

AGENDA

4:30 P.M.

CITY OF SEDONA, CITY COUNCIL MEETING

TUESDAY, JULY 26, 2016

NOTES:

- Public Forum: Comments are generally limited to **3 minutes**.
- Consent Items: Items listed under Consent Items have been distributed to Council Members in advance for study and will be enacted by one motion. Any member of the Council, staff or the public may remove an item from the Consent Items for discussion. Items removed from the Consent Items may be acted upon before proceeding to the next agenda item.
- Meeting room is wheelchair accessible. American Disabilities Act (ADA) accommodations are available upon request. Please phone 928-282-3113 at least two (2) business days in advance.
- City Council Meeting Agenda Packets are available on the City's website at:

www.SedonaAZ.gov

GUIDELINES FOR PUBLIC COMMENT

PURPOSE:

- To allow the public to provide input to the City Council on a particular subject scheduled on the agenda.
- This is not a question/answer session.

PROCEDURES:

- Fill out a "Comment Card" and deliver it to the City Clerk.
- When recognized, use the podium/microphone.
- State your:
 1. Name and
 2. City of Residence
- Limit comments to **3 MINUTES**.
- Submit written comments to the City Clerk.

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE/ROLL CALL

2. CITY'S VISION

3. CONSENT ITEMS - APPROVE

LINK TO DOCUMENT = 

- Minutes - July 12, 2016 City Council Special Meeting. 
- Minutes - July 12, 2016 City Council Regular Meeting. 
- Minutes - July 13, 2016 City Council Special Meeting. 
- AB 2144 Approval of a resolution authorizing a modification to the Intergovernmental Agreement between the Arizona Department of Revenue and the City of Sedona providing for administration of the Transaction Privilege Tax (TPT), as required under A.R.S. § 42-6001. 

4. APPOINTMENTS - None

5. SUMMARY OF CURRENT EVENTS BY MAYOR/COUNCILORS/CITY MANAGER

6. PUBLIC FORUM

(This is the time for the public to comment on matters not listed on the agenda. The City Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.)

7. PROCLAMATIONS, RECOGNITIONS & AWARDS - None

8. REGULAR BUSINESS

- AB 2142 Discussion/possible action regarding approval of a letter to the Arizona Department of Transportation (ADOT) expressing the City's support of suicide prevention measures at Midgley Bridge, and specifically supporting the design of a physical barrier on the bridge, as proposed by ADOT. 
- Reports/discussion on Council Assignments.
- Discussion/possible action on Future Meeting/Agenda Items.

9. EXECUTIVE SESSION

If an Executive Session is necessary, it will be held in the Vultee Conference Room at 106 Roadrunner Drive. 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:

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

10. ADJOURNMENT

Posted: _____

By: _____

Susan L. Irvine, CMC
City Clerk

CITY COUNCIL CHAMBERS
102 ROADRUNNER DRIVE, SEDONA, AZ

The mission of the City of Sedona government is to provide exemplary municipal services that are consistent with our values, history, culture and unique beauty.

AGENDA

4:30 P.M.

CITY OF SEDONA, CITY COUNCIL MEETING

TUESDAY, JULY 26, 2016

Page 2, City Council Meeting Agenda Continued

Note: Pursuant to A.R.S. § 38-431.02(B) notice is hereby given to the members of the City Council and to the general public that the Council will hold the above open meeting. Members of the City Council will attend either in person or by telephone, video, or internet communications. The Council may vote to go into executive session on any agenda item, pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney. Because various other commissions, committees and/or boards may speak at Council meetings, notice is also given that four or more members of these other City commissions, boards, or committees may be in attendance.

A copy of the packet with material relating to the agenda items is typically available for review by the public in the Clerk's office after 1:00 p.m. the Thursday prior to the Council meeting and on the City's website at www.SedonaAZ.gov. The Council Chambers is accessible to people with disabilities, in compliance with the Federal 504 and ADA laws. Those with needs for special typeface print, may request these at the Clerk's Office. All requests should be made **forty-eight hours** prior to the meeting.

CITY COUNCIL CHAMBERS
102 ROADRUNNER DRIVE, SEDONA, AZ

The mission of the City of Sedona government is to provide exemplary municipal services that are consistent with our values, history, culture and unique beauty.

**Action Minutes
Special City Council Meeting
Vultee Conference Room, Sedona City Hall,
106 Roadrunner Drive, Sedona, Arizona
Tuesday, July 12, 2016, 3:00 p.m.**

1. Call to Order

Mayor Moriarty called the meeting to order at 3:00 p.m.

2. Roll Call

Roll Call: Mayor Sandy Moriarty, Vice Mayor John Martinez, Councilor Scott Jablow, Councilor Tom Lamkin, Councilor Jon Thompson, Councilor Jessica Williamson.

