

Summary Minutes
City Of Sedona
Citizens Steering Committee Meeting -
Sedona Community Plan Update
Vultee Conference Room, Sedona City Hall, Sedona, AZ
Tuesday, November 16, 2010 – 3:30 p.m.

1. Welcome and self-introductions

Mike Raber called the meeting to order at 3:32 p.m., welcomed the Committee members and introduced the staff members present.

Committee Members Present: Mike Bower, Jim Eaton, Angela LeFevre, Alex Gillon, Barbara Litrell, Elemer Magaziner, Gerhard Mayer, Judith Reddington, John Sather, Michael Steinhart and Jon Thompson

Staff Present: Mike Goimarac, Kathy Levin, Donna Puckett and Mike Raber

The Committee members introduced themselves and provided a brief of history of their background and experience. Mike Raber then reviewed the agenda items as listed and explained that the City Council must approve the Public Participation Procedures in agenda item #7 by resolution before implementation, so we want to take the scope of work to the Council at the same time, and those draft materials are in the meeting packet. Additional packet materials include information on the work done to date on the update.

2. Purpose of Committee

Mike Raber emphasized that this Committee is seen as a hands-on working Committee and explained that the overall purpose is to oversee the preparation of the draft Community Plan and that is a collaborative process with the Planning Commission, City Council, community and staff. Staff's role is to facilitate the planning process and the preparation of the plan, but the Committee's role is to guide that. The Committee is also responsible for the following:

- Take the overall leadership of the public participation and "engagement"
- Recommend revisions to the adopted participation procedures
- Produce a Plan that provides a vision of what the community would like to become.

Mike pointed out the target timeline shown on the back of the agenda and indicated that there are four steps; the first two steps are Issue Identification and Draft Plan Development and the Committee has a lot of latitude in redefining that. The last two steps are state-mandated steps, which are the Public Hearing and 60-Day Review and the Election.

3. PowerPoint presentation - Overview of Community Plan Update and general overview of work to date.

Mike Raber explained that state law requires General Plans for cities and towns to be updated and voted on every 10 years. It is important, because it is the City's General Plan required by state law and it lays out the framework for the management of the City's future growth, goals, objectives and policies. It includes things like a Future Land Use Map, but it is not zoning or a zoning map -- those are the tools to carry out the plan. Mike showed a listing of the 14 elements in the current plan and indicated that one of the issues is to make the current plan more succinct and user-friendly.

Mike explained that each element is broken into key issues, vision statement, goals, objectives and policies, detailed recommendations to address the issues, and then action programs. There are two kinds of recommendations in the Community Plan; one is more policy-focused, such as retaining our public lands and not increasing the overall housing density. The Plan also guides the City in decisions on new development, including rezonings. Actions include things like developing new regulations, such as residential in commercial areas, and initiating a more detailed planning project for parts of the community or making capital improvements like road connections.

Mike provided an overview of the background from when the City incorporated in 1988 to the ratification of the latest update by the voters in 2003. He explained that staff spent a couple of years in the last update process and we anticipate a similar timeframe for this process. The timeline was bumped back several months, because we have that opportunity and we are now putting the vote in 2013.

Mike explained that public participation is key to the process and there will be a lot of opportunities for the public to provide input. The Council appointed this Committee specifically because public participation was viewed as the most important thing in the update. The Committee consists of nine residents, one Councilor and one P&Z Chairman that will:

- Review and revise the public participation procedure
- Work collaboratively with P&Z, City Council, staff and others
- Initiate and guide the public process to determine goals and priorities of residents
- Help residents define a shared community vision

Mike highlighted that the City won an Arizona Planning Association Best Public Information/Participation Award in 1990 and a Best Public Participation Award in 2003, and they were awarded due to the active involvement of the community.

Mike Raber indicated that according to current data, we are about 19 square miles, 49% National Forest and the year-around population is about 11,400. We have been growing about 1.1% per year for the last nine years compared to about 3.2% in the previous 11 years. With the exception of Jerome, we are the slowest growing in the Verde Valley and we are about 71% built out residentially and about 83% commercially.

John Sather asked if the 83% is based on a building being on a commercial piece of property or the FAR of the property and Mike explained it is solely based on commercial acreage. If the parcel is developed, it is the whole parcel; we aren't counting density on that parcel, which is a consideration we should look at. At complete build out, we will have about 16,000 residents and that probably will be in about 30 years at the current growth rate. We will be about 80% built out residentially and 90% commercially in 2020.

Kathy read the City's Vision Statement in the Community Plan, which is also read at the beginning of each City Council meeting, and Mike then provided the following illustrations that support the Growth Policy and the vision in the Plan:

- Stay small; don't sprawl
- Fill in what we have; don't intensify

Mike then indicated that some specific issues have been emerging from the public process, but in the last update, some of the issues included the widening of S.R.179;

preserving open space and the National Forest; community character; lodging and timeshares, and the environment. The Community Plan addressed those top five issues in several ways and many plan recommendations have been accomplished. The City's website and some of the packet materials covers some of those accomplishments. Obviously, there also were many more issues and some of those will be in this update.

Michael Steinhart asked about the ratio of the previous vote and Mike Raber indicated it was about 64% yes and 36% no. Michael asked if yes was to the Plan as it was presented and Mike Raber stated yes. Michael Steinhart then asked if it was broken out for SR 179 or if the vote was just for the Plan to be accepted and Mike Raber explained the plan was voted on as one document. Michael Steinhart indicated that the Committee members probably need to get a copy of the Plan and Mike agreed and mentioned that it is on the City's website.

Kathy Levin indicated that when staff, the P&Z Commission and the City Council began the Community Plan update process at the beginning of the year, a number of community meetings were held and staff made presentations to various organizations. From those meetings four common themes emerged:

- Community Outreach - there was consensus that this update shouldn't be a simple process and there should be greater focus on the vision. Staff also heard comments about broadening the type of outreach used, such as using more electronic media and meeting with homeowner associations in neighborhoods.
- Sustainability - there was a consensus about becoming a more sustainable community, both economically and environmentally.
- Community Plan Document - there was agreement that the document needs to be more user-friendly.
- Character of West Sedona S.R. 89A, which was initiated by staff - neighbors emphasized that attention needs to be given to the values of the neighborhoods that are adjacent to the commercial corridor.

