

## MINUTES

### 1. CALL TO ORDER

Mayor Daggett called the meeting of the Flagstaff City Council held November 19, 2024, to order at 3:00 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 regular meeting, 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

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

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

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 Harris 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.*

Devonna McLaughlin, CEO of Housing Solutions of Northern Arizona, addressed Council and shared information about their recently completed Rental Attainability Report.

Colleen Maring, Chief People Officer for Northern Arizona Healthcare, addressed Council and announced that both Northern Arizona Healthcare hospitals earned A grades from the Leapfrog Group, a national watchdog for patient care and safety. Only 14 hospitals in Arizona and fewer than 30% nationwide receive an A, highlighting their excellence and safety. This achievement, including Flagstaff's fourth consecutive A, reflects the dedication of staff to high-quality patient care and safety.

#### **5. PROCLAMATIONS AND RECOGNITIONS**

##### **A. Proclamation: Transgender Day of Remembrance**

Mayor Daggett read and presented the proclamation.

##### **B. November Work Anniversaries**

Senior Deputy City Manager Shannon Anderson highlighted employees who were celebrating work anniversaries in November.

#### **6. COUNCIL LIAISON REPORTS**

Councilmember Harris expressed thanks to Ms. Anderson, Chief Connolly, and other city staff who attended the Southside Community Association meeting.

Vice Mayor Aslan highlighted attendance at the annual marketing meeting of Discover Flagstaff as the Tourism Commission liaison. The event, attended by numerous members of the business, community, and tourism sectors, provided an opportunity to showcase the team's accomplishments over the past year. He also had the honor of introducing Jeff Hall, Director of the Lowell Observatory, in recognition of his retirement and contributions, just prior to the opening of the Discovery Center.

Councilmember McCarthy reported attending the Bicycle Advisory Committee during the past week. He also outlined upcoming engagements, including the Mountain Line Board meeting on Wednesday and a tour of the Scottsdale Water Campus followed by a Water Commission meeting on Thursday.

Councilmember House provided an update from the Commission on Diversity Awareness meeting which included ongoing discussions regarding the potential installation of a rainbow crosswalk, with a proposal to be considered by Beautification and Public Art Commission in the near future.

## 7. LIQUOR LICENSE PUBLIC HEARINGS

*Applications under Liquor License Public Hearings may be considered under one public hearing and may be acted upon by one motion unless otherwise requested by Council.*

### A. **Consideration and Action on Liquor License Application:** Jeffrey Craig Miller "Baddies Food Joint" 409 S. San Francisco St., Series 06, Owner Transfer

Mayor Daggett opened the public hearing on the application.

City Clerk Assistant Georganna Staskey introduced the applications and noted concerns from the Police Department as well as two citizen objections that had been filed.

Olivia Gillette spoke in opposition to the license, referencing her prior experience at Bandos, the business's former incarnation. She expressed concern over the owner, citing a history of failed bar ventures, multiple lawsuits from employees, and a pattern of evading accountability by forming new LLCs. She alleged unsafe practices at the bar, including underage drinking, drug use, and inappropriate interactions with minors, and claimed the business fostered a risky environment for young people. She urged the Council to prioritize community safety when considering the application.

There being no further public comment, Mayor Daggett closed the public hearing.

Councilmember McCarthy acknowledged the detailed reports, citizen objections, and other materials in the packet.

**Moved by** Councilmember Jim McCarthy, **seconded by** Vice Mayor Austin Aslan to forward the application to the state with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

Mayor Daggett reopened the public hearing following additional requests to speak.

The Applicant, Don Hulen, addressed Council regarding the protests that had been submitted. He suggested that they came from competitors or former employees with grievances. He emphasized support from current employees and patrons, citing letters and statements asserting a safe environment. He described past police audits as clear, volunteered to provide records for another audit, and emphasized compliance with state liquor laws, including strict ID verification. He invited Council to visit the establishment in person and reiterated his commitment to providing a safe space for patrons, particularly college students.

Co-Owner of the business, Eric Sorenson-Livingstone, addressed Council and reinforced Mr. Hulen's commitment to safety, highlighting programs such as a female safety ambassador, the Angel Shot system, and free Uber rides for patrons. He detailed the rigorous ID verification process and noted that, over a ten-month period with approximately 50,000 patrons, there were only nine incidents involving fake IDs. He also mentioned efforts to hire off-duty police for security and confirmed continued adherence to state laws and safety protocols.

There being no further public comment, Mayor Daggett closed the public hearing and called for a vote.

**Vote:** 7 - 0 - Unanimously

## 8. CONSENT AGENDA

*All matters under Consent Agenda are considered by the City Council to be routine. Unless a member of City Council expresses a desire at the meeting to remove an item from the Consent Agenda for discussion, the Consent Agenda will be enacted by one motion approving the recommendations listed on the agenda. Unless otherwise indicated, expenditures approved by Council are budgeted items.*

**Moved by** Councilmember Deborah Harris, **seconded by** Councilmember Lori Matthews to approve the Consent Agenda as presented.

