



**CITY COUNCIL  
AGENDA BILL**

**AB 1058  
August 10, 2010  
Regular Business**

**Agenda Item: 9c**  
**SUBJECT: Discussion/Approval - Resolution authorizing city staff to negotiate Route transfer of State Route 89A to the City from the Arizona Department of Transportation and authorization to enter into a Professional Services Contract with CivTech Engineering to analyze and develop cost ranges regarding alternative pedestrian measures in the area of the route transfer.**

<b>DEPARTMENT OF</b>	Public Works, Charles Mosley
<b>TIME TO PRESENT</b>	10 Minutes
<b>OTHER COUNCIL MEETINGS</b>	July 13, 2010, May 25, 2010 , February 24, 2010, October 14, 2008
<b>EXHIBITS</b>	A. Letter from John Halikowski, Director ADOT B. Minutes from July 13, 2010 Special Council Meeting C. Draft Resolution D. Contract Scope of Work Letter E. Proposed Contract with CivTech Engineering

City Attorney Approval	[reviewed 7/29/10 RCR]
City Manager's Recommendation	Approve the Resolution and Professional Services Contract.

<b>Expenditure Required</b>	
	\$ \$25,000
<b>Amount Budgeted</b>	
	\$ 0
<b>Account No. (Narrative may be included)</b>	Approval to expend contingency funds required.

**SUMMARY STATEMENT**

The City of Sedona received a letter dated July 8, 2010, from John Halikowski, Director of Arizona Department of Transportation (ADOT) providing a deadline of August 15, 2010, for a City Council Resolution directing City of Sedona staff to initiate transfer negotiations regarding SR 89A.

Based upon prior Council discussions regarding this issue, staff has proceeded to negotiate a contract with CivTech Engineering to analyze alternative Pedestrian Safety measures and development of cost ranges for their implementation as well as cost estimates for maintenance of the roadway. The measures include those recommended by the Pedestrian Safety Committee as well as the use of continuous medians.

**Current Background:**

On July 13, 2010, the City Council held a special session to discuss the route transfer of SR 89A between a point just north of its intersection with SR 179 to a point adjacent to the westerly edge of Sedona Red Rock High School. Staff presented information to Council regarding its investigations of route transfers in other communities around the State, as well as information obtained in discussions with ADOT.

Based upon the discussions during that meeting, staff is bringing back to the Council for its consideration, a resolution formally authorizing staff to pursue negotiations with ADOT regarding a route transfer of portions of SR 89A. In a letter dated July 8, 2010, from John Halikowski, ADOT Director, such a resolution is needed from the City by August 15, 2010, as part of the process to approve deferring advertisement of ADOT projects to overlay and provide street lights along SR 89A in West Sedona. The proposed deferral would be at least until January 15, 2011.

If the Resolution is approved, staff will proceed to begin formal negotiations with ADOT regarding issues upon which it has already done due diligence, while continuing to gather information on other issues prior to negotiating those issues. Examples of issues upon which negotiations could begin immediately are performance of an overlay, extent of route transfer limits, drainage capacity mitigation west of Tortilla Drive intersection, and the turning radius at Dry Creek Road. Other issues such as the operation and maintenance costs, payment in-lieu of lights, payment regarding anticipated traffic improvements to mitigate congestion (medians, roundabouts), transfer agreement language, cost sharing for alternate safety improvements, and rock fall mitigation will require additional investigation prior to negotiating these issues. Some of the additional information needed will come through staff investigation, others from a consultant employed by the City, and finally through the completion of the ADOT Transfer Study document.

The proposed staff negotiating team for the City include, the City Manager, the Community Development Director, and the City Engineer. ADOT has indicated that their local negotiating team would include John Harper, ADOT Flagstaff District Engineer, Audra Merrick, ADOT Flagstaff District Development Engineer, and Chuck Gillick, ADOT Flagstaff District Maintenance Engineer.

A scope of work has been negotiated with CivTech Engineering, from Scottsdale, to analyze various pedestrian safety measures that the City might want to consider implementing in lieu of ADOT's street lighting proposal should a route transfer occur. The goal of the work is to provide a professional transportation engineer's report regarding the adequacy of the alternative pedestrian safety measures, and to provide a cost range for their construction. This information would assist the City as it negotiates with ADOT regarding the turnback.

**Prior Background:**

On October 14, 2008, the City Council directed staff to *“request ADOT fund an independent route transfer study that will evaluate all the issues and costs involved with a turnback of the west SR 89A corridor.”* The draft report was originally presented to City Council in February. The draft report was also provided to the newly-seated Council at the May 25, 2010, City Council meeting. Based upon Council direction at that meeting, staff has continued to investigate the impact of a transfer of State Route SR 89A and portions of SR 179 (From the “Y” to just south of the SR 179/Ranger Road intersection) on the City of Sedona.

ADOT did not finalize the West Sedona Route Transfer Study presented at the May 25, 2010, Council meeting so that a number of questions raised by the City could be addressed as part of the study. Since the May 25, 2010, City Council meeting, staff has:

1. Requested that additional information be included in the route transfer analysis on the costs of addressing a rock fall area between the Brewer Road intersection and Rolling Hills Drive;
2. Requested that ADOT address a number of other related issues that would need to be considered as part of a route transfer;
3. Contacted several jurisdictions regarding their experience with route transfers  
Responses were received from:
  - City of Flagstaff
  - City of Wickenburg
  - City of Yuma
  - City of Prescott
4. Met with ADOT staff to discuss issues related to a route transfer;
5. Coordinated with ADOT staff on work related to the pavement rehabilitation project.

ADOT is still in the process of completing the route transfer study report. The report focuses on the route transfer of two areas described in the draft transfer study.

ADOT estimates that its maintenance costs for SR 89A between the area from L'Auberge to beyond the High School is approximately \$30,045 annually (this does not include the City's current cost to maintain the road, such as maintenance of, landscaping and electricity cost for street lights). In addition to the annual maintenance costs, it would be necessary to overlay the road every ten to fifteen years. ADOT's current pavement rehabilitation project overlay cost in 2010 dollars is about \$4.8 million including a design and inspection factor of 20%. Assuming a minimum pavement life of 10 years, and an inflation factor of 3%, an equivalent annualized set-aside of \$562,706.62 would be required. If the inflation factor were 4%, the annualized set-aside would need to be \$591,796.22. The set-aside would be necessary unless the City used some other financing alternative at the time the improvements were necessary. The annual inflation factor for construction over the last 10 years averaged nationally about 4.1% per the Engineering New Record Construction Cost Index.

In lieu of developing a conceptual design for alternate pedestrian safety alternatives, it is possible to obtain a professional analysis of probable construction and maintenance costs associated with other pedestrian safety alternatives along SR89A. While it would not provide the detailed analysis that a design concept would provide, it would provide estimates of probable costs. The analysis will be completed by the end of November 2010. The analysis will provide cost estimates of pedestrian safety improvements and maintenance costs and provide City Council information regarding the gap between the level of funding currently being offered by ADOT, and the estimated cost of the improvements and maintenance. The gap will represent the costs the City would potentially incur to install the pedestrian safety improvements and maintain the roadway.

Since the City is opposed to the installation of continuous roadway lighting, the only remaining alternatives are to negotiate a route transfer or pursue some legal action. The State of Arizona, including the Governors Office and ADOT has made it clear on numerous occasions that it will not change its position regarding continuous roadway lighting.

**BOARD/COMMISSION RECOMMENDATION(S): N/A**

**ALTERNATIVE(s):**

1. Pass a resolution directing staff to negotiate a route transfer of SR 89A between the “Y” and the western boundary of Red Rock High School.
2. Send Notice to ADOT informing that the City does not want to pursue a route transfer of SR 89A within the City of Sedona.
3. Pursue some other alternative, such as legal action.

**MOTION**

**I Move to** Approve Resolution 2010-\_\_ directing staff to begin negotiations with ADOT regarding a route transfer of portions of SR 89A within the City of Sedona.

**I Move to** Authorize the City Manager to enter into a professional services contract with CivTech Engineering for the purpose of preparing a report that analyzes the adequacy of the alternative pedestrian safety measures, and provides a cost range for their construction, the funding for this study shall be drawn from the City’s unappropriated contingency fund in the amount of \$25,000.



# Arizona Department of Transportation

## Office of the Director

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

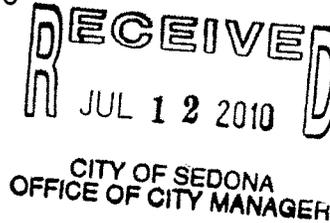
Janice K. Brewer  
Governor

John S. Halikowski  
Director

John A. Bogert  
Chief of Operations

John McGee  
Executive Director  
for Planning & Policy

July 8, 2010



The Honorable Mayor Rob Adams  
City of Sedona  
102 Roadrunner Drive  
Sedona, AZ 86336

Dear Mayor Adams:

This letter serves to confirm the discussion points of our latest meeting held on June 30, 2010, related to SR 89A improvements. I appreciate the time you and your staff spent discussing this issue with State Transportation Board Chairman Bob Montoya, Board Vice Chairman Bill Feldmeier and me. In response to your letter dated May 27, 2010, I have explored options to address Sedona's concern about the timeframe to consider the SR 89A route transfer.

ADOT supports continued discussion with the City of Sedona for a route transfer of SR 89A within city limits. ADOT, the State Transportation Board and the Federal Highway Administration have agreed in principle to defer obligation of funds and project advertisement until January 2011, to extend the timeframe for a route transfer discussion.

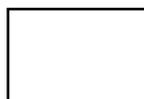
In exchange, ADOT respectfully requests that the Sedona City Council direct staff to initiate route transfer negotiations through approval of a resolution by August 15, 2010. This action would not commit Sedona to a route transfer, but it would enable city staff to gather detailed information regarding the financial implications and negotiate conditions of the route transfer for the Council's consideration.

ADOT also requests that Sedona continue increased enforcement and public education for pedestrian and motorist safety along SR 89A.

The deferral of the project advertisement will be an item for information and discussion on the agenda at the State Transportation Board Study Session on September 1, 2010, in Phoenix. Possible action on the deferral will be on the agenda at the regularly scheduled September 16, 2010, meeting in Eagar. Approval of a resolution by the city directing staff to enter into route transfer negotiations would be critical for the Board's consideration when discussing deferral of the planned SR 89A improvements scheduled to advertise within the next 60 days.

Regardless of the outcome of the route transfer discussion, deferring the project advertisement until January avoids construction impacts to residents and businesses during the holiday season.

If ADOT and Sedona are unable to execute an intergovernmental agreement for the route transfer by January 15, 2011, the construction project for the pavement preservation and traffic signal installation, which includes SR 89A lighting will be advertised for bid. Construction would begin in spring 2011, and be completed prior to the year's end.



As previously communicated, a route transfer would include ADOT implementing the pavement preservation and traffic signal installation, along with funding for Sedona to implement safety improvements and roadway maintenance and operations.

Specifically, ADOT is prepared to include the following in a route transfer agreement:

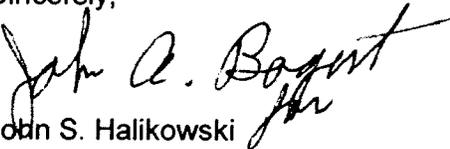
- Complete the upcoming pavement preservation project on 3.3 miles of SR 89A within city limits – estimated value \$4.4 million
- Install a new traffic signal, right turn lane and crosswalk on SR 89A at Andante – estimated value \$400,000
- Provide \$75,000 each year for 10 years of operations and maintenance – estimated value \$750,000
- Provide funding for the City of Sedona to design, develop and construct alternative safety improvements along SR 89A – estimated value \$2.75 million
- Support the city's request for eligible expenditures of future federal transportation enhancement funds – estimated value to be determined

In addition, ADOT would work through the route transfer negotiation to address the city staff request for cost sharing at three specific locations along SR 89A for rock fall mitigation, drainage capacity and turning radius on the northeast corner of Dry Creek Road, as identified in the Sedona Route Transfer Study.

As previously stated, it is not a viable option for the state to retain ownership of SR 89A and implement improvements in lieu of lighting. A route transfer would allow the city to determine safety solutions in lieu of lighting and also would facilitate the city's future master plan of land use and transportation in west Sedona.

I would like to take an opportunity to commend the City of Sedona staff. Their patience, professionalism and expertise are much appreciated. In addition, please convey my thanks to your fellow Council members for considering this information as you discuss and evaluate the opportunity to enter into route transfer negotiations.

Sincerely,

  
John S. Halikowski

cc: Cliff Hamilton, Vice Mayor  
Barbara Litrell, Councilor  
Mark DiNunzio, Councilor  
Dan McIlroy, Councilor  
Dennis Rayner, Councilor  
Mike Ward, Councilor  
Tim Ernster, City Manager  
Alison Zelms, Assistant City Manager



*Summary Minutes*  
**Special City Council Meeting**  
**Vultee Conference Room, Sedona City Hall**  
**106 Roadrunner Drive, Sedona, AZ**  
**Tuesday, July 13, 2010, 2:30 p.m.**

1. **Call to Order/Pledge of Allegiance:** Vice Mayor Hamilton called the meeting to order at 2:30 p.m.
2. **Roll Call: Roll Call:** Vice Mayor Cliff Hamilton, Councilor Mark DiNunzio, Councilor Barbara Litrell, Councilor Mike Ward, Councilor Dennis Rayner, Councilor Dan McIlroy. Mayor Rob Adams participated by phone.

**Staff present:** City Manager Tim Ernster, Assistant City Manager Alison Zelms, Community Services Director Andi Welsh, Assistant Engineer Andy Dickey, Director of Public Works Charles Mosley, Director of Community Development John O'Brien, City Clerk Randy Reed and Deputy City Clerk Alison Carney.

3. **AB 1038 Route Transfer of State Route 89A to the City from the Arizona Department of Transportation (ADOT) - Discussion/possible direction**

Tim Ernster stated given the short time frame given by ADOT we felt we should give you an update. Prior to John and Charles making a presentation he'd like to give a quick summary of a meeting between city officials and ADOT a few weeks ago. We had John Harper, Bob Montoya and Bill Feldmeier. At that meeting we talked to ADOT about the City's desire to have ADOT maintain control of the road. We didn't think it was reasonable to expect the city to give an answer by mid-August. We requested a year to do our analysis. ADOT stated they did not support delaying the project for a year. They offered to extend the time frame to January 15 with the understanding there will be an agreement between ADOT and the City for a route transfer. If there isn't an agreement, they would proceed with roadway lighting. They would need a resolution from Council by August 15 directing staff to create a resolution to pursue a route transfer. We don't feel the timeframe is sufficient to do a full-blown route transfer. We could probably come back to Council in November with a professional analysis of some logical costs associated with a route transfer. If Council wanted to go ahead with the resolution we would recommend hiring a consultant to work with staff between now and November. We could come back to Council the end of November or early December so Council could make an informed decision. It's clear ADOT will not change its position. There seems to be solidarity on ADOT's position. That position is if we don't take back SR89A they will proceed with continuous roadway lighting. One alternative is to pass a resolution directing staff to negotiate a route transfer. Second, notify ADOT that we're not interested in a route transfer. Third, there might be other possible steps. We're not asking you to make any formal Council action this afternoon. You have two more Council meetings to make your decision. We could bring back more information the second meeting in July or August 10. Today we're looking for direction from Council on additional information you need from staff to help you make this decision. John and Charles have researched what other communities have gone through in route transfers.

Charles Mosley stated one lesson learned from other communities is to negotiate strongly and identify what we want from a monetary standpoint. We want to know how much money you

think is appropriate. Make sure you understand the status of the right-of-way. If money from the federal government was used to purchase the right-of-way that has to be taken into account. In talking to ADOT this did become an issue because they decide to sell a portion of the property, then Federal Highway Administration (FHWA) had to be involved with the sell because FHWA allowed the purchase of the property using federal funds and those funds have a specific purpose and that was use as a right-of-way. We ran into a case where one city who did a turnback, the pavement installed had some failure and the city had to fix it a few years later. The story from the other side was due to trailers hitting it. There's probably truth on both sides, but he needs to still talk to the person there at the time. The lesson he took from that is to make sure we have clear warranties relative to what ADOT is giving us. The overlay ADOT is giving us should be good for 10 years. The last issue is planning how to use your money. When one community received its funding they decided to use that funding for pavement. When they went for enhancement funds, then they couldn't use those funds to do the paving work. They elected to use the turnback money for portions of projects that they couldn't secure other grant funding for. If you take the money back, it's a good idea to plan how you intend to use that.

