

MINUTES

1. Call to Order

Mayor Daggett called the meeting of the Flagstaff City Council held October 8, 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
Lori Matthews, Councilmember
Jim McCarthy, Councilmember
Miranda Sweet, Councilmember

Absent: Khara House, 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 Sweet read the Mission Statement of the City of Flagstaff, and Councilmember McCarthy read the Land Acknowledgement.

MISSION STATEMENT

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

LAND ACKNOWLEDGEMENT

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

4. Open Call to the Public

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

will be held until the second Open Call to the Public.

If you wish to address the Council in person at today's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Open Call to the Public and Public Comment. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

Nadine Hart addressed Council and spoke about traffic concerns around the high school.

Eva Putzova addressed Council and spoke about the Palestine/Israel conflict.

Michael Wells addressed Council regarding the need for sound barriers along I-40 and requested information on how to pursue their installation.

Water Services Program Manager Tamara Lawless announced that Flagstaff received the EPA WaterSense Partner of the Year Award, becoming the first utility in Arizona to earn this top honor. She highlighted the significance of the award in recognizing water efficiency and product performance, and thanked the EPA, city leadership, and the community for their ongoing support of water conservation.

Laura Franke addressed Council and spoke about the Palestine/Israel conflict.

Catherine Jadin addressed Council and spoke about the Palestine/Israel conflict.

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.

None

6. Proclamation: Indigenous Peoples' Day

Councilmember Matthews read and presented the proclamation.

7. Proclamation: Housing America Month

Councilmember Sweet read and presented the proclamation.

8. Proclamation: Disability Awareness Month

Mayor Daggett read and presented the proclamation.

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

Communication and Civic Engagement Director Stacy Saltzburg introduced the Chair of the Commission on Inclusion and Adaptive Living Rachael Simukonda along with Anne Huffman and Estella Hollander who provided a PowerPoint presentation that covered the following:

WHAT IS WAV?

WAV -- WHEELCHAIR ACCESSIBLE VEHICLE

OUR ASK

WHAT WE KNOW

EXCERPTS FROM LETTER OF SUPPORT

PROGRESS

OBSTACLES TO OVERCOME

Vice Mayor Aslan began by thanking everyone for their focus on the gap in WAV transportation and bringing the issue to Council's attention. He shared a concerning incident where a person trying to access a WAV fell out of their wheelchair. He emphasized that if housing was considered a right in Flagstaff, then mobility should also be viewed as an entitlement and right, since anyone could suddenly face a medical condition that immobilized them. The conversation was about taking care of each other. He then asked if rideshare companies were aware of the inequities in their service regarding accessibility.

LaRaina Reyes from Mountain Line responded that it had been difficult to get meaningful feedback or communication from the rideshare organizations. One challenge was that operators used their own personal vehicles, which complicated providing accessible options.

Ms. Huffman noted that the Uber and Lyft apps in the valley do offer a WAV option.

Vice Mayor Aslan wondered if those companies had an obligation to address the gap in service and suggested that advocating for WAV services be included in the City's legislative agenda.

Ms. Reyes mentioned that there was a bill in California related to taxi services and accessibility.

Councilmember Matthews asked how far in advance paratransit rides needed to be scheduled. Ms. Hollander replied that riders must call by 5 p.m. the day before to schedule. Ms. added that scheduling in advance did not guarantee that someone would get their preferred time and sometimes riders had to adjust their own schedules to fit paratransit availability.

Councilmember Sweet asked if the Board of Mountain Line was actively looking for partnerships to address the challenges. Ms. Hollander said the challenge was finding a willing partner; there had been little interest in purchasing or assisting with vehicle acquisition. Councilmember Sweet followed up, asking if they were actively seeking partners. Ms. Hollander confirmed they were, noting that it was a roughly three-and-a-half-year project and that they were open to ideas and contacts.

Councilmember Sweet expressed hope that someone willing to partner would emerge.

Mr. Martinez emphasized how quickly mobility could change for someone, and that access to quality community transportation services, especially WAV, would make a huge difference.

Councilmember Harris inquired about liability insurance for Uber and Lyft drivers using their personal cars and whether the companies covered that. Ms. Simukonda responded that while drivers must have insurance, it was solely their responsibility.

Councilmember Harris mentioned she sometimes saw medical transport vehicles in town and asked if that company had been approached for partnership. Ms. Simukonda stated that it was a company out of Phoenix, and they had been approached about a possible partnership.

Councilmember Matthews acknowledged that nighttime service options were limited and that it was a real challenge. She asked if Mountain Line's fleet was at full capacity or if there was room to add vehicles. Ms. Hollander said they had some ability to add capacity as needed, with eight vans currently in service working to meet demand.

