidewalks could incorporate emerging technologies.

Councilmember Odegaard asked about the identity of the designated director mentioned in the ordinance. Mr. Overton clarified that it referred to either himself or his appointed representative within the Public Works team.

Moved by Councilmember Jamie Whelan, **seconded by** Councilmember Jim McCarthy to read Ordinance No. 2020-02 by title for the first time.

Vote: 6 - 1

NAY: Councilmember Charlie Odegaard

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE BY REPEALING CHAPTER 8-01, SIDEWALKS, AND ADOPTING A NEW CHAPTER 8-01, SIDEWALKS, TO PROVIDE FOR REVISED STANDARDS AND

PROCEDURES; AND PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

14. DISCUSSION ITEMS

A. Discussion and Direction: Potential Ballot Measures for November 2020 General Election and Consultant Services

Deputy City Manager Shannon Anderson presented the potential ballot measures for the November 2020 General Election to Mayor and Council.

Councilmember Whelan stated that the timeline had been too short. She remarked that there had been a lack of clarity on how the City and County could collaborate on the Flagstaff Watershed Protection Project (FWPP). Additionally, she expressed concerns about the pace of progress with the Housing Commission, noting that they had only met twice, and she feared they might feel rushed.

Housing Director Sarah Darr informed the Council that the Housing Commission had discussed the bond and the timeline at their last meeting. She mentioned that there had been a unanimous decision to explore the possibilities of a bond proposition. Ms. Darr explained that the Commission was comfortable with moving forward with the recommendation at the last meeting and that they would convene again later that week. She added that if they were not prepared at the next meeting, they would refrain from moving forward with the recommendation.

Councilmember Whelan emphasized that the Housing Commission's input on the ballot issue would be valuable. She also expressed concerns about the preparation for public outreach on each ballot issue, feeling that there was not enough time for promotion.

Councilmember Aslan emphasized that continued funding for FWPP should be a high priority for the Council. However, he admitted to not fully understanding the context of the question presented. He inquired whether it needed to be addressed in the next election and whether multiple items could be requested on the ballot. He expressed reluctance to see another Housing Bond fail and suggested consulting with experts to gauge the likelihood of the bond passing.

Management Services Director Rick Tadder explained that FWPP was committed to the contracts with the Forest Service. With projects in the pipeline, they expected to have the $10 million bond already spent by December 2020. He added that afterward, a new funding source would be necessary.

Open Space Specialist Robert Wallace reported that the Parks, Recreation, and Open Space joint commission had been meeting regularly to discuss priorities for both Open Space and Parks and Recreation. He highlighted that the city had 3,100 acres of open space with an annual budget slightly over $32,500, translating to approximately $10.50 per acre. Mr. Wallace noted that the industry standard ranged from $100 to $250 per acre, leaving the City of Flagstaff far behind most leading communities.

Councilmember McCarthy expressed concern about having too many ballot measures. He questioned whether it was the Council's responsibility to determine ballot content or if it was the public's role. He suggested conducting a public survey through a consultant.

Vice Mayor Shimoni asked Mr. Tadder to elaborate on the sunsetting bonds. Mr. Tadder explained that several bonds were sunsetting, and the City could issue up to $60 million in secondary property tax debt or general obligation bond debt while maintaining the same rate promised to voters.

Vice Mayor Shimoni expressed support for the goals of Parks and Recreation and Open Space. He recommended that the Housing Commission break down their proposals into smaller, clearer components for public understanding. He advocated for FWPP funding on the ballot and suggested engaging a consultant for concise public outreach, considering the limited time for educational efforts. He also expressed interest in Mountain Line's ballot proposals.

Councilmember Odegaard asked who paid for bond measures. Mr. Tadder clarified that the money came from property taxes. Odegaard asked if any entities were exempt from property tax. Mr. Tadder mentioned that government agencies and similar entities were exempt. Councilmember Odegaard stated that he wanted to hear from the Housing Commission regarding the housing proposition before making a decision. He expressed hesitation in addressing the unfunded pension liability and opposition to moving forward with the FWPP bond measure without community discussion. He supported hiring a consultant.

Councilmember Salas believed that the staff was on track and looked forward to exploring FWPP funding options and receiving recommendations from the commissions. She expressed concerns about expenditures when dealing with consultants.

Mayor Evans emphasized the importance of consulting the public and assessing needs. She questioned how many acres of open space were needed per individual and the associated costs. She stressed that housing was a necessity while open space was a desire. She doubted the wisdom of utilizing secondary property tax, considering the importance of the FWPP project. She also supported the use of a consultant.

Councilmember Whelan addressed Mountain Line and their direction. She believed that the staff was on track and wanted to hear more about Parks, Recreation, and Open Space Commission. She requested more information on FWPP and the County's assistance with Mormon Mountain. Public Works Director Andy Berterlsen discussed watershed treatment studies. Councilmember Whelan asked if there would be a discussion regarding the studies, to which Mr. Berterlsen responded that there would likely not be conflicting information. Councilmember Whelan expressed interest in polling conducted by a consultant but deemed it a considerable expense and was not yet prepared to discuss specific election strategies beyond polling.

Councilmember McCarthy believed that the staff was on the right track but felt that more information was necessary regarding FWPP. He proposed leveraging funds from other sources and initiating the consultant selection process.

Councilmember Aslan noted the ongoing nature of the FWPP issue due to the regrowth of trees, which would necessitate ongoing thinning efforts.

Mr. Clifton stated that ballot measures were ultimately the Council's decision. He emphasized the need for careful consideration given a crowded ballot and suggested that a consultant could advise the Council on this matter. He encouraged flexibility in decision-making and indicated that a good consultant could offer insight into what would be suitable for the November ballot and what could be postponed to a later election.

Councilmember Odegaard reiterated the importance of FWPP but believed that a ballot measure was not the appropriate funding avenue.

15. COUNCIL LIAISON REPORTS

Councilmember Salas acknowledged that Mayor Evans was the new Chair and Councilmember Odegaard the Vice Chair of MetroPlan.

Councilmember Odegaard spoke about the makeup of commission membership and how to reach out to community members who were not currently applying to the commissions for diversity.

Mayor Evans asked Mr. Clifton if the Indigenous Coordinator position had been filled. She suggested that the position could help with commission recruitment.

Councilmember Aslan added that there was a Sustainability Commission meeting on Thursday. He stated that he received the language for the Climate Emergency resolution.

Councilmember McCarthy asked the City Manager to provide the language on the Climate Emergency resolution.

Councilmember Whelan asked that agenda materials be submitted with headers that include the date and who it was submitted by.

16. 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 Councilmember Aslan to have a discussion about the formation of a commission that focuses on college students.

Councilmember Aslan spoke about the history of the request. He stated that he would like to see a commission that involved college students rather than one that focused on college students.

Councilmember McCarthy stated that there was a previous effort to reduce the number of commissions. He cautioned that too many commissions could spread the city too thin.

Mayor Evans stated that she believed that commissions should be promoted to college students, but that there did not need to be a specific college student commission.

Mr. Clifton stated that there were currently 25 commissions in the City. He added that there were another two commissions in the works: an Indigenous Commission and the Commission on Council Salaries.

Mayor Evans pointed out that there was a Neighborhood Liaison who could be utilized to advise on how to best reach students.

Vice Mayor Shimoni asked about the potential Youth Commission or Committee. Mr. Clifton stated that the Youth Committee was still in the exploratory stage. He stated that he did not believe that the commission was necessary and that instead the commissions needed to have students on them.

Councilmember Whelan asked to consider more options like an NAU liaison to each commission or a high school student on each commission as a liaison.

There was not majority support of Council to advance the item to a future agenda for discussion.

B. **Future Agenda Item Request (F.A.I.R.)** A request by Councilmember McCarthy to have a discussion to review parking alternatives for the Southside, especially if it would be appropriate to issue residential parking permits for on-site parking.

Councilmember McCarthy requested that the FAIR item be dropped and the majority of Council supported the request.

17. CITY MANAGER REPORT

A. City Manager Report

Mr. Clifton briefly reviewed his report. He invited United Way Board Chair Sylvia Johnson to share information with Council regarding funding.

18. INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND STAFF, FUTURE AGENDA ITEM REQUESTS

Councilmember Whelan stated that she attended the Flagstaff Initiative Against Trafficking (FIAT) meeting and participated in their goal setting for 2020-2021.

Vice Mayor Shimoni spoke about the Martin Luther King Day event. He stated that he would be

hosting a town hall and addressed Representative Thorpe's proposed student voting bill. He asked Council to consider addressing that bill that in the future.

Councilmember Salas stated that the Senate passed the US-Mexico-Canada Trade Agreement.

Councilmember Odegaard stated that he had a discussion regarding community development in Flagstaff and also discussed the problems with accessory dwelling units and mortgage lending.

Mayor Evans thanked the Flagstaff Police Department for their response to the event at the Standard apartment complex. She stated that the NAU Annual Martin Luther King Day breakfast was a success. She added that she would do a presentation of the Martin Luther King Day proclamation at the next meeting. She also spoke about the upcoming Council budget retreat and added that she would like to see an estimate from the state regarding what they would charge the city based on the minimum wage increase.

19. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held January 21, 2020, adjourned at 8:28 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 January 21, 2020. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 1st day of October, 2024

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CITY CLERK

CITY COUNCIL WORK SESSION
TUESDAY, JANUARY 28, 2020
CITY HALL COUNCIL CHAMBERS
211 WEST ASPEN AVE
6:00 P.M.

MINUTES

1. Call to Order

Mayor Evans called the Work Session of the Flagstaff City Council held January 28, 2020, to order at 6:02 p.m.

2. Pledge of Allegiance and Mission Statement

The Council and audience recited the pledge of allegiance and Councilmember Whelan read the Mission Statement of the City of Flagstaff.

MISSION STATEMENT

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

3. ROLL CALL

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

PRESENT:	ABSENT:
MAYOR EVANS	
VICE MAYOR SHIMONI	
COUNCILMEMBER ASLAN	
COUNCILMEMBER MCCARTHY	
COUNCILMEMBER ODEGAARD	
COUNCILMEMBER SALAS	
COUNCILMEMBER WHELAN	

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

4. Public Participation

Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. 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 to have 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. Review of Draft Agenda for the February 4, 2020 City Council Meeting

Citizens wishing to speak on agenda items not specifically called out by the City Council may submit a speaker card for their items of interest to the recording clerk.

None.

6. Martin Luther King Day Proclamation

The Ladies of Truth from NAU, NAU's Office of Inclusive, and the City's Diversity Awareness Commission joined Mayor Evans and the Council at the dais. Mayor Evans read the proclamation and Dr. Bernadine Lewis spoke about Dr. Martin Luther King, Jr. and his impact.

7. Restructuring of Administration Office to include Sustainability Section

City Manager Greg Clifton addressed the potential restructuring and discussed the history of the change. He stated that staff was looking for direction on the topic. He discussed the three scenarios described in the staff report.

Councilmember Whelan asked for the organizational chart to be displayed and Mr. Clifton reviewed the chart with Mayor and Council.

Dara Marks Marino addressed Council and thanked Mr. Clifton for his leadership in advancing the conversation. She stated that she supported moving the Sustainability section into the City Manager's Office.

Joseph Shannon addressed Council on behalf of the Sierra Club. He spoke about the Climate Emergency protest on the lawn of City Hall, and he stated that they were in support of a Sustainability Division.

Councilmember McCarthy reviewed the options. He stated that doing nothing was not an option and that moving the Sustainability Section to one under the City Manager was the way to go. He added that the Section could be changed to a Division in the future.

Councilmember Odegaard stated that he supported the direction outlined by Councilmember McCarthy. He discussed the history of the Section and stated that the budget would be a challenge. He added that he would like to work through it first and then see if Council could do something more elevated in the future.

Vice Mayor Shimoni stated that he supported creating the Section and saw it as a great first step. He said he would like to see the Section as a Division in the future.

Councilmember Whelan asked if the Sustainability Section would have an equal voice with all Section leaders if moved. Mr. Clifton replied that it would.

Councilmember Salas stated that she supported moving the Sustainability Section under the oversight of the City Manager. She asked if there would need to be a new coordinator and staff who would have to work between departments. Mr. Clifton stated there would be new staff.

Councilmember Aslan stated that he was impressed with the leadership of Mr. Clifton and was grateful for it. He stated that creating the Section was a good move and would like to see it more elevated in the future.

Mayor Evans stated that she appreciated that staff was looking at restructuring before the citizen's petition was received. She noted that regardless of whether Sustainability was a Section or Division the organization needed to establish sustainability and the CAAP so they continue their efforts as councils, city managers, and budgets come and go.

City Manager Clifton stated that the restructuring was being done to keep with the current times and acknowledged Public Works Director Andy Bertlesen and Deputy City Manager Shannon Anderson for their work.

8. Citizen Petition - Climate Emergency Resolution

City Attorney Sterling Solomon stated that the item was for receiving direction from Council on the citizen petition only.

The following individuals addressed Council in support of the petition:

- Sara Kubisty
- Emily Melhorn, speaking on behalf of the Oseleta Program
- Lee Haferkamp
- Caleb Eckert, speaking as a member of the Northern Arizona Grower's Association
- Dara Marks Marino
- Stefan Sommer
- Tyler Linner, Co-Founder of Praxis Waste Solutions
- Jenna Ortega
- Stephanie Arcusa
- Janine Kelley
- Eric Nolan, Friends of Flagstaff Future
- Nikki Cooley
- Jesse Rodriguez
- Paul Deasy
- Kelsey Morales
- Amanda Ormond
- Dan Cady
- Anthony Garcia
- Ralph Dodge
- Josephine Kamkoff
- Melinda Ronca-Battista
- Dustin Kuluris
- Andy Bessler
- Alexander Simon
- Joan Garcia
- Emily Kate Copenhaver
- Becky Daggett
- Erik Nielsen
- Miranda Sweet
- Dr. John Fegyveresi
- Dr. David Spence
- Marco Alatorre
- Drew Fockler
- Mayan Cohen, FALA Environmental Coalition

The following comments were received:

- Twenty-six countries have declared a climate emergency
- Flagstaff should be the first city in Arizona to declare a climate emergency to be a leader
- The CAAP is a perfect example of the effort of Flagstaff
- Address the crisis at emergency speed
- Be proactive rather than reactive
- Stricter regulations on private trash haulers were needed
- Find a recycling contract that helped achieve zero waste
- Lobby at the state level for autonomy for single use plastics including plastic bags
- Developments should meet environmental goals
- Elevate goals in CAAP to be climate neutral by 2030
- Making a declaration was important, but it had to mean something
- All city vehicles should be electric;

- All city buildings should be net zero energy
- Net zero buildings should be required in the code
- Greater focus was needed on public transportation and walkability
- Flagstaff could be a model city
- The public needed to see leaders take action

Gabor Kovacs addressed Council in opposition of the petition and stated that there was skepticism of the science, it was too political, and the motives behind the agenda were wrong.

Tom Scheel addressed Council about policy enactment and did not indicate support or opposition of the petition.

The following individuals submitted comment cards in support of declaring a Climate Emergency:

- Jesse Duff-Woodruff
- Hadassah Ziegler
- Collene Barnhart
- Everett England
- Indira Neilson
- Peter Bungart
- Jennifer Ruben
- Audrey Kruse
- Nancy Barron
- Carol Halc
- Sibylle Gruber
- Aspen Cosner
- Eden Fahy
- Barbara Phillips
- Gessica Neilson
- David Booth
- Gabrielle Neilson
- Elizabeth Buckalew
- Collin Weller
- Luis Fernandez
- Jim Gale
- Sean Parson
- Leslie PtakBaker
- Kara Gibson
- Annie Taylor
- Garrison Garcia
- Sarah Andrews
- Mare Schumacher
- Susan Miller
- Briget Loewenstein
- Chetan Kane
- Ella Havenga
- Leah Mundell
- Peggy Chaikin
- Jane Bunson
- Benjamin Heirigs
- Rosa McDonald
- Aneeka Bippus
- Ian Harrison
- Emma Hagen
- Keetra Bippus
- Sharmon Cawood
- Jack Cahill
- Mark Alexander
- Edward Bustya

- Wendy Bratzel
- Kyle Elison
- Bridger Burk
- Gemma Giovale
- Kaylee Elison
- Juniper Holland

A break was held from 8:00 p.m. through 8:12 p.m.

Councilmember McCarthy elaborated on the climate crisis and stated that they were at a turning point and that climate needed to be taken seriously. He added that he supported a resolution declaring a climate emergency.

Councilmember Odegaard thanked the public for participating. He addressed section seven which stated a goal of carbon neutral by 2030 and he stated that he saw that as a goal the Council should strive for.

Councilmember Salas expressed support for advancing the petition and the resolution.

Vice Mayor Shimoni stated that proactive efforts save money. He asked how Council would support the CAAP and that the budget retreat needed to discuss funding it. He stated that he supported the resolution.

Councilmember Whelan shared that there had been discussions about creating solar energy on Red Gap Ranch and farming it with APS and the Hopi Tribe. She added that the contract with Norton for recycling, reuse, and reduce was a constant conversation, along with how the City collects trash. She also stated that there would possibly be a bond for rapid transit and other items important for the climate crisis on the upcoming ballot. She shared that she was in favor of the resolution.

Mayor Evans spoke about the growth in Flagstaff and stated that the city needed to do more than declare an emergency and that they needed to follow through with intent.

The Council was supportive of a climate emergency resolution and advancing the matter to a future agenda for further discussion and possible action.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Jamie Whelan to continue the agenda as written.

Vote: 7 - 0 - Unanimously

A break was held from 9:44 p.m. through 9:55 p.m.

9. Community Stewards Annual Update

Volunteer and Event Coordinator Maggie Twomey provided a PowerPoint presentation that covered the following:

- History of the Community Stewards Program
- 2019 Highlights
- Education and Outreach
- Community Stewards Assistant
- What's Next
- Thank you to volunteers

Council expressed appreciation for the presentation.

Vice Mayor Shimoni suggested highlighting the partners more by using social media or the website with quotes, pictures, and videos. He stated that the One Day in May was a great effort.

Councilmember Aslan stated that there was a notable difference thanks to the efforts of the program. He appreciated the effort that went into volunteer recruitment and organization.

Councilmember Odegaard stated that he met a family from Phoenix for the annual cleanup at Bushmaster that comes up every year. He also stated that he appreciated the effort to engage with visitors on the weekends.

10. **Priority Based Budgeting Program Scoring and Peer Review Update**

Council discussed the alignment of city programs with the Council's priorities. Councilmember Whelan questioned the discrepancy between the city's goals and the goals on the Priority-Based Budget document. Mr. Clifton explained the new methodology that would be implemented in the city, which took into account all aspects of the City's operations and scored them in a quantitative way.

Management Analyst Sarah Langley provided an update on the progress of Priority Based Budgeting. The discussion highlighted the importance of community input in the goal-setting process and the need for a more comprehensive approach to budgeting.

11. **Potential General Election Consultant Services Scope of Work**

The Council discussed potential ballot measures for the upcoming election, with Mayor Evans and Vice Mayor Aslan expressing reservations about guaranteeing support for any particular measure. Councilmember Whelan advocated for polling first, while Deputy City Manager Shannon Anderson highlighted the importance of conducting opinion research through surveys and focus groups. Mr. Clifton explained the role of a consultant in providing strategic advice and information to inform council decisions.

12. Discussion: Fees the city assesses for special events on private property and the possibility of implementing a staggered fee schedule similar to what is done for events on public property

Mayor Evans, Councilmember Salas, Councilmember Odegaard, and Vice Mayor Shimoni were in favor of moving the item forward for discussion.

13. Discussion: All aspects of the City Council operations including office space, support staff, budget, and salary and establishing a committee to evaluate these items

Mayor Evans stated that she felt that the City Manager was addressing the item and asked to remove the discussion from Council's agenda. The majority of Council supported removing the item from future discussion.

14. **Public Participation**

None.

15. **Informational Items To/From Mayor, Council, and City Manager; future agenda item requests**

Councilmember Odegaard asked about the upcoming Budget Retreat schedule. Mr. Clifton stated the first day would be scheduled for the full day and the second day should adjourn around 2:30 p.m.

Councilmember Aslan stated that he would like to discuss the possibility of having a city liaison for APS and the Arizona Corporation Commission.

Councilmember McCarthy stated that the Housing Commission met and had not put together anything specific on a bond, but there was a consensus that there should be a bond question.

Mr. Clifton reported that information regarding the Council's visit to Peach Springs would be sent out soon.

Mayor Evans reported that snow play information was available online in Spanish. She added that

Sustainability staff needed to communicate with Economic Vitality staff regarding future plans. She also requested a discussion on SB1160 regarding fire personnel and cancer.

Councilmember Odegaard stated that he would like to have a discussion with the state lobbyists about legislative priorities.

16. Adjournment

The Work Session of the Flagstaff City Council held January 28, 2020, adjourned at 11:06 P.M.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY COUNCIL BUDGET RETREAT
THURSDAY - FRIDAY, APRIL 23-24, 2020
CITY HALL STAFF CONFERENCE ROOM
211 WEST ASPEN AVE
8:30 A.M.

MINUTES

1. Call to Order

Mayor Evans called the Budget Retreat of the Flagstaff City Council held April 23, 2020, to order at 8:30 a.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 work session, 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. Pledge of Allegiance and Mission Statement

The Council and audience recited the pledge of allegiance and Vice Mayor Shimoni read the Mission Statement of the City of Flagstaff.

MISSION STATEMENT

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

3. Roll Call

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

PRESENT: ABSENT:

MAYOR EVANS (virtually)
VICE MAYOR SHIMONI (virtually)
COUNCILMEMBER ASLAN (virtually)
COUNCILMEMBER MCCARTHY (virtually)
COUNCILMEMBER ODEGAARD (virtually)
COUNCILMEMBER SALAS (virtually)
COUNCILMEMBER WHELAN (virtually)

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

4. City Council FY 2020-21 Budget Retreat - DAY 1

Mayor Evans offered opening remarks and Mr. Clifton began a PowerPoint presentation that covered the following:

RETREAT PROTOCOL
BUDGET OVERVIEW
BUDGET COMPONENTS
TRANSMITTAL
ISSUES AND UPDATES
AGENDA

BUDGET TIMELINE AND APPROACH
BUDGET TIMELINE
BUDGET APPROACH: ORIGINAL FOCUS
BUDGET APPROACH: EMERGING ASSUMPTIONS

Finance Director Brandi Suda and Management Services Director Rick Tadder continued the presentation.

COLOR OF MONEY
REVENUE PROJECTION UPDATES
ESTIMATING IN AN UNCERTAIN ECONOMY
EXAMPLES OF RECESSION RECOVERY
20 YEAR HISTORY OF SALES TAX
REVENUE SCENARIOS -- GENERAL FUND
WHAT ABOUT FY 2020-2021

Councilmember Whelan asked for clarification on the state-shared revenues. Mr. Tadder indicated that they included state-shared income tax, property tax, building permits, and auto registration.

UNFUNDED PUBLIC SAFETY PENSION (PSPRS)
PENSION TRENDS
PENSION FUNDING EQUATION
FUNDING OPTIONS

Councilmember McCarthy offered that it was important to consider the increase in value of assets.

Mr. Clifton introduced PSPRS Administrator Mike Townsend, along with Mark Reader, Omar Daghestani, and Rushta Mustafa with Stifel who continued the presentation.

PSPRS
UNDERSTANDING PENSIONS
STARTING THOUGHTS
DEFINED BENEFIT
UNFUNDED LIABILITY
FUNDED STATUS (FUNDED RATIO)
PENDING FUNDING EQUATION
UNFUNDED LIABILITY (DEBT)
CONTRIBUTIONS HAVE 2 COMPONENTS
WHERE DOES THE MONEY COME FROM?
CITY OF FLAGSTAFF EXAMPLES
CITY OF FLAGSTAFF -- POLICE
PENSION FUNDING EQUATION
CITY OF FLAGSTAFF -- POLICE FY 2020
CITY OF FLAGSTAFF -- POLICE IF 100% FUNDED
CITY OF FLAGSTAFF -- POLICE
QUESTIONS

A break was held from 9:55 a.m. through 10:05 a.m.

FLAGSTAFF POLICE AND FIRE PENSION LIABILITY MANAGEMENT
COMMITMENT TO THE CITY OF FLAGSTAFF
STATUS QUO: HOW DO WE COMPARE TO OUR PEERS?
STATUS QUO: WHAT ARE WE CURRENTLY PAYING?
ASSESSING RISKS: STATUS QUO V. PENSION BONDS

Councilmember Salas asked what the recommendation would be. Mr. Daghestani stated that they would recommend that the city considered borrowing with a bond to replace the pension liability to better stabilize payments over time.

Mayor Evans asked about the history of investment returns for PSPRS. Mr. Tadder stated that based on the information he had, since the 2008 recession the plan had done very well with around a 11% average. Mr. Reader indicated that so long as the returns stayed above 4% there would be a payback. He added that over the last few decades there had not been a time where they had fallen below 4%.

ASSESSING RISKS: STATUS QUO V. PENSION BONDS
MITIGATING RISKS: CONTINGENCY RESERVE FUND SIZING
MITIGATING RISKS: CONTINGENCY RESERVE FUND SIZING
MITIGATING RISKS: CONTINGENCY RESERVE FUND MECHANICS

A break was held from 11:18 a.m. through 11:30 a.m.

PENSION BONDS: PARTIAL V. FULL FUNDING
PENSION BONDS: 100% FUNDED WITH CRFs
PENSION BONDS: 100% FUNDED WITH CRFs AND RESHAPED DEBT
PENSION BONDS: 100% FUNDED WITH CRFs AMD RESHAPED DEBT

Mayor Evans asked if the contingency reserve fund could be kept by a local bank. Mr. Daghestani stated that it would be a Council decision with guidance from Finance and Administration.

PENSION BONDS: CREDIT CONSIDERATIONS
CASE STUDIES: PENSION BONDS
CONCLUSION

Councilmember Whelan asked about the cost to the city. Mr. Tadder explained that there was a cost to issue debt which included underwriters and bond counsel. Those costs were included in the true cost estimates for the issuance of debt.

Vice Mayor Shimoni asked for staff's recommendation for the 2020 election. Mr. Tadder stated that his recommendation was to fund a portion with General Obligation (GO) bonds which would require voter approval, and the other portion through Certificates of Participation (COP). COPs were debt financing that was backed with city-owned property. The city had utilized COPs on multiple occasions including the Courthouse and the Core Services facility. Mr. Clifton added the use of COPs made a lot of sense because they would be leveraging assets that were owned free and clear and did not require voter approval which allowed them to act quickly.

Councilmember Aslan asked what would happen if the GO bonds were not passed by voters.
Mr. Tadder stated that the amount of the COPs would be dependent on the GO bond approval. If not approved, they could issue additional COPs to get to the 100% funding.

Council expressed support for 100% funding as soon as possible with the use of COPs. Council also expressed a desire to keep the contingency fund local if possible.

A break was held from 12:54 p.m. through 1:30 p.m.

Economic Vitality Director Heidi Hansen, Business Attraction Manager Jack Fitchett, Public Affairs Director Sarah Langley, Grants and Contracts Manager Stacey Brechler-Knaggs, Business Retention and Expansion Manager John Saltonstall, Community Investment Director Dave McIntire, Beautification, Arts, and Sciences Manager Eliza Kretzmann, Library Director Jared Tolman, Sustainability Director Nicole Antonopoulos, Airport Director Barney Helmick, Marketing and Media Relations Manager Lori Pappas, and CVB Director Trace Ward reviewed the city's local recovery plan.

LOCAL RECOVERY PLAN
VISIT. DISCOVER. GROW
DISCUSSION ITEMS
LOCAL RECOVERY PLAN -- GOVERNMENT RELIEF
LOCAL RECOVERY PLAN -- STATE LEGISLATION
LOCAL RECOVERY PLAN -- FEDERAL LEGISLATION
LOCAL RECOVERY PLAN -- CARES ACT (H.R. 748)

CARES ACT FOR BUSINESSES
CARES ACT FOR INDIVIDUALS
LOCAL RECOVERY PLAN -- WEBSITE RESOURCES
CARES ACT FUNDS FOR LOCAL GOVERNMENT
PUBLIC HEALTH AND SAFETY
SOCIAL SERVICES, HOUSING, & COMMUNITY DEVELOPMENT
ECONOMIC & WORKFORCE DEVELOPMENT, INFRASTRUCTURE AND SMALL BUSINESS ASSISTANCE
STATE AND LOCAL STABILIZATION FUND UPDATE
PHASE 4 CORONAVIRUS STIMULUS PACKAGE UPDATE

Vice Mayor Shimoni asked about options for those who were undocumented. Ms. Langley stated that she was not aware of any specific resources available for undocumented individuals. She noted that the Treasury guidelines contained some flexibilities on how cities could spend the funding they received.

Councilmember Aslan asked if there was any concern about the minimum wage assessment and the distribution of funding. Mr. Fitchett stated that the current funding had been allocated and he did not believe that the Governor would withhold that due to the minimum wage assessment.

LOCAL RECOVERY PLAN -- ECONOMIC DEVELOPMENT
WHAT WE ARE CURRENTLY DOING
ALREADY FUNDED
IN DISCUSSION
LOCAL RECOVERY PLAN -- ARTS & SCIENCE
WHAT WE ARE CURRENTLY DOING
PROPOSED RELIEF FUNDING FOR LOCAL NONPROFITS

Council expressed support for the relief funding for local nonprofits.

PLANS FOR REBOUNDING
LOCAL RECOVERY PLAN -- LIBRARY
HISTORICAL TRENDS
DIGITAL MATERIAL
DIGITAL PROGRAMMING
CURBSIDE PICKUP FOR LIBRARY MATERIALS
WIFI ACCESS FOR PATRONS PARKED IN THE PARKING LOT
LOCAL RECOVERY PLAN -- SUSTAINABILITY
VIRTUAL COMMUNITY ENGAGEMENT AND CALLS TO ACTION
PLANS FOR REBOUNDING -- BUILDING COMMUNITY TOGETHER
LOCAL RECOVERY PLAN -- AIRPORT
WHAT WE ARE CURRENTLY DOING
PLANS FOR REBOUNDING

Councilmember Whelan asked if there were plans to expand a transit route to the airport with the funding. Mr. Helmick stated that staff was still evaluating the components of the grant and they would continue their discussions with NAIPTA.

Councilmember McCarthy asked about the long-term plan to transition the airport to a true enterprise fund. Mr. Helmick explained that an accurate timeline was difficult to determine within the current situation, but the efforts continued.

LOCAL RECOVERY PLAN -- TOURISM
TOURISM DOLLARS ARE ESSENTIAL TO THE CITY'S ECONOMY
DISCOVER FLAGSTAFF
MARKETING COMMUNICATION
DRIVE MARKET
COMMERCIAL
FLAGSTAFF LOCAL -- MY ACTIONS MATTER...MORE THAN EVER!
VIRTUAL WEBSITE EXPERIENCES

NATIONAL TRAVEL & TOURISM WEEK
STAYCATION
ONLINE LISTINGS ARE FREE FOR BBB COLLECTING STAKEHOLDERS
TOURISM ECONOMIC RECOVERY PLAN
PARTNERSHIPS
DRIVE MARKET
STRATEGIES, TACTICS, PARTNERSHIPS
DIRECT-FLIGHT MARKETS
STRATEGIES, TACTICS, PARTNERSHIPS
MEETINGS & CONVENTIONS
STRATEGIES, TACTICS, PARTNERSHIPS
IN-MARKET CUSTOMERS
STRATEGIES, TACTICS, PARTNERSHIPS
INTERNATIONAL MARKETS
STRATEGIES, TACTICS, PARTNERSHIPS

A break was held from 3:30 p.m. through 3:40 p.m.

Council expressed a desire to have recovery information shared with the public to provide information on the plans to move forward.

Council also offered comments about the current state of the pandemic and their desire to open things back up. The public played a big role in determining when and what that would be. They encouraged continued and consistent messaging about safety.

Mr. Clifton and Mr. Tadder concluded the presentation.

POTENTIAL INDEPENDENT REVENUE STREAMS
WATER RESOURCES
AIRPORT
NEW BUDGET APPROPRIATIONS
TOTAL BUDGET REQUESTS
SUMMARY -- GENERAL FUND
PERSONNEL -- GENERAL FUND
APPROVED REQUESTS BY PRIORITY -- ALL FUNDS
APPROVED REQUESTS BY PRIORITY - $17,119,992 GRAPH

Mr. Clifton provided a brief wrap up of the day and Council expressed their appreciation to staff for their work and information provided.

5. Public Participation

None

6. Adjournment

Day One of the Budget Retreat of the Flagstaff City Council held April 23, 2020, adjourned at 4:36 p.m.

DAY TWO

1. Call to Order

Mayor Evans called the Budget Retreat of the Flagstaff City Council held April 24, 2020, to order at 8:31 a.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 work session, 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. Pledge of Allegiance and Mission Statement

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

MISSION STATEMENT

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

3. ROLL CALL

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

PRESENT:	ABSENT:
MAYOR EVANS (virtually)	
VICE MAYOR SHIMONI (virtually)	
COUNCILMEMBER ASLAN (virtually)	
COUNCILMEMBER MCCARTHY (virtually)	
COUNCILMEMBER ODEGAARD (virtually)	
COUNCILMEMBER SALAS (virtually)	
COUNCILMEMBER WHELAN (virtually)	

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

4. City Council FY 2020-21 Budget Retreat - DAY 2

Mr. Clifton provided opening comments and indicated that the day two format was the more traditional budget retreat format. He began the PowerPoint presentation that covered the following:

DIVISION UPDATES
COUNCIL PRIORITIES
CITY MANAGER
HIGHLIGHTS OF APPROVED BUDGET REQUESTS
COUNCIL PRIORITIES

Council discussed framing budget items within the context of the Recession Plan, specifically considering whether the plan was at a moderate or significant level. Mr. Clifton noted that while the plan was currently at the moderate level, any future changes would be discussed and approved by the Council. He emphasized the flexibility of the budget as a living document and explained that not all proposed programs may be implemented, especially if they conflicted with the Recession Plan. The process revolved around how to implement the Recession Plan at future stages, and the inclusion of items in the budget did not guarantee their implementation.

Human Resources Director Jeanie Gallagher continued the presentation.

HUMAN RESOURCES
HIGHLIGHTS OF APPROVED BUDGET REQUESTS
COUNCIL PRIORITIES

Councilmember Whelan expressed that some of the requests did not fit within the stages of the Recession Plan. She was concerned that movement from the moderate to significant state of the Recession Plan would not support the approved requests. Mr. Clifton offered that the Recession Plan was built to implement at any time and it would alter what may have been otherwise budgeted or appropriated. The city could not build a budget that assumed a recession, the better approach was to have a solid budget that could be adjusted according to the plan if and when needed.

IT Director CJ Perry continued the presentation.

INFORMATION TECHNOLOGY
HIGHLIGHTS OF APPROVED BUDGET REQUESTS
COUNCIL PRIORITIES

City Attorney Sterling Solomon continued the presentation.

CITY ATTORNEY
HIGHLIGHTS OF APPROVED BUDGET REQUESTS
COUNCIL PRIORITIES

Mr. Solomon noted that due to the pandemic and the competing priorities the Legal Division had pulled back their request on the two new positions.

Court Administrator Jessica Cortes continued the presentation.

MUNICIPAL COURT
HIGHLIGHTS OF APPROVED BUDGET REQUESTS
COUNCIL PRIORITIES

Management Services DIrector Rick Tadder continued the presentation.

MANAGEMENT SERVICES
HIGHLIGHTS OF APPROVED BUDGET REQUESTS
COUNCIL PRIORITIES

Council briefly discussed the need for an auditor to review returns from the state in terms of sales tax collection as well as credit card processing fees.

Fire Chief Mark Gaillard continued the presentation.

FIRE DEPARTMENT
HIGHLIGHTS OF APPROVED BUDGET REQUESTS
COUNCIL PRIORITIES

Council discussed peak hour rescues, the funding of wildfire management crews through Water Services, and a Regional Training Officer position.

Police Deputy Chief Dan Musselman continued the presentation.

POLICE DEPARTMENT
HIGHLIGHTS OF APPROVED BUDGET REQUESTS
COUNCIL PRIORITIES

Council discussed the success of the Police Aide positions in relieving some of the pressure from sworn

officers.

Community Development Director Dan Folke continued the presentation.

COMMUNITY DEVELOPMENT
HIGHLIGHTS OF APPROVED BUDGET REQUESTS
COUNCIL PRIORITIES

A break was held from 10:27 a.m. through 10:40 a.m.

Council discussed the Employee Housing Assistance program and requested that there be future discussion about how to make that program more sustainable long term.

Public Works Director Andy Bertelsen continued the presentation.

PUBLIC WORKS
HIGHLIGHTS OF APPROVED BUDGET REQUESTS
COUNCIL PRIORITIES

Economic Vitality Director Heidi Hansen continued the presentation.

ECONOMIC VITALITY
HIGHLIGHTS OF APPROVED BUDGET REQUESTS
COUNCIL PRIORITIES

Councilmember McCarthy asked about the addition of 200 new parking spaces downtown. Mr. Clifton noted that it was not an immediate item but was part of future planning.

Water Services Director Brad Hill continued the presentation.

WATER SERVICES
HIGHLIGHTS OF APPROVED BUDGET REQUESTS
COUNCIL PRIORITIES

Mr. Tadder continued the presentation.

NON-DEPARTMENTAL
HIGHLIGHTS OF APPROVED BUDGET REQUESTS

Management Analyst Jack Fitchett continued the presentation.

LEGISLATIVE
STATE MINIMUM WAGE

Rick Management Director Dean Coughenour continued the presentation.

WORKER'S COMPENSATION

Mr. Tadder continued the presentation.

COUNCIL PRIORITIES
SERVICE PARTNER CONTRACTS

Council discussed emergency support within the community and how funding for service partners could potentially be redirected to emergency support. It was requested that a future discussion occur about determining priorities during a recession.

Sustainability Director Nicole Antonopoulos continued the presentation.

CAAP

A break was held from 11:43 a.m. through 12:15 p.m.

Capital Improvement Senior Project Manager Bret Peterson and Water Services Engineering Manager Ryan Roberts covered the Capital Improvement Program portion of the presentation.

CAPITAL IMPROVEMENT PROGRAM
SUMMARY
PROGRAM FUNDING SUMMARY
GENERAL GOVERNMENT
STREETS/TRANSPORTATION
BEULAH REALIGNMENT/MILLTOWN
LONE TREE CORRIDOR
JOHN WESLEY POWELL

Council discussed progress on the John Wesley Powell (JWP) project and the possibility of an improvement district. They discussed the existing timeline and the possibility of completing existing projects first before moving on to JWP. They determined that staff should proceed as planned and that they should consider economic impact studies related to the project.

BBB
WATER SERVICES
DRINKING WATER

Councilmember Shimoni asked how Water Services was working within the Climate Action and Adaptation Plan. Mr. Roberts explained that Water Services worked very closely with the Sustainability Section. They recently underwent a comprehensive energy audit and identified a number of improvements that could be made and have targeted them for funding. Water Services Director Brad Hill added that in FY 2021, Water Services had $6 million in projects that directly related to the Climate Action and Adaptation Plan.

WASTEWATER
ANNUAL SEWERLINE REPLACEMENT
BIO-SOLIDS MASTER PLAN
RECLAIMED WATER
STORMWATER
SOLID WASTE
AIRPORT

Hyman Resources Director Jeanie Gallagher and EAC Chairperson Jared Wotasik covered the Compensation and Benefits portion of the presentation.

COMPENSATION AND BENEFITS
EMPLOYEE ADVISORY COMMITTEE
EAC BUDGET RECOMMENDATIONS
COMPENSATION STUDY
BENEFITS
RETENTION TRENDS -- TURNOVER COMPARISON
RETENTION TRENDS -- CY 2019 EXIT INTERVIEW SUMMARY
RETENTION AND ATTRACTION TRENDS
COMPENSATION RECOMMENDATIONS
BENEFIT RECOMMENDATIONS

A break was held from 2:06 p.m. through 2:15 p.m.

Mr. Clifton opened the conversation to the Council to review the items placed on the parking lot list.

Mayor Evans asked about the allocation for the monitoring of short-term rentals. Mr. Tadder stated that

the amount currently set aside was $48,000 for software that identified properties available for short-term rental or vacation rental by owner. The intent was to create an inventory that could be monitored.

After discussion, Council gave direction to support United Way, Litigation, and Short-term rentals. They also supported funding to High Country Humane, the Boys and Girls Club, and partial funding to Flagstaff Shelter Services. They also discussed grant opportunities at the airport and the possibility of reallocating general fund dollars to support small businesses.

Mr. Clifton offered closing comments and wrapped up the presentation.

Council expressed gratitude to staff for their work in preparing the recommended budget and for the focus on returning from the pandemic. They thanked each other for the good dialogue and consensus building.

5. Public Participation

Liz Bohlke and Diane Jarvis with High Country Humane addressed Council and commented in support of allocating funding to High Country Humane.

6. Adjournment

Day Two of the Budget Retreat of the Flagstaff City Council held April 24, 2020, adjourned at 4:54 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY COUNCIL WORK SESSION
TUESDAY, MAY 12, 2020
STAFF CONFERENCE ROOM - CITY HALL
211 WEST ASPEN AVE
3:00 P.M.

MINUTES

1. Call to Order

Mayor Evans called the Work Session of the Flagstaff City Council held May 12, 2020, to order 3:00 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this work session, 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. Pledge of Allegiance and Mission Statement

The Council and attendees recited the pledge of allegiance and City Manager Clifton read the Mission Statement of the City of Flagstaff.

MISSION STATEMENT

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

3. Roll Call

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

PRESENT:	ABSENT:
MAYOR EVANS	
VICE MAYOR SHIMONI	
COUNCILMEMBER ASLAN	
COUNCILMEMBER MCCARTHY	
COUNCILMEMBER ODEGAARD	
COUNCILMEMBER SALAS	
COUNCILMEMBER WHELAN	

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

4. Public Participation

Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. 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 to have 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.

Nat White addressed Council regarding Spruce Trees on Beal Road.

5. **Review of Draft Agenda for the May 19, 2020 City Council Meeting**

Councilmember Odegaard asked about Item 7B and if the IGA with the County would include adherence to the Arizona State Election Manual. City Clerk Stacy Saltzburg offered that the City and County were legally required to follow the State Election Manual and adhere to all of the requirements.

Councilmember Whelan raised a question about Item 6B concerning lease amendments that included rent abatements for six months for American Airlines, United Airways and the car rental companies. She noted that the companies were national companies and asked if they had previously received CARES funding. Economic Vitality Director Heidi Hansen stated that she would provide the information as part of the final agenda.

6. **Update on Downtown Connection Center (DCC) and Bus Rapid Transit (BRT) projects - Mountain Line Transit (NAIPTA)**

Community Development Director Dan Folke along with Kate Morely, and Bizzy Collins from NAIPTA presented to the Council about the need for a new Downtown Connection Center (DCC) and its progress.

Councilmember Odegaard expressed support for the project and inquired if NAIPTA would request an Intergovernmental Agreement (IGA) with the city. Councilmember Whelan expressed concern about acquiring a small parcel of land from BNSF, which was critical for the project. Mr. Folke confirmed that the city was in contact with BNSF about acquiring the land.

The Council provided direction for staff to prepare a resolution in support of NAIPTA's effort with the DCC.

Ms. Collins then discussed the Bus Rapid Transit (BRT) project, and highlighted its broader impact and unique funding structure. She explained that the project would seek federal funding for 80% of the costs and local funding for the remaining 20%. Vice Mayor Shimoni expressed enthusiasm for the project but voiced concern about bicycle safety, suggesting that bike lanes be separated from vehicle traffic.

7. **City of Flagstaff Business Retention and Expansion Incentive**

Business Retention and Expansion Manager John Saltonstall presented the Business Retention and Expansion Incentive program to the Council. Mr. Saltonstall emphasized that the program aimed to help businesses recover from the effects of the pandemic. The program focused on business retention and it generally considered all businesses with fewer than 500 employees as small businesses.

Council expressed support for the program. There was discussion about increasing the funding level and suggestions to consider the creation of mechanisms for businesses to repay or contribute back to the fund, the establishment of a use tax to generate additional funds, and the use of general funds from the airport to support the program.

8. **Presentation and Discussion:** Community Development Block Grant 2020/2021 Annual Action Plan recommendations, CDBG-CV funds provided by the CARES (Coronavirus Aid, Relief, and Economic Security) Act, and substantial amendments to the 2019/2020 CDBG Annual Action Plan.

Housing Manager Justyna Costa and Housing and Grants Administrator Kristine Pavlik presented on the CDBG (Community Development Block Grant) funding to the Council.

Coconino County Board of Supervisors Chair Liz Archuleta addressed Council in support of rental

assistance and other CDBG-funded programs, highlighting the County's efforts to mitigate COVID-19 impacts.

Kathleen Preston also addressed Council in support for providing hotel rooms for the homeless and requested affordable rates for shelters.

Councilmember McCarthy questioned the sustainability of funding for hotel services for the homeless, with concerns about running out of money and the potential need to reserve funds for public safety or other priorities. Housing Director Sarah Darr suggested that funds for the La Plaza Vieja infrastructure project could be delayed if necessary.

Councilmember Odegaard inquired about The Guidance Center's involvement with the funding, and Ms. Pavlik confirmed that they would receive funds through partners. Councilmember Odegaard indicated that he was not supportive of holding back funds from the La Plaza Vieja project.

Councilmember Whelan expressed concern about the removal of Tynkertopia's funding request and asked about the potential for additional rounds of funding from the America Cares fund. Ms. Pavlik stated that Tynkertopia would be assisted with their future applications for funding.

Councilmember Salas expressed support for full funding for the La Plaza Vieja infrastructure project and $200,000 for Housing Solutions. Vice Mayor Shimoni added his support.

Councilmember Whelan suggested using enterprise funds for La Plaza Vieja's infrastructure instead of CDBG funds and suggested that there may be other funding avenues due to the current emergency. Ms. Pavlik noted uncertainty about the state's distribution of a second allocation of funds.

Councilmember Aslan and Odegaard both supported moving forward with staff recommendations without holding back La Plaza Vieja funds. Mayor Evans and Councilmember McCarthy agreed on the need for infrastructure improvements in La Plaza Vieja while acknowledging the need for more funding and further discussions with partners.

A majority of Council supported staff's recommendations, with noted concerns about funding allocations and potential alternatives for infrastructure projects.

Mayor Evans called a break through 5:15 pm.

9. **Consideration of the Environmental Management Fee restructure and Water Resource & Infrastructure Protection Fee**

Sustainability Manager Nicole Antonopoulos and Wildland Fire Manager Neil Chapman presented options for restructuring the Environmental Management Fee and the Water Resource and Infrastructure Protection Fee to the Council. The presentation included a background on the fee and the reasons for the proposed changes.

A written comment in support of the restructure of the Environmental Management Fee and the addition of the Water Resource and Infrastructure Protection Fee was submitted by Karen Malis-Clark.

Councilmember Odegaard questioned the introduction of a second option that was not previously directed by the Council. He preferred Option 1 and expressed concern about the impact of not having a bond question for affordable housing.

Councilmember Aslan supported Option 2, emphasizing the growing needs for watershed protection.

Councilmember McCarthy supported Option 2, praising its minimal cost to households and benefits for water supply protection.

Vice Mayor Shimoni was also supportive of Option 2.

Councilmember Whelan disagreed with both options and suggested that Sustainability should be funded through the Environmental Management Fee rather than through water rates. She advocated for exploring other funding sources.

Councilmember Salas expressed concern about affordability and agreed with Councilmember Whelan's request for additional options.

Mayor Evans acknowledged the lack of consensus and noted her support for Option 1 but recognized the need to balance costs and environmental impact. She noted that Council had been discussing the issue for months without clear direction.

Mr. Clifton noted that there was a majority in favor of a fee, with Option 2 being more favored but lacking overall consensus.

Councilmember McCarthy indicated that he was open to Option 1 as a fallback and requested further exploration of alternative funding sources.

Councilmember Whelan suggested looking into environmental impact funds similar to those in Colorado.

Vice Mayor Shimoni also stated that he was open to Option 1 and suggested raising fees for high-usage customers.

Councilmember Aslan also expressed a willingness to support Option 1 if Option 2 did not gain sufficient support He stressed the importance of supporting the watershed.

Council provided direction for staff to conduct additional research into alternative funding sources and options. Council would discuss the topic again on June 2, 2020 and finalize their decision based on staff's findings.

10. Self Insurance of Workers' Compensation and Insurance Renewals

Risk Manager Dean Coughenour provided a presentation to Council on insurance renewals and a history of city insurance needs. He explained the recommendations from staff and walked through all of the considerations of the two insurance company options.

Councilmember Odegaard asked for examples of like-sized cities in Arizona regarding insurance. Mr. Coughenour stated that Goodyear, Buckeye, Surprise were part of the insurance pool. Smaller entities had left the pool, but it was not frequent. The larger entities that left the pool was to self-insure.

Mr. Clifton added that the current private carrier dropped the coverage due to impending legislation and that he supported a risk-sharing pool for the continuity it provided the city.

Council expressed support for participation in the insurance risk retention pool.

11. COVID-19 UPDATES

A. Discussion: Forest Service Recreation Site Re-Opening

Mr. Clifton stated that Council received communication from Forest Service Regional Director Matt McGrath solicitating input for reopening locations in proximity to the municipality. Mayor Evans noted that the Grand Canyon was opening on Friday.

Councilmember Odegaard offered that the memo was very thoughtful and he felt that the Forest Service was being very careful and reasonable.

Vice Mayor Shimoni expressed concern about restrooms and their operation. He stated that people were not taking the virus seriously and additional measures were needed for restroom facilities.

Councilmember Whelan stated that she supported waiting for a decline in numbers for 14 days and taking action after a decline happens.

B. Discussion: Potential State Legislation

Management Analyst Jack Fitchett provided an update on the Governor's press conference:

- The stay-at-home order expired on May 15, 2020; a new order starting May 16, 2020 would focus on vulnerable populations and keep schools closed.
- Gyms, spas, pools, and major league sports could reopen with restrictions.
- There had been a decline in positive cases.
- Businesses could reopen if they follow CDC guidelines.
- Cities could not impose stricter regulations but could manage their own facilities as desired.
- Pools, when properly treated, were considered safe, and major league sports could occur without fans in attendance.

Councilmember Whelan asked about Little League practices and games. Mr. Clifton stated that staff was preparing reopening plans that followed CDC guidelines. They expected parks to reopen by May 22, 2020. The use of city facilities for organized sports was still under consideration. Mayor Evans noted that parks were still closed under her Executive Order but she was open to reopening them based on staff's recommendations. Sporting events and facility cleaning remain a concern. She recommended keeping some facilities closed until cases declined for 14 days.

Councilmember Aslan expressed concerns about reopening Council Meetings and the overall state reopening strategy. He supported a conservative approach.

Vice Mayor Shimoni expressed concern with the implementation of CDC guidelines. He stressed the importance of communication to encourage mask-wearing and restrict large gatherings.

Council shared support for Mayor's decisions and highlighted the importance of unity and caution.

Mayor Evans provided a COVID-19 update that covered the following:

- Last week: 70 new cases and 45 deaths in Coconino County.
- Current week: 122 new cases in Flagstaff and 57 deaths in Coconino County.
- The City of Flagstaff was experiencing an increase in cases.
- A majority of cases were in Coconino County and 40% of all cases were in people who aged 20-44.
- Case numbers are expected to increase for the next two to four weeks.
- A new order was issued by the Governor; cities and counties cannot do anything to conflict or increase the Governor's restrictions.
- Governor has recommended that people follow social distancing but it was not mandated. Also recommended masks, but not mandated.
- A majority of people in Arizona have not received unemployment. Unemployment applications would start processing beginning May 12, 2020.
- The Senate and House have been on break since March 23, 2020.

Mayor Evans encouraged Flagstaff residents to wear a mask in public and she asked city employees to model that behavior.

12. Public Participation

None

13. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests

Councilmember McCarthy thanked staff for their quick removal of graffiti from City Hall.

Councilmember Odegaard also thanked staff for the removal of the graffiti. He asked Mr. Clifton to provide information about downtown restaurants and how curbside pickup worked with ParkFlag requirements.

Councilmember Salas expressed her gratitude for the steadfast leadership of Mayor Evans and the work of staff. She stated that she was also thankful for the opportunity to work with Flagstaff Shelter Services to help provide the third hotel.

Councilmember Whelan expressed her gratitude for Mayor Evans' leadership and for the work of staff. She asked that staff be a model for the community with masking and social distancing. She reported that she attended a meeting with restaurateurs facilitated by Jonathan Kersten. They discussed safety, social distancing, menus, supply chain issues, among other things. She requested a FAIR item to look at changing the charter so that citizen's petitions and candidate petitions could go online rather than requiring physical signatures.

Vice Mayor Shimoni echoed the gratitude for Mayor Evan's leadership. He requested free masks and hand sanitizing material outside city facilities. He requested information about how city restrooms would be addressed during staff's next COVID update.

Councilmember Aslan thanked Mayor Evans for her leadership. He stated that it appeared that City Hall would open after cases declined for 14 days. He noted that the technical solution for meetings was working well even thought it was not the most accessible for the public. He thanked staff for their work and stated that he was looking forward to being able to get back together with everyone.

Mr. Clifton stated that staff was grateful for Mayor Evan's leadership and for keeping staff safe. The response to parking downtown was that kiosks were still covered and parking was free downtown. He also expressed gratitude to staff for their quick response to the graffiti on City Hall.

Mayor Evans thanked Public Information Officer Jessica Drum for her work. She noted that Flagstaff Shelter Services was able to put 70 people in two hotels due to the redirect of CDBG funds. Two or three were also permanently housed. She suggested a Flagstaff Matters Local First campaign to have a "Show Us Your Mask" contest to encourage people to wear a mask.

14. Adjournment

The Work Session of the Flagstaff City Council held May 12, 2020, adjourned at 7:37 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY COUNCIL COMBINED SPECIAL MEETING / WORK SESSION
TUESDAY, MAY 26, 2020
CITY HALL COUNCIL CHAMBERS
211 WEST ASPEN AVE
3:00 P.M.

MINUTES

1. Call to Order

Mayor Evans called the Work Session of the Flagstaff City Council held May 26, 2020, to order 3:00 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this work session, 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. Pledge of Allegiance and Mission Statement

The Council and attendees recited the pledge of allegiance and Councilmember Whelan read the Mission Statement of the City of Flagstaff.

MISSION STATEMENT

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

3. ROLL CALL

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

PRESENT:	ABSENT:
MAYOR EVANS (virtually)	
VICE MAYOR SHIMONI (virtually)	
COUNCILMEMBER ASLAN (virtually)	
COUNCILMEMBER MCCARTHY (virtually)	
COUNCILMEMBER ODEGAARD (virtually)	
COUNCILMEMBER SALAS (virtually)	
COUNCILMEMBER WHELAN (virtually)	

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

4. Public Participation

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A written comment was submitted by Ed Talkington requesting enforcement of street closures downtown to provide public space that allowed guests to social distance.

5. **Review of Draft Agenda for the June 2, 2020 City Council Meeting**

Citizens wishing to speak on agenda items not specifically called out by the City Council may submit a speaker card for their items of interest to the recording clerk.

Councilmember McCarthy expressed concern about Item 8A and that it seemed hypocritical to pay for billboards in Phoenix when Flagstaff does not allow billboards. He also mentioned Item 8C and noted that he sent questions to staff that were answered, he requested that the information be included in the final agenda packet.

Councilmember Whelan asked questions regarding Items 6A, 6C, 6E, 7A, 8C, and 8D. Staff indicated that they would provide follow up information in the final agenda packet.

6. **Discussion:** Coordinator for Indigenous Initiatives Work Plan

Coordinator for Indigenous Initiatives Rose Toehe provided a PowerPoint presentation that covered the following:

- Greetings
- Land Acknowledgement
- Introduction
- Background Summary
- Work Plan
- Five Year Plan
- Indigenous Community Cultural Center
- Year One and Two
- Year Three -- Five
- Indigenous Commission
- Economic Inclusion and Impact
- Visibility
- Education
- Year Three -- Five
- Public Safety
- Wellness, Housing, and Transportation
- Tribal Nation Meetings and COVID-19

Councilmember Odegaard inquired about the involvement of indigenous artists in public art projects. Ms. Toehe confirmed that indigenous artists had been contacted through the Beautification and Public Art Commission and specific funding was available for the artists.

Councilmember McCarthy asked if the Indigenous Circle of Flagstaff (ICF) reached out to all tribes that the city engages with. Ms. Toehe explained that the ICF was making efforts to reach out to tribal members of all tribes around Flagstaff, while the city was also engaging with all tribal governments to invite their participation.

A written comment was submitted by John Viktora that included questions about the Indigenous Initiatives program.

Councilmember Whelan emphasized the complexity of the task at hand and sought clarification on the differences between the ICF and the future Indigenous Commission. She stressed the need to prioritize several items within the budget and to address what needed to be done in the coming years.

Vice Mayor Shimoni thanked Ms. Toehe for her work and requested information on how the office collaborated with other local agencies working with Indigenous populations. He highlighted the importance of the commission, especially within the context of the Indigenous Cultural Community

Center. He asked Ms. Toehe to address the unmet needs of the unsheltered Indigenous population. Ms. Toehe discussed the challenges faced, including issues with testing and accessing hotels for unsheltered individuals.

Mayor Evans thanked Ms. Toehe for her updates and reiterated the importance of setting up the Indigenous Commission to implement the work plan of the coordinator and the strategic plan. She noted that the commission should represent input from all local indigenous tribes. She also mentioned that the ICF was a 501(c)(3) organization, which allowed them to apply for and receive grants independently.

Following discussion, Council expressed support for the prompt establishment of the Indigenous Commission and that the commission should set priorities for the city.

A break as held from 4:21 p.m. through 4:31 p.m.

7. **Discussion: Pocket Parks**

Parks Manager Amy Hagin addressed Council and stated that the discussion was the result of a FAIR request that was previously supported by Council. She explained that the Parks and Recreation Master Plan defined pocket parks as a park that was smaller than two acres. Flagstaff had ten pocket parks with a variety of amenities. The Master Plan also recommended that no additional parks smaller than two acres be developed due to the amount of resources required to maintain the small space.

Councilmember Whelan inquired about the timing of the master plan, which was completed and adopted in 2013. She asked if the plan was still relevant and effective for the community. Ms. Hagin confirmed that the plan was still valid but could benefit from periodic updates.

Vice Mayor Shimoni asked about the size and maintenance of the Jim Cullen Park. Ms. Hagin explained that the park was under two acres. She explained that maintenance costs included mowing, tree and shrub upkeep, and irrigation, with mowing and irrigation being the largest expenses. Vice Mayor Shimoni stated that pocket parks had a lot of value and benefit for Flagstaff.

Mayor Evans emphasized the importance of ensuring every neighborhood had access to parks. She acknowledged the cost but suggested that parks could vary in design and amenities depending on the neighborhood.

Councilmember McCarthy indicated his support for the general policy of not adding many small parks but agreed that exceptions might be warranted based on merits versus costs. He suggested that Council could approve pocket parks on a case-by-case basis.

Councilmember Salas called for a review of the master plan and exploration of pocket or neighborhood parks that considered maintenance costs. She suggested exploring public and private partnerships to help fund park projects.

Councilmember Aslan stated that he agreed with the importance of considering parks but emphasized the need to consider aesthetics, xeriscaping, and water conservation in the planning process.

Councilmember Odegaard stated that even a small park or bench could foster a sense of community. He acknowledged concerns about funding but supported a review of the master plan.

Council agreed that staff should revisit the Parks and Recreation Master Plan and consider the inclusion of pocket parks as a possibility, while being mindful of maintenance costs and exploring potential funding partnerships. The proposed plan revisions would come back to Council for future discussion.

8. **Discussion and Possible Direction:** Upcoming City Permitted Events

Mr. Clifton stated that the community would like to know more details regarding upcoming summer and fall events such as the Fourth of July celebration.

Councilmember Aslan expressed concern about infection and death rates. He emphasized the importance of avoiding large public gatherings to prioritize public safety, to ensure children could stay in school during the fall semester. He expressed that the focus should be on local data and decisions based on that metric.

Vice Mayor Shimoni agreed with Councilmember Aslan and he stressed the need for stringent control and education if public events like the Farmer's Market were reopened. He suggested a phased approach for team sports and public events to ensure compliance with social distancing and masking guidelines.

Mayor Evans stated that the city was only able to regulate activities on city property and within city facilities. She shared that the Farmer's Market operated under modified conditions, with only pick-up and delivery options. The market had the flexibility to move locations as needed. Mayor Evans clarified that the City Council was not prohibiting the market from opening; only the market could not be open on city property.

Councilmember Salas suggested waiting until June 15, 2020 to decide on the Fourth of July Parade. If infection rates were consistent or increasing, she supported canceling the event. Mayor Evans clarified that they would not be deciding on "canceling the event", but rather on whether to issue the permit to close streets for the parade.

Written comments were submitted by the Flagstaff Community Market Team and Greg Pratt in support of reopening the Flagstaff Community Market.

A written comment was submitted by Joe Galli in support of the Fourth of July parade and highlighted the improvements and safety guidelines that had been established for the event.

Moved by Councilmember Charlie Odegaard, **seconded by** Councilmember Jim McCarthy to recess into Executive Session for legal advice.

Vote: 7 - 0 - Unanimously

Council recessed into Executive Session at 5:14 p.m. and reconvened back into open session at 5:52 p.m.

Council agreed that the city should not approve or sponsor large events, including the Fourth of July parade, to ensure public safety and adhere to health guidelines.

9. **Discussion: Support Letter for Appropriating Funds to Repair and Repave Snowbowl Road**

Mr. Clifton stated that the letter of support was not a request for appropriation or anything of monetary value from the city, it was a request for the city to support the appropriation of funds to repair and repave Snowbowl Road.

Councilmember Odegaard indicated his support to issue a letter.

Written comments in support of the letter and repairs to Snowbowl Road were submitted by the following:

- Joe Shannon
- J.R. Murray
- Paul Brinkmann
- Joe Galli

Councilmember Whelan expressed concern about setting a precedent to weigh in on the management of Forest Service roads and roads outside of city limits. Vice Mayor Shimoni noted similar concerns. Mayor Evans stated that the Council had supported and advocated for Highway 180 as well as the Grand Canyon.

Councilmember Salas voiced her support for the letter and stated that Snowbowl Road was the access point for many recreational activities.

Council provided direction for staff to send the letter of support.

10. Public Participation

A written comment was submitted from Robin and Pragna Prema requesting Council support of HB2912 which provided liability protection for businesses during COVID-19.

11. Adjournment

The Work Session of the Flagstaff City Council held May 26, 2020, adjourned at 6:48 p.m.

SPECIAL MEETING

1. Call to Order

Mayor Evans called the Special Meeting of the Flagstaff City Council held May 26, 2020, to order 6:48 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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2. Review of the City of Flagstaff Revenue Estimates for Fiscal Year 2020-21.

Management Services Director Rick Tadder, Management Analysts Jack Fitchett and Sarah Langley, Economic Vitality Director Heidi Hansen, Community Investment Director Dave McIntire, Library Director Jared Toleman, CVB Director Trace Ward, Deputy Police Chief Dan Musselman, and Sustainability Director Nicole Antonopoulos provided a PowerPoint presentation that covered the following:

- City of Flagstaff Revenue Updates and Recession Plan
- Discussion Framework
- Recession Plan
- Revenue Updates
- Fiscal year 2019-20 estimates
- Projecting revenues for Fiscal Year 2020-21
- Projecting Revenues for FY 2020-21
- Table of Revenue Estimates for FY 2020-21
- Other Funds
- Local Recovery Efforts
- Path Forward
- Potential Measures -- Significant Stage
- Action on Resolution

Councilmember Aslan asked if the city was collaborating with NAU to secure funding. Mr. Fitchett noted that collaboration opportunities were being explored and that the city continued lobbying efforts at the state and federal levels for funding.

Vice Mayor Shimoni suggested integrating social distancing images into the Discover Flagstaff website and using police signs for social distancing and masking. Mr. Clifton confirmed that variable message boards were being used and that Discover Flagstaff had focused their messaging on leisure tourism and promoting outdoor activities and safety.

Councilmember Whelan asked about increasing fund balances. Mr. Tadder stated that fund balances had not been increased yet but could be considered post-recession. A 20% fund balance was deemed adequate.

3. **Consideration and Adoption of Resolution No. 2020-33:** A resolution of the Flagstaff City Council, Directing the City Manager to implement remedial measures set forth in the 2020 Economic Recession Plan, Significant Stage, and providing of an effective date

Mr. Clifton stated that recommendation for deferment of the Cost of Living Adjustment (COLA) was difficult. The plan was to follow up on the COLA every three months to re-evaluate whether it was feasible to implement at that time.

Councilmember Salas expressed her gratitude to staff and the City Manager for the Recession Plan and the commitment to weather through the downturn.

Moved by Councilmember Regina Salas, **seconded by** Councilmember Jim McCarthy to read Resolution No. 2020-33 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, DIRECTING THE CITY MANAGER TO IMPLEMENT REMEDIAL MEASURES SET FORTH IN THE 2020 ECONOMIC RECESSION PLAN, SIGNIFICANT STAGE, AND PROVIDING FOR AN EFFECTIVE DATE

Moved by Councilmember Regina Salas, **seconded by** Councilmember Austin Aslan to adopt Resolution No. 2020-33.

Vote: 7 - 0 - Unanimously

4. **Informational Items To/From Mayor, Council, and City Manager; future agenda item requests**

Councilmember Aslan requested a FAIR item to discuss the possibility of adding lobbying for land and water conservation fund to the legislative priorities.

Councilmember Odegaard reported that the Housing Commission would be meeting later in the week. He requested information regarding HB2912. Mayor Evans also requested an Executive Session to discuss the bill.

Councilmember Salas requested a FAIR item to explore the possibility of adjusting the timeline of the minimum wage initiative.

5. **Adjournment**

The Special Meeting of the Flagstaff City Council held May 26, 2020, adjourned at 8:47 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 May 26, 2020. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 1st day of October, 2024

_____
CITY CLERK

CITY COUNCIL WORK SESSION
THURSDAY, JUNE 11, 2020
STAFF CONFERENCE ROOM
SECOND FLOOR - CITY HALL
211 WEST ASPEN AVE
4:30 P.M.

MINUTES

1. Call to Order

Mayor Evans called the Work Session of the Flagstaff City Council held June 11, 2020, to order at 4:30 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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2. Pledge of Allegiance and Mission Statement

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MISSION STATEMENT

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3. ROLL CALL

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

PRESENT:	ABSENT:
MAYOR EVANS	
VICE MAYOR SHIMONI	
COUNCILMEMBER ASLAN	
COUNCILMEMBER MCCARTHY	
COUNCILMEMBER ODEGAARD	
COUNCILMEMBER SALAS	
COUNCILMEMBER WHELAN	

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

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more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

Written comments calling for a reduction of the Police Department budget were submitted by the following and read into the record:

- Meredith Brown
- Jermaine Barkley
- Austin Leggett
- Dr. Lori Poloni-Staudinger
- Michael Sloan
- Desiree Perez
- Carla Roybal
- Natalie Ann Lampros
- Katie Stitzer
- Lydia Bailey
- Katherine Hyland
- Jason Henrie
- Ryan Drendel
- Rebecca Prizznick
- Wesley Koweek
- Becca Lynch
- Dawn Dyer
- Angimar Rodriguez
- Sommer Koweek
- Melanie Hildebrandt
- Garrison Garcia
- Nick Rathbone
- Zoe Klein
- Levi Stallings
- Katharina Christman
- ZachAry LaVizzo
- Lori Glaspie
- Rudy Preston
- Christian Tai Udovicic
- Will Peters
- Joshua Tokioka
- Katie Preston
- Tempest Juliet
- Katharina Christman
- Mandy Gebler
- Audrey Kruse
- Khalif Durham

Written comments in support of maintaining the Police Department budget were submitted by the following and read into the record:

- John and Pamela Grantham
- Christine Scheartz
- Emily Merrill
- Bob and Polly Philpott
- Karen Burdorff
- Craig and Jennifer Bearchell
- Brooke Gabriella-Ahrendt
- Jim Kuhn
- Robin Prema
- Dr. Anthony Rosales
- Daniel Hiel
- Dustin Windle

- Ann Ingram
- Frank Patton Jr
- Alexis Garcia
- Ray Pohl
- Stephanie Griffiths
- Tom Boughner
- Laura Kavanaugh
- Gillian and Clint Bleeker
- Merle Henderson
- Barb Waddell
- John Rohrer
- Ann Montgomery
- Linna Krumwied
- Lyle Schwartz
- John Hahle
- Cindy Smith
- Greg Troast
- Alan Purchase
- Justin Youngman
- Bonnie Bouschet
- Amy Casali
- Phil Maycumber
- Tim McCullough
- Amanda DeRosa
- Jill Saville
- Janelle Maycumber
- Marilynn Van Wagner
- Janet Mars
- Barbara Young
- Dan Anderson
- Monite Vergel de Dios
- Mrs. A. Finney
- Mark Golliher
- Debbie Cutlip
- Claudia Schroeder
- Melissa Talboom
- Becky Daggett
- Misty Ridenhour
- Senator Sylvia Allen
- Justin Paul Vergel de Dios
- Steve Hanson
- Paul Richardson
- Matt Frederick
- Misti Warner-Andersen
- Wendy Kuhn
- Jackie Keesling
- Sharon Geile
- Melinda Lieber
- Melissa Edel
- Rachael Mews
- David Anderson
- Dan Edel
- Sarah Whitney
- Chaleenah Shearon
- Wallace and Sharon Duncan
- Cindy Harris
- Jerry Smiley
- Glenn Tamblingson
- Joshua Wear

- Jo Anne and Harvey Mickelson
- Todd Crone
- Jeff Contreras
- Jonathan Armus
- Reggie Plett
- Laura Spier
- Julie Smith
- Bethany Boness
- Bernadette Jokkel
- Marilyn Canteloupe
- David Coyne
- Debra Cobb-Blair
- Marj and Sam Mcclanahan
- Ash Patel
- Claudia Sangster
- Marc Twidwell
- Kaye Anderson
- Haley Harris
- Michele Eisenberg
- Dan Hakes
- Nancy Ross
- Angel Dittberner
- Scott and Marge McPeak
- Scotty and Laura McPeak
- Larry Lang
- Berenise Short
- Nikki Sharp
- Dr. Alice Christie
- Sheryl Dawson
- Jamie Mowbray
- PJ Way
- Cody Half-Moon
- Joy Staveley
- Jason Dittberner
- Dr. Amy Fleishman
- Gene Simon
- Molly Greenwald
- Charles Kincheloe
- Sarah Shafor
- Julie Hanson
- Christine Baca
- Daniel Raper
- Stacey Wittig
- Holly Chatelain
- Paul Turner
- Kevin Stephens
- Debra Cole
- Sharon Tewksbury-Bloom
- Tim Galloway
- Rich Beecroft
- Karla Ivey
- Paula Yulish
- Lisa Chester
- Glenn and Breanna Leest
- Eula Weaver
- Clay McCauslin
- Pastor Daniel Williamson
- Jimmy Kleinhenz
- Becky Cullum

- Laini DeVore

A written comment from Colette Kessler was read regarding concerns about reduced funding for Community Housing Services.

A written comment from Deborah Harris was read regarding Black Lives Matter.

A written comment from Steve Finch was read regarding concerns about the proposed budget not reflecting the pandemic recession.

A written comment from Gillian Bleeker was read regarding disappointment about the cancellation of the Fourth of July parade.

A written comment from Darren Bingham was read that urged Council to support a declaration for a climate emergency and for HB 763.

A written comment from PJ Way was read that expressed concern about the reporting on COVID information as well as disappointment regarding the cancellation of the Fourth of July parade.

A break was held from 6:45 p.m. through 6:55 p.m.

5. Review of Draft Agenda for the June 16, 2020 City Council Meeting

Citizens wishing to speak on agenda items not specifically called out by the City Council may submit a speaker card for their items of interest to the recording clerk.

Councilmember Odegaard requested information about the property tax and its intended use.

Vice Mayor Shimoni expressed interest in reviewing the Police Department budget, emphasizing the need for community input and broader guidance. Councilmember Whelan agreed that more discussion was needed on the budget but not as part of the current budget on June 16, 2020.

Councilmember McCarthy stated that he did not see a need to change the Police Department budget but requested a discussion on how the Police Department handled misconduct. He requested clarification on the Housing budget at the next meeting.

City Attorney Solomon mentioned updates to Item 9K and stated that it would not reopen the e-bike discussion but rather clarify the language.

6. Rethink Waste Update

Solid Waste Section Director Todd Hanson and Sustainability Specialist Dylan Lenzen provided a PowerPoint presentation that covered the following:

OUTLINE
RETHINK WASTE PLAN
SOLID WASTE FUND UPDATE
RECESSION PLAN IMPACTS TO PROGRAMMING
RECYCLING INSPECTION EFFORTS
MATERIALS RECOVERY FACILITY (MRF)
COMPOSTING EFFORTS
NAU OFFICE OF SUSTAINABILITY
COMPOST BACKGROUND
COMPOST COLLABORATION
NEXT STEPS
DISCUSSION AND FEEDBACK

Councilmember McCarthy inquired about monthly curbside pickup and the separation of bulk waste types to recycle lawn waste. Mr. Hanson stated that it was helpful to separate organic material for

recycling and noted that large branches were suitable, but pine needles were not. During high volume times, separation was less efficient, though staff tried to separate when possible.

Councilmember Odegaard asked Mr. Lenzen about Flagstaff's recycling rate. Mr. Lenzen reported that the recycling rate remained around 13%, despite a decrease in waste last year, and noted that the national recycling market struggles with high contamination rates.

Councilmember Whelan asked about long-term composting plans. Mr. Lenzen explained that the agreement helped prepare the city for future collection needs, potentially leading to the development of a city compost system. Parks Manager Amy Hagin mentioned that they were also exploring compost use in parks.

Council expressed support for staff to pursue an intergovernmental agreement with NAU.

7. Downtown Street Closures

The Downtown Business Alliance (DBA) was invited to discuss the issue of utilizing public spaces for business support and physical distancing. Mr. Clifton noted that they were in the early planning stages. Partial street closures and other modifications were being considered based on examples of COVID-19 adaptations from other cities.

DBA Executive Director Terry Madeksza highlighted how 30-40 cities used public spaces creatively to support businesses and physical distancing, and advocated for similar policies in Flagstaff to use sidewalks, parking lots, and other public spaces.

Councilmember Aslan supported the idea, citing pandemic-inspired creativity. He suggested broadening the approach to include patios and private parking spaces. Councilmembers McCarthy and Salas also supported the idea, with Salas sharing examples from El Paso and Denver and suggested a temporary waiver of fees.

Councilmember Whelan supported making downtown more user-friendly and walkable. She inquired about including the Southside community, which Ms. Madeksza confirmed was involved.

Councilmember Odegaard supported the initiative but emphasized the need for consistent permitting and phasing with the reopening plan. Vice Mayor Shimoni supported pedestrian-only streets but raised concerns about public safety, enforcement of social distancing, and business capacity. Ms. Madeksza stated that they would rely on consultants and encourage businesses to follow CDC guidelines.

Mr. Clifton stated that plans would evolve over time and there would be a need for additional Council check-ins and direction. Economic Vitality Director Heidi Hansen discussed outreach efforts, including posters and window clings for businesses.

A written comment from Terry Madeksza was submitted in support of alternatives that allowed businesses to expand their capacity with outdoor spaces.

A break was held from 8:53 p.m. through 9:00 p.m.

8. Case No. PZ-19-00124 Updates to Zoning Code 2019 - High Occupancy Housing Land Use Zoning Code Amendment.

Zoning Code Manager Dan Symer provided a PowerPoint presentation that covered the following:

HIGH OCCUPANCY HOUSING (HOH) ZONING CODE TEXT AMENDMENT.
BACKGROUND
WHY DID THE CITY ADOPT THE HOH PLAN?
PROPOSED ZONING CODE CONCEPTS FROM THE HOH PLAN
PROPOSED ZONING CODE CONCEPTS
PURPOSE OF WORK SESSION
COMMON TERMS REFERENCES
AFFORDABLE UNIT EXEMPTION

TYPES OF HOHD AND MHOD DEVELOPMENTS
PROPOSED DEFINITIONS
SINGLE-FAMILY DEVELOPMENT THAT WOULD BE CONSIDERED A SINGLE-FAMILY HOHD

Councilmember McCarthy asked about a lot size over 10,000 square feet with 20 bedroom and 20 baths being considered HOHD. Mr. Symer stated that the 10,000 square foot limitation was derived by an analysis of type and size. Homes with adequate parking were to scale with homes on adjoining properties that still met development standards. This meant that as a home got larger, it would require a larger lot for parking. Based on previous discussions with Council, Mr. Symer was directed to not pursue lots greater than 10,000 square feet, due to a large number of houses that would be required to obtain a Conditional Use Permit (CUP).

Councilmember McCarthy expressed concerns about a hypothetical building in his neighborhood requiring parking for ten cars and opposed moving forward with the current plan. Vice Mayor Shimoni and Councilmember Whelan shared similar concerns, particularly about parcels over 10,001 square feet. Councilmember Whelan inquired about sanitation units, and Mr. Symer explained efforts to prevent developments from circumventing the code.

Councilmember Odegaard raised concerns about land use and parking ratios.

Councilmember Aslan mentioned confusion and the potential for developers to exploit loopholes. Councilmember McCarthy found the definition clear but problematic and expressed strong opposition.

TWO-UNIT/DUPLEX DEVELOPMENT THAT WOULD BE CONSIDERED A HOHD

Councilmember Odegaard questioned the effectiveness of tandem parking and asked how parking issues would be addressed. Mr. Symer explained that tandem parking had been removed from the code. Councilmember Whelan proposed limiting the maximum number of bedrooms to three, with a CUP required for more. Mr. Symer explained that while there was a demand for four-bedroom units, it was not significant.

Community Development Director Dan Folke explained that the lot size component was to prevent all single-family homes with more than five bedrooms from requiring a CUP. He emphasized the need to calibrate lot sizes for historic neighborhoods to avoid CUP requirements for larger single-family homes.

Mayor Evans emphasized that codes applied to the entire city, not just specific neighborhoods. Current Planning Director Tiffany Antol offered that the code classified homes exceeding eight bedrooms and bathrooms differently and ten or more occupants triggered different requirements. She noted that large homes, especially in areas with 10,000+ square foot lots, were mostly owner-occupied.

Councilmember Whelan asked if the larger homes were used as short-term rentals. Ms. Antol indicated that the majority were owner-occupied, and that the homes were fairly common on larger lots over 10,000 square feet.

THREE-UNIT/TRIPLEX DEVELOPMENT THAT WOULD BE CONSIDERED A HOHD
DEVELOPMENT SITE CONTAINING FOUR OR MORE DWELLING UNITS WOULD BE CONSIDERED A HOHD AND MHOHD
MAP
PROPOSED ZONES

Councilmember Whelan stated that she appreciated the adjustments to the CUP and parking requirements. She felt that the adjustments would aid in mitigating the impact of large dwelling units in historic neighborhoods.

EXISTING ROOMING AND BOARDING DEVELOPMENTS

Vice Mayor Shimoni raised concerns about a recent development on a larger parcel which leased by the room and that did not trigger current provisions. Mr. Symer explained that High Occupancy Housing recommendations applied only to activity centers, those outside of an activity center would

operate as a traditional apartment complex.

REQUIRED MINIMUM AND MAXIMUM DWELLING UNIT TYPES

Councilmemebr McCarthy highlighted two scenarios: student housing, where costs decreased with more bedrooms around a common area, and multi-family housing, which became very expensive with four bedrooms. Both scenarios impacted costs differently.

Councilmember Whelan reiterated the goal of creating units adaptable to community needs as the markets fluctuated. She suggested that regulation might involve a simpler text amendment process if changes were necessary. Councilmember Odegaard saw this as an opportunity to define multi-family housing more clearly.

Vice Mayor Shimoni supported requiring a minimum number of studios and one-bedroom units to meet community demand. He pointed out that student housing developers most often maximized four-bedroom units and built the rest as three-bedrooms to increase room-by-room leasing and higher rents.

TIME FRAME

Mr. Symer explained that the plan was to return to Council after the summer break for final discussion and presentation of the ordinance. The goal was for the ordinance to become effective in October, 2020. Public Hearings with the Planning and Zoning Commission were scheduled to accommodate the desired timeline.

Moved by Mayor Coral Evans, **seconded by** Councilmember Austin Aslan to postpone the remaining items on the agenda to the meeting of June 16, 2020 and start the meeting at 1:00 p.m.

Vote: 5 - 2

NAY: Councilmember Jamie Whelan
Councilmember Jim McCarthy

9. Louis Agassiz Renaming Discussion

Postponed to June 16, 2020 meeting.

10. Temporary Use of the Old Public Works Yard as a Temporary Construction Yard

Postponed to June 16, 2020 meeting.

11. Discussion and Possible Direction of Current F.A.I.R. Items

Postponed to June 16, 2020 meeting.

12. Public Participation

None

13. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests

None

14. Adjournment

The Work Session of the Flagstaff City Council held June 11, 2020, adjourned at 11:00 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY COUNCIL SPECIAL MEETING
FRIDAY, DECEMBER 11, 2020
CITY HALL
211 WEST ASPEN AVE
12:00 P.M.

MINUTES

1. CALL TO ORDER

Mayor Evans called the Special Meeting of the Flagstaff City Council held December 11, 2020, to order at 12:00 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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

2. ROLL CALL

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

PRESENT:	ABSENT:
MAYOR EVANS (virtually)	
VICE MAYOR SHIMONI (virtually)	
COUNCILMEMBER ASLAN (virtually)	
COUNCILMEMBER MCCARTHY (virtually)	
COUNCILMEMBER ODEGAARD (virtually)	
COUNCILMEMBER SALAS (virtually)	
COUNCILMEMBER WHELAN (virtually)	

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

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

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

MISSION STATEMENT

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

4. DISCUSSION & DIRECTION: City Council Elect In-Person Swearing-In Ceremony & In-Person Council Retreat

Mr. Solomon stated that under the City Charter the Mayor served as the head of the city for ceremonial purposes, they preside over the meetings, and Council makes decisions on the direction the city will go. The Mayor was authorized to issue a declaration of emergency and proclamations related to that declaration. Mayor Evans issued an emergency declaration and subsequent proclamations in response to the pandemic. The Governor then issued an executive order that essentially pre-empted the Mayor's authority to close things down.

Mayor Evans asked if she had the ability to cancel or change a meeting format through a social media

post. Mr. Solomon stated that meetings of the City Council were to be scheduled at a certain time and that was also governed by the City Charter and the City Council Rules of Procedure. A Special Meeting could be called by the Mayor, the City Manager, or three Councilmembers. Regular meetings could not be changed unilaterally. Any changes to a meeting must be made seven days in advance and the City Council had to make that decision. The City Council took action to suspend the Rules of Procedure and granted authority to the City Manager to adjust the time and order of the meeting agendas.

Mayor Evans clarified that the suspension of the Rules of Procedure was done in an open meeting and with a majority vote of the Council. Mr. Solomon responded yes.

Mayor Evans asked about the upcoming Council swearing in and Council Retreat. Mr. Clifton stated that there had been much discussion about the swearing in ceremony within the context of COVID and the restrictions that had been in place. Historically the inauguration was held in person and the suggestion was to have limited attendance and within full compliance of the existing guidelines in place for Phase 3 of the Re-entry Plan. There would be a limit of one guest per Councilmember in the Council Chambers that allowed for adequate distancing. The suggestion was presented to the incoming Councilmembers, and they were supportive. It was decided to proceed with the understanding that changes could happen if the circumstances warranted it.

Mr. Clifton went on to explain that the day and a half retreat would cover a myriad of topics that would include a four-hour session that would focus on team building among the Council. It was deemed strategic and beneficial to have the team building portion of the retreat conducted in person. The in person portion would adjourn and the remainder of the retreat would be held virtually. The in-person component could occur safely and would not violate the social distancing expectations. It would be held at the Aquaplex and the attendees would consist of the seven councilmembers, the facilitator, and the City Clerk in the room at one time. Each person would have their own table and masks required.

Mayor Evans expressed frustration about statements made on Facebook stating that the current Council was attempting to turn the retreat into an in-person meeting. That was not true and the purpose of the Council meeting today was to discuss the upcoming events and how to carry those out.

City Clerk Stacy Saltzburg provided a brief overview of what the orientation and training would include and the corresponding schedule.

Councilmember Elect, Becky Daggett addressed Council and stated that she initially had concern about the swearing in and upcoming retreat. After hearing the plans and precautions that would be in place, she was less concerned. She would be comfortable attending in person if proper precautions were in place.

Councilmember Elect, Miranda Sweet addressed Council and stated that when she was asked about the swearing in being in person, she was supportive. It was a milestone for those elected. She would support the decision of the Council and what they were comfortable with. She preferred in person with proper precautions; she felt it would result in greater relationship building with each other.

Mayor Elect, Paul Deasy addressed Council and stated that the Council must lead by example and show the front line that they respect and support them. The numbers had gone up and it was not the time to take unnecessary risk. He would not participate in the swearing in or retreat in person.

Councilmember Aslan stated that he agreed that numbers were increasing, and Council would make a decision on the path forward with the upcoming events. He stated that the conversation should end with the decision of Council and uphold the voice of the majority.

Council discussed possible options for attendance at the retreat including a postponement. Mr. Clifton asked that they try and avoid postponement. The teambuilding portion was important, and the information presented during the orientation portion was extremely important to hit the ground running. Staff was prepared to accommodate virtually if that was the direction of Council.

Following discussion, Council direction was to move forward with an in person retreat on December 16, 2020, at the Aquaplex and for the swearing in ceremony offered virtually and in-person.

5. ADJOURNMENT

The Special Meeting of the Flagstaff City Council held December 11, 2020, adjourned at 2:16 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY COUNCIL INFRASTRUCTURE RETREAT
THURSDAY, SEPTEMBER 30, 2021
CORE SERVICES FACILITY
3600 WEST ROUTE 66
8:30 A.M.

MINUTES

1. Call to Order

Mayor Deasy called the Infrastructure Retreat of the Flagstaff City Council held September 30, 2021, to order at 8:32 a.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 work session, 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. Pledge of Allegiance and Mission Statement

The Council and audience recited the pledge of allegiance and McCarthy read the Mission Statement of the City of Flagstaff.

MISSION STATEMENT

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

3. ROLL CALL

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

PRESENT:	ABSENT:
MAYOR DEASY	
VICE MAYOR DAGGETT	
COUNCILMEMBER ASLAN	
COUNCILMEMBER MCCARTHY	
COUNCILMEMBER SALAS	
COUNCILMEMBER SHIMONI	
COUNCILMEMBER SWEET	

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

4. Welcome and Introductions

Mr. Clifton welcomed the Council and staff. He laid the groundwork for the meeting and introduced Nicole Lance who facilitated the retreat. Ms. Lance began a presentation that covered the following:

CITY OF FLAGSTAFF COUNCIL RETREAT -- INFRASTRUCTURE
POLARITIES
KEEP IN MINDS
THERE ARE TWO THINGS THAT GET IN THE WAY OF PRODUCTIVE DIALOGUE
OUR MOUTHS & BRAINS
GOALS OF EXTRAORDINARY DIALOGUE

5. Infrastructure Retreat - Morning Session

Wastewater Infrastructure

Interim Water Services Director Andy Bertelsen and Sustainability Director Nicole Antonopoulos introduced former Water Services Director Brad Hill, and John Routin and Brian Brenard from Corollo Engineers who provided a PowerPoint presentation.

WASTEWATER TREATMENT BRIEFING
TODAY'S TOPICS
WASTEWATER TREATMENT OBJECTIVES AND STANDARDS
FLAGSTAFF WATER RECLAMATION PLANTS
HISTORY OF WASTEWATER TREATMENT IN FLAGSTAFF
2019 MASTER PLAN -- RIO AND WILDCAT HILL PLANTS
WILDCAT HILL WASTEWATER TRENDS
WATER CONSERVATION EFFECT ON WASTEWATER STRENGTHS
WILDCAT HILL WATER PLAN ISSUES, URGENCY
SOLIDS TREATMENT AND HANDLING AT WILDCAT HILL
WILDCAT HILL -- LIQUIDS TREATMENT CAPACITY
    OPTION 1 -- PHASED EXPANSION (STAFF RECOMMENDATION)
    OPTION 2 -- SINGLE EXPANSION
FUTURE UPDATES, DISCUSSIONS

Council discussion included the following points:

- System leaks
- Industrial permits
- The balance between conservation and the wastewater program
- Life expectancy of existing plant with phased expansion
- Emerging technology for the use of bio-solids
- Improved water quality for water going into the aquifer
- Advanced treatment technology
- CIP costs and funding consideration

A break was held from 10:23 a.m. through 10:38 a.m.

Stormwater Infrastructure

Mr. Bertelsen, Ms. Antonopoulos, and Management Services Director Rick Tadder provided a PowerPoint presentation that covered the following:

STORMWATER INFRASTRUCTURE BRIEFING
STORMWATER IN FLAGSTAFF: CURRENT PROJECTS AND FUTURE OPTIONS
CURRENT CAPITAL PROJECTS
    FROM 5-YEAR CAPITAL PLAN
    FY22 PROJECTS, PRIORITIZED ANNUALLY
FY22 STORMWATER CAPITAL BUDGET
WHAT CHANGED? SUMMER 2021
CLIMATE CHANGE IN FLAGSTAFF
VULNERABILITIES: WATER SUPPLY, QUALITY, & INFRASTRUCTURE
OPTIONS -- MUSEUM FIRE FLOOD
CURRENT OPTIONS -- MUSEUM FIRE FLOOD
    OPTION 1. CONTINUE ANNUAL RESPONSE
    OPTION 2. SPRUCE CHANNEL IMPROVEMENTS
FUTURE OPTIONS -- MUSEUM FIRE FLOOD
    OPTION 3. NEW STORMWATER INFRASTRUCTURE
REVIEW OPTIONS
MT. ELDEN DRAINAGE ISSUES
CURRENT OPTIONS -- MT. ELDEN DRAINAGE
MITIGATION COSTS

STORMWATER BUDGET SUMMARY
FINANCIAL CONSIDERATIONS WATER SERVICES
WASTEWATER AND STORMWATER NEEDS
TYPE OF FUNDING

Council discussion included the following points:

- Project timeline
- Funding options
- Mitigation and restoration strategies on the burn scar
- Avoiding adverse impacts downstream
- The evaluation necessary for long-term mitigation
- Short-term strategies in tandem with medium and long-term mitigation development
- Use of General Fund to fund projects
- Grant funding and ability to match awards
- Reprioritization of capital costs and projects
- Possibility of debt issuance or use of Certificates of Participation
- Consideration of increases in user and capacity fees

A break was held from 12:45 p.m. through 1:18 p.m.

6. Public Comment

None

7. Infrastructure Retreat - Afternoon Session

Bicycle Infrastructure

Transportation Engineer Jeff Bauman, Public Works Director Scott Overton, and Senior Transportation Planner Martin Ince provided a PowerPoint presentation that covered the following:

SEPARATED BICYCLE LANE INFRASTRUCTURE
AGENDA
BIKE FACILITY SELECTION
SEPARATED BIKE LANES COMPARED TO OTHER BICYCLE FACILITY TYPES
SEPARATED BIKE LANES -- PROTECTED BIKE LANES/CYCLE TRACKS
BUTLER PHASE I PILOT PROGRAM
TWO STAGE LEFT BOXES
TYPICAL BLOCK ON BUTLER
PILOT PROJECT STATUS
BEAVER PHASE II PILOT PROGRAM
PILOT SEPARATED BIKE LANES +
TYPICAL BLOCK BETWEEN CHERRY AND FOREST
PILOT PROJECT STATUS
PILOT PROJECT MAINTENANCE OPERATIONS
CURRENT SNOW OPERATIONS
BUTLER AVE AND BEAVER STREET
PROPOSED SNOW OPERATION
BUTLER AVE PLOW AND HAUL
BEAVER STREET
PROPOSED OPERATIONAL & ONE-TIME COSTS
PILOT PROJECT EVALUATION AND REPORTING
SEPARATED BICYCLE LANE INFRASTRUCTURE
SEPARATED BIKEWAYS
BIKEWAYS PLAN
SEPARATION FROM TRAFFIC
BIKEWAY FACILITIES
BIKEWAYS PRIORITIZATION
INTENT WITHIN 5 YEARS

NEAR-TERM SEPARATED BIKEWAYS
SEPARATED -- HORIZONTAL

Council discussion included the following points:

- Prioritizing cyclists turning before vehicles
- Expansion of the pilot project
- Setting reasonable expectations for the public
- Snow operation expectations
- Other strategies for bike safety such as signage and street painting
- Prioritization of pedestrian and cyclist experiences relative to vehicles

A break was held from 2:53 p.m. through 3:04 p.m.

Public Safety Infrastructure

Deputy Chief Mark Wilson and Mr. Tadder provided a PowerPoint presentation that covered the following:

PUBLIC SAFETY INFRASTRUCTURE
EMERGENCY RADIO EQUIPMENT
FIRE APPARATUS -- ALL RISK OPERATIONS
FIRE APPARATUS -- WILDFIRE
FINANCIAL CONSIDERATIONS PUBLIC SAFETY
TYPE OF FUNDING

Council discussion included the following points:

- Electric vehicle opportunities
- The use of used equipment
- The inability to defer maintenance and replacement any longer
- Limitations on the use of development fees
- Consideration of a bond question for public safety

8. Public Comment

None

9. Adjournment

Mr. Clifton offered concluding remarks and thanked Council and staff for their participation. He thanked Ms. Lance for her facilitation of the day and keeping the group engaged and on point.

Ms. Lance offered that the collaboration between staff and Council, and the mutual respect displayed throughout the day was great. She encouraged continued respect and collaboration to move the city forward as a team.

The Infrastructure Retreat of the Flagstaff City Council held September 30, 2021, adjourned at 3:46 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY COUNCIL INFRASTRUCTURE RETREAT
THURSDAY, DECEMBER 9, 2021
CORE SERVICES FACILITY
3600 WEST ROUTE 66
8:30 A.M.

MINUTES

1. Call to Order

Mayor Deasy called the Budget Retreat of the Flagstaff City Council held December 9, 2021, to order at 8:34 a.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 work session, 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 through other technological means.

PRESENT:	ABSENT:
MAYOR DEASY (virtual until 8:45 a.m.)	
VICE MAYOR DAGGETT (virtual)	
COUNCILMEMBER ASLAN	
COUNCILMEMBER MCCARTHY	
COUNCILMEMBER SALAS	
COUNCILMEMBER SHIMONI	
COUNCILMEMBER SWEET	

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

3. Pledge of Allegiance, Mission Statement, and 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. City Council Budget Retreat

Mr. Clifton introduced Katie Wittekind who facilitated the retreat.

COUNCIL BUDGET RETREAT

WELCOME AND OBJECTIVES
AGENDA

Chris Fabian with Resource X along with Deputy City Manager Shane Dille continued the presentation.

PRIORITY BASED BUDGETING OVERVIEW
RECOMMENDED BEST PRACTICE
PBB JOURNEY
KEY COMMUNITY PRIORITIES
1.) PRIORITY DRIVEN
2.) DATA DRIVEN
3.) TRANSPARENT
LOGIC FRAMEWORK OF PBB
PROFICIENCY AND MASTERY IMPACT REPORT
THE ABILITY TO SPEAK AND THINK PROGRAMMATICALLY
FLAGSTAFF AWARD
UTILIZE PBB BLUEPRINT TO OPTIMIZE AND MAXIMIZE RESOURCES
CONNECT THE BUDGET TO THE VISION AND VALUES OF YOUR COMMUNITY
THE POWER OF SHARED PURPOSE
LEVERAGING ALL OF YOUR COMMUNITY RESOURCES
LIVE FLAGSTAFF PBB TOOL DEMO
HERE'S THE CHALLENGE WITH TRADITIONAL, LINE-ITEM BUDGETING

Mr. Fabian provided a demo of the City of Flagstaff PBB tool on the Flagstaff website. Following the demonstration, Council briefly discussed how cost recovery and cost allocation was integrated into the system.

A break was held from 10:40 a.m. through 11:01 a.m.

Interim Finance Director Heidi Derryberry and Management Services Director Rick Tadder, provided a PowerPoint presentation that covered the following:

BUDGET REFRESH
BUDGET TEAM CHARTER
PURPOSE
MEETINGS
ROLES
STATUS
BUDGET PROCESS
BUDGET TIMELINE
COLOR OF MONEY
FUND TYPES
SPECIAL REVENUE FUNDS
ENTERPRISE FUNDS
CAPITAL PROJECT FUNDS
DEBT SERVICE FUNDS
GENERAL FUND
REVENUE UPDATES
ECONOMIC CONSIDERATIONS
GENERAL FUND -- SALES TAX
ECONOMIC OUTLOOK
GENERAL FUND -- SALES TAX
GENERAL FUND -- STATE SHARED
HIGHWAY USER REVENUE SHARE
BBB TAX FUNDS
LODGING METRICS

A break was held from 12:02 p.m. through 12:31 p.m.

Mr. Clifton continued the presentation.

MAINTAINING FISCAL HEALTH
RECESSION PLANNING -- REFRESH
RECESSION PLANNING -- UPDATE
PENSION FUNDING
FISCAL RESPONSIBILITY
FUND BALANCE RESERVE POLICY

Council discussion covered the following points:

- Economic growth and inflation
- Return to pre-pandemic/recession staffing levels
- Appreciation for the foresight to develop and implement the Recession Plan

Economic Vitality Director Heidi Hansen, Management Analyst Chris Rhode, and Interim Human Resources Director Brandi Suda, continued the presentation.

BUDGET EXPECTATIONS AND IMPACTS
BUDGET TEAM FOCUS
MINIMUM WAGE STATE ASSESSMENT
COMPENSATION
MINIMUM WAGE ORDINANCE
MINIMUM WAGE -- CPI IMPACTS
MINIMUM WAGE ESTIMATED COST INCREASE
MERIT
MARKET ADJUSTMENTS
COMPRESSION
SAMPLE COMPRESSION ADJUSTMENT
COMPENSATION SUMMARY

A break was held from 1:37 p.m. through 1:47 p.m.

Federal Lobbyist Bob Holmes, Airport Director Barney Helmick Grants and Contracts Manager Stacey Brechler-Knaggs, Interim Public Affairs Director Sarah Langley, continued the presentation.

FEDERAL FUNDING
OVERVIEW OF STIMULUS FUNDING
AIRPORT CARES ACT GRANTS
CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS (CLFRF)
INFRASTRUCTURE INVESTMENT AND JOBS ACT (IIJA)
WHAT THIS MEANS FOR ARIZONA

Council discussion included the following points:

- Bridges identified for repair in Flagstaff
- Arizona grant funding and how that was allocated
- Federal grant opportunities
- Grants related to hazard mitigation and post-fire flooding

Mr. Clifton concluded the presentation and opened the discussion to Council for expectations for the upcoming budget.

COUNCIL EXPECTATIONS

Council discussion included the following points:

- 2022 Bond Committee development of recommendations for Council
- Infrastructure
- Wastewater needs

- Stormwater needs
- Pursuing grant funding
- Fire fleet and public service radios
- Keeping flood mitigation measures a high priority
- Fair compensation for staff, including ongoing merit, market adjustments, and evaluation of compaction
- Ensuring that the city is well positioned to provide grant funding matches
- Incorporating bike and pedestrian infrastructure with new development
- Continuation of alternate response
- Broadband opportunities
- Securing a second airline
- Implementation of the Business One Stop Shop
- Funding efforts for housing and climate
- Fully funding the Active Transportation Master Plan

Mr. Clifton thanked the Council for their time and engagement. He also thanked staff for all of the work and preparation of materials.

5. Public Participation

None

6. Adjournment

The Budget Retreat of the Flagstaff City Council held December 9, 2021, adjourned at 2:54 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY COUNCIL CAPITAL PROJECTS RETREAT
THURSDAY, MARCH 31, 2022
CORE SERVICES FACILITY
3600 WEST ROUTE 66
8:00 A.M.

MINUTES

1. Call to Order

Mayor Deasy called the meeting of the Flagstaff City Council held March 31, 2022, to order at 8:10 a.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 work session, 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 through other technological means.

PRESENT:	ABSENT:
MAYOR DEASY	
VICE MAYOR DAGGETT	
COUNCILMEMBER ASLAN	
COUNCILMEMBER MCCARTHY	
COUNCILMEMBER SALAS	
COUNCILMEMBER SHIMONI	
COUNCILMEMBER SWEET	

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

3. Pledge of Allegiance, Mission Statement, and Land Acknowledgement

The Council and audience recited the pledge of allegiance, Councilmember Sweet read the Mission Statement of the City of Flagstaff, and Councilmember Aslan 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. Capital Projects Retreat - Capital Program 5-Year Plan Review

Mr. Clifton offered opening remarks and introduced Katie Wittekind who facilitated the retreat.

Management Services Director Rick Tadder presented a PowerPoint presentation that covered the following:

CAPITAL PROJECTS RETREAT
WELCOME AND OBJECTIVES
GENERAL GOVERNMENT
GENERAL FUND
GENERAL FUND -- PROJECT HIGHLIGHTS
GENERAL FUND -- SUSTAINABILITY PROJECT HIGHLIGHTS
LIBRARY FUND
LIBRARY FUND -- PROJECT HIGHLIGHTS
PARKING DISTRICT FUND
CAPITAL PROJECTS BOND FUNDS -- PROJECT HIGHLIGHTS
CAPITAL IMPROVEMENT PLAN
FY22-23 PROJECTS
FY24-27 PROJECTS

Airport Director Barney Helmick continued the presentation.

