

## WORK SESSION AGENDA

CITY COUNCIL WORK SESSION  
TUESDAY  
OCTOBER 8, 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](mailto: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 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.*

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. **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.*

5. **Review of Draft Agenda for the October 15, 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.*

6. **Proclamation:** Indigenous Peoples' Day

7. **Proclamation:** Housing America Month

8. **Proclamation:** Disability Awareness Month

9. **Presentation from Commission on Inclusion and Adaptive Living for On-Demand Wheelchair Accessible Vehicles (WAV)**

The Commission on Inclusion and Adaptive Living will present information regarding the need for On-Demand Wheelchair Accessible Vehicles in Flagstaff

10. **John Wesley Powell Project Update**

JWP Team will provide an update on the status of the JWP Project. The update will also include time to answer questions and have a discussion with Council.

11. **Beulah/University Realignment Project Update**

City Staff will provide an update on the status of the Beulah/University Realignment Project. The update will also include time to answer questions.

12. **Discuss the proposed expansion of the Community Homebuyer Assistance Program (CHAP) to incorporate bond funds resulting from Proposition 442**

Obtain feedback from Council on the proposed expansion of the existing Community Homebuyer Assistance Program (CHAP).

13. **Discussion of possible revisions to the Nuisance Noise Ordinance**

Direction from City Council on possible revisions to the Nuisance Noise Ordinance.

14. **Open Call to the Public**

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

16. 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](mailto: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:** 10/03/2024  
**Meeting Date:** 10/08/2024



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**TITLE:**

**Presentation from Commission on Inclusion and Adaptive Living for On-Demand Wheelchair Accessible Vehicles (WAV)**

**DESIRED OUTCOME:**

The Commission on Inclusion and Adaptive Living will present information regarding the need for On-Demand Wheelchair Accessible Vehicles in Flagstaff

**Executive Summary:**

**Information:**

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**Attachments:** [WAV Presentation](#)  
[Letter of Support for WAV](#)



**What is a WAV?**

# WAV – Wheelchair Accessible Vehicle



## WAV Types:

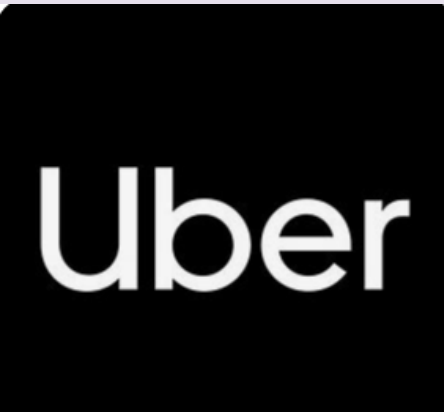
- Rear Ramp deployment
- Side Ramp deployment



# OUR ASK...

## On-Demand WAV

Taxi company, Uber, or Lyft to have a wheelchair accessible vehicle



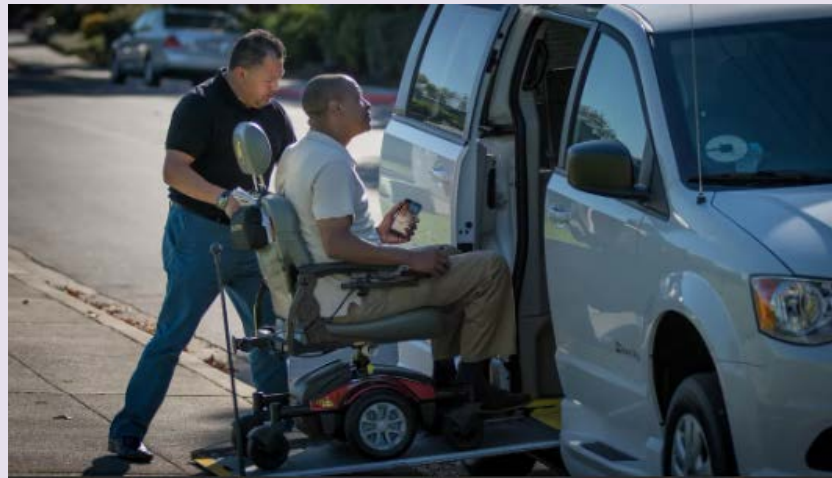
Uber WAV

Rides in wheelchair-accessible vehicles

Enter location

Enter destination

See prices



# What we know...

- There are no wheelchair accessible vehicles (WAV) among taxi, Uber or Lyft providers in Flagstaff.
- Major transportation gap as nearly 8,000 people in Flagstaff or 4% of the population have ambulatory difficulties.
- Based on a 2023 survey conducted with social service agencies in Flagstaff, 73% reported unreliable on-demand WAV access in Flagstaff and 42% reported the need for wheelchair accessible transportation often or all the time.

# Excerpts from Letters of Support

- As an individual with Cerebral Palsy who uses crutches and a manual wheelchair for mobility assistance and does not drive a vehicle, I see on demand wheelchair service as a game changer to reimagine equitable relief. - Jamie M.
- I doubt anyone would disagree that Flagstaff needs to care for all its citizens. Dedicated wheelchair accessible support for those in need is a critical service we need in our community. It is my hope that as a community we can come together and create a solution. - Ann H.
- We are looking for either a taxi company or another business that would maintain the vehicles and either lease them to drivers or possibly hire the drivers and assume all liabilities themselves. - Rachael S.

# Progress...

- WAV subcommittee formed to brainstorm solutions - includes Mountain Line staff and community members
- Conducted a “needs survey” to understand the WAV need in Flagstaff
- Developed WAV Flyer and distributed to 55 locations in Flagstaff
- Research on WAV cost and availability
- Research on most accommodating user-friendly models of WAVs
- Research on other cities WAV service models
- Research on grants and funding opportunities for WAV
- Developed a donation package
- Developed a list of potential financial donors
- Met with National Mobility Equipment Dealers

# Obstacles to overcome...

- A new WAV can cost \$100,000 and used vehicles can range from \$30,000 - \$50,000.
- There is a lack of interest among taxi providers in Flagstaff to purchase a WAV.
- Difficult to find a responsible and reliable taxi company and Uber/Lyft driver in a small urban community.

Thank you! Questions?



To the City of Flagstaff Mayor and Members of the City Council:

The City of Flagstaff Commission on Inclusion and Adaptive Living (CIAL) has been established with the duty to advise the Flagstaff City Council on issues affecting individuals with disabilities in our community. With our duty in mind, we are submitting this letter to provide a voice of support for those members of our community whom we represent.

It has come to the attention of the CIAL that there is a severe lack of wheelchair accessible vehicles (WAV) in Flagstaff, especially among taxi providers, Ubers, and Lyfts. Based on a 2023 survey conducted with social service agencies in Flagstaff, 73% of those responding reported unreliable on-demand WAV access in Flagstaff and 42% reported individuals in need of wheelchair accessible transportation often or all the time.

Due to this severe need that is currently not being met, the CIAL is eager to see more Wheelchair Accessible Vehicles come to Flagstaff so as to provide on demand transportation for all. Subsequently, the CIAL is supporting and assisting the Wheelchair Accessible Vehicle Subcommittee (of the Coordinated Mobility Council) in addressing this service gap with the members of the City Council.

At this time the CIAL is advising the City Council of this unmet need of many members of our community and is asking for the City Council's support of this endeavor. Equity of mobility services for all in Flagstaff is paramount to our city's attempt to provide a safe and accessible environment for all its citizens.

Thank you for your consideration of this matter.

Members of the Commission on Inclusion and Adaptive Living

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** David Pedersen, Capital Improvements Project Manager  
**Co-Submitter:** Michelle McNulty  
**Date:** 09/27/2024  
**Meeting Date:** 10/08/2024




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**TITLE:**  
**John Wesley Powell Project Update**

**DESIRED OUTCOME:**

JWP Team will provide an update on the status of the JWP Project. The update will also include time to answer questions and have a discussion with Council.

**Executive Summary:**

This update to Council will include the updated information on the JW Powell project including alignment, financials, Development Agreement, Trails/Wildlife/Open Space, and the Specific Plan workings.

**Information:**

**Financial Impact:** This project is not currently requesting funding or contractual approval. **Policy Impact:** There are no policy impacts. **Connection to PBB Key Community Priorities/Objectives & Regional Plan:** Sustainable, Innovative Infrastructure Utilize existing long-range plan(s) that identify the community's future infrastructure needs and all associated costs **Environmental Stewardship** Actively manage and protect all environmental and natural resources **Council Goal 2017 -- 2019 - Transportation and Other Public Infrastructure** Deliver quality community assets and continue to advocate and implement a highly performing multi-modal transportation system. **Council Goal 2017 -- 2019 - Environmental and Natural Resources** Actively manage and protect all environmental and natural resources **Region Plan Goal -- Environmentally Sensitive Lands Goals and Policies Goal E&C.7.** Give special consideration to environmentally sensitive lands in the development design and review process. **Team Flagstaff Strategic Plan -- Priority 3** Deliver outstanding services through a healthy environment, resources, and infrastructure. **Has There Been Previous Council Decision on This:** The JW Powell Extension Project has been before City Council 10 times in the past seven years. • 25 October 2016 (Council Work Session) - Discussion on Infrastructure and Public Facilities Planning and Engineering in the John Wesley Powell Boulevard area. • 6 February 2018 (Council Meeting) - Award of contract to Peak Engineering for design and planning services. • 24 April 2020 (Council Budget Retreat) - JW Powell Blvd Extension discussed during the Capital Programming update. • 27 October 2020 (Council Work Session) -- Land Use Framework and engineering design update shared for the original alignment. • 5 October 2021 (Council Meeting) -- Project update and Change Order 4 approved by Council. • 31 March 2022 (Five-Year Summary Retreat) -- JW Powell Blvd Extension discussed in project prioritization. • 22 April 2022 (Council Budget Retreat) -- JW Powell Blvd Extension discussed during the Capital Programming update. • 28 June 2022 (Council Meeting) -- Council direction sought on proposed alignment for new roadway. • 7 July 2022 (Council Meeting) -- Council finalized proposed alignment for new roadway. • 30 May 2023 (Council Meeting) -- Project update and discussion on Specific Plan and Scope of Change Order 5. • 9 April 2024 (Council Meeting) -- Project update. **Background/History:** On 20 February 2018, City Council approved the contract with Peak Engineering, Inc. for the John Wesley Powell Area Specific Plan Study to develop a Specific Plan to guide the future private development of public infrastructure, utilities and public facilities (schools, fire/police stations, libraries, parks, etc.). In November 2018, voters approved Proposition 419 which allocated a proportional share of funding for roadway and bike and pedestrian improvements along the future John Wesley Powell Boulevard extension. On 27 October 2020, City Staff and the JW Powell Design Team presented an update to City Council regarding the current design work and the Land Use Framework. On 28 January 2021, the JW Powell Design Team conducted a corporate meeting with the small-parcel property owners and consequential one-on-one meetings with small-



