

MINUTES

1. Call to Order

Mayor Daggett called the meeting of the Flagstaff City Council held September 24, 2024, to order at 3:02 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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

Present: Becky Daggett, Mayor
Austin Aslan, Vice Mayor
Deborah Harris, Councilmember
Khara House, Councilmember
Lori Matthews, Councilmember
Jim McCarthy, Councilmember
Miranda Sweet, Councilmember

Staff Present: City Manager Greg Clifton; City Attorney Sterling Solomon

3. Pledge of Allegiance, Mission Statement, and Land Acknowledgement

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

MISSION STATEMENT

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

LAND ACKNOWLEDGEMENT

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

4. 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.

Peggy Shelton-Scurlock and Rebecca Durrenberger addressed Council and recognized the International Day of Peace, speaking to its significance and encouraging continued local observance and awareness of global peace efforts.

Climate Action Section Director Jenny Niemann addressed Council and provided an update on the fourth round of the Northern Arizona Solar Co-op. She highlighted continued community interest and participation in the initiative aimed at expanding access to solar energy in the region.

Mario Mastrosimone, a resident of Hospital Hill, addressed Council and expressed concerns about the impact of short-term rentals on local housing affordability. He noted that one individual owns 27 Airbnb units in the area and urged the city to consider policies that limit the number of licenses issued, as seen in other municipalities.

Sara Sweeny, representing High Altitude Roller Derby, addressed Council and spoke about the value of roller derby in the community and the challenges faced due to the loss of dedicated practice space. She explained that sharing the MEMS facility with other sports groups has significantly limited their practice time. She advocated for the development of a multipurpose indoor sports facility and requested that this be added to a future Council agenda.

5. Review of Draft Agenda for the October 1, 2024 City Council Meeting

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

None

6. City Manager Report

Mr. Clifton briefly reviewed his report.

Stormwater Manager Ed Schenk provided a PowerPoint presentation that covered the following:

MEADE LANE DRAINAGE
MEADE LANE DRAINAGE IMPROVEMENT
SUMMARY
HYDROLOGY
MEADE LANE PLAN AND PROFILE
MEADE ROADWAY SECTION

Councilmember McCarthy raised a concern regarding the potential for backflow if the Rio de Flag were at a high-level flood condition. Mr. Schenk responded that based on the current elevations, backflow would be unlikely, as simultaneous flooding of the two areas was improbable.

Tom Pearson addressed Council and emphasized the ongoing threat of flooding and urged the Council to act immediately. He highlighted that the drainage problem was well known, due to undersized pipes, and called for urgent implementation of available solutions, stressing the need for decisive funding action.

Gail Reed addressed Council and expressed appreciation that funding was being directed toward fixing the issues on Meade Lane but urged that the project not be delayed for two years. She asked for the work to begin as soon as possible.

Mr. Clifton shared that three projects were currently being funded through FEMA and that the Meade Lane project is considered a high priority with a strong design and funding already in progress.

Laura Kessler addressed Council and raised concerns about potential backflow from the Rio de Flag, and its effects on residential water and sewer systems. She asked about the status of the plan's approval and permitting process and requested financial relief from the city for past personal expenditures related to flood damage. She also asked when residents would be safe from future flooding and requested a specific timeline.

Mr. Schenk explained that the project was at 60% design and was currently going through city and Arizona Department of Environmental Quality permitting. He noted that while approvals were pending, progress is being made quickly, with construction expected in "months, not years." He added that design completion was expected before grant approval.

Councilmember Matthews asked for an updated schedule of current and future capital projects. Mr. Schenk confirmed that the updated list would be available during the January budget retreat and that a financial review of outcomes is underway.

Councilmember Matthews also inquired about flood-related grants. Sustainability Director Nicole Antonopoulos stated that residents would apply for flood prevention and neighborhood sustainability grants, with information available on the city website. However, she clarified that the grants were prescriptive and not retroactive. Councilmember Harris further clarified that grants were not designed to offer tax or fee relief, which Ms. Antonopoulos confirmed.