Staff in attendance: Assistant City Manager Karen Osburn, City Attorney Robert Pickels, Jr., City Clerk Susan Irvine.

3. Executive Session

Motion: Councilor Thompson moved to enter into Executive Session at 3:00 p.m. Seconded by Vice Mayor Martinez. Vote: Motion carried unanimously with six (6) in favor and zero (0) opposed.

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. **Discussion and consultation with legal counsel to consider the City's position and instruct its attorneys regarding possible litigation against Sun Edison. This matter is brought in executive session pursuant to A.R.S. 38-432.03(A)(3)&(4).**
- b. **Return to open session. Discussion/possible action on executive session items.**

4. Adjournment

Mayor Moriarty adjourned the meeting at 3:48 p.m.

I certify that the above are the true and correct actions of the Special City Council Meeting held on July 12, 2016.

Susan L. Irvine, CMC, City Clerk

Date

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Action Minutes
Regular City Council Meeting
City Council Chambers, Sedona City Hall,
102 Roadrunner Drive, Sedona, Arizona
Tuesday, July 12, 2016, 4:30 p.m.

1. Call to Order/Pledge of Allegiance/Moment of Silence/Roll Call

Mayor Moriarty called the meeting to order at 4:30 p.m.

Roll Call: Mayor Sandy Moriarty, Vice Mayor John Martinez, Councilor Scott Jablow, Councilor Tom Lamkin, Councilor Jon Thompson, Councilor Jessica Williamson.

Staff Present: Assistant City Manager Karen Osburn, City Attorney Robert Pickels, Jr., Public Works Director & City Engineer Andy Dickey, Engineering Supervisor Stephen Craver, Associate Engineer David Peck, Arts & Culture Coordinator Nancy Lattanzi, City Manager Intern Jasmine Jewell, City Clerk Susan Irvine.

2. City's Vision/Moment of Art

A video of the City's vision was played. Nancy Lattanzi introduced artists who are in residence this summer at the Summer Art Colony at Verde Valley School. They were: Ella Edwards from Australia who played guitar, Christopher Johnson from Rhode Island who performed spoken word, Ian Frazier from Louisiana who played saxophone, and Karin Wolf, Arts Manager for the City of Madison, Wisconsin who discussed her residency and experience as a cultural manager in Sedona.

3. Consent Items

- a. **Minutes - June 28, 2016 City Council Special Meeting #1.**
- b. **Minutes - June 28, 2016 City Council Special Meeting #2.**
- c. **Minutes - June 28, 2016 City Council Regular Meeting.**
- d. **Approval of Proclamation, Sedona Kindness Day, November 2016.**
- e. **AB 2092 Approval of award of a Job Order Contract to Tiffany Construction Company, Inc. in the approximate amount of \$1,625,000 for construction of drainage improvement projects (including projects for the Coffee Pot Drainage Basin and the Brewer Road/Tlaquepaque area of Soldier Wash).**
- f. **AB 2093 Approval of a resolution authorizing the execution of an Intergovernmental Agreement (IGA) between the City of Sedona and the Yavapai County Flood Control District (YCFCD) for contribution of \$325,000 in drainage funds to be used for the Coffee Pot Crossing Drainage Project.**
- g. **AB 2115 Approval of award of a Job Order Contract extension with Cactus Asphalt, Inc. in the approximate amount of \$1,360,000 for street maintenance projects during Fiscal Year 2017.**
- h. **AB 2123 Approval of a recommendation regarding a Liquor License Acquisition of Control/Agent Change application for the Series 12 Restaurant Liquor License for Sound Bites Grill, 101 N Hwy 89A, F29, Sedona, AZ (License #12033319).**
- i. **AB 2125 Approval of a Special Event Liquor License for a Red Earth Theatre fundraising event scheduled for Saturday, August 27, 2016 located at the Hub, 525-B Posse Grounds Road, Sedona, AZ.**

- j. **AB 2128 Approval of a Special Event Liquor License for the Sedona Chamber of Commerce for an event scheduled for Thursday, August 25, 2016 located at National Bank of Arizona, 1470 State Route 89A, Sedona, AZ.**
- k. **AB 2137 Approval of a resolution authorizing an Intergovernmental Agreement between the City of Sedona and the Arizona Department of Transportation for the Sanborn Drive-Thunder Mountain Road Overlay Project.**

Item 3e was pulled at the request of staff.

Item 3g was pulled at the request of Vice Mayor Martinez.

Motion: Vice Mayor Martinez moved to approve consent items 3a, 3b, 3c, 3d, 3f, 3h, 3i, 3j, and 3k. Seconded by Councilor Williamson. Vote: Motion carried unanimously with six (6) in favor and zero (0) opposed.