John O'Brien stated you have comments from Prescott, Wickenburg, and Winslow, the interesting thing with Yuma is that they agreed to a turnback for SR280 in the year 2000 for about a 1-mile length. The price was \$6.2 million. It took Yuma 8 years to get that project out to bid. They added enhancements, raised medians, sidewalks, so by the time the enhancements were added and the 8-year gap, the project came in at \$15 million. So that's another lesson, to use that money quickly and keep those enhancements in mind.

Charles stated it took them time to negotiate with the Railroad Company. The gap between a concept and construction-ready documents can be awhile. It's not unusual to be a couple years. It can easily go 4-5 years.

John stated also the public process in determining what you want the highway to look like, also contributes to the timeframe.

Vice Mayor Hamilton asked if the ADOT letter is a public record?

Tim Ernster confirmed.

Vice Mayor Hamilton stated maybe it'd be helpful to share ADOT's five starting points.

Tim Ernster stated ADOT made an initial offer. It's our impression that this probably is negotiable. They made it clear to use that they aren't going to close that gap, that there is room to negotiate but we shouldn't expect them to come up with a large additional sum of money. They would complete the upcoming pavement preservation project, \$4.4 million. They would install the new traffic signal on SR89A at Andante \$400,000. They would provide \$75,000 each year for 10 years for operation and maintenance funds. They would provide funding for design and developing for \$2.75 million. They would support request for eligible expenditures, TBA-amount. They have agreed to work to address cost-sharing requests in the Sedona Route Transfer Study. If the city elects to negotiate with ADOT they urge us to work on traffic safety issues during that period.

Mayor Adams stated he thought the deadline was January 1, not January 15.

Tim Ernster stated the deadline on the letter is January 15.

Councilor Rayner stated because we received a lot of letters from the public and there's a lot of misinformation out there, do we publish a letter like this in the paper? What's the protocol because this straightens out a lot of disfacts that are out there?

Tim Ernster stated it's a good idea. We can provide a letter to the media and hopefully they'd print it.

Councilor Ward asked staff what they know of the federal funding process. What percentage of ADOT funds is federal and not state?

John stated right now it's 100%.

Charles stated we've been told by ADOT to consider it'll be state funds. ADOT receives money from the feds but are to turn them into state money.

Councilor Ward stated so ADOT would apply for federal funding and do the project. If the city owns the road what access do they have to federal funds?

Charles stated we can apply to federal funding. When we receive that funding we're subject to all the federal guidelines. We have construction grants through NACOG.

Councilor Ward stated so the money will come through NACOG?

Charles stated one comes through NACOG, the other goes through ADOT and to the ADOT board for final approval.

Councilor Ward stated so ADOT could decide if they want to or not make application.

Charles stated if we have the road we make the application and the ADOT board makes the final decision. It's a citizen board, not ADOT staff. The steps are, we decide that we want to make an application, it goes through NACOG, NACOG members review and rank the submissions, that's competition at the NACOG level, then those projects go to the state level and compete statewide. We've been successful in some.

Councilor McIlroy asked if we have a vision for West Sedona that we can see happening?

Charles stated right now, no.

Councilor McIlroy asked if the consultant engineer would give us that vision?

Charles stated no, all we can give them now is what we've heard in the past. They include what the lighting committee put forward. They also include medians.

Councilor McIlroy asked if we have an idea how long it will take to study West Sedona and come up with our vision should we take it back?

Charles stated no. He guesses four years between the public process.

John stated it'd take 2-4 years to do the public process to come to a community census.

Councilor McIlroy stated the purpose today is to go forward with the negotiations or not and there's no strings attached. We can say let's talk. There's nothing wrong with that. Is there a downside he's not seeing?

Charles stated if Council wants to consider the transfer, the more time to consider it, the better.

Councilor McIlroy stated if we act today, we give ourselves another month. If we wait until their August 15 deadline we lose that time.

Tim Ernster stated there is no harm in that because it doesn't commit us. It's not on the agenda for action, but if the direction was to go in that direction, we could start the process.

Councilor Litrell asked if there's an ADOT strategy in Arizona to get rid of the roads that go through cities, if so, why and what were the reasons the cities gave for taking over the road?

Charles stated ADOT has looked at urban corridors and have suggested at times for cities to take them over because it allows people to do what they want to do. ADOT has seen this as counter to their fundamental mission. They're not an urban roadway agency, they're a Highway agency. A lot of cities took over because they had things they'd like to see done and ADOT doesn't do it.

Councilor Litrell asked for Flagstaff's experience.

Charles stated Flagstaff wanted to develop an area of town and they wanted to take over the roads there because it fit what they wanted to do.

John stated in Uptown, the turnback was so we could retain as much parking in the right-of-way as possible and ADOT wanted to eliminate that parking. It gives greater aesthetic control for the community.

Councilor Litrell stated with our own experience in Uptown she knows there's a lot of public controversy, so are we in a better position today than we were then?

John stated a lot of communities said there's always something that comes up that we didn't anticipate. Make sure you cover everything you want to get. In Uptown we got ADOT to pay for improvements up Apple Avenue.

Councilor DiNunzio asked what will the marching orders be for the consultant. Will he/she be analyzing the safety of SR89A then make recommendations to safety improvements and then the costs? What are we asking for?

Charles stated we're asking for this person to look at different alternatives from a safety point of view and give her analysis of what she thinks of that. There was some question of where medians might be placed, so look for clear definition of that and give us some cost for the alternatives, but definitely not to come up with a new pedestrian safety analysis.

Councilor DiNunzio asked if staff will look at the impact of construction and the period of construction that the engineer is not looking at?

Charles stated we try to absorb that in the concept of the range of cost for a project. If you don't have a full design there are a lot of things you don't know that's why we're asking for a range of costs.

Tim Ernster stated we feel this will give Council an educated range of what the city might be getting itself into if it agrees to a route transfer and what those costs might be. It won't be definitive enough to say we'll have a median break here, a lighted crosswalk here, but it will help us in our discussions with ADOT. He thinks the city will incur some costs above and beyond what ADOT would agree to give us.

Mayor Adams stated regarding the transportation and enhancement funding can it be used for highway maintenance, upgrades? When ADOT normally does these things, what percentage of that money comes from what pot?

Charles stated with regard to the enhancement funding, it's for capital improvement areas, it's not used for maintenance. It's used for enhancement like sidewalks, landscaping, and pedestrian lighting. If you stay within your dollar limit, which is \$750,000, you have to come up with 5-6% local match.

Mayor Adams stated the funding the cities get from NACOG is on a rotation basis.

Charles stated that's correct. It's on a rotating basis. The transportation enhancement is kind of like that but less so it goes more on a point system and need.

Mayor Adams stated what is the likely source of funding for the maintenance and operating expenses and what are the costs to the city most likely?

Charles stated we should count on local funds. \$75,000 operating costs that ADOT is talking about will cover our operating costs. It won't include lights or other upgrades.

Mayor Adams stated the \$75,000 will come from ADOT for the next 10 years? Then it becomes our operating cost.

Charles stated as far as capital improvements, Winslow looked at the enhancement type funding, we should look at construction-type grants to help us out, but also as the money received from the turnback as our source for improvements. If we don't get any grants it would fall on our capital budget. We have to compete for it so there's a risk we might not get it. Right now the money that the enhancement grants promise is years out. Besides just the risk of getting it, there's also the timing of being able to secure the funding.

Mayor Adams stated so the enhancement funding would go toward highway maintenance.

Charles stated it would have to be landscaping, median construction, pedestrian lighting.

Mayor Adams stated paving, to him, would be maintenance.

Charles stated paving would have to come out of local funds.

Mayor Adams asked if there's other federal funding we could use to help with the paving costs?

Charles stated none that come to mind.

Mayor Adams stated we're talking an average of \$300,000 a year set aside for the overlay every 10-15 years.

Charles stated yes, the overlay we're talking about now is about \$4 million. Annually, you'd need to set aside \$500,000 for a 10-year period.

Mayor Adams stated originally we were talking about a 2-mile stretch, not from SR179 to city limits.

Vice Mayor Hamilton stated the 10-year for overlay is a minimum, this is a worst case scenario. We wouldn't expect anything less than 10 years.

Charles confirmed.

Vice Mayor Hamilton stated the consultant we might hire, would that come out of the contingency fund?

Tim Ernster stated that's correct. It'd have to come out of the operating contingency.

Vice Mayor Hamilton asked if there were local folks qualified to do that?

Charles stated he is talking to one company out of Scottsdale. He doesn't think it's realistic to ask for local volunteers who might be qualified.

Vice Mayor Hamilton stated ADOT has started out the process by putting an offer on the table through their letter. Tim Ernster met with ADOT, do you have a sense the negotiation might include an inflation factor if we're talking 2-4 years out?

Tim Ernster stated we never got into that specific discussion with ADOT but we definitely would discuss that with them.

Councilor Litrell stated ADOT mentions their willingness to do the Andante traffic signal. That was one of the top priorities of the safety committee. If the city moves forward in exploring the route transfer, would ADOT install the traffic signal at Andante during the negotiation period?

Tim Ernster stated we could talk with them about that if Council directs us to move forward.

Charles stated ADOT thought they would include it in the overlay project if the lighting didn't move ahead.

Tim Ernster stated Councilor Litrell is suggesting to accelerate that because that's something that happens regardless.

Councilor Litrell stated absolutely.

*Vice Mayor Hamilton said due to time, he's limiting public comment to 2 minutes.*

Doug Blackwell, Sedona, stated he supports Council entering negotiations with ADOT. Daytime crashes have been 233, and 17 nighttime crashes. There have been zero fatalities. In 2010 there have been 40 day time crashes and 2 night time crashes and zero night time injuries. This is about safety. It's not about getting customers into businesses faster if medians are installed. As business owners speak in favor of lights on SR89A it wonders why they're not concerned with safety. Keep your moral priorities together. It's not about getting customers into your business faster it's about safety. If someone is injured during the day on SR89A and an attorney gets a hold of the reports his case is figured out.

Fire Chief Nazih Hazime: Vice Mayor Hamilton read his statement: "In the Fire District line of business, I feel compelled to ask of the Council, whatever their decision is on this agenda item, that it is driven to support highway safety. This is for the safety of our residents, first responders and the 4 million tourists we serve. Thank you."

Robert Holeman, owner of Real Suites, stated this is a bad mistake to consider doing this. The city is cutting, now you're looking at growing your expenses. We have no idea what the costs will be. He has so many guests who tell him they're scared to walk outside because they can't see anything. He thinks they're wrong.

Jennifer Wesselhoff, representing the Sedona Chamber of Commerce, stated she picked up Telluride's paper asking if anyone is interested in sponsoring a pot-hole. Telluride took over the 3-mile portion of the road because the residents wanted a bike lane adjacent to the road about 15 years ago. CDOT paid Telluride \$2.8 million to take over the road. It will take \$10 million to rebuild the road. Residents are distraught that the pot-hole filled road doesn't match their vision. Will we be in the same situation as the City of Telluride in 15 years.

Manuel Sanchez, Sedona, stated he's not sure he's convinced it's a good idea to take over SR89A simply because of the cost to the city. SR89A in Sedona is better than 95% of cities in the U.S. The streets are safe, we need to educate our drivers not change the ownership of the road. It doesn't make sense to add to the city budget.

Ernie Strauch, Sedona, stated to answer Councilor Litrell's question about ADOT's strategy if you go to the state transportation board web site you find a policy to encourage turnbacks in urban areas on state roads. Glading Jackson, the firm that helped us convince ADOT to start talking to us and Jim Harris, both are now owned by AECOM. He would encourage they ask AECOM to bid. He asks they reduce the turnback portion from Airport Road to Dry Creek. He encourages them to obtain crash statistics for the roundabouts at the Y. On SR179 in the last 5 years we've had 52 crashes. On SR89A we've had 1.

Mike Webster, owner of Mexidona, stated he's not in favor of taking the road back. We don't need a tax increase. We don't need continuous medians. How do businesses get product into their businesses with continuous medians.

John Rod Sheehan, Sedona, stated in 2004 he bought a building in the Village, got it up to 80% occupancy and sold it, when construction started, occupancy dropped. There isn't an issue of

businesses being moral, there are no businesses. Construction on SR179 wiped out every business along the route.

Ron Draxler, Sedona, stated he's been an insurance broker for the past 25 years. It's fiscally irresponsible to spend the money to go forward with that. You don't realize what the soft costs are. You put lights in Uptown and on SR179, if there's ever an accident at night in West Sedona, trial lawyers will have a feast with you asking why you didn't put lights up. The soft costs are adding 3-miles of prime highway to your exposure, your premiums could go up. He's against the acquisition.

Lee Clegg, Sedona, stated he's not in favor of the move to take back the highway. It's a terribly serious situation. Despite the excellent work you will do, you have to remember unexpected consequences and unanticipated consequences. We see this all the time in construction. This is an area where we can look at the federal department of transportation and see if they can stop funding for lights in Sedona. Why not? That's the real issue here and that he agrees with.

Trent Cosse, Sedona, stated he's a CPA and he has seen a number of clients suffer along SR179 in the Village. Many have gone out of business. He hasn't heard a single word in regards to the effect on local business. You're talking about having all right-hand turns, which means you're going to increase the flow of traffic to 50% at each of the intersections, which sounds like a good part of the day on SR89A will be a parking lot trying to get through those points. He's in favor of safety but taking over the highway and increasing the costs to the city, there have been many things glazed over. He doesn't favor it. He has a number of clients who don't favor it.

*Vice Mayor Hamilton brought it back to Council at 3:40 p.m.*

Councilor Rayner stated he keeps hearing from the public an assumption that we're going to put in medians. We're not at that point yet. There's also an assumption we're going to put in roundabouts. That's not going to happen either. We have to talk about this first. We're not committing to anything. There are a lot of people who'd like to see us have greater control over SR89A. A lot of people don't want the lights. If we don't take over 89A unless we bring the lawsuit, we'll get those lights shoved down our throats. We have to move forward and discuss all the elements.

Councilor Litrell stated we need to know that ADOT is holding a gun to our heads that says you'll take back the road or get the lights they designated. The majority of residents don't want the lights. It's been shown the lights aren't the best at improving safety. When we look at the possibility of what will improve safety, it could be as simple as the light at Andante, or 1 or 2 on-demand lighted crosswalks. It doesn't have to be medians or roundabouts. It could be what the community chooses to have. Right now we don't have a choice. ADOT is saying these lights or take back the road. In the packet they give the background for the route transfer process, which says ADOT has the authority to remove rights from the state system that no longer serves their function. ADOT has a policy these days to work more with the cities but they could decide on their own if they chose to give the road back to their city. She trusts that they've done this in the past. It is a matter of just saying, let's talk. During this time we need an enormous amount of public information.

Councilor McIlroy stated he sees no harm in empowering staff to open negotiations with ADOT. We can talk until January 15. A lawsuit would be ill-advised. Taking the road back is

something we should talk about.

Councilor DiNunzio stated it's not about ADOT vs. the City. ADOT is concerned about safety on the highway. They did a study 4 years ago at the City's request and they found the road is too dark for a 2-mile stretch and they came up with a simple solution which was dark-sky compliant lighting. Numerous Councils agreed with them. He sees them as following a logical path. He doesn't question their motives. Now we're debating whether or not we want to buy in to that solution or not. They say if you don't buy into our solution, take back the road. There is going to be a cost to us to take back that road. Hard and soft costs. It's going to be a long period of time before it gets done. And when it gets done it may be as safe as if it has lights. The defect of being overly dark will be addressed by us designing something other than lights or not. What he sees us doing is either we're going to get expert advice that tells us what the cost is to improve the road. He can't imagine someone saying we don't need medians or lights along the whole length. It's not going to happen. We can postpone the inevitable, but the cost is going to come back at the end of November without the unanticipated costs.

Councilor Ward stated he's been involved in testifying for the State Transportation Board. It's clear that ADOT is attempting to position Sedona into taking back 89A by using lights as leverage. We're in a weak position for negotiating at this point. Before we start talking of taking it back we should wait until we know what we want and how much it'll cost and then stick it to ADOT. They are desperate to give us the road back. When we have an idea of what we want we'll be in a strong bargaining position to tell them what we want. He doesn't see any point in wasting staff time. He's not against taking back the road and he's not happy with the lights, he'd assume to call ADOT's bluff and say we'll deal with you later.