**Vote:** 7 - 0 - Unanimously

- A. Consideration and Ratification of Uniform Video Service License Agreement:** Ratify the nonexclusive Uniform Video Service License Agreement with ALLO Arizona, LLC to provide video service within the corporate boundaries of the City of Flagstaff.

Approve and ratify the Uniform Video Service License Agreement with ALLO Arizona, LLC as licensee.

- B. Consideration and Approval of Contract:** Client Value Agreement with Empire Southwest, LLC for Lube Services

1. Approve the (2) two-year Client Value Agreement with Empire Southwest, LLC in an amount not to exceed \$150,000 annually for the term of the Contract for lube services on selected city-owned Caterpillar equipment; and
2. Authorize the City Manager to execute all necessary documents.

- C. Consideration and Approval of Final Plat:** VP 66 & Woody Mountain, LLC. requests Final Plat approval for Timber Sky Block 2 (PZ-15-00115-35) located at 2490 S Alvan Clark Boulevard on 9.66 acres in the High Density Residential (HR) Zone.

Approve the Final Plat and authorize the Mayor to sign the Final Plat when notified by Staff that all documents are ready for signature and recording.

- D. Consideration and Approval of Final Plat:** Walnut Canyon at Pine Canyon, LLC requests Final Plat approval for the Replat of Tract 7A of the "Final Plat for Estates at Pine Canyon Unit 5" (PZ-24-00044-02) located at 3851 South Clubhouse Circle within the existing 47-unit single-family home subdivision on 29.9 acres in the Single-Family Residential (R1) Zone.

Approve the Final Plat and authorize the Mayor to sign the Final Plat when notified by Staff that all documents are ready for signature and recording.

- E. Consideration and Ratification of Settlement:** settlement of Ashley Overall Notice of Claim dated July 31, 2024.

1. Approve settlement of the Ashley Overall claim pursuant to the terms discussed in executive session, and
2. Authorize and direct the City Manager and/or City Attorney to execute all documents and take other actions as are necessary to finalize the settlement.

- F. Consideration and Approval of Engineering Contract Change Order:** Change Order #3 to WSP USA, Inc. in the amount of \$306,606.00 for the Downtown Mile Safety and Connectivity Improvement Project.

1. Approve the Engineering Professional Services Change Order #3 to WSP USA, Inc. (WSP) in the amount of \$306,606.00;
2. Approve the time extension of 473 calendar days; and
3. Authorize the City Manager to execute the necessary documents.

- G. Consideration and Approval of Grant Agreements:** Approve Grant Agreements between the City of Flagstaff and community partners utilizing \$401,418.43 in funding from the American Rescue Plan Act Coronavirus Local Fiscal Recovery Funds for Aid to Non-Profits Providing Victim Services.
1. Approve Grant Agreements with the following organizations, utilizing a portion of the American Rescue Plan Act Coronavirus Local Fiscal Recovery Funds for Aid to Non-Profits Providing Victim Services:
    - o **Project No: CL6321I** (Aid to Non-Profits: Victim Services):
      1. \$118,200.81 to North Country Healthcare for NACASA Recovery and Sustainability
      2. \$116,608.81 to Housing Solutions of Northern Arizona for COVID-Recovery Operational Costs
      3. \$166,608.81 to Victim Witness Services for Northern Arizona for Crisis Advocate Staffing
  2. Authorize the City Manager to execute the necessary documents for all Grant Agreements.

## 9. **PUBLIC HEARING ITEMS**

- A. Consideration and Adoption of Resolution No. 2024-45 and Ordinance No. 2024-28:** A Resolution of the City Council of the City of Flagstaff, Coconino County, Arizona, declaring as a public record that certain document filed with the City Clerk entitled "PZ-24-00009 - Subdivision Process" and an Ordinance of the City Council of the City of Flagstaff, Coconino County, Arizona, amending the Flagstaff City Code Title 11, General Plans and Subdivisions.

Mayor Daggett opened the public hearing.

Zoning Code Manager Tiffany Antol provided a PowerPoint presentation that covered the following:

CITY CODE TITLE 11 SUBDIVISION PROCESS CODE AMENDMENT  
 CITY CODE -- SUBDIVISION PROCESS  
 CITY'S PROPOSED ZONING CODE TEXT AMENDMENT  
 DIVISIONS (CHAPTER 11-20)  
 APPLICABILITY (SECTION 11-20.30-010)  
 PRELIMINARY PLAT (11-20.40.030)  
 FINAL PLAT (11-20.40.040)  
 MASTER BLOCK PLATS (11-20.40.050)  
 MODIFIED SUBDIVISION PROCESS (11-20.40.060)  
 PLAT AMENDMENT (11-20.40.070)  
 LAND SPLIT OR COMBINATION PROCEDURES AND REQUIREMENTS (11-20.050.020)  
 RECOMMENDATION

Councilmember Harris asked about the timeline for the updated subdivision process compared to the previous one. Ms. Antol explained that the new process would be significantly shorter because the extra step of a concept plan would be eliminated. Preliminary plats would move quickly, with abbreviated staff summaries focusing only on the essential modifications and whether they meet code, rather than a full subdivision analysis. Final plats would then simply involve the acceptance of dedications, streamlining the overall process. While the exact timing varied depending on the subdivision, staff estimated the process could be shortened by at least a third.