Kathy then showed a list of the organizations that staff had an opportunity to speak to and indicated a second round is starting.

Jon Thompson referenced the list of required elements in the plan and asked if that is part of the state mandate and Mike Raber indicated yes, there are certain elements required by the state, and then there are others that we have included, so there is an opportunity to consolidate those and present them differently or eliminate some, which the Committee can help with. Jon Thompson then asked if there is an opportunity to consolidate the elements in the mandated list and Mike explained that his understanding is that they need to be defined as specific elements in the Plan.

Elemer Magaziner asked if they just have to be addressed by law, which doesn't literally mean that you need an element labeled that way as long as it can be demonstrated that element has been covered. Mike Raber indicated that is something we can explore, but it does indicate that there needs to be some kind of standalone to that element in the Plan, however it is woven in. If it makes it easier to use, we can see how far we can take that.

Jon Thompson indicated that to say we are concluding in 2013 appears to say that we are assuming it will pass. He then asked if there is any thought about what if it failed or was out of compliance with the state. Mike explained that if it failed, we would try to get it back

on the soonest ballot we can, and we may have to redo parts of the plan first, but the statutes provide the latitude needed for cities to do that.

John Sather indicated that no one has been sued over too many elements, etc., it is a little flexible. With the schedule, there needs to be energy. We created energy in the first plan and there was never a lull, so without rushing it, he would get through this as quick as we can.; otherwise, people get bored. Elemer Magaziner indicated that the idea of engaging the community is so there are no surprises and the goal is that the vote is a rubber stamp, because it is the community's document, and if we do our job right, they shouldn't find any reason to not vote for it. If it gets rejected, we have failed as a Committee.

Jon Thompson indicated he could see it the other way too based on the recent voting cycle. All it takes is for everyone to be involved and get their one thing in there, but then they may see one little thing that they don't like and vote it down for completely different reasons. Gerhard Mayer pointed out that the most challenging task is to explain everything to the public, including what it means to them, etc., and he has experienced a lot of people who are laid back and don't care. Jon Thompson added that if you go out on a limb and get more vision-oriented, then there is more opportunity for people to not like it.

Judith Reddington indicated that the process for this Plan is a solitary process for our community only. She then asked if we have a relationship with the greater Verde Valley and their planning processes. Mike Raber explained that historically we have taken that role and been actively involved in regional planning for the Verde Valley. The County adopted a regional plan about four years ago and all of the cities and towns were part of that, and when John Sather and his group first started the Community Plan, they had a regional element, because there needed to be so much focus on that -- particularly since the Forest Service is such a major player. Judith added, and for jobs and educational opportunities.

John Sather referenced an earlier meeting, when we were all needing to draw an organizational diagram, and asked about the role of the Committee and staff. Mike Raber indicated he wanted to discuss that, when we get to that item.

4. Review of Open Meeting Law

Mike Goimarac distributed handouts of his presentation to the Committee members and indicated that the motivation behind the Open Meeting Law is to prevent deals from being made in back rooms by requiring things to be done in the open. Mike explained that with the ability to communicate electronically in different ways, there is more potential to unintentionally violate this law. This group will receive a lot of public input, and there will be some opportunities to unknowingly violate the law, so we want to make you aware of the law at the outset, so that doesn't happen.

This Committee must comply with the law because you are a "public body" and technically an advisory committee of the City Council, so you are subject to the Open Meeting Law, and if this group formed a subcommittee, it would also be subject to the same Open Meeting Law -- so two or three of you getting together to work on things would still be subject to the law.

The law requires that meetings be open to the public and the public must be entitled to listen to your deliberations, but there is no requirement that the citizens have the right to say anything -- that is within the discretion of the Committee.

The definition of a meeting is critical. A meeting is defined as, "The gathering in person or through technological devices", such as via email, twitter or the telephone, etc., "of a quorum of members", and with 11 members six would be a quorum, "of the public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such actions", so anytime there are six of you even talking about things for which this Committee is established, you are having a meeting. Elemer Magaziner asked if a subcommittee of three people can't communicate and Mike Goimarac indicated not unless the requirements are met, including public notice and agenda, etc.

Mike explained that the legislature made this law, but they are not subject to it; however, if you are a public body, the things you have to do to comply are:

- You must have an agenda that is posted on the Internet on our website and in three public physical posting places throughout the town at least 24 hours before the meeting.
- You must stick to the agenda; you can't discuss things that aren't on the agenda, so the agenda needs to be as comprehensive as possible for the public to be aware of what you are going to discuss.
- You can meet outside of the public's purview in Executive Sessions, which would probably be for legal advice, but the Executive Session has to be on the agenda. The reasons for which you can have an Executive Session are in the handout and you have to vote to go into Executive Session.

Mike indicated that the following are some special rules regarding email:

- You can't use email to circumvent the Open Meeting Law, such as when an email turns into a dialogue amongst Committee members, going back to the definition of a meeting, you are basically having a meeting via email.
- You can use email to disseminate information, but you can't use it as a springboard for discussion. A suggestion would be to disseminate the information and say that you would like for it to be put on the next agenda for discussion.

Mike Goimarac then explained that the Attorney General's Office has a task force known as the Open Meeting Law Enforcement Team, OMLET, and they have come out with several strict interpretations; they take complaints seriously and pursue them. The Attorney General's Office has come out with an opinion that says if one of you sends an email to the group proposing anything, even though no one responds, the mere proposal is a violation of the Open Meeting Law.

Mike Bower asked about sending an email to three people in the group and Mike Goimarac indicated that you aren't having a meeting, and technically, you aren't in violation of the law, until one of the three then sends it to three other members and through a chain reaction the message gets around, and then you will be in violation. It is never a violation of the Open Meeting Law for less than a quorum to get together and communicate, until those communications go outside of that smaller than a quorum group. His suggestion would be if you send an email to disseminate information, include something at the end to say, "Please do not respond to this unless you do it individually". You individually can react to the sender, but don't copy everybody else in the group.

