

CITY OF SHOW LOW ORDINANCE NO. 2024-09

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SHOW LOW, NAVAJO COUNTY, ARIZONA, AMENDING THE SHOW LOW CITY CODE BY ADDING 5.05.150, PROVIDING FOR RESTRICTIONS ON KEEPING BACKYARD FOWL WITHIN THE CITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY.

RECITALS:

WHEREAS, the 2024 Arizona Legislative Session passed House Bill 2325 restricting municipalities' ability to regulate backyard fowl by a resident of a single-family detached residence on a lot that is one-half acres or less in size; however, the bill did allow for municipalities to impose some restrictions on fowl ownership; and

WHEREAS, amending Chapter 5.05 of the Show Low City Code, adding 5.05.150, Backyard Fowl Regulation, is consistent with the State of Arizona's new requirements.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Show Low, Navajo County, Arizona, as follows:

Section 1

Title 5, Animals, of the City Code for the City of Show Low, Arizona, is hereby amended as outlined in Resolution No. R2024-28.

Section 2

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3

The effective date of this Ordinance shall be 30 days following adoption by the City Council.

Section 4

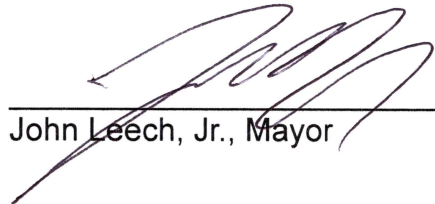
That certain document titled "Revisions to Chapter 5.05, Definitions and General Regulations, of the Show Low City Code" of the Show Low City Code, three copies of which are on file in the office of the City Clerk of the City of Show Low, Arizona, which document was made a public record by Resolution R2024-28 of the City of Show Low,

Arizona, is hereby referred to, adopted, and made a part hereof as if fully set out in this Ordinance.

Section 5

If any section, subsection, clause, phrase, or portion of this Ordinance or any part of the Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the City of Show Low, Arizona, this 1st day of October, 2024.



John Leech, Jr., Mayor

ATTEST:



Rachael Hall, City Clerk

APPROVED AS TO FORM:



Anna M. Atencio, City Attorney

**MINUTES OF THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL
HELD ON TUESDAY, SEPTEMBER 17, 2024, AT 7:00 PM IN THE CITY COUNCIL
CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY,
ARIZONA**

1. Call to Order.

Vice Mayor Kakavas called the meeting to order at 7:00 p.m.

2. Roll Call.

COUNCIL MEMBERS PRESENT: Vice Mayor Kakavas, Councilman Adams, Councilman Clark, Councilman Hatch, and Councilman Whipple

COUNCIL MEMBERS ABSENT: Mayor Leech and Councilman Judd.

STAFF MEMBERS PRESENT: F. Morgan Brown, City Manager; Anna Atencio, City Attorney; Justin Johnson, Deputy City Manager; Jeff McNeil, Police Commander; Jacob Allen, Airport Manager; Rick Austin, Public Works Operations Manager; Lisa Robertson, Grants Manager; and Rachael Hall, City Clerk.

GUESTS: Doug Roberts, Patricia Bertain and others.

3. Invocation.

Councilman Whipple gave the invocation.

4. Pledge of Allegiance.

Councilman Hatch led the Council and audience in the pledge of allegiance.

5. **CALL TO THE PUBLIC:**

Any citizen desiring to speak on a matter that is within the jurisdiction of the City Council may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the City Council as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the City Council. Pursuant to the Arizona Open Meeting Law, the City Council cannot discuss or act on items presented at this time. At the conclusion of the call to the public, individual City Council members may (1) respond to criticism made by those who have spoken, (2) ask staff to review a matter, and (3) ask that a matter be put on a future agenda.

Floyd Durbin, 500 North 16th Place, discussed flood control issues. He said years ago a 40-inch culvert was installed near 16th Place and there were several issues with the culvert and flooding in the area.

Doug Roberts, 1441 North 36th Drive, Show Low, said the Run to the Pines Car

Show and cavalcade of cars would be held on September 27-29 and invited all to attend the events.

Patricia Bertain, 800 North 1st Avenue, discussed issues with a TLC Supported Living Services group home located next to her residence.