Pulled Consent Items

3e - AB 2092 Approval of award of a Job Order Contract to Tiffany Construction Company, Inc. in the approximate amount of \$1,625,000 for construction of drainage improvement projects (including projects for the Coffee Pot Drainage Basin and the Brewer Road/Tlaquepaque area of Soldier Wash).

Questions from Council.

Item was deferred until August 9, 2016.

3g - AB 2115 Approval of award of a Job Order Contract extension with Cactus Asphalt, Inc. in the approximate amount of \$1,360,000 for street maintenance projects during Fiscal Year 2017.

Questions from Council.

Motion: Vice Mayor Martinez moved to approve consent item 3g. Seconded by Councilor Jablow. Vote: Motion carried unanimously with six (6) in favor and zero (0) opposed.

4. Appointments – None.

5. Summary of Current Events by Mayor/Councilors/City Manager

Councilor Williamson and Mayor Moriarty attended the potluck last week for the artists' colony at the Verde Valley School and were very impressed. The Collective is hosting a reception for the artists on Thursday from 6:30 to 8:30 p.m., and the last potluck is on Sunday. Councilor Thompson stated that there is a Plantpalooza on Saturday at Natural Grocers about plant based eating. The League of Women Voters is hosting a Forum day in Cottonwood on Saturday, in the Village of Oak Creek on Monday for the supervisor candidates, and on Tuesday at the Sedona Public Library for Sedona City Council candidates.

6. Public Forum – None.

7. Proclamations, Recognitions, and Awards - None.

8. Regular Business

a. AB 2139 Discussion/possible action on the distribution of funding awards in the categories of community building, economic stimulation and arts & culture through the City's Small Grants Program for the 2017 fiscal year.

Introduction by Karen Osburn. Presentation by Stephanie Giesbrecht, Chair and Program Facilitator for the Small Grants Citizen Work Group, Larry Lineberry, member of the Work Group, and Karen Osburn.

Comments and questions from Council.

Opened to the public at 5:22 p.m.

Gail Moore, Sedona, spoke on behalf of Cornucopia Community Advocates and the Sedona Kindness project.

Gloria Woody, Village of Oak Creek, chair of Sedona Kindness Week, spoke on behalf of the Sedona Kindness funding request.

Brought back to Council at 5:32 p.m.

Opened to the public at 5:48 p.m.

Bill Pumphrey, Village of Oak Creek, Keep Sedona Beautiful Board Member, spoke on behalf of the Litter Lifters funding request.

Brought back to Council at 5:54 p.m.

Opened to the public at 5:55 p.m.

Eric Holowacz, Sedona Arts Center, spoke on behalf of the funding requests for the Artist in Residence Program, Plein Air Festival, and Community Arts Outreach.

Brought back to Council at 6:15 p.m.

Opened to the public at 6:20 p.m.

Cathleen Healy Baiza, Sedona, Director of the Sedona Community Food Bank, spoke on behalf of their funding request.

Vince Monaci, Sedona, President of the Sedona Community Food Bank, spoke on behalf of their funding request.

Brought back to Council at 6:27 p.m.

Opened to the public at 6:31 p.m.

Jill McCutcheon, Sedona Recycles, spoke on behalf of their funding request.

Brought back to Council at 6:37 p.m.

Opened to the public at 6:39 p.m.

Paul Sullivan, Village of Oak Creek, spoke on behalf of the funding request for the Sedona Red Rock Trail Fund.

Brought back to Council at 6:46 p.m.

Opened to the public at 6:48 p.m.

A-Jay Bronson, Sedona, spoke on behalf of the funding request for the Sedona Swim Team.

Brought back to Council at 6:56 p.m.

Opened to the public at 6:57 p.m.

Mike Upp, Cornville, spoke on behalf of the funding request for the Sedona Visual Artists Coalition.

Brought back to Council at 7:01 p.m.

Opened to the public at 7:02 p.m.

Kent Ellsworth, Village of Oak Creek, spoke on behalf of the funding request for Mitzvah Day.

Brought back to Council at 7:07 p.m.

Opened to the public at 7:07 p.m.

Marion Maby, Sedona, spoke on behalf of the funding request for Verde Valley Sinfonietta.

Brought back to Council at 7:10 p.m.

Opened to the public at 7:11 p.m.

Amy Aossey, Sedona, spoke on behalf of the funding request for the Yavapai Food Council.

Brought back to Council at 7:16 p.m.

Comments from Council.

Break at 7:25 p.m. Reconvened at 7:43 p.m.

Motion: Councilor Jablow moved to postpone deliberation on this topic until a future meeting date. Seconded by Councilor Williamson. Vote: Motion carried with five (5) in favor and one (1) opposed. Councilor Lamkin opposed.