Elemer Magaziner asked what happens if there is a violation and Mike indicated that people can unintentionally make mistakes, and when staff becomes aware, they will give you friendly reminders and try to educate you. Oftentimes, citizens are the ones who

initiate those concerns. Alex Gillon indicated that on P&Z, whenever they want to communicate, they do so through the City staff and staff communicates to the rest of the group. He would also suggest using blind carbon copy for the addressees, when City staff communicates to the group, then we don't get each other's email address and can't do a reply all.

John Sather asked if he should send resource material to Mike Raber or Kathy Levin and let them send it to everyone, and Mike Goimarac explained that technically, John could disseminate it himself, as long as it doesn't result in someone responding and talking about it, and then copying it to everybody else in the group. John then asked if five members get together that is not a meeting, and Mike indicated that technically it is not a meeting -- you technically could discuss it, but that is getting close and the minute those discussions spill over to anyone else in the group, it becomes violation. John Sather asked when a meeting is officially over and Kathy Levin indicated when it is adjourned. John asked if all of the Committee members showing up at a Saturday gathering of citizens would be a legal meeting or like the meetings staff held and Mike Raber explained those meetings were noticed. Mike Goimarac added that it is a problem if there are six of you talking about the results of the meeting, and the Attorney General has even gotten after public bodies that get together during the break and talk about what is going on.

Jim Eaton pointed out that beyond the legal requirements, there is such a thing as public perception and if three of us start talking in Basha's about the Community Plan, a couple of citizens are going to hear us and suspect something, so isn't it best to avoid those situations? Mike Goimarac agreed that perception is an issue and we get complaints when there is even less than a majority of members of the City Council -- he is just covering the technical parameters, and hopefully, we can avoid the perception and stay within the bounds.

In response to Elemer Magaziner's question, Mike Goimarac indicated that the ultimate consequence of an intentional violation of the Open Meeting Law is a civil offense, a \$500 fine and a requirement that you be removed from the public body. Elemer Magaziner indicated that he didn't think anyone here would intentionally violate the law. Mike added that for an unintentional violation, you could still be charged with a civil offense, but the consequence could be less than \$500.

Mike Bower indicated that the Committee has been led to believe that we are going to generate some creative engagement opportunities, so if we make an ongoing FTP or interactive site where the citizens can comment and Committee members can all watch and comment, how do we keep that from being a violation? Mike Goimarac indicated that it is perfectly legitimate, but if you use that forum to put your two bits in and the whole Committee is communicating, you are violating the Open Meeting Law. You would have to limit your discussions about those comments to a formal meeting, rather than be actively engaged in responding to those where all of you can see each other's responses.

Elemer Magaziner indicated that if the Committee felt that it needed to meet, because of the information, we are just obligated to get an agenda out 24 hours ahead. Judith Reddington asked how that would be agendized and Mike suggested looking at some of the Council retreat agendas; you try to anticipate what the visioning will involve and be as comprehensive as possible. The idea of an agenda is to inform the public of what you are going to talk about, and if you keep within that spirit of being open with the public, your agenda will be defensible.

Alex Gillon posed the situation of someone volunteering to take a section and edit it and another member volunteering to help with that, and then asked if it would be okay for a couple of people to meet and edit the document, as long as they bring it back to the Committee to discuss. Mike Goimarac explained that you don't want the Chairman or the Committee to appoint people, because that creates a formal subcommittee, but if someone volunteers to take a particular topic and another volunteers to help, and they are doing it of their own volition rather than at the request of the Committee or Chairman, you could say it isn't a subcommittee. The intent is to avoid quasi-subcommittees to circumvent the Open Meeting Law. Staff can request help, and if staff isn't being directed to do that by the Committee or the Chairman, that probably would be okay too.

Regarding free-flowing discussion, Jim Eaton asked if it is the responsibility of the Chairman to keep them channeled and find a place on the agenda where parts of the free-flowing discussion can be handled, and Mike indicated probably. Jim Eaton then added that it also is the responsibility of the Chairman to stick to the agenda.

Mike Goimarac explained that with this group having been given the charge to have full and complete public participation, we are going to have to work through some of the issues when we get into specific strategies, etc., so he will be available to consult with the Committee and we can consult with the Attorney General's Office, because in the statute, the Community Plan process is supposed to be a process of full and ongoing public participation, but you have to balance that goal with the goals of the Open Meeting Law.

Mike Raber asked what the reason would be to form official subcommittees, if you could get together informally as a staff working team, and Mike explained that if you want a group of people to take a specific issue and report back to the group as a whole, there is no problem with a subcommittee and the process can be very simple. You do an agenda and a tape recording of the meeting and you put the recording on the website, then you have complied. Staff can work with you to make that an official meeting, and then the subcommittee can formally present its findings to the Committee. He doesn't see it as being that cumbersome.

Regarding Conflict of Interest, Mike Goimarac explained it is serious, because if you violate the Conflict of Interest Laws, it is a felony and as a public official, you are bound by these laws. The first is a "Substantial Interest" conflict, when you or a relative have a substantial interest in a decision that you deal with as a member of this Committee. "Substantial Interest" means a money or property interest; for example, if a decision would have a monetary effect on you or your property.

John Sather asked if it is when you own property and you talk about something that would affect your property and Mike indicated yes, it could be a substantial interest and if you have that kind of interest in an issue, you have to disclose it and refrain from participating in that issue in any manner -- you basically have to sit in the audience, and as long as you do those two things, you can remain on the Committee. John Sather asked if you need to sit it out if you are talking about land uses in the neighborhood where you live and Mike answered yes and no. There are "remote interests" that are like safe havens. You may have a property or money interest, but the legislature defines them as remote. Remote interests include the following:

- You are an unpaid officer in a non-profit corporation, like the Historical Society.
- You own less than 3% of a corporation or a business.
- You are a recipient of public services like everyone else.

- You have an interest that is similar to a class of at least 10 persons and your interest is no greater than their interest; however, the application of this can be very tricky, because when you compare the size of the property, etc., you may have a greater interest.

Mike Goimarac explained it is good to get a legal opinion from the City's Legal Department, because if you get a legal opinion and it is determined that you don't have a Conflict of Interest and you rely on that opinion, then you have some immunity from any claim of Conflict of Interest and you wouldn't be charged with a felony.

