

MINUTES

1. Call to Order

2. Roll Call

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

PRESENT:

CHAIR SIMUKONDA
COMMISSIONER BECKER
COMMISSIONER DORMAN
COMMISSIONER EISENBERG
COMMISSIONER RANDALL

ABSENT:

COMMISSIONER DOPSON

3. Recommended Protocol for Members and Other Participants

All commissioners should have their microphones on mute to keep the background noise out of the chat room. The chair of the meeting should ensure everyone has an opportunity to speak if they would like. Commissioners should use the chat function to inform the Chair they would like to make a statement and the Chair will announce the Commissioners to speak in the order they appear in the chat.

4. Open Call to the Public

Open Call to the Public enables the public to address the Commission 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. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak.

5. Discussion Items

A. Code Compliance Discussion -- Michelle McNulty, Planning & Development Services Director

Planning and Development Services Director Michelle McNulty provided an overview of her role and division, which includes comprehensive planning, current planning and zoning, development services at the front counter, building safety, code compliance, and real estate services. As someone newer to the position, she shared her perspective to clarify recent discussions surrounding code compliance practices.

She explained that there has been no directive to avoid enforcement or issuing citations. Instead, Code Compliance operates under a compliance-based philosophy that prioritizes working collaboratively with residents to achieve compliance rather than relying on heavy-handed enforcement. This approach is intended to build trust within the community and achieve better long-term outcomes, though citations are issued when individuals refuse to comply.

Despite limited staffing, Code Compliance staff attempt to be proactive in identifying violations. Many cases originate from anonymous community complaints, often submitted by multiple residents. When

a complaint is received, staff investigate by visiting the site to confirm the issue. This can be challenging for temporary or "moving" violations, such as vehicles blocking sidewalks, because the violation may no longer be present when staff arrive. When a violation is observed, staff document it, typically with photographs. They generally begin by contacting the property owner to determine whether the individual is aware of the violation, as many violations are unintentional. If the situation is unclear, staff research the applicable code and consult with subject matter experts, such as zoning managers or engineers, before proceeding.

The program's primary goal is to bring individuals into compliance. If cooperation is not achieved, a citation is issued. These citations are not comparable to parking tickets but are formal letters that document the violation, explain the issue, and outline the steps taken to encourage compliance. While these letters serve as official documentation, Code Compliance does not have the authority to directly issue monetary fines, and further action would require escalation beyond the division.

Commissioner Randall began by describing long-standing confusion around enforcement. He noted that the commission has received conflicting information over time, recalling that the commission had previously been told no citations are issued. Ms. McNulty clarified that citations do exist but are issued as legally reviewed notices of violation rather than police-style tickets. She explained that any financial penalty must go through the court system, and that sidewalk obstruction cases have never gone to court. Commissioner Randall expressed that there is effectively no enforcement, particularly for repeat offenders, since there are no consequences for continued noncompliance.

Chair Simukonda described the operational realities of Code Compliance, emphasizing that the program is significantly understaffed, with only four officers total, one of whom is assigned to dark sky compliance. Ms. McNulty explained that they prioritize education and voluntary correction, noting that in many cases violations are resolved before formal enforcement becomes necessary. She stressed that police should not be the first point of contact for issues such as bulk trash or sidewalk obstructions, as this pulls officers away from criminal matters. Instead, residents should start with Code Compliance, with coordination between departments when necessary.

Concerns about public safety were repeatedly raised by Commissioners Randall and Becker particularly for wheelchair users, people with visual or hearing impairments, and children. Commissioner Becker emphasized that delayed responses force people into the street, placing them at serious risk of injury or death. He argued that preventable harm is unacceptable and that faster response times and additional staffing are necessary, even if that requires increased funding or taxes. He stressed that obstructed sidewalks are not minor inconveniences but real accessibility barriers that can have life-threatening consequences.

The discussion also addressed the complexity of jurisdiction and enforcement authority. Ms. McNulty explained that some private streets fall under homeowner associations, which are responsible for enforcement in those areas, and that HOAs are able to impose rules the city cannot, including restrictions related to short-term rentals. Commissioner Randall expressed surprise and frustration at this disparity. He also shared a personal experience in which he reported a truck parked on a sidewalk, only to be told by a civilian police aide that no violation existed because the entire sidewalk was not blocked, highlighting the need for clearer standards and better training across departments.

Commissioner Randall strongly challenged the city's enforcement philosophy, arguing that education without penalties does not constitute enforcement. He cited the City Charter, which states that the City Manager is responsible for ensuring that all ordinances are enforced, and argued that enforcement requires compelling compliance through penalties. He referenced a letter sent to City Council in April 2024 by the Northern Arizona Community of Practice Transition Team, which described the dangers obstructed sidewalks pose to children and people with disabilities and urged the city to increase enforcement before someone is seriously injured or killed. He noted that other Arizona communities, including Yuma, Cottonwood, and Prescott, issue citations with fines and provide a hearing process for those who wish to challenge them.