Housing Specialist Marissa Molloy presented the housing monthly report.

Councilmember McCarthy asked about the homebuyer assistance program timeline, and Housing Director Sarah Darr stated that a presentation on the proposed expansion of the program would be delivered later in October.

Human Resources and Risk Management Director Kori Vogt presented her division's monthly report.

Councilmember Harris inquired about local job fair attendance for recruitment efforts, and Ms. Vogt confirmed participation at upcoming Northern Arizona University and Flagstaff Unified School District's events. Councilmember Harris also asked about employee referral programs, and Ms. Vogt noted that an incentive program existed and was recently enhanced.

Mayor Daggett mentioned her upcoming attendance at the Disability Resources Fair and invited departments to provide materials for distribution.

Sustainability Director Antonopoulos presented the sustainability report.

Councilmember Sweet praised the sandbag removal event in Coconino Estates, commending city staff and residents.

Mayor Daggett asked if staff would be volunteering for the general election, and Mr. Clifton confirmed that they would.

7. Creative Flagstaff Annual Update

Community Investment Director Dave McIntire introduced Creative Flagstaff Interim Executive Director Julie Cornick who provided a PowerPoint presentation that covered the following:

**COCONINO CENTER FOR THE ARTS CELEBRATING 40 YEARS
1984-2024**

GALLERY
YOUTH ART
YOUTH PERFORMANCE
THEATRE
COMMUNITY
GRANTS AND OPPORTUNITIES
ENGAGEMENT
THANK YOU FOR YOUR SUPPORT

Mayor Daggett noted that the Bed, Board, Beverage tax she referenced was Proposition 487, which would appear on the November ballot and was the vehicle by which the city funded the programs she described.

8. 18-Month Report for the 10-Year Housing Plan

Housing Program Manager Adriana Fisher provided a PowerPoint presentation that covered the following:

18-MONTH REPORT FOR THE 10-YEAR HOUSING PLAN
AGENDA
10-YEAR HOUSING PLAN OVERVIEW
18-MONTH REPORT
HOUSING MARKET CONDITIONS
HIGHLIGHTS
OVERARCHING GOAL AND ELEMENT PROGRESS

Mayor Daggett asked how often housing data was updated on the city's website. Ms. Fisher stated it was updated quarterly in January, April, July, and October.

Mayor Daggett requested clarification on how affordable and market-rate housing worked together and noted that housing numbers reflected both city and partner efforts. Ms. Fisher confirmed and added that affordable housing means different things to different people.

Councilmember Matthews asked what "preserved" meant. Ms. Fisher explained it referred to rehabilitating existing housing units, including efforts to keep low income tax credit properties from converting to market-rate.

Mayor Daggett asked how market-rate and affordable units complemented each other. Ms. Fisher explained that they worked with partners to provide a range of options, including land trusts and down payment assistance, not just 80% adjusted median income units.

With high local housing costs, Mayor Daggett questioned the relevance of the term "market rate." Ms. Darr explained that market rate reflects what the market would bear. While terms like "attainable" or "workforce housing" were used, the city still categorized units as either market-rate or affordable to address the full housing spectrum.

STRATEGY PROGRESS
COMPLETED STRATEGIES
ONGOING STRATEGIES
HOUSING RESOURCES AND COMMUNITY EFFORTS
LEGISLATIVE EFFORTS

Councilmember McCarthy noted that approximately 25% of homes in Flagstaff were owned by non-residents, with entire neighborhoods being taken over by short-term rentals. He stressed the need to work with state legislators to address the issue. Mayor Daggett asked if the 25% figure was accurate, and Ms. Darr confirmed that updated property tax data supported that percentage.

Mayor Daggett also asked about the number of Airbnbs in the city, and Ms. Darr responded that staff would follow up with that information. She added that the city was restricted in its ability to regulate

short term rentals or second homes, only requiring short term rentals to register.