A "City Provider" conflict is another kind of Conflict of Interest that says as a public official, you are not allowed to provide any equipment, materials, supplies or services to the City during your tenure on this Committee, with the following exceptions:

- If you are the successful bidder in the City's competitive bid process
- You can supply up to \$300 in services or items, up to a \$1,000 maximum per year

Mike also indicated that while serving on the Committee, you would not be allowed to represent any person for compensation before another City entity. John Sather asked about having a client who has ongoing discussions with the City and Mike explained that it doesn't say anything about coming to the City and consulting with staff -- the language is "before a public agency", but if you have a specific concern, we can talk about it. Elemer Magaziner summarized that the bottom line is that you shouldn't be able to profit by being on this Committee.

Mike explained that during your term of office and for two years afterward, if you came across confidential information that could be used for your personal profit, you are not allowed to use that information. Additionally, you can't receive directly or indirectly any additional compensation for services you provide and you can't use your position to secure any valuable benefit that would not normally accrue to you. Mike then advised the Committee members to check with his office if there is any question about Conflict of Interest.

Regarding the Public Records Policy, Mike Goimarac pointed out that a public record is any document produced as part of being a Committee member or any document you receive from a citizen dealing with the business of the Committee, which is part of the issue with email. It is possible that you will receive communications via email about what this Committee is talking about and under the law those emails become public documents, because you are a public official, so there are duties to preserve those documents for disclosure. The law also says that any citizen for any reason can request public documents and the City is obligated to provide them. The concern is that your personal computers are not City property, but you have the duty to preserve the emails that might come to your personal email address, for the term of this Committee through the Community Plan process. It is your discretion as to whether or not you want your personal email address to be disseminated to the public.

Mike suggested that an easy way to preserve the emails is by forwarding them to the staff person to preserve through their City email address, so if a request is received for any emails sent to members of this Committee, it would be an easy way of doing that, but for every email you receive, you would have to forward it. If we get a public records request for your emails, he will be asking each of you individually to comply, and you can comply

by saying you forwarded every email to staff; otherwise, you will have an individual duty to ensure you provide those.

Elemer Magaziner asked if it also applies to pictures, records, etc., and Mike indicated yes, it applies to any form of document. Elemer then asked if it applies to conversations with the public and Mike explained that you are not obligated to record every conversation, but if it is recorded or memorialized in any way, hard copy or electronic copy, it is a public record and has to be preserved.

Barbara Litrell asked about emails being forwarded to CCArc to be archived and Mike explained that was technically designated for City Council, but that is not to say we can't set up a separate email account; however, it costs money. Elemer Magaziner asked if he could ask the public not to email anything directly to him -- send them to some particular place with an automatic forwarding. Mike explained that if something still comes to you, you have that obligation. Elemer Magaziner indicated he could say please send it to this address and he would automatically get a copy; however, Kathy explained that his reply would still need to come back to her.

Mike Raber indicated there was a request to have a mailing list that all members could have to see the contact information for everyone on the Committee, and he asked Mike Goimarac if he had any reservations about a list like that. Mike Goimarac explained that the list is a public document and if someone asked for it they could get it. If you don't want people to know your cell phone number, for example, don't put it on there.

Gerhard Mayer asked about Committee members being approached by the newspapers and Mike Goimarac indicated his recommendation is that there is no such thing as off the record, so say what you would be comfortable having printed. Barbara Litrell asked if you are saying it is your own personal opinion and not speaking on behalf of this Committee. Mike indicated that is correct and when you speak as an individual you need to make that clear that you are not speaking on behalf of the Committee. Mike Bower added that the Commission Handbook has a section on that and you can request a guideline from the City Clerk's Office.

Judith Reddington asked if any member of the public can file a complaint just because they don't like what the Committee is discussing and Mike explained that anyone can file a complaint and that is just part of being a public official. Jim Eaton indicated that municipal government seems to be held to a more stringent requirement than the county, state or federal and Mike indicated that the State Legislature doesn't live by these rules, but the county took them very seriously. A lot of these laws came about because of abuses. The part about subcommittees is new and came about because public bodies formed subcommittees to circumvent the Open Meeting Law.

5. Discussion/possible action on selection of Chairman and Vice-Chairman

a. Define responsibilities.

Mike Raber indicated that the responsibilities are described in the handbook on page 7 and the Chairman and Vice Chairman are appointed by the Committee. The Chairman leads the meetings and ensures the Committee stays on the agenda. The Chairman also works with staff to set the agenda; however, a suggestion is to have the P&Z Chairman and City Council representative also meet with the Chairman and staff to set upcoming agendas. Mike also explained that the Vice Chairman serves in the absence of the Chairman.

b. Discuss procedural items

Mike indicated that he would like to get consensus about waiving Robert's Rules of Order and operate on a consensus basis, which seems to work better for a brainstorming-type environment than going through the formal process, and if the Committee doesn't have any concerns, that is how we can agree to operate.

Mike then explained that the Committee is going to select a Chairman and Vice Chairman and asked if the Committee members felt they could proceed to get consensus on those selections or if it should be put on a later agenda.

Angela LeFevre asked about the participants that had been on the earlier Committees and John Sather indicated he would like not to be the Chairman; he wants to contribute, but that is not how his brain is wired. Elemer Magaziner indicated he thought about it and decided he wouldn't be willing to do it, because he wants to be hands-on rather than doing administrative things.

Michael Steinhart indicated that John Sather said that he had a good nominee and he would like to hear who that is. John Sather indicated that Mike Bower and Jim Eaton would be good, because it is going to require someone that can be a little bit of a disciplinarian. Mike Bower indicated that would not be him and he is not planning on working hard to participate as much as he is planning on, and then function as a Chairman too.

John Sather asked Jim Eaton if that is something he would want to do and Jim indicated that he is willing, but not eager. Angela LeFevre indicated that Jim did an admirable job on a previous committee she was on, and John Sather indicated that on another committee no one forced the Chairman to carry a bigger role; it was just somebody who understood how to move a meeting along -- it was a very self-disciplined group, so he would say that we would all commit to helping. Gerhard Mayer indicated he would like to see someone at the helm that is organized and has computer skills. Gerhard then asked Jon Thompson how he felt about it and Jon explained that this is his first experience with any public body.

