

NOTE

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**SUMMARIZED MINUTES
COUNCIL MEETING**

April 7, 1992

A Regular Meeting of the Flagstaff City Council was held on April 7, 1992, at 7:00 P.M., in the Council Chambers at City Hall, 211 West Aspen Avenue, Flagstaff, Arizona. The Meeting was called to order by Mayor Bavasi. Mayor Bavasi asked those present to stand for the Pledge of Allegiance and Invocation. On roll call, the following were present:

Mayor Bavasi

Councilmember Babbitt, Excused
Councilmember McCulloch
Councilmember Short
Councilmember Simpson, Excused
Councilmember Washington
Councilmember White, Excused

Also present were:

Acting City Manager, Ron Doba
City Attorney, Joe Bertoldo

MINUTES

A. Consideration of MINUTES of the Regular Council Meeting of March 17, 1992 and Special Council Meeting of March 30, 1992.

RECOMMENDED ACTION Approve the Minutes as submitted/corrected.

Councilmember Short moved to approve the Minutes, seconded by Councilmember McCulloch. The motion passed on unanimous vote.

B. Consideration of SWEARING IN of the MAYOR and NEW COUNCILMEMBERS.

RECOMMENDED ACTION Judge Jim Sedillo will swear in the Mayor and new Councilmembers.

Mayor Bavasi presented a plaque to Councilmember Short in appreciation of her service to the City in its time of need.

Judge Jim Sedillo administered the oath of office to Mayor Christopher J. Bavasi and Councilmembers Cavolo, Edgar, Lopez and Miller, presenting them with Certificates of Election.

Mayor Bavasi called a recess, following which the Council convened into regular session. On roll call, the following were present:

Mayor Bavasi

Councilmember Cavolo

Councilmember Edgar

Councilmember Lopez

Councilmember McCulloch

Councilmember Miller

Councilmember Washington

PUBLIC PARTICIPATION

Nick Gabriel, owner of Coconino Engineering, discussed the Pulliam Airport rezoning and legal descriptions prepared by City staff. Mr. Gabriel was upset that the legal descriptions were lacking and did not comply with the very requirements he is compelled to follow as an engineer. Mayor Bavasi assured Mr. Gabriel that staff would check into the matter and get back with a report.

Deb Hill, representing the Eastside Community Alliance, invited Council to participate in the Cinco de Mayo "FiEasta" and parade. Secondly, she read a portion of a letter and presented a petition supporting a Fourth Street crossing over the railroad tracks, requesting the City to start budgeting for the crossing. The best solution for an at-grade crossing at 4th Street would be to construct an overpass at Enterprise and then move the at-grade to Fourth Street.

Bruce Green, 412 South Beaver, welcomed the new Council. Mr. Green expressed his support for the Lane Kendig ordinance and his fears that environmental matters will go by the wayside. On another matter, he urged that the Council support funding in its budgeting processes to provide for six new officers for the Police Department.

CONSENT

- A. Consideration of CHANGE ORDER NO. 1 to TANNER CONSTRUCTION: Butler Avenue - Phase II Street Bond and 30-inch Waterline Projects.
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| RECOMMENDED ACTION | Approve Change Order No. 1 for a total cost increase of \$27,000.00 and no time extension. |
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- B. Consideration of CHANGE ORDER NO. 2 to PHIL BRADSTOCK AND CO., INC.: Construction of the Airport "T" and Shade Hangar Project.
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| RECOMMENDED ACTION | Approve Change Order No. 2 for a cost increase of \$66,174.35 and a nine calendar day contract time extension. |
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C. Consideration of CONFIRMING CHANGE ORDER NO. 3 to RICHARD HUBBELL AND ASSOCIATES: Street Bond Landscaping Contract - Lone Tree Road.

RECOMMENDED ACTION Approve Confirming Change Order No. 3 for a cost increase of \$1,372.50.