- b. AB 2132 Discussion/possible action to approve a Request for Proposals and associated contract documents to seek proposals from private hauler(s) to provide a Citywide, City-managed residential trash and recycling program.**

Presentation by Karen Osburn.

Questions from Council.

Opened to the public at 7:53 p.m.

Robert O'Donnell, Sedona, spoke in opposition to the proposal.

Brought back to Council at 7:56 p.m.

Comments from Council.

Motion: Councilor Thompson moved to approve the Exhibit A RFP document. Seconded by Councilor Williamson. Vote: Motion carried unanimously with six (6) in favor and zero (0) opposed.

- c. Reports/discussion on Council assignments – None.**
- d. Discussion/possible action on future meeting/agenda items.**

Council requested that the allocation of grant funds be scheduled as soon as possible, and that the discussion regarding grant expectations and parameters for the next grant cycle be scheduled after the City Council is seated following the Fall election.

9. 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.**

No Executive Session was held.

10. Adjournment

Mayor Moriarty adjourned the meeting at 8:02 p.m. without objection.

I certify that the above are the true and correct actions of the Regular City Council Meeting held on July 12, 2016.

Susan L. Irvine, CMC, City Clerk

Date

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Action Minutes
Special City Council Meeting
Joint Meeting with Planning & Zoning Commission
City Council Chambers, Sedona City Hall,
102 Roadrunner Drive, Sedona, Arizona
Wednesday, July 17, 2016, 3:00 p.m.

1. Call to Order/Pledge of Allegiance/Moment of Silence

Mayor Moriarty called the meeting to order at 3:00 p.m.

2. Roll Call

Roll Call: Mayor Sandy Moriarty, Vice Mayor Martinez, Councilor Scott Jablow, Councilor Tom Lamkin, Councilor Jon Thompson, Councilor Jessica Williamson.

Chairman Marty Losoff, Vice Chair Kathy Levin, Commissioner Randy Barcus, Commissioner Eric Brandt, Commissioner Avrum Cohen was absent and excused. Commissioner Larry Klein and Commissioner Gerhard Mayer were absent and not excused.

Staff Present: Assistant City Manager Karen Osburn, City Attorney Robert Pickels Jr., Community Development Director Audree Juhlin, Principal Planner Warren Campbell, Senior Planner Cari Meyer, GIS Analyst Lisa Luers, City Clerk Susan Irvine.

3. Special Business

- a. AB 2129 Discussion/possible direction on the preparation, by CityScape Consultants, Inc., of possible zoning amendments to Article 17 (Wireless Communication Facilities) of the Land Development Code and the development of a citywide Wireless Master Plan to help guide the future development and construction of wireless infrastructure within the community.**

Introduction by Karen Osburn. Presentation by Susan Rabold, Project Manager, and Elizabeth Herington-Smith, Government Relations/Marketing Manager, with Cityscape Consultants, Inc.

Questions and comments from Council and Planning & Zoning Commission.

Presentation and discussion only. No direction given.

- b. Discussion/possible action on Future Meeting/Agenda items**

Mayor Moriarty advised that the grant discussion from last night will be concluded on August 10, 2016 at 3:00 p.m.

4. 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.**

No Executive Session was held.

5. Adjournment

Mayor Moriarty adjourned the meeting at 5:01 p.m. without objection.

I certify that the above are the true and correct actions of the Special City Council Meeting held on July 13, 2016.

Susan L. Irvine, CMC, City Clerk

Date



**CITY COUNCIL
AGENDA BILL**

**AB 2144
July 26, 2016
Consent Items**

Agenda Item: 3d

Proposed Action & Subject: Approval of a resolution authorizing a modification to the Intergovernmental Agreement between the Arizona Department of Revenue and the City of Sedona providing for administration of the Transaction Privilege Tax (TPT), as required under A.R.S. § 42-6001.

Department	Finance
Time to Present	N/A
Total Time for Item	
Other Council Meetings	December 9, 2014
Exhibits	A. Proposed Resolution B. Proposed Modification

City Attorney Approval	Reviewed 7/18/16 RLP	Expenditure Required
		\$ 0
City Manager's Recommendation	Approve the resolution authorizing a modification to the IGA with ADOR for the administration of TPT tax collection and distribution.	Amount Budgeted
		\$ 0
		Account No. N/A (Description)
		Finance <input checked="" type="checkbox"/> Approval

SUMMARY STATEMENT

Background: Last summer all cities and towns entered into a new Intergovernmental Agreement (IGA) with the Department of Revenue (DOR) for the administration of Transaction Privilege Tax, as required under A.R.S. § 42-6001. The IGA allowed for the parties (cities and towns collectively and DOR) to modify the agreement if necessary by mutual agreement. Several issues were presented over the course of the past year that did indeed need to be addressed, so a review process was initiated by DOR working with the League and key city and town representatives. The attached document is the result of this review effort.

