

MINUTES

1. Call to Order

Mayor Deasy called the Work Session of the Flagstaff City Council held January 12, 2021, to order at 3:01 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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

2. Pledge of Allegiance and Mission Statement

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

MISSION STATEMENT

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

3. Roll Call

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

PRESENT:

ABSENT:

MAYOR DEASY (virtual)
VICE MAYOR DAGGETT (virtual)
COUNCILMEMBER ASLAN (virtual)
COUNCILMEMBER MCCARTHY (virtual)
COUNCILMEMBER SALAS (virtual)
COUNCILMEMBER SHIMONI (virtual)
COUNCILMEMBER SWEET (virtual)

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

4. Public Participation

Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone to have an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have

no more than fifteen minutes to speak.

Chris Jocks representing the Indigenous Circle of Flagstaff (ICF) addressed Council to welcome the new Councilmembers and to announce that the ICF is working with organizations to demand accountability for Snowbowl's activity, including the contract with the City for the sale of reclaimed water.

Will Carlstrom submitted written comments requesting that the Council create a Long-Range Planning Commission.

5. Review of Draft Agenda for the January 19, 2021 City Council Meeting

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

None

6. Active Transportation Master Plan

Multi-modal Transportation Manager Martin Ince provided a PowerPoint Presentation that covered the following:

ACTIVE TRANSPORTATION MASTER PLAN
PRESENTATION OUTLINE
WHY PLAN FOR ACTIVE TRANSPORTATION
NATIONAL AND LOCAL TRENDS
TRANSPORTATION AND CLIMATE NEUTRALITY
SPECIFIC PLAN
GUIDING PRINCIPALS
APPROACH
VISION
ATMP
ATMP GOALS
GOAL 1 BUILD NETWORKS
BIKEWAYS
ACTIVE TRANSPORTATION AND TRANSIT
GOAL 2 TAKE CARE OF WHAT WE HAVE
GOAL 3 SUPPORTIVE ENVIRONMENT
GOAL 4 IMPROVE SAFETY
GOAL 5 SUPPORTIVE PLANNING/LAND USE
TRAVEL DEMAND MANAGEMENT (tdm)
GOAL 6 ASSESS HOW WE ARE DOING
COMMUNITY ENGAGEMENT
ATMP

Councilmember Aslan emphasized the importance of inclusive transportation planning that considers people who are not interested or able to bike, due to factors like weather or terrain. He stressed that the goal is not to eliminate cars but to expand multi-modal options. He also brought up parking formulas in development agreements and suggested infrastructure improvements, like a pedestrian bridge over I-40 to connect neighborhoods south of NAU to downtown.

Vice Mayor Daggett expressed enthusiasm about sidewalk improvements and clarified they will be vertical sidewalks, not rolling ones. Mr. Ince confirmed this and mentioned plans to inventory missing ones.

Mayor Deasy asked about the "no way, no how" biking population (33%) and if the data was local or national. Mr. Ince explained it originated in Portland but is relevant to Flagstaff. He also noted safety concerns are a key issue for that group.

Councilmember Sweet, a new bike commuter, asked about the separation principle. Mr. Ince explained that Flagstaff has a good start but lacks a complete bike network.

Councilmember Shimoni expressed excitement about the plan, praised the team's work, and highlighted the value of route discovery. He also supported the idea of a bike route app.

Councilmember McCarthy expressed support for the plan.

7. Climate Emergency Declaration Update

Sustainability Director Nicole Antonopoulos provided a PowerPoint Presentation that covered the following:

CLIMATE EMERGENCY DECLARATION UPDATE
DISCUSSION
BACKGROUND
WHY WE ACT -- THE BENEFITS OF ACTION
WHY WE ACT -- THE COST OF INACTION
CLIMATE CHANGE IN FLAGSTAFF
2018 CLIMATE ACTION AND ADAPTION PLAN (CAAP)
FLAGSTAFF'S GREENHOUSE GAS EMISSIONS
THE CLIMATE EMERGENCY DECLARATION
CARBON NEUTRALITY
THE PATH TO CARBON NEUTRALITY
THE PATH TO CARBON NEUTRALITY -- ACTIONS UPDATE
SINCE THE CLIMATE EMERGENCY DECLARATION
COMMUNITY INPUT
TECHNICAL ANALYSIS AND PRELIMINARY EMISSION REDUCTION TARGETS
EMISSION REDUCTION TARGET AREAS
CLEANER ELECTRICITY TARGET AREA
REDUCING BUILDING ENERGY DEMAND
BUILDING FUEL SWITCHING
IMPROVED MATERIALS MANAGEMENT AND LANDFILL OPERATIONS
TRANSPORTATION SHIFT
ELECTRIC MOBILITY
CARBON SEQUESTRATION
THE CLIMATE NEUTRALITY PLAN: A LIVING DOCUMENT
WHAT'S NEXT
TIMELINE
THANK YOU

Anthony Garcia addressed Council to support the Sustainability Division and reminded the Council that there are certain agreements such as the Unisource franchise agreement that could use more review. He asked that the Sustainability Division be involved in the review.

Councilmember Aslan raised concerns about the Unisource franchise agreement, particularly the potential cost burden on consumers if it is not approved. He emphasized that the City is not yet ready to transition fully from gas to electric infrastructure.

Mr. Clifton explained that the franchise agreement primarily concerns Unisource's use of the City's rights of way.

Mr. Garcia mentioned he was surprised the Sustainability Division had not weighed in on the agreement initially. In response, Mayor Deasy said future franchise agreements will involve input from the Sustainability Division.

Councilmember Aslan reiterated his enthusiasm for sustainability efforts, despite the challenges.

Councilmember Shimoni appreciated the update, suggesting the addition of a carbon neutrality lens to

agendas and emphasized including social equity in sustainability decisions.

Councilmember Salas thanked the Sustainability Division but also expressed concern about maintaining affordability for doing business in Flagstaff.

A break was held from 5:01 p.m. through 5:16 p.m.

8. Regulation of recreational marijuana in Flagstaff

Management Analyst Jack Fitchett, Deputy City Attorney Kevin Fincel, Senior Assistant City Attorney Marianne Sullivan, and Zoning Code Manager Dan Symer provided a PowerPoint Presentation that covered the following:

RECREATIONAL MARIJUANA
OBJECTIVES
HISTORY
LEGALIZES SALE, USE, AND POSSESSION OF RECREATIONAL MARIJUANA
THE ACT DOES NOT
THE ACT AUTHORIZES CITIES TO
ENFORCEMENT ISSUES
PENALTIES UNDER THE ACTS
ADDITIONAL RECOMMENDATIONS FOR CITY ORDINANCES
ACTIONS BY OTHER CITIES SAMPLE ORDINANCE
DIRECTIONS
COUNCIL

Pele Peacock Fischer, an attorney representing RCH Wellness Center, addressed Council to introduce her firm and to offer her availability

Councilmember McCarthy asked Ms. Fischer about marijuana deliveries and if she believes that deliveries of small amounts could be appropriate. She answered that there are two different uses: medical and adult use. She added that adult use would need to be regulated, but that medical marijuana deliveries are still being decided on and they plan to push that decision out to the future.

Anthony Garcia addressed Council regarding the nuances in Prop 207 that could be punitive to less advantaged persons. He stated that marijuana should be prohibited in public property, but that City property is nuanced due to people who live in Flagstaff-owned properties.

Councilmember Aslan began by asking about police perspectives, to which it was clarified that Chief Musselman supported the recommendations presented. It was noted that DUI laws remain unchanged under the proposition. Councilmember Aslan also raised concerns about marijuana use by police applicants, and staff explained that although Arizona POST has relaxed certain requirements, marijuana use remains a disqualifier due to federal laws.

Vice Mayor Daggett asked about the rights of landlords to prohibit marijuana use, and staff confirmed that property owners can restrict usage on leased properties. Councilmember McCarthy added that this could be treated similarly to other property rules, like restrictions on pets or smoking.