Mayor Adams stated he's seen a long series of misrepresentations. When it was first brought up ADOT determined the roadway is unsafe. It came to Council and ADOT said the solution was to put in lighting. Without doing research or going to the public Council voted to put the lights in. He came back the next day asking for a reconsideration and they came up with the pedestrian safety committee which came up with over alternatives. Council Scagnelli later made the motion to support roadway lighting, that motion was based on a misrepresentation of the facts. She said either continuous medians would be put down the corridor or roadway lighting, that was not the case. Continuous medians had never been fully vetted. It's been a long history of misrepresentation on what the issue is. He agrees that ADOT is putting the shotgun to our heads. He doesn't consider either option to be a real palatable solution. The real solution is other alternatives poised for 89A safety. He doesn't see a problem with directing staff to do the research to determine the costs. His main concern is that we aren't going to have the time to do the public process. He will refuse to do the turnback without an adequate public process. He supports moving forward and making the decision on August 15 whether to enter into the negotiations. If we don't have the time for the adequate public process and we're not clear of the ramifications then he can't support it.

Vice Mayor Hamilton stated he believes ADOT. They have the shotgun and they're prepared to use it. He hopes we do some public polling to determine what the community thinks. We continue to hear that construction caused business to fail in the Village they seem to forget that we've been in a major recession. Installing lights will create construction along both sides of 89A for about a year.

***Motion: Vice Mayor Hamilton moved to direct staff to prepare a resolution for approval at the***

***August 10, 2010, City Council meeting that directs staff to negotiate with the Arizona Department of Transportation for a route transfer of SR89A between the "Y" and the Red Rock High School and to further proceed with securing the services of a traffic engineer consultant to assist in identifying the improvement/repair needs and probable costs associated with a route transfer. Seconded by Councilor Rayner.***

***Motion withdrawn.***

Mayor Adams stated he'd rather focus on between Airport and Dry Creek Road. He'd like an amendment that we make that negotiate to be between those two points.

Vice Mayor Hamilton and Councilor Rayner agreed to the amendment.

Charles stated during the preparation of the transfer report, the issue was discussed. ADOT was strong on the transfer going from the last transfer forward, they don't want a gap between. You should have staff try to negotiate that.

John stated maybe in the negotiations we can discuss that issue, but he'd rather not get into that at this point.

Mayor Adams stated he withdraws his amendment.

Councilor Litrell stated they refer to SR179 from Brewer to 89A, are they including that?

Charles stated yes, because there's confusion as to how to control the Y. That's why we back down to 179 and the first intersection so it's clear how the Y is controlled.

John stated so from Ranger Road to the Y would be included.

Councilor Litrell stated that shouldn't be included.

John stated that's an issue we can discuss in the future.

Mike Goimarac stated verbal direction is okay as long as staff understands. You want to negotiate a route transfer study, maybe there can be tweaking of the location in those negotiations.

Councilor Ward asked if staff has time to do a thorough job?

Tim Ernster stated we have enough time to do what we described. We can't do a full design concept with public input. We can give you an estimated cost.

Vice Mayor Hamilton asked if cost for a consultant would be reasonable to give at the August 10 meeting?

Tim Ernster stated yes, we could do that.

Mike Goimarac stated you have a pending motion that's been seconded. Were you intending to withdraw that and give us verbal direction? We do have that motion.

**Vice Mayor Hamilton stated he'd withdraw his motion and proceed with verbal direction. Councilor Rayner agreed.**

Councilor McLlroy asked Tim Ernster if he has to wait until August 10 to start?

Tim Ernster stated we'll move forward. It's clear direction.

*No legal action was taken.*

- 4. Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes:
  - a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. §38-431.03(A)(3).**Following any discussions in executive session of the above matters, the City reserves the right to discuss and/or act on any of the above listed legal matters in open session.**

*No executive session was held.*

- 5. Return to open session. Discussion/possible action on executive session items.**

*No executive session was held.*

- 6. Adjournment:** Vice Mayor Hamilton adjourned the meeting at 4:06 p.m. without objection.

**I certify that the above is a true and correct summary of the Special City Council Meeting held on July 13, 2010.**

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Alison Carney, Deputy City Clerk

RESOLUTION NO. 2010 - \_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA, AUTHORIZING AND DIRECTING CITY REPRESENTATIVES TO PERFORM DUE DILIGENCE FACT-FINDING AND THEN ENTER INTO GOOD-FAITH NEGOTIATIONS WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION TO DETERMINE THE TERMS AND CONDITIONS OF A ROUTE TRANSFER OF PORTIONS OF STATE ROUTE 89A.

WHEREAS, the City of Sedona recognizes, as stated in A.R.S. §28-332, that the exclusive control and jurisdiction over state highways is vested in the Arizona Department of Transportation, and

WHEREAS, portions of State Route 89A lie within the city limits of the City of Sedona, and

WHEREAS, differences of opinion exist between the City of Sedona, and the Arizona Department of Transportation concerning the best methods for insuring highway safety, while at the same time balancing the City's concerns for aesthetics and maintaining a small-town character, and

WHEREAS, a route transfer of portions of State Route 89A to the City of Sedona, would enable the City to exercise its exclusive jurisdiction and control over critical sections of State Route 89A, and

WHEREAS, in order for such a route transfer to be accomplished in a fair and equitable manner, it is necessary that both the City of Sedona and the Arizona Department of Transportation devote sufficient time and resources to study, perform due diligence fact-finding, and then negotiate in good faith for an intergovernmental agreement that will fairly compensate the City for future maintenance responsibilities, the assumption of risk, and necessary infrastructure improvements, and

WHEREAS, it is the mutual intent of the parties to work towards the consummation of an intergovernmental agreement to fulfill the intent of this resolution by January 15, 2011.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE COUNCIL OF THE CITY OF SEDONA, ARIZONA, THAT:

Representatives of the City of Sedona are hereby authorized and instructed to perform due diligence fact-finding and then enter into good faith negotiations with the Arizona Department of Transportation to reach a mutual understanding and agreement of all terms and conditions necessary to accomplish a transfer of ownership, jurisdiction and control of portions of State Route 89A to the City of Sedona, all to the intended end that an intergovernmental agreement setting forth such terms and conditions will be submitted to the Sedona City Council for its review and approval by January 15, 2011.

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this

\_\_\_\_ day of \_\_\_\_\_, 2010.

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Rob Adams, Mayor

ATTEST:

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Randy Reed, City Clerk

APPROVED AS TO FORM:

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City Attorney



July 27, 2010

Mr. Charles P. Mosley, P.E.  
Director of Public Works  
City of Sedona  
102 Roadrunner Drive  
Sedona, Arizona 86336  
Phone: 928.204.7132  
Fax: 928.282.5348

**Re: *Proposal to Prepare a Study of Safety Alternatives on SR89A, Dry Creek Rd to Soldiers Pass Rd, based on the Pedestrian Safety Panel recommendations***

Dear Mr. Mosley:

CivTech is pleased to provide you with this proposal to provide traffic engineering services for the City of Sedona. Based on our meeting with you and Mr. Dickey on July 19, 2010, we understand that there have been four pedestrian fatalities that have occurred during nighttime hours on SR 89A, between 2000 and 2005, and that the Arizona Department of Transportation (ADOT) as owner of the road has proposed to install continuous lighting along SR 89A from Dry Creek Road to Soldiers Pass Road as their solution to address the nighttime fatal pedestrian accidents. We understand that this solution was not favorable to many residents who support dark sky initiatives and thus the 89A Pedestrian Safety Advisory Panel was formed to provide a multi jurisdictional panel.

This panel was comprised of city officials, ADOT, City and Consulting engineers, police and fire departments and local citizens. This panel decided to look at the daytime pedestrian issues in addition to the nighttime fatal pedestrian accidents. Several additional ideas and countermeasures were proposed. One such countermeasure, medians, was acceptable to ADOT, but they put the responsibility of funding those improvements on the City of Sedona. ADOT has decided to advertise the continuous lighting, but in recent developments has given the City the option to take over the operations and maintenance of SR 89A. ADOT has held the advertisement of the lighting project until January 2011 to allow the City to determine their desire to have jurisdictional responsibility for the roadway.

We understand that the City of Sedona, in making this decision to take SR 89A into their street system, is interested in the viability of and the cost to implement and maintain the alternative solutions for pedestrian safety in lieu of continuous lighting as outlined in the 89A Pedestrian Safety Advisory Panel's report. Based on this, CivTech proposes the following scope of work for this project.

## SCOPE OF WORK

- Site Visit and Field Verification: CivTech will make two team site visits to view operations in daytime and nighttime conditions, and to verify and document existing conditions. (15% of total task)
- Data Collection: Traffic data information will be obtained from the Verde Valley Transportation Study that is available on the Yavapai County website. (1% of total task)
- Review Background Data and Previous Reports: CivTech will review the provided, previously completed, studies. (5% of total task)
- Accident Data Evaluation: CivTech will analyze accidents that occurred after the original study time frame to the present. This time frame will be January 2006 to December 2009; we will obtain accident data from both the ADOT ALISS crash database and the City of Sedona to ensure completeness of the data. The focus will be on pedestrian accidents. (4% of total task)
- Alternatives Evaluation: CivTech will examine the viability of the following alternatives and will provide estimates of construction and maintenance costs of each alternative. It is our understanding that each of the safety items has been considered a component that could be used in some or all of the alternatives. We will consider, evaluate and recommend safety countermeasures for both day time and nighttime pedestrian activity. We will identify if the safety countermeasure would benefit pedestrian activity during the day, night or both times. (65% of total task)
  - a. Continuous street lights, bike lanes and traffic signal at Andante as proposed by ADOT. The crosswalks will not be supplemented with in pavement lighting.
  - b. Pedestrian Safety Committee proposal, including but not limited to a signal at Andante Road, refuge islands, and crosswalks between signalized intersections. Crosswalks will be analyzed with overhead spot lighting (if advisable), supplemental in pavement lighting, a combination of the two lighting systems and without any lighting.
  - c. Raised median barriers for the entire section with recommendations for breaks for access and turnarounds.
  - d. Do nothing.

An analysis of clustered lighting will be provided as it compares to other alternatives and sub-alternatives as shown above. A specific photometric analysis of lighting will not be completed with this study. The results of the alternatives evaluation will be documented in a report to be submitted to the Client. Progress submittals will be provided as each task is complete.

- MUTCD Compliance: Civtech will address the MUTCD requirements for all alternatives and will recommend additional alternatives/modifications needed to make the improvements MUTCD compliant. The cost for this item is included in the Alternatives Evaluation Task.
- Response to Comments: CivTech will address citizen comments passed through the City. Comments received from other groups will be forwarded to the City for a determination on response.



- ADOT Coordination: CivTech will contact the Flagstaff Regional Traffic office regarding concepts for traffic signal lighting needs for SR 89A corridor. Other coordination with ADOT will be completed, as necessary, for the successful completion of the project.
- Weekly Progress: Progress reports will be submitted to the City one time per week for incremental reviews to ensure the adherence to schedule, tasks and budget. The reporting will be completed by email listing the tasks completed, tasks underway and future tasks. The progress report will provide a percent complete and will provide reporting on adherence to the schedule.
- Draft Submittal and Comment Resolution: Three (3) comment resolutions meetings will be conducted by teleconference. (5% of task)
- Public Meetings/Presentation(s): CivTech will present the draft final report at the November Council Work Study Session. The final report will be completed two weeks after receipt of comments. (5% of total task)

#### **ADDITIONAL ITEMS EXCLUDED FROM ORIGINAL SCOPE OF WORK**

Although CivTech does perform the traffic engineering services listed below, it is not anticipated that they will be needed in order to complete the above original scope of work; thus, they are specifically excluded from that scope of work.

- Final and intermediate design documents.
- Signal warrant evaluations or signal phasing plans.
- Roadway profiles and/or drainage analysis.
- Traffic modeling or analysis.
- Traffic volume, speed and classification data collection.
- Street Lighting Photometric Analysis.

#### **INFORMATION REQUIRED**

CivTech will require from the Client all previous transportation studies and access to the traffic data from the Yavapai County website.

#### **SCHEDULE**

The analysis, preliminary report and presentation to the council are scheduled for completion within ninety (90) working days of receiving notice to proceed from the Client. As agreed in our meeting on July 19, 2010, draft sections of the report will be forwarded for incremental reviews.

#### **FEE**

Based on our understanding of the scope of work required for this project, CivTech can provide the above traffic engineering services for a lump sum fee of **\$23,100**. A breakdown of fee by task has been included below. This fee does not include anticipated reimbursable expenses and staff time and incidental expenses related to meeting preparation and attendance outside of the described scope. Any items of work not included in this scope will be billed at an hourly basis according to the attached billing rates. No work element will be conducted without the prior approval of the Client.



Task	Lump Sum Fee
Site Visit and Field Verification	\$3,465
Data Collection	\$231
Review Background Data and Previous Reports	\$1,155
Accident Data Evaluation	\$924
Alternatives Evaluation	\$15,015
Response to Comments	Included
ADOT Coordination	Included
Weekly Progress	Included
Draft Submittal and Comment Resolution	\$1,155
Public Meetings/Presentation	\$1,155
Reimbursable Expenses	\$500

Only those items listed as direct expenses in the attached fee estimate are included within the cost proposed. All other miscellaneous costs occurred as part of this analysis (deliveries, reproduction, etc.) will be considered reimbursable expenses. Reimbursable expenses will be billed at cost and will appear as a separate line item on each invoice. It is estimated that reimbursable expenses will not exceed **\$500.00**. This is in addition to the lump sum fee of \$23,100. The reimbursable expenses include an estimate for six (6) hard copies of the final report after final approval by the reviewing agency and a digital copy of the report in PDF format, compatible with the City's software.

**INVOICING**

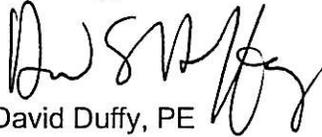
*Civtech will comply with the City of Sedona's contract for all billing and retention clauses. The final billing will be submitted after completion of the study incorporating comments received at the November Work Study Session.*

*CivTech Inc. retains the rights of ownership of all documents and files until which time the project has been paid in full, including but not limited to lump sum fees, time and material fees and reimbursable fees, by the Client or representative party.*



Thank you for allowing CivTech to assist you on this project. Please contact me with any questions you may have on this fee proposal. If this scope of work and fee proposal is acceptable to you, please sign and return one copy of this proposal granting CivTech authorization to proceed on the project.

Sincerely,



David Duffy, PE  
Project Manager

**Approved and Accepted:**

**CivTech, Inc.**

**City of Sedona**



\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

Dawn D. Cartier, P.E., PTOE

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

Principal/President

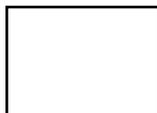
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July 27, 2010

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



23,607

**CONTRACT FOR PROFESSIONAL SERVICES  
FOR THE CITY OF SEDONA**

This contract is made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 2010, by and between the City of Sedona ("CITY") and CivTech , Inc., "CONSULTANT").

1.
  - A. The CONSULTANT agrees to perform certain consulting and coordinating services for CITY, as set forth in **Exhibit "A" Proposal to Prepare a Study of Safety Alternatives on SR 89 A, Dry Creek Road to Soldier Pass Road, Based on the Pedestrian Safety Panel recommendations, dated July 27, 2010** (attached).
  - B. CITY agrees to pay the CONSULTANT as compensation for services on a time and materials basis in accordance with the process and fee schedule set forth in Exhibit "A," not to exceed a total amount of **\$23,600**. If deemed necessary by CITY, the CONSULTANT and CITY will confer to further define specific tasks in the scope of work and estimate the amount of time to be spent on those tasks.
  - C. Any work that is different from or in addition to the work specified shall constitute a change in the scope of work. No such change, including any additional compensation, shall be effective or paid unless authorized by written amendment executed by the City Manager and by CONSULTANT. If CONSULTANT proceeds without such written authorization, then CONSULTANT shall be deemed to have waived any claims of unjust enrichment, quantum merit or implied contract. Except as expressly provided herein, no agent, employee or representative of CITY shall have the authority to enter into any changes or modifications, either directly or implied by a course of action, relating to the terms and scope of this contract.
2. All correspondence, reports and other documentation of CONSULTANT'S work shall be considered confidential information and will be distributed only to those persons, organizations or agencies specifically designated by CITY or its authorized representative, or as specifically required for completion of CONSULTANT'S task.
3. Except as otherwise set forth in this contract, billing and payment will be in accordance with the conditions set forth in Exhibit "A." Invoices are due and payable upon receipt and are delinquent only thirty (30) days after the date received by CITY. Each invoice shall set forth a general description of the work performed, in accordance with the scope of work, for the hours billed. CONSULTANT may complete such work as it deems necessary, after termination, except that such work will be at its own expense and there shall be no "termination charge" whatsoever to CITY.
4. Any fee required by any governmental agency in order for CONSULTANT to accomplish a task hereunder shall be provided by CITY and is not included in the hourly fee.
5. In the event any term or provision of this contract is held to be illegal or in conflict with any law of the United States or Arizona or any local law, the validity of the remaining provisions shall not be affected, and this contract shall be construed and enforced as if it did not contain the particular term or provision.
6. **OWNERSHIP OF DOCUMENTS.** All documents, including, but not limited to, correspondence, estimates, notes, recommendations, analyses, reports and studies that are prepared in the performance of this contract are to be, and shall remain, the property of CITY and are to be delivered to CITY before the final payment is made to the CONSULTANT.