This "Modification to Intergovernmental Agreement between the State of Arizona and the City of Sedona" constitutes an extension of the existing agreement with the noted changes, effective from and after July 1, 2016.

While the City of Sedona is attempting to get this modification approved ASAP after receiving this request by the League of Arizona Cities and Towns, this document is considered effective from and after July 1, 2016 regardless of when the Council acts.

Once approved, staff will return two signed hard copies of the "Modification to Intergovernmental Agreement between the State of Arizona and City of Sedona" to the DOR Cities Unit.

SUMMARY OF CHANGES TO THE IGA

The attached modification (Exhibit B) incorporates five agreed upon changes into the existing intergovernmental agreement between the City and DOR (Department) related to the collection of the City transaction privilege tax. Below is a summary of the intent and impact of each change by section.

1) 9.6 Adjustments to Reported Taxes

The addition of this new section addresses an issue that came up during the past year. In some cases, the Department knew there was an error by the taxpayer in identifying which city or town was supposed to receive the tax, but there was no mechanism allowing them to hold the distribution while the error was being corrected. As a result there were instances when the DOR had to send funds to a city or town knowing it was incorrect, only to pull those funds back in a subsequent distribution after the error had been resolved. This change allows the Department to avoid these incorrect distributions and recoveries when they are aware of a problem from the outset.

2) 9.7 Taxpayer Rulings and Uniformity

The addition of this new section provides for municipal input in the drafting of rulings and interpretations that impact the Model City Tax Code, including interpretations of State statute that flow through to the MCTC because the Model language matches the State language. Under current statute, the DOR is responsible for addressing all taxpayer written requests for rulings, even when the question is based on the Model City Tax Code. This section allows the cities to have some influence over issues raised by taxpayers that have a direct impact on local tax imposition and interpretation, without disrupting the normal course of business within the Department on routine matters.

3) 10. Financing Collection of Taxes

This section is being amended by adding the second sentence. This addition recognizes that the cities and towns have agreed to a statutory financial obligation to contribute to the State for the operation of the DOR, and this obligation is not in conflict with the Department's TPT collection and administration efforts being financed through the State general fund appropriation.

4) 28.1 (relating to automatic annual renewal of the agreement)

This section has been changed to remove the specific years in the original document, so this section will not need to be changed annually. Also, this section added a provision stating any

agreed upon changes that arise from the annual review in Section 28.5 are retroactive to July 1st of each year. The agreement automatically renews without any action unless there are modifications agreed upon in any given year, and if so, you only need to adopt the modifications.

5) 28.5 (relating to annual review of the IGA)

This section has been changed to state the review period begins on June 1st, rather than requiring the review being completed by March 1st. The March 1st deadline was simply unrealistic given the legislative session responsibilities of many of the typical reviewers.

Community Plan Consistent: Yes - No - Not Applicable

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s):

There are really no alternatives to approving the modification. Both the modification and the IGA are required under state statute. Statute also requires DOR to administer TPT for all local jurisdictions, including all of the current program cities and towns. Regardless of whether Sedona executes the agreement, DOR is and will continue to provide the statutorily required services and they will do so in the manner described in the IGA and new modifications to the IGA.

MOTION

I move to: approve Resolution No. 2016-___ authorizing the execution of a Modification to the Intergovernmental Agreement between the Arizona Department of Revenue and the City of Sedona.

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RESOLUTION NO. 2016- ____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE MODIFICATION TO INTERGOVERNMENTAL AGREEMENT BETWEEN THE ARIZONA DEPARTMENT OF REVENUE AND THE CITY OF SEDONA, REGARDING THE ADMINISTRATION OF TAXES IMPOSED BY THE STATE, CITIES OR TOWNS.

WHEREAS, The Arizona Department of Revenue, hereinafter referred to as Department of Revenue and City of Sedona, hereinafter referred to as City, have entered into an Intergovernmental Agreement regarding the administration of taxes imposed by the State or City dated June 23, 2015, hereinafter referred to as the IGA, and

WHEREAS, the Department of Revenue and the City/Town intend to continue with the IGA for an additional one year term in order to determine whether the general terms of the IGA meet the parties' needs, with the exception of the modifications set forth in the Modification to Intergovernmental Agreement between the State of Arizona and City of Sedona.

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

The City of Sedona, through its Mayor and Council, hereby approves the Modification to Intergovernmental Agreement between the State of Arizona and City of Sedona for the administration of transaction privilege tax, and authorizes the Mayor to execute said modification on behalf of the City of Sedona, Arizona.

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this 26th of July, 2016.