Lindsay Schube of Gammage and Burnham addressed Council and highlighted her concerns with the proposed process. She argued that requiring signatures from all homeowners in an HOA subdivision could lead to litigation and would be burdensome. The proposed notice requirements were comparable to legislative actions, which she felt were unnecessary for the ministerial process meant to streamline approvals. She noted the language could be confusing and suggested clarifying it to refer to compliance with code or furthering the goals of the regional plan. She recommended either adopting Option Four with modifications or moving forward under the standard plat process without added signatures or notice requirements.

There being no further public comment, Mayor Daggett closed the public hearing.

Councilmember Matthews expressed strong support for streamlining the subdivision process, noting that developers frequently found the current system cumbersome and that simplifying it could help address the ongoing housing crisis. She indicated she was inclined to support the changes suggested by Ms. Schube, provided staff had no concerns. Ms. Antol clarified that the recommendation was Alternative One, which would remove notice requirements if signatures were obtained, while still ensuring some communication with homeowners to prevent complications.

Councilmember McCarthy shared that he had reviewed all the alternatives and, while generally supportive of the overall approach, he leaned toward Option Two, although he would support Council's collective decision.

Vice Mayor Aslan thanked Ms. Antol for her dedication in making the process more efficient. He expressed confidence in staff recommendations and indicated that he would support Alternative One as it reduced red tape, allowed for a faster subdivision process, and maintained important standards.

**Moved by** Vice Mayor Austin Aslan, **seconded by** Councilmember Miranda Sweet to read Resolution No. 2024-45 by title only with Alternative One.

**Vote:** 7 - 0 - Unanimously

*A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "PZ-24-00009 -- SUBDIVISION PROCESS"*

**Moved by** Councilmember Deborah Harris, **seconded by** Councilmember Miranda Sweet to read Ordinance No. 2024-28 by title only for the first time.

**Vote:** 7 - 0 - Unanimously

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF AMENDING THE FLAGSTAFF CITY CODE, TITLE 11, GENERAL PLANS AND SUBDIVISIONS, BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "PZ-24-00009 -- SUBDIVISION PROCESS"; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE*

- B. Consideration and Adoption of Ordinance No. 2024-29:** An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff Zoning Map to rezone approximately 13.96 acres of real property located at 4631 S Lake Mary Road, from the Estate Residential (ER) zone with a Resource Protection Overlay (RPO) to the High Density Residential (HR) zone with a Resource Protection Overlay (RPO), providing for severability, authority for clerical corrections, and establishing an effective date.

Mayor Daggett opened the public hearing.

Senior Planner Ben Mejia provided a PowerPoint presentation that covered the following:

LAKE MARY HOUSING DIRECT TO ORDINANCE ZONING MAP AMENDMENT  
 PROJECT AREA  
 AREA CONTEXT MAP  
 PROPOSED DENSITY  
 INCENTIVES  
 SITE LAYOUT  
 SITE DESIGN  
 BUILDING DESIGN  
 BUILDING DESIGN -- ELEVATIONS  
 COMMON SPACE

RESOURCE PROTECTION  
PRELIMINARY LANDSCAPE PLAN  
PUBLIC SYSTEMS IMPACT ANALYSIS  
CITIZEN PARTICIPATION  
DEVELOPMENT AGREEMENT  
FINDINGS FOR ZONING MAP AMENDMENT  
FINDING #1: CONFORMANCE WITH THE GENERAL PLAN  
FINDING #2: COMMUNITY BENEFITS AND PUBLIC GOOD  
FINDING #3: SITE IS PHYSICALLY SUITABLE  
RECOMMENDATION

Vice Mayor Aslan asked about the pedestrian infrastructure along South Lake Mary Road and whether the planned sidewalk along the parallel stretch would connect to any existing sidewalks or extend southward. Mr. Mejia confirmed that it would not be connected to existing infrastructure at that time. Vice Mayor Aslan indicated that while the sidewalk was not currently connected, he supported the infrastructure being put in place now to encourage future connectivity and expressed strong support for the proposed amendment related to FTUS access. He also suggested that additional connections could enhance the project.

Councilmember McCarthy asked for clarification on the Planning and Zoning Commission's concerns regarding the project. Mr. Mejia explained that some commission members felt the development did not align with the regional plan, was incompatible with surrounding development, and was not in the public interest.