7. **PROFESSIONAL RESPONSIBILITY.** CONSULTANT hereby warrants that it is qualified to assume the responsibilities and render the services described herein and has all requisite corporate authority and professional licenses in good standing, required by law.
8. **COMPLIANCE WITH LAW.** It is contemplated that the work and services to be performed by CONSULTANT hereunder shall be done in compliance with applicable laws, ordinances, rules and regulations that are in effect on the date of this contract. Any subsequent changes in applicable laws, ordinances, rules or regulations that necessitate additional work shall constitute a change in the scope of work.
9. **INDEMNIFICATION.** With respect to its professional services hereunder, CONSULTANT agrees to indemnify and hold harmless CITY, its officials and its employees from and against all liability claims, demands and expenses, including court costs and reasonable attorney's fees, in an amount not to exceed the total compensation under this contract, on account of any injury, loss or damage that arise out of, or are in any manner connected with, the work negligently performed under this contract, or on account of any injury, loss or damage that arise out of, or are in any manner connected with, any omission or professional error of the CONSULTANT, or any officer, employee or agent of the CONSULTANT. For other than its professional services hereunder, CONSULTANT agrees to indemnify and hold harmless CITY, its officials and its employees from and against all liability claims, demands and expenses, including court costs and reasonable attorney's fees, in an amount not to exceed the total compensation under this contract, on account of any injury, loss or damage that arise out of, or are in any manner connected with, the work negligently performed under this contract, or on account of any injury, loss or damage that arise out of, or are in any manner connected with, any other fault or negligence of the CONSULTANT, or any officer, employee or agent of the CONSULTANT.
10. **INSURANCE.**
  - A. The CONSULTANT agrees to procure and maintain in force during the term of this contract, at its own cost, the following coverages:
    1. Worker's Compensation Insurance as required by the Labor Code of the State of Arizona and Employers' Liability Insurance.
    2. Commercial General or Business Liability Insurance with minimum combined single limits of ONE MILLION DOLLARS (\$1,000,000.00) each occurrence and TWO MILLION DOLLARS (\$2,000,000.00) general aggregate.
    3. Automobile Liability Insurance with minimum combined single limits for bodily injury and property damage of not less than ONE MILLION DOLLARS (\$1,000,000.00) for any one occurrence, with respect to each of the CONSULTANT'S owned, hired or non-owned automobiles assigned to or used in performance of the services. In the event that the CONSULTANT'S insurance does not cover non-owned automobiles, the requirements of this paragraph shall be met by each employee of the CONSULTANT who uses an automobile in providing services to Sedona under this contract.
    4. Professional Liability coverage with minimum limits of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) each claim and ONE MILLION DOLLARS (\$1,000,000.00) general aggregate. If approved by CITY, evidence

of qualified self-insured status may be substituted for one or more of the foregoing insurance coverages.

- B. CONSULTANT shall procure and maintain the minimum insurance coverages listed herein. Such coverages shall be procured and maintained with forms and insurers acceptable to CITY, acceptable of which shall not be unreasonably withheld. All coverages shall be continuously maintained to cover all liability, claims, demands and other obligations assumed by the CONSULTANT pursuant this contract. In the case of any claims made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage.
- C. A Certificate of Insurance shall be completed by the CONSULTANT'S insurance agent(s) as evidence that policies providing the required coverages, conditions and minimum limits are in full force and effect, and shall be subject to review and approval by CITY. The Certificate shall identify this contract and shall provide that the coverages afforded under the policies shall not be canceled, terminated or limits reduced until at least 30 days prior written notice has been given to CITY. The completed Certificate of Insurance shall be sent to:

City of Sedona  
102 Roadrunner Drive  
Sedona, AZ 86336  
ATTN: City Clerk

- D. Failure on the part of the CONSULTANT to procure or maintain policies providing the required coverages, conditions and minimum limits shall constitute a Material Breach of Contract upon which CITY may immediately terminate this contract or, at its discretion, CITY may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by CITY shall be repaid by the CONSULTANT to CITY upon demand, or CITY may offset the cost of the premiums against any monies due to CONSULTANT from CITY.
  - E. CITY reserves the right to request and receive a certified copy of any policy and any pertinent endorsement thereto. CONSULTANT agrees to execute any and all documents necessary to allow Sedona access to any and all insurance policies and endorsements pertaining to this particular job.
- 11. NON-ASSIGNABILITY. Neither this contract, nor any of the rights or obligations of the parties hereto, shall be assigned by either party without the written consent of the other.
  - 12. TERMINATION. This contract shall terminate at such time as the work in the scope of work is completed or upon CITY providing CONSULTANT with seven (7) days advance written notice, whichever occurs first. In the event the contract is terminated by CITY's issuance of said written notice of intent to terminate, CITY shall pay CONSULTANT for all work previously authorized and performed prior to the date of termination. If, however, CONSULTANT has substantially or materially breached the standards and terms of this contract, CITY shall have any remedy or right of set-off available at law and equity. No other payments, including any payment for lost profit or business opportunity, and no penalty shall be owed by CITY to CONSULTANT in the event of termination upon notice.
  - 13. VENUE. This contract shall be governed by the laws of the State of Arizona, and any legal action concerning the provisions hereof shall be brought in the County of Coconino, State of Arizona.

14. **INDEPENDENT CONTRACTOR.** CONSULTANT is an independent contractor. Notwithstanding any provision appearing in this contract, and any exhibits and/or addenda, all personnel assigned by CONSULTANT to perform work under the terms of this contract shall be, and remain at all times, employees or agents of CONSULTANT for all purposes. CONSULTANT shall make no representation that it is the employee of CITY for any purpose.
15. **NO WAIVER.** Delays in enforcement or the waiver of any one or more defaults or breaches of this contract by City shall not constitute a waiver of any of the other terms or obligations of this contract.
16. **ENTIRE AGREEMENT.** This contract, together with the attached Exhibit "A," are the entire agreement between CONSULTANT and CITY, superseding all prior oral or written communications. None of the provisions of this contract may be amended, modified or changed except by written amendment executed by both parties.
17. **NON-DISCRIMINATION.** CONSULTANT, its agents, employees, contractors and subcontractors shall not discriminate on the basis of race, color, creed, national origin, ancestry, age, sex, religion or disability in any employment policy or practice.
18. **COMPLIANCE WITH FEDERAL AND STATE LAWS:**

CONSULTANT understands and acknowledges the applicability to it of the Americans with Disabilities Act, the Immigration Reform and Control Act of 1986 and the Drug Free Workplace Act of 1989. The following is only applicable to construction contracts: CONSULTANT must also comply with A.R.S. § 34-301, "Employment of Aliens on Public Works Prohibited," and A.R.S. § 34-302, as amended, "Residence Requirements for Employees."

- A. Under the provisions of A.R.S. § 41-4401, CONSULTANT hereby warrants to CITY that CONSULTANT and each of its subcontractors will comply with, and are contractually obligated to comply with, all Federal Immigration laws and regulations that relate to their employees and A.R.S. § 23-214(A) (hereinafter "Contractor Immigration Warranty").
- B. A breach of the Contractor Immigration Warranty shall constitute a material breach of this contract and shall subject CONSULTANT to penalties up to and including termination of this contract at the sole discretion of CITY.
- C. CITY retains the legal right to inspect the papers of any contractor or subcontractor employee who works on this contract to ensure that the contractor or subcontractor is complying with the Contractor Immigration Warranty. CONSULTANT agrees to assist CITY in regard to any such inspections.
- D. CITY may, at its sole discretion, conduct random verification of the employment records of CONSULTANT and any subcontractors to ensure compliance with Contractor's Immigration Warranty. CONSULTANT agrees to assist CITY in regard to any random verifications performed.
- E. Neither CONSULTANT nor any subcontractor shall be deemed to have materially breached the Contractor Immigration Warranty if CONSULTANT or any subcontractor establishes that it has complied with the employment verification provisions prescribed

by sections 274A and 274B of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. § 23-214, Subsection A.

- F. The provisions of this article must be included in any contract that CONSULTANT enters into with any and all of its subcontractors who provide services under this contract or any subcontract. "Services" are defined as furnishing labor, time or effort in the State of Arizona by a contractor or subcontractor. Services include construction or maintenance of any structure, building or transportation facility or improvement to real property.
- G. CONSULTANT shall execute the required documentation and affidavit of lawful presence as set forth in ARS 1-502/8 USC § 1621 (**Exhibit B**).
19. DISPUTE RESOLUTION. The parties agree in good faith to attempt to resolve amicably, without litigation, any dispute arising out of or relating to this contract. In the event that any dispute cannot be resolved through direct discussions, the parties agree to endeavor to settle the dispute by mediation. Either party may make a written demand for mediation, upon which demand the matter shall be submitted to a mediation firm mutually selected by the parties. The mediator shall hear the matter and provide an informal opinion and advise within twenty (20) days following written demand for mediation. Said informal opinion and advice shall not be binding on the parties, but shall be intended to help resolve the dispute. The mediator's fee shall be shared equally by the parties. If the dispute has not been resolved, the matter may then be submitted to the judicial system.
20. DELAYS. CONSULTANT shall not be responsible for delays which are due to causes beyond CONSULTANT'S reasonable control. In case of any such delay, any deadline established as part of the scope of work shall be extended accordingly.
21. ATTORNEYS' FEES AND COSTS. Should any legal action, including arbitration, be necessary to enforce any term of provision of this contract or to collect any portion of the amount payable hereunder, then all expenses of such legal action or collection, including witness fees, costs of the proceedings and attorneys' fees, shall be awarded to the substantially prevailing party.
22. CONFLICT OF INTEREST. From the date of this contract through the termination of its service to Sedona, CONSULTANT shall not accept, negotiate or enter into any contract or agreements for services with any other party that may **create a substantial interest, or the appearance of a substantial interest in** conflict with the timely performance of the work **or ultimate outcome** of this contract and/or adversely impact the quality of the work under this contract without the express approval of the City Manager and the City Attorney. Whether such approval is granted shall be in the sole discretion of the City Manager and the City Attorney. The parties hereto acknowledge that this Contract is subject to cancellation pursuant to the provisions of ARS § 38-511.
23. NOTICE. Any notice or communication between CONSULTANT and CITY that may be required, or that may be given, under the terms of this contract shall be in writing, and shall be deemed to have been sufficiently given when directly presented or sent pre-paid, first class United States Mail, addressed as follows:
24. CITY: City of Sedona  
Attn: City Manager  
102 Roadrunner Drive

Sedona, AZ 86336

CONSULTANT: CivTech, Inc  
Attn: Dawn D. Cartier, PE PTOE Principal/President  
10605 North Hayden Road, Suite 140  
Scottsdale, AZ. 85260

24. NOTICE TO PROCEED. Unless otherwise noted by CITY, acceptance of this contract is official notice to proceed with the work.

CITY OF SEDONA, ARIZONA

**CivTech, Inc.**, CONSULTANT

\_\_\_\_\_  
City Manager

By: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST:

I hereby affirm that I am authorized to enter into  
and sign this contract on behalf of  
CONSULTANT

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
\_\_\_\_\_

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney

**EXHIBIT/S**

**Exhibit A**

- X **Proposal to Prepare a Study of Safety Alternatives on SR 89 A, Dry Creek Road to Soldier Pass Road, Based on the Pedestrian Safety Panel recommendations, dated July 27, 2010**

**Exhibit B**

- X **Affidavit Of Lawful Presence As Set Forth In ARS 1-502/8 USC § 1621**

*Summary Minutes*  
**Regular City Council Meeting**  
**Council Chambers, Sedona City Hall**  
**102 Roadrunner Drive, Sedona, AZ**  
**Tuesday, August 10, 2010, 4:30 p.m.**

1. **Call to Order/Pledge of Allegiance - Reading of City's Vision Statement:** Mayor Adams called the meeting to order at 4:30 p.m. Councilor McIlroy read the City's Vision Statement.
2. **Roll Call:** Mayor Rob Adams, Vice Mayor Cliff Hamilton, Councilor Mark DiNunzio, Councilor Dan McIlroy, Councilor Dennis Rayner, Councilor Mike Ward. Councilor Barbara Litrell was excused.

**Staff present:** City Manager Tim Ernster, Assistant City Manager Alison Zelms, Community Services Director Andi Welsh, Director of Community Development John O'Brien, Long-Term Planner Mike Raber, Assistant Engineer Andy Dickey, Communications Manager Ginger Wolstencroft, Revenue Manager Jodie Filardo, Police Chief Ray Cota, Director of Public Works Charles Mosley and Deputy City Clerk Alison Carney

3. **Consent Calendar: Approve**
  - a. Minutes – July 21, 2010, City Council Special Meeting.
  - b. Minutes – July 27, 2010, City Council Regular Meeting.
  - c. **AB 1050 Waiver of Pool entrance fees in support of the Sedona Public Library's "Make a Splash" reading program.**
  - d. **AB 1052 Appointment of Jane Grams to serve on the Historic Preservation Commission.**
  - e. **AB 1057 Ten Wine Festival/Wine Fair Liquor Licenses for the Sedona Wine Festival 2010 held Sept. 25-26, 2010, at the Sedona Airport.**
  - f. **AB 1056 Special Event Liquor License for Sedona Jazz on the Rocks, Inc., as part of the Oct. 2, 2010, Jazz Festival located at 1752 SR179.**
  - g. **AB 1062 Housing and Urban Development Community Challenge Planning Grant.**

***Motion: Councilor McIlroy moved to approve consent items except 3d and 3g. Seconded by Councilor Ward. Vote: Motion carries unanimously with six (6) in favor and zero (0) opposed.***

**3d:** Vice Mayor Hamilton stated when someone volunteers to serve on a commission it comes through us as a consent item and doesn't get much treatment. Jane Grams is here tonight. She's been selected for the Historic Preservation Commission. He thanked Jane for her service.

***Motion: Vice Mayor Hamilton moved to approve 3d. Seconded by Councilor Ward. Vote: passes unanimously with six (6) in favor and zero (0) opposed.***

**3g:** Councilor Ward pulled the item because his primary concern is that the soft match of \$183,000 is 2-2.5 full time employees for a year. The contract deserved more scrutiny because of that. The grant has not yet been written. It usually has outcomes. We should make sure the outcomes are in line with the policies of the city.

Mike Raber stated the grant funding requested is \$550,000 over three years and \$183,000 is a soft match. Besides staff time, things like advertising, surveys, and city-wide mailings are all considered part of the soft match. It is a planning grant that would provide us with more resources for the plan update than we currently have. The staff time already invested is already invested in the Community Plan Update, it will be more involved if we get the grant, in terms of monitoring it. The specific plan for the 89A corridor is described in the RFP we already issued last year before the project was halted due to the budget. Some of the outcomes described in the grant are travel changes or economic development that may be something we can come up with outcomes for. Environmental benefits may be one we can point to in the grant and increased participation in decision making is one we flagged. The more you meet the more points you get in the grant.

Councilor Ward stated the 89A development study was mostly about developing new codes for that area.

Mike Raber stated yes, it would be something we'd put this money toward and a follow up land development code.