Councilmember Harris asked for assurance that all available funds for down payment and rental assistance were being used. Assistant Housing Director Justyna Costa confirmed that down payment assistance funds were fully allocated, and that additional funding would be available through the upcoming housing bond. Funds for employer-assisted housing were still available. Regarding rental assistance, Ms. Costa noted it was administered by the county.

Councilmember Sweet commended the Housing team's efficiency and encouraged residents to visit the city's website for information.

Councilmember Matthews asked about updates on employer workforce housing incentives. Ms. Darr said new policy changes were being incorporated into the code analysis project and would be part of the upcoming incentive package.

Councilmember House emphasized the importance of continuous public education on affordable and workforce housing, which included essential workers like teachers and firefighters.

Ms. Fisher shared updated figures, reporting that as of June 2024, there were approximately 4,007 second homes and 628 short-term rentals in Flagstaff.

9. Discussion of possible revisions to the Nuisance Noise Ordinance

Mr. Clifton and Senior Assistant City Attorney Marianne Sullivan provided a PowerPoint presentation that covered the following:

NUISANCE NOISE ORDINANCE
BACKGROUND
COMBINED WORK GROUP UPDATE
COMMENTS AND CONCERNS
DRAFT ORDINANCE
NUISANCE NOISE ORDINANCE DIRECTION

Councilmember House raised a question regarding the current policy language that allowed for waiving civil penalties when individuals participated in certain programs, asking whether it would be rephrased or removed. Ms. Sullivan clarified that the clause only applied under the nuisance party ordinance and not more broadly.

Vice Mayor Aslan expressed concern about the vague and subjective language used in the noise ordinance, particularly phrases like "clearly audible" and "disturbs others." He warned that such language could lead to inconsistent or unfair enforcement and noted that personal interpretation by officers could vary widely. Ms. Sullivan responded that the language was adapted from Arizona's disorderly conduct statute and was meant to provide officers with a reasonable enforcement standard. She emphasized that officers would need to personally hear the noise and determine whether it constituted a legal disturbance. Vice Mayor Aslan reiterated his discomfort, stating that some complaints he had heard did not sound like genuine disturbances and that the ordinance could be overly subjective.

Councilmember Matthews agreed, questioning whether requiring noise to stop two hours before bars legally closed was realistic. Ms. Sullivan explained that while bars may stay open until 2:00 a.m., city policy currently required music and outdoor noise to end at midnight, and the ordinance aimed to strengthen enforceability by introducing the disturbance component.

Craig Bouchard addressed Council and criticized the ordinance changes, arguing the process lacked community inclusion and was trying to solve a problem that did not exist. He warned that overly strict noise rules could lead to a "silent downtown," ultimately hurting the city's economic vitality.

Southside Tavern owner Matthew Dyer addressed Council and spoke about the financial risks to local nightlife, particularly the loss of revenue between midnight and 2:00 a.m. He suggested the use of

decibel meters as an objective tool, noting that noise could be measured and managed rather than relying solely on subjective judgment.

Blake Whitten, a long-time Southside homeowner, addressed Council and shared that he lost his tenant due to bar noise and had been unable to rent the property since, costing him approximately \$20,000. He argued that residential rights were being overlooked and that the noise issue was driving away renters and undermining the housing market.

Candace Ryan addressed Council in support of the ordinance changes and emphasized the chronic disruption noise caused to nearby residents. She noted that many people had moved away and urged the Council to take action after years of complaints.

Dawn Rochelle, Joan Martini, and Jim McCarthy submitted written comments regarding the need for a sound ordinance that protected the residential neighborhood.

Vice Mayor Aslan acknowledged the challenge in balancing business interests with residential quality of life and supported maintaining the current hours with slight modifications, such as treating Thursday night differently from weekends. He proposed adding a high legal standard like "beyond a reasonable doubt" for violations, but Ms. Sullivan clarified that civil cases relied on a "preponderance of evidence," and that officers already had discretion under existing law.