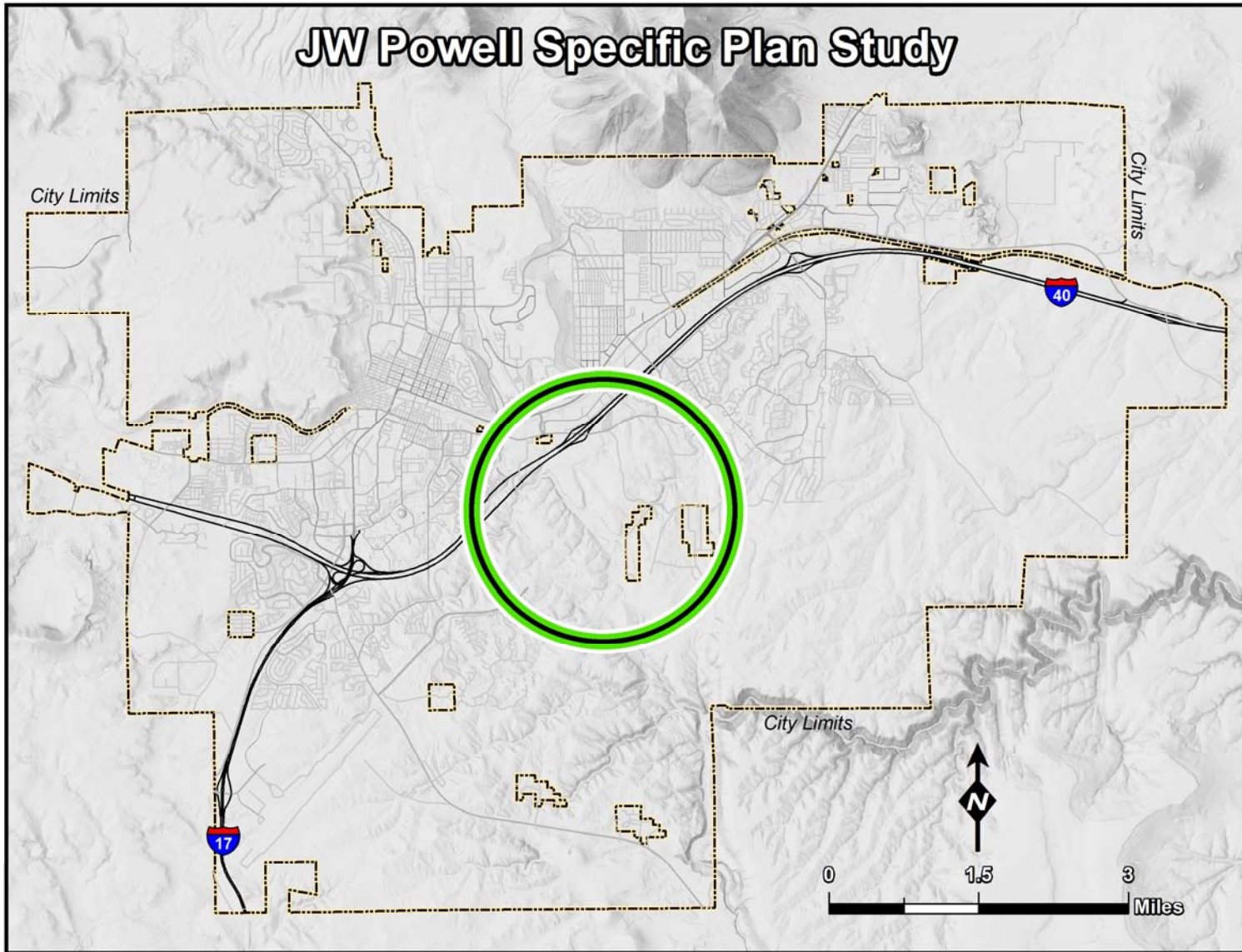
# JWP Extension

Project Update

October 8, 2024



# JW Powell Specific Plan Study





# Background



- **2018**
  - City hires Peak Engineering for the JWP Specific Plan Study
  - Voters approve Prop 419 to allocate a proportional share of funding (40/60)
- **2020 (2x with Council)**
  - City Staff presents Land Use Framework to City Council
- **2021**
  - Town Hall & Meetings with Small-Parcel Property Owners
  - Project Team begins meetings with the large-parcel property owners



# Background



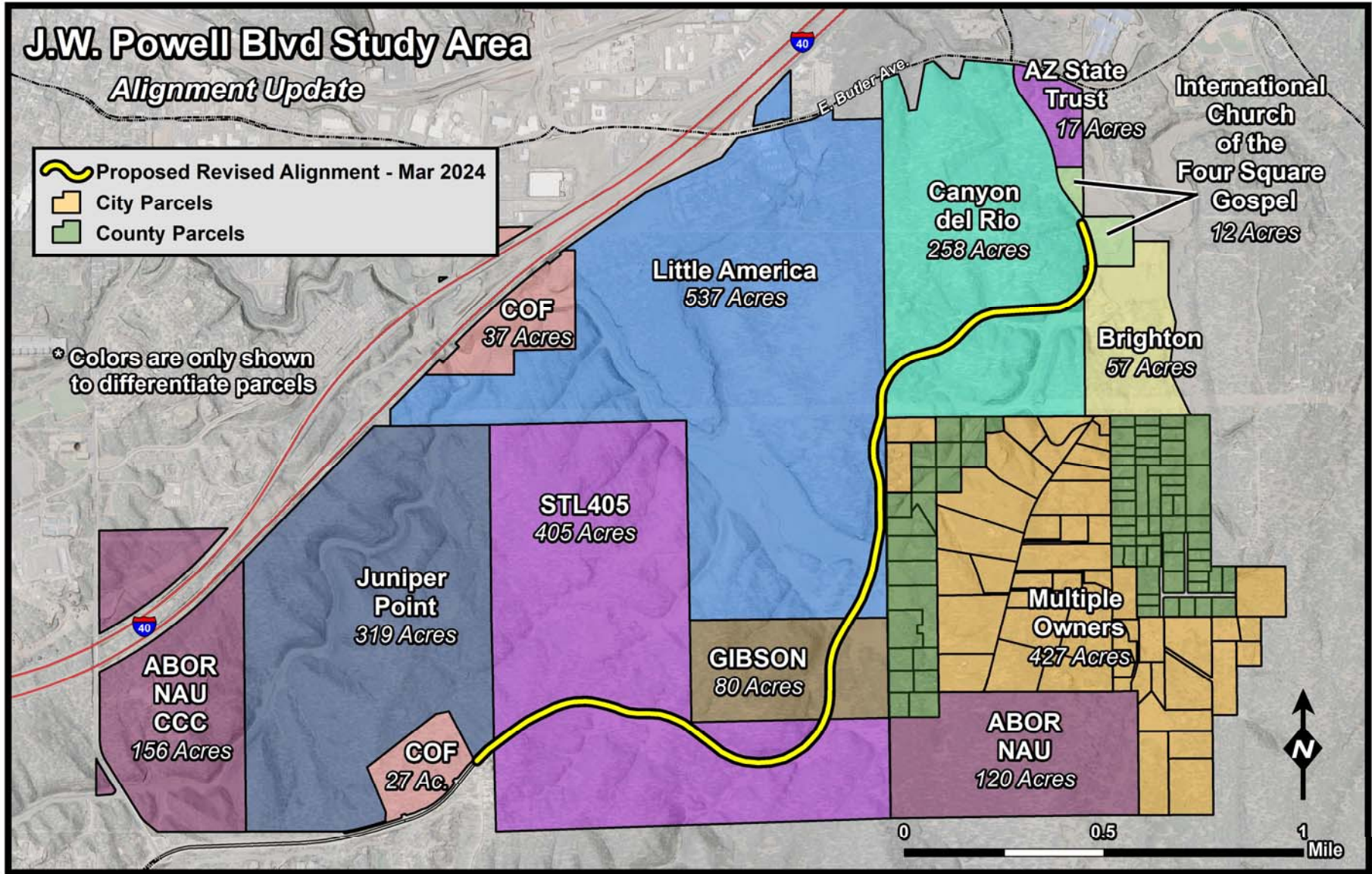
- **2022 (4x with Council)**
  - City Council approves alignment west of the South Fourth Street Corridor
- **2023**
  - Project Update and Discussion on Specific Plan and Scope of Change Order 5
- **2024**
  - Project Update (*April*)

# J.W. Powell Blvd Study Area

## Alignment Update

-  Proposed Revised Alignment - Mar 2024
-  City Parcels
-  County Parcels

\* Colors are only shown to differentiate parcels





# Financial



- **Approximate Design & Construction Costs**
  - \$40,000,000 Design & Construction Cost
- **Continuing discussions with Property Owners on Agreement for Property Acquisition and Payment Structure**



# Development Agreement



- **JWP Alignment**

- General Alignment through Properties Agreed To
- Access Easement Language between Properties in Review

- **Continuing Discussions to Meet and Work with Property Owners**

- Property Acquisition
- Payment Structure
- Utilities



# Trails, Wildlife, and Open Space



- **Arizona Trail**

- New Route through Multiple Properties

- **Rio de Flag Crossing**

- Significant Stormwater Flow (*~3,000 CFS*)
- Lengthy Army Corps/FEMA Process

- **Wildlife Crossing at Rio de Flag**

- Meetings with AZ Game & Fish and Wildlife Crossing Consultant
- Proposed Box Culvert (*Small Animals*)
- Proposed At-Grade Crossing (*Large Animals*)



# JWP Specific Plan



## **Main Components:**

- Trails and Open Space
- Transportation Network (*e.g., Collectors, Locals*)
- Public Facilities (*e.g., School and Fire*)
- Activity Centers



# JWP Specific Plan



## Schedule:

- **November 2024** - *Landowner and community "Kick Off"*
- **February 2025** - *Community Open House #1*
- **April 2025** - *Community Open House #2*
- **June 2025** - *PZC/Council Adoption*





# J.W. Powell Blvd Proposed Alignments

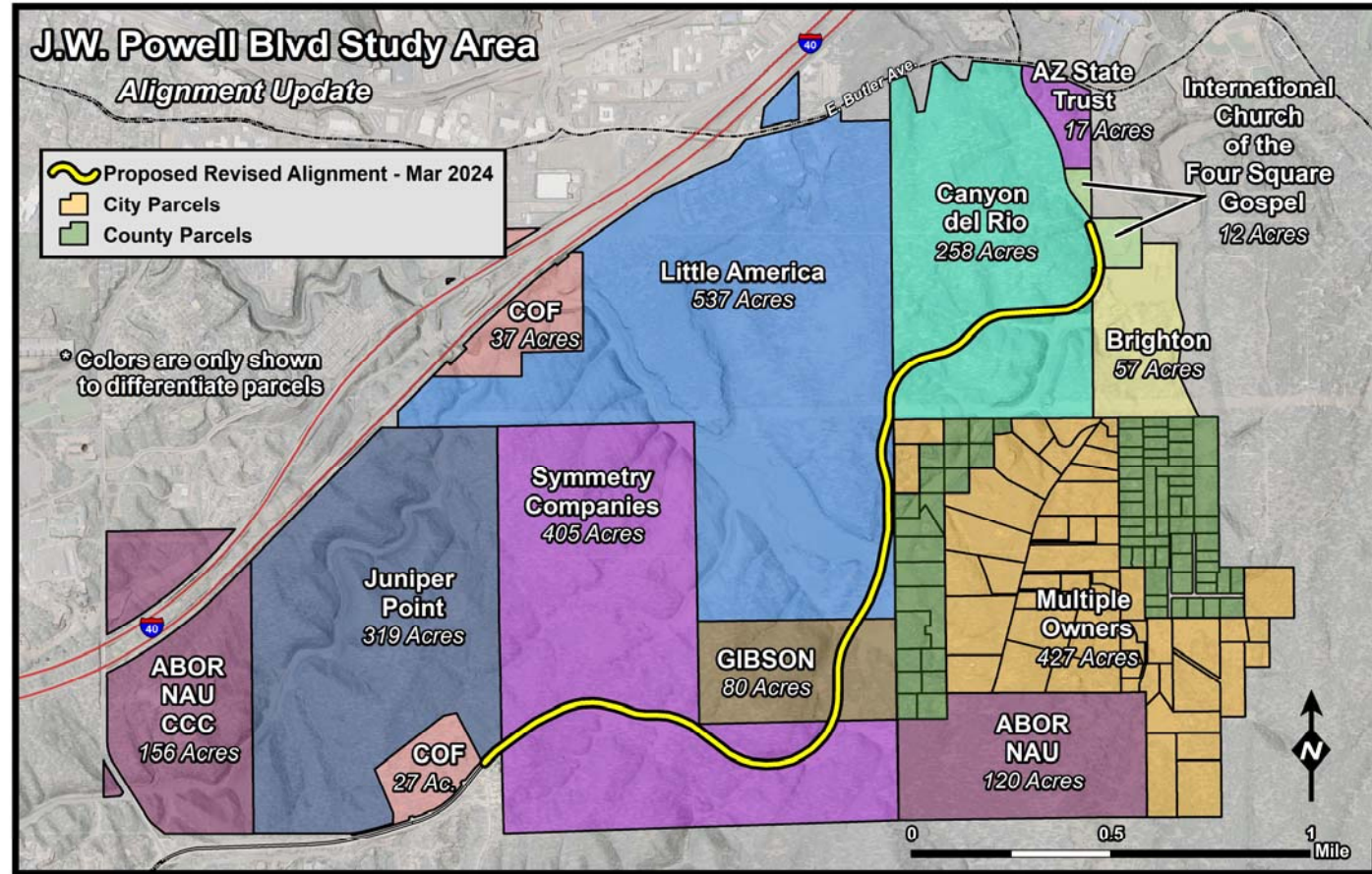


## COMMENTS & QUESTIONS

**David Pedersen**  
Project Manager Sr. Lead  
Capital Improvements  
[dpedersen@flagstaffaz.gov](mailto:dpedersen@flagstaffaz.gov)  
Office :: 928.213.2677





[www.flagstaff.az.gov/jwpspecificplan](http://www.flagstaff.az.gov/jwpspecificplan)