D. Consideration of PAYMENT to COCONINO COUNTY RECORDER: Signature Rosters and other services for 1992 Primary and General Elections.

RECOMMENDED ACTION Approve payment in the amount of \$9,038.34.

E. Consideration of PURCHASE: Laptop Computers for Police Department.

RECOMMENDED ACTION Approve a purchase order to RADIO SHACK for an amount not to exceed \$9,365.66.

F. Consideration of FORCED LABOR and MATERIALS EXPENDITURES: Construction of Landfill Utilities.

RECOMMENDED ACTION Approve Forced Labor expenditures for an amount not to exceed \$7,000.00, intra-division vehicle rental for \$7,360.00, and assorted material purchases for an amount not to exceed \$6,500.00.

G. Consideration of FORCED LABOR and MATERIALS EXPENDITURES: Infill of City property, corner of Aspen and Leroux.

RECOMMENDED ACTION Approve Forced Labor expenditures to include intra-division vehicle rental for an amount not to exceed \$3,300.00 and assorted material purchases for an amount not to exceed \$11,000.00.

H. Consideration of EXPENSE: Repairs to the Library Air Handling System.

RECOMMENDED ACTION Approve expense for repairs to BOYER METAL for an amount not to exceed \$13,000.00.

I. Consideration of LIQUOR LICENSE APPLICATION - DANIEL D. DEXTER, "MEGA FOODS", 2530 North Fourth Street, Series 9, Person and Location Transfer.

RECOMMENDED ACTION Forward the application to the State with a recommendation for approval.

J. Consideration of LIQUOR LICENSE APPLICATION - SUCHADA TIRAKUL, "DARA THAI RESTAURANT", 1612 East Santa Fe Avenue, Series 12, New License.

RECOMMENDED ACTION Forward the application to the State with a recommendation for approval.

K. Consideration of LIQUOR LICENSE APPLICATION - ANNA ANDREATOS, "EL PATIO COCKTAIL LOUNGE", 16 East Santa Fe Avenue, Series 6, Person Transfer.

RECOMMENDED ACTION Forward the application to the State with a recommendation for approval.

Councilmember McCulloch moved for acceptance of the Consent Calendar. Councilmember Miller seconded the motion and it passed on unanimous vote.

Councilmember McCulloch requested that staff return within a three-week time period to present different configurations and alternatives for the Aspen and Leroux property.

BIDS

A. Consideration of ANNUAL BIDS: Dust control agent.

RECOMMENDED ACTION Approve the bid from OHM's RESEARCH PRODUCTS for Dust Bond 200 at \$0.7715 per gallon.

Councilmember Washington moved to accept the recommended action, which was seconded by Councilmember McCulloch and passed on unanimous vote.

B. Consideration of BIDS: Laboratory glassware washer.

RECOMMENDED ACTION Approve the bid from VANSLAGER ASSOCIATES for a total bid price of \$6,195.00.

Upon motion by Councilmember McCulloch and second by Councilmember Lopez, it was unanimously voted to accept the recommendation.

C. Consideration of BIDS: Hydraulic crane.

RECOMMENDED ACTION Approve the bid from W.H. PINGREE for a total bid price of \$7,658.38.

Councilmember Miller moved to accept the recommendation. The motion was seconded by Councilmember McCulloch and the vote was unanimous in favor.

D. Consideration of BIDS: South Elden Street.

RECOMMENDED ACTION Approve the bid from MACEDON LUCERO to purchase the property for \$5,000.00 with the following terms: \$500.00 at closing, balance of \$4,500.00 to be paid over twelve months at 10.5 percent per annum.

Mayor Bavasi moved to take the recommended action, seconded by Councilmember Washington. The motion passed on unanimous vote.

CONTRACTS, LEASES & AGREEMENTS

A. Consideration of Legal Services Contract: Right-of-way acquisition for Street Bond Projects.

RECOMMENDED ACTION Approve the legal services contract with WARNER, ANGLE, ROPER AND HALLUM, P.C. on a time and material basis for an additional amount of \$155,000.00.