6. **CONSENT CALENDAR:**

- A. Proclamation by the Mayor Proclaiming September 17 through 23, 2024 as **CONSTITUTION WEEK** in the City of Show Low (Rachael Hall)
- B. Consideration of Resolution No. R2024-27 Rescinding Resolution No. R2022-04 and Adopting Revised Title VI Policy Statement and Implementation Plan Regarding Non-Discrimination in City Programs and Activities (Lisa Robertson)
- C. Consideration of Minutes of Show Low City Council meetings:
 - 1. Regular Meeting of September 3, 2024

COUNCILMAN ADAMS MOVED TO APPROVE THE CONSENT CALENDAR AS PRESENTED; SECONDED BY COUNCILMAN WHIPPLE; PASSED 5 TO 0 WITH VICE MAYOR KAKAVAS, COUNCILMAN ADAMS, COUNCILMAN CLARK, COUNCILMAN HATCH, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

7. **NEW BUSINESS:**

- A. Consideration of Award of Contract for Carpet and Tile Cleaning Services for City Buildings, City of Show Low Project No. FM-5924 (Rick Austin)
Mr. Austin said on June 7, 2024, a Request for Sealed Quotes was posted to the City's website for carpet and tile cleaning services for nine City facilities. Two companies submitted sealed quotes with the following results:

<u>Contractor</u>	<u>Total Bid</u>
Navapache ChemDry	\$23,847.20
The D.M. Caldwell Corporation (dba Environmental Management)	\$15,815.10

Mr. Austin said staff recommended awarding the services contract for the City's carpet and tile cleaning, City of Show Low Project No. FM-5924, to The D.M. Caldwell Corporation, dba Environmental Management in an amount of \$15,815.10 per year, \$63,260.40 for a four-year period.

COUNCILMAN ADAMS MOVED TO AWARD THE CONTRACT FOR THE CITY'S CARPET AND TILE CLEANING SERVICES, CITY OF SHOW LOW PROJECT NO. FM-5924, TO THE D. M. CALDWELL CORPORATION, DBA ENVIRONMENTAL MANAGEMENT IN THE

AMOUNT OF \$15,815.10 ANNUALLY FOR A FOUR-YEAR TOTAL OF \$63,260.40; SECONDED BY COUNCILMAN HATCH; PASSED 5 TO 0 WITH VICE MAYOR KAKAVAS, COUNCILMAN ADAMS, COUNCILMAN CLARK, COUNCILMAN HATCH, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

- B. Consideration of Approval of Agreement for Air Services with Corporate Flight Management, Inc. D/B/A Contour Airlines, and Authorize Associated Budget Transfers (Jacob Allen)

Mr. Allen said on June 18, 2024, the City Council voted to approve the application to the United States Department of Transportation (DOT) requesting Alternate Essential Air Service (AEAS) through Contour Airlines.

Mr. Allen said on August 22, 2024, staff was notified of DOT Order 2024-8-17, approving the application submitted by the City of Show Low, Arizona, for the Show Low Regional Airport. The order issued by DOT stated that the City of Show Low was eligible to receive grant funding for the requested air service outlined in the AEAS application, beginning October 1, 2024. The total amount of the grant would be \$24,312,381.00 for a four-year period. Contour Airlines had confirmed they were able to begin air service starting October 1, 2024. Southern Airways Express submitted their letter of termination as of September 30, 2024.

Mr. Allen said before Contour Airlines could begin services, the airport sponsor (City of Show Low) must enter into an air service agreement with the air carrier directly. The costs associated with this agreement were 100% reimbursable via the AEAS grant. The grant agreement was currently processing, and Contour Airlines had agreed to begin operating "at risk" until the grant agreement was in place. The air service agreement with Contour Airlines contained minimum performance standards which would allow the City to terminate the agreement if performance standards were not being met.

Mr. Allen said staff recommended approving the Agreement for Air Services with Corporate Flight Management, Inc. DBA Contour Airlines, and authorize associated budget transfers.

COUNCILMAN HATCH MOVED TO APPROVE THE AGREEMENT FOR AIR SERVICES WITH CORPORATE FLIGHT MANAGEMENT, INC. D/B/A CONTOUR AIRLINES, AND AUTHORIZE ASSOCIATED BUDGET TRANSFERS.; SECONDED BY COUNCILMAN WHIPPLE; PASSED 5 TO 0 WITH VICE MAYOR KAKAVAS, COUNCILMAN ADAMS, COUNCILMAN CLARK, COUNCILMAN HATCH, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

- C. Consideration of Approval of Commercial Airport Lease and Operating Agreement with Corporate Flight Management, Inc. D/B/A Contour Airlines

at Show Low Regional Airport (Jacob Allen)

Mr. Allen said on August 22, 2024, the U. S. Department of Transportation awarded the City of Show Low a grant for Alternate Essential Air Service (AEAS) allowing the City to contract with Corporate Flight Management, Inc. D/B/A Contour Airlines (Contour) to provide scheduled commuter air service between Show Low and Phoenix using a 30-seat regional jet.