Jon Thompson then asked what the feeling is about having the Chairman and Vice Chairman share things, i.e., could the two work closely enough that the Vice Chairman could do the agenda one month, etc. Kathy Levin indicated that it tends to be a collaborative response and at the end of every meeting, we will discuss the future agenda, and then staff puts it together in concert with the Chairman. Elemer Magaziner asked if it is legal to rotate that position, so one person doesn't have it all the time; however, Michael Steinhart indicated that in his experience, you lose direction that way. Mike Raber indicated that it maybe could be rotated after one year.

Elemer Magaziner indicated that in his corporate experience certain people stand out as natural leaders for a particular issue, and they are energized to take over and ensure the agenda covers everything, and then a new issue comes up and others stand out. It is a model where the enthusiasm comes naturally; it is less structured, but he is not sure if the Chairman is a leadership position or an administrative position. Mike Raber indicated the Chairman is more of a leadership role.

Jim Eaton indicated this is quite different from the corporate world, and Judith Reddington asked Jim about his workload right now. Jim indicated that he has

committed that this is going to be his first priority. He especially likes the suggestion for a limited term, not to last two years. Mike Raber suggested that the Committee might agree to a set term of time and Michael Steinhart indicated that is also for the good of the group, and he would suggest that the Committee move for it to be a year, and then if the Chairman is doing a good job, we could re-elect the Chairman. Jim commented that getting everybody to stick to the agenda is going to be a tough job.

Elemer Magaziner indicated there could be a Chairman and a Facilitator for the meetings, and they don't necessarily have to be the same person. Jim agreed, but indicated that this group will soon learn to be self-disciplined. After a meeting or so, the members will learn that sticking to the agenda is a requirement and we will all have input to the next agenda. Gerhard Mayer commented as long as creativity doesn't suffer; it could be too structured.

Mike Raber indicated that by consensus the Committee could agree that Jim Eaton would be the Chairman for a term of a year as long as he is interested. Jim Eaton indicated he would like to hear another nomination.

NOMINATION: Barbara Litrell nominated Jim Eaton for the Chair of this Committee from November 16th for one year. Judith Reddington seconded the nomination.

Mike Raber asked if anybody would like to be the Vice Chairman and Judith Reddington asked Jon Thompson if he would be interested. Jon indicated he would be okay with that and Michael Steinhart indicated that would be a nice mix.

Mike Raber indicated that there didn't need to be a vote, since we are operating by consensus, unless there is a dissent, then we would need to talk about it. Barbara Litrell congratulated Jon Thompson as Vice Chairman.

By consensus, Jim Eaton was named as Chairman for one year and Jon Thompson was named as Vice Chairman for one year.

6. Discussion/possible action on regular meeting dates and times.

Kathy Levin indicated that the next two meeting dates are December 9th at 3:30 p.m. and January 6th at 1:00 p.m. Kathy then indicated that the goal is to select two monthly meeting dates and times; ideally on the same day of the month, and staff would like to know what the members' standing commitments are, and then that needs to be balanced with staff's availability and the room availability.

Kathy indicated that one possibility would be any time after 5:00 p.m. on the first and third Mondays; however, the Recording Secretary pointed out that is when the Housing Commission meets. Kathy then proposed the second Monday after 6:00 p.m., but noted we didn't want them back to back, so evenings go away.

Mike Bower indicated it would be best for the workers to meet at 3:30 p.m. as opposed to mid-day and Chairman Eaton pointed out that evenings are a burden on staff, because they work all day and then have to attend the meetings. It is also a burden on the Council member and P&Z Chairman who both have evening meetings, and he (Jim) personally runs out of gas.

Mike Bower suggested looking ahead and finding where 3:30 p.m. works, because that would be better than saying it is always on the second Tuesday. Gerhard Mayer suggested coming back to this item on December 9th and John Sather asked if members could participate by telephone, if they were traveling, etc., and Kathy indicated yes and the anticipated length of the meetings is two hours.

Elemer Magaziner asked if the room is scarce and Kathy indicated yes. Elemer indicated that he can't see six months from now -- he could see two months. Angela LeFevre agreed; however, Alex Gillon pointed out there are advantages to having a fixed date and that it took two months to get this meeting scheduled. Additionally, some of us have regular meetings with other City groups and it would be nice to weave those in with these, plus it would be nice to have predictable times to plan vacations, etc., so he would suggest the first and third Tuesdays at 3:00 p.m., right before P&Z. Donna Puckett explained that they would have to get someone else for their minutes and Alex suggested establishing a policy that we just record the meetings and put the recording on the website.

Kathy pointed out that minutes can be very valuable to staff and Mike Raber agreed, but indicated that the Council is okay with not having minutes. Angela LeFevre indicated she found that when chairing meetings, not just the minutes, but the action items are also helpful, so they have two things -- minutes and action items. Vice Chairman Thompson offered to take the minutes, when the Committee doesn't have someone; however, Chairman Eaton pointed out that it really handicaps the member from participating.

Mike Raber indicated that we probably should figure out what is most important for the Committee and all that is required is the recording and a rundown of the action taken. Donna Puckett pointed out that Kathy could do the minutes -- it doesn't have to be the Recording Secretary. Chairman Eaton complimented Donna on her minutes and indicated that if possible, when we have a meeting that is more important than others, we should try to work her schedule into it. Alex Gillon asked if there is anyone else on the City staff that could help out with some of the other meetings that cause Donna a problem in the first week and Mike indicated that is pretty unlikely.

Kathy indicated that as the first alternative, staff will look at Tuesdays; however, John Sather asked that the topic be deferred until the next meeting, because he doesn't have his calendar here. Kathy then indicated that she will bring it back in December.

7. Discussion/possible action regarding the Sedona Community Plan Public Participation Procedures and possible revisions, and draft Scope.

Mike Raber indicated that the Council will need to take action on both the Public Participation Procedures and the scope, so we want to take them back to the Council together, after the Committee has made its recommendations. The state requires cities and towns to adopt procedures. It says, "To provide effective, early and continuous public participation, in the development of major amendments of General Plans, of all geographic, ethnic and economic areas of the city."