Councilmember Shimoni raised questions about how marijuana restrictions could impact vulnerable populations, such as those experiencing homelessness. City Prosecutor Brent Harris noted that his office is focusing on clearing marijuana-related case backlogs and ensuring expungement options are accessible. He said future ordinances could include signage to clarify legal smoking areas, aiming to avoid criminalizing individuals unnecessarily. Ms. Sullivan reiterated that public use is already prohibited by the act and would remain a petty offense.

Councilmember Shimoni also asked Mr. Clifton about his experience in Colorado, where Mr. Clifton said crime and public use did not notably increase, though signage was important. Councilmember Shimoni inquired about whether additional taxes could be added through TPT permits to fund education. Legal agreed to look into it. He emphasized that vulnerable communities should not be

negatively impacted and expressed interest in protecting school zones, though he was not in favor of regulating testing or delivery services heavily.

Councilmember Sweet encouraged outreach to downtown businesses and asked about consequences for repeat petty offenses. Ms. Sullivan said there is no limit on such offenses but would research further. Councilmember Sweet expressed enthusiasm for moving forward with regulations that support economic development. Mr. Fincel added that staff would be presenting to the Chamber of Commerce and engaging other business groups.

Councilmember McCarthy questioned the proposed prohibition on marijuana testing facilities and deliveries, expressing concerns about their necessity and suggesting monitoring instead of bans. He supported the idea of using extra taxes for public benefits like education.

Mayor Deasy asked about cultivation guidelines and was told it must be locked and not openly visible, such as in backyards. He suggested odor control measures and supported the idea of a delivery cap. He also recommended that any additional tax revenue could go toward a community detox center.

Mr. Clifton clarified that concerns around odor mainly applied to large-scale greenhouse operations, not personal home grows. He added that other cities have successfully used marijuana tax revenues for community programs. Chief Musselman noted concerns about increased impaired driving investigations and safety risks involving children and pets, but he supported the staff's recommendations and emphasized enforcing what is on the books.

Councilmember Shimoni pressed for ordinances that protect vulnerable groups and avoid over-penalizing. Chief Musselman and Ms. Sullivan acknowledged these concerns but noted limitations due to state-level restrictions on public use. Councilmember Shimoni also pointed out that regulating delivery too strictly could lead to more trips, conflicting with carbon neutrality goals.

Vice Mayor Daggett questioned how city properties like parks would be handled under the law and voiced support for allowing delivery and testing. Ms. Sullivan clarified that public spaces are already regulated, and marijuana use could follow similar rules to tobacco. Mr. Solomon noted that smoking is already prohibited in parks, and that policy could be extended.

Councilmember Aslan acknowledged the complexity of the topic, stating that a gradual, cautious approach would be best, especially when it comes to implementing new policies. He supported prohibiting use on city property and delaying decisions on delivery.

Mayor Deasy reviewed each proposed item for staff direction, and Council reached general consensus on several key points including limiting recreational sales to dual licenses, not prohibiting testing facilities, prohibiting use on city property, prohibiting use on private property when posted, adding violations that did not carry over from the Act, adopting penalties similar to the Act, and keeping the current zoning for medical and apply it to recreational.

A break was held from 6:47 p.m. to 6:57 p.m.

9. 2021 Legislative Priorities

Management Analyst Sarah Langley, State Lobbyist Todd Medeksza, and Federal Lobbyist Bob Holmes provided a PowerPoint Presentation that covered the following:

2021 LEGISLATIVE PRIORITIES
AGENDA
INTERGOVERNMENTAL AFFAIRS PROGRAM
FEDERAL LANDSCAPE
ECONOMY
TRANSPORTATION AND INFRASTRUCTURE
COMMUNITY / SOCIAL INFRASTRUCTURE
ENVIRONMENT

Alicyn Gitlin spoke about and submitted a written comment supporting the permanent protection of the Grand Canyon from uranium mining. She also requested that the city lobby to include a provision on the Lowell Observatory Conveyance Act for the main part of Section 17.