# J.W. Powell Blvd Study Area

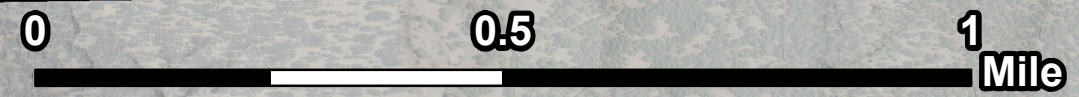
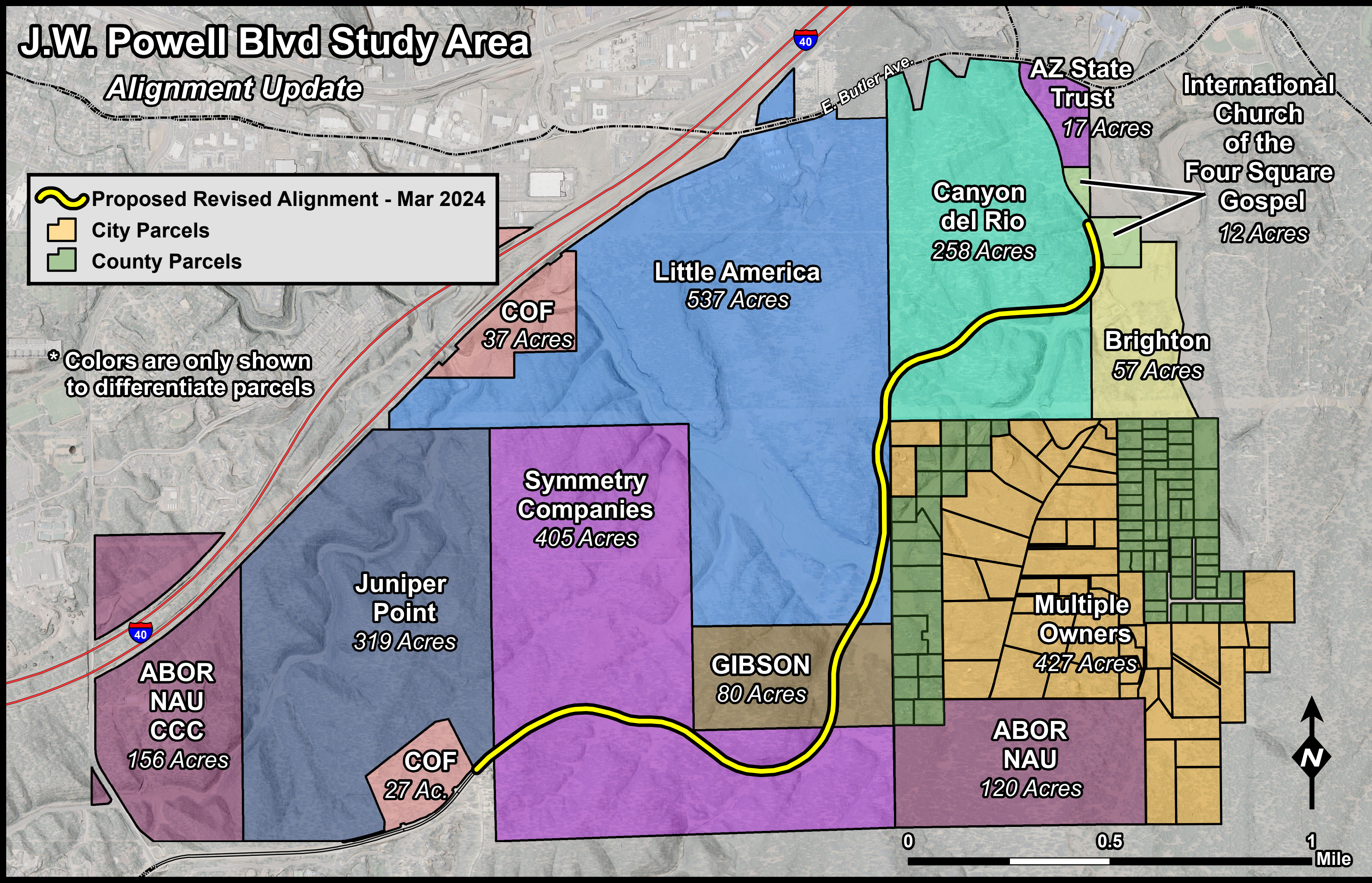
## Alignment Update

 Proposed Revised Alignment - Mar 2024

 City Parcels

 County Parcels

\* Colors are only shown to differentiate parcels



**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** David Pedersen, Capital Improvements Project Manager  
**Date:** 09/28/2024  
**Meeting Date:** 10/08/2024




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**TITLE:**  
**Beulah/University Realignment Project Update**

**DESIRED OUTCOME:**

City Staff will provide an update on the status of the Beulah/University Realignment Project. The update will also include time to answer questions.

**Executive Summary:**

This Council update will include the updated information on the Beulah/University Realignment Project including schedule, phasing, and updated imagery.

**Information:**

**Financial Impact:** This project is not currently requesting funding or contractual approval.

**Policy Impact:** There are no policy impacts.

**Sustainable, Innovative Infrastructure** Utilize existing long-range plan(s) that identify the community's future infrastructure needs and all associated costs

**Council Goal 2017 -- 2019 - Transportation and Other Public Infrastructure** Deliver quality community assets and continue to advocate and implement a highly performing multi-modal transportation system.  
**Council Goal 2017 -- 2019 - Environmental and Natural Resources** Actively manage and protect all environmental and natural resources

**Region Plan Goal -- Environmentally Sensitive Lands Goals and Policies Goal E&C.7.** Give special consideration to environmentally sensitive lands in the development design and review process.

**Team Flagstaff Strategic Plan -- Priority 3** Deliver outstanding services through a healthy environment, resources, and infrastructure.

**Background/History:** The Beulah/University Roadway Realignment Project ("Project") extends the present-day northern terminus of Beulah Boulevard to connect with University Avenue. Furthermore, University Avenue (west of Milton Road) will be realigned to match up with University Drive (east of Milton Road) via a new roundabout where Beulah Boulevard and University Avenue intersect, on the former Fresquez parcel. Additionally, this project will also be constructing a new pedestrian underpass beneath Milton Road, just south of Burger King across to Target. Moreover, the project will also include underground water, sewer, and stormwater infrastructure, several new sections of sidewalks and shared-use paths, as well as landscaping and hardscape throughout the extent of the project.

The engineering design of this Project began in June 2018 by Shephard-Wesnitzer, Inc. (SWI). The 60-percent design plans were presented to City Council on 29 June 2021 at which time City Council directed staff to modify the design with a focus on bike and pedestrian components. The modified design was presented to City Council on 5 October 2021. Since this time the plans are nearly finalized, with the only modifications being incorporating the value engineering items. On 24 September 2021, the City procured Eagle Mountain

Construction (EMC) as the Construction Manager at Risk (CMAR) for the Project. Since then, EMC has been able to assist the design team from the construction contractor perspective. By bringing EMC on board during the design process, they were able speak to constructability, phasing, availability of materials, and construction costs which helps to bring greater accuracy to Project timelines and budget. The team conducted several value engineering workshops and meetings in the fall of 2022, which resulted in significant project savings, without reducing the scope of the Project. These savings are reflected in the GMP which was approved by City Council on 6 December 2022.

Community Benefits and Considerations:

- New bike/pedestrian underpass under Milton Road
- New roadways and bike/ped-friendly roundabout and shared-use paths with greater connectivity to existing roadways and paths
- Realigning University Avenue (west of Milton) with University Drive (east of Milton)
- Replacing aged and undersized existing water and sewer infrastructure
- Improving intersection safety by reconfiguring the roadway geometry and removing surface crossings of Milton Road
- Streetlighting being brought up to City dark skies and engineering standards – Improved roadway drainage throughout the extent of the project
- Coordinating and communicating with project stakeholders to reduce impact to businesses, NAU, community members, and visitors to our community

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Attachments: [Presentation](#)