Mike explained that the procedures were adopted in 2001 and haven't been amended since then. Before the Committee can implement a public participation program, they need to be revised for enough flexibility to allow options and include the Committee as an integral part. Staff has included some proposed revisions in the packet, so the Committee can decide how broad in scope they should be redone. Staff took a minimal approach that didn't lock the process into one technique. Most of it is just what is required by state law,

however, an example of staff's changes is that we currently have a mandate in the procedures for a 300 ft. notification for property owners that might be affected by a change in the Land Use Map or text of the Plan, and the proposed change is to those owners that might be affected without specifying a distance or a method, so it leaves a lot of options.

Regarding the draft scope in the packet, Mike indicated that it was discussed with the Council in October and the draft came mostly from discussions with P&Z and Council in June, but the noted suggested changes came up in discussion with Council in October. Mike then suggested that the Committee start its discussion on the scope, and then proceed to the public participation procedures. Some of the proposed changes are listed in italics, but the Committee needs to think about what is missing in the scope, such as a general timeline, process steps in the Community Plan update, relationship to Commissions, a flowchart to show the organization of the different bodies involved, and defining topical areas for future subcommittees, etc.

Mike indicated that it was mentioned that the Planning Commission has a unique role, because they are the body mentioned in the statutes, and they have monthly updates on the Community Plan. The Commission has expressed the desire to have a joint meeting with the Committee, so the Committee might want to discuss how we coordinate with the Commissions. There was also a discussion about having the Committee Chairman attend an upcoming P&Z meeting to discuss the coordination. Additionally, Gerhard Mayer and the School District have brought up outreach to students and the youth, and there was discussion that maybe there could be student representation. Regarding outreach for agency input, staff and the Forest Service have discussed coordinating planning efforts, because the Forest Service is in the process of updating their plan too, so we may want a more structured avenue for that. Gerhard Mayer added that it also would be important to encompass the Sustainability Commission, because sustainability is one of the objectives of the Community Plan.

Elemer Magaziner indicated that the scope and the procedure to engage the community are the two most important things the Committee can do, because if we half-bake those, the rest of the two years will be a struggle. He would vote for not rushing that, like the list of stakeholders is not trivial, because we keep thinking of others, such as people who commute to work from Cottonwood. If we don't know where the community input is coming from later, we won't have a way of knowing what we have and haven't covered.

John Sather indicated that was previously called "design" and that is more than a schedule, in trying to time it out and when you go back, etc., and neither of these documents do that. John then asked about the budget that is allocated for staff time and graphics, etc., and Mike indicated that there is about \$25,000 available for other than staff, but Kathy Levin's time will pretty much be committed to this. John asked if it is within staff's purview to do all of the graphics and Mike indicated no, that is something we would take outside or tap the expertise within the Committee.

John Sather referenced a meeting they held at the high school with 300 people at tables of eight and large maps of the City, so they could discuss the location of uses, etc. Mike clarified that staff could provide some maps, etc.; he was talking about renderings and more sophisticated graphics that result from that process.

Gerhard Mayer indicated that they could be done toward the end, when the ideas have to be sold to the public and presented in a fashionable way. Angela LeFevre indicated it isn't

just presenting them at that stage, but also at the beginning too. Her concern is getting the people interested and trying to explain things to everybody. People here are incredible, but the Community Plan is kind of an airy, fairy thing and what does that mean to them?

John Sather indicated there are generally accepted processes to go through this, and generally, we need to educate the public, because some are interested and understand it, but when Mike Raber puts up a slide that says we are 83% built out -- that is a highly questionable statistic, because most of our commercial land is only built to a fraction of what it could be, so when someone renovates their land to the allowed coverage, it could triple on that site and there is a need for that kind of education. Another is if you think some land is just sitting vacant, is it really vacant land? We jumped into issue identification, but he didn't feel that we educated the community well enough upfront.

Angela LeFevre indicated that to her what is important is how things are going to be, how Sedona will be built out in more general terms, like what is going to happen to West Sedona and 89A or what will we look like in 10 years. She lives in West Sedona, so what is going to happen in that area? People generally feel this is important to them and you can see that in the way they react to the lights, etc., because it is something that is going to impact their way of life, and we need to show them that this is their community and what it encompasses.

Chairman Eaton stated that we are going to be concerned not only with land that is vacant, but also with urban renewal in what needs to be done in redevelopment of some land that is in use, because that is one of our priorities.

Elemer Magaziner explained that he asked about the graphics, because in educating the community, there is cognitive overload like crazy. When he read the plan, they asked if he read it, but didn't ask if he understood it and there is an amazing difference, so we need a more visual way to describe the information and it needs to be packaged more graphically. He knows how to do that stuff, but he doesn't have a clue about how to overlay maps, etc. There is also the graphical representation of all of this information; he doesn't know how you would educate somebody with the words.

Judith Reddington agreed with the concern about starting with a good process, because ultimately the process is really important, so people believe that they understand and that they have been heard, and ultimately the buy-in during that process is part of our goal. Judith then asked how that has been done in the past or in other communities and Mike indicated they put a scope and public participation plan together like we are doing now, and then executing it is very typical.

Mike Bower indicated that in relation to this agenda item and what is missing in the scope. We are really talking about little pieces of the planning process and some of them are out-of-scale and minute and some are people asking how to proceed, because it must have been done in other communities, so as John Sather indicated, we aren't seeing a planning process -- that is definitely part of our scope to develop a way that all of this complicated process can become manageable. For example, John Sather mentioned educating people about zoning and that is an important early step; the community went to a lot of great meetings that John's firm put on, and we saw slide shows of what other communities have done and learned about private property rights and zoning, and we did that in advance of discussing our own issues and goals. Then, we started other stuff and our

plan is a lot of goals and words, but it is missing some of the graphics. We are acknowledging that in this go-around, the City is more mature, so there is going to have to be a process that gets us down to the level that we are presenting what Angela LeFevre is talking about -- a vision. What do the goals mean to me, what does it look like if we employed all of these goals, and maybe even have more than one vision, so there are alternatives that people can buy into. His recommendation would be that the next meeting be agendaized to have a lot of brainstorming with the goal ultimately being to hone in on how to rope that into a discernable process. To educate the Committee, it might be nice to see some outline planning processes that other communities have used. He found one online easily, so if that is something staff would be willing to tackle and have some processes for the Committee . . . Elemer Magaziner interjected that he found one too, and Mike Raber suggested that they send them to him, and then staff will compile them. Elemer indicated he just "Googled" public participation process.

