

MINUTES

1. Call to Order

Mayor Daggett called the Special Meeting to order at 12:01 p.m.

2. Roll Call

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

Present: Mayor Becky Daggett
Vice Mayor Miranda Sweet
Councilmember Austin Aslan
Councilmember Anthony Garcia
Councilmember Khara House
Councilmember Lori Matthews
Councilmember David Spence

Staff Present: City Manager Joanne Keene; City Attorney Sterling Solomon

3. Recess into Executive Session

Moved by Councilmember Lori Matthews, **seconded by** Vice Mayor Miranda Sweet to recess into Executive Session.

Vote: 7 - 0 - Unanimously

The City Council recessed into Executive Session at 12:07 p.m.

4. Executive Session Confidentiality Statement

Discussions made during Executive Session are confidential by law. All persons present in Executive Session or who receive Executive Session information or materials shall keep the discussion, information and materials confidential and shall not disclose them, except as allowed by law.

5. Executive Session:

- A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation pursuant to A.R.S. §38-431.03(A)(3), (4), respectively
- i. Legal advice and consideration regarding litigation against Desert Mountain Energy to file a new lawsuit against Desert Mountain Energy to enforce the City's contractual rights and protect the City's Red Gap Ranch water resource investments and water supplies from the risk of contamination by DME's helium extraction well; and b) continue litigating claims and counterclaims in City of Flagstaff v. Desert Mountain Energy, No. CV2020-00624 (Coconino Cnty. Super Ct.)

ii. Legal advice and consideration regarding Desert Mountain Energy current application, and other future application(s), for exemption from aquifer protection permit(s) in the State of Arizona, and legislation related to aquifer protection permits in the State of Arizona.

iii. Litigation Update.

B. Discussion or consultation for legal advice with the attorney or attorneys of the public body, and discussions or consultations with designated representatives of the public body in order to discuss security plans, procedures, assessments, measures or systems relating to, or having an impact on, the security or safety of buildings, facilities, operations, critical infrastructure information and information technology maintained by the public body. Records, documentation, notes, or other materials made by, or provided to, the representatives pursuant to this paragraph are confidential and exempt from public disclosure under this chapter and title 39, chapter 1, pursuant to A.R.S. §38-431.03(A)(3), and (9), respectively

i. Legal advice regarding SB1070, and police response to immigration enforcement.

6. **Reconvene Special Meeting**

Mayor Daggett reconvened the Special Meeting at 2:29 p.m.

7. **Mayor and Council possible direction regarding Executive Session**

Moved by Councilmember Lori Matthews, **seconded by** Councilmember David Spence to direct and authorize the City Attorney and/or designated City representatives to a) file a new lawsuit against Desert Mountain Energy to enforce the City's contractual rights and protect the City's Red Gap Ranch water resource investments and water supplies from the risk of contamination by DME's helium extraction well; and b) continue litigating claims and counterclaims in City of Flagstaff v. Desert Mountain Energy, No. CV2020-00624 (Coconino Cnty. Super Ct.).

Vote: 6 - 0 - Unanimously

Moved by Councilmember Lori Matthews, **seconded by** Vice Mayor Miranda Sweet to direct and authorize the City Attorney and/or designated City representatives to proceed as discussed in executive session regarding Desert Mountain Energy current application, and other future application(s), for exemption from aquifer protection permit(s) in the State of Arizona, and legislation related to aquifer protection permits in the State of Arizona.

Vote: 6 - 0 - Unanimously

Moved by Councilmember Lori Matthews, **seconded by** Vice Mayor Miranda Sweet to direct and authorize the City Attorney and/or designated City representatives to proceed as discussed in the executive session litigation update.

Vote: 6 - 0 - Unanimously

8. **Adjournment**

The Special Meeting of the Flagstaff City Council held February 3, 2026, adjourned at 2:31 p.m.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

I, STACY SALTZBURG, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the Meeting of the Council of the City of Flagstaff held on February 3, 2026. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 17th day of February, 2026

CITY CLERK