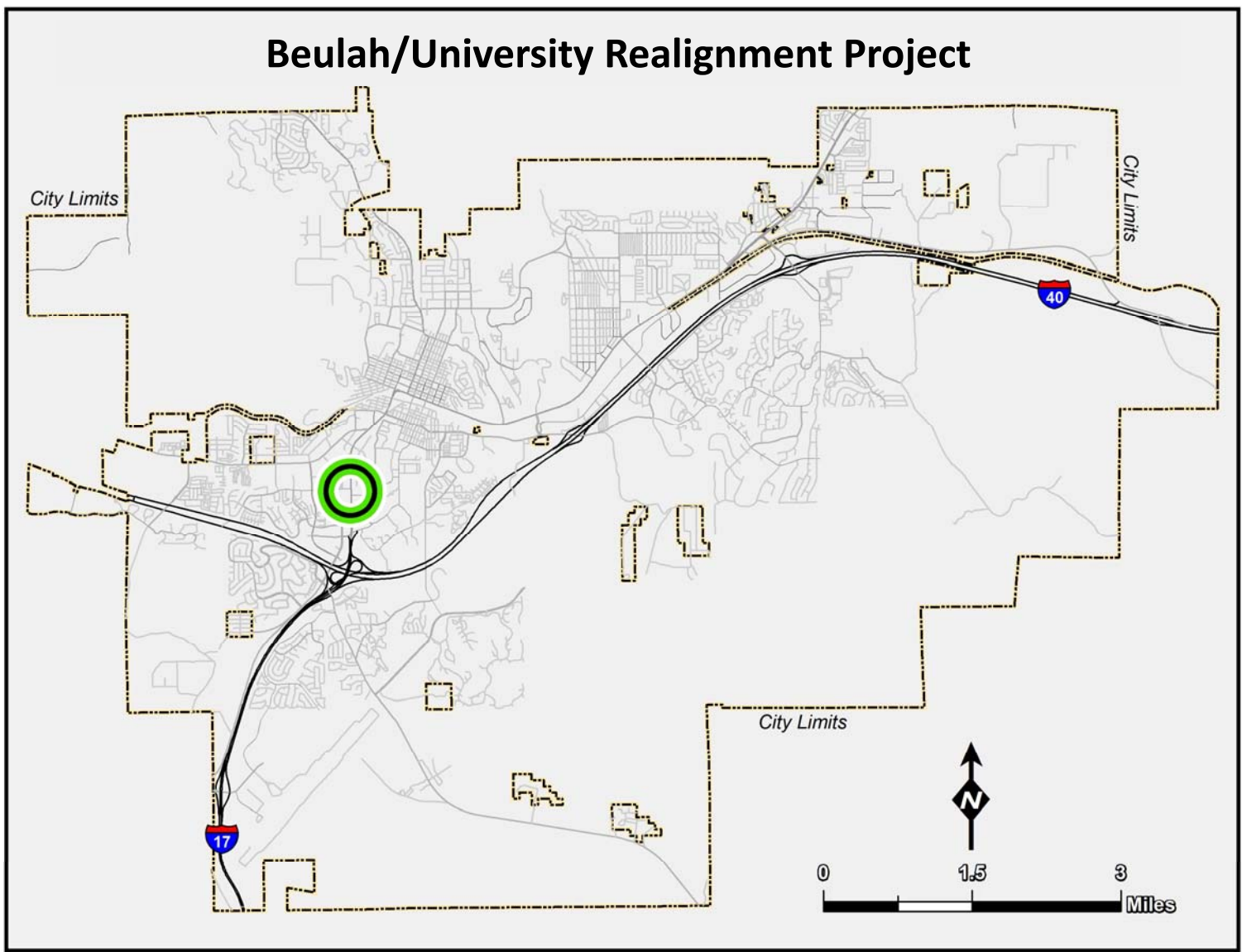


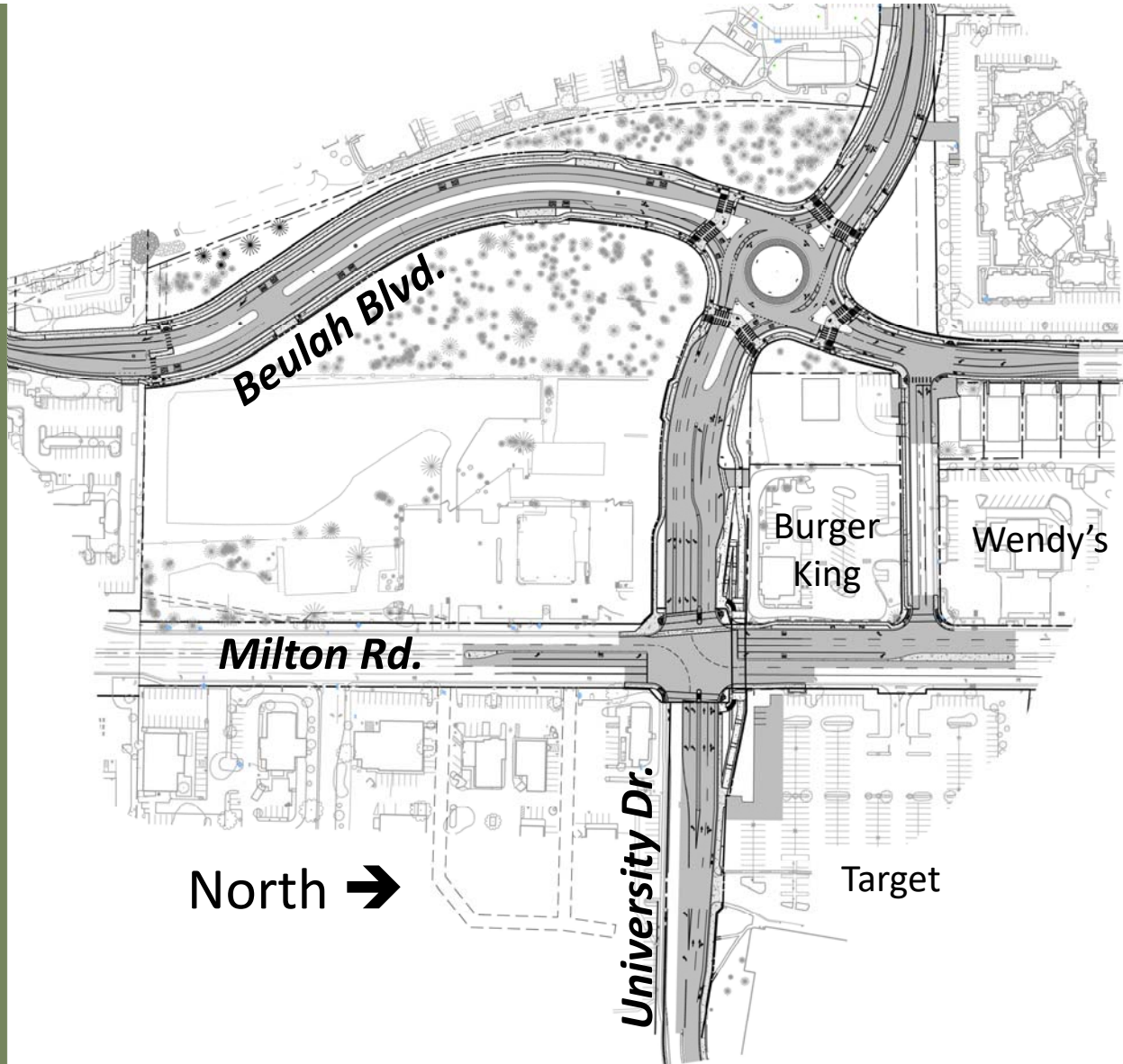
# Beulah/University Realignment Project

8 October 2024



# Beulah/University Realignment Project





North →

*Beulah Blvd.*

*Milton Rd.*

*University Dr.*

Burger King

Wendy's

Target



# Project History



- **May 2000**
  - *Flagstaff voters pass Prop. 403 to establish tax to fund the Project*
- **2005**
  - *City acquires Fresquez 9.58-acre parcel*
- **December 2014**
  - *Private-Public-Partnership (P3) approved by City Council*
- **April 2018**
  - *Mill Town Development Agreement with Vintage Partners approved by City Council*



# Project History



- **June 2018**

- *Shephard-Wesnitzer Inc. (SWI) contracted for engineering design*

- **December 2019**

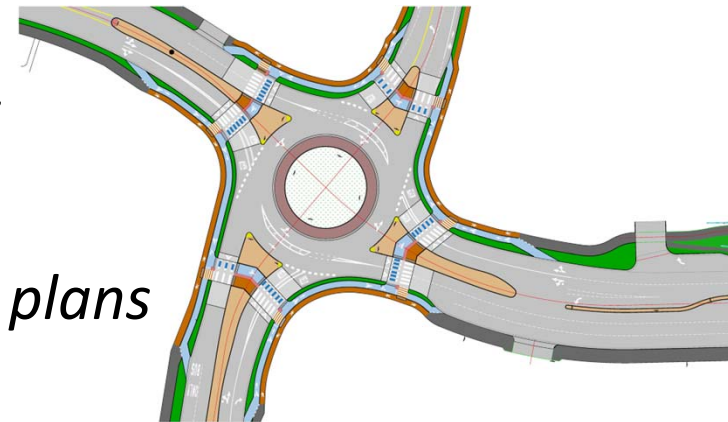
- *City Council approves the Mill Town Final Plat*

- **June 2021**

- *City Council directs City Staff to redesign 60% plans*

- **October 2021**

- *Redesigned 60% plans, with bike and pedestrian improvements, shared with City Council and direction to move to final design given*





# Project History



- **Fall 2022**

- *Value Engineering Efforts with SWI and EMC*

- **December 2022**

- *City Council approves GMP for Construction*

- **April 2023**

- *Notice to Proceed – Construction Begins on Phase 1 (Roundabout = RAB)*

- **August 2024**

- *Construction Moves to Phase 2 (Pedestrian Underpass)*



# Project Schedule



## • **November 2024**

- *All Four Lanes of Milton Re-Opened (until Spring 2025)*
- *Surface Ped Crossing on South Side of Milton/University Intersection*
- *New RAB and Beulah Extension Re-Opened (Not to Milton)*

## • **Winter 2024/2025**

- *Ramps, Stairs, Landscaping Walls on Entries to Tunnel*
- *Eastbound University Drive for NAU Graduation (December)*

## • **Spring 2025**

- *Permanent Pavement, New Medians, and Striping (Milton; Up to RAB)*

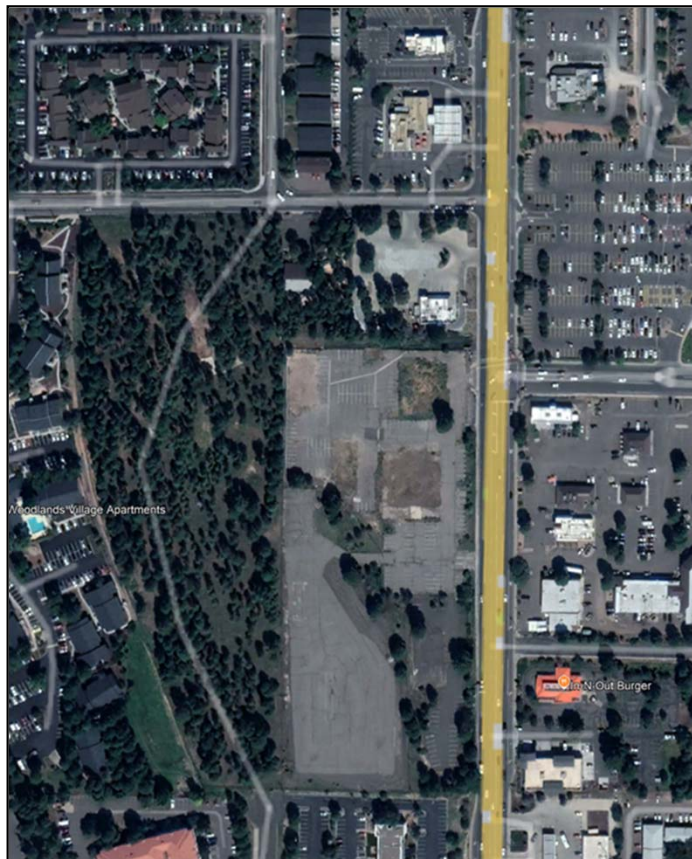
## • **Summer/Fall 2025**

- *Finalize Project: Landscaping, Surface Improvements*

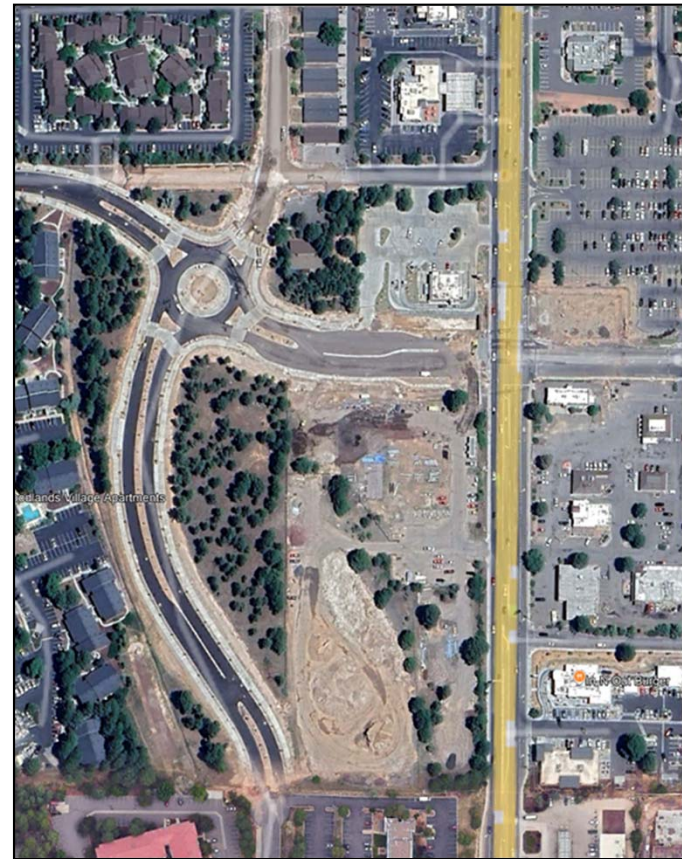


# Project Overview – Before & After

**November 2022**



**August 2024**





# Beulah Blvd Pedestrian Crossing





# Beulah Blvd Pedestrian Crossing





# New Roundabout





# New Roundabout





# Pedestrian Underpass





# Pedestrian Underpass





# Pedestrian Underpass





# Pedestrian Underpass





# Progress



- **Based on Payments Paid**
  - *\$15,014,844 of \$19,309,333 or ~78%*
- **Based on Days of Contract**
  - *546 of 866 or ~63%*





# Questions



## Thank You

**David Pedersen**

*Project Manager Senior Lead  
Capital Improvements  
dpedersen@flagstaffaz.gov  
Office :: 928.213.2677*



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Weekly Updates!**

**Project  
Website**



**SCAN ME**

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Jessica Donohoe, Housing Planner  
**Date:** 09/24/2024  
**Meeting Date:** 10/08/2024



**TITLE:**

**Discuss the proposed expansion of the Community Homebuyer Assistance Program (CHAP) to incorporate bond funds resulting from Proposition 442**

**DESIRED OUTCOME:**

Obtain feedback from Council on the proposed expansion of the existing Community Homebuyer Assistance Program (CHAP).

**Executive Summary:**

Housing staff is proposing a Bond-Funded Homebuyer Assistance Program to assist eligible first-time Flagstaff homebuyers with down payment and closing cost assistance to purchase a home within city limits. This program will utilize general obligation bond funds totaling seven million dollars (\$7,000,000) resulting from the approval of Proposition 442 in November 2022. The program is an expansion of the existing Community Homebuyer Assistance Program (CHAP), currently funded by the City's general fund.

Once Council has reviewed the proposed program, staff will work with Purchasing to conduct a formal Request for Statement of Qualifications (RSOQ) solicitation process to select a service provider to administer the program. Staff will negotiate with the successful respondent, given their industry expertise, to finalize the scope of work and refine program details before returning to City Council for contract approval.

**Information:**

The current Community Homebuyer Assistance Program (CHAP) is the blueprint for the bond-funded program, with adjustments and additional features developed by staff and the Housing Commission.

Launched in 1998 to assist middle-income first-time homebuyers, CHAP facilitates homeownership for Flagstaff residents by providing a one-time loan to eligible households. This program assists households who are mortgage-eligible based on credit and income but lack the cash necessary for the down payment and closing costs associated with purchasing a home.

CHAP is a revolving loan fund and utilizes additional investments of general fund dollars when funding is available. The program was adapted post-recession to meet new lending regulations but faced challenges with fund utilization due to program dynamics that were recently amended by the City Council on October 17, 2023.