Mike Raber indicated that we have a process that was set up before the Committee started; however, Mike Bower stated that there is a public participation process, but then there is a general planning process and public participation is an aspect of that, with feedback loops and things. We need to all be on the same page and it would be worth our time to have a lot of open dialogue to see where we are each coming from, with the focus being how this process should look, because we are going to deal with it for two years.

Angela LeFevre indicated that we are looking for feedback in public participation, but how far is that in a framework of what is possible or affordable -- do we have to take framework and where we are now into account? Mike Raber stated yes and we need to discuss that.

John Sather indicated there are three overlaying things:

- A planning process and what the steps are that one needs to go through.
- Where and how do you want to involve the public?
- A schedule of how fast you want to move it along.

Then, you get into implementation and that is where we were criticized the first time around, and it is the cost of implementation, but this early brainstorming piece, kind of educational and research piece, opens people's minds. He hears someone say they hate 179's two-lanes, and we are immediately into that discussion, but that person didn't know what a plan was or why she was there, and in this early phase, there can be stimulation to open people's minds beyond what we think in this community. Something to think about is if there is a time to learn about other strategies, etc., such as a session he attended about Basha's-type shopping malls that are failing and "unperforming asphalt" -- one is sitting right in the middle of our community, and it is across the street from another underutilized commercial property, Harkins, so redevelopment is a big issue and how do you stimulate people to think beyond a narrow vision? This is a time for some very bold thoughts in this town and it is perfect timing in this economy, because we don't have a lot of developers wanting to rezone property. There are a bunch of developers that can't do anything and they all had bad plans as far as what they wanted to do with the property they had.

Gerhard Mayer agreed and indicated that you look at the big picture of what Sedona is going to look like in 10 years and what we want Sedona to look like. A vision and a big goal has to be out there and all of those steps will lead to that, but maybe a big picture should be out there for people to discuss, so they could see it rather than it being piecemeal; otherwise, they will discuss all of the little issues and not get to the big picture.

John Sather indicated that we are heavily over retail in this town and we said it 20 years ago, but look at all of the rezoning that added retail. We should be "re-greening" this community, but it is clearly possible with this group.

Barbara Litrell asked if John is suggesting that the first part of this is going to the community for education, before going to the community for visioning and John Sather stated exactly. He has primed the pump in other communities, and in one he brought in a lot of Brookings Institute speakers. A lot of people don't want to hear people from the outside, but through universities and other alliances there are a lot of people who might want to say things for stimulation, not so much lecturing us.

Gerhard Mayer asked how you stimulate the general public; you need something that opens their eyes. Mike Bower indicated that to stimulate people, you help translate their own issues and ideas into creative visions -- some nicely graphic-represented creative visions. The best way to gain consensus towards the end of a planning process is to have everybody be able to visualize what they discussed in the earlier parts of the process. Gerhard stressed that it would have to be done in such a way that people aren't fearful. Mike Bower agreed, but indicated you can lose some fear if there is a way of seeing your vision, and it takes a long time to think through something and draw even a map. If you are going to draw more than a map that is almost three-dimensionally understandable, then there is a large body of work that we aren't going to be able to handle, so if we are in a position to craft a vision, the question is if there is a budget to have somebody make it a fully photo-realistic, animated flyover. Our population is accustomed to that and if you don't do it at that level, you are struggling right off the bat. He still comes back to the observation that all of the Committee is grappling with -- how do we move forward; what is the process? People seem to think that if you do the Plan, the City has to pay for it, but a lot of planning is just good development ideas and you are looking for the good developers . . . Angela LeFevre interjected that what we got into the problem about is like the study on 89A that is like 90 pages, because you want to make a plan based on something concrete that is workable, so you have to do the background work, etc., which requires money. In implementation there will be money involved, because there are ideas and you have to figure out how to implement them.

Mike Bower clarified that he was saying that a lot of the implementation comes from the private sector, because the ideas aren't limited to the public right-of-way and things that the City owns. The City can stimulate the private sector with the infusion of money, but it can also do that with a great plan. Good developers are drawn to a great plan and most of the great cities are built on private property with private money. What Sedona has been struggling with is we all tend to get off-track thinking that anything that becomes part of a plan has to be paid for by the City; he hears that from really intelligent people and he is like "I don't think so". We have failed to articulate a good planning vision that has generic consensus. If you have that and a developer realizes that the community, staff, Commission and Council are behind it, then it is a self-fulfilling and self-implementing vision to a point. In general, he is advocating that we educate ourselves through this same planning process about what planning can and can't do, how it is best done and what the steps are. He thinks our next agenda should be more like this last 20 minutes for a while; otherwise, we each have our idea of what we are going to be doing.

Elemer Magaziner indicated there are two kinds of visioning -- one is the flyover and all of that is an actualization of a more abstract vision. First, and it would be much cheaper and doesn't require examples of what other people have done, because that comes in the

actualization phase of the plan, there is a visioning that can be done graphically that doesn't actually show what things will look like, but graphs where we are trying to go. Some of the statements are beautiful, such as the balance of commercial land and the concept of underperforming asphalt -- you don't need a flyover to understand that, and we can start introducing concepts like that without actually having a flyover. There is a conceptualization phase, because you have to bring the community aboard, and then later we can get to what things might actually look like.

Regarding the education phase and budget, Judith Reddington asked who our local partners could be in that and Mike indicated that is something to explore. Alex Gillon indicated that we shouldn't assume that we have a limited budget; we ought to think about what it takes to do the job right, and then go to the City Council if we need more money. Mike Raber acknowledged that we do have that option.