Mr. Allen said as a result, on September 30, 2024, the current EAS carrier, Southern Airways Express, would no longer be the carrier in Show Low and the commercial airport lease and operating agreement would expire. Contour was scheduled to begin service October 1, 2024, and would enter into a new Lease and Operating Agreement.

Mr. Allen said Contour would pay the City \$8,809.33 per month to lease the airline ticket counter, a portion of the baggage makeup area, and a small office. The lease included applicable user fees, airport landing fees, and overnight parking fees. The lease would run for the duration of the AEAS contract with Contour.

COUNCILMAN CLARK MOVED TO APPROVE A COMMERCIAL AIRPORT LEASE AND OPERATING AGREEMENT WITH CORPORATE FLIGHT MANAGEMENT, INC. D/B/A CONTOUR AIRLINES CONCURRENT WITH THE ALTERNATIVE ESSENTIAL AIR SERVICE CONTRACT WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION; SECONDED BY COUNCILMAN HATCH; PASSED 5 TO 0 WITH VICE MAYOR KAKAVAS, COUNCILMAN ADAMS, COUNCILMAN CLARK, COUNCILMAN HATCH, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

8. **SUMMARY OF CURRENT EVENTS:**

A. Council Members

None.

B. Mayor

None.

C. City Manager

Mr. Brown said the Show Low Public Library had been closed the last few weeks would be re-opening this Thursday. Also, on September 26, the library was hosting a "Meet the Authors" event and were proud to have authors Deborah Goodacre and Tyler Kelley attend the event.

Mr. Brown said the recreation department was hosting the Scarecrow Walk

and Contest. Individuals, families, businesses, and groups were all invited to join in and enter the contest. Registration was going on now through October 9. Contact the recreation department for more information at 532-4130.

Mr. Brown said in public works projects, the city's contractor continued work on the Citywide paving project. Work on the Woolford Reconstruction was scheduled for September 23rd. He thanked citizens for their patience as these important projects were completed.

Mr. Brown said there would be a ribbon cutting event on October 1 for the start of the new airline service with Contour Airlines at Show Low Regional Airport and all were invited to attend.

9. **SCHEDULE OF MEETINGS:**

Scheduling of meetings, which may be brought up at this time.

The Council Retreat would be held on October 23, 2024.

COUNCILMAN ADAMS MOVED TO RECESS INTO EXECUTIVE SESSION FOR DISCUSSION WITH THE CITY ATTORNEY REGARDING DISCUSSION REGARDING THE TYCO AND BASF WATER SETTLEMENTS; SECONDED BY COUNCILMAN CLARK PASSED 5 TO 0 WITH VICE MAYOR KAKAVAS, COUNCILMAN ADAMS, COUNCILMAN CLARK, COUNCILMAN HATCH, AND COUNCILMAN WHIPPLE VOTING IN FAVOR.

The Show Low City Council recessed into Executive Session at 7:29 p.m.

10. **EXECUTIVE SESSION:**

A. Confidentiality Statement.

B. City Council may hold an executive session pursuant to A.R.S. § 38-431.03(A)(3), (4) & (6), discussion or consultation with the attorney or attorneys of the public body for legal advice; to consider its position and instruct its attorneys regarding contemplated litigation or settlement discussions conducted in order to avoid or resolve litigation; or negotiations with members of a tribal council.

(1) Discussion regarding the Tyco and BASF water settlements

11. **POST EXECUTIVE SESSION:**

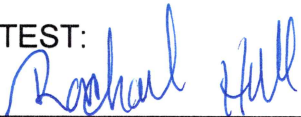
A. Consideration of any item on the Executive Session portion of this agenda, which the Council may wish to take action upon in Open Session.

The Show Low City Council reconvened to Open Session at 7:38 p.m.

12. **ADJOURNMENT:**

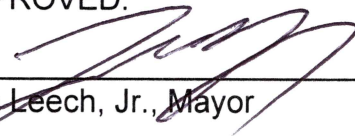
There being no further business to be brought before the Council, **VICE MAYOR KAKAVAS ADJOURNED THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL OF SEPTEMBER 17, 2024, AT 7:38 P.M.**

ATTEST:



Rachael Hall, City Clerk

APPROVED:

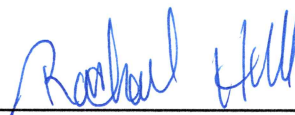


John Leech, Jr., Mayor

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the City Council of Show Low held on September 17, 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 1st day of October, 2024.



Rachael Hall, City Clerk