Councilmember McCarthy shared that when his wife was unable to drive, Mountain Line service worked well, though he recognized the need for improvement. He suggested that expanding service through Mountain Line and medical transport companies seemed like the most viable options. Funding remained the obvious hurdle, though Mountain Line did receive grants and other support. Collaborating with those providers to find funding might be the way forward.

Mayor Daggett noted that the county offers limited transportation services for elderly residents, which did not address this issue. She asked if Mountain Line would have restrictions in providing broader service if funding and staffing were not issues.

Ms. Hollander explained that federal funding came with many rules and restrictions. Without those federal funds, they could explore more flexible funding options and potentially expand services.

Mayor Daggett concluded by expressing general support for addressing this mobility gap and expressed interest in connecting further to explore solutions. She thanked the speakers for bringing the issue forward, and recognized it as a significant and previously underappreciated area of transportation need.

Andy Fernandez addressed Council with comments about Mountain Line.

10. John Wesley Powell Project Update

Capital Improvements Project Manager David Pedersen and Planning Director Michelle McNulty provided a PowerPoint presentation that covered the following:

JWP EXTENSION PROJECT UPDATE
VICINITY MAP
BACKGROUND
J.W. POWELL BLVD STUDY AREA

Council briefly discussed the Arizona Trail and how it integrated with the project.

FINANCIAL
DEVELOPMENT AGREEMENT
TRAILS, WILDLIFE, AND OPEN SPACE
JWP SPECIFIC PLAN
J.W. POWELL BLVD PROPOSED ALIGNMENTS

Councilmember Harris mentioned the possible need for a school and asked about being in contact with Flagstaff Unified School District (FUSD). She inquired how that process worked and whether FUSD was responsible.

Ms. McNulty explained that part of the process was identifying if there was a need from the population moving into the area for an additional school. Currently, FUSD had indicated they did not see the need for a new school in the area, as the numbers did not support it. However, if that changed during the planning process it would definitely be part of the project to identify where a school could be located if needed.

Councilmember Matthews asked if, when the project came back to Council in June, the plan was to present the final agreement on the road alignment and other things that had been in discussion for years.

Mr. Pedersen responded that he was optimistic that there would be a lot to present but noted that some things move quickly and others more slowly, so he was hesitant to commit to anything specific.

11. Beulah/University Realignment Project Update

Capital Improvements Project Manager David Pedersen provided a PowerPoint presentation that covered the following:

BEULAH/UNIVERSITY REALIGNMENT PROJECT
VICINITY MAP
PROJECT HISTORY
PROJECT SCHEDULE
PROJECT OVERVIEW -- BEFORE & AFTER
BEULAH BLVD PEDESTRIAN CROSSING PHOTOS
PROGRESS

Vice Mayor Aslan stated that it was great to watch the progress happen and gave a shout out to Adam Shimoni for his influence on some of the modifications around bike and pedestrian safety. He then asked if Mr. Pedersen could speak more about landscaping and beautification. Mr. Pedersen responded that the line item for landscaping was about \$1 million. He explained that black cinders were selected to help with aesthetics based on the results from winter. He also noted that there were certain approved plants for use, which made the process very complex. The subcontractor responsible for landscaping was doing a great job with species selection, line-of-sight considerations, and other factors.

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

Assistant Housing Director Justyna Costa introduced Housing Planner Jessica Donohoe who provided a PowerPoint presentation that covered the following:

PROPOSED BOND-FUNDED HOMEBUYER ASSISTANCE PROGRAM
MEETING PURPOSE
HOUSING COMMISSION BRAINSTORM 01/25/2024
CURRENT COMMUNITY HOMEBUYER ASSISTANCE PROGRAM,
ELIGIBILITY CRITERIA
FLAGSTAFF METROPOLITAN PLANNING ORGANIZATION (FMPO) MAP
CURRENT CHAP CRITERIA

Councilmember Matthews asked about the maximum ratios, specifically the 35% housing figure, and wanted to know what it represented. Ms. Costa responded that it was a range developed in collaboration with Housing Solutions of Northern Arizona.

SUCCESS OF CHAP UPDATES
AFFORDABILITY ANALYSIS FOR 80-150% AMI (2024)
LACK OF SUPPLY UNDER \$550,000
WHAT IS CURRENTLY AVAILABLE
CURRENT VS PROPOSED ELIGIBILITY CRITERIA
CURRENT VS PROPOSED CHAP CHANGES
EXAMPLE OF SHARED APPRECIATION FORMULA (% OF ASSISTANCE)
SCENARIOS
PROPOSED PERMANENT AFFORDABILITY OPTION -- PILOT
NEXT STEPS

Councilmember Matthews asked about the current definition related to home ownership, specifically why the proposal was changing the requirement from the FMPO boundary and the rule about not owning a home in the last three years. Housing Director Sarah Darr explained that previously, people had to wait the full three years, which was something they wanted to address. The updated requirement still included a one-year work or live residency in Flagstaff before qualifying. Another qualifier was that applicants could not own a second home.