Councilmember Matthews inquired about the inclusion of electric bikes in the proposal. Mr. Mejia clarified that it was not the commission who required electric bikes; this was a condition proposed by the applicant. Councilmember Matthews then asked whether all conditions listed were from the developer or the commission. Mr. Mejia responded that the first four conditions were proposed by staff to the commission, while the fifth condition was proposed by the applicant to address eligibility for affordability incentives.

Councilmember Harris questioned why the Planning and Zoning Commission's recommendation appeared inconsistent with staff's evaluation, noting that staff had found the development met the required findings for approval. Mr. Mejia noted that they could not speak to the specific rationale of the commission beyond the summary provided, emphasizing that the commission's recommendation was advisory.

Councilmember Harris confirmed that the current Estate Residential zoning allowed one unit per acre and noted that the proposed development was on a 13.96-acre parcel. Mr. Mejia explained that Estate Residential zoning served as a holding classification to prevent premature development until infrastructure and utilities were in place, and that the regional plan identified this site as a suburban neighborhood.

Councilmember Sweet asked Water Services Director Shannon Jones about pressurized sewer systems. Mr. Jones explained that Flagstaff typically avoided pressurized systems due to topography, as most land drains via gravity to the Wildcat treatment plant. He described two pressurized system strategies: a small gravity network feeding a lift station, or individual low-pressure grinder pumps for single-family homes. Currently, city code prohibited public ownership of pressurized systems, so any pressurized portion would likely remain private until transitioning to a gravity system. He also noted that private systems could fail and shift responsibility back to the city, whereas public systems allowed for professional management, asset lifecycle planning, and public health protection.

Councilmember Sweet also invited Heather Dalmolin, CEO of Mountain Line, to discuss transit options. Ms. Dalmolin reported that the current five-year transit plan did not include service to that portion of Lake Mary Road. She explained that micro transit could provide on-demand, origin-to-destination service linking the development to the nearest fixed-route bus stops, which were approximately 1.5 miles away. She indicated that future five-year plans, could consider expansion, but current priority was given to existing service areas.

Mayor Daggett inquired about forest health measures in the area. Wildland Fire Manager Neil Chapman reported that surrounding areas, including near the south side of the Airport and I-17 corridor, had been aggressively thinned, with contracts in place for continued treatment to reduce wildfire risk.

Mayor Daggett also asked about the affordability agreement. Housing Planning Manager Jen Mikelson confirmed that 20% of units would be affordable to households earning up to 80% of the area median income, with additional housing vouchers, including for veterans, provided separately. Housing Director Sarah Darr added that 374 households were currently on the waiting list for voucher programs, with 1,142 residents in the Flagstaff area receiving priority.

Council also discussed enforcement of the development and affordability agreements in the event of a property sale. Mr. Mejia explained that the agreements and approved site plans would remain binding on future owners, and that other departments such as Fire and Public Works reviewed development proposals prior to approval to ensure compliance with applicable standards.

Councilmember Sweet asked if the pressurized sewer system would be public or remain private. Mr. Jones stated that the city continued to evaluate public versus private ownership of pressurized systems on a case-by-case basis. The system could be put in place and would be private up to the point of transition to the gravity portion where the city would accept, own, and operate the gravity portion, with the remainder being private. This meant that there would be a private utility that would have infrastructure in a right-of-way that is shared with a public utility.

Mike Mourwitz with Snell and Wilmer, representing the owner and developer of the project, provided a PowerPoint presentation that covered the following:

LAKE MARY HOUSING A DIRECT TO ORDINANCE ZONING MAP AMENDMENT REQUEST  
AERIAL CONTEXT  
SITE AERIAL  
CITY OF FLAGSTAFF REGIONAL PLAN 2030  
HOUSING EMERGENCY RESOLUTION NO. 2020-66  
CITY OF FLAGSTAFF HOUSING PLAN  
DIRECT TO ORDINANCE ZONING MAP AMENDMENT  
PROJECT OVERVIEW  
CONCEPTUAL SITE PLAN  
PROJECT SUSTAINABILITY  
CONCEPTUAL PROJECT RENDERING

The following individuals addressed Council in opposition of the rezone:

- Marilyn Stevenson
- Don Valich
- Tim Hamrah
- Brian Schmitz
- Creighton Chute
- Kathy Martinez
- Jackie Kypka
- Brian Dennehy
- Mark & Kent Paul
- John Lloyd
- Frances Joseph
- Amethyst Deasy
- Danya Gorel
- Anne Doyle
- Bryce Doty
- Mary Norton
- Jill Cooper
- Mary McLeod

Written comments in opposition to the rezoning were submitted by the following:

- Chuck Seppanen
- Mary Anne McLeod
- Bryan Dennehy
- Elise Rumpf

The following comments were received:

- The development's density and three-story buildings is incompatible with the rural, low-density character of the existing neighborhood.
- Concerns were raised about loss of green space, open land buffers, and historical community character.
- Homeownership was emphasized as critical for long-term community stability, whereas high-density rental units do not foster permanent residents.
- Inadequate sewer and water infrastructure for high-density residential use, particularly reliance on pressurized sewer systems.
- Concerns about snow plowing, road maintenance, and insufficient transportation infrastructure.
- Frontier Avenue and other local roads are already in poor condition, and increased traffic could exacerbate safety risks.
- High-density development would increase traffic along Lake Mary Road, raising the risk of accidents, particularly in winter conditions.
- Safety hazards for bicyclists, pedestrians, and residents.
- Emergency access and fire safety concerns, especially due to proximity to National Forest land and history of arson and wildfire threats.
- The development could disrupt local wildlife and negatively affect the rural ecosystem.
- The project's green space and solar panels were seen as insufficient mitigation.
- Questioned the effectiveness of the proposed 40 affordable units and noted that they target households earning up to 80% of area median income, which may not meet the needs of the broader community.
- Concerns about displacement of existing residents and whether affordable housing is truly being addressed.
- The Planning and Zoning Commission recommended denial, and Council should uphold their recommendation.
- The developers' use of sales tactics and alleged threats to property owners were noted as inappropriate and indicative of profit-driven motivations rather than community benefit.
- Request careful consideration of the regional plan, safety, convenience, and public interest rather than solely the potential benefits of new housing.
- Housing growth is necessary, but the high-density development is ill-suited for the location and would undermine neighborhood character, public safety, and infrastructure capacity.

The following individuals addressed Council in support of the rezone:

- Tom Boggess
- Joseph Leyva
- Jonathan Allen
- Tyler Denham

The following comments were received:

- The development provides affordable and entry-level rental units that create opportunities for residents who cannot afford one-acre estates.
- Inaction would exacerbate housing scarcity and limit options for younger families and workers wishing to remain in Flagstaff.
- The development team was praised for their experience and sensitivity to the community, along with past awards, strong project management, and commitment to workforce and affordable housing.
- Building vertically is necessary to meet demand while preserving surrounding open space and forest areas.
- Providing rental units, including affordable units, enables long-term community engagement and

diversity, allowing residents to establish roots and contribute to local businesses and the economy.

- The land will eventually be developed and argued that this project represents a thoughtful use of the property compared to alternatives, ensuring community benefits and compliance with local regulations.
- High-density buildings are common in Flagstaff and adjacent to single-story homes elsewhere without significant disruption.
- Electric bikes and micro transit are supplementary solutions to connect the development to nearby amenities and transportation, partially mitigating the lack of nearby bus service.
- Parking requirements in the development accommodate residents who must rely on cars, balancing transportation needs.

There being no further public comment, Mayor Daggett closed the public hearing.

Councilmember Matthews asked whether the project's commitment to affordable housing would be impacted if the developer applied for Low Income Housing Tax Credits (LIHTC) incentives. Mr. Mourwitz confirmed that affordable housing commitments would remain regardless of LIHTC participation.

Councilmember Matthews also confirmed with staff that Frontier Road was a Forest Service road with no direct access to the development, and that access would be solely from Lake Mary Road.

Councilmember Sweet asked why solar panels were not installed on every unit. Mr. Mourwitz explained that while sustainability was a priority, the significant costs of full solar coverage could jeopardize the project, given other infrastructure improvements, including water and sewer, that the developer was financing.

Council also discussed water and sewer infrastructure, noting that water lines would be public, and portions of the sewer line could remain private unless city code changes allow dedication to the city. Mr. Mourwitz clarified that other property owners could connect to the utilities under specific city requirements and that the developer typically took on the cost of infrastructure construction, with potential reimbursement arrangements if future developments connect to the system.

Council asked about the visibility and operation of sewer lift stations. Staff explained that lift stations would primarily be subterranean, with some external components like manholes and possibly backup generators. Staff assured residents that standard operational protocols, maintenance, and emergency response practices would mitigate concerns.

Councilmember Harris asked about consultation with best practices for pressurized sewer systems and lift stations. Staff noted that they had engaged engineering experts and reviewed multiple municipalities with similar systems to ensure proper design and operation. Council confirmed that any development must meet city standards and that infrastructure build-out would support future growth, firefighting capacity, and connectivity with surrounding parcels.

Mr. Mourwitz addressed comments that from the public and noted that the concerns were largely about location and infrastructure rather than project design. Traffic studies confirmed minimal impact on Lake Mary Road. He emphasized the importance of extending the FUTS trail, alternative transportation options, and the project's alignment with the regional plan's suburban and multifamily land use designation. He underscored that the project contributed to the city's housing emergency by providing 40 affordable units and 162 market-rate units.

Councilmember Matthews emphasized the need to open more developable land in Flagstaff, noting that many workers live outside city limits, which undermines carbon neutrality goals due to commuting. While one project will not solve the housing crisis, it is a meaningful step. She also highlighted the challenges of attracting developers to Flagstaff and stressed the importance of considering what developers are willing to invest. Comparing a 13-unit proposal to a 202-unit project illustrated the impact.