Councilmember McCulloch moved to accept the recommendation, seconded by Councilmember Edgar and passed unanimously upon vote.

B. Consideration of Construction Contract: Painting of Cedar Hill Reservoir Tank.

RECOMMENDED ACTION Approve the construction contract with RASH TANK PAINTING in the amount of \$109,500.00.

Councilmember Cavolo moved to take the recommended action, seconded by Councilmember Lopez. The vote was unanimous in favor.

C. Consideration of Services Contract: Water Conservation Educational Program.

RECOMMENDED ACTION Approve the services contract with WHALEN AND ASSOCIATES in the amount of \$4,584.60.

Upon motion by Councilmember Miller and second by Councilmember McCulloch, it was voted unanimously to accept the recommendation.

D. Consideration of agreements: Service extension fees.

RECOMMENDED ACTION Approve agreements and payments to ARIZONA PUBLIC SERVICE in the amount of \$18,792.00; U.S. WEST in the amount of \$4,900.00; and NORTHLAND RESEARCH in the amount of \$1,600.00.

Councilmember Lopez moved take the recommended action, seconded by Councilmember Washington. The motion passed unanimously.

E. Consideration of agreement: Local area telecommunications.

RECOMMENDED ACTION Approve the agreement with U.S. WEST for the U.S. West Centron Custom Service for a five-year period.

Councilmember Cavolo moved to accept the recommendation. The motion was seconded by Councilmember Miller and passed on unanimous vote.

F. Consideration of license agreement: Reclaimed waterline.

RECOMMENDED ACTION Authorize the license agreement with ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY.
Councilmember Edgar moved to take the recommended action, seconded by Councilmember Cavolo.

Councilmember McCulloch inquired into what will happen to the reclaimed wastewater during the period of time it will not be used for irrigation purposes. Mr. Doba replied that the water will be discharged into the Rio de Flag the same as is done with the Wildcat Wastewater Plant.

The motion passed on unanimous vote.

BOARDS AND COMMISSIONS

A. Consideration of PROPOSALS: Arts and Crafts Fair.

RECOMMENDED ACTION Accept the proposal from NORTHLAND HOSPICE for an amount not to exceed \$5,000.00.

Councilmember Miller moved to accept the recommendation. The motion was seconded by Councilmember Lopez and passed unanimously.

B. Consideration of SERVICES CONTRACT with FLAGSTAFF ROUTE 66 CAR CLUB.

RECOMMENDED ACTION The Economic Development Commission recommends approving a services contract in the amount of \$2,000.00 (to be taken from the Economic Development 1991-1992 fiscal year budget).

Councilmember Edgar moved to take the recommended action, seconded by Councilmember McCulloch.

Councilmember McCulloch related that Mega Foods has offered the parking lot at its anticipated site for use during the Route 66 activities. Many people on the east side of the community are concerned that the Route 66 festivities will be just a downtown happening and not communitywide. He suggested that some type of activity could be scheduled which would utilize the parking area and assets on the east side.

The motion passed on unanimous vote.

PUBLIC HEARINGS

A. Consideration of PUBLIC FORUM: Renaming SANTA FE AVENUE to ROUTE 66.

RECOMMENDED ACTION Open the Public Forum.
Receive citizen input.

Close the Public Forum.

Instruct staff to take appropriate action if required.

Councilmember Miller moved to open the public forum. Councilmember McCulloch seconded the motion which passed on unanimous vote.

After explaining the background leading up to Council's action in passing the resolution renaming Santa Fe Avenue to Route 66, Mayor Bavasi invited the public to speak out against the renaming of Santa Fe should they so desire.

