



**CITY COUNCIL
AGENDA BILL**

**AB 1137
December 14, 2010
Regular Business**

Agenda Item: 9e
Proposed Action & Subject: Discussion/direction and/or possible action regarding the public education and input process of a proposed route transfer of portions of State Route 89A within the City limits.

Department	City Manager
Time to Present	15 minutes
Total Time for Item	30 minutes
Other Council Meetings	10/12/2010
Exhibits	A. Draft Frequently Asked Questions II

City Attorney Approval	Reviewed 12/2/10. M. Goimarac	Expenditure Required	
		\$ 2,500.00 - \$20,000.00	
City Manager's Recommendation	Discuss the citizen participation and education process for consideration of a route transfer of SR89A and provide staff direction or take action	Amount Budgeted	
		\$ 307,500*	
		Account No. (Description)	10-5245-15-261 General Fund Spendable Contingency
		Finance Approval	<input checked="" type="checkbox"/> * approximately \$50,000 of these funds have already been allocated to the consultant study. This account also provides the source of funds for claims payouts.

SUMMARY STATEMENT

Background: At its August 10th Special City Council meeting, the City Council approved a resolution authorizing staff to negotiate with the Arizona Department of Transportation (ADOT) for a possible route transfer of SR 89A. Council also authorized a contract with CivTech Engineering to evaluate alternative pedestrian, bicycle and vehicle safety improvements on SR89A in lieu of continuous roadway lighting. Staff brought a draft process for Citizen Participation on the Route Transfer to Council on October 12, 2010. At that time, Council directed staff to take the following actions:

On or about November 23, 2010 [staff] would bring back CivTech Engineering Study, have a public presentation on status of negotiations with ADOT, and also be a presentation on availability of Federal and State funding for projects on SR 89A. Between that date and January 1, 2011 the information would be sent to the public via various sources. From January 1, 2011 until the end of January would be the opportunity to receive public feedback through listening session or other tools,

surveys then would have a target date of February to make a decision. Will ask ADOT for 60 days rather than 30 days to give a little bit of flexibility.

Progress continues per the October 12, 2010 decision. The City negotiating team has been meeting with the ADOT team since August, and negotiations have resulted in the development of a financial framework. Negotiations have now turned to the development of a legal document. The draft final report from CivTec and final negotiated financial framework was presented at Council's November 23, 2010 meeting. In addition, the ADOT Board agreed to a time extension, allowing Council to make a final decision on a Route Transfer no later than February 28, 2011.

The public outreach and education process has already begun. The process suggested at the October 12 meeting is subject to refinement. The following is a summary of what has been accomplished, on-going efforts, and suggested steps for the future.

November 10 - January 31. Information regarding the negotiations with ADOT posted on the City's website and distributed to media outlets and outreach outlined below would occur.

1) OCCURRED – November 11, 2010. Results of CivTech Engineering analysis posted on the City's website. This will remain posted.

2) OCCURRED - November 17, 2010. Frequently Asked Questions (FAQs) article regarding Route Transfer published in the Sedona Red Rock News, sent to all other local media (including Sedona.Biz Sedona Times/Eye on Sedona)

3) OCCURRED - November 22, 2010. FAQ article sent to Sedona Main Street and Chamber of Commerce for email blast and posted to City Website.

4) OCCURRED - November 23. Public presentation of the findings of the CivTech Engineering study, Route Transfer Negotiations, and any other State/Federal Funding Sources for SR 89A. Representatives of CivTech presented their findings to City Council regarding SR89A. These findings included a review of the ADOT Route Transfer Study, and analysis of the costs of alternative traffic safety improvements for daytime and nighttime vehicular, pedestrian and bicycle safety that meet minimum national traffic standards. Staff made a detailed presentation on the status of the negotiations, including what is being offered by ADOT for the route transfer. Staff also presented information regarding availability of State/Federal funds outside of what is ensured through the financial framework established as part of the Route Transfer Negotiation.

5) OCCURRED - November 29, 2010. FAQ from Tim Ernster sent out in all Wastewater Bills.