Councilor Ward asked if the money would

***Councilor Ward moved to approve item 3g. Seconded by Vice Mayor Hamilton. Vote: Motion carries unanimously with six (6) in favor and zero (0) opposed.***

#### **4. Community Plan Update**

Mike Raber stated the deadline for a selection committee was last Thursday. The selection team will make its recommendations to Council on September 14. Staff hasn't been implementing anything new in terms of public outreach because that's one of the committee's first jobs. We'll continue to meet with community organizations as they'll have us throughout this project. Next week staff will begin discussing land use issues with P&Z. We're continuing to meet with P&Z every third Thursday of the month. We're continuing to meet with the working teams on a regular basis. We've significantly revised and updated our page on the web site. We keep working on that. We've included the top 5 issues from the last update and how they've been dealt with since then. We've included public comments from the May meetings. We'll copy Council with our P&Z packets as a way to keep everyone up to speed.

Councilor McIlroy stated the old Community Plan was more than 100 pages, will the new one be more succinct?

Mike Raber stated one of the goals is to make the document much more user-friendly. We have a working team looking at that but the steering team may want to form sub committees to deal with that. If it becomes more of a vision based plan, it may look dramatically different than it does now.

Mayor Adams stated we have 21 applications, which is a great turn out. He commented on the outstanding applicants.

## **5. Summary of Current Events**

Vice Mayor Hamilton stated this morning the first meeting of the Transit Task Force was held. They got along just fine. Max Licher was selected as head. Helen Knoll will be the vice chair. They will have about 2 meetings per month and a wrap up time of October.

Councilor DiNunzio stated he attended National Night Out August 3. It was superbly well done. The park was in beautiful condition. The police and fire departments were out in force. The picnic tables were always full. He encourages the continuation of that.

Mayor Adams stated on Wednesday, Aug. 4, he did a ribbon cutting for Tender Hearts Adult Daycare. The next Mayor's Lunch will be at Heartline Café on Tuesday, Aug. 17. Friday, Aug. 20, and Aug. 21 is the Celebration of the Completion of SR 179. He thanked the Chamber of Commerce for organizing that event. We're going to bicyclists and speeches. It's going to be a lot of fun. On Tuesday, August 24-27, most of council will be at the League of Cities and Towns conference in Glendale.

Councilor McIlroy stated he's council liaison for the library. We explored a plan to refurbish the library in a 10-year period.

Councilor Ward stated he's liaison for NAIPTA, the last meeting was in June. A lot has happened in the past months. He won't be able to attend next week, but Mayor Adams will go. We have an agenda item to update the NAIPTA board on decisions in the city.

## **6. Reports/Discussion on Council Assignments**

Councilor DiNunzio stated he attended the Main Street Board meetings. They were pleased with the results of the National Day of the Cowboy. They cited a number of residents Uptown. They were all sponsored by Uptown businesses. They see this as a way to attract commerce Uptown. They'll need additional man-power. If anyone has an interest in promoting cowboy motif this is the chance. He attended a MATForce meeting. There's some real passion on the part of the people involved. They too could use more people helping to find ways to support kids and families struggling with that. He applauds the people involved.

Mayor Adams stated he met with the Verde Valley Cyclists on July 30. He'd love to get Sedona designated as a bike-friendly community. On August 2 he spoke at the Sunrise Center Adult Day Care Center. We had a great time. On August 3 a presentation was made by the Lodging Council. They talked about the impacts of SB1070 on the lodging and it's been a big impact. Tomorrow will be the Chamber Marketing Committee Meeting. We'll have our For Our City coming up. On August 16 we will be doing the Sedona Recycles tour at 8:30 a.m.

## 7. Public Forum

*Mayor Adams opened to the public at 4:56 p.m.*

Ernie Strauch, Sedona, gave kudos to the IT department and the link to the documents on the right-hand side. Without those links it would be impossible to get to where you want to go. There is still one challenge. In pagination, you can't tell what page you are in, in the document. If you want to print from a segment, you have no way of figuring that out. If that could be added, you could have a tremendous improvement.

*Mayor Adams closed the public forum at 4:58 p.m.*

## 8. Awards & Proclamations

**Mayor Adams moved 8c up before 8a and 8 b.**

### **a. Proclamation declaring Sept. 5, 2010, as A Day in the Heart of Relationships.**

*Whereas, A Day in the Heart of Relationship is one Sunday for all of Sedona to celebrate and share with others the joy of their relationships. These include your spouse, significant other, families, friends, someone you know who may be alone, your animals, businesses, employees, customers, and visitors, your committees, organizations, city workers, city council, mayor, your congregation, your religious and spiritual leaders, God, and any other relationship that is meaningful to you; and Whereas, all that participate will choose how to acknowledge and appreciate those relationships, which could be a gathering day of family and friends sharing food and conversation, touching in with people you love, or visiting those in need; and Whereas, Sedona becomes known as a friendly and welcoming community where people interact with honor, appreciation and respect and that our differences are seen as opportunities to work together in a more positive way; and Whereas, Sedona becomes a model for this Day in the Heart of Relationship for every city and town in this country, now, therefore, I, Rob Adams, Mayor of the City of Sedona, Arizona, on behalf of the Sedona City Council, do hereby proclaim September 5, 2010, as A Day in the Heart of Relationship in Sedona, Arizona.*

Susan Henkel stated she sees acceptance of the proclamation as the continuation of a vibrant time in Sedona. She thanked the mayor and council for taking this on. She thanked them for the relationship they have with each other and with the city. She sees great things are about to happen and they already have.

### **b. Proclamation declaring August 10, 2010, as Sedona Boy Scout Troop 48 Appreciation Day**

*Whereas, The Sedona Boy Scout Troop 48 demonstrated true bravery and heroism in helping when their Allegiant Airlines flight made an emergency landing in Flagstaff on Sunday, July 25 by helping provide first aid to many passengers; and Whereas, the Boy Scouts of Troop 48 did so in a calm, friendly and soothing manner, making the situation much easier and less stressful for the passengers and crew of the flight; and Whereas, the Boy Scouts put into practice what they had just learned at Island Park Boy Scout Camp*

*and what they practice all year long through their merit badge studies, community outreach and ongoing education with first aid, CPR and helping others; and Whereas, through this effort the Boy Scouts of Troop 48 were living examples of both the Boy Scout Law and Oath, proving that a Boy Scout is: Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, Clean and Reverent; and Whereas, we as a community can be so proud of our local Boy Scouts for their bravery, willingness and ability to demonstrate true heroism in a time of crisis and need. Now, therefore, I, Rob Adams, Mayor of the City of Sedona, Arizona, on behalf of the Sedona City Council, so hereby proclaim August 10, 2010, as “Sedona Boy Scout Troop 48 Appreciation Day.”*

**c. Presentation of new K-9, Dalan, and new K-9 handler Officer Stephanie Foley.**

Chief Ray Cota introduced Dalan and Stephanie Foley. SPD has had an active canine program since 2001. These two will continue the excellent patrol and community services started by Sgt. Will Lopez and Joker. Her training with Dalan began in April and they’ve since been on active patrol. Our canine program is made possible from donations from local residents and the Oak Creek Small Animal Clinic, Bark N Purr for kenneling services and Olson’s Grain who has kept our canines well-fed.

Stephanie Foley stated Dalan is from France. The primary language she uses with him is French, a few commands are in Dutch. He’s French-Ring Trained. He’s dual purpose, we went through narcotics training and patrol training. He can search for narcotics and articles, so he could search for a tossed handgun. He can search people. It could take us hours to search a field, for him it would take 20 minutes. His nose is a million times better than ours. We’re on duty. We have a patrol car that says “Caution Canine” that’d be us. We’re excited to work. We play everyday. She had a dog at home he plays with.

Councilor McIlroy stated what is it about that breed that makes it different from German Sheppard.

Stephanie stated SPD selected the Belgian Malinois don’t have the frequent hip displacement that German Sheppard have. Typically it’s the health issues associated with the German Sheppard. A dual purpose will cost about \$10,000. that’s why we’re so lucky to have people donate. Since he’s dual-purpose it is a little more expensive.

Vice Mayor Hamilton stated it seems like there’d be some advantage to having the commands in English so the criminal knows what’s coming and might surrender.

Stephanie stated in France, they don’t know he’s coming over here. That’s their whole sport. We get them already trained, it just becomes us training together. She still gives commands in English. That way she gives the bad guy a chance to surrender before she tells Dalan the command.

**d. Presentation by Sedona Dog Park Inc. of a check in the amount of \$44,000 to the City for maintenance of the Dog Park.**

Rick Wesselhoff stated he and John Lupo both represent the Sedona Dog Park. We are proud to gift the city with the dog park. The dog park had over 150 volunteers and hundreds of people donating and volunteering to make the park a reality. We give so

passionately because we can make a difference. It's nearly \$60,000 to P&R. It will cover the maintenance of the park for nearly 25 years.

Mayor Adams thanked Rick and John for all the work they put into the project. It's a great addition. They filled in a gap for something the community really needed. You probably found out that the best idea with the best intentions will create controversy in this town. But you guys hung in there and did it.

Rick thanked Marie Brown and Andi Welsh.

***Motion: Councilor McIlroy moved to approve the awards and proclamations. Seconded by Councilor DiNunzio. Vote: Motion passes unanimously with six (6) in favor and zero (0) opposed.***

**9. Regular Business**

**a. AB 1007 City support of a concept for enhanced aesthetic design at the SR 179 and I-17 interchange and a letter of support from the City requesting that ADOT provide enhanced aesthetic design for planned improvements to the interchange including a comprehensive public involvement process for design; Discussion/Possible Action.**

Alison Zelms stated David Gill and Dave Norton will present this item this evening. Their presentation will be about their vision for enhanced aesthetic design.

Dave Norton, VP of Big Park Regional Coordinating Council, stated it's a food for thought presentation. There's 4 million that come to Sedona annually. Many drive to Sedona from the Phoenix airport. ADOT rules are three destinations per sign. He photographed every sign between Phoenix and the Sedona exit, shown here by mileage number. They always show Flagstaff because that's where the highway ends so that makes sense. They will not show Sedona because it's not on the highway. Prescott isn't either but it is the County seat. Nothing about Sedona until you get a 2-mile warning, then you get a 1-mile then the exit. You make the turn and you see Sedona, nothing about 89A, which is a state highway. When you are on SR179 you see Village of Oak Creek which doesn't exist on a map anywhere. Still no mention of SR89A. Suggestions: at mile post 239 why not replace Prescott with Sedona and again at 253. is there any reason they couldn't add Sedona after Camp Verde at mile post 279. Why not replace Munds Park with Sedona at mile post 290. Prescott is on signs 9 times, Sedona none. At mile post 300 Munds Park is 20 miles away but it has a listing. Perhaps it's time to sit down with ADOT to see if we can help our visitors find Sedona.

David Gill, presented a power point called "Enhancing Our Gateway". As visitors arrive at the SR179 exit, it's a disappointing entry experience. Sedona is favored with three portals. It deserves better. When we leave on SR179 and make a right to go south toward Phoenix this is what we see. ADOT is conducting studies currently on I-17 from SR 179 to I-40. It begins with a Design Concept Review, an environmental studies, design and then ultimately into construction. As of May 2010 ADOT preferred alternative to reconstruct the entire I-17 interchange. If we do nothing we'll get another interchange like the one at McGuireville. He thinks Sedona deserves better. He wants Council's support for something better than what ADOT did at McGuireville. It'd be nice for us to have a structure above the roadway to tell the world that this is Sedona. This is one of our

three important gateways. He showed example of what other communities have done as far as bridges over the roadway. Community design goals: functional, economical, appropriate for our context, meets our expectations, symbol for our community, broad pride of ownership. Who should be involved: Big Park Regional coordinating Council, City of Sedona, Keep Sedona Beautiful, US Forest Service, Yavapai County, and ADOT. We already have a letter from the Sedona Chamber of Commerce. Costs of a new interchanges will be funded by the federal government and ADOT for all standard designs. Costs of enhancements over and above the standard design are borne by the community. Our most minimal goal should be to seek no cost or low cost for enhancements. He worked for the world's largest bridge engineering company. SR 179 is an All American Road. The entry experience begins at the interchange. He'd like a committee with a member from the city, Keep Sedona Beautiful, Chamber and BPRCC. He'd like a public process that results in a project like he described earlier. If we do nothing we get what ADOT gives us. He'd like us to create a process ADOT would adopt that would involve a broad representation from our community.

Mayor Adams stated he'd never really thought about it. It's never been the prettiest entry way. He appreciates them bringing this up. They'd like to see us begin discussions toward forming a committee.

Tim Ernster stated the action would be to support the concept of an enhanced aesthetic design and send a letter to ADOT supporting an enhanced design.

Mayor Adams stated we'd have to have another discussion later about a steering committee.

Councilor DiNunzio asked if they've had discussions with ADOT with regard on what they intend to do?

Dave stated he's avoided direct discussions because it's probably something ADOT won't embrace with open arms. There are only handfuls that have a high priority for transportation aesthetics. It's up to use to lead them. John Harper has received copies of the letters so he's aware that we are interested in something other than the norm.

Councilor DiNunzio stated he drives to Phoenix frequently. All the highways there have wonderful aesthetics.

Dave stated those were done with the initiative from Maricopa County and Phoenix.

Councilor Ward asked if he's concerned that Sedona Letterhead might blow a gasket ADOT.

Dave stated he's not sure a letter is essential right now, but later it's important that we present ourselves in a unified manner. If the various entities are in agreement then let's organize and be ready when it comes.

Councilor Ward stated he likes the concept and he thinks a united front is necessary.

Councilor McIlroy stated when you deviate from ADOT standard design, do you know what the difference in cost would be?

Dave stated it depends on a lot of factors. Within the U.S. there are three people who specialize in bridge aesthetics. If you just spend the same amount of money you were going to spend, in a different way you can maximize your design.

Vice Mayor Hamilton stated if the design concept review and the environmental assessment is almost done. Is this something we still have opportunity to impact?

Dave stated yes, because there's only be concepts, no design. The selection of the design firm won't take place to the middle of next year. This is the best time, before design is done to influence the design.

Mayor Adams opened it to the public at 5:41 p.m., not seeing any he brought it back to Council.

Mayor Adams stated with the economy, he sees this as a challenge to find the money to enhance the interchange. He thinks it's a great idea. Would it be appropriate to see if there's a councilor who'd be interested in participating.

Mike Goimarac stated if you wanted to designate someone to work on this that's fine.

Mayor Adams asked if anyone on council would be interested in participating in that discussion.

Councilor Rayner stated he'd be happy to participate.

Dave stated we recognize the difficult times we're in. If the community is presented with options there are enough people in this community who'd like to see something out of the ordinary that there's no public money needed. He hasn't presented to Yavapai County, but he plans to. The Forest Service knows about this project, but he hasn't made this presentation to the Forest Service.

Mayor Adams thanked him for bringing this up and for Councilor Rayner for volunteering.

**b. AB 1042 Participation of the City of Sedona in the Coconino County Sustainable Economic Development Initiative; Discussion/Possible Action.**

Marshall Whitmire stated SEDI was developed in 2005 in response to a study that identified that sustainability and technologically based businesses as the two most important businesses for the state. The governor at that time launched a challenge for people to do something about that. Supervisor Taylor took this report and the governor's prompting and began to put an organization together that became the first regional non-profit sustainable organization in the state. In 2009 we received the governor's award for sustainable economic development. We have a number of long and short term strategies. Our overall goal is to support all organizations. We focus on renewable energy development, business and work force development; we don't exclude anyone interested in having a profitable business. We work to minimize the duplication of effort among similar organizations. We'd like to develop a resilient and self-supporting regional economy. He's confident that the majority of businesses in our region understand the

benefits of becoming more sustainable. We continue to monitor current trends. We're looking at the importance of establishing community banks. We're looking more at the development of supporting farmer's markets. We want to reduce leakage of dollars out of our communities. We have a 32 member board at the moment and 150 active volunteers. They represent 70 organizations in our region. We capitalize as much as we can on stakeholder feedback. Part of his purpose today is to invite high level participation from this Council and for this council to nominate an individual to serve on our board of directors. Al White, who is a 8-year member of Flagstaff Council encouraged Sedona to become involved with SEDI. Flagstaff receives extraordinary contacts as a result of our involvement with SEDI. There are benefits that you have never thought about from participating with this organization.

*Mayor Adams opened it to the public at 5:54 p.m.*

Ernie Strauch, Sedona, stated he has the pleasure of serving on the board for 2005-2006 while on City Council. He strongly encourages Council to take advantage of this opportunity. You will be appointing a sustainability commission. A member of that commission would be an obvious attendee to SEDI. Many outgrowths of ideas flow to the city.