Arlys Dollerschell, owner of Santa Fe Realty, reported on a poll of businesses along Santa Fe, copies of which she provided to Council. 11% of those polled want to retain the name of Santa Fe; 36% favor the name change to Route 66; and 54% want a joint overlay. Ms. Dollerschell requested Council to reconsider its action and allow the merchants to retain their Santa Fe addresses.

Councilmember McCulloch cited the confusion which could arise from using two names for the same street and asked for input on how to overcome such confusion.

Sandra Greene indicated that many communities around the country are instituting the joint overlays as opposed to a straight name change. Furthermore, the appropriate name is Highway 66 and not Route 66. She urged Council allow the merchants to have a joint overlay inasmuch as there will be a lot of expense to the business owners involved in the changeover.

Councilmember McCulloch advised that time has been allotted in the ordinance for the merchants to make their address changes without undue economic hardship.

Mrs. Greene pointed out the exception by Council on the South Milton stretch of road due to the economic burden which would have been experienced by those businesses. Consequently, there is no reason that the Council cannot make the same exception all the way along Santa Fe; and it would be unfair to do otherwise.

Millie Muraglia, 123 South San Francisco, recently vacationed out-of-state and traveled through several cities who are using the "Historic Route 66" roadsigns. The names of the streets have been retained, with the Route 66 markers occurring every half mile. She wondered if this might not be a feasible solution for the City of Flagstaff.

Bruce Green was in favor of the renaming of Santa to Route 66.

Ann Smith, a Flagstaff realtor, maintained that there would be no confusion resulting from a joint overlay, which she supported.

Councilmember McCulloch mentioned that Jerry Sanders owns a business north of designated Highway 66. Mr. Sanders had hoped that Council would consider extending the Route 66 designation to his address.

Mayor Bavasi responded that that issue and the issue of South Milton Road will be brought back for discussion. In the interim, all Councilmembers were comfortable with the previous Council's decision and it was their consensus to support the prior action.

Councilmember McCulloch moved to close the public forum which was seconded by Councilmember Washington and passed on unanimous vote.

ORDINANCES AND RESOLUTIONS

A. Consideration of ORDINANCE NO. 1723 - Amending the City Wastewater Regulations to include extensions of public reclaimed wastewater pipelines.

RECOMMENDED ACTION Read ORDINANCE NO. 1723 for the final time by title only.

ADOPT ORDINANCE NO. 1723.

Councilmember Miller moved to read Ordinance No. 1723 for the final time by title only, seconded by Mayor Bavasi. The motion passed on unanimous vote and title was read as follows:

ORDINANCE NO. 1723

An ordinance establishing procedures for the extension of public reclaimed wastewater pipelines and converting existing irrigation systems to use reclaimed wastewater.

Mayor Bavasi moved for adoption. The motion was seconded by Councilmember Washington and passed unanimously.

B. Consideration of ORDINANCE NO. 1748 - Repealing Ordinance No. 1581 and abolishing the Economic Development Commission.

RECOMMENDED ACTION Read ORDINANCE NO. 1748 for the first time by title only.

Councilmember Edgar moved to read Ordinance No. 1748 for the first time by title only, seconded by Councilmember Lopez.

Councilmember McCulloch was alarmed at the Arts & Science Commission's request for \$12,000 toward a director's salary and he would not support that direction at all.

John McLaughlin, Chairman of the Arts & Science Commission, advised that the Commission has not made a recommendation at this point on the director's salary and he did not know how the recommendation came to Council. The \$12,000 figure was never intended to be a portion of the funds transferred to the Commission.

Councilmember McCulloch felt that some of the BBB Commissions are getting away from the real focus of what the funds were intended to be used for by requesting funds for staff positions and creating larger bureaucracies.

In reply, Mr. McLaughlin noted that the request to the Arizona States Arts Commission was to partially fund a director's position. Should the Arts Commission fund a \$10,000 grant, then matching funds have to be available from the City. Currently, Tourism is considering a half-time position. In the event a half-time position is created, then a half-time grant can be applied for.