Mayor Deasy emphasized the importance of holding a public discussion regarding the Section 17 item and requested it be prioritized. Mr. Holmes, representing Lowell Observatory, stated that his team plans to reintroduce a bill to protect land in perpetuity and will provide a draft once it's ready. Councilmember McCarthy supported drafting a letter, but highlighted the necessity of a public discussion first, especially due to recent legislative changes. Councilmember Shimoni shared that he had a positive conversation with the director of Lowell Observatory, who is aware of public interest in the matter and is open to new language being presented to the Council, he suggested inviting the director to the discussion.

Deb Harris and Khara House addressed Council and requested continuation of the Rio de Flag Project.

Councilmember McCarthy brought up concerns about Amtrak service cuts, which reduced daily service to just three times a week. He stressed the need for discussions aimed at restoring daily service in Flagstaff.

Vice Mayor Daggett raised the issue of direct COVID-19 relief payments, proposing that the County and school districts, which have not been reimbursed for their efforts, be included in the conversation. She also urged more focus on the severe housing problem.

Mr. Holmes responded to housing concerns, mentioning that additional housing funding is expected, with separate allocations for the county. He also highlighted forthcoming testing funds.

Mayor Deasy reaffirmed the Rio de Flag Project as a top priority. Councilmember Shimoni echoed this, acknowledging the significant progress made but emphasizing the remaining work.

Mayor Deasy also asked if there were any items to be removed from the federal priorities list and proposed adding broadband to support economic development, a suggestion that Councilmember Shimoni agreed with, citing the high cost of access as a barrier to community growth.

Councilmember Aslan advocated for the inclusion of Bear's Ears on the priority list to ensure continued lobbying efforts. Mr. Holmes confirmed that it would be handled administratively, and Vice Mayor Daggett noted that a resolution could address Bear's Ears without adding it to the priority list. However, Councilmember Aslan suggested adding it as a priority to ensure attention and movement, proposing verbiage focused on protecting wildlife and natural resources across the Grand Canyon and Colorado Plateau. Mayor Deasy inquired whether it could be added to the priorities, and Mr. Clifton confirmed there was sufficient direction on the matter.

Councilmember Salas emphasized the importance of securing funding and forming partnerships for open space, natural areas, trails, and dark skies initiatives. She noted that connecting open spaces and working with the county are vital but difficult due to pandemic-related funding constraints. Mayor Deasy suggested that the Land and Water Conservation Fund could cover some of these needs, which Mr. Holmes confirmed.

Councilmember Shimoni brought up the Bear's Ears issue again, mentioning potential changes in border crossing regulations, and stressed the importance of ADA compliance and tribal partnerships.

To summarize the federal priorities, Mr. Clifton outlined that the discussion would return to the Council once the Lowell Observatory bill draft is ready. The Rio de Flag Project would remain a priority, broadband would be added, and additional efforts to protect open spaces and resources, including Bear's Ears and the Grand Canyon, would be emphasized. Other priorities included lobbying for direct COVID-19 payments to the county and school districts and boosting HUD assistance. Finally, Mayor Deasy added Amtrak service restoration to the list of priorities.

STATE LANDSCAPE

PROPOSED STATE LEGISLATIVE PRIORITIES NEXT STEPS

Vice Mayor Daggett thanked Mr. Medeksza for the presentation and made two suggestions: clarifying the meaning of "carbon-free and clean energy" in the priorities and adding gun safety to the state's priorities. Mr. Medeksza responded by explaining that the language regarding 100% clean energy was crafted with input from the Sustainability office and Ms. Langley. However, the language was kept general to avoid being dismissed if changes occurred in energy types. He noted that the first step would be focusing on clean energy, with the specific types to be decided later.

Councilmember McCarthy expressed his interest in reviewing the proposed language and supported the addition of gun safety. He also raised concerns about short-term rentals and suggested that primary residents should have tax advantages over second homes. Mr. Medeksza confirmed that there was existing gun safety language from the prior Council that could be used, though he noted that the state's current more conservative stance may limit the effectiveness of any new measures. He assured Councilmember McCarthy that city staff would work on refining the language. Councilmember McCarthy emphasized the importance of education on gun safety without limiting gun rights.

