

AGENDA



4:30 P.M.

CITY COUNCIL MEETING

TUESDAY, SEPTEMBER 22, 2020

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.

DUE TO CONTINUED PRECAUTIONS RELATED TO COVID-19, SEATING FOR THE PUBLIC WITHIN THE COUNCIL CHAMBERS IS ARRANGED IN COMPLIANCE WITH CDC GUIDELINES FOR PHYSICAL DISTANCING AND IS VERY LIMITED. THOSE WISHING TO COMMENT ON SCHEDULED AGENDA ITEMS MAY BE ASKED TO WAIT OUTDOORS OR IN AN ALTERNATE LOCATION IF THERE IS NOT ADEQUATE SEATING IN COUNCIL CHAMBERS. **COMMENTS IN ADVANCE OF THE 4:30 P.M. CALL TO ORDER ARE STRONGLY ENCOURAGED BY SENDING AN EMAIL TO SIRVINE@SEDONAAZ.GOV AND WILL BE MADE PART OF THE OFFICIAL MEETING RECORD.** THE MEETING CAN BE VIEWED LIVE ON THE CITY'S WEBSITE AT WWW.SEDONAAZ.GOV OR ON CABLE CHANNEL 4.

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE/ROLL CALL
2. CITY'S VISION
3. CONSENT ITEMS - APPROVE

LINK TO DOCUMENT