The Housing Commission reviewed the proposed program framework at their August and September 2024 meetings. The proposed expanded program has two goals:

- Assist eligible first-time Flagstaff homebuyers with down payment and closing cost assistance for the purchase of a home within City limits
- Create more permanently affordable units in the community in exchange for purchase assistance

## **Prop 442 -- Housing Bond**

In the November 2022 Election, voters approved \$20 million to create rental and homeownership opportunities for Flagstaff residents. Of the \$20 million, \$7 million is designated to assist eligible first-time Flagstaff homebuyers with down payment and closing cost assistance for purchasing a home within City limits. The bond funding alleviates the need for the Council to allocate general fund dollars toward the CHAP program.

### **Overview of Recent CHAP Changes**

On October 17, 2023, there were several Council-approved changes made to CHAP:

- 3:1 matching requirement increased to 8:1
- \$15,000 increased to \$40,000 in maximum assistance per household
- Removal of home purchase price limit

### **Current CHAP Eligibility Criteria**

- U.S. Citizen or legal resident
- First-time buyer, has not owned a home for three years
- Homebuyer education course and housing counseling
- Owner occupancy requirement
- 125% maximum Area Median Income (AMI) (\$122,175 household of 3)
- Home purchased within Flagstaff city limits
- Current address in Flagstaff Metropolitan Planning Organization (FMPO) boundary
- Up to \$40,000 in maximum assistance
  - 8:1 matching ratio
  - Max \$5,000 of household funds matched
  - *Example: Household contributes \$5,000 and receives \$40,000 in assistance*
- Loan repaid based on shared appreciation formula (% of assistance)
  - At time of sale
  - No longer owner-occupied
  - Refinancing with cash out
- Maximum Ratios
  - 35% housing ratio
  - 45% debt-to-income ratio
  - 79% loan-to-value ratio

### **Affordability Analysis and Data**

The maximum affordable purchase price for a household of four earning \$162,900 (150% of the Area Median

Income (AMI)) is \$536,000. In this analysis, the maximum affordable purchase price calculations assume a 30-year fixed mortgage interest rate of 7.25% and a 5% down payment. To ensure housing costs remain manageable, the housing ratio is capped at 30% of gross monthly income. Additional fees were considered such as a monthly homeowners association (HOA) fee of \$140, estimated monthly taxes and insurance at \$450. Together, these factors provide a comprehensive framework for determining an achievable and sustainable home purchase price relative to household income. Market data suggests that homes available within Flagstaff city limits under \$550,000 are becoming increasingly scarce. This dwindling supply highlights a significant gap between what moderate incomes can afford and what is available on the market. To address this issue, staff is recommending program adjustments that reflect current market conditions. Staff is recommending two key components for the bond-funded program: an expansion of the current CHAP program and a pilot Permanent Affordability option.

### **Proposed Expansion of CHAP with Bond Funds**

Much of the eligibility criteria (as listed above) will remain the same, including the loan repayment requirements. However, to establish an expanded bond-funded program that meets current market conditions, Housing staff is recommending the following changes:

- Increase the maximum Area Median Income (AMI) to 150% (\$146,610 for a household of 3)
- Re-define Residency as: Lived or worked in FMPO boundary for at least 1 year
- Change First-Time Homebuyer definition to First-Time Flagstaff Buyer - has not owned a home in 3 years in the FMPO boundary
- Increase the maximum assistance amount to \$50,000 per household
- Change the matching ratio to 10:1
  - *Example: Household contributes \$5,000 and receives \$50,000 in assistance*

### **Proposed Permanent Affordability Option (Pilot)**

Staff is recommending a new option within the expansion of the CHAP program that employs an innovative approach to creating more permanent affordable housing units in our community. This strategy, which is inspired by models in peer cities and aligns with ideas from the Housing Commission, aims to address current housing needs in a forward-thinking manner. The proposed program will offer assistance in exchange for permanent affordability. The framework outlined below will serve as a preliminary guide. The final details of the scope of work will be refined based on input from the successful Request for Statement of Qualifications (RSOQ) respondent.

- First-Time Flagstaff buyer, has not owned a home in 3 years in the FMPO boundary
- Residency Requirement: Lived or worked in FMPO boundary for at least 1 year
- Area of Home Purchase: Within Flagstaff City limits
- AMI: 150% (\$146,610 for a household of 3)
- Assistance Amount: Minimum \$100,000 - Maximum \$200,000
- Matching Contribution Ratio: 10:1 (Max \$20,000 of household funds matched)
  - *Example: Household contributes \$10,000 and receives \$100,000 in assistance*
- This is not a loan; a deed restriction or ground lease will secure the City's investment in a permanently affordable unit.

### **RSOQ Process**

Once Council has reviewed the proposed expansion program, staff will conduct a formal RSOQ solicitation process to evaluate and select a service provider to administer the program. Staff will negotiate with the successful respondent, given their industry expertise, to finalize the scope of work and refine program details before returning to City Council for contract approval. The successful provider will also administer the Employer Assisted Housing (EAH) program, which is funded with general funds.

### Next Steps

#### **September - October 2024**

Request for Statement of Qualifications (RSOQ) drafted and legal/purchasing review

#### **November 2024**

RSOQ published (30 days)

#### **December 2024**

Evaluate Statements and select service provider, and develop program scope of work

#### **January 2025**

Housing Commission recommendation

#### **February 2025**

City Council contract approval

#### **Prior Community Discussions:**

- Housing Commission brainstorming session on January 25, 2024
- Presented the program framework to the Housing Commission on August 27, 2024
- Working group discussion on September 12, 2024
- Second Presentation to the Housing Commission on September 26, 2024

#### **Connection to 10-Year Housing Plan:**

#### **10-Year Housing Plan**

- **Create 1.8** Explore the use of the community land trust model and public/private partnerships to incentivize the development of ownership units that are priced significantly below market rate.
- **Create 3.3** Identify ongoing resource opportunities for the purpose of assisting households experiencing homelessness, households at risk of becoming homeless, first-time homebuyers, and affordable housing targeted to these populations.
- **Connect 2** Implement a framework for centering equity in proposed and existing housing practices, policies, and programs.
- **Protect 2** Ensure affordable housing is a part of every Flagstaff neighborhood and work to address disparate impact as part of any development or redevelopment.

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**Attachments:**     Proposed Bond-Funded Homebuyer Assistance Program-Presentation

City of Flagstaff  
Housing Section  
**Proposed Bond-Funded  
Homebuyer Assistance  
Program**

Jessica Donohoe  
Housing Planner



# Meeting Purpose

Review proposed framework and get feedback on new program features



## Prop 442 – Housing Bond

In the November 2022 Election, voters approved \$20 Million to create rental and homeownership opportunities for residents of Flagstaff. **\$7 million of the overall amount** is designated to assist eligible first-time Flagstaff homebuyers with down payment and closing cost assistance for the purchase of a home within City limits.



# Housing Commission Brainstorm 01/25/2024



**What about...**

**What if we try...**

**Has anyone ever...**

- Interest rate buy down
- ADU rental income for eligibility
- Forgiveness of down payment assistance
- Mortgage buy-down assistance
  - Monthly subsidy?
- Purchase of existing units to create permanently affordable homes
- Purchase prior to foreclosure
- Treat different types of debt differently for debt-to-income eligibility
- Take payments rather than larger payoff at the end of loan – amortize with interest
- Limit price of housing to a reasonable amount
- Explore including all types of homes, including mobile homes
- Carefully consider maximum AMI
- Work with employees to leverage assisted housing program with bond funds





# Current Community Homebuyer Assistance Program

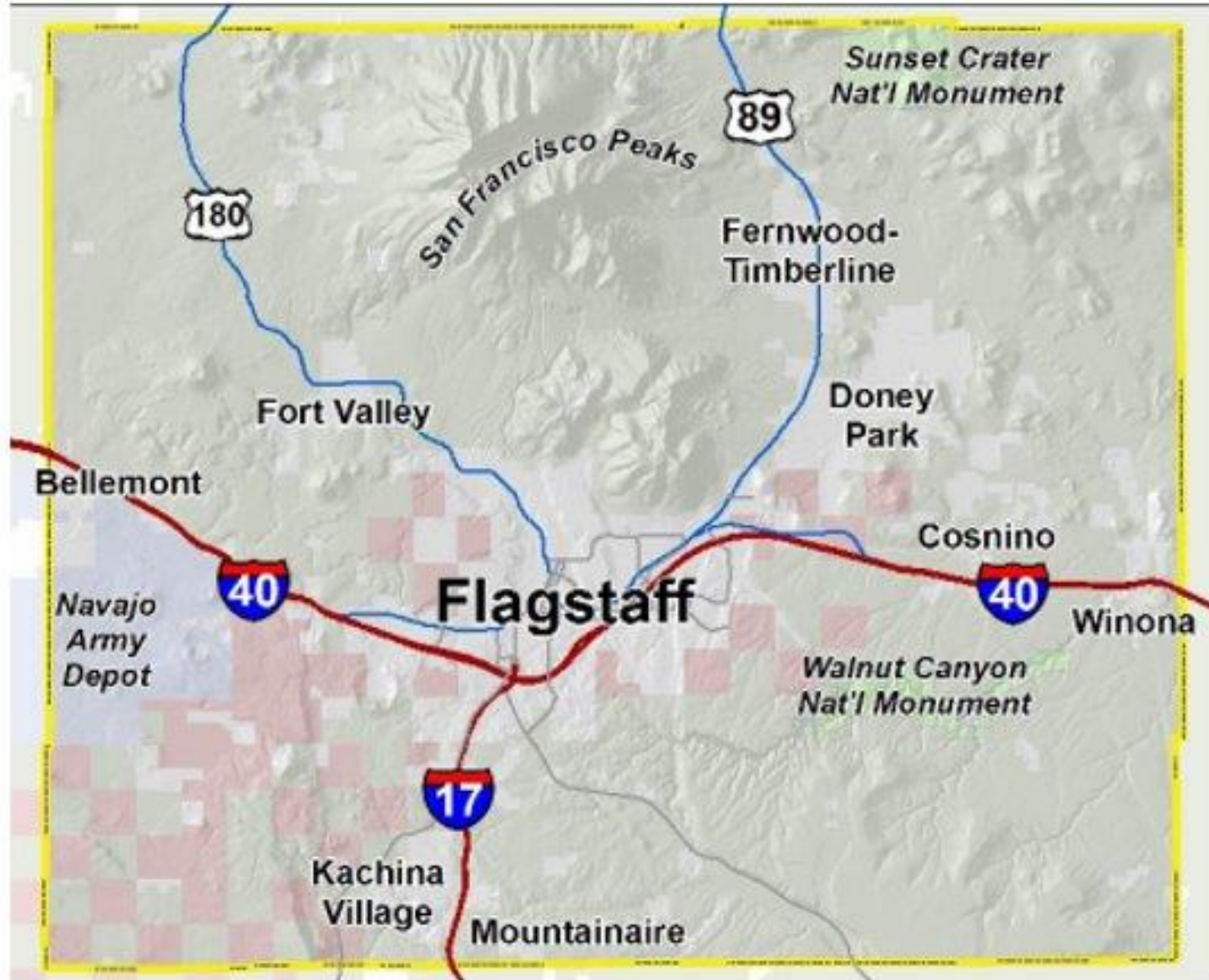


## Eligibility Criteria

- U.S. Citizen or legal resident
- First-time buyer, has not owned a home for 3 years
- Homebuyer education course and housing counseling
- Owner occupancy requirement
- 125% AMI (\$122,175 household of 3)
- Home purchased within Flagstaff city limits
- Current address in FMPO boundary



# Flagstaff Metropolitan Planning Organization (FMPPO) Map





# Current CHAP Criteria - Continued

## Up to \$40,000 maximum assistance

- 8:1 matching ratio
  - *Example: Household contributes \$5,000 and receives \$40,000*
- Max \$5,000 of household funds matched

## Loan repaid based on shared appreciation formula (% of assistance)

- At time of sale
- No longer owner-occupied
- Refinancing with cash out

## Maximum Ratios

- 35% housing ratio
- 45% debt-to-income ratio
- 79% loan to value ratio



# Success of CHAP Updates



**Increasing amount of CHAP assistance to \$40,000 led to more purchases in 2024**

	<b>Affordable Home Purchases</b>	<b>Market Rate Purchases</b>	<b>Total</b>
<b>2020</b>	6	7	13
<b>2021</b>	2	2	4
<b>2022</b>	4	1	5
<b>2023</b>	2	1	3
<b>2024</b>	5	3	8

## **Recommendation:**

- Increase the assistance amount and maximum AMI served to address rising costs and decreasing supply