6) November 29 – December 16.

a. A Route Transfer Feedback Questionnaire is developed by staff and an independent surveyor, Behavior Research Center. Once finalized, this will be posted on the City's website and distributed at community meetings, soliciting feedback from citizens regarding the findings of the route transfer negotiations and the CivTech Engineering analysis. The survey firm will also perform a formal

statistically valid survey based on the questionnaire to determine community support for a route transfer. There should be sufficient time to conduct the survey prior to the City Council making a formal decision.

b. A Follow-up FAQ Regarding Negotiations and CivTech Report is developed by the City Manager for distribution to all media outlets, inserted in wastewater bills, disbursed at public meetings, posted on the City's website, and used as talking points for Council and Staff. This will be provided in the same or similar format to the first FAQ regarding Route Transfer, but will focus on specific negotiation terms, impacts to the City, and possible safety improvements to be implemented by the City if City owned.

c. City Manager (or other involved staff) and a Councilor attend as many civic group/service organization/community organization meetings as possible in order to provide information based on the FAQ's, provide a presentation, and answer questions. In order to accommodate as many groups as possible, staff will attempt to schedule meetings for "teams" of one councilor and one staff member in order to maximize our resources. (examples of groups to attend include the Lodging Council, Keep Sedona Beautiful, Realtor's Association, Gallery Association, Rotary, Main Street, Chamber of Commerce, etc...)

7) Week of January 10th, 2011. Open House held at the Library (scheduled for Thursday, January 13 from 4:00 p.m. to 8:00 p.m.) and will include graphics of the lighting proposal and CivTech recommendations, a presentation of factual information regarding the Route Transfer negotiation and recommended improvements, and a feedback questionnaire for public input. Representatives from the City, ADOT, and possibly CivTech would be available to answer questions.

8) January 19, 2011. Regularly scheduled neighborhood listening scheduled for SR 89A Area. The meeting is also recommended as an opportunity for the public to provide input regarding the route transfer. However, as this is a regular neighborhood listening, input on other topics would also be welcome just as is provided to all neighborhood listening areas. All council members would be present and the meeting scheduled to be held at the West Sedona School. As is the practice for a neighborhood listening, individual mailers are planned for properties located on SR 89A from the "Y" to Rodeo. All others will be encouraged to attend through regular publications, the City website and contact with community groups.

9) January 5 – January 31, 2011. Behavior Research Center conducts Statistically Valid Survey (via phone).

10) February 9, 2011. City Council meets to discuss Public Feedback, Results of Statistically Valid Survey, and Public Process. Provides any further direction to staff regarding the Council's vote on February 22.

11) February 22, 2011. City Council votes on Route Transfer

12) February 22 – February 28, 2011. ADOT formally notified of Council decision on Route Transfer & public information regarding decision disseminated.

Throughout the process, staff would circulate press releases to the local media outlets. Additionally, the topic of City Talk Columns in December/January could address the possible route transfer. Given the importance of this decision, staff is supportive of a comprehensive approach to soliciting feedback from the community and informing and educating the public about the possible route transfer. The combination of educational presentations, informal feedback/questionnaires and a statistically valid survey should serve to provide council several types of public input, both opinion-based and statistically valid.

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s): The City Council could add or delete additional steps in the citizen participation and education process and can also change the suggested dates for specific activities.

MOTION

The City Council could either provide general direction to staff or make a formal motion.

I MOVE TO: Direct staff to take the following steps to implement a citizen participation and information process regarding a possible route transfer of SR89A and fund any associated costs from the General Fund Operating Contingency:

(List specific steps)

Action Minutes
Regular City Council Meeting
City Council Chambers, Sedona City Hall,
102 Roadrunner Drive, Sedona, Arizona
Tuesday, December 14, 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 Litrell read the City's Vision Statement.

2. Roll Call: Mayor Adams, Vice Mayor Cliff Hamilton, Councilor Mark DiNunzio, Councilor Barbara Litrell, Councilor Dan McIlroy Councilor Dennis Rayner, Councilor Mike Ward excused absence,

Staff: City Manager Tim Ernster, Assistant City Manager Alison Zelms, City Attorney Mike Goimarac, Community Development Director John O'Brien, Assistant Community Development director Audree Juhlin, Senior Planner Long-Range Planning Mike Raber, Development Services Supervisor Jim Windham, Director of Public Works Charles Mosley, Police Chief Ray Cota, Community Services Director Andi Welsh, City Clerk Randy Reed.