*Mayor Adams closed it to the public at 5:55 p.m.*

Councilor Rayner stated this spring he began attending a group in the Verde Valley that's calling themselves a sustainable energy group. They're goals are very much like yours in part. They want to bring sustainable jobs into the Verde Valley. Have you touched bases with them?

Marshall stated he's invited the president of that group to their board meetings. We have ongoing discussions with them.

Councilor Ward asked if the local chambers and main streets of the communities involved.

Marshall stated the main street programs aren't involved. We have ongoing collaborative work we do with the chamber of commerce. The door is wide open to any organization that wishes to collaborate with us.

Councilor DiNunzio stated he's wrestling with coming to an understanding of the purpose of the organization. He anticipated reading about a line organization that was there to attracting sustainable businesses. When he read through he thought he was finding a deep academic think tank, process of explaining what sustainability is. Is it your charge to create openings to expand communities or are you more esoteric?

Marshall stated it's both. We are trying to create a culture where sustainable businesses can be more successful. We have a business-to-business component where they can share information. We have a whole range of efforts we are launching. We are inviting hoteliers to a series of three seminars to help them improve their bottom line by managing their business in a sustainable way. Our focus is the focus of Flagstaff city is not on attraction, but is on keeping and expanding existing businesses. There are a number of issues dealing with attraction which often constitute a zero-sum game. We

believe it's much more important to grow within. We're funding by the contributions of thoughtful people who really get it like NAU, Coconino County, City of Flagstaff, grant funds and we look for partners.

Mayor Adams stated by providing someone for this commission, would that implicate that we'd be making a contribution?

Marshall stated it's not necessary. He's confident they'll do what's right.

Vice Mayor Hamilton stated are there a couple of concrete examples that would identify things Sedona would benefit from by becoming involved.

Marshall stated we'd be willing to sponsor the Green the Line for hoteliers. Another area that merits creative use is the area south of the Wastewater Treatment Plant. There may be economic opportunities there. The chance to network with people who are exploring a lot of ideas is something to consider. We could have a short workshop with folks pursuing economic development in the city, to share successes they've had in order to increase the quality of decisions.

Councilor Rayner stated it's extremely involved. Are any of the positions volunteers? It looks like a lot of bureaucracy which always costs a lot of money.

Councilor Rayner stated he's interested in sustainability, he wants to make sure where the funding is going to come for this. If we were to recommend someone from council how much time would this take, where would the meetings take place?

Marshall stated there are only 2-3 levels in the organization. Most of the people involved are on project or action teams. There are only 2 people who receive money in this organization. Both of them are working for less than equivocal jobs at the city of Sedona. We have the Vice President for Research for NAU administer grants and is an experienced person. Jodie Filardo serves on that committee along with 3-4 other people with experience in that area. Funding, though an issue, doesn't drive what we're doing. We have 1,000s of hours of quality volunteer time. There is a monthly board meeting, but there's elective interim work to be done. There are scores of ways the board member can become engaged, so it's a matter of best fit.

Councilor Ward stated the things he's talked about, but all members of council are all active on at least 4 groups already. We get torn with our commitment. If you're going to have a board member, would you like one actively involved or one who just attends meetings? Would we be better served to find a citizen member who'd be willing to act as liaison to this group.

Vice Mayor Hamilton stated we're thinking along the same lines. We have a sustainability commission we're putting together. That will take some months to get up and running. In the interim we might want to look at sending a liaison to go from Council and sit on the meetings and start getting a feel for what this might mean for Sedona.

Marshall stated the invitation he's making is to the center of the Sedona. What we're doing in the SEDI is moving at a rapid speed. We want to reduce bureaucracy as much as we can. So a liaison, who reports, is not the formula he personally thinks would serve

Sedona most effectively or would result in immediate decision making. You have Jodie Filardo who represents her interests to the extent she can quite well. We have members of Councils, board of supervisors on our board, that's the level he's making the request.

Mayor Adams stated so he's hearing we do try it on for size to see if it's something we want to get involved in. Ernie Strauss may want to be the liaison. Right now this council is on 40 different committees. We want someone to be an active participant. We've come to the point now where maybe we've surpassed that in our abilities.

Marshall stated our focus is economic sustainability. We don't want someone to participate just by showing up. That's not desirable for either party.

Councilor Ward stated if you're looking for someone who's going to be passionately involved and make a difference it probably won't be a council member. We don't have time. However we do have many passionate people in the community who would get fully involved.

Mayor Adams asked Ernie if he has an interest in representing the city.

Ernie Strauch stated he did intend to apply for the Sustainability commission. He is interested. This is an area of most passion for him. He's familiar with many people on the commission. He's familiar with all of Council. He'd be glad to be Council's representative.

**Council agreed to support Ernie Strauss as Council liaison on SEDI.**

**c. AB 1058 Resolution authorizing City staff to negotiate route transfer of SR 89A to the City from the Arizona Department of Transportation and authorization to enter into a Professional Services Contract with CivTech Engineering to analyze and develop cost ranges regarding alternative pedestrian measures in the area of the route transfer; Discussion/Possible Action.**

*Councilor Ward moved to deal with the route transfer discussion first, then the CivTech contract second. Seconded by Councilor McIlroy. Vote: Motion carries unanimously with six (6) in favor and zero (0) opposed.*

Mayor Adams stated we are not going to be voting on a route transfer tonight. We're simply trying to get educated on what a route transfer might mean. The second is to authorize a contract with an engineering firm to do due diligence on safety measures. It's preliminary to support or oppose a route transfer right now because we just don't have that information to know if it makes sense right now to make that decision. If you oppose spending any money that's a different issue.

Tim Ernster stated the initial discussion will be about the resolution, after you act on that we'll discuss the contract.

Councilor DiNunzio stated the mayor's explanation to the public with regard to the need of accurate information, we're going to be relying on a consultant, and it seems we ought to discuss whether or not we're going to go forward with this consultant before we authorize staff to get involved with ADOT on takeback negotiations. He's uncomfortable

with that without first knowing we have a deal with a consultant that has agreed to do X number of things.

Tim Ernster stated he's not sure how Mayor Adams wants him to address that. Councilor DiNunzio is saying he feels it'd be important to discuss the contract first because that would have a bearing on whether you support the resolution.

Councilor DiNunzio agreed, the information from the consultant would help him make the decision on whether to negotiate with ADOT. He'd like to know what they're getting from the consultant first before we say let's open discussions with ADOT. It's like the cart is before the horse.

Mayor Adams stated staff will do most of the investigative work regarding the cost of the turnback in terms of maintenance and operating costs and so on, the consultant will look at alternatives for pedestrian safety and the costs associated with those.

Councilor DiNunzio stated he understood they're also going to offer an opinion regarding maintenance costs, overlay costs, so they'd give us an outside opinion for staff to scrub their position against as to what their professional opinion is with regard to the full spectrum of taking back the road.

Tim Ernster stated it is important that staff explain the scope of work for the consultant agreement. You did receive a revised scope of work in your packet after hearing concerns from the mayor and vice mayor. We asked the consultant to give us a cost estimate. There was no time to communicate with other council members. Maybe it'd be good to explain staff's understating of the revised scope of work. At least so you can decide how you want to handle this information

**Mayor Adams excused himself at 6:27 p.m. for 30-45 minutes.**

Councilor Rayner stated the first thing to decide is to whether we're going to direct staff to begin negotiations with ADOT regarding a possible transfer of portions of 89A. That's the logical first step. We have to enter into good faith negotiations by August 15. That doesn't mean we're committed to anything. Before we can decide what kind of engineering we need, we need to know where we stand with ADOT. That's why he'd like to see these separated. He'd like to start by giving staff direction to enter negotiations. So he likes the fact that we separated them into two parts.

Councilor Ward stated a study by a qualified consultant goes with this. With the changes that occurred three hours ago, almost doubling the cost, raised a lot of questions in his mind. It would be more efficient if we dealt with first having staff tell ADOT that we'd like to get involved and then deal with the details of what the consultant is going to do and how much they're going to charge.

Councilor McIlroy asked Charles how we found CivTech. They seem very qualified but why were they selected for this job?

Charles Mosley stated we invite consultants to submit their statement of qualifications throughout the year. We maintain that in a book and when we're looking for a consultant, because these people have shown an interest in us, we look through that book first to

determine if there's someone appropriate. Then we decide whether we're going to go out for massive solicitation or in this case, a sole source solicitation.

Councilor McIlroy stated if we contract with these people now or later, what timeframe do they need? We have August 15-January 15 to determine whether to take the road back or not, how much time do the engineers need?

Charles introduced Dawn Cartier, President of CivTech. Six months is a tight timeframe. We need to do a review of our circumstance, a determination of what we think the cost range and options are for us. And also negotiate with ADOT. By January 15, having put together a contract with them for the turnback and Council will have to make a decision. Just for background, when he brings IGAs to Council, it's not unusual for him to have worked on it for a couple of months. So as you can see, it's a tight timeframe we're working with.

Councilor Ward stated we did move to separate the issues.

Vice Mayor Hamilton stated we have agreed to separate them. Now the decision is which one to take in what order. What order did Councilor McIlroy prefer to take the discussion in.

Councilor McIlroy stated the turnback would be first.

Dawn stated they're looking at having the report completed in November which leaves them 3.5 months to get the work done. That would be 2/3 the amount of time they normally require to get a scope fully accomplished.

Vice Mayor Hamilton stated we ought to deal with the big issue first, before we deal with the specific. There are four of us in agreement to pursue the discussion of how we direct staff to move ahead with ADOT and then go to the engineering one. In the mayor's absence we will defer voting on either one of these issues. We can take discussion and public testimony. First we should see if there are Council questions regarding the resolution to begin negotiations.

Tim Ernster stated the resolution before you comes from direction from Council at the July 13, 2010 meeting. We have until August 15 to pass this resolution on to ADOT. At the July 13 meeting Council told us they wanted us to move immediately. We have had discussions with ADOT and we have a schedule of meetings for ADOT between now and then.

Councilor DiNunzio stated he supports the resolution to open negotiations with ADOT if Council is agreeable to entering a contract with a viable consulting firm similar to what we have presented before us.

Council agreed they're ok with it.

Vice Mayor Hamilton stated that being said, we'll move onto the discussion of the consultant firm. He's wondering if it might be useful at this point, to go to the public.

Vice Mayor Hamilton asked Charles if there's information that the public may not have seen that may be valuable to them in making their comments.

Charles stated it'd be helpful to highlight the scope of work first. The scope of work presented on page D-1 has been replaced by a more comprehensive scope of work. Mayor Adams, Vice Mayor Hamilton and Tim Ernster requested a scope of work to more adequately reflect Council's vision on July 13. The scope of work includes bike and motor vehicle safety issues along with pedestrian safety. It doesn't direct CivTech to consider the implementation of any of the previous recommendations for lights. It requires that they review the corridor and put forth their own recommendations. The scope includes review of the Route Transfer Study document. Which ADOT will provide to the city and the development of cost ranges to implement safety measures that the consultant may recommend and to look at the cost to maintain the corridor. The last two were in the original scope of work. That provides a brief summary of what is in the document that was given to you this afternoon. You'll have a more expansive study from a professional as to what may or may not need to be done in that corridor.

Dawn Cartier stated we have revised the scope per those comments. We understand we need to take a fresh look and perspective. Not that anything before was presented in a positive or negative light. This is to be a brand new perspective without regard to what's occurred in the past.

Councilor Rayner stated normally when we have contracts, we need to get competitive bids. In this situation do we need competitive bids to do this kind of work?

Mike Goimarac stated under our purchasing rules, we do not require competitive bidding or engineering.

Charles stated it is also against state law for us to go out for this kind of contract. For a competitive bid we must first look at qualifications. We cannot talk costs until we select a firm.

Councilor Rayner stated it's opposite of what he's heard before because in the past we take the lowest bid without looking at qualifications.

Charles stated the distinction made under state law is if it's a professional services contract, you must go out on a qualifications based selection process. For a contractor where the work is clearly defined you can go out for a bid.

Councilor McIlroy stated the negotiating team will be Tim Ernster, Charles Mosley and John O'Brien. He noticed John Halikowski in his July 8 letter, proposed an opening negotiating position on page 2. Do we have a number of what we'll come back with?

Tim Ernster stated we haven't gone that far. We've met with ADOT. Both parties have acknowledged that those numbers are the starting point. We've informed ADOT that we'll be coming back with counter-proposals, for lack of a better term. We were holding off because we want to get past this point first before we start serious negotiations with ADOT.

Councilor McIlroy stated ADOT are the experts, they do this all the time. Do we know from other cities who've done this how much bargaining room there is or is the proposal on their part firm? Is there quite a bit of margin for us to work with?

Tim Ernster stated he believes there is room in these numbers but he doesn't expect to see a large difference between what they're offering now and what we'd eventually end up with.

Charles stated you hear stories. We should develop our position that we feel is fair and press and pursue that position so we don't end up feeling remorse. The cost of some of the things we'll be looking at, we don't know the distance between ADOT's offer and what our ultimate requirements will be.

Councilor McIlroy asked when Charles will meet with ADOT next?

Charles stated next week. We'll meet twice a month until October then every week thereafter.

Councilor DiNunzio stated the first three bullets on the new scope of contract, will they lead you to a conclusion on the current safety of the road day and night? And is the scope of work in these three bullets larger than the scope of work in the initial proposal?

Dawn stated yes. The scope of work is much larger. The corridor was lengthened and the time frames to be out observing.

Tim Ernster stated one additional item is reviewing the ADOT Route Transfer Study. There is value in doing that to make sure the study is thorough and complete and there aren't any items that should have been included in there.

Dawn stated those things coupled with looking at a longer history of accident data drove the cost up.

Councilor Ward stated he'd like to hear what the public has to say about engaging in discussion with ADOT to find out what it is we're dealing with or should we just walk away.

Councilor Rayner stated when it comes to accident data evaluation it seems like we've done an awful lot of this. We've had a pedestrian safety panel, it seems like we've got that information in hand. Are we just beating a dead horse?

Charles stated looking at accident history and looking at safety are correlated. You look for trends and then if the trends indicate something that's happening at a given location, then you look at different things. Maybe it was the businesses. Maybe looking at the accident would show repeating themes. In order for them to adequately develop safety recommendations they need to see what's happening in the corridor. Looking at the corridor for safety recommendations versus looking at a warrant study is different. You might find, by looking longer that you might spot trends that might be overlooked in a shorter study.

Dawn stated there are two separate things going on. There's the warrant study which is looking for a time period for data. If we pick any certain time frame we can pretty much make data do just about anything we want it to do. In this case, looking over the longer period of time, it will allow us to look for any particular pattern and ask what was going on at that time. It will give us a broader aspect for the reasons behind.

Councilor McIlroy stated if we go into contract with you, your study will be contemporaneous with the negotiation process. Your input would be critical in the final negotiation stages with ADOT. If you come up with things and ADOT promises to do them all before handing the road over, that's a critical ingredient to do the best job we can.

Dawn stated she agrees.

Vice Mayor Hamilton stated on the site visit, what's a team constitute?

Dawn stated we'd bring about 4 people to look at all aspects of the roadway condition. The roadway designer, traffic engineer, construction manager and someone to log, take pictures, and we'd be doing that for several conditions. We'd do that for a.m. peak hour, p.m. peak hour and two off-peak periods, as well as night time conditions.

Vice Mayor Hamilton stated obtaining information from the Verde Valley Traffic study, is that dated?

Charles stated that was conducted for Yavapai County. It was finished in 2008. It provides the basis for looking at traffic volume expectations throughout the county through the year 2030. It was one of the reasons why he'd requested in past budgets we be allowed to do traffic studies to correlate with that study. It's a current study. It's the basis for many requests for funding over the next several years.

Vice Mayor Hamilton stated the third item references a safety assessment? Are you talking about the 89A Pedestrian Safety panel?

Dawn stated it's a roadway assessment and safety recommendations, which would be us looking at the entire corridor of the roadway.

Vice Mayor Hamilton stated there is a Wednesday work session scheduled for November 10, that is 3 months from now, could you have a report to us 5-6 days prior to the 10<sup>th</sup> or would it be late November?

Dawn stated that's our current plan, to get it to you by the 10<sup>th</sup>. We'll need continuous coordination but we can make it happen with everyone's cooperation.

*Vice Mayor Hamilton took it to the public at 6:57 p.m.*

Charlotte Gourley, Sedona, stated she wholeheartedly supports Council learning as much as possible before making final decisions. She believes two new traffic lights at Airport Road and Andante are needed and will make a big difference. They'll also help preserve our dark skies. She appreciates the efforts Council is going through right now; gathering and analyzing facts.