Sandra J. Moriarty, Mayor

ATTEST:

Susan L. Irvine, CMC City Clerk

APPROVED AS TO FORM:

Robert Pickels Jr., City Attorney

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**MODIFICATION TO INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA AND CITY OF SEDONA**

WHEREAS, The Arizona Department of Revenue, hereinafter referred to as Department of Revenue and City of Sedona, hereinafter referred to as City, have entered into an Intergovernmental Agreement regarding the administration of taxes imposed by the State or City, hereinafter referred to as the IGA, and

WHEREAS, the Department of Revenue and the City intend to continue with the IGA for an additional one year term in order to determine whether the general terms of the IGA meet the parties' needs, with the exception of the modifications set forth below.

The parties agree to modify the IGA as follows effective July 1, 2016:

1. Add the following new subsection to Section 9, Collection of Municipal Taxes:

9.6 Adjustments to Reported Taxes: If the Department of Revenue determines that a payment remitted by a taxpayer incorrectly identifies the city or town to which the payment should be made, the Department of Revenue may temporarily hold the payment until the distribution of the payment is corrected so that the appropriate city or town receives the payment.

2. Add the following new subsection to Section 9, Collection of Municipal Taxes:

9.7 Taxpayer Rulings and Uniformity: Recognizing taxpayer written requests for interpretation of the statutes and/or the Model City Tax Code, as well as guidance regarding uniform application and interpretation of the statutes and the Model City Tax Code impact all taxing jurisdictions, and further recognizing responsibility for such rulings and interpretation of the Model City Tax Code had previously been the sole domain of the municipalities, the Department shall include at least two representatives of the municipalities as regular members of any group established to respond to such taxpayer ruling requests and to issue such uniform interpretations and guidance promulgated by the Department. Participation by the two representatives of the municipalities on any such group is limited to instances when there is an issue raised that solely involves the Model City Tax Code and/or presents an issue of first impression, including requests for private taxpayer rulings. The municipal representatives may also be consulted by the Department on information letters, or when issuing statements of general guidance. Written requests involving common questions or issues that have previously been addressed, whether unique to the Model City Tax Code or not, may be handled in the regular course of Department processes without consulting the representatives of the municipalities.

3. Amend Section 10, Financing Collection of Taxes as follows:

10. Financing Collection of Taxes.

The costs incurred by the Department in administering this Agreement shall be financed through the State general fund appropriation to the Department. This provision does not relieve City of any financial obligation imposed by statute.

4. Amend subsection 28.1 of Section 28, Duration, relating to automatic renewal of the agreement as follows:

28.1 The term of this Agreement shall be from July 1 through June 30 of each year. This Agreement shall automatically be renewed for successive one year terms thereafter unless either party shall terminate this Agreement by notice, in writing, no later than sixty calendar days prior to the expiration of the term then in effect. Any agreed upon modifications to the terms and conditions of this agreement shall be incorporated to be effective during the term identified by the review committee provided for in section 28.5.

5. Amend subsection 28.5 of Section 28, Duration, relating to annual review of the agreement as follows:

28.5 During the term of this Agreement, the terms and conditions of this Agreement will undergo an annual review to be initiated no later than June 1st of each year. The review will be performed by a committee made up of equal parts representatives of the Department and representatives of the municipal taxing jurisdictions entering into an IGA with the Department for the administration and collection of Municipal Taxes.

Signature Authority.

By signing below, the signer certifies that he or she has the authority to enter into this Agreement and has read the foregoing and agrees to accept the provisions herein. This modification may be executed in counterparts.

Signature	Date	Signature	Date
Typed Name and Title		Typed Name and Title	
Entity Name		Entity Name	

RESERVED FOR THE ATTORNEY GENERAL:	RESERVED FOR CITY ATTORNEY:
<p>Attorney General no. _____, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952 by the undersigned Assistant Attorney General who has determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to the Arizona Department of Revenue represented by the Attorney General.</p> <p style="text-align: center;">MARK BRNOVICH The Attorney General</p> <hr/> <p style="text-align: center;">Signature Assistant Attorney General</p> <p>Date: _____</p>	<p>APPROVED AS TO FORM AND AUTHORITY:</p> <p>BY: _____ Robert Pickels Jr., CITY ATTORNEY</p> <p>Date: _____</p>

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**CITY COUNCIL
AGENDA BILL**

**AB 2142
July 26, 2016
Regular Business**

Agenda Item: 8a

Proposed Action & Subject: Discussion/possible action regarding approval of a letter to the Arizona Department of Transportation (ADOT) expressing the City's support of suicide prevention measures at Midgley Bridge, and specifically supporting the design of a physical barrier on the bridge, as proposed by ADOT.