3. Consent Calendar - Approve

- a. Minutes - November 23, 2010 City Council Regular Meeting.
- b. **AB 1118 Approval of contract with Cooper Aerial for Aerial Mapping of the SR 179 corridor in the amount of \$18,500.**
- c. **AB 1128 Approval of appointment of Harry E. Cipriano as Magistrate Pro Tem.**
- d. **AB 1133 Approval of contract with Brewer Brothers Contracting Incorporated for snow removal on SR 89A, SR 179 and city streets in the amount of \$15,000.**

Consent item d pulled.

Motion: Councilor Litrell moved to approve the consent calendar items a, b, and c. Seconded by Councilor Rayner. Vote: Motion carries unanimously with six (6) in favor and zero (0) opposed.

Motion: Councilor Litrell moved to approve consent item d the contract with Brewer Brothers Contracting Incorporated for snow removal on SR 89A, SR 179 and city streets in the amount of \$15,000, subject to approval of a contract by the City Attorney. Seconded by Councilor DiNunzio. Vote: Motion carries unanimously with six (6) in favor and zero (0) opposed.

4. Appointments

- a. **AB 1135 Discussion/possible action regarding the appointment of nine Sustainability Commission Members.**

Motion: Councilor Vice Mayor Hamilton moved to approve the following appointments to the Sustainability Commission: Brent Bitz, 3-year term; Marlene Rayner, 3-year term; Ernie Strauch, 3-year term; Sarah Irani, 2-year term; Meghan Kincheloe, 2-year term; William "Bill" Welter, 2-year term; Kristopher Spector, 1-year term; Charles Schudson, 1-year term; and Jeff Heidt, 1-year term.. Seconded by Councilor DiNunzio. Vote: Motion carries unanimously with six (6) in favor and zero (0) opposed.

- b. **AB 1142 Discussion/possible action regarding the appointment of Robert McElvain to the Parks and Recreation Commission.**

Motion: Councilor Rayner moved to appoint Robert McElvain to a three year term to the Parks & Recreation Commission, beginning January 1, 2011 and ending December 31, 2013. Seconded by Councilor Vice Mayor Hamilton Vote: Motion carries unanimously with six (6) in favor and zero (0) opposed.

5. Community Plan Update-Report/Discussion

An update was provided by Mike Raber, Senior Planner Long-Range Planning.

6. Summary of Current Events

A summary of past and future current events was given by the Council Members.

7. Public Forum

No public input.

8. Awards & Proclamations None

10. Regular Business

- a. **AB 1115 Discussion/possible action on a Memorandum of Understanding in support of the Verde Valley Regional Trails Concept Plan.**

Introduction by City Manager Tim Ernster.

Presentation by Andi Welsh and Tammy DeWitt Senior Planner Yavapai County.

Mayor Adams took it to the Public at 5:03 P.M.

Sarah Irani, Sedona, spoke in support of the trails plan.

Brought back to Council at 5:04 P.M.
Council Discussion.

Motion: Councilor DiNunzio moved to approve a Memorandum of Understanding regarding the Verde Valley Regional Trails Concept Plan. Seconded by Councilor Rayner Vote: Motion carries unanimously with six (6) in favor and zero (0) opposed.

- b. **AB 1136 Discussion/possible action on a resolution and ordinance amending the Sedona City Code, by creating regulations for sidewalk dining.**

Introduction by Tim Ernster, Presentation by Mike Goimarac.
Attorney Goimarac noted there were a couple of typo's in the Ordinance and they would be corrected in the final version.

Mayor Adams took it to the Public at 5:20 P.M.

Tosca Henry, Cottonwood, spoke in support of sidewalk dining.
Al Spector, Sedona, spoke in support of sidewalk dining.

Brought back to Council at 5:28 P.M.

After Council Discussion:

Motion: Councilor Litrell moved to approve Resolution No. 2010-33, creating a public record setting forth the terms of a proposed amendment to the Sedona City Code establishing regulations for sidewalk dining. Seconded by Vice Mayor Hamilton. Vote: Motion carries unanimously with six (6) in favor and zero (0) opposed.

After first reading:

Motion: Councilor Litrell moved to approve Ordinance No. 2010-18 amending the Sedona City Code, Article 7-14, by establishing regulations governing sidewalk dining. Seconded by Vice Mayor Hamilton. Vote: Motion carries unanimously with six (6) in favor and zero (0) opposed.

- c. ***AB 1125 Discussion/possible action on a resolution and ordinance amending the Sedona City Code to a revise the Abatement of Rubbish and Dilapidated Structures.***

Introduction by Tim Ernster. Presentation by Mike Goimarac.