Susan Vitek, Sedona, stated she's the only here that wants to lessen the work load. We shouldn't go forward at all with this study. It doesn't make sense to put forth all that effort and staff time unless you're pretty sure you know at the end you're going to want to take over that road. Councilor Ward said do you think we should just walk away. And another Councilor said are we beating a dead horse. And she agrees with both of them. She wishes they not do anything with this.

Ernie Strauch, Sedona, read from his letter: "I rise to support your efforts to learn more about what a turnback of SR89A would entail financially before making a final decision of what is the best course of action for the citizens of Sedona. To do otherwise, I believe is irresponsible and not in keeping with what you were elected to do. Under what condition is it wise to make a decision before gathering pertinent facts that are obviously obtainable? I offer a fair analogy to the situation you face. You go to your personal physician for a routine annual physical. After looking at the lab tests preceding your physical, the doctor announces you have cancer and you are going to die. How many of you say "Oh, OK," leave the office, seek no alternative advice, treatment or confirmation and go home to die? That's what happened here. My Council asked ADOT to study pedestrian safety on 89A (i.e. Do lab tests) and report the findings and recommendations to us. ADOT did not report the findings until the next Council was seated, and then merely stated their unilateral conclusion... "you need continuous roadway lighting" (you've got cancer.) And if you don't put lights in, the liability will do you in (you're going to die)! I suggest the prudent thing to do before accepting the diagnosis of death is to seek a second opinion. You've walked into the second doctor's office, now spend your \$25,000 and see him! It's interesting to note that cities all over this country are turning their streetlights off- for budgetary reasons. Nogales turned off 879 streetlights. Santa Rosa removed 6,000 lights and turned off another 3,000 after midnight. Over 3,000 lights were turned off in Fitchburg, MA, and Belmont, MA, is shutting off 2/3 of their 2,400 streetlights. Colorado Springs has turned off 8,000 of theirs. Do you suppose all these cities are going to die from liability exposure? Why is Sedona forced to go in the opposite direction? I suggest demanding the answer from ADOT in the course of our staff negotiations. Finally, I sent each of you today a USA Today article on Hawk, on demand pedestrian lights. They were invented in Tucson 10 years ago and have been installed in Tempe just recently. Why does ADOT appear ignorant or unwilling to apply this technology to Sedona? A question for negotiators and CivTech Engineering."

#### **Mayor Adams returned at 7:04 p.m.**

Steve DeVol, Sedona, stated he reviewed the July 27 contract and the minutes from the July 13 meeting and he found several discrepancies in the minutes and the contract that was put on the city's web site. It seems as though what Council asked for is not what it was going to get in this contract. But that has been addressed and there's a new contract for Council today. He can only assume it works for Council since the public hasn't seen it yet. We've beat this horse to death. We've studied it to death. It seems we're going to study it more. He doesn't know what the new figure is on the new contract. He's heard double. It just seems like we study and study, we already have a lot of studies we can use. He trusts that their judgment will make sure that the contract works. He supports your decision to go ahead with the study. It's a very simple situation. You can't say "no" without knowing everything, nor can you say "yes." Those here who say "don't go there, don't take the highway back." How can they say that without knowing all the facts? He

supports them wholeheartedly in their decision to move forward and study this. Don't say no or yes, just do learn more. We make an intelligent decision later.

Patrick Hickey, Sedona, we elected you to be our representatives and autonomously knowing how important our lives are here. He doesn't believe ADOT has any relationship to the meaning of community. We've elected you to look out for us and care about our quality of life. You ought to look into the cost of this because he doesn't trust ADOT, he trusts you. Keep up the good work.

George Moore, Sedona, he's noticed the economic impact of construction on SR 179 for the past 3 years on businesses and the livelihood of the community. Everyone is really being hurt in this economic turndown. Please, in this study, and he appreciates that we're going ahead with the study, but look at it also from an economic standpoint. Do we have to do 2-3 years of medians? Another construction project will bury this town, it will destroy the businesses. He's seen that for the past 3 years. A lot of his friends have gone out of business and it's unfortunate.

Cole Greenberg, Sedona, stated he wants to talk about the dead horse in the bathtub that's the take back of SR89A in Uptown. It was a financial debacle that was visited upon this community. The Council at that time, none of you, took staff information as direction. Staff has a perspective. They're not dishonest, but they have their own perspective. When Tim Ernster came to town he noticed we have about twice as number of vehicles as needed and he did something about it. That was a circumstance was reflective of a runaway staff getting whatever it wanted but the staff is pretty much the same as it was that day. We have another monster in the space and that is ADOT, a runaway government agency. They are arrogant and angry with Sedona, that's what we have to deal with. It's going to be a bar room fight and anything we get from them we're going to have to fight for. They're not going to be nice to us and why should they? They want to bloody our nose in public for what we did on SR179. We should negotiate with them. Let's get every single thing we can from them. We don't know where the limits are. Don't give up. We need to have SR89A reflect Sedona. We have anything but contact sensitive design on SR89A. Let's get that. Don't spend the farm, get it from ADOT. Let's go. You have him and you have the community in the corner if you approach this that way. Advice is not direction no matter where it comes from.

Cliff Ochser, Sedona, he's a business owner and was a member of the 89A safety panel. He expects Council will do the right thing and educate themselves to install real safety improvements. He's here to speak to those who oppose this agenda item and as a result choose to be ignorant. It's remarkable that people speak against performing due diligence and gathering facts. This might be the most important decision this Council ever makes. At this meeting and the last work session many people spoke against doing due diligence. How can they stand up and say don't do your homework, don't get the facts, just stick your head in the sand. Everyone in this room is ignorant on this position including himself. The only responsible thing is to study the issue and make an informed decision. The bottom line is that you should do your homework that's why we elected you. Do the hard work and make an informed decision either way. That's why we elected you, except Mr. DiNunzio because you weren't elected. And those that appointed you were thrown out of office. He's sure we can count on your 'no' vote.

Doug Blackwell, Sedona, stated he's a retired engineer and was on the 89A safety panel. He has most of the data, research, reports and safety measures recommended by the panel that will help you. He has 2007-09 Sedona Police Department crash data. Regarding a 12-year study, that's a long period of time, but he likes 2002-2010 better. What you'll find is that from 2006-2007 things changed, it became very, very safe. Added patrols were put on and the speed limit was lowered and then increased enforcement was implemented and then jay-walking enforcement was implemented. In 2006-2007 Sedona changed drastically. He'd be glad to sit down free of charge. Today we have almost nothing happening at night. Don't waste too much staff time he'd be happy to help with what he already has. He recommends Council approve continued education and entering turnback talks. Some claim a turnback will cost over half a million per year. It will cost nothing until 2026 to resurface it again. Sedona will possibly have all its bonds paid off by then making local control quite affordable. After 15 years it's possible that collected gas taxes could be used. We need to make sure to ask for those taxes in the negotiations. ADOT has offered to pay for the Andante traffic light work which is good. ADOT has offered \$750,000 maintenance cost and an additional \$2.7 million for safety upgrades on 89A, which you could use for three Hawk style lights which cost \$25,000 each. Federal grants are also available for cities. Not doing a turnback will result in at least 6 months of construction along 89A. There will be an 8-foot wide trench along both sides of 89A and all the trees and shrubs will be torn up. Sedona will look very bad for 10-20 years.

*Vice Mayor Hamilton closed it to the public at 7:20 p.m.*

**Vice Mayor Hamilton called a break at 7:20 p.m.**

**Council returned to session at 7:34 p.m.**

Tim Ernster stated he wants to assure Council that under normal circumstances staff wouldn't want to bring a revised scope of work at the 11<sup>th</sup> hour, normally we'd table the item. Staff felt there were important concerns that came up about the scope of work. We had those discussions with Mayor Adams and Vice Mayor Hamilton late Thursday afternoon. We felt there was merit to those concerns. We have a good chance to make that November 10<sup>th</sup> deadline but we need to bring that forward. We feel the expanded scope of work is important to give Council the information they're going to need to make an informed decision. The new contract amount is \$41,000 in the recommended motion. There was quite a bit of work added. We feel that work is important. It came up earlier that we will need some of the information from Dawn's firm as we enter into the negotiations.

Councilor Rayner stated one thing that threw him for a loop was that these two letters had the same date on them, July 27, 2010. How did that happen? When a letter comes into the city he thought we would date anything of this significance when it goes into the archives?

Dawn stated we automatically have an update that changes that header, we need to go back to figure out why that didn't get updated.

Councilor Rayner stated we need to look out for things like this because our whole perspective of issues depends on these pieces of information.

Councilor Ward asked why Dawn was under the impression she was going to give us one thing that wasn't asked for.

Charles stated when he spoke on July 13 he thought it was clear we would do a pedestrian safety study. He thought what he understood was what was in the first scope. That's why the consultant gave me those numbers and options.

Dawn stated to answer the part of what has changed: In the first scope we were looking at options that have already been presented. This scope is taking a fresh look at the entire corridor and coming up with things independent of what have already been presented. It lengthened the corridor from the "Y" to the high school. We're looking at the entire corridor of the roadway. We need to be out there with twice as many people for twice as much time to make sure we have all aspects of the road covered. The accident data review and giving that data back will take some extra time. We won't be looking at funding issues, but we'll provide cost estimates for maintenance.

Councilor Ward stated all the way to the high school and the "Y" were areas that we weren't interested in taking back anyway?

Dawn stated the length would change so it would reduce the hours. She doesn't know how much it might reduce but they'd be happy to look at that.

Councilor Ward stated could we modify the contract to limit some roadway for cost savings?

Dawn stated absolutely.

Councilor Ward stated most councilors found a new contract this afternoon with a larger cost.

Councilor McIlroy asked if Dawn has seen John Halikowski's letter with his proposal.

Dawn stated we've reviewed letters from ADOT with regard to the timeframe.

Councilor McIlroy stated one of the paragraphs stated they'd provide \$2.7 million. Would she be doing the same thing?

Dawn stated they'd be doing a fresh perspective, looking at other guidelines and standards as well as national standards. What we come forward with may be a lot less as far as overall costs.

Councilor DiNunzio stated he understands that ADOT doesn't want to own pieces of the road with us owning pieces on either side. Will ADOT move of that position. If they don't and we have information that there aren't any issues on that dark stretch, would staff decide if that needs to be studied by a consultant?

Charles stated we're already asking them to look from Y to the High school as starting point. If we're able to narrow down the area, then we'd go back to the consultant saying can we back off the study and save some costs as we move ahead? The issue we're faced with now is getting started. We have to get started from where we are. Once we get to

revised limits we'd want to go back to them and say based on these revised limits then how does that affect going forward with the study. We can adjust, but he doesn't recommend doing it right now.

Tim Ernster stated in our meeting with ADOT this morning, we told them that from this point, when we discuss a route transfer, we're only discussing the same area that was discussed for roadway lighting. That's a point of negotiation for ADOT. We're assuming the area is from Airport to Dry Creek Road. We're also assuming their numbers are for maintaining that area. We're also trying to establish a starting point for them. We need to look at the entire corridor and we need the flexibility to start with that position and see where we end up.

Mayor Adams stated we need to look at the entire corridor in terms of maintenance cost. The safety issues that we need to look at is from Soldiers Pass to Dry Creek. Why are we paying them to look at the additional sections, when that's not the area we need to study from a safety standpoint? How important is it to review the West Sedona Transfer Study in being able to come up with good recommendations?

Dawn stated it's an important aspect if we're trying to bring forward a comprehensive report. It's not 100% necessary but it's important.

Charles stated initially ADOT's area ranged from the "Y" to the high school. The idea of just looking at safety improvements between Dry Creek and Soldiers Pass or Airport Road, that's where the majority of comments are going to fall. It could make sense to just limit it to that. he doesn't see a whole lot going down the hill.

Mayor Adams asked what the difference in cost would be by limiting it just from Dry Creek Road to Airport Road.

Charles stated it's \$19,950 for the Roadway Assessment. It's about a \$3,000 difference.

Mayor Adams stated we could make a motion with the direction to adjust the area of the study. One of his primary concerns is the validity of what Dawn does and how that would stand up in a court case. Can she enlighten him on how strong her recommendations would be from a legal standpoint?

Dawn stated it would show that Council acted on behalf of the city to address the safety issues and move forward under the pretense of meeting current legislation for safety. It's meeting national standards, so you could move forward knowing what your exposure would be. It would show that you did take that effort. Us, as a civil engineering firm, licensed with the state, they would call us and we would be accountable that it met what the current standards are.

Councilor DiNunzio stated if we change the parameters of the road length, he'd suggest we move it from Dry Creek Road up to where KAZM and Pinion Road are. There was a pedestrian fatality there in 2006.

Councilor Rayner stated in Dawn's letter the last two sentences says any additional items will be billed at an hourly basis. Who is the client? Would staff give the go-ahead or Council?

Tim Ernster stated if there are any associated costs with regard to this contract, it'd come back to Council first.

Vice Mayor Hamilton stated it seemed like we had clear agreement on directing staff to move forward with negotiations with ADOT. We can take a vote on that or we can vote on both together after comments.

Councilor Ward stated he'd feel more comfortable to have a presence in the negotiation group. The whole discussion hinges on where the money comes from and what kind of access does Sedona have for it. We're talking about federal money, NACOG funds and state funds. The money for resurfacing is being provided to ADOT from the state. He'd like to know we have the same claim we have on those funds that ADOT has. If we don't have equal stature in claiming those monies it weighs heavy on his mind and he'd rather have ADOT worry about it. Those are numbers we'd have to nail down.

Tim Ernster stated we'll be doing that separate from the negotiations.

Councilor Ward stated he needs some hard factual information on that. He wants to know the financial implications in terms of our access to federal and state dollars for maintenance of the roadway.

Councilor DiNunzio stated he presumes that as we move forward that we will interact with staff with regard to how this all fits with the Community Plan Update. He has a couple of specific items he's passionate about that we'd negotiate with ADOT, we'd have an opportunity to discuss those with staff?

Tim Ernster stated that's correct. We'd come back to Council with periodic reports. Right now the negotiating team is himself, Charles and John O'Brien. It's not necessary to have a Council representative but if Council wants one that's something we can do.

Mayor Adams stated he supports approving this resolution because we really don't have the information we need to make a decision. We're put in a decision right now to be faced with a turnback. We don't have alternatives if ADOT retains the roadway. We have not done due diligence in the past. It's clear that many in this community feel that lights are not the best alternative, so he feels we need to go down that path and look at what it's going to take to provide alternatives. Nobody said medians will be part of the solution. Some in the public must be getting information he doesn't have. It's imperative that we move forward and do that investigative work.

Vice Mayor Hamilton stated it seems we need an Executive Session discussing our standards for negotiating with ADOT. Is that do-able for tomorrow night?

Mike Goimarac stated you'd have to do it separately assuming you could do it in Executive Session. You're allowed to go into Executive Session for discussion in order to consider a position regarding contracts that are the subject of negotiations, settlement discussions. The problem he sees is that the basis to go into Executive Session for contracts seems to be tied to getting legal advice rather than to discuss negotiations purely for negotiations. He's having a hard time fitting it into the parameters that the law requires. We can look at that a little closer and maybe get some other opinions but it

seems like it's more designed to be consultation with attorneys in order to avoid litigation problems.

***Motion: Mayor Adams moved to approve Resolution 2010-22 directing staff to begin negotiations with ADOT regarding a route transfer of portions of SR 89A within the City of Sedona. Seconded by Councilor Rayner. Vote: Motion carries unanimously with six (6) to zero (0).***

Councilor Ward asked how long it would take Dawn to come up with the grid she has for separate things.

Dawn stated a couple of days.

Councilor Ward asked if we can ask for that condition so we can see the cost difference between the two.

Mayor Adams asked Council if they feel it necessary to have CivTech do research on the entire corridor or should we limit that scope to Airport to Dry Creek Road? You know it will cost less than it does now.

Charles stated Council allowed staff within parameters to make contract adjustments in the past. Perhaps we can negotiate down and keep it moving and report back.

Dawn stated we have no problem working in a not-to-exceed fee.

Councilor DiNunzio stated what the mayor is suggesting is that we'd contract with the study for a portion of the road less than the amount of road we might be taking back. We wouldn't study Airport Road to the "Y" and Dry Creek Road to the high school. Is staff comfortable taking over the road without those portions of the study?

Charles stated at this point, yes. He's not aware of a great deal of issues there.