Mr. Dyer outlined the mitigation steps taken, such as: timed shutoff of outdoor speakers at 10:00 p.m., door closers to prevent patio sound leakage, offering air conditioning to nearby tenants, using decibel meters to monitor and adjust sound levels, and additional security to ensure doors remain closed. Mr. Dyer said noise levels typically remained below 60 decibels and that the loudest noise often came from people, not music. He also stated that he had reached out to neighbors with contact information but had not received direct complaints.

Councilmember Matthews raised concerns with vague language in the ordinance, particularly sections that relied on subjective criteria like "clearly audible" from a complainant's property. She requested tighter definitions to prevent misuse and ensure fair enforcement. Ms. Sullivan noted that while "clearly audible" was part of the existing ordinance, the new proposal strengthened it by adding a requirement that the noise must also be disturbing.

Councilmember McCarthy highlighted a key change in the proposal: measuring noise from the complainant's location rather than inside their home, which he said could help reduce intrusiveness. He shared personal knowledge of at least five residents who had moved due to excessive noise and cited a local yoga studio that ceased nighttime classes because of nearby bar activity. He emphasized the need to distinguish between central business zones and residential or community commercial areas, suggesting that stricter noise rules should apply in residential areas, including 24/7 limitations.

Councilmember House supported adding a "reasonableness" standard and stressed the importance of ongoing communication between residents and businesses. She emphasized that any compromise would require both sides to give and acknowledged that no solution would fully satisfy everyone. She also advocated for including a formal warning before imposing penalties and supported equal treatment of individuals and businesses in the ordinance. She suggested that failure to provide identifying information be included as a civil offense.

Ms. Sullivan agreed on the importance of finding a balanced solution. She noted that the city's Downtown Vision Plan called for increased housing on the north side of the tracks, where some businesses already operated with outdoor music.

Councilmember Harris supported a warning system before penalties and argued that both businesses and individuals should be held to the same standards. She stressed the importance of mutual respect and compromise and noted that loud environments could drive customers away just as much as residents.

Mayor Daggett asked for clarification on who would be cited in noise complaints, residents or individuals. Ms. Sullivan explained that either could be cited depending on the situation, including

patrons outside a business. Mayor Daggett affirmed her desire for a vibrant downtown but emphasized balance. She supported including a warning before penalties, exploring use of sustainability grants for sound mitigation, and acknowledged that indoor music could still constitute a violation if it disturbed neighbors.

Staff would continue to refine the ordinance language, with an emphasis on balancing enforcement, business needs, and resident concerns and bring it back for further consideration at a later meeting.

10. Open Call to the Public

None

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

Councilmember McCarthy shared that he recently participated in the Hogan blessing at Flag High School and was honored to be part of the event. He also had his first meeting with staff from Adrian Fontes' office regarding the America 250 plans.

Councilmember Harris reported attending a victim witness event over the weekend and highlighted the Southside Community Association's upcoming annual health fair in October, focused on housing as a healthcare issue. She encouraged the Housing and Sustainability department to participate and noted her recent meeting with the Flagstaff Family Food Center to discuss their challenges, expressing hope for a future presentation on city support for the center.

Vice Mayor Aslan attended the Friends of the Verde conference in the Verde Valley.

Councilmember Sweet reflected on the Hogan blessing as a beautiful event and mentioned plans to visit Levitate Adventure Park with the Mayor to discuss support for small businesses in Flagstaff. She also noted the unveiling of the Route 66 mural and her attendance at the victim witness event.

Mayor Daggett announced that next week was Week Without Driving, aimed at promoting accessible communities, and shared that she planned to participate. She shared that the Disability Resources Fair was in October at High Country Conference Center, where she would attend with the Commission on Inclusion and Adaptive Living, and noted the Flagstaff Festival of Science week, including a star party at Buffalo Park. She highlighted that the Community Assistance Team would host a pop-up care village at Bushmaster Park during the upcoming weekend and emphasized them as a community resilience hub.

12. Adjournment

The Work Session of the Flagstaff City Council held September 24, 2024, adjourned at 7:00 p.m.

MAYOR

ATTEST:

CITY CLERK