Mayor Adams took it to the Public at 5:50 P.M.

Ernie Strauch, Sedona spoke in support of the ordinance.

Brought back to Council at 5:53 P.M.

After Council Discussion:

Motion: Vice Mayor Hamilton moved to adopt Resolution 2010-34 declaring the content of revised Sedona City Code Article 9-3 (Abatement of Rubbish and Dilapidated Structures) to be a public record. Seconded by Councilor Rayner. Vote: Motion carries unanimously with six (6) in favor and zero (0) opposed.

After first reading:

Motion: Vice Mayor Hamilton moved to adopt Ordinance 2010-19 replacing existing Article 9-3 of the Sedona City Code with revised Article 9-3 (Abatement of Rubbish and Dilapidated Structures). Seconded by Councilor Rayner. Vote: Motion carries unanimously with six (6) in favor and zero (0) opposed.

BREAK 5:59 – 6:10

- d. ***AB 1119 Discussion possible action regarding approval of dues payment to Northern Arizona Municipal Waters Users Association in the amount of \$1,680.02.***

Introduction by Tim Ernster, Presentation by Charles Mosley.

Mayor Adams took it to the Public at 6:24 P.M.

No Input

Brought back to Council at 6:24 P.M.

After Council Discussion:

Motion: Mayor Adams moved to approve payment of the dues to the Northern Arizona Municipal Water Users Association. Seconded by Councilor Rayner. Vote: Motion carries unanimously with six (6) in favor and zero (0) opposed.

- e. ***AB 1137 Discussion/direction and/or possible action regarding the public education and input process of a proposed route transfer of portions of State Route 89A within the City limits.***

Introduction and presentation by Tim Ernster. Presentation by Alison Zelms.

Council Questions, Council Discussion regarding public presentations.

After Council Discussion:

Directed staff to take the following steps to implement a citizen participation and information process regarding a possible route transfer of SR89A and fund any associated costs from the General Fund Operating Contingency:

City Council agreed to the suggestions from staff other than item 6C, staff will make presentations to various community groups, Council Members may be in attendance during the presentations and all presentations will be noticed, Council interested in two presentations (Q&A) at the Open House. At the listening session staff will give a presentation regarding the turnback. The format of the Q&A is left the same. Where the survey says "may" staff will talk to BRC about making it more similar to how it is explained in the FAQ where it mentions minimum safety.

Mayor Adams took it to the Public at 7:39 P.M.

Ernie Strauch, Sedona spoke regarding the open house at the Library, suggesting multiple presentations followed by questions and answers.

Cliff Octtser, Sedona spoke regarding the proposed survey.

Brought back to Council at 7:46 P.M.

- f. ***Future Meeting/Agenda Items; Discussion Possible Action***

Motion: Vice Mayor Hamilton moved that the council meeting scheduled for Wednesday December 15, 2010 be postponed to a future date. Seconded by Councilor Rayner. Vote: Motion carries four (4) in favor and two (2) opposed. Mayor Adams and Councilor DiNunzio dissenting.

Discussion:

10. Reports/Discussion on Council Assignments

No reports

11. 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. Discussion and consultation with representatives concerning negotiations for the possible acquisition of real property for recreation purposes per ARS Sec. 38-431.03(A)(7).
- c. Discussion with legal counsel regarding a claim filed by HFP, Inc., and various individual claimants related to the assessment of the capacity standby fee on undeveloped properties in the Mystic Hills and Indian Cliffs subdivisions per A.R.S .§ 38-431.03(A)(4).

Motion: Motion by Councilor Litrell to enter Executive Session in the Vultee Conference Room. Seconded by Vice Mayor Hamilton. Vote: Motion carries with six (6) in favor and one (0) opposed.

Entered Executive Session at 8:20 p.m.

Motion by Councilor Litrell to come out of executive session. Seconded by Vice Mayor Hamilton. Vote: Motion carries unanimously with six (6) in favor and zero (0) opposed.

Returned to open session at 9:44 p.m. Discussion/possible action on executive session items.

- 12. Adjournment:** Mayor Adams adjourned the meeting at 9:44 p.m. without objection.

I certify that the above are the true and correct actions of the Regular City Council Meeting held on December 14, 2010.

Randy Reed, CMC, City Clerk

Date