Mayor Adams stated in the alternative, if it's a difference of \$3,000 and we're looking at an additional mile or two that's not initially part of that study, if it's an extra \$3,000 and it would make sense to study the whole corridor he'd like to give staff the ability to do that.

Vice Mayor Hamilton stated he can see the engineering study not going all the way to the high school though ADOT may want to do that. It doesn't sound like a lot of money to include that in the study. The last death on that highway occurred in that section. We need to look beyond Dry Creek Road. ADOT referenced an issue on Cook's Hill of rock fall, and drainage. There are issues that we might not know of. To not include that section may mean we're not learning something we need to learn. He could see taking Juniper out to the high school out of the study, but not delete the part from Airport Road to the Y. The prepared motion seems to prepare us to trust staff to negotiate what we need to have done.

Councilor Ward asked if Dawn's study includes rock fall and drainage problems.

Dawn stated they'll look at anything ADOT has already identified.

Charles stated when she reviews the transfer document, she can say does this seem to be complete and bring expertise to it. If there's been a rock fall into the street or sidewalk she can comment on that from a safety perspective.

Councilor Ward asked if her study would look at the issues Vice Mayor Hamilton identified.

Charles stated no.

Vice Mayor Hamilton stated he'd assume addressing rock fall would be covered.

Charles stated it'd be addressed by asking staff if they seem like they've been covered. To get into a detailed hydrologic analysis won't happen.

*Motion: Vice Mayor Hamilton moved to authorize the City Manager to enter into a professional services contract with CivTech Engineering for the purpose of preparing a report that analyzes and makes recommendations regarding the pedestrian, bicycle and motor vehicle safety needs of West SR89A in Sedona and provides a cost of range for their construction and maintenance, consistent with the revised scope of work. CivTech shall also analyze and comment upon the ADOT West Sedona Route Transfer Study. The funding for this study shall be drawn from the City's unappropriated contingency fund in an amount not to exceed \$41,000. Seconded by Councilor DiNunzio. Vote: Motion carries unanimously with six (6) in favor and zero (0) opposed.*

Councilor McIlroy asked what areas we are going to ask the consultant to study.

Mayor Adams stated he suggested having staff analyze the difference between the two distances in the study and use their discretion on whether it's financially reasonable to reduce the amount in the study. That'd be the direction.

Charles stated staff could also look at 1998 versus 2002 and use staff discretion.

Vice Mayor Hamilton confirmed.

Councilor DiNunzio asked about changing the review of the study from 1998 to 2010.

Councilor Ward asked if 4 years would make much difference in the study cost.

Dawn stated not that much difference. It's just hours of staff time.

Councilor DiNunzio stated the longer the study, the more apparent trends become. He'd suggest we stay with 1998 as staff designed it.

Council agreed.

**d. AB 1055 Selection process of the finalist for Public Artwork Competition for SR179 roundabouts at the "Y" and Brewer Road Discussion/Possible Action.**

Ginger Wolstencroft introduced the volunteers of the Art in Public Places Committee. In June 9, 2009, council approved the Art in Public Places Committee move forward with the project. Since that time we've had 13 public meetings. There was a listening session held where the public expressed their opinions of art in the roundabout. The process was agreed upon and approved by Council on Feb. 23, 1010. The three finalists are selected. They plan to have a community session on Sept. 16 for the public to provide their opinion. From that process the committee would select its finalist. There can be other community sessions if Council wishes. We'll use news releases and advertisements announcing these upcoming meetings. The committee will select a finalists based on public opinion.

*Mayor Adams opened it to the public at 8:34 p.m.*

Ernie Strauch, Sedona, stated the art is the roundabouts at the Y are going to represent something that says a lot about Sedona. He hasn't seen any of them yet. It's at least as important a process as the Uptown sculpture. In that case we had several weeks of display and we had some preference. There was some discussion and Ginger was concerned with it being a vote. The entire city was invited to give preferences for the 179 project. It was clear that just because they were voting, that didn't mean that's what we're going to do. If the preference comes in 2-1, it's hard for the group not to listen to that. Preferences are important. If it comes in close, then certainly, let's let the experts do it. He's concerned that the public can only see and comment in 2 hours.

Jeff Dolan, Sedona, stated the last Monet painting sold for \$5.5 million. At the first exhibition the public laughed at his work. This is the city that the public voted to have a bridge as its city seal. You have a committee, you have people dedicated to art that know art. You'd have plenty of public input if people showed up. These people are charged with a specific job and they've done their job. public art can be political. You can trust the people you've chosen to choose the art. The whole circus atmosphere that you stuff the ballot box.

Councilor Rayner stated he's like to explain why he asked to have this agendized. APPC did a terrific job in reducing the 20 applications to 3 finalists. Judging art is very subjective. You had a numerical system which he was glad they didn't put too much weight into. You did the right thing. he's a strong believer in democracy. The public deserves the chance to make the final choice. You've already done the hard and a damn fine job, the public really can't go wrong. They have to look at the work for years to come. He has to take opposition to the fact that plumbers can't judge art. Art is in the eye of the beholder. We need to let the public vote on this. He never saw the choices. All the public heard was a discussion. He knows there will be models in the library. Two days is not enough time. He'd like to see the public have a voice in this. It is public money that pays for the art.

Katie Hamilton, Sedona, stated she was part of committee of Sedona Women who offered to donate money for this. A big part to do this was public involvement. That was our passion was to involve our community and ignite this so people would get excited about this. Our purpose was community involvement.

*Mayor Adams brought it back to Council at 8:46 p.m.*

Councilor DiNunzio stated he wants to make sure the public makes the selection of two choices.

Councilor Rayner stated correct. He wants the public to have the choice 2 out of 3.

Councilor DiNunzio stated the public display ought to be for a long period of time and in multiple places so the community can look at these pieces and we can decide if they're going to be voting for them or not. They shouldn't just be here for 2 hours.

Councilor Ward asked if the up in Uptown was selected by popular vote.

Ginger stated it was selected by popular vote.

Councilor Ward asked what the downside of having the models in a couple places is and asking for public preference.

Ginger stated the main concern of the committee is it being considered a vote. We're more than willing to have them on display and having opinion cards there, but the preference would be to have listening sessions where we have the public come and see the displays with the artists' statements. The box will be there to submit their cards. Having a box like we did the first time we did a public vote may lend itself to something we may not want if it's considered a public vote. Opinion is something the committee is so receptive to.

Councilor Ward stated he assumes all three are quality pieces of work. What role would public involvement play? Don't ask him to pick something that's better than something else. What Katie said is important, we have a community that likes buy-in. He doesn't think a vote is important, but opinion would be good.

Ginger stated you have to be careful about moving the models a lot. She'd prefer we have them here at city hall at a community listening center. She wouldn't feel comfortable storing them here. We're going to have to have the artist bring them in and move them to a different location. If we were to have them here at city hall, as part of a community listening session, we'd be able to provide the plenty of public input.

Robert Albrecht, member of the Art in Public Places Committee, stated there are 3 chosen artists, each artist is actually doing two roundabouts, so it's one out of the 3 that will be selected to do both of the roundabouts for consistency. We want both of the roundabouts to compliment each other. There are 3 groups of artists that are in the running.

Councilor McIlroy stated it's only fair the public has significant input in choosing the art. But you prefer the committee have the final say.

Ginger confirmed.

Councilor McIlroy asked why she resists the public having the final say.

Ginger stated the process of how do we have an accurate public vote is the problem. How can you determine the person is a city of Sedona resident. Do we have any guarantee the

name and address is a citizen. There are concerns that it wouldn't be valid. When we had the vote on the first Uptown sculpture competition. 880 votes were cast totally, 22 were rejected.

Councilor McIlroy stated no matter what the public chooses you'd have a competent design that would be alright. He'd like to see the committee take more credence into what the public wants.

Ginger stated they're not keeping them out of the loop if they ask for their opinion on it.

Vice Mayor Hamilton stated there's probability Council will have a work session that on Sept. 15 so that won't work. A strong public involvement is essential. He'd suggest, instead of make it a burden, we make it an event. Suppose we had an event in the afternoon at the library. The public could come and give their opinion. We don't need to move them around, but we make a celebration about it.

Councilor Rayner stated we have people every Council meeting, we don't ask people to take out their license and validate they actually live in Sedona and we take their word for it, so this argument that you'll get a lot of people that are voting more than once or stuffing a ballot box, doesn't hold any water. We have to take it in good faith, we don't check people's credentials here.

Ginger stated if they're coming to do a public opinion, it wouldn't be our regular comment cards, we'd create a card.

Councilor Ward stated he likes Vice Mayor Hamilton suggestion about a public event to get public involvement, would it be too radical to do that in the Performing Arts Center?

Ginger stated we need to get going and going fast. That's not ready. If we were to do a Saturday event, we could find a location. Would you also like a community listening here at city hall? Perhaps we could hold it at the Sedona Arts Center instead of at the library.

Mei Wei Wong stated if we're going to have public opinion we need to have a chance for people who work on weekends.

Mayor Adams stated he likes Ernie's idea. He supports a strong public process. He was concerned when he read about the lack of public dialogue. He didn't feel they were engaging the community. Is time of the essence?

Ginger stated it has to go the A&C, then the award of contract has to go to council. We want to allow the artists plenty of time to create the pieces by next fall.

Mayor Adams suggested three public viewings. He suggests that we call it a public preference, in a ballot form, the committee would look at that and if there's strong evidence that the community supports one piece, that you listen to that. we're all going to get hung to the nearest tree if the perception is we didn't get public input.

Vice Mayor Hamilton stated he could buy that if one of the 3 was more of a celebration.

Mayor Adams stated he suggests three occasions over a good amount of time so the public can look at it. We're all going to be better off if we get public buy in. Council direction is let's get it out to the public. Market it in a way that's going to get the public involved.

It doesn't have to be three different locations, just three times.

Ginger stated we'll still have one here.

Mayor Adams stated the age is they must be able to write. He'd like to get the youth involved.

Ginger stated our listening session was the committee wasn't going to dialogue; they wanted to hear from the people who came.

***Motion: Mayor Adams moved to approve the selection process whereby the Art in Public Places Committee will display the maquettes of the 3 finalists for the public artwork competition for the SR179 roundabouts on three different dates to be determined. The committee will request public preference through a balloting process. Final determination of the finalist will be made by the Art in Public Places committee. Seconded by Councilor McIlroy. Vote: Motion carries unanimously with six (6) in favor and zero (0) opposed.***

**e. AB 1053 Approval of a bid award for the Northview Lift Station project; Discussion/Possible Action.**

Andy Dickey stated bids were opened on July 27; the low bidder was Citywide contracting who later requested their bid be withdrawn due to an error. Staff recommends Council allow them to withdraw their bid and award the contract to the second lowest bidder, Tiffany. The cost of the project is still within budget for this project.

Charles Mosley stated we're looking to Council for direction.

Mayor Adams took it to the public at 9:15 p.m., not seeing any he brought it back to Council.

Councilor McIlroy stated he added the error to Citywide and it's still the lowest bid. Would it be kosher to still give it to them?

Charles stated it's an option but we wouldn't recommend it.

Mike Goimarac stated it's also opening up some problems whenever you allow a bidder to bid low, see their mistake and then correct it after they see the other bids. It could lead to more problems and a possible dispute by Tiffany.

Councilor Rayner stated the engineers estimate was \$409,000. Tiffany is \$469,000, that's a big difference. The fact that you took it out so many decimal places makes it seem like they were pretty certain, so why is theirs coming out higher than theirs?

Charles stated it is a big difference. We have to rely on where the actual industry people are. Our number turned out to be too low. When you look at City Wide's corrected number at \$450,000 and Tiffany's number at \$469,000 that tells us our number was low.

Councilor Rayner stated can we ask Tiffany to use local labor or will they do that automatically?

Charles stated Tiffany keeps their crews and they tend to be local people.

Councilor DiNunzio stated refresh his memory as to why we're locating the pump station.

Charles stated it has had a lot of operational problems. We get a lot of calls to go out to it. The actual lay out of the station isn't a good lay out for the kind of sewage going to it. It's a superior site.

Councilor DiNunzio asked if we've had problems with City Wide in the past.

Charles stated he's not aware of any. He thinks it's just a mistake on their part. We have the option not to give the bond back, but he recommends not doing that.

Councilor Ward stated how did we end up with at lift station that doesn't serve us?

Charles stated years ago we took over a lot of existing effluent systems from a homeowners association.

***Motion: Councilor McIlroy moved to allow City Wide Contracting, LLC, to withdraw its bid, and award the contract to Tiffany Construction, the second lowest bidder, in the amount of \$469,105.00. Seconded by Councilor Rayner. Vote: Motion carries unanimously with six (6) in favor and zero (0) opposed.***

**f. AB 1054 A Resolution declaring Floodplain Management documents to be public records and separate ordinances adopting them for portions of the city in Coconino and Yavapai Counties; Discussion/Possible Action.**

Charles stated because the city is located in two counties you have two ordinances to approve. One for Yavapai County and one for Coconino County. The Arizona Department of Water Resources requires that we adopt the ordinances in order for us to stay current. If the city were not to adopt this we could find ourselves putting city residents where they couldn't purchase flood insurance.

Mayor Adams opened it to the public at 9:24 p.m. not seeing any he brought it back to Council.

***Motion: Councilor Rayner moved to approve Resolution 2010-23 establishing as a public record those certain documents filed with the Sedona City Clerk and entitled "Floodplain Management Criteria [44 CFR 60.3][October 1, 2002]", Flood Insurance Rate Maps (FIRMs)[2010]", and "Flood Insurance Study (FIS)[2010]", as prepared by the Federal Emergency Management Agency (FEMA). Seconded by Councilor Ward. Vote: Motion carries unanimously with six (6) in favor and zero (0) opposed.***

**Ordinance 2010-11**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF SEDONA, AS SITUATED IN COCONINO COUNTY, ARIZONA, PERTAINING TO THE NATIONAL FLOOD INSURANCE PROGRAM, ADOPTING BY REFERENCE REVISED FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS, AND FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

*Approval of an Ordinance for the Coconino County Area:*

*Motion: Councilor Rayner moved to approve Ordinance 2010-11 as situated in Coconino County, Arizona, pertaining to the National Flood Insurance Program, adopting by reference the revised Flood Insurance Study and Flood Insurance Rate Maps, and Floodplain Management Regulations; providing for repeal of conflicting ordinances; providing for severability; and providing penalties. Seconded by Vice Mayor Hamilton. Vote: Motion carries unanimously with five (5) in favor and zero (0) opposed. (Councilor DiNunzio stepped out).*

**Ordinance 2010-12**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF SEDONA, AS SITUATED IN YAVAPAI COUNTY, ARIZONA, PERTAINING TO THE NATIONAL FLOOD INSURANCE PROGRAM, ADOPTING BY REFERENCE REVISED FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS, AND FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

*Approval of an Ordinance for the Yavapai County Area:*

*Motion: Councilor Rayner moved to approve Ordinance 2010-12 as situated in Yavapai County, Arizona, pertaining to the National Flood Insurance Program, adopting by reference the revised Flood Insurance Study and Flood Insurance Rate Maps, and Floodplain Management Regulations; providing for repeal of conflicting ordinances; providing for severability; and providing penalties. Seconded by Councilor Ward. Vote: Motion carries unanimously with six (6) in favor and zero (0) opposed.*

**g. Future Meeting/Agenda Items; Discussion.**

Mayor Adams stated on Thursday, August 12, there will be a meeting. On August 19, there will be an intergovernmental meeting in Cottonwood in the Public Safety Building. No Council meeting on the August 24. We're off until September 14.

Councilor Ward stated you know his strong feelings on keeping the public informed. He's planning on preparing an article with regard to our discussion on the turnback stuff. He'll send it to Tim to check for factual whatever. Tim already submitted it.

Vice Mayor Hamilton stated he has an article already written on Sunday.

Councilor Ward stated he'd send Vice Mayor Hamilton what he already did and told Vice Mayor Hamilton to submit his own article and not Councilor Ward's.

**10. Executive Session**

**Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes:**

- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. §38-431.03(A)(3).
- b. Return to open session. Discussion/possible action on executive session items.

**11. Adjournment:** Mayor Adams adjourned the meeting at 9:32 p.m. without objection.

I certify that the above is a true and correct summary of the Regular City Council Meeting held on August 10, 2010.

\_\_\_\_\_  
Alison E. Carney, Deputy City Clerk

\_\_\_\_\_  
Date