Councilmember Matthews inquired about the number of households they hoped to serve as referenced in the election materials. Ms. Darr confirmed there were initial estimates, but those were based on very different market conditions.

Councilmember Matthews noted that with \$200,000 allocated for permanent affordability, if they originally committed to 500 homes but were only serving 35, that needed consideration. Ms. Darr said she did not anticipate a large number of people would be interested in permanent affordability. She described it as a pilot program, and while unsure how it would work in Flagstaff, the city's investment in the land should grow over time. When homes were sold, the city could recoup funds and reutilize them.

Councilmember Harris asked if the program involved loans. Ms. Darr replied no, the city purchased the land, so the value remained with the municipality.

Councilmember Harris asked if homeowners could sell their homes. Ms. Darr explained that under the land trust model, resales occurred regularly. The city continued to own the land under the home, and the home must be sold to a qualified household. If a non-qualified person purchased it, the city charged market-rate rent for the land.

Councilmember Harris asked for clarification about equity, if someone qualified for assistance, lived in the home for five years, could they sell it for more than they paid. Ms. Darr said the resale formula was appraisal-based and considered how the homeowner cared for the home. The homeowner walked away with whatever equity was built over time, balancing risks and rewards.

Councilmember Sweet complimented the housing team for their innovation and expressed excitement about the pilot program.

Mayor Daggett thanked the team and shared feedback from a homeowner using CHAP, who mentioned it would be helpful to refinance to take equity out to build an ADU without repaying everything immediately. She asked if this had been considered. Ms. Darr said typically the policy had been that the community was paid first, but the ADU issue had surfaced as something they could explore further.

Andy Fernandez addressed Council speaking in opposition.

13. Discussion of possible revisions to the Nuisance Noise Ordinance

Senior Deputy City Manager Shannon Anderson and Senior Assistant City Attorney Marianne Sullivan provided a PowerPoint presentation that covered the following:

NUISANCE NOISE ORDINANCE UPDATES

Candace Ryan addressed Council regarding a noise ordinance issue that also involved zoning. She explained that it was both a zoning and noise ordinance problem, she pointed out comparisons between businesses on the north side of the tracks. Although the Tavern fell under a bar classification, it did not operate as a typical bar. She shared that after years of research on how to address it, she noted that standard quiet hours were 10:00 p.m. Monday through Thursday. She mentioned her home was upgraded before purchase, while the tavern, built in the 1930s, may not be constructed to handle the noise. Without decibel measurements, officers needed another way to determine nuisance. She expressed frustration that six years of inaction had caused people to move and that residents had been bullied. Councilmember McCarthy asked what time Ms. Ryan's family typically went to bed. Ms. Ryan replied that her daughter slept around 8:00 p.m., and the rest of the family around 9:00 p.m.

Matthew Dyer addressed Council and thanked them for revising the times in the ordinance but stressed that more could be done to avoid wasting resources. He noted that Friday and Saturday sales accounted for about 48% of revenue, and those hours were crucial to his business. He said the community focus had centered on one business and that he felt personally attacked. Councilmember Matthews referenced the tavern's business model changes. Mr. Dyer explained that Craig Bouchard bought the business in 2020 and that they had been trying to accommodate. He noted uncertainty about the Tavern's history, saying it used to be more of a restaurant/bar.

Blake Whitten addressed Council and spoke about the September meeting, stating he wanted to rent his home but was unable due to zoning issues separate from the noise ordinance. He requested enforcement of zoning and warned he would seek legal counsel for economic damages if the city failed to act, mentioning the nightclub business model.

Councilmember McCarthy observed that there was no noise issue for years but that problems began when the business model shifted to a bar.

Ms. Ryan noted that before their purchase it was Cafe Ole, and it was more of a tavern that had since shifted to a nightclub.

Councilmember McCarthy added that a year ago, another bar with a rooftop area was a much worse noise problem, emphasizing that the issue is not just with one business but multiple.

Vice Mayor Aslan asked if the legal language around "pervasive" noise was included in the ordinance and wanted to ensure it was not too narrowly defined.

Ms. Sullivan confirmed that the draft ordinance used the dictionary definition of pervasive, noting that if not defined in statute, judges defaulted to the common dictionary meaning.

Vice Mayor Aslan said he did not love the definition but was willing to work with it. He stated the language matched what was hoped for in the last ordinance draft and cautioned against litigating a specific incident instead of applying it citywide. He supported trying the language and believed it gave police discretion to interpret what was reasonable.