# Affordability Analysis for 80 - 150% AMI (2024)

		80% AMI	100% AMI	125% AMI	150% AMI
<b>Household of 1</b>	Gross Annual Income	\$55,950	\$76,020	\$95,025	\$114,030
	Maximum Affordable Home Price	<b>\$127,000</b>	<b>\$203,000</b>	<b>\$279,000</b>	<b>\$348,000</b>
<b>Household of 2</b>	Gross Annual Income	\$63,950	\$86,880	\$108,600	\$130,320
	Maximum Affordable Home Price	<b>\$155,000</b>	<b>\$244,000</b>	<b>\$330,000</b>	<b>\$413,000</b>
<b>Household of 3</b>	Gross Annual Income	\$71,950	\$97,740	\$122,175	\$146,610
	Maximum Affordable Home Price	<b>\$188,000</b>	<b>\$295,000</b>	<b>\$380,000</b>	<b>\$475,000</b>
<b>Household of 4</b>	Gross Annual Income	\$79,900	\$108,600	\$135,750	\$162,900
	Maximum Affordable Home Price	<b>\$216,000</b>	<b>\$327,000</b>	<b>\$432,000</b>	<b>\$536,000</b>

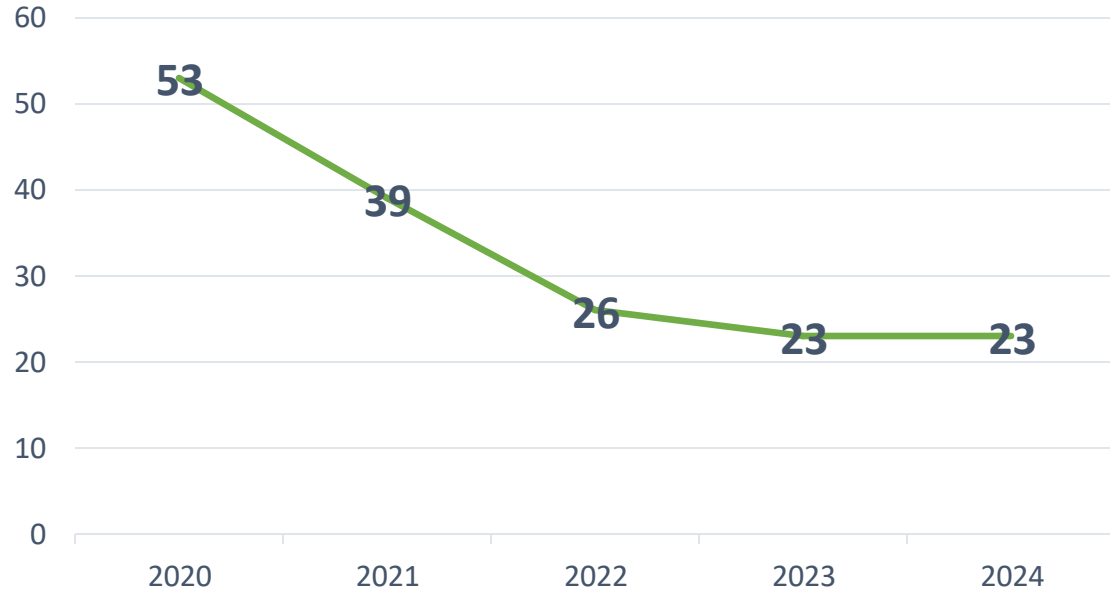


# Lack of Supply Under \$550,000

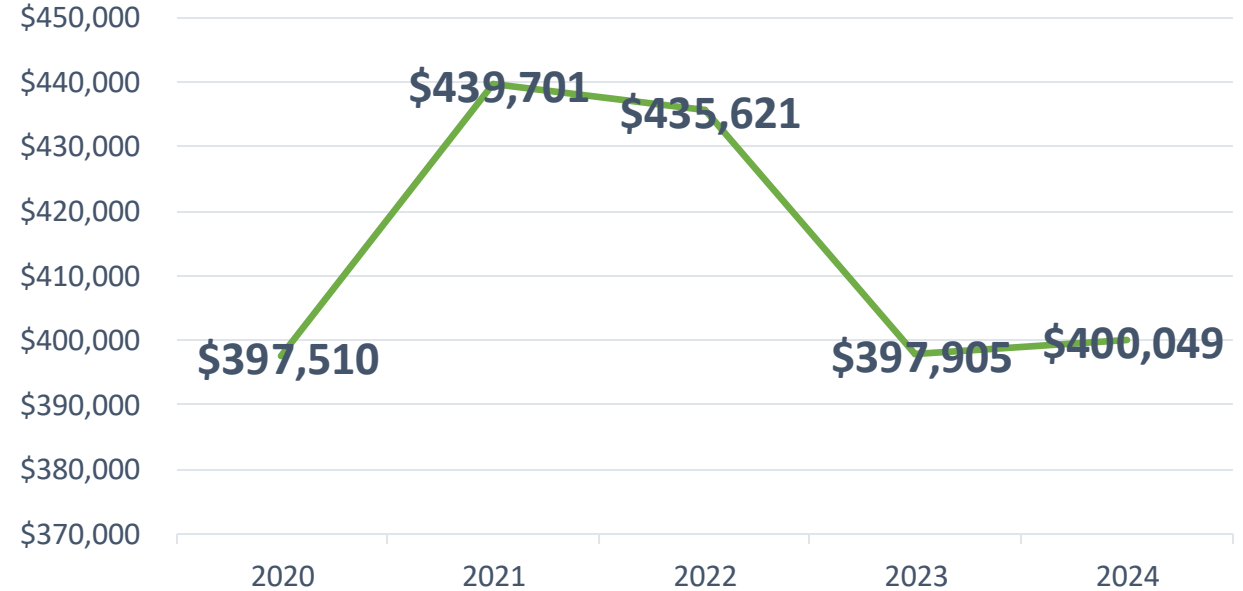


## The number of homes affordable to incomes below 150% AMI is diminishing

### Homes Closed with Financing in May



### Sales Prices with Financing in May



*\*Data reflects homes closed with financing in Flagstaff city limits under \$550,000 for months of May*



# What is Currently Available?

There were only 46 financeable homes under \$550,000 within city limits as of 09/20/24

4 Manufactured Homes on Land

5 Single Family Residential

37 Townhomes/Condos



3200 S Litzler Drive, 19-225  
Flagstaff, AZ 86005  
#196567 **Active**

**\$289,900** ...

Beds	1
Baths	1
Area	562



3066 N Joy Ln. Lane  
Flagstaff, AZ 86001  
#198348 **New Listing**

**\$545,000** ...

Beds	3
Baths	2.5
Area	1,449



# Current vs Proposed Eligibility Criteria



- First-Time Homebuyer: Has not owned a home for 3 years
  - First-Time Flagstaff buyer, has not owned a home in 3 years in the FMPO boundary
- Residency Requirement: Address in the FMPO Boundary
  - Lived or worked in FMPO boundary for 1 year
- No change proposed to Area of Home Purchase



# Current vs Proposed CHAP Changes

- 125% AMI (\$122,175 household of 3)
  - **Raise to 150% AMI (\$146,610 household of 3)**
- Up to \$40,000 assistance, 8:1 matching ratio
  - **Raise to \$50,000 assistance, 10:1 matching ratio**
    - *Example: Household contributes \$5,000 and receives \$50,000*



# Current vs Proposed CHAP Changes

No changes proposed to loan repayment

- Loan repaid based on shared appreciation formula (% of assistance):
  - At time of sale
  - Refinancing with cash-out
  - No longer owner-occupied



# Example of Shared Appreciation Formula (% of Assistance)



Purchase Price: \$400,000

Assistance Amount: \$40,000 (10% of purchase amount)

Resale Price: \$450,000 x 10 % of Resale Price = \$45,000

Client repays: \$45,000 which is \$5,000 more than assistance amount



# Scenarios

## Couple (Currently Eligible)

Combined Annual Income: **\$88,940.80**

- Administrative Assistant: \$40,539.20
- Teacher: \$48,401.60

**AMI: 102%**

Household purchasing power:  
**\$250,000**



## Couple & 1 Child (Currently Ineligible)

Combined Annual Income: **\$131,580.80**

- Teacher: \$48,401.60
- Department Head: \$83,179.20

**AMI: 134%**

Household purchasing power:  
**\$416,000**





# Proposed Permanent Affordability Option – Pilot



## *Assistance in Exchange for Permanent Affordability*

<b>AMI</b>	150% (\$146,610 household of 3)
<b>Assistance Amount</b>	Minimum \$100,000 Maximum \$200,000
<b>Matching Contribution Ratio</b>	10:1
<b>Repayable?</b>	Not a loan; Deed restriction or ground lease secures City's investment in a permanently affordable unit



# Next Steps



## **Sep-Oct 2024**

Request for Statement of Qualifications (RSOQ) drafted and reviewed

## **November 2024**

RSOQ published (30 days)

## **December 2024**

Select service provider and develop program terms and contract

## **January 2025**

Housing Commission recommendation

## **February 2025**

City Council contract approval

# Jessica Donohoe

## Housing Planner

Jessica.Donohoe@flagstaffaz.gov  
928-213-2752



- Questions
- Discussion

Thank you

**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:** 09/30/2024  
**Meeting Date:** 10/08/2024



---

**TITLE:**  
**Discussion of possible revisions to the Nuisance Noise Ordinance**

**DESIRED OUTCOME:**  
Direction from City Council on possible revisions to the Nuisance Noise Ordinance.

**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 confirm this reflects City Council's direction.

**Information:**

There will be discussion around the noise restriction days and times, prohibition of sustained and pervasive noise that causes unreasonable disturbance of the peaceful enjoyment of another person, civil penalties, and any other section of the Noise Control Chapter the Council would like to review and discuss.

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**Attachments:** [Presentation](#)  
[Draft Ordinance](#)

# Nuisance Noise Ordinance





# Updates



- Noise regulations apply Sunday through Thursday between midnight and 6 am and Friday and Saturday between 1 and 7 am
- Unlawful to make or permit to be made a sustained and pervasive noise that causes unreasonable disturbance of the peaceful enjoyment of another person
  - Pervasive means present or felt throughout a place
  - Sustained means continuing for an extended period
- Civil penalties
  - First nuisance noise ordinance violation a warning will be issued
  - Option A: 2<sup>nd</sup> within 120 days \$250, 3<sup>rd</sup> within 120 days \$500, 4<sup>th</sup> within 120 days \$1,000
  - Option B: 2<sup>nd</sup> within 120 days \$150, 3<sup>rd</sup> within 120 days \$250, 4<sup>th</sup> within 120 days \$500

# Council Discussion



## 6-08-01-01 ~~DEFINITIONS~~-NUSIANCE NOISE

---

A. The following words and phrases, when used in this chapter, shall have the following meanings:

1. BUSINESS: A commercial or industrial enterprise licensed by the City of Flagstaff.
2. EMERGENCY WORK: means any work performed to prevent or alleviate physical trauma or property damage threatened or caused by an emergency that has resulted or may result in a disruption of service and which is necessary to restore property to a safe condition following a public calamity or work required to protect the health, safety or welfare of persons or property or work by private or public utilities when restoring utility service.
3. ~~CLEARLY AUDIBLE: Can be plainly heard by any occupant of a residence~~
4. COMMUNITY GROUP: is a group of people who work together for a common purpose or interest and may provide support for each other. For purposes of this section a community group does not include a business.
5. CONSTRUCTION EQUIPMENT: Any device or mechanical instrument operated by fuel, electric, or pneumatic power employed in the excavation, alteration, repair, demolition or construction of any building, structure, land parcel, public right of way, waterway or appurtenance thereto.
6. NOISE: Any sound, whether naturally or artificially produced.
7. PERSON: Any individual, firm, partnership, joint venture, business, association, corporation, municipal corporation, estate, trust or any other group or combination acting as a unit, and the plural as well as the singular number.
8. PERVASIVE: Present or felt throughout a place.
9. PRINCIPAL: The owner, manager, supervisor or other person in charge of running the business.
10. PUBLIC PREMISES: All real property, including appurtenances thereon, which is owned or control by any governmental entity, including all public right of ways, parks and waterways.
11. PUBLIC SAFETY WORK: Work immediately necessary to restore property to safe condition, or work required to protect persons or property from potential danger or damage, including snowplowing or work by a public or private utility when restoring utility service.
12. RESIDENCE: A building, or portion thereof, used for living quarters. Residence includes use for temporary living quarters, including but not limited to hotels and motels.
13. RESIDENTIAL UNIT: A single-family residence, or that portion of a multi-family residence, designed to provide living quarters for a single family.
14. SUSTAINED: Continuing for an extended period.
15. ~~SOUND AMPLIFICATION SYSTEM: Any device, instrument or system, whether electrical or mechanical or otherwise for amplifying sound or for producing or reproducing sound, including but~~

~~not limited to any radio, stereo, musical instrument, compact disc, or sound or musical recorder or player.~~

B. The following noise restrictions are hereby established for any area within the City:

1. The noise regulations of this Chapter shall apply on Sunday through Thursday between the hours of twelve o'clock (12:00) A.M. and six o'clock (6:00) A.M. and on Friday and Saturday between the hours of one o'clock (1:00) A.M. and seven o'clock (7:00) A.M.
2. During the hours given in subsection (1), it shall be unlawful for any person, business, or principal(s) of a business, to make or permit to be made a sustained and pervasive noise that causes an unreasonable disturbance of the peaceful enjoyment of another person.
3. Measurement Criteria: For the purposes of enforcement of the provisions of this section, whether the noise is clearly audible shall be determined from the property of the individual who is reporting they are disturbed by the noise.