Councilmember House thanked community members for participating and acknowledged fears about

change. She stressed the need for creativity and courage in addressing housing needs, emphasizing that waiting lists, displaced residents, and sustainability goals require proactive action. While the project is not perfect, she considered it a step in the right direction and was willing to support it.

Councilmember McCarthy noted that public comments reflected concerns of current neighbors but did not include potential future residents, who would benefit from the development. He supported the rezoning with staff stipulations, including the FUTS trail extension.

Councilmember Sweet acknowledged that no single project solved the housing crisis, but each contributed positively. She expressed a desire for the developer to coordinate with Mountain Line on micro-transit options.

Vice Mayor Aslan appreciated the developer's sustainability initiatives and emphasized that the FUTS trail extension was a required condition for support. While supportive of amenities like e-bikes, he noted they were secondary to broader infrastructure and sustainability considerations. The NIMBY arguments were not compelling and characterized local opposition as a desire to preserve rural lifestyle rather than resistance to specific groups. Growth in the area was consistent with the regional plan and is expected.

Councilmember Harris thanked participants and noted that future residents would benefit from the development.

Mayor Daggett affirmed that Council had considered public input, emails, and previous Planning and Zoning discussions. She highlighted the importance of the regional plan and addressing affordability, noting that incremental progress was necessary. Housing growth must balance urban boundaries, diversity, and the shared responsibility of neighborhoods. She supported the project and FUTS trail extension.

**Moved by** Councilmember Jim McCarthy, **seconded by** Vice Mayor Austin Aslan to read Ordinance No. 2024-29 by title only for the first time with the stipulations in the staff presentation and with the FUTS trail option.

**Vote:** 7 - 0 - Unanimously

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP TO REZONE APPROXIMATELY 13.96 ACRES OF REAL PROPERTY LOCATED AT 4631 SOUTH LAKE MARY ROAD, APN 115-03-001A, FROM THE ESTATE RESIDENTIAL (ER) ZONE IN THE RESOURCE PROTECTION OVERLAY TO THE HIGH DENSITY RESIDENTIAL (HR) ZONE IN THE RESOURCE PROTECTION OVERLAY WITH CONDITIONS; PROVIDING FOR SEVERABILITY; AUTHORITY FOR CLERICAL CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE*

## 10. **REGULAR AGENDA**

- A. **Consideration and Adoption of Ordinance No. 2024-27:** An ordinance of the City Council of the City of Flagstaff, authorizing the exchange of real property of substantially equal value, with property owner Gary S. Christensen M.D.

Real Estate Manager Bryce Doty provided a PowerPoint presentation that covered the following:

SCHULTZ PASS PROPERTY EXCHANGE  
VICINITY MAP  
BACKGROUND  
EXCHANGE PROPERTIES  
CITY WILL GIVE  
CITY WILL RECEIVE  
CONTEXT  
QUESTIONS?

**Moved by** Councilmember Lori Matthews, **seconded by** Councilmember Miranda Sweet to read Ordinance No. 2024-27 by title only for the first time.

**Vote:** 7 - 0 - Unanimously

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AUTHORIZING THE EXCHANGE OF REAL PROPERTY OF SUBSTANTIALLY EQUAL VALUE, WITH PROPERTY OWNER GARY S. CHRISTENSEN M.D. FOR THE SCHULTZ CREEK TRAILHEAD; PROVIDING FOR DELEGATION OF AUTHORITY, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE*

A break was held from 7:09 p.m. through 7:26 p.m.

- B. Consideration and Adoption of Resolution No. 2024-42 and Ordinance No. 2024-25:** A resolution of the Flagstaff City Council declaring as a public record that certain document filed with the City Clerk and entitled "Noise Control Amendments" and an ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code, Title 6, Police Regulations, Chapter 6-08, Noise Control, by adopting by reference that certain document entitled "Noise Control Amendments"; providing for repeal of conflicting ordinances, severability, authority for clerical corrections, and establishing an effective date.

Senior Deputy City Manager Shannon Anderson provided a PowerPoint presentation that covered the following:

NOISE CONTROL AMENDMENTS  
REVIEW OF COUNCIL DIRECTION AND OPTIONS TO CONSIDER

The following individuals addressed Council in support of the noise ordinance:

- Sean Golightly
- Dawn Tucker
- Ralph Schmid
- Melissa Szalkiewicz
- Candace Ryan
- Kayla Bobbitt
- Thomas Carter Martin
- Sarah Hamilton
- Aeka Joshi
- Amy Beeler
- Scottie Donovan
- Chris Catronichio

The following individuals submitted written comments in support of the noise ordinance:

- Sean Golightly
- Dawn Rochelle
- Tony Cola
- Jane Reukema
- Irene Barrow
- Antoinette Beiser
- Theresa Coleman
- Joan Martini
- Abel Estrella

The following comments were received:

- Nearby residents report ongoing inability to sleep due to nighttime noise, including music, intoxicated crowd behavior, and heavy bass.