Councilmember Shimoni appreciated Mr. Medeksza's realistic approach and voiced his support for gun safety. He also suggested adding other priorities to the list, including building relationships with tribal partners, protecting water resources, criminal justice reforms, diversion programs, and expanding access to elections and voter rights. Mr. Medeksza confirmed that criminal justice reforms would be reintroduced by Representative Blackman, and election-related bills would focus on larger counties. He also mentioned the importance of working with neighboring tribes on these issues.

Councilmember Aslan proposed including "dark skies" in the state priorities but acknowledged the need to keep the list concise. He recalled the disappearance of the dark skies license plate and expressed interest in revisiting it. Mr. Medeksza recognized the economic development potential of dark skies in Arizona and highlighted the popularity of dark skies license plates, which could be an easier push since they do not involve state funding.

Councilmember Sweet echoed the importance of preserving natural spaces and adding strong language regarding short-term rentals. She also supported the addition of gun safety language and prioritized tribal partnerships.

Councilmember Salas fully supported the priorities presented, particularly the inclusion of dark skies, open spaces, natural areas, and trails, stressing the need for both policy and funding to support these efforts.

Mayor Deasy reiterated support for criminal justice reform and voter rights and emphasized the importance of accessing geospatial tax data to analyze policy impacts. Mr. Medeksza offered to send a weekly legislative update and make time for one-on-one meetings with Councilmembers.

Mr. Clifton summarized state priorities discussed included fostering relationships with tribal partners, supporting criminal justice reforms, emphasizing dark skies, preserving open areas and trails, advocating for gun safety, protecting voter rights, supporting broadband, addressing short-term rentals with a focus on local control, and enhancing collaboration with neighboring tribes.

Dr. Diane Hope submitted written comments requesting that the city lobby to include a provision on the Lowell Observatory Conveyance Act for the main part of Section 17.

Khara House, Deb Harris, and Susanne Muller submitted written comments in support of the continuation of the Rio de Flag project.

10. **Discussion and Direction:** 2019/2020 Election Overview and Timeline Review

Mayor Deasy announced that the discussion and direction of the 2019-2020 Election Overview and timeline review would be pushed to the next meeting.

11. Public Participation

None

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

Vice Mayor Daggett emphasized the need for the federal language regarding Section 17, she is requesting that it be published as soon as it is available so the community can have a public discussion on it. She stated she is giving the keynote speech at the Blue Key Honor Society National Conference. She also highlighted her Intern Kai Simpson.

Councilmember Aslan would like a discussion about Lowell Observatory and stated his support in making sure there is robust public discussion on it.

Councilmember McCarthy echoed the need for a public discussion on the Lowell Observatory.

Councilmember Salas stated that later that week there is a virtual community meeting on McMillian Mesa Rezone. She acknowledged the work from the Sustainability Division and the grants they secured for projects.

Councilmember Shimoni stated that during the County call update they discussed the Covid vaccine distribution and the challenges they had had with certain vaccines. He stated that the Employee Advisory Committee is having meetings regarding wages and pay scales. He stated that the CJCC will meet later that week. He reminded the community of the Town Hall scheduled for February and the Alliance group meeting later that week. He acknowledged the trip to Washington D.C. and stated that he felt the focus needed to be more on residents and topics. He requested an Executive Session on the contract with Snowbowl.

Councilmember Sweet stated that she attended her first Beautification and Public Arts Commission meeting.

Mayor Deasy stated they took a group photo outside, six feet apart and did their headshots. He asked Mr. Solomon to look into what potentially the City could do to encourage the Covid vaccine. He spoke of the Stand up Speak Out Proclamation. He stated he put letter together to condemn the acts on the Capitol.

Councilmember McCarthy stated that he did not know about the letter so he did not sign it. He made his own statement via social media. He stated his wife had sent the letter to the editor to be published in the Sunday paper.

Mayor Deasy stated that he did not contact Councilmembers for the letter due to worries about Open Meeting Law.

13. Adjournment

The Work Session of the Flagstaff City Council held January 12, 2021, adjourned at 9:14 pm.

MAYOR

ATTEST:

CITY CLERK