C. The following activities are exempted from the prohibitions stated in Section (B)

1. Noise created by public safety work.
2. Sound made to alert persons to the existence of an emergency danger or attempted crime including noises of safety signals, warning and alarm devices or shouts, emergency generators, storm warning sirens, emergency pressure relief valves and the authorized testing of such equipment.
3. Noise associated with the normal traffic of aircraft or the railroads.
4. Road and street noise generated from the normal operation of traffic except if in violation of 6-08-001-0002 VEHICLE NOISE, or any emergency or safety warning devices, such as, but not limited to, vehicle horns or backup beepers;
5. Noise created by construction equipment operated upon public premises by or on behalf of any governmental entity when the welfare or convenience of the public requires the operation of such equipment at night.
6. Air-conditioning equipment when it is functioning in accord with manufacturer's specifications and is in proper operating condition.
7. Special events for which a permit has been obtained from the city, so long as said event is conducted in compliance with the terms and conditions of the permit.
8. Nonamplified noises resulting from the activities such as those planned by the school, governmental or community groups or duly authorized by those groups.
9. Noises resulting from an authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
10. Noises resulting from emergency work as defined in Section A.

11. Noises of church chimes or bells or chimes on public buildings.
12. Sound from any mobile garbage collection vehicle or snow removal equipment.
13. The operation of power tools and lawn maintenance equipment between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, or between the hours of 9:00 a.m. and 8:00 p.m. on weekends or federal and state holidays. All engine-driven equipment used in these activities shall be operated with a muffler or noise-reducing equipment in accordance with the manufacturer's specifications. The operation of power tools and lawn maintenance equipment, excluding emergency work at all other times shall be subject to the restrictions in Section B.
14. Public or utility-owned or operated stationary mechanical equipment so long as such equipment is properly functioning pursuant to manufacturer's specifications.

D. Civil Penalties: The civil fees for a responsible person(s) are as follows:

**OPTION A (same penalties as the Nuisance Party Ordinance with the Warning added)**

1. For a first nuisance noise violation a warning shall be issued.
2. For a second nuisance noise violation within one hundred twenty (120) days of the first nuisance noise violation the fee is two hundred and fifty dollars (\$250.00), inclusive of any State or City fines, fees, assessments or surcharges.
3. For a third nuisance noise violation within one hundred twenty (120) days of the second nuisance noise violation the fee is five hundred dollars(\$500.00), inclusive of any State or City fines, fees, assessments or surcharges.
4. For a fourth or subsequent nuisance noise violation within one hundred twenty (120) days of the second nuisance noise violation the fee is one thousand dollars (\$1,000.00), inclusive of any State or City fines, fees, assessments or surcharges.

**OPTION B (Same penalties as the Vehicle Noise Ordinance with the warning added )**

1. For a first nuisance noise violation a warning shall be issued.
2. For a second nuisance noise violation within one hundred twenty (120) days of the first nuisance noise violation the fee is one hundred and fifty dollars (\$150.00), inclusive of any State or City fines, fees, assessments or surcharges.
3. For a third nuisance noise violation within one hundred twenty (120) days of the second nuisance noise violation the fee is two hundred and fifty dollars (\$250.00), inclusive of any State or City fines, fees, assessments or surcharges.

4. For a fourth or subsequent nuisance noise violation within one hundred twenty (120) days of the third nuisance noise violation the fee is five hundred dollars (\$500.00), inclusive of any State or City fines, fees, assessments or surcharges.

E. Each day that a violation of this chapter is permitted to continue or occur by the person or business causing or permitting the noise shall constitute a separate offense subject to separate citations pursuant to the provisions of this chapter.

F. Other Remedies. Nothing in this section shall be construed as affecting the ability of the State to initiate or continue concurrent or subsequent criminal prosecution of any responsible persons or owner for any violations of the provisions of the City Code or State law arising out of the circumstances necessitating the application of this section.

G. Hearing Procedures.

1. A person liable for the civil fee under this section may, within ten (10) days of receipt of notice of the violation, request a hearing with a Hearing Officer designated by the Presiding Magistrate of the Flagstaff Municipal Court.

2. The Hearing Officer shall set a time and place for the hearing as soon as practicable.

3. The hearing shall be conducted in an informal process to determine whether there is a sufficient factual and legal basis to impose the civil fee. The rules of evidence shall not apply; provided, that the decision of the Hearing Officer shall in all cases be based upon substantial and reliable evidence. All parties to the hearing shall have the right to present evidence. The City shall have the burden of establishing by a preponderance of the evidence that a violation has occurred.

4. The decision of the Hearing Officer is final. A failure of the person notified of the violation to timely request a hearing or the failure to appear at a scheduled hearing shall constitute a waiver of the right to a hearing or to challenge the validity of the notice or violation.

## **6-08-001-0002 NUISANCE NOISE**

---

~~The following noise restrictions are hereby established for any area within the City:~~

~~A.—The noise regulations of this Chapter shall apply on Monday through Friday between the hours of twelve o'clock (12:00) A.M. and six o'clock (6:00) A.M. and on Saturday and Sunday between the hours on one o'clock (1:00) A.M. and seven o'clock (7:00) A.M.~~

~~B.—During the hours given in subsection (A), it shall be unlawful for any person, while outdoors or within a residential unit, to make or permit to be made any noise which is clearly audible within a residential unit other than that from which the noise may have originated.~~

~~C.—The standards which shall be considered in determining whether a violation of this Section exists shall include the following:~~

- ~~1.—The volume of the noise;~~
- ~~2.—Whether the nature of the noise is usual or unusual;~~
- ~~3.—Volume of background noise, if any;~~
- ~~4.—The duration of the noise.~~

### ~~6-08-001-0003 GENERAL EXCEPTIONS~~

---

~~The following activities are exempted from the prohibitions stated in Section 6-8-2:~~

~~A.—Noise created by public safety work.~~

~~B.—Sound made to alert persons to the existence of an emergency, danger or attempted crime.~~

~~C.—Noise associated with the normal traffic of motor vehicles, aircraft or the railroads.~~

~~D.—Bells or chimes on public buildings.~~

~~E.—Noise created by construction equipment operated upon public premises by or on behalf of any governmental entity when the welfare or convenience of the public requires the operation of such equipment at night.~~

### ~~6-08-001-0002~~ **6-08-001-0004 VEHICLE NOISE**

---

A. DEFINITIONS. The following words and phrases, when used in this section, shall have the following meanings:

**A-WEIGHTING:** The sound level of noise as measured with a meter using the A-weighting network. This unit is dB(A).

**C-WEIGHTING:** The sound level of noise as measured with a meter using the C-weighting network. This unit is dB(C).

**CLEARLY AUDIBLE:** Can be plainly heard by a person with normal hearing.

**DECIBEL (dB):** The value is equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the measured sound pressure to the reference pressure. Where the reference pressure is two (2) times  $10^{-5}$  newton/meter<sup>2</sup>.

**FREQUENCY:** The frequency of a sound is the number of pressure cycles occurring in a unit of time. The unit of frequency is hertz (Hz), i.e., cycles per second.

**IMPULSE NOISE:** Means a noise of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

**LMAX: (Maximum Level)** Means the loudest sound level over a sample period. Lmax is expressed in dB(A) or dB(C). Lmax is fast-weighted for impulse noises and slow-weighted for continuous noise.

**MOTOR VEHICLES:** Means any self-propelled vehicle operated within the City, including but not limited to licensed or unlicensed vehicles, automobiles, minibikes, go-carts and motorcycles.

**NOISE:** Any sound, whether naturally or artificially produced.

**PERIOD:** Of a periodic quantity shall mean the smallest increment of time for which the function repeats itself.

**PERSON:** Any individual, firm, partnership, joint venture, association, corporation, municipal corporation, estate, trust or any other group or combination acting as a unit, and the plural as well as the singular number.

**PUBLIC SAFETY WORK:** Work immediately necessary to restore property to safe condition, or work required to protect persons or property from potential danger or damage, including snowplowing or work by a public or private utility when restoring utility service.

**PURE TONE NOISE:** Means any noise that is distinctly audible as a single pitch (frequency) or set of pitches as determined by the enforcement officer.

**SOUND AMPLIFICATION SYSTEM:** Any device, instrument or system, whether electrical or mechanical or otherwise, for amplifying sound or for producing or reproducing sound, including but not limited to any radio, stereo, musical instrument, compact disc, or sound or musical recorder or player.

**SOUND LEVEL OR NOISE LEVEL:** Is the sound intensity measured with a sound level meter set to A-weighting with the unit of measurement dB(A), or C-weighting with the unit of measurement dB(C).

**SOUND LEVEL METER:** Means an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels which satisfies the pertinent requirements in American Standard Specifications for sound level meters S1.4-1971 or the most recent revision thereof for Type I or Type II equipment.

B. **Vehicle Noise Limits.** The following noise restrictions are hereby established for any area within the City for vehicle noise:

No person shall operate either a motor vehicle or combination of vehicles at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limit of the category of motor vehicle measured from outside of the traffic lane or at a greater distance:

<b>Location of Vehicle</b>	<b>Legal Speed Limit of 35 mph or Less</b>	<b>Legal Speed Limit of More Than 35 mph</b>
Any motor vehicle with a manufacturer's gross vehicle weight rating of 26,000 pounds or more, any combination of vehicles towed by such motor vehicle, and any motorcycle other than an electric bicycle	88 dB(A)	92 dB(A)
Any other motor vehicle and any combination of vehicles towed by such motor vehicles	82 dB(A)	86 dB(A)

C. **Measurement Criteria.** For the purpose of enforcement of the provisions of this section, noise level shall be measured on the A-weighted scale with a Type I or Type II sound level meter. The meter shall be set for slow response speed, except for impulse noises or rapidly varying sound levels, fast response speed may be used.

Prior to measurement, the meter shall be calibrated, and adjusted according to the manufacturer's specifications.

D. Civil Penalties. The civil fees for a responsible person(s) are as follows:

1. For a first vehicle noise violation a warning shall be issued.
2. For a second vehicle noise violation within one hundred twenty (120) days of the first vehicle noise violation the fee is one hundred fifty dollars (\$150.00), inclusive of any State or City fines, fees, assessments, or surcharges.
3. For a third or subsequent vehicle noise violation within one hundred twenty (120) days of the second nuisance noise violation the fee is two hundred fifty dollars (\$250.00), inclusive of any State or City fines, fees, assessments, or surcharges.
4. Each day that a violation of this section is permitted to continue or occur by the defendant shall constitute a separate offense subject to separate citation pursuant to the provisions of this section.

F. Other Remedies. Nothing in this section shall be construed as affecting the ability of the State to initiate or continue concurrent or subsequent criminal prosecution of any person for any violations of the provisions of the City Code or State law arising out of the circumstances necessitating the application of this section.

G. Hearing Procedures.

1. A person liable for the civil fee under this section may, within ten (10) days of receipt of notice of the violation, request a hearing with a hearing officer designated by the presiding magistrate of the Flagstaff Municipal Court.
2. The hearing officer shall set a time and place for the hearing as soon as practicable.
3. The hearing shall be conducted in an informal process to determine whether there is a sufficient factual and legal basis to impose the civil fee. The rules of evidence shall not apply; provided, that the decision of the hearing officer shall in all cases be based upon substantial and reliable evidence. All parties to the hearing shall have the right to present evidence. The City shall have the burden of establishing by a preponderance of the evidence that a violation has occurred.