- Sound and vibration penetrate homes even with windows closed, rattling walls and making earplugs ineffective.
- Sleep disruption is a serious health concern, affecting mental health, circadian rhythms, and work or academic performance.
- Noise negatively impacts families, children, workers, and residents with limited housing options who cannot easily relocate.
- Existing conditions are described as unacceptable, regardless of zoning context.
- Residents live in historic, long-established neighborhoods, many of which predate current nightlife uses.
- Noise issues escalated after changes in business operations, including louder electronic music and extended late-night hours.
- Quality of life and livability are central concerns, not opposition to businesses or the arts.
- Some property owners report losing tenants, inability to rent homes, and significant financial losses due to persistent noise.
- Commercial uses are required by zoning code to be compatible with residential uses, not the other way around.
- Southside is identified as a community commercial zone, intended to balance business activity with residential livability.
- Other nearby businesses are cited as examples of successful coexistence without excessive noise or ongoing complaints.
- Residents have repeatedly contacted police and city officials over multiple years with little lasting resolution.
- Some residents avoid public participation due to harassment, intimidation, and fear of retaliation, creating a chilling effect.
- Petition opposing the ordinance is characterized by some as containing misinformation and fear-based claims.
- The ordinance is viewed as a way to establish clear, enforceable standards, reducing uncertainty and conflict.
- Reference is made to a city-funded noise study, with calls to rely on professional, data-driven recommendations.
- Communities with clear noise ordinances often experience fewer complaints, not more.
- Businesses are encouraged to invest in sound mitigation, adjust operations, and modify business models to better coexist with residents.
- Nightlife, arts, and entertainment can thrive without excessive volume or late-night disruption.
- The city is urged to prioritize residents' health, sleep, and livability, alongside economic considerations.
- Emphasis is placed on stewardship of historic neighborhoods and protection of long-term residents.

The following individuals addressed Council in opposition of the noise ordinance:

- Lilly Bouchard
- Terri Bouchard
- Craig Bouchard
- Betsy Hamill
- Jesse Mendoza
- Alex DeFazio
- Savannah Vincent
- Amanda Soelle Lovett
- Olivia Gillette
- Martin Dyer
- Jill Dyer
- Zoe Bailey
- Brandon Bellisime
- Alexis Bidinger
- Daphne Milazarek
- Hunter Herbert
- Kevin Heinonen
- Caleb Jensen

- Dan Powell
- Sarah Lee
- Mike Darby
- Andrew Shouse
- Matthew Dyer
- Blake Whitten
- Sofya Rodgers
- Theresa Coleman
- Ish

The following individuals submitted written comments in opposition of the noise ordinance:

- Tommy Hernandez
- Caryl Walti
- Winnie and Kelly Hanseth

The following comments were received:

- The ordinance will severely harm small, locally owned businesses, particularly on the south side of downtown, with projected revenue losses of 50--70% due to earlier shutdowns.
- Late-night weekend hours are critical to business viability, especially for bars, restaurants, music venues, and adjacent businesses that rely on nightlife foot traffic.
- The ordinance would lead to job losses, business closures, vacant storefronts, and reduced tax revenue, potentially replacing local businesses with corporate franchises.
- Service industry workers, many of them students, artists, musicians, and single parents, depend on late-night hours to meet high rent, tuition, and living expenses.
- Downtown nightlife is described as essential to Flagstaff's identity as a college town, arts hub, and tourist destination.
- The service industry contributes significantly to BBB and other city tax revenues, supporting public services, tourism, and beautification.
- The ordinance would disproportionately impact the south side of the tracks, while north-side businesses are perceived as exempt, raising concerns about unequal enforcement.
- The ordinance effectively changes zoning without following formal zoning or land-use procedures.
- Noise complaints are described as limited in number, concentrated late on weekends, and primarily related to crowd conversation rather than amplified music.
- Many report not experiencing excessive noise, even when living near or walking past affected businesses at night.
- Regulating casual conversation and crowd noise is viewed as impractical, unenforceable, and counterproductive.
- The ordinance is characterized as overly broad, vague, and poorly constructed, lacking key distinctions such as amplified vs. non-amplified sound, commercial vs. residential zones, and clear measurement distance or decibel standards.
- A city-funded noise study exists, but opponents argue its data and recommendations are not being meaningfully used.
- Businesses report significant good-faith mitigation efforts, including speaker adjustments, earlier speaker shutdowns, door closers, sound monitoring, security, and offers of mediation.
- Additional mitigation offers, including paying for residential soundproofing, reportedly went unanswered.
- Existing nuisance laws, mediation, and targeted enforcement are more appropriate than a citywide ordinance.
- The ordinance is seen as government overreach, punishing many businesses to address a narrow, location-specific dispute.
- A petition opposing the ordinance reportedly gathered over 2,000 signatures in two days, reflecting broad community concern.
- Business owners and employees cited significant emotional and mental health stress caused by prolonged uncertainty and fear of closure.
- Enforcement would place a significant burden on an already understaffed police department, diverting resources from higher-priority public safety issues.
- There is concern the ordinance would deputize neighbors, enabling repeated or vindictive