AIRPORT FUND

Council discussed airport shuttle opportunities and partnerships with Mountain Line. Staff shared that funding continued to be a challenge but the city incorporated transit friendly development that included bus bump outs in preparation for a future route extension.

Beautification, Arts, and Sciences Manager Eliza Kretzmann continued the presentation.

ARTS AND SCIENCE FUND
CAPITAL IMPROVEMENT PLAN
PROJECT NEARING CONSTRUCTION
FY22-23 PROJECTS
FY23-24 TO FY26-27 HIGHLIGHTED OUT YEAR PROJECTS
BEAUTIFICATION FUND
CAPITAL IMPROVEMENT PLAN
PROJECT NEARING CONSTRUCTION
FY22-23 PROJECTS
FY23-24 TO FY26-27 HIGHLIGHTED OUT YEAR PROJECTS
BPAC PRIORITY SCORING

Parks Manager Amy Hagin continued to the presentation.

PARKS, RECREATION, OPEN SPACE, EVENTS
CAPITAL IMPROVEMENT PLAN
FY22-23 PROJECTS

Public Works Solid Waste Director Todd Hanson continued the presentation.

SOLID WASTE FUND

Public Works Streets Director Sam Beckett continued the presentation.

HURF AND RR&SS TAX FUND

Council discussed sidewalk and bike lane maintenance and how those were being affected by recruitment challenges.

A break was held from 9:39 a.m. through 9:57 a.m.

Capital Improvements Engineer Trevor Henry continued the presentation.

TRANSPORTATION TAX FUND
FY22-23 PROJECTS
FY23-24 TO FY26-27 OUT-YEAR PROJECTS

Multi-Modal Transportation Planner Martin Ince continued the presentation.

TRANSPORTATION TAX -- PED-BIKE
FUNDING -- FIRST FIVE YEARS
FOUR-STEP PLANNING PROCESS
SIDEWALKS
ENHANCED CROSSINGS
GRADE-SEPARATED CROSSINGS
FUTS TRAILS
BIKEWAYS
BIKEWAY CORRIDOR ENHANCEMENTS

Council discussion included the following points:

- The process to identify projects for the 5-year CIP
- Coordination of the CIP with the Regional Transportation Plan
- How the Regional Plan guides decisions on capital programming
- How to place more emphasis on right sizing roads
- Development of a more robust rezoning process and internal review
- The financial constraints associated with the CIP
- Finding the right balance between vehicles, bikes, and pedestrians
- Moving toward higher density to promote alternative modes of transportation
- The desire for protected intersections
- Continued support for MetroPlan's Regional Transportation planning project
- Coordination with ADOT for Milton, Route 66, and Highway 180

Interim Water Services Director Andy Bertelsen and Water Services Engineer Gary Miller continued the presentation.

DRINKING WATER FUND
CAPITAL PROGRAM PROCESS
ONGOING PROJECTS
AGING INFRASTRUCTURE PROJECTS
HIGHLIGHTED PROJECTS
LAKE MARY SEDIMENT
SWITZER CANYON TRANSMISSION
FORT TUTHILL WELL
FUTURE WELLS
LAKE MARY RAW WATER PIPELINE REHAB
WASTEWATER FUND
CAPITAL PROGRAM PROCESS
CRITICAL NEEDS
ONGOING PROJECTS
AGING SEWER INFRASTRUCTURE
HIGHLIGHTED INCREASED CAPACITY PROJECTS
CRITICAL AND AGING TREATMENT INFRASTRUCTURE
RIO CLARIFIER AND MIXERS
WILDCAT NEW DIGESTERS
RIO FLOW DIVERSION
WILDCAT EXPANSION DESIGN
WILDCAT EXPANSION CONSTRUCTION
CRITICAL AND AGING TREATMENT INFRASTRUCTURE
RECLAIMED WATER FUND
PROJECTS

STORMWATER FUND
GRANTS AND GENERAL OBLIGATION BOND PROJECTS - $22.5 MILLION

Council further discussed the importance of the wastewater, reclaimed, and stormwater projects and the need to be creative in funding pursuits to accomplish the needed projects. They also discussed grant funding and how to position the city to be ready when funding became available.

To wrap up the retreat, Council provided the following considerations for future discussions:

- Continue to improve internal review process when it comes to CIP
- Consider funding designs for bike/ped projects
- Prioritize Milton when it comes to bike/ped projects
- Potentially reconsider ARPA prioritization and criteria

5. Public Participation

None

6. Adjournment

The Capital Projects Retreat of the Flagstaff City Council held February 4, 2022, adjourned at 12:11 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY COUNCIL WORK SESSION
TUESDAY, JANUARY 10, 2023
CITY HALL COUNCIL CHAMBERS
211 WEST ASPEN AVE
3:00 P.M.

MINUTES

1. Call to Order

Mayor Daggett called the meeting of the Flagstaff City Council held January 10, 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 work session, 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 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 Acknowledgment

The Council and audience recited the pledge of allegiance, Councilmember Harris read the Mission Statement of the City of Flagstaff, and Vice Mayor Aslan read the Land Acknowledgment.

MISSION STATEMENT

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

LAND ACKNOWLEDGMENT

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 items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. 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 to have 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.

Laura Rosensweet addressed Mayor and Council regarding Education Forward Arizona, which is a state-wide education organization. She addressed the City of Flagstaff's previous involvement with the organization and gave a brief history of the formation of the organization. She provided some updates on the education progress meter.

5. Review of Draft Agenda for the January 17, 2023 City Council Meeting

Citizens wishing to speak on agenda items not specifically called out by the City Council may submit a speaker card for their items of interest to the recording clerk.

None.

6. City Manager Report

Mr. Clifton briefly reviewed his report.

Interim Deputy City Manager and Economic Vitality Director Heidi Hansen briefly reviewed the Economic Vitality monthly report.

Mayor Daggett asked if businesses were eligible for the ARPA grant if they received any federal funding from COVID relief. Business and Retention Expansion Manager John Saltonstall explained that they were not eligible if they received prior funding.

Councilmember Harris asked how small businesses find out about the funding. Ms. Hansen explained what the marketing staff had done so far. Councilmember Harris asked what was considered a small business, and Mr. Saltonstall explained that a small business must have fewer than 50 full-time equivalents.

IT Director CJ Perry briefly reviewed the IT monthly report.

Community Development Director Dan Folke briefly reviewed the Community Development monthly report.

Mayor Daggett asked about the hiring of a consultant to review the building codes. Mr. Folke stated that the two RSOQs were being developed and that they hoped to get it advertised soon.

A. Discussion and Direction on Flagstaff Ranger District's Prospectus for Outfitter Guide Service in the Mt. Elden and Dry Lakes Area

Mr. Clifton gave an explanation of the item and stated that the county was submitting a letter of opposition to the permits because of flood mitigation efforts.

Councilmember House expressed her concern that the prospectus did not adequately reference the impacts of wildfire and flood mitigation efforts.

Councilmember McCarthy stated that he did not believe that motorized recreation was appropriate for the proposed areas.

Mayor Daggett stated that she would like to see the city follow the county's lead and write a letter outlining the specific concerns with issuing permits for motorized vehicles in the area.

Vice Mayor Aslan asked if motorized recreation was allowed in the area. Forest Health Supervisor Neil Chapman stated that the requested permits would only allow for SUVs and vans. He also explained the restrictions, closures, and the recreation user expectations for growth.

Mr. Clifton asked if the Council was opposed to issuing permits for motorized recreation or if they just wanted to address concerns in the area.

Vice Mayor Aslan stated if the permits did not allow for off-road use, then he did not oppose the permits.

Mayor Daggett added that if the usage was as low as the Forest Service expected, then she was fine with just addressing the concerns.

Mr. Clifton stated that staff would work on the letter of concerns and would send a draft to Council.

7. Neighborhood Partnership Coalition

Neighborhood Liaison Valeria Chase provided an overview of the Off-Campus Life Neighborhood Liaison position and an update on the Neighborhood Partnership Coalition. The presentation covered the following:

- Personal Background
- History of the Role
- Dual Program Management
- Purpose of the Role
- Implemented Programs to Date
- Program Relaunch
- Neighborhood Partnership Coalition

Councilmember Harris asked if the group would meet monthly with a community meeting twice a year. Ms. Chase stated that the Neighborhood Partnership Coalition would meet twice a year and the staff involved in the Coalition would meet one month before the meeting. Councilmember Harris asked how the topics were determined. Ms. Chase stated that the city and NAU staff would bring topics that were relevant to the neighborhoods and businesses to the preparation meeting.

Mayor Daggett asked if staff would send Councilmembers the agenda prior to the meeting and if Council would be able to share their concerns with staff. Ms. Chase stated that Council could bring any concerns to her or Public Affairs Director Sarah Langley for the group to consider.

8. Consideration and Approval of 2023 Legislative Priorities

Public Affairs Director Sarah Langley reviewed the 2023 State and Federal Legislative Priorities with the Council.

Councilmember Matthews asked about the Workforce Development section and suggested adding a section on job development. She also expressed discomfort with the inclusion of carbon fee dividend legislation in the climate change section.

Ms. Langley stated that the climate change priority was broadened the previous year. Federal Lobbyist Bob Holmes explained the history of the carbon fee dividend legislation and how the fee may be the only legislation that may be feasible in the next two years.

Council expressed support for the presented priorities.

9. Inner Basin Waterline Project Update

Grants, Contracts, & Emergency Management Director Stacey Brechler-Knaggs, Capital Improvements Project Manager David Pedersen, Water Production Manager Brian Huntzinger, Hunter Contracting President Chuck English, Hunter Contracting Principal Bob Carlson, Deputy District Ranger for the Flagstaff Ranger District Nick Musto, Stormwater Manager Ed Schenk, and Jacobs Engineering Principal Berwyn Wilbrink provided a PowerPoint presentation that covered the following:

- Inner Basin Waterline Project
- Pipeline of the Past
- Pipeline Fire -- June 2022
- Post Fire Flood Damage
- Waterline Infrastructure (Springs)
- Waterline Infrastructure (Wells)
- Waterline Infrastructure (NRFP)
- Waterline Infrastructure (Fires)
- NEPA Process
- Project Stakeholders
- Guaranteed Maximum Price
- Contract & Project Timeline
- Project Sites -- Good, Bad, Ugly
- Waterline Road Unburned
- Aspen Regeneration
- Biological Legacies
- Funding Sources

Councilmember Harris asked if there was another fire, if the work being done now would be helpful in dealing with it. Ms. Brechler-Knaggs stated that another fire could trigger another declaration of an emergency, and it would be funded separately from DEMA and the state.

Mayor Daggett clarified that the DEMA grant public funding was a 75/25 match. Ms. Brechler-Knaggs stated that DFFM and DEMA were working together to determine the best funding to use first with the goal to get the project 100% funded.

A break was held from 5:09 p.m. through 5:25 p.m.

10. 2023 Updates to the Coconino National Forest, Flagstaff Ranger District Camping and Campfire Restrictions

Wildland Fire Battalion Chief Paul Oltrogge introduced District Ranger from the Flagstaff Ranger District Matt McGrath, Deputy District Ranger from the Flagstaff Ranger District Nick Mustow, Acting Deputy Fire Staff for Coconino National Forest True Brown, and Acting District Fellow for the Flagstaff Fire District Andy Paterson who provided a PowerPoint presentation that covered the following:

- Objective
- Three primary tools
- Human vs. Lightning Caused Fires
- Overview of Stage 1/2/3 restrictions
- Restrictions decisions
- Flagstaff RD Restrictions History
- Maps
- Considerations/Questions

Vice Mayor Aslan stated that he felt it was a significant and necessary change, and he was fully supportive. He added that the restrictions would be temporary and put in place for reasons of public safety, infrastructure, and the health of the public lands. He also addressed the issue of the unsheltered population around Flagstaff, emphasizing the importance of ensuring their voices were heard. He inquired about the plans for public outreach and suggested a robust, ongoing outreach

and listening plan for those who would use the public lands during the year.

Councilmember McCarthy expressed his support.

Councilmember Harris commented on the unsheltered population potentially living in the forest and stressed the importance of the community providing the Forest Service with the resources needed to assist the unsheltered individuals affected by the closures, including providing guidance on where they can go. She emphasized the need for a coordinated effort.

Mayor Daggett expressed her gratitude and asked how the city communicated with the Forest Service regarding the relocation of the unsheltered when the forests close. Mr. Clifton stated that plans were in place to communicate emergent situations and closures.

11. Public Participation

None.

12. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests

Councilmember Sweet informed the public that there was a Downtown Connection Center Civic Space Visioning Refresh at the Murdoch Center on January 12, 2023.

Councilmember House stated that Wednesday was National Human Trafficking Awareness Day and Wear Blue Day.

Vice Mayor Aslan requested two FAIR items: To enter into a process to rename Agassiz Peak and to revisit the City of Flagstaff's logo.

13. Adjournment

The Work Session of the Flagstaff City Council held January 10, 2023, adjourned at 6:17 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY COUNCIL COMBINED SPECIAL MEETING / WORK SESSION
TUESDAY, JANUARY 31, 2023
CITY HALL COUNCIL CHAMBERS
211 WEST ASPEN AVE
3:00 P.M.

MINUTES

1. Call to Order

Mayor Daggett called the special meeting of the Flagstaff City Council held January 31, 2023, to order at 3:06 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 work session, 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 through other technological means.

PRESENT:	ABSENT:
MAYOR DAGGETT	
VICE MAYOR ASLAN	
COUNCILMEMBER HARRIS	
COUNCILMEMBER HOUSE (virtual)	
COUNCILMEMBER MATTHEWS	
COUNCILMEMBER MCCARTHY	
COUNCILMEMBER SWEET	

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

3. Pledge of Allegiance, Mission Statement, and Land Acknowledgment

The Council and audience recited the pledge of allegiance, Councilmember Sweet read the Mission Statement of the City of Flagstaff, and Vice Mayor Aslan read the Land Acknowledgment.

MISSION STATEMENT

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

LAND ACKNOWLEDGMENT

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**

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Tom Pearson addressed Mayor and Council regarding Carbon Net Zero, Carbon off-setting, and mitigating climate change.

Convention and Vistor Bureau Director Trace Ward addressed Mayor and Council regarding National Plan your Staycation Day.

Anthony Garcia addressed Mayor and Council to promote a non-profit mini-golf tournament at Coconino Center of the Arts.

5. **Review of Draft Agenda for the February 7, 2023 City Council Meeting**

Citizens wishing to speak on agenda items not specifically called out by the City Council may submit a speaker card for their items of interest to the recording clerk.

None.

6. **Proclamation:** Career and Technical Education Month

Mayor Daggett read and presented the proclamation.

7. **January Work Anniversaries**

Senior Deputy City Manager Shannon Anderson shared the January Employee Work Anniversaries.

8. **Consideration and Approval of Contract:** Purchase Contract with Scheidt & Bachmann USA Inc. for the Airport Paid Parking System.

Airport Programs Manager Brian Gall provided a PowerPoint presentation that covered the following:

- Airport Paid Parking System
- Parking at the Airport
- Move to a Paid Parking System
- Previous Council Decisions
- Steps to Implement Paid Parking
- Proposed Supplier
- Proposed System
- Parking Operations

Vice Mayor Aslan inquired about the possibility of a fee for lost parking tickets. Mr. Gall clarified that there were no plans for a fee for lost tickets and that staff could rely on license plate records as a backup. He explained that license plates were recorded using a license plate reader and by staff manually recording license plates.

Councilmember House asked if there have been discussions about continuing an airport shuttle program. Mr. Gall mentioned ongoing conversations with Mountain Line for airport service but noted the absence of a current funding source. Interim Deputy City Manager Heidi Hansen stated that a

shuttle service wass a more favorable option than a bus line but cited staffing challenges. She indicated that efforts were underway to try to sustain the shuttle service.

Councilmember McCarthy voiced his support for the initiative.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to find that Scheidt & Bachmann USA Inc. has offered the proposal most advantageous to the City, approve a contract with Scheidt & Bachmann USA Inc. for the purchase, installation, and support a parking access and revenue control system for the Flagstaff Pulliam Airport in an amount not to exceed $286,714.03, plus applicable taxes, and authorize the City Manager to execute all necessary documents.

Vote: 7 - 0 - Unanimously

9. **Consideration and Adoption of Ordinance No. 2023-03:** 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.

Mayor Daggett continued the public hearing that was initially opened at the meeting of November 15, 2022.

Stormwater Manager Edward Schenk, Water Resources Principal Consultant Sanjay Guar, Finance Director Brandi Suda, and Water Services Management Analyst Lisa Deem provided a PowerPoint presentation that covered the following:

- Overview
- Utility Structure
- Stormwater Rate & Program History
- Stormwater Rates: Rate Basis - EUR
- Stormwater Program Accounts
- Stormwater Rates: Current Rates
- Stormwater CIP History
- Financial Planning
- Financial Planning 101
- Financial Plan Before Fire
- Capital Needs Before Fire
- 2021-2022 Flood Impact on Stormwater Fund Financial Impact of Flooding Event
- Rate Study Journey
- GO Bonds Pass
- Stormwater Rate Assessment
- Rate Adoption Journey
- New Baseline O&M
- Operating Position with Increased O&M
- Baseline Operational Needs: Two-Year Increase to meet O&M Needs
- Stormwater Maintenance
- Maintenance example -- Copeland
- Maintenance example -- Frances Short Pond
- Operating Position Needs
- Capital Plan Scenarios
- Scenario 1: Minimal Capital Plan
- Scenario 2: Recommended CIP, with Future Grants
- Scenario 3: Recommend CIP, with Rates
- Scenario 1: Minimal Capital Plan -- Proposed Financial Plan
- Scenario 2: Recommended CIP, with Future Grants -- Proposed Financial Plan
- Scenario 3: Recommend CIP, with Rates -- Proposed Financial Plan
- Rate Summary of Scenarios
- Rate Impact
- Future Impact on Rates
- Rate Comparison -- National Perspective

- National perspective
- Outreach
- Rate Timeline 2023

Laura Kessler addressed Council and stated that she was a flood-impacted resident. She disagreed with the presentation and stated that residents were at a safety risk for flooding.

Tom Pearson addressed Council and stated that residents were willing to pay additional fees to secure the safety of residents. He addressed mitigation and the importance of it for the residents of Flagstaff.

Joe Galli, Senior Advisor Public Policy of the Greater Flagstaff Chamber of Commerce, addressed Council and stated that the Chamber had concerns about a fee increase. He suggested seeking grants to fund the projects and suggested a sunset on the fee schedule. He also suggested using general fund money for the improvements to supplement the funds a rate increase would raise so that the rate increase could be lower.

Michelle James, the Executive Director for Friends of Flagstaff's Future, stated that rates were not keeping up with the times. She stated that Friends of Flagstaff's Future was supportive of Scenario 3.

Steve Puhr addressed Council and spoke about funding.

Mayor Daggett asked about the timeline for Highway 180. Mr. Schenk stated that they were currently working through design and property acquisitions. They were hopeful to have the review in April. Mayor Daggett asked if staff needed approval from the Arizona Department of Transportation, and Mr. Schenk said that staff did need permission for design and utility relocation.

Moved by Councilmember Miranda Sweet, **seconded by** Vice Mayor Austin Aslan to continue the public hearing to February 14, 2023 to allow staff time to gather more information.

Vote: 4 - 3

NAY: Councilmember Deborah Harris
Councilmember Jim McCarthy
Councilmember Khara House

10. Adjournment

The Special Meeting of the Flagstaff City Council held January 31, 2023, adjourned at 5:26 p.m.

WORK SESSION

1. Call to Order

Mayor Daggett called the special meeting of the Flagstaff City Council held January 31, 2023, to order at 5:51 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 work session, 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. City Manager Report

Mr. Clifton briefly reviewed his report.

IT Director CJ Perry briefly reviewed the IT monthly report.

Water Services Management Analyst Lisa Deem briefly reviewed the Water Services monthly report.

Climate Section Director Jenny Niemann briefly reviewed the Sustainability monthly report.

Vice Mayor Aslan asked about the winter snowplay cleanup and whether the issue was improving or worsening. Ms. Niemann stated that she had observed a significant amount of trash in the woods. There was community-wide messaging to encourage trash cleanup and the presence of dumpsters at snowplay areas had proven helpful.

3. **Economic Development - Year in Review 2022**

Community Investment Director David McIntire, Business Attraction Manager Jack Fitchett, Business Retention and Expansion Manager John Saltonstall, and Administrative Specialist Creag Znekto provided a PowerPoint presentation that included the following:

- Introduction
- Awards & Key Partners
- Business Attraction Incentives
- Business Attraction -- End of the Year Successes
- Business Attraction -- Looking Ahead
- Business One Stop Shop
- Buxton Analytics
- Placer A.I. Analytics
- Brownfields
- Moonshot at NACET
- Marketing
- Business Retention & Expansion
    - BR&E Incentives 2022
    - BR&E Incentive 2022 -- Awardees
    - Innovate Waste: The Carbon Neutrality Challenge
    - Expansions
    - Workforce Development

The team highlighted their dedication to promoting economic growth, supporting local businesses, and maintaining the unique identity of Flagstaff while fostering innovation and sustainability in the community.

President and CEO of the Economic Collaborative of Northern Arizona Gail Jackson addressed Council to state her support of the Economic Development team.

4. **Downtown Connection Center (DCC) Art Concepts: Art Glass and Southside Grove Sculpture**

Beautification, Arts, and Sciences Program Manager Jana Weldon provided a PowerPoint presentation that included the following:

- Downtown Connection Center (DCC) Art Concepts
- Agenda
- Artist Selection
    - Haddad/Drugan
    - Design Contracts
- Community Input Prior to Design
- Design and Review
- Art Glass and Southside Grove Sculpture
- Art Glass
- Southside Grove Sculpture

Councilmember McCarthy mentioned his admiration for much of the sculpture. He inquired about the possibility of incorporating more needles and expressed his concern that the chimes might be considered a nuisance.

Vice Mayor Aslan expressed his excitement and addressed the relocation of the site concerning the equinox. He also mentioned his interest in incorporating more sound elements.

Council expressed their appreciation and support of the project.

Matt McGrath and Anthony Garcia each addressed Council in support of the project.

A break was held from 7:37 p.m. through 7:46 p.m.

5. **Parking Update and Discussion**

Park Flag Parking Manager Gail Brockman provided a PowerPoint presentation that covered the following:

- Why Parking?
- Initial Success
- Program Improvements
- Program Suspension
- Re-Implementation
- Current State of the Program
    - Ambassadorship Enforcement Model
    - Revenue
    - Staffing
    - Current State of the Program
- Future Agenda Item

Councilmember McCarthy inquired about employee parking and whether designated areas existed for them. Ms. Brockman clarified that employee parking is allocated to specific zones, namely Employee North (EN) and Employee South (ES).

- Requesting Input
    - Ordinance Changes
        - Information

The Council provided direction to staff to bring an ordinance forward.

- Multi-Use Permit
    - Input

Councilmember McCarthy asked if overnight parking in winter would be allowed. Ms. Brockman explained that parking would be available in lots, and Councilmember McCarthy expressed his support. Vice Mayor Aslan also voiced support.

Councilmember Harris questioned where people were currently parking, to which Ms. Brockman replied that residents currently had limited parking options, with some using private lots.

- South Leroux Street Non-Residential Mgmt. Request

Councilmember McCarthy stated that the change was beneficial and raised a concern about a red curb near the Murdoch Center, which he felt might not be proper. Ms. Brockman agreed to look into it.

Tyler Denham addressed Council in support of shared parking. He had questions about implementation, including why Park Flag preferred a lottery system over raising permit costs and why it wanted to limit it to Park Flag rather than implementing a fee. Ms. Brockman explained that the lottery aimed to address anticipated high demand relative to supply, and it would be evaluated as a pilot program over a year. The two-hour time limit aimed to align with other streets in the area.

Mr. Denham also submitted a written comment in support of the proposed ordinance.

6. Public Participation

None.

7. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests

Councilmember House noted that it was the start of Black History Month and National Freedom Day on February 1, 2023.

Councilmember Harris shared that she attended her first Open Space Commission meeting.

Vice Mayor Aslan requested updates on the Attorney General's cancellation and rescheduling, and he expressed the desire for an update on the abortion resolution, requesting it to be scheduled on the working calendar.

Councilmember Sweet requested a FAIR Item to explore options for clearing ice and snow from alleys and also sought an update on snow operations.

Councilmember McCarthy requested a FAIR item for a discussion on snow removal, specifically focusing on attachments for snow removal equipment that could minimize driveway blockages. He suggested bringing in a consultant to discuss available equipment and its practicality.

Mayor Daggett mentioned that she would not be present at the next Council Meeting as she would be attending the State of the Union address.

8. Adjournment

The Work Session of the Flagstaff City Council held January 31, 2023, adjourned at 8:34 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 January 31, 2023. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 1st day of October, 2024

_____
CITY CLERK

CITY COUNCIL WORK SESSION
TUESDAY, MARCH 28, 2023
COUNCIL CHAMBERS
211 WEST ASPEN
3:00 P.M.

MINUTES

1. Call to Order

Mayor Daggett called the meeting of the Flagstaff City Council held March 28, 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 work session, 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 through other technological means.

PRESENT:	ABSENT:
MAYOR DAGGETT	COUNCILMEMBER HOUSE
VICE MAYOR ASLAN	
COUNCILMEMBER HARRIS	
COUNCILMEMBER MATTHEWS	
COUNCILMEMBER MCCARTHY	
COUNCILMEMBER SWEET	

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

3. Pledge of Allegiance, Mission Statement, and Land Acknowledgment

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

MISSION STATEMENT

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

LAND ACKNOWLEDGMENT

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 items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. 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 to have 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. Review of Draft Agenda for the April 4, 2023 City Council Meeting

Citizens wishing to speak on agenda items not specifically called out by the City Council may submit a speaker card for their items of interest to the recording clerk.

None

6. March Work Anniversaries

Deputy City Manager Shannon Anderson gave an overview of employees celebrating work anniversaries in the month of March.

7. City Manager Report

Mr. Clifton briefly reviewed his report.

Parks, Recreation, Open Spaces, and Events Director Rebecca Sayers briefly reviewed the monthly PROSE report.

Councilmember Harris asked about how the trail counters worked. Parks, Recreation, Open Spaces, and Events Assistant Director Amy Hagin stated that there were counters that were hidden on the trails at specific locations to capture the number of visitors.

8. Post-Wildfire Flooding Update

Stormwater Manager Ed Schenk, Water Services section Director Mac McNamara, and Public Works Streets Section Director Sam Beckett provided a PowerPoint presentation that covered the following:

OBJECTIVES FOR TONIGHT
OVERALL MAP
SPRUCE WASH (2019 MUSEUM FIRE)
SPRUCE WASH
SUITE OF PROJECTS
CONSTRUCTION MANAGER AT-RISK PROCESS
PROJECT DELIVERY SCHEDULE
PARK WAY BASIN
SCHULTZ CREEK (2022 PIPELINE FIRE)
SCHULTZ CREEK PROJECT DELIVERY
SCHULTZ CREEK CHANNEL
SCHULTZ CREEK AT HWY 180
FRANCES SHORT PONE DREDGING
SPRING RUNOFF
SPRING RUNOFF UPDATE

NEIGHBORHOOD MITIGATIONS

Councilmember Matthews asked about the recent sewer issues at Foxglenn Park. Mr. Schenk stated that with Foxglenn being so low, there were backflows that occured. He noted that the Wastewater Collections group was working on the backflow as well as testing the water. Water Services Management Analyst Lisa Deem added that the affected areas of Foxglenn Park had been closed, and mitigation efforts were underway. She stated that social media notices had been posted, and signs were at the site. There would need to be some materials replaced and the park was being actively mitigated.

Mayor Daggett asked if the city would utilize volunteers and contract with the United Way to help with flooding mitigation. Mr. Beckett stated that was the plan to do so.

Mayor Daggett asked about the modeling for the Schultz watershed and when it would be available. Mr. Schenk stated that they had the preliminary maps from JE Fuller, but they were not quite ready to be disseminated.

The Council received public comment from Laura Kessler and Steve Puhr about flooding on Meade Lane and requesting flood mitigation.

Mr. Schenk stated staff would look into short-term mitigation for the area. Public Works Director Scott Overton offered that staff had not completed the system and the "bathtub" condition that was experienced on Meade Lane was very different from what was happening in the Spruce Wash area and the same mitigation was not as effective.

9. American Rescue Plan Act (ARPA) Funds Supporting the Local Economy

Economic Vitality Director Heidi Hansen, Discover Flagstaff Director Trace Ward, and Business Retention & Expansion Manager John Saltonstall provided a PowerPoint presentation that covered the following:

AMERICAN RESCUE PLAN ACT (ARPA) GRANT PROGRAM
COUNCIL ADVOCATES FOR FLAGSTAFF
FUNDING AVAILABILITY NOTICE
GRANT APPLICANTS
ARPA
SMALL BUSINESS ASSISTANCE GRANT -- RULES
FMPO
SMALL BUSINESS ASSISTANCE GRANT -- SUMMARY
APPLICANTS MAP
SMALL BUSINESS ASSISTANCE GRANT -- NUMBERS
SMALL BUSINESS ASSISTANCE GRANT -- THANKS

Mayor Daggett asked how much money was given to event promoters in terms of waiving fees for events. Mr. Ward stated that the event promoters were not a part of that specific program, but that staff promoted the events in town as part of the budget. Grants and Contracts Manager Stacey Brechler-Knaggs stated that $85,000 was waived for promotion.

10. The City of Flagstaff Hazardous Materials Response and Planning Presentation

Deputy Fire Chief of Operations Chris Fennell provided a PowerPoint presentation that covered the following:

HAZARDOUS MATERIALS RESPONSE
OVERALL CAPABILITIES
FFD SPECIAL OPERATIONS HISTORY
OPERATIONS
HAZARDOUS MATERIALS RESPONSE
INTERSTATE AND RAIL EMERGENCIES

SCENE STABILIZATION
ERG
PLUME MODELING
ADDITIONAL RESOURCES
IN REVIEW

Councilmember Matthews asked if there were any hazardous materials that were not allowed to run through Flagstaff. Deputy Chief Fennell stated that most material could ship through Flagstaff, but some cannot stop within Flagstaff. The vast majority of chemicals were flammable materials. He stated that BNSF shared information with first responders about what and when materials would be coming through the area.

11. Public Participation

Anthony Garcia addressed Council and thanked staff for their participation in the Sunnyside Neighborhood Association meeting. He spoke in support of repurposing the old Firestation #2 for a STEAM learning center.

12. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests

Councilmember Sweet spoke about the Viola Awards and the NAU Giving Day.

Councilmember Harris stated that Commissions should utilize all of the Council-adopted plans for their own strategic planning.

Mayor Daggett spoke about the grand opening of NAU's Early Learning Center. She stated that she attended the Commission on Inclusion and Adaptive Living meeting and shared he need for continued education on disabilities and sidewalks in the community.

13. Adjournment

The City Council Work Session held March 28, 2023, adjourned at 5:02 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY COUNCIL WORK SESSION
TUESDAY, NOVEMBER 28, 2023
CITY HALL COUNCIL CHAMBERS
211 WEST ASPEN AVE
3:00 P.M.

MINUTES

1. Call to Order

Mayor Daggett called the meeting of the Flagstaff City Council held November 28, 2023, to order at 3:03 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 work session, 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, Councilmember Sweet 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

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Mayor Daggett reordered the agenda to take Item 5 before Item 4.

4. Public Participation

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William Tyler Head addressed Council and presented a citizen petition that asked that the city support the ICAN cities appeal to abolish nuclear weapons.

The following individuals addressed Council in support of the current Carbon Neutrality Plan:

- John McCartney
- Sat Best
- Roderic Parnell
- Kay Bordwell
- Jill Stephenson
- Mark James
- Michele James
- Talyne Belka
- Robert Breunig
- Phoenix Eskridge-Aldama
- Kim Curtis
- Sandra Lubarsky
- Bryan Bates
- Karyn Riedell
- Jordyn DeMaio
- Liam O'Neill Sarr
- Tim Aydelott
- Merion Sharp.
- Jason Kardosky
- Anthony Underwood
- Alexander Shenkin

The following comments were received:

- The Council should do everything they could to support the goals within the plan and not change the path.
- Do not support the citizen petition from Flagstaff First.
- The advancement of the Flagstaff First petition would redirect funding from climate efforts.
- Fire, flooding, and drought were already addressed within the current plan.
- Flagstaff demonstrated a way toward a carbon neutral future.
- Flagstaff First's proposal would weaken the plan.
- Wildfire, flooding, and drought were impacts from the harmful effects of climate change.
- The beliefs of Flagstaff First represent the minority and are not based in science.
- Do not change the Climate Neutrality Plan as requested by the petition.
- In order to achieve the goals of the Climate Neutrality Plan everything else must take a back seat.
- Unless the root cause of climate change was addressed things would only get worse.
- It was not the time to abandon the goals or change course.
- The Council should continue to lead the way in climate action and carry forward the goals within the plan.
- The petition aims to gut the Carbon Neutrality Plan.
- The Carbon Neutrality Plan focused on well documented strategies for reducing reliance on fossil fuels.

- City, state, and federal agencies were already addressing the issues of wildfire, flooding, and drought in many ways, a change in the Carbon Neutrality Plan was not necessary.
- Natural disasters were a result of climate change which the Carbon Neutrality Plan was outlined to address.
- The argument that Flagstaff's efforts were pointless because the emissions of China were so high was misguided.
- There was broad community support for the development of the Carbon Neutrality Plan.

Written comments in support of the current Carbon Neutrality Plan were submitted by the following individuals:

- Jacqueline Thomas
- Eric Souders
- Karen Enyedy
- Melinda Bell
- Kathy Flaccus
- Esther Ellsworth Bowers
- Anthony Underwood
- Sara Gibson
- Katherine Allen
- Elaine Dillingham
- Dr. Keith White
- Libby Stortz
- Rivko Knox
- Erica Rackley
- Dr. Lauren Breihan
- Stephanie Hammond
- Andrew Reiter
- Marie Jones
- Susan Shapiro
- Bob Tures
- Heidi Shoen
- Lindsey Falkenburg
- Gisela Ray
- Justin Shagena

5. Recognition: Housing Month Sticker Contest Winner

Housing Program Manager Adriana Fisher spoke about the Housing Month sticker contest and announced Arlo Fredicks as the contest winner. Arlo was presented a recognition and key to the city from the Mayor and Council.

6. Review of Draft Agenda for the December 5, 2023 City Council Meeting

None

7. City Manager Report

Mr. Clifton briefly reviewed his report, Economic Vitality Director Heidi Hansen reviewed the Economic Vitality monthly report, and Parks, Recreation, Open Space, and Events Director Rebecca Sayers reviewed the PROSE monthly report.

8. ECoNA - An Economic Development Roadmap for Northern Arizona

President and CEO of ECoNA Gail Jackson introduced Daniel Court, Principal and Senior Economist with Elliott D. Pollack & Company, and Dr. Ioanna Morfessis, President and Chief Strategist with IO.INC. who provided a PowerPoint presentation that covered the following:

ECoNA ECONOMIC DEVELOPMENT STRATEGIC PLAN

FORGING THE FUTURE: AN ECONOMIC DEVELOPMENT ROADMAP FOR NORTHERN ARIZONA
FIVE-YEAR ECONOMIC DEVELOPMENT STRATEGIC PLAN
OUR TEAM
APPROACH
A SNAPSHOT OF THE REGION'S CURRENT ECONOMICS
POPULATION CHANGE 2010-2022
2021-2040 POPULATION FORECAST
HOUSEHOLD INCOME
COCONINO COUNTY EMPLOYMENT BY INDUSTRY -- 2020
EMPLOYMENT BY INDUSTRY
COMPETITIVENESS ANALYSIS
EDUCATIONAL ATTAINMENT CITY COMPARISON
EDUCATIONAL ATTAINMENT REGIONAL COMPARISON
COLLEGE & GRADUATE SCHOOL ENROLLMENT CITY COMPARISON
COLLEGE & GRADUATE SCHOOL ENROLLMENT REGIONAL COMPARISON
POPULATION PROJECTIONS
COMMERCIAL REAL ESTATE FACTORS
LATEST CRIME RATES PER 1,000 RESIDENTS CITY COMPARISON
SUMMARY OF ECONOMIC CONDITIONS
IDENTIFYING THE TARGETED SECTORS
LABOR SHED ANALYSIS
HOUSING ANALYSIS
AVERAGE SALES PRICE SINGLE FAMILY HOMES ECONA REGION
ECONA REGION APARTMENT INVENTORY & TRENDS
RENTER-OCCUPIED HOUSEHOLDS PAYING MORE THAN 30% OF INCOME TOWARDS HOUSING COSTS
ECONA REGION FIVE-YEAR AFFORDABLE HOUSING DEMAND
SWOT ANALYSIS
TOP 12 STRENGTHS
TOP 12 WEAKNESSES
TOP 12 OPPORTUNITIES
TOP 12 THREATS
GROWTH OPPORTUNITIES
GOALS & OBJECTIVES
6 MAIN GOALS
IMPLEMENTATION TIMETABLE EXAMPLE

Councilmember Matthews stated that Northern Arizona could be faced with an economic crisis and asked if the action items presented could help lessen the impact. Mr. Court stated that Flagstaff represented a large impact on Northern Arizona and was responsible for some of the perception of anti-growth and anti-business. There was a lot of work to be done and the action items were a possible strategy to combat that perception. Dr. Morfessis added that Flagstaff was surrounded by magnificent scenery, natural assets, great employers, educational facilities, and a great quality of place and life but it was going to experience economic decline if some of the existing factors were not addressed.

Councilmember Matthews asked how the overturn of the Northern Arizona Healthcare (NAH) project would impact the outcomes of the report. Mr. Court stated that feedback from stakeholders was for more healthcare services and NAH would have fulfilled that need. When a city was unable to approve and develop quality of live services it put things at risk. Dr. Morfessis added that Flagstaff was communicating that they did not want growth. It called to question why have a medical school at NAU if graduates would go elsewhere when their schooling was complete. Not having the highest level of acute care in a hospital that attracted quality medical personnel would be problematic.

Councilmember House asked if there were recommended strategies and action steps to achieve the goals within the report. Mr. Court stated that there were actionable objectives and timelines to meet the goals.

Councilmember House asked if existing plans such as the 10-Year Housing Plan, the Regional Plan, and the Carbon Neutrality Plan were considered as part of the development of the economic

development strategy. Dr. Morfessis stated that a variety of plans influenced how they approached the economic development strategy. Economic development and growth were not incompatible with the carbon neutrality goals that had been adopted. The report recognized that there had to be balance with all plans which influenced the recommendations. Mr. Court added that the plan was regional and what may not work for Flagstaff, could be good opportunities for Winslow or Camp Verde. As each city looked a the plan they should consider their specific community and their own strengths and weaknesses.

Councilmember Sweet asked how the small business community was engaged in the development of the plan and what their top concerns were. Dr. Morfessis stated that small business owners were interviewed and those located in Flagstaff were most concerned about the cost of doing business, including the rising minimum wage, and the escalating cost of housing. There were also sentiments that Flagstaff was not business friendly.

The following individuals addressed Council regarding the ECoNA report:

- Josh Maher, Chair of ECoNA
- Alexis Knapp-Poly
- William Tyler Head

The following comments were received:

- The report presented real concern.
- The plan articulated the importance of diversifying the regional economy and the critical nature that housing availability played in the vitality of the region.
- Organizations were challenged to attract and retain talent due to the cost of living.
- Bold action was needed from members of the Council to address the concerns.
- There was a constant narrative around the general need for workforce development.
- Training the workforce did not mean much if people could not afford to live here.
- There were exciting opportunities to increase economic vitality but the lack of workforce housing needed to be addressed before anything else could be resolved.
- Keep in mind the people who desperately want to stay and work in Flagstaff and contribute to the growing economy.
- An assessment of second homes and short term rentals should be done.
- More emphasis should be placed on building up, especially in downtown to provide more housing.
- The reality of young people being able to stay in Flagstaff was disappearing.

A written comment was submitted by Ann Heitland that encouraged partnership with NAH to find a way to proceed.

Councilmember Harris requested that the information presented be released to the public. Flagstaff was not going to stay the way it was, and it had changed drastically in the last 30 years. People were digging their heels in and fighting against any growth and development and that was hurting businesses and the people who want to live and work in Flagstaff.

Councilmember House stated that the decisions made today would impact the future of Flagstaff for years and generations down the line. She did not expect that there would be so much focus on what happened with the hospital but there would never be agreement on the outcome. The question became what would happen as a result and how to ensure good healthcare for Northern Arizona and how to partner that with the need for housing and sustainability. There was a need for healing in the community and there was much work to be done to expand equity both economically and socially. That work would require bold action.

Councilmember McCarthy stated that 25% of the housing in Flagstaff was owned by people who did not live there, and he would like to see a higher tax rate for second homes. Workers would come to Flagstaff if they could afford to do so and addressing the housing issues must be top priority.

Councilmember Matthews stated that there had been so much discussion about how to lower the cost for developers to come into Flagstaff but very little had been done about it. It was time to stop talking and start doing. She had heard complaints about how long it took to get through the development

process and that conversations should be elevated if they were to get serious about housing. Addressing some of the issues with timing and cost could help create competition and more opportunities to get housing into Flagstaff. She also recognized the perception that could come from the outcome of the NAH development and was hopeful that the community could work together moving forward.

Mayor Daggett thanked ECoNA for the work that went into preparing the plan. She stated that when economic development and economic growth were discussed, there was a divide that happened around the word growth. To her, growth was about innovation and helping entrepreneurs put ideas into action. That type of economic development enhanced Flagstaff and put great ideas into action.

Ms. Jackson thanked Council for the time to present. She stated that ECoNA was diligent in vetting each project that expressed interest in Northern Arizona. They consider things such as the use of natural resources, how the project complimented the values of the desired location. They were not recruiting big, massive companies to come to the region. ECoNA recently participated in a strategic retreat that identified the three things they would focus on; housing, attitude and education about economic development, and regional collaboration and policy. They appreciated the support and investment of all the partners in the plan and they would report out on the progress they were making toward the three priorities.

9. Public Participation

None

10. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests

Councilmember Sweet reported that First Friday Artwalk was that week and she encouraged people to come downtown and support local businesses.

Mayor Daggett stated that it was Giving Tuesday and encouraged others to support their favorite non-profit.

11. Adjournment

The Special Meeting of the Flagstaff City Council held November 27, 2023, adjourned at 4:08 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY COUNCIL REGULAR MEETING
TUESDAY, DECEMBER 5, 2023
CITY HALL COUNCIL CHAMBERS
211 WEST ASPEN AVE
3:00 P.M.

MINUTES

1. CALL TO ORDER

Mayor Daggett called the meeting of the Flagstaff City Council held December 5, 2023, to order at 3:02 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, Councilmember Harris read the Mission Statement of the City of Flagstaff, and Councilmember Matthews read the Land Acknowledgement.

MISSION STATEMENT

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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. COUNCIL LIAISON REPORTS

Councilmember Sweet reported that MetroPlan would have their Executive Board meeting that week. She also stated that the Beautification and Public Art Commission would hold their yearly retreat at Lowell Observatory.

Councilmember House reported that the Housing Commission and the Commission on Diversity Awareness would both meet later that week.

Councilmember Harris reported that she attended the NAU community holiday reception and stated that Dr. Cruz Rivera expressed appreciation for the partnership between NAU and the city.

Vice Mayor Aslan reported that the Sustainability Commission met and discussed the Neighborhood Sustainability grants and they also selected a new Vice Chair.

6. 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.

Moved by Vice Mayor Austin Aslan, **seconded by** Councilmember Jim McCarthy to appoint Emily Dale to an At-Large seat with a term expiring December 2026.

Vote: 7 - 0 - Unanimously

7. CONSENT AGENDA

All matters under Consent Agenda are considered by the City Council to be routine. Unless a member of City Council expresses a desire at the meeting to remove an item from the Consent Agenda for discussion, the Consent Agenda will be enacted by one motion approving the recommendations listed on the agenda. Unless otherwise indicated, expenditures approved by Council are budgeted items.

Mayor Daggett recused herself from the dais due to a conflict of interest on Item 7I. Vice Mayor Aslan took over the meeting.

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Jim McCarthy to approve Consent Items 8A-8H as presented.

Vote: 6 - 0 - Unanimously

A. **Consideration of Ratification and Approval of Contract:** Ratification of expenditures with Hill Brothers Company for sodium bisulfite in the amount of $253,890.58 and approval of the First Amendment for the continued purchase of water reclamation chemicals in the amount of $141,000; for contract amount totaling $394,890.58.

1. Approve and ratify the purchase of sodium bisulfite in the amount of $253,890.58;
2. Approve the First Amendment to the water reclamation chemicals contract in the amount of $141,000; and
3. Authorize the City Manager to execute the necessary documents.

B. **Consideration and Approval of Contract:** Cooperative Purchase Contract with Freightliner of Arizona, LLC in the amount of $302,891.37, in addition to other fees and taxes, for a Rear-Load Refuse Collection Truck.

1. Approve a Cooperative Purchase Contract with Freightliner of Arizona, LLC in the amount of $302,891.37, in addition to other fees and taxes, for a Rear-Load Refuse Collection Truck; and
2. Authorize the City manager to execute the necessary documents.

C. **Consideration and Approval of Contract:** Cooperative Purchase Contract with Industrial Power, LLC in the amount of $261,220.07, in addition to other fees and taxes, for an Autocar Solid Waste Roll-Off Truck.

1. Approve the Cooperative Purchase Contract with Industrial Power, LLC, in the amount of $261,220.07, in addition to other fees and taxes, for an Autocar Solid Waste Roll-Off Truck; and
2. Authorize the City manager to execute the necessary documents.

D. **Consideration and Approval of Contract:** Cooperative Purchase Contract with Garver, LLC for Wildcat Hill Wastewater System Professional Engineering Services in the amount of $656,067.60.

1. Approve the Cooperative Purchase Contract with Garver, LLC for Wildcat Hill Wastewater System Professional Engineering Services in the amount of $656,067.60; and
2. Authorize the City Manager to execute the necessary documents.

E. ~~**Consideration to Renew a Memorandum of Understanding and Charter that supports Stipulation (Civil No. 6417):** Renewal of an expired cooperative agreement (Memorandum of Understanding [MOU] and Charter) between the City of Flagstaff, the United States Forest Service (USFS), and the National Park Service (NPS), that satisfies the Stipulation (Civil No. 6417) the City entered with the aforementioned parties in 2001.~~

1. ~~Renew the MOU between the City of Flagstaff, USFS, and NPS;~~
2. ~~Renew the Charter as a document attached to the MOU;~~
3. ~~Authorize the City Manager to execute the necessary documents.~~

ITEM REMOVED FROM THE AGENDA

F. **Consideration of Ratification and Approval of Contract:** Contract for Purchase of Two Toyota Rav 4 Hybrid Vehicles from Findlay Toyota Scion Flagstaff in the amount of $73,036.15, plus other fees and taxes.

1. Ratify and approve the Contract for Purchase of two Toyota Rav4 Hybrid Vehicles from Findlay Toyota Scion Flagstaff in the amount of $73.036.15, plus other fees and taxes; and
2. Authorize the City Manager to execute all necessary documents.

G. **Consideration and Approval of Amendment:** Amendment to the Reimbursement Agreement Between Coconino County and the City of Flagstaff for Flagstaff Regional Plan 2045 Project to add funding for the project in this fiscal year and terms of carrying funds to the next fiscal year as needed.

Approve the Amendment to the Reimbursement Agreement Between Coconino County and the City of Flagstaff for Flagstaff Regional Plan 2045 Project

H. **Consideration and Approval of Contract:** Contract for Services to Brian Martin Crandell (aka Crandell Research Solutions) in the amount of $184,899.00 for Instruction for the Greater Flagstaff Regional Fire Officer Leadership Program.

1. Approve the Contract for Services to Brian Martin Crandell (aka Crandell Research Solutions) in the amount of $184,899.00 for Instruction for the Greater Flagstaff Regional Fire Officer Leadership Program; and
2. Authorize the City Manager to execute the necessary documents.

I. **Consideration and Approval of Contract:** State Lobbying Professional Services Contract with Nexxus Consulting in the amount of $78,000 annually.

Moved by Councilmember Khara House, **seconded by** Councilmember Miranda Sweet to approve the State Lobbying Professional Services Contract with Nexxus Consulting to provide state lobbying services for the City of Flagstaff for a monthly fee of six thousand five hundred dollars ($6,500), which includes all applicable expenses billed at cost, for a total annual fee of seventy-eight thousand dollars ($78,000) and authorize the City Manager to execute the necessary documents.

Vote: 6 - 0

8. ROUTINE ITEMS

A. **Consideration and Adoption of Resolution No. 2023-57 and Ordinance No. 2023-28:** 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-22-00223 - Planned Residential Development" 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 Planned Residential Development standards.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to adopt Resolution No. 2023-57.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Khara House to read Ordinance No. 2023-28 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 10, FLAGSTAFF ZONING CODE, BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "PZ-22-00223 -- PLANNED RESIDENTIAL DEVELOPMENT"; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Khara House, **seconded by** Councilmember Lori Matthews to adopt Ordinance No. 2023-28.

Vote: 7 - 0 - Unanimously

B. Consideration and Adoption of Resolution No. 2023-54 and Ordinance No. 2023-26: 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-23-00135 - Meeting Facilities, Neighborhood and Regional" 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 Meeting Facility, Public or Private land use.

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Jim McCarthy to adopt Resolution No. 2023-54.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Khara House to read Ordinance No. 2023-26 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 10, FLAGSTAFF ZONING CODE, BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "PZ-23-00135 -- MEETING FACILITIES, NEIGHBORHOOD AND REGIONAL"; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to adopt Ordinance No. 2023-26.

Vote: 7 - 0 - Unanimously

C. Consideration and Adoption of Resolution No. 2023-56 and Ordinance No. 2023-27: 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-23-00137 - Manufactured Home (MH) Zone Lot Development 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 lot development standards of the Manufactured Home (MH) zone.

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Miranda Sweet to adopt Resolution No. 2023-56.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Deborah Harris to read Ordinance No. 2023-27 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 10, FLAGSTAFF ZONING CODE, BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "PZ-23-00137 -- MANUFACTURED HOME (MH) ZONE LOT DEVELOPMENT STANDARDS"; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Miranda Sweet, **seconded by** Councilmember Khara House to adopt Ordinance No. 2023-27.

Vote: 7 - 0 - Unanimously

D. **Consideration and Adoption of Resolution No. 2023-58 and Ordinance No. 2023-29:** A resolution of the Flagstaff City Council declaring as a public record that certain document filed with the City Clerk and entitled "PZ-23-00130 Updates to Zoning Code - Open Space Terminology" and 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-23-00130 Updates to Zoning Code - Open Space Terminology"

Councilmember McCarthy stated that staff was suggesting that the words common space and private space be used. He felt that there was confusion about the terms and he suggested that the terms be changed to "common open space" and "private open space" to make it clear what they were referring to.

Zoning Code Manager Tiffany Antol stated that the change he suggested was the opposite of what was requested by the Open Space Section. They did not want to call the areas within private development open space because that was confusing in terms of accessibility to the general public. Common space would become a development standard that distinguished from community open space such as Observatory Mesa or Picture Canyon.

Councilmember McCarthy stated that he would not support the change because he felt that it made the issue more confusing.

Moved by Councilmember Deborah Harris, **seconded by** Councilmember Miranda Sweet to adopt Resolution No. 2023-58.

Vote: 6 - 1

NAY: Councilmember Jim McCarthy

Moved by Councilmember Khara House, **seconded by** Councilmember Miranda Sweet to read Ordinance No. 2023-29 by title only for the final time.

Vote: 6 - 1

NAY: Councilmember Jim McCarthy

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-23-00130 UPDATES TO ZONING CODE -- OPEN SPACE TERMINOLOGY"; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Khara House, **seconded by** Councilmember Miranda Sweet to adopt Ordinance No. 2023-29.

Vote: 6 - 1

NAY: Councilmember Jim McCarthy

E. **Consideration and Approval of Contract:** Contract with AP Triton in the total amount of $67,107.00 (Summit Fire and Medical District to contribute $20,132 and City of Flagstaff to contribute $46,975) for a Joint Powers Authority Feasibility Study.

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

JOINT POWERS AUTHORITY FEASIBILITY STUDY
BACKGROUND
2017 FEASIBILITY ANALYSIS
JPA FEASIBILITY STUDY
AP TRITON
QUESTIONS AND DISCUSSION

Councilmember Matthews asked if the study would include all three Summit stations and how the funding split was determined. Ms. Anderson stated that it would include all three Summit stations and the costs were based on the number of employees that existed within each agency.

Mayor Daggett asked if there had been discussion about including other neighboring Fire Districts. Ms. Anderson explained that the city would share the scope of work and contacts to other interested agencies to help guide them through the process for themselves.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Khara House to approve the Contract with AP Triton in the total amount of $67,107.00 (Summit Fire and Medical District to contribute $20,132 and City of Flagstaff to contribute $46,975) for a Joint Powers Authority Feasibility Study and authorize the City Manager to execute the necessary documents.

Vote: 7 - 0 - Unanimously

9. PUBLIC HEARING ITEMS

A. **Consideration and Adoption of Resolution No. 2023-66 and Ordinance No. 2023-31:** A resolution of the Flagstaff City Council declaring as a public record that certain document filed with the City Clerk and entitled "PZ-23-00094 Updates to City Code - Property Care Standards and Abandoned Vehicles" and an ordinance of the City Council of the City of Flagstaff amending the Flagstaff City Code, Title 7, Health and Sanitation and Title 6 Police Regulations by adopting by reference that certain document entitled "PZ-23-00094 Updates to City Code - Property Care Standards and Abandoned Vehicles"

Mayor Daggett opened the public hearing.

Community Development Director Dan Folke provided a PowerPoint presentation that covered the following:

PZ-23-00094 BUILDING AND PROPERTY CARE STANDARDS
BUILDING AND PROPERTY CARE STANDARDS
PROJECT TEAM
CONSIDERATIONS
SELECTED APPROACH
PUBLIC PROCESS
DIVISION 7-06 BUILDING AND PROPERTY CARE STANDARDS
7-06-001-0004 DEFINITIONS
PROPERTY CARE STANDARDS
7-06-001-0005 PROPERTY CARE STANDARDS
7-06-001-0006 EXEMPTIONS
CHAPTER 6-07 ABANDON VEHICLES
UPCOMING DATES AND NEXT STEPS

Councilmember McCarthy expressed his support and suggested that the time limit for someone to board up their windows be reduced to 60 days. He also asked about the requirement that trash containers be secured to the property and that it seemed overly prescriptive to require them to be secured to the property. Mr. Folke explained that secured meant located on the property and agreed that the language could be better clarified to indicate that trash containers should be pulled in following pick up and secured in a way that did not allow for trash to blow out or accumulate on the property.

Councilmember Matthews asked about the strategy to implement code enforcement and provide resources to help property owners who may have limitations. Mr. Folke stated that the hope was to create a program that provided resources to the community. There was the ability for concerns to be reported online. Sustainability Director Nicole Antonopoulos offered that the Snow Hero program was being finalized and that program could help facilitate community members helping community members.

Councilmember Harris stated that she was glad to see the significant progress that had been made

on the program. She expressed support for identifying resources to assist those who may be unable to make repairs themselves. She noted that the code enforcement team was small and suggested a possible partnership with community organizations or neighborhood associations to assist.

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

Moved by Councilmember Deborah Harris, **seconded by** Councilmember Lori Matthews to read Resolution No. 2023-66 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "PZ-23-00094 UPDATES TO CITY CODE - PROPERTY CARE STANDARDS AND ABANDONED VEHICLES"

Moved by Councilmember Khara House, **seconded by** Councilmember Miranda Sweet to read Ordinance No. 2023-31 by title only for the first time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 7, HEALTH AND SANITATION AND TITLE 6, POLICE REGULATIONS BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "PZ-23-00094 UPDATES TO CITY CODE - PROPERTY CARE STANDARDS AND ABANDONED VEHICLES"; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

10. REGULAR AGENDA

A. **Consideration and Adoption of Resolution No. 2023-63:** A resolution of the City Council of the City of Flagstaff, Arizona renewing the Special Taxing District of the "Flagstaff Downtown Business Improvement and Revitalization District" (FDBIRD)

Consideration and Adoption of Resolution No. 2023-64: A resolution of the City Council of the City of Flagstaff, Arizona, approving an Intergovernmental Agreement for services with the "Flagstaff Downtown Business Improvement and Revitalization District" (FDBIRD)

City Clerk Stacy Saltzburg introduced the FDBIRD Board Chairman Dave Stilley, Vice Chairman Steve Chatinsky, and Board Members Patty Ginsberg, Jerry McLaughlin, and John VanLandingham. She also introduced Ashley DeBoard, Legal Counsel for the District, and Terry Madeksza with the Downtown Business Alliance (DBA), who provided management services and oversight for the District. She explained that the FDBIRD was a special taxing district that was formed in 2014. Ten years had passed since the inception of the District and they were now seeking a renewal for another ten years.

Ms. Madeksza stated that the District continued to be the only self-imposed business taxing district in the city. The property owners within downtown had chosen to tax themselves as a show of partnership and to invest in the economic vitality of downtown. Property owners had contributed more than $1.2 million towards the downtown. It was a stable funding source for enhanced services above what general municipal services provided. The District helped fund the Clean Team Ambassador program which, on average, removed more than 100 graffiti tags, disposed of several hundred pounds of trash, and cleaned alleyways more than 100 times per year. Additionally, the FDBIRD helped to support the DBA's effort to activate public spaces with more than 160 events each year. The renewal of the District was vital to the continuation of downtown programming and maintenance.

Council expressed appreciation for the work of the District and the DBA. They noted that to have property owners tax themselves to provide enhancements to the downtown spoke loudly to the benefits it provided. They also expressed gratitude to Ms. Madeksza for her work with the DBA and

wished her well as she moved on to another opportunity.

Moved by Councilmember Khara House, **seconded by** Vice Mayor Austin Aslan to read Resolution No. 2023-63 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, RENEWING THE "FLAGSTAFF DOWNTOWN BUSINESS IMPROVEMENT AND REVITALIZATION DISTRICT", A SPECIAL TAXING DISTRICT, FOR TEN YEARS, EFFECTIVE FEBRUARY 4, 2024

Moved by Councilmember Miranda Sweet, **seconded by** Councilmember Jim McCarthy to adopt Resolution No. 2023-63.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Khara House, **seconded by** Councilmember Miranda Sweet to read Resolution No. 2023-64 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR SERVICES WITH THE "FLAGSTAFF DOWNTOWN BUSINESS IMPROVEMENT AND REVITALIZATION DISTRICT"

Moved by Councilmember Miranda Sweet, **seconded by** Vice Mayor Austin Aslan to adopt Resolution No. 2023-64.

Vote: 7 - 0 - Unanimously

B. **Consideration and Adoption of Resolution No. 2023-62:** A resolution designating the National Incident Management System (NIMS) as the basis for incident management for the City of Flagstaff.

Grants, Contracts, and Emergency Management Director Stacey Brechler-Knaggs and Emergency Manager Daniel Kelly who provided a PowerPoint presentation that covered the following:

NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)
NIMS DESIGNATION
WHAT IS NIMS?
WHY DO WE NEED IT?
RESOLUTION 2023-62

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Lori Matthews to read Resolution No. 2023-62 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, DESIGNATING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE CITY OF FLAGSTAFF

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Lori Matthews to adopt Resolution No. 2023-62.

Vote: 7 - 0 - Unanimously

C. **Consideration and Adoption of Resolution No. 2023-61:** A resolution approving the adoption of the 2023 City of Flagstaff Emergency Operations Plan.

Ms. Brechler-Knaggs introduced Ashley Makuch with EM Partners who provided a PowerPoint presentation that covered the following:

CITY OF FLAGSTAFF EMERGENCY OPERATIONS PLAN
PURPOSE FOR EOP DEVELOPMENT
WHOLE COMMUNITY COLLABORATION
WHAT WE ACCOMPLISHED
THE PLANNING UNIVERSE "WHERE PLANS ALIGN"
PLANNING GUIDANCE
EOP BASE PLAN
COORDINATING DIVISION ANNEXES
LIVING DOCUMENT
FINAL STEPS

Moved by Councilmember Khara House, **seconded by** Councilmember Miranda Sweet to read Resolution No. 2023-61 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING THE ADOPTION OF THE 2023 CITY OF FLAGSTAFF EMERGENCY OPERATIONS PLAN

Moved by Councilmember Khara House, **seconded by** Councilmember Miranda Sweet to adopt Resolution No. 2023-61.

Vote: 7 - 0 - Unanimously

D. **Consideration and Adoption of Resolution No. 2023-60:** A resolution of the Flagstaff City Council, authorizing condemnation of real property for the Highway 180 Culvert Project; providing for delegation of authority, and establishing an effective date.

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

RESOLUTION APPROVING CONDEMNATION OF MNA PROPERTY
VICINITY MAP
LATEST PLAN SET
AERIAL PHOTO
RESTRICTIONS

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Jim McCarthy to read Resolution No. 2023-60 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, AUTHORIZING CONDEMNATION OF REAL PROPERTY FOR THE HIGHWAY 180 CULVERT PROJECT; PROVIDING FOR DELEGATION OF AUTHORITY, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Deborah Harris to adopt Resolution No. 2023-60.

Vote: 7 - 0 - Unanimously

E. **Consideration and Adoption of Ordinance No. 2023-30:** An ordinance amending the Flagstaff City Code, Chapter 1-14, Personnel System by amending the Employee Handbook of Regulations, Section 1-50-010 Holiday Leave; providing for repeal of conflicting ordinances; severability; and establishing an effective date.

Senior Deputy City Manager Shannon Anderson stated that the amendment would provide four additional hours as a Floating Holiday for employees. This would accommodate an early closure for the Christmas holiday or allow for an essential staff employee to use at a different time. It provided the opportunity for all employees to benefit from that time.

Councilmember McCarthy asked how many holidays were provided to employees. Ms. Anderson stated that there were 11 days, including the floating holiday, and this would add another half day.

Moved by Councilmember Khara House, **seconded by** Councilmember Miranda Sweet to read Ordinance No. 2023-30 by title only for the first time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, CHAPTER 1-14, PERSONNEL SYSTEM, BY AMENDING THE EMPLOYEE HANDBOOK OF REGULATIONS, SECTION 1-50-010, HOLIDAY LEAVE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

11. DISCUSSION ITEMS

A. Electric Vehicles and Community Charging Overview

Climate Analyst Denae Presler provided a PowerPoint presentation that covered the following:

ELECTRIC VEHICLES AND COMMUNITY CHARGING OVERVIEW
TOPICS
WHY THIS MATTERS
WHAT IS AN ELECTRIC VEHICLE (EV)?
TYPES OF ELECTRIC VEHICLES
MARKET TRENDS
DRIVING FACTORS
LIFE CYCLE EMISSIONS
CHALLENGES AND OPPORTUNITIES

Councilmember Matthews expressed concern about challenges with electric vehicle functionality in different types of weather conditions. Ms. Presler stated that they continued to monitor information regarding electric vehicle performance in all types of conditions.

Councilmember Matthews also had questions regarding the goal of 30% of vehicle miles traveled through electric vehicles by 2030 and electric vehicle maintenance. Climate Section Manager Jenny Niemann stated that the goal was to focus on the vehicles there were driven the most. It was not necessarily 30% of all vehicles but rather 30% of the totality of miles driven. Ms. Presler noted that in terms of maintenance of the vehicles that most of the data looked at the first ten years of ownership. It showed that it was unlikely that a battery would need to be replaced within that time and when there was a failure it tended to be early while the vehicles were still under warranty. There was more data starting to come out that showed battery life extending up to twenty years.

NEXT: EV CHARGING
TYPES OF CHARGERS
CHARGING SPEEDS
DAY TO DAY: CHARGING AN EV
CHARGING STATIONS IN FLAGSTAFF
CITY OF FLAGSTAFF -- OWNED CHARGING STATIONS
CITY-OWNED PUBLIC CHARGERS
CHARGING PATTERNS
CHARGING BEHAVIORS
NEXT STEPS

Councilmember Harris commented on the issue of equity and the consideration of those who were not able to purchase an electric vehicle. It was important to consider that as part of the conversation and not to create an us versus them situation. Ms. Presler acknowledged the gap that could be created because the entry point for an electric vehicle was out of reach for many. The hope was that

as more and more electric vehicles were purchased there would be an emergence of used purchasing options. Federal rebates were capped based on income levels and demonstrated the efforts to reach the target demographic. Councilmember Harris encouraged the inclusion of those points and acknowledgment of the equity issue in future presentations.

Mayor Daggett asked about the usage at the airport and what appeared to be vehicles plugged in for long periods of time which prevented others from using the chargers. Ms. Presler stated that the airport was looking at options to curb the behavior such as increased signage, a three-hour limit, and other enforcement that could come with the new parking changes.

12. 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 Councilmember House to place on a future agenda a discussion about the makeup of the Housing Commission to consider adding a member who is or has been directly impacted by homelessness.

Councilmember House stated that she would like to incorporate the voice of someone impacted by homelessness even if it was not a specific position. Mr. Clifton offered that staff supported the intention behind the request but requested that the number of members on the commission not increase at it was already at 13 members. He suggested an alternative approach which could be to incorporate the experience into an existing position. Housing Director Sarah Darr added that there was an existing member on the commission who had experienced homelessness in the past.

Councilmember Matthews stated that she would be hesitant to put a label or qualification on someone so publicly. She suggested that a softer way to get the information could be to add a question to the application that Council could consider as part of the appointment process.

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

13. PUBLIC PARTICIPATION

Laura Kessler addressed Council with regard to the Flagstaff First citizen petition to amend the Carbon Neutrality Plan. She stated that the addition of wildfire, flooding, and drought would not reduce or remove anything from the plan, the goal was to restore the balance of mitigation and adaption that was part of the original Climate Action and Adaptation Plan.

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

Councilmember Sweet reported that she, along with other members of Council traveled to Window Rock to meet with the Navajo Nation Human Rights Commission as well as with the Navajo Nation Vice President. They were great meetings and she looked forward to future conversations and relationship building.

Councilmember House reported that she also attended the trip to Window Rock and noted that it was an inspiring, motivating, and enlightening trip. She also participated in the Winter Wonderland and Tree Lighting event which was fun and well attended. There was also the second class of graduation from the Firefighter Academy. It was great to see and celebrate those graduates and be reminded of the service and sacrifice of not only the firefighters but also their families.

Councilmember McCarthy reported that he participated in the Winter Wonderland and Tree Lighting event.

Vice Mayor Aslan stated that during the ECoNA presentation the prior week he did not offer much comment. He thought that several aspects of the conversation were very good but was frustrated that there had been no acknowledgement of the 12,000 people who voted in opposition of the new

hospital development. There was more than one view on how to handle growth and the assertion that if the city was not growing it was dying was a harmful mindset. It was concerning to him that the varying perspectives were not acknowledged, and he would have liked to see some curiosity into how to meet in the middle. He felt it was a mistake to so strongly condemn the community for having struck down the rezone. He was committed to finding a way forward toward helping the hospital stay in Flagstaff and he wanted to further explore ways to get to yes. He looked forward to future conversations and figuring out what to do with the future of healthcare with a united voice.

Mayor Daggett offered congratulations to the airport on their 75th anniversary. She also participated in the Navajo Nation trip, firefighter graduation, and the tree lighting events. She stated that the Toys for Tots event was that week and she encouraged the public to donate new, unwrapped toys. She announced a number of events that were coming up downtown and highlighted the Giving Machine installed at Heritage Square.

15. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held December 5, 2023, adjourned at 6:20 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 December 5, 2023. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 1st day of October, 2024

_____
CITY CLERK

CITY COUNCIL BUDGET RETREAT
THURSDAY, DECEMBER 14, 2023
CORE SERVICES FACILITY
3600 WEST ROUTE 66
8:30 A.M.

MINUTES

1. Call to Order

Vice Mayor Aslan called the meeting of the Flagstaff City Council held December 14, 2023, to order at 8:31 a.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 work session, 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 (arrived at 8:33 a.m.)	
VICE MAYOR ASLAN	
COUNCILMEMBER HARRIS	
COUNCILMEMBER HOUSE (arrived at 8:35 a.m.)	
COUNCILMEMBER MATTHEWS	
COUNCILMEMBER MCCARTHY	
COUNCILMEMBER SWEET	

Others present: City Manager Greg Clifton; Deputy City Attorney Kevin Fincel.

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 Matthews 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. City Council Budget Retreat

Mr. Clifton offered opening remarks and turned things over to the facilitator Jeff Kennedy who reviewed the objectives for the day.

Assistant Finance Director Heidi Derryberry began the presentation.

COUNCIL BUDGET RETREAT
WELCOME AND OBJECTIVES
AGENDA
BUDGET INTRODUCTION
BUDGET PROCESS
BUDGET TIMELINE

Finance Director Brandi Suda continued the presentation.

COLOR OF MONEY
FUND TYPES
SPECIAL REVENUE FUNDS
ENTERPRISE FUNDS
CAPITAL PROJECT FUNDS
DEBT SERVICE FUNDS
GENERAL FUND

Management Services Director Rick Tadder continued the presentation.

REVENUE UPDATES
FY 2022-2023 ACTUALS -- SALES TAX -- GENERAL FUND
FY 2022-2023 ACTUALS -- STATE SHARED REVENUES -- GENERAL FUD
FY 2022-2023 ACTUALS -- HIGHWAY USER REVENUE FUND (HURF)
FY 2022-2023 ACTUALS -- BED, BOARD AND BEVERAGE (BBB)
RECESSION PLANNING
FIVE STAGES OF RECESSION PLAN

Mr. Clifton noted that the recession plan was implemented a few years ago and he asked Mr. Tadder to provide a review of the process during that time. Mr. Tadder stated that the implementation of the plan went well, and the organization stepped up to curb expenses. In the period between April and June 2022 three million dollars in resources were saved. The city moved to the significant phase in June and there were difficult conversations about the need to further curb expenditures. The city moved completely out of the plan in January 2023. It was a quick recession which was great and the organization was prepared to manage those fluctuations in the economy.

Councilmember Matthews asked about the increased minimum wage and the impact it would have on the budget. Mr. Tadder explained that the recommendation was to increase the entry level pay to $18 which was higher than the minimum wage that would be implemented in January. They would continue to approach each year with the intention to stay ahead of the increases.

Management Analyst Chris Rhode continued the presentation.

PRIORITY BASED BUDGET (PBB)
PBB OVERVIEW
PRIORITY AND OBJECTIVE DEVELOPMENT

Councilmember Harris asked about the engagement with the public. Mr. Rhode stated that there were online surveys in two languages and about 100 responses. He noted that there where three different events that allowed people to engage with staff and provide information about what they wanted. There were also a number of smaller events such as Concerts in the Park where they were available to engage with citizens and seek their feedback on the priorities. Staff felt that it was a successful

endeavor and they felt good about the outcomes.

KEY COMMUNITY PRIORITIES
PRIORITY BASED BUDGETING PRIORITIES AND OBJECTIVES
DEFINITIONS
PBB ANNUAL PROCESS
PUBLIC FACING PBB DATA

A break was held from 9:50 a.m. through 10:07 a.m.

Interim Human Resources & Risk Management Director Allison Eckert, Deputy City Manager Joanne Keene, and Mr. Clifton continued the presentation.

BUDGET TEAM FOCUS
INVESTING IN EMPLOYEES -- RECAP
INVESTING IN EMPLOYEES -- CONSIDERATIONS FOR CONTINUING MOMENTUM IN FY 2024-2025
CARBON NEUTRALITY PLAN AND 10-YEAR HOUSING PLAN

Councilmember Harris emphasized the importance of thinking outside the box to meet the goals of the Housing Plan. Addressing the housing issue would help with attracting and retaining employees.

Councilmember Matthews expressed appreciation for the inclusion of housing components within the Carbon Neutrality Plan.

INFRASTRUCTURE
FACILITIES
FLEET
INFORMATION TECHNOLOGY

Councilmember Matthews expressed concern over the limited availability for electric vehicles. Waiting two years for vehicle delivery did not seem practical. Mr. Clifton noted that availability was considered as part of the procurement process. Sustainability Director Nicole Antonopoulos added that the availability challenges would not impact the overall goals in the long term because the fleet was not converting all at once.

UPDATES
EMPLOYEE ENGAGEMENT SURVEY -- COMMON THEMES
COMPENSATION
COMMUNICATION
RECOGNITION AND EMPLOYEE APPRECIATION
POSITIVE TRENDS
EMPLOYEE ENGAGEMENT SURVEY -- NEXT STEPS/TIMELINE

Economic Vitality Director Heidi Hansen continued.

REGIONAL RECRUITMENT OUTLOOK

Councilmember House asked if there had been research into what other municipalities had done to support employer-provided or workforce housing programs. Housing Director Sarah Darr stated that there had been a lot of research and there were programs that they were digging deeper into. She noted that there were constraints within the State of Arizona and their biggest challenge was limited funding ongoing.

Councilmember McCarthy stated that higher density had to be encouraged to create more housing. Councilmember Harris added that higher density was important but that it had to be spread out through the community and not just in one area.

Councilmember Matthews stated that she was hopeful that the downtown visioning and code analysis

would bring forward good recommendations.

Councilmember House encouraged not being overly reductive or assumptive in community needs. It was not always housing versus carbon neutrality, density versus sprawl, or building out further versus vehicle miles traveled. The benefit would come from identifying how the concepts of housing and carbon neutrality worked together.

Interim Assistant Human Resources & Risk Management Director Jennifer Caputo and Economic Vitality Director Heidi Hansen continued the presentation.

RECRUITMENT DATA
TIME TO HIRE
APPLICANT STATISTICS
HIRES BY SOURCE
APPLICANT STATISTICS
VACANCIES AND TURNOVER
DECLINED OFFERS
DIFFICULT POSITIONS TO RECRUIT/RETAIN
SHORT-TERM RETENTION
SUCCESSFUL EFFORTS TO DATE
RECRUITMENT CAMPAIGN
RECRUITMENT CAMPAIGN FY 2023
RECRUITMENT CAMPAIGN FY 2024
OPPORTUNITIES FOR IMPROVEMENT

A lunch break was held from 12:00 p.m. through 12:30 p.m.

Sustainability Director Nicole Antonopoulos continued the presentation.

SERVICE PARTNER REQUEST PROCESS

Senior Deputy City Manager Shannon Anderson continued the presentation.

CONSIDERATION OF NEW CITY HOLIDAYS
EXISTING CITY HOLIDAYS
HOLIDAY COMPARISON
CONSIDERATION OF NEW CITY HOLIDAYS

After a brief discussion, Council gave direction to move forward with the additional holidays.

Communication and Civic Engagement Director Stacy Saltzburg, Mr. Tadder, and Ms. Hansen continued the presentation.

ELECTIONS
CHARTER ELECTION RESULTS
NOVEMBER 2024 ELECTION
BED, BOARD AND BEVERAGE (BBB) FUNDS
BBB RENEWAL MOVING FORWARD
COUNCIL DISCUSSION
BIG PICTURE GOALS AND PRIORITIES
BIG PICTURE PRIORITIES
EXPECTATION FOR FEBRUARY RETREAT

Vice Mayor Aslan expressed a desire to have more funding dedicated to dark sky efforts. He stated that there was a way for citizens to petition to have streetlights removed and he would like more funding available within the fund that supports those removals. He also suggested a fixture rebate program to incentivize updates to residential lighting to more dark sky friendly options.

Council expressed concern about incentivizing the removal of streetlights due to safety concerns.

Mayor Daggett stated that she would like consideration for all the ways to better fund Housing and provide reliable and ongoing funding that would allow for more forward planning.

Councilmember McCarthy expressed a desire to continue the review of the Zoning Code to support housing efforts. Community Development Director Dan Folke offered that the Land Availability Suitability Study and Code Analysis Project was underway that was reviewing all city codes using that lens.

Councilmember House stated that she would like to have future conversations on how to engage the cultural sector through stronger partnerships with local arts agencies and partners. There were creative and innovative opportunities to build relationships between the art sector and civic engagement. She referenced an exhibit at Coconino Center for the Arts, titled El Sueno Americano, that encouraged engagement and conversation on migration and community needs.

Councilmember Sweet stated that she would like to consider greater funding for the Downtown Business Alliance.

Councilmember Harris stated that she would like to receive more information about the city's available land for development. Ms. Darr explained that the Land Availability and Suitability Study was underway that would provide that data soon.

Councilmember Harris also expressed a desire to expand conversations with Mountain Line about how to support the expansion of routes.

Councilmember Matthews stated that she would like more information about incentivizing local Airbnb owners to convert to long-term leases. Mayor Daggett added that Councilmembers from Sedona have shared that their incentive program to convert Airbnbs had not been successful because the amount of revenue an Airbnb owner can get was far more than what the city could offer as an incentive.

Mr. Kennedy offered some closing comments and thanked staff for their presentations and the information they had shared.

5. Adjournment

The Budget Retreat of the Flagstaff City Council held December 14, 2023, adjourned at 2:00 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY COUNCIL REGULAR MEETING
TUESDAY, DECEMBER 19, 2023
CITY HALL COUNCIL CHAMBERS
211 WEST ASPEN AVE
3:00 P.M.

MINUTES

1. CALL TO ORDER

Mayor Daggett called the meeting of the Flagstaff City Council held December 19, 2023, to order at 3:02 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	COUNCILMEMBER HARRIS
VICE MAYOR ASLAN	
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 Sweet read the Land Acknowledgement.

MISSION STATEMENT

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

LAND ACKNOWLEDGEMENT

The Flagstaff City Council humbly acknowledges the ancestral homelands of this area's Indigenous nations and original stewards. These lands, still inhabited by Native descendants, border mountains sacred to Indigenous peoples. We honor them, their legacies, their traditions, and their continued contributions. We celebrate their past, present, and future generations who will forever know this place as home.

4. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

A. **Consideration and Approval of Minutes**: City Council Regular Meeting of June 7, 2022, Joint City/County Meeting of June 14, 2022, Regular Meeting of June 21, 2022, Work Session of June 28, 2022, Special Meeting of June 29, 2022, Regular Meeting of August 23, 2023, Regular Meeting of September 6, 2022, Regular Meeting of September 20, 2022, Council Retreat of September 29, 2022, Regular Meeting of October 4, 2022, Regular Meeting of October 18, 2022, Regular Meeting of November 1, 2022, Special Meeting (Executive Session) of August 28, 2023, Special Meeting (Executive Session) of September 12, 2023, Special Meeting (Executive Session) of September 19, 2023, Special Meeting (Executive Session) of September 26, 2023, Special Meeting (Executive Session) of October 3, 2023, Special Meeting (Executive Session) of October 10, 2023, Special Meeting (Executive Session) of October 24, 2023, Special Meeting (Executive Session) of November 7, 2023, Special Meeting (Executive Session) of November 14, 2023, and Special Meeting of November 27, 2023.

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Khara House to approve the minutes of the City Council Regular Meeting of June 7, 2022, Joint City/County Meeting of June 14, 2022, Regular Meeting of June 21, 2022, Work Session of June 28, 2022, Special Meeting of June 29, 2022, Regular Meeting of August 23, 2023, Regular Meeting of September 6, 2022, Regular Meeting of September 20, 2022, Council Retreat of September 29, 2022, Regular Meeting of October 4, 2022, Regular Meeting of October 18, 2022, Regular Meeting of November 1, 2022, Special Meeting (Executive Session) of August 28, 2023, Special Meeting (Executive Session) of September 12, 2023, Special Meeting (Executive Session) of September 19, 2023, Special Meeting (Executive Session) of September 26, 2023, Special Meeting (Executive Session) of October 3, 2023, Special Meeting (Executive Session) of October 10, 2023, Special Meeting (Executive Session) of October 24, 2023, Special Meeting (Executive Session) of November 7, 2023, Special Meeting (Executive Session) of November 14, 2023, and Special Meeting of November 27, 2023.

Vote: 6 - 0 - Unanimously

5. PUBLIC PARTICIPATION

Public Participation enables the public to address the Council about an item that is not on the agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

Nadine Hart addressed Council about challenges with housing and overall cost of living. She requested that families be provided access to city facilities at a discounted rate to assist with access to showering facilities.

Matt Bruton, on behalf of Housing Solutions of Northern Arizona, addressed Council and shared the most recent Housing Attainability Report. The full report could be viewed at www.hounsingnaz.org.

6. PROCLAMATIONS AND RECOGNITIONS

A. December Work Anniversaries

Deputy City Manager Joanne Keene provided a PowerPoint presentation that covered the following:

DECEMBER EMPLOYEE WORK ANNIVERSARIES!
FIRST YEAR ANNIVERSARIES
FIVE YEAR ANNIVERSARIES
TEN YEAR ANNIVERSARIES

TWENTY YEAR ANNIVERSARIES
TWENTY-FIVE YEAR ANNIVERSARIES

7. COUNCIL LIAISON REPORTS

Councilmember Sweet reported that the Beautification and Public Art Commission held a retreat and they would be revealing their new logo in January.

Councilmember House reported that the Housing Commission met earlier that month and introduced their newest commissioner, Kevin Dobbe. They discussed several different programs and initiatives from the Housing Section. The Commission on Diversity Awareness met and received a presentation on a proposed rainbow crosswalk, a presentation on the anti-camping ordinance, and a discussion regarding the future programming of flags.

Vice Mayor Aslan stated that the Tourism Commission did not meet last month as they were going to have their annual retreat in January. He also stated that he attended DBA Executive Director Terry Madeksza's going away party.

Mayor Daggett reported that the Commission on Inclusion and Adaptive Living continued to pursue actions they could help with and how they could push Council and staff toward more enforcement of sidewalks.

8. APPOINTMENTS

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that the City Council may vote to go into executive session, which will not be open to the public, for the purpose of discussing or considering employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of any public body...., pursuant to A.R.S. §38-431.03(A)(1).

A. **Consideration of Appointments:** Tourism Commission.

Moved by Vice Mayor Austin Aslan, **seconded by** Councilmember Khara House to appoint Ellen Jiminez to a term expiring January 2027.

Vote: 6 - 0 - Unanimously

Moved by Councilmember Khara House, **seconded by** Vice Mayor Austin Aslan to appoint Cody Half-Moon to a term expiring January 2026.

Vote: 6 - 0 - Unanimously

Moved by Councilmember Miranda Sweet, **seconded by** Councilmember Jim McCarthy to appoint Jamie Thousand to a term expiring January 2025.

Vote: 6 - 0 - Unanimously

B. **Consideration of Appointments:** Airport Commission.

Deputy City Clerk Stacy Fobar addressed Council and explained that there was an error regarding the term expiration date that was referenced on the agenda and in the staff report. She requested that the Council reference the correct term expiration of October 2026 when the appointments were made.

Moved by Mayor Becky Daggett, **seconded by** Councilmember Miranda Sweet to appoint David Steiner to a term expiring October 2026.

Vote: 6 - 0 - Unanimously

Moved by Councilmember Khara House, **seconded by** Councilmember Miranda Sweet to appoint Robert Hanovich to a term expiring October 2026.

Vote: 6 - 0 - Unanimously

Moved by Councilmember Miranda Sweet, **seconded by** Councilmember Jim McCarthy to appoint Kolby White to a term expiring October 2026.

Vote: 6 - 0 - Unanimously

C. **Consideration of Appointments:** Indigenous Commission

Moved by Councilmember Khara House, **seconded by** Councilmember Lori Matthews to appoint Lauren Kaibetoney to a term expiring December 2026.

Vote: 6 - 0 - Unanimously

Moved by Councilmember Miranda Sweet, **seconded by** Councilmember Khara House to appoint Linda Curley to an Ex-Officio term for an IPAC member.

Vote: 6 - 0 - Unanimously

Moved by Mayor Becky Daggett, **seconded by** Councilmember Lori Matthews to appoint Kimberly Hoskie to a term expiring December 2026.

Vote: 6 - 0 - Unanimously

Moved by Vice Mayor Austin Aslan, **seconded by** Councilmember Jim McCarthy to appoint Marian Marshall to a term expiring December 2026.

Vote: 6 - 0 - Unanimously

D. **Consideration of Appointments:** Commission on Diversity Awareness.

Moved by Councilmember Miranda Sweet, **seconded by** Councilmember Jim McCarthy to appoint Mandy Martinez Gebler to a term expiring September 2025.

Vote: 6 - 0 - Unanimously

9. CONSENT AGENDA

All matters under Consent Agenda are considered by the City Council to be routine. Unless a member of City Council expresses a desire at the meeting to remove an item from the Consent Agenda for discussion, the Consent Agenda 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 Lori Matthews to approve the Consent Agenda as presented.

Vote: 6 - 0 - Unanimously

A. **Approval of Grant Agreement and Acceptance of Grant Award:** Consideration of a Grant Agreement between the City of Flagstaff and the Arizona Department of Transportation (ADOT) for economic development purposes.

Approve Grant Agreement with the Arizona Department of Transportation (ADOT) and accept the award of an Economic Strengths Projects Grant (ESP) facilitated by the Arizona Commerce Authority (ACA) for $90,000.00, with a local match of $10,000.00 (provided by Joy Cone), for improvement of a rail spur on City land.

B. **Consideration and Approval of Contracts:** MOONSHOT Master Lease Agreement and MOONSHOT Agreement for Services (as amended and restated)

Staff recommends approval of the amended and restated MOONSHOT Master Lease Agreement and MOONSHOT Agreement for Services.

C. **Consideration and Approval of Contract:** Ratification and Approval of a Cooperative Purchase Contract with JE Fuller Hydrology & Geomorphology, Inc. in the amount of $257,489.00, in addition to taxes and other charges, to continue the Upper Lake Mary Watershed Monitoring Project.

1. Ratification and Approval of a Cooperative Purchase Contract with JE Fuller Hydrology & Geomorphology, Inc. in the amount of $257,489.00, in addition to taxes and other charges, to continue the Upper Lake Mary Watershed Monitoring Project; and
2. Authorize the City Manager to execute the necessary documents.

D. **Consideration and Approval of Contract:** Contract for the Purchase of Materials/Services with Babbitt Ford Lincoln, LLC in the amount of $64,170.40, plus other fees and taxes, for the purchase of one 2023 Hybrid Ford F-150 for the Streets Section.

1. Approve the Contract for Purchase of Materials/Services with Babbitt Ford Lincoln, LLC in the amount of $64,170.40, plus other fees and taxes, for the purchase of one 2023 Hybrid Ford F-150 for the Streets Section; and
2. Authorize the City Manager to execute the necessary documents.

E. **Consideration and Approval of Contract:** Approve the Cooperative Purchase Contract with Weatherproofing Technologies, Inc. the amount of $118,266.78 to Repair a section of the City Hall Roof.

1. Approve the Cooperative Purchase Contract with Weatherproofing Technologies Inc. the amount of $118,266.78 to Repair a section of the City Hall Roof; and
2. Authorize the City Manager to execute the necessary documents.

F. **Consideration and Approval of Contract:** Cooperative Purchase Contract with AZ Wastewater Industries, Inc. in the amount of $589,799.99, plus other fees and taxes, for one 12 Yard Truck Mounted Sewer Combination Cleaner for the Wastewater Collection Section.

1. Request approval of a Cooperative Purchase Contract with AZ Wastewater Industries, Inc. in the amount of $589,799.99, plus other fees and taxes, for one 12 Yard Truck Mounted Sewer Combination Cleaner for the Wastewater Collection Section; and
2. Authorize the City Manager to execute all necessary documents.

G. **Consideration and Approval of Contract:** First Amendment to the Cooperative Purchase Contract with MGT of America, LLC to add Cost Allocation Services in the amount of $46,300 for a total contract award of $85,490 for Audit and Consulting Services.

1. Approve the First Amendment to the Cooperative Purchase Contract with MGT of America, LLC to add Cost Allocation Services in the amount of $46,300 for a total contract award of $85,490 for Audit and Consulting Services; and
2. Authorize the City Manager to execute the necessary documents.

H. **Consideration and Approval of Amendment:** Amendment to the Reimbursement Agreement Between Coconino County and the City of Flagstaff for Flagstaff Regional Plan 2045 Project to add funding for the project in this fiscal year and terms of carrying funds to the next fiscal year as needed.

Approve the Amendment to the Reimbursement Agreement Between Coconino County and the City of Flagstaff for Flagstaff Regional Plan 2045 Project

I. **Consideration and Approval of Contract:** Grazing Lease on Arizona State Land Department Lands within Red Gap Ranch

1. Approve the Grazing Lease with the Arizona State Land Department
2. Authorize the City Manager to execute the necessary documents

J. **Consideration and Approval of Contract:** Approve the First Amendment to the Cooperative Purchase Contract with GovernmentJobs.com, DBA NEOGOV (NEOGOV), in the amount of $128,932.80 to add HR New Hire On-Boarding Services.

1. Approve the First Amendment to the Cooperative Purchase Contract with NEOGOV, in the amount of $128,932.80 to add HR New Hire On-Boarding Services; and
2. Authorize the City Manager to execute the necessary documents.

10. ROUTINE ITEMS

A. **Consideration and Adoption of Resolution No. 2023-66 and Ordinance No. 2023-31:** A resolution of the Flagstaff City Council declaring as a public record that certain document filed with the City Clerk and entitled "PZ-23-00094 Updates to City Code - Property Care Standards and Abandoned Vehicles" and an ordinance of the City Council of the City of Flagstaff amending the Flagstaff City Code, Title 7, Health and Sanitation and Title 6 Police Regulations by adopting by reference that certain document entitled "PZ-23-00094 Updates to City Code - Property Care Standards and Abandoned Vehicles"

Community Development Director Dan Folke addressed Council and stated that there had been some concern about the reference to trash containers being secured to a property. Staff reevaluated and had included an amendment for the second read and adoption of the ordinance. The new sentence read "containers shall be maintained in good working condition to allow for proper closure to prevent blowing trash and access by animals." They felt it better described the purpose of the requirement.

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Jim McCarthy to adopt Resolution No. 2023-66.

Vote: 6 - 0 - Unanimously

Moved by Councilmember Khara House, **seconded by** Councilmember Lori Matthews to read Ordinance No. 2023-31 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 7, HEALTH AND SANITATION AND TITLE 6, POLICE REGULATIONS BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "PZ-23-00094 UPDATES TO CITY CODE - PROPERTY CARE STANDARDS AND ABANDONED VEHICLES"; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE AS AMENDED

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to adopt Ordinance No. 2023-31.

Vote: 6 - 0 - Unanimously

B. **Consideration and Adoption of Ordinance No. 2023-30:** An ordinance amending the Flagstaff City Code, Chapter 1-14, Personnel System by amending the Employee Handbook of Regulations, Section 1-50-010 Holiday Leave; providing for repeal of conflicting ordinances; severability; and establishing an effective date.

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Khara House to read Ordinance No. 2023-30 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, CHAPTER 1-14, PERSONNEL SYSTEM, BY AMENDING THE EMPLOYEE HANDBOOK OF REGULATIONS, SECTION 1-50-010, HOLIDAY LEAVE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Miranda Sweet, **seconded by** Councilmember Khara House to adopt Ordinance No. 2023-30.

Vote: 6 - 0 - Unanimously

C. **Consideration and Approval of Cooperative Contract:** A Cooperative Purchasing Agreement with Invoice Cloud, Inc. to provide an electronic payment acceptance solution in an amount not to exceed $140,000, annually for five years, utilizing the City of Chandler Cooperative Purchase Contract.

Management Services Director Rick Tadder and Customer Service Manager Jessica Kittleson provided a PowerPoint presentation that covered the following:

INVOICE CLOUD CONTRACT PRESENTATION
INVOICE CLOUD
INVOICE CLOUD EXPERIENCE
INVOICE CLOUD DIFFERENTIATORS
SCREENSHOT OF TEXT TO PAY
EASE OF USE FOR STAFF TO INITIATE TEXT NOTIFICATION
INVOICE CLOUD DIGITAL ENGAGEMENT
DIGITALIZING OUTBOUND COMMUNICATIONS
ONGOING ENHANCEMENTS
CREDIT CARD FEES
CURRENT MODEL
PROPOSED MODEL
COMPARISON OF MODELS
PROJECTED COST
PROPOSED FEE MODEL
MUNICIPAL BILLS
CONVENIENCE MODEL
PREVIOUS DIRECTION

Councilmember Matthews stated that she was happy to see more convenient ways for people to pay. She stated that she had a cap on her electronic payment in case there was a water line break. She asked if the cap would still be available to customers. Mr. Tadder stated that it would remain.

Councilmember House commented on the terminology that was used. She noted that transaction fee may be better received than a convenience fee, since people do not see the paying of their bill as a

convenience. Mr. Tadder stated that it was a good point and the system was able to personalize as desired.

Moved by Councilmember Khara House, **seconded by** Councilmember Lori Matthews to approve the Cooperative Purchasing Agreement with Invoice Cloud, Inc. to provide an electronic payment acceptance solution in an amount not to exceed $140,000, annually for five years, utilizing the City of Chandler Cooperative Purchase Contract and authorize the City Manager to execute the necessary documents.

Vote: 6 - 0 - Unanimously

11. REGULAR AGENDA

A. Consideration and Adoption of Resolution No. 2023-67: A resolution of the Flagstaff City Council, approving the amendment of the Intergovernmental Agreement between Coconino County, the Coconino County Jail District, and the City of Flagstaff for the purpose of formalizing and clarifying the responsibilities of each of the parties with regard to insuring the facility and its contents

Police Chief Dan Musselman addressed Council and stated that the Intergovernmental Agreement would formalize the responsibilities with regard to insuring the joint property at 911 Sawmill Road. The city would carry the coverage and the proportional share of the other agencies would be paid to the city.

Moved by Councilmember Khara House, **seconded by** Councilmember Miranda Sweet to read Resolution No. 2023-67 by title only.

Vote: 6 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN COCONINO COUNTY AND THE CITY OF FLAGSTAFF FOR THE PURPOSE OF FORMALIZING AND CLARIFYING THE RESPONSIBILITIES OF EACH OF THE PARTIES WITH REGARD TO INSURING THE FACILITY AND ITS CONTENTS

Moved by Councilmember Miranda Sweet, **seconded by** Councilmember Lori Matthews to adopt Resolution No. 2023-67.

Vote: 6 - 0 - Unanimously

B. Consideration and Approval of a Relocation Benefit Purchase: Purchase of a ready mix (cement) batch plant for Arizona Materials as a result of being displaced by the Lone Tree Overpass Project

Senior Assistant City Attorney Anja Wendel provided a PowerPoint presentation that covered the following:

PURCHASE OF BATCH PLANT
RELOCATION BENEFIT FOR DISPLACED BUSINESS -- ARIZONA MATERIALS
PURCHASE OF BATCH PLANT
BACKGROUND
AZM PROPERTY -- RDF & LTO PROJECTS
RELOCATION BENEFITS FOR LTO & RDF PROJECTS
UNIFORM RELOCATION ACT BENEFITS FOR DISPLACED BUSINESS
WHY IS CITY PURCHASING A BATCH PLANT?
HOW WAS THE VENDOR SELECTED?
PURCHASE CONTRACT
NEXT STEPS

Councilmember House asked if there was a current facility at the new address they would take over. Ms. Wendel explained that it was vacant land and they would have to build a new facility.

Councilmember House asked if there would be an impact to the business operations. Ms. Wendel stated that they would be required to obtain CUP and any impact to their operations would be addressed as part of that process.

Vice Mayor Aslan stated that the Rio de Flag project should move forward and he was supportive so long as the business was not negatively impacted and made whole. The important thing was that the project did not get slowed down.

Mayor Daggett stated that the relocations and projects were all part of the process, and it was important for the Rio de Flag project to move forward. She also noted the importance of making the transition as smooth as possible for the affected party.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Khara House to approve purchase of a Con-E-Co Lo-Pro Model Concrete Plant from Dave Humphreys, Inc., in an amount not to exceed $2.5 million, and authorize the City Attorney and Procurement Director to approve the final form of contract.

Vote: 6 - 0 - Unanimously

C. **Consideration and Adoption of Ordinance No. 2024-01:** An ordinance of the Flagstaff City Council authorizing the acquisition of real property interests for a Flagstaff Urban Trail System alongside the Rio de Flag Flood Control Project; providing for delegation of authority, repeal of conflicting ordinances, severability, corrections, and establishing an effective date

Transportation Planner Martin Ince addressed Council and explained that the ordinance would authorize property rights for two planned FUTS trails along the Rio de Flag project. Both trails were located south of the tracks, one extended from La Plaza Vieja to Railroad Springs and beyond, and the second followed the Rio from Southside to Country Club. The trails were part of the Regional Plan. Staff had already met with one of the property owners on the trail to the east to address concerns and explore solutions. Mr. Ince explained that the ordinance would not bypass the acquisition process of meeting and negotiating with property owners, it would only provide the authority to obtain those property rights once agreed to with the owners.

Councilmember McCarthy asked about the reference to condemnation in the ordinance and whether that would require separate approval by Council. Senior Assistant City Attorney Anja Wendel explained that the ordinance used a standard form that authorized acquisition by any means necessary, however the ordinance specifically stated that Council had to take a separate action should condemnation be recommended. Mr. Clifton added that there was diligent effort to acquire properties through amicable negotiations and that was most often the case.

Property owner Mike Clifton addressed Council and expressed concerns about the trail that ran directly behind his property. The concerns focused primarily on access to their business and other businesses who rented space on the property. He recommended a different alignment that would not impact his property that included a bridge over the Rio de Flag. He expressed a desire to continue discussions with the city to find a resolution.

Vice Mayor Aslan asked about the alternate alignment that was proposed. Mr. Ince stated that staff would continue their discussions with the property owner and evaluate the proposal along with other possible alignments as part of the discussion and negotiation process.

Mayor Daggett stated that she would support the first read of the ordinance with the understanding that the critical decisions were later in the process. She would like to understand what options might be available to find solutions for all parties. Councilmember McCarthy added that the ordinance started the negotiation process and there was plenty of time to identify and review options.

Written comment cards in opposition to the ordinance were submitted by the following individuals:

- Mike Clifton
- Justin Clifton

- Norma Jean Clifton

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to read Ordinance No. 2024-01 by title only for the first time.

Vote: 6 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF AUTHORIZING THE ACQUISITION OF REAL PROPERTY INTERESTS FOR A FLAGSTAFF URBAN TRAIL SYSTEM ALONGSIDE THE RIO DE FLAG FLOOD CONTROL PROJECT; PROVIDING FOR DELEGATION OF AUTHORITY, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

D. **Consideration and Adoption of Resolution No. 2023-68:** A resolution adopting the City Council 2024 Commemorative Flag Designations

City Clerk Stacy Saltzburg reviewed the submissions for modifications to the commemorative flags for 2024.

Following discussion, the Council set the following designations for 2024:

Month	Commemorative Flag(s)	Dates of Display
January	Human Trafficking Awareness	January 1 -- 31
February	Black History Month	February 1 -- 28
March	Women's History Month Transgender Visibility	March 1 -- 16 March 17 -- 31
April	Earth Day	April 1 -- 30
May	Armed Forces Day	May 1 -- 31
June	LGBTQIA+ Month	June 1 -- 30
July	Tree City USA	July 1 -- 31
August	Purple Heart Day Ukraine Independence Day	August 1 -- 31 August 24
September	United Nations Climate Change Hispanic Heritage Month	September 1 -- 15 September 16 -- 30
October	National Domestic Violence Awareness Month	October 1 -- 31
November	Native American Heritage Month	November 1 -- 30
December	World AIDS Day	December 1 -- 31

Moved by Councilmember Lori Matthews, **seconded by** Vice Mayor Austin Aslan to read Resolution No. 2023-68 by title only.

Vote: 6 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL (PURSUANT TO THE CITY COUNCIL

POLICY ON THE DISPLAY OF FLAGS) DESIGNATING ALL COMMEMORATIVE FLAGS THAT WILL BE DISPLAYED THROUGHOUT THE YEAR 2024 ON THE TEMPORARY POLE IN FRONT OF CITY HALL

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Khara House to adopt Resolution No. 2023-68

Vote: 6 - 0 - Unanimously

12. DISCUSSION ITEMS

A. Presentation regarding funding allocations for Homeless Shelter and Services Funds

Housing and Grants Administrator Kristine Pavlik provided a PowerPoint presentation that covered the following:

HOMELESS SHELTER AND SERVICES FUNDS ALLOCATION RECOMMENDATIONS
HOMELESS SHELTER & SERVICES
SUBMITTED APPLICATIONS
FUNDING RECOMMENDATIONS

Councilmember McCarthy stated that Flagstaff Shelter Services provided the most bed nights, yet they were recommended for funding at a third of what they requested. He found that interesting and thought they should have scored much higher.

Ms. Pavlik explained that the ranking committee provided feedback that indicated that they felt other organizations offered unique services, such as Homeless Youth Connection, which supported 18 to 21-year-olds, a demographic not necessarily catered to by other agencies like Flagstaff Shelter Services. They emphasized the importance of providing services in addition to emergency shelter, especially to those experiencing homelessness but not necessarily seeking shelter. While bed nights and the number of individuals impacted are considered, the committee also considered community impact and unique programming when scoring the applications.

Councilmember House noted that one of the challenges that she had while reviewing the recommendation was not being fully aware of the process of how projects were scored and what the ranking was considering. It would be helpful to be able to see the criteria before making the decision. She also stated that she was struggling with the idea of fully funding the top three and then splitting the remainder in a way that does not necessarily match up to the number of people served. She felt that if none of them would be fully funded, then the remaining funds should be split equally.

Ms. Pavlik stated that there was a very quick turnaround associated with the evaluation process because the funds needed to be allocated and spent before the end of the fiscal year. Council could direct staff to allocate different amounts if desired.

Councilmember Matthews stated that she would like to see the rankings and applications.

Councilmember Sweet also noted that she was struggling with the recommendations and how things were ranked.

Vice Mayor Aslan stated that the rankings were generally the same with nothing significant between them. It did not make sense that Flagstaff Shelter Services received less than their request when they were the biggest provider in the community. He supported full funding to Flagstaff Shelter Services. He also expressed a desire to see the evaluation rubric and application materials.