Ms. McNulty responded that she believes the city is enforcing all codes and that staff are actively working to improve outcomes within existing constraints. She emphasized that the program is being

proactive and collaborative, often physically clearing sidewalks themselves when necessary. She described ongoing cross-department conversations about winter maintenance, vegetation, and unassigned responsibilities that frequently fall to Code Compliance by default. She also highlighted volunteer programs such as Snow Heroes and mentioned exploring similar approaches for vegetation, as well as a limited annual budget dedicated to property care assistance.

The conversation expanded to the role of the Commission itself. Ms. Saltzburg clarified that the Commission is advisory to City Council and cannot direct staff or make budget decisions. Any formal recommendations must be approved by a majority of the Commission and forwarded through proper channels. While some commissioners expressed a desire to push advocacy boundaries, staff emphasized the importance of operating within the City's council-manager form of government. This disagreement contributed to rising tensions, leading Chair Saltzburg to call for a brief recess to allow members to regroup.

A break was held from 11:50 a.m. through 11:55 a.m.

After the break, commissioners discussed how best to move forward. Mayor Daggett acknowledged that blocked sidewalks are the number one issue she hears from the Commission and affirmed that she has advocated for additional Code Compliance staff with the City Manager. She emphasized the need for a balanced approach that combines education, enforcement, creativity, and compassion for residents with limited ability or resources. Several ideas were raised, including improved public education efforts, use of videos and social media, better reporting tools such as apps or photo submissions, standardized violation letters to speed legal review, fee-based snow removal services, partnerships with NAU and volunteer groups, and using fines from chronic offenders to help fund enforcement.

The discussion concluded with agreement that obstructed sidewalks caused by cars, snow, vegetation, and trash remain the Commission's top priority. Ms. McNulty asked the Commission to continue brainstorming solutions and indicated she would return in March with follow-up information after additional research. There was general support for restarting an informal working group and potentially drafting a letter to City Council once staff had an opportunity to present a more complete picture of current efforts and constraints.

6. Action Items

A. Discussion and Possible Action regarding the Regional Plan 2045

Commissioner Randall stated that he requested the item to be on the agenda. He reviewed both the original citizen review draft and the current public hearing draft of the regional plan, noting that the new draft is a significant improvement in terms of accessibility, inclusion, and references to universal design. Compared to the earlier version, the plan now includes many more statements supporting accessible and inclusive places. However, most accessibility and inclusion references appear only in the goals and policy sections, not in the action section, where implementation strategies and funding are addressed. He emphasized that accessibility and inclusion should be explicitly included in the action items as well.

He raised several key concerns. First, the plan contains 25--30 color-coded maps that are inaccessible to people with visual impairments, including color blindness. While there are known ways to make maps accessible, the current versions are not usable, and this issue was raised at public open houses. Second, Chapter 5 (Social and Economic Systems), which covers housing and employment, contains no mention of accessibility, inclusion, or accessible housing, which the speaker identified as a major gap.

On a positive note, the transportation chapter was highlighted as strong, with substantial attention to accessible and inclusive transportation, streets, and infrastructure, including references tied to funding.

Lastly, he noted a significant omission, although recreation is mentioned, there is no reference

anywhere in the plan to therapeutic recreation, an issue the Commission has worked on extensively. This absence suggests therapeutic recreation is not being treated as a priority in the plan.

He suggested that he be appointed as an official representative of the commission to attend the hearings and share the information.

Chair Simukonda explained that she had to leave the meeting because her paratransit was there to pick her up and could not reschedule. She reminded the commission that there are three public hearings where they could represent themselves individually and gather information and then collectively at the September meeting the commission can formulate their recommendations. The deadline to submit comments is September 24 and our meeting is September 17.

Chair Simukonda left the meeting at which time quorum was lost and the meeting ended.

7. Liaison Reports/Updates

- A.** Update from Council Liaison - Mayor Daggett
- B.** Transportation Liaison - LaReina Reyes - Mountain Line
- C.** Update from Youth Liaison - Joseph Spence & Alida Pfeil
- D.** Update from Sidewalk Liaison - Jamie Martinez
- E.** Update from Parking Liaison - Rachael Simukonda

8. Information Items To/From Inclusion and Adaptive Living Commission Members and Staff Liaison

9. Agenda Items for Next Meeting (September 17, 2025)

10. Adjournment

The Commission on Inclusion and Adaptive Living meeting adjourned at 12:58 p.m.