Mr. McLaughlin was upset that this matter had come before Council without his direct involvement.

Mayor Bavasi reminded Mr. McLaughlin that the director's position is not an agenda item and would be considered at a later date.

The motion passed on unanimous vote and title was read as follows:

ORDINANCE NO. 1748

An ordinance repealing Ordinance No. 1581, and abolishing the Economic Development Commission.

C. Consideration of RESOLUTION NO. 1765 - Approving an Intergovernmental Agreement between the CITY OF FLAGSTAFF and NORTHERN ARIZONA UNIVERSITY to provide support of the Northern Arizona Regional Gerontology Institute.

RECOMMENDED ACTION Read RESOLUTION NO. 1765 by title only.

ADOPT RESOLUTION NO. 1765.

Councilmember McCulloch moved to read Resolution No. 1765 for the first time by title only, seconded by Councilmember Lopez. The motion passed on unanimous vote and title was read as follows:

RESOLUTION NO. 1765

A resolution approving an intergovernmental agreement between the City of Flagstaff and Northern Arizona University to provide support for the Northern Arizona Regional Gerontology Institute.

Mayor Bavasi moved for adoption, seconded by Councilmember McCulloch; and the motion passed unanimously.

D. Consideration of RESOLUTION NO. 1766 - Approving an Intergovernmental Agreement with the STATE OF ARIZONA, GOVERNOR'S OFFICE OF DRUG POLICY to accept grant funds which match current City contributions to substance abuse prevention programs.

RECOMMENDED ACTION Read RESOLUTION NO. 1766 by title only.

ADOPT RESOLUTION NO. 1766.

Councilmember Miller to read Resolution No. 1766 by title only, seconded by Councilmember Cavolo. The motion passed on unanimous vote and title was read as follows:

ORDINANCE NO. 1766

A resolution approving an intergovernmental agreement with the State of Arizona, Governor's Office of Drug Policy to accept grant funds which match current City contributions to substance abuse prevention programs.

Mayor Bavasi moved for adoption, seconded by Councilmember McCulloch; and the motion passed on unanimous vote.

OTHER BUSINESS

A. Consideration of REQUEST to REFUND: \$5,000.00 to JOHN W. HESSER.

RECOMMENDED ACTION Due to the nature of this item the staff has no recommendation.

Councilmember Washington moved to grant the refund request, seconded by Councilmember McCulloch. The motion passed on unanimous vote.

B. Consideration of APPOINTMENT: Vice Mayor.

RECOMMENDED ACTION Discuss in Executive Session and make the appointment.

Councilmember Lopez moved to nominate Barbara Miller as Vice Mayor, seconded by Councilmember Edgar.

For the record, Councilmember Washington's comments are verbatim as follows:

As I mentioned yesterday, I feel that the tradition of appointing the previous, or rather the highest vote getter in the previous election should be followed. I believe that it's an objective standard rather than a subjective one. And I think that that's very important. I think that this is an admittedly pro-business Council and that this Council tries to do everything in concert with a principle of "Let's be pro-business." And I think that there's a clear majority of people who think in such a way on the City Council. I think one of the judges of character is how the strong treat the weak. And I think that it's clear that this Council can do whatever it wants to do in terms of making this type of decision. I think that there is something to be said for the tradition of the highest vote getter simply because it's an objective standard. And I'd like to read the names of some of the people who have been vice-mayor in this twenty-two year history that has been unbroken. There have been individuals such as Glen Lyon, as well as Patricia Loven, Murray Feldstein, Robert Knowles, Dale Nations. If you were to look at the ideology of people, then you would find some people such as Glen Lyon who had an orientation towards the environment. If you look at the ideology of other people, then perhaps they could be said to be pro-development or pro-business. And the tradition basically keeps this all neutral. It keeps us from having to decide, well, is this a good person or this a bad person, do we like this person or we do not like this person, does this person say what we would like that person to say, does this person vote the way we would like that person to vote? And I think that the tradition by its neutrality in terms of ideology makes a lot of sense. And I am, of course, disappointed. I read into the record yesterday letters from the coordinating Council on Mexican/American Affairs which asked the City Council to consider continuing with this tradition. And I read a letter from the forum for American Indian Rights signed by Steven A. Darden who himself was a former City