Assistant Housing Director Justyna Costa offered that staff could return with a presentation on the rankings before the contracts were presented to Council for approval.

B. Discussion of Fee for Public Use of City-Owned Electric Vehicle Charging Stations

Climate Analyst Denae Presler provided a PowerPoint presentation that covered the following:

DISCUSSION OF FEE FOR PUBLIC USE OF CITY-OWNED ELECTRIC VEHICLE CHARGING STATIONS
TODAY'S TOPICS
OVERVIEW OF CITY-OWNED PUBLIC CHARGERS
BENEFITS OF PROVIDING PUBLIC CHARGING
INITIAL OPERATIONAL COST OF PROVIDING PUBLIC CHARGING
FLEXIBILITY IN SETTING FEES
FEE SCENARIOS
FEE SCENARIOS: STATUS QUO
FEE SCENARIOS: COST RECOVERY
FEE SCENARIOS: COST RECOVERY + ENCOURAGE BEHAVIOR
FEE SCENARIOS
LEVELS OF COST RECOVERY
NEXT STEPS
SEEKING COUNCIL DIRECTION
COST RECOVERY...

Councilmember Matthews asked about the life expectancy for charging stations. Ms. Presler stated that the average lifespan was ten years, but they had been shown to last longer.

Councilmember Mathews asked about the Green Power Partnership Program. Sustainability Director Nicole Antonopoulos stated that the program allowed the city to purchase clean energy credits to ensure that the clean energy systems were kept in functioning order. It was a surcharge to indicate the use of clean energy.

Mayor Daggett asked if the app alerted drivers when they were nearing a full charge. Ms. Presler stated that the driver would receive a notification when their vehicle was nearly full and then slow the charging for safety purposes.

Councilmember McCarthy stated that he supported Option C. He proposed a soft opening with a phased approach to get to full cost recovery.

Vice Mayor Aslan also supported Option C. He stated that incentivizing vehicle movement out of the charging stations when charging was complete would be an important consideration.

Councilmember House also preferred Option C. She suggested a fee structure that would discourage long term use like what was seen at the airport.

Councilmember Sweet and Mayor Daggett both expressed support for Option C.

A majority of Council supported Option A for cost recovery.

A break was held from 6:07 p.m. through 6:17 p.m.

C. Moving the Needle on City Climate and Housing Goals

Sustainability Director Nicole Antonopoulos, Community Development Director Dan Folke, Engineering Director Paul Mood, Planning Director Michelle McNulty, Assistant Housing Director Justyna Costa, and Sustainability Analyst Genevieve Pearthree provided a PowerPoint presentation that covered the following:

MOVING THE NEEDLE
DISCUSSION
BACKGROUND INFORMATION

THE CARBON NEUTRALITY PLAN
THE 10-YEAR HOUSING PLAN
THE CHALLENGE
THE SOLUTION
ASSESSING CURRENT CONDITIONS
THE APPROACH
LOOKING AHEAD
HIGH LEVEL REVIEW OF PLANNED EFFORTS
HIGHLIGHTS FOR HOUSING WORK PROGRAM
HIGHLIGHTS FOR BUILDING CODE UPDATE
HIGHLIGHT FOR CLIMATE ACTION
HIGHLIGHTS FOR ENGINEERING STANDARDS UPDATE

Councilmember Matthews asked if there was a projection of how many EV charging stations would be needed over the next five to ten years. Ms. Pearthree stated that the current building code had the requirement that all new construction be EV ready. The idea was that if there was demand the property owner could install as they felt necessary.

HIGHLIGHTS OF PLANNING UPDATES
REGIONAL PLAN/LASS+CAP TOUCHPOINTS

Council thanked staff for the report and the integration of the two declared emergencies.

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 ICAN Cities Appeal: A global call for the City of Flagstaff to support the UN Treaty on the Prohibition of Nuclear Weapons

Ms. Saltzburg addressed Council and stated that in August of 2022 the prior Council received a very similar citizen petition seeking a resolution in support of the Back from the Brink Campaign which also called for the elimination of nuclear weapons. The Council at that time did not advance the citizen petition.

William Head addressed Council in support of the petition. He stated that nuclear weapons threaten communities and that 73 other cities had signed onto the international campaign.

Councilmember Matthews stated that she did not support the advancement of the petition because the ban of nuclear weapons could leave the United States vulnerable to other nations.

Vice Mayor Aslan stated that he supported the petition. It showed solidarity to a cause and he would like to understand more of what it entailed.

Councilmember House agreed and supported the advancement of the petition.

Mayor Daggett agreed that it was a noble effort however she was concerned about the many other things that were on staff's plate. She supported the advancement of the petition so long as it did not take staff time.

Mr. Clifton asked that staff time not be spent on the matter, if there was a document available the Chief of Staff or Council could identify it. Mr. Solomon added that there would need to be legal review and an Executive Session prior to the matter being placed on an agenda for action.

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 Citizens' Petition titled Add Fluoride to City Drinking Water

Ms. Saltzburg addressed Council and provided a brief history on the topic of fluoride. It had been a topic that had been wrestled with by the city for decades with significant public input. In 1954 the Council placed a question on the ballot regarding fluoride which was not passed. The matter came up again in the late 1960's where Council, on two different occasions, voted to not put fluoride in the water. In 1974 the Council passed an ordinance to add fluoride to the water and that ordinance was later repealed by the Council in 1978. Finally, in April 2001 the Council passed an ordinance to add fluoride to the city water system. As a result, a referendum was started and was successful in placing the ordinance on the November 2001 ballot. The ordinance was not approved by voters.

Kyle Nitschke addressed Council in support of advancing the petition. He spoke about the benefits of fluoride for kids. Coconino County had the highest level of tooth decay in children.

Vice Mayor Aslan stated that he was surprised to learn that there was not fluoride in the city's drinking water. The issue was a public health concern, and it was something that the city had the ability to provide. He supported the advancement of the petition to a future agenda for discussion.

Councilmember Matthews noted that there were many people against the addition of fluoride in the water. There had been concerns about the negative health issues related to fluoride. She did not support advancing the petition.

Mayor Daggett stated that if fluoride was something that public health officials were desiring, she would prefer to have a recommendation from the Coconino County Health Department before advancing the matter further.

There was not requisite Council support to advance the item to a future agenda for discussion.

14. PUBLIC PARTICIPATION

Dennis Givens addressed Council about parking. He was concerned about students parking in parts of the Southside neighborhood and the challenges that created with buses and emergency vehicles.

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

Councilmember Sweet requested a FAIR item to discuss commission member eligibility when receiving city funding. She also stated that she would be attending the Longest Night Memorial to honor those who passed in 2023 while experiencing homelessness. She wished everyone Happy Holidays and a Happy New Year.

Councilmember House also noted that she would be attending the Longest Night Memorial. She requested a FAIR to consider establishing a reporting structure or engagement strategy for board and commission updates to Council.

Mayor Daggett reported that Flagstaff had been awarded $9.6 million from the Bipartisan Infrastructure Bill which would help complete the bike and ped facilities on Butler up to Sawmill. She thanked Senators Sinema and Kelly for their help in obtaining the funding. She noted that Flagstaff had received $58 million to date from the Bipartisan Infrastructure Bill and were advancing exciting infrastructure projects because of it.

Mr. Solomon offered congratulations to the Council on completing their first year of their new terms.

16. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held December 19, 2023, adjourned at 7:32 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 December 19, 2023. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 1st day of October, 2024

_____
CITY CLERK

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, MARCH 5, 2024
STAFF CONFERENCE ROOM
SECOND FLOOR - CITY HALL
211 WEST ASPEN AVE
1:00 P.M.

1. Call to Order

Mayor Daggett called the Special Meeting (Executive Session) to order at 1:00 p.m.

2. ROLL CALL

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

PRESENT:	ABSENT:
MAYOR DAGGETT (virtual)	
VICE MAYOR ASLAN (virtual)	
COUNCILMEMBER HARRIS	
COUNCILMEMBER HOUSE (virtual)	
COUNCILMEMBER MATTHEWS	
COUNCILMEMBER MCCARTHY	
COUNCILMEMBER SWEET	

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

3. Recess into Executive Session

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to recess into Executive Session.

Vote: 7 - 0 - Unanimously

4. Executive Session Confidentiality Statement

Discussions made during Executive Session are confidential by law. All persons present in Executive Session or who receive Executive Session information or materials shall keep the discussion, information and materials confidential and shall not disclose them, except as allowed by law.

5. Executive Session:

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to A.R.S. §38-431.03(A)(3) and (4) respectively.

i. Water Related Litigation and City of Flagstaff v. Desert Mountain Energy Updates

6. Adjournment

The Special Meeting (Executive Session) of the Flagstaff City Council held March 5, 2024, reconvened into Open Session at 2:19 p.m. at which time the meeting adjourned.

_____
MAYOR

ATTEST:

_____
CITY CLERK

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, MARCH 12, 2024
STAFF CONFERENCE ROOM
SECOND FLOOR - CITY HALL
211 WEST ASPEN AVE
1:00 P.M.

1. Call to Order

Mayor Daggett called the Special Meeting (Executive Session) to order at 1:01 p.m.

2. ROLL CALL

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

PRESENT:	ABSENT:
MAYOR DAGGETT (virtual)	COUNCILMEMBER HOUSE
VICE MAYOR ASLAN (virtual)	
COUNCILMEMBER HARRIS (virtual)	
COUNCILMEMBER MATTHEWS	
COUNCILMEMBER MCCARTHY	
COUNCILMEMBER SWEET	

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

3. Recess into Executive Session

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Miranda Sweet to recess into Executive Session.

Vote: 6 - 0 - Unanimously

4. Executive Session Confidentiality Statement

Discussions made during Executive Session are confidential by law. All persons present in Executive Session or who receive Executive Session information or materials shall keep the discussion, information and materials confidential and shall not disclose them, except as allowed by law.

5. Executive Session:

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to A.R.S. §38-431.03(A)(3) and (4) respectively.

i. Legal advice regarding First Amendment matters

ii. Litigation update

6. Adjournment

The Special Meeting (Executive Session) of the Flagstaff City Council held March 12, 2024, reconvened into Open Session at 2:15 p.m. at which time the meeting adjourned.

_____
MAYOR

ATTEST:

_____
CITY CLERK

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, MARCH 12, 2024
STAFF CONFERENCE ROOM
SECOND FLOOR - CITY HALL
211 WEST ASPEN AVE
1:00 P.M.

1. Call to Order

Mayor Daggett called the Special Meeting (Executive Session) to order at 1:01 p.m.

2. ROLL CALL

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

PRESENT:	ABSENT:
MAYOR DAGGETT (virtual)	COUNCILMEMBER HOUSE
VICE MAYOR ASLAN (virtual)	
COUNCILMEMBER HARRIS (virtual)	
COUNCILMEMBER MATTHEWS	
COUNCILMEMBER MCCARTHY	
COUNCILMEMBER SWEET	

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

3. Recess into Executive Session

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Miranda Sweet to recess into Executive Session.

Vote: 6 - 0 - Unanimously

4. Executive Session Confidentiality Statement

Discussions made during Executive Session are confidential by law. All persons present in Executive Session or who receive Executive Session information or materials shall keep the discussion, information and materials confidential and shall not disclose them, except as allowed by law.

5. Executive Session:

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to A.R.S. §38-431.03(A)(3) and (4) respectively.

i. Legal advice regarding First Amendment matters

ii. Litigation update

6. Adjournment

The Special Meeting (Executive Session) of the Flagstaff City Council held March 12, 2024, reconvened into Open Session at 2:15 p.m. at which time the meeting adjourned.

_____
MAYOR

ATTEST:

_____
CITY CLERK

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, MARCH 26, 2024
STAFF CONFERENCE ROOM
SECOND FLOOR - CITY HALL
211 WEST ASPEN AVE
1:00 P.M.

1. **Call to Order**

Mayor Daggett called the Special Meeting (Executive Session) to order at 1:02 p.m.

2. **ROLL CALL**

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

PRESENT:	ABSENT:
MAYOR DAGGETT (virtual) VICE MAYOR ASLAN (virtual) COUNCILMEMBER HARRIS (arrived at 2:42 p.m.) COUNCILMEMBER HOUSE (virtual) COUNCILMEMBER MATTHEWS COUNCILMEMBER MCCARTHY COUNCILMEMBER SWEET	

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

3. **Recess into Executive Session**

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to recess into Executive Session.

Vote: 6 - 0 - Unanimously

4. **Executive Session Confidentiality Statement**

Discussions made during Executive Session are confidential by law. All persons present in Executive Session or who receive Executive Session information or materials shall keep the discussion, information and materials confidential and shall not disclose them, except as allowed by law.

5. **Executive Session:**

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to A.R.S. §38-431.03(A)(3) and (4) respectively.

i. Litigation Update

ii. Legal Advice and Contract Negotiations on Proposed Amendment to Canyon Del Rio Development Agreement

iii. First Amendment Matters

6. Adjournment

The Special Meeting (Executive Session) of the Flagstaff City Council held March 26, 2024, reconvened into Open Session at 2:48 p.m. at which time the meeting adjourned.

_____
MAYOR

ATTEST:

_____
CITY CLERK

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, APRIL 2, 2024
STAFF CONFERENCE ROOM
SECOND FLOOR - CITY HALL
211 WEST ASPEN AVE
1:00 P.M.

1. Call to Order

Mayor Daggett called the Special Meeting (Executive Session) to order at 1:04 p.m.

2. ROLL CALL

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

PRESENT:	ABSENT:
MAYOR DAGGETT (virtual)	
VICE MAYOR ASLAN (virtual)	
COUNCILMEMBER HARRIS (arrived at 1:05 p.m.)	
COUNCILMEMBER HOUSE (virtual)	
COUNCILMEMBER MATTHEWS	
COUNCILMEMBER MCCARTHY	
COUNCILMEMBER SWEET	

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

3. Recess into Executive Session

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to recess into Executive Session.

Vote: 6 - 0 - Unanimously

4. Executive Session Confidentiality Statement

Discussions made during Executive Session are confidential by law. All persons present in Executive Session or who receive Executive Session information or materials shall keep the discussion, information and materials confidential and shall not disclose them, except as allowed by law.

5. Executive Session:

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to A.R.S. §38-431.03(A)(3) and (4) respectively.

i. First Amendment Matters

6. Adjournment

The Special Meeting (Executive Session) of the Flagstaff City Council held April 2, 2024, reconvened into Open Session at 1:20 p.m. at which time the meeting adjourned.

_____
MAYOR

ATTEST:

_____
CITY CLERK

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, APRIL 9, 2024
STAFF CONFERENCE ROOM
SECOND FLOOR - CITY HALL
211 WEST ASPEN AVE
1:00 P.M.

1. Call to Order

Mayor Daggett called the Special Meeting (Executive Session) to order at 1:04 p.m.

2. ROLL CALL

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

PRESENT:	ABSENT:
MAYOR DAGGETT (virtual)	
VICE MAYOR ASLAN (virtual)	
COUNCILMEMBER HARRIS	
COUNCILMEMBER HOUSE (virtual)	
COUNCILMEMBER MATTHEWS	
COUNCILMEMBER MCCARTHY (arrived at 1:04 p.m.)	
COUNCILMEMBER SWEET	

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

3. Recess into Executive Session

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Miranda Sweet to recess into Executive Session.

Vote: 6 - 0 - Unanimously

4. Executive Session Confidentiality Statement

Discussions made during Executive Session are confidential by law. All persons present in Executive Session or who receive Executive Session information or materials shall keep the discussion, information and materials confidential and shall not disclose them, except as allowed by law.

5. Executive Session:

A. ~~Discussion or consultation for legal advice with the attorney or attorneys of the public body and discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property, pursuant to A.R.S. §38-431.03(A)(3) and (7), respectively.~~

i. ~~Legal advice and consultation regarding the city's position related to purchase of real property for the Rio de Flag Flood Control Project, identified as Coconino County Assessor Parcel No. 103-01-007C owned by Flagtown Properties, LLC.and Coconino County Parcel No. 103-02-021 owned by Kings House, Inc. and/or to avoid litigation~~

B. Discussion or consultation for legal advice with the attorney or attorneys of the public body, and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to A.R.S. §38-431.03(A)(3) and (4) respectively.

i. Litigation Update

ii. Water Litigation Update -- Little Colorado Water Adjudication and Settlement Negotiations

6. Adjournment

The Special Meeting (Executive Session) of the Flagstaff City Council held April 9, 2024, reconvened into Open Session at 1:16 p.m. at which time the meeting adjourned.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY COUNCIL WORK SESSION
TUESDAY, APRIL 9, 2024
CITY HALL COUNCIL CHAMBERS
211 WEST ASPEN AVE
3:00 P.M.

MINUTES

1. Call to Order

Vice Mayor Aslan called the meeting of the Flagstaff City Council held April 9, 2024, 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 work session, 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 (virtual, arrived at 3:29 p.m.)	
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 Acknowledgment

The Council and audience recited the pledge of allegiance, Councilmember Sweet read the Mission Statement of the City of Flagstaff, and Councilmember McCarthy read the Land Acknowledgment.

MISSION STATEMENT

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

LAND ACKNOWLEDGMENT

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. Open Call to the Public

Open Call to the Public enables the public to address the Council about an item that is not on the prepared agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. Open Call to the Public appears on the agenda twice, at the beginning and at the end. The total time allotted for the first Open Call to the Public is 30 minutes; any additional comments will be held until the second Open Call to the Public.

Dennis Givens addressed Council regarding the procedure for selecting for Vice Mayor and asked to not change the process. He also addressed the need to conserve water.

Sustainability Analyst Genevieve Pearthree and Community Investment Director Dave McIntire addressed Council regarding the Green Business Boot Camp.

Library Director Linda Tillson addressed Council regarding National Library Week. She recognized Library Board member Catherine Moore and Deputy Directors Demaris Hill and Richard Tutwiler who attended the meeting. She shared a few fun facts about libraries in general and a few facts about the Flagstaff Library.

Deputy Library Director Richard Tutwiler addressed Council regarding the Library of Things collection. He added that the number one checked-out item was a Nintendo Switch controller and the second most checked-out items were charging devices. He shared a few more items that could be checked out and highlighted the cultural passes. Deputy Director Hill shared information on the most checked-out graphic novels.

Paul Richardson addressed Council regarding resolutions, staying away from political speech, and asked Council to stay focused on items that the City can control.

5. Review of Draft Agenda for the April 16, 2024 City Council Meeting

Citizens wishing to speak on agenda items not specifically called out by the City Council may submit a speaker card for their items of interest to the recording clerk.

None.

6. Proclamation: Fair Housing Month

Councilmember Matthews read and presented the proclamation.

7. Proclamation: National Poetry Month

Councilmember House read and presented the proclamation to Youth Poet Laureate Micaela Merryman who recited a poem she wrote for the occasion.

8. City Manager Report

Mr. Clifton briefly reviewed his report.

Police Chief Dan Musselman spoke about Officer Austin Rogers who assisted in a life-saving event while attending a training in Phoenix.

Interim Deputy Human Resources Director Jennifer Caputo briefly reviewed the Human Resources/Risk Management newsletter.

PROSE Director Rebecca Sayers briefly reviewed the PROSE monthly report. Vice Mayor Aslan asked about the letter to the editor in the paper regarding the basketball courts and stated that it was a nice letter about increasing the number of basketball hoops in town. Ms. Sayers stated that

basketball hoops would be addressed in the PROSE presentation later in the meeting.

Housing Director Sarah Darr briefly reviewed the Housing Section Newsletter.

9. **Presentation and discussion regarding the City of Flagstaff Community Development Block Grant Program Year 2024 Annual Action Plan and Staff recommendations for Program Year 2024 CDBG funding allocations**

Housing and Grants Administrator Kristine Pavlik presented the Community Development Block Grant (CDBG) Program Year 2024 Annual Action Plan and the recommended funding allocations. The presentation covered the following:

- Overview of CDBG
- Explanation of why the City of Flagstaff receives CDBG funds
- Primary objective of CDBG
- Eligible uses of CDBG dollars
- National objectives and criteria for using CDBG funds
- Process for accessing the funds
- Discussion on the 2021-2025 Consolidated Plan target areas
- Responsibilities of the Council and Staff
- Priorities outlined by the Council for CDBG
- High priority needs and activity goals identified
- Proposal for the CDBG 2024 Annual Action Plan
- Available funding and proposals received
- Discussion on allocations and recommendations made by the ranking committee
- Next steps and open questions

Councilmember Matthews asked about the criteria for fund allocation, particularly concerning the CATS program. She expressed reservations about allocating $200,000 for a program established less than three years ago without robust financial documentation. She also questioned the redundancy of service numbers. Ms. Pavlik addressed these concerns by explaining the ranking committee's focus on funding reliability and clarifying the categorization of the Boys and Girls Club under Public Services rather than Housing/Public Facility Improvements like the CATS Acquisition.

Councilmember Matthews requested specifics on the grants administered by CATS. Wendy White, Co-Founder and Treasurer of CATS, provided insights into their previous grants and financial administration. Councilmember Matthews also inquired about the resilience hub concept and the possibility of the downpayment funds serving as a loan. She raised concerns about funding CATS twice while neglecting the Boys and Girls Club and sought clarification on the difference between the $50,000 CDBG grant and the Resilience Hub grant.

Councilmember Sweet recommended involving the Sunnyside community in developing a good neighbor plan for the CATS acquisition project. She emphasized the importance of engaging communities affected by such projects.

Councilmember Harris expressed support for the Boys and Girls Club request and emphasized the necessity of community engagement in site placements.

Councilmember McCarthy questioned the effectiveness of a mobile facility compared to a permanent location for the CATS program. He sought clarification from Ms. White on the need for a mobile facility versus a stationary one.

Vice Mayor Aslan voiced concerns about public engagement and the project's potential impact on the surrounding community. He emphasized the need for a robust community engagement process and sought clarification on the funding source for purchasing abutting property.

Mayor Daggett echoed concerns about allocating funds without public input and highlighted the importance of funding the Boys and Girls Club. She suggested postponing the discussion or exploring reallocation options.

Councilmember McCarthy asked about the plans for the second property, prompting Ms. White to discuss the potential for a tiny home village.

Vice Mayor Aslan emphasized the need for a community dialogue and expressed concerns about rushing the process.

Councilmember Matthews proposed allocating funds to the Boys and Girls Club and delay the decision on the CATS property. She emphasized the importance of community input and suggested collecting feedback from the neighborhood.

Councilmember Sweet praised the work of the CATS bus program but expressed reservations about funding the CATS property without public engagement.

Nadine Hart addressed Council and stated that community input was important and expressed concerns about potential conflicts arising from the project.

Housing Director Sarah Darr sought clarity on Council's preferences regarding fund reallocation and project funding.

Vice Mayor Aslan suggested reallocating funds and delay the decision on the CATS property.

Councilmember McCarthy expressed support for splitting the remaining funds between the CATS program and the Boys and Girls Club.

Councilmember House highlighted the challenges of funding allocations without confirmed funding amounts and recommended postponing the decision.

Councilmember Harris proposed splitting the remaining funds between the CATS program and the Boys and Girls Club.

The majority of the Council supported splitting the remaining funds between the CATS program and the Boys and Girls Club.

10. Resilience Hubs 101

Climate Action Section Director Jenny Niemann, Sustainability Coordinator Jenna Ortega, and Climate Corps Resilience Hub Coordinator Sam Wiley provided a PowerPoint presentation that covered the following:

- Overview of Resilience Hubs
- Operating Modes and Foundations of Hubs
- Flagstaff Regional Resilience Project
- Environmental Justice Government-to-Government Grant
- Project Partners, Goals, and Activities
- Details on Southside, Sunnyside, and Mobile Hubs
- Budget and Timeline
- Next Steps

Councilmember Matthews inquired about the EPA grant's duration and its coverage. Ms. Presler confirmed that the funding spans three years, with CATS having a two-year subaward, and both the Sunnyside and Southside Neighborhood Associations receiving three-year subawards. Ms. Presler stated that staff was exploring additional funding sources such as grants for funding beyond the three-year period.

Councilmember House sought clarification on the community-led focus of the project. Ms. Presler explained the engagement efforts and highlighted the involvement of hubs in community activities. She expressed staff's commitment to facilitating outreach and engagement efforts, and collaborating

closely with partners to collect data for the Environmental Protection Agency (EPA).

Councilmember Sweet expressed optimism about the project's potential and inquired about volunteer opportunities. Ms. Presler indicated that there would likely be opportunities for community members to volunteer and emphasized the goal of establishing more resilience hubs.

Councilmember Harris shared that she served as the volunteer Executive Director of the Southside Community Association and emphasized the project's significance for the community, particularly the Southside neighborhood. She highlighted the Association's efforts to leverage additional funds and emphasized the importance of volunteer engagement and student internships.

Nadine Hart addressed Council with concerns about the budget allocation for City staff, questioning its proportion. Ms. Niemann clarified that the staff number represented a project manager's role over three years and did not encompass the current in-kind contributions from staff already involved in the project.

A break was held from 6:35 p.m. through 6:50 p.m.

11. Presentation on City of Flagstaff Fleet Electrification Assessment and Efforts

Facilities and Fleet Section Director Jennifer Brown and Climate Analyst Denae Presler, introduced a study on fleet electrification. Consultants Walter Schaefer and Andrey Gribovich from DNV provided a PowerPoint presentation that covered the following:

- Agenda
- Glossary
- Fleet Electrification Assessment Scope
- Fleet Electrification Analysis Approach
- Flagstaff's Selected Facilities
- High-level Fleet Summary
- Total Cost of Ownership (TCO) Analysis Overview
- Fleetwide Total Cost of Ownership Savings Summary
- Summary: Recommended Infrastructure
- Fleet Electrification: Recommendations, Considerations, and Challenges
- Strategic Fleet Electrification
- Market Availability & Suitability
- Overarching Fleet Status & Policies
- Transitioning to EVs: A Phased Approach
- Streamlining EV Procurement
- Level 2 Existing Charging Stations
- Level 2 Planned Charging Stations

Councilmember Matthews asked about the total cost of ownership, specifically with the potential increase in property insurance due to the high risk of fires from EVs was considered. Mr. Gribovich responded that he had not observed any such increase in literature or research and he asked for Councilmember Matthews to share the literature she referenced. Mr. Schaefer noted that most EV parking would be outdoors but agreed to look for insurance cost data.

The appendix slides provided additional details, including:

- Infrastructure Cost Breakdown (one-time and recurring/annual)
- Detailed Recommendations (from December 2023)
- Considerations (from December 2023)

Stefan Sommer addressed Council regarding the urgency of climate action, urging faster fleet replacement to meet carbon neutrality goals.

A written comment about safety measures for electric vehicles was submitted by Nadine Hart.

Vice Mayor Aslan inquired if there was a working plan. Ms. Brown explained that staff was currently developing a comprehensive plan, starting with the assessment, followed by establishing policies and procedures.

Councilmember House asked about the timeline for charging infrastructure deployment. Ms. Presler mentioned that 16 planned charging ports should be completed by the end of the summer, but there was no set timeline for chargers.

Councilmember Harris asked Police Chief Dan Musselman about vehicle allocation among officers. Chief Musselman explained that not every officer had a dedicated patrol vehicle; there were 123 sworn officers and 78 patrol officers, with 43 patrol vehicles in use at any given time. Ms. Brown noted that for electric vehicles to be feasible, they would need a third more vehicles to allow for charging between shifts. She confirmed that charging needs were being considered in the planning process, with a cautious approach for emergency vehicles. Support Services Manager Allison Hughes attributed the shortage of vehicles to delays in outfitting new vehicles, losses due to accidents, and end-of-life retirements. She added that they recently received four new vehicles and were working to purchase more.

Councilmember Matthews also asked Ms. Brown about the possibility of using cooperative purchase agreements to facilitate bulk purchases of electric vehicles. Ms. Brown confirmed that placing bulk orders with dealerships was feasible and could aid in the conversion to electric vehicles.

Councilmember Matthews inquired about the capacity of charging ports to support additional vehicles. Ms. Presler stated that there were ongoing discussions about the charger-to-vehicle ratio. She mentioned that, conservatively, a one-to-one ratio could support at least 46 vehicles. She added given that most vehicles averaged 40 miles a day, charging every few days allowed for shared charging ports.

Councilmember McCarthy asked about battery capacity options for EVs and the possibility of upgrading to larger batteries. Fleet Manager Nathan Naliborski explained that options varied by make and model, and the industry was continually evolving with new range and capacity options.

12. Parks, Recreation, Open Space, and Events (PROSE) projects and planning discussion

Parks, Recreation, Open Space, and Events Director Rebecca Sayers and Parks, Recreation, Open Space, and Events Deputy Director Amy Hagin shared a presentation on PROSE. Slides included:

- Who are the PROSE?
- PROSE Leadership Team
- Parks
- Recreation
- Open Space
- Events
- Getting in the details
- How is PROSE funded?
- How does PROSE receive feedback and set priorities?
- Parks and Recreation Commission priority ranking exercise
- Current Parks and Recreation Commission priorities (as ranked in 2022)
- How does PROSE receive feedback and set priorities?
- 5-year BBB-recreation capital fund
- Sport courts at Bushmaster Park
- FAIR: Bankshot opportunities

Ms. Hagin stated that there were nine and a half basketball courts and asked Council to discuss Bankshot.

Vice Mayor Aslan stated that there should be a few Bankshot courts added throughout town, but they should not replace basketball courts.

Councilmember Harris stated that the City is missing an opportunity if Bankshot was not given serious consideration.

Councilmember Sweet stated that she would like to explore Bankshot more and that it would be a great addition to the parks.

Ms. Hagin stated that there could be an opportunity for Bankshot at Thorpe Park.

Councilmember McCarthy asked what Bankshot was. Ms. Hagin described the sport and how it benefits people who were differently-abled as well as other users. She added that PROSE staff was looking at where to place Bankshot and how to fund it. She stated that staff would need to go back to the Parks & Recreation Commission to discuss placement and funding.

Councilmember Harris stated that Bankshot could be funded by other organizations since it would be accessible to differently-abled individuals.

Councilmember House stated that she was in favor of pursuing Bankshot.

Councilmember McCarthy stated that he was supportive of Bankshot as well.

Ms. Hagin continued the presentation.

- West Side Park
- Thorpe Park
- Heritage Square Restrooms
- FAIR: Potential pond near I-17/Cosmic Rays FUTS

For the West Side Park, Councilmember McCarthy asked what would be placed at the park since the ground was not level. Ms. Hagin stated that the terrain would be difficult, but that staff would communicate with the community to see what amenities they would like to see. Councilmember McCarthy asked if parking would be added to the park and Ms. Hagin stated that parking was uncertain and would require a large part of the budget to construct. She indicated that staff would work with the community to determine the priorities for the park.

Councilmember McCarthy asked who owned the restrooms at Heritage Square. Ms. Hagin stated that there was a maintenance agreement with the Hopi Building where the City maintained the restrooms.

Vice Mayor Aslan stated that a pond would be a great amenity for the neighborhood and the community. He stated there might be environmental concerns and possibly more than the City could handle, but that it was worth looking into.

Councilmember Harris expressed concerns about creating similar issues that existed with Lake Elaine in Continental Country Club. She stated that the city needed to be careful to avoid those types of issues and that there would need to be land acquisition for the proposed lake, so she was not interested in moving forward.

Councilmember McCarthy stated that it might be worth a preliminary investigation on how complicated and expensive it could be to maintain a lake at the location.

Councilmember Sweet stated that she was not interested in moving the proposed lake discussion forward.

The FAIR item regarding the pond did not receive enough support from the Council to move forward.

- What next?
  - Thorpe Park -- ICCC
  - Provide air conditioning inside the gym at Hal Jensen Recreation Center

- Ponderosa Park Reconstruction
- Cheshire Park - $1M plus a partner
- Continental Park - $3M over two FY, need a partner
- Parks & Recreation Operating Capital -- Impacts of a Good Change

Councilmember Harris asked about the NAU ice rink. Ms. Hagin stated NAU was working on it but it had not yet been completed. Councilmember Harris asked if NAU moved forward with the ice rink if it would take pressure off of Jay Lively. Ms. Hagin stated that she did not see it impacting the youth programs.

Vice Mayor Aslan stated that there was a need in the Ponderosa Trails neighborhood for more basketball amenities.

13. John Wesley Powell (JWP) Project Update

Capital Improvements Project Manager David Pedersen and Planning Director Michelle McNulty presented an update on the JWP Project.

Councilmember Matthews inquired if staff had engaged small property owners. Mr. Pedersen responded that communication had been limited with small property owners, with a focus on large property owners.

Councilmember Matthews also raised concerns about the bridge and drainage culvert's impact on current access roads and elk migration. Mr. Pedersen stated that they had collar data from Arizona Game and Fish and were collaborating with them to ensure wildlife crossings. He added that the crossing of Harold Ranch Road would be enhanced by the County to withstand flooding better, and preliminary plans for a secondary road were being considered.

Councilmember Harris asked if small property owners would be affected by the road. Mr. Pedersen indicated that there would be indirect impacts due to the road's proximity.

Councilmember Harris also asked about NAU purchasing Kinsey School and the potential construction of another school by FUSD, and its effect on the road. Mr. Pedersen mentioned that there had been no specific development plans from NAU or FUSD for that parcel, but there were discussions about connectivity if required.

Mayor Daggett asked about the road's width. Mr. Pedersen stated that the plan included northbound and southbound lanes, with provisions to expand if necessary.

Orville Wiseman addressed Council and expressed his dissatisfaction with the communication regarding the project and disappointment in the proposed road. Councilmember McCarthy stated that there had been substantial public involvement and that many letters were received. Mr. Wiseman disagreed, claiming River Valley Road residents were not informed.

Councilmember Matthews requested assurance that staff would engage small parcel homeowners and gather their feedback. Mr. Pedersen emphasized staff's commitment to transparency and communication. He mentioned a received suggestion for a filling station to reduce the distance homeowners needed to travel to haul water.

14. Open Call to the Public

Nadine Hart addressed Council regarding Section 8 Housing and the cost of housing for people who are trapped in the system because they did not make enough money to get out.

15. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests

Councilmember House stated that the state legislators passed a bill to recognize Pluto as Arizona's State Planet and discussed the Northern Arizona Festival of Books.

Mayor Daggett shared that she was in Waco, Texas to to support Lowell Observatory in their celebration of the eclipse.

Councilmember Harris stated that she was looking forward to seeing the poem read during the National Poetry Month proclamation hanging in City Hall and added that there would be a Housing Symposium at Murdoch Community Center on April 20, 2024.

16. Adjournment

The Work Session of the Flagstaff City Council held April 9, 2024, adjourned at 9:18 p.m

_____
MAYOR

ATTEST:

_____
CITY CLERK

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, APRIL 16, 2024
STAFF CONFERENCE ROOM
SECOND FLOOR - CITY HALL
211 WEST ASPEN AVE
1:00 P.M.

1. Call to Order

Mayor Daggett called the Special Meeting (Executive Session) to order at 1:07 p.m.

2. ROLL CALL

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

PRESENT:	ABSENT:
MAYOR DAGGETT	
VICE MAYOR ASLAN (virtual)	
COUNCILMEMBER HARRIS	
COUNCILMEMBER HOUSE	
COUNCILMEMBER MATTHEWS	
COUNCILMEMBER MCCARTHY	
COUNCILMEMBER SWEET	

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

3. Recess into Executive Session

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to recess into Executive Session.

Vote: 7 - 0 - Unanimously

4. Executive Session Confidentiality Statement

Discussions made during Executive Session are confidential by law. All persons present in Executive Session or who receive Executive Session information or materials shall keep the discussion, information and materials confidential and shall not disclose them, except as allowed by law.

5. Executive Session:

A. ~~Discussion or consultation for legal advice with the attorney or attorneys of the public body, discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, and discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property, pursuant to A.R.S. §38-431.03(A)(3), (4), and (7), respectively.~~

i. ~~Legal advice and consultation regarding the city's position related to purchase of real properties for the Rio de Flag Flood Control Project, identified as Coconino County Assessor Parcel No. 103-01-007C owned by Flagtown Properties, LLC, and Coconino County Parcel No. 103-02-021 owned by Kings House, Inc.~~

B. Discussion or consultation for legal advice with the attorney or attorneys of the public body, and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to A.R.S. §38-431.03(A)(3) and (4) respectively.

i. Water Litigation Update -- Little Colorado Water Adjudication and Settlement Negotiations

6. **Adjournment**

The Special Meeting (Executive Session) of the Flagstaff City Council held April 16, 2024, reconvened into Open Session at 2:45 p.m. at which time the meeting adjourned.

_____
MAYOR

ATTEST:

_____
CITY CLERK

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, APRIL 23, 2024
STAFF CONFERENCE ROOM
SECOND FLOOR - CITY HALL
211 WEST ASPEN AVE
1:00 P.M.

1. Call to Order

Mayor Daggett called the Special Meeting (Executive Session) to order at 1:00 p.m.

2. ROLL CALL

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

PRESENT:	ABSENT:
MAYOR DAGGETT (virtual) VICE MAYOR ASLAN (virtual) COUNCILMEMBER HARRIS COUNCILMEMBER HOUSE (virtual) COUNCILMEMBER MCCARTHY (arrived at 1:04 p.m.) COUNCILMEMBER SWEET	COUNCILMEMBER MATTHEWS

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

3. Recess into Executive Session

Moved by Councilmember Miranda Sweet, **seconded by** Councilmember Deborah Harris to recess into Executive Session.

Vote: 5 - 0 - Unanimously

4. Executive Session Confidentiality Statement

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5. Executive Session:

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, and discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property, pursuant to A.R.S. §38-431.03(A)(3), (4), and (7), respectively.

i. Legal advice and consultation to avoid litigation regarding the city's position related to purchase of real properties for the Rio de Flag Flood Control Project, identified as Coconino County Assessor Parcel No. 103-01-007C owned by Flagtown Properties, LLC, and Coconino County Parcel No. 103-02-021 owned by Kings House, Inc.

ii. Legal advice and consultation regarding the city's position in pending litigation, City of Flagstaff v. Dennis W. and Kay A. Balzer, Trustees of the Balzer Trust, et al. (S0300-CV2022-00508), and as to purchase of real property

6. Adjournment

The Special Meeting (Executive Session) of the Flagstaff City Council held April 23, 2024, reconvened into Open Session at 1:48 p.m. at which time the meeting adjourned.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY COUNCIL COMBINED SPECIAL MEETING/WORK SESSION
TUESDAY, APRIL 23, 2024
CITY HALL COUNCIL CHAMBERS
211 WEST ASPEN AVE
3:00 P.M.

MINUTES

1. Call to Order

Mayor Daggett called the Special Meeting of the Flagstaff City Council held April 23, 2024, to order at 3:00 p.m.

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, Councilmember McCarthy read the Mission Statement of the City of Flagstaff, and Councilmember Sweet 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. Proclamation: Administrative Professionals Day

Mayor Daggett read and presented the proclamation.

5. Consideration and Approval: Congressionally Directed Spending Requests and Federal Lobbying Trip to DC Materials

Councilmember House noted a potential typo regarding the "wealth gap." Mr. Johnson stated that it was a typo the correction would be made before final publication.

Moved by Councilmember Khara House, **seconded by** Councilmember Jim McCarthy to approve the Federal Lobbying Packet and retroactively approve the Congressionally Directed Spending Requests.

Vote: 7 - 0 - Unanimously

6. Adjournment

The Special Meeting of the Flagstaff City Council held April 23, 2024, was adjourned at 3:17 p.m.

WORK SESSION

1. Call to Order

Mayor Daggett called the Work Session of the Flagstaff City Council held April 23, 2024, to order at 3:17 p.m.

2. Open Call to the Public

Open Call to the Public enables the public to address the Council about an item that is not on the prepared agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. Open Call to the Public appears on the agenda twice, at the beginning and at the end. The total time allotted for the first Open Call to the Public is 30 minutes; any additional comments will be held until the second Open Call to the Public.

If you wish to address the Council in person at today'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 Open Call to the Public and Public Comment. 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.

Dennis Givens addressed Council regarding the need for additional social services in Sunnyside. He also spoke about affordable housing.

Nadine Hart addressed Council spoke about the Housing Opportunity Through Modernization Act (HOTMA) and the need for social media outreach on why landlords should rent to Section 8 Housing residents.

3. City Manager Report

City Manager Greg Clifton called out a letter appended to the report that would be sent to many residents in the Swiss Manor and Shadow Mountain neighborhoods. He stated that the letter addressed the risk of flooding in the neighborhoods. He stated that the purpose of the letter was to remind the residents that there was an increased risk of occasional flooding and to provide precautions and measures that could be taken to protect the properties, and suggestions about flood insurance.

Climate Action Section Director Jenny Niemann reviewed the Sustainability monthly report.

Councilmember House asked about the equity assessment tool referenced in the report. Ms. Niemann stated that equity was one of the primary goals of the Carbon Neutrality Plan. She stated that there had not been a lot of data on how staff was engaging all the different parts of the community, so staff developed an assessment tool. She added that they built the tool off training that staff invested in through the Urban Sustainability Directors Network and an equity foundations training that everyone in the office took. The tool helped staff understand why they were only reaching certain portions of the community, and assisted staff in trying to understand how they could do better. She added that the tool was mostly just information collection at the moment, but staff realized they needed the information to

be able to advance their equity work.

Councilmember House asked if the tool would be used to determine the accessibility of the different programs. Ms. Niemann stated that staff took a very broad view of equity and the tool would look at everything from demographics of attendees, income levels, how people were learning about the events, the ways people learned, disabilities, and more.

Councilmember Harris asked about the equity group and the makeup of the group. Ms. Niemann stated that the Equity Advisory Climate Group was one of three advisory groups that were launched two years ago. She added that staff did a lot of community engagement to get applications, so the group was a pretty broad base of people from different backgrounds. She added that they asked about lived experience and tried to value lived experience in order to select members of the group. She stated that staff used other outside community members to help appoint, so that staff were not the ones making the selections. She added that the group advised on a wide variety of projects and they met once a month.

IT Director CJ Perry briefly reviewed the IT quarterly report.

Water Services Director Shannon Jones introduced Communication Engagement Specialist Sarah Jablon who reviewed the Water Services quarterly report.

Mayor Daggett asked about maintenance projects and how they were prioritized within the budget. Mr. Jones stated that staff used software to manage the maintenance programs. He added that sometimes staff had to get a little creative to ensure that repairs worked within the budget.

Economic Vitality Director Heidi Hansen reviewed the Economic Vitality monthly report.

Councilmember Harris asked about ArtX and if the City was involved. Community Investment Director Dave McIntire stated that the city was a sponsor of ArtX and Council should have received invitations to a number of events. He added that the city would participate in three events as well and several city projects would be highlighted.

Councilmember Harris asked about the 100th Anniversary of Route 66. Marketing and Media Relations Vice President for Discover Flagstaff Lori Pappas spoke about promoting Flagstaff festivals and stated that there would be a four-page color insert in the Arizona Republic that would cover the festivals and drive traffic for booking hotels. She added that staff was leveraging Phoenix billboards to target travelers during the festival season and that digital ads would target people in Southern California, Phoenix, and Albuquerque.

Councilmember Harris asked specifically about the Route 66 Centennial celebration and if the city had started planning events for it. Ms. Hansen stated that they had been working on the Route 66 celebration for over a year. She added that they had a committee at the city led by Ms. Pappas and Convention and Visitor Bureau Director Trace Ward which was going over what was done in celebration of the 90th anniversary of Route 66 and improving on the ideas. She stated that they were working on partnerships to enhance the celebration and they would focus on marketing and advertising.

Councilmember Harris asked if the City was going to do anything specific with the Green Book. Ms. Hansen stated that she would like to sit down with Councilmembers Harris and House regarding making the Green Book more user-friendly and self-explanatory since they both had asked about it.

Councilmember House asked about potential wraps for the parking kiosks. Mr. McIntire stated that staff had been looking at how wraps could best fit on the kiosks and that there looked like there was enough room to put on a wrap.

4. **Discussion and Direction on City Seal/Logo**

Communication and Civic Engagement Management Analyst Chris Rhode provided a PowerPoint presentation that covered the following:

FAIR ITEM CITY SEAL/LOGO
BACKGROUND
CURRENT CITY LOGO
PATH FORWARD
STAFF RECOMMENDED PROCESS
POSSIBLE COMPOSITION OF WORKING GROUP
LOGISTICS AND PROCESS
VISUAL DESIGN LAB
VISUAL DESIGN LAB EXAMPLES OF DESIGNED BRAND IDEAS
DESIGNING A BRAND IDENTITY
AFTER COMPLETION OF PROJECT
OPTIONS TO IMPLEMENT
POSSIBLE ACTION

Councilmember Harris thanked Mr. Rhode for his presentation, for how he has gone about the project, and for engaging NAU. She asked when the students could start. Mr. Rhode stated that the students could start in the fall semester, but that the city could start a working group in advance.

Councilmember House stated that she was fully in support of the recommendations. She added that the logo discussion was timely when considering the upcoming Route 66 celebration.

Vice Mayor Aslan stated that he was fully supportive of the staff recommendations and added that Mr. Rhode had done a great job on the project so far.

Councilmember Sweet stated that she worked with the VisualDESIGN Lab with Puente de Hozo and she is excited to see them involved.

Councilmember McCarthy stated his support but added that he did not want to change just for the sake of change. He stated that he would like to see a no-change option as well when Council votes on the item. He added that he liked the logo examples, but he would like to see a logo that would work well in black and white as well as color. Economic Vitality Director Heidi Hansen stated that the VisualDESIGN Lab stated that the logo they would create would be compatible with black and white and that it would also include a user-guide. Ms. Hansen thanked Ali Applin at NAU for her work and support as well.

5. **Proposed Relocation of Arizona Materials to adjacent BNSF Railway Parcel**

Real Estate Manager Bryce Doty and Community Development Director Dan Folke provided a PowerPoint presentation that covered the following:

- Proposed Purchase of BNSF Railway Land
- Vicinity Map
- Parcel Map
- Arizona Materials Property
- Capital Project Property Needs
- Background
    - Lone Tree Overpass & Rio de Flag Flood Control Projects
    - AZM Relocation Efforts
    - Adjacent BNSF Parcels
    - BNSF Site Adjacent to AZ-Mat
- Relocate AZM to East Parcel?
- Southside Plan -- Considerations

Vice Mayor Aslan asked about the options the public had to organize against the move and how they might succeed. He stated that one of his concerns was that time would be sucked up by a lengthy or protracted back and forth with community groups. Mr. Folke stated that for a Conditional Use Permit, the public would be able to request the application. He added that the Concept Plan would go through Site Plan review, which was an administrative process, and that those comments could be requested through a records request. He then spoke about the required neighborhood meetings that community members would be notified of and that the concerns noted in the meeting would be provided as part of

the Conditional Use Permit application. He added that the application would then go to the Planning and Zoning Commission, where there would be a report of the public meetings, a staff recommendation, and public comment. He said that the public could attend the Planning and Zoning Commission meeting and that the decision could then be referred to Council itself for an appeal within a 10-day window after the Planning and Zoning decision.

Councilmember House stated that the City went through a good process to find a viable location for Arizona Materials and she stated that she was curious as to why the new owners of Arizona Materials did not find the alternative location to be a viable location.

Councilmember McCarthy asked if Arizona Materials would get a larger piece of property than what they were giving up and what the ratio of those areas were. Mr. Doty stated that the plans were conceptual at that point, and that current batch plants operate at closer to four acres. He added that they were currently on two and a half acres. Councilmember McCarthy asked if negotiations would include the possible size difference and staff indicated that it would.

Mayor Daggett asked how many acres the property on Huntington was. Mr. Doty stated that it was sitting at 1.79 acres, so it was tight compared to their existing site.

Land and Development Manager for Kilgore Companies Lee Ware addressed Council and stated that Arizona Materials had been operating and serving the Flagstaff community for around 15 years. He added that in that time they had produced nearly 500,000 cubic yards of concrete, supplying to a number of local projects including Northern Arizona University, a number of commercial projects, and a number of city contracts. He stated that the current location was very convenient for them for numerous reasons and that they currently employed six to eight local employees. He added that maintaining existing haul routes and delivery times was paramount to their operations, and the east parcel site had similar site operations and efficiencies that they feel would work on a number of fronts that make the parcel the most viable option. He provided a PowerPoint presentation that covered the following:

- Arizona Materials
- AZM wants to stay in Flagstaff and in the Southside
- Relocated AZM to the East Parcel?
- How this would work
- AZM Site Needs
- Relocate AZM to East Parcel?
- AZM in preliminary planning stages
- AZM's early thoughts on a Site Plan for East Parcel

Mayor Daggett asked if the property was a commercial-only site. Mr. Ware stated that they deliver and do not have customers come to the site.

Mayor Daggett asked about the number of trucks they have during their busy season and Mr. Ware stated that they have a number of trucks and that the count would be part of the application process.

Mayor Daggett asked if there was a traffic light at the location and Mr. Ware stated that they would like to work with the city on access and egress.

Councilmember Harris disclosed that she was the volunteer Executive Director of the Southside Community Association and asked Mr. Ware if they were aware there was a neighborhood plan when they purchased the business. Mr. Ware said that he was not aware of the neighborhood plan at the time of purchase. Councilmember Harris stated that she was concerned that they bought a business in a neighborhood where there was some development, and that she would expect the buyer to have known that there some type of plan in pace in a neighborhood.

Executive Director of Real Land and Development for Kilgore Companies Stuart Lamb stated that they purchased a big business that was a non-conforming use in a zone that was a conditional use. He added that what they presented would be considered a permitted use with conditions and that they purchased the old property fully understanding that the entitled rights were under a non-conforming status.

Councilmember Matthews pointed out that the Southside Plan was adopted with the understanding that the materials plant would disappear. Mr. Lamb stated that they heard a lot in other communities that the community would like to see the materials plants and mining operations go away, but that they also need the plants and the jobs in the community. He asked how Council would feel if someone wanted to take away their business. He added that they have exhausted the process to find another location and that they respect the neighborhood planning, but they recognize that there is land use law and procedures that were in place. He stated that is what they purchased.

Mayor Daggett asked if four acres was what they needed, and Mr. Lamb stated that it was and that it would get them through the Conditional Use Process and allow them to have a little bit of a buffer from the adjoining property.

Mr. Doty resumed the presentation.

- Seeking Public Input & Council Direction
- Option 1 - Support efforts to help AZM relocate to East Parcel (so long as it obtains a conditional use permit)
- Option 2 - Continue efforts to relocate AZM elsewhere
- Option 3 - Seek a court order of immediate possession for use of AZM's property
- Options -- Primary Considerations

Rick Lopez addressed Council and stated that the Southside Plan contained a lot of community input and that it was created as an aspirational guide. He stated that he did not want to see the plan changed for one business and stated that it undermines the neighborhood plan and the regional plan.

David Hayward addressed Council and stated that he owns a piece of property in the area, and he was involved in the Southside Plan. He stated that there was an understanding when making the plan that the industrial uses of the area would go away. He asked Council to send the idea back to the drawing board.

Written comments were received from David Hayward, Annie Taylor, and Mike Tulloss opposing the relocation of the concrete batch plant.

Senior Assistant Attorney Anja Wendel stated that a trade had to be of substantial or equal value. She also addressed the ongoing condemnation case that staff was trying to resolve and reaching an agreement with Arizona Materials would help staff resolve that more quickly.

Vice Mayor Aslan spoke about the Rio de Flag project and not wanting to delay it. He asked how the Rio de Flag project would be influenced by the project. Capital Improvements Project Manager Christine Cameron stated that there was a lot of work to do with BNSF Railway on property acquisition and rail relocation. She stated that she did not know the immediacy of the decision at that point since the US Army Corps was still going through their final design process. She added that she did not believe the Rio de Flag project would be in jeopardy if a decision were not made and that they are still scheduled to break ground in 2025. Vice Mayor Aslan asked for confirmation if Arizona Materials needed to relocate before the Rio de Flag project was constructed. Ms. Cameron stated that the relocation of the cement plant must be done before the Rio de Flag project.

Vice Mayor Aslan spoke about the continued misuse of the Rio de Flag channel that abuts the Arizona Materials Property and asked Mr. Lamb to speak about how they would feel about having the CUP ensure that there would be no misuse of the channels. Mr. Lamb stated that there is a large difference between large owners and small owners. He stated that the plants are relatively quiet and clean. He added that they are conscious of environmental concerns and work shoulder to shoulder with the community in that effort.

Vice Mayor Aslan stated that he was leaning towards a combination of option two, to continue efforts to relocate Arizona Materials elsewhere, and option three, to seek a court order of immediate possession for use of the Arizona Materials property. He added that the relocation was not consistent with the Southside Plan and he would like to see Arizona Materials succeed in another area in town.

Councilmember Harris stated that she agreed with Vice Mayor Aslan. She added that she found it problematic that the company did not bother to look into any plans that were available for that neighborhood or for the city.

Councilmember McCarthy stated that he was supportive of option one, to support efforts to help Arizona Materials relocate to the east parcel so long as they obtain a Conditional Use Permit.

Councilmember House stated that she leaned towards option two to try to relocate the business elsewhere. She added that the city had done more than what was required in seeking to avoid option three.

Councilmember Sweet stated that she supported option two and finding a new location. She added that she does not want to see option three happen.

Councilmember Matthews stated that she was leaning towards option two, but added that the search could not go on for much longer and that it needed an end date.

Mayor Daggett stated that Arizona Materials was a valued business in Flagstaff. She added that she supported option two and supported a temporary use of the land to the east so that the Rio de Flag project and the overpass project would not be delayed.

Relocation and Eminent Domain Consultant Mike Sullivan gave a historical context to the property. He stated that they had been working on relocating the business since 2020, however, they had to be located in a heavy industrial zone and there was none available in the City of Flagstaff. He stated that there were issues with the land size and reminded Council that the old site was a non-conforming use and did not conform with current zoning code requirements. He added that the new site must be bigger to comply with the code requirements. He also addressed the Southside Plan and stated that the property was condemned based on a 2010 Lone Tree Project study. The Southside Plan was not in place at the time the property was condemned. He addressed the Huntington property and stated that it ended up being too small for the use when considering zoning code requirements.

Council provided direction to continue with option two and return to Council with an update at a later time.

A break was held from 6:08 p.m. through 6:32 p.m.

6. **Bed, Board, and Booze (BBB) Tax Renewal & Related Code Change Discussion**

Economic Vitality Director Heidi Hansen, Parks, Recreation, Open Spaces, and Events Director Rebecca Sayers, Convention and Visitor Bureau Director Trace Ward, and Community Investment Director Dave McIntire provided a PowerPoint presentation that covered the following:

- Bed, Board, and Booze (BBB) Tax Renewal and Related Code Changes
- BBB Worksession Agenda
- What is the BBB?
- What services receive BBB Funding?
- BBB Code Change and Renewal Timeline
- Elements on BBB Information Messaging
- BBB information advertising examples
- BBBrenewalflagstaff.com
- Questions on BBB information presented

Mayor Daggett asked to replace the term "general fund" with the term "bottom line" and Vice Mayor Aslan suggested using Councilmembers for radio ads.

Councilmember Harris asked what was considered a short-term rental. Mr. Ward offered that short-term rentals were shared economies or vacation rentals, such as Airbnb or other services. Councilmember Harris asked how the city determined that rentals were available, and Mr. Ward stated that the city had a registry and a program that browsed the internet to identify rentals.

- BBB Code Change Recommendations
- Parks and Recreation
  - Recommended/draft code updates for Parks and Recreation Commission
  - Recommended/draft code updates for Open Spaces Commission
  - Recommended/draft code updates to the Hospitality Industry Tax Revenues section
- Tourism & Visitor Services
  - Recommended/draft: Tourism Commission
- Recommended/draft: Economic Development
- Beautification & Arts and Sciences Commission\
- Questions

7. Initial Discussion of the Draft Economic Development Strategic Plan

Community Investment Director David McIntire introduced President Laura O'Blenis and Director of Ecosystem Development Adam Peabody from Stiletto: Make A Point (Stiletto), the City's Economic Development Strategic Plan consultant who provided a PowerPoint presentation that covered the following:

- Introduction
- Stiletto: Make a Point
- Six Components of Economic Development
- Building an Economic Development Ecosystem
- Stiletto Impact Cascade
- What's the Point?
- The Economic Development Strategy 2024-29
- The Strategy
- A collaborative, evidence-based strategy
- Community Participation in the Planning Process
- Community Aspirations
- Mission
- Vision
- Priority Sectors
- Pillars for Impact
- Strategy At a Glance
- Pillars
- Pillar One: Focus & Positioning
- Pillar Two: Branding & Awareness

Vice Mayor Aslan asked for the definition of "unique value proposition." Ms. O'Blenis stated that the unique value proposition is what differentiated Flagstaff from others.

- Pillar Three: Sustainable Economic Development
- Pillar Four: Community Ecosystem Development
- The Sectors
- Strategic Sector Focus
- Five sector focuses
  - Astronomy
  - Food Processing
  - Forestry Products
  - Biomedical/Health Care
  - Manufacturing
- Priority Sectors in the Future
- Discussion

Councilmember Matthews asked about the housing restrictions regarding the workforce. Mr. McIntire stated that a workforce data analysis was happening congruently so that the workforce development strategy by Keane Consulting and the economic development strategy would be aligned.

Councilmember House stated that she was encouraged by the pillar focus. She added that it was a

little challenging to decouple the conversations about housing affordability from the conversation. Ms. O'Blenis stated that housing was a big issue and that they would give it some thought and work with Keane to see what they could layer into the economic development piece. Mr. McIntire added that staff was looking at code changes and other elements to make housing easier to build and to assist commercial processes as well.

Mayor Daggett commented on the HELIOS Foundation trip where they looked at data on schools and economic development. She added that they saw the projections for Coconino County during that trip that showed a lot of growth in hospitality but nothing in healthcare. She asked Ms. O'Blenis if they were going to tie that into the report to avoid that possibility. Ms. O'Blenis stated that they would work with Keane to dive into that information and include it in the report.

Vice Mayor Aslan spoke about the possibility of the film industry as a pillar. Ms. O'Blenis stated that tourism was not a part of their scope and film would fall under what they call creative industry and that they will look at that.

- Next Steps
  - Finalize the Recommendations and Framework
  - Finalize the Report
  - Report Review and Council Presentation May 21, 2024

Councilmember Harris commented that the focus must stay on housing because without housing the economy cannot grow and jobs could not be filled. She also spoke about early childhood education and that it must also be a part of the conversation.

8. **Emergency Management Briefing - Public Safety Power Shutoffs (PSPS)**

Grants, Contracts, and Emergency Management Director Stacey Brechler-Knaggs introduced Janet Dean from Arizona Public Safety (APS) who introduced Wade Ward, Joe Weathersby, Logan Trackman and Ryan Wiesner. The provided a PowerPoint presentation that covered the following:

- Arizona Public Service (APS) Wildfire Mitigation Update
- Introductions
- Objectives
- Multi-faceted strategy to protect against wildfires -- Wade Ward
- Vegetation management
- Enhanced inspections
- Improved monitoring
- Grid hardening
- Risk modeling
- Coordination with other agencies and counties
- Public Safety Power Shutoffs (PSPS)
- Circuit locations -- Overview
- Circuit locations -- Coconino
- Communication regarding PSPS
- Steps to prepare for PSPS
- Help prepare for PSPS

Councilmember Sweet asked if customers could sign up for how they want to be contacted. Ms. Dean responded yes and that their focus was on making sure their customers were prepared and allowed them to determine how they would like to be contacted.

Mayor Daggett asked if APS would like Flagstaff residents to sign up as well even though they would not be affected by the PSPS. Ms. Dean responded yes, the communication tools were helpful for all situations involving APS.

Ms. Brechler-Knaggs, Emergency Manager Daniel Kelly, Water Production Manager Brian Huntzinger, Water Services Program Manager Tamera Lawless, Fire Chief Mark Gaillard, and Public Affairs Director Sarah Langley provided a PowerPoint presentation that covered the following:

- City Response to PSPS
- Emergency Management (EM)
- Water Services
- Tools & Strategies available
- Available water sources during a PSPS event
- Anticipated capacity
- Water conservation strategies
- Strategy I
- Strategy II
- Strategy III
- Fire
- Public Messaging

Council thanked APS and staff for the update.

9. Open Call to the Public

None.

10. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests

Councilmember McCarthy shared that he attended Earth Day and that it was very good. He also stated that he met with Sustainability staff.

Mayor Daggett shared that she was invited by the Arizona Community Foundation to attend a dinner with the CEO of the Aspen Institute in Phoenix. She shared that the new strategic plan of the Institute contained three elements: housing, education, and environment. Mayor Daggett also shared that she sat on the Arizona Commission of the Arts Executive Director interviews and that she met with the Animal Welfare of Northern Arizona and discussed the creation of a low-cost spay and neuter center. She shared that there would be a joint adoption event at Wags and Whiskers on May 19, 2024.

11. Adjournment

The Work Session of the Flagstaff City Council held April 23, 2024, adjourned at 8:49 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CERTIFICATION

I, STACY SALTZBURG, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the Meeting of the Council of the City of Flagstaff held on April 23, 2024. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 1st day of October, 2024

_____
CITY CLERK

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, MAY 7, 2024
STAFF CONFERENCE ROOM
SECOND FLOOR - CITY HALL
211 WEST ASPEN AVE
2:00 P.M.

1. Call to Order

Mayor Daggett called the Special Meeting (Executive Session) to order at 2:00 p.m.

2. ROLL CALL

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

PRESENT:	ABSENT:
MAYOR DAGGETT	COUNCILMEMBER SWEET
VICE MAYOR ASLAN	
COUNCILMEMBER HARRIS	
COUNCILMEMBER HOUSE	
COUNCILMEMBER MATTHEWS	
COUNCILMEMBER MCCARTHY	

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

3. Recess into Executive Session

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Khara House to recess into Executive Session.

Vote: 6 - 0 - Unanimously

4. Executive Session Confidentiality Statement

Discussions made during Executive Session are confidential by law. All persons present in Executive Session or who receive Executive Session information or materials shall keep the discussion, information and materials confidential and shall not disclose them, except as allowed by law.

5. Executive Session:

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to A.R.S. §38-431.03(A)(3) and (4) respectively.

i. Minimum wage litigation update and settlement negotiations

ii. PFAS litigation

6. Adjournment

The Special Meeting (Executive Session) of the Flagstaff City Council held May 7, 2024, reconvened into Open Session at 2:15 p.m. at which time the meeting adjourned.

_____
MAYOR

ATTEST:

_____
CITY CLERK

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, MAY 14, 2024
STAFF CONFERENCE ROOM
SECOND FLOOR - CITY HALL
211 WEST ASPEN AVE
2:00 P.M.

1. Call to Order

Mayor Daggett called the Special Meeting (Executive Session) to order at 2:00 p.m.

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 (virtual)	
COUNCILMEMBER MCCARTHY	
COUNCILMEMBER SWEET	

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

3. Recess into Executive Session

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to recess into Executive Session.

Vote: 7 - 0 - Unanimously

4. Executive Session Confidentiality Statement

Discussions made during Executive Session are confidential by law. All persons present in Executive Session or who receive Executive Session information or materials shall keep the discussion, information and materials confidential and shall not disclose them, except as allowed by law.

5. Executive Session:

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to A.R.S. §38-431.03(A)(3) and (4) respectively.

i. Water Litigation Update

6. Adjournment

The Special Meeting (Executive Session) of the Flagstaff City Council held May 14, 2024, reconvened into Open Session at 2:50 p.m. at which time the meeting adjourned.

_____
MAYOR

ATTEST:

_____
CITY CLERK

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, JUNE 4, 2024
STAFF CONFERENCE ROOM
SECOND FLOOR - CITY HALL
211 WEST ASPEN AVE
1:00 P.M.

1. Call to Order

Mayor Daggett called the Special Meeting (Executive Session) to order at 1:00 p.m.

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. Recess into Executive Session

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to recess into Executive Session.

Vote: 7 - 0 - Unanimously

4. Executive Session Confidentiality Statement

Discussions made during Executive Session are confidential by law. All persons present in Executive Session or who receive Executive Session information or materials shall keep the discussion, information and materials confidential and shall not disclose them, except as allowed by law.

5. Executive Session:

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to A.R.S. §38-431.03(A)(3) and (4) respectively.

i. Water Litigation and Settlement Update

6. Adjournment

The Special Meeting (Executive Session) of the Flagstaff City Council held June 4, 2024, reconvened into Open Session at 1:20 p.m. at which time the meeting adjourned.

_____
MAYOR

ATTEST:

_____
CITY CLERK

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, JUNE 25, 2024
STAFF CONFERENCE ROOM
SECOND FLOOR - CITY HALL
211 WEST ASPEN AVE
12:00 P.M.

1. Call to Order

Mayor Daggett called the Special Meeting (Executive Session) to order at 12:03 p.m.

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. Recess into Executive Session

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to recess into Executive Session.

Vote: 7 - 0 - Unanimously

4. Executive Session Confidentiality Statement

Discussions made during Executive Session are confidential by law. All persons present in Executive Session or who receive Executive Session information or materials shall keep the discussion, information and materials confidential and shall not disclose them, except as allowed by law.

5. Executive Session:

A. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting, pursuant to A.R.S. §38-431.03(A)(1).

i. Magistrate and On-Call Magistrate Re-appointments

B. Discussion or consultation for legal advice with the attorney or attorneys of the public body pursuant to A.R.S. §38-431.03(A)(3).

i. Legal advice regarding proposed amendment to Observatory Mesa access road right-of-way easement

C. Discussion or consultation for legal advice with the attorney or attorneys of the public body, and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to A.R.S. §38-431.03(A)(3) and (4) respectively.

i. Water Litigation and Settlement Update

6. Adjournment

The Special Meeting (Executive Session) of the Flagstaff City Council held June 25, 2024, reconvened into Open Session at 2:36 p.m. at which time the meeting adjourned.

_____
MAYOR

ATTEST:

_____
CITY CLERK

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, JULY 2, 2024
STAFF CONFERENCE ROOM
SECOND FLOOR - CITY HALL
211 WEST ASPEN AVE
1:00 P.M.

1. Call to Order

Mayor Daggett called the Special Meeting (Executive Session) to order at 1:04 p.m.

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: Human Resources Director Kori Vogt.

3. Recess into Executive Session

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to recess into Executive Session.

Vote: 7 - 0 - Unanimously

4. Executive Session Confidentiality Statement

Discussions made during Executive Session are confidential by law. All persons present in Executive Session or who receive Executive Session information or materials shall keep the discussion, information and materials confidential and shall not disclose them, except as allowed by law.

5. Executive Session:

A. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting pursuant to A.R.S. §38-431.03(A)(1).

i. City Manager and City Attorney Evaluation Preparation and Process

6. Adjournment

The Special Meeting (Executive Session) of the Flagstaff City Council held July 2, 2024, reconvened into Open Session at 1:17 p.m. at which time the meeting adjourned.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY COUNCIL SPECIAL MEETING
MONDAY, AUGUST 19, 2024
CITY HALL COUNCIL CHAMBERS
211 WEST ASPEN AVE
3:30 P.M.

MINUTES

1. CALL TO ORDER

Mayor Daggett called the meeting of the Flagstaff City Council held August 19, 2024, to order at 3:30 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; Deputy City Attorney Kevin Fincel

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 Sweet 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. LIQUOR LICENSE PUBLIC HEARINGS

Applications under Liquor License Public Hearings may be considered under one public hearing and may be acted upon by one motion unless otherwise requested by Council.

Mayor Daggett opened the public hearing on the application.

Sergeant Nick Almendarez introduced the applications and noted no concerns.

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

Moved by Councilmember Khara House, **seconded by** Councilmember Miranda Sweet to forward the applications to the state with a recommendation for approval.

Vote: 7 - 0 - Unanimously

A. **Consideration and Action on Liquor License Application:** Cecily Clift Maniaci, "Flagstaff Frybread House", 126 W. Cottage Ave., Series 12 (Restaurant), New License

B. **Consideration and Action on Liquor License Application:** Jared Repinski, "Mi Tesoro", 4650 N Highway 89, Ste. C32, Series 12 (Restaurant), New License

5. ADJOURNMENT

The Special Meeting of the Flagstaff City Council held August 19, 2024, adjourned at 3:37 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 August 19, 2024. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 1st day of October, 2024

_____
CITY CLERK

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, AUGUST 26, 2024
STAFF CONFERENCE ROOM
SECOND FLOOR - CITY HALL
211 WEST ASPEN AVE
2:00 P.M.

1. Call to Order

Mayor Daggett called the Special Meeting (Executive Session) to order at 2:02 p.m.

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: Human Resources Director Kori Vogt.

3. Recess into Executive Session

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Khara House to recess into Executive Session.

Vote: 7 - 0 - Unanimously

4. Executive Session Confidentiality Statement

Discussions made during Executive Session are confidential by law. All persons present in Executive Session or who receive Executive Session information or materials shall keep the discussion, information and materials confidential and shall not disclose them, except as allowed by law.

5. Executive Session:

A. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting pursuant to A.R.S. §38-431.03(A)(1).

i. City Manager and City Attorney Evaluation Process and Preparation

6. Adjournment

The Special Meeting (Executive Session) of the Flagstaff City Council held August 26, 2024, reconvened into Open Session at 2:10 p.m. at which time the meeting adjourned.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY COUNCIL REGULAR MEETING
TUESDAY, AUGUST 26, 2024
CITY HALL COUNCIL CHAMBERS
211 WEST ASPEN AVE
3:00 P.M.

MINUTES

1. CALL TO ORDER

Mayor Daggett called the meeting of the Flagstaff City Council held August 26, 2024, to order at 3:02 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 (arrived at 3:04 p.m.)	
COUNCILMEMBER SWEET	

Others present: City Manager Greg Clifton; Deputy City Attorney Kevin Fincel

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

The Council and audience recited the pledge of allegiance, Councilmember Harris read the Mission Statement of the City of Flagstaff, and Councilmember Matthews 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. OPEN CALL TO THE PUBLIC

Open Call to the Public enables the public to address the Council about an item that is not on the prepared agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. Open Call to the Public appears on the agenda twice, at the beginning and at the end. The total time allotted for the first Open Call to the Public is 30 minutes; any additional comments will be held until the second Open Call to the Public.

If you wish to address the Council in person at today'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 Open Call to the Public and Public Comment. 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.

Sustainability Analyst Genevieve Pearthree and Community Investment Director Dave McIntire addressed Council about the upcoming Green Business Boot Camp. They invited local businesses to consider applying for the program.

Sustainability Coordinator Tia Hatton addressed Council and shared that the annual application for the neighborhood sustainability grant had been opened and was accepting applications. All information and forms were available online at www.flagstaff.az.gov/nsg

Kengatta Collen, Executive Director of the Southside Community Association, addressed Council and stated that the Cleo Murdoch Center Park construction had begun and they were hoping to have a grand opening celebration in October. They had also launched the resilience hub which had been successful and focused on embracing the communities' ability to respond to challenges. He also stated that they would be establishing the first community fridge at the Murdoch Center to provide food resources to those in need. Finally they were focused on strengthening their partnership with NAU.

Dr. Emily Davalos addressed Council about an incident that occurred with a Councilmember.

The following individuals addressed Council regarding flooding on Meade Lane:

- Tom Pearson
- Laura Kessler
- Anne Slobodchikoff
- Gail Reed

The following comments were received:

- The Council needed to immediately authorize the work to right-size the storm drains.
- The project must be funded and started immediately.
- Funding should come from the General Fund now and then reimbursed if the grant is awarded in two years.
- The drainage is inadequate.
- The flooding problem has been exacerbated by the mitigation efforts for Pipeline flooding response.
- It was unfair to expect residents to wait any longer.

5. PROCLAMATIONS AND RECOGNITIONS

A. Proclamation: SMART Week

Mayor Daggett read and presented the proclamation.

B. August Work Anniversaries

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

AUGUST EMPLOYEE WORK ANNIVERSARIES
FIRST YEAR
FIVE YEAR
TEN YEAR
TWENTY YEAR

6. COUNCIL LIAISON REPORTS

Councilmember Matthews reported that she attended the Indigenous Code Talkers Celebration and that it was a great event that honored the 400 Code Talkers who were instrumental during WWII.

Councilmember Harris reported that she also attended the Indigenous Code Talkers Celebration and shared that every child in the community should be taught about the contributions of the Code Talkers during WWII.

Vice Mayor Aslan reported that he attended the 18-year celebration for the Jewish Community Center. It was a great event that honored volunteers and donors.

Mayor Daggett noted that there were only three living Navajo Code Talkers remaining and it was special to hear from one of them at the Code Talker event. She also reported that the Commission on Inclusion and Adaptive Living would have a table at the upcoming Disability Resource Fair on October 5, 2024 at the High Country Conference Center.

Councilmember McCarthy reported that he attended the Council sponsored community band concert at Heritage Square, as well as the employee picnic, and Bicycle and Pedestrian Advisory Committee meetings. He also attended the Arizona State Transportation Board meeting to advocate for the Butler Complete Streets project and the Board approved the city's $2.4 million Smart Fund application. He noted that the $12 million project was fully funded with state and federal funds.

Councilmember Harris reported that she attended the Commission on Diversity Awareness meeting where they discussed a variety of initiatives they hoped to bring forward. She attended the Arizona Governor's Conference on Tourism and participated in a listening session focused on the new State branding. She also attended the Lumberjack Launch event to welcome new students at NAU.

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: Commission on Diversity Awareness

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Miranda Sweet to appoint Emanuel Hernandez for a term expiring September 2027.

Vote: 7 - 0 - Unanimously

Moved by Vice Mayor Austin Aslan, **seconded by** Councilmember Lori Matthews to appoint Sandra Darling-Roberts for a term expiring September 2027.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Khara House to appoint Mindy Riesenberg for a term expiring September 2025.

Vote: 7 - 0 - Unanimously

8. CONSENT AGENDA

All matters under Consent Agenda are considered by the City Council to be routine. Unless a member of City Council expresses a desire at the meeting to remove an item from the Consent Agenda for discussion, the Consent Agenda will be enacted by one motion approving the recommendations listed on the agenda. Unless otherwise indicated, expenditures approved by Council are budgeted items.

Councilmember Harris requested that Item 8D be pulled for discussion and Councilmember McCarthy required that Items 8B and 8C be pulled for discussion.

Moved by Councilmember Khara House, **seconded by** Councilmember Miranda Sweet to approve the Consent Agenda as presented with the exception of Items 8B, 8C, and 8D.

Vote: 7 - 0 - Unanimously

A. **Consideration and Approval:** FY24-25 Insurance Renewal

Accept the renewal premiums submitted by the Arizona Municipal Risk Retention Pool (AMRRP) for General Liability, E&O, SAM, Property, Auto, Marine, Crime, Cyber, Excess, and Worker's Compensation coverage; Chubb Limited for Airport Liability; Aon Risk Insurance Services West for International Travel; and Industrial Commission of Arizona to fund the Firefighters Presumptive Cancer Claims.

B. **Consideration and Approval of Final Plat:** PZ-23-00089-06, Capstone Homes requests final plat approval for Timber Sky - Block 5 located at 3345 W McAllister Ranch Rd, a 101-lot single-family subdivision on 17.84 acres in the MR (Medium-Density Residential) Zone.

Approve the Final Plat and authorize the Mayor to sign the Final Plat and City/Subdivider Agreement when notified by staff that all documents are ready for signature and recordation.

Councilmember McCarthy asked if there was consideration of flooding concerns and adequate drainage infrastructure on both Items B and C. Senior Planner Ben Mejia explained that Stormwater reviews all preliminary and final plats to evaluate any flooding concerns and mitigations.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Lori Matthews to approve Consent Items 8B and 8C as presented.

Vote: 7 - 0 - Unanimously

C. **Consideration and Approval of Final Plat** PZ-23-00089-05, Capstone Homes requests final plat approval for Timber Sky - Block 6 located at 3501 W McAllister Ranch Rd, a 51-lot single-family subdivision on 12.3 acres in the Single-Family Residential (R1) Zone.

Approve the Final Plat and authorize the Mayor to sign the Final Plat and City/Subdivider Agreement when notified by staff that all documents are ready for signature and recordation.

D. **Consideration and Approval of Contract:** Cooperative Purchase Contract with Courtesy Chevrolet in the amount of $168,494.41, for the purchase of two (2) electric Chevrolet Silverado's (1 model 4WT for Engineering and 1 model 3WT for Code Compliance).

Councilmember Harris stated that she would not oppose the purchase of the vehicles but wanted to call out the perception the community had when the city spends $168,494.41 on two vehicles. She supported the efforts of the Carbon Neutrality Plan but it was important to consider those in the community who may not. She encouraged more education to inform the community when there were items such as these coming forward for Council to consider. Sustainability Director Nicole Antonopoulos along with Facilities and Fleet Section Director Jennifer Brown and Fleet Manager

Nate Naliborski provided a brief overview of the process to get to the point of purchase and how vehicles were selected.

Moved by Councilmember Deborah Harris, **seconded by** Councilmember Jim McCarthy to approve the contract with Courtesy Chevrolet for the purchase of two (2) Chevrolet Silverado electric vehicles in the amount of $168,494.41. One vehicle for Engineering and one vehicle for Code Compliance and authorize the City Manager to execute the necessary documents.

Vote: 7 - 0 - Unanimously

E. **Ratification of Grant Agreement:** Ratify the Grant Agreement with the Department of Energy for the Energy Efficiency and Conservation Block Grant (EECBG)

Ratify the Grant Agreement with the Department of Energy for the Energy Efficiency and Conservation Block Grant (EECBG) in the amount of $133,940.

F. **Consideration and Approval of Contract:** Contract for Professional Services with Cavanaugh & Assoc., PA in the amount of $181,333 for a Nonrevenue Water Auditing Program.

1. Approve the Contract for Professional Services with Cavanaugh & Associates, PA in the amount of $181,333 for the City's Nonrevenue Water Auditing Program; and
2. Authorize the City Manager to execute the necessary documents.

G. **Consideration and Approval of Ratification:** Letters of Support for Wildlife Overpass Crossing

Retroactively approve the letters of support.

H. **Consideration and Approval of Contract:** Third Amendment to the Construction Manager at Risk (CMAR) Construction Services Agreement with Eagle Mountain Construction, Inc. to add Phase 2 - GMP 2 (Wedge Utilities) to the Spruce Wash Flood Mitigation Suite of Projects.

1. Approve the Third Amendment to the CMAR Construction Services Agreement with Eagle Mountain Construction, Inc. to add GMP 2 - Phase 2 to the Spruce Wash Flood Mitigation Suite of Projects which will add Phase 2 - GMP 2 to the Guaranteed Maximum Price (GMP) in the amount of $310,116.40 for a new contract total of $13,838,023.46; and
2. Authorize the City Manager to execute the necessary documents.

I. **Consideration and Approval of Contract Addendum:** Third Addendum to the Lease of the Hopi Building at Heritage Square for Office Space

Approve Third Addendum, to provide office space for City staff (ParkFlag and the Beautification, Arts and Sciences Program).

9. DISCUSSION ITEMS

A. Discussion on proposed amendment to the Professional Services Contract between the City and Terros Health for the operation of the Community Alliance, Response & Engagement (CARE) Unit

Fire Chief Mark Gaillard, Fire Captain Seth Gregar and Terros Director of Northern Arizona Crisis Services Bryan Gest who provided a PowerPoint presentation that covered the following:

AMENDING THE TERROS CONTRACT
CARE UNIT DATA
PATH TO SUCCESS
CONTINUOUS IMPROVEMENTS
PROPOSED AMENDMENT TO THE CONTRACT
OPPORTUNITIES LEVERAGED THROUGH THE PROPOSED AMENDMENT

SUMMARY

Council discussed the benefits of the CARE Unit and the success that it had brought thus far. They indicated their support for the staff recommended action to transition the staffing of the Unit away from the Fire Department and toward Terros covering the staffing needs. They expressed appreciation for the discussion and looked forward to future updates.

10. OPEN CALL TO THE PUBLIC

None

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

Councilmember House shared that many Councilmembers would be attending the Arizona League of Cities and Towns Annual Conference in Phoenix. She requested a FAIR item to discuss any efforts to institutionalize the El Pueblo Motel as a landmark for its connection to the Code Talkers.

Councilmember McCarthy displayed a photo and reported that his son-in-law was the designer of the war memorial in Wheeler Park. He was very proud of that involvement and wanted to call attention to that and highlight the connection.

Councilmember Harris reported that she would be attending the Sipping with the Symphony event that weekend and encouraged others to attend.

Councilmember Matthews reported that she attended her first session with the Flinn Brown Foundation the prior week.

Mayor Daggett reported that she hosted several summer camps including FACTS Camp Iwannago. They came to tour City Hall which was always a fun experience. She reminded the public about the many programs available over the summer and through the year such as the Boys and Girls Club and Big Brothers, Big Sisters. She stated that she was pleased and excited to see Vice Mayor Aslan and Councilmember Matthew attend their first Flinn Brown session day. She offered that the Flagstaff Festival of Science would kick off on September 20, 2024. She congratulated the FUSD Foundation on a successful supply drive and announced that Tynkertopia just celebrated their sixth anniversary.

Mr. Clifton reported that staff had been discussing the issues on Meade Lane and that the Council could expect a presentation from staff in the near future.

Mayor Daggett asked about the possibility of Council receiving a document that included highlights from each Division. Mr. Clifton stated that he would look into what might be provided.

12. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held August 26, 2024, adjourned at 4:32 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 August 26, 2024. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 1st day of October, 2024

_____

CITY CLERK

CITY COUNCIL REGULAR MEETING
TUESDAY, SEPTEMBER 3, 2024
CITY HALL COUNCIL CHAMBERS
211 WEST ASPEN AVE
3:00 P.M.

MINUTES

1. CALL TO ORDER

Mayor Daggett called the meeting of the Flagstaff City Council held September 3, 2024, to order at 3:00 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for 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 McCarthy 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. OPEN CALL TO THE PUBLIC

Open Call to the Public enables the public to address the Council about an item that is not on the prepared agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. Open Call to the Public appears on the agenda twice, at the beginning and at the end. The total time allotted for the first Open Call to the Public is 30 minutes; any additional comments will be held until the second Open Call to the Public.

If you wish to address the Council in person at today'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 Open Call to the Public and Public Comment. 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.

Dennis Givens addressed Council seeking support for the CATs program. He also spoke about being non-partisan as well as improving relationship between the Police and the unsheltered.

5. COUNCIL LIAISON REPORTS

Councilmember Sweet reported that over the summer break she attended Water Commission meetings, the NWA meeting, the biosolids treatment pilot project tour at Wildcat, the water reuse conference, and the water symposium. She thanked Mountain Line for their partnership with the County Fair and providing free transportation. She also mentioned that NACOG continued to struggle with staffing for the Head Start program.

Vice Mayor Aslan reported that he, along with other members of Council, attended the Arizona League of Cities and Towns Annual Conference.

Councilmember Matthews reported that she also attended the biosolids tour and noted that it was encouraging to see other alternatives. She also reported that the League Conference was informative and it was a good opportunity to hear from other cities and towns about how they were working through the problems all cities faced.

Councilmember House expressed appreciation for all the staff members who represented Flagstaff at the League Conference on the various panels. It was great to see Flagstaff play a part in the conference and represented so well.

6. 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: Sustainability Commission

Moved by Councilmember Khara House, **seconded by** Councilmember Miranda Sweet to appoint Cameron Dakota Carlson for a term expiring February 2027.

Vote: 7 - 0 - Unanimously

Moved by Vice Mayor Austin Aslan, **seconded by** Councilmember Lori Matthews to appoint Elijah Born for a term expiring February 2027.

Vote: 7 - 0 - Unanimously

7. CONSENT AGENDA

All matters under Consent Agenda are considered by the City Council to be routine. Unless a member of City Council expresses a desire at the meeting to remove an item from the Consent Agenda for discussion, the Consent Agenda will be enacted by one motion approving the recommendations listed on the agenda. Unless otherwise indicated, expenditures approved by Council are budgeted items.

Councilmember Harris requested that Item 7C be pulled for discussion and Councilmember Sweet requested that Item 7A be pulled for discussion.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to approve the Consent Agenda as presented, with the exception of Items 7A and 7C.

Vote: 7 - 0 - Unanimously

A. **Consideration and Approval of Contract:** Lone Tree Overpass Project - Award of the Fourth Amendment to the Design-Build Contract with Ames Construction to add GMP 2 in an amount not to exceed $25,688,601.15.

Councilmember Sweet asked if the amount requested in the item was an increase to the contract. Capital Improvements Project Manager Christine Cameron stated that the requested amount is the build portion of the design-build contract which had not been approved yet by Council which is why it was before them now. They were over budget on the Lone Tree Corridor portion of the project which would require reallocation of some funding from Proposition 419. However, the projected growth from the tax revenues that fund the transportation program were looking healthy and they hope that there would be capacity to make up the shortfall.

Moved by Councilmember Miranda Sweet, **seconded by** Councilmember Deborah Harris to award of the Fourth Amendment to the Design-Build Contract with Ames Construction to add GMP 2 in an amount not to exceed $25,688,601.15, approve a time extension of 1,227 calendar days, and authorize the City Manager to execute the necessary documents.

Vote: 7 - 0 - Unanimously

B. **Consideration and Approval of Contract:** Purchase of two (2) 6-Wheel Snowplow Dump Trucks from RWC Group

1. Approve the equipment purchase for two (2) 2025 International HV507 SFA Heavy Duty plow trucks from RWC Group in the amount of $650,570.29 through cooperative purchase contract #CTR041813 with the Arizona Department of Administration, State procurement office and;
2. Authorize the City Manager to execute the necessary documents.

C. **Consideration and Approval of Contract:** Cooperative Purchase Contract with Zamboni Company USA, Inc. in the amount of $222,135.00, plus other fees and taxes, for a fully electric Zamboni ice resurfacing vehicle.

Councilmember Harris asked about the backup plan should the Zamboni go down. Assistant Park, Recreation, Open Spaces, and Events Director Amy Hagin explained that the current Zamboni would go into backup status to maintain operations in the event the new vehicle went down.

Moved by Councilmember Deborah Harris, **seconded by** Councilmember Miranda Sweet to approve the Cooperative Purchase Contract with Zamboni Company USA, Inc. in the amount of $222,135.00, plus other fees and taxes, for a fully electric Zamboni ice resurfacing vehicle and Authorize the City Manager to execute the necessary documents.

Vote: 7 - 0 - Unanimously

D. **Consideration and Approval of Final Plat:** TLC PC Land Investors, LLC requests Final Plat approval for Ghost Tree at Pine Canyon (PZ-21-00155-08) located at 3201 South Clubhouse Circle, a 12-unit single-family home subdivision on 7.87 acres in the Single-Family Residential (R1) Zone.

Approve the Final Plat and authorize the Mayor to sign the Final Plat and City/Subdivider Agreement when notified by staff that all documents are ready for signature and recording.

E. **Consideration and Approval of Final Plat** TLC PC Land Investors, LLC requests Final Plat approval for Ghost Tree III at Pine Canyon (PZ-21-00155-06) located at 3201 South Clubhouse Circle, a 3-lot single-family home subdivision on 1.93 acres in the Single-Family Residential (R1) Zone.

Approve the Final Plat and authorize the Mayor to sign the Final Plat and City/Subdivider Agreement when notified by staff that all documents are ready for signature and recording.

F. **Consideration and Approval of Final Plat** PZ-23-00027-02: Final replat of lots 23-24 and Tract E of the "Final Plat for Coconino Ridge at Pine Canyon"

Approve the final plat and authorize the Mayor to sign the plat when notified by staff that all conditions have been met and documents are ready for recording.

G. **Consideration and Approval of Contract:** First Amendment to the Street Maintenance Program 2024, 2025 & 2026 Construction Manager at Risk (CMAR) with C and E Paving & Grading, LLC to add GMP 1 - Phase 2 and increase the amount of the contract by $398,279.40.

1. Approve the First Amendment to the Street Maintenance Program 2024, 2025 & 2026 CMAR with C and E Paving & Grading, LLC to add GMP 1 - Phase 2 and increase the amount of the contract by $398,279.40; and
2. Authorize the City Manager to execute the necessary documents.

H. **Rejection of All Proposals:** Website and/or Community Engagement Platform

Reject all proposals received in response to the Request for Proposals (RFP) MS2024-119 solicitation for Website and/or Community Engagement Platform.

8. REGULAR AGENDA

A. **Consideration and Approval of Contract:** Fiber Network Project - Award of Design-Build Services Contract to Wecom, LLC

IT Director CJ Perry introduced Paul Fleming, CEO of Wecom, Inc. They provided a PowerPoint presentation that covered the following:

FIBER PROJECT
HISTORY OF FIBER PROJECTS
TIMELINE
FIBER MASTER PLAN
RSOQ
INTRODUCTION TO WECOM FIBER
WECOM "SOLVES THE PROBLEM"
WECOM FIBER HISTORY
GOVERNOR KATIE HOBBS GROUNDBREAKING (MOHAVE)
SUPERIOR GROUNDBREAKING (PINAL COUNTY)
BUILDING A GREATER FLAGSTAFF
FLAGSTAFF FIBER NETWORK OUTLINE
BUILD MAP
NEXT STEPS

Vice Mayor Aslan asked about the potential disturbance caused by the installation. Mr. Fleming explained that they utilized a number of construction methods and they worked in small zones to minimize disruption to the community. They also work to adhere to a dig once policy for cost and project efficiency.

Councilmember Harris asked if Wecom contributed financially to development costs when they were installing infrastructure as part of the project. Mr. Fleming stated that they pay for all their equipment and their proportional share of the trenching costs.

Councilmember House asked about their focus to reach the underserved community. Mr. Fleming explained that their program was to enhance existing service and their goal was through that enhanced service they could reach every underserved household in Flagstaff and Coconino County.

Councilmember Matthews asked about the construction timeline. Mr. Perry explained that specifics had not been established but the goal was to get to construction as soon as possible.

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Miranda Sweet to award the Design-Build Services Contract to Wecom, LLC and authorize the City Manager to execute the necessary documents.

Vote: 7 - 0 - Unanimously

B. **Consideration and Adoption of Ordinance No. 2024-21:** An ordinance of the City Council of the City of Flagstaff accepting and approving an easement agreement and grant of easement from BNSF for the installation of a water line and fire hydrant for fire suppression purposes.

City Attorney Sterling Solomon stated that the proposed ordinance authorized a property acquisition and served to approve the acquisition of a specific easement of property owned by BNSF through an easement agreement for the installation of a water line and easement for fire suppression purposes. He noted that the proposed ordinance also approved the acquisition as contemplated by an agreement, the details of which were confidential pursuant to ARS 40-360.30. BNSF and the City had been working toward the installation of a hydrant to allow further development (by right) of BNSF-owned property by BNSF. The development required the installation of a hydrant and water line to supply the hydrant. The hydrant and water line were mutually beneficial to BNSF and the City.

Moved by Councilmember Lori Matthews, **seconded by** Councilmember Deborah Harris to read Ordinance No. 2024-21 by title only for the first time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ACCEPTING AND APPROVING AN EASEMENT AGREEMENT WITH BNSF; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

C. **Consideration and Possible Action:** Use of the Council Initiative Fund.

Councilmember Harris stated that Kinsey Elementary School lost their 21st-century funding for their afterschool program. The Boys and Girls Club was working to obtain funding from the community to take on a portion of the program with $80,000 needed to take it on.

Council discussed the program noting that the city contributed to a number of after school programs through FACTS, Tynkertopia, Elevate Pre-K, as well as through United Way.

Councilmember House requested consideration for sponsoring the American Foundation for Suicide Prevention's Out of the Darkness community walk in October. The sponsorships range from $1,000 through $12,500 and she suggested somewhere between $1,000 and $5,000.

Vice Mayor Aslan stated that there had been discussion a few months ago about sponsorship of the CocoNuts and community robotics programs. He requested that the consideration for that funding come back in the near future to consider a donation to the program. Mr. Clifton noted that staff would obtain some additional information and bring it back to Council for consideration soon.

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Deborah Harris to allocate $8,000 from council initiative fund for the Kinsey Elementary afterschool program.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Deborah Harris, **seconded by** Councilmember Khara House to allocate $2,500 to the American Foundation for Suicide Prevention's Out of the Darkness community walk.

Vote: 7 - 0 - Unanimously

9. OPEN CALL TO THE PUBLIC

Scott Warren addressed Council with concerns about the activity around Flagstaff Shelter Services. He suggested that private security could be brought in to assist.

Steven Anthony Young addressed Council regarding condemnation and his desire for just compensation for the disposal of property.

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

Councilmember Matthews reported that she attended a one-day conference that was put on by the United States Conference of Mayors where Tempe Mayor Corey Woods presented on public private partnerships.

Councilmember McCarthy stated that there had been a lot of questions recently about development in Pine Canyon. He asked for staff to provide a presentation on some of the bigger changes within Pine Canyon and its impact on wildlife corridors. Mr. Clifton noted that staff would provide an update to Council on the John Wesley Powell project which was relevant to the matter.

Councilmember Sweet reported that she attended the Tourism Conference and that Arizona had a new logo. She also noted that she would attend the Workforce Housing meeting, Recovery Court, and the Mobile Haven community meeting.

Councilmember House reported that she attended the third quarter Coconino Crisis System meeting. She also reminded Council that September was National Suicide Prevention Month with a theme of Be the One.

Mayor Daggett reported that she sat on a panel for the Center for the Future of Arizona at the League of Arizona Cities and Towns conference where they discussed the Arizona voters agenda and polling Arizona voters to find where there was agreement. She also reported that she and staff met with the Deputy Secretary for the Department of Energy David Turk to talk about Flagstaff's work with electrification. He had toured a home on the Navajo Nation and learned more about the Navajo Home Project which was installing solar across the Navajo Nation. The Department of Energy awarded an additional $5 million to continue electrification of homes.

11. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held September 3, 2024, adjourned at 4:40 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 September 3, 2024. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 1st day of October, 2024

_____

CITY CLERK

CITY COUNCIL WORK SESSION
TUESDAY, SEPTEMBER 10, 2024
CITY HALL COUNCIL CHAMBERS
211 WEST ASPEN AVE
3:00 P.M.

MINUTES

1. Call to Order

Mayor Daggett called the meeting of the Flagstaff City Council held September 10, 2024, to order at 3:00 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this work session, 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 (virtual) 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, Councilmember Harris read the Mission Statement of the City of Flagstaff, and Vice Mayor Aslan 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. Open Call to the Public

Open Call to the Public enables the public to address the Council about an item that is not on the prepared agenda. Comments relating to items that are on the agenda will be taken at the time that the item is discussed. Open Call to the Public appears on the agenda twice, at the beginning and at the end. The total time allotted for the first Open Call to the Public is 30 minutes; any additional comments will be held until the second Open Call to the Public.

If you wish to address the Council in person at today'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 Open Call to the Public and Public Comment. 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.

Dennis Givens addressed Council with concerns he had heard from Southside residents.

5. Proclamation: Ovarian Cancer Awareness Month

Councilmember Matthews read and presented the proclamation.

6. Proclamation: Hispanic Heritage Month

Councilmember House read and presented the proclamation.

7. September Work Anniversaries

Deputy City Manager Joanne Keene provided a PowerPoint presentation that covered the following:

HAPPY WORK ANNIVERSARY
FIRST YEAR
FIVE YEAR
TEN YEAR
TWENTY YEAR
TWENTY-FIVE YEAR

8. Review of Draft Agenda for the September 17, 2024 City Council Meeting

Citizens wishing to speak on agenda items not specifically called out by the City Council may submit a speaker card for their items of interest to the recording clerk.

None

9. City Manager Report

Mr. Clifton briefly reviewed his report. He called out the Meade Lane Flooding topic and Stormwater Manager Ed Schenk provided a PowerPoint presentation that covered the following:

MEADE LANE DRAINAGE
SUMMARY
FLOODING MAP
MEADE LANE PLAN AND PROFILE
MEADE ROADWAY SECTION

Councilmember House asked about the timeline for the project. Mr. Schenk stated that the project was funded through a FEMA grant so the timing was difficult to pinpoint exactly as to when the agreement

would be finalized. The hope was to advance the project quickly and staff continued to pressure DEMA and FEMA for a rapid conclusion and funding of the grant. Mr. Clifton added that the project would be treated as a high priority. The best case scenario would be that funding was realized much sooner than anticipated.

Councilmember Matthews asked why the project started with a smaller pipe and why the same size was not used throughout. Mr. Schenk explained that it had to do with the slope; a larger slope had larger velocity and the need for a larger pipe is lessened. This would save on cost and would reduce maintenance issues in the future.

Parks, Recreation, Open Spaces, and Events Director Rebecca Sayers briefly reviewed the PROSE monthly report.

Water Services Community Engagement Specialist Sarah Jablon briefly reviewed the Water Services quarterly report.

10. Moving the Needle on the Active Transportation Master Plan, the Carbon Neutrality Plan, and the 10 Year Housing Plan

Community Development Director Dan Folke, Sustainability Director Nicole Antonopoulos, City Engineer Paul Mood, Building Official Amy Tressler, Housing Director Sarah Darr, Planning Director Michelle McNulty, and Climate Section Director Jenny Niemann provided a PowerPoint presentation that covered the following:

MOVING THE NEEDLE
DISCUSSION
THE ON-GOING CONVERSATION
THE ACTIVE TRANSPORTATION MASTER PLAN
THE CARBON NEUTRALITY PLAN
THE 10-YEAR HUSING PLAN
THE CHALLENGE
THE SOLUTION
ASSESSING CONDITIONS
THE APPROACH
TOUCHING THE SURFACE
MOVING FORWARD
HIGH LEVEL REVIEW OF PLANNED EFFORTS
CITY ENGINEERING -- STANDARDS UPDATE (ATMP)
CITY ENGINEERING -- CAPITAL PROJECTS UPDATE (ATMP)
COMMUNITY DEVELOPMENT -- BUILDING SAFETY
COMMUNITY DEVELOPMENT -- HOUSING
COMMUNITY DEVELOPMENT -- PLANNING
SUSTAINABILITY -- CLIMATE ACTION

Council discussion included the following:

- Ted Talk by Dr. Ayana Johnson: The presentation focused on finding joy in climate action and helping people understand their personal contribution to climate efforts.
- Climate Communication: There was a concern about whether current climate action messaging was effectively understood by the general public and efforts to simplify complex jargon and meeting people where they were. The approach was to focus on practical benefits like saving money or improving home comfort rather than using the term "climate" directly. Past initiatives included a climate ambassador program to help communicate those ideas.
- EV Charging Plan: There was a plan to install EV charging stations, particularly in parks due to their community integration. Future plans may involve public-private partnerships and exploring alternatives like charging stations in multifamily housing areas.
- ADU Standardization: Support for standardized building plans for ADUs to increase efficiency in construction, similar to practices in other cities. Emphasis on adding features like better insulation to improve energy efficiency should be considered.

- E-Bikes: Excitement about integrating e-bikes into the community, with a potential for broader adoption to encourage biking for a variety of purposes.
- Resilience Hubs: There was interest in seeing and understanding the impact of resilience hubs. A formal or informal tour for Councilmembers was suggested.
- Sidewalks on Zuni Street: There was a request to address the lack of sidewalks on Zuni Street, which was missed in past construction efforts. It was seen as a basic necessity for the neighborhood.
- Homeowners Associations (HOAs) and ADUs: There was concern about how HOAs might impact the implementation of ADU plans. It was suggested that staff engage with HOAs on how to work together and manage potential restrictions imposed by them.

11. Open Call to the Public

Nadine Hart addressed Council with concerns about the Flagstaff Housing Authority.

12. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests

Councilmember House reported that she had participated in Operation Ready along with a few other Councilmembers. She offered high praise to all staff involved and also to the community members who volunteered to participate. She also reported that she was involved in a meeting that covered a number of housing topics, she was grateful for the invitation and opportunity to participate. She shared that it was Suicide Prevention Day and National American Indian and Alaska Native Hope for Life Day which is a suicide prevention awareness day. She also shared that the official colors for Suicide Prevention Month were purple and teal. She encouraged people to wear the colors in recognition of the month. Lastly, she noted the 23rd anniversary of September 11 and indicated that she would be participating in a few memorial ceremonies.

Councilmember Sweet reported that she attended the Mobile Haven neighborhood meeting and thanked staff and the Police Department for their participation. She also attended the 96th birthday party for the Museum of Northern Arizona along with the Coconino Center for the Arts 40th Anniversary celebration. She noted that she would also be participating in a few September 11 memorial ceremonies. She also indicated that she would be attending the Pickin in the Pines festival.

Councilmember McCarthy stated that he had been to the September 11 Memorial in New York City and encouraged others to visit if they had the opportunity. He also would be attending the Pickin in the Pines festival.

Vice Mayor Aslan reported that he, along with Mayor Daggett and Councilmember House, met with White House Advisor Tom Perez. He was impressed by the relationships that Mayor Daggett had been building nationally and leveraging those resources to visit Flagstaff. The meeting was great and Mr. Perez discussed the administration's accomplishments with ARPA and the IRA.

Councilmember Harris stated that she also attended the Ready Flag event and was pleased to have participated. She noted that the highlight of the event was the C130 airplane. She also attended the Creative Flagstaff events which were very nice.

Councilmember Matthews shared that she was an observer of the Ready Flag event and that it was impressive to see coordination of all the different agencies. The exercise brought heightened awareness that the region did not have all the resources it needed should an event happen. She also indicated that she would be attending the September 11 memorial events. Lastly, she reported that she attended the NAU Community Breakfast where it was interesting to learn about AI technology.

Mayor Daggett reported that the Ready Flag exercise was incredible to observe and to see all the agencies coordinating a response. She thanked all the staff and volunteers involved in the event. She attended the Mayor's Institute on City Design which was a partnership between the National Endowment for the Arts and the US Conference of Mayors. There were four Mayors in attendance and two Tribal Chairmen; each brought a project from their community to share and discuss with experts in

design. She presented the Indigenous Community Cultural Center. There would be follow up meeting in the future with members of the Indigenous Circle of Flagstaff and staff to follow up on what was discussed.