Department	Community Development, Engineering, City Manager's Office
Time to Present	10 minutes
Total Time for Item	45 minutes
Other Council Meetings	February 9, 2016
Exhibits	A. ADOT Rendering B. February 18, 2016 Letter to ADOT C. Draft Letter to ADOT D. Comments from July 7, 2016 Open House

City Attorney Approval	Reviewed 7/18/16 RLP	Expenditure Required	
		\$ TBD	
City Manager's Recommendation	Approve letter to the ADOT supporting the installation of a suicide prevention barrier at Midgley Bridge and the proposed ADOT design concept for the barrier.	Amount Budgeted	
		\$ NA	
		Account No. (Description)	
		Finance Approval	<input checked="" type="checkbox"/>

SUMMARY STATEMENT

Background:

Over the past months and years, there have been notable increases in the number of suicides occurring at Midgley Bridge. In 2015 alone, four suicides took place. As a result, on February 9, 2016, City Council authorized the Mayor to sign a letter addressed to the Arizona Department of Transportation (ADOT) urging actions to prevent the incidence of suicide at Midgley Bridge. Mayor Moriarty sent the letter to the Arizona Department of Transportation (ADOT) on February 18, 2016 offering support and assistance in exploring options to prevent further loss of life. Unfortunately, at the end of June 2016, another suicide was reported.

In response to letters from the City, Coconino County, and the Sedona Fire District, Director John Halikowski and Deputy State Engineer Jesse Gutierrez worked together to design a suicide prevention barrier proposal that took into consideration such things as structural load

bearing capacity, historic status/integrity, and scenic considerations. Director Halikowski and Engineer Gutierrez then met with City staff and Fire District personnel to discuss the proposal and how to move a solution forward in a timely manner before further incidents. At this meeting the funding sources were also discussed and yet to be identified. ADOT asked staff if the City would consider some form of contribution towards funding this project.

In order to gain public feedback, an open house was held on July 7th at 4:30 p.m. that provided a visual display of the suicide prevention barrier design as proposed by ADOT. Audra Merrick, ADOT's Flagstaff District Engineer, provided a brief overview of existing conditions and proposed barrier details followed by informal opportunities for questions and answers. Approximately 20 people attended the open house; comments are provided in Exhibit D.

"Suicide Crisis Hotline" signs which include a suicide prevention phone number have also been posted at Midgely Bridge in an attempt to dissuade individuals from jumping to their death and encouraging them to call for help instead.

Working with ADOT, staff has placed this item on the agenda to allow for City Council to discuss the proposed design, other ideas, and the opportunity to formally support a viable solution to reduce if not eliminate the number of suicides at Midgely Bridge.

Council is also being asked to consider a future financial contribution, however, at this time ADOT has not completed the design for the barrier, so they do not have a cost estimate based on a completed design. Once the construction costs are determined, Council would be in a better position to discuss a possible City contribution to the project. For that reason, this portion of the discussion will be brought back to Council at a later date.

Because the Bridge is a National Historic Landmark constructed in the 1930's, special considerations must be addressed in the design. ADOT indicates that the challenge for this bridge is its limited load bearing capacity and that any fence must be designed to minimize wind resistance. ADOT suggests that the barrier be constructed similar to a chain link type fence rather than solid panels or more weighty ornate metal fencing. Additionally, the bridge deck limits the ways that a fence can be anchored to the bridge. Basically, everything needs to be anchored to the existing steel railing, since nothing can penetrate the concrete or steel. Finally, the national historic status of the bridge is governed by Secretary of Interior Guidelines and any modifications or changes must comply with those standards. Any fencing installed must comply with applicable guidelines and cannot compromise its historic character. Because the steel truss "arch" is the most significant feature of the bridge, whatever form of mitigation measures are installed must not interfere with it.

Midgley Bridge facts:

- Constructed between March 1938 and October 1939
- Final bridge constructed in a series of bridges in Oak Creek Canyon
- Named after local rancher W.W. Midgley
- Owned by the State of Arizona
- Located in Coconino County, on Forest Service land, not within the City of Sedona city limits
- Bridge marks northern city limit boundary

- Listed as National Historic Landmark in 1989 for its architecture/engineering significance (1925-1949)
- Parking is located on the north side of SR 89A just east of the bridge
- An observation area is available to view the bridge and Wilson Canyon
- Suicide prevention signs installed at each end of the bridge

Community Plan Consistent: Yes - No - Not Applicable

Addressing suicides at the Midgely Bridge is consistent with the Community Plan’s vision statement: “Sedona is a community that nurtures connections between people, encourages healthy and active lifestyles and supports a diverse and prosperous economy, with priority given to the protection of the environment.”

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s):

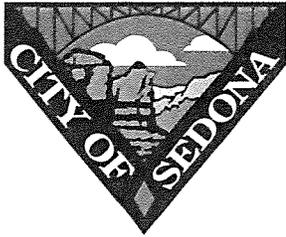
MOTION

I move to: approve the letter addressed to the Arizona Department of Transportation (ADOT) from the Mayor supporting the installation of a suicide prevention barrier at Midgley Bridge, and supporting the design concept for the barrier, as proposed by ADOT.