4. The decision of the hearing officer is final. A failure of the person notified of the violation to timely request a hearing or the failure to appear at a scheduled hearing shall constitute a waiver of the right to a hearing or to challenge the validity of the notice or violation. (Ord. 1511, 08/04/1987; Ord. 2014, Amended, 12/21/1999; Ord. 2022-34, Amended, 12/13/2022 (Res. 2022-60))

## **6-08-001-0003 ~~6-08-001-0005~~ NUISANCE PARTIES**

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A. Findings. The City Council of Flagstaff finds and determines that unruly parties held on private property may constitute a nuisance which is a threat to the peace, health, safety and welfare of the general public. Police officers have been required to make repeated responses to unruly parties to abate the nuisance and to disperse uncooperative or unruly participants to restore the public peace and welfare. Such repeat calls deplete the manpower and resources of the Police Department and can leave other areas of the City with compromised levels of police protection so as to create a significant threat to the safety of both citizens and police officers alike.

B. Purpose. The purpose of this section is to deter criminal behavior associated with and related to nuisance parties which have been determined to be a threat to the peace, health, safety or welfare of the general public.

C. Definitions. For the purposes of this section, the following definitions apply, unless the context in which they are used clearly requires otherwise:

1. "Owner" means the owner of any property, as well as any agent of an owner who acts on behalf of the owner to control or otherwise regulate the occupancy or use of the property.

2. "Premises" means the property that is the site of a nuisance party. For residential properties, "premises" means the dwelling unit or units where the nuisance party occurs.

3. "Nuisance party" means a gathering of five (5) or more persons on any private property, including property used to conduct business, in a manner which causes a disturbance of the quiet enjoyment of private or public property by any person or persons. Such disturbances may include, but are not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, drinking in public, the service of alcohol to minors or consumption of alcohol by minors, fighting, disturbing the peace, and littering.

4. "Responsible person" means any person in attendance who engaged in a nuisance party, including any owner who is in attendance, occupant, tenant, guest or any sponsor, host or organizer of the nuisance party. "Responsible person" does not include owners or persons in charge of premises where a

nuisance party takes place if the persons in attendance obtained use of the premises through illegal entry or trespassing.

5. "Minor" means any person under the age of twenty-one (21) years.

6. "Officer" and/or "police officer" means a duly sworn peace officer in the State of Arizona.

D. Nuisance Party. A nuisance party is unlawful and constitutes a civil infraction.

1. When a police officer responds to the first nuisance party and while at the scene determines that there is a threat to the public peace, health, safety or general welfare, the officer shall issue a written notice of violation to any responsible person(s). The responsible person(s) will be assessed a civil fee as set forth in subsection (E) of this section.

a. On a first response to a nuisance party, the responsible person(s) shall be assessed a fee commensurate with a second nuisance party, as set forth in subsection (E) of this section, for a first nuisance party if any of the following crimes are being committed at the first nuisance party:

- (1) Minor in possession of alcohol;
- (2) Minor in consumption of alcohol;
- (3) Possession or use of illegal drugs;
- (4) Weapons misconduct, in violation of A.R.S. Section [13-3102](#); or
- (5) Any felony offense.

2. If, after a written notice of a violation is issued, police respond for a second time to the same premises for a nuisance party within one hundred twenty (120) days of the first response, such response shall be deemed a second nuisance party and any responsible person(s) as well as the owner of the premises will be issued a written notice of a second violation and assessed a civil fee as set forth in subsection (E) of this section. Notice to any responsible person(s) and the owner shall be provided in the same manner as set forth in subsection (D)(4) of this section.

a. On any response to a second nuisance party, the responsible person(s) shall be assessed a fee commensurate with a third response fee, as set forth in subsection (E) of this section, for a second nuisance party if any of the following crimes are being committed at the nuisance party:

- (1) Minor in possession of alcohol;
- (2) Minor in consumption of alcohol;
- (3) Possession or use of illegal drugs;
- (4) Weapons misconduct in violation of A.R.S. Section [13-3102](#); or
- (5) Any felony offense.

3. If, after a written notice of a second violation is issued, police respond to the same premises for a third or subsequent nuisance party within one hundred twenty (120) days of the second nuisance party response, such response shall be deemed a third or subsequent nuisance party and any responsible person(s) as well as the owner of the premises will be issued a written notice of a third or subsequent violation and assessed a civil fee as set forth in subsection (E) of this section. Notice to any responsible person(s) and the owner shall be provided in the same manner as set forth in subsection (D)(4) of this section.

a. On any response to a third or subsequent nuisance party, the responsible person(s) shall be assessed a fee commensurate with two (2) times the fee for a third or subsequent nuisance party, as set forth in subsection (E) of this section, if any of the following crimes are being committed at the party:

- (1) Minor in possession of alcohol;
- (2) Minor in consumption of alcohol;
- (3) Possession or use of illegal drugs;
- (4) Weapons misconduct in violation of A.R.S. Section [13-3102](#); or
- (5) Any felony offense.

4. The police officer or other police employee shall provide notice of the violation to the responsible person(s) and the landlord or owner in any of the following manners:

a. Personal service to any responsible person(s) at the nuisance party.

b. As to the resident(s) of the premises, posting of the notice on the door of the premises of the nuisance party.

c. Mailing a copy of the notice of the nuisance party or notice of violation via certified mail to the property owner at the address shown on the Coconino County Property Tax Assessor's records. The return receipt will serve as evidence of service. A courtesy copy of the notice shall be sent to any property manager if known to the Flagstaff Police Department.

d. Upon request by law enforcement the owner must provide the names of any and all occupants listed on the leasing documents of the premises of a nuisance party.

E. Civil Penalties.

1. The civil fees for a responsible person(s) are as follows:

a. For a first nuisance party violation the fee is two hundred fifty dollars (\$250.00), inclusive of any State or City fines, fees, assessments or surcharges.

b. For a second nuisance party violation within one hundred twenty (120) days of the first nuisance party the fee is five hundred dollars (\$500.00), inclusive of any State or City fines, fees, assessments or surcharges.

c. For a third or subsequent nuisance party within one hundred twenty (120) days of the second nuisance party the fee is one thousand dollars (\$1,000.00), inclusive of any State or City fines, fees, assessments or surcharges.

2. The civil fees for the owner of a property are as follows:

a. If the owner was at the premises when the nuisance party occurred and failed to take reasonable action to prevent the nuisance party the civil fees are as follows:

(1) Two hundred fifty dollars (\$250.00) for the first nuisance party, inclusive of any State or City fines, fees, assessments or surcharges.

(2) Five hundred dollars (\$500.00) for the second nuisance party within one hundred twenty (120) days of the first nuisance party, inclusive of any State or City fines, fees, assessments or surcharges.

(3) One thousand dollars (\$1,000.00) for the third or subsequent nuisance party within one hundred twenty (120) days of a second nuisance party, inclusive of any State or City fines, fees, assessments or surcharges.

b. If notice of the first nuisance party was provided to the owner via certified mail as provided in subsection (D)(4)(c) of this section, a civil fee can be imposed on the owner if a subsequent nuisance party occurs on the premises thirty (30) days after the receipt of the notice of the first nuisance party. The fees are as follows:

(1) Two hundred fifty dollars (\$250.00) for the next nuisance party that occurs on the premises thirty (30) days after notification is received by the owner, inclusive of any State or City fines, fees, assessments or surcharges.

(2) Five hundred dollars (\$500.00) for a second nuisance party that occurs on the premises thirty (30) days after notification is received by the owner, inclusive of any State or City fines, fees, assessments or surcharges.

(3) One thousand dollars (\$1,000.00) for a third or subsequent nuisance party that occurs on the premises thirty (30) days after notification is received by the owner, inclusive of any State or City fines, fees, assessments or surcharges.

c. Within ten (10) business days of receipt of notification of violation, the owner may petition the Chief of Police, or the Chief's designee, for a waiver of the civil fee for the first nuisance party that occurs thirty (30) days after notification of the nuisance party was received, under the following circumstances:

(1) The owner has taken steps reasonably necessary to prevent a subsequent nuisance party or to exclude the uninvited persons from the premises, or the owner is actively attempting to evict the responsible persons from the premises.

(2) The owner agrees to actively participate in the Flagstaff Police Department's Crime Free Multi-Housing Program by participating in the training provided by the Flagstaff Police Department, requiring tenants to sign a crime free lease addendum, and by receiving reports regarding criminal activity on the premises and taking action based upon those reports.

(3) The owner of a property with over one hundred (100) individually rented units obtains and maintains private security services for the entire property.

d. If an owner evicts tenants from a premises where a nuisance party occurred and new tenants at the same premises are given notice of a nuisance party violation the owner must be renotified pursuant to subsection (D)(4)(c) of this section.

3. Nothing in this section shall be construed to impose liability on the owner, occupant, or tenant of the premises or sponsor of the nuisance party for the conduct of persons who are in attendance without the express or implied consent of the owner, occupant, tenant, or sponsor, as long as the owner, occupant, tenant, or sponsor has taken steps to prevent a subsequent nuisance party or to exclude the uninvited persons from the premises. Where an invited person engages in unlawful conduct which the owner, occupant, tenant or sponsor could not reasonably foresee and could not reasonably control without the intervention of the police, the unlawful conduct of the person shall not be attributable to the owner, occupant, tenant or sponsor for the purpose of determining liability under this section.

F. Other Remedies. Nothing in this section shall be construed as affecting the ability of the State to initiate or continue concurrent or subsequent criminal prosecution of any responsible persons or owner for any violations of the provisions of the City code or State law arising out of the circumstances necessitating the application of this section.

G. Hearing Procedures.

1. A person liable for the civil fee under this section may, within ten (10) days of receipt of notice of the violation, request a hearing with a Hearing Officer designated by the Presiding Magistrate of the Flagstaff Municipal Court.

2. The Hearing Officer shall set a time and place for the hearing as soon as practicable.

3. The hearing shall be conducted in an informal process to determine whether there is a sufficient factual and legal basis to impose the civil fee. The rules of evidence shall not apply; provided, that the decision of the Hearing Officer shall in all cases be based upon substantial and reliable evidence. All parties to the hearing shall have the right to present evidence. The Police Department shall have the burden of establishing by a preponderance of the evidence that a violation has occurred.

4. The decision of the Hearing Officer is final. A failure of the person notified of the violation as set forth in subsection (D)(4) of this section to timely request a hearing or the failure to appear at a scheduled hearing shall constitute a waiver of the right to a hearing or to challenge the validity of the notice or violation. (Ord. 1934, Enacted, 02/18/1997; Ord. 2009-32, Amended, 10/06/2009; Ord. 2015-08, Amended, 05/19/2015)

## **6-08-001-0004 ~~6-08-001-0006~~ SOUND AMPLIFICATION SYSTEMS IN VEHICLES**

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### **A. LIMITATIONS ON USE**

1. Except as authorized by law, no person shall operate or permit the operation of any sound amplification system in or on a vehicle in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any person or neighborhood in the vicinity.

2. Except as authorized by law, no person shall operate or permit the operation of any sound amplification system in or on a vehicle which can be heard at a distance of fifty (50) feet or more and which annoys or disturbs a reasonable person of normal sensitivities, or which causes a person to be aware of vibration accompanying the sound at a distance of fifty (50) feet or more.

3. For purposes of this section Sound amplification system means any device, instrument or system, whether electrical or mechanical or otherwise for amplifying sound or for producing or reproducing sound, including but not limited to any radio, stereo, musical instrument, compact disc, or sound or musical recorder or player.

### **B. EXEMPTIONS**

1. Amplification systems being operated to request assistance of an emergency nature or to warn of a hazardous situation;

2. Authorized emergency vehicles;

3. Vehicles operated by utility companies;

4. Vehicles used in parades, concerts, festivals, fairs or similar activities subject to any sound limits in any permit or other approval by the city; or

5. Amplification systems in vehicles which are operated on private property with the permission of the owner and which are not audible beyond the property line.

**6-08-001-0005 FAILURE TO PROVIDE TRUTHFUL NAME, DATE OF BIRTH AND CURRENT ADDRESS WHEN LAWFULLY DETAINED.**

A. It is unlawful for a person, after being advised that the person's refusal to answer is unlawful, to fail or refuse to state the person's true full name, date of birth and current address on request of a peace officer who has lawfully detained the person based on reasonable suspicion that the person has committed a violation of this chapter. A person detained under this section shall state the person's true full name, date of birth and current address, but shall not be compelled to answer any other inquiry of a peace officer.

B. A person who violates this section is guilty of a Class 2 misdemeanor.