Mayor Daggett also shared that she welcomed Director Tom Perez to Flagstaff to discuss how Flagstaff spent ARPA and IRA dollars. The discussion focused on housing and along with staff, Flagstaff Shelter Services, Housing Solutions of Northern Arizona, Catholic Charities, and Habitat for Humanity were invited to participate. They toured JoJo's Place and Housing Director Sarah Darr provided great information about all the projects that had received funding. It was a great conversation and opportunity to brag on the city and local housing partners. Mr. Perez was impressed at how all the organizations coordinated with each other and shared that most communities did not do that.

Lastly, Mayor Daggett requested a FAIR item to discuss how to organize the Fleet Electrification Policy to focus on the rightsizing of vehicles for the job. She also requested a FAIR item to discuss the possibility for implementation of speed humps in Flagstaff and how they could work with snow operations.

13. Adjournment

The Work Session of the Flagstaff City Council held September 10, 2024, adjourned at 5:10 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, SEPTEMBER 10, 2024
STAFF CONFERENCE ROOM
SECOND FLOOR - CITY HALL
211 WEST ASPEN AVE
IMMEDIATELY FOLLOWING THE WORK SESSION

1. Call to Order

Mayor Daggett called the Special Meeting (Executive Session) to order at 5:29 p.m.

2. ROLL CALL

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

PRESENT:	ABSENT:
MAYOR DAGGETT (virtual)	
VICE MAYOR ASLAN (virtual)	
COUNCILMEMBER HARRIS	
COUNCILMEMBER HOUSE	
COUNCILMEMBER MATTHEWS	
COUNCILMEMBER MCCARTHY	
COUNCILMEMBER SWEET	

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

3. Recess into Executive Session

Moved by Councilmember Jim McCarthy, **seconded by** Councilmember Miranda Sweet to recess into Executive Session.

Vote: 7 - 0 - Unanimously

4. Executive Session Confidentiality Statement

Discussions made during Executive Session are confidential by law. All persons present in Executive Session or who receive Executive Session information or materials shall keep the discussion, information and materials confidential and shall not disclose them, except as allowed by law.

5. Executive Session:

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to A.R.S. §38-431.03(A)(3) and (4) respectively.

i. Water litigation and Northeastern Arizona Indian Water Rights Settlement

6. Adjournment

The Special Meeting (Executive Session) of the Flagstaff City Council held September 10, 2024, reconvened into Open Session at 7:07 p.m. at which time the meeting adjourned.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Stacy Saltzburg, City Clerk

Date: 09/26/2024

Meeting Date: 10/01/2024

TITLE:
Consideration of Appointments: Planning and Zoning Commission

STAFF RECOMMENDED ACTION:

1. Make one appointment for a term expiring December 2025.

Executive Summary:
The Planning and Zoning Commission consists of seven members, and serves as an advisory board to the Council on matters relating to the growth and physical development of the City. The Commission also conducts hearings on amendments to the Zoning Map, tentative subdivision plats, and Development Review Board appeals.

The City of Flagstaff is committed to increasing diversity in every board and commission, please consider how the applicant stated they may contribute to this commitment.

There are three (3) applications on file for consideration by the Council as follows:

- Joshua Maher (new applicant)
- Christine Sheehy, AICP (new applicant)
- Stephanie Weiner (new applicant)

In an effort to reduce exposure to personal information, the applicant roster and applications will be submitted to the City Council separately.

COUNCIL APPOINTMENT ASSIGNMENT: Mayor Daggett

Financial Impact:
These are voluntary positions and there is no budgetary impact to the City of Flagstaff.

Policy Impact:
None

Previous Council Decision or Community Discussion:
None

Options and Alternatives to Recommended Action:

1. Appoint three Commissioners: By appointing members at this time, the Planning and Zoning Commission will be at full membership, allowing the group to meet and provide recommendations to the City Council.

2. Postpone the action to allow for further discussion or expand the list of candidates.

Connection to PBB Priorities and Objectives:
Inclusive and Engaged Community - Foster community pride and civic engagement; advance social equity and social justice in Flagstaff; facilitate and foster diversity and inclusivity; and enhance community outreach and engagement opportunities.

Connection to Regional Plan:
None

Connection to Carbon Neutrality Plan:
None

Connection to 10-Year Housing Plan:
None

Attachments: Planning and Zoning Commission Authority

CHAPTER 2-01
PLANNING AND ZONING COMMISSION

SECTIONS:

2-01-001-0001 CREATION OF COMMISSION
2-01-001-0002 INTENT AND PURPOSE
2-01-001-0003 MEMBERSHIP
2-01-001-0004 MEETINGS
2-01-001-0005 DUTIES AND FUNCTIONS

Prior legislation: Ords. 339, 859, 1427, 1826 and 2007-09.

2-01-001-0001 CREATION OF COMMISSION

There is hereby established a Planning and Zoning Commission for the City of Flagstaff under the provisions of A.R.S. § 9-461.02. (Ord. 339, 10-8-45; Ord. 2010-35, Amended, 11/16/2010)

2-01-001-0002 INTENT AND PURPOSE

The purpose of the Planning and Zoning Commission is to direct the growth and physical development of the City in a sound and orderly fashion for the prosperity, health, safety, convenience, and general welfare of the citizens of Flagstaff. (Ord. 2010-35, 11/16/2010)

2-01-001-0003 MEMBERSHIP

The Planning and Zoning Commission shall consist of seven (7) members appointed by the Mayor and Council.

The term of each citizen member shall be three (3) years or until his successor takes office. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term.

A. A Chairperson and Vice-Chairperson shall be elected from and by the voting membership of the Commission to serve one (1) year terms. A Chairperson may serve no more than two (2) consecutive terms as Chairperson (exclusive of a term as Vice-Chairperson). Upon the conclusion of a second, consecutive term as Chairperson, such Commission member shall be ineligible to serve as either Chairperson or Vice-Chairperson until a calendar year has expired.

B. In addition to the causes for removal set out in the Board and Commission Members' Rules and Operations Manual, a member accumulating eight (8) absences from regularly scheduled meetings in any given calendar year will be automatically removed from the Commission and a replacement appointed by the City Council. An unexcused absence is defined as the failure of the member to notify the Planning and Development Services Section of his or her inability to attend a regularly scheduled meeting. (Ord. 2010-35, 11/16/2010; Ord. 2014-28, Amended, 11/18/2014)

2-01-001-0004 MEETINGS

Unless there are no matters to be considered, the Commission shall hold at least one meeting each month and may schedule additional special meetings as needed. A special meeting may serve as the minimum one meeting per month. (Ord. 2010-35, 11/16/2010)

2-01-001-0005 DUTIES AND FUNCTIONS

The Planning and Zoning Commission created in this chapter shall be and act as the Zoning Commission of the City, and all duties and powers granted to zoning commissions under State law shall be exercised by the Planning and Zoning Commission. In addition to any authority granted to the Planning and Zoning Commission by State law or other ordinances of the City, the Planning and Zoning Commission shall have the following duties and functions under the provisions of these regulations:

A. To review and recommend to the City Council adoption of a comprehensive general plan adopted in compliance with the authority provided in A.R.S. Section 9-461.05 for the orderly growth and development of the City and for any land outside the City which, in the opinion of the Planning and Zoning Commission, bears a relation to the planning of the City.

B. To hear, review, and make recommendations to the City Council regarding applications for amendments to the General Plan or any other plan in accordance with the provisions of Chapter 11-10 (General Plans).

C. To serve as an advisory body to the City Council and furnish the Council through the Planning Director the facts concerning the adoption of any report or recommendation.

D. To make its special knowledge and expertise available upon reasonable written request and authorization of the City Council to any official, department, board, commission or agency of the State or Federal governments.

E. To hear and review amendments to the Zoning Map and to the text of the Zoning Code in accordance with the provisions of Title 10, Zoning Code, Division 10-20.50 (Amendments to the Zoning Code Text and the Zoning Map).

F. To confer with and advise other similar City or County commissions.

G. To make investigations, maps, reports, and recommendations to the City Council in regard to the physical development of the City.

H. To hear, review and make recommendations to the City Council regarding preliminary subdivision plats after recommendation from the Planning Director and City Engineer in accordance with Chapter 11-20, Subdivision and Land Split Regulations.

I. To take such other action as authorized in Title 10 (Zoning Code) and Title 11 (General Plan and Subdivisions) as necessary to implement the provisions of those titles and the General Plan.

J. To consider, review and approve Conditional Use Permits, pursuant to the provisions of Section 10-

20.40.050 (Conditional Use Permits).

K. The Commission shall carry out other such duties as determined by the City Council and present other recommendations the City Council deems pertinent. (Ord. 859, 10-24-72; Ord. 2010-35, Amended, 11/16/2010; Ord. 2014-28, Amended, 11/18/2014)

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Stacy Saltzburg, City Clerk

Date: 09/26/2024

Meeting Date: 10/01/2024

TITLE:
Consideration of Appointments: Building and Fire Code Board of Appeals

STAFF RECOMMENDED ACTION:

1. Make one appointment for a term expiring October 2026.

Executive Summary:
The Building and Fire Code Board of Appeals consists of seven citizens who meet when necessary. The Board holds hearings on appeals related to applications and interpretation of City building and fire codes. The Board of Appeals has no authority to interpret the administrative provisions of the code, nor is the Board empowered to waive requirements of the code.

The City of Flagstaff is committed to increasing diversity in every board and commission, please consider how the applicant stated they may contribute to this commitment.

There are two (2) applications on file for consideration by the Council as follows:

- Jacob Conger (new applicant)
- Raymond Kim (new applicant)

In an effort to reduce exposure to personal information, the applicant roster and applications will be submitted to the City Council separately.

COUNCIL APPOINTMENT ASSIGNMENT: Councilmember Sweet

Financial Impact:
These are voluntary positions and there is no budgetary impact to the City of Flagstaff.

Policy Impact:
None

Previous Council Decision or Community Discussion:
None

Options and Alternatives to Recommended Action:

1. Appoint one Board member: By appointing members at this time, the Building and Fire Code Board of Appeals will be at full membership, allowing the group to meet and provide recommendations to the City Council.
2. Postpone the action to allow for further discussion or expand the list of candidates.

Connection to PBB Priorities and Objectives:
Inclusive and Engaged Community - Foster community pride and civic engagement; advance social equity and social justice in Flagstaff; facilitate and foster diversity and inclusivity; and enhance community outreach and engagement opportunities.

Connection to Regional Plan:
None

Connection to Carbon Neutrality Plan:
None

Connection to 10-Year Housing Plan:
None

Attachments: Bldg & FIre Code BOA - Authority

CHAPTER 2-02
BUILDING AND FIRE CODE BOARD OF APPEALS

SECTIONS:

2-02-001-0001 GENERAL
2-02-001-0002 MEMBERSHIP OF BOARD
2-02-001-0003 OFFICERS
2-02-001-0004 SECRETARY
2-02-001-0005 LEGAL COUNSEL
2-02-001-0006 MEETINGS/HEARINGS
2-02-001-0007 RULES AND PROCEDURES
2-02-001-0008 STAY OF APPEAL
2-02-001-0009 BOARD DECISION

2-02-001-0001 GENERAL

A. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure.

B. Authority.

1. An application for an appeal shall be based on a claim that the true intent of the applicable code or the rules legally adopted thereunder have been incorrectly interpreted; the provisions of the applicable code do not fully apply or an equally good or better form of construction is proposed. The Board has no authority relative to interpretation of the administrative provisions of the applicable code nor shall the board be empowered to waive its requirements.

C. Application.

1. The application for appeal shall be filed on a form obtained from the code official within ten (10) days after the notice was served, and shall be accompanied by a non-refundable fee as established in the City's fee schedule. (Ord. 2011-31, 01/03/2012)

2-02-001-0002 MEMBERSHIP OF BOARD

A. The Board of Appeals shall consist of seven (7) individuals, serving three (3) year staggered terms, appointed by the Council who are qualified by experience and training to pass upon matters pertaining to building construction and pertinent matters of the Fire Code, Chapter 5-02.

B. The Building Official and Fire Marshal shall be ex officio members of said Board but shall have no vote on any matter before the Board.

C. A quorum shall consist of four (4) voting members of the Board.

D. Citizen members of the Board may be removed by the Mayor and Council for inefficiency, neglect of duty or malfeasance in office or in accordance with the Board and Commission Members' Rules and Operations Manual adopted by resolution of the City Council. (Ord. 2011-31, 01/03/2012; Ord. 2014-28, Amended, 11/18/2014; Ord. 2016-30, Amended, 07/05/2016)

2-02-001-0003 OFFICERS

The Board shall annually select one of its voting members to serve as Chairperson and one voting member to serve as Vice-Chair. (Ord. 2011-31, 01/03/2012)

2-02-001-0004 SECRETARY

The Community Development Director shall designate a qualified clerk to serve as secretary of the Board. The secretary shall file a detailed record of all proceedings in the office of the City Clerk. (Ord. 2011-31, 01/03/2012)

2-02-001-0005 LEGAL COUNSEL

The City Attorney's Office shall make available legal counsel to the Board to provide members with general legal advice concerning matters before them for consideration. (Ord. 2011-31, 01/03/2012)

2-02-001-0006 MEETINGS/HEARINGS

All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official(s) and any person whose interest are affected shall be given an opportunity to be heard.

A. The Board shall meet upon notice from the Chairperson or Vice-Chairperson within twenty (20) days of the filing of an appeal.

B. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

C. Hearing Procedures:

1. The Board shall adopt and make available to the public through the ex-officio building official procedures under which a hearing will be conducted. The procedures shall not require strict compliance with strict rules of evidence, but shall mandate that only relevant information be received. (Ord. 2011-31, 01/03/2012)

2-02-001-0007 RULES AND PROCEDURES

Official business shall be conducted pursuant to the Board of Appeals' adopted hearing procedures and the Board and Commission Members' Rules and Operations Manual adopted by Resolution No. 2014-37 of the City Council and in accordance with meeting procedures, if any, adopted by the Commission insofar as they are not in conflict with the Board and Commission Members' Rules and Operations Manual. In the event of any such conflict, the provisions of the Board and Commission Members' Rules and Operations Manual shall prevail. (Ord. 2011-31, 01/03/2012; Ord. 2014-28, Amended, 11/18/2014)

2-02-001-0008 STAY OF APPEAL

During the pendency of the request to the Board, the decision appealed will be stayed unless the fire marshal or building officer determines that a stay would create or allow the continuance of a substantial hazard threatening the lives or property of persons other than the appellant. (Ord. 2011-31, 01/03/2012)

2-02-001-0009 BOARD DECISION

A. The Board shall affirm, modify or reverse the decision of the code official by affirmative votes of the majority present, but not less than three, shall be required.

B. The decision of the Board shall be by written decision issued no later than 30 (thirty) days following the last hearing. Certified copies shall be furnished by the appellant and to the code official. (Ord. 2011-31, 01/03/2012)

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Stacy Saltzburg, City Clerk

Date: 09/26/2024

Meeting Date: 10/01/2024

TITLE:

Consideration and Action on Liquor License Application: Jared Michael Repinski, "Kickstand Kafe", 719 N Humphreys Street, Series 12 (Restaurant), New License

STAFF RECOMMENDED ACTION:

1. Forward the application to the State with a recommendation for approval;
2. Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

Executive Summary:

The liquor license process begins at the State level and applications are then forwarded to the respective municipality for posting of the property and holding a public hearing, after which the Council recommendation is forwarded back to the State. A Series 12 license allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food. Kickstand Kafe is an existing business in Flagstaff. If approved, it will be one of 90 series 12 licenses in Flagstaff. Series 12 licenses are non-quota licenses. To view surrounding liquor licenses, please visit the Active Liquor Licenses Map.

Because the application is for a new license, consideration may be given to both the location and the applicant's personal qualifications.

The application was properly posted on September 9, 2024 and the Police and Community Development divisions have reviewed the application and provided their respective reports. No written protests have been received to date.

Financial Impact:

There is no budgetary impact to the City of Flagstaff as this is a recommendation to the State.

Policy Impact:

Not applicable

Previous Council Decision or Community Discussion:

Not applicable

Options and Alternatives to Recommended Action:

1. Forward the application to the State with a recommendation for approval;
2. Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

Connection to PBB Priorities and Objectives:
Liquor licenses are a regulatory action and there are no Community Priorities that directly apply.

Connection to Regional Plan:
Not applicable

Connection to Carbon Neutrality Plan:
Not applicable

Connection to 10-Year Housing Plan:
Not applicable

Attachments:
Letter to Applicant
Hearing Procedures
Series 12 Description
PD Memo
CD Memo
Map

CITY OF
FLAGSTAFF

Office of the City Clerk

9/17/2024

Jared Repinski
PO Box 6252
Chandler, AZ 85246
jrepinski@yahoo.com

Dear Mr. Repinski,

Your application for a Series 12 Restaurant Liquor License for Kickstand Kafe located at 719 N Humphreys St., Flagstaff, AZ was posted on September 9, 2024. The City Council will consider the application at a public hearing during their scheduled Regular City Council Meeting on **September 9, 2024, which is scheduled to begin at 3:00 p.m.**

It is important that you or your representative attend this Council Meeting via video conference (Microsoft Teams Meeting) or in person and be prepared to answer any questions the City Council may have. Failure to be available for questions could result in a recommendation for denial of your application. We suggest you contact your legal counsel or the Department of Liquor Licenses and Control at 602-542-5141 to determine the criteria for your license. To help you understand how the public hearing process will be conducted, we are enclosing a copy of the City's liquor license application hearing procedures.

The twenty-day posting period for your liquor license application is set to expire on October 1, 2024, and the application may be removed from the premises at that time.

There is an $815 application fee which needs to be received before the hearing date. Payment can be made online at https://www.flagstaff.az.gov/2452/E--Services under Business Licensing Payment Online Services by clicking Liquor License Request Payment, in person at the payment window, or you can send a check to my attention at 211 W. Aspen Ave., Flagstaff, AZ 86001.

If you have any questions, please email me at stacy.saltzburg@flagstaffaz.gov.

Sincerely,

Georganna Staskey
City Clerk's Office

Enclosures

City of Flagstaff

Liquor License Application
Hearing Procedures

1. When the matter is reached at the Council meeting, the presiding officer will open the public hearing on the item.

2. The presiding officer will then ask whether City staff have information to present to the Council regarding the application. Staff should come forward at this point and present information to the Council in a presentation not exceeding ten (10) minutes. Council may question City staff regarding the testimony or other evidence provided by City staff.

3. The presiding officer will request that the Applicant come forward to address the Council regarding the application. The applicant can give a presentation not exceeding ten (10) minutes. Council may question the Applicant regarding the testimony or other evidence provided by the Applicant.

4. Other parties, if any, may then testify, limited to three (3) minutes per person. Council may question these parties regarding the testimony they present to the Council.

5. The Applicant may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of the Applicant.

6. City staff may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of City Staff.

7. The presiding officer will then close the public hearing.

8. The Council will then, by motion, vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

R19-1-702. Determining Whether to Grant a License for a Certain Location

A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:

1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;

2. Number and types of licenses within one mile of the proposed premises;

3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;

4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;

5. Residential and commercial population density within one mile of the proposed premises;

6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;

7. Effect on vehicular traffic within one mile of the proposed premises;

8. Compatibility of the proposed business with other activity within one mile of the proposed premises;

9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;

10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;

11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and

12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.

B. This Section is authorized by A.R.S. § 4-201(I).

License Types: Series 12 Restaurant License

Non-transferable
On-sale retail privileges
Note: Terms in **BOLD CAPITALS** are defined in the glossary.

PURPOSE:
Allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:
An applicant for a restaurant license must file a copy of its restaurant menu and Restaurant Operation Plan with the application. The Plan must include listings of all restaurant equipment and service items, the restaurant seating capacity, and other information requested by the department to substantiate that the restaurant will operate in compliance with Title 4.

The licensee must notify the Department, in advance, of any proposed changes in the seating capacity of the restaurant or dimensions of a restaurant facility.

A restaurant licensee must maintain complete restaurant services continually during the hours of selling and serving of spirituous liquor, until at least 10:00 p.m. daily, if any spirituous liquor is to be sold and served up to 2:00 a.m.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept **DELIVERY** of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.

A log must be kept by the licensee of all persons employed at the premises including each employee's name, date and place of birth, address and responsibilities.

Bar, beer and wine bar, and restaurant licensees must pay an annual surcharge of $20.00. The money collected from these licensees will be used by the Department for an auditor to review compliance by restaurants with the restaurant licensing provisions of ARS 4-205.02.

FLAGSTAFF POLICE DEPARTMENT
911 SAWMILL RD • FLAGSTAFF, ARIZONA 86001• (928) 779-3646
ADMIN FAX (928)213-3372
TDD 1-800-842-4681

Police Chief
Sean P. Connolly

MEMORANDUM

Memo #24-076

TO: **Chief Connolly**

FROM: **Sgt. N. Almendarez #703**

DATE: **September 16th, 2024**

RE: **New Application – Series 12 (Restaurant) Liquor License Application– Kickstand Kafe**

On September 16th, 2024, I initiated an investigation into a new application for a Series 12 (Restaurant) liquor license filed by Jared Repinski (Agent), Guillermo Edwardo Cortes (Controlling Person) and Catherine Sue Chabot (Controlling Person). This is for a new application, and the application number is 302393. It is for Kickstand Kafe, located at 719 North Humphreys Street, Flagstaff, AZ.

I conducted a query through local systems and public access on Jared, Guillermo and Catherine. I discovered no derogatory records. I conducted a search for current or historical liquor violations on the business and found no violations.

I found evidence that the applicants have taken the mandatory liquor license training. This business is located within 300 feet of a school; however, this is a series 12 restaurant license and falls within an exception.

A representative for the business was invited to be present for the council meeting on October 1st, 2024.

Planning and Development Services Memorandum

To: Stacy Saltzburg, City Clerk

From: Reggie Eccleston, Code Compliance Manager

CC: Michelle McNulty, Planning Director

Date: September 16, 2024

Re: Application for Liquor License #302393
719 N Humphreys, Flagstaff, Arizona 86001
Assessor's Parcel Number 101-06-011A
Jared Repinski on behalf of Kickstand Kafe

This application is a request for a new Series 12 Restaurant liquor license by Jared Repinski on behalf of Kickstand Kafe. This business is located within the Community Commercial district. This district does allow for this use.

There are no active Zoning Code violations associated with the applicant or the property at this time.

719 N Humphreys St

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City of Flagstaff maps and data are updated on a regular basis from data obtained from various sources. The City of Flagstaff endeavors to provide accurate information, but accuracy is not guaranteed. You are strongly encouraged to obtain any information you need for a business or legal transaction from a surveyor, engineer, title company, or other licensed professional as appropriate. Information is provided subject to the express condition that you knowingly waive any and all claims for damages against the City of Flagstaff relating to use of this information.

9/17/2024 11:47 AM

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Stacy Saltzburg, City Clerk

Date: 09/26/2024

Meeting Date: 10/01/2024

TITLE:

Consideration and Action on Liquor License Application: Jun Yu, "Hunan Restaurant," 1926 N. 4th St., Ste. 8, Series 07 (Beer and Wine Bar), Owner Transfer

STAFF RECOMMENDED ACTION:

1. Forward the application to the State with a recommendation for approval;
2. Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

Executive Summary:

The liquor license process begins at the State level and applications are then forwarded to the respective municipality for posting of the property and holding a public hearing, after which the Council recommendation is forwarded back to the State. A Series 07 beer and wine bar license allows a beer and wine bar retailer to sell and serve beer and wine, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises. A Series 07 license is a "quota" license available only through the Liquor License Lottery or for purchase on the open market. Hunan Restaurant is an existing business in Flagstaff and they are requesting an owner transfer. They purchased the license from Wen-Da Lee in July 2024. If approved, it will one of 25 active series 07 license in Flagstaff. To view surrounding liquor licenses, please visit the Active Liquor Licenses Map.

Because the application is for an owner transfer, consideration may be given to the personal qualifications of the applicant. The property has been posted as required, and the Police and Community Development divisions have reviewed the application and provided their respective reports. No protests have been received to date.

Financial Impact:

There is no budgetary impact to the City of Flagstaff as this is a recommendation to the State.

Policy Impact:

None

Previous Council Decision or Community Discussion:

None

Options and Alternatives to Recommended Action:

1. Forward the application to the State with a recommendation for approval;
2. Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

Connection to PBB Priorities and Objectives:
Liquor licenses are a regulatory action and there are no Community Priorities that directly apply.

Connection to Regional Plan:
None

Connection to Carbon Neutrality Plan:
None

Connection to 10-Year Housing Plan:
None

Attachments:
Letter to Applicant
Hearing Procedures
Series 07 Description
PD Memo
Code Memo
Map

CITY OF
FLAGSTAFF

Office of the City Clerk

9/17/2024

Jun Yu
1926 N. 4th Street, #8
Flagstaff, AZ 86004
nuowel0717@gmail.com

Dear Ms. Yu,

Your application for a Series 07 Beer and Wine Bar Liquor License for Hunan Restaurant located at 1926 N. 4th St., Flagstaff, AZ was posted on September 9, 2024. The City Council will consider the application at a public hearing during their scheduled Regular City Council Meeting on **October 1, 2024, which is scheduled to begin at 3:00 p.m.**

It is important that you or your representative attend this Council Meeting via video conference (Microsoft Teams Meeting) or in person and be prepared to answer any questions the City Council may have. Failure to be available for questions could result in a recommendation for denial of your application. We suggest you contact your legal counsel or the Department of Liquor Licenses and Control at 602-542-5141 to determine the criteria for your license. To help you understand how the public hearing process will be conducted, we are enclosing a copy of the City's liquor license application hearing procedures.

The twenty-day posting period for your liquor license application is set to expire on October 1, 2024, and the application may be removed from the premises at that time.

There is an $815 application fee which needs to be received before the hearing date. Payment can be made online at https://www.flagstaff.az.gov/2452/E--Services under Business Licensing Payment Online Services by clicking Liquor License Request Payment, in person at the payment window, or you can send a check to my attention at 211 W. Aspen Ave., Flagstaff, AZ 86001.

If you have any questions, please email me at georganna.staskey@flagstaffaz.gov.

Sincerely,

Georganna Staskey
City Clerk's Office

Enclosures

City of Flagstaff

Liquor License Application
Hearing Procedures

1. When the matter is reached at the Council meeting, the presiding officer will open the public hearing on the item.

2. The presiding officer will then ask whether City staff have information to present to the Council regarding the application. Staff should come forward at this point and present information to the Council in a presentation not exceeding ten (10) minutes. Council may question City staff regarding the testimony or other evidence provided by City staff.

3. The presiding officer will request that the Applicant come forward to address the Council regarding the application. The applicant can give a presentation not exceeding ten (10) minutes. Council may question the Applicant regarding the testimony or other evidence provided by the Applicant.

4. Other parties, if any, may then testify, limited to three (3) minutes per person. Council may question these parties regarding the testimony they present to the Council.

5. The Applicant may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of the Applicant.

6. City staff may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of City Staff.

7. The presiding officer will then close the public hearing.

8. The Council will then, by motion, vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

R19-1-702. Determining Whether to Grant a License for a Certain Location

A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:

1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;

2. Number and types of licenses within one mile of the proposed premises;

3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;

4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;

5. Residential and commercial population density within one mile of the proposed premises;

6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;

7. Effect on vehicular traffic within one mile of the proposed premises;

8. Compatibility of the proposed business with other activity within one mile of the proposed premises;

9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;

10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;

11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and

12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.

B. This Section is authorized by A.R.S. § 4-201(I).

License Types: Series 07 Beer and Wine Bar License

Transferable (From person to person and/or location to location within the same county only)
On & off-sale retail privileges
Note: Terms in **BOLD CAPITALS** are defined in the glossary.

PURPOSE:
Allows a beer and wine bar retailer to sell and serve beer and wine, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:
A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of **DELIVERY**. The retailer must complete a Department approved "Record of Delivery" form for each spirituous liquor retail delivery.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept delivery of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.

A log must be kept by the licensee of all persons employed at the premises including each employee's name, date and place of birth, address and responsibilities.

Off-sale ("To Go") package sales can be made on the bar premises as long as the area of off-sale operation does not utilize a separate entrance and exit from the one provided for the bar.

Bar, beer and wine bar and restaurant licensees must pay an annual surcharge of $20.00. The money collected from these licensees will be used by the Department for an auditor to review compliance by restaurants with the restaurant licensing provisions of ARS 4-205.02.

FLAGSTAFF POLICE DEPARTMENT
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TDD 1-800-842-4681

Police Chief
Sean P. Connolly

MEMORANDUM

Memo #24-077

TO: **Chief Connolly**

FROM: **Sgt. N. Almendarez #703**

DATE: **September 16th, 2024**

RE: **New Application – Series 7 (Beer and Wine Bar) Liquor License Application– Hunan Restaurant**

On September 16th, 2024, I initiated an investigation into a new application for a Series 07 (Beer and Wine Bar) liquor license filed by Jun Zhang Yu (Agent), Ming Cheng Yu (Controlling Person) and Tseng Chuan Tseng (Controlling Person). This is for a new application, and the application number is 304144. It is for Hunan Restaurant, located at 1926 North Fourth St #8, Flagstaff, AZ.

I conducted a query through local systems and public access on Jun, Ming and Tseng. I discovered no derogatory records. I conducted a search for current or historical liquor violations on the business and found no violations.

I found evidence that the applicants have taken the mandatory liquor license training. This business is not located within 300 feet of a school.

A representative for the business was invited to be present for the council meeting on October 1st, 2024.

Planning and Development Services Memorandum

To: Stacy Saltzburg, City Clerk

From: Reggie Eccleston, Code Compliance Manager

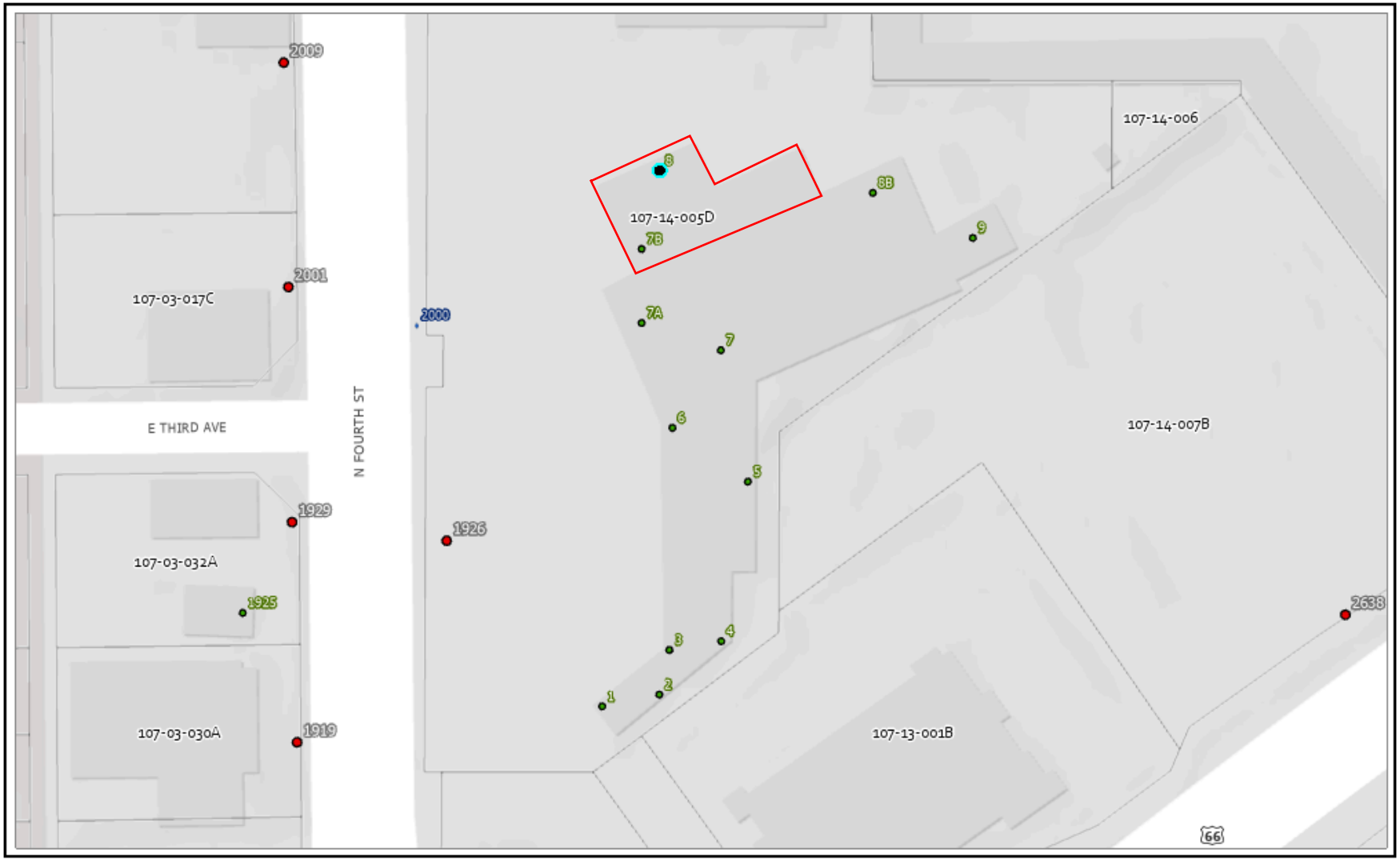
CC: Michelle McNulty, Planning Director

Date: September 16, 2024

Re: Application for Liquor License #304144
1926 N Fourth St., Flagstaff, Arizona 86004
Assessor's Parcel Number 107-14-005D
Jun Zhang Yu on behalf of Hunan Restaurant

This application is a request for a new Series 7 Beer & Wine Bar liquor license by Jun Zhang Yu on behalf of Hunan Restaurant. This business is located within the Community Commercial district. This district does allow for this use.

There are no active Zoning Code violations associated with the applicant or the property at this time.



1926 N Fourth St., Suite 8

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City of Flagstaff maps and data are updated on a regular basis from data obtained from various sources. The City of Flagstaff endeavors to provide accurate information, but accuracy is not guaranteed. You are strongly encouraged to obtain any information you need for a business or legal transaction from a surveyor, engineer, title company, or other licensed professional as appropriate. Information is provided subject to the express condition that you knowingly waive any and all claims for damages against the City of Flagstaff relating to use of this information.

9/17/2024 1:59 PM

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Stacy Saltzburg, City Clerk

Date: 09/26/2024

Meeting Date: 10/01/2024

TITLE:

Consideration and Action on Liquor License Application: Lauren Mosier, "Embassy Suites Flagstaff," 706 S. Milton Rd, Series 06, Owner Transfer

STAFF RECOMMENDED ACTION:

1. Forward the application to the State with a recommendation for approval;
2. Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

Executive Summary:

The liquor license process begins at the State level and applications are then forwarded to the respective municipality for posting of the property and holding a public hearing, after which the Council recommendation is forwarded back to the State. A Series 07 beer and wine bar license allows a beer and wine bar retailer to sell and serve beer and wine, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises. A Series 06 license allows a bar retailer to sell and serve spirituous liquors, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises. Series 06 (bar- all spirituous liquor) licenses are obtained through the person and/or location transfer of an existing license from another owner or business. Embassy Suites is an existing business in Flagstaff and they are requesting an owner transfer. They purchased the license from Ashford TRS Flagstaff in April 2024. If approved, it will one of 21 active series 06 license in Flagstaff.

To view surrounding liquor licenses, please refer to the online interactive Liquor License Map.

Because the application is for an owner transfer, consideration may be given to the personal qualifications of the applicant. The property has been posted as required, and the Police and Community Development divisions have reviewed the application and provided their respective reports. No protests have been received to date.

Financial Impact:

There is no budgetary impact to the City of Flagstaff as this is a recommendation to the State.

Policy Impact:

None

Previous Council Decision or Community Discussion:

None

Options and Alternatives to Recommended Action:

1. Forward the application to the State with a recommendation for approval;
2. Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

Connection to PBB Priorities and Objectives:
Liquor licenses are a regulatory action and there is no Council goal that applies.

Connection to Regional Plan:
None

Connection to Carbon Neutrality Plan:
None

Connection to 10-Year Housing Plan:
None

Attachments:
Letter to Applicant
Hearing Procedures
Series 06 Description
PD Memo
Code Memo
Map

CITY OF
FLAGSTAFF

Office of the City Clerk

9/17/2024

Lauren Mosier
706 S. Milton Rd.
Flagstaff, AZ 86001
lauren.mosier@hilton.com

Dear Ms. Mosier,

Your application for a Series 06 Bar Liquor License for Embassy Suites Flagstaff located at 706 S. Milton Rd., Flagstaff, AZ was posted on September 9, 2024. The City Council will consider the application at a public hearing during their scheduled Regular City Council Meeting on **October 1, 2024, which is scheduled to begin at 3:00 p.m.**

It is important that you or your representative attend this Council Meeting via video conference (Microsoft Teams Meeting) or in person and be prepared to answer any questions the City Council may have. Failure to be available for questions could result in a recommendation for denial of your application. We suggest you contact your legal counsel or the Department of Liquor Licenses and Control at 602-542-5141 to determine the criteria for your license. To help you understand how the public hearing process will be conducted, we are enclosing a copy of the City's liquor license application hearing procedures.

The twenty-day posting period for your liquor license application is set to expire on October 1, 2024, and the application may be removed from the premises at that time.

If you have any questions, please email me at georganna.staskey@flagstaffaz.gov.

Sincerely,

Georganna Staskey
City Clerk's Office

Enclosures

City of Flagstaff

Liquor License Application
Hearing Procedures

1. When the matter is reached at the Council meeting, the presiding officer will open the public hearing on the item.

2. The presiding officer will then ask whether City staff have information to present to the Council regarding the application. Staff should come forward at this point and present information to the Council in a presentation not exceeding ten (10) minutes. Council may question City staff regarding the testimony or other evidence provided by City staff.

3. The presiding officer will request that the Applicant come forward to address the Council regarding the application. The applicant can give a presentation not exceeding ten (10) minutes. Council may question the Applicant regarding the testimony or other evidence provided by the Applicant.

4. Other parties, if any, may then testify, limited to three (3) minutes per person. Council may question these parties regarding the testimony they present to the Council.

5. The Applicant may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of the Applicant.

6. City staff may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of City Staff.

7. The presiding officer will then close the public hearing.

8. The Council will then, by motion, vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

R19-1-702. Determining Whether to Grant a License for a Certain Location

A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:

1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;

2. Number and types of licenses within one mile of the proposed premises;

3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;

4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;

5. Residential and commercial population density within one mile of the proposed premises;

6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;

7. Effect on vehicular traffic within one mile of the proposed premises;

8. Compatibility of the proposed business with other activity within one mile of the proposed premises;

9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;

10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;

11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and

12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.

B. This Section is authorized by A.R.S. § 4-201(I).

License Types: Series 06 Bar (all spirituous liquor)

Transferable (From person to person and/or location to location within the same county only)
On & off-sale retail privileges
Note: Terms in **BOLD CAPITALS** are defined in the glossary.

PURPOSE:
Allows a bar retailer to sell and serve spirituous liquors, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:
A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of **DELIVERY**. The retailer must complete a Department approved "Record of Delivery" form for each spirituous liquor retail delivery.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept delivery of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.

A log must be kept by the licensee of all persons employed at the premises including each employee's name, date and place of birth, address and responsibilities.

Off-sale ("To Go") package sales of spirituous liquor can be made on the bar premises as long as the area of off-sale operation does not utilize a separate entrance and exit from the ones provided for the bar.

A hotel or motel with a Series 06 license may sell spirituous liquor in sealed containers in individual portions to its registered guests at any time by means of a minibar located in the guest rooms of registered guests. The registered guest must be at least twenty-one (21) years of age. Access to the minibar is by a key or magnetic card device and not furnished to a guest between the hours of 2:00 a.m. and 6:00 a.m. Monday through Saturday and 2:00 a.m. and 10:00 a.m. on Sundays.

Bar, beer and wine bar, and restaurant licensees must pay an annual **SURCHARGE** of $20.00. The money collected from these licensees will be used by the Department for an auditor to review compliance by restaurants with the restaurant licensing provisions of ARS 4-205.02.

FLAGSTAFF POLICE DEPARTMENT
911 SAWMILL RD • FLAGSTAFF, ARIZONA 86001• (928) 779-3646
ADMIN FAX (928)213-3372
TDD 1-800-842-4681

Police Chief
Sean P. Connolly

MEMORANDUM

Memo #24-078

TO: **Chief Connolly**

FROM: **Sgt. N. Almendarez #703**

DATE: **September 16th, 2024**

RE: **New Application – Series 6 (Bar) Liquor License Application– Embassy Suites**

On September 16th, 2024, I initiated an investigation into a new application for a Series 06 (Bar) liquor license filed by Lauren Michelle Mosier (Agent), Navin Dimond (Controlling Person) and Combus Javan Chapman (Controlling Person). This is for a new application, and the application number is 303396. It is for Embassy Suites, located at 706 South Milton Rd, Flagstaff, AZ.

I conducted a query through local systems and public access on Lauren, Navin and Combus. I discovered no derogatory records. I conducted a search for current or historical liquor violations on the business and found no violations.

I found evidence that the applicants have taken the mandatory liquor license training. This business is not located within 300 feet of a school.

A representative for the business was invited to be present for the council meeting on October 1st, 2024.

Planning and Development Services Memorandum

To: Stacy Saltzburg, City Clerk

From: Reggie Eccleston, Code Compliance Manager

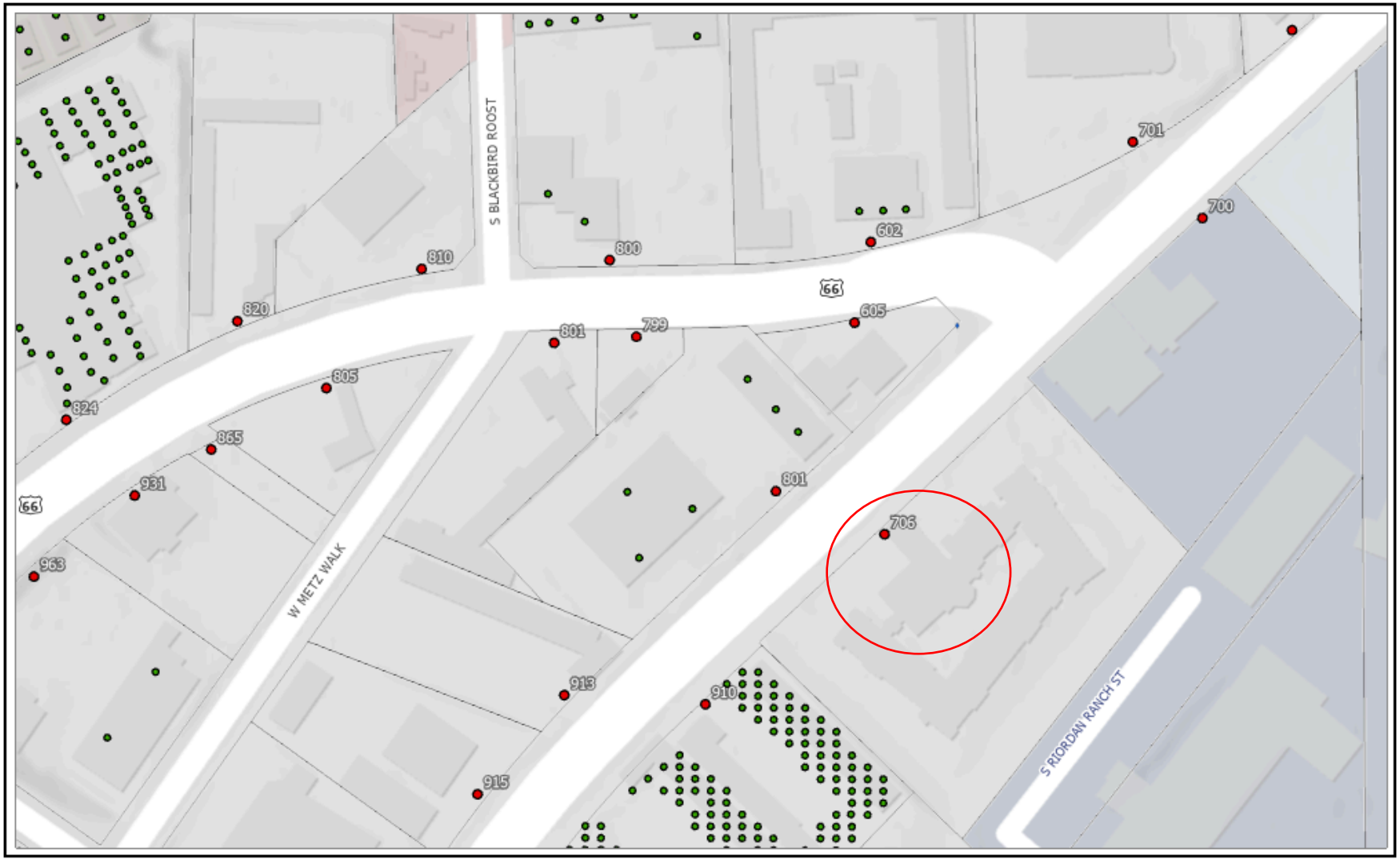
CC: Michelle McNulty, Planning Director

Date: September 16, 2024

Re: Application for Liquor License #303396
706 S. Milton Rd., Flagstaff, Arizona 86001
Assessor's Parcel Number 103-04-002B
Lauren Mosier on behalf of Embassy Suites Flagstaff

This application is a request for a new Series 6 Bar liquor license by Lauren Mosier on behalf of Embassy Suites Flagstaff. This business is located within the Highway Commercial district. This district does allow for this use.

There are no active Zoning Code violations associated with the applicant or the property at this time.



706 S. Milton

0 0.02 0.04 0.07 0.11 0.14

mi

City of Flagstaff maps and data are updated on a regular basis from data obtained from various sources. The City of Flagstaff endeavors to provide accurate information, but accuracy is not guaranteed. You are strongly encouraged to obtain any information you need for a business or legal transaction from a surveyor, engineer, title company, or other licensed professional as appropriate. Information is provided subject to the express condition that you knowingly waive any and all claims for damages against the City of Flagstaff relating to use of this information.

9/17/2024 1:51 PM

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Trevor Henry, Capital Improvements Engineer

Date: 09/26/2024

Meeting Date: 10/01/2024

TITLE:

Consideration and Approval of Contract: Fourth Amendment to the Construction Manager at Risk (CMAR) Construction Services Agreement with Eagle Mountain Construction, Inc. for the Spruce Wash Flood Mitigation Suite of Projects to add Guaranteed Maximum Price (GMP) 4.

STAFF RECOMMENDED ACTION:

1. Approve the Fourth Amendment to the CMAR Construction Services Agreement with Eagle Mountain Construction, Inc. for the Spruce Wash Mitigation Suite of Projects to include GMP 4 in the amount of $1,949,943.54 and adding 0 days to the contract duration; and
2. Approve an Owner's Contingency of $75,000.00, which is approximately 6% of GMP 4; and
3. Authorize the City Manager to execute the necessary documents.

Executive Summary:

Staff recommends approval of Amendment Four to the CMAR Construction Services Agreement No. 2023-60 (Agreement), with Eagle Mountain Construction, Inc. (EMC), for the Spruce Wash Flood Mitigation Suite of Projects (the Suite). Amendment Four would increase the contract amount by $1,949,943.54, including an owner's contingency of $75,000. Approval of Amendment Four will authorize construction of a new box culvert for Spruce Wash under Cedar Avenue. The remaining Projects within the Suite will be presented for Council's consideration at a later date. Please refer to the attached context and vicinity maps.

The City received funding from FEMA under the Hazard Mitigation Grant Program (HMGP) in an amount of $990,000 for this, the Cedar Avenue Crossing, project.

Construction of the Suite of Projects began in September of 2023 with GMP 1 for the underground utilities portion of the Grandview Project and Wedge Clearing. Amendment One, GMP 2 began in March of 2024 and includes the utility relocations for the Linda Vista to Cedar Channel, Grandview Street Improvements, the Linda Vista Crossing and the Wedge Utilities. Amendment One extended construction to 1,025 days to cover construction of the entire Suite spanning over four construction seasons with a target completion prior to monsoon season of 2026. Amendment Two, GMP 3 authorized construction of the Linda Vista to Cedar Channel. Amendment Three authorized a change order to GMP 2 for the replacement of aging water and sewer infrastructure.

The final scheduling and construction sequencing of the Suite of Projects will be determined once the designs are finalized, and other funding source requirements are known.

Financial Impact:

The Fourth Amendment will be funded by a FEMA through Department of Emergency Management and Military Affairs (DEMA) Hazard Mitigation Grant Program (HMGP) award and by Proposition 441 Funds under the GO Capital Project Fund from the 2024-25 fiscal year in the amount of $1,949,943.54, Account Number 410-08-385-3524-3, Cedar Avenue Crossing.

The total project budget:

Project	FY2024-25	Account
Cedar Ave. Crossing	$1,894,614	410-08-385-3524-3

The project overage will be covered by saving from the Grandview Utilities and Wedge Clearing project (GMP 1) to balance the funding for the Spruce Wash Flood Mitigation Suite of Projects within Proposition 441.

Policy Impact:
No Impact.

Previous Council Decision or Community Discussion:

- Council previously approved the ballot language for the November 2022 voter approved Proposition 441 Wildfire, Flood, and Wastewater Infrastructure Bond, which dedicated $26 million towards flood mitigation projects.
- Council previously approved this Agreement with EMC for the Suite of Projects for GMP#1 on July 3, 2023.
- Council previously approved Amendment One with EMC for the Suite of Projects for GMP#2 on March 5, 2024.
- Council previously approved Amendment Two with EMC for the Suite of Projects for GMP#3 on July 3, 2024.
- Council previously approved Amendment Three with EMC for Change Order No. 1 to GMP#2 on August 26, 2024.

Options and Alternatives to Recommended Action:

1. Approve the Fourth Amendment as recommended. Approval will allow work to move forward; or,
2. Reject approval of the award as recommended. This action would delay the Project.
    a. If rejection occurs, possible options include:
        1. Ask staff to re-evaluate the recommendation; or
        2. Suspend or cancel the project completely.

Background and History:
On July 21, 2019, the Museum Fire broke out in the Dry Lake Hills area just above Flagstaff within the Coconino National Forest. The fire ultimately charred 1,961 acres, including a significant portion of the Spruce Wash Watershed. Flood modeling subsequently showed potential flood risk to neighborhoods in Coconino County and the City of Flagstaff. Throughout the summer of 2021, monsoon rain events impacted the Museum bum scar and caused multiple rounds of flash flooding in Flagstaff neighborhoods.

In the November 2022 election, voters approved Proposition 441 with support from 76% of Flagstaff voters. The Proposition invests $57 million in City of Flagstaff wildfire suppression, stormwater flood mitigation and wastewater treatment infrastructure. Specifically, $26 million of this funding will be used to fund stormwater infrastructure improvements in the Spruce Wash area to lessen the impacts of flooding in affected neighborhoods.

The development of the Spruce Wash Technical Feasibility Study Phase I and Phase II conducted by Peak Engineering identified eight Projects to be constructed with the $26 million in funding from Prop 441 to mitigate post-wildfire flooding in the Spruce Wash. The Suite of Projects will be constructed in addition to the Park Way Basins and the Killip Basins Inlet, which are funded through other sources.

On December 15, 2022, Purchasing staff solicited a Request for Statement of Qualifications for CMAR design and construction phase services. On January 13, 2023 Purchasing received Statements of Qualifications (SOQs} from the following five construction firms: Banicki Construction, Eagle Mountain Construction, Fann Contracting, Kinney Construction, and Tiffany Construction Company. A nine-member selection committee of City staff, three outside engineering consultants, and an outside contractor executive evaluated the

SOQs. After the selection committee review process and negotiations, in early April 2023 the City's qualifications based selection process identified Eagle Mountain Construction as the most qualified Contractor to perform the CMAR design and construction phase services for the Suite of Projects.

Key Considerations:
The Suite of Projects consist of the following eight projects:

1. Grandview Drive Reconstruction -- a reconstructed inverted crown street with a modified rolled curb instead of a typical rolled curb to increase stormwater capacity of the roadway on Grandview from Linda Vista to Cedar including the side-streets, and replacing and lowering the existing aging water and sewer infrastructure to ensure proper cover with the lowered roadway. This project is substantially complete.
2. The Wedge Detention Basin -- a detention basin to receive diverted flows from Spruce Wash. This project is under construction.
3. Linda Vista Drive Crossing -- a new box culvert to increase the inlet and downstream channel capacity and reduce the potential for overtopping of Linda Vista Drive. This project is under construction.
4. Cedar Avenue to Linda Vista Drive Channel: a re-graded and hardened channel to improve capacity for stormwater runoff conveyance. This project is beginning construction.
5. Cedar Avenue Crossing: a new box culvert to increase the inlet and downstream channel capacity. Amendment Four, GMP#4 this request.
6. Arroyo Seco Drive to Dortha Avenue Channel: a re-graded and hardened channel to improve capacity for stormwater runoff conveyance. Future GMP.
7. Arroyo Seco Drive Inlet: a reconstructed inlet structure for the purpose of increasing the inlet capacity to capture more stormwater into the downstream existing 60-inch storm drain. Future GMP.
8. Killip Basins Outlet: a new outlet structure from the Killip Regional Detention Basins to an existing storm drain in Main Street to serve as a secondary outlet for larger storm events, reducing the impact of water overtopping the basins. Future GMP.

Expanded Financial Considerations:
The Spruce Wash Flood Mitigation Suite of Projects is funded by the November 2022 voter approved Proposition 441 Wildfire, Flood, and Wastewater Infrastructure Bond, which dedicated $26 million towards flood mitigation projects.

GMP#1 is $2,906,383.00 plus an Owners Contingency of $50,000.00 for a Total Contract Price of $2,956,383.00. GMP#1 is for the construction of the utilities portion of the Grandview Project and the clearing portion of the Wedge Project.

GMP#2 is $7,429,149.06 plus an Owners Contingency of $185,000.00. GMP#2 is for the utility relocation in the Linda Vista to Cedar Channel and construction of the Wedge Utilities, Grandview Street Improvements and Linda Vista Crossing.

GMP#3 is $2,907,375.00 plus an Owners Contingency of $50,000.00.

Change Order #1 to GMP#2 is $310,116.40 for water and sewer replacements in Linda Vista.

This GMP #4 is $1,874,943.54 plus an Owners Contingency of $75,000 for a total of $1,949,943.54.

The Total Contract Price including previously approved Amendments is **$13,838,023.46.**

The contract duration is 1,025 days with an anticipated completion date of June 26, 2026.

Action	Date Approved	Description	Amount
Agreement	7/3/2023	GMP#1: Grandview Utilities & Wedge Clearing	$2,956,383.00
Amendment One	3/5/2024	GMP#2: Grandview Roadway, Linda Vista Crossing, Linda Vista to Cedar Channel Ph 1,	$7,614,149.06

			Wedge Utilities	
Amendment Two	7/3/2024		GMP#3: Linda Vista to Cedar Channel Ph 2	$2,957,375.00
Amendment Three	8/26/2024		Wedge Water & Sewer Utilities	$310,116.40
APPROVED TO DATE				**$13,838,023.46**
Amendment Four	10/1/2024	Cedar Avenue Crossing		$1,949,943.54
TOTAL CONTRACT AMOUNT				**$15,787,967.00**

Community Benefits and Considerations:

- Mitigating post-wildfire flooding in the Spruce Wash and surrounding neighborhoods, businesses, parks, and schools.
- Replacing and or abandoning aged and undersized existing water and sewer infrastructure, ranging from 51-63 years old, to meet current standards.
- Reducing required utilities maintenance with the construction of the new infrastructure.
- Coordinating construction of multiple projects and utilizing project areas for temporary construction yards in the immediate vicinity to minimize inconveniences to the public and reduce costs.

Community Involvement:
Inform, Involve, Empower:

- Starting from roughly August of 2021 there have been over 20 Museum Flood and Post Wildfire Flooding Council Updates which will continue through and after the design and construction of the Suite of Projects.
- In January 2022, Beta PR, on behalf of the City of Flagstaff, created the Museum Fire Flood Projects Website museumfloodprojects.com. As of September 9, 2024, 6,439 unique individuals have visited site with over 7,830 total visits. The site also includes a subpage where people can sign up to receive E-Newsletters sent out via email on a weekly basis to provide updates and information on the Museum Fire Flood Mitigation Projects.
- In February 2022, Beta PR, on behalf of the City of Flagstaff, began sending out the ENewsletters and will continue to do so through and after the completion of the Suite of Projects. As of September 9, 2024, there are currently 553 ENewsletter subscribers.
- Beta PR created and maintains a Museum Fire Flood Projects email address (info@museumfloodprojects.com) and a project hotline. To date, 122 stakeholders have utilized the hotline or email to get their questions and concerns answered.
- In February 2022, Beta PR, on behalf of the City of Flagstaff, sent out an introduction mailer for Museum Fire Flood Mitigation Projects that was mailed to 950 properties in Spruce Wash area that included a Spanish translated side. Since February 2022, BetaPr, on behalf of the City, has mailed 11 notification fliers and placed 13 door hangers to spread project information.
- In November 2022, voters approved Proposition 441 with support from 76% of Flagstaff voters.
- In December 2022, the Proposition 441 subpage of the Museum Fire Flood Projects Website was created which includes more information regarding the Suite of Projects.
- On February 2, 2023, the City hosted a Spruce Wash Community Meeting to provide information on the history of the Museum Fire, update on the progress of Spruce Wash Watershed restoration, November Prop 441 passage, and Prop 441 preliminary projects.
- On May 15, 2023, the City hosted the second Spruce Wash Community Meeting to provide information on the 2023 monsoon forecast, a Suite of Projects update, Coconino County Flood Control District Update, and preparing for the 2023 monsoon season.
- On November 2, 2023, the City hosted the third Spruce Wash Community Meetings to provide an update on the Suite of Projects, the flood modeling, and the flood risk assessment maps showing the positive impacts of the Suite of Projects.
- On April 1, 2024, the City hosted a fourth Spruce Wash Community Meeting to provide the community an opportunity to review the final plans, show the final flood modeling and the flood risk assessment maps and the positive impacts, and to go over the schedule and construction sequencing of the Suite of Projects.
- To date, during the design and current construction of the Suite of Projects, Beta PR, on behalf of the

City of Flagstaff, has performed door-to-door operations over 25 times to deliver project notices and door hangers for various project items and information to the community adjacent to the Suite of Projects.
- Eagle Mountain Construction, Beta PR, and City staff will be intimately involved with the coordination of construction activities and keeping the stakeholders informed on schedule, sequence, and impacts through construction.

Connection to PBB Priorities and Objectives:
Safe & Healthy Community: Ensure the built environment is safe through the use of consistent standards, rules & regulations, & land use practices.
Sustainable, Innovative Infrastructure: Deliver outstanding services to residents through a healthy, well maintained infrastructure system.

Connection to Regional Plan:
Goal WR.5: Manage watersheds and stormwater to address flooding concerns, water quality, environmental protections, and rainwater harvesting.
Goal T.21: Improve transportation safety and efficiency for all modes.

Connection to Carbon Neutrality Plan:
IR-2: Ensure equity, accessibility, and inclusion across all City of Flagstaff Parks and Recreation facilities, helping all members of the Flagstaff community to meet their health and wellness needs.
WS-1: Improve water infrastructure and expand water reuse.

Connection to 10-Year Housing Plan:
None.

Connection to Division Specific Plan:
None.

Attachments:
Fourth Amendment and Exhibits
Spruce Wash Flood Mitigation Suite of Projects Context Map
Vicinity Map
Contingency Justification Form

FOURTH AMENDMENT

Spruce Wash Drainage Improvements Projects
Construction Manager at Risk

Construction Phase Services Agreement
GMP 4 – Phase 4
Cedar Avenue Crossing

Grant Agreement No.: HMGP DR-4524-011-07R

Project No. #03-23014
Agreement No. 2023-60

This Fourth Amendment ("Fourth Amendment") to the fully executed Construction Phase Services Phase - Agreement No. 2023-60 dated July 14, 2023 (the "Agreement") for the City of Flagstaff Spruce Wash Drainage Improvement Projects (the "Projects") is made and entered into this ____ day of _____, 2024, by and between the City of Flagstaff, an Arizona municipal corporation ("City"), and Eagle Mountain Construction, Inc., an Arizona corporation ("Construction Manager at Risk" or "CMAR").

The Parties to the Agreement and other subsequent amendments, hereby agree to the following Fourth Amendment:

A. Pursuant to Article 5 – Contract Price, Section 5.2, Exhibit B – is amended to include GMP 4 – Increase for Cedar Avenue Crossing Phase 4 – Proposal for "Cedar Avenue Crossing", dated September 10, 1 2024, 3 pages, attached hereto as Attachment A.

B. CMAR's Phase 4 – GMP 4 is for the improvements for Cedar Avenue Crossing portion of work of the Projects and shall total **one million nine hundred forty-nine thousand nine hundred forty-three dollars and fifty-four cents ($1,949,943.54).**

C. The total Contract Price for the complete performance of work under the Agreement and other subsequent amendments, as amended by this Fourth Amendment, shall be **($15,787,967.00).**

D. The project is funded in part with the Hazard Mitigation Grant Program (HMGP) from Federal Emergency Management Administration (FEMA) through Arizona Department of Emergency and Military Affairs (ADEMA). Project is pursuant to the associated Grant Provisions, attached hereto as Attachment B.

E. All other provisions of the Agreement and other subsequent amendments shall remain unchanged in full force and effect.

(Signatures on Following Page)

IN WITNESS WHEREOF, the Parties have caused this Fourth Amendment to be executed by their duly authorized representatives as of the date first written above. This Fourth Amendment will be in full force and effect only when it has been approved and executed by the duly authorized City officials.

City of Flagstaff

By:_____
Greg Clifton, City Manager

Dated:_____

Attest:

_____
City Clerk

Approved as to form:

_____
City Attorney

Eagle Mountain Construction, Inc.

By:_____

Title:_____

Dated:_____

September 10, 2024

Trevor Henry
Capital Improvements Engineer
City of Flagstaff
211 W. Aspen Ave.
Flagstaff, AZ 86004

Re: Spruce Wash Watershed Improvements ("Project")
City of Flagstaff Project # 03-23014
Construction Manager at Risk – Guaranteed Maximum Price ("GMP") 4

Dear Mr. Henry,

Eagle Mountain Construction ("EMC") is submitting GMP 4 for the above referenced Project.

The Spruce Wash Watershed Improvements is a "suite" of 8-9 individual projects (pending final designs) along the Spruce Wash drainage corridor, with several of the scopes having multiple phases. This GMP 4 includes the Cedar Crossing scope, consisting generally of installing a 20' x 4' arch culvert across Cedar Ave., along with associated utility relocations and surface improvements.

As the remaining suite of projects progress through the design phase, EMC will continue with our Design Phase services, offering constructability reviews, cost and schedule modeling, TAC Meeting attendance, and subsequent GMP development. EMC's services for the balance of the Design Phase are reflected in the General Conditions for each project still in the design phase.

This scope is tentatively scheduled to begin in the late fall with certain utility relocations, and with the main arch installation commencing in the Spring of 2025.

We continue to be honored to be apart this Team and appreciate the opportunity to work with so many of the Project stakeholders, the team of engineers, and the City of Flagstaff staff in the execution of the ever changing and challenging Project.

Sincerely,

Eagle Mountain Construction

Marco Spagnuolo
CEO

CEDAR CROSSING

Keynote	DESCRIPTION	QTY	Unit	Unit Cost	Total
REMOVALS					
100	CLEAR & GRUB SITE	1	LS	$ 4,500.00	$ 4,500.00
101&103	SAWCUT & REMOVE EXISTING AC PAVEMENT	606	SY	$ 24.00	$ 14,544.00
102&104	SAWCUT & REMOVE EXISTING CONCRETE SIDEWALK	2,790	SF	$ 4.00	$ 11,160.00
105	REMOVE AND DISPOSE OF EXISTING CONCRETE	401	SF	$ 3.00	$ 1,203.00
106	REMOVE AND DISPOSE OF EXISTING CONCRETE CURB AND GUTTER	306	LF	$ 3.00	$ 918.00
108	SAWCUT, REMOVE, AND DISPOSE OF EXISTING STORM DRAIN	29	LF	$ 50.00	$ 1,450.00
130	REMOVE AND DISPOSE OF EXISTING CONCRETE DROP INLET	1	EA	$ 1,750.00	$ 1,750.00
135	REMOVE AND DISPOSE OF EXISTING CONCRETE HEADWALL AND WINGWALLS	2	EA	$ 2,880.00	$ 5,760.00
136	REMOVE AND DISPOSE OF EXISTING BOX CULVERT	71	LF	$ 235.00	$ 16,685.00
138	REMOVE AND DISPOSE OF EXISTING CATCH BASIN	1	EA	$ 500.00	$ 500.00
148	REMOVE AND SALVAGE EXISTING FENCE	107	LF	$ 25.00	$ 2,675.00
150	REMOVE AND DISPOSE OF EXISTING TREE AND ROOTBALL	1	EA	$ 1,250.00	$ 1,250.00
151	REMOVE AND DISPOSE OF EXISTING ROOTBALL	5	EA	$ 250.00	$ 1,250.00
180	REMOVE AND SALVAGE EXISTING FLOOD WARNING SIGN AND SIGN POST	3	EA	$ 75.00	$ 225.00
IMPROVEMENTS					
200	CONSTRUCT ASPHALT PAVEMENT SECTION (5" AC ON 9" ABC)	524	SY	$ 95.00	$ 49,780.00
201	CONSTRUCT T-TOP PATCH OVER NEW UTILITY TRENCH; PER cof 09-01-030	81	SY	$ 135.00	$ 10,935.00
210	CONSTRUCT GRAVEL STAGING AREA	749	SF	$ 22.00	$ 16,478.00
211	INSTALL SALVAGED PRIVATE WOOD FENCE	56	LF	$ 45.00	$ 2,520.00
220	CONSTRUCT VERTICAL CURB AND GUTTER	230	LF	$ 45.00	$ 10,350.00
227	CONSTRUCT 6' CHAIN LINK FENCE	130	LF	$ 25.00	$ 3,250.00
230	CONSTRUCT CONCRETE SIDEWALK	2,466	SF	$ 16.00	$ 39,456.00
236	CONSTRUCT SIDEWALK RAMP	3	EA	$ 2,750.00	$ 8,250.00
250	CONSTRUCT M.A.G. 250 CONCRETE DRIVEWAY	1	EA	$ 3,400.00	$ 3,400.00
290	INSTALL MODIFIED FUTS RAILING	155	LF	$ 185.00	$ 28,675.00
291	INSTALL ACCESS GATE	16	LF	$ 210.00	$ 3,360.00
295	INSTALL SALVAGED FLOOD WARNING SIGN ON SALVAGED SIGN POST	3	EA	$ 750.00	$ 2,250.00
501 & 502	CONSTRUCT CONCRETE HEAD & WINGWALLS	1	LS	$ 105,800.00	$ 105,800.00
503	CONSTRUCT SHOTCRETE CHANNEL SECTION	3,483	SF	$ 35.00	$ 121,905.00
504	INSTALL 20'X4' CONCRETE ARCH CULVERT	73	LF	$ 4,670.00	$ 340,910.00
505	CONSTRUCT CONCRETE COLLAR	2	EA	$ 3,225.00	$ 6,450.00
506	INSTALL 18" CMP STORM PIPE	12	LF	$ 170.00	$ 2,040.00
507	INSTALL 36" CMP STORM PIPE	10	LF	$ 185.00	$ 1,850.00
533	CONSTRUCT TYPE "D" CATCH BASIN	1	EA	$ 11,250.00	$ 11,250.00
549	CONNECT EXISTING STORM DRAIN TO NEW CONCRETE BOX CULVERT	3	EA	$ 1,780.00	$ 5,340.00
701	ADJUST EXISTING APS PULL BOX TO MATCH FINISHED SIDEWALK GRADE AS NEEDED.	2	EA	$ 650.00	$ 1,300.00
601	INSTALL 6" SOLID WHITE STRIPING	506	LF	$ 16.00	$ 8,096.00
602	INSTALL 6" YELLOW SOLID / 6" YELLOW BROKEN STRIPE	580	LF	$ 20.00	$ 11,600.00
603	INSTALL 6" DOTTED WHITE STRIPING	92	LF	$ 14.00	$ 1,288.00
604	INSTALL 8" WHITE CROSSWALK STRIPING	136	LF	$ 22.00	$ 2,992.00
WATER REMOVALS					
116	REMOVE AND DISPOSE OF EXISTING 6" WATERLINE PER M.A.G. SPECS. 336 & 350.	50	LF	$ 42.00	$ 2,100.00
117	REMOVE AND DISPOSE OF EXISTING 12" WATERLINE PER M.A.G. SPECS. 336 & 350.	47	LF	$ 50.00	$ 2,350.00
120	PLUG AND ABANDON EXISTING WATERLINE IN-PLACE PER M.A.G. SPECS. 336 & 350, AI	5	EA	$ 550.00	$ 2,750.00
121	REMOVE AND DISPOSE OF EXISTING WATER SERVICE LINE PER M.A.G. SPECS. 336 & 35	2	EA	$ 1,650.00	$ 3,300.00
WATER CONSTRUCTION					
301	INSTALL 1" ARV	1	EA	$ 4,150.00	$ 4,150.00
302	INSTALL 6" BLIND FLANGE AND THRUST BLOCK ON ABANDONED SIDE OF WATERLINE T	5	EA	$ 1,660.00	$ 8,300.00
303	INSTALL 1" WATER SERVICE CONNECTION (T-TOP TRENCH)	2	EA	$ 2,155.00	$ 4,310.00
304	CONNECT NEW WATER SERVICE LINE TO EXISTING WATER METER	2	EA	$ 950.00	$ 1,900.00
305	CONNECT EX 6" WL TO EX 12" WL WITH 12 X 12 X 6 TEE	2	EA	$ 1,750.00	$ 3,500.00
306	INSTALL 6" GATE VAVLE & THRUST BLOCK	2	EA	$ 2,150.00	$ 4,300.00
307	INSTALL 12" GATE VALVE & THRUST BLOCK	3	EA	$ 3,650.00	$ 10,950.00
308	INSTALL 24" STEEL WL CASING UNDER BOX CULVERT. CASING 5' BEYOND BOTH SIDES	34	LF	$ 415.00	$ 14,110.00
309	INSTALL 12" 22.5DEG HORZ BEND & JOINT RESTRAINT	1	EA	$ 950.00	$ 950.00
310	CONNECT NEW 8" WL TO EX 8" WL W\22.5 DEG W\ HORZ BEND & RESTRAINT	1	EA	$ 1,250.00	$ 1,250.00
311	INSTALL 8" GATE VALVE & THRUST BLOCK	1	EA	$ 1,850.00	$ 1,850.00
312	CONSTRUCT NEW 8" WL TO EX 12" WATERLINE W\12X12X8 TEE	1	EA	$ 4,250.00	$ 4,250.00
313	CONSTRUCT 6” DIP CLASS 350 RESTRAINED WATER MAIN VERTICAL REALIGNMENT	1	EA	$ 6,885.00	$ 6,885.00
314	CONNECT NEW 6" WATER MAIN TO EXISTING 6" VALVE	1	EA	$ 950.00	$ 950.00
319	ADJUST EXISTING WATER METER BOX TO MATCH FINISHED GRADE AS NEEDED.	1	EA	$ 550.00	$ 550.00

CEDAR CROSSING

Keynote	DESCRIPTION	QTY	Unit	Unit Cost	Total
320	CONSTRUCT 12" DIP CLASS 350 RESTRAINED WATER MAIN VERTICAL REALIGNMENT	50	LF	$ 275.00	$ 13,750.00
321	INSTALL 8" PVC WATERLINE	43	LF	$ 180.00	$ 7,740.00
322	INSTALL 6" PVC WATERLINE	20	LF	$ 95.00	$ 1,900.00
380	INSTALL 12" 45 DEG HORZ BEND & JOINT RESTRAINT	4	EA	$ 1,250.00	$ 5,000.00
SEWER REMOVALS					
122	REMOVE AND DISPOSE OF EXISTING SEWER MANHOLE	1	EA	$ 950.00	$ 950.00
123	REMOVE AND DISPOSE OF EXISTING SEWER CLEANOUT	1	EA	$ 450.00	$ 450.00
125	REMOVE AND DISPOSE OF EXT SEWER MAIN (T-TOP TRENCH)	43	LF	$ 30.00	$ 1,290.00
SEWER CONSTRUCTION					
420	INSTALL 48" SEWER MANHOLE	1	EA	$ 11,225.00	$ 11,225.00
422	ADJUST MANHOLE FRAME AND COVER TO FINISH GRADE	3	EA	$ 950.00	$ 2,850.00
UTILITY RELOCATIONS					
107 & 110	REMOVE AND DISPOSE OF EXISTING DOWN GUYS - ***BY APS***	0	EA	$ -	$ -
141	REMOVAL & RELOCATION OF EXT APS ELECTRICAL - ***BY APS***	0	LF	$ -	$ -
142	REMOVAL & RELOCATION OF EXT LUMEN FACILITIES - ***TRENCH & CONDUIT ONLY***	106	LF	$ 155.00	$ 16,430.00
143	REMOVAL & RELOCATION OF EXISTING UNISOURCE METER - ***BY UNISOURCE***	0	LS	$ -	$ -
144	REMOVAL & RELOCATION OF EXISTING UNISOURCE SERVICE - ***BY UNISOURCE***	0	LF	$ -	$ -
700	INSTALL SELF-SUPPORTED APS POLE PER APS SPECIFICATIONS AND DETAILS.	1	EA	$ -	$ -
701	INSTALL APS CONDUIT PER APS SPECS - ***ASSUMED HORZ BORING - NO SURFACE IMPROVEMENTS***	411	LF	$ 315.00	$ 129,465.00
EARTHWORK CONSTRUCTION					
	EARTHWORK	1	LS	$ 31,875.00	$ 31,875.00
MISCELLANEOUS					
	MOBILIZATION & DEMOBILIZATION	1	LS	$ 65,300.00	$ 65,300.00
	SURVEY & STAKING	1	LS	$ 18,500.00	$ 18,500.00
	TRAFFIC CONTROL & MAINTENANCE	1	LS	$ 82,550.00	$ 82,550.00
	AS-BUILTS\RECORD DRAWINGS	1	LS	$ 5,600.00	$ 5,600.00
	SWPPP INSTALLATION & MAINTENANCE	1	LS	$ 11,100.00	$ 11,100.00
CONTRACT ALLOWANCES					
	SAND BAG REMOVAL AND REPLACEMENT	1	LS	$ 1,000.00	$ 1,000.00
	ROCK EXCAVATION	1	LS	$ 10,000.00	$ 10,000.00
SUMMARY					
COST OF WORK					**$ 1,359,075.00**
GENERAL CONDITIONS (GC'S) (Percent of Cost of the Work)		10.99%			$ 149,300.00
SUBTOTAL #1 - Cost of the Work + GC's					**$ 1,508,375.00**
CONSTRUCTION FEE (Fee) (Percentage of Subtotal #1)		10.50%			$ 158,379.38
SUBTOTAL #2 - Cost of the Work + GC's + Fee					**$ 1,666,754.38**
PERFORMANCE & PAYMENT BOND (Percentage of Subtotal #2)		0.90%			$ 15,000.79
SUBTOTAL #3 - Cost of the Work + GC's + Fee + Bonds					**$ 1,681,755.16**
INSURANCE (Percentage of Subtotal #3)		1.00%			$ 16,817.55
SUBTOTAL #4 - Cost of the Work + GC's + Fee + Bonds + Insurance					**$ 1,698,572.72**
SALES TAX (Percentage of GMP)		5.97%			$ 101,370.82
CMAR CONTINGENCY & PRICE ESCALATION FUNDING		6%			$ 75,000.00
GMP					**$ 1,874,943.54**
OWNERS CONTINGENCY (Percentage of Cost of the Work)		6%			$ 75,000.00
CONTRACT PRICE					**$ 1,949,943.54**

ATTACHMENT B

GRANT PROVISIONS

Grant Project Title: Cedar Avenue Culvert Improvement Project

Funding Agency: Federal Emergency Management Administration (FEMA) through Arizona Department of Emergency and Military Affairs (ADEMA)

Grant Agreement No.: Hazard Mitigation Grant Program (HMGP), #HMGP DR-4524-011-07R

FEDERAL - GRANT PROVISIONS

The Contractor and its Subcontractor shall comply with the following grant provisions;

Applicable Laws
Compliance with all applicable Federal, State, and Local laws and regulations.

Awards to debarred and suspended parties
The City will not make any award or permit any award (subgrant or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Orders 12549 and 12689, ``Debarment and Suspension."

Contracting with small and minority firms, women's business enterprise and labor surplus area firms.
(1) The Contractor will take all necessary affirmative steps to assure that minority firms,women's business enterprises, and labor surplus area firms are used when possible.
(2) Affirmative steps shall include:
(i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
(ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
(iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
(iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;
(v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce.

Equal Employment Opportunity
Compliance with Executive Order 11246 of September 24, 1965, entitled “Equal Employment Opportunity,” as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of $10,000 by grantees and their contractors or subgrantees)

Clean Water and Air Act
Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (Contracts, subcontracts, and subgrants of amounts in excess of $100,000)

Energy Policy and Conservation Act
Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

Resource Conservation and Recovery Act
Compliance with the Resource Conservation and Recovery Act (RCRA) requires federal agencies to assess the impact that debris, debris removal, hazardous wastes, and hazardous waste clean-up projects will have on air and water quality and take actions to prevent degradation. RCRA gives EPA the authority to control hazardous waste from the "cradle-to-grave" to facilities that generate hazardous materials and sets forth a framework for the management of non-hazardous waste (42 USC, 6901).

Conflicts of Interest

The City (grantee) and Contractor (subgrantees) will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent of the grantee or subgrantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

(i) The employee, officer or agent,

(ii) Any member of his immediate family,

(iii) His or her partner, or

(iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The grantee's or subgrantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. Grantee and subgrantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's and subgrantee's officers, employees, or agents, or by contractors or their agents. The awarding agency may in regulation provide additional prohibitions relative to real, apparent, or potential conflicts of interest.

Copyrights

Reports, maps or other documents produced in whole or in part are works for hire and shall not be the subject of any application for copyright by or on behalf of the Contractor or its Subcontractor. The Contractor shall advise the City or its designee at the time of delivery of any copyrighted or copyrightable work furnished under this Agreement, or any adversely held copyrighted or copyrightable material incorporated in any such work and of any invasion of the right of privacy therein contained.

Patent Fees and Royalties

Contractor shall pay all license fees and royalties and assume all costs incident to the use in the performance of the Work or the incorporation in the Work of any invention, design, process, product, or device that is the subject of patent rights or copyrights held by others. If a particular invention, design, process, product, or device is specified in the Contract Documents for use in Funding Agency Contracting Provisions for Construction Projects the performance of the Work and if, to the actual knowledge of Owner or Engineer, its use is subject to patent rights or copyrights calling for the payment of any license fee or royalty to others, the existence of such rights shall be disclosed by the Owner in the Contract Documents.

Responsible Contractors

The City will make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

Access and Retention of Records

Access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.

This content is from the eCFR and is authoritative but unofficial.

Displaying title 2, up to date as of 8/01/2024. Title 2 was last amended 5/30/2024.

Title 2 —Grants and Agreements
Subtitle A —Office of Management and Budget Guidance for Grants and Agreements
Chapter II —Office of Management and Budget Guidance
Part 200 —Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of $10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

(D) NOT APPLICABLE - Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of $2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5,
"Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or

research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of $150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding $100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See § 200.323.

(K) See § 200.216.

(L) See § 200.322.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014; 85 FR 49577, Aug. 13, 2020]

FY 2024 DHS STANDARD TERMS AND CONDITIONS

The Fiscal Year (FY) 2024 Department of Homeland Security (DHS) Standard Terms and Conditions apply to all new federal awards of federal financial assistance (federal awards) for which the federal award date occurs in FY 2024 and flow down to subrecipients unless a term or condition specifically indicates otherwise. For federal awards that may involve continuation awards made in subsequent FYs, these FY 2024 DHS Standard Terms and Conditions will apply to the continuation award unless otherwise specified in the terms and conditions of the continuation award. The United States has the right to seek judicial enforcement of these terms and conditions.

All legislation and digital resources are referenced with no digital links. These FY 2024 DHS Standard Terms and Conditions are maintained on the DHS website at www.dhs.gov/publication/fy15-dhs- standard-terms-and-conditions.

A. Assurances, Administrative Requirements, Cost Principles, Representations, and Certifications

I. Recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non- Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the federal awarding agency.

B. Recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in effect as of the federal award date and located at 2 C.F.R. Part 200 and adopted by DHS at 2 C.F.R. § 3002.10. General Acknowledgements and Assurances

All recipients and subrecipients must acknowledge and agree to provide DHS access to records, accounts, documents, information, facilities, and staff pursuant to 2 C.F.R. § 200.337.

I. Recipients must cooperate with any DHS compliance reviews or compliance investigations.

II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities and personnel.

III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.

IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements required by law, federal regulation, Notice of Funding Opportunity, federal award specific terms and conditions, and/or federal awarding agency program guidance.

V. Recipients must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receiving the Notice of Award for the first award under which this term applies. Recipients of multiple federal awards from DHS should only submit one completed tool for their organization, not per federal award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active federal award, not every time a federal award is made. Recipients must submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in these DHS Standard Terms and

Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool. DHS Civil Rights Evaluation Tool | Homeland Security

The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension to the 30-day deadline if the recipient identifies steps and a timeline for completing the tool. Recipients must request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

C. Standard Terms & Conditions

I. Acknowledgement of Federal Funding from DHS

Recipients must acknowledge their use of federal award funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal award funds.

II. Activities Conducted Abroad

Recipients must coordinate with appropriate government authorities when performing project activities outside the United States obtain all appropriate licenses, permits, or approvals.

III. Age Discrimination Act of 1975

Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (codified as amended at 42 U.S.C. § 6101 *et seq*.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

IV. Americans with Disabilities Act of 1990

Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

V. Best Practices for Collection and Use of Personally Identifiable Information

Recipients who collect personally identifiable information (PII) as part of carrying out the scope of work under a federal award are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.

VI. Civil Rights Act of 1964 – Title VI

Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964, Pub. L. No. 88-352 (codified as amended at 42 U.S.C. § 2000d *et seq*.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21. Recipients of an award from the Federal Emergency Management Agency (FEMA) must also comply with FEMA's implementing regulations at 44 C.F.R. Part 7.

VII. Civil Rights Act of 1968

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284 (codified as amended at 42 U.S.C. § 3601 *et seq*.) which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection. therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex, as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

VIII. Copyright

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 to any work first produced under federal awards and also include an acknowledgement that the work was produced under a federal award (including the federal award number and federal awarding agency). As detailed in 2 C.F.R. § 200.315, a federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for federal purposes and to authorize others to do so.

IX. Debarment and Suspension

Recipients must comply with the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689 set forth at 2 C.F.R. Part 180 as implemented by DHS at 2 C.F.R. Part 3000. These regulations prohibit recipients from entering into covered transactions (such as subawards and contracts) with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

X. Drug-Free Workplace Regulations

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).

XI. Duplicative Costs

Recipients are prohibited from charging any cost to this federal award that will be included as a cost or used to meet cost sharing or matching requirements of any other federal award in either the current or a prior budget period. (See 2 C.F.R. § 200.403(f)). However, recipients may shift costs that are allowable under two or more federal awards where otherwise permitted by federal statutes, regulations, or the federal financial assistance award terms and conditions.

XII. Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. No. 92-318 (codified as amended at 20 U.S.C. § 1681 *et seq*.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17. Recipients of an award from the Federal Emergency Management Agency (FEMA) must also comply with FEMA's implementing regulations at 44 C.F.R. Part 19.

XIII. Energy Policy and Conservation Act

Recipients must comply with the requirements of the Energy Policy and Conservation Act,

Pub. L. No. 94-163 (1975) (codified as amended at 42 U.S.C. § 6201 *et seq*.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

XIV. False Claims Act and Program Fraud Civil Remedies

Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§ 3729-3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)

XV. Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

XVI. Federal Leadership on Reducing Text Messaging while Driving

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving recipient-owned, recipient-rented, or privately owned vehicles when on official government business or when performing any work for or on behalf of the Federal Government. Recipients are also encouraged to conduct the initiatives of the type described in Section 3(a) of E.O. 13513.

XVII. Fly America Act of 1974

Recipients must comply with Preference for U.S. Flag Air Carriers (a list of certified air carriers can be found at: Certificated Air Carriers List | US Department of Transportation, https://www.transportation.gov/policy/aviation-policy/certificated-air-carriers-list)for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

XVIII. Hotel and Motel Fire Safety Act of 1990

Recipients must ensure that all conference, meeting, convention, or training space funded entirely or in part by federal award funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a.

XIX. John S. McCain National Defense Authorization Act of Fiscal Year 2019

Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. The statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

XX. Limited English Proficiency (Civil Rights Act of 1964, Title VI)

Recipients must comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq*.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited and additional resources on http://www.lep.gov.

XXI. Lobbying Prohibitions

Recipients must comply with 31 U.S.C. § 1352 and 6 C.F.R. Part 9, which provide that none of the funds provided under a federal award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification. Per 6 C.F.R. Part 9, recipients must file a lobbying certification form as described in Appendix A to 6 C.F.R. Part 9 or available on Grants.gov as the Grants.gov Lobbying Form and file a lobbying disclosure form as described in Appendix B to 6 C.F.R. Part 9 or available on Grants.gov as the Disclosure of Lobbying Activities (SF-LLL).

XXII. National Environmental Policy Act

Recipients must comply with the requirements of the National Environmental Policy Act of 1969, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 *et seq*.) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

XXIII. Nondiscrimination in Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statues, regulations, and guidance governing the participations of faith- based organizations in individual DHS programs.

XXIV. Non-Supplanting Requirement

Recipients of federal awards under programs that prohibit supplanting by law must ensure that federal funds supplement but do not supplant non-federal funds that, in the absence of such federal funds, would otherwise have been made available for the same purpose.

XXV. Notice of Funding Opportunity Requirements

All the instructions, guidance, limitations, scope of work, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this federal award are incorporated by reference. All recipients must comply with any such requirements set forth in the NOFO. If a condition of the NOFO is inconsistent with these terms and conditions and any such terms of the Award, the condition in the NOFO shall be invalid to the extent of the inconsistency. The remainder of that condition and all other conditions set forth in the NOFO shall remain in effect.

XXVI. Patents and Intellectual Property Rights

Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 *et seq*. and applicable regulations governing inventions and patents, including the regulations issued by the Department of Commerce at 37 C.F.R. Part 401 (Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Awards, Contracts, and Cooperative Agreements) and the standard patent rights clause set forth at 37 C.F.R. § 401.14.

XXVII. Procurement of Recovered Materials

States, political subdivisions of states, and their contractors must comply with Section

6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965) (codified as amended by the Resource Conservation and Recovery Act at 42 U.S.C. § 6962) and 2 C.F.R. § 200.323. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

XXVIII. Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (codified as amended at 29 U.S.C. § 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

XXIX. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of the federal award, then the recipient must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated by reference.

XXX. Reporting Subawards and Executive Compensation

For federal awards that equal or exceed $30,000, recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation set forth at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated by reference.

XXXI. NOT APPLICABLE - Required Use of American Iron, Steel, Manufactured Products, and Construction Materials Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

(1) all iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

(3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Waivers

When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. The agency should notify the recipient for information on the process for requesting a waiver from these requirements.

(a) When the Federal agency has determined that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that:

(1) applying the domestic content procurement preference would be inconsistent with the public interest;

(2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or

(3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office.

There may be instances where an award qualifies, in whole or in part, for an existing waiver described at "Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov.

Definitions

The definitions applicable to this term are set forth at 2 C.F.R. § 184.3, the full text of which is incorporated by reference.

XXXII. SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications. The SAFECOM Guidance is updated annually and can be found at Funding and Sustainment | CISA.

XXXIII. Terrorist Financing

Recipients must comply with E.O. 13224 and applicable statutory prohibitions on transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible for ensuring compliance with the E.O. and laws.

XXXIV. Trafficking Victims Protection Act of 2000 (TVPA)

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, § 106 (codified as amended at 22 U.S.C. § 7104). The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated by reference.

XXXV. Universal Identifier and System of Award Management

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated reference.

XXXVI. USA PATRIOT Act of 2001

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

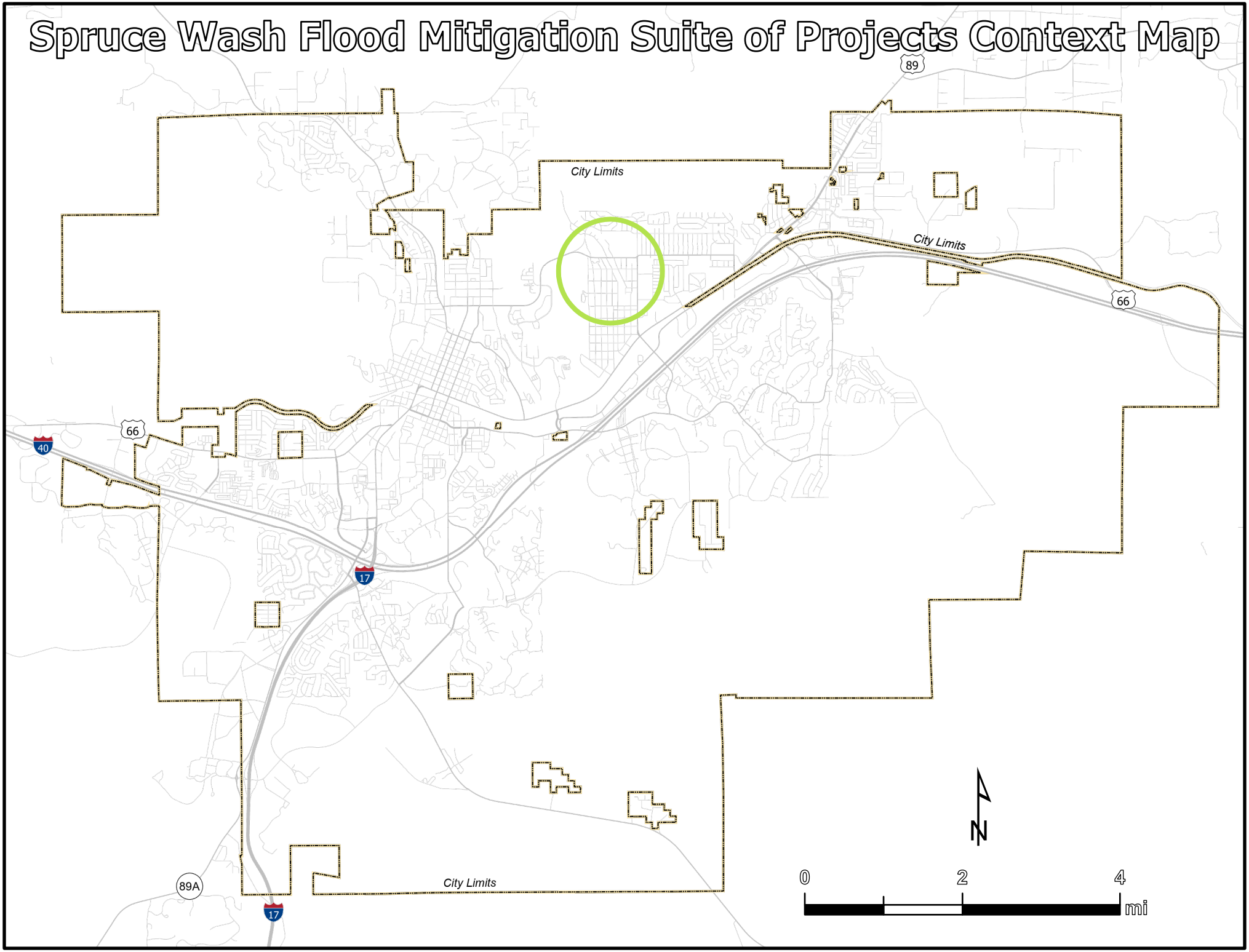
XXXVII. Use of DHS Seal, Logo and Flags

Recipients must obtain written permission from DHS prior to using the DHS seals, logos, crests, or reproductions of flags, or likenesses of DHS agency officials. This includes use of DHS component (e.g., FEMA, CISA, etc.) seals, logos, crests, or reproductions of flags, or likenesses of component officials.

XXXVIII. Whistleblower Protection Act

Recipients must comply with the statutory requirements for whistleblower protections at 10 U.S.C § 470141 U.S.C. § 4712.

Spruce Wash Flood Mitigation Suite of Projects Context Map



Spruce Wash Suite of Projects GMP #4 Vicinity

0 0.05 0.1 0.2 0.3 0.4

mi

City of Flagstaff maps and data are updated on a regular basis from data obtained from various sources. The City of Flagstaff endeavors to provide accurate information, but accuracy is not guaranteed. You are strongly encouraged to obtain any information you need for a business or legal transaction from a surveyor, engineer, title company, or other licensed professional as appropriate. Information is provided subject to the express condition that you knowingly waive any and all claims for damages against the City of Flagstaff relating to use of this information.

2/2/2024 2:24 PM

CITY OF FLAGSTAFF
CONTRACT SUPPLEMENTARY JUSTIFICATION
Design-Build OR CMAR Contracts

PROJECT NO. WS3524 **PROJECT NAME:** Spruce Wash – Cedar Avenue Crossing

FILE NO. 03-23012 **Project Manager:** Trevor Henry

CONTRACTOR/CONSULTANT: Eagle Mountain Construction (EMC)

PROJECT DESCRIPTION:
This project includes construction of a new, upsized culvert crossing in Cedar Avenue at Spruce Wash. This work is funded by a FEMA Hazard Mitigation Grant Program and by Proposition 441. This project is part of the Spruce Wash Flood Mitigation Suite of Projects.

JUSTIFICATION FOR USE AND AMOUNT:

Contractor's Contingency Justification and Amount:
Contractors Contingency of **$75,000.00** was negotiated and was recognized to be necessary to compensate Eagle Mountain Construction for increases in material costs which could not be determined at the time of contracting.

Owner's Contingency Justification and Amount:
Owner's Contingency of **$75,000.00** was recognized to be necessary to compensate EMC should there be unidentified services needed, unsuitable material discovered, scope changes, and/or differing site conditions.
The **$75,000.00** Owner's Contingency is roughly 6.0% of the $**1,874,943.54** Guaranteed Maximum Price #4 proposed by EMC to complete the work, which combined equals the Contract Price of $**1,949,943.54**. If this Project were utilizing traditional project delivery methods, this amount would be within the allowable limits for a Contract Allowance per the Procurement Code revisions approved by Council on April 16, 2019.

COST/BUDGET/FUNDING SOURCE ANALYSIS:
Contractor's & Owner's Contingency:
Contractor's and Owner's Contingencies are recommended to be in the Total Contract Price and can be funded by Account Number **410-08-385-3524-3** in FY25.

APPROVAL: **Signature** **Date:**

Project Manager _____ **Approval Recommended** _____

Program Manager _____ **Approval Recommended** _____

Section Head _____ **Approval Recommended** _____

Division Head _____ **Approval Recommended** _____

Definitions

Owner's Contingency (Design/Build or Construction Manager at Risk)

"Owner's Contingency" means a fund to cover cost growth during the Project used at the discretion of the City usually for costs that result from City's directed changes or Differing Site Conditions, or as the City may otherwise elect. The amount of the Owner's Contingency will be set solely by the City and will be in addition to the Project costs included in the Design-Builder's GMP packages.

The Owner's Contingency are funds to be used at the sole discretion of the City to cover any increases in Project costs that result from City directed changes, Differing Site Conditions, or as the City may otherwise elect. Owner's Contingency will be added to the GMP amount provided by the Design-Builder/CMAR, the sum of which will be the full Contract Price for construction. Markups for Construction Fee and taxes will be applied by the Design-Builder at the time that Owner's Contingency is used

Contractor's Contingency (Design/Build or Construction Manager at Risk)

"Design-Builder's/CMAR Contingency" means a fund to cover cost growth during the Project used at the discretion of the Design-Builder/CMAR, usually for costs that result from Project circumstances. The amount of the Design-Builder's/CMAR Contingency will be negotiated as a separate line item in each GMP package.

Use and management of the Design-Builder's/CMAR Contingency:

Design-Builder's/CMAR Contingency is an amount the Design-Builder/CMAR may use under the following conditions: (1) at its discretion for increases in the Cost of the Work, or (2) with written approval of the City for increases in General Condition Costs. Design-Builder/CMAR Contingency is assumed to be a direct Project cost so will receive all markups at the time of GMP submission.

When the Design-Builder/CMAR utilizes Design-Builder's/CMAR Contingency funds, the Design-Builder/CMAR shall make the appropriate changes to the Schedule of Values with the next regular progress Payment Request. The Design-Builder/CMAR shall deduct the amount of Design-Builder's/CMAR Contingency funds used from the Design-Builder's/CMAR Contingency line item and add the same amount to the line item on the Schedule of Values where the funds were used. If the Design-Builder's/CMAR Contingency funds are used for a new line item that was not given with the original Schedule of Values, that will be so indicated.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Stacey Brechler-Knaggs, Grants, Contracts & Emergency Management Director

Co-Submitter: Trevor Henry

Date: 09/26/2024

Meeting Date: 10/01/2024

TITLE:

Consideration and Approval of Contract: Ratify the Project Partnership Agreement with the Department of the Army for Killip School Regional Detention Basin Inlet Project

STAFF RECOMMENDED ACTION:

Ratify the Project Partnership Agreement between the Department of the Army and the City of Flagstaff for Design and Constructin Assistance for the Killip School Regional Detention Basin Inlet Project in the amount of $1,500,000.

Executive Summary:

The District Commander for Los Angeles District has determined that the non-federal project for Environmental Infrastructure improvements at Killip Elementary School at Killip School Regional Detention Basins is eligible for design and construction assistance under the Section 595 of the Water Resources Development Act of 1999. On June 10, 2024 the Mayor and City staff attended a signing ceremony with the District Commander to sign the Project Partnership Agreement.

Financial Impact:

Project Name: Killip School Regional Detention Basin Inlet Project
Cost: $2,000,000 (Federal share $1,500,000 / City share $500,000)
Account Number Budgeted: 410-08-385-3534-3-4***
FY Budgeted Amount: $3,607,211
Grant Funded: Yes
Funding Source: Department of the Army, Section 595 funds

Policy Impact:

None

Previous Council Decision or Community Discussion:

No

Options and Alternatives to Recommended Action:

1. Ratify the Agreement to authorize the Department of the Army to provide the City of Flagstaff $1,500,000; or
2. Do not approve the ratification of the Agreement, thereby foregoing the $1,500,000. This option is not recommended by staff.

Background and History:

Flagstaff's Sunnyside neighborhood has experienced four flood events in 2021 due the 2019 Museum Fire that burned 2,000 acres of steep slopes immediately upstream of the city of Flagstaff. To mitigate future flooding events, the city began construction of two regional detention basins in late 2021 on the Killip School property.

The project will consist of critical elements identified to improve stormwater conveyance to the detention basins by building an inlet structure to connect the basins to the existing stormwater conveyance to provide a controlled flood flow into the detention basins. When completed, this project will significantly reduce flooding risks for the Killip School. The inlet structure construction is necessary to control flow into the detention basins, to reduce flooding as part of a multifaceted solution for conveying increased storm discharge from the burn scar through the city.

Connection to PBB Priorities and Objectives:
High Performing Governance - Enhance the organization's fiscal stability and increase efficiency and effectiveness.
Sustainable, Innovative Infrastructure - Deliver outstanding services to residents through a healthy, well maintained infrastructure system.

Connection to Regional Plan:
NA

Connection to Carbon Neutrality Plan:
NA

Connection to 10-Year Housing Plan:
NA

Attachments: Army Corp PPA-595 Agreement Killip Inlet

AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
CITY OF FLAGSTAFF
FOR
DESIGN AND CONSTRUCTION ASSISTANCE
FOR THE
KILLIP SCHOOL REGIONAL DETENTION BASIN INLET PROJECT

THIS AGREEMENT is entered into this 10th day of June, 2024, by and between the Department of the Army (hereinafter the "Government"), represented by the District Commander for Los Angeles District Los Angeles District (hereinafter the "District Commander") and the City of Flagstaff (hereinafter the "Non-Federal Sponsor"), represented by its City Mayor.

WITNESSETH, THAT:

WHEREAS, the Government is authorized to provide design and construction assistance for publicly owned, non-Federal water-related environmental infrastructure and resource protection and development projects in Arizona, Idaho, Montana, rural Nevada, New Mexico, rural Utah, and Wyoming, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development pursuant to Section 595 of the Water Resources Development Act of 1999, Public Law 106-53, as amended (hereinafter "Section 595");

WHEREAS, the District Commander has determined that the non-Federal project for Environmental Infrastructure improvements at Killip Elementary School at Killip School Regional Detention Basins located in Flagstaff, Coconino County, Arizona is eligible for design and construction assistance under Section 595;

WHEREAS, the design and construction assistance for the non-Federal project pursuant to this Agreement will be provided for increment(s) of work, as defined in Article I.A. of this Agreement, undertaken by the Non-Federal Sponsor;

WHEREAS, Section 595(e)(3) provides that the Federal share of costs under each agreement entered into under Section 595 shall be 75 percent, which may be in the form of reimbursements; and

WHEREAS, the Government and the Non-Federal Sponsor have the full authority and capability to perform in accordance with the terms of this Agreement and acknowledge that this Agreement shall be enforceable in the appropriate district court of the United States.