- complaints and escalating minor disputes into police matters.
- Fear of misuse and uneven enforcement, including disparities between businesses, residents, short-term rentals, and Airbnb's.
  - Quality of life is defined as including economic opportunity, cultural vitality, arts, nightlife, and community gathering, not just quiet.
  - Southside is described as a historic, vibrant downtown area where nightlife has long been part of the character.
  - Businesses argue they invested and operated legally, taking financial risk with the expectation of regulatory stability.
  - Noise from people enjoying themselves is described as a natural and unavoidable aspect of a thriving urban, college, and arts town.
  - Urge the formation of a balanced stakeholder committee, including residents, businesses, musicians, and city staff, to develop data-driven, targeted solutions.
  - Rushed or fear-based decision-making is warned to permanently alter downtown's character in unintended ways.

Councilmember Sweet began by thanking the public and staff, acknowledging the difficulty of the issue, and addressing a petition requesting her recusal. She stated that after consulting with the City Attorney, she determined no conflict of interest existed and declined to recuse herself. She reflected on the historic significance of the Southside, noting its roots in segregation-era development and the importance of equity in policy decisions. She acknowledged that her earlier proposal to exempt the north side from the ordinance could unintentionally deepen historic divisions and stated she no longer supported treating the districts differently. She emphasized the need for compromise, clarity for staff and police, and reaching some form of resolution.

Councilmember Matthews thanked the public for their engagement and apologized for not fully recognizing community concerns earlier in the process. She expressed concern that zoning standards had not been clearly defined over time, leaving the city with many bars and restaurants adjacent to residential uses. She questioned the practicality of regulating crowd noise and expressed skepticism that any ordinance could fully resolve the issue. After reconsidering her earlier proposal for modified quiet hours, she withdrew it and stated she could not support changes that might create larger problems than those they were trying to solve, preferring to leave regulations as previously structured.

Vice Mayor Aslan reflected on his past experience with the issue, including earlier efforts and the prior noise study. He described the ordinance as overly broad and expressed concern about deputizing residents and citywide consequences. He felt that the current proposal was untenable, harmful to downtown vibrancy, and not ready for adoption. He stated he could not support the ordinance and indicated his intent to move to deny it entirely.

Councilmember Harris emphasized the historical and human context of the Southside, many residents had limited housing choices and longstanding ties to the neighborhood. She rejected the idea that residents should simply move if they experienced noise and framed sleep disruption as a health and equity issue. She stated that businesses would not be put out of business by reasonable noise limits and affirmed her support for moving forward with the ordinance as previously discussed.

Councilmember McCarthy rejected accusations that he was pursuing a personal agenda, stating his motivation was empathy for residents unable to sleep. He disputed claims that complaints were limited to a single resident and cited numerous complaints and multiple residents who had moved due to noise. He argued that the ordinance was not targeted at one bar but intended to establish reasonable citywide standards. He discussed the prior noise study and committee process, expressed openness to decibel limits, and framed the issue as balancing freedom to operate businesses against residents' right to peace in their homes. He stated he was prepared to support the ordinance and believed five years of discussion warranted action.

Councilmember House expressed appreciation for the depth of the discussion and the historical research presented. She stated she was unwilling to abandon the effort entirely and preferred continuing toward a solution that balanced vibrancy with public health. She indicated interest in revisiting decibel-based standards as a more objective alternative to time-based restrictions.

**Moved by** Vice Mayor Austin Aslan, **seconded by** Councilmember Lori Matthews to reject adoption of Resolution 2024-42 and the second read of Ordinance 2024-25.

Councilmember Sweet stated she believed the issue required more time and research and supported rejecting the ordinance for now, while encouraging continued study. Councilmember House and Councilmember Harris both opposed rejecting the ordinance, expressing concern that doing so would once again sideline residents' concerns and perpetuate inaction.

**Vote:** 4 - 3

NAY: Councilmember Deborah Harris  
Councilmember Khara House  
Councilmember Jim McCarthy

**Moved by** Vice Mayor Austin Aslan, **seconded by** Councilmember Miranda Sweet moved to adjourn the meeting in accordance with the Rules of Procedure.

**Vote:** 7 - 0 - Unanimously

11. OPEN CALL TO THE PUBLIC

12. INFORMATIONAL ITEMS TO/FROM MAYOR, COUNCIL, AND STAFF, AND FUTURE AGENDA ITEM REQUESTS

13. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held November 19, 2024, adjourned at 9:49 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 November 19, 2024. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 6th day of January, 2026

\_\_\_\_\_  
CITY CLERK