Michael Steinhart asked if we got a lot of input from APS last time and Yavapai College, and Judith Reddington mentioned that APS has that Focused Future program. Mike Raber explained that was primarily an economic development plan that was incorporated into our Community Plan. Judith pointed out that they also have leaders that will lead meetings and are trained in that Strategic Planning process, so they may have some educational resources. Judith then asked if there would be any objection to working with that type of resource. Mike Raber indicated that we are open to all kinds of possibilities and Judith suggested that the first mission could be to identify educational resources. Chairman Eaton added that we have had some good planners give presentations, such as on Form-Based Codes, etc., and they are all good and came with stimulating ideas, as well as some that won't work here, but if we can get one or two of those back for the Committee and one of the early public phases, it would educate us both.

Gerhard Mayer suggested assessing what didn't go well with the last Community Plan update and Mike Raber agreed that we can certainly look at some of that, but he has a different perspective. One of the differences is that he is seeing a completely different approach than what we did before. We took the existing plan and we had a new mandate from the state to include certain elements and cut some things out, and then take it forward and get it adopted. We purposely didn't try to do a new visioning process, we just looked at what we needed to address right then, although we knew at some point we would need to take a more comprehensive look. With this one, we are almost starting at another base level.

Judith Reddington indicated that we are lucky that the economy isn't good and we aren't being pushed. Michael Steinhart then stated that larger companies like APS and other utilities must have a vision of what Sedona is all about, as well as Yavapai College. He then asked if we don't reach out to them and see if they would like to participate. Mike Raber explained that we are required to work with them by state law, and typically, we don't involve them too much in the front end, except to get data, but their visions are typically infrastructure-driven. Michael Steinhart indicated that is okay; they have maps and all kinds of things we may be able to superimpose over. Mike Raber explained that we do outreach with them, but we may want to talk about some of the things like graphic capabilities that we typically don't get into.

Angela LeFevre indicated she thinks it would be the other way around; we would have our ideas and then see what they are looking at and how they fit into ours. Elemer Magaziner indicated there are many resources available, but we need a template to say this part is

empty and what resource could fill this piece. John Sather added we need to focus on a process in the next meeting, and then all of this stuff fits into that. He would expect in the next meeting, we get something on the board that we can play with, and then we will create a process for the creation of the Plan.

Mike Bower expressed that the Committee members can prepare by just "Googling" Community Planning Process or General Planning Process and several things will come up from specific communities. You will start to see definite patterns and ways to manage the chatter. In a way we are like the lady at the meeting that started talking about 89A, in relation to an overall planning process. It isn't meaningful in a sense, because there is still a lot of hard work to be done, and you will have to adapt it. We are always checking ourselves and assessing if we are doing the right thing; however, the roadmap is good to see that it is kind of consistent as a planning methodology.

Chairman Eaton encouraged everyone to go to the City's Public Works Department on the website and look at the wealth of maps that is available. John Sather indicated this City is a leader and we have one of the best Community Plans and one of the best public participation processes. We also have a City that is committed to the GIS systems, and he agrees that he would rather be a leader and drive that decision as citizens than listen to Arizona Water on their need for the water tank, etc.

John indicated that staff has already started this and his only side of this is to look at that and see how we can stand on the shoulders of that and churn in some of the new stuff. For example, he would like a war room, where it is like an open house all the time. One community had "Pie Lab" and everyone made pies and came into a space weekly, which has morphed into this restaurant chain kind of thing over community discussions. There is a lot of that kind of stuff that he can throw out and we could have very innovative fun ways to do this. When he led the first one, there were almost staged events to create stimulation. We have to create excitement around this to get interest, and then we have to acknowledge there is a huge amount of people who are very interested, but don't know how to participate. They are not ignorant, but there are other people who understand how to get to a higher plane and they need to pull up in their understanding, so they aren't all freaking out.

The first Community Plan was almost sued by a lot of property owners along 89A who wouldn't let him speak in public about Transfer of Density Rights to break-up a strip in West Sedona, and years later we still have the strip and only the individual property owners have done much on it, when they redid their buildings into something nice. We now have the keys to the car and this is a mature community with a lot of bright people, but sometimes we will get reeled back in, and at times he has shown pictures more for stimulation. John added that he has a belief that this is one of the more important communities in the United States and he believes that we haven't begun to untap the potential of what this place could be and that is why he is excited about doing this.

Gerhard Mayer indicated that we are contained in a certain area, so we can't go over; we are just in that little area that we have. We can't spread out, so we don't have to think beyond those borders. John Sather indicated that he is stunned by the number of people riding in the bicycle lane and walking on the sidewalks -- they would never have done that before. We don't have a walkable community; we have a drive-around community, so let's blow that idea up. There is a great website called Walk Score and it shows you how

walkable your neighborhood is. Gerhard Mayer indicated that his dad created the first pedestrian zone in Austria and he was chastised, but now they love it.

Elemer Magaziner indicated that there are beautiful statements coming out that are visionary, such as underperforming asphalt, walkable city, etc., and there are a set of sound bites and simple statements . . .

Note: The Recording Secretary interrupted at this point to pause the meeting in order to change tapes.

**8. Discussion regarding future meeting dates and agenda items:
Thursday, December 9, 2010 – 3:30 p.m.; Thursday, January 6, 2011 – 3:30 p.m.;
Others? (Note: The January 6th meeting time was changed to 1:00 p.m.)**

Mike Raber indicated that we either need to change the tape or adjourn, but we have moved into future agenda items and he is hearing that we need to come back and discuss the process, which is the scope and the public participation plan process, etc. Kathy added that she took photos and wanted to send something to the newspaper for a press release, but she wanted to ask if anyone would have concerns about her taking portions of the biographical data from your applications for the press release. Gerhard Mayer indicated he has more concerns about the picture and Chairman Eaton stated as long as it doesn't include the email address or phone number. Mike Raber confirmed nobody had any objections.

Michael Steinhart asked what the Committee members can expect as a follow-up after this meeting and Mike Raber indicated that staff can send the PowerPoint, etc., to all of the Committee members and there will be minutes, but he doesn't know when they will be available, but we will send those out and staff will prepare a packet for the next meeting.

The meeting ended at 6:40 p.m.

I certify that the above is a true and correct summary of the meeting of the Citizens Steering Committee held on November 16, 2010.

Donna A. S. Puckett, *Recording Secretary*

Date