NOW, THEREFORE, the parties agree as follows:

ARTICLE I - DEFINITIONS

A. The term "increment of work" means design and construction of features, as generally described in a Scope of Work, and approved by the South Pacific Division Commander. The initial increment of work consists of building critical stormwater conveyance for the City of Flagstaff's water supply with the design and construction of an inlet to a basin structure that connects to the existing stormwater conveyance discharge from the Spruce Wash stormwater channel to the Killip School Regional detention to provide a controlled flood flow into the detention basins. The City of Flagstaff will contract out the work through a public bidding process. Flagstaff will also provide construction oversight to the contractor during the construction phase of the project. The purpose is to improve water quality in surface water drainages which will enhance the safety and reliability of the City of Flagstaff's water supply , as generally described in the Scope of Work for Design and Construction Assistance, for Killip School Regional Detention Basins Inlet, Flagstaff, Coconino County, Arizona, , dated November 27, 2023 and approved by the South Pacific Division Commander on June 7, 2024. Each additional increment of work, if any, will be described in a separate Scope of Work, which will specify the amount of Federal funds available for such work. In the event of a conflict between this Agreement and a Scope of Work, this Agreement will control.

B. The term "HTRW" means hazardous, toxic, and radioactive wastes, which includes any material listed as a "hazardous substance" (See 42 U.S.C. 9601(14)) regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (hereinafter "CERCLA") (42 U.S.C. 9601-9675) and any other regulated material in accordance with applicable laws and regulations.

C. The term "construction costs" means all costs incurred by the Government and Non-Federal Sponsor in accordance with the terms of this Agreement that are directly related to design and construction of an increment of work and cost shared. The term includes, but is not necessarily limited to: the Non-Federal Sponsor's eligible pre-Scope of Work design work costs, if any; the Government's costs for conducting environmental compliance activities, providing management oversight and technical assistance, as needed, preparing monthly financial reports, preparing Scopes of Work, reviewing design work, appraisals, and invoices provided by the Non-Federal Sponsor, conducting periodic inspections during construction, and any other costs incurred by the Government pursuant to the provisions of this Agreement; the Non-Federal Sponsor's eligible costs of engineering, design, construction, and supervision and administration; the Non-Federal Sponsor's eligible costs for providing real property interests and relocations, and performing permit work; and the costs of historic preservation activities except for data recovery for historic properties, if any. The term does not include any costs for operation and maintenance; HTRW cleanup and response; dispute resolution; audits; betterments; or the Non-Federal Sponsor's cost of negotiating this Agreement.

D. The term "real property interests" means lands, easements, and rights-of-way, including those required for relocations and borrow and dredged material placement areas. Acquisition of real property interests may require the performance of relocations.

E. The term "relocation" means the provision of a functionally equivalent facility to the owner of a utility, cemetery, highway, railroad, or public facility when such action is required in accordance with applicable legal principles of just compensation. Providing a functionally equivalent facility may include the alteration, lowering, raising, or replacement and attendant demolition of the affected facility or part thereof.

F. The term "pre-Scope of Work design work" means the design work performed by the Non-Federal Sponsor prior to approval of the Scope of Work for that increment of work that the Government determines was accomplished in a satisfactory manner and is integral to the increment of work.

G. The term "betterment" means a difference in the design or construction of an element of an increment of work that results from the application of standards that the Government determines exceed those that the Government would otherwise apply to design or construction of that element.

ARTICLE II - OBLIGATIONS OF THE PARTIES

A. The amount of Federal funds available for each increment of work is limited to the amount identified in the Scope of Work for that increment of work. Notwithstanding any other provision of this Agreement, the Non-Federal Sponsor shall be responsible for all costs in excess of this amount, and such excess costs shall not be eligible for credit or reimbursement or included in the construction costs for cost-sharing purposes. For the initial increment of work, the Federal funds available are limited to $1,500,000.

B. The Non-Federal Sponsor shall design and construct each increment of work in accordance with all requirements of applicable Federal laws and implementing regulations and the following paragraphs. If after completion of the design portion of an increment of work, the parties mutually agree in writing not to proceed with construction of that increment of work, the parties shall conclude their activities relating to that increment of work and proceed to a final accounting in accordance with Article VI.C.

1. In accordance with Article III, the Non-Federal Sponsor shall provide the real property interests and relocations required for construction and operation and maintenance of each increment of work. The Non-Federal Sponsor hereby gives the Government a right to enter, at reasonable times and in a reasonable manner, upon property that the Non-Federal Sponsor now or hereafter owns or controls for the purpose of performing inspections pursuant to Article II.D.

2. The Non-Federal Sponsor shall afford the Government the opportunity to review and comment on all design work for an increment of work, including relevant plans and specifications, at intervals determined by the Government in coordination with the Non-Federal Sponsor, and related contract solicitations, prior to the Non-Federal Sponsor's issuance of such solicitations. In addition, until the Government has provided written confirmation that environmental compliance has been completed for an increment of work, the Non-Federal Sponsor shall not issue the solicitation for the first construction contract for that increment of work or commence construction of that increment of work using its own forces.

3. The Non-Federal Sponsor is responsible for obtaining all permits and licenses necessary for design, construction, and operation and maintenance of each increment of work and for ensuring compliance with all requirements of such permits and licenses.

4. The Non-Federal Sponsor shall establish and maintain such legal and institutional structures as necessary to ensure the effective long-term operation of each increment of work at no cost to the Government.

5. Upon completion of design for each increment of work, the Non-Federal Sponsor shall furnish the Government with copies of the completed design.

6. The Non-Federal Sponsor shall operate and maintain each increment of work at no cost to the Government. The Non-Federal Sponsor shall furnish the Government with a copy of the as-built drawings for the completed work.

7. No more frequently than every 30 calendar days, the Non-Federal Sponsor shall provide the Government an invoice with the documentation required by Article V for the Government to determine whether costs incurred by the Non-Federal Sponsor for an increment of work are eligible for inclusion in construction costs. If the Non-Federal Sponsor incurred costs for pre-Scope of Work design work for an increment of work, documentation of such costs shall be included in the Non-Federal Sponsor's initial invoice. Following completion of an increment of work, the Non-Federal Sponsor shall notify the Government, which shall conduct a final inspection of that increment of work. No later than 60 calendar days after the Government conducts the final inspection, the Non-Federal Sponsor shall provide its final invoice for that increment of work, unless an extension is requested by Non-Federal Sponsor in writing and approved by the Government.

C. Using information developed and provided by the Non-Federal Sponsor, the Government shall ensure environmental compliance activities necessary to achieve compliance with all applicable environmental laws and regulations for design and construction of an increment of work are completed prior to initiation of construction on that increment of work. For each increment of work, the Government will notify the Non-Federal Sponsor in writing when such compliance has been completed.

D. The Government may perform periodic inspections to verify the progress of construction and that work is being performed in a satisfactory manner. In addition, the Government may provide technical assistance to the Non-Federal Sponsor on an as-needed basis during design and construction of an increment of work. Further, the Government shall perform a final inspection to verify satisfactory completion of an increment of work.

E. For each increment of work, the Government shall be responsible for 75 percent of construction costs, with reimbursement for costs incurred by the Non-Federal Sponsor determined in accordance with this paragraph. The Government shall review each invoice provided by the Non-Federal Sponsor and, based on the procedures, requirements, and conditions provided in Article V, shall determine the costs, or portion thereof, that are eligible

for inclusion in construction costs. To the maximum extent practicable, within 30 days of receipt of each invoice, the Government, subject to the availability of Federal funds, shall reimburse the Non-Federal Sponsor for costs for each invoice by taking 75 percent of the Non-Federal Sponsor's eligible costs, less 25 percent of the costs incurred by the Government during that same invoice period. The Government shall provide a written explanation to the Non-Federal Sponsor for costs it determines are not eligible for inclusion in construction costs.

F. The Government shall ensure compliance with the National Historic Preservation Act (NHPA) of 1966, as amended, prior to initiation of construction. All costs incurred by the Government and the Non-Federal Sponsor for actions associated with historic preservation, including, but not limited to, the identification and treatment of historic properties as those properties are defined in the NHPA and the mitigation of adverse effects other than data recovery, as the Government determines necessary and subject to audit in accordance with Article X.B. to determine reasonableness, allocability, and allowability of such costs, shall be included in construction costs and shared in accordance with the provisions of this Agreement. If historic properties are discovered during construction and the effect(s) of construction are determined to be adverse, strategies shall be developed to avoid, minimize, or mitigate these adverse effects. In accordance with 54 U.S.C. 312507, up to 1 percent of the total amount available for each increment of work may be applied toward data recovery of historic properties and such costs shall be borne entirely by the Government. In the event that costs associated with data recovery of historic properties exceed 1 percent of the total amount authorized to be appropriated for each increment of work, in accordance with 54 U.S.C. 312508, the Government will seek a waiver from the 1 percent limitation under 54 U.S.C. 312507 and upon receiving the waiver, will proceed with data recovery at full federal expense. Nothing in this Agreement shall limit or otherwise prevent the Non-Federal Sponsor from voluntarily contributing costs associated with data recovery that exceed 1 percent.

G. The Non-Federal Sponsor shall not use Federal program funds to meet any of its obligations under this Agreement unless the Federal agency providing the funds verifies in writing that the funds are authorized to be used for the increment of work. Federal program funds are those funds provided by a Federal agency, plus any non-Federal contribution required as a matching share for such work.

H. The Non-Federal Sponsor and the Government, in consultation with appropriate Federal and State officials, shall develop a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

I. If the Non-Federal Sponsor elects to include betterments in the design or construction of an increment of work, the Non-Federal Sponsor shall notify the Government in writing and describe the betterments it intends to design and construct. The Non-Federal Sponsor shall be solely responsible for all costs due to betterments, including costs associated with obtaining permits for such work, without reimbursement by the Government.

ARTICLE III - REAL PROPERTY INTERESTS, RELOCATIONS, AND COMPLIANCE WITH PUBLIC LAW 91-646, AS AMENDED

A. The Government and Non-Federal Sponsor shall jointly determine the real property interests required for construction, operation, and maintenance of each increment of work and the Non-Federal Sponsor shall provide the Government with general written descriptions, including maps as appropriate, of such real property interests. Upon written confirmation by the Government, the Non-Federal Sponsor shall acquire such real property interests and notify the Government in writing when such interests have been acquired. The Non-Federal Sponsor shall ensure that real property interests provided for such work are retained in public ownership and, in accordance with Article IV.A., that the real property interests are investigated and that HTRW does not exist in, on, or under the real property interests.

B. The Government and Non-Federal Sponsor shall jointly determine the relocations required for construction, operation, and maintenance of each increment of work and the Non-Federal Sponsor shall provide the Government with general written descriptions, including maps and plans and specifications, as appropriate, for such relocations. Upon written confirmation by the Government, the Non-Federal Sponsor shall perform or ensure performance of such relocations and notify the Government in writing when such relocations have been accomplished.

C. As required by Sections 210 and 305 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended (42 U.S.C. 4630 and 4655), and Section 24.4 of the Uniform Regulations contained in 49 C.F.R. Part 24, the Non-Federal Sponsor assures that (1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under Sections 4622, 4623 and 4624 of Title 42 of the U.S. Code; (2) relocation assistance programs offering the services described in Section 4625 of Title 42 of the U.S. Code shall be provided to such displaced persons; (3) within a reasonable period of time prior to displacement, comparable replacement dwellings will be available to displaced persons in accordance with Section 4625(c)(3) of Title 42 of the U.S. Code; (4) in acquiring real property, the Non-Federal Sponsor will be guided, to the greatest extent practicable under State law, by the land acquisition policies in Section 4651 and the provision of Section 4652 of Title 42 of the U.S. Code; and (5) property owners will be paid or reimbursed for necessary expenses as specified in Sections 4653 and 4654 of Title 42 of the U.S. Code.

ARTICLE IV - HTRW

A. The Non-Federal Sponsor shall be responsible for undertaking any investigations to identify the existence and extent of any HTRW regulated under applicable law, that may exist in, on, or under real property interests required for construction, operation, and maintenance of each increment of work.

B. In the event the Non-Federal Sponsor discovers that HTRW exists in, on, or under any of the real property interests needed for construction, operation, and maintenance of an increment of work, within 15 calendar days of such discovery, the Non-Federal Sponsor, in

addition to providing any other notice required by applicable law, shall provide written notice to the Government. If HTRW is discovered prior to acquisition, the Non-Federal Sponsor shall not proceed with the acquisition of such real property interests until the parties agree that the Non-Federal Sponsor should proceed. If HTRW is discovered after acquisition of the real property interests, no further activities on that increment of work shall proceed until the parties agree on an appropriate course of action.

1. If the Non-Federal Sponsor initiates or continues construction, the Non-Federal Sponsor shall be responsible, as between the Government and the Non-Federal Sponsor, for the performance and costs of HTRW cleanup and response, including the costs of any studies and investigations necessary to determine an appropriate response to the contamination. Such costs shall be paid by the Non-Federal Sponsor, without reimbursement or credit by the Government.

2. In the event the Non-Federal Sponsor fails to discharge its responsibilities under this Article, the Government may suspend or terminate future performance under this Agreement, including reimbursements pursuant to Article II.E.

C. As between the Government and the Non-Federal Sponsor, the Non-Federal Sponsor shall be considered the owner and operator of each increment of work for purposes of CERCLA liability or other applicable law.

D. Any decision made pursuant to this Article shall not relieve any third party from any HTRW liability that may arise under applicable law.

ARTICLE V - DETERMINATION OF ELIGIBLE NON-FEDERAL SPONSOR COSTS

A. The Government and the Non-Federal Sponsor agree that the Non-Federal Sponsor's costs that are eligible for inclusion in the construction costs for an increment of work shall be determined in accordance with the following procedures, requirements, and conditions and shall be subject to audit in accordance with Article X.B. to determine reasonableness, allocability, and allowability of costs.

1. Real Property Interests.

a. General Procedure. The Government shall include in construction costs the value of required real property interests acquired from private owners after the date of approval of the Scope of Work for an increment of work except that the value of real property interests donated to the Non-Federal Sponsor are not eligible for inclusion in construction costs. The Non-Federal Sponsor shall obtain for each required real property interest acquired from private owners an appraisal of the fair market value of such interest that is prepared by a qualified appraiser who is acceptable to the parties. Subject to valid jurisdictional exceptions, the appraisal shall conform to the Uniform Standards of Professional Appraisal Practice. The appraisal must be prepared in accordance with the applicable rules of just compensation, as specified by the Government.

(1) Date of Valuation. The fair market value of real property interests acquired from private owners by the Non-Federal Sponsor after the date of approval of the Scope of Work for an increment of work shall be the fair market value of such real property interests at the time the interests are acquired.

(2) Except for real property interests acquired through eminent domain proceedings after the date of approval of the Scope of Work for an increment of work, the Non-Federal Sponsor shall submit an appraisal for each real property interest to the Government for review and approval no later than, to the maximum extent practicable, 60 calendar days after the Non-Federal Sponsor concludes the acquisition of the interest. If, after coordination and consultation with the Government, the Non-Federal Sponsor is unable to provide an appraisal that is acceptable to the Government, the Government shall obtain an appraisal to determine the fair market value of the real property interest for valuation purposes.

(3) The Government shall include in the construction costs the appraised amount approved by the Government. Where the amount paid or proposed to be paid by the Non-Federal Sponsor exceeds the approved appraised amount, the Government, at the request of the Non-Federal Sponsor, shall consider all factors relevant to determining fair market value and, in its sole discretion, after consultation with the Non-Federal Sponsor, may approve in writing an amount greater than the appraised amount.

b. Eminent Domain Procedure. For real property interests acquired by eminent domain proceedings after the date of approval of the Scope of Work for an increment of work, the Non-Federal Sponsor shall notify the Government in writing of its intent to institute such proceedings and submit the appraisals of the specific real property interests to be acquired for review and approval by the Government. If the Government provides written approval of the appraisals, the Non-Federal Sponsor shall use the amount set forth in such appraisals as the estimate of just compensation for the purpose of instituting the eminent domain proceeding. If the Government provides written disapproval of the appraisals, the Government and the Non-Federal Sponsor shall consult to promptly resolve the issues that are identified in the Government's written disapproval. In the event the issues cannot be resolved, the Non-Federal Sponsor may use the amount set forth in its appraisal as the estimate of just compensation for purpose of instituting the eminent domain proceeding. The fair market value for valuation purposes shall be either the amount of the court award for the real property interests taken or the amount of any stipulated settlement or portion thereof that the Government approves in writing.

c. Waiver of Appraisal. Except as required by paragraph A.1.b. of this Article, the Government may waive the requirement for an appraisal pursuant to this paragraph if, in accordance with 49 C.F.R. Section 24.102(c)(2), the Non-Federal Sponsor determines that an appraisal is unnecessary because the valuation problem is uncomplicated and the anticipated value of the real property interest proposed for acquisition is estimated at $25,000 or less, based on a review of available data. When the Non-Federal Sponsor determines that an appraisal is unnecessary, the Non-Federal Sponsor shall prepare the written waiver valuation required by 49 C.F.R. Section 24.102(c)(2) and submit a copy thereof to the Government for approval. When the anticipated value of the real property interest exceeds $10,000, the Non-Federal Sponsor must offer the owner the option of having the Non-Federal Sponsor appraise the real property interest.

d. Incidental Costs. The Government shall include in construction costs eligible incidental costs, documented to the satisfaction of the Government, that the Non-Federal Sponsor incurs in acquiring required real property interests from private owners for an increment of work after the date of approval of the Scope of Work for such work. Such incidental costs include closing and title costs, appraisal costs, survey costs, attorney's fees, plat maps, mapping costs, actual amounts expended for payment of any relocation assistance benefits provided in accordance with Article III.C., and other payments by the Non-Federal Sponsor for items that are generally recognized as compensable, and required to be paid, by applicable state law due to the acquisition of required real property interests.

e. Any publicly owned real property interests or real property interests owned by the Non-Federal Sponsor on the date of approval of the Scope of Work and required for an increment of work will be provided by the Non-Federal Sponsor at no cost to the Government.

2. Relocations. The Government shall include in construction costs eligible costs of required relocations performed by the Non-Federal Sponsor after approval of the Scope of Work for an increment of work.

a. For a relocation other than a highway, eligible costs shall be only that portion of relocation costs that the Government determines is necessary to provide a functionally equivalent facility, reduced by depreciation, as applicable, and by the salvage value of any removed items.

b. For a relocation of a highway, which is any highway, roadway, or street, including any bridge thereof, that is owned by a public entity, the eligible costs shall be only that portion of relocation costs that would be necessary to accomplish the relocation in accordance with the design standard that the State of Arizona would apply under similar conditions of geography and traffic load, reduced by the salvage value of any removed items.

c. Relocation costs include actual costs of performing the relocation; planning, engineering, and design costs; and supervision and administration costs, as determined by the Government. Relocation costs do not include any costs associated with betterments, as determined by the Government, nor any additional cost of using new material when suitable used material is available.

3. Design and Construction Work. The Government shall include in construction costs for an increment of work eligible costs of the design and construction work performed by the Non-Federal Sponsor after the date of approval of the Scope of Work for such work, and eligible costs of pre-Scope of Work design work, if any.

a. The Non-Federal Sponsor shall provide documentation, satisfactory to the Government, for the Government to determine the amount of eligible costs. Appropriate documentation includes invoices and certification of specific payments to contractors, suppliers, and the Non-Federal Sponsor's employees. Where the Non-Federal Sponsor's cost for completed

pre-Scope of Work design work is expressed as fixed costs plus a percentage of the construction costs for the increment of work, the Non-Federal Sponsor shall renegotiate such costs with its contractor based on actual costs.

b. The following costs are not eligible for inclusion in construction costs for an increment of work: interest charges, or any adjustment to reflect changes in price levels between the time the design or construction work is completed; pre-Scope of Work design work previously reimbursed under another agreement; design or construction work obtained at no cost to the Non-Federal Sponsor; costs that exceed the Government's estimate of the cost for such design and construction work; or any construction work initiated on an increment of work prior to completion of environmental compliance for such work.

4. Permit Work. The Government shall include in construction costs for an increment of work eligible costs of permit work performed by the Non-Federal Sponsor after the date of approval of the Scope of Work for such work. Eligible costs shall be equivalent to the direct costs, documented to the satisfaction of the Government, that the Non-Federal Sponsor incurs in obtaining all permits and licenses necessary for design, construction, operation and maintenance of the increment of work, including the permits necessary for construction, operation, and maintenance of the increment of work on publicly owned or controlled real property interests. Appropriate documentation includes invoices and certification of specific payments to contractors, suppliers, and the Non-Federal Sponsor's employees involved in obtaining such permits. Failure to comply with these permits and licenses may result in the Government denying, in whole or part, inclusion of the Non-Federal Sponsor's costs for design and construction of an increment of work in construction costs.

5. Compliance with Federal Labor Laws. In undertaking construction and relocations, the Non-Federal Sponsor shall comply with applicable Federal labor laws covering non-Federal construction, including, but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (labor standards originally enacted as the Davis-Bacon Act, the Contract Work Hours and Safety Standards Act, and the Copeland Anti-Kickback Act) The Non-Federal Sponsor's failure to comply with these laws may result in the Government denying, in whole or part, inclusion of the Non-Federal Sponsor's costs for relocations and construction of an increment of work in construction costs.

B. Notwithstanding any other provision of this Agreement, the Non-Federal Sponsor shall not be entitled to credit or reimbursement for any costs it incurs for real property interests, relocations, and permit work that exceed 25 percent of construction costs for an increment of work, and any such excess amount cannot be applied towards the non-Federal cost share for another increment of work; and for any costs incurred by the Non-Federal Sponsor prior to the effective date of this Agreement, excluding costs for pre-Scope of Work design work.

ARTICLE VI - ACCOUNTING

A. As of the effective date of this Agreement, construction costs for the initial increment of work are projected to be $2,000,000, with the amount of Federal funds available for such work limited to $1,500,000. Costs incurred by the Government for the initial increment of work are projected to be $181,800. Costs incurred by the Non-Federal Sponsor for the initial

increment of work are projected to be $1,818,200, which includes eligible design and construction work after the effective date of this Agreement projected to be $1,793,200, eligible pre-Scope of Work design work projected to be $0, eligible real property interests projected to be $0, eligible relocations projected to be $0, and eligible permit work projected to be $25,000. Reimbursements pursuant to Article II.E. for eligible costs incurred by the Non-Federal Sponsor for the initial increment of work are projected to be $1,318,200. The Scope of Work for each additional increment of work will include information on the Federal funds available for the increment of work and the Non-Federal Sponsor's share of construction costs for such work. These amounts are estimates only that are subject to adjustment by the Government and are not to be construed as the total financial responsibilities of the Non-Federal Sponsor.

B. For each increment of work, the Government shall provide the Non-Federal Sponsor with monthly financial reports setting forth the estimated construction costs and the Government's and Non-Federal Sponsor's estimated shares of such costs; costs incurred by the Government to date; costs incurred by the Non-Federal Sponsor to date; the total amount of reimbursements made to the Non-Federal Sponsor to date; and the balance of the Federal funds available.

C. After the Non-Federal Sponsor has provided its final invoice to the Government for an increment of work, the Government shall conduct a final accounting and furnish the Non-Federal Sponsor with the written results of such final accounting. As a part of the final accounting, the Government will determine the total reimbursable amount by taking 75 percent of eligible costs incurred by the Non-Federal Sponsor, less 25 percent of the costs incurred by the Government for that increment of work. Should the final accounting determine that funds in excess of the total reimbursable amount have been reimbursed to the Non-Federal Sponsor, the Non-Federal Sponsor, within 60 calendar days of receipt of written notice from the Government, shall provide the Government with the full amount of such excess reimbursement by delivering a check payable to "FAO, USAED, Los Angeles (L1)" to the District Commander, or by providing an Electronic Funds Transfer of such funds in accordance with procedures established by the Government. Should the final accounting determine that the reimbursements provided to the Non-Federal Sponsor are less than the total reimbursable amount, the Government, subject to the availability of funds, shall reimburse the Non-Federal Sponsor for the amount equal to such difference.

ARTICLE VII - TERMINATION OR SUSPENSION

If at any time the Non-Federal Sponsor fails to fulfill its obligations under this Agreement, the Government may suspend or terminate design and construction assistance. If the Government determines that the Federal funds available for an increment of work will be exhausted prior to completion of such work, the Government shall notify the Non-Federal Sponsor and the Non-Federal Sponsor may continue with design and construction of such work, at no cost to the Government and without credit or reimbursement.

ARTICLE VIII - HOLD AND SAVE

The Non-Federal Sponsor shall hold and save the Government free from any and all damages arising from design, construction, or operation and maintenance of any work under this Agreement, except for damages due to the fault or negligence of the Government or its contractors.

ARTICLE IX - DISPUTE RESOLUTION

As a condition precedent to a party bringing any suit for breach of this Agreement, that party must first notify the other party in writing of the nature of the purported breach and seek in good faith to resolve the dispute through negotiation. If the parties cannot resolve the dispute through negotiation, they may agree to a mutually acceptable method of non-binding alternative dispute resolution with a qualified third party acceptable to the parties. Each party shall pay an equal share of any costs for the services provided by such a third party as such costs are incurred. The existence of a dispute shall not excuse the parties from performance pursuant to this Agreement.

ARTICLE X - MAINTENANCE OF RECORDS AND AUDITS

A. The parties shall develop procedures for the maintenance by the Non-Federal Sponsor of books, records, documents, or other evidence pertaining to costs and expenses for a minimum of three years after the final accounting. The Non-Federal Sponsor shall assure that such materials are reasonably available for examination, audit, or reproduction by the Government.

B. The Government may conduct, or arrange for the conduct of, audits. Government audits shall be conducted in accordance with applicable Government cost principles and regulations. The Government's costs of audits shall not be included in construction costs.

C. To the extent permitted under applicable Federal laws and regulations, the Government shall allow the Non-Federal Sponsor to inspect books, records, documents, or other evidence pertaining to costs and expenses maintained by the Government, or at the request of the Non-Federal Sponsor, provide to the Non-Federal Sponsor or independent auditors any such information necessary to enable an audit of the Non-Federal Sponsor's activities under this Agreement. The costs of non-Federal audits shall be paid solely by the Non-Federal Sponsor without reimbursement or credit by the Government.

ARTICLE XI - RELATIONSHIP OF PARTIES

In the exercise of their respective rights and obligations under this Agreement, the Government and the Non-Federal Sponsor each act in an independent capacity, and neither is to be considered the officer, agent, or employee of the other. Neither party shall provide, without the consent of the other party, any contractor with a release that waives or purports to waive any rights a party may have to seek relief or redress against that contractor.

ARTICLE XII - NOTICES

A. Any notice, request, demand, or other communication required or permitted to be given under this Agreement shall be deemed to have been duly given if in writing and delivered personally or mailed by registered or certified mail, with return receipt, as follows:

If to the Non-Federal Sponsor:
City Mayor
Becky Daggett
211 West Aspen Avenue
Flagstaff, AZ 86001

If to the Government:
District Commander
U.S. Army Corps of Engineers, Los Angeles District
915 Wilshire Blvd
Los Angeles, CA 90017

B. A party may change the recipient or address to which such communications are to be directed by giving written notice to the other party in the manner provided in this Article.

ARTICLE XIII - CONFIDENTIALITY

To the extent permitted by the laws governing each party, the parties agree to maintain the confidentiality of exchanged information when requested to do so by the providing party.

ARTICLE XIV - THIRD PARTY RIGHTS, BENEFITS, OR LIABILITIES

Nothing in this Agreement is intended, nor may be construed, to create any rights, confer any benefits, or relieve any liability, of any kind whatsoever in any third person not a party to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which shall become effective upon the date it is signed by the District Commander.

DEPARTMENT OF THE ARMY

BY: _____
Andrew J. Baker
Colonel, U.S. Army
District Commander

DATE: 10 June 2024

CITY OF FLAGSTAFF

BY: Becky Daggett
Becky Daggett
Mayor, City of Flagstaff

DATE: _____

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Stacey Brechler-Knaggs, Grants, Contracts & Emergency Management Director

Co-Submitter: Trevor Henry

Date: 09/26/2024

Meeting Date: 10/01/2024

TITLE:

Consideration and Approval of Contract: Ratify the Agreement with the USDA, Forest Service for the Spruce Wash, Wedge Detention Basin

STAFF RECOMMENDED ACTION:

Ratify the Agreement between the USDA, Forest Service Southwestern Region, Coconino National Forest and the City of Flagstaff for the Spruce Wash, Wedge Detention Basin in the amount of $3,500,000.

Executive Summary:

The Federal Financial Assistance award was made on July 3, 2024, under the authority of the Consolidated Appropriations Act of 222, P.L. 117-103. The funding is Community Project Funding-2022 Congressionally Directed Spending. The agreement was signed by the City Manager on August 27, 2024.

Financial Impact:

Project Name: The Wedge Detention Basin
Cost: $7,957,055 (Federal Share $3,500,000, City Share $3,500,000, Additional City Over Match $957,055)
Account Number Budgeted: 410-08-385-3570-3-4***
FY Budgeted Amount: $3,079,618 in FY24-25 and $5,201,585 in FY25-26
Grant Funded: Yes
Funding Source: USDA, Forest Service Southwestern Region, Coconino National Forest

Policy Impact:

None

Previous Council Decision or Community Discussion:

None

Options and Alternatives to Recommended Action:

1. Ratify the Agreement to authorize the USDA, Forest Service to provide the $3,500,000; or
2. Do not approve the ratification of the Agreement, thereby foregoing the $3,500,000. This option is not recommended by staff.

Background and History:

The project includes clearing and excavation of a portion of a ~4.6 acre City-owned parcel bounded by West Street, Cedar Avenue and the Linda Vista Drive slip lane for a detention basin and infiltration/wetland feature. Once complete, the off-line basin will provide approximately 15 acre-feet of storage to attenuate post-wildfire

flows from the 2019 Museum Fire on Coconino National Forest lands. Flow will be diverted from Spruce Wash, once a certain flood depth is reached, and conveyed via a 60-inch stormdrain pipe in Linda Vista Drive. The stormdrain piping is a separate scope of work.

The Wedge project includes approximately 38,000 cubic yards of earthwork, a retaining wall, inlet and outlet structures, a slide gate and steel safety railing. The retaining wall is a structural soil nail system with a shotcrete finish on a portion of the basin. The wall will have color, texture and a slight batter to improve aesthetics. The inlet structure includes a motorized slide gate intended to stop flow from the stormdrain when critical depth is reached. The slide gate will be motorized and integrated with the City's SCADA system which requires an electrical service and APS upgrades. Outflow from the basin is limited by the capacity of the downstream infrastructure and the outlet structure includes an orifice plate and piping to connect to the stormdrain system in Cedar Avenue which returns it to Spruce Wash. Drainage improvements are required downstream of the Wedge Basin between Cedar Avenue and Arroyo Seco, this improvement may be completed separate from this project but is to be determined.

Connection to PBB Priorities and Objectives:
High Performing Governance - Enhance the organization's fiscal stability and increase efficiency and effectiveness.
Sustainable, Innovative Infrastructure - Deliver outstanding services to residents through a healthy, well maintained infrastructure system.

Connection to Regional Plan:
NA

Connection to Carbon Neutrality Plan:
NA

Connection to 10-Year Housing Plan:
NA

Connection to Division Specific Plan:
NA

Attachments: USDA Agreement for the Spruce Wash Wedge Detention Basin

FEDERAL FINANCIAL ASSISTANCE
AWARD OF DOMESTIC GRANT 24-DG-11030000-015
Between The
CITY OF FLAGSTAFF
And The
USDA, FOREST SERVICE
SOUTHWESTERN REGION, COCONINO NATIONAL FOREST

Project Title: The Wedge Detention Basin

Upon execution of this document, an award to the City of Flagstaff, hereinafter referred to as "Flagstaff," in the amount of **$3,500,000**, is made under the authority of the Consolidated Appropriations Act of 2022, P.L. 117-103. The Federal Assistance Listing (formerly Catalog of Federal Domestic Assistance - CFDA) number and name are 10.723, Community Project Funding - 2022 Congressionally Designated Funding. Flagstaff accepts this award for the purpose described in the application narrative. Your application for Federal financial assistance, dated July 3, 2024, and the attached Forest Service provisions, 'Forest Service Award Provisions,' are incorporated into this letter and made a part of this award.

This authority requires a match of 1:1, which your organization has agreed to provide as shown in the attached application, financial plan and narrative.

This is an award of Federal financial assistance. Prime and sub-recipients to this award are subject to the OMB guidance in subparts A through F of 2 CFR Part 200 as adopted and supplemented by the USDA in 2 CFR Part 400. Adoption by USDA of the OMB guidance in 2 CFR 400 gives regulatory effect to the OMB guidance in 2 CFR 200 where full text may be found.

Electronic copies of the CFRs can be obtained at the following internet site: www.ecfr.gov. If you are unable to retrieve these regulations electronically, please contact your Grants and Agreements Office at 505-382-9982.

The following administrative provisions apply to this award:

A. LEGAL AUTHORITY. Flagstaff shall have the legal authority to enter into this award, and the institutional, managerial, and financial capability to ensure proper planning, management, and completion of the project, which includes funds sufficient to pay the non-Federal share of project costs, when applicable.

B. PRINCIPAL CONTACTS. Individuals listed below are authorized to act in their respective areas for matters related to this award.

Principal Cooperator Contacts:

Cooperator Program Contact	Cooperator Administrative Contact
Stacey Brechler-Knaggs 211 West Aspen Ave Flagstaff, AZ 86001 Telephone: 928-213-2227 Email: sknaggs@flagstaffaz.gov	Stacey Brechler-Knaggs 211 West Aspen Ave Flagstaff, AZ 86001 Telephone: 928-213-2227 Email: sknaggs@flagstaffaz.gov

Principal Forest Service Contacts:

Forest Service Program Manager Contact	Forest Service Administrative Contact
Amber Dorsch 1824 S. Thompson St Flagstaff, AZ 86001 Telephone: 928-527-3440 Email: amber.dorsch@usda.gov	Sara Comas 201 14th Ave SW Washington, DC 20250 Telephone: 505-382-9982 Email: sara.comas@usda.gov

C. SYSTEM FOR AWARD MANAGEMENT REGISTRATION REQUIREMENT (SAM). Flagstaff shall maintain current organizational information and the original Unique Entity Identifier (UEI) provided for this agreement in the System for Award Management (SAM) until receipt of final payment. This requires annual review and updates, when needed, of organizational information after the initial registration. More frequent review and updates may be required for changes in organizational information or agreement term(s). Any change to the original UEI provided in this agreement will result in termination of this agreement and de-obligation of any remaining funds. For purposes of this agreement, System for Award Management (SAM) means the Federal repository into which an entity must provide information required for the conduct of business as a Cooperative. Additional information about registration procedures may be found at the SAM Internet site at www.sam.gov.

D. ADVANCE & REIMBURSABLE PAYMENTS – FINANCIAL ASSISTANCE. Advance and reimbursable payments are approved under this award. Only costs for those project activities approved in (1) the initial award, or (2) modifications thereto, are allowable. Requests for payment must be submitted on Standard Form 270 (SF-270), Request for Advance or Reimbursement, and must be submitted no more than monthly. In order to approve a Request for Advance Payment or Reimbursement, the Forest Service shall review such requests to ensure advances or payments for reimbursement are in compliance and otherwise consistent with OMB, USDA, and Forest Service regulations.

Advance payments must not exceed the minimum amount needed or no more than is needed for a 30-day period, whichever is less. If the Recipient receives an advance payment and subsequently requests an advance or reimbursement payment, then the request must clearly demonstrate that the previously advanced funds have been fully

expended before the Forest Service can approve the request for payment. Any funds advanced, but not spent, upon expiration of this award must be returned to the Forest Service.

The Program Manager reserves the right to request additional information prior to approving a payment.

The invoice must be sent by one of three methods:	Send a copy to:
EMAIL (preferred): SM.FS.asc_ga@usda.gov FAX: 877-687-4894 POSTAL: USDA Forester Service Budget & Finance - Grants and Agreements 4000 Masthead St, NE Albuquerque, NM 87109	Amber Dorsch: amber.dorsch@usda.gov

E. INDIRECT COST RATES. The cooperator will not assess indirect against this award.

F. PRIOR WRITTEN APPROVAL. Flagstaff shall obtain prior written approval pursuant to conditions set forth in 2 CFR 200.407.

G. MODIFICATIONS. Modifications within the scope of this award must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change. The Forest Service is not obligated to fund any changes not properly approved in advance.

H. PERIOD OF PERFORMANCE. This agreement is executed as of the date of the Forest Service signatory official signature. Pre-award costs are authorized as of 07/01/2024 pursuant to 2 CFR 200.458.

The end date, or expiration date is **06/30/2025**. This instrument may be extended by a properly executed modification. *See Modification Provision above*.

I. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this award. In witness whereof the parties hereto have executed this award.

S Anderson 8/27/24

FOR GREG CLIFTON, City Manager Date
City of Flagstaff

AARON MAYVILLE, Forest Supervisor Date
U.S. Forest Service, Coconino National Forest

The authority and the format of this award have been reviewed and approved for signature. SARA COMAS Digitally signed by SARA COMAS Date: 2024.07.16 17:42:28 -04'00'

SARA COMAS Date
Forest Service Grants Management Specialist

Approved as to Form:

For
City Attorney

ATTEST:

Stacy Saltzburg
City Clerk

ATTACHMENT A: FOREST SERVICE AWARD PROVISIONS

A. COLLABORATIVE ARRANGEMENTS. Where permitted by terms of the award and Federal law, Flagstaff a may enter into collaborative arrangements with other organizations to jointly carry out activities with Forest Service funds available under this award.

B. FOREST SERVICE LIABILITY TO THE RECIPIENT. The United States shall not be liable to Flagstaff for any costs, damages, claims, liabilities, and judgments that arise in connection with the performance of work under this award, including damage to any property owned by Flagstaff or any third party.

C. NOTICES. Any notice given by the Forest Service or Flagstaff will be sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the Forest Service Program Manager, at the address specified in the award.

To Flagstaff, at the address shown in the award or such other address designated within the award.

Notices will be effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

D. SUBAWARDS. Prior approval is required to issue subawards under this grant. The intent to subaward must be identified in the approved budget and scope of work and approved in the initial award or through subsequent modifications. Approval of each individual subaward is not required, however the cooperator must document that each sub-recipient does NOT have active exclusions in the System for Award Management (sam.gov).

The Cooperator must also ensure that they have evaluated each subrecipient's risk in accordance with 2 CFR 200.332 (b).

Any subrecipient under this award must be notified that they are subject to the OMB guidance in subparts A through F of 2 CFR Part 200, as adopted and supplemented by the USDA in 2 CFR Part 400. Any sub-award must follow the regulations found in 2 CFR 200.331 through .333.

All subawards $30,000 or more must be reported at fsrs.gov in compliance with 2 CFR 170. *See Attachment B for full text.*

E. FINANCIAL STATUS REPORTING. A Federal Financial Report, Standard Form SF-425 (and Federal Financial Report Attachment, SF-425A, if required for reporting multiple awards), must be submitted quarterly. These reports are due 30 days after the reporting period ending March 31, June 30, September 30 and December 31. The final

SF-425 (and SF-425A, if applicable) must be submitted either with the final payment request or no later than 120 days from the expiration date of the award. These forms may be found at https://www.grants.gov/web/grants/forms.html.

F. PROGRAM PERFORMANCE REPORTS. The recipient shall perform all actions identified and funded in application/modification narratives within the performance period identified in award.

In accordance with 2 CFR 200.301, reports must relate financial data to performance accomplishments of the federal award.

Flagstaff shall submit quarterly performance reports. These reports are due 30 days after the reporting period ending March 31, June 30, September 30 and December 31. The final performance report shall be submitted either with Flagstaff's final payment request, or separately, but not later than 120 days from the expiration date of the award.

- Additional pertinent information: submit a copy of all reports to SM.FS.R3SPTF@usda.gov.

G. NOTIFICATION. Flagstaff shall immediately notify the Forest Service of developments that have a significant impact on the activities supported under this award. Also, notification must be given in case of problems, delays or adverse conditions that materially impair the ability to meet the objectives of the award. This notification must include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

H. CHANGES IN KEY PERSONNEL. Any revision to key personnel identified in this award requires notification of the Forest Service Program Manager by email or letter.

I. USE OF FOREST SERVICE INSIGNIA. In order for Flagstaff to use the Forest Service insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted by the Forest Service's Office of Communications (Washington Office). A written request will be submitted by Forest Service, Program Manager, to the Office of Communications Assistant Director, Visual Information and Publishing Services prior to use of the insignia. The Forest Service Program Manager will notify Flagstaff when permission is granted.

J. FUNDING EQUIPMENT. Federal funding under this award is not available for reimbursement of Flagstaff's purchase of equipment. Equipment is defined as having a fair market value of $5,000 or more per unit and a useful life of over one year. Supplies are those items that are not equipment.

K. PUBLIC NOTICES. It is Forest Service's policy to inform the public as fully as possible of its programs and activities. Flagstaff is encouraged to give public notice of the receipt of this award and, from time to time, to announce progress and accomplishments.

Flagstaff may call on Forest Service's Office of Communication for advice regarding public notices. Flagstaff is requested to provide copies of notices or announcements to the Forest Service Program Manager and to Forest Service's Office Communications as far in advance of release as possible.

L. DISPUTES. In the event of any issue of controversy under this agreement, the parties may pursue Alternate Dispute Resolution (ADR) procedures to voluntarily resolve those issues. These procedures may include, but are not limited to conciliation, facilitation, mediation, and fact finding.

Should the parties be unable to resolve the issue of controversy through ADR, then the Signatory Official will make the decision. A written copy of the decision will be provided to the Cooperator.

Decisions of the Signatory Official shall be final unless, within 30 days of receipt of the decision of the Signatory Official, the Cooperator appeals the decision to the Forest Service's Deputy Chief, State, Private, and Tribal Forestry (SPTF). Any appeal made under this provision shall be in writing and addressed to the Deputy Chief, SPTF, USDA, Forest Service, Washington, DC 20024. A copy of the appeal shall be concurrently furnished to the Signatory Official.

A decision under this provision by the Deputy Chief, SPTF, is final. The final decision by the Deputy Chief, SPTF, does not preclude the Cooperator from pursuing remedies available under the law.

M. AWARD CLOSEOUT. Flagstaff must submit, no later than 120 calendar days after the end date of the period of performance, all financial, performance, and other reports as required by the terms and conditions of the Federal award.

Any unobligated balance of cash advanced to Flagstaff must be immediately refunded to the Forest Service, including any interest earned in accordance with 2 CFR 200.344(d).

If this award is closed without audit, the Forest Service reserves the right to disallow and recover an appropriate amount after fully considering any recommended disallowances resulting from an audit which may be conducted later.

N. TERMINATION. This award may be terminated, in whole or part pursuant to 2 CFR 200.340.

O. DEBARMENT AND SUSPENSION. Flagstaff shall immediately inform the Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should Flagstaff or any of their principals receive a transmittal letter or other official federal notice of debarment or suspension, then they shall notify the Forest Service without undue delay. This applies whether the exclusion,

debarment, or suspension is voluntary or involuntary. The Recipient shall adhere to 2 CFR Part 180 Subpart C in regards to review of sub-recipients or contracts for debarment and suspension.

All subrecipients and contractors must complete the form AD-1048, Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion, Lower Tier Covered Transactions. Blank forms are available electronically. Completed forms must be kept on file with the primary recipient.

P. MEMBERS OF CONGRESS. Pursuant to 41 U.S.C. 22, no member of, or delegate to, Congress shall be admitted to any share or part of this award, or benefits that may arise therefrom, either directly or indirectly.

Q. SCIENTIFIC INTEGRITY. USDA is committed to the highest levels of integrity in all of our scientific activities and decision making. This includes to performing, recording and reporting the results of scientific activities with honesty, objectivity, and transparency. All persons performing under this agreement shall adhere to the principles of scientific integrity described in Departmental Regulation (DR) 1074-001.

R. GEOSPATIAL DATA. All data collected will meet the requirements of the Geospatial Data Act of 2018 where applicable. This will always include the documentation of all relevant metadata standards, use of standard data formats; description of quantitative measures of uncertainty and source of uncertainty and sources of uncertainty associated with the data. Additionally, the data must meet specific standards specified elsewhere to ensure the data is useful to support the USDA's mission. The recipient/cooperator agrees to comply with USDA's Department-wide enterprise geospatial data management policy implemented in Departmental Regulation 3465-001 which establishes the USDA policy for defining the strategic direction necessary to optimize the management of the USDA geospatial data and geospatial infrastructure, including all geospatial data created for, by, and enhanced by USDA.

S. PUBLIC ACCESS TO SCHOLARLY PUBLICATIONS AND DIGITAL SCIENTIFIC RESEARCH DATA. The recipient agrees to comply with USDA's Department-wide public access policy implemented in Departmental Regulation 1020-006 which establishes the USDA policy for public access to scholarly publications and digital scientific research data assets. The USDA will make all peer-reviewed, scholarly publications and digital scientific research data assets arising from unclassified scientific research supported wholly or in part by the USDA accessible to the public, to the extent practicable.

T. BUY AMERICA BUILD AMERICA. Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for an infrastructure project unless:

(1) All iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(2) All manufactured products used in the project are produced in the United States— this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product; and

(3) All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The construction material standards are listed below.

Incorporation into an infrastructure project. The Buy America Preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America Preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.
Categorization of articles, materials, and supplies. An article, material, or supply should only be classified into one of the following categories: (i) Iron or steel products; (ii) Manufactured products; (iii) Construction materials; or (iv) Section 70917(c) materials. An article, material, or supply should not be considered to fall into multiple categories. In some cases, an article, material, or supply may not fall under any of the categories listed in this paragraph. The classification of an article, material, or supply as falling into one of the categories listed in this paragraph must be made based on its status at the time it is brought to the work site for incorporation into an infrastructure project. In general, the work site is the location of the infrastructure project at which the iron, steel, manufactured products, and construction materials will be incorporated.

Application of the Buy America Preference by category. An article, material, or supply incorporated into an infrastructure project must meet the Buy America Preference for only the single category in which it is classified.

Determining the cost of components for manufactured products. In determining whether the cost of components for manufactured products is greater than 55 percent of the total cost of all components, use the following instructions:

(a) For components purchased by the manufacturer, the acquisition cost, including transportation costs to the place of incorporation into the manufactured product

(whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or

(b) For components manufactured by the manufacturer, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (a), plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the manufactured product.

Construction material standards. The Buy America Preference applies to the following construction materials incorporated into infrastructure projects. Each construction material is followed by a standard for the material to be considered "produced in the United States." Except as specifically provided, only a single standard should be applied to a single construction material.

(1) Non-ferrous metals. All manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States.

(2) Plastic and polymer-based products. All manufacturing processes, from initial combination of constituent plastic or polymer-based inputs, or, where applicable, constituent composite materials, until the item is in its final form, occurred in the United States.

(3) Glass. All manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.

(4) Fiber optic cable (including drop cable). All manufacturing processes, from the initial ribboning (if applicable), through buffering, fiber stranding and jacketing, occurred in the United States. All manufacturing processes also include the standards for glass and optical fiber, but not for non-ferrous metals, plastic and polymer-based products, or any others.

(5) Optical fiber. All manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.

(6) Lumber. All manufacturing processes, from initial debarking through treatment and planning, occurred in the United States.

(7) Drywall. All manufacturing processes, from initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels, occurred in the United States.

(8) Engineered wood. All manufacturing processes from the initial combination of constituent materials until the wood product is in its final form, occurred in the United States.

Waivers. When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. The agency should notify the recipient for information on the process for requesting a waiver from these requirements.

When the Federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the Buy America Preference in any case in which the agency determines that:

(1) applying the Buy America Preference would be inconsistent with the public interest;

(2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or

(3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the Buy America Preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office.

There may be instances where an award qualifies, in whole or in part, for an existing waiver described at USDA Buy America Waivers for Federal Financial Assistance.

Definitions

"Buy America Preference" means the "domestic content procurement preference" set forth in section 70914 of the Build America, Buy America Act, which requires the head of each Federal agency to ensure that none of the funds made available for a Federal award for an infrastructure project may be obligated unless all of the iron, steel, manufactured products, and construction materials incorporated into the project are produced in the United States.

"Construction materials" means articles, materials, or supplies that consist of only one of the items listed in paragraph (1) of this definition, except as provided in paragraph (2) of this definition. To the extent one of the items listed in paragraph (1) contains as inputs other items listed in paragraph (1), it is nonetheless a construction material.

(1) The listed items are:

(i) Non-ferrous metals;

(ii) Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);

(iii) Glass (including optic glass);

(iv) Fiber optic cable (including drop cable);

(v) Optical fiber;

(vi) Lumber;

(vii) Engineered wood; and

(viii) Drywall.

(2) Minor additions of articles, materials, supplies, or binding agents to a construction material do not change the categorization of the construction material.

"Infrastructure" means public infrastructure projects in the United States, which includes, at a minimum, the structures, facilities, and equipment for roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property; and structures, facilities, and equipment that generate, transport, and distribute energy including electric vehicle (EV) charging.

"Infrastructure project" means any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States regardless of whether infrastructure is the primary purpose of the project. See also paragraphs (c) and (d) of 2 CFR 184.4.

"Iron or steel products" means articles, materials, or supplies that consist wholly or predominantly of iron or steel or a combination of both.

U. TRAFFICKING IN PERSONS.

1. Provisions applicable to a Recipient that is a private entity.

   a. You as the Recipient, your employees, Subrecipients under this award, and Subrecipients' employees may not:
      (1) Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
      (2) Procure a commercial sex act during the period of time that the award is in effect; or
      (3) Use forced labor in the performance of the award or subawards under the award.

   b. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a Subrecipient that is a private entity:
      (1) Is determined to have violated a prohibition in paragraph a.1 of this award term; or

(2) Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either:
   i. Associated with performance under this award; or
   ii. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, ''OMB Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement),''.

2. Provision applicable to a Recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity:
   a. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
   b. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—
      (1) Associated with performance under this award; or
      (2) Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, ''OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),''

3. Provisions applicable to any recipient.
   a. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
   b. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
      (1) Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
      (2) Is in addition to all other remedies for noncompliance that are available to us under this award.
   c. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

4. Definitions. For purposes of this award term:
   a. ''Employee'' means either:
      (1) An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
      (2) Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
   b. ''Forced labor'' means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for

labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

c. "Private entity":
   (1) Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
   (2) Includes:
      i. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
      ii. A for-profit organization.

d. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

V. DRUG-FREE WORKPLACE.

1. Flagstaff agree(s) that it will publish a drug-free workplace statement and provide a copy to each employee who will be engaged in the performance of any project/program that receives federal funding. The statement must
   a. Tell the employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in its workplace;
   b. Specify the actions Flagstaff will take against employees for violating that prohibition; and
   c. Let each employee know that, as a condition of employment under any award, the employee:

      (1) Shall abide by the terms of the statement, and
      (2) Shall notify Flagstaff in writing if they are convicted for a violation of a criminal drug statute occurring in the workplace, and shall do so no more than 5 calendar days after the conviction.

2. Flagstaff agree(s) that it will establish an ongoing drug-free awareness program to inform employees about
   a. The dangers of drug abuse in the workplace;
   b. The established policy of maintaining a drug-free workplace;
   c. Any available drug counseling, rehabilitation and employee assistance programs; and
   d. The penalties that you may impose upon them for drug abuse violations occurring in the workplace.

3. Without the Program Manager's expressed written approval, the policy statement and program must be in place as soon as possible, no later than the 30 days after the effective date of this instrument, or the completion date of this award, whichever occurs first.

4. Flagstaff agrees to immediately notify the Program Manager if an employee is convicted of a drug violation in the workplace. The notification must be in writing, identify the employee's position title, the award number of each award on which the employee worked. The notification must be sent to the Program Manager within 10 calendar days after Flagstaff learns of the conviction.

5. Within 30 calendar days of learning about an employee's conviction, Flagstaff must either
   a. Take appropriate personnel action against the employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973 (29 USC 794), as amended, or
   b. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for these purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

W. PROHIBITION AGAINST USING FUNDS WITH ENTITIES THAT REQUIRE CERTAIN INTERNAL CONFIDENTIALITY AGREEMENTS.

1. The recipient may not require its employees, contractors, or subrecipients seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting them from lawfully reporting that waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.
2. The recipient must notify its employees, contractors, or subrecipients that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with paragraph (1) of this award provision are no longer in effect.
3. The prohibition in paragraph (1) of this award provision does not contravene requirements applicable to any other form issued by a Federal department or agency governing the nondisclosure of classified information.
4. If the Government determines that the recipient is not in compliance with this award provision, it;
   a. Will prohibit the recipient's use of funds under this award in accordance with sections 743, 744 of Division E of the Consolidated Appropriations Act, 2016, (Pub. L. 114-113) or any successor provision of law; and
   b. May pursue other remedies available for the recipient's material failure to comply with award terms and conditions.

X. ELIGIBLE WORKERS. Flagstaff shall ensure that all employees complete the I-9 form to certify that they are eligible for lawful employment under the Immigration and Nationality Act (8 U.S.C. 1324(a)). Flagstaff shall comply with regulations regarding certification and retention of the completed forms. These requirements also apply to any contract or supplemental instruments awarded under this award.

Y. FREEDOM OF INFORMATION ACT (FOIA). Public access to award or agreement records must not be limited, except when such records must be kept confidential and

would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552). Requests for research data are subject to 2 CFR 315(e).

Public access to culturally sensitive data and information of Federally-recognized Tribes may also be explicitly limited by P.L. 110-234, Title VIII Subtitle B §8106 (2009 Farm Bill).

Z. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All Cooperators, their Employees, Volunteers, and Contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.

AA. PROMOTING FREE SPEECH AND RELIGIOUS FREEDOM. As a recipient of USDA financial assistance, you will comply with the following:

1. Do not discriminate against applicants for sub-grants on the basis of their religious character.
2. 7 Code of Federal Regulations (CFR) part 16.3(a), Rights of Religious Organizations.
3. Statutory and National policy requirements, including those prohibiting discrimination and those described in Executive Order 13798 promoting free speech and religious freedom, 2 CFR 200.300.

BB. PROHIBITION ON CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT. The cooperator (including subrecipients) is responsible for compliance with the prohibition on certain telecommunications and video surveillance services or equipment identified in 2 CFR 200.216. See Public Law 115-232, Section 889 for additional information.

In accordance with 2 CFR 200.216, the grantee (including subrecipients) is prohibited from obligating or expending loan or grant funds for covered telecommunications equipment or services to:

(1) procure or obtain, extend or renew a contract to procure or obtain;
(2) enter into a contract (or extend or renew a contract) to procure; or
(3) obtain the equipment, services or systems.

ATTACHMENT B: 2 CFR PART 170

Appendix A to Part 170—Award Term

I. Reporting Subawards and Executive Compensation

a. *Reporting of first-tier subawards.*
   1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that equals or exceeds $30,000 in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph e. of this award term).
   2. *Where and when to report.*
      i. The non-Federal entity or Federal agency must report each obligating action described in paragraph a.1. of this award term to *http://www.fsrs.gov.*
      ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
   3. *What to report.* You must report the information about each obligating action that the submission instructions posted at *http://www.fsrs.gov specify.*

b. *Reporting total compensation of recipient executives for non-Federal entities.*
   1. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—
      i. The total Federal funding authorized to date under this Federal award equals or exceeds $30,000 as defined in 2 CFR 170.320;
      ii. in the preceding fiscal year, you received—
         (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards), and
         (B) $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and,
      iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at *http://www.sec.gov/answers/execomp.htm.*)
   2. *Where and when to report.* You must report executive total compensation described in paragraph b.1. of this award term:
      i. As part of your registration profile at *https://www.sam.gov.*
      ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. *Reporting of Total Compensation of Subrecipient Executives.*
   1. *Applicability and what to report.* Unless you are exempt as provided in paragraph d. of this award term, for each first-tier non-Federal entity subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most

highly compensated executives for the subrecipient's preceding completed fiscal year, if—

i. in the subrecipient's preceding fiscal year, the subrecipient received—
   (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards) and,
   (B) $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at *http://www.sec.gov/answers/execomp.htm.*)

2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c.1. of this award term:
   i. To the recipient.
   ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (*i.e.,* between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. *Exemptions.*
If, in the previous tax year, you had gross income, from all sources, under $300,000, you are exempt from the requirements to report:
   i. Subawards, and
   ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. *Definitions.* For purposes of this award term:
1. Federal Agency means a Federal agency as defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).
2. Non-Federal *entity* means all of the following, as defined in 2 CFR part 25:
   i. A Governmental organization, which is a State, local government, or Indian tribe;
   ii. A foreign public entity;
   iii. A domestic or foreign nonprofit organization; and,
   iv. A domestic or foreign for-profit organization
3. *Executive* means officers, managing partners, or any other employees in management positions.
4. *Subaward:*
   i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
   ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.331).
   iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

5. *Subrecipient* means a non-Federal entity or Federal agency that:
   i. Receives a subaward from you (the recipient) under this award; and
   ii. Is accountable to you for the use of the Federal funds provided by the subaward.
6. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)).

END OF ATTACHMENT B: 2 CFR PART 170

ATTACHMENT C: WHISTLEBLOWER NOTICE

Whistleblowers perform an important service to USDA and the public when they come forward with what they reasonably believe to be evidence of wrongdoing. They should never be subject to reprisal for doing so. Federal law protects federal employees as well as personal services contractors and employees of Federal contractors, subcontractors, grantees, and subgrantees against reprisal for whistleblowing. USDA bears the responsibility to ensure that nothing in a non-disclosure agreement which a contractor, subcontractor, grantee, or subgrantee requires their employees to sign should be interpreted as limiting their ability to provide information to the Office of Inspector General (OIG).

41 U.S.C. § 4712 requires the head of each executive agency to ensure that its contractors inform their workers in writing of the rights and remedies under the statute. Accordingly, it is illegal for a personal services contractor or an employee of a Federal contractor, subcontractor, grantee, or subgrantee to be discharged, demoted, or otherwise discriminated against for making a protected whistleblower disclosure. In this context, these categories of individuals are whistleblowers who disclose information that the individual reasonably believes is evidence of one of the following:

- Gross mismanagement of a Federal contract or grant;
- A gross waste of Federal funds;
- An abuse of authority relating to a Federal contract or grant;
- A substantial and specific danger to public health or safety; or
- A violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

To be protected under 41 U.S.C. § 4712, the disclosure must be made to one of the following:

- A Member of Congress, or a representative of a committee of Congress;
- The OIG;
- The Government Accountability Office (GAO);
- A Federal employee responsible for contract or grant oversight or management at USDA;
- An otherwise authorized official at USDA or other law enforcement agency;
- A court or grand jury; or
- A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.

Under 41 U.S.C. § 4712, personal services contractors as well as employees of contractors, subcontractors, grantees, or subgrantees may file a complaint with OIG, who will investigate the matter unless they determine that the complaint is frivolous, fails to allege a violation of the prohibition against whistleblower reprisal, or has been addressed in another proceeding. OIG's investigation is then presented to the head of the executive agency who evaluates the facts of the investigation and can order the contractor, subcontractor, grantee, or subgrantee

to take remedial action, such as reinstatement or back pay.

Federal Acquisition Regulation (FAR) Subpart 3.903, *Whistleblower Protections for Contractor Employees, Policy*, prohibits government contractors from retaliating against a contract worker for making a protected disclosure related to the contract. FAR Subpart 3.909-1 prohibits the Government from using funds for a contract with an entity that requires its employees or subcontractors to sign internal confidentiality statements prohibiting or restricting disclosures of fraud, waste, or abuse to designated persons. This prohibition does not contravene agreements pertaining to classified information. The regulation also requires contracting officers to insert FAR clause 52.203-17, *Contractor Employee Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights,* in all solicitations and contracts that exceed the Simplified Acquisition Threshold as defined in FAR Subpart 3.908. This clause requires notification to contractor employees that they are subject to the whistleblower rights and remedies referenced in 41 U.S.C. § 4712.

In order to make a complaint alleging any of the violations mentioned above, one should complete the OIG Hotline form located at: https://www.usda.gov/oig/hotline. For additional information, they may also visit the WPC's webpage at: https://www.usda.gov/oig/wpc or they may directly contact the WPC at OIGWPC@oig.usda.gov.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Brian Huntzinger, Water Production Manager

Date: 09/26/2024

Meeting Date: 10/01/2024

TITLE:

Consideration and Approval of Proprietary Purchase: Purchase of Saf-T-Chlor dry sodium chlorite water treatment chemicals from CDG Environmental in an amount not to exceed $200,000, annually.

STAFF RECOMMENDED ACTION:

1. Approve the Purchase of Saf-T-Chlor dry sodium chlorite water treatment chemicals from CDG Environmental, LLC in an amount not to exceed $200,000, annually; and
2. Authorize the City Manager to execute all necessary documents.

Executive Summary:

The Water Production Section of Flagstaff Water Services uses a chlorine dioxide generator used in surface water treatment at the Lake Mary Water Treatment Plant. The chlorine dioxide generator was installed by CDG Environmental, LLC in 2008. It requires the use of the proprietary chemical Saf-T-Chlor dry sodium chlorite, requested in this purchase, to produce chlorine dioxide on-site. Using chlorine dioxide and the associated generator as a pre-treatment method works well for treating metals such as iron amd manganese and as a disinfectant for bacteria, protozoa, algae and taste and odor compounds without creating disinfectant by-products (DBPs). In years of abundant surface water, such as 2020 and 2023 surface water production can account for nearly 50% daily potable water produced for the City of Flagstaff and nearly 40% total water produced on annual basis. Surface water production can have one third the electrical demand compared to groundwater production. Purchasing Saf-T-Chlor and using chlorine dioxide as a pre-treatment oxidizer is necessary to maintain current treatment processes and maximize the use of surface water from Upper Lake Mary.

Financial Impact:

Water Production annually budgets for chemical expenditures in the Drinking Water Fund under account 202-08-301-1011-0-4362 with a total budget of $408,200 in FY2024-25 to cover the costs associated with all chemicals used in water treatment.

Policy Impact:

None.

Previous Council Decision or Community Discussion:

The City Council last approved this proprietary purchase on April 16, 2019.

Options and Alternatives to Recommended Action:

1. Approve the purchase of Saf-T-Chlor dry sodium chlorite from CDG Environmental, LLC to to be used with the onsite chlorine dioxide generator at the Lake Mary Water Treatment Plant for surface water production; or
2. Reject the purchase of Saf-T-Chlor dry sodium chlorite from CDG Environmental, LLC and leave the

water production section with the options of either finding another chlorine dioxide generator or other pre-treatment/pre-oxidation system to use; or
3. Return to using chlorine for raw water pre-oxidation with the known side effects of disinfection by-product (DBP) production.

Background and History:
In 2008, the Lake Mary Water Treatment Plant upgraded the treatment process by adding an onsite chlorine dioxide generator to be able to apply chlorine dioxide to raw surface water from Upper Lake Mary. CDG Environmental, LLC was chosen as the supplier of the equipment which utilizes Saf-T-Chlor, a proprietary dry form of sodium chlorite that is used to make chlorine dioxide on-site. Due to the hazardous nature of chlorine dioxide it is illegal to ship the chemical and requires on-site generation. The use of chlorine dioxide as pre-treatment for surface water helps oxidize iron and manganese, reduce taste and odor, disinfect water containing bacteria, parasites or algae without creating disinfectant by-products (DBPs).

As required under the Procurement Code, the information regarding the proprietary status of the Saf-T-Chlor dry sodium chlorite and drums from CDG Environmental, LLC was provided to purchasing. One of the factors considered was the safety inherent in Saf-T-Chlor as the material is itself stable, shipped in sealed drums from the manufacturer, and represents minimal risk to employees and the public.

Connection to PBB Priorities and Objectives:
1. Safe and Healthy Community
2. Sustainable and Innovative Infrastructure: Deliver outstanding services to residents through a healthy well-maintained water services.

Connection to Regional Plan:
Policy WR 2.2: Maintain and develop facilities to provide reliable, safe, and cost effective water, wastewater, and reclaimed water services.

Connection to Carbon Neutrality Plan:
1. CR-1: Strengthen existing community systems to create resilience to both short-term shocks and long term change.
2. WS-1: Improve water infrastructure and expand water reuse.

Connection to 10-Year Housing Plan:
None

Connection to Division Specific Plan:
1. Objective 6: Ensure Adequate Water Resources and Plant for Climate Change
2. Objective 7: Maintain Excellent Water Quality

Attachments: Contract for Purchase of Materials
CDG Environmental

COMMODITIES PURCHASE CONTRACT
Contract No. 2025-50

This Contract is made and entered into this _____ day of _____, 20___ by and between the City of Flagstaff, a political subdivision of the State of Arizona ("City") and CDG Environmental, LLC, a Pennsylvania Limited Liability Company, with office location at 361 W Cedar St, Allentown, PA 18012 ("Contractor").

WHEREAS, the City seeks a Contractor willing to sell it the commodity or commodities identified in the letter dated August 5, 2024 attached hereto as ***Exhibit A*** (the "Commodities"); and

WHEREAS, the Contractor is willing to sell the City the Commodities for the prices identified in the letter dated August 5, 2024.

NOW THEREFORE, in consideration for the mutual promises herein, the Parties agree as follows:

1. General Description: ***Saf-T-Chlor*** Stabilized Sodium Chlorite Drum

2. Term and Renewal.

   2.1 Contract Term: The term is for a period of three (3) years unless terminated pursuant to the provisions of the Contract. The Contract will be effective as of the date signed by both parties.

   2.2 Renewal: The Contract may be renewed or extended for up to two (2), one (1)- year additional terms by mutual written consent of the parties. The City Manager or his/her designee (the Purchasing Director) shall have authority to approve renewal on behalf of the City.

   2.3 Unilateral Extension: If the Contract is due to expire prior to a formal solicitation for a new term contract award, the Contract may be unilaterally for one (1) 90-day period to maintain organizational service levels until a new formal solicitation can be conducted and a new contract awarded. The City Manager or his/her designee (the Purchasing Director) shall have the authorize to approve the extension on behalf of the City. Contractor will be provided written notice of the Unilateral Extension prior to expiration of the Contract.

3. Commodities & Purchase Price.

   3.1 Price: During the term of this Contract, in an amount not to exceed **two hundred thousand dollars and no cents ($200,000), annually**, Contractor shall, in the quantities set forth in any purchase order that the City may submit to the Contractor under this Contract, sell to the City the Commodities at the prices stated in the letter dated August 5, 2024. Unless otherwise stated in the letter dated August 5, 2024, the City shall pay all taxes applicable to any purchase it makes under this Contract.

   3.2 Price Adjustments: Price adjustments may be negotiated at the time of Contract-renewal at the discretion of the City. Any request for a price increase must include supporting documentation demonstrating that the increase in contract price is based on an increased cost to the Contractor and that the proposed pricing is still competitive in the marketplace.

   3.3 Formal Amendment Required: Any price adjustment must be approved by mutual written consent of the parties through a formal amendment. The City Manager or his/her designee (the Purchasing Director) may approve an amendment if the total amount of the Contract, as amended, is less than $100,000; otherwise, City Council approval is required.

4. Invoicing and Payment after Delivery.

4.1 Payment: Unless otherwise stated in the letter dated August 5, 2024, payment for the Commodities is due within thirty (30) days of the date of the Contractor's delivery of Commodities conforming to the Contract and receipt of the Contractor's invoice, whichever is later.

4.2 Invoice: Contractor should invoice the City by an itemized list of charges. The City's Purchase Order Number and/or the Contract Number should be referenced on each invoice.

5. Commodities.

5.1 Quality: Contractor warrants that all Commodities supplied under the Contract will be new and free from defects in material or workmanship. The Commodities will conform to any statements made on the containers or labels or advertisements for the Commodities and will be safe and appropriate for use as normally used. The City's inspection, testing, acceptance, or use of Commodities shall not serve to waive these quality requirements. This warranty shall survive termination or expiration of the Contract.

5.2 Manufacturer's Warranties: Contractor shall deliver all Manufacturer's Warranties to the City upon the City's acceptance of the Commodities.

5.3 Delivery:

5.1.1 Contractor shall deliver the Commodities FOB destination to the City's receiving address as set forth in the relevant purchase order under the Contract. All transportation and handling charges shall be paid by the Contractor, unless the Parties agree otherwise in a writing signed by the Parties. Risk of loss of the Commodities will pass to the City upon Contractor's delivery of Commodities conforming to the Contract pursuant to a purchase order from the City under this Contract.

5.1.2 Contractor shall take all reasonable measures to ensure that any Commodities purchased under this Contract shall be delivered within thirty (30) days of the City's issuance of the relevant purchase order unless the Parties agree otherwise in writing. Contractor will not be liable for delays in performance or for non-performance due to unforeseen circumstances or causes beyond the Contractor's reasonable control.

5.4 Default in One Installment to Constitute Total Breach: Contractor may not substitute nonconforming Commodities. Delivery of nonconforming Commodities, or a default of any nature, shall constitute a breach of the Contract as a whole.

6. Termination & Cancellation Clauses.

6.1 Non-Appropriation. The City may terminate all or a portion of the Contract due to budget constraints and non-appropriation of funds for the following fiscal year, without penalty or liability to Contractor.

6.2 For Convenience: The City may terminate the Contract for any reason by giving the Contractor written notice of such termination no less than sixty (60) days prior to the date of termination. If the Contract is so terminated, the City's only payment obligation under the Contract shall be for those commodities ordered prior to the effective date of the termination.

6.3 For Cause: The City may cancel the Contract for cause when the Contractor fails to perform its obligations by giving the Contractor written notice of such cancellation at least thirty (30)

days prior to the date of proposed cancellation. In any written notice of cancellation for cause, the City will advise the Contractor in writing of the reasons why the City is considering cancelling the Contract and may provide the Contractor with an opportunity to avoid cancellation for cause by curing any deficiencies identified in the notice of cancellation for cause prior to the date of proposed cancellation. The Parties may endeavor to agree to reasonable modifications in the Contract to accommodate the causes of the cancellation for cause and avoid the cancellation, to the extent permitted by law, and at the discretion of each Party individually.

6.4 Gratuities: The City may cancel the Contract at any time, without penalty or further liability to Contractor, if City determines that Contractor has given or offered to give any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with award or performance of the Contract.

6.5 Conflict of Interest: Pursuant to A.R.S. § 38-511, if the City identifies a conflict of interest in the award or performance of the Contract, the City may cancel the Contract within three (3) years after its execution, without penalty or further liability to Contractor.

7. Governing Law and Venue, Attorneys' Fees, Public Records, and Inspection.

7.1 Governing Law and Venue: The Contract shall be governed by and construed in accordance with the Laws of the State of Arizona. In the event of litigation, exclusive venue arising under this Contract is Coconino County, Arizona.

7.2 Attorneys' Fees: If any action at law or in equity is necessary to enforce the terms of the Contract, the prevailing party shall be entitled to recover its reasonable attorneys' fees, costs, professional fees, and expenses.

7.3 Public Records: The Contract and any related materials are a matter of public record and subject to disclosure pursuant to Arizona Public Records Law. A.R.S. § 39-121 et seq. If Contractor has clearly marked its proprietary information as "confidential," the City will endeavor to notify Contractor prior to release of such information.

7.4 Inspection: The City shall have the right to inspect and audit all Contractor books and records related to the Contract for up to five (5) years after completion of the Contract.

8. Cooperative Use: If Contractor agreed during the procurement process, Contractor will enter into cooperative purchase arrangements, as sanctioned by state and federal law, to allow Contractor to sell the Commodities identified in the August 5, 2024 to any member of a cooperative group under the same pricing, terms, and conditions of the Contract awarded to the Contractor.

9. Compliance with Laws: Contractor shall comply with all applicable federal, state, and local laws, regulations, standards, codes, and ordinances, including acquiring the requisite insurance, licenses, permits, and approvals, required to perform the Contract, and provide copies to City upon request.

10. Indemnity: Contractor shall be fully liable for the actions of its agents, employees, partners, and assigns and shall fully indemnify, defend, and hold harmless the City, and their officers, agents, and employees from third party suits, actions, damages, and costs of every name and description, including attorneys' fees to the extent arising from or relating to personal injury and damage to real or personal property, caused in whole or in part by the negligence or willful misconduct of Contractor, its agents, employees, partners, or assigns. This indemnification shall survive termination or expiration of the Contract.

11. Assignment/Subcontracting: Contractor shall not assign, sell, transfer, subcontract or sublet rights, or delegate responsibilities under this Contract, in whole or in part, without the prior written approval of the City.

12. Amendments: The terms of this Contract shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever without written approval of both parties through a formal written amendment. A "change order" is not a sufficient mechanism for amending the Contract.

13. Nondiscrimination: Contractor shall not discriminate against any employee or applicant for employment or person to whom it provides services because of race, color, religion, sex, national origin, disability, genetic information, veteran's status, pregnancy, and/or familial status and represents and warrants that it complies with all applicable federal, state, and local laws, ordinances and executive orders regarding employment.

14. Immigration Laws: Pursuant to A.R.S. § 41-4401, Contractor hereby warrants that it and each of its subcontractors shall comply with all state and federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A). A breach of state and/or federal immigration laws and regulations shall constitute a material breach of the Contract. Neither Contractor nor any subcontractor shall be deemed to have materially breached the Contract if Contractor or subcontractor establishes that it has complied with the employment verification provisions prescribed by sections 274A and 274B of the Federal Immigration and Nationality Act and the e-verify requirements prescribed by A.R.S. § 23-214(A).

15. No Boycott of Israel: Pursuant to A.R.S. §§ 35-393 and 35-393.01, if Contractor has over ten (10) employees and the Contract is worth at least one-hundred thousand dollars ($100,000), Contractor hereby certifies that it is not currently engaged in, and agrees, for the duration of the Contract, will not engage in a boycott of Israel.

16. Forced Labor of Ethnic Uyghurs: Contractor hereby certifies that it does not use the forced labor of ethnic Uyghurs in the People's Republic of China as defined in A.R.S. § 35-394, et seq.

17. Notice: Any formal notice required under the Contract shall be in writing and sent by certified mail and email as follows:

To the City:
Brian Huntzinger, Water Production Mgr.
City of Flagstaff
211 W. Aspen Ave.
Flagstaff, AZ 86001
Email: bhuntzinger@flagstaffaz.gov
Phone: 928-774-0262

To Contractor:
Erin Dauscher
CDG Environmental, LLC
361 W. Cedar Street
Allentown, PA 18102
Email: edauscher@cdgenvironmental.com
Phone: 484-821-0780

With a copy to:
Teddy Callan, Procurement Specialist
City of Flagstaff
211 W. Aspen
Flagstaff, Arizona 86001
Email: teddy.callan@flagstaffaz.gov

18. Authority: Each Party warrants that it has authority to enter into the Contract and perform its obligations hereunder, and that it has taken all actions necessary to enter into the Contract.

CDG Environmental, LLC:	CITY OF FLAGSTAFF
By:_____	By:_____
Title:_____	Title:_____
Date:_____	Date:_____
ATTEST:	APPROVED AS TO FORM:
_____	_____
City Clerk	City Attorney's Office

Notice to Proceed issued:_____, 20___

Last Updated August 28, 2024

Exhibit A

August 5, 2024

Brian Huntzinger
Lake Mary WTP
4500 S Lake Mary Rd
Flagstaff, AZ 86005
928-774-0262

RE: ***Saf-T-Chlor™*** Stabilized Sodium Chlorite Drum

Hello Brian,

As we have documented in previous "sole source" letters:

- ***Saf-T-Chlor™*** is manufactured under US Patent Number 6,824,756 (issued November 30, 2004) and sold in 30-gallon and 55-gallon drums exclusively by CDG Environmental, LLC.
- ***Saf-T-Chlor™*** is the exclusive source of stabilized chlorite used in the **CDG *Gas:Solid™*** system for the generation of chlorine dioxide gas.
- Per our chemical supply agreement, dated June 12, 2008, *"CDG will sell and Customer shall purchase Customer's requirements of feedstock sodium chlorite cartridges (55-gallon drums) of* ***Saf-T-Chlor™*** *– CDG's formulated, thermally stable solid sodium chlorite pellets. CDG will arrange shipment of new product cartridges FOB Allentown at the Customer's expense. Spent cartridges will be re-sealed and returned to CDG. CDG will arrange and pay for shipping of the spent cartridges."*

Since January 1, 2023, Lake Mary WTP's price per 55-gallon drum of ***Saf-T-Chlor™*** is $2,002.50/drum.

We value our business relationship with Lake Mary WTP and look forward to the continued success of both parties. If there is any additional information we can provide, please don't hesitate to contact us at (484) 821-0780.

All the best,

Michael P Bixler

Mike Bixler
President

LEADERS IN STATE-OF-THE-ART CHLORINE DIOXIDE TECHNOLOGY

Innovation and research solved the ClO_2 challenge

CDG Environmental, LLC was built on the foundation of CDG Technology, Inc., and CDG Research Corporation. These organizations recruited top chemical, engineering, and water experts to discover a practical way to produce and use ClO_2. Today CDG Environmental is proud to continue its tradition of extraordinary innovation to offer the first Ready, Steady & Pure ClO_2 for use in a multitude of important applications.

Recognized and approved by top authorities

CDG Environmental's products and processes have received approvals from all relevant regulatory authorities. CDG Environmental has in-house expertise in the areas of regulatory compliance, methods of handling, applications, and reaction chemistries.

Management committed to excellence

CDG Environmental's senior management team has extensive experience in the fields of technology and marketing of chemical disinfection and sanitation. The company commitment to innovation and excellence has made CDG the state-of-the-art leader in chlorine dioxide technology.

APPROVALS — *CDG Solution 3000™ concentrate is…*

EPA-Approved: As a FIFRA registered antimicrobial pesticides in all 50 states and Puerto Rico for a wide variety of industrial, commercial, agricultural, and food processing applications.

NSF certified: ***CDG Solution 3000™*** concentrate along with ***SAF-T-CHLOR™*** sodium chlorite is certified by the National Sanitary Foundation (NSF) under the NSF/ANSI Standard 60 for drinking water treatment.

FDA & USDA Approved: FDA & USDA approved for antimicrobial uses with poultry, fruits & vegetables, and red meat.

DOT-Approved: Department of Transportation approved for transport via truck or rail.

OMRI-Listed: Listed by the Organic Materials Review Institute (OMRI) for use in certified organic production, food processing, livestock handling, and crop management.

Star-K Kosher Certified.

CDG ENVIRONMENTAL

PRACTICAL CHLORINE DIOXIDE. READY | STEADY | PURE

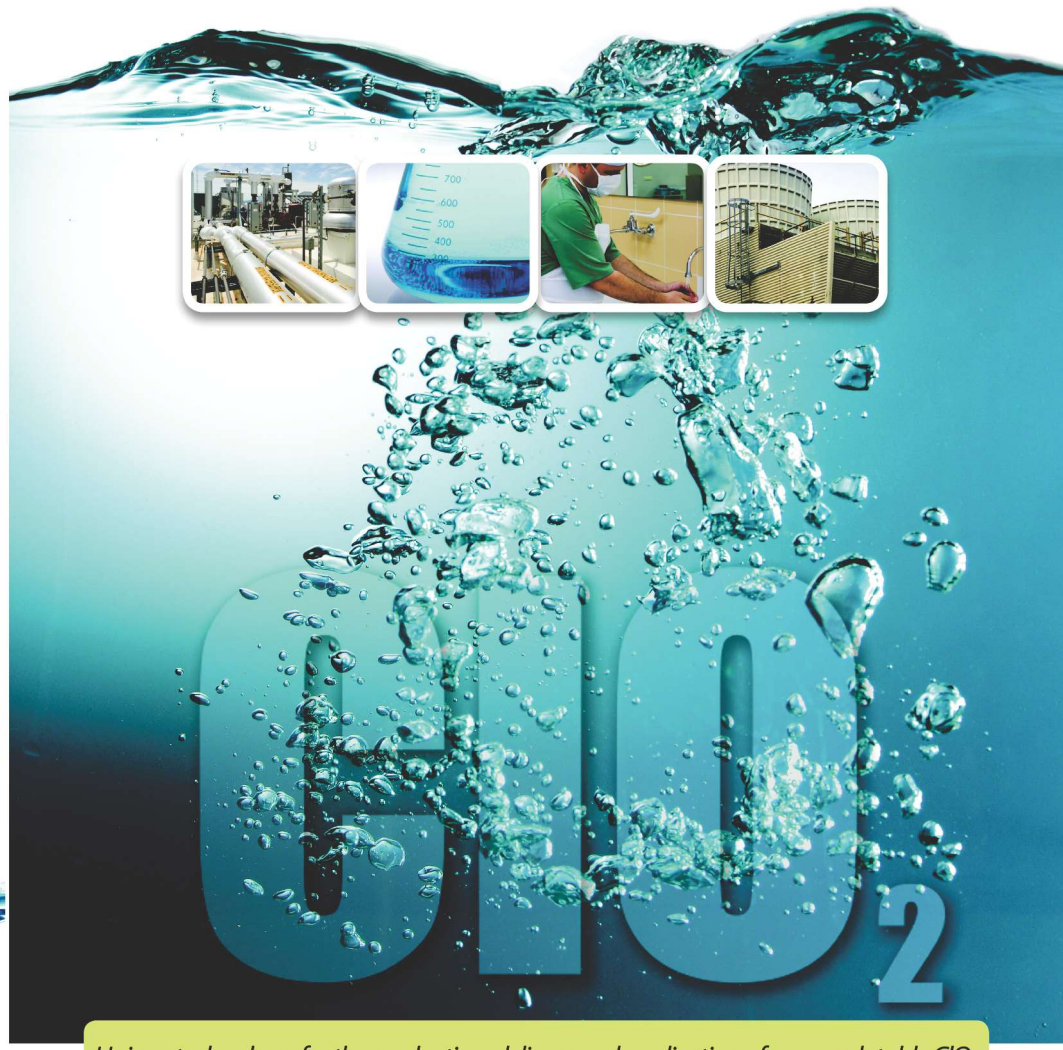
CDG ENVIRONMENTAL, LLC.
301 BROADWAY SUITE 420
BETHLEHEM, PA 18015

Toll Free 888.610.2562
Office 484.821.0780
Fax 484.821.0802
www.cdgenvironmental.com
info@cdgenvironmental.com

CDG ENVIRONMENTAL

PRACTICAL CHLORINE DIOXIDE

READY | STEADY | PURE



Unique technology for the production, delivery and application of pure and stable ClO_2

THE INDUSTRY'S BEST BIOCIDE

In a world of ever-increasing pathogen awareness, chlorine dioxide (ClO_2) has become recognized as the most effective biocide available for sterilization, disinfection, sanitization and decontamination in the food, beverage, water treatment and agricultural markets.

Why is Chlorine Dioxide so effective?

Chlorine Dioxide (ClO_2) is a synthetic, green-yellowish gas that is soluble in water. It is a powerful, fast-acting, highly effective, eco-friendly biocide.

- **Effectiveness:** Unparalleled effectiveness against a broad spectrum of micro-organisms at low concentrations and short contact times.
- **Destroys Biofilm** that protects pathogen from conventional disinfectants.
- **Head Space**: As a gas, ClO_2 treats the entire, closed system including non-wetted surfaces.
- **pH Independent:** Avoids need for supplemental chemicals to adjust pH.
- **Efficiency:** Selectivity against microorganisms means that ClO_2 is not quickly dissipated by other compounds.

Competitive Biocidal Effectiveness

Performance Critiera	Bleach (Sodium Hypochlorite)	Bromine	Peracetic Acid (PAA)	Quats	Chlorine Dioxide (ClO_2)
Effectiveness	A	A	A	B	A
Destroys Biofilm	C	C	C	C	A
Head Space	D	D	D	D	A
pH Independent	C	C	C	C	A
Efficiency	C	C	C	C	A

What about Acidified Chlorite (aka "Stabilized Chlorine Dioxide")?
Usually contains varying levels of chlorite, is very acidic, and does not have the performance profile as pure ClO_2.

So — what's the problem?

While chlorine dioxide has been known as the industry's most effective biocide for more than a hundred years, the problematic technologies required to produce and use it have limited its adoption. Conventional on-site generation systems and other preparation methods result in cost-prohibitive systems, harmful by-products, or impractical real-world solutions.

CDG ENVIRONMENTAL SOLVES THE PROBLEM

For decades, scientists have worked to produce a practical system for harnessing the superior effectiveness of ClO_2. A number of systems involving generators or manual preparation have been introduced in the marketplace with varying degrees of success. It took the dedicated team at CDG Environmental to develop a proprietary process for the production, delivery, and simplified application of pure and stable chlorine dioxide solution.

Introducing...Practical Chlorine Dioxide

Practical ClO_2 is created by a unique technology for the production, delivery, and simplified application of pure and stable ClO_2 solution — without the need for on-site generation or preparation.

Practical vs. Conventional ClO_2 Systems

READY | STEADY | PURE

Is it?	Criteria	Generators	Manual Preparation	CDG Solution 3000™ Concentrate
Ready?	Equipment expense Complex control Labor intensity	NO (needs equipment)	NO (needs preparation)	YES
Stable?	Consistency Over time	N/A (produced on-site)	N/A (produced on-site)	YES
Pure?	Undesirable by-products that reduce efficiency	Varies by system & operator	NO	YES
How does it work?	Easy to use	Capital equipment produces ClO_2 on-site	Powders, liquids, packets, tablets	Storage-stable concentrate for on-demand process applications

The power and advantages of ClO_2 are now available for applications where it was formerly impractical or expensive

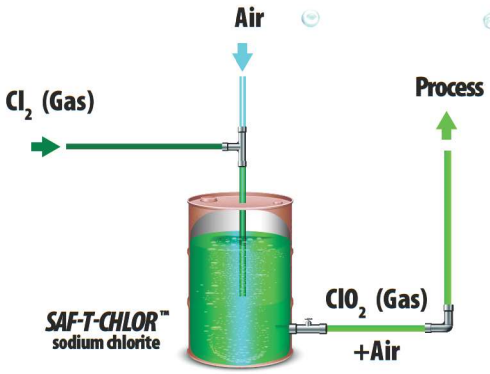
THE PRACTICAL ClO_2 TECHNOLOGY STORY

Generated on-site

The **GAS:SOLID™** system is an integrated process combining CDG's patented ***SAF-T-CHLOR™*** sodium chlorite — thermally stable, solid $NaClO_2$ — and commercially available gaseous chlorine. It produces high purity ClO_2 gas for direct application and constitutes the first step in the production of ***CDG Solution 3000™*** concentrate. This reaction produces no by-products — just pure ClO_2 gas free of chlorite, chlorate, perchlorate or molecular chlorine.

GAS:SOLID™ SYSTEM

The safest, simplest means available for on-site production of high-purity Chlorine Dioxide



Saf-T-Chlor™ SODIUM CHLORITE

$$2NaClO_2 + Cl_2 \rightarrow 2ClO_2 + 2NaCl$$

- There is no direct operator contact with ***SAF-T-CHLOR*** sodium chlorite materials.
  - Drums are completely sealed at the factory (used containers are picked up when new ones are delivered) and feature simple, quick-connect couplings.
  - The dry, granular formulation can't splash, spill or leak.
- Operation is safe and easy with instantaneous start and stop.
- ***SAF-T-CHLOR*** sodium chlorite is a specially formulated, thermally stable form of dry sodium chlorite that will not ignite.
- No bulk liquid chemical storage or acids are required.
- When chlorine gas reacts with ***SAF-T-CHLOR*** sodium chlorite, the result is pure chlorine dioxide gas, free of chlorites, chlorates, perchlorates or molecular chlorine. The only reaction residual from the process is plain table salt, which can be easily disposed.

CDG Solution 3000™ CONCENTRATE READY-TO-USE

CDG Solution 3000™ concentrate (3000 ppm) — the first stable, ready-to-use liquid ClO_2 biocide. It is DOT-approved for transport via truck or rail throughout the continental U.S., eliminates the need for on-site production, and requires no mixing or activation. It is easier to apply, safer to handle, and more effective than chlorine based products.

Chlorine Dioxide in its absolute, easiest-to-use form. All that is required is a chemical feed pump to connect to the desired application. ***CDG Solution 3000*** concentrate:

- can be easily shipped as the only liquid-based, ready-to-use chlorine dioxide product on the market.
- is storage stable at room temperature — for up to 9 months.
- eliminates the need for on-site production equipment and requires no chemical mixing, activation or complex recalibration.
- maintains efficacy at high pH.
- rinses clean leaving no residual toxicity.

Liquid Dispersing Made Easy

Colder DrumQuik® PRO System Overview

- Metal-free insert/dip tube quick connect dispensing system for extracting chemicals from rigid containers.
- Professional dispensing that minimizes worker and environmental exposure.
- Factory-installed by CDG.
- External components of the Colder System are reusable.
- Single easy quick connection.

PROVIDING CRITICAL PROTECTION IN KEY INDUSTRIES

CDG Environmental chlorine dioxide products provide critical disinfection and biofilm elimination across a variety of important industries.

THE PRACTICAL ClO_2 *doing the job you need!*

Antimicrobial: Both in solution and in the gas phase, destroys a broad range of pathogens.

Mold remediation: Both in solution and in the gas phase, destroys mold, including toxic molds such as *Stachybotrus* and *Aspergillus*.

Biofilm control: Penetrates biofilm and destroys the resident bacteria.

Odor control: Oxidizes many odor-causing compounds, especially mercaptans and sulfur compounds.

Metals oxidation: Oxidizes undesirable metals found in water, such as manganese and iron, and converts them from a soluble state to an insoluble state, which enables their removal by precipitation or filtering.

Color removal: Removes the color from many compounds that may be found in drinking water or wastewater.

Oxidation of THM/HAA precursor: Does not react with organic matter, thus reducing the production of trihalomethanes (THM), haloacetic acides (HAA) and other chlorinated organic compounds.

COOLING TOWERS & CLOSED LOOP SYSTEMS

Cooling towers and other closed loop systems provide ideal environments for the growth of micro-organisms and the biofilm that protects them. Control of this buildup is essential to prevent:

- **Loss of heat transfer**
- **Increased corrosion rates**
- **Increased pumping energy**
- **Potential spread of aerosols containing pathogens such as *Legionella***

MUNICIPAL DRINKING WATER

The **GAS:SOLID™** System is used in municipalities across the U.S. to supply chlorine dioxide for oxidation and disinfection.

SECONDARY POTABLE WATER DISINFECTION

Chlorine dioxide is effective against the *Legionella* bacteria and other harmful organisms that can proliferate in potable water systems. At-risk populations can be particularly affected, and these applications often have rigorous regulatory requirements:

- **Hospitals, surgery centers, nursing homes and assisted living facilities**
- **Hotels, commercial office buildings and other public facilities**
- **Cruise ships**

SANITIZING FOOD RINSE

CDG SOLUTION 3000™ concentrate provides a sanitizing spray to destroy *E. coli* and other pathogens for:

- **Animal carcasses**
- **Ready-to-eat (RTE) meats**
- **Raw agricultural commodities (RAC) such as lettuce**

FOOD & BEVERAGE PROCESSING

- **Chlorine Dioxide can be used for process plant sanitization and the removal of bacteria from lines, vessels, tanks.**
- **Equipment and tanks for wine, beer and other beverages are in constant need of cleaning and sanitizing. ClO_2 saves time and rinse water.**
- ***CDG SOLUTION 3000™* concentrate has proven effective in the disinfection and treatment of poultry facilities.**

AGRICULTURE

- ***CDG SOLUTION 3000* concentrate is being used to purify animal drinking water to enhance animal development.**
- **Other important agricultural applications include the treatment of storage facilities, animal transport vehicles and confinement facilities, equipment cleaning and disinfection, greenhouses and irrigation systems.**
- **Biocidal treatment can control odors.**

OTHER APPLICATIONS

Chlorine Dioxide can be an effective agent to prevent bio-contamination in a host of applications including:

- **MEMBRANE CLEANING —** increasing the efficiency of reverse osmosis membranes and reducing downtime associated with traditional membrane cleaning processes.

- **INDUSTRIAL CLEANING —** inexpensive and environmentally friendly way to clean microbiological deposits such as biofilm on industrial equipment, like tanks and piping systems.

BIOFILM: THE PATHOGEN'S BEST FRIEND

Biofilm is a complex aggregation of micro-organisms marked by the excretion of a protective and adhesive matrix (slime). It plays a key role in the proliferation of waterborne pathogens. Biofilm is ubiquitous in water environments and is found on most surfaces that are in prolonged contact with water, including the inside of both hot and cold water pipes in buildings.

Bacteria, fungi, protozoa and other pathogens living within the protection of biofilm have significantly increased resistance to the actions of detergents and biocides. True biocidal effectiveness requires dealing with the biofilm along with the micro-organisms it harbors.

Conventional oxidizers react mostly on the surface of the biofilm, and actually form an oxidized layer, like charring on wood, that precludes further penetration. Chlorine Dioxide is soluble, allowing it to travel to the base of the biofilm where it attacks micro-organisms and destroys the biofilm at its point of attachment.

Chlorine Dioxide is by far the most effective biocide for the elimination and control of biofilm.

CDG ENVIRONMENTAL | PRACTICAL CHLORINE DIOXIDE
READY | STEADY | PURE

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Nathan Naliborski, Fleet Manager

Co-Submitter: Jen Brown

Date: 09/26/2024

Meeting Date: 10/01/2024

TITLE:

Consideration and Approval of Contract: Cooperative Purchase Contract with Courtesy Chevrolet in the amount of $55,631.64, for the purchase of one (1) Chevrolet 2500 Silverado WT for Facilities.

STAFF RECOMMENDED ACTION:

1. Approve the contract with Courtesy Chevrolet for the purchase of one (1) Chevrolet Silverado 2500 WT in the amount of $ 55,631.64 for Facilities; and
2. Authorize the City Manager to execute the necessary documents.

Executive Summary:

The Cooperative Purchase Contract will result in the purchase of one (1) Chevrolet Silverado 2500 WT.

The Public Works Facility Section's new position was approved for FY24 and in FY25 the Facility Section received budget approval to acquire a reliable work truck that is essential for the job duties. It's important to consider the vehicle's capabilities, such as payload capacity and utility features, to support the Section's operational requirements effectively. The vehicle will be used for heavy job duties that will require certain specifications for snow operations as well as tow trailers with large equipment. The truck has been recommended and approved by the Fleet Management Committee (FMC) and Budget Team for the requested action.

Financial Impact:

Project Name: One Facility New Vehicle Truck Request
Cost: $55,631.64
Account Number Budgeted: 001-06-152-0510-3-4401
FY Budgeted Amount: $65,000.00
Grant Funded: No
Funding Source: General Fund

Policy Impact:

The acquisition of a new vehicle, following thorough review and approval by the Fleet Management Committee (FMC) and Sustainability, reflects a strategic decision to meet specific operational needs. The choice to opt for a non-EV model was approved by Sustainability, ensuring the vehicle's capabilities align with the demands of snow operations, towing of heavy equipment and trailers.

Previous Council Decision or Community Discussion:

The prior purchase of vehicles from Courtesy Chevrolet this year has a cumulative effect of awarding contract values that exceed $100,000 to one vendor. Due to the fact that the procurement threshold will be passed this action triggers a Council review of additional purchases in this fiscal year.

Options and Alternatives to Recommended Action:

1. Approve purchase of one Chevrolet Silverado 2500 WT pickup; or
2. Defer the purchase of one Chevrolet Silverado 2500 WT and recommend City staff procure needed vehicle through a different procurement method.
3. Provide staff with alternative direction and guidance as desired to fulfill the outcome of securing equipment for the operations.

Background and History:
Fleet discussed the procurement of an additional vehicle for the Facility Section to ensure the operational needs of the Section are met. The majority of the Facility fleet is made up of compact and ½ ton trucks, including two (2) fully electric pickups. The Facility Section utilizes one ¾ ton pickup to facilitate hauling heavier payloads, towing operations of the sections 10,000 lb. capacity trailer, and snowplow operations to aid in keeping city facilities parking areas cleared during snow events. The second heavy duty truck to share in meeting these needs was highlighted as a priority for the Section, as one truck has proven to not be enough to manage these tasks for the Facility Section in the past year.

During this procurement process, this vehicle had specific specifications that support the operational need and has factory setup for the use of a snowplow. The desired specifications and vehicle were not available locally for procurement. Courtesy Chevrolet has the vehicle that meets the operational specifications available on the lot and under State Contract CTR059315.

Connection to PBB Priorities and Objectives:
Provide employees with tools, training and support. Invest in Our People: Ensure effective resources for employees.

Connection to Regional Plan:
N/A

Connection to Carbon Neutrality Plan:
N/A

Connection to 10-Year Housing Plan:
N/A

Connection to Division Specific Plan:
N/A

Attachments: 2025-65 COF complete w/ exhibits

COOPERATIVE PURCHASE CONTRACT
Contract No. 2025-65

This Cooperative Purchase Contract is made and entered into this _____ day of _____, 20_____by and between the City of Flagstaff, Arizona, a political subdivision of the State of Arizona ("City") and Courtesy Chevrolet, an Arizona Corporation ("Contractor").

RECITALS:

A. Contractor is a fully authorized vendor of **New Vehicle Purchases**;

B. The State of Arizona, Arizona Department of Transportation conducted a competitive and open procurement process through Request for Proposal **BPM004157** that resulted in Contract No. **CTR059315** with Contractor ("Agency Contract"); and

C. The City has authority to enter into a cooperative purchase contract with Contractor utilizing the Agency Contract.

AGREEMENT:

NOW THEREFORE, in consideration for the mutual promises contained herein, the Parties agree as follows:

1. Materials and or Services Purchased: Contractor shall provide to the City the materials and/or services, as specified in the Scope of Work attached as *Exhibit A*, and in accordance with the Agency Contract. A general description of materials and/or services being purchased is:

2024 Chevrolet 2500 Silverado Crew Cab WT 4WD

2. Specific Requirements of City: Contractor shall comply with all specific purchase and delivery requirements and/or options of City, as specified in the Scope of Work attached as *Exhibit A* and incorporated by reference.

3. Terms and Conditions of Agency Contract Apply: All provisions of the Agency Contract documents attached as *Exhibit B*, including any amendments, are incorporated in and shall apply to this Contract as though fully set forth herein. Contractor is responsible for promptly notifying City in writing of any changes to the Agency Contract, including, specifically changes in price for materials and/or services.

4. Payment: Payment to Contractor for the materials and/or services not to exceed **fifty-five thousand six hundred thirty-one dollars and sixty-four cents ($55,631.64)**; made in accordance with the price list and terms set forth in the Agency Contract. Any price adjustment must be approved by mutual written consent of the parties through a formal amendment. The City Manager or his/her designee (the Purchasing Director) may approve an amendment if the amendment price increase is less than $100,000; otherwise, City Council approval is required.

5. Certificates of Insurance: All insurance provisions of the Agency Contract shall apply, including any requirement to name the City as an additional insured. Prior to commencing performance under this Contract, Contractor shall furnish City with a copy of the current Certificate of Insurance required by the Agency Contract.

6. Term: This Cooperative Purchase Contract shall commence upon execution by the Parties and shall continue until expiration or termination of the underlying Agency Contract, unless sooner terminated by City in writing.

7. Renewal: This Cooperative Purchase Contract shall be automatically renewed if the underlying Agency Contract is renewed, for the same renewal period, unless City provides advance written notice to Contractor of its intention to non-renew.

8. Notice: Any formal notice required under the Contract shall be in writing and sent by certified mail and email as follows:

To the City:
Nathan Naliborski
Fleet Manager
City of Flagstaff
211 W. Aspen Ave.
Flagstaff, AZ 86001
nnaliborski@flagstaffaz.gov
928-213-2187

To Contractor:
Courtesy Chevrolet
Bernie Kullos
Fleet Manager
4949 N. 12th Street
Phoenix, Az 85014
bkullos@houseofcourtesy.com
602-563-2884

With a copy to:
Emily Markel
Purchasing Manager
City of Flagstaff
211 W. Aspen Ave.
Flagstaff, AZ 86001
emarkel@flagstaffaz.gov
928-213-2276

(Remainder of Page Intentionally Blank)

9. Authority: Each Party warrants that it has authority to enter into the Contract and perform its obligations hereunder, and that it has taken all actions necessary to enter into the Contract.