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102 Roadrunner Drive
Sedona, Arizona 86336
www.SedonaAZ.gov

February 18, 2016

Arizona Department of Transportation
Attn: Mr. John S. Halikowski, Director
206 S. 17th Avenue
Phoenix, AZ 85007

Dear Mr. Halikowski:

I am writing to you today on behalf of the Sedona City Council. Over the past months and years, there have been a number of suicides which occurred as a result of individuals jumping from Midgley Bridge near Sedona. Unfortunately, there has been a marked rise in these events recently which has garnered media attention. We are concerned that, despite local community efforts, there will continue to be loss of life. Not only is the loss of life tragic, but the profound effect on our community and our emergency providers who respond to these events cannot be measured. We would welcome the opportunity to partner with you to examine possible solutions to prevent further tragedies and ensure that Sedona and Midgley Bridge do not become a suicide destination as has happened in other places such as San Francisco and its Golden Gate Bridge.

Midgley Bridge is located on State Route 89A in Oak Creek Canyon just north of Sedona City limits. Community efforts at prevention of suicides to date include posting signs with a local suicide helpline, along with community awareness and teaching. However, we are limited in our ability to undertake further physical interventions or alterations to the structure as it is not within our jurisdiction.

We would like to offer our support and assistance in exploring options to prevent further loss of life from Midgley Bridge. This might include looking at entities in other communities with similar problems who have had success with multiple approaches undertaken to prevent further loss of life.

Thank you in advance for your consideration and concern. The City of Sedona stands ready to assist in any way possible to find an ongoing solution to bring an end to these tragic events.

Respectfully submitted,

Sandra J. Moriarty, Mayor

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102 Roadrunner Drive
Sedona, Arizona 86336
www.SedonaAZ.gov

July 27, 2016

Arizona Department of Transportation
Attn: Mr. John S. Halikowski, Director
206 S. 17th Avenue
Phoenix, AZ 85007

Dear Mr. Halikowski:

I am writing to you today on behalf of the Sedona City Council. This follows the Council meeting held on July 26, 2016.

At the July 26, 2016 Council meeting, the City's request to the Arizona Department of Transportation, to install a suicide prevention barrier, was reiterated.

In addition, Arizona Department of Transportation staff held a public outreach meeting on July 7, 2016, to inform the public on the concept developed for the suicide prevention barrier. This concept includes placing a fence along both sides of the bridge, while preserving the historic character and structural integrity of the bridge. Council confirmed their support of this concept, developed by the Arizona Department of Transportation, for this suicide prevention barrier fencing.

Thank you for your effort to address this concern. The City of Sedona continues to be ready to assist in any way possible to further develop a solution to bring an end to these tragic events.

Respectfully submitted,

Sandra J. Moriarty, Mayor
City of Sedona

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Suicide Prevention Barrier Open House
July 7, 2016

Comments:

- Make sure someone can't get onto the existing railing from the outside. They could "walk" along the rail while holding onto the fence to get to the middle of the bridge, then change their mind and not be able to get back, if they freeze up. Rescue would be very difficult.
- Consider access for emergency services for high point anchor system in case of any retrieval needs, injured hiker or suicide situation. (Kris Kazian, Sedona Fire Chief)
- Thank you for your efforts on this. Please see if bridge can be extended on either side to prevent ability to go around it. Thanks (Barbara Litrell – Mental Health Coalition Verde Valley)
- 4' fence will allow ADOT to curve the top of the fence. (John Martinez)
- Put razor wire or barbed wire on top to make it harder to get over if someone succeeded in climbing that far. (Sandy Moriarty)
- To prevent a person climbing the 2" spacing in the fence, can the fencing material have graduated spacing? Where the first 3 feet would have smaller spacing and the upper section have the 2" spacing. This would require a custom-designed fence material and raise the cost, but prevent anyone from climbing over the fence. (Corrie Cooperman)
- Is it possible to extend the vertical poles (poles) 12" from the rail to be able to accommodate an arch at the top of the fence?
- The Forest is not opposed to the proposed fence barrier on the bridge structure. We would want to ensure compliance with the Historic Preservation laws. Also to best meet the scenery objectives of the forest plan and minimize impacts, we would prefer avoiding shiny/reflective materials, treat exposed metal to be brown in color, minimize vertical and horizontal solid posts, have to use smallest gage wire and widest grid openings possible to meet the safety standards and purpose. (Judy Adams, Coconino National Forest)
- Please consider a curved fence or something on top to further deter potential jumpers such as barbed wire or razor wire. (John Schuderer, Yavapai County Suicide Prevention Center)