Mayor Daggett asked why there were two different zoning designations--commercial on one side and community commercial (CC) on the other. Community Development Director Dan Folke said he would need to research the history but noted that zoning often reflected permitted uses and varying intensities.

Councilmember Sweet requested more information about the zoning differences and noted that other cities faced similar challenges. She shared she visited the Southside Tavern and Ms. Ryan's residence and observed mitigation measures like sound blankets and foam blocks that absorbed noise. She suggested considering grants for sound mitigation and noted businesses with live music valued their hours. Ultimately, she emphasized the importance of being good neighbors and exploring solutions.

Councilmember Matthews expressed hope for a win-win concession, recognizing that irritants would persist in the area due to its long history and college student population. She pointed out that decisions would impact downtown housing growth.

Councilmember McCarthy remarked he did not know why the zoning changed to community commercial but that it encouraged compatible residential and commercial use. He suggested revising the definition of "pervasive" noise to be "present or felt in areas of a property used by the occupant."

Mr. Solomon cautioned against limiting the definition to areas used by the occupant, as it could be exploited.

Ms. Sullivan advised that if Council wanted to adopt a definition, it should say "present or felt in any areas throughout the property."

Vice Mayor Aslan noted that Councilmember McCarthy's definition narrowed the scope, while the current language allowed a broader appeal.

Mr. Solomon recommended keeping the current language, explaining that judges and juries interpret such terms variably, and leaving it open to interpretation was preferable.

Councilmember Harris confirmed that Ms. Ryan's house had been remodeled before purchase, including new insulation, dual-pane windows, and higher fencing. She expressed concern about returning to the issue and emphasized the need to be good neighbors. She reminded Council that the zoning allowed for both residential and business uses and that residents had a right to rental income just as businesses had a right to operate. She supported moving forward with the proposed ordinance.

Councilmember Matthews added that CC zoning was changed in 2011 and suggested a session to explore grandfathering of existing businesses.

Mr. Folke confirmed that bars and taverns were permitted in all commercial zones.

A majority of Council did not support Councilmember McCarthy's proposed language changes.

Councilmember McCarthy suggested adding "disturbance of the peaceful enjoyment or slumber of

another person."

Mr. Solomon explained that peaceful enjoyment already included slumber.

Mayor Daggett supported the inclusion, noting that sleep was a crucial aspect of peaceful enjoyment.

Vice Mayor Aslan preferred staff's recommended language and opposed further changes.

The majority of Council opposed Councilmember McCarthy's proposed language.

Councilmember McCarthy asked about the meaning of "extended period" noise, referencing Tucson's ordinance defining it as 15 minutes. He proposed defining the period as 15 minutes.

Councilmember Harris asked why no specific time was included. Ms. Sullivan said the term is dictionary-defined but could be changed to include a time limit.

Mayor Daggett questioned how a judge would view a citation involving a specific time period, noting that terms like "continuous" or "sustained" were broad. Ms. Sullivan said proving a 15-minute noise period would be necessary with such a limit.

Vice Mayor Aslan was satisfied leaving interpretation to judges and wary of limiting judicial discretion. Councilmember Harris agreed.

A majority of Council did not support Councilmember McCarthy's proposed time definition.

Councilmember McCarthy proposed that quiet hours be 10:00 p.m. Sunday through Thursday and midnight Friday and Saturday.

Mayor Daggett acknowledged the difficulty of the issue and asked Mr. Dyer if later hours were dependent on music. Mr. Dyer said without music patrons would not come and that losing the 10:00 p.m. to 2:00 a.m. hours would threaten his business.

Councilmember Matthews asked if the CC zoning included many houses, citing San Francisco between Cottage and Butler.

Mr. Folke said CC zones were mixed-use with many residences converted to businesses.

Councilmember Harris mentioned that south of Butler had mostly housing and few businesses and cautioned against blaming business closures solely on music or zoning issues.

Councilmember Matthews referred to "death by a thousand cuts," acknowledging multiple factors impacted businesses.

Councilmember McCarthy said bars could succeed without open patios or noise that disturbed neighbors.

Mayor Daggett noted eagerness to move past the issue, supporting staff's language but remained open to future adjustments if needed.

The majority of Council directed staff to move forward with the proposed changes and Option B regarding civil penalties.

14. Open Call to the Public

Andy Fernandez addressed Council and spoke on various items.

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

Councilmember Sweet shared that she would be attending the upcoming Indigenous Peoples' Day

celebration on Monday. She also expressed that she was open to continued discussions surrounding the noise issue.

Councilmember Matthews added that she would also be attending the Indigenous Peoples' Day celebration, joining in the community's observance.

16. Adjournment

The Work Session of the Flagstaff City Council held October 8, 2024, adjourned at 6:30 p.m.

MAYOR

ATTEST:

CITY CLERK