Courtesy Chevrolet:

By:_____

Title:_____

CITY OF FLAGSTAFF

By:_____

Title:_____

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney's Office

Notice to Proceed issued:_____, 20___

Last Updated May 15, 2024

EXHIBIT A
SCOPE OF WORK
(attached)

1. Courtesy Chevrolet – 2 pages

COURTESY CHEVROLET

9/11/2024

STATE OF ARIZONA
VEHICLE QUOTE
STATE CONTRACT# CTR059315

VEHICLE	**2024 CHEVROLET 2500 SILVERADO CREW CAB WT 4WD**	$ 51,175.00
	PER ATTACHED SPECS	
	DELIVERY TO FLAGSTAFF	$ 150.00

TOTAL	$ 51,325.00
SALES TAX	$ 4,301.64
TIRE TAX	$ 5.00
GRAND TOTAL	$ 55,631.64

IN DEALER STOCK
SUBJECT TO PRIOR SALE

P24817

2024 SILVERADO 2500 CREW CAB WT 4WD — GENERAL MOTORS LLC
GAZ SUMMIT WHITE /V8G
H0U JET BLACK — RENAISSANCE CENTER
ORDER NO. DHCZTJ/FNR STOCK NO. — DETROIT MI 48243-1114
VIN 1GC 4YLE 70 RF458651 — VEHICLE INVOICE 10D84785194
**********4918******13*39088S

MODEL & FACTORY OPTIONS	MSRP	INV AMT	FLEET
CK20943 SILVERADO 2500 CREW CAB W	50900.00	48151.40	INVOICE 07/18/24
A2X 10-WAY POWER DRIVER SEAT	290.00	263.90	SHIPPED 07/13/24
CAP FLT-COMPETITIVE ASSISTANCE PRGM	0.00	0.00	EXP I/T 08/02/24
CGN CHEVYTEC SPRAY-ON BEDLINER	545.00	495.95	INT COM 08/02/24
FA4 FLT-COMPETITIVE ASSISTANCE PGM	0.00	1300.00-	PRC EFF 01/26/24
FE9 50-STATE EMISSIONS	N/C	N/C	KEYS Z4276 Z4276
GT4 REAR AXLE: 3.73 RATIO	N/C	N/C	WFP-S QTR OPT-1
JGF GVWR: 10,650 LBS. (4,831 KG)	N/C	N/C	FAN: 000875643
KI4 120V INTERIOR AND CARGO BED POWER OUTLET	225.00	204.75	BANK: ALLY - 021 CHG-TO 39-088
L8T ENGINE: 6.6L V8 GASOLINE	N/C	N/C	
MKM TRANS: ALLISON 10-SPEED AUTO	N/C	N/C	SHIP WT: 7157
PCV WT CONVENIENCE PACKAGE:	1010.00	919.10	HP: 52.7
* EZ LIFT, POWER LOCK & RELEASE TAILGATE			GVWR: 10650
* DEEP-TINTED GLASS			GAWR.FT: 6000
* REAR-WINDOW DEFOGGER			GAWR.RR: 6390
* CRUISE CONTROL			NTR: 3/4
* TRAILERING MIRRORS, HEATED & POWER-ADJUSTABLE			DAN: 7NORT
PDE ASSIST STEP AND TONNEAU VALUE PACKAGE III (DEALER INSTALLED)	2390.00	2174.90	
* ASSIST STEP			
* HARD TONNEAU COVER			
PYN 17" PAINTED STEEL WHEELS	N/C	N/C	
QXT ALL-TERRAIN TIRES	200.00	182.00	
VQ1 FLEET ORDERING ASSISTANCE	0.00	0.00	
VYU SNOW PLOW PREP/CAMPER PACKAGE:	300.00	273.00	
* 220 AMP ALTERNATOR			
* INCREASED FRONT GAWR			
* SKID PLATES			
* ROOF EMERGENCY LIGHT PROVISIONS W/ PASS THROUGH			

TOTAL MODEL & OPTIONS	55860.00	51365.00	ACT 237 51684.20
DESTINATION CHARGE	1995.00	1995.00	H/B 261 1675.80
TOTAL	57855.00	53360.00	PAY 310 53360.00

****

INVOICE DOES NOT REFLECT DEALER'S ULTIMATE COST BECAUSE OF MANUFACTURER REBATES, ALLOWANCES, INCENTIVES, HOLDBACK, FINANCE CREDIT AND RETURN TO DEALER OF ADVERTISING MONIES, ALL OF WHICH MAY APPLY TO VEHICLE.

****

COURTESY CHEVROLET

EXHIBIT B
AGENCY CONTRACT
(attached)

1. Agency Contract 88 Pages
2. Contract Amendment 3 Pages
3. Pricing Sheet 4 Pages

DocuSign Envelope ID: 7AE6D603-F496-4243-9920-A7948B4C771C

ADOT
Procurement

OFFER AND ACCEPTANCE

OFFER

TO THE STATE OF ARIZONA:

The undersigned hereby offers and agrees to perform in compliance with all terms, conditions, specifications and amendments of this solicitation and any written exceptions in the offer. Signature also acknowledges receipt of all pages indicated in the Table of Contents.

Courtesy Chevrolet Offeror (Company) Name	Signature of Person Authorized to Sign Offer Joe Pfeffer January 11, 2022
1233 East Camelback Road Address	Printed Name Date
Phoenix, AZ 85014	Fleet Manager
City State Zip	Title
jpfeffer@houseofcourtesy.com Email Address	602-279-3232 Phone Number
www.courtesyfleet.com	602-264-9230
Company Email Address	Fax Number

By signature in the Offer section above, the Offeror certifies that the submission of the Offer did not involve collusion or other anticompetitive practices.

ACCEPTANCE OF OFFER (FOR DEPARTMENT USE ONLY)

The Contractor is now bound to perform based upon Contract Number CTR059315 including all terms, conditions, specifications, amendments, etc., and the Contractor's offer as accepted by the state.

The Contractor is hereby cautioned not to commence any billable work or provide any material, service or construction under this contract until contractor receives a purchase order document.

State of Arizona

Effective this 17th day of March 2022

DocuSigned by:
Pamela Wade
Procurement Officer

3/10/2022
Awarded Date

Procurement

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION
1739 W. Jackson St., Ste. A
Phoenix, AZ 85007

REQUEST FOR PROPOSAL

SOLICITATION NUMBER: BPM004157

DESCRIPTION: New Vehicle Purchases

QUESTIONS: Inquiries regarding the solicitation are to be submitted online through the State's e-Procurement system, Arizona Procurement Portal (APP) (https://app.az.gov/) using the Discussion Forum tab.

OFFERORS ARE STRONGLY ENCOURAGED TO READ THE ENTIRE SOLICITATION.

Thomas Kornell
Procurement Officer
Phone: 602-712-8520
Email: Tkornell@azdot.gov

This solicitation is issued in accordance with A.R.S. §41-2534 and A.A.C. R2-7-C301 et seq., Competitive Sealed Proposals.

"An Equal Opportunity Agency"

The Arizona Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252.42 U.S.C. §§ 2000d-4) and the Americans with Disabilities Act (ADA), hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin in consideration for an award.

Persons that require a reasonable accommodation based on language or disability should contact ADOT's Procurement Office by phone (602) 712-2089. Requests should be made as early as possible to ensure the State has an opportunity to address the accommodation.

Las personas que requieran asistencia (dentro de lo razonable) ya sea por el idioma o discapacidad deben ponerse en contacto con ADOT (602) 712-2089.

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1. Statement of Need

1.1. Pursuant to the Arizona Procurement Code, A.R.S. §41-2501 et seq., the State of Arizona Department of Transportation (Department), has a requirement for New Vehicle Purchase.

2. Introduction and Background

2.1 The State of Arizona Department of Transportation (Department) is seeking to contract with a qualified vendor(s) who can provide new vehicles (all fuel types, hybrid, and full electric) including but not limited to: Sedans, Trucks up to 19,500 GVWR, Vans, Sport Utility Vehicles (SUVs), and Crossovers for the State of Arizona and participating Eligible Agencies. These vehicles will be used to support official organizational goals. These vehicles will be used on highways, city/county roads and shall be designed to operate under typical Arizona ambient temperatures.

2.2 Background: The State and its Eligible Agencies currently spend an estimated twenty-one million dollars in the purchase of new vehicles annually.

2.3 The following are the Three Categories covered in this Scope of Work:

- **Category One: Phase One (1) Vehicle Purchases**
- **Category Two: Phase Two (2) Vehicle Purchases**
- **Category Three: FTA Funded Vehicles**

3 General Requirements

3.1 Vehicles shall be new and supplied with all equipment and accessories indicated as standard equipment in the manufacturer's published literature (or website). Optional equipment necessary to meet the minimum requirements shall be included.

3.2 All vehicles ordered through Phase 1 (off the line) shall be Manufacturer's current year models in production throughout the term of this contract and shall be serviced completely by the vendor before delivery and ready in all respects for use. For the initial contract period; vehicles shall be new model year 2022 or greater.

3.3 Vehicles ordered through Phase 2 (on the lot) shall have less than 100 original odometer miles and be new (have never been previously owned) unless pre-approved in writing by the Eligible Agency.

3.4 All vehicles shall meet requirements of applicable Arizona Motor Vehicle laws and all other applicable Federal Motor Vehicle Safety Standards (including the Federal Bridge Formula), whether or not such requirements are specified in detail.

3.5 For Phase Two (2) vehicles, the Contractor shall supply a quote within five (5) calendar days after receiving a request from the Eligible Agency. The quotation shall include but not be limited to the following information: State contract number, vehicle availability and delivery lead-time, Vehicle Identification Number (VIN), dealer stock number, vehicle base bid price, itemized options, applicable tax, delivery cost, total price, and point of contact. For vehicles requiring up-fit/modifications, all applicable cost may be included in quotation or as a separate quotation.

3.6 Delivery location shall be identified on the issuing agency purchase order. Deliveries shall be made within 120 days of receipt of purchase orders, unless factory delays make this impossible. Dealer shall notify the ordering agency of such delays along with a revised delivery estimate from the factory immediately after it becomes known. If the manufacturer has a website available to check order status, this information will be shown in space provided on Offer Response Form.

3.7 All deliveries shall be made Monday through Friday from 8:00 A.M. to 2:00 P.M. The Contractor shall be required to give the using agency a minimum of 24-hour notification prior to delivery with the anticipated time of delivery and number of units to be delivered.

3.8 All vehicles shall be delivered with four (4) entrance tools and a full tank(s) of fuel, less delivery fuel.

3.9 The following documents shall be provided upon delivery of the vehicle(s):

3.9.1 M.S.O. (Manufacturer Statement of Origin) that includes the odometer statement
3.9.2 Warranty Document
3.9.3 Manufacturers unaltered invoice
3.9.4 Delayed warranty / in service start request form (if requested by ordering entity)
3.9.5 Level 1 Inspection if applicable, completed before delivery

3.10 For Phase One (1) the Contractor shall provide the Eligible Agency copies of the manufacturer's vehicle identification numbers (VIN#) to confirm vehicles have been ordered unless impossible due to manufacture delay within ninety (90) calendar days after receipt of a purchase order. If confirmation of manufacturer's VIN #(s) is not received within this timeframe the Eligible Agency has the option to award to the second lowest bidder meeting specifications. This shall be considered a mandatory requirement and the timeframe must be met unless there is a manufacture delay. Failure to provide this document for each vehicle ordered may be cause for determination of default of contract.

4 Specific Requirements

4.1 The Contractors are encouraged to provide a full line of new vehicles (gasoline, hybrid, full electric) including but not limited to the following categories: Sedans, Trucks up to 19,500 GVWR, Vans (cargo, passenger, transit, etc.), Sport Utility Vehicles (SUVs), and Crossovers. Eligible Agencies throughout the State will have varying vehicle needs. Contractors are to provide a full line of manufactured new vehicles and all subsequent variants of each vehicle; including but not be limited to: models and manufacturer options, trim package, etc. to meet each need of an Eligible Agency.

4.2 As new model year vehicles become available, vendor shall submit pricing at either the same rate as the previous model, or submit a request for an increase or decrease based only on the manufacturer's increase or decrease. Documentation must be submitted to the Procurement Officer within 30 days of the effective date of change. New model year vehicles cannot be offered without approval from the Procurement Officer.

4.3 The following fuel types are allowable under this contract are to include but are not limited too.

4.3.1 Flexible Fuel Vehicles (FFV) also called Ethanol or E85
4.3.2 Diesel

4.3.3 Gasoline
4.3.4 Compressed Natural Gas (CNG): CNG systems must be O.E.M. or O.E.M. approved
4.3.5 Hybrid-Electric Vehicles (HEV)
4.3.6 Plug-in Hybrid Electric Vehicles (PHEV)
4.3.7 Electric Vehicles (EV) also called Battery Electric Vehicles (BEV)
4.3.8 Fuel Cell Vehicles (FCV)

4.4 Vehicle Up-fit / Modifications

4.4.1 The Eligible Agency may request the awarded Contractor(s) to up-fit/modify any vehicle for specific organizational needs. For example, the cab and chassis of ½ ton, ¾ ton, and/or up to 19,500 GVW trucks may require a specialized body (i.e.: dump body, landscape body, etc.). Other vehicles may require interior and/or exterior modifications per the individual Eligible Agency.

4.4.2 The Eligible Agency will supply all up-fit/modification requests to the Contractor. The Contractor shall identify any conditions that apply to the up-fit/modification on a quotation to the Eligible Agency for review before any work commences.

4.5 Minimum Vehicle Requirements: All prices shall include the following equipment:

4.5.1 All standard factory equipment

4.5.2 Automatic transmission [maximum towing/payload capacity shall be provided upon request)

4.5.3 Bluetooth capabilities

4.5.4 AM/FM radio

4.5.5 Cruise Control

4.5.6 Power Door Locks/Power Windows
4.5.7 Power Mirrors when available

4.5.8 Four (4) entrance tools (in any combination allowed; keyless entry remotes, integrated or smart keys, standard cut keys) per vehicle.
a. Type of keys to be provided shall be indicated on quote.

4.5.9 Air conditioning
a. Rear air conditioning on all vehicles, when available

4.5.10 Cloth seats

4.5.11 Rear view mirrors including on driver and passenger doors
a. FOR TRUCKS: Rear view mirrors on driver front and passenger front doors, largest available without upgrading vehicle options package.
b. Back up Camera

4.5.12 Spare tire
a. Full size standard steel wheel with matching Original Equipment Manufacturer spare tire identical to standard equipment with the trim level of the delivered vehicle.
b. If full spare is not available due to space or manufacturer standards, an alternative shall be provided and noted on quote provided.

4.5.13 Floor Mats

a. O.E.M. floor mat sets installed in all seating rows where the vehicle comes with carpeted floors.

b. Fixed driver floor mat

4.5.14 Arizona legal tinted glass

4.5.15 Minimum of 2 USB charging Ports

4.6 Specific Requirements for Trucks (when available)

4.6.1 Anti-slip differential for two-wheel drive pickup trucks, ¾ ton, up to 19,500 GVW.

4.6.2 Skid plate package and anti-slip differential for four-wheel drive vehicles

4.6.3 Front tow hooks

5 Contractor's Responsibilities

Contractor shall be responsible for processing the registration, licensing, title and plating of all new vehicles ordered only if requested by the Eligible Agency.

6 Department's Responsibilities

The Eligible Agencies will provide final acceptance and approval of any equipment and services delivered

SPECIAL TERMS AND CONDITIONS

1. CONTRACT TERM

The term of any resultant contract shall commence on the effective day of award and shall continue for a period of twelve months (12) thereafter, unless terminated, cancelled or extended as otherwise provided herein.

2. CONTRACT EXTENSION

By mutual written contract amendment, any resultant contract may be extended for supplemental periods of up to a maximum of forty-eight (48) months.

3. ELIGIBLE AGENCIES

This contract shall be for the use of all State of Arizona departments, agencies and boards. In addition, eligible universities, political subdivisions and nonprofit educational or public health institutions may participate at their discretion. In order to participate in any resultant contract, a university, political subdivision or nonprofit educational or public health institution must have entered into a cooperative purchasing agreement with the State Procurement Office as required by Arizona Revised Statutes §41-2632.

4. NON-EXCLUSIVE CONTRACT

This contract shall be for the sole convenience of the Department. The Department reserves the right to obtain like goods or services from another source when necessary. The Off-Contract Purchase Authorization and subsequent procurement shall be consistent with the Arizona Procurement Code.

5. ORDERING PROCESS

The Department shall issue a purchase order to the Contractor. Each purchase order must cite the contract number. This purchase order shall be the only document required for the Department to order and the Contractor to deliver the material and/or service.

Any attempts to represent any material and/or service not specifically awarded as being under contract is a breach of the contract and a violation of the Arizona Procurement Code. Any such action is subject to the legal and contractual remedies available to the State inclusive of but not limited to contract cancellation, suspension and/or debarment of the Contractor.

6. SHIPPING TERMS

Delivery shall be F.O.B. Destination to the location designated herein. Contractor shall retain title and control of all goods until they are delivered. All risk of transportation and related charges shall be the responsibility of the Contractor. All claims for visible or concealed damage shall be filed by the Contractor. The Department will notify the Contractor promptly of any damaged goods and shall assist the Contractor in arranging for inspection.

7. DELIVERY

Contract prices shown for each vehicle include delivery cost within a sixty (60) mile radius of Phoenix.

For the purpose of this contract, the address used for mapping the radius within Phoenix will be as follows:

Equipment services shop/ADOT
2225 S 22nd Ave, Phoenix, AZ 85009

Delivery costs for each county outside of the Phoenix area shall be indicated on Offer Response form.

This will be an added cost to the contract price.

Deliveries shall be completed In accordance with the requirements of the contract.
Delivery of the product does not constitute acceptance.

8. INSPECTION AND ACCEPTANCE

Each item delivered shall be subject to a complete inspection by the Department within 10 days after delivery. Inspection criteria shall include, but not be limited to, conformity to the specifications, workmanship, quality and materials.

If the delivered product is not accepted and returned for corrective action, an additional fifteen (15) calendar days shall be allowed for inspection of the corrected or replacement product.

The Contractor shall be responsible for the transport of the material to and from the Department for the correction of items or workmanship not in compliance with the specifications.

Product returned for corrective action may delay payment. Invoices will be processed for payment only after the product is accepted.

9. INVOICING and PAYMENT

Contractor shall submit all billing notices or invoices to the Eligible Agency or Co-Op Buyer at the address Indicated on the applicable Order document.

Separate invoices are required for each shipment of product or delivery of service and shall include at a minimum:

- Department Location's Name and Address
- Vendor Name, Remit to Address and Contact Information
- Contract Number
- Purchase Order Number
- Invoice Number and Date
- Date the items were shipped to the Department
- Applicable payment terms
- Contract Line Item Number
- Line Item Description or Item or Service
- Quantity Purchased

- Line Item Unit of Measure
- Price per Unit and Total per Unit
- Catalog or Other Discount (if applicable)
- Net Unit Price and Total per Unit (if applicable)
- Applicable taxes (as a separate invoice line item)
- Applicable Shipping/Freight Charges etc. (as a separate invoice line item) Materials only.
- Total Invoice Amount Due

Invoices not sent to the proper address, or not containing the necessary and required information may delay payment. A Contractor whose payments are delayed due to improper invoicing shall make no claim against the Department or the State for late or finance charges.

The Department will make every effort to process payment for the purchase of product within thirty (30) calendar days after the Department has conducted the necessary reviews, inspections and acceptance as described herein.

The department acceptance date will be the valid date for starting the thirty (30) calendar day payment period.

Payment due dates, including discount periods, will be computed from the date of acceptance or date of correct invoice (whichever is later) to the date the Department's warrant is mailed.

10. ESTIMATED USAGE

The Department anticipates considerable usage under this contract. The Department reserves the right to increase or decrease actual quantities ordered as circumstances may require. No guarantees are made concerning actual purchases under this contract.

11. PRICING

1 Phase 1 and 2 pricing for vehicles shall be a minimum Percentage off MSRP, less the manufacturer's rebates and any additional discounts available for that model/power-train combination.

a. Contractor shall provide a copy of manufacturer's invoice to the ordering agency upon request. The manufacturer's invoice shall be unaltered to include original pricing from the manufacturer.
b. Transportation costs to transfer a vehicle from another dealer for a Phase 2 or purchase from stock may be added to the cost of the vehicle. The justification for this cost is at the discretion of the Eligible Agency.
c. Any reference to Phase 1 pricing shall be in reference to vehicles ordered prior to the factory cut-off date.
d. Any reference to Phase 2 pricing shall be in reference to vehicles purchased from stock or "on the lot".
e. Phase 2 pricing shall receive the same cost considerations as Phase 1 pricing, all discounts and rebates should be passed onto the Eligible Agency.
f. All vehicles are to be billed at prices in effect at the time of order, not the date of shipment.

g. Pricing for vehicles shall include all discounts and deductions, less Federal and State taxes. Pricing shall be firm for life of contract unless amended by way of contract change order.

2 CONTRACTOR'S BEST PRICING: Supplier warrants that, for the term of the Contract, the prices and discounts set out in the Pricing Documents, including any subsequent agreed amendment to it (the "Contract Pricing"), will be equal to or better than the lowest prices and largest discounts, both separately and in combination, at which Contractor sells equivalent items of equipment and materials.

2.1 That price-plus-discount equivalence ("Contractor's Best Pricing") is intended to be irrespective of whether or not those other sales have special purchase terms, conditions, rebates or allowances.

2.2 If Contractor's Best Pricing for equivalent items of equipment and materials is better than the Contract Pricing, then Contractor agrees to adjust the Contract Pricing to match the Contractor's Best Pricing for all sales related to the Contractor made after the date when the Contractor's Best Pricing was first better than the Contract Pricing.

2.3 For clarification of intent, that date is intended to be the date when the difference first occurred, which might have been before the difference was first identified. If it was before, then Supplier agrees to charge at less than the Contract Pricing until the extended difference that would have been realized (i.e., if the Contractor's Best Pricing had been applied when it should have been) has been settled.

3 PRICING-ALL-INCLUSIVE: Pricing is all-inclusive, including any ancillary fees and costs required to accomplish the Scope of Work and all aspects of Contractor's offer as accepted by State. Details of service not explicitly stated in the Scope of Work or in Contractor's Offer, but necessarily a part of, are deemed to be understood by Contractor and included herein. All administrative, reporting, or other requirements, all overhead costs and profit and any other costs toward the accomplishment of the requirements in the Contract are included in the pricing provided.

4 LARGE VOLUME DISCOUNT PRICING: An Eligible Agency may seek to obtain additional volume discount pricing for large orders provided Contractor is willing to offer additional discounts for large volume orders. No amendment to this Contract is necessary for Contractor to offer discount pricing to an Eligible Agency for large volume purchases.

5 A price reduction adjustment may be offered at any time during the term of a contract and shall become effective upon notice through a written contract amendment.

12. PRICE INCREASE

The Department will review **fully documented** requests for price increases for any contract which will or has been in effect for twelve (12) months. The request shall be submitted no less than 60 days prior to the contract renewal date. The Contractor shall provide fully documented information which supports the price increase request. Fully documented means that the request shall present detailed information and calculations that make it clear how the claimed increase has an impact on the contract unit prices. All assumptions regarding cost factors that have an impact on the requested increase shall also be

clearly identified and justified. The requested price increase must be based upon a cost increase that was clearly unpredictable at the time of the offer and can be shown to directly affect the price of the item concerned. Any price increase adjustment request prior to the time of contract extension will be a factor in the extension review process. The Department will determine whether the requested price increase or an alternate option, is in the best interest of the State. All pricing should reflect the minimum percentage of MSRP.

13. SAFETY STANDARDS

Items supplied under this contract shall comply with all current applicable safety standards and regulations including the Occupational Safety and Health Standards of the State of Arizona Industrial Commission, the National Electric Code and the National Fire Protection Association Standards.

14. WARRANTY

The Contractor warrants:

1. That all services performed hereunder shall conform to the requirements of this contract and shall be performed by qualified personnel in accordance with the highest professional standards.

2 At a minimum all equipment supplied under these specifications shall be fully warranted by the vehicle manufacturer against mechanical and electrical defects for a minimum period of thirty-six (36) months from the date vehicle is placed in service.

3 This warranty shall cover such items as actual repair labor, parts, and shipping charges to and from the nearest service facility or other designated repair depot.

4 Any defects of design, workmanship or material, shall be fully corrected by the vendor without cost to the state agency or political subdivision.

5 The written warranty shall be included with the delivered vehicles to the Eligible Agency. The warranty terms shall be stated on Attachment 3-A, where indicated. Failure to provide this general information may result in the offer being rejected.

6 Hybrid / Electric Vehicle Warranty: Hybrid-related components including catalytic convertor, electronic control unit, onboard emissions diagnostic device, high voltage battery, transmission, DC/DC convertor for hybrid vehicles shall be covered for 8 years/100,000 miles, battery for electric vehicles shall be 8/years/100,000 miles and bidder shall indicate limitation of warranty due to voltage and amps. The warranty terms shall be stated where indicated on Attachment 3-A. Failure to provide this general information may result in the bid being rejected.

15. CURRENT PRODUCTS

All products supplied under this contract shall be in current and ongoing production; shall have been formally announced for general marketing purposes; shall be a model or type currently functioning in a user (paying customer) environment and capable of meeting or exceeding all specifications and requirements set forth in the contract.

16. PRODUCT DISCONTINUANCE

In the event that a product or model is discontinued by the manufacturer, the Department at its sole discretion may allow the Contractor to provide a substitute for the discontinued item. The Contractor shall request authorization to substitute a new product or model and provide the following:

1. A formal announcement from the manufacturer that the product or model has been discontinued.

2. Documentation from the manufacturer that names the replacement product or model.

3. Documentation that provides clear and convincing evidence that the replacement meets or exceeds all specifications required by the original solicitation.

4. Documentation that provides clear and convincing evidence that the replacement will be compatible with all the functions or uses of the discontinued product or model.

5. Documentation confirming that the price for the replacement is the same as or less than the discontinued product or model.

17. CONTRACT ADMINISTRATION

The Contractor shall contact the assigned Procurement Officer for guidance or direction in matters of contract interpretation or questions regarding the terms, conditions or scope of the contract.

18. NOTICES

All notices, requests, demands, consents, approvals, and other communications which may or are required to be served or given hereunder (for the purposes of this provisions collectively called "Notices"), shall be in writing and shall be sent by certified United States mail, return receipt requested, or by any other method that provides evidence of receipt, addressed to the party or parties to receive such notice as follows:

A. If intended for the State, to:

Arizona Department of Transportation, Procurement Group
1739 W. Jackson Street, MD 100P
Phoenix, Arizona 85007-3276

B. If intended for the Contractor, to the address as identified in the Contractor's electronic vendor profile. Or to such other address as either party may from time to time furnish in writing to the other by notice hereunder. Any notice so mailed shall be deemed to have been given as of the date such notice is received as shown on the return receipt. Furthermore, such notice may be given by delivering personally such notice, if intended for the State, to the Arizona Department of Transportation, Procurement Officer and, if intended for the Contractor, to the person named on the Offer & Contract Award of this contract, or to such other person as either party may from time to time furnish in writing to the other by notice hereunder. Any notice so delivered shall be deemed to have been given as of the date such notice is personally delivered to the other party.

19. CANCELLATION FOR POSSESSION OF WEAPONS ON ADOT PROPERTY

This contract may be cancelled if Contractor or any subcontractors or others in the employ or under the supervision of the Contractor or subcontractors is found to be in possession of weapons.

Possession of weapons (firearms, explosive device, knife or blade of more than three inches, or any other instrument designed for lethal or disabling use) is prohibited on ADOT property.

Further, if the Contractor or any subcontractors or others in the employ or under the supervision of the Contractors or subcontractors are asked by an ADOT official to leave the ADOT property, they are advised that failure to comply with such a request shall result in cancellation of the contract and anyone who refuses, whether armed or not, is subject to prosecution under A.R.S. § 13-1502, "Criminal trespass in the third degree; classification."

20. INDEMNIFICATION CLAUSE

To the fullest extent permitted by law, Contractor shall defend, indemnify, and hold harmless the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Contractor or any of its owners, officers, directors, agents, employees or subcontractors. This indemnity includes any claim or amount arising out of, or recovered under, the Workers' Compensation Law or arising out of the failure of such Contractor to conform to any federal, state, or local law, statute, ordinance, rule, regulation, or court decree. It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by Contractor from and against any and all claims. It is agreed that Contractor will be responsible for primary loss investigation, defense, and judgment costs where this indemnification is applicable. In consideration of the award of this contract, the Contractor agrees to waive all rights of subrogation against the State of Arizona, its officers, officials, agents, and employees for losses arising from the work performed by the Contractor for the State of Arizona. This indemnity shall not apply if the contractor or sub-contractor(s) is/are an agency, board, commission or university of the State of Arizona.

21. INSURANCE REQUIREMENTS

21.1 Contractor and subcontractors shall procure and maintain, until all of their obligations have been discharged, including any warranty periods under this Contract, insurance against claims for injury to persons or damage to property arising from, or in connection with, the performance of the work hereunder by the Contractor, its agents, representatives, employees or subcontractors.

21.2 The Insurance Requirements herein are minimum requirements for this Contract and in no way limit the indemnity covenants contained in this Contract. The State of Arizona in no way

warrants that the minimum limits contained herein are sufficient to protect the Contractor from liabilities that arise out of the performance of the work under this Contract by the Contractor, its agents, representatives, employees or subcontractors, and the Contractor is free to purchase additional insurance.

21.3 Minimum Scope and Limits of Insurance Contractor shall provide coverage with limits of liability not less than those stated below.

21.3.1 Commercial General Liability (CGL) – Occurrence Form

The Contractor shall furnish Certificate(s) of Insurance inclusive of the following requirements to the Department. Certificate(s) shall be received within 10 calendar days of notification of contract award by the Procurement Officer.

Policy shall include bodily injury, property damage, and broad form

contractual liability coverage.

- General Aggregate $2,000,000
- Products – Completed Operations Aggregate $1,000,000
- Personal and Advertising Injury $1,000,000
- Damage to Rented Premises $50,000
- Each Occurrence $1,000,000

a. The policy shall be endorsed, as required by this written agreement, to include the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees as additional insureds with respect to liability arising out of the activities performed by or on behalf of the Contractor.

b. Policy shall contain a waiver of subrogation endorsement, as required by this written agreement, in favor of the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Contractor.

21.3.2 Business Automobile Liability

Bodily Injury and Property Damage for any owned, hired, and/or non-owned automobiles used in the performance of this Contract.

- Combined Single Limit (CSL) $1,000,000

a. Policy shall be endorsed, as required by this written agreement, to include the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees as additional insureds with respect to liability arising out of the activities performed by, or on behalf of, the Contractor involving

automobiles owned, hired and/or non-owned by the Contractor.

b. Policy shall contain a waiver of subrogation endorsement as required by this written agreement in favor of the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Contractor.

21.3.3 Workers' Compensation and Employers' Liability

• Workers' Compensation	Statutory
• Employers' Liability	
o Each Accident	$1,000,000
o Disease – Each Employee	$1,000,000
o Disease – Policy Limit	$1,000,000

a. Policy shall contain a waiver of subrogation endorsement, as required by this written agreement, in favor of the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Contractor.

b. This requirement shall not apply to each Contractor or subcontractor that is exempt under A.R.S. § 23-901, and when such Contractor or subcontractor executes the appropriate waiver form (Sole Proprietor or Independent Contractor).

21.4 Additional Insurance Requirements The policies shall include, or be endorsed to include, as required by this written agreement, the following provisions:

21.4.1 The Contractor's policies, as applicable, shall stipulate that the insurance afforded the Contractor shall be primary and that any insurance carried by the Department, its agents, officials, employees or the State of Arizona shall be excess and not contributory insurance, as provided by A.R.S. § 41-621 (E).

21.4.2 Insurance provided by the Contractor shall not limit the Contractor's liability assumed under the indemnification provisions of this Contract.

21.5 Notice of Cancellation Applicable to all insurance policies required within the Insurance Requirements of this Contract, Contractor's insurance shall not be permitted to expire, be suspended, be canceled, or be materially changed for any reason without thirty (30) days prior written notice to the State of Arizona. Within two (2) business days of receipt, Contractor must provide notice to the State of Arizona if they receive notice of a policy that has been or will be suspended, canceled, materially changed for any reason, has expired, or will be expiring. Such notice shall be sent directly to the Department and shall be mailed, emailed, hand delivered or sent by facsimile transmission to (State Representative's Name, Address & Fax Number).

21.6 Acceptability of Insurers Contractor's insurance shall be placed with companies licensed in the State of Arizona or hold approved non-admitted status on the Arizona Department of Insurance List of Qualified Unauthorized Insurers. Insurers shall have an "A.M. Best" rating of

not less than A- VII. The State of Arizona in no way warrants that the above-required minimum insurer rating is sufficient to protect the Contractor from potential insurer insolvency.

21.7 Verification of Coverage Contractor shall furnish the State of Arizona with certificates of insurance (valid ACORD form or equivalent approved by the State of Arizona) evidencing that Contractor has the insurance as required by this Contract. An authorized representative of the insurer shall sign the certificates.

21.7.1 All such certificates of insurance and policy endorsements must be received by the State before work commences. The State's receipt of any certificates of insurance or policy endorsements that do not comply with this written agreement shall not waive or otherwise affect the requirements of this agreement.

21.7.2 Each insurance policy required by this Contract must be in effect at, or prior to, commencement of work under this Contract. Failure to maintain the insurance policies as required by this Contract, or to provide evidence of renewal, is a material breach of contract.

21.7.3 All certificates required by this Contract shall be sent directly to the Department. The State of Arizona project/contract number and project description shall be noted on the certificate of insurance. The State of Arizona reserves the right to require complete copies of all insurance policies required by this Contract at any time.

21.8 Subcontractors Contractor's certificate(s) shall include all subcontractors as insureds under its policies or Contractor shall be responsible for ensuring and/or verifying that all subcontractors have valid and collectable insurance as evidenced by the certificates of insurance and endorsements for each subcontractor. All coverages for subcontractors shall be subject to the minimum Insurance Requirements identified above. The Department reserves the right to require, at any time throughout the life of the Contract, proof from the Contractor that its subcontractors have the required coverage.

21.9 Approval and Modifications the Contracting Agency, in consultation with State Risk, reserves the right to review or make modifications to the insurance limits, required coverages, or endorsements throughout the life of this contract, as deemed necessary. Such action will not require a formal Contract amendment but may be made by administrative action.

21.10 Exceptions In the event the Contractor or subcontractor(s) is/are a public entity, then the Insurance Requirements shall not apply. Such public entity shall provide a certificate of self-insurance. If the Contractor or subcontractor(s) is/are a State of Arizona agency, board, commission, or university, none of the above shall apply.

22. USAGE REPORT

The Contractor shall furnish Two (2) Usage reports, the first to the Department on a quarterly basis showing purchasing activity under this contract. This usage report shall be provided in a form substantially equivalent to Exhibit 03. Usage reports shall be submitted to the Procurement Officer no later than 30 days after the end of each quarter.

Usage report quarters shall be defined as follows:

- January through March – Report due April 30
- April through June – Report due July 30
- July through September – Report due October 30
- October through December – Report due January 30

Contractor shall submit the second to the State documenting all Contract sales to both Eligible Agencies and Co-Op Buyers, itemized separately. A *Quarterly Usage Report* shall still be submitted; even if there have been no sales to either Eligible Agencies and/or Co-Op Buyers. Contractor shall further itemize divisions, groups or areas within a given Eligible Agency if they place Orders independently of each other. Failure to submit the report is a material breach of contract, and will entitle State to its remedies under Article 8 and its right to terminate for default under Article 9. Contractor shall submit the report using the forms and following the instructions on the State Procurement Office website:

https://spo.az.gov/contractor-resources/statewide-contracts-administrative-fee

23. CONTRACT ORDER OF PRECEDENCE

In the event of a conflict in the provisions of the Contract, as accepted by the Department and as they may be amended, the following shall prevail in the order set forth below:

- Federal Provisions
- Special Terms and Conditions
- Uniform Terms and Conditions
- Statement or Scope of Work
- Specifications
- Attachments
- Exhibits
- Special Instructions to Offerors
- Uniform Instructions to Offerors
- Other documents referenced or included in the Solicitation

24. LICENSES, PERMITS, CERTIFICATIONS

Contractor, at their expense, shall maintain in current status without any violations, complaints, or suspensions during the term of this contract all Federal, State and Local licenses, permits and certifications required for the operation of a business conducted by the Contractor.

25. CO-OP USAGE

Contractor shall verify if an ordering entity is a bona fide Co-Op Buyer before selling Materials to or providing Services for them under the Contract. The current list of Co-Op Buyers is available on the State Procurement Office website:

https://spo.az.gov/contractor-resources/statewide-contracts-administrative-fee

Contractor shall sell to Co-Op Buyers at the same price, and with the same lead times and other terms and conditions under which it sells to Eligible Agencies. With the sole exception of any legitimate additional costs for extraordinary shipping, or delivery requirements, if the Co-Op Buyer is having Materials delivered or installed or Services performed at locations not contemplated in the contracted pricing (e.g. delivery to a location outside Arizona).

Contractor shall acknowledge each Order from Co-Op Buyers in conformance with each buyer's instructions given at the time of ordering or in any supplemental participating agreement Contractor might have with them. Orders from Co-Op Buyers create no obligation on State's part, since they are entirely between the Co-Op Buyer and Contractor. That notwithstanding, Contractor's obligation under the Contract is to service Co-Op Buyers commercially as though they were with an Eligible Agency, and Contractor's refusal to do so would be a material breach of the Contract.

26. POST AWARD MEETING

At the discretion of the Department, the Contractor, at their expense, shall attend and participate in post award meetings as scheduled by the Procurement Officer.

1. Definition of Terms

As used in this Solicitation and any resulting Contract, the terms listed below are defined as follows:

1.1. *"Attachment"* means any item the Solicitation requires the Offeror to submit as part of the Offer.

1.2. *"Contract"* means the combination of the Solicitation, including the Uniform and Special Instructions to Offerors, the Uniform and Special Terms and Conditions, and the Specifications and Statement or Scope of Work; the Offer and any Best and Final Offers; and any Solicitation Amendments or Contract Amendments.

1.3. "*Contract Amendment*" means a written document signed by the Procurement Officer that is issued for the purpose of making changes in the Contract.

1.4. *"Contractor"* means any person who has a Contract with the State.

1.5. *"Days"* means calendar days unless otherwise specified.

1.6. *"Exhibit"* means any item labeled as an Exhibit in the Solicitation or placed in the Exhibits section of the Solicitation.

1.7. *"Gratuity"* means a payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.

1.8. "*Materials"* means all property, including equipment, supplies, printing, insurance and leases of property but does not include land, a permanent interest in land or real property or leasing space.

1.9. *"Procurement Officer"* means the person, or his or her designee, duly authorized by the State to enter into and administer Contracts and make written determinations with respect to the Contract.

1.10. *"Services"* means the furnishing of labor, time or effort by a contractor or subcontractor which does not involve the delivery of a specific end product other than required reports and performance, but does not include employment agreements or collective bargaining agreements.

1.11. *"Subcontract"* means any Contract, express or implied, between the Contractor and another party or between a subcontractor and another party delegating or assigning, in whole or in part, the making or furnishing of any material or any service required for the performance of the Contract.

1.12. *"State"* means the State of Arizona and Department or Agency of the State that executes the Contract.

1.13. *"State Fiscal Year"* means the period beginning with July 1 and ending June 30.

2. Contract Interpretation

2.1. Arizona Law. The Arizona law applies to this Contract including, where applicable, the Uniform Commercial Code as adopted by the State of Arizona and the Arizona

Procurement Code, Arizona Revised Statutes (A.R.S.) Title 41, Chapter 23, and its implementing rules, Arizona Administrative Code (A.A.C.) Title 2, Chapter 7.

2.2. Implied Contract Terms. Each provision of law and any terms required by law to be in this Contract are a part of this Contract as if fully stated in it.

2.3. Contract Order of Precedence. In the event of a conflict in the provisions of the Contract, as accepted by the State and as they may be amended, the following shall prevail in the order set forth below:

- Federal Provisions
- Special Terms and Conditions
- Uniform Terms and Conditions
- Statement or Scope of Work
- Specifications
- Attachments
- Exhibits
- Special Instructions to Offerors
- Uniform Instructions to Offerors
- Other documents referenced or included in the Solicitation

2.4. Relationship of Parties. The Contractor under this Contract is an independent Contractor. Neither party to this Contract shall be deemed to be the employee or agent of the other party to the Contract.

2.5. Severability. The provisions of this Contract are severable. Any term or condition deemed illegal or invalid shall not affect any other term or condition of the Contract.

2.6. No Parole Evidence. This Contract is intended by the parties as a final and complete expression of their agreement. No course of prior dealings between the parties and no usage of the trade shall supplement or explain any terms used in this document and no other understanding either oral or in writing shall be binding.

2.7. No Waiver. Either party's failure to insist on strict performance of any term or condition of the Contract shall not be deemed a waiver of that term or condition even if the party accepting or acquiescing in the nonconforming performance knows of the nature of the performance and fails to object to it.

3. Contract Administration and Operation

3.1. Records. Under A.R.S. § 35-214 and § 35-215, the Contractor shall retain and shall contractually require each subcontractor to retain all data and other "records" relating to the acquisition and performance of the Contract for a period of five years after the completion of the Contract. All records shall be subject to inspection and audit by the State at reasonable times. Upon request, the Contractor shall produce a legible copy of any or all such records.

3.2. Non-Discrimination. The Contractor shall comply with State Executive Order No. 2009-09 and all other applicable Federal and State laws, rules and regulations, including the Americans with Disabilities Act.

3.3. Audit. Pursuant to ARS § 35-214, at any time during the term of this Contract and five (5) years thereafter, the Contractor's or any subcontractor's books and records shall be subject to audit by the State and, where applicable, the Federal Government, to the extent that the books and records relate to the performance of the Contract or Subcontract.

3.4. Facilities Inspection and Materials Testing. The Contractor agrees to permit access to its facilities, subcontractor facilities and the Contractor's processes or services, at reasonable times for inspection of the facilities or materials covered under this Contract. The State shall also have the right to test, at its own cost, the materials to be supplied under this Contract. Neither inspection of the Contractor's facilities nor materials testing shall constitute final acceptance of the materials or services. If the State determines non-compliance of the materials, the Contractor shall be responsible for the payment of all costs incurred by the State for testing and inspection.

3.5. Notices. Notices to the Contractor required by this Contract shall be made by the State to the person indicated on the Offer and Acceptance form submitted by the Contractor unless otherwise stated in the Contract. Notices to the State required by the Contract shall be made by the Contractor to the Solicitation Contact Person indicated on the Solicitation cover sheet, unless otherwise stated in the Contract. An authorized Procurement Officer and an authorized Contractor representative may change their respective person to whom notice shall be given by written notice to the other and an amendment to the Contract shall not be necessary.

3.6. Advertising, Publishing and Promotion of Contract. The Contractor shall not use, advertise or promote information for commercial benefit concerning this Contract without the prior written approval of the Procurement Officer.

3.7. Property of the State. Any materials, including reports, computer programs and other deliverables, created under this Contract are the sole property of the State. The Contractor is not entitled to a patent or copyright on those materials and may not transfer the patent or copyright to anyone else. The Contractor shall not use or release these materials without the prior written consent of the State.

3.8. Ownership of Intellectual Property. Any and all intellectual property, including but not limited to copyright, invention, trademark, trade name, service mark, and/or trade secrets created or conceived pursuant to or as a result of this contract and any related subcontract ("Intellectual Property"), shall be work made for hire and the State shall be considered the creator of such Intellectual Property. The agency, department, division, board or commission of the State of Arizona requesting the issuance of this contract shall own (for and on behalf of the State) the entire right, title and interest to the Intellectual Property throughout the world. Contractor shall notify the State, within thirty (30) days, of the creation of any Intellectual Property by it or its subcontractor(s). Contractor, on behalf of itself and any subcontractor(s), agrees to execute any and all document(s) necessary to assure ownership of the Intellectual Property vests in the State and shall take no affirmative actions that might have the effect of vesting all or part of the Intellectual Property in any entity other than the State. The Intellectual Property shall not be disclosed by contractor or its subcontractor(s) to any entity not the

State without the express written authorization of the agency, department, division, board or commission of the State of Arizona requesting the issuance of this contract.

3.9. Federal Immigration and Nationality Act. The contractor shall comply with all federal, state and local immigration laws and regulations relating to the immigration status of their employees during the term of the contract. Further, the contractor shall flow down this requirement to all subcontractors utilized during the term of the contract. The State shall retain the right to perform random audits of contractor and subcontractor records or to inspect papers of any employee thereof to ensure compliance. Should the State determine that the contractor and/or any subcontractors be found noncompliant, the State may pursue all remedies allowed by law, including, but not limited to; suspension of work, termination of the contract for default and suspension and/or debarment of the contractor.

3.10 E-Verify Requirements. In accordance with A.R.S. § 41-4401, Contractor warrants compliance with all Federal immigration laws and regulations relating to employees and warrants its compliance with Section A.R.S. § 23-214, Subsection A.

3.11 Offshore Performance of Work Prohibited.
Any services that are described in the specifications or scope of work that directly serve the State of Arizona or its clients and involve access to secure or sensitive data or personal client data shall be performed within the defined territories of the United States. Unless specifically stated otherwise in the specifications, this paragraph does not apply to indirect or 'overhead' services, redundant back-up services or services that are incidental to the performance of the contract. This provision applies to work performed by subcontractors at all tiers.

4. Costs and Payments

4.1. Payments. Payments shall comply with the requirements of A.R.S. Titles 35 and 41, Net 30 days. Upon receipt and acceptance of goods or services, the Contractor shall submit a complete and accurate invoice for payment from the State within thirty (30) days.

4.2. Delivery. Unless stated otherwise in the Contract, all prices shall be F.O.B. Destination and shall include all freight delivery and unloading at the destination.

4.3. Applicable Taxes.

4.3.1. Payment of Taxes. The Contractor shall be responsible for paying all applicable taxes.

4.3.2. State and Local Transaction Privilege Taxes. The State of Arizona is subject to all applicable state and local transaction privilege taxes. Transaction privilege taxes apply to the sale and are the responsibility of the seller to remit. Failure to collect such taxes from the buyer does not relieve the seller from its obligation to remit taxes.

4.3.3. Tax Indemnification. Contractor and all subcontractors shall pay all Federal, state and local taxes applicable to its operation and any persons employed by the Contractor. Contractor shall, and require all subcontractors to hold the State harmless from any responsibility for taxes, damages and interest, if

applicable, contributions required under Federal, and/or state and local laws and regulations and any other costs including transaction privilege taxes, unemployment compensation insurance, Social Security and Worker's Compensation.

4.3.4. IRS W9 Form. In order to receive payment the Contractor shall have a current I.R.S. W9 Form on file with the State of Arizona, unless not required by law.

4.4. Availability of Funds for the Next State fiscal year. Funds may not presently be available for performance under this Contract beyond the current state fiscal year. No legal liability on the part of the State for any payment may arise under this Contract beyond the current state fiscal year until funds are made available for performance of this Contract.

4.5. Availability of Funds for the current State fiscal year. Should the State Legislature enter back into session and reduce the appropriations or for any reason and these goods or services are not funded, the State may take any of the following actions:

4.5.1. Accept a decrease in price offered by the contractor;

4.5.2. Cancel the Contract; or

4.5.3. Cancel the contract and re-solicit the requirements.

5. Contract Changes

5.1. Amendments. This Contract is issued under the authority of the Procurement Officer who signed this Contract. The Contract may be modified only through a Contract Amendment within the scope of the Contract. Changes to the Contract, including the addition of work or materials, the revision of payment terms, or the substitution of work or materials, directed by a person who is not specifically authorized by the procurement officer in writing or made unilaterally by the Contractor are violations of the Contract and of applicable law. Such changes, including unauthorized written Contract Amendments shall be void and without effect, and the Contractor shall not be entitled to any claim under this Contract based on those changes.

5.2. Subcontracts. The Contractor shall not enter into any Subcontract under this Contract for the performance of this contract without the advance written approval of the Procurement Officer. The Contractor shall clearly list any proposed subcontractors and the subcontractor's proposed responsibilities. The Subcontract shall incorporate by reference the terms and conditions of this Contract.

5.3. Assignment and Delegation. The Contractor shall not assign any right nor delegate any duty under this Contract without the prior written approval of the Procurement Officer. The State shall not unreasonably withhold approval.

6. Risk and Liability

6.1. Risk of Loss: The Contractor shall bear all loss of conforming material covered under this Contract until received by authorized personnel at the location designated in the purchase order or Contract. Mere receipt does not constitute final acceptance. The risk of loss for nonconforming materials shall remain with the Contractor regardless of receipt.

6.2. Indemnification

6.2.1. Contractor/Vendor Indemnification (Not Public Agency) The parties to this contract agree that the State of Arizona, its departments, agencies, boards and commissions shall be indemnified and held harmless by the contractor for the vicarious liability of the State as a result of entering into this contract. However, the parties further agree that the State of Arizona, its departments, agencies, boards and commissions shall be responsible for its own negligence. Each party to this contract is responsible for its own negligence.

6.2.2. Public Agency Language Only Each party (as 'indemnitor') agrees to indemnify, defend, and hold harmless the other party (as 'indemnitee') from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as 'claims') arising out of bodily injury of any person (including death) or property damage but only to the extent that such claims which result in vicarious/derivative liability to the indemnitee, are caused by the act, omission, negligence, misconduct, or other fault of the indemnitor, its officers, officials, agents, employees, or volunteers."

6.3. Indemnification - Patent and Copyright**.** The Contractor shall indemnify and hold harmless the State against any liability, including costs and expenses, for infringement of any patent, trademark or copyright arising out of Contract performance or use by the State of materials furnished or work performed under this Contract. The State shall reasonably notify the Contractor of any claim for which it may be liable under this paragraph. If the contractor is insured pursuant to A.R.S. § 41-621 and § 35-154, this section shall not apply.

6.4. Force Majeure.

6.4.1 Except for payment of sums due, neither party shall be liable to the other nor deemed in default under this Contract if and to the extent that such party's performance of this Contract is prevented by reason of force majeure. The term *"force majeure"* means an occurrence that is beyond the control of the party affected and occurs without its fault or negligence. Without limiting the foregoing, force majeure includes acts of God; acts of the public enemy; war; riots; strikes; mobilization; labor disputes; civil disorders; fire; flood; lockouts; injunctions-intervention-acts; or failures or refusals to act by government authority; and other similar occurrences beyond the control of the party declaring force majeure which such party is unable to prevent by exercising reasonable diligence.

6.4.2. Force Majeure shall not include the following occurrences:

6.4.2.1. Late delivery of equipment or materials caused by congestion at a manufacturer's plant or elsewhere, or an oversold condition of the market;

6.4.2.2. Late performance by a subcontractor unless the delay arises out of a force majeure occurrence in accordance with this force majeure term and condition; or

6.4.2.3. Inability of either the Contractor or any subcontractor to acquire or maintain any required insurance, bonds, licenses or permits.

6.4.3. If either party is delayed at any time in the progress of the work by force majeure, the delayed party shall notify the other party in writing of such delay, as soon as is practicable and no later than the following working day, of the commencement thereof and shall specify the causes of such delay in such notice. Such notice shall be delivered or mailed certified-return receipt and shall make a specific reference to this article, thereby invoking its provisions. The delayed party shall cause such delay to cease as soon as practicable and shall notify the other party in writing when it has done so. The time of completion shall be extended by Contract Amendment for a period of time equal to the time that results or effects of such delay prevent the delayed party from performing in accordance with this Contract.

6.4.4. Any delay or failure in performance by either party hereto shall not constitute default hereunder or give rise to any claim for damages or loss of anticipated profits if, and to the extent that such delay or failure is caused by force majeure.

6.5. Third Party Antitrust Violations. The Contractor assigns to the State any claim for overcharges resulting from antitrust violations to the extent that those violations concern materials or services supplied by third parties to the Contractor, toward fulfillment of this Contract.

7. Warranties

7.1. Liens. The Contractor warrants that the materials supplied under this Contract are free of liens and shall remain free of liens.

7.2. Quality. Unless otherwise modified elsewhere in these terms and conditions, the Contractor warrants that, for one year after acceptance by the State of the materials, they shall be:

7.2.1. Of a quality to pass without objection in the trade under the Contract description;

7.2.2. Fit for the intended purposes for which the materials are used;

7.2.3. Within the variations permitted by the Contract and are of even kind, quantity, and quality within each unit and among all units;

7.2.4. Adequately contained, packaged and marked as the Contract may require; and

7.2.5. Conform to the written promises or affirmations of fact made by the Contractor.

7.3. Fitness. The Contractor warrants that any material supplied to the State shall fully conform to all requirements of the Contract and all representations of the Contractor, and shall be fit for all purposes and uses required by the Contract.

7.4. Inspection/Testing. The warranties set forth in subparagraphs 7.1 through 7.3 of this paragraph are not affected by inspection or testing of or payment for the materials by the State.

7.5. Compliance With Applicable Laws. The materials and services supplied under this

Contract shall comply with all applicable Federal, state and local laws, and the Contractor shall maintain all applicable license and permit requirements.

7.6. Survival of Rights and Obligations after Contract Expiration or Termination.

7.6.1. Contractor's Representations and Warranties. All representations and warranties made by the Contractor under this Contract shall survive the expiration or termination hereof. In addition, the parties hereto acknowledge that pursuant to A.R.S. § 12-510, except as provided in A.R.S. § 12-529, the State is not subject to or barred by any limitations of actions prescribed in A.R.S., Title 12, Chapter 5.

7.6.2. Purchase Orders. The Contractor shall, in accordance with all terms and conditions of the Contract, fully perform and shall be obligated to comply with all purchase orders received by the Contractor prior to the expiration or termination hereof, unless otherwise directed in writing by the Procurement Officer, including, without limitation, all purchase orders received prior to but not fully performed and satisfied at the expiration or termination of this Contract.

8. State's Contractual Remedies

8.1. Right to Assurance. If the State in good faith has reason to believe that the Contractor does not intend to, or is unable to perform or continue performing under this Contract, the Procurement Officer may demand in writing that the Contractor give a written assurance of intent to perform. Failure by the Contractor to provide written assurance within the number of Days specified in the demand may, at the State's option, be the basis for terminating the Contract under the Uniform Terms and Conditions or other rights and remedies available by law or provided by the contract.

8.2. Stop Work Order.

8.2.1. The State may, at any time, by written order to the Contractor, require the Contractor to stop all or any part, of the work called for by this Contract for period(s) of days indicated by the State after the order is delivered to the Contractor. The order shall be specifically identified as a stop work order issued under this clause. Upon receipt of the order, the Contractor shall immediately comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage.

8.2.2. If a stop work order issued under this clause is canceled or the period of the order or any extension expires, the Contractor shall resume work. The Procurement Officer shall make an equitable adjustment in the delivery schedule or Contract price, or both, and the Contract shall be amended in writing accordingly.

8.3. Non-exclusive Remedies. The rights and the remedies of the State under this Contract are not exclusive.

8.4. Nonconforming Tender. Materials or services supplied under this Contract shall fully comply with the Contract. The delivery of materials or services or a portion of the

materials or services that do not fully comply constitutes a breach of contract. On delivery of nonconforming materials or services, the State may terminate the Contract for default under applicable termination clauses in the Contract, exercise any of its rights and remedies under the Uniform Commercial Code, or pursue any other right or remedy available to it.

8.5. Right of Offset. The State shall be entitled to offset against any sums due the Contractor, any expenses or costs incurred by the State, or damages assessed by the State concerning the Contractor's non-conforming performance or failure to perform the Contract, including expenses, costs and damages described in the Uniform Terms and Conditions.

9. Contract Termination

9.1. Cancellation for Conflict of Interest. Pursuant to A.R.S. § 38-511, the State may cancel this Contract within three (3) years after Contract execution without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting or creating the Contract on behalf of the State is or becomes at any time while the Contract or an extension of the Contract is in effect an employee of or a consultant to any other party to this Contract with respect to the subject matter of the Contract. The cancellation shall be effective when the Contractor receives written notice of the cancellation unless the notice specifies a later time. If the Contractor is a political subdivision of the State, it may also cancel this Contract as provided in A.R.S. § 38-511.

9.2. Gratuities. The State may, by written notice, terminate this Contract, in whole or in part, if the State determines that employment or a Gratuity was offered or made by the Contractor or a representative of the Contractor to any officer or employee of the State for the purpose of influencing the outcome of the procurement or securing the Contract, an amendment to the Contract, or favorable treatment concerning the Contract, including the making of any determination or decision about contract performance. The State, in addition to any other rights or remedies, shall be entitled to recover exemplary damages in the amount of three times the value of the Gratuity offered by the Contractor.

9.3. Suspension or Debarment. The State may, by written notice to the Contractor, immediately terminate this Contract if the State determines that the Contractor has been debarred, suspended or otherwise lawfully prohibited from participating in any public procurement activity, including but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body. Submittal of an offer or execution of a contract shall attest that the contractor is not currently suspended or debarred. If the contractor becomes suspended or debarred, the contractor shall immediately notify the State.

9.4. Termination for Convenience. The State reserves the right to terminate the Contract, in whole or in part at any time when in the best interest of the State, without penalty or recourse. Upon receipt of the written notice, the Contractor shall stop all work, as directed in the notice, notify all subcontractors of the effective date of the termination and minimize all further costs to the State. In the event of termination under this paragraph, all documents, data and reports prepared by the Contractor under the Contract shall become the property of and be delivered to the State upon demand. The

Contractor shall be entitled to receive just and equitable compensation for work in progress, work completed and materials accepted before the effective date of the termination. The cost principles and procedures provided in A.A.C. R2-7-701 shall apply.

9.5. Termination for Default.

9.5.1. In addition to the rights reserved in the contract, the State may terminate the Contract in whole or in part due to the failure of the Contractor to comply with any term or condition of the Contract, to acquire and maintain all required insurance policies, bonds, licenses and permits, or to make satisfactory progress in performing the Contract. The Procurement Officer shall provide written notice of the termination and the reasons for it to the Contractor.

9.5.2. Upon termination under this paragraph, all goods, materials, documents, data and reports prepared by the Contractor under the Contract shall become the property of and be delivered to the State on demand.

9.5.3. The State may, upon termination of this Contract, procure, on terms and in the manner that it deems appropriate, materials or services to replace those under this Contract. The Contractor shall be liable to the State for any excess costs incurred by the State in procuring materials or services in substitution for those due from the Contractor.

9.6. Continuation of Performance Through Termination. The Contractor shall continue to perform, in accordance with the requirements of the Contract, up to the date of termination, as directed in the termination notice.

10. Contract Claims

All contract claims or controversies under this Contract shall be resolved according to A.R.S. Title 41, Chapter 23, Article 9, and rules adopted thereunder.

11. Arbitration

The parties to this Contract agree to resolve all disputes arising out of or relating to this contract through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. § 12-1518, except as may be required by other applicable statutes (Title 41).

12. Comments Welcome

The State Procurement Office periodically reviews the Uniform Terms and Conditions and welcomes any comments you may have. Please submit your comments to: State Procurement Administrator, State Procurement Office, 100 North 15th Avenue, Suite 201, Phoenix, Arizona, 85007.

FEDERAL PROVISIONS

1. INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION (FTA) TERMS

The following provisions include, in part, certain Standard Terms and Conditions required by DOT, whether or not expressly set forth in the preceding contract provisions. All contractual provisions required by DOT, as set forth in FTA Circular 4220 available at: https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/third-party-contracting-guidance are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. The Contractor shall not perform any act, fail to perform any act, or refuse to comply with any (name of grantee) requests which would cause (name of grantee) to be in violation of the FTA terms and conditions.

The Federal Terms and Conditions under this Contract shall be incorporated in any sub-contractor, or lower-tier agreement for any federally-funded task assignment / project awarded under this Contract.

2. NO FEDERAL GOVERNMENT OBLIGATIONS TO THIRD PARTIES

The Department and Contractor acknowledge and agree that, notwithstanding any concurrence b the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations or liabilities to the Department, Contractor, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

The Contractor agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided by Federal Funding Agency. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

3. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS AND RELATED ACTS

Contractor acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 USC 3801 et seq. and USDOT regulations, "Program Fraud Civil Remedies," 49 CFR 31, apply to its actions pertaining to this project.

Upon execution of the underlying contract, contractor certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying contract or FTA assisted project for which this contract work is being performed. In addition to other penalties that may be applicable, contractor further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submittal, or certification, the US Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act (1986) on contractor to the extent the US Government deems appropriate.

The Contractor also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract connected with a project that is financed in whole or in part with Federal assistance originally awarded by FTA under the authority of 49 U.S.C. § 5307, the Government reserves the right to impose the penalties of 18 U.S.C. § 1001 and 49 U.S.C. § 5307(n)(1) (5323(l)) on the Contractor, to the extent the Federal Government deems appropriate.

Contractor shall include the above two clauses in each subcontract financed in whole or in part with FTA assistance. The clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.

4. ACCESS TO RECORDS AND REPORTS

The following access to records requirements apply to this Contract:

1. Where the Purchaser is not a State but a local government and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C. F. R. 18.36(i), the Contractor shall - provide the Purchaser, the FTA, the US Comptroller General or their authorized representatives access to any books, documents, papers and contractor records which are pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions. Contractor shall also , pursuant to 49 C. F. R. 633.15, provide authorized FTA representative including any PMO Contractor access to Contractor's records and construction sites pertaining to a capital project, defined at 49
U.S.C. 5302(a)1, which is receiving assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311.

2. Where the Purchaser is a State and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 633.15, Contractor shall provide the Purchaser, authorized FTA representatives, including any PMO Contractor, access to the Contractor's records and construction sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which receives FTA assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311. By definition, a major capital project excludes contracts of less than the simplified acquisition threshold currently set at
$250,000.00.

3. Where the Purchaser enters into a negotiated contract for other than a small purchase or under the simplified acquisition threshold and is an institution of higher education, a hospital or other non- profit organization and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 19.48, Contractor shall provide the Purchaser, FTA, the US Comptroller General or their authorized representatives with access to any books, documents, papers and record of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions.

4. Where a Purchaser which is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 U.S.C. 5325(a) enters into a contract for a capital project or improvement (defined at 49 U.S.C. 5302(a)1) through other than competitive bidding, the Contractor shall make available records related to the contract to the Purchaser, the Secretary of USDOT and the US Comptroller General or any authorized officer or employee of any of them for the purposes of conducting an audit and inspection.

5. Contractor shall permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

6. The Contractor shall retain, and shall require its subcontractors at all tiers, all books, records, accounts and reports required under this contract for a period of not less than five years after the date of termination or expiration of this contract, except in the event of litigation or settlement of claims arising from the performance of this contract, in which case Contractor agrees to maintain same until the Purchaser, the FTA Administrator, the Comptroller General, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related thereto. Reference 49 CFR 18.39(i)(11).

5. TERMS OF THE MASTER AGREEMENT AND COMPLIANCE

Contractor shall at all times comply with all applicable Federal Funding Agency laws, regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Master Agreement, available at https://www.transit.dot.gov/funding/grantee-resources/sample-fta- agreements/fta-grant-agreements, between the Department and FTA, as they may be amended or promulgated from time to time during the term of this contract. This Master Agreement does not have an Expiration Date. This Master Agreement continues to apply to the Recipient and its Underlying Agreement, until modified or superseded by a more recently enacted or issued applicable federal law, regulation, requirement, or guidance, or amendment to this Master Agreement or the Underlying Agreement. To assure compliance the Recipient must take measures to assure that other participants in its Underlying Agreements (*e.g.*, Third Party Participants) comply. Contractor's failure to so comply shall constitute a material breach of this contract.

All contractual provisions required by the U.S. Department of Transportation are hereby incorporated by reference. In the event of additional funding provided by FHWA, the applicable requirements of the Stewardship Agreement, available at https://www.fhwa.dot.gov/federalaid/stewardship, between the Department and FHWA are incorporated by reference.

6. CIVIL RIGHTS REQUIREMENTS

The AGENCY is an Equal Opportunity Employer. As such, the AGENCY agrees to comply

with all applicable Federal civil rights laws and implementing regulations. Apart from inconsistent requirements imposed by Federal laws or regulations, the AGENCY agrees to comply with the requirements of 49 U.S.C. § 5323(h) (3) by not using any Federal assistance awarded by FTA to support procurements using exclusionary or discriminatory specifications.

Under this Agreement, the Contractor shall at all times comply with the following requirements and shall include these requirements in each subcontract entered into as part thereof.

Equal Employment Opportunity

1. Nondiscrimination - In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex(including sexual orientation and gender identity), age, or disability. In addition, the Contractor agrees to comply with applicable Federal implementing regulations and other implementing requirements Federal Funding Agency may issue.

2. Race, Color, religion, National Origin, Sex - In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, the Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq., (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The Contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Contractor agrees to comply with any implementing requirements Federal Funding Agency may issue.

3. Age - In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 623 and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor agrees to comply with any implementing requirements Federal Funding Agency may issue.

4. Disabilities - In accordance with section 102 of the Americans with Disabilities Act, as amended, 42
U.S.C. § 12112, the Contractor agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the Contractor agrees to comply with any implementing requirements Federal Funding Agency may issue.

The Contractor also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided, modified only if necessary to identify the affected parties.

7. TERMINATION

Termination of the contract shall be in accordance with the Uniform Terms and Conditions, Section 9., paragraph 9.1 through 9.6.

8. DEBARMENT OR SUSPENSION

This contract is a covered transaction for purposes of 49 CFR Part 29. As such, the contractor is required to verify that none of the contractor, its principals, as defined at 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940and 29.945. The contractor is required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction it enters into.

As such, the Contractor shall verify that its principals, affiliates, and subcontractors are eligible to participate in this federally funded contract and are not presently declared by any Federal department or agency to be:

a) Debarred from participation in any federally assisted Award;

b) Suspended from participation in any federally assisted Award;

c) Proposed for debarment from participation in any federally assisted Award;

d) Declared ineligible to participate in any federally assisted Award;

e) Voluntarily excluded from participation in any federally assisted Award; or

f) Disqualified from participation in ay federally assisted Award.

By signing and submitting its bid or proposal, the bidder or proposer certifies as follows:

The certification in this clause is a material representation of fact relied upon by the Department. If it is later determined that the bidder or proposer knowingly rendered an erroneous certification, in addition to remedies available to the Department, the

Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

8.1 GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

The Contractor agrees to the following:

(1) It will comply with the requirements of 2 C.F.R. part 180, subpart C, as adopted and supplemented by U.S. DOT regulations at 2 C.F.R. part 1200, which include the following:

(a) It will not enter into any arrangement to participate in the development or implementation of the Project with any Third Party Participant that is debarred or suspended except as authorized by: 1 U.S. DOT regulations, "Nonprocurement Suspension and Debarment," 2 C.F.R. part 1200, 2 U.S. OMB, "Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement)," 2 C.F.R. part 180, including any amendments thereto, and 3 Executive Orders Nos. 12549 and 12689, "Debarment and Suspension," 31 U.S.C. § 6101 note,

(b) It will review the U.S. GSA "System for Award Management," https://www.sam.gov, if required by U.S. DOT regulations, 2 C.F.R. part 1200, and

(c) It will include, and require each of its Third Party Participants to include, a similar provision in each lower tier covered transaction, ensuring that each lower tier Third Party Participant:

(1) Will comply with Federal debarment and suspension requirements, and 2 Reviews the "System for Award Management" at https://www.sam.gov, if necessary to comply with U.S. DOT regulations, 2 C.F.R. part 1200, and

If the Department suspends, debars, or takes any similar action against a Third Party Participant or individual, the Department will provide immediate written notice to the:

(a) FTA Regional Counsel for the Region in which the Recipient is located or implements the Project,
(b) FTA Project Manager if the Project is

administered by an FTA Headquarters Office, or

(c) FTA Chief Counsel.

9. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER

POLLUTION CONTROL ACT Clean Water

Contractor shall comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq. Contractor shall report each violation to the recipient and understands and agrees that the recipient shall, in turn, report each violation as required to FTA and the appropriate EPA Regional Office. Contractor shall include these requirements in each subcontract exceeding $150,000 financed in whole or in part with FTA assistance.

Clean Air

1) Contractor shall comply with all applicable standards, orders or regulations pursuant to the Clean Air Act, 42 USC 7401 et seq. Contractor shall report each violation to the recipient and understands and agrees that the recipient will, in turn, report each violation as required to FTA and the appropriate EPA Regional Office.

2) Contractor shall include these requirements in each subcontract exceeding $150,000 financed in whole or in part with FTA assistance.

10. BUY AMERICA

In any task assignment / project for construction, acquisition of goods, or rolling stock valued at more than $150,000, the contractor agrees to comply with 49 U.S.C. 5323(j) and 49 C.F.R. part 661, which provide that Federal funds may not be obligated unless all steel, iron, and manufactured products used in FTA funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver. General waivers are listed in 49 C.F.R. § 661.7. Separate requirements for rolling stock are set out at 49 U.S.C. 5323(j)(2)(C) and 49 C.F.R. § 661.11.

Contractor shall comply with 49 USC 5323(j) and 49 CFR 661, stating that Federal funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver. General waivers are listed in 49 CFR 661.7, and include software, microcomputer equipment and small purchases (currently less than $150,000) made with capital, operating, or planning funds. Separate requirements for rolling stock are stated at 5323(j)(2)(C) and 49 CFR 661.11. Rolling stock must be manufactured in the US and have a minimum 65% domestic content for FY2019 and a minimum 70% domestic content for FY2020 and beyond. A bidder or offeror shall submit appropriate Buy America certification to the recipient with all bids on FTA-funded contracts, except those subject to a general waiver. Proposals not accompanied by a completed a certification shall be rejected as

nonresponsive. This requirement does not apply to lower tier subcontractors.

11. BREACHES AND DISPUTE RESOLUTION

The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by the (Recipient), (Architect) or Contractor shall constitute a waiver of any right or duty afforded any of them under the Contract, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.

Disputes arising in the performance of this contract which are not resolved by agreement of the parties shall be decided in writing by the Department. This decision shall be final and conclusive unless within ten days from the date of receipt of its copy, contractor mails or otherwise furnishes a written appeal to the Department. In connection with such appeal, contractor shall be afforded an opportunity to be heard and to offer evidence in support of its position. The decision of the Department shall be binding upon contractor and contractor shall abide by the decision. FTA has a vested interest in the settlement of any violation of Federal law including the False Claims Act, 31 U.S.C. § 3729.

Performance During Dispute - Unless otherwise directed by the recipient, contractor shall continue performance under this contract while matters in dispute are being resolved. Claims for Damages - Should either party to the contract suffer injury or damage to person or property because of any act or omission of the party or of any of its employees, agents or others for whose acts it is legally liable, a claim for damages therefore shall be made in writing to such other party within ten days after the first observance of such injury or damage.

Remedies - Unless this contract provides otherwise, all claims, counterclaims, disputes and other matters in question between the Department and contractor arising out of or relating to this agreement or its breach will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the residing State.

Rights and Remedies - Duties and obligations imposed by the contract documents and the rights and remedies available thereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by the Department or contractor shall constitute a waiver of any right or duty afforded any of them under the contract, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.

12. LOBBYING

The Contractor agrees to comply with the provisions of Title 31, U.S. C 1352 as

amended by the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. 1601, et seq.] and (Public Law 101.121) as codified in Title 48, Federal Acquisition Regulations Subpart 3.8 and Subpart 52.203-11. The legislation prohibits Federal funds from being expended by a recipient or any lower tier sub- recipients of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence a Federal agency or Congress in connection with the award of any Federal contract, the making of any Federal grant or loan, or entering into any cooperative agreement, including the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement. All disclosure statements are to be furnished to the Department.

Contractors who apply or propose/bid for an award of $100,000 or more in value shall file the attached Lobbying Certification {01Lobbying Certification document} required by 49 CFR part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the recipient.

13. FLY AMERICA

The Contractor agrees to comply with 49 U.S.C. 40118 (the "Fly America" Act) in accordance with the General Services Administration's regulations at 41 CFR Part 301-10, which provide that recipients of Federal funds and their contractors are required to use U.S. Flag air carriers for U.S Government- financed international air travel and transportation of their personal effects or property, to the extent such service is available, unless travel by foreign air carrier is a matter of necessity, as defined by the Fly America Act. The Contractor shall submit, if a foreign air carrier was used, an appropriate certification or memorandum adequately explaining why service by a U.S. flag air carrier was not
available or why it was necessary to use a foreign air carrier and shall, in any event, provide a certificate of compliance with the Fly America requirements. The Contractor agrees to include the requirements of this section in all subcontracts that may involve international air transportation.

14. ENERGY CONSERVATION

The contractor agrees to comply with mandatory standards and policies relating to energy efficiency, stated in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

15. CONFLICTS OF INTEREST / EMPLOYMENT OF FEDERAL PERSONNEL

Contractors will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent of the Department or the Federal funding agency shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when: The employee, officer or agent, any member of his immediate family, His or her partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. Department officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements.

16. COPYRIGHT AND PATENT

To the extent permitted by A.R.S. § 41-621 and § 35-154, the Contractor shall indemnify and hold harmless ADOT against any liability, including costs and expenses, for infringement of any patent, trademark or copyright arising out of this contract performance or use by ADOT of materials furnished or work performed under this contract. ADOT shall reasonably notify the Contractor of any claim for which it may be liable under this paragraph.

Copyrights pursuant to 23 CFR 420.121 (b): The Department, as a State DOT may copyright any books, publications, or other copyrightable materials developed in the course of the project, and does herein exercise that right. The federal funding agency reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the work for Government purposes.

Patents pursuant to 23 CFR 420.121 (i): The Department, as a State DOT is subject to the provisions of 37 CFR part 401 governing patents and inventions and must include or cite the standard patent rights clause at 37 CFR 401.14, except for §401.14(g), in all subgrants or contracts. In addition, State DOTs must include the following clause, suitably modified to identify the parties, in all subgrants or contracts, regardless of tier, for experimental, developmental or research work: “The subgrantee or contractor will retain all rights provided for the State in this clause, and the State will not, as part of the consideration for awarding the subgrant or contract, obtain rights in the subgrantee's or contractor's subject inventions.”

Standard Patent Rights required pursuant to 37 CFR 401.14:

(a) Definitions

(1) Invention means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the United States Code, or any novel variety of plant which is or may be protected under the Plant Variety Protection Act (7 U.S.C.

2321 et seq.).

(2) Subject invention means any invention of the contractor conceived or first actually reduced to practice in the performance of work under this contract, provided that in the case of a variety of plant, the date of determination (as defined in section 41(d) of the Plant Variety Protection Act, 7 U.S.C. 2401(d)) must also occur during the period of contract performance.

(3) Practical Application means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or government regulations, available to the public on reasonable terms.

(4) Made when used in relation to any invention means the conception or first actual reduction to practice of such invention.

(5) Small Business Firm means a small business concern as defined at section 2 of Pub. L. 85-536 (15
U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration. For the purpose of this clause, the size standards for small business concerns involved in government procurement and subcontracting at 13 CFR 121.3-8 and 13 CFR 121.3-12, respectively, will be used.

(6) Nonprofit Organization means a university or other institution of higher education or an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c) and exempt from taxation under section 501(a) of the Internal Revenue Code (25 U.S.C. 501(a)) or any nonprofit scientific or educational organization qualified under a state nonprofit organization statute.

(7) The term statutory period means the one-year period before the effective filing date of a claimed invention during which exceptions to prior art exist per 35 U.S.C. 102(b) as amended by the Leahy-Smith America Invents Act, Public Law 112-29.

(8) The term contractor means any person, small business firm or nonprofit organization, or, as set forth in section 1, paragraph (b)(4) of Executive Order 12591, as amended, any business firm regardless of size, which is a party to a funding agreement.

(b) Allocation of Principal Rights

The Contractor may retain the entire right, title, and interest throughout the world to each subject invention subject to the provisions of this clause and 35 U.S.C. 203. With respect to any subject invention in which the Contractor retains title, the Federal government shall have a nonexclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States the subject invention

throughout the world.

(c) Invention Disclosure, Election of Title and Filing of Patent Application by Contractor

(1) The contractor will disclose each subject invention to the Federal Agency within two months after the inventor discloses it in writing to contractor personnel responsible for patent matters. The disclosure to the agency shall be in the form of a written report and shall identify the contract under which the invention was made and the inventor(s). It shall be sufficiently complete in technical detail to convey a clear understanding to the extent known at the time of the disclosure, of the nature, purpose, operation, and the physical, chemical, biological or electrical characteristics of the invention. The disclosure shall also identify any publication, on sale or public use of the invention and whether a manuscript describing the invention has been submitted for publication and, if so, whether it has been accepted for publication at the time of disclosure. In addition, after disclosure to the agency, the Contractor will promptly notify the agency of the acceptance of any manuscript describing the invention for publication or of any on sale or public use planned by the contractor.

(2) The contractor will elect in writing whether or not to retain title to any such invention by notifying the Federal agency within two years of disclosure to the Federal agency. However, in any case where a patent, a printed publication, public use, sale, or other availability to the public has initiated the one year statutory period wherein valid patent protection can still be obtained in the United States, the period for election of title may be shortened by the agency to a date that is no more than 60 days prior to the end of the statutory period.

(3) The contractor will file its initial patent application on a subject invention to which it elects to retain title within one year after election of title or, if earlier, prior to the end of any statutory period wherein valid patent protection can be obtained in the United States after a publication, on sale, or public use. If the contractor files a provisional application as its initial patent application, it shall file a non-provisional application within 10 months of the filing of the provisional application. The contractor will file patent applications in additional countries or international patent offices within either ten months of the first filed patent application or six months from the date permission is granted by the Commissioner of Patents to file foreign patent applications where such filing has been prohibited by a Secrecy Order.

(4) For any subject invention with Federal agency and contractor co-inventors, where the Federal agency employing such co-inventor determines that it would be in the interest of the government, pursuant to 35 U.S.C. 207(a)(3), to file an initial patent application on the subject invention, the Federal agency employing such co-inventor, at its discretion and in consultation with the contractor, may file such application at its own expense, provided that the contractor retains the ability to elect title pursuant to 35 U.S.C. 202(a).

(5) Requests for extension of the time for disclosure, election, and filing under

paragraphs (1), (2), and (3) of this clause may, at the discretion of the Federal agency, be granted. When a contractor has requested an extension for filing a non-provisional application after filing a provisional application, a one-year extension will be granted unless the Federal agency notifies the contractor within 60 days of receiving the request.

(d) Conditions When the Government May Obtain Title

The contractor will convey to the Federal agency, upon written request, title to any subject invention—

(1) If the contractor fails to disclose or elect title to the subject invention within the times specified in paragraph (c) of this clause, or elects not to retain title.

(2) In those countries in which the contractor fails to file patent applications within the times specified in paragraph (c) of this clause; provided, however, that if the contractor has filed a patent application in a country after the times specified in paragraph (c) of this clause, but prior to its receipt of the written request of the Federal agency, the contractor shall continue to retain title in that country.

(3) In any country in which the contractor decides not to continue the prosecution of any non- provisional patent application for, to pay a maintenance, annuity or renewal fee on, or to defend in a reexamination or opposition proceeding on, a patent on a subject invention.

(e) Minimum Rights to Contractor and Protection of the Contractor Right to File

(1) The contractor will retain a nonexclusive royalty-free license throughout the world in each subject invention to which the Government obtains title, except if the contractor fails to disclose the invention within the times specified in (c), above. The contractor's license extends to its domestic subsidiary and affiliates, if any, within the corporate structure of which the contractor is a party and includes the right to grant sublicenses of the same scope to the extent the contractor was legally obligated to do so at the time the contract was awarded. The license is transferable only with the approval of the Federal agency except when transferred to the sucessor of that party of the contractor's business to which the invention pertains.

(2) The contractor's domestic license may be revoked or modified by the funding Federal agency to the extent necessary to achieve expeditious practical application of the subject invention pursuant to an application for an exclusive license submitted in accordance with applicable provisions at 37 CFR part 404 and agency licensing regulations (if any). This license will not be revoked in that field of use or the geographical areas in which the contractor has achieved practical application and continues to make the benefits of the invention reasonably accessible to the public. The license in any foreign country may be revoked or modified at the discretion of the funding Federal agency to the extent the contractor, its licensees, or the domestic

subsidiaries or affiliates have failed to achieve practical application in that foreign country.

(3) Before revocation or modification of the license, the funding Federal agency will furnish the contractor a written notice of its intention to revoke or modify the license, and the contractor will be allowed thirty days (or such other time as may be authorized by the funding Federal agency for good cause shown by the contractor) after the notice to show cause why the license should not be revoked or modified. The contractor has the right to appeal, in accordance with applicable regulations in 37 CFR part 404 and agency regulations (if any) concerning the licensing of Government-owned inventions, any decision concerning the revocation or modification of the license.

(f) Contractor Action to Protect the Government's Interest

(1) The contractor agrees to execute or to have executed and promptly deliver to the Federal agency all instruments necessary to (i) establish or confirm the rights the Government has throughout the world in those subject inventions to which the contractor elects to retain title, and (ii) convey title to the Federal agency when requested under paragraph (d) above and to enable the government to obtain patent protection throughout the world in that subject invention.

(2) The contractor agrees to require, by written agreement, its employees, other than clerical and nontechnical employees, to disclose promptly in writing to personnel identified as responsible for the administration of patent matters and in a format suggested by the contractor each subject invention made under contract in order that the contractor can comply with the disclosure provisions of paragraph (c) of this clause, to assign to the contractor the entire right, title and interest in and to each subject invention made under contract, and to execute all papers necessary to file patent applications on subject inventions and to establish the government's rights in the subject inventions. This disclosure format should require, as a minimum, the information required by paragraph (c)(1) of this clause. The contractor shall instruct such employees through employee agreements or other suitable educational programs on the importance of reporting inventions in sufficient time to permit the filing of patent applications prior to U.S. or foreign statutory bars.

(3) For each subject invention, the contractor will, no less than 60 days prior to the expiration of the statutory deadline, notify the Federal agency of any decision: Not to continue the prosecution of a non- provisional patent application; not to pay a maintenance, annuity or renewal fee; not to defend in a reexamination or opposition proceeding on a patent, in any country; to request, be a party to, or take action in a trial proceeding before the Patent Trial and Appeals Board of the U.S. Patent and Trademark Office, including but not limited to post-grant review, review of a business method patent, inter partes review, and derivation proceeding; or to request, be a party to, or take action in a non-trial submission of art or information at the U.S. Patent and Trademark Office, including but not limited to a pre-issuance submission, a

post-issuance submission, and supplemental examination.

(4) The contractor agrees to include, within the specification of any United States patent applications and any patent issuing thereon covering a subject invention, the following statement, “This invention was made with government support under (identify the contract) awarded by (identify the Federal agency). The government has certain rights in the invention.”

(g) Subcontracts

(1) The contractor will include this clause, suitably modified to identify the parties, in all subcontracts, regardless of tier, for experimental, developmental or research work to be performed by a subcontractor.. The subcontractor will retain all rights provided for the contractor in this clause, and the contractor will not, as part of the consideration for awarding the subcontract, obtain rights in the subcontractor's subject inventions.

(2) The contractor will include in all other subcontracts, regardless of tier, for experimental developmental or research work the patent rights clause required by (cite section of agency implementing regulations or FAR).

(3) In the case of subcontracts, at any tier, when the prime award with the Federal agency was a contract (but not a grant or cooperative agreement), the agency, subcontractor, and the contractor agree that the mutual obligations of the parties created by this clause constitute a contract between the subcontractor and the Federal agency with respect to the matters covered by the clause; provided, however, that nothing in this paragraph is intended to confer any jurisdiction under the Contract Disputes Act in connection with proceedings under paragraph (j) of this clause.

(h) Reporting on Utilization of Subject Inventions

The Contractor agrees to submit on request periodic reports no more frequently than annually on the utilization of a subject invention or on efforts at obtaining such utilization that are being made by the contractor or its licensees or assignees. Such reports shall include information regarding the status of development, date of first commercial sale or use, gross royalties received by the contractor, and such other data and information as the agency may reasonably specify. The contractor also agrees to provide additional reports as may be requested by the agency in connection with any march-in proceeding undertaken by the agency in accordance with paragraph (j) of this clause. As required by 35 U.S.C. 202(c)(5), the agency agrees it will not disclose such information to persons outside the government without permission of the contractor.

(i) Preference for United States Industry

Notwithstanding any other provision of this clause, the contractor agrees that neither

it nor any assignee will grant to any person the exclusive right to use or sell any subject inventions in the United States unless such person agrees that any products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by the Federal agency upon a showing by the contractor or its assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

(j) March-in Rights

The contractor agrees that with respect to any subject invention in which it has acquired title, the Federal agency has the right in accordance with the procedures in 37 CFR 401.6 and any supplemental regulations of the agency to require the contractor, an assignee or exclusive licensee of a subject invention to grant a nonexclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the contractor, assignee, or exclusive licensee refuses such a request the Federal agency has the right to grant such a license itself if the Federal agency determines that:

(1) Such action is necessary because the contractor or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the subject invention in such field of use.

(2) Such action is necessary to alleviate health or safety needs which are not reasonably satisfied by the contractor, assignee or their licensees;

(3) Such action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the contractor, assignee or licensees; or

(4) Such action is necessary because the agreement required by paragraph (i) of this clause has not been obtained or waived or because a licensee of the exclusive right to use or sell any subject invention in the United States is in breach of such agreement.

(k) Special Provisions for Contracts with Nonprofit Organizations

If the contractor is a nonprofit organization, it agrees that:

(1) Rights to a subject invention in the United States may not be assigned without the approval of the Federal agency, except where such assignment is made to an organization which has as one of its primary functions the management of inventions, provided that such assignee will be subject to the same provisions as the contractor;

(2) The contractor will share royalties collected on a subject invention with the inventor, including Federal employee co-inventors (when the agency deems it appropriate) when the subject invention is assigned in accordance with 35 U.S.C. 202(e) and 37 CFR 401.10;

(3) The balance of any royalties or income earned by the contractor with respect to subject inventions, after payment of expenses (including payments to inventors) incidental to the administration of subject inventions, will be utilized for the support of scientific research or education; and

(4) It will make efforts that are reasonable under the circumstances to attract licensees of subject inventions that are small business firms and that it will give a preference to a small business firm when licensing a subject invention if the contractor determines that the small business firm has a plan or proposal for marketing the invention which, if executed, is equally as likely to bring the invention to practical application as any plans or proposals from applicants that are not small business firms; provided, that the contractor is also satisfied that the small business firm has the capability and resources to carry out its plan or proposal. The decision whether to give a preference in any specific case will be at the discretion of the contractor. However, the contractor agrees that the Federal agency may review the contractor's licensing program and decisions regarding small business applicants, and the contractor will negotiate changes to its licensing policies, procedures, or practices with the Federal agency when the Federal agency's review discloses that the contractor could take reasonable steps to implement more effectively the requirements of this paragraph (k)(4). In accordance with 37 CFR 401.7, the Federal agency or the contractor may request that the Secretary review the contractor's licensing program and decisions regarding small business applicants.

17. RECOVERED MATERIALS

The Contractor agrees to provide a preference for those products and services that conserve natural resources, protect the environment, and are energy efficient by complying with and facilitating compliance with Section 6002 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6962, and U.S. Environmental Protection Agency (U.S. EPA), “Comprehensive Procurement Guideline for Products Containing Recovered Materials,” 40 C.F.R. part 247.

18. SAFE OPERATION OF MOTOR VEHICLES

a. Seat Belt Use. The Recipient agrees to implement Executive Order No. 13043, “Increasing Seat Belt Use in the United States,” April 16, 1997, 23 U.S.C. § 402 note, (62 Fed. Reg. 19217), by:

(1) Adopting and promoting on-the-job seat belt use policies and programs for its employees and other personnel that operate company-owned vehicles, company-rented vehicles, or personally operated vehicles, and

(2) Including a "Seat Belt Use" provision in each third party agreement related to the Award.

b. Distracted Driving, Including Text Messaging While Driving. The Recipient agrees to comply with:

(1) Executive Order No. 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1, 2009, 23 U.S.C. § 402 note, (74 Fed. Reg. 51225),

(2) U.S. DOT Order 3902.10, "Text Messaging While Driving," December 30, 2009, and

(3) The following U.S. DOT Special Provision pertaining to Distracted Driving:

(a) Safety. The Recipient agrees to adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers, including policies to ban text messaging while using an electronic device supplied by an employer, and driving a vehicle the driver owns or rents, a vehicle Recipient owns, leases, or rents, or a privately-owned vehicle when on official business in connection with the Award, or when performing any work for or on behalf of the Award,

(b) Recipient Size. The Recipient agrees to conduct workplace safety initiatives in a manner commensurate with its size, such as establishing new rules and programs to prohibit text messaging while driving, re-evaluating the existing programs to prohibit text messaging while driving, and providing education, awareness, and other outreach to employees about the safety risks associated with texting while driving, and

(c) Extension of Provision. The Recipient agrees to include the preceding Special Provision of section 34.b(3)(a) – (b) of this Master Agreement in its third party agreements, and encourage its Third Party Participants to comply with this Special Provision, and include this Special Provision in each third party subagreement at each tier supported with federal assistance.

19. CERTIFICATION AND ASSURANCES

The FTA Certifications and Assurances are incorporated herein by reference. Upon award or contract renewal, the Contractor must agree to comply with the most current FTA Certifications and Assurances by signing and submitting the signature page provided by the Department. In the event FTA issues new Certifications and Assurances, the Department reserves the right to require submission of a new signature page agreeing to comply; to be added to the terms and conditions by Amendment. All such requests are a condition of continued award.

20. DISADVANTAGED BUSINESS ENTERPRISES

1.0 Policy:

The Arizona Department of Transportation (hereinafter the Department) has established a Disadvantaged Business Enterprise (DBE) program in accordance with the regulations of the U.S. Department of Transportation (USDOT), 49 CFR Part 26. The Department has received Federal financial assistance from the U.S. Department of Transportation and as a condition of receiving this assistance, the Department has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the Department to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in USDOT-assisted contracts. It is also the policy of the Department:

1. To ensure nondiscrimination in the award and administration of USDOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts;
3. To ensure that the DBE program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are counted as DBEs;
5. To help remove barriers to the participation of DBEs in USDOT-assisted contracts;
6. To assist in the development of firms that can compete successfully in the market place outside the DBE program; and
7. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities.

It is also the policy of the Department to facilitate and encourage participation of Small Business Concerns (SBCs), as defined herein, in USDOT-assisted contracts. The Department encourages contractors to take reasonable steps to eliminate obstacles to SBCs' participation and to utilize SBCs in performing contracts.

2.0 Assurances of Non-Discrimination:

The contractor, subrecipient, or subcontractor shall not discriminate on the basis of race, color, sex or national origin in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the Department deems appropriate, which may include, but are not limited to:

1. Withholding monthly progress payments;
2. Assessing sanctions;

3. Liquidated damages;
4. Suspension or Debarment per Uniform Terms and Conditions Paragraph 9.3 of the contractor from future bidding; and/or
5. Cancellation, termination, or suspension of the Contract, in whole or in part.

The contractor, subrecipient, or subcontractor shall ensure that all subcontract agreements contain this non-discrimination assurance.

3.0 Definitions:

(A) Commercially Useful Function (CUF): Commercially Useful Function is defined fully in 49 CFR 26.55, which definition is incorporated herein by reference.

(B) Disadvantaged Business Enterprise (DBE): a for-profit small business concern which meets both of the following requirements:

(1) Is at least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of any publicly owned business, at least 51 percent of the stock is owned by one or more such individuals; and,

(2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

(C) NAICS Code: The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

(D) Non-DBE: any firm that is not a DBE.

(E) Race-Conscious (RC): a measure or program focused specifically on assisting only DBEs, including women-owned DBEs.

(F) Race-Neutral (RN): a measure or program used to assist all small businesses. For the purposes of this part, race-neutral includes gender-neutrality.

(G) Small Business Concern (SBC): a business that meets all of the following conditions:

(1) Operates as a for-profit business registered to do business in Arizona;

(2) Operates a place of business primarily within the U.S., or makes a significant contribution to the U.S. economy through payment of taxes

or use of American products, materials, or labor;

(3) Is independently owned and operated;

(4) Is not dominant in its field on a national basis; and

(5) Does not have annual gross receipts that exceed the Small Business Administration size standards average annual income criteria for its primary North American Industry Classification System (NAICS) code.

(H) Socially and Economically Disadvantaged Individuals: any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is:

(1) Any individual who is found to be a socially and economically disadvantaged individual on a case-by-case basis.

(2) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:

(i) "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;

(ii) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(iii) "Native Americans," which includes persons who are enrolled members of federally or State recognized Indian tribe, Alaskan Natives or Native Hawaiians;

(iv) “Asian-Pacific Americans,” which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Republic of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;

(v) “Subcontinent Asian Americans,” which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;

(vi) "Women;"

(vii) Any additional groups whose members are designated as socially and economically disadvantaged by the Small Business

Administration (SBA), at such time as the SBA designation becomes effective.

4.0 Working with DBEs:

The Department works with DBEs and assists them in their efforts to participate in the highway construction. All proposers should contact the Department's Business Engagement and Compliance Office (BECO) by phone, through email, or at the address shown below, for assistance in their efforts to use DBEs in the highway construction industry. BECO contact information is as follows:

Arizona Department of Transportation Business Engagement and Compliance Office 1801 W. Jefferson St., Ste. 101, Mail Drop 154A
Phoenix, AZ 85007
Phone (602) 712-7761
FAX (602) 712-8429
Email: contractorcompliance@azdot.gov Website: www.azdot.gov/bec

4.01 Mentor-Protégé Program:

The Department has established a Mentor- Protégé program as an initiative to encourage and develop disadvantaged businesses in the highway construction industry. The program encourages prime contractors to provide certain types of assistance to certified DBE subcontractors. ADOT encourages contractors and certified DBE subcontractors to engage in a Mentor-Protégé agreement under certain conditions. Such an agreement must be mutually beneficial to both parties and to ADOT in fulfilling requirements of 49 CFR Part 23. For guidance regarding this program refer to the Mentor-Protégé Program Guidelines available on the BECO website.

The Mentor-Protégé program is intended to increase legitimate DBE activities. The program does not diminish the DBE rules or regulations, and participants may not circumvent these rules.

5.0 Applicability:

The Department has established an overall annual goal for DBE participation on Federal aid contracts. The Department intends for the goal to be met with a combination of race conscious efforts and race neutral efforts. Race conscious participation occurs when the contractor uses a percentage of DBEs, as defined herein, to meet the contract specified goal. Race neutral efforts are those that are, or can be, used to assist all small businesses or increase opportunities for all small businesses. The regulation, 49 CFR 26, defines race neutral as when a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract

on a prime contract that does not carry a DBE contract goal.

Prime contractors are encouraged to obtain DBE participation even if a DBE goal was not established on a contract.

The DBE provisions are applicable to all contractors including DBE contractors.

6.0 Certification and Registration:

6.1 DBE Certification:

Certification as a DBE shall be predicated on:

(1) The completion and execution of an application for certification as a "Disadvantaged Business Enterprise".

(2) The submission of documents pertaining to the firm(s) as stated in the application(s), including but not limited to a statement of social disadvantage and a personal financial statement.

(3) The submission of any additional information which the Department or the applicable Arizona Unified Certification (UCP) agency may require to determine the firm's eligibility to participate in the DBE program.

(4) The information obtained during the on-site visits to the offices of the firm and to active job-sites.

Applications for certification may be filed online with the Department or the applicable UCP agency at any time through the Arizona Unified Transportation Registration and Certification System (AZ UTRACS) website at http://www.azutracs.com.

DBE firms and firms seeking DBE certification shall cooperate fully with requests for information relevant to the certification process. Failure or refusal to provide such information is a ground for denial or removal of certification.

ADOT is a member of the AZ Unified Certification Program (AZUCP). Only DBE firms that are certified by the AZUCP are eligible for credit on ADOT projects. A list of DBE firms certified by AZUCP is available on the internet at http://www.azutracs.com/. The list will indicate contact information and specialty for each DBE firm, and may be sorted in a variety of ways. However, ADOT does not guarantee the accuracy and/or completeness of this information, nor does ADOT represent that any licenses or registrations are appropriate for the work to be done.

The Department's certification of a DBE is not a representation of qualifications and/or abilities nor does it mean that a DBE firm is guaranteed or entitled to receive or be awarded a contract. Being certified simply means that a firm has met the criteria for

DBE certification as outlined in 49 CFR Part 26. The contractor bears all risks of ensuring that DBE firms selected by the contractor are able to perform the work.

6.2 SBC Registration:

To comply with 49 CFR Part 26.39, ADOT's DBE Program incorporates contracting requirements to facilitate participation by Small Business Concerns (SBCs) in federally assisted contracts. SBCs are for- profit businesses authorized to do businesses in Arizona that meet the Small Business Administration (SBA) size standards for average annual revenue criteria for its primary North American Industry Classification System (NAICS) code.

While the SBC component of the DBE program does not require utilization of goals on projects, ADOT strongly encourages contractors to utilize small businesses that are registered in AZ UTRACS on their contracts, in addition to DBEs meeting the certification requirement. The contractor may use the AZ UTRACS website to search for certified DBEs and registered SBCs that can be used on the contract. However, SBCs that are not DBEs will not be counted toward DBE participation.

SBCs can register online at the AZ UTRACS website.

The Department's registration of SBCs is not a representation of qualifications and/or abilities nor does it mean that an SBC firm is guaranteed or entitled to receive or be awarded a contract. Being SBC registered simply means that a firm has met the criteria for SBC registration as outlined in 49 CFR Part
26. The contractor bears all risks of ensuring that SBC firms selected by the contractor are able to perform the work.

7.0 DBE Financial Institutions:

The Department thoroughly investigates the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in its service area and makes reasonable efforts to use these institutions. The Department encourages prime contractors to use such institutions on USDOT assisted contracts. However, use of DBE financial institutions will not be counted toward DBE participation.

The Department encourages prime contractors to research the Federal Reserve Board website at www.federalreserve.gov to identify minority-owned banks in Arizona derived from the Consolidated Reports of Condition and Income filed quarterly by banks (FFIEC 031 and 041) and from other information on the Board's National Information Center database.

8.0 Time is of the Essence:

TIME IS OF THE ESSENCE IN RESPECT TO THE DBE PROVISIONS.

9.0 Computation of Time:

In computing any period of time described in this DBE special provision, such as calendar days, the day from which the period begins to run is not counted, and when the last day of the period is a Saturday, Sunday, or Federal or State holiday, the period extends to the next day that is not a Saturday, Sunday, or Federal or State holiday. In circumstances where the Department's offices are closed for all or part of the last day, the period extends to the next day on which the Department's offices are open.

10.0 Contractor and Subcontractor Requirements:

10.1 General:

Each contractor shall establish a program that will ensure nondiscrimination in the award and administration of contracts and subcontracts.

Agreements between the bidder and a DBE in which the DBE promises not to provide subcontracting quotations to other bidders are prohibited.

10.2 DBE Liaison:

The contractor shall designate a DBE Liaison responsible for the administration of the contractor's DBE program. The name of the designated DBE Liaison shall be included in the DBE Intended Participation Affidavit Summary.

11.0 DBE Goals

The Department has not established contract goals for DBE participation in this contract.

Contractors are still encouraged to employ reasonable means to obtain DBE participation. Contractors must retain records in accordance with these DBE specifications. The contractor is notified that this record keeping is important to the Department so that it can track DBE participation where only race neutral efforts are employed.

11.1 Race Neutral Contract (With No DBE Goal)

The Department has established a Disadvantaged Business Enterprise (DBE) program in accordance with the regulations of the U.S. Department of Transportation (USDOT), 49 CFR Part 26. ADOT has received federal financial assistance from the USDOT and as a condition of receiving this assistance, ADOT has signed an assurance that it shall comply with 49 CFR Part 26.

It is ADOT's policy to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in federally-funded contracts.

NO CONTRACT DBE GOAL HAS BEEN ESTABLISHED FOR DBE PARTICIPATION ON THIS CONTRACT.

Contractors are still encouraged to employ reasonable means to obtain DBE participation. Contractors must retain records in accordance with these DBE specifications. The consultant is notified that this record keeping is important to the Department so that it can track DBE participation where only race neutral efforts are employed.

12.0 Bidders/Proposers List and AZ UTRACS Registration Requirement:

Under Title 49 CFR of the Code of Federal Regulations, Part 26.11, DOTs are required to collect certain information from all contractors and subcontractors who seek to work on federally-assisted contracts in order to set overall and contract DBE goals. ADOT collects this information when firms register their companies on the Arizona Unified Transportation Registration and Certification System (AZ UTRACS) web portal at http://www.azutracs.com/ a centralized database for companies that seek to do business with ADOT. This information will be maintained as confidential to the extent allowed by federal and state law.

Prime contractors and all subcontractors, including DBEs listed in the offer must be registered in AZUTRACS. Proposers may verify that their firm and each subcontractor is registered using the AZUTRACS website.

Proposers may obtain additional information at the AZ UTRACS website or by contacting BECO.

All proposers shall create a Bidders/Proposers list in the AZ UTRACS by selecting all firms, service providers, and vendors that expressed interest or submitted proposals or quotes for this contract. The Bidders/Proposers List form must be complete and must include the names for all subcontractors, service providers, and vendors that submitted proposals or quotes on this project regardless of the proposer's intentions to use the those firms on the project.

All proposers must complete and submit the Bidders/Proposers List online at AZ UTRACS prior to Offer submittal. A confirmation email will be generated by the system. This email confirmation shall be submitted with the Offer.

13.0 Payment Reporting:

The contractor shall report on a monthly basis indicating the amounts paid to all subcontractors, of all tiers, working on the project. Reporting shall be in accordance with below.

Subcontracts:

a. Sub-Contract Terms:

1. The Contractor agrees to execute a written Contract with all Subcontractors for work to be completed under this Contract. The executed Contract shall include Subcontractor's Scope of Work and all the Uniform Terms and Conditions set forth in this Contract.

2. The Contractor shall provide electronic copies of signed subcontract agreements with all Subcontractors to ADOT Business Engagement and Compliance Office (BECO) by uploading them to the BECO's online DBE Contract & Labor Compliance Management System (**DBE System**) at https://adot.dbesystem.com. Subcontract agreements shall include all required assurances and required clauses as outlined in this Contract. Each agreement and required attachment shall be dated and signed by the Subcontractor in order for the subcontract to be considered valid.

3. The Contractor may be in breach of this Contract if the Contractor materially modifies the federal regulations and State statutes in its subcontract agreements terms and conditions with its Subcontractors. Deviations from the terms of this Contract may result in termination of the Contract, or any other such remedy as deemed appropriate by the Department.

b. Sub-Contract Payments

1. Retention: If the prime contract does not provide for retention, the contractor and each subcontractor of any tier shall not withhold retention on any subcontract. If the prime contract provides for retention, the prime contractor and each subcontractor of any tier shall not retain a higher percentage than the Department may retain under the prime contract. Retainage shall be paid to the subcontractor within 7 days of satisfactory completion of the work performed by the subcontractor.

2. No Set-offs Arising from Other Contracts: If a subcontractor is performing work on multiple contracts for the same contractor or subcontractor of any tier, the contractor or subcontractor of any tier shall not withhold or reduce payment from its subcontractors on the contract because of disputes or claims on another contract.

3. Partial Payment: The contractor and each subcontractor of any tier shall make prompt partial payments to its subcontractors within seven days of receipt of payment from the Department. Notwithstanding any provision of Arizona Revised Statutes Section 28-411, the parties may not agree otherwise.