Councilmember asking this Council to follow the tradition. The Council has received a number of letters--I think four or five letters--from members of the community also asking them to follow the tradition. And I believe that each one of them, some of them talk about aspects of my views. But I think that the important aspect of it is that it is neutral, that the tradition is an ideologically neutral tradition. I think it's important to say that I think that the selection of the Vice-Mayor, I think that part of this has something to do with the Greater Flagstaff Economic Council and the fact that I've made critical remarks. I don't intend to be bludgeoned into silence regarding the Greater Flagstaff Economic Council and I believe that I owe to the American standards of free speech to not be bludgeoned into silence on this type of issue. And so I will speak in critical terms, if I feel that's important. I believe in free speech, and I don't believe that it's proper to sanction someone for exercising their right to free speech. However, I believe that I'm outvoted on this issue. One of the things that I think that is important, something that I point out about the City Council meeting thus far is that all of our votes have been unanimous. And I think that that's kind of important because a lot of controversial issues have come up as well. And we are in a period of Lent and I think the proper thing for me to do would be for me to support this motion.

The motion passed on unanimous vote.

C. Consideration of funding: Earth Day Celebration.

RECOMMENDED ACTION Due to the nature of this item staff has no recommendation.

Mark Randall informed Council that the event's main sources of funds will be coming from tabling fees charged to merchants and donations of time, services and cash. Those funds are unpredictable. Last year, the fair had a \$600 shortfall after the City contributed \$1,000; and that shortfall had to be taken out of the organizers' pockets. Mr. Randall does not know exactly how much funds will be needed, and because they will have additional expenses over and above the previous year's, they are making the request for the amount of \$1,800 in order to avoid the deficit that occurred last year.

In answer to Councilmember Allen's question, Mayor Bavasi responded that the City, through its Parks and Rec programs, has included organizations under its liability policies.

Mr. Randall reminded Council that the City did waive the insurance and bonding requirements last year and there are four City committees participating in the Earth Day event.

As has been done in the past, Mayor Bavasi supported City involvement in the endeavor.

Councilmember McCulloch moved to approve the expenditure up to \$1,800. Mayor Bavasi seconded the motion which passed on unanimous vote.

D. Consideration of City Manager Appointment.

RECOMMENDED ACTION Approve the appointment of David W. Wilcox as the City of Flagstaff City Manager. The effective date will be upon his

arrival in July 1992. Reference City Code of Flagstaff Chapter 8 Section 1-8-1.

Councilmember McCulloch moved to take the recommended action, seconded by Councilmember Lopez. The motion passed unanimously.

INFORMATIONAL ITEMS TO OR FROM MAYOR, COUNCIL OR CITY MANAGER


Councilmember McCulloch suggested that it might be a good idea for someone on staff to attend the Jobs for California Economic Development through Recycling Seminar as a forum to provide direction for recycling. Additionally, he will be calling Bill Menard to get an update on Simmco and the graveyard contracts.

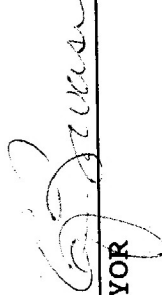
Councilmember Washington supported former Councilmember White's suggestion that it may be wise for the entire Council to make recommendations to GFEC for Board positions. As such, he would urge the appointment of Sarah Olliman and Carol Payne to the GFEC.

ADJOURNMENT

There being no further business to come before the Council, the Meeting was adjourned.

ATTEST:


CITY CLERK


MAYOR

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council held on April 7, 1992. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 22nd day of April, 1992.


CITY CLERK