4. Final Payment: The contractor and each subcontractor of any tier shall make prompt final payment to each of its subcontractors. The contractor and each subcontractor of any tier shall pay all monies, including retention, due to its subcontractor within seven days of receipt of payment. Notwithstanding any provision of Arizona Revised Statutes Section 28-411, the parties may not agree otherwise.

5. Payment Reporting: For the purposes of this subsection "Reportable Contracts" means any subcontract, of any tier, DBE or non-DBE, by which work shall be performed on behalf of the contractor and any contract of any

tier with a DBE material or service supplier.

The requirements of this subsection apply to all Reportable Contracts.

Payment Reporting for all Reportable Contracts shall be done through the Department's web- based DBE System. The DBE System can be accessed from the Department's BECO website. No later than fifteen calendar days after the Notice to Proceed is issued, the contractor shall log into the Department's web based DBE System and enter or verify the name, contact information, and subcontract amounts for Reportable Contracts on the project. As Reportable Contracts are approved over the course of the contract, the contractor shall enter them in the system. Reportable contracts shall be entered into the system no later than five calendar days after approval by the Department.

The contractor shall report on a monthly basis indicating the amounts actually paid and the dates of each payment under any Reportable Contract on the project. In addition, the contractor shall require that all participants in any Reportable Contract electronically verify receipt of payment on the contract by the last day of the month and the contractor shall actively monitor the Department's DBE System to ensure that the verifications are input. The contractor shall proactively work to resolve any payment discrepancies in the DBE System between payment amounts it reports and payment confirmation amounts reported by others.

The contractor shall ensure that all Reportable Contract activity is reported to the Department. This includes all lower-tier Reportable Contracts, regardless of whether a DBE is involved or not.

The contractor shall maintain records for each payment explaining the amount requested by the subcontractor, and the amount actually paid pursuant to the request, which may include but are not limited to, estimates, invoices, pay requests, copies of checks or wire transfers, and lien waivers in support of the monthly payments in the DBE System.

The contractor shall provide information for payments made on all Reportable Contracts during the previous month by the 15th day of the current month. In the event that no payments were made during a given month, the contractor shall identify that by entering a dollar value of zero. If the contractor does not pay the full amount of any invoice from a subcontractor, the contractor shall note that and provide the reasons in the comment section of the Monthly Payment Audit of the DBE System.

For each Reportable Contract on which the contractor fails to submit timely payment information the Department will retain $1,000.00 as liquidated damages, from the monies due to the contractor. Liquidated damages will be deducted each month for each Reportable Contract on which the contractor fails to submit payment information until the contractor provides the required information as described herein. After 90 consecutive days of non- reporting, the liquidated damages will increase to $2,000.00 for each subsequent month, for each Reportable Contract on which the contractor fails to report until the information is provided. These liquidated damages

shall be in addition to all other retention or liquidated damages provided for elsewhere in the contract.

Payment reporting requirements apply to all contracts, federal and non-federal funded.

The contractor shall ensure that a copy of this Subsection is included in every Reportable Contract of every tier.

(a) Sanctions for Inadequate Reporting:

For each Reportable Contract on which the contractor fails to submit timely and complete payment information the Department will retain $1,000.00 as liquidated damages, from the monies due to the contractor. Liquidated damages will be deducted each month for each Reportable Contract on which the contractor fails to submit payment information until the contractor provides the required information as described herein. After 90 consecutive days of non-reporting, the liquidated damages will increase to $2,000.00 for each subsequent month, for each Reportable Contract on which the contractor fails to report until the information is provided. These liquidated damages shall be in addition to all other retention or liquidated damages provided for elsewhere in the contract.

6. Completion of Work: A subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished, documented, and accepted by the Department.

7. Disputes: If disputes arise regarding payment of subcontractors, the contractor shall immediately provide the ADOT Project Manager with a written, verifiable explanation if:

   - The contractor does not pay the full amount of any invoice from a subcontractor within seven days of receipt of a progress payment from the Department, or
   - The monthly estimate does not include all work claimed by a subcontractor to have been performed.

   The Department will determine whether the contractor has acted in good faith concerning any such explanations. The Department reserves the right to request and receive documents from the contractor and all subcontractors of any tier, in order to determine whether termination requirements were met. The contractor shall implement and use the dispute resolution process outlined in the subcontract, as described in Uniform Terms and Conditions Paragraph, to resolve payment disputes.

8. Non-Compliance: Failure to make prompt partial payment or prompt final payment including any retention, within the time frames established in this contract, will result in remedies, as the Department deems appropriate, which may include, but are not limited to:

   - Liquidated Damages: These liquidated damages shall be in addition to all other retention or liquidated damages provided for elsewhere in the

contract.

(i) The Department will withhold two times the disputed dollar amount not paid to each subcontractor.
(ii) If full payment is made within 30 days of the Department's payment to the contractor, the amount withheld by the Department will be released.
(iii) If full payment is made after 30 days of the Department's payment to the contractor, the Department will release 75 percent of the funds withheld. The Department will retain 25 percent of the monies withheld as liquidated damages.

- Additional Remedies: If the contractor fails to make prompt payment for three consecutive months, or any four months over the course of one project, or if the contractor fails to make prompt payment on two or more contracts within 24 months, the Department may, in addition, invoke the following remedies:

(i) Withhold monthly progress payments until the issue is resolved and full payment has been made to all subcontractors and vendors subject to the requirements outlined under "Liquidated Damages" above,
(ii) Terminate the contract for default in accordance with this Contract, and/or
(iii) Suspension or Debarment per Uniform Terms and Conditions Paragraph 9.3 of the contractor from future bidding temporarily or permanently, depending on the number and severity of violation.
(iv) Reflect the contractor's performance in submitting payment reports and making subcontractor payments utilizing the Department's Vendor Performance Report.

14.0 Crediting DBE Participation:

14.01 General Requirements:

To count toward DBE participation, the DBE firms must be certified at the time of Offer submission in each NAICS code applicable to the kind of work the firm will perform on the contract. NAICS for each DBE can be found on the AZ UTRACS website. General descriptions of all NAICS codes can be found at http://www.naics.com/search/.

Credit is given only after the DBE has been paid for the work performed.

The entire amount of a contract that is performed by the DBE's own forces, including the cost of supplies and materials purchased by the DBE for the work on the contract and equipment leased by the DBE will be credited toward DBE participation. Supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate will not be credited toward DBE participation.

The contractor bears the responsibility to determine whether the DBE possesses the

proper contractor's license(s) to perform the work and, if DBE credit is requested, that the DBE subcontractor is certified for the requested type of work.

The Department's certification is not a representation of a DBE's qualifications and/or abilities. The contractor bears all risks that the DBE may not be able to perform its work for any reason.

A DBE may participate as a prime contractor, subcontractor, or as a vendor of materials or supplies. The dollar amount of work to be accomplished by DBEs, including partial amount of a lump sum or other similar item, shall be on the basis of subcontract, purchase order, hourly rate, rate per ton, etc., as agreed to between parties.

DBE credit may be obtained only for specific work done for the project, supply of equipment specifically for physical work on the project, or supply of materials to be incorporated in the work. DBE credit will not be allowed for costs such as overhead items, capital expenditures (for example, purchase of equipment), and office items.

The contractor may credit second-tier subcontracts issued to DBEs by non-DBE subcontractors. Any second-tier subcontract to a DBE must meet the requirements of a first-tier DBE subcontract.

A prime contractor may credit the entire amount of that portion of a contract that is performed by the DBE's own forces. The cost of supplies and materials obtained by the DBE for the work of the contract can be included so long as that cost is reasonable. Leased equipment may also be included. No credit is permitted for supplies purchased or equipment leased from the prime contractor or its affiliate(s).

When a DBE subcontracts a part of the work of its contract to another firm, the value of the subcontract may be credited towards DBE participation only if the DBE's subcontractor is itself a DBE and performs the work with its own forces. Work that a DBE subcontracts to a non-DBE firm does not count toward DBE participation.

A prime contractor may credit the entire amount of fees or commissions charged by a DBE firm for providing a bona fide service, such as professional, technical, consulting, or managerial services, or for providing bonds or insurance specifically required for the performance of a USDOT-assisted contract, provided the fees are reasonable and not excessive as compared with fees customarily allowed for similar services.

14.02 DBE Prime Contractor:

When a certified DBE firm proposes on a contract/Task Assignment all the work that is performed by the DBE contractor or any other DBE subcontractors and DBE suppliers will count toward DBE participation.

14.03 Effect of Loss of DBE Eligibility:

For On-Call Task Assignment contracts, if a DBE is deemed ineligible (decertified) or suspended by ADOT or one of its UCP Partner Agencies in accordance with 49 CFR 26.87 and 26.88, the DBE may not be count toward DBE participation on a new Task Assignment, but may be considered for the contract/Task Assignment DBE participation if a subcontract or contract modification for the work to be completed on the Task Assignment was executed before the DBE suspension or decertification is effective.

A subcontract or contract modification for work on the task assignment means, any subcontract or agreement for the task assignment, which includes a specific ADOT TRACS/Project Number, defined scope, duration and budget for the work to be completed under the Task Assignment that is duly signed by the contractor/contractor and subcontractor/subcontractor.

When the contractor/contractor intents to use an ineligible DBE firm or ADOT made a commitment to use an ineligible DBE prime contractor/contractor, but a subcontract or Contract Modification for the work to be completed on the Task Assignment has not been executed before a decertification notice is issued to the DBE firm by its certifying agency, the ineligible firm does not count toward DBE participation. When a subcontract or contract modification is executed with the DBE firm for the work to be completed on the Task Assignment before ADOT notified the firm of its ineligibility, the DBE's work on the Task Assignment may continue to be credited toward DBE participation for the firm's work.

14.04 Notifying the Contractor of DBE Certification Status:

Each DBE contract at any tier shall require any DBE subcontractor or supplier that is either decertified or certified during the term of the contract to immediately notify the contractor and all parties to the DBE contract in writing, with the date of decertification or certification. The contractor shall require that this provision be incorporated in any contract of any tier in which a DBE is a participant.

14.05 Commercially Useful Function:

A prime contractor can credit expenditures to a DBE subcontractor only if the DBE performs a Commercially Useful Function (CUF).

A DBE performs a CUF when it is responsible for execution of the work of a contract and carries out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself that it uses on the project. To determine whether a DBE is performing a commercially useful function, the Department will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually

performing and the DBE credit claimed for its performance of the work, and other relevant factors.

A DBE will not be considered to perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, the Department will examine similar transactions, particularly those in which DBEs do not participate.

If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or if the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, the Department will presume that the DBE is not performing a commercially useful function.

When a DBE is presumed not to be performing a commercially useful function as provided above, the DBE may present evidence to rebut this presumption. The Department will determine if the firm is performing a CUF given the type of work involved and normal industry practices.

The Department will notify the contractor, in writing, if it determines that the contractor's DBE subcontractor is not performing a CUF. The contractor will be notified within seven calendar days of the Department's decision.

Decisions on CUF may be appealed to the Chief Procurement Officer (CPO). The appeal must be in writing and personally delivered or sent by certified mail, return receipt requested, to the CPO. The appeal must be received by the CPO no later than seven calendar days after the decision of BECO. BECO's decision remains in place unless and until the CPO reverses or modifies BECO's decision. CPO will promptly consider any appeals under this subsection and notify the contractor of CPO's findings and decisions. Decisions on CUF matters are not administratively appealable to USDOT.

The BECO may conduct project site visits on the contract to confirm that DBEs are performing a CUF. The contractor shall cooperate during the site visits and the BECO's staff will make every effort not to disrupt work on the project.

15.0 Required Provisions for DBE Subcontracts:

All subcontracts of any tier, all supply contracts, and any other contracts in which a DBE is a participant shall include as a physical attachment, DBE Subcontractor Compliance Assurances refer to the Federal Attachments and Exhibits.

Contractors executing agreements with subcontractors, DBE or non-DBE, that materially modify federal regulation and state statutes such as, prompt payment and retention requirements, through subcontract terms and conditions will be found in breach of contract which may result in termination of the contract, or any other such

remedy as the deemed appropriate as outlined in DBE Subsection 2.0 of these DBE provisions.

The Department reserves the right to conduct random reviews of DBE and non-DBE subcontract documentation to ensure compliance with federal requirements.

The contractor shall ensure that all subcontracts or agreements with DBEs to supply labor or materials require that the subcontract and all lower tier subcontracts be performed in accordance with 49 CFR Part 26 provisions.

The Contractor shall provide electronic copies of subcontract agreements with all Subcontractors by uploading them within 15 calendar days of an executed contract to the ADOT DBE System. Subcontract agreements shall include all required assurances and clauses as outlined in DBE Subcontractor Compliance Assurances refer to the Federal Attachments and Exhibits of the Contract. Each agreement and required attachment shall be dated and signed by the Subcontractor in order for the subcontract to be considered valid.

The Contractor shall be in breach of this Contract if the Contractor materially modifies the federal regulations and State statutes in its subcontract agreements terms and conditions with its Subcontractors. Deviations from the terms of this Contract may result in termination of the Contract, or any other such remedy as deemed appropriate by the Department

16.0 Certification of Final DBE Payments:

DBE participation on the contract is measured by actual payments made to the DBEs. The contractor shall submit the “Certification of Final DBE Payments” form for each DBE firm working on the contract. This form shall be signed by the contractor and the relevant DBE, and submitted to the Engineer no later than 30 days after the DBE completes its work.

The contractor will not be released from the obligations of the contract until the ”Certification of Final DBE Payments” forms are received and deemed acceptable by the Engineer and BECO.

17.0 False, Fraudulent, or Dishonest Conduct:

In addition to any other remedies or actions, the Department will bring to the attention of the US Department of Transportation any appearance of false, fraudulent, or dishonest conduct in connection with the DBE program, so that USDOT can take steps such as referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector General for possible initiation of suspension and debarment proceedings against the offending parties or application of “Program Fraud and Civil Penalties” rules provided in 49 CFR Part 31.

21. NONDISCRIMINATION

1. During the performance of this Contract, the Consultant, for itself, its Subconsultants, assignees and successors shall:

   a. Not discriminate on the basis of race, color, national origin, or sex and shall carry out applicable requirements of 49 CFR Part 26 in the performance of this Contract. Failure by the Consultant to carry out these requirements is a material breach of this Contract, which may result in the termination of this Contract, disqualification from proposing on other Contracts or other remedy as the State deems appropriate.

   b. Comply with Executive Order 2009-09, "Prohibition of Discrimination in Employment by Government Contractors and Subcontractors," which is hereby included in its entirety by reference and considered a part of this Contract.

   c. Comply with the provisions of Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in Department of Labor Regulations (41 CFR Part 60). Said provisions are made applicable by reference and are hereinafter considered a part of this Contract.

   d. Post in conspicuous places available to employees and applicants for employment, the following notice:

      "It is the policy of this company not to discriminate against any employee, or applicant for employment, because of race, color, religion, creed, national origin, sex, age, handicapped, or disabled veterans and Vietnam era veterans. Such actions shall include, but are not limited to: employment, upgrading, demotion, transfer, recruitment, or recruitment advertising; laying- off or termination; rates of pay or other compensation; and selection for training, and on-the- job training. Also, it is the policy to ensure and maintain a working environment free of harassment, intimidation and coercion."

   e. Comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the
      U.S. Department of Transportation (hereinafter USDOT), 49 CFR Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Contract.

   f. Not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of Subconsultants, including procurement of materials and leases of equipment. The Consultant shall not participate either directly or

indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices.

g. In all solicitations either by competitive bidding or negotiations made by the Consultant for work to be performed under a subcontract, including procurement of materials or leases of equipment, notify each potential Subconsultant or supplier of the Consultant's obligations under this Contract and the Regulations relative to nondiscrimination on the ground of race, color, or national origin.

h. Provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the State to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Consultant is in the exclusive possession of another who fails or refuses to furnish this information, the Consultant shall so certify to the State as appropriate, and shall set forth what efforts it has made to obtain the information.

2. In the event of the Consultant's noncompliance with the NONDISCRIMININATION provision (Section A) of this Contract, the State shall impose such Contract sanctions as the State or FHWA may determine to be appropriate, including but not limited to:

   a. Withholding of payments to the Consultant under the Contract until the Consultant complies,

   and/or;

   b. Cancellation, termination, or suspension of the Contract, in whole or in part.

3. The Consultant shall include the provisions of paragraph 1.a. through 1.h. in every subcontract with Subconsultants, DBEs and non-DBEs, including procurement of materials and equipment leases, unless exempt by the Regulations or directives issued pursuant thereto.

4. The Consultant shall take such action with respect to any Subconsultants or procurement as the State or the Federal Aviation Administration (FAA), FHWA and the Federal Transit Administration (FTA) may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Consultant becomes involved in or is threatened with litigation with a Subconsultant or supplier as a result of such direction, the Consultant may request the State to enter into such litigation to protect the interests of the State, and in addition, the Consultant may request the United States to enter into such litigation to protect the interests of the United States.

22. AFFIRMATIVE ACTION

Contractor shall take the following affirmative action steps with respect to securing supplies, equipment, or services under the terms of this contract:

a. Include qualified firms owned by socially and economically disadvantaged individuals on solicitation lists.

b. Assure that firms owned by socially and economically disadvantaged individuals are solicited whenever they are potential sources.

c. When economically feasible, divide total requirements into smaller tasks or quantities so as to permit maximum participation by firms owned by socially and economically disadvantaged individuals.

d. Where the requirement permits, establish delivery schedules which will encourage participation by firms owned by socially and economically disadvantaged individuals.

e. Use the services and assistance of the Small Business Administration, the Office of Minority Business Enterprise of the Department of Commerce, and the Community Services Administration, as required.

23. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The following clauses apply to any Federal-aid contract in an amount in excess of $100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (1.) of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed

with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1.) of this section, in the sum of $10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1.) of this section.

Withholding for unpaid wages and liquidated damages. The FHWA or the contacting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2.) of this section.

Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (1.) through (4.) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1.) through (4.) of this section.

24. FEDERAL CHANGES

The Contactor and its sub-contractors shall comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Master Agreement between the Department and FTA, as they be amended or promulgated from time to time during the term of the contract. Contractor's failure to comply shall constitute a material breach of the contract.

25. PROMPT PAY

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contract receives from the Recipient. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the Recipient. This clause applies to both DBE and non-DBE subcontracts.

26. FULL AND OPEN COMPETITION

In accordance with 49 U.S.C. § 5325(h) all procurement transactions shall be

conducted in a manner that provides full and open competition.

27. PROHIBITION AGAINST EXCLUSIONARY OR DISCRIMINATORY SPECIFICATIONS

Apart from inconsistent requirements imposed by Federal statute or regulations, the contractor shall comply with the requirements of 49 USC 5323(h)(2) by refraining from using any FTA assistance to support procurements using exclusionary or discriminatory specifications.

28. CONFORMANCE WITH ITS NATIONAL ARCHITECTURE

Contractor shall conform, to the extent applicable, to the National Intelligent Transportation Standards architecture as required by SAFETEA-LU Section 5307(c), 23 U.S.C. Section 512 note and follow the provisions of FTA Notice, "FTA National Architecture Policy on Transit Projects," 66 Fed. Reg.1455 et seq., January 8, 2001, and any other implementing directives FTA may issue at a later date, except to the extent FTA determines otherwise in writing.

29. ACCESS REQUIREMENTS FOR PERSONS WITH DISABILITIES

Contractor shall comply with 49 USC 5301(d), stating Federal policy that the elderly and persons with disabilities have the same rights as other persons to use mass transportation services and facilities and that special efforts shall be made in planning and designing those services and facilities to implement that policy.

Contractor shall also comply with all applicable requirements of Sec. 504 of the Rehabilitation Act (1973), as amended, 29 USC 794, which prohibits discrimination on the basis of handicaps, and the Americans with Disabilities Act of 1990 (ADA), as amended, 42 USC 12101 et seq., which requires that accessible facilities and services be made available to persons with disabilities, including any subsequent amendments thereto.

30. NOTIFICATION OF FEDERAL PARTICIPATION

To the extent required by law, in the announcement of any third party contract award for goods and services (including construction services) having an aggregate value of $500,000 or more, contractor shall specify the amount of Federal assistance to be used in financing that acquisition of goods and services and to express that amount of Federal assistance as a percentage of the total cost of the third party contract.

31. INTEREST OF MEMBERS OR DELEGATES TO CONGRESS

No members of, or delegates to, the US Congress shall be admitted to any share or part of this contract nor to any benefit arising therefrom.

32. INELIGIBLE CONTRACTORS AND SUBCONTRACTORS

Any name appearing upon the Comptroller General's list of ineligible contractors for federally-assisted contracts shall be ineligible to act as a subcontractor for contractor pursuant to this contract. If contractor is on the Comptroller General's list of ineligible contractors (https://www.sam.gov/SAM/) for federally financed or assisted construction, the recipient shall cancel, terminate or suspend this contract.

33. OTHER CONTRACT REQUIREMENTS

To the extent not inconsistent with the foregoing Federal requirements, this contract shall also include those standard clauses attached hereto, and shall comply with the recipient's Procurement Guidelines, available upon request from the Department.

34. COMPLIANCE WITH FEDERAL REGULATIONS

Any contract entered pursuant to this solicitation shall contain the following provisions: All USDOT- required contractual provisions, as set forth in FTA Circular 4220, are incorporated by reference. Anything to the contrary herein notwithstanding, FTA mandated terms shall control in the event of a conflict with other provisions contained in this Agreement. Contractor shall not perform any act, fail to perform any act, or refuse to comply with any grantee request that would cause the recipient to be in violation of FTA terms and conditions. Contractor shall comply with all applicable FTA regulations, policies, procedures and directives, including, without limitation, those listed directly or incorporated by reference in the Master Agreement between the recipient and FTA, as may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

35. REAL PROPERTY

Any contract entered into shall contain the following provisions: Contractor shall at all times comply with all applicable statutes and USDOT regulations, policies, procedures and directives governing the acquisition, use and disposal of real property, including, but not limited to, 49 CFR 18.31-18.34, 49 CFR 19.30-19.37, 49 CFR Part 24, 49 CFR 5326 as amended by Map-21, 49 CFR part 18 or 19, 49 USC 5334, applicable FTA Circular 5010, and FTA Master Agreement, as they may be amended or promulgated during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

36. ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

To the extent applicable and except to the extent that FTA determines otherwise in writing, the Recipient agrees to comply with the policies of Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency," 42 U.S.C. § 2000d 1 note, and with the provisions of U.S. DOT Notice, "DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP)

Beneficiaries," 70 Fed. Reg. 74087, December 14, 2005.

37. ENVIROMENTAL JUSTICE

Except as the Federal Government determines otherwise in writing, the Recipient agrees to promote environmental justice by following: (1) Executive Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," February 11, 1994, 42
U.S.C. § 4321 note, as well as facilitating compliance with that Executive Order, and (2) DOT Order 5610.2, "Department of Transportation Actions To Address Environmental Justice in Minority Populations and Low-Income Populations," 62 Fed. Reg. 18377, April 15, 1997, and (3) The most recent and applicable edition of FTA Circular 4703.1, "Environmental Justice Policy Guidance for Federal Transit Administration Recipients," August 15, 2012, to the extent consistent with applicable Federal laws, regulations, and guidance,

38. ENVIRONMENTAL PROTECTIONS

Compliance is required with any applicable Federal laws imposing environmental and resource conservation requirements for the project. Some, but not all, of the major Federal laws that may affect the project include: the National Environmental Policy Act of 1969; the Clean Air Act; the Resource Conservation and Recovery Act; the comprehensive Environmental response, Compensation and Liability Act; as well as environmental provisions with Title 23 U.S.C., and 49 U.C. chapter 53. The U.S. EPA, FHWA and other federal agencies may issue other federal regulations and directives that may affect the project. Compliance is required with any applicable Federal laws and regulations in effect now or that become effective in the future.

39. GEORGRAPHIC INFORMATION RELATED TO SPATIAL DATA

Any project activities involving spatial data or geographic information systems activities financed with Federal assistance are required to be consistent with the National Spatial Data Infrastructure promulgated by the Federal Geographic Data Committee, except to the extent that FTA determines otherwise in writing.

40. GEOGRAPHIC PREFERENCE

Pursuant to 2 CFR 200.319(b), all procurements must be conducted in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract).

41. ORGANIZATIONAL CONFLICTS OF INTEREST

The Recipient agrees that it will not enter into a procurement that involves a real or apparent organizational conflict of interest described as follows:

(1) When It Occurs. An organizational conflict of interest occurs when the Project work, without appropriate restrictions on certain future activities, results in an unfair competitive advantage:

(a) To that Third Party Participant or another Third Party Participant performing the Project work, and
(b) That impairs that Third Party Participant's objectivity in performing the Project work, or

(2) Other. An organizational conflict of interest may involve other situations resulting in fundamentally unfair competitive conditions,

(3) Disclosure Requirements. Consistent with FTA policies, the Recipient must disclose to FTA, and each of its Subrecipients must disclose to the Recipient:

(a) Any instances of organizational conflict of interest, or
(b) Violations of federal criminal law, involving fraud, bribery, or gratuity violations potentially affecting the federal award, and

(4) Failure to Disclose. Failure to make required disclosures can result in remedies for noncompliance, including debarment or suspension.

42. VETRANS PREFERENCE

As provided by 49 U.S.C. § 5325(k), to the extent practicable, the Recipient agrees and assures that each of its Subrecipients:

(1) Will give a hiring preference to veterans, as defined in 5 U.S.C. § 2108, who have the skills and abilities required to perform construction work required under a third party contract in connection with a Capital Project supported with federal assistance appropriated or made available for 49 U.S.C. chapter 53, and
(2) Will not require an employer to give a preference to any veteran over any equally qualified applicant who is a member of any racial or ethnic minority, female, an individual with a disability, or a former employee.

43. CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) IDENTIFICATION NUMBER

The municipal project sponsor is required to identify in its accounts all Federal awards received and expended, and the Federal programs under which they were received. Federal program and award identification shall include, as applicable, the CFDA title and number, award number and year, name of the Federal agency, and name of the pass-through entity.

44. AMERICANS WITH DISABILITIES ACT (ADA)

The contractor agrees to comply with the requirements of 49 U.S.C. § 5301 (d), which states the Federal policy that the elderly and persons with disabilities have the same right as other persons to use mass transportation service and facilities, and that special efforts shall be made in planning and designing those services and facilities to implement that policy. The contractor also agrees to comply with all applicable requirements of section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, which prohibits discrimination on the basis of handicaps, with the Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. §§ 12101 et seq., which requires that accessible facilities and services be made available to persons with disabilities, including any subsequent amendments to that Act, and with the Architectural Barriers act of 1968, as amended, 42 U.S.C. §§ 4151 et seq., which requires that buildings and public accommodations be accessible to persons with disabilities, including any subsequent amendments to that Act. In addition, the contractor agrees to comply with any and all applicable requirements issued by the FTA, DOT, DOJ, U.S. GSA, U.S. EEOC, U.S. FCC, any subsequent amendments thereto and any other nondiscrimination statute(s) that may apply to the Project.

45. BYRD ANTI-LOBBYING AMENDMENT

Contractors who apply or bid for an award of $100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with nonfederal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the Agency."

46. NO GOVERNMENT OBLIGATION TO THIRD PARTIES

The Agency and Contractor acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying Contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this Contract and shall not be subject to any obligations or liabilities to the Agency, Contractor or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying Contract. The Contractor agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided by the FTA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

44. BUS TESTING

The operator of the bust testing facility is required to provide the resulting test report to the entity that submits the bus for testing. The manufacturer or dealer of a new bus

model or a bus produced with a major change in component or configuration is required to provide a copy of the corresponding full bus testing report and any applicable partial testing report(s) to the Agency during the point in the procurement process specified by the Agency, but in all cases before final acceptance of the first bus by the Agency. The complete bus testing report requirements are provide in 49 C.F.R. § 665.11.

45. CARGO PREFERENCE REQUIREMENTS

The contractor agrees:

a. to use privately owned United States-Flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to the underlying contract to the extent such vessels are available at fair and reasonable rates for United States-Flag commercial vessels;

b. to furnish within 20 working days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, "onboard" commercial ocean bill-of-lading in English for each shipment of cargo described in the preceding paragraph to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590 and to the FTA Recipient (through the contractor in the case of a subcontractor's bill-of-lading.); and

c. to include these requirements in all subcontracts issued pursuant to this contract when the subcontract may involve the transport of equipment, material, or commodities by ocean vessel.

46. E-AWARD AND POST-DELIVERY AUDITS OF ROLLING STOCK PURCHASES

The Contractor agrees to comply with 49 U.S.C. § 5323(m) and FTA's implementing regulation at 49 C.F.R. part 663. The Contractor shall comply with the Buy America certification(s) submitted with its proposal/bid. The Contractor agrees to participate and cooperate in any pre-award and post-delivery audits performed pursuant to 49 C.F.R. part 663 and related FTA guidance.

EXHIBIT 1
Title VI/Non-Discrimination Assurances
Appendix A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the *Federal Highway Administration,* as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. **Non-discrimination:** The contractor, with regard to the work performance by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the *Federal Highway Administration* to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the *Federal Highway Administration,* as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the *Federal Highway Administration* ,may determine to be appropriate, including, but not limited to:

    a. withholding payments to the contractor under the contract until the contractor complies; and/or
    b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with request to any subcontract or procurement as the Recipient or the *Federal Highway Administration* may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that **if** the contractor becomes involved in, or is threatened with litigation by a subcontractor or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

EXHIBIT 2
Title VI/Non-Discrimination Assurances
Appendix E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.,* 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin): and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *etseq.),* (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.),* as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.),* (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1687 et. seq).

EXHIBIT 3
ADOT Procurement Quarterly Usage Report

This exhibit outlines the content required for the quarterly usage report. Usage reports will be submitted to the appropriate Procurement Officer in accordance with the requirements specified in Special Terms and Conditions. The Department reserves the right to make additions, deletions and changes as deemed necessary.

Reporting Period:

Contract ID/Code:		Contact Name:		Alternate Contact Name:	
Contract Label/Description:		Contact Phone Number:		Alternate Contact Phone Number:	
Contractor:		Contact Email:		Alternate Contact Email:	
Contractor Address:					

Agency/Org/Unit	Customer Name	Delivery Address	PO Number or Identify as "P-Card"	Order Date	Contract Item Number	Contract Item Description	Quantity	Unit of Measure	Contract Unit Price	Contract Extended Price	Invoice Number

EXHIBIT 4
ON-SITE MANUFACTURER INSPECTION COMPLIANCE CERTIFICATION

(Post-Delivery purchaser's requirement, in compliance with the federal requirements of 49 U.S.C. Section 5323(m))

ON-SITE MANUFACTURER INSPECTION COMPLIANCE CERTIFICATION

(Rolling Stock Procurements for more than 10 vehicles for areas >200,000 in population)

As required by 49 CFR Part 663Subpart C, the

_____

(Recipient's name)

Certifies that a resident inspector,

_____

(Name of inspector)

Was at

_____

(the manufacturer's)

manufacturing site during the period of manufacture of the buses,

_____

(description of buses).

The inspector visually inspecting the buses, the _____ (the recipient) has reviewed the inspection documentation, maintains a copy of this report, and certifies that the buses meet the contract specifications.

ON-SITE MANUFACTURER INSPECTION COMPLIANCE CERTIFICATION

(Rolling Stock Procurements for more than 20 vehicles for areas < 200,000 in population)

As required by 49 CFR Part 663 Subpart C, the

_____

(Recipient's name)

Certifies that a resident inspector,

_____

(Name of inspector)

Was at

_____

(the manufacturer's)

manufacturing site during the period of manufacture of the buses,

_____

(description of buses).

The inspector visually inspecting the buses, the

_____ (the recipient) has reviewed the inspection documentation, maintains a copy of this report, and certifies that the buses meet the contract specifications.

Signature _____ Date _____/ _____/ _____

Title _____

EXHIBIT 5
PRE-AWARD AUDIT AND CERTIFICATION

Subrecipient		Date / Completed By
Description		
Program/Phase/Amounts		
PRE-AWARD AUDIT (before issuing purchase order)		
Pre-award audit requirements. A recipient purchasing revenue service rolling stock with FTA funds must ensure that a pre-award audit under this part is complete before the recipient enters into a formal contract for the purchase of such rolling stock.		Master Agreement; 49 CFR §663.21
49 CFR 661.13 Grantee Responsibility (a) The grantee shall adhere to the Buy America clause set forth in its grant contract with FTA Section 16. Preference for United States Products and Services. a. Buy America. Domestic preference procurement requirements of: (1) 49 U.S.C. § 5323(j), as amended by FAST Act, and (2) FTA regulations, "Buy America Requirements," 49 C.F.R. part 661, to the extent consistent with FAST Act,		49 CFR §663.13
49 CFR §663.23 Description of pre-award audit. A pre-award audit under this part includes— (a) A Buy America certification as described in §663.25 of this part; (b) A purchaser's requirements certification as described in §663.27 of this part; and (c) Where appropriate, a manufacturer's Federal Motor Vehicle Safety certification information as described in §663.41 or §663.43 of this part.		49 CFR §663.23
Met? Y/N (if NO 1b, 1 REQ'D)	(1) A Buy America certification:	49 CFR §663.25
	a) There is a letter from FTA which grants a waive OR	
Met? Y/N (if NO 1a, 2 REQ'D)	b) ADOT reviewed documentation provided by the manufacturer which lists—	
	1) Component and subcomponent parts of the rolling stock to be purchased identified by manufacturer of the parts, their country of origin and costs; and	
	2) The location of the final assembly point for the rolling stock, including a description of the activities that will take place at the final assembly point and the cost of final assembly.	
Met? Y/N (2 REQ'D)	(2) A purchaser's requirements certification:	49 CFR §663.27
	a) The rolling stock the recipient is contracting for is the same product described in the purchaser's solicitation specification; and	
	b) The proposed manufacturer is a responsible manufacturer with the capability to produce a vehicle that meets the recipient's	
Met? Y/N (1 REQ'D)	(3) A manufacturer's Federal Motor Vehicle Safety certification or Certification that Federal motor vehicle standards do not apply.	
	a) If a vehicle purchased under this part is subject to the Federal Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration in part 571 of this title, a recipient shall keep on file its certification that it received, both at the pre-award and post-delivery stage, a copy of the manufacturer's self-certification information that the vehicle complies with relevant Federal Motor Vehicle Safety Standards.	49 CFR §663.41
	a) Except for rolling stock subject to paragraph (b) of this section, if a vehicle purchased under this part is not subject to the Federal Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration in part 571 of this title, the recipient shall keep on file its certification that it received a statement to that effect from the manufacturer.	49 CFR §663.43

EXHIBIT 6
PURCHASER'S PRE-AWARD REQUIREMENTS CERTIFICATION

Subrecipient	
Description	
Program/Phase/Amounts	

Purchaser's Pre-Award Requirements Certification
49 CFR §663.27

I hereby certify that the rolling stock the recipient is contracting for is the same product described in the purchaser's solicitation specification; and

I hereby certify that the proposed manufacturer is a responsible manufacturer with the capability to produce a vehicle that meets the recipient's

Signature

Date Signed

EXHIBIT 7
PURCHASER'S POST-AWARD REQUIREMENTS CERTIFICATION

Subrecipient		Date / Completed By
Description		
Program/Phase/Amounts		
The Post-Delivery Review Requirements (http://www.fta.dot.gov/legislation_law/12921_5430.html)		
The Post-Delivery Buy America Certification Requirement		
Select basis' (1 REQ'D)	Buy America-Compliant Buses	49 CFR 663(b)
	§663.33 Description of post-delivery audit. A post-delivery audit under this part includes—	
	(a) A post-delivery Buy America certification as described in §663.35 of this part;	
	§663.35 Post-delivery Buy America certification. For purposes of this part, a post-delivery Buy America certification is a certification that the recipient keeps on file that—	
	(a) There is a letter from FTA which grants a waiver to the rolling stock received from the Buy America requirements under sections 165 (b)(1), or (b)(4) of the Surface Transportation Assistance Act of 1982, as amended; **or**	
	(b) The recipient is satisfied that the rolling stock received meets the requirements of section 165 (a) or (b)(3) of the Surface Transportation Assistance Act of 1982, as amended, after having reviewed itself or by means of an audit prepared by someone other than the manufacturer or its agent documentation provided by the manufacturer which lists— (1) Components and subcomponent parts of the rolling stock identified by manufacturer of the parts, their country of origin and costs; and (2) The actual location of the final assembly point for the rolling stock including a description of the activities which took place at the final assembly point and the cost of the final assembly.	
Met? Y/N (3 REQ'D)	(b) A post-delivery purchaser's requirements certification as described in §663.37 of this part; **and**	
	§663.37 Post-delivery purchaser's requirements certification. For purposes of this part, a post-delivery purchaser's requirements certification is a certification that the recipient keeps on file that—	
	(a) Except for procurements covered under paragraph (c) in this section, a resident inspector (other than an agent or employee of the manufacturer) was at the manufacturing site throughout the period of manufacture of the rolling stock to be purchased and monitored and completed a report on the manufacture of such rolling stock. Such a report, at a minimum, shall— (1) Provide accurate records of all vehicle construction activities; and (2) Address how the construction and operation of the vehicles fulfills the contract specifications.	
	(b) After reviewing the report required under paragraph (a) of this section, and visually inspecting and road testing the delivered vehicles, the vehicles meet the contract specifications.	
	(c) For procurements of: (1) Ten or fewer buses; or (2) Procurements of twenty vehicles or fewer serving rural (other than urbanized) areas, or urbanized areas of 200,000 people or fewer; or (3) Any number of primary manufacturer standard production and unmodified vans, after visually inspecting and road testing the vehicles, the vehicles meet the contract specifications.	
Met? Y/N (1 REQ'D)	(c) When appropriate, a manufacturer's Federal Motor Vehicle Safety Standard self-certification information as described in §663.41 or §663.43 of this part.	
	§663.41 Certification of compliance with Federal motor vehicle safety standards. If a vehicle purchased under this part is subject to the Federal Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration in part 571 of this title, a recipient shall keep on file its certification that it received, both at the pre-award and post-delivery stage, a copy of the manufacturer's self-certification information that the vehicle complies with relevant Federal Motor Vehicle Safety Standards.	
	§663.43 Certification that Federal motor vehicle standards do not apply. (a) Except for rolling stock subject to paragraph (b) of this section, if a vehicle purchased under this part is not subject to the Federal Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration in part 571 of this title, the recipient shall keep on file its certification that it received a statement to that effect from the manufacturer. (b) This subpart shall not apply to rolling stock that is not a motor vehicle.	

EXHIBIT 7
PURCHASER'S POST-AWARD REQUIREMENTS CERTIFICATION

Subrecipient		Date / Completed By
Description		
Program/Phase/Amounts		
The Post-Delivery Review Requirements (http://www.fta.dot.gov/legislation_law/12921_5430.html)		
The Post-Delivery Buy America Certification Requirement		
Select basis' (1 REQ'D)	Buy America-Compliant Buses	49 CFR 663(b)
	§663.33 Description of post-delivery audit. A post-delivery audit under this part includes—	
	(a) A post-delivery Buy America certification as described in §663.35 of this part;	
	§663.35 Post-delivery Buy America certification. For purposes of this part, a post-delivery Buy America certification is a certification that the recipient keeps on file that—	
	(a) There is a letter from FTA which grants a waiver to the rolling stock received from the Buy America requirements under sections 165 (b)(1), or (b)(4) of the Surface Transportation Assistance Act of 1982, as amended; **or**	
	(b) The recipient is satisfied that the rolling stock received meets the requirements of section 165 (a) or (b)(3) of the Surface Transportation Assistance Act of 1982, as amended, after having reviewed itself or by means of an audit prepared by someone other than the manufacturer or its agent documentation provided by the manufacturer which lists— (1) Components and subcomponent parts of the rolling stock identified by manufacturer of the parts, their country of origin and costs; and (2) The actual location of the final assembly point for the rolling stock including a description of the activities which took place at the final assembly point and the cost of the final assembly.	
Met? Y/N (3 REQ'D)	(b) A post-delivery purchaser's requirements certification as described in §663.37 of this part; **and**	
	§663.37 Post-delivery purchaser's requirements certification. For purposes of this part, a post-delivery purchaser's requirements certification is a certification that the recipient keeps on file that—	
	(a) Except for procurements covered under paragraph (c) in this section, a resident inspector (other than an agent or employee of the manufacturer) was at the manufacturing site throughout the period of manufacture of the rolling stock to be purchased and monitored and completed a report on the manufacture of such rolling stock. Such a report, at a minimum, shall— (1) Provide accurate records of all vehicle construction activities; and (2) Address how the construction and operation of the vehicles fulfills the contract specifications.	
	(b) After reviewing the report required under paragraph (a) of this section, and visually inspecting and road testing the delivered vehicles, the vehicles meet the contract specifications.	
	(c) For procurements of: (1) Ten or fewer buses; or (2) Procurements of twenty vehicles or fewer serving rural (other than urbanized) areas, or urbanized areas of 200,000 people or fewer; or (3) Any number of primary manufacturer standard production and unmodified vans, after visually inspecting and road testing the vehicles, the vehicles meet the contract specifications.	
Met? Y/N (1 REQ'D)	(c) When appropriate, a manufacturer's Federal Motor Vehicle Safety Standard self-certification information as described in §663.41 or §663.43 of this part.	
	§663.41 Certification of compliance with Federal motor vehicle safety standards. If a vehicle purchased under this part is subject to the Federal Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration in part 571 of this title, a recipient shall keep on file its certification that it received, both at the pre-award and post-delivery stage, a copy of the manufacturer's self-certification information that the vehicle complies with relevant Federal Motor Vehicle Safety Standards.	
	§663.43 Certification that Federal motor vehicle standards do not apply. (a) Except for rolling stock subject to paragraph (b) of this section, if a vehicle purchased under this part is not subject to the Federal Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration in part 571 of this title, the recipient shall keep on file its certification that it received a statement to that effect from the manufacturer. (b) This subpart shall not apply to rolling stock that is not a motor vehicle.	

EXHIBIT 8
PURCHASER'S POST-AWARD REQUIREMENTS CERTIFICATION

Subrecipient	
Description	
Program/Phase/Amounts	

Purchaser's Post-Award Requirements Certification
49 CFR §663.37

I hereby certify that the rolling stock the recipient is contracting for is the same product described in the purchaser's solicitation specification; and

I hereby certify that the proposed manufacturer is a responsible manufacturer with the capability to produce a vehicle that meets the recipient's

Signature

Date Signed

Procurement

ARIZONA DEPARTMENT OF TRANSPORTATION
1739 W. Jackson Street, MD 100P
Phoenix, AZ 85007
602.712.7211

Solicitation Amendment Summary

SOLICITATION NO.: BPM004157	**AMENDMENT NO.: One (1)**
DESCRIPTION: New Vehicles Purchase	

Pursuant to the Uniform Instructions to Offerors, Item B.6, Solicitation Amendments, the above referenced solicitation shall be amended as follows:

1. The solicitation due date has been changed from January 17, 2022 at 3:00 PM MST to January 19, 2022 at 3:00 PM MST.

2. All other terms, conditions and provisions of this solicitation remain unchanged.

Procurement

ARIZONA DEPARTMENT OF TRANSPORTATION
1739 W. Jackson Street, MD 100P
Phoenix, AZ 85007
602.712.7211

Solicitation Amendment Summary

SOLICITATION NO.: BPM004157	**AMENDMENT NO.: Two (2)**
DESCRIPTION: New Vehicles Purchases	

Pursuant to the Uniform Instructions to Offerors, Item B.6, Solicitation Amendments, the above referenced solicitation shall be amended as follows:

1. **Specifications**
   The following sections are hereby modified to read:

   a. **Paragraph 2.1** "The State of Arizona Department of Transportation (Department) is seeking to contract with a qualified vendor(s) who can provide new vehicles (all fuel types, hybrid, and full electric) including but not limited to: Sedans, Trucks up to 19,500 GVWR, Vans, Sport Utility Vehicles (SUVs), and Crossovers for the State of Arizona and participating Eligible Agencies. These vehicles will be used to support official organizational goals. These vehicles will be used on highways, city/county roads and shall be designed to operate under typical Arizona ambient temperatures."
   b. **Paragraph 3.3.1, 3.5.1 and 3.5.2** is hereby removed.
   c. **Paragraph 4.1**: "The Contractors are encouraged to provide a full line of new vehicles (gasoline, hybrid, full electric) including but not limited to the following categories: Sedans, Trucks up to 19,500 GVWR, Vans (cargo, passenger, transit, etc.), Sport Utility Vehicles (SUVs), and Crossovers. Eligible Agencies throughout the State will have varying vehicle needs. Contractors are to provide a full line of manufactured new vehicles and all subsequent variants of each vehicle; including but not be limited to: models and manufacturer options, trim package, etc. to meet each need of an Eligible Agency."
   d. **Paragraph 4.1.1** is hereby removed.
   e. **Paragraph 4.4.1:"** The Eligible Agency may request the awarded Contractor(s) to up-fit/modify any vehicle for specific organizational needs. For example, the cab and chassis of ½ ton, ¾ ton, and/or up to 19,500 GVW trucks may require a specialized body (i.e.: dump body, landscape body, etc.). Other vehicles may require interior and/or exterior modifications per the individual Eligible Agency. "
   f. **Paragraph 4.6.1**: " Anti-slip differential for two-wheel drive pickup trucks, ¾ ton, up to 19,500 GVW."

2. **Special Terms and Conditions**

   The following sections are hereby modified to read:

   a. Paragraph 11.1, (a-g): "Phase 1 and 2 pricing for vehicles shall be a minimum Percentage off MSRP, less the manufacturer's rebates and any additional discounts available for that model/power-train combination.
      a. Contractor shall provide a copy of manufacturer's invoice to the ordering agency upon request. The manufacturer's invoice shall be unaltered to include original pricing from the manufacturer.

Procurement

ARIZONA DEPARTMENT OF TRANSPORTATION
1739 W. Jackson Street, MD 100P
Phoenix, AZ 85007
602.712.7211

Solicitation Amendment Summary

SOLICITATION NO.: BPM004157	**AMENDMENT NO.: Three (3)**
DESCRIPTION: New Vehicles Purchases	

Pursuant to the Uniform Instructions to Offerors, Item B.6, Solicitation Amendments, the above referenced solicitation shall be amended as follows:

1. **Specifications**
   The following sections are hereby modified to read:

   a. **Paragraph 3.5** "For Phase Two (2) vehicles, the Contractor shall supply a quote within five (5) calendar days after receiving a request from the Eligible Agency. The quotation shall include but not be limited to the following information: State contract number, vehicle availability and delivery lead-time, Vehicle Identification Number (VIN), dealer stock number, vehicle base bid price, itemized options, applicable tax, delivery cost, total price, and point of contact. For vehicles requiring up-fit/modifications, all applicable cost may be included in quotation or as a separate quotation."

   b. **Paragraph 3.10**: "For Phase One (1) the Contractor shall provide the Eligible Agency copies of the manufacturer's vehicle identification numbers (VIN#) to confirm vehicles have been ordered unless impossible due to manufacture delay within ninety (90) calendar days after receipt of a purchase order. If confirmation of manufacturer's VIN #(s) is not received within this timeframe the Eligible Agency has the option to award to the second lowest bidder meeting specifications. This shall be considered a mandatory requirement and the timeframe must be met unless there is a manufacture delay. Failure to provide this document for each vehicle ordered may be cause for determination of default of contract."

2. All other terms, conditions and provisions of this solicitation remain unchanged.

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Procurement

ARIZONA DEPARTMENT OF TRANSPORTATION
1739 W. Jackson Street, MD 100P
Phoenix, AZ 85007
602.712.7211

Solicitation Amendment Summary

SOLICITATION NO.: BPM004157	**AMENDMENT NO.: Two (2)**
DESCRIPTION: New Vehicles Purchases	

b. Transportation costs to transfer a vehicle from another dealer for a Phase 2 or purchase from stock may be added to the cost of the vehicle. The justification for this cost is at the discretion of the Eligible Agency.
c. Any reference to Phase 1 pricing shall be in reference to vehicles ordered prior to the factory cut-off date.
d. Any reference to Phase 2 pricing shall be in reference to vehicles purchased from stock or "on the lot".
e. Phase 2 pricing shall receive the same cost considerations as Phase 1 pricing, all discounts and rebates should be passed onto the Eligible Agency.

f. All vehicles are to be billed at prices in effect at the time of order, not the date of shipment.

g. Pricing for vehicles shall include all discounts and deductions, less Federal and State taxes. Pricing shall be firm for life of contract unless amended by way of contract change order. "

b. Paragraph 22 is hereby replaced with the following: "The Contractor shall furnish Two (2) Usage reports, the first to the Department on a quarterly basis showing purchasing activity under this contract. This usage report shall be provided in a form substantially equivalent to Exhibit 03. Usage reports shall be submitted to the Procurement Officer no later than 30 days after the end of each quarter.

Usage report quarters shall be defined as follows:

- January through March – Report due April 30
- April through June – Report due July 30
- July through September – Report due October 30
- October through December – Report due January 30

Contractor shall submit the second to the State documenting all Contract sales to both Eligible Agencies and Co-Op Buyers, itemized separately. A *Quarterly Usage Report* shall still be submitted; even if there have been no sales to either Eligible Agencies and/or Co-Op Buyers. Contractor shall further itemize divisions, groups or areas within a given Eligible Agency if they place Orders independently of each other. Failure to submit the report is a material breach of contract, and will entitle State to its remedies under Article 8 and its right to terminate for default under Article 9. Contractor shall submit the report using the forms and following the instructions on the State Procurement Office website:

https://spo.az.gov/contractor-resources/statewide-contracts-administrative-fee"

c. Paragraph 25: Co-op administrative fee has hereby been removed.

Procurement

ARIZONA DEPARTMENT OF TRANSPORTATION
1739 W. Jackson Street, MD 100P
Phoenix, AZ 85007
602.712.7211

Solicitation Amendment Summary

SOLICITATION NO.: BPM004157	**AMENDMENT NO.: Two (2)**
DESCRIPTION: New Vehicles Purchases	

3. **Offer Response Form** is hereby replaced with Revision Two (2) attachment.

4. All other terms, conditions and provisions of this solicitation remain unchanged.

Procurement

ARIZONA DEPARTMENT OF TRANSPORTATION
1739 W. Jackson Street, MD 100P
Phoenix, AZ 85007
602.712.7211

Solicitation Amendment Summary

SOLICITATION NO.: BPM004157	**AMENDMENT NO.: Three (3)**
DESCRIPTION: New Vehicles Purchases	

Pursuant to the Uniform Instructions to Offerors, Item B.6, Solicitation Amendments, the above referenced solicitation shall be amended as follows:

1. **Specifications**
   The following sections are hereby modified to read:

   a. **Paragraph 3.5** "For Phase Two (2) vehicles, the Contractor shall supply a quote within five (5) calendar days after receiving a request from the Eligible Agency. The quotation shall include but not be limited to the following information: State contract number, vehicle availability and delivery lead-time, Vehicle Identification Number (VIN), dealer stock number, vehicle base bid price, itemized options, applicable tax, delivery cost, total price, and point of contact. For vehicles requiring up-fit/modifications, all applicable cost may be included in quotation or as a separate quotation."

   b. **Paragraph 3.10**: "For Phase One (1) the Contractor shall provide the Eligible Agency copies of the manufacturer's vehicle identification numbers (VIN#) to confirm vehicles have been ordered unless impossible due to manufacture delay within ninety (90) calendar days after receipt of a purchase order. If confirmation of manufacturer's VIN #(s) is not received within this timeframe the Eligible Agency has the option to award to the second lowest bidder meeting specifications. This shall be considered a mandatory requirement and the timeframe must be met unless there is a manufacture delay. Failure to provide this document for each vehicle ordered may be cause for determination of default of contract."

2. All other terms, conditions and provisions of this solicitation remain unchanged.

Procurement

ARIZONA DEPARTMENT OF TRANSPORTATION
1655 W. Jackson Street, MD 100P
Phoenix, AZ 85007
602.712.7211

Contract Amendment Summary

CONTRACTOR: Courtesy Chevrolet	**AMENDMENT NO.: One (1)**
DESCRIPTION: New Vehicle Purchases	

Pursuant to the Uniform Terms and Conditions, Section 5, Contract Changes, the above referenced contract is amended. Summary of changes is as follows:

1. Amendment One (1) to mutually extend this contract from March 17, 2023 through March 16, 2024, unless terminated, canceled or extended as otherwise provided in the contract.

2. All other terms, conditions and provisions of this contract remain unchanged.

Procurement

ARIZONA DEPARTMENT OF TRANSPORTATION
1655 W. Jackson Street, MD 100P
Phoenix, AZ 85007

Contract Amendment Summary

CONTRACTOR: Courtesy Chevrolet	**AMENDMENT NO.: Two (2)**
DESCRIPTION: CTR059315 - New Vehicles Purchases	

Pursuant to the Uniform Terms and Conditions, Section 5, Contract Changes, the above referenced contract is amended. Summary of changes is as follows:

1. Amendment Two (2) to mutually extend this contract from March 17, 2024 through March 16, 2025 unless terminated, canceled or extended as otherwise provided in the contract.

2. The executed SPO205 Forced Labor of Ethnic Uyghurs Ban form is hereby included with this amendment.

3. All other terms, conditions and provisions of this contract remain unchanged.

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FORCED LABOR OF ETHNIC UYGHURS BAN

Forced Labor of Ethnic Uyghurs Ban

Please note that if any of the following apply to the Contractor, then the Offeror shall select the "Exempt Contractor" option below:

- Contractor is a sole proprietorship;
- Contractor has fewer than ten (10) employees; OR
- Contractor is a non-profit organization.

Pursuant to A.R.S. § 35-394, the State of Arizona prohibits a public entity from entering into or renewing a contract with a company unless the contract includes written certification that the company does not use the forced labor, or any goods or services produced by the forced labor, of ethnic Uyghurs in the People's Republic of China.

Under A.R.S. §35-394:

1. "Company" means an organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company or other entity or business association, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate, that engages in for-profit activity and that has ten or more full-time employees.

2. "Public entity" means this State, a political subdivision of this State or an agency, board, commission or department of this State or a political subdivision of this State.

In compliance with A.R.S. §§ 35-394 et seq., all offerors must select one of the following:

☒	The Company submitting this Offer does not use, and agrees not to use during the term of the contract, any of the following: • Forced labor of ethnic Uyghurs in the People's Republic of China; • Any goods or services produced by the forced labor of ethnic Uyghurs in the People's Republic of China; or • Any Contractors, Subcontractors, or suppliers that use the forced labor or any goods or services produced by the forced labor of ethnic Uyghurs in the People's Republic of China.
☐	The Company submitting this Offer **does** participate in use of Forced Uyghurs Labor as described in A.R.S. § 35-394.
☐	**Exempt Contractor.** Indicate which of the following statements applies to this Contractor (may be more than one): ☐ Contractor is a sole proprietorship; ☐ Contractor has fewer than ten (10) employees; and/or ☐ Contractor is a non-profit organization.

Courtesy Chevrolet
Company Name

1233 East Camelback Road
Address

Phoenix, AZ 85014
City State Zip

Signature of Person Authorized to Sign

Joe Pfeffer
Printed Name

Fleet Manager
Title

11/7/2023
Date

ADOT
Procurement

Offer Response Form for New Vehicle Purchases Revision Two (2)

Please respond to the following items according to the instructions below. Each response should demonstrate the Offeror's ability to satisfy the Specifications requirements. Failure to respond may negatively impact the option to award.

1.1. The Contractor shall provide the goods/services described in any or all of the contract categories. Indicate the categories that apply to your offer:

- ☒ **Category One: Phase One (1) Vehicle Purchases**
- ☒ **Category Two: Phase Two (2) Vehicle Purchases**
- ☒ **Category Three: FTA Funded Vehicles**

1.2 PHASE ONE (1) Pricing for New Vehicle Purchases: Price List: (Any manufacturer available by Offeror shall be written in below which includes all optional equipment) Price shall be a fixed percentage off MSRP. The detailed price list for each available model will be sent to the Procurement Officer as they become available during the contract term. If multiple level discounts apply for that specific category, you may provide the minimum percentage. *Detailed price lists will not be required at the time of Proposal submittal.* Do not provide pricing on any other format other than what is provided below:

Phase One (1) Manufacture/Category (i.e. Silverado, F150, RAM 1500, Focus, Cruze, Dart etc.) Per Minimum Specifications	**Percentage (%) Off of Manufacture Retail Price (MSRP)**
Malibu/Spark/Bolt	10%
Silverado	14%
SUV	10%
Express	10%
4500/5500	10%
Low Cab Forward (LCF)	20%

1.3 PHASE TWO (2) Pricing for New Vehicle Purchases: (Any manufacturer available by Offeror shall be written in below which includes all optional equipment) Price shall be a fixed percentage off MSRP. The detailed price list for each available model will be sent to the Procurement Officer as they become available during the contract term. If multiple level discounts apply for that specific category, you may provide the minimum percentage. *Detailed price lists will not be required at the*

time of Proposal submittal. Do not provide pricing on any other format other than what is provided below:

Phase Two (2) Manufacture/Category (i.e. Silverado, F150, RAM 1500, Focus, Cruze, Dart etc.) Per Minimum Specifications	Percentage (%) Off of Manufacture Retail Price (MSRP)
Phase Two	
Cars	3%
Silverado	5%
SUV	1%
Express Vans	3%
4500/5500	5%
Low Cab Forward	10%

Offer Response Form for New Vehicle Purchases
Revision Two (2)

1.4 Delivery Fees: If the contractor offers delivery for the following counties, they must be indicate and include any delivery fee associated with those areas as applicable.

County	Delivery Fee $	County	Delivery Fee $	County	Delivery Fee $
Apache	325	Greenlee	375	Pima	250
Cochise	300	La Paz	300	Pinal	225
Coconino	200	Maricopa	0	Santa Cruz	325
Gila	275	Mohave	300	Yavapai	225
Graham	375	Navajo	350	Yuma	300

1.5 Evaluation Pricing: The Contractor shall submit pricing for the following Vehicles. The vehicles listed which is representative of the scope of work that will be performed under this Contract, and therefore constitutes a fair method for determining price fair and reasonable:

1.5.1 Phase One (1) Evaluation Pricing:

Estimated Usage Quantity	PHASE ONE (1) Base Model Vehicle	Base Price for Phase One (1)	Additional Information
75	Sports Utility Vehicle (SUV) *(base model)* Per Minimum Specifications	$20,940 plus tax	2022 Chevrolet Trax LS
25	One (1) Ton Cargo Van *(base model)* Per Minimum Specifications	$25,860.00 plus tax	2022 1 Ton Express Cargo
50	1/2 Ton Truck Regular Cab *(base model)* Per Minimum Specifications	$21.812.00 plus tax	2022 Silverado 1500 Reg Cab

Offer Response Form for New Vehicle Purchases
Revision Two (2)

1.5.2. Phase Two (2) Evaluation Pricing:

Estimated Usage Quantity	PHASE TWO (2) Base Model Vehicle	Base Price for Phase TWO (2)	Additional Information
25	Sports Utility Vehicle (SUV) *(base model)* Per Minimum Specifications	$22,106.00 plus tax	2022 Chevrolet Trax
15	One (1) Ton Cargo Van *(base model)* Per Minimum Specifications	$26,698.00 plus tax	2022 1 Ton Express Cargo
25	1/2 Ton Truck Regular Cab *(base model)* Per Minimum Specifications	$21,812.00 plus tax	2022 1500 Reg Cab

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Tiffany Antol, Zoning Code Manager

Date: 09/26/2024

Meeting Date: 10/01/2024

TITLE:

Consideration and Adoption of Resolution No. 2024-37 and Ordinance No. 2024-22: 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-24-00008 -- Concept Plan Review, Accessory Structures, Accessory Uses, Home Occupations, and Basement, Basement Garages, Building Stem Walls, Crawl Spaces and Podium Parking" 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.

STAFF RECOMMENDED ACTION:

At the October 1, 2024, Council Meeting:
1) Read Resolution No. 2024-37 by title only
2) City Clerk reads Resolution No. 2024-37 by title only (if approved above)
3) Read Ordinance No. 2024-22 by tile only for the first time
4) City Clerk reads Ordinance No. 2024-22 by title only (if approved above)

At the October 15, 2024, Council Meeting:
5) Adopt Resolution No. 2024-37
6) Read Ordinance No. 2024-22 by title only for the final time
7) City Clerk reads Ordinance No. 2024-22 by title only (if approved above)
8) Adopt Ordinance No. 2024-22

Executive Summary:

City's request for a Zoning Code Text Amendment to amend Section 10-20.30.050: Concept Plan Review to remove the requirements for Duplex Dwelling to go through Concept Plan Review; amend Section 10-40.60.020: Accessory Structures to clarify requirements for accessory structures; amend Section 10-40.60.020: Accessory Uses to clarify requirements for accessory uses; amend Section 10-40.60.180: Home Occupations to align size allowances with building codes; amend Section 10-50.20.030: Architectural Standards to incorporate standards for Basements, Basement Garages, Building Stem Walls, Crawl Spaces, and Podium Parking Structures; delete Division 10-50.25: Basements, Basement Garages, Building Stem Walls, Crawl Spaces, and Podium Parking Structure Walls.

The Planning & Zoning Commission voted 6-0 to recommend the City Council approve the proposed text amendment by a vote of 6-0 at their September 25, 2024, public hearing.

Financial Impact:

There are no anticipated financial impacts affiliated with the proposed Zoning Code Text Amendment.

Policy Impact:

There are no anticipated policy impacts affiliated with the proposed Zoning Code Text Amendment.

Previous Council Decision or Community Discussion:

There has not been a previous City Council decision on this ordinance.

Options and Alternatives to Recommended Action:
The City Council may adopt, modify, or deny the proposed amendment.

Background and History:
The proposed amendment (Attachment 2) includes modifications to the following Zoning Code provisions:

- Section 10-20.30.050: Concept Plan Review to remove the requirements for Duplex Dwelling to go through Concept Plan Review. Duplex Dwellings will be allowed to proceed directly to building permit if this amendment is approved. This will allow an expedited review and approval process for Duplex Dwellings like Single-Family Dwellings. No public improvements are required for Duplex Dwellings.
- Section 10-40.60.020: Accessory Structures to clarify requirements for accessory structures. Specifically, hold-over provisions that were specific to "storage containers" (aka shipping containers) are removed as they conflict with other provisions. These include a maximum size of 160 square feet and additional design parameters.
- Section 10-40.60.020: Accessory Uses to clarify requirements for accessory uses and return specific provisions for outdoor sales areas.
- Section 10-40.60.180: Home Occupations to align size allowances with building codes.
- Section 10-50.20.030: Architectural Standards to incorporate standards for basements, basement garages, building stem walls, crawl spaces, and podium parking structures. This section of the Zoning Code is not applied to Single-Family Dwellings. Moving this section clarifies what types of development these standards apply.
- Delete Division 10-50.25: Basements, Basement Garages, Building Stem Walls, Crawl Spaces, and Podium Parking Structure Walls.

A Zoning Code Text Amendment shall be evaluated based on the following findings:

A. Finding #1:
The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan;

Flagstaff Regional Plan 2030

- Policy LU.1.6. Establish greater flexibility in development standards and processes to assist developers in overcoming challenges posed by redevelopment and infill sites.
- Policy LU.1.7. Consider creative policy and planning tools as a means to incentivize redevelopment and infill.

B. Finding #2
The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City;

The amendment provisions are not anticipated to be detrimental to the public interest, health, safety, convenience, or welfare of the City. The proposed provisions are intended to reduce process, eliminate conflicting provisions, provide clarifications, and reduce the requirements for the development of Single-Family Dwellings.

C. Finding #3
The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

The amendment is internally consistent, utilizes the existing format, and does not conflict with other Zoning Code provisions. It maintains the Zoning Code's purpose as a comprehensive contemporary set of land uses and requirements that are straightforward, usable, and easily understood.

Connection to PBB Priorities and Objectives:

- Achieve a well-maintained community through comprehensive & equitable code compliance, &

development is compatible with community values.

Connection to Regional Plan:

- Policy LU.1.6. Establish greater flexibility in development standards and processes to assist developers in overcoming challenges posed by redevelopment and infill sites.
- Policy LU.1.7. Consider creative policy and planning tools as a means to incentivize redevelopment and infill.

Connection to Carbon Neutrality Plan:

- Create housing options for households at all income levels and family sizes occupied by local residents.

Connection to 10-Year Housing Plan:

- Create 4: Amend the Flagstaff Zoning Code to facilitate the development of all housing types.

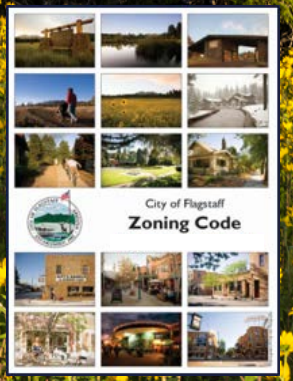
Attachments: Presentation
Res. 2024-37
PZ-24-00008 Draft Amendment
Ord. 2024-22
PZ-24-00008 Housing Statement

Zoning Code Amendment Miscellaneous

PZ-24-00008

Tiffany Antol, AICP
Zoning Code Manager

TEAM FLAGSTAFF
WE MAKE THE CITY BETTER



Miscellaneous Amendments

City's Proposed Zoning Code Text Amendment

Overview of Proposed Amendment:

The proposed amendment (Attachment 2) includes modification to the following Zoning Code provisions:

- Section 10-20.30.050: Concept Plan Review to remove the requirements for Duplex Dwelling to go through Concept Plan Review. Duplex Dwellings will be allowed to proceed directly to building permit if this amendment is approved. This will allow an expedited review and approval process for Duplex Dwellings like Single-Family Dwellings. No public improvements are required for Duplex Dwellings.
- Section 10-40.60.020: Accessory Structures to clarify requirements for accessory structures. Specifically, hold-over provisions that were specific to "storage containers" (aka shipping containers) are removed as they conflict with other provisions. These include a maximum size of 160 square feet and additional design parameters.

Miscellaneous Amendments

City's Proposed Zoning Code Text Amendment

Overview of Proposed Amendment:

- Section 10-40.60.020: Accessory Uses to clarify requirements for accessory uses and return specific provisions for outdoor sales areas.
- Section 10-40.60.180: Home Occupations to align size allowances with building codes.
  - One small edit to identify that home occupations include home businesses early in the section.
- Section 10-50.20.030: Architectural Standards to incorporate standards for basements, basement garages, building stem walls, crawl spaces, and podium parking structures. This section of the Zoning Code is not applied to Single-Family Dwellings. Moving this section clarifies what types of development these standards apply.
- Delete Division 10-50.25: Basements, Basement Garages, Building Stem Walls, Crawl Spaces, and Podium Parking Structure Walls.

Miscellaneous Amendments

Staff Recommendation

Findings for Zoning Code Text Amendments:

(1) The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan;

(2) The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City; and

(3) The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

Miscellaneous Amendments

The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan.

Flagstaff Regional Plan 2030

- Policy LU.1.6. Establish greater flexibility in development standards and processes to assist developers in overcoming challenges posed by redevelopment and infill sites.
- Policy LU.1.7. Consider creative policy and planning tools as a means to incentivize redevelopment and infill.

10-Year Housing Plan

- Create 4: Amend the Flagstaff Zoning Code to facilitate the development of all housing types.

Carbon Neutrality Plan

- Create housing options for households at all income levels and family sizes occupied by local residents.

Miscellaneous Amendments

The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City.

The amendment provisions are not anticipated to be detrimental to the public interest, health, safety, convenience, or welfare of the City. The proposed provisions are intended to reduce process, eliminate conflicting provisions, provide clarifications, and reduce the requirements for the development of Single-Family Dwellings.

Miscellaneous Amendments

The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

The amendment is internally consistent, utilizes the existing format, and does not conflict with other Zoning Code provisions. It maintains the Zoning Code's purpose as a comprehensive contemporary set of land uses and requirements that are straightforward, usable, and easily understood.

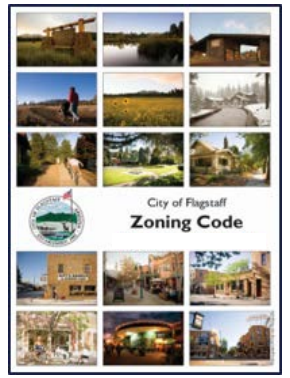
Miscellaneous Amendments

Recommendation

Staff and the Planning & Zoning Commission recommend the City Council, in accordance with the findings presented in this report, approve Zoning Code Text Amendment PZ-24-00008 - Concept Plan Review, Accessory Structures, Accessory Uses, Home Occupations, and Basements, Basement Garages, Building Stem Walls, Crawl Spaces, and Podium Parking.

Miscellaneous Amendments

Questions, Comments, and Suggestions



RESOLUTION NO. 2024-37

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "PZ-24-00008 – CONCEPT PLAN REVIEW, ACCESSORY STRUCTURES, ACCESSORY USES, HOME OCCUPATIONS, AND BASEMENT, BASEMENT GARAGES, BUILDING STEM WALLS, CRAWL SPACES AND PODIUM PARKING"

RECITALS:

WHEREAS, pursuant to A.R.S. § 9-802 a municipality may enact or amend provisions of the City Code by reference to a public record, provided that the adopting ordinance is published in full;

WHEREAS, the City of Flagstaff wishes to incorporate by reference amendments to the Flagstaff Zoning Code, Ordinance No. 2024-22, by first declaring said amendments to be a public record.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General.

That certain document known as *"PZ-24-00008 – Concept Plan Review, Accessory Structures, Accessory Uses, Home Occupations, and Basement, Basement Garages, Building Stem Walls, Crawl Spaces and Podium Parking"* attached hereto as Exhibit A is hereby declared to be a public record, and one (1) paper copy and one (1) electronic copy shall remain on file with the City Clerk in compliance with A.R.S. § 44-7041.

SECTION 2. Effective Date.

This resolution shall be effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 15th day of October 2024.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____

CITY ATTORNEY

Exhibits:

A. PZ-24-00008 – Concept Plan Review, Accessory Structures, Accessory Uses, Home Occupations, and Basement, Basement Garages, Building Stem Walls, Crawl Spaces and Podium Parking

Case No. PZ-24-00008 –Concept Plan Review, Accessory Structures, Accessory Uses, Home Occupations, and Basements, Basement Garages, Building Stem Walls, Crawl Spaces, and Podium Parking

Provisions that are being deleted are shown in bold **~~strikethrough~~** text.
Provisions that are being added are shown in bold **red** text.

Section 1. Amend Title 10 Flagstaff Zoning Code, Chapter 10-20: Administration, Procedures, and Enforcement, Division 10-20.30: Common Procedures, Section 10-20.30.050: Concept Plan Review, to modify applicability for concept plan review to remove duplexes:

10-20.30.050 Concept Plan Review

A. Purpose. Concept plan review is an informal review to ensure that the applicant is aware of the procedures and substantive requirements of the City and to identify any potential problems or concerns prior to submitting for site plan review and approval (Section 10-20.40.140).

B. Applicability. Concept Plan review is required for the following:

1. All developments requiring Site Plan review and approval (Section 10-20.40.140);

2. Any change of use that triggers an increase in required parking;

~~3. A proposed duplex;~~

~~4~~3. Structural modifications to an exterior facade that is visible from a public way, including, but not limited to, public and private streets, public trails and paths, and alleys;

~~5~~4. A proposed single-family residence **or duplex** located on a parcel that is not part of a platted subdivision; and

~~6~~5. Any use that requires a Concept Plan in accordance with the regulations of Division 10-40.60: Specific to Uses.

Section 2. Amend Title 10 Flagstaff Zoning Code, Chapter 10-40: Specific to Zones, Division 10-40.60: Specific to Uses as follows:

Division 10-40.60:

Specific to Uses

Sections:

10-40.60.010 Purpose and Applicability

10-40.60.020 Accessory **Buildings and** Structures

10-40.60.025 Accessory Uses

10-40.60.030 Accessory Dwelling Units (ADUs)

10-40.60.040 Accessory Wind Energy Systems

10-40.60.050 Adult Entertainment

10-40.60.060 Airport/Landing Strips, Heliport, or Helistops

10-40.60.070 Animal Keeping

10-40.60.080 Automobile, Go-Kart, and Miniature Automobile Racing

10-40.60.090 Automobile Service Station and Convenience Store

10-40.60.100 Automobile/Vehicle Repair Garage – Major/Minor

10-40.60.110 Bed and Breakfasts

10-40.60.120 Co-housing

10-40.60.130 Commercial Campground

10-40.60.140 Community Garden

10-40.60.150 Day Care Home and Center

10-40.60.160 Drive-through Retail or Service Facility

10-40.60.170 High Occupancy Housing Developments and Mixed-Use High Occupancy Housing Developments

10-40.60.180 Home Occupations

10-40.60.190 Homeless Shelter

10-40.60.195 Kennel, Animal Boarding

10-40.60.200 Live/Work

10-40.60.210 Manufactured Homes

10-40.60.220 Marijuana Establishments

10-40.60.230 Meeting Facilities, Neighborhood and Regional

10-40.60.240 Micro-Brewery or Micro-Distillery

10-40.60.250 Mini–Storage Warehousing

10-40.60.260 Mixed Use

10-40.60.270 Outdoor Commercial Recreation Structures

10-40.60.275 Outdoor Storage

10-40.60.280 Planned Residential Development

10-40.60.290 Quarrying Operations

10-40.60.300 Research and Development Uses

10-40.60.305 Seasonal Amusement, Entertainment and Sales, Indoor

10-40.60.310 Telecommunication Facilities

Section 3. Amend Title 10 Flagstaff Zoning Code, Chapter 10-40: Specific to Zones, Division 10-40.60: Specific to Uses, Section 10-40.60.020: Accessory Structures, as follows:

10-40.60.020 Accessory **Buildings and** Structures

A. ~~**Allowance.**~~ **Applicability. Accessory buildings and structures shall be permitted in all zones in compliance with this section, provided each is incidental and subordinate to the principal use. Accessory Dwelling units shall comply with Section 10-40.60.030.**

~~**1. An Accessory Dwelling Unit (ADU) structure is allowed in accordance with Sections 10-40.30.030.D. and 10-40.30.040.D.**~~

~~**2. All other accessory structures are allowed in all zones in compliance with this section.**~~

B. ~~**Approvals and**~~ Standards.

1. The property owner shall obtain permits and approvals for an accessory **building or** structure in accordance with Division 10-20.40: Permits and Approvals.

2. An accessory **building or** structure **(excluding fences)** shall not be allowed on a lot or parcel without a primary **use** ~~**structure**~~ on the same property**, except that a permit for an accessory building or structure may be issued concurrent, or after, a permit is issued for the primary use, building, or structure.**

~~**3. A primary structure shall be established prior to the issuance of a permit for an accessory structure, except that a permit for an accessory structure may be issued concurrent, or after, a permit is issued for the primary structure.**~~

3**4**. No manufactured home, mobile home, trailer, semi-trailer, bus, recreational vehicle, boxcar or ~~**storage container**~~ **structure mounted on trailers/wheels** shall be used as an accessory structure**.** ~~**, except as permitted in subsection C. of this section.**~~

~~**5. Accessory Dwelling Units shall comply with Section 10-40.60.030.**~~

~~**6. Permanent storage structures shall comply with subsection C. of this section.**~~

4. An accessory building or structure shall be used in compliance with the permitted uses of the zone within which it is located and, if applicable, the Home Occupation regulations in Section 10-40.60.180.

5. The use of accessory buildings or structures shall be incidental to the primary use.

6~~7~~. ~~**All other a**~~**A**ccessory **buildings and** structures shall comply with the property development standards of the property's zone, except as specified below:

~~**a. On any residential lot less than one acre, the total floor area of all accessory structures shall be less than that of the lot's or parcel's primary structure.**~~

a~~**b**~~. The distance between a primary **building or** structure and an accessory **building or** structure shall comply with the Building Code.

~~**c. An accessory structure is not allowed in any Street Side Yard.**~~

b~~**d**~~. Encroachments into the required setbacks are allowed in accordance with Table 10-50.40.020.A.

c~~**e.**~~ The maximum height of an accessory **building or** structure shall comply with Table 10-40.60.020.B.7.e.

Table 10-40.60.020.B.7.e. Allowed Height of Accessory **Building or** Structure	
Location of Accessory Structure	Building Height Maximum
Within the building envelope:	24 feet.
All other locations allowed	16 feet.

~~**10-40.60.020 Accessory Structures**~~

~~**C. Permanent Storage Structures.**~~

~~**1. Placement.**~~

d~~**a.**~~ Residential and Transect Zones. ~~**A storage**~~ **Accessory buildings or** structure**s (except for fences)** shall be placed ~~**in**~~: (1) ~~**the building envelope and**~~ behind the rear of the primary **building** ~~**structure**~~; (2) **in** the rear yard or interior side yard in compliance with the standards provided in subsection B.7.b~~**d**~~. of this section; or, (3) **in** a combination of the ~~**building**~~

~~**envelope's**~~ rear yard~~,~~ or interior side yard in compliance with the standards provided in subsection B.7.**b**~~**d**~~. of this section.

~~**b**~~**.f.** Commercial Zones. ~~**A storage**~~ **Accessory buildings or** structure**s** shall: (1) be placed in compliance with the property development requirements of the property's zone; (2) be placed in a location where it is not visible from the public right-of-way, unless~~**the container is**~~ placed in the loading/dock area; and~~,~~ (3) not be placed in parking areas.

~~**c.**~~**g.** Industrial and Public Facility Zones. ~~**A storage**~~ **Accessory buildings or** structure**s** shall only be placed: (1) in compliance with the property development standards of the property's zone; and~~,~~ (2) in a location where it is not visible from the public right-of-way, unless~~**the container is**~~ placed in the loading/dock area.

~~**3. Maximum Floor Area.**~~

~~**a. Residential and Transect Zones. A storage structure's floor area shall not exceed 160 square feet.**~~

~~**b. Commercial, Industrial, and Public and Open Space Zones. A storage structure's floor area shall not exceed 384 square feet.**~~

~~**4. Maximum Height. A storage structure shall not exceed a height of 10 feet measured from finish grade directly below the container.**~~

~~**5. Maximum number of storage structures on a property in all residential and transect zones: one.**~~

~~**6. Additional Requirements in the Commercial, Industrial, and Public and Open Space Zones. All property development standards of the property's zone not specified in this subsection shall apply to a storage structure.**~~

~~**7. Additional Requirements in All Zones.**~~

~~**a. A storage structure shall:**~~

~~**i. Have an exterior color that is an earth tone with a light reflectance value of 50 or less, or matches the main color of a building on property that the structure is placed nearest to;**~~

~~**ii. Be nonhabitable, and used only for storage purposes; and**~~

~~**iii. Not be connected to any utility service, except for an electrical service to provided lighting and electrical plugs.**~~

~~**b. Storage structures mounted on trailers/wheels shall not be permitted.**~~

Section 4. Amend Title 10 Flagstaff Zoning Code, Chapter 10-40: Specific to Zones, Division 10-40.60: Specific to Uses, Section 10-40.60.025: Accessory Uses, as follows:

10-40.60.025 Accessory Uses

A. Accessory Uses Allowed.

~~**1. An Accessory Dwelling Unit (ADU) use is allowed where specified in Sections 10-40.30.030 and 10-40.30.040.**~~

~~**2**~~**1**. ~~**All other a**~~**A**ccessory uses of a property are allowed in connection with a primary use on the same property.

2. Accessory uses shall be subordinate to the primary use in terms of area, impact, and purpose.

3. Accessory uses shall not include primary uses that are not allowed in the same zone.

~~**3**~~**4**. An accessory use shall require the approval of a conditional use permit when the accessory use is listed as primary use that requires a conditional use permit in the same zone.

5. Outdoor sales display areas in connection with established retail stores or shopping centers are considered accessory uses and not subject to a temporary use permit in compliance with Section 10-20.40.150 and shall be reviewed and approved through a concept plan, site plan, or building permit.

B. Determination of an Accessory Use. In determining that a use is accessory to a primary use, the Zoning Administrator shall find that the accessory use is clearly customary, subordinate, and incidental to the primary use on the same property.

C. Additional Criteria for Accessory Uses.

1. Outdoor Storage. All outdoor storage areas shall comply with Section 10-40.60.275.

2. Animal Keeping. Animal keeping shall be maintained in conformance with Section 10-40.60.070.

3. Outdoor Sales Display. Permanent outdoor sales display areas, including nurseries or garden centers, are permitted with the following conditions:

a. **The outdoor sales display is clearly incidental to the primary commercial use of the property;**

b. **The outdoor sales display shall not occupy more than 10 percent of the total area of the site;**

c. **To accommodate the outdoor sales display, the number of parking spaces shall not be reduced more than 10 percent below the number of spaces required by Division 10-50.80 or more than 10 percent of the spaces provided if the site is legal nonconforming; and**

d. **The outdoor sales display shall not restrict emergency, pedestrian, or bicycle access to or from the site.**

~~**3. An Accessory Dwelling Unit (ADU) shall comply with Section 10-40.60.030.**~~

Section 5. Amend Title 10 Flagstaff Zoning Code, Chapter 10-40: Specific to Zones, Division 10-40.60: Specific to Uses, Section 10-40.60.180: Home Occupations, as follows:

10-40.60.180 Home Occupations

A. **Applicability.** ~~**The use of a dwelling for a home occupation shall be compatible with the residential character of the dwelling and the neighborhood.**~~ **Home Occupations may be permitted in any residential zoning district, subject to the granting of a permit per Section 10-20.40.070 and shall comply with the following standards. No home occupation permit is needed for a business located within a residence in any commercial zone.**

B. **Standards.** ~~**The home occupation shall be conducted only inside the dwelling or inside an accessory building or garage.**~~

1. The use of a dwelling for a home occupation shall be compatible with the residential character of the dwelling and the neighborhood.

~~**C.**~~**2.** The business shall only be conducted by a resident or residents of the dwelling with no more than one outside employee coming to the residence.

~~**D.**~~**3. The home occupation shall not result in any structural alternations or additions to a building that will change its primary use or building code occupancy classification.** No more than ~~**20**~~ **10** percent of the total floor area of the dwelling shall be used for the home occupation.

~~**E**~~**4.** No stock, goods, and/or materials shall be displayed or sold at the location of the home occupation, except as permitted in subsection ~~**(F)**~~ **(B.7.)** of this section; provided, that this provision shall not be interpreted to prevent pick up of orders made either through the telephone or at sales meetings outside of the dwelling in which the home occupation is located.

~~**F**~~**5.** The sale of fresh produce and cottage foods (i.e., baked, pickled, canned or similarly produced foods grown in a vegetable garden at the location of the home occupation) is permitted subject to compliance with all State and local regulations.

~~**G**~~**6.** No outdoor display or storage of materials, goods, supplies, or equipment shall be permitted in connection with a home occupation.

~~**H**~~**7.** Signs shall be used in compliance with Division 10-50.100, Sign Standards.

~~I~~8. No more than two home occupations shall be carried on in a single residence; provided, that together they do not exceed the ~~20~~ 10 percent area limitation in subsection ~~(D)~~ (B.4.) of this section, or violate any other conditions specified in this section.

~~J~~9 The home occupation shall not be conducted in such a manner or advertised in such a way as to generate more pedestrian or vehicular traffic than typical for the zone within which it is located based on the standards in the current edition of the *Trip Generation Manual* published by the Institute of Transportation Engineers.

~~K~~10. A home occupation shall not utilize flammable liquids or hazardous materials in quantities not customary to a residential use, in compliance with the adopted City Fire Code and Building Code.

~~L~~11. The home occupation shall not create any radio, television, computer, or power line interference, or noise audible beyond the boundaries of the site.

~~M~~12. No more than one motor vehicle, or vehicle-trailer combination, not exceeding a gross vehicle weight rating (GVWR) of 14,000 pounds shall be stored at a residence and/or used in connection with a home occupation.

~~N~~13. A home occupation requires the issuance of a Home Occupation Permit in compliance with Section 10-20.40.070, Home Occupation Permit**s**, prior to commencement of the home occupation.

~~O~~14. Any change in use of a home occupation, or if the applicant/permit holder of a home occupation no longer resides in the home where the home occupation permit was originally issued, will result in the automatic termination of the home occupation. A new owner of a home occupation or a change in use of a previously approved home occupation will require the issuance of a new home occupation permit and a new privilege license from the City prior to commencement of the home occupation.

~~**P. No home occupation permit is needed for a business located within a residence in any commercial zone.**~~

Section 6. Amend Title 10 Flagstaff Zoning Code, Chapter 10-50: Supplemental to Zones, Division 10-50.20: Architectural Design Standards, Section 10-50.20.030: Architectural Standards, to incorporate standards for basements, basement garages, building stem walls, crawl spaces, and podium parking structure walls as follows:

B. Building Massing and Scale.

8. ~~**Parking Lots. Parking lots shall follow the standards in Section 10-30.60.070, Parking Lots, Driveways and Service Areas; Division 10-50.80, Parking Standards; and Division 10-50.60, Landscaping Standards.**~~ **Basements and Basement Garages. The portion of an exterior wall of a basement or basement garage that projects above grade and is visible from a public or private street, or a driveway, shall not exceed 10 feet in height, measured from the abutting finished grade to the finished floor of the first floor of the structure above the finished grade. The exterior of the walls shall be finished with architectural materials and colors consistent with the design of the building. The Director may approve alternative materials and color that are consistent with the design of the building, provided that the alternative materials and color maintain a consistent design theme.**

9. Building Stem Walls and Crawl Spaces. Stem walls and crawl spaces shall not exceed five feet in height, except as allowed in subsection (B.9.a.) of this section, measured from the abutting finished grade to the first finished floor of the structure above the abutting finished grade. All exterior walls shall be finished with architectural materials and colors that are consistent with the design of the building and shall be screened from a public or private street, or driveway, with landscaping when taller than three feet.

a. The Director may approve a taller stem wall or crawl space up to a height no greater than one foot above the minimum regulatory flood elevation of the first lowest floor elevation that is required to comply with Flagstaff City Code Title 12, Floodplains. This allowance may only be approved for residential habitable areas of a development.

10. Podium Parking Structures. Exterior walls shall be designed as a building element that is cohesively integrated into the remainder of the building's architectural design, including the consistent use of detailing, fenestrations, architectural materials, and colors. The Director may approve alternative materials and color that are consistent with the design of the building, provided that the alternative materials and color maintain a consistent design theme.

Figure 10-50.20.030M. Gas station service canopy with a low profile.

~~9~~11. Gas Station Service Canopies. The canopy over a gas station service area shall be designed as a subordinate element of the overall site design using the following strategies:

a. The canopy shall be designed with a low-profile section with a maximum height of three feet;

b. **A minimum of 75 percent of the perimeter of the canopy shall have muted colors and earth tones typical of those found in the Flagstaff area with a light reflectance value (LRV) of 50 percent or less** ~~**A muted earth-tone color shall be used on the perimeter of the canopy. Bright colors are appropriate only for accents**~~; and

c. The mass of the canopy shall be reduced by stepping its form or by dividing it into a set of smaller individual canopies.

C. Compatibility. The architectural standards established in Section 10-30.60.050, Compatibility, shall also be considered and applied when assessing the compatibility of a new project relative to existing adjacent development.

Section 7. Delete Title 10 Flagstaff Zoning Code, Chapter 10-50: Supplemental to Zones, Division 10-50.25: Basements, Basement Garages, Building Stem Walls, Crawl Spaces, and Podium Parking Structure Walls:

~~**Division 10-50.25:**~~

~~**Basements, Basement Garages, Building Stem Walls, Crawl Spaces, and Podium Parking Structure Walls**~~

~~**Sections:**~~

~~**10-50.25.010 Applicability**~~

~~**10-50.20.020 Development Standards**~~

~~**10-50.25.010 Applicability**~~

~~**A. The standards found within this division shall apply to all development in the City of Flagstaff.**~~

~~**10-50.25.020 Development Standards**~~

~~**A. Basements and Basement Garages. The portion of an exterior wall of a basement or basement garage that projects above grade and is visible from a public or private street, or a driveway, shall not exceed 10 feet in height, measured from the abutting finished grade to the finished floor of the first floor of the structure above the finished grade. The exterior of the walls shall be finished with architectural materials and colors consistent with the design of the building. The Director may approve alternative materials and color that are consistent with the design of the building, provided that the alternative materials and color maintains a consistent design theme.**~~

~~**B. Building Stem Walls and Crawl Spaces.**~~

~~**1. Shall not exceed five feet in height, except as allowed in subsection B.1.a. of this section, measured from the abutting finished grade to the first finished floor of the structure above the abutting finished grade.**~~

~~**a. The Director may approve a taller stem wall or crawl space up to height no greater than one foot above the minimum regulatory flood elevation of the first lowest floor elevation that is required to comply with Flagstaff City Code Title 12, Floodplains. This allowance may only be approved for residential habitable areas of a development.**~~

~~**2. Exterior walls shall be finished with architectural materials and colors that are consistent with the design of the building; and**~~

~~**3. Shall be screened from a public or private street, or driveway, with landscaping when taller than three feet.**~~

~~***C. Podium parking structure exterior walls shall be designed as a building element that is cohesively integrated into the remainder of building's architectural design, including the consistent use of detailing, fenestrations, architectural materials and colors. The Director may approve alternative materials and color that are consistent with the design of the building, provided that the alternative materials and color maintains a consistent design theme.***~~

ORDINANCE NO. 2024-22

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-24-00008 – CONCEPT PLAN REVIEW, ACCESSORY STRUCTURES, ACCESSORY USES, HOME OCCUPATIONS, AND BASEMENT, BASEMENT GARAGES, BUILDING STEM WALLS, CRAWL SPACES AND PODIUM PARKING"; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City of Flagstaff wishes to amend the following sections of the Flagstaff Zoning Code: Section 10-20.30.050, Concept Plan Review, to remove the requirements for Duplex Dwelling to go through Concept Plan Review; Section 10-40.60.020, Accessory Structures, to clarify requirements for accessory structures; Section 10-40.60.020, Accessory Uses, to clarify requirements for accessory uses; Section 10-40.60.180, Home Occupations, to align size allowances with building codes; Section 10-50.20.030, Architectural Standards, to incorporate standards for Basements, Basement Garages, Building Stem Walls, Crawl Spaces, and Podium Parking Structures, and to delete Division 10-50.25: Basements, Basement Garages, Building Stem Walls, Crawl Spaces, and Podium Parking Structure Walls; and

WHERAS, a citizen review session was held at the Planning Commission work session on September 11, 2024, to discuss the proposed Zoning Code text amendments in accordance with Section 10-20.50.040 of the Flagstaff Zoning Code; and

WHEREAS, the Planning and Zoning Commission held a public hearing on September 25, 2024, and provided a recommendation to City Council on the proposed Zoning Code text amendments; and

WHEREAS, the Council has read and considered the staff report prepared by the Planning and Development Services section of the Community Development division and all attachments to those reports, and the Council finds that the proposed Zoning Code text amendments are in conformance with the General Plan, and the findings of Section 10- 20.50.040 of the Flagstaff Zoning Code have been met; and

WHEREAS, that certain document known as *"PZ-24-00008 – Concept Plan Review, Accessory Structures, Accessory Uses, Home Occupations, and Basement, Basement Garages, Building Stem Walls, Crawl Spaces and Podium Parking"*, one (1) paper copy and one (1) electronic copy of which are on file with the City Clerk in compliance with A.R.S. § 44-7041, was declared to be a public record by Resolution No. 2024-37.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. The foregoing recitals are incorporated as if fully set forth herein.

SECTION 2. That certain document known as *"PZ-24-00008 – Concept Plan Review, Accessory Structures, Accessory Uses, Home Occupations, and Basement, Basement Garages, Building Stem Walls, Crawl Spaces and Podium Parking"*, one (1) paper copy and (1) electronic copy of which are on file in the office of the City Clerk of the City of Flagstaff, Arizona, and which document is declared a public record by Resolution No. 2024-37 of the City of Flagstaff, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance and its provisions are hereby declared to amend the Flagstaff City Code, replacing and superseding the existing relevant provisions of the City Code, as set forth therein.

SECTION 3. The amendment is consistent with and conforms to the goals of the Regional Plan (General Plan).

SECTION 4. The amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City, and will add to the public good as described in the General Plan.

SECTION 5. The amendment is internally consistent with other applicable provisions of this Zoning Code.

SECTION 6. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of the code adopted herein are hereby repealed.

SECTION 7. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 8. Clerical Corrections

The City Clerk is hereby authorized to correct clerical and grammatical errors, if any, related to this ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the Flagstaff City Code.

SECTION 9. Effective Date

This Ordinance shall be effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 15th day of October 2024.

_____

MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

HOUSING IMPACT STATEMENT

PZ-24-00008 Concept Plan Review, Accessory Structures, Accessory Uses, Home Occupations, and Basements, Basement Garages, Building Stem Walls, Crawl Spaces, and Podium Parking

Pursuant to ARS 9-462.01 (J) a Housing Impact Statement shall be considered by the City Council prior to adopting a Zoning Code Text Amendment regarding the impact of the amendment on the following:

1. A general estimate of the probable impact on the average cost to construct housing for sale or rent within the zoning districts to which the zoning text amendment applies.

   The proposed zoning code text amendment removes the requirement for concept plan review for Duplex Dwellings. This brings the review of these structures closer in alignment with Single-Family Dwellings. The goal is to reduce permitting timeframes for Duplex Dwellings. The proposed amendment also removes additional design requirements for Single-Family Dwellings which should alleviate costs when developing on steeply sloped lots.

2. A description of any data or reference material on which the proposed zoning text amendment is based.

   Staff did not use any data or reference material other than feedback and comment from staff and local designers on the impact of the current code.

3. A description of any less costly or less restrictive alternative methods of achieving the purpose of the proposed zoning text amendment.

   None.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Tiffany Antol, Zoning Code Manager

Date: 09/26/2024

Meeting Date: 10/01/2024

TITLE:

Consideration and Adoption of Resolution No. 2024-38 and Ordinance No. 2024-23: 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-24-00010 - Zoning Map Amendment Process" 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

STAFF RECOMMENDED ACTION:

At the October 1, 2024, Council Meeting:
1) Read Resolution No. 2024-38 by title only
2) City Clerk reads Resolution No. 2024-38 by title only (if approved above)
3) Read Ordinance No. 2024-23 by tile only for the first time
4) City Clerk reads Ordinance No. 2024-23 by title only (if approved above)

At the October 15, 2024, Council Meeting:
5) Adopt Resolution No. 2024-38
6) Read Ordinance No. 2024-23 by title only for the final time
7) City Clerk reads Ordinance No. 2024-23 by title only (if approved above)
8) Adopt Ordinance No. 2024-23

Executive Summary:

City's request for a Zoning Code Text Amendment to modify Division 10-20.50: Amendments to the Zoning Code Text and Zoning Map to add required review timeframes for Zoning Map Amendments as well as updating protest procedures for Zoning Map Amendments as required by Senate Bill 1162.

The Planning & Zoning Commission recommended that the City Council approve the proposed text amendment by a vote of 5-0 at their September 25, 2024, public hearing. Commission members expressed concerns about state mandates and their impacts on local decisions.

Financial Impact:

There are no anticipated financial impact affiliated with the proposed Zoning Code Text Amendment.

Policy Impact:

There are no anticipated policy impacts affiliated with the proposed Zoning Code Text Amendment.

Previous Council Decision or Community Discussion:

There has not been a previous City Council decision on this ordinance.

Options and Alternatives to Recommended Action:

The City Council may adopt, modify, or deny the proposed amendment.

Background and History:
The proposed amendment includes modifications to the following Zoning Code provisions: Chapter 10-20: Administration, Procedures, and Enforcement, Division 10-20.50: Amendments to the Zoning Code Text and the Zoning Map, Section 10-20.50.040: Procedures, Subsection 10-20.50.040(E) to add required review timeframes for Zoning Map Amendments. Chapter 10-20: Administration, Procedures, and Enforcement, Division 10-20.50: Amendments to the Zoning Code Text and the Zoning Map, Section 10-20.50.040: Procedures, Subsection 10-20.50.040(M): Protest Procedures to update protest procedures for Zoning Map Amendments.

A Zoning Code Text Amendment shall be evaluated based on the following findings:

A. Finding #1: The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan;

Flagstaff Regional Plan 2030

- Policy LU.1.6. Establish greater flexibility in development standards and processes to assist developers in overcoming challenges posed by redevelopment and infill sites.
- Policy LU.1.7. Consider creative policy and planning tools as a means to incentivize redevelopment and infill.

B. Finding #2: The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; The amendment provisions are not anticipated to be detrimental to the public interest, health, safety, convenience, or welfare of the City. The proposed provisions are intended to comply with the requirements of SB 1162.

C. Finding #3: The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.
The amendment is internally consistent, utilizes the existing format, and does not conflict with other Zoning Code provisions. It maintains the Zoning Code's purpose as a comprehensive contemporary set of land uses and requirements that are straightforward, usable, and easily understood.

Connection to PBB Priorities and Objectives:

- Achieve a well-maintained community through comprehensive & equitable code compliance, & development is compatible with community values.

Connection to Regional Plan:

- Policy LU.1.6. Establish greater flexibility in development standards and processes to assist developers in overcoming challenges posed by redevelopment and infill sites.
- Policy LU.1.7. Consider creative policy and planning tools as a means to incentivize redevelopment and infill.

Connection to Carbon Neutrality Plan:

- Create housing options for households at all income levels and family sizes occupied by local residents.

Connection to 10-Year Housing Plan:

- Create 4: Amend the Flagstaff Zoning Coe to facilitate the development of all housing types.

Attachments: Presentation

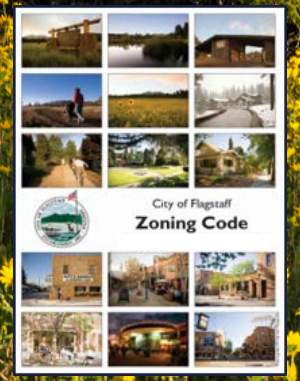
Res. 2024-38
PZ-24-00010 Draft Amendment
Ord. 2024-23
PZ-24-00010 Housing Statement
SB 1162

Zoning Code Amendment
Section 10-20.50.040
Zoning Map Amendment Process

PZ-24-00010

Tiffany Antol, AICP
Zoning Code Manager

TEAM FLAGSTAFF
WE MAKE THE CITY BETTER



Zoning Map Amendment Process

City's Proposed Zoning Code Text Amendment

Overview of Proposed Amendment:

The proposed amendment (Attachment 1) includes modification to the following Zoning Code provisions:

- Chapter 10-20: Administration, Procedures, and Enforcement, Division 10-20.50: Amendments to the Zoning Code Text and the Zoning Map, Section 10-20.50.040: Procedures, Subsection 10-20.50.040(E) to add required review timeframes for Zoning Map Amendments.
- Chapter 10-20: Administration, Procedures, and Enforcement, Division 10-20.50: Amendments to the Zoning Code Text and the Zoning Map, Section 10-20.50.040: Procedures, Subsection 10-20.50.040(M): Protest Procedures to update protest procedures for Zoning Map Amendments

Zoning Map Amendment Process

Staff Recommendation

Findings for Zoning Code Text Amendments:

(1) The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan;

(2) The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City; and

(3) The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

Zoning Map Amendment Process

The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan.

Flagstaff Regional Plan 2030

- Policy LU.1.6. Establish greater flexibility in development standards and processes to assist developers in overcoming challenges posed by redevelopment and infill sites.
- Policy LU.1.7. Consider creative policy and planning tools as a means to incentivize redevelopment and infill.

10-Year Housing Plan

- Create 4: Amend the Flagstaff Zoning Coe to facilitate the development of all housing types.

Carbon Neutrality Plan

- Create housing options for households at all income levels and family sizes occupied by local residents.

Zoning Map Amendment Process

The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City.

The amendment provisions are not anticipated to be detrimental to the public interest, health, safety, convenience, or welfare of the City. The proposed provisions are intended to comply with the requirements of SB 1162.

Zoning Map Amendments

The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

The amendment is internally consistent, utilizes the existing format, and does not conflict with other Zoning Code provisions. It maintains the Zoning Code's purpose as a comprehensive contemporary set of land uses and requirements that are straightforward, usable, and easily understood.

Zoning Map Amendment Process

Recommendation

Staff recommends the Planning and Zoning Commission, in accordance with the findings presented in this report, make a recommendation to the City Council for approval of Zoning Code Text Amendment PZ-24-00010 – Zoning Map Amendment Process.

Zoning Map Amendment Process

TEAM FLAGSTAFF
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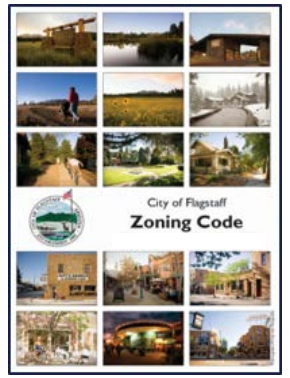
Questions, Comments, and Suggestions



RESOLUTION NO. 2024-38

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "PZ-24-00010 – ZONING MAP AMENDMENT PROCESS"

RECITALS:

WHEREAS, pursuant to A.R.S. § 9-802 a municipality may enact or amend provisions of the City Code by reference to a public record, provided that the adopting ordinance is published in full;

WHEREAS, the City of Flagstaff wishes to incorporate by reference amendments to the Flagstaff Zoning Code, Ordinance No. 2024-23, by first declaring said amendments to be a public record.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General.

That certain document known as *"PZ-24-00010 – Zoning Map Amendment Process"* attached hereto as Exhibit A is hereby declared to be a public record, and one (1) paper copy and one (1) electronic copy shall remain on file with the City Clerk in compliance with A.R.S. § 44-7041.

SECTION 2. Effective Date.

This resolution shall be effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 15th day of October 2024.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____

CITY ATTORNEY

Exhibits:
A. PZ-24-00010 – Zoning Map Amendment Process

Case No. PZ-24-00010 – Zoning Map Amendment Process

Provisions that are being deleted are shown in bold **~~strikethrough~~** text.
Provisions that are being added are shown in bold **red** text.

Section 1. Amend Title 10 Flagstaff Zoning Code, Chapter 10-20: Administration, Procedures, and Enforcement, Division 10-20.50: Amendments to the Zoning Code Text and the Zoning Map, Section 10-20.50.040: Procedures, Subsection 10-20.50.040(E): Staff Reviews, as follows:

E. Staff Review.

1. An application for a text amendment to this Zoning Code or an amendment to the Zoning Map shall be submitted to the Director and shall be reviewed and a recommendation prepared in compliance with the review schedule on file with the Planning Section.

2. The Director shall determine whether a Zoning Map Amendment application is administratively complete within 30 days after receiving the application.

a. If the Director determines that the application is not administratively complete, a comprehensive list of the specific deficiencies shall be provided in writing or electronically to the applicant. The administrative completeness review time frame and the overall time frame are suspended from the date the list of deficiencies is issued until the date that the applicant resubmits the missing information. Additional notices of administrative completeness or deficiencies may be provided based on the applicant's submission of missing information.

b. The City shall determine whether a resubmitted application is administratively complete within 15 days after receiving the resubmitted application.

3. After determining that the application is administratively complete, the City shall approve or deny the application within 180 days.

a. During the substantive review time frame, the City may identify legal requirements that have not been addressed by the application and provide a written or electronic comprehensive request for corrections. The substantive review time frame and the overall time frame are suspended from the date the request for corrections is issued until the date the applicant resubmits the corrections.

b. The Director may consider an application withdrawn if, within 30 days or more after the date of request for corrections, the applicant does not supply the documentation or

information requested or an explanation of why the information cannot be provided within the established time period.

c. The Director may extend the time frame to approve or deny a Zoning Map Amendment application beyond 180 days for the following reasons:

i. For extenuating circumstances, the Director may grant a onetime extension of not more than 30 days.

ii. If an applicant requests an extension, the Director may grant extensions of 30 days for each extension granted.

d. Subsections 10-20.50.040(E)(2) and (E)(3) above do not apply to land that is designated as a District of Historical Significance pursuant to A.R.S. § 9-462.01(A)(10) or an area that is designated as historic on the National Register of Historic places or Planned Area Developments.

4 ~~2~~. The Director's recommendation shall be transmitted to the Planning Commission in the form of a staff report prior to a scheduled public hearing. The staff report shall include the following:

a. An evaluation of the consistency and conformance of the proposed amendment with the goals of the General Plan and any applicable specific plans;

b. A recommendation on the amendment and the grounds for the recommendation based on the standards and purposes of the zones set forth in Division 10-40.20, Establishment of Zones; and

c. A recommendation on whether the text amendment or Zoning Map amendment should be granted, granted with conditions to mitigate anticipated impacts caused by the proposed development, or denied.

5 ~~3~~. A copy of the staff report shall be made available to the public and any applicant prior to the public hearing.

Section 2. Amend Title 10 Flagstaff Zoning Code, Chapter 10-20: Administration, Procedures, and Enforcement, Division 10-20.50: Amendments to the Zoning Code Text and the Zoning Map, Section 10-20.50.040: Procedures, Subsection 10-20.50.040(M): Protest Procedures, as follows:

M. Protest Procedures. A protest **in writing signed by the property owners** against a proposed **Zoning Map** amendment may be filed in writing by the owners of 20 percent or more of either:

1. The **property by area and number of lots, tracts, and condominium units, excluding government-owned property** ~~**area of the parcel(s) of land**~~ included in the proposed Zoning Map ~~**a**~~**A**mendment; or

2. The **property by area and number of lots, tracts, and condominium units, excluding government-owned property** ~~**area of those parcel(s) of land**~~ immediately adjacent ~~**in the rear or any side of**~~ **to** the **proposed Zoning Map Amendment** ~~**subject property(ies)**~~ extending 150 feet, **including all rights-of-way.** ~~**from the subject property(ies); or**~~

~~**3. The area of those parcel(s) of land directly opposite the subject property(ies) extending 150 feet from the street frontage of the opposite parcels of land.**~~

Such protest shall be hand-delivered to the City Clerk**, or their designee,** by no later than 12:00 noon five business days after the City Council first considers the application at a public hearing. If a timely protest is filed, the amendment shall not become effective except by a favorable vote of three-fourths of all members of the Council. If any member of the Council is unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the Council; provided, that such required number of votes shall in no event be less than a majority of the full membership of the Council.

ORDINANCE NO. 2024-23

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-24-00010 – ZONING MAP AMENDMENT PROCESS"; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City of Flagstaff wishes to amend Division 10-20.50 of the Flagstaff Zoning Code to add required review timeframes and update protest procedures for Zoning Map Amendments; and

WHERAS, a citizen review session was held at the Planning Commission work session on September 11, 2024, to discuss the proposed Zoning Code text amendment in accordance with Section 10-20.50.040 of the Flagstaff Zoning Code; and

WHEREAS, the Planning and Zoning Commission held public hearing on September 25, 2024, and provided a recommendation to City Council on the proposed Zoning Code text amendment; and

WHEREAS, the Council has read and considered the staff report prepared by the Planning and Development Services section of the Community Development division and all attachments to those reports, and the Council finds that the proposed Zoning Code text amendment is in conformance with the General Plan, and the findings of Section 10- 20.50.040 of the Flagstaff Zoning Code have been met; and

WHEREAS, that certain document known as *"PZ-24-00010 – Zoning Map Amendment Process"*, one (1) paper copy and one (1) electronic copy of which are on file with the City Clerk in compliance with A.R.S. § 44-7041, was declared to be a public record by Resolution No. 2024-38.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. The foregoing recitals are incorporated as if fully set forth herein.

SECTION 2. That certain document known as *"PZ-24-00010 – Zoning Map Amendment Process"*, one (1) paper copy and (1) electronic copy of which are on file in the office of the City Clerk of the City of Flagstaff, Arizona, and which document is declared a public record by Resolution No. 2024-38 of the City of Flagstaff, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance and its provisions are hereby declared to amend the Flagstaff City Code, replacing and superseding the existing relevant provisions of the City

Code, as set forth therein.

SECTION 3. The amendment is consistent with and conforms to the goals of the Regional Plan (General Plan).

SECTION 4. The amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City, and will add to the public good as described in the General Plan.

SECTION 5. The amendment is internally consistent with other applicable provisions of this Zoning Code.

SECTION 6. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of the code adopted herein are hereby repealed.

SECTION 7. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 8. Clerical Corrections

The City Clerk is hereby authorized to correct clerical and grammatical errors, if any, related to this ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the Flagstaff City Code.

SECTION 9. Effective Date

This Ordinance shall be effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 15th day of October 2024.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

HOUSING IMPACT STATEMENT
PZ-24-00010 ZONING MAP AMENDMENT PROCESS

Pursuant to ARS 9-462.01 (J) a Housing Impact Statement shall be considered by the City Council prior to adopting a Zoning Code Text Amendment regarding the impact of the amendment on the following:

1. A general estimate of the probable impact on the average cost to construct housing for sale or rent within the zoning districts to which the zoning text amendment applies.

   The proposed zoning code text amendment responds to the requirements of SB 1162 which requires that timeframes be added to the zoning code for the review and processing of Zoning Map Amendment applications. The amendment requires that Zoning Map Amendments be completed within a certain timeframe. The probable impact to the average cost to construct housing for sale or rent is minimal and only indirectly related to the processing of these applications.

2. A description of any data or reference material on which the proposed zoning text amendment is based.

   Staff did not use any data or reference material other than SB 1162.

3. A description of any less costly or less restrictive alternative methods of achieving the purpose of the proposed zoning text amendment.

   None.

~~telecommunications fund; report; posting~~
(now: residential zoning; housing; assessment; hearings)

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 172

SENATE BILL 1162

AN ACT

AMENDING SECTION 9-462.04, ARIZONA REVISED STATUTES; AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-462.10; AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.4, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-469; RELATING TO MUNICIPALITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 9-462.04, Arizona Revised Statutes, is amended to read:

9-462.04. Public hearing required; definition

A. If the municipality has a planning commission or a hearing officer, the planning commission or hearing officer shall hold a public hearing on any zoning ordinance. Notice of the time and place of the hearing including a general explanation of the matter to be considered and including a general description of the area affected shall be given at least fifteen days before the hearing in the following manner:

1. The notice shall be published at least once in a newspaper of general circulation published or circulated in the municipality, or if there is none, it shall be posted on the affected property in such a manner as to be legible from the public right-of-way and in at least ten public places in the municipality. A posted notice shall be printed so that the following are visible from a distance of one hundred feet: the word "zoning", the present zoning district classification, the proposed zoning district classification and the date and time of the hearing.

2. In proceedings involving rezoning of land that abuts other municipalities or unincorporated areas of the county or a combination of a municipality and an unincorporated area, copies of the notice of public hearing shall be transmitted to the planning agency of the governmental unit abutting such land. In proceedings involving rezoning of land that is located within the territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, the municipality shall send copies of the notice of public hearing by first class mail to the military airport. In addition to notice by publication, a municipality may give notice of the hearing in any other manner that the municipality deems necessary or desirable.

3. In proceedings that are not initiated by the property owner involving rezoning of land that may change the zoning classification, notice by first class mail shall be sent to each real property owner, as shown on the last assessment of the property, of the area to be rezoned and all property owners, as shown on the last assessment of the property, within three hundred feet of the property to be rezoned.

4. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by paragraph 5 of this subsection:

(a) A ten percent or more increase or decrease in the number of square feet or units that may be developed.

(b) A ten percent or more increase or reduction in the allowable height of buildings.

(c) An increase or reduction in the allowable number of stories of buildings.

(d) A ten percent or more increase or decrease in setback or open space requirements.

(e) An increase or reduction in permitted uses.

5. In proceedings governed by paragraph 4 of this subsection, the municipality shall provide notice to real property owners pursuant to at least one of the following notification procedures:

(a) Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by the changes.

(b) If the municipality issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the municipality shall include notice of the changes with such utility bills or other mailings.

(c) The municipality shall publish the changes before the first hearing on such changes in a newspaper of general circulation in the municipality. The changes shall be published in a "display ad" covering not less than one-eighth of a full page.

6. If notice is provided pursuant to paragraph 5, subdivision (b) or (c) of this subsection, the municipality shall also send notice by first class mail to persons who register their names and addresses with the municipality as being interested in receiving such notice. The municipality may charge a fee not to exceed $5 per year for providing this service and may adopt procedures to implement this paragraph.

7. Notwithstanding the notice requirements in paragraph 4 of this subsection, the failure of any person or entity to receive notice does not constitute grounds for any court to invalidate the actions of a municipality for which the notice was given.

B. If the matter to be considered applies to territory in a high noise or accident potential zone as defined in section 28-8461, the notice prescribed in subsection A of this section shall include a general statement that the matter applies to property located in the high noise or accident potential zone.

C. After the hearing, the planning commission or hearing officer shall render a decision in the form of a written recommendation to the governing body. The recommendation shall include the reasons for the recommendation and be transmitted to the governing body in the form and manner prescribed by the governing body.

D. If the planning commission or hearing officer has held a public hearing, the governing body may adopt the recommendations of the planning commission or hearing officer without holding a second public hearing if there is no objection, request for public hearing or other protest. The governing body shall hold a public hearing if requested by the party aggrieved or any member of the public or of the governing body, or, in any

case, if a public hearing has not been held by the planning commission or hearing officer. The governing body may consider the testimony of any party aggrieved when making its decision. In municipalities with territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, the governing body shall hold a public hearing if, after notice is transmitted to the military airport pursuant to subsection A of this section and before the public hearing, the military airport provides comments or analysis concerning the compatibility of the proposed rezoning with the high noise or accident potential generated by military airport or ancillary military facility operations that may have an adverse impact on public health and safety, and the governing body shall consider and analyze the comments or analysis before making a final determination. Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the planning commission as specified in subsection A of this section. A municipality may give additional notice of the hearing in any other manner as the municipality deems necessary or desirable. For the purposes of this subsection, "party aggrieved" means any property owner within the notification area prescribed by subsection A, paragraph 3 of this section.

E. A municipality may enact an ordinance authorizing county zoning to continue in effect until municipal zoning is applied to land previously zoned by the county and annexed by the municipality, but not longer than six months after the annexation.

F. A municipality is not required to adopt a general plan before the adoption of a zoning ordinance.

G. If there is no planning commission or hearing officer, the governing body of the municipality shall perform the functions assigned to the planning commission or hearing officer.

H. If the owners of twenty percent or more of the property by area and number of lots, tracts and condominium units within the zoning area of the affected property, EXCLUDING GOVERNMENT OWNED PROPERTY, file a protest in writing against a proposed amendment, the change shall not become effective except by the favorable vote of three-fourths of all members of the governing body of the municipality. If any members of the governing body are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the governing body, provided that such required number of votes shall not be less than a majority of the full membership of the legally established governing body. For the purposes of this subsection, the vote shall be rounded to the nearest whole number. A protest filed pursuant to this subsection shall be signed by the property owners, EXCLUDING GOVERNMENT OWNED PROPERTY, opposing the proposed amendment and filed in the office of the clerk of the municipality not later than 12:00 noon one business day before the

date on which the governing body will vote on the proposed amendment or on an earlier time and date established by the governing body.

I. In applying an open space element or a growth element of a general plan, a parcel of land shall not be rezoned for open space, recreation, conservation or agriculture unless the owner of the land consents to the rezoning in writing.

J. Notwithstanding section 19-142, subsection B, a decision by the governing body involving rezoning of land that is not owned by the municipality and that changes the zoning classification of such land may not be enacted as an emergency measure and the change shall not be effective for at least thirty days after final approval of the change in classification by the governing body.

K. For the purposes of this section, "zoning area" means both of the following:

1. The area within one hundred fifty feet, including all rights-of-way, of the affected property subject to the proposed amendment or change.

2. The area of the proposed amendment or change.

Sec. 2. Title 9, chapter 4, article 6.1, Arizona Revised Statutes, is amended by adding section 9-462.10, to read:

9-462.10. Residential zoning; amendment; applications; deadline; extensions; applicability

A. ON OR BEFORE JANUARY 1, 2025, A MUNICIPALITY SHALL ADOPT AN AMENDMENT TO THE MUNICIPALITY'S ZONING ORDINANCE THAT REQUIRES THE MUNICIPALITY TO DETERMINE WHETHER A ZONING APPLICATION IS ADMINISTRATIVELY COMPLETE WITHIN THIRTY DAYS AFTER RECEIVING THE APPLICATION. IF THE MUNICIPALITY DETERMINES THAT THE APPLICATION IS NOT ADMINISTRATIVELY COMPLETE, THE MUNICIPALITY SHALL FOLLOW THE PROCEDURES PRESCRIBED IN SECTION 9-835, SUBSECTION E UNTIL THE APPLICATION IS ADMINISTRATIVELY COMPLETE. THE MUNICIPALITY SHALL DETERMINE WHETHER A RESUBMITTED APPLICATION IS ADMINISTRATIVELY COMPLETE WITHIN FIFTEEN DAYS AFTER RECEIVING THE RESUBMITTED APPLICATION. AFTER DETERMINING THAT THE APPLICATION IS ADMINISTRATIVELY COMPLETE, THE MUNICIPALITY SHALL APPROVE OR DENY THE APPLICATION WITHIN ONE HUNDRED EIGHTY DAYS.

B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE MUNICIPALITY MAY EXTEND THE TIME FRAME TO APPROVE OR DENY THE REQUEST BEYOND ONE HUNDRED EIGHTY DAYS FOR EITHER OF THE FOLLOWING REASONS:

1. FOR EXTENUATING CIRCUMSTANCES, THE MUNICIPALITY MAY GRANT A ONETIME EXTENSION OF NOT MORE THAN THIRTY DAYS.

2. IF AN APPLICANT REQUESTS AN EXTENSION, THE MUNICIPALITY MAY GRANT EXTENSIONS OF THIRTY DAYS FOR EACH EXTENSION GRANTED.

C. THIS SECTION DOES NOT APPLY TO LAND THAT IS DESIGNATED AS A DISTRICT OF HISTORICAL SIGNIFICANCE PURSUANT TO SECTION 9-462.01, SUBSECTION A, PARAGRAPH 10 OR AN AREA THAT IS DESIGNATED AS HISTORIC ON THE NATIONAL REGISTER OF HISTORIC PLACES OR PLANNED AREA DEVELOPMENTS.

Sec. 3. Title 9, chapter 4, article 6.4, Arizona Revised Statutes, is amended by adding section 9-469, to read:

9-469. Municipal housing needs assessment; annual report; applicability

A. BEGINNING JANUARY 1, 2025 AND EVERY FIVE YEARS THEREAFTER, A MUNICIPALITY SHALL PUBLISH A HOUSING NEEDS ASSESSMENT THAT INCLUDES THE FOLLOWING:

1. THE TOTAL POPULATION GROWTH PROJECTED FOR THE SUBSEQUENT FIVE-YEAR PERIOD.

2. THE TOTAL JOB GROWTH PROJECTED FOR THE SUBSEQUENT FIVE-YEAR PERIOD.

3. THE TOTAL AMOUNT OF RESIDENTIALLY ZONED LAND WITH DETAIL ON LAND ZONED AS SINGLE-FAMILY AND MULTIFAMILY.

4. THE TOTAL NEED FOR ADDITIONAL RESIDENTIAL HOUSING UNITS FOR RENT AND FOR SALE IN THE MUNICIPALITY TO MEET:

(a) ANY DEFICIENCIES IN HOUSING THE EXISTING POPULATION.

(b) ANY DEFICIENCIES IN HOUSING THE EXISTING WORKFORCE.

(c) POPULATION GROWTH PROJECTIONS.

(d) JOB GROWTH PROJECTIONS.

(e) HOUSING NEEDS ACROSS ALL VARIOUS INCOME LEVELS.

B. BEGINNING JANUARY 1, 2025 AND EVERY YEAR THEREAFTER, EACH MUNICIPALITY SHALL SUBMIT AN ANNUAL REPORT TO THE ARIZONA DEPARTMENT OF HOUSING ACCOUNTING FOR THE TOTAL NUMBER OF PROPOSED RESIDENTIAL HOUSING UNITS SUBMITTED TO THE MUNICIPALITY, THE TOTAL NUMBER OF NET NEW RESIDENTIAL HOUSING UNITS SUBMITTED TO THE MUNICIPALITY AND THE TOTAL NUMBER OF NEW RESIDENTIAL HOUSING UNITS THAT ARE ENTITLED, HAVE BEEN PLATTED, HAVE BEEN ISSUED A BUILDING PERMIT AND HAVE RECEIVED A CERTIFICATE OF OCCUPANCY BY THE MUNICIPALITY. THE ANNUAL REPORT SHALL INCLUDE ALL OF THE FOLLOWING:

1. THE NUMBER OF HOUSING DEVELOPMENT APPLICATIONS RECEIVED IN THE PRIOR YEAR.

2. THE NUMBER OF LOTS AND MULTIFAMILY UNITS INCLUDED IN ALL DEVELOPMENT APPLICATIONS IN THE PRIOR YEAR.

3. THE NUMBER OF LOTS AND MULTIFAMILY UNITS APPROVED AND DISAPPROVED OR OTHERWISE NOT APPROVED IN THE PRIOR YEAR.

4. A THRESHOLD PERCENTAGE REQUIREMENT OF MULTIFAMILY ZONED LAND VERSUS SINGLE-FAMILY ZONED LAND NEEDED TO MEET POPULATION DEMAND IN EACH MUNICIPALITY.

5. THE STATUS AND PROGRESS IN MEETING THE MUNICIPALITY'S HOUSING NEEDS.

6. A PLAN THAT SPECIFIES HOW THE MUNICIPALITY INTENDS TO SATISFY THE IDENTIFIED NEED FOR ADDITIONAL HOUSING UNITS WITHIN THE MUNICIPALITY.

C. A MUNICIPALITY THAT HAS CONDUCTED A HOUSING NEEDS ASSESSMENT REPORT AS OF JANUARY 1, 2021 SHALL AMEND ALL EXISTING REPORTS TO INCLUDE THE INFORMATION REQUIRED IN SUBSECTION A OF THIS SECTION.

D. THE ARIZONA DEPARTMENT OF HOUSING SHALL COMPILE THE REPORTS RECEIVED PURSUANT TO SUBSECTION B OF THIS SECTION AND SUBMIT THE REPORTS TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

E. THIS SECTION DOES NOT REQUIRE A MUNICIPALITY TO FULFILL THE PROJECTIONS IN THE HOUSING NEEDS ASSESSMENT REQUIRED BY SUBSECTION A OF THIS SECTION.

F. THIS SECTION DOES NOT APPLY TO A MUNICIPALITY THAT IS LOCATED ON TRIBAL LAND OR A MUNICIPALITY WITH A POPULATION OF LESS THAN THIRTY THOUSAND PERSONS.

APPROVED BY THE GOVERNOR APRIL 23, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2024.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Tiffany Antol, Zoning Code Manager

Date: 09/26/2024

Meeting Date: 10/01/2024

TITLE:

Consideration and Adoption of Resolution No. 2024-39 and Ordinance No. 2024-24: 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-24-00134 - Accessory Dwelling Units" 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.

STAFF RECOMMENDED ACTION:

At the October 1, 2024, Council Meeting:
1) Read Resolution No. 2024-39 by title only
2) City Clerk reads Resolution No. 2024-39 by title only (if approved above)
3) Read Ordinance No. 2024-24 by tile only for the first time
4) City Clerk reads Ordinance No. 2024-24 by title only (if approved above)

At the October 15, 2024, Council Meeting:
5) Adopt Resolution No. 2024-39
6) Read Ordinance No. 2024-24 by title only for the final time
7) City Clerk reads Ordinance No. 2024-24 by title only (if approved above)
8) Adopt Ordinance No. 2024-24

Executive Summary:

City's request for a Zoning Code Text Amendment to modify Section 10-40.60.030: Accessory Dwelling Units (ADUs) to comply with state legislation including modifications to the permitted number, size, location, parking requirements, and design standards for Accessory Dwelling Units to comply with House Bill 2720.

The Planning and Zoning Commission recommended that the City Council deny the proposed text amendment by a vote of 5-1 at their September 25, 2024, public hearing. The original motion was to recommend approval but failed due to a tie vote (3-3). In response, a motion was made to recommend denial with the results noted above. Commission members' concerns included the removal of parking requirements, architectural compatibility provisions, and no exemptions for historic districts. In addition, concerns were presented about the equity of homeowners' ability to finance ADU construction without an incentive from the City.

Financial Impact:

There are no anticipated financial impacts affiliated with the proposed Zoning Code Text Amendment.

Policy Impact:

There are no anticipated policy impacts affiliated with the proposed Zoning Code Text Amendment.

Previous Council Decision or Community Discussion:

There has not been a previous City Council decision on this ordinance.

Options and Alternatives to Recommended Action:
The City Council may adopt, modify, or deny the proposed amendment.

Background and History:
The proposed amendment (Attachment 2) includes modification to Zoning Code Chapter 10-40: Specific to Zones, Division 10-40.60: Specific to Uses, Section 10-40.60.030: Accessory Dwelling Units, to include the following:

- To allow one attached **and** one detached ADU as a permitted use on any lot or parcel that allows a single-family dwelling (SFD). One additional ADU may be permitted on a lot or parcel greater than one acre when the unit is a restricted affordable dwelling. Currently the Zoning Code only allows one ADU.
- To allow an ADU that is 75% of the gross floor area of the SFD or 1,000 square feet, whichever is less. Currently, the Zoning Code only allows detached ADUs up to 800 square feet on lots or parcels that are 6,000 square feet or greater or up to 1,000 square feet on lots or parcels over an acre. The amended code will still allow an ADU of 800 square feet, regardless of the size of the home.
- To allow the long-term lease of all units (SFD and ADUs). The Zoning Code currently allows the long-term lease of all units as an incentive to reduce the use of ADUs as short-term rentals.
- To remove additional parking requirements for ADUs. The Zoning Code currently requires one additional parking space for an ADU.
- To remove architectural compatibility requirements for ADUs. The Zoning Code currently includes architectural compatibility requirements as well as specific findings that include compatibility standards.
- To remove restrictions for ADUs that are more restrictive than those for SFDs in the same zoning district regarding height, setbacks, lot size or coverage, or building frontage.
- To remove the requirement for a restrictive covenant concerning the rental of property with an ADU. The Zoning Code currently requires a restrictive covenant that states the property owner shall occupy either the primary residence of the ADU or if the property owner rents or leases a property with both a primary residence and an ADU to a third party, then neither the primary residence nor the ADU shall be sub-leased.

A Zoning Code Text Amendment shall be evaluated based on the following findings:

A. Finding #1: The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan;
Flagstaff Regional Plan 2030

- Policy NH.3.2. Promote accessory dwelling units, where appropriate.

B. Finding #2: The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
The amendment provisions are not anticipated to be detrimental to the public interest, health, safety, convenience, or welfare of the City. The proposed provisions are intended to comply with the requirements of HB 2720.

C. Finding #3: The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.
The amendment is internally consistent, utilizes the existing format, and does not conflict with other Zoning Code provisions. It maintains the Zoning Code's purpose as a comprehensive contemporary set of land uses and requirements that are straightforward, usable, and easily understood.

Connection to PBB Priorities and Objectives:

- Achieve a well-maintained community through comprehensive & equitable code compliance, & development is compatible with community values.

Connection to Regional Plan:

- Policy NH.3.2. Promote accessory dwelling units, where appropriate.

Connection to Carbon Neutrality Plan:

- Create housing options for households at all income levels and family sizes occupied by local residents.

Connection to 10-Year Housing Plan:

- Continue to evaluate and amend the current Accessory Dwelling Unit (ADU) zoning code standards with the goal of increasing supply.

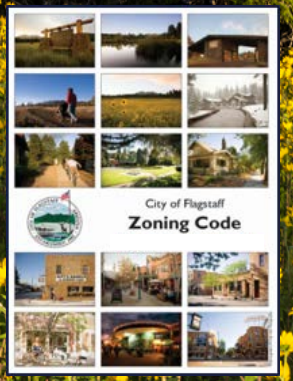
Attachments: Presentation
Res. 2024-39
PZ-24-00134 Draft Amendment
Ord. 2024-24
PZ-24-00134 Housing Statement
HB 2720

Zoning Code Amendment
Section 10-40.60.030
Accessory Dwelling Units

PZ-24-00134

Tiffany Antol, AICP
Zoning Code Manager

TEAM FLAGSTAFF
WE MAKE THE CITY BETTER



House Bill 2720

The amendment includes modifications to Flagstaff City Code Title 10, Flagstaff Zoning Code, Chapter 10-40: Specific to Zones, Division 10-40.60: Specific to Uses, Section 10-40.60.030: Accessory Dwelling Units (ADUs), in response to House Bill 2720.

The recently adopted legislation requires municipalities with populations greater than 75,000 to allow ADUs on all lots or parcels that allow for single-family dwellings.

- If a municipality fails to adopt development regulations as required by this legislation on or before January 1, 2025, ADUs shall be allowed on all lots or parcels zoned for residential use without limits.
- There are no exceptions for historic districts.

Accessory Dwelling Units

Overview of Proposed Amendment:

- **To allow one attached and one detached ADU as a permitted use on any lot or parcel that allows a single-family dwelling (SFD). One additional ADU may be permitted on a lot or parcel greater than one acre when the unit is a restricted affordable dwelling. Currently the Zoning Code only allows one ADU.**

- **To allow an ADU that is 75% of the gross floor area of the SFD or 1,000 square feet, whichever is less. Currently the Zoning Code only allows detached ADUs up to 800 square feet on lots or parcels that are 6,000 square feet or greater or up to 1,000 square feet on lots or parcels over an acre. The amended code will still allow an ADU of 800 square feet on a lot or parcel that is 6,000 square feet or greater regardless of the size of the home.**

Accessory Dwelling Units

Overview of Proposed Amendment:

- **To allow the long-term lease of all units (SFD and ADUs). The Zoning Code currently allows the long-term lease of all units as an incentive to reduce the use of ADUs as short-term rentals.**
- **To remove additional parking requirements for ADUs. The Zoning Code currently requires one additional parking space for an ADU.**
- **To remove architectural compatibility requirements for ADUs. The Zoning Code currently includes architectural compatibility requirements as well as specific findings that include compatibility standards.**
- **To remove restrictions for ADUs that are more restrictive than those for SFDs in the same zoning district regarding height, setbacks, lot size or coverage, or building frontage.**

Accessory Dwelling Units

Overview of Proposed Amendment:

- **To remove the requirement for a restrictive covenant concerning the rental of property with an ADU. The Zoning Code currently requires a restrictive covenant that states the property owner shall occupy either the primary residence of the ADU or if the property owner rents or leases a property with both a primary residence and an ADU to a third party, then neither the primary residence nor the ADU shall be sub-leased.**

Staff Recommendation

Findings for Zoning Code Text Amendments:

(1) The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan;

(2) The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City; and

(3) The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

Accessory Dwelling Units

The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan.

Flagstaff Regional Plan 2030

- Policy NH.3.2. Promote accessory dwelling units, where appropriate.

10-Year Housing Plan

- Continue to evaluate and amend the current Accessory Dwelling Unit (ADU) zoning code standards with the goal of increasing supply.

Carbon Neutrality Plan

- Create housing options for households at all income levels and family sizes occupied by local residents.

Accessory Dwelling Units

The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City.

The amendment provisions are not anticipated to be detrimental to the public interest, health, safety, convenience, or welfare of the City. The proposed provisions are intended to comply with the requirements of HB 2720.

Accessory Dwelling Units

The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

The amendment is internally consistent, utilizes the existing format, and does not conflict with other Zoning Code provisions. It maintains the Zoning Code's purpose as a comprehensive contemporary set of land uses and requirements that are straightforward, usable, and easily understood.

Accessory Dwelling Units

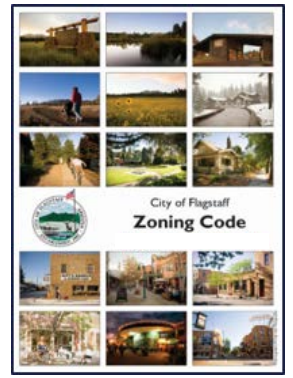
Recommendation

Staff recommended that the Planning and Zoning Commission, in accordance with the required findings, make a recommendation to the City Council for approval of Zoning Code Text Amendment PZ-24-00134 – Accessory Dwelling Units.

The Planning and Zoning Commission by a vote of 5-1 recommends that the City Council deny Zoning Code Text Amendment PZ-24-00134 with concerns over the removal of parking requirements, architectural compatibility standards, impacts on historic districts, and equity concerns.

Accessory Dwelling Units

Questions, Comments, and Suggestions



HB 2720

Requirements of this new legislation including the following:

- Must allow at least one attached and one detached ADU as a permitted use on any lot or parcel that allows a single-family dwelling (SFD). One additional ADU may be permitted on a lot or parcel greater than one acre when the unit is a restricted affordable dwelling. ***Currently the Zoning Code only allows one ADU.***

- Must allow an ADU that is 75% of the gross floor area of the SFD or 1,000 square feet, whichever is less. ***Currently the Zoning Code only allows detached ADUs up to 800 square feet on lots or parcels that are 6,000 square feet or greater or up to 1,000 square feet on lots or parcels over an acre.***

- Municipalities may not prohibit the long-term lease of all units (SFD and ADUs). ***The Zoning Code currently allows the long-term lease of all units as an incentive to reduce the use of ADUs as short-term rentals.***

HB 2720

- Municipalities may not require a familial, marital, employment, or other preexisting relationship between the owner or occupant of an SFD and the occupant of an ADU. ***The Zoning Code does not currently include these requirements.***
- Municipalities may not require that a lot or parcel have additional parking to accommodate an ADU or require fees instead of additional parking. ***The Zoning Code currently requires one additional parking space for an ADU.***

- Municipalities may not require that an ADU match the exterior design, roof pitch, or finishing materials of the SFD located on the same lot or parcel. ***The Zoning Code currently includes these provisions.***

HB 2720

- Municipalities may not set restrictions for ADUs that are more restrictive than those for SFDs in the same zoning district with regard to height, setbacks, lot size or coverage, or building frontage. ***The Zoning Code currently includes these provisions.***

- Municipalities may not require improvements to public streets as a condition of allowing an ADU, except as necessary to reconstruct or repair a public street that is disturbed as a result of the construction of the ADU. ***The Zoning Code does not currently require public improvements for the development of an ADU.***

- Municipalities may not require a restrictive covenant concerning an ADU. ***The Zoning Code currently includes these provisions.***

RESOLUTION NO. 2024-39

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "PZ-24-00134 – ACCESSORY DWELLING UNITS"

RECITALS:

WHEREAS, pursuant to A.R.S. § 9-802 a municipality may enact or amend provisions of the City Code by reference to a public record, provided that the adopting ordinance is published in full;

WHEREAS, the City of Flagstaff wishes to incorporate by reference amendments to the Flagstaff Zoning Code, Ordinance No. 2024-24, by first declaring said amendments to be a public record.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General.

That certain document known as *"PZ-24-00134 – Accessory Dwelling Units"* attached hereto as Exhibit A is hereby declared to be a public record, and one (1) paper copy and one (1) electronic copy shall remain on file with the City Clerk in compliance with A.R.S. § 44-7041.

SECTION 2. Effective Date.

This resolution shall be effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 15th day of October 2024.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____

CITY ATTORNEY

Exhibits:
A. PZ-24-00134 – Accessory Dwelling Units

Case No. PZ-24-00134 –Accessory Dwelling Units

Provisions that are being deleted are shown in bold ~~**strikethrough**~~ text.
Provisions that are being added are shown in bold **red** text.

Section 1. Amend Title 10 Flagstaff Zoning Code, Chapter 10-40: Specific to Zones, Division 10-40.60: Specific to Uses, Section 10-40.60.030: Accessory Dwelling Units, as follows:

10-40.60.030 Accessory Dwelling Units (ADUs)

A. Applicability. Accessory Dwelling Units (ADUs) or carriage houses (see Section 10-50.110.040, Carriage House,) where allowed by Division 10-40.30, Non-Transect Zones, and Division 10-40.40, Transect Zones, are subject to the requirements of this section.

B. Not to Be Sold. An ADU shall not be sold separately from the primary structure.

C. Design, Development and Exception Standards.

1. An ADU shall comply with Table 10-40.60.030.~~C~~ **A**., Accessory Dwelling Unit Design, Development and Exceptions Standards.

Table 10-40.60.030.~~C~~**A**.
Accessory Dwelling Unit Design, Development and Exceptions Standards

(1) ADU **Types** ~~**Standards**~~	(a) Attached ADU: ~~**An Attached ADU shall**~~ share**s** a common wall or roof structure with ~~**the remainder of**~~ the primary dwelling unit, and **is required to** comply with the fire separations of the building and fire codes. (b) Detached ADU: ~~**A Detached ADU shall be**~~ **is** physically detached from the primary dwelling unit, including a separate roof structure, and **is required to** comply with the fire separations of the building and fire codes. (c) Interior ADU: ~~**An Interior ADU**~~ is a delineated area within the primary dwelling unit, and is neither attached **n**or detached. ~~**(Please refer to the definition of Attached, Detached, and Interior ADU in Division 10-80.20.)**~~

~~(2)~~	~~Alley Orientation (Detached ADU)~~	~~(a) When a Detached ADU is adjacent to an alley, the ADU's primary entry/exit access door and windows shall face the alley, unless approved by the Planning Director.~~
(~~3~~2)	Amenities	(a) An ADU shall contain independent living, sleeping, ~~eating, cooking~~, and sanitation facilities**, and may include a kitchen.** ~~as part of the ADU, which may be in the same room (i.e., a studio/efficiency dwelling).~~
~~(4)~~	~~Architectural Compatibility~~	~~(a) An Attached or Detached ADU shall be designed as a subordinate structure to the primary structure on the lot or parcel in terms of its mass and size; and the ADU's architectural character (colors, details, doors, materials, roof pitch, and windows, etc.) shall be compatible with the primary dwelling unit.~~ ~~(b) An Interior ADU shall be designed as an integrated and subordinate part of the primary dwelling unit. The Interior ADU shall, at a minimum, have interior pedestrian access to the common areas such as a foyer, living room, laundry room, basement, etc., of the primary dwelling unit, and share the primary entrance and exit. Exterior modifications to accommodate an Interior ADU shall be developed with an architectural character (colors, details, doors, materials, roof pitch, and windows, etc.) consistent with the existing structure.~~ ~~(c) Windows facing an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fences, or walls shall be required to provide screening in compliance with Division 10-50.50, Fences and Screening.~~
(~~5~~3)	Building Form and Property Development Standards	(a) Setbacks. (i) A**n** ~~**Detached**~~ ADU structure may be located in the rear and interior side setbacks; provided, that the following are maintained: ~~(i.a) Minimum rear setback abutting a public alley right-of-way or private alley tract: 0 feet.~~ (i.~~a~~**b**) Minimum rear setback abutting another lot or parcel: 5 feet.

(i.b~~c~~) Minimum interior side setback: 5 feet.

(ii) **Additional placement regulations are contained in Section 10-40.60.030.D.** ~~**An Attached or Interior ADU shall comply with the required setbacks of a lot's or parcel's zone.**~~

~~**(iii) Alternative setbacks and placements are allowed in accordance with Section 10-40.60.030.D.**~~

(b) ~~**(i)**~~ ~~**Detached**~~ ADU **Allowed** Encroachments **into Setbacks**.

(~~**i.a**~~ **i**) ~~**Only**~~ **T**~~t~~he encroachments in subsection (7) of Table 10-50.40.020.A. are allowed in the **5 foot rear and interior side** setbacks **identified above.** ~~**of subsections (5)(a)(i)(i.b) and (5)(a)(i)(i.c) of this Table. No other encroachment indicated in Table 10-50.40.020.A. is allowed in the setbacks of subsection (5)(a)(i) of this Table.**~~

~~**(i.b) The encroachments of Table 10-50.40.020.A. are allowed into the setbacks of the lot's or parcel's zone.**~~

~~**(ii) Attached and Interior Encroachments. The encroachment of Table 10-50.40.020.A. are allowed.**~~

(ii~~i~~) A detached accessory structure constructed prior to February 16, 2016**,** that is located in the **5 foot** minimum setback(s) **identified above** ~~**of subsection (53)(a)(i) of this Table or in the street side setback**~~ may be converted to an ADU or have an ADU as a second floor; provided, that there is no exterior addition or increase in building height within the minimum setback(s).

(c) Building Height.

(i) ~~**Attached and Interior ADU.**~~ Maximum height allowed by the **zoning district in which the lot or parcel is located.** ~~**lot's or parcel's zone.**~~

~~**(ii) Detached ADU within the required setbacks of a lot's or parcel's zone: 24 feet.**~~

~~**(iii) Any portion of a Detached ADU that encroaches into the required setbacks of the property's zone: 16 feet.**~~

		(d) Lot Coverage. The lot coverage requirements of a property's zone shall: (i) Not apply to Attached and Detached ADU; and (ii) Apply to a dwelling unit containing an Interior ADU.
(~~6~~4)	Density	(a) ~~In single-family residential zones n~~No more than one **detached and one attached or interior** ADU **is permitted** per **lot or parcel developed with one** ~~s~~Single-~~f~~Family **Dwelling.** ~~residential lot or parcel is allowed.~~ **One additional detached ADU may be permitted on a lot or parcel that is at least one acre in size if at least one ADU on the lot or parcel is a Category 1 Permanently Affordable unit as specified in Section 10-30.20.030.** (b) ~~In zones that allow~~ **ADUs are not permitted on the same lot or parcel as a duplex or** multiple-family development~~s., the density requirements of the zone count an ADU as a dwelling unit.~~
~~(7)~~	~~Entrance (Attached and Interior ADU)~~	~~(a) Attached ADU. The pedestrian entrance to an Attached ADU shall not face the same street as the pedestrian entrance of the primary dwelling unit, except:~~ - ~~(i) In zones that allow duplexes that are not required to be part of a Planned Residential Development;~~ - ~~(ii) If the facade of the ADU with the pedestrian entrance is set back at least 50 feet from the property line; or~~ - ~~(iii) If the ADU's pedestrian entrance will not be visible from the same street that the pedestrian entrance of the primary dwelling unit is visible from.~~ ~~(b) Interior ADU. A pedestrian entrance to an Interior ADU shall be located on the interior side or rear side of the primary dwelling unit, and may be located on a street side facade of the primary dwelling unit, provided that the primary entrance to the primary dwelling does not face the same street side.~~

(~~8~~5)	Home Occupations	(a) Home occupations shall be allowed subject to Section 10-40.60.180, Home Occupations, in either the ADU or the primary residence, but not both.
~~(9)~~	~~Lot Size (Detached ADU)~~	~~(a) Minimum lot size: 6,000 square feet.~~
(~~10~~6)	Movable Habitable Space	(a) A mobile home, recreational vehicle, or other movable habitable space shall not be used as an ADU. (b) A manufactured or modular unit placed and secured on a permanent foundation in conformance with the Building Code may be used as an ADU in compliance with this section **and in zoning districts that permit these units**.
(~~11~~7)	Number of Occupants	(a) Maximum number of persons allowed to reside in an ADU: two persons.
(~~12~~8)	Required Occupancy	(a) **The Single-Family Dwelling or any ADU located on the same lot or parcel may be separately leased as long-term rental housing. Long term housing means rental use in which the tenant holds a lease of ninety days or longer or on a month-by-month basis.** ~~**The property owner, which includes title holders and contract purchasers, shall occupy either the primary dwelling unit or the ADU as their principal residence, unless the primary dwelling unit and ADU are allowed to be separately leased or rented in accordance with subsection G of this section.**~~ (b) **When a property contains an ADU, the owner of the property must reside on the property if any ADU is used as either a vacation or short-term rental.** ~~**The primary dwelling unit or the ADU that is not occupied by the property owner that is rented or leased shall be for a period of no less than 30 days.**~~
~~(13)~~	~~Parking~~	~~(a) Parking shall be in compliance with Division 10-50.80, Parking Standards, and the parking standards in Division 10-40.40, Transect Zones.~~

	~~(b) Parking provided with alley access shall maintain a 24-foot-wide back-out area, inclusive of the alley.~~
~~(14) Placement~~	~~(a) An ADU shall be constructed or placed on the same lot or parcel as the primary dwelling unit.~~ ~~(b) An ADU is allowed only on a lot or parcel containing a detached single-family dwelling unit.~~ ~~(c) An ADU is not allowed on a lot or parcel containing a duplex or triplex on properties zoned Rural Residential (RR), Estate Residential (ER), Single-Family Residential (R1), Single-Family Residential Neighborhood (R1N), Manufactured Housing (MH).~~ ~~(d) Additional placement regulations are contained in Section 10-40.60.030.D.~~
(~~15~~9) Size, ADU	(a) **An ADU shall not exceed 75 percent of the gross floor area of the Single-Family Dwelling on the same lot or parcel or 1,000 square feet, whichever is less. Gross floor area means the interior habitable area. An ADU may have a gross floor area of up to 800 square feet regardless of the size of the Single-Family Dwelling so long as all other requirements of this section are met.** ~~Maximum Size.~~ ~~(i) Lots less than one acre: 800 square feet in gross floor area.~~ ~~(ii) Lots equal to or greater than one acre: 1,000 square feet in gross floor area; but, an ADU shall not be larger than fifty percent of the gross floor area of the primary dwelling unit, or 800 square feet, whichever is greater.~~ ~~(b) Allowance for Green Construction. The maximum size of an ADU constructed with green construction methods that cause the exterior walls to be greater than eight inches shall be:~~ ~~(i) Maximum Size.~~ ~~(i.a.) Lots less than one acre: 800 square feet in gross floor area, minus the area of the exterior walls.~~

	~~(i.b.) Lots equal to or greater than one acre: 1,000 square feet in gross floor area; but an ADU shall not be larger than 50 percent of the gross floor area of the primary dwelling unit, or 800 square feet, whichever is greater. The area of the ADU shall include the area of the exterior walls.~~
(~~16~~10) Subdividing **or Land Split of** a Lot with an ADU	(a) ~~**Attached and Interior ADU.**~~ A lot or parcel containing an ADU shall not be subdivided **or split** into two or more lots or parcels unless each lot or parcel complies with the Zoning Code and Subdivision Ordinance. The ADU shall completely remain on one lot. ~~**(b) Detached ADU. The lot or parcel containing a Detached ADU shall not be subdivided into two or more lots or parcels unless each lot or parcel complies with the Zoning Code and Subdivision Ordinance.**~~ (i) When an existing Detached ADU will remain on the new lot or parcel created by subdivision **or land split**, the property owner is required to modify the primary dwelling unit and ADU of the subdivided **or split** lots to comply with the Flagstaff City Code, including providing separate utility services connected to each unit, and obtain a new Certification of Occupancy for the units (when required by the Building Official), prior to City Staff recording the subdivision **or land split** of the property. The ADU that remains on the new lot or parcel shall be considered a primary dwelling unit, unless a new primary dwelling unit is constructed on the new lot or parcel.
(~~17~~11) Utility Service	(a) An **attached or interior** ADU shall be connected to **the same** utilities (except internet, telephone**,** and television), **as the primary Single-family dwelling.** ~~**either to the primary dwelling unit, or separate utility services.**~~ **Detached ADUs shall have a separate water meter.**

D. Building Placement. In addition to the standards provided in Table 10-40.60.030.C., ADUs proposed as part of the subdivision platting and approval process may be located on the rear or interior side property line under the following conditions illustrated in Figures 10-40.60.030.D.1. and 10-40.60.030.D.2., and:

1. The ADU is located above a garage; and

2. Four ADUs designed and constructed together are located at the common intersection of the rear and interior side of four lots; or

3. Two ADUs designed and constructed together and with direct access to an alley are located at the common intersection of the rear and interior side of two lots.

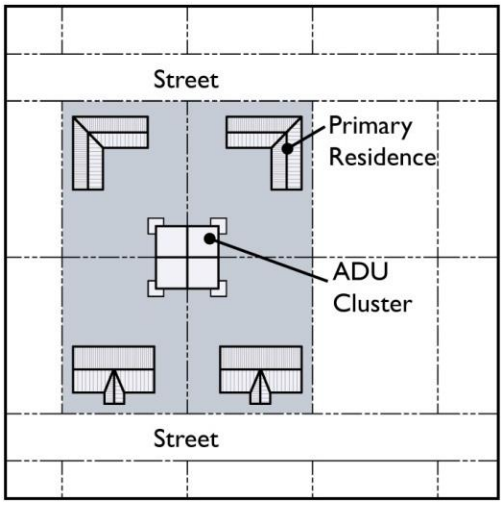


Figure 10-40.60.030.D.1.

Four ADUs located at the common intersection of the rear and interior side of four lots

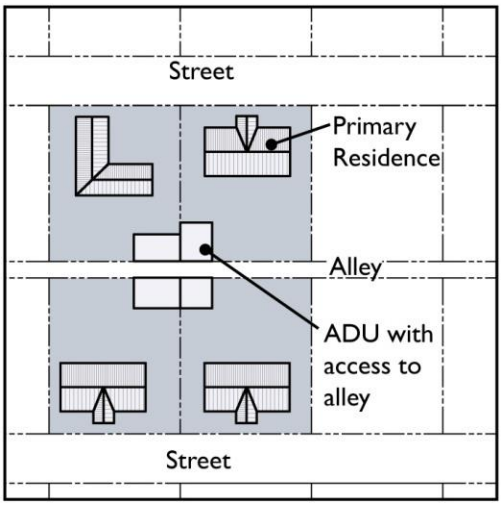


Figure 10-40.60.030.D.2.

Two ADUs with direct access to an alley

~~**E. Restrictive Covenant.**~~

~~**1. The following shall be required, unless the property owner participates in the rental dwelling unit incentive of subsection G of this section:**~~

~~**a. The property owner shall sign before a notary public a restrictive covenant that runs with the land on a form prepared by the City Attorney or designee affirming that the property owner shall:**~~

~~**i. Occupy either the primary residence or the ADU; or**~~

~~ii. If the property owner rents or leases a property with both a primary residence and an ADU to a third party, then neither the primary residence nor the ADU shall be sub-leased.~~

~~b. The restrictive covenant shall be submitted to the City prior to the issuance of a building permit for the ADU. The City shall record the restrictive covenant after the building permit has been issued.~~

~~F. Findings for Approval of ADUs. An application for approval of an ADU shall be based on the following findings:~~

~~1. The exterior design of the ADU is compatible with the primary residence and does not dominate it or surrounding properties. This has been achieved through use of compatible and complimentary architectural building forms, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.~~

~~2. The exterior design of the ADU is in suitable proportion with and maintains the scale of the neighborhood.~~

~~3. The ADU does not result in excessive noise, traffic or parking congestion.~~

~~4. The site plan provides private space and landscaping that is useful for both the ADU and the primary residence. Private space and landscaping provides for privacy and screening of adjacent properties.~~

~~5. The location and design of the ADU maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, solar access or parking of adjacent properties.~~

~~6. Major access stairs, decks, entry doors and major windows on one and one-half and two story structures face the primary residence to the maximum extent it is feasible, or the rear alley, if applicable. Windows that face neighboring side or rear setbacks are installed so the bottom of the window is a minimum of six feet above the floor.~~

~~7. Buildings, structures, and other features of the site plan, such as walkways and driveways, are oriented and located to maintain natural and historic resources to the maximum extent feasible and to minimize alteration of natural landforms.~~

~~**G. Rental Dwelling Unit Incentive.**~~

~~**1. As an incentive to property owners to construct ADUs and to increase the number of long-term rental dwelling units that are available in the Flagstaff area, the primary residential dwelling unit and the ADU may be rented or leased separately if the property owner agrees to and signs before a notary public a restrictive covenant on a form prepared by the City Attorney or designee affirming that the property owner will not rent or lease either of the dwelling units for a period of less than 30 days. The restrictive covenant shall be submitted to the City prior to the issuance of a building permit for the ADU, or before the property owner rents or leases the primary residential dwelling unit and the ADU, whichever is earlier. The restrictive covenant shall run with the land.**~~

Section 2. Amend Title 10 Flagstaff Zoning Code, Chapter 10-40: Specific to Zones, Division 10-40.50: Overlay Zones, Section 10-40.50.030(C): Building Form Standards, as follows:

C. Building Form Standards.

Building Form Standards	AO	DO	LO	RPO[1]	TO
Building Placement Requirements					
Setback					
Front	——————Refer to underlying zoning——————				
Side	——————Refer to underlying zoning——————				
Side Exterior	——————Refer to underlying zoning——————				
Rear	——————Refer to underlying zoning——————				
Building Form Requirements					
Building Height					
Primary Structure	——————Refer to underlying zoning——————				25'[1, 2, 3]
Accessory Dwelling Units	**----------Refer to underlying zoning----------**				**25'[1,2,3]**
All Other Structures	——————Refer to underlying zoning——————				16'[1, 2, 3]
Coverage	——————Refer to underlying zoning——————				
Density and Lot Size Requirements					
Gross Density (units/acre)	——————Refer to underlying zoning——————				
Net Density (units/acre)	——————Refer to underlying zoning——————				
Gross FAR	——————Refer to underlying zoning——————				
Site Area (sf)	——————Refer to underlying zoning——————				
Lot Size (sf/unit)	——————Refer to underlying zoning——————				
Lot Requirements					
Lot Width	——————Refer to underlying zoning——————				

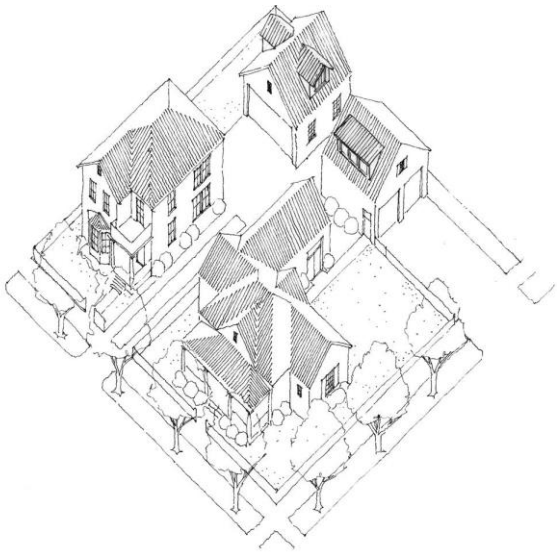
Building Form Standards	AO	DO	LO	RPO[1]	TO
Lot Depth	——————————Refer to underlying zoning——————————				
Other Requirements					
Fences and Screening	See Division 10-50.50				
Landscaping	See Division 10-50.60				
Lighting	See Division 10-50.70				
Parking	See Division 10-50.80				
Signs	See Division 10-50.100				
End Notes					
1. No point on the structure shall exceed height limit measured from existing or natural grade, excluding chimneys, towers, and similar non-habitable architectural projections.					
2. All structures designed with roof pitches greater than 9:12 (rise:run) may exceed the height limit by one foot.					
3. All structures designed with raised wood floors and non-slab foundations may exceed the height limit by two feet.					

Section 3. Amend Title 10 Flagstaff Zoning Code, Chapter 10-50: Supplemental to Zones, Division 10-50.110: Specific to Building Types, Section 10-50.110.040: Carriage House, as follows:

10-50.110.040 Carriage House

One-and-a-half-story carriage house connected to main house by a breezeway.

One-and-a-half-story carriage house to the left of a two-car garage.



General Note: The drawings and photos on this page are illustrative, not regulatory.

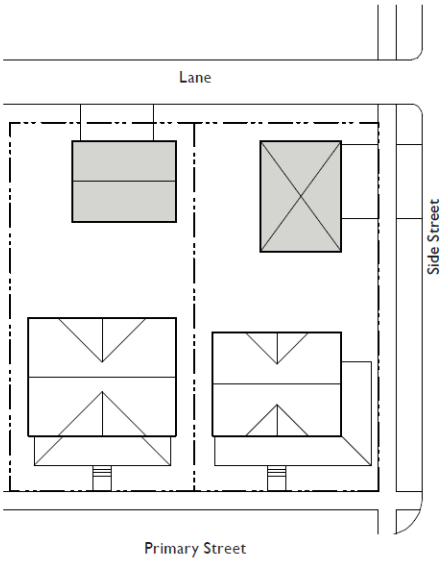
A. Description

The carriage house building type is an accessory structure or accessory dwelling unit (ADU) typically located at the rear of a lot (see also Section 10-40.60.030, Accessory Dwelling Units). This structure typically provides either a small residential unit, home office space, or other small commercial or service use that may be above a garage or at ground level. This building type is important for providing affordable housing opportunities and incubating small businesses within walkable neighborhoods.

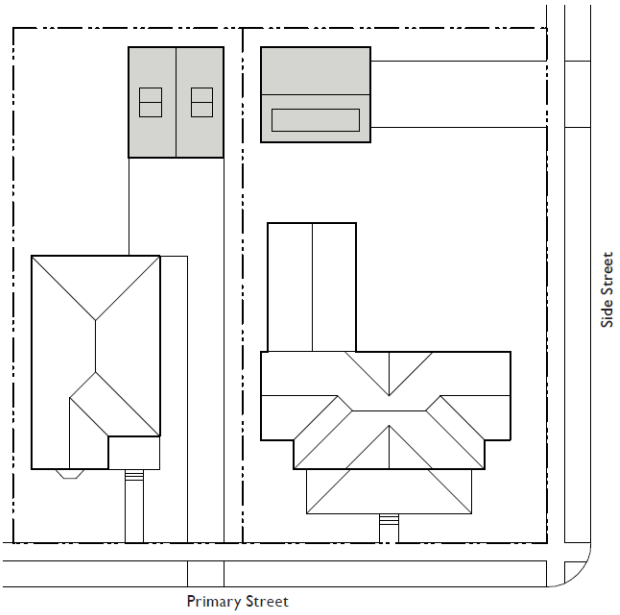
The carriage house building type is the only detached ADU allowed in transect zones.

One-and-a-half-story carriage house.

~~**The windows and doors of the carriage house need to be carefully placed to ensure privacy for the property owner and neighbors.**~~



Typical Lane-loaded Plan Diagram



Typical Front-loaded Plan Diagram

Key

ROW/Property Line Building Area

B. Lot
Allowed on lots when accompanying a single-family dwelling.

C. Number of Units	
Units	1 max.

D. Vehicle Access and Parking
All parking spaces provided shall be separate from the principal building and may be enclosed, covered or open.

E. Private Space
No private space is required

F. Building Size and Massing	
Main Body	
Width	35' max.
Miscellaneous	
Height	See transect zone in which the building is proposed.
Separation from Principal Building	10' min.

~~Carriage houses shall be shorter and have a smaller footprint than the principal building on the lot.~~

Section 4. Amend Title 10 Flagstaff Zoning Code, Chapter 10-80: Definitions, Division 10-80.20: Definition of Specialized Terms, Phrases, and Building Functions, Section 10-80.20.10: Definitions "A", as follows:

Accessory Dwelling Unit (ADU), Interior: A delineated living area located within a dwelling unit that has interior pedestrian access to the common area of the dwelling unit, such as a foyer, living room, laundry room, basement, etc., shares a primary entrance and exit, contains permanent facilities for living, sleeping, ~~**eating, cooking**~~ and sanitation, and may have a separate secondary entrance/exit.

ORDINANCE NO. 2024-24

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-24-00134 – ACCESSORY DWELLING UNITS"; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City of Flagstaff wishes to amend Section 10-40.60.030 of the Flagstaff Zoning Code, Accessory Dwelling Units, to comply with State Legislation regulating the permitted number, size, location, parking requirements and design standards for Accessory Dwelling Units; and

WHEREAS, a citizen review session was held at the Planning Commission work session on September 11, 2024, to discuss the proposed Zoning Code text amendment in accordance with Section 10-20.50.040 of the Flagstaff Zoning Code; and

WHEREAS, the Planning and Zoning Commission held a public hearing on September 25, 2024, and provided a recommendation to City Council on the proposed Zoning Code text amendment; and

WHEREAS, the Council has read and considered the staff report prepared by the Planning and Development Services section of the Community Development division and all attachments to those reports, and the Council finds that the proposed Zoning Code text amendment is in conformance with the General Plan, and the findings in Section 10-20.50.040 of the Flagstaff Zoning Code have been met; and

WHEREAS, that certain document known as *"PZ-24-00134 – Accessory Dwelling Units"*, one (1) paper copy and one (1) electronic copy of which are on file with the City Clerk in compliance with A.R.S. § 44-7041, was declared to be a public record by Resolution No. 2024-39.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. The foregoing recitals are incorporated as if fully set forth herein.

SECTION 2. That certain document known as *"PZ-24-00134 – Accessory Dwelling Units"*, one (1) paper copy and (1) electronic copy of which are on file in the office of the City Clerk of the City of Flagstaff, Arizona, and which document is declared a public record by Resolution No. 2024-39 of the City of Flagstaff, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance and its provisions are hereby declared to amend the Flagstaff City Code, replacing and superseding the existing relevant provisions of the City Code, as set forth therein.

SECTION 3. The amendment is consistent with and conforms to the goals of the Regional Plan (General Plan).

SECTION 4. The amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City, and will add to the public good as described in the General Plan.

SECTION 5. The amendment is internally consistent with other applicable provisions of this Zoning Code.

SECTION 6. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of the code adopted herein are hereby repealed.

SECTION 7. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 8. Clerical Corrections

The City Clerk is hereby authorized to correct clerical and grammatical errors, if any, related to this ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the Flagstaff City Code.

SECTION 9. Effective Date

This Ordinance shall be effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 15th day of October 2024.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

HOUSING IMPACT STATEMENT
PZ-24-00134 ACCESSORY DWELLING UNITS

Pursuant to ARS 9-462.01 (J) a Housing Impact Statement shall be considered by the City Council prior to adopting a Zoning Code Text Amendment regarding the impact of the amendment on the following:

1. A general estimate of the probable impact on the average cost to construct housing for sale or rent within the zoning districts to which the zoning text amendment applies.

   The proposed zoning code amendment conforms with HB2720 which mandates certain provisions for accessory dwelling units. The text amendment will not impact the average cost to construct housing for sale as accessory dwelling units may not be sold separately. The intent of this bill is to increase the supply of housing which may have an indirect impact on the average cost of housing for rent. Staff does not have a specific estimate of the amendments impact.

2. A description of any data or reference material on which the proposed zoning text amendment is based.

   Staff did not use any data or reference material other than HB 2270.

3. A description of any less costly or less restrictive alternative methods of achieving the purpose of the proposed zoning text amendment.

   None.

Senate Engrossed House Bill

accessory dwelling units; requirements.

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2720

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-461.18; AMENDING SECTION 9-500.39, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL PLANNING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 9, chapter 4, article 6, Arizona Revised Statutes, is amended by adding section 9-461.18, to read:

9-461.18. Accessory dwelling units; regulation; applicability; definitions

A. A MUNICIPALITY WITH A POPULATION OF MORE THAN SEVENTY-FIVE THOUSAND PERSONS SHALL ADOPT REGULATIONS THAT ALLOW ON ANY LOT OR PARCEL WHERE A SINGLE-FAMILY DWELLING IS ALLOWED ALL OF THE FOLLOWING:

1. AT LEAST ONE ATTACHED AND ONE DETACHED ACCESSORY DWELLING UNIT AS A PERMITTED USE.

2. A MINIMUM OF ONE ADDITIONAL DETACHED ACCESSORY DWELLING UNIT AS A PERMITTED USE ON A LOT OR PARCEL THAT IS ONE ACRE OR MORE IN SIZE IF AT LEAST ONE ACCESSORY DWELLING UNIT ON THE LOT OR PARCEL IS A RESTRICTED-AFFORDABLE DWELLING UNIT.

3. AN ACCESSORY DWELLING UNIT THAT IS SEVENTY-FIVE PERCENT OF THE GROSS FLOOR AREA OF THE SINGLE-FAMILY DWELLING ON THE SAME LOT OR PARCEL OR ONE THOUSAND SQUARE FEET, WHICHEVER IS LESS.

B. A MUNICIPALITY MAY NOT DO ANY OF THE FOLLOWING:

1. PROHIBIT THE USE OR ADVERTISEMENT OF EITHER THE SINGLE-FAMILY DWELLING OR ANY ACCESSORY DWELLING UNIT LOCATED ON THE SAME LOT OR PARCEL AS SEPARATELY LEASED LONG-TERM RENTAL HOUSING.

2. REQUIRE A FAMILIAL, MARITAL, EMPLOYMENT OR OTHER PREEXISTING RELATIONSHIP BETWEEN THE OWNER OR OCCUPANT OF A SINGLE-FAMILY DWELLING AND THE OCCUPANT OF AN ACCESSORY DWELLING UNIT LOCATED ON THE SAME LOT OR PARCEL.

3. REQUIRE THAT A LOT OR PARCEL HAVE ADDITIONAL PARKING TO ACCOMMODATE AN ACCESSORY DWELLING UNIT OR REQUIRE PAYMENT OF FEES INSTEAD OF ADDITIONAL PARKING.

4. REQUIRE THAT AN ACCESSORY DWELLING UNIT MATCH THE EXTERIOR DESIGN, ROOF PITCH OR FINISHING MATERIALS OF THE SINGLE-FAMILY DWELLING THAT IS LOCATED ON THE SAME LOT AS THE ACCESSORY DWELLING UNIT.

5. SET RESTRICTIONS FOR ACCESSORY DWELLING UNITS THAT ARE MORE RESTRICTIVE THAN THOSE FOR SINGLE-FAMILY DWELLINGS WITHIN THE SAME ZONING AREA WITH REGARD TO HEIGHT, SETBACKS, LOT SIZE OR COVERAGE OR BUILDING FRONTAGE.

6. SET REAR OR SIDE SETBACKS FOR ACCESSORY DWELLING UNITS THAT ARE MORE THAN FIVE FEET FROM THE PROPERTY LINE.

7. REQUIRE IMPROVEMENTS TO PUBLIC STREETS AS A CONDITION OF ALLOWING AN ACCESSORY DWELLING UNIT, EXCEPT AS NECESSARY TO RECONSTRUCT OR REPAIR A PUBLIC STREET THAT IS DISTURBED AS A RESULT OF THE CONSTRUCTION OF THE ACCESSORY DWELLING UNIT.

8. REQUIRE A RESTRICTIVE COVENANT CONCERNING AN ACCESSORY DWELLING UNIT ON A LOT OR PARCEL ZONED FOR RESIDENTIAL USE BY A SINGLE-FAMILY DWELLING.

C. THIS SECTION DOES NOT PROHIBIT RESTRICTIVE COVENANTS CONCERNING ACCESSORY DWELLING UNITS ENTERED INTO BETWEEN PRIVATE PARTIES. THE MUNICIPALITY MAY NOT CONDITION A PERMIT, LICENSE OR USE OF AN ACCESSORY DWELLING UNIT ON ADOPTING OR IMPLEMENTING A RESTRICTIVE COVENANT BETWEEN PRIVATE PARTIES.

D. THIS SECTION DOES NOT SUPERSEDE APPLICABLE BUILDING CODES, FIRE CODES OR PUBLIC HEALTH AND SAFETY REGULATIONS, EXCEPT THAT A MUNICIPALITY MAY NOT REQUIRE AN ACCESSORY DWELLING UNIT TO COMPLY WITH A COMMERCIAL BUILDING CODE OR CONTAIN A FIRE SPRINKLER.

E. AN ACCESSORY DWELLING UNIT MAY NOT BE BUILT ON TOP OF A CURRENT OR PLANNED PUBLIC UTILITY EASEMENT UNLESS THE PROPERTY OWNER RECEIVES WRITTEN CONSENT FROM ANY UTILITY THAT IS CURRENTLY USING THE PUBLIC UTILITY EASEMENT OR THAT MAY USE THE PUBLIC UTILITY EASEMENT IN THE FUTURE.

F. IF A MUNICIPALITY FAILS TO ADOPT DEVELOPMENT REGULATIONS AS REQUIRED BY THIS SECTION ON OR BEFORE JANUARY 1, 2025, ACCESSORY DWELLING UNITS SHALL BE ALLOWED ON ALL LOTS OR PARCELS ZONED FOR RESIDENTIAL USE IN THE MUNICIPALITY WITHOUT LIMITS.

G. THIS SECTION DOES NOT APPLY TO LOTS OR PARCELS THAT ARE LOCATED ON TRIBAL LAND, ON LAND IN THE TERRITORY IN THE VICINITY OF A MILITARY AIRPORT OR ANCILLARY MILITARY FACILITY AS DEFINED IN SECTION 28-8461, ON LAND IN THE TERRITORY IN THE VICINITY OF A FEDERAL AVIATION ADMINISTRATION COMMERCIALLY LICENSED AIRPORT OR A GENERAL AVIATION AIRPORT OR ON LAND IN THE TERRITORY IN THE VICINITY OF A PUBLIC AIRPORT AS DEFINED IN SECTION 28-8486.

H. FOR THE PURPOSES OF THIS SECTION:

1. "ACCESSORY DWELLING UNIT" MEANS A SELF-CONTAINED LIVING UNIT THAT IS ON THE SAME LOT OR PARCEL AS A SINGLE-FAMILY DWELLING OF GREATER SQUARE FOOTAGE THAN THE ACCESSORY DWELLING UNIT, THAT INCLUDES ITS OWN SLEEPING AND SANITATION FACILITIES AND THAT MAY INCLUDE ITS OWN KITCHEN FACILITIES.

2. "GROSS FLOOR AREA" MEANS THE INTERIOR HABITABLE AREA OF A SINGLE-FAMILY DWELLING OR AN ACCESSORY DWELLING UNIT.

3. "LONG-TERM RENTAL" MEANS RENTAL USE IN WHICH THE TENANT HOLDS A LEASE OF NINETY DAYS OR LONGER OR ON A MONTH-BY-MONTH BASIS.

4. "MUNICIPALITY" MEANS A CITY OR TOWN THAT EXERCISES ZONING POWERS UNDER THIS TITLE.

5. "PERMITTED USE" MEANS THE ABILITY FOR A DEVELOPMENT TO BE APPROVED WITHOUT REQUIRING A PUBLIC HEARING, VARIANCE, CONDITIONAL USE PERMIT, SPECIAL PERMIT OR SPECIAL EXCEPTION, OTHER THAN A DISCRETIONARY ZONING ACTION TO DETERMINATION THAT A SITE PLAN CONFORMS WITH APPLICABLE ZONING REGULATIONS.

6. "RESTRICTED-AFFORDABLE DWELLING UNIT" MEANS A DWELLING UNIT THAT, EITHER THROUGH A DEED RESTRICTION OR A DEVELOPMENT AGREEMENT WITH THE MUNICIPALITY, SHALL BE RENTED TO HOUSEHOLDS EARNING UP TO EIGHTY PERCENT OF AREA MEDIAN INCOME.

Sec. 2. Section 9-500.39, Arizona Revised Statutes, is amended to read:

9-500.39. Limits on regulation of vacation rentals and short-term rentals; state preemption; civil penalties; transaction privilege tax license suspension; definitions

A. A city or town may not prohibit vacation rentals or short-term rentals.

B. A city or town may not restrict the use of or regulate vacation rentals or short-term rentals based on their classification, use or occupancy except as provided in this section. A city or town may regulate vacation rentals or short-term rentals as follows:

1. To protect the public's health and safety, including rules and regulations related to fire and building codes, health and sanitation, transportation or traffic control and solid or hazardous waste and pollution control, if the city or town demonstrates that the rule or regulation is for the primary purpose of protecting the public's health and safety.

2. To adopt and enforce use and zoning ordinances, including ordinances related to noise, protection of welfare, property maintenance and other nuisance issues, if the ordinance is applied in the same manner as other property classified under sections 42-12003 and 42-12004.

3. To limit or prohibit the use of a vacation rental or short-term rental for the purposes of housing sex offenders, operating or maintaining a sober living home, selling illegal drugs, liquor control or pornography, obscenity, nude or topless dancing and other adult-oriented businesses.

4. To require the owner of a vacation rental or short-term rental to provide the city or town ~~an~~ WITH emergency ~~point of~~ contact information for the owner or the owner's designee who is responsible for responding to complaints or emergencies in a timely manner in person if required by public safety personnel, over the phone or by email at any time of day before offering for rent or renting the vacation rental or short-term rental. In addition to any other penalty IMPOSED pursuant to this section, the city or town may impose a civil penalty of up to $1,000 against the owner for every thirty days the owner fails to provide contact information as prescribed by this paragraph. The city or town shall provide thirty days' notice to the owner before imposing the initial civil penalty.

5. To require ~~an~~ THE owner of a vacation rental or short-term rental to obtain and maintain a local regulatory permit or license ~~pursuant to title 9, chapter 7, article 4~~. As a condition of issuance of

a permit or license, the application for the permit or license may require an applicant to provide only the following:

(a) THE name, address, ~~phone~~ TELEPHONE number and email address for the owner or owner's agent.

(b) THE address of the vacation rental or short-term rental.

(c) Proof of compliance with section 42-5005.

(d) Contact information required pursuant to paragraph 4 of this subsection.

(e) Acknowledgment of an agreement to comply with all applicable laws, regulations and ordinances.

(f) A fee not to exceed the actual cost of issuing the permit or license or $250, whichever is less.

6. To require, before offering a vacation rental or short-term rental for rent for the first time, the owner or the owner's designee of a vacation rental or short-term rental to notify all single-family residential properties adjacent to~~,~~ AND directly and diagonally across the street from the vacation rental or short-term rental. Notice shall be deemed sufficient in a multifamily residential building if given to residents on the same building floor. A city or town may require additional notification pursuant to this paragraph if the contact information previously provided changes. Notification provided in compliance with this paragraph shall include the permit or license number if required by the city or town, the address~~,~~ OF THE VACATION RENTAL OR SHORT-TERM RENTAL and the information required pursuant to paragraph 4 of this subsection. The owner or the owner's designee shall demonstrate compliance with this paragraph by providing the city or town with an attestation of notification compliance that consists of the following information:

(a) The permit or license number of the vacation rental or short-term rental, if required by the city or town.

(b) The address of each property notified.

(c) A description of the manner in which the owner or owner's designee chose to provide notification to each property subject to notification.

(d) The name and contact information of the person attesting to compliance with this paragraph.

7. To require the owner or owner's designee of a vacation rental or short-term rental to display the local regulatory permit number or license number, if any, on each advertisement for a vacation rental or short-term rental that the owner or owner's designee maintains. A city or town that does not require a local regulatory permit or license may require the owner or owner's designee of a vacation rental or short-term rental to display the transaction privilege tax license NUMBER required by section 42-5042 on each advertisement for a vacation rental or short-term rental that the owner or owner's designee maintains.

8. To require the vacation rental or short-term rental to maintain liability insurance appropriate to cover the vacation rental or short-term rental in the aggregate of at least $500,000 or to advertise and offer each vacation rental or short-term rental through an online lodging marketplace that provides equal or greater coverage.

9. TO REQUIRE THE OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL TO RESIDE ON THE PROPERTY IF THE PROPERTY CONTAINS AN ACCESSORY DWELLING UNIT THAT WAS CONSTRUCTED ON OR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION AND THAT IS BEING USED AS A VACATION RENTAL OR SHORT-TERM RENTAL. UNLESS THE TIME PERIOD SPECIFIED IN SECTION 12-1134, SUBSECTION G HAS EXPIRED, THIS PARAGRAPH DOES NOT APPLY TO A PROPERTY OWNER WHO HAS THE RIGHT TO BUILD AN ACCESSORY DWELLING UNIT ON THE PROPERTY OWNER'S PROPERTY BEFORE THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION WHETHER OR NOT THE ACCESSORY DWELLING UNIT HAS BEEN BUILT.

C. A city or town that requires a local regulatory permit or license pursuant to this section shall issue or deny the permit or license within seven business days of receipt of the information required by subsection B, paragraph 5 of this section and otherwise in accordance with section 9-835, except that a city or town may deny issuance of a permit or license only for any of the following:

1. Failure to provide the information required by subsection B, paragraph 5, subdivisions (a) through (e) of this section.

2. Failure to pay the required permit or license fee.

3. At the time of application the owner has a suspended permit or license for the same vacation rental or short-term rental.

4. The applicant provides false information.

5. The owner or owner's designee of a vacation rental or short-term rental is a registered sex offender or has been convicted of any felony ~~act~~ OFFENSE that resulted in death or serious physical injury or any felony use of a deadly weapon within the past five years.

D. A city or town that requires a local regulatory permit or license pursuant to this section shall adopt an ordinance to allow the city or town to initiate an administrative process to suspend a local regulatory permit or license for a period of up to twelve months for the following verified violations associated with a property:

1. Three verified violations within a twelve-month period, not including any verified violation based on an aesthetic, solid waste disposal or vehicle parking violation that is not also a serious threat to public health and safety.

2. One verified violation that results in or constitutes any of the following:

(a) A felony offense committed at or in the vicinity of a vacation rental or short-term rental by the vacation rental or short-term rental owner or owner's designee.

(b) A serious physical injury or wrongful death at or related to a vacation rental or short-term rental resulting from the knowing, intentional or reckless conduct of the vacation rental or short-term rental owner or owner's designee.

(c) An owner or owner's designee knowingly or intentionally housing a sex offender, allowing offenses related to adult-oriented businesses, sexual offenses or prostitution, or operating or maintaining a sober living home, in violation of a regulation or ordinance adopted pursuant to subsection B, paragraph 3 of this section.

(d) An owner or owner's designee knowingly or intentionally allowing the use of a vacation rental or short-term rental for a special event that would otherwise require a permit or license pursuant to a city or town ordinance or a state law or rule or for a retail, restaurant, banquet space or other similar use.

3. Notwithstanding paragraphs 1 and 2 of this subsection, any attempted or completed felony ~~act~~ OFFENSE, arising from the occupancy or use of a vacation rental or short-term rental, that results in a death, or actual or attempted serious physical injury, shall be grounds for judicial relief in the form of a suspension of the property's use as a vacation rental or short-term rental for a period of time that shall not exceed twelve months.

E. A city or town that requires sex offender background checks on a vacation rental or short-term rental guest shall waive the requirement if an online lodging marketplace performs a sex offender background check of the booking guest.

F. Notwithstanding any other law, a city or town may impose a civil penalty of the following amounts against an owner of a vacation rental or short-term rental if the owner receives one or more verified violations related to the same vacation rental or short-term rental property within the same twelve-month period:

1. Up to $500 or up to an amount equal to one night's rent for the vacation rental or short-term rental as advertised, whichever is greater, for the first verified violation.

2. Up to $1,000 or up to an amount equal to two nights' rent for the vacation rental or short-term rental as advertised, whichever is greater, for the second verified violation.

3. Up to $3,500 or up to an amount equal to three nights' rent for the vacation rental or short-term rental as advertised, whichever is greater, for a third and any subsequent verified violation.

G. A vacation rental or short-term rental that fails to apply for a local regulatory permit or license in accordance with subsection B, paragraph 5 of this section, within thirty days of the local regulatory permit or license application process being made available by the city or town issuing such permits or licenses, must cease operations. In addition to any ~~fines~~ CIVIL PENALTIES imposed pursuant to subsection F of this

section, a city or town may impose a civil penalty of up to $1,000 per month against the owner if the owner or owner's designee fails to apply for a regulatory permit or license within thirty days after receiving written notice of the failure to comply with subsection B, paragraph 5 of this section.

H. If multiple verified violations arise out of the same response to an incident at a vacation rental or short-term rental, those verified violations are considered one verified violation for the purpose of assessing civil penalties or suspending the regulatory permit or license of the owner ~~or owner's designee~~ pursuant to this section.

I. If the owner of a vacation rental or short-term rental has provided contact information to a city or town pursuant to subsection B, paragraph 4 of this section and if the city or town issues a citation for a violation of the city's or town's applicable laws, regulations or ordinances or a state law that occurred on the owner's vacation rental or short-term rental property, the city or town shall make a reasonable attempt to notify the owner or the owner's designee of the citation within seven business days after the citation is issued using the contact information provided pursuant to subsection B, paragraph 4 of this section. If the owner of a vacation rental or short-term rental has not provided contact information pursuant to subsection B, paragraph 4 of this section, the city or town is not required to provide such notice.

J. This section does not exempt an owner of a residential rental property, as defined in section 33-1901, from maintaining with the assessor of the county in which the property is located information required under title 33, chapter 17, article 1.

K. A vacation rental or short-term rental may not be used for nonresidential uses, including for a special event that would otherwise require a permit or license pursuant to a city or town ordinance or a state law or rule or for a retail, restaurant, banquet space or other similar use.

L. For the purposes of this section:

1. "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING PRESCRIBED IN SECTION 9-461.18.

~~1.~~ 2. "Online lodging marketplace" has the same meaning prescribed in section 42-5076.

~~2.~~ 3. "Transient" has the same meaning prescribed in section 42-5070.

~~3.~~ 4. "Vacation rental" or "short-term rental":

(a) Means any individually or collectively owned single-family or one-to-four-family house or dwelling unit or any unit or group of units in a condominium or cooperative that is also a transient public lodging establishment or owner-occupied residential home offered for transient use if the accommodations are not classified for property taxation under section 42-12001.

(b) Does not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or another similar use.

~~4.~~ 5. "Verified violation" means a finding of guilt or civil responsibility for violating any state law or local ordinance relating to a purpose prescribed in subsection B, D, F or K of this section that has been finally adjudicated.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Shannon Anderson, Senior Deputy City Manager

Co-Submitter: Marianne Sullivan, Sr Assistant City Attorney, and Greg Clifton, City Manager

Date: 09/25/2024

Meeting Date: 10/01/2024

TITLE:

~~**Consideration and Adoption of Resolution No. 2024-42 and Ordinance No. 2024-25:** A resolution of the Flagstaff City Council declaring as a public record that certain document filed with the City Clerk and entitled "Noise Control Amendments" and an ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code, Title 6, Police Regulations, Chapter 6-08, Noise Control, by adopting by reference that certain document entitled "Noise Control Amendments"; providing for repeal of conflicting ordinances, severability, authority for clerical corrections, and establishing an effective date.~~

STAFF RECOMMENDED ACTION:

~~At the October 1, 2024 Council Meeting:~~
~~1) Read Resolution No. 2024-42 by title only~~
~~2) City Clerk reads Resolution No. 2024-42 by title only (if approved above)~~
~~3) Read Ordinance No. 2024-25 by title only for the first time~~
~~4) City Clerk reads Ordinance No. 2024-25 by title only (if approved above)~~
~~At the October 15, 2024 Council Meeting:~~
~~5) Adopt Resolution No. 2024-42~~
~~6) Read Ordinance No. 2024-25 by title only for the final time~~
~~7) City Clerk reads Ordinance No. 2024-25 by title only (if approved above)~~
~~5) Adopt Ordinance No. 2024-25~~

Executive Summary:

In December 2022, City Council adopted the vehicle noise ordinance and requested a combined work group discuss nuisance noise. The combined work group of the Downtown Business Alliance, business owners, residents, and City staff met to review other ordinances and came to a consensus to not use decibels and focus on minor updates to the existing policy.

City staff presented potential updates to the existing policy to City Council on September 24, 2024 and received their feedback on what they would like to see in the proposed Nuisance Noise Ordinance. City staff will present the updated Noise Control Chapter in the City Code to reflect City Council's direction.

Financial Impact:

None.

Policy Impact:

City Code Chapter 6-08 Noise Control will be updated to include revisions to the Section on Nuisance Noise.

Previous Council Decision or Community Discussion:

The following are some of the Council and Community discussions related to the Noise Control Chapter of the City Code:

â€¢ January 2020: "Intentional Noise Pollution" Petition Presented to Council
â€¢ June 2021: Council Requested a Draft of a Nuisance Noise Ordinance
â€¢ September 2021: Initial Draft of Ordinance Presented to Council
â€¢ January 2022: Council Requested Sound Study
â€¢ June 2022: Sound Study Completed
â€¢ June 2022: Two Coffee with a Cop Events Focusing on the Sound Study
â€¢ August 2022: Southside Neighborhood Sound Study Discussion Meeting
â€¢ October 2022: Press Release and Townhall Meeting to Solicit Community Input
â€¢ December 2022: Adopted Vehicle Noise Ordinance and requested a combined work group to discuss nuisance noise

Options and Alternatives to Recommended Action:
- City Council may recommend additional revisions to the Noise Control Chapter of the City Code
- City Council may adopt the presented revisions to the Noise Control Chapter of the City Code
- City Council may suggest other options for consideration

Connection to PBB Priorities and Objectives:
- High Performing Governance: Encourage public trust through transparency, accessibility, and use of the City's public participation policy
- Safe and Healthy Community: Provide public safety services with resources, staff and training responsive to the community's needs
- Robust and Resilient Economy: Support and strengthen a robust, diverse, and sustainable economy

Connection to Regional Plan:
- Goal E&C.8.1. Establish location-appropriate sound management tools with measurable criteria.

Connection to Carbon Neutrality Plan:
None.

Connection to 10-Year Housing Plan:
None.

Connection to Division Specific Plan:
None.

Attachments:

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Mac McNamara, Water Services Section Director

Co-Submitter: Shannon Jones

Date: 09/26/2024

Meeting Date: 10/01/2024

TITLE

Discussion and Direction: Regional Plan modification to allow the option to provide water and sewer service outside Urban Growth Boundary upon City of Flagstaff Council approval.

STAFF RECOMMENDED ACTION:

City Council's support for the Flagstaff Regional Land Use Plan 2045 modification to allow water and sewer services to be extended outside the Urban Growth Boundary to properties that will not be considered for annexation in the future, when the extension of water and sewer service is practical and in the best interest of the City of Flagstaff as determined by approval of the City of Flagstaff.

Executive Summary:

The Flagstaff Regional Plan is a policy guide, serving as the general plan for the City of Flagstaff and an amendment to the Coconino County Comprehensive Plan. As mandated by state law, the plan covers a range of topics with information on current conditions and our vision for the future as it relates to the topic at hand. In addition, the plan outlines carefully developed goals and policies to realize the future vision. Strategies to accomplish these goals and policies are located in a separate document and are considered dynamic, as they can be updated with City Council and public direction during the annual review process. The Flagstaff Regional Plan 2030 does not allow water services to be provided outside the Urban Growth boundary without a major plan amendment. The proposed revisions would provide flexibility to work with property owners within the Region and would allow the urban growth boundary to be amended by a Minor Regional Plan Amendment.

Proposed Regional Plan 2045 Policy: Policy WR.5: Provide sustainable and reliable water and sewer services within the Urban Growth Boundary. Implementing Department Staff should

- Extend water and sewer services to properties within the Urban Growth boundary but outside the City limits with an annexation approval or a pre-annexation agreement.
- Considered expansion of the urban growth boundary in support of economic recruitment and retention, and the creation of affordable housing opportunities.
- Not extend water and sewer services beyond the Urban Growth Boundary unless an analysis shows the service can be provided without impacting the availability of water to property owners already within the boundary.
- Not extend water services without sewer to maintain the ability to recycle and use reclaimed water.

Options and Alternatives:

1. Support a modified policy for the 60 day public review so that staff may solicit comment on this concept; or

2. Do not support a modified policy and maintain the current proposed policy that water and sewer services should not be extended to properties that are outside the Urban Growth Boundary without a major plan amendment.

Information:
Addressing water resources on a regional basis is challenging and complex. Although the entire Flagstaff Regional Plan area relies generally on the same resources (groundwater and surface water), the management and delivery of the water involves a number of different systems. The City of Flagstaff is the primary water provider within the region, serving most property within the City's jurisdictional boundary and also to water haulers (commercial and individuals) who transport the water to homes and businesses within the unincorporated areas of the county. Coconino County is not a water provider, but there are a variety of private water systems serving some of the outlying county communities and subdivisions, as well as small wells serving individual homes. As a natural resource, water knows no jurisdictional boundaries; the commodity of water, however, has been relegated to jurisdictions for regulatory and delivery purposes.

Modifying the Regional Plan to allow for water and wastewater services outside the Urban Growth Boundary has the potential for several benefits:

- Fewer people drilling wells for development, minimizing regional impact, and improving water security like wellhead protection.
- Reduction of traffic and carbon emissions by reducing water hauling.
- Improved fire protection in the region from fire hydrants outside the Urban Growth Boundary.
- Overall regional community resiliency with flexibility of shared resources through droughts, wildfires, water emergency, and climate change.
- Capturing more wastewater to produce more reclaimed water, would give us the ability to treat and recycle more of the wastewater from the community.
- Collect capacity fees from people who have not "bought" into the system but still get service by hauling water.
- The ability to control construction standards Potential enforcement of conservation measures.
- The ability to control engineering and construction standards.

The process to update the Regional Plan 2045 included extensive community outreach. Input from the public, agencies, the business community, nonprofit organizations, civic groups and others shaped the focus of this Plan and defined its priority areas. Based on collective community input, the Plan reflects the desire to support inclusivity and sustainability while being good stewards of natural and cultural resources. The participants in this process identified the Region's highest priorities as:

- Create more housing attainability in all the Region's neighborhoods and centers to mitigate displacement and reduce housing costs.
- Create mixed-use, denser neighborhoods that support a variety of housing types, and active transportation.
- Reduce community-generated climate pollution and protect air quality.
- Protect the Region's significant natural and cultural resources.
- Expand the Region's preparedness and resilience to hazards and climate change.

The Region's ability to move the needle on these priorities was tested through an exploratory scenario planning process. This effort showed that incentivizing infill and development within the urban growth boundary could result in a 20% reduction in the housing costs compared to today and that this could be achieved without increasing intensity and density of development outside of the urban growth boundary. Infill and development within the urban growth boundary could also improve resiliency and the ability to meet the goals of the Active Transportation Master Plan and the Carbon Neutrality Plan to reduce vehicle miles traveled. Outward development also increases the vulnerable properties in the wildland urban interface and the areas that may be vulnerable to flooding post wildfire. Allowing for a more flexible approach to water services provisions helps meet these same goals in different ways by reducing the water hauling needs of the Region and providing more stable water sources for nearby developments. When water services are provided without annexation or pre-annexation agreements, the City will need to carefully craft service contracts with property owners to ensure unintended subdivisions do not occur.

Staff would like to open this topic up for conversation during the 60-day public review, scheduled to begin on October 20, 2024, by proposing a more flexible policy. The results of this engagement can be brought back to the Water Commission and the City Council in early 2025.

Note: If the Water Commission and Regional Plan Committee both support or oppose this modified policy, Council may choose to move to accept their recommendations

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Attachments:

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Stacy Saltzburg, City Clerk

Date: 09/26/2024

Meeting Date: 10/01/2024

TITLE

Future Agenda Item Request (F.A.I.R.): A Citizens' Petition titled "Jack Welch Memorial Bridge at Picture Canyon"

STAFF RECOMMENDED ACTION:

Council Direction

Executive Summary:

In accordance with Art. II, Sect. 17 of the Flagstaff City Charter, any citizen may present a written petition to the City Manager, signed by a minimum of 25 citizens from the City...who shall present it to the Council at its next regular meeting. The attached petition was filed with the City Clerk's Office on September 5, 2024, requesting that the City Council "name the bridge over the Rio de Flag in Picture Canyon the 'Jack Welch Memorial Bridge' "

Information:

Chapter 1-12 of the Flagstaff City Code formalizes the information to be required, and the attached petition conforms to those requirements. As outlined in this chapter, the petition is to be submitted to the Council under Future Agenda Item Request (F.A.I.R.) to determine if there is Council interest in placing the item on a future agenda for consideration.

Attachments: Petition #2024-05

PETITION TO FLAGSTAFF CITY COUNCIL

Pursuant to Flagstaff City Charter Article II Section 17 and Flagstaff City Code Title I Chapter 12

RECEIVED SEP 05 2024 BY:

Pursuant to the Flagstaff City Charter and the City Code, any citizen (resident) of the City may present a written petition to the City Manager, signed by a minimum of 25 citizens from the City of Flagstaff, which shall be presented to the City Council.

Title of Issue: Proposed - JACK WELCH MEMORIAL BRIDGE at Picture Canyon

Action Requested: see attached

Printed Name of Submitter: Jane Jackson

(Submitter must also sign below and complete information)

Contact Information: jejackson541@gmail.com 602-568-6395

(Phone Number and/or e-mail address)

PETITION SIGNATURES

DATE SIGNED	PRINTED NAME	RESIDENCE ADDRESS	SIGNATURE
8-12-24	Kathleen Walsh	[redacted]	Kathleen Walsh
8-12-24	JOHN NOLL		John Noll
8-12-24	MICHAEL SCOTT		Michael Scott
8-12-24	Theodora Scott		Theodora S. Scott
8-12-24	JANICE RAYMAN		Janice Rayman
8-12-24	Kathy Noll		Kathryn R. Noll
8-13-24	JOHN E. DRASSLER		John E. Drassler
8-12-24	Louis Lucero		
8/13/24	Ann Schaffner		Ann Schaffner
8-13-24	Colleen Mahill		

RECEIVED BY CITY OF FLAGSTAFF		
DATE RECEIVED	**BY**	**COUNCIL MEETING DATE**
9/5/24	Stacy Saltzburg	10/01/2024

Petition to Flagstaff City Council

Title of Issue: Proposed Jack Welch Memorial Bridge at Picture Canyon

Action Requested: With support of many Friends of Jack Welch and City Staff, we propose naming the bridge over the Rio de Flag in Picture Canyon the 'Jack Welch Memorial Bridge.'

With the recent 1-year anniversary of Jack's passing (July 21, 2023), it's timely to memorialize Jack's many and enduring contributions to Flagstaff.

He was instrumental in garnering support for the City's acquisition of Picture Canyon in 2012 and transition to Picture Canyon Natural and Cultural Preserve. Many Flagstaff residents' initial awareness of Picture Canyon sprung from one of Jack's numerous Walks. In 2016, Open Spaces Commission recognized him for leading his 100th public walk in Picture Canyon.

Jack contributed to many City Departments and Programs including: Bicycle and Pedestrian Advisory Committees, Sustainability and Environmental Management, Traffic Commission, Disability Awareness Commission; Beautification and Public Art Commission.

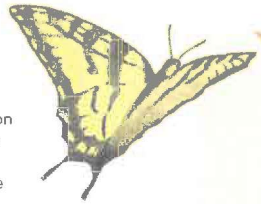
He volunteered with numerous Community organizations including: National Park Service volunteer at Wupatki National Monument; Member of Friends of Northern Arizona Forests, Friends of the Rio de Flag, Flagstaff Biking Organization, Flagstaff Trails Initiative and Arizona Trail Association.
Jack's twice monthly Flagstaff Trailheads was among the most popular in the Arizona Daily Sun.
He was the Flagstaff Citizen of the Year in 2009 and recognized by "Best of Flagstaff" as Volunteer of the Year in 2011.

Elements to be incorporated into the Memorial Plaque are yet to be finalized, and will be designed in coordination with PROSE staff.

From Martin Ince, Multimodal Transportation Engineer upon Jack's passing last year;

"Jack moved to Flagstaff in 1998 from St. Louis, and immediately made an impact on his adopted hometown.
Jack helped form the Bicycle Advisory Committee, and almost single-handedly started the Pedestrian Advisory Committee, long before they were official City committees. For a number of years he organized Pedestrian Awareness Week, which later morphed into Flagstaff Walks!.
For many years Jack led a series of walks all over Flagstaff and the surrounding area. He often conducted several walks per week, and it was not unusual to have 20-30 people along. The walks were social and enjoyable, and explored beautiful places, but he typically included an educational component as well – the history of the place, future plans for a trail, open space etc.
There was a time when, if we held a public meeting or conducted a community survey, we would only get good participation if Jack sent the word out to his legions of followers.
Jack leaves an amazing legacy of advocacy for walking, biking, trails, and open space, and inspiration for the whole community. He will be missed."

HOW TO GET THERE



From downtown Flagstaff, travel east on Route 66 for 4 miles. Turn right at the Auto Park sign to remain on Historic Route 66. Turn left on El Paso Flagstaff Road and a parking area is located approximately 1 mile down the road on the right side.

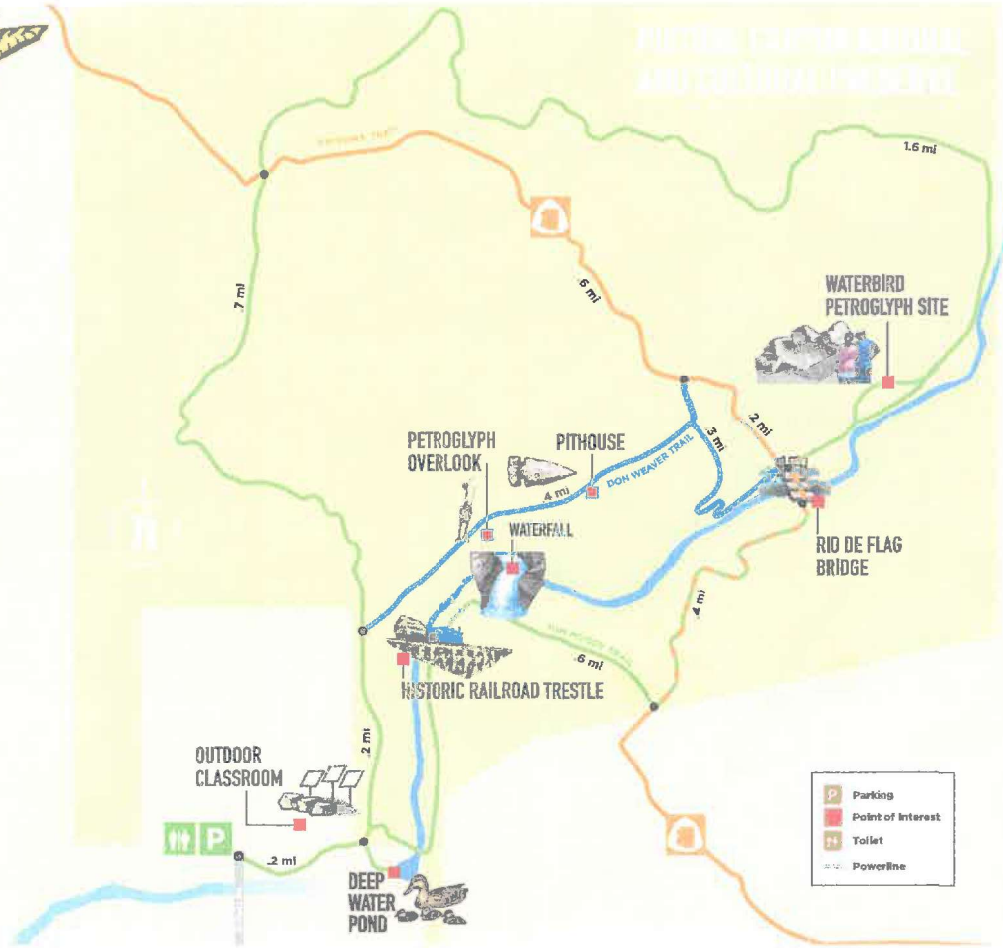
RECREATIONAL OPPORTUNITIES

TOM MOODY TRAIL – **3.9 mile loop trail** with canyon vistas, extensive petroglyph panels, and interpretive areas. Travel counter-clockwise for an easy 0.4 mile one-way walk to the the waterfall.

DON WEAVER TRAIL – **0.7 mile educational trail** that travels through a portion of the canyon and proceeds along a pipeline access road. Provides access to vistas and cultural resource points of interest. To view the spectacular Waterbird petroglyph site, proceed 0.1 miles east on the Tom Moody Trail from the bridge.

ARIZONA TRAIL – **1.2 mile** segment of the 800+ mile trail that stretches from Mexico to Utah traverses through the Preserve. Access the Arizona Trail via the Tom Moody Trail.

Scan this QR code to download an interactive map of the Picture Canyon trail system to your smartphone using the Avenza app.



RULES AND REGULATIONS

Prohibited Use: Picture Canyon is closed to motorized vehicles, hunting, camping, campfires, fuelwood collection, and overnight uses.

Respect Wildlife: Picture Canyon provides ample opportunity to observe wildlife, but please do so from a distance to ensure your safety. Hunting is strictly prohibited within the Preserve.

Equestrian Use: Horses are permitted within Picture Canyon but to protect the trails, please do not ride your horse during wet conditions.

Leave No Trace: Dispose of your waste properly by taking it home with you.

Respect Cultural Resources: Picture Canyon is a very important cultural site in northern Arizona. Please help us protect these fragile resources by not touching petroglyphs or taking anything home with you.

Keep Pets on a Leash: Be mindful of other visitors by keeping your pet on a leash. To enhance visitor experiences and reduce environmental impacts, please pick up after your pet.

Be Prepared: Bring comfortable walking shoes, sun protection, and ample amounts of water with you for your visit to the Preserve.

PICTURE CANYON

For more information about Flagstaff natural areas:
www.flagstaff.az.gov/OpenSpace · 928-213-2154
www.flagstaff.az.gov/PictureCanyon

Stay up-to-date with the latest Picture Canyon news by following our Facebook page *https://www.facebook.com/FlagstaffOpenSpace/*

PETITION TO FLAGSTAFF CITY COUNCIL (Continued)

TITLE OF ISSUE: Proposed Jack Welch Memorial Bridge PAGE 2 OF

DATE SIGNED	PRINTED NAME	RESIDENCE ADDRESS	SIGNATURE
8/6/24	SHANNON CLARK	[redacted]	Shannon Clark
8/6/24	Barbara Linthicum		Barbara Linthicum
8/6/24	Christine Cox		Christine L Cox
8/6/24	Christine Orr		Christine Orr
8/6/24	Mary E Brown		Mary E Brown
8-16-24	JO-ANN Vigil		Jo-Ann Vigil
8-6-24	Nancy Marshall		Nancy Marshall
8/6/24	Rick Mullen		
8/6/24	DUNCAN ORR		
8/8/24	William Wade		
8/8/24	Ellen Wade		E C Wade
8/11/24	DON CARTER		Don Carter
8/11/2024	Karen Malis-Clark		Karen Malis-Clark
8/13/2024	Charles M. King		
8/13/2024	Sharon J. King		
8.13.2024	Michael Stallwhite		
8/14/2024	WM. Michael Wilson		
8-14-2024	Elaine Laemmle		86004
8/14/2024	David Spence		David A. Spence
8/14/24	BILL SANDERCOCK		Bill Sandercock
8/14/24	IRMA SANDERCOCK		Irma Sandercock
8/14/24	Roy H. May Jr.		
8/14/24	Karen Enyedy		Karen Enyedy

02/2016

PETITION TO FLAGSTAFF CITY COUNCIL (Continued)

TITLE OF ISSUE: Proposed Jack Welch Memorial Bridge **PAGE** 3 **OF** _____

DATE SIGNED	PRINTED NAME	RESIDENCE ADDRESS	SIGNATURE
8/15/24	Melinda Bell	[redacted]	Melinda Bell
8/15/24	Debra McMahon		DMcMahon
8/15/24	Vera Markgraf		Vera Markgraf
8/15/24	Gisela Kluwin		Gisela Kluwin
8/16/24	JEFF GOULDEN		
8/17/24	BARRY KOETJ		
8-17-24	Joan Degenkolb		Joan Degenkolb
8-17-24	David Sanders		
8-17-24	Gretchen Wilca		
8-17-24	M.A. Colacarro		M.A. Colacarro
8/17-24	Margie Goulden		Margie Goulden
8/19/24	Jacob Lesandrini		
8/19/2024	Andrea Michaels		A. A. Michaels
~~8/19 AUG 24~~	~~DAVID MICHA~~		
8/19/2024	DAVID MICHAELS		
8/21/24	Antonette Johnson		Antonette Johnson
8/21/2024	Ruth Ann DeCou		Ruth Ann DeCou
8/21/2024	JOAN HADDEN		
8-21-24	Teddy Scott		Teddy Scott
8-21-24	Shirley Wunsch		Shirley Wunsch
8/25/24	Mickey Houston		Mickey Houston
8/25/24	Mikah Rosanova		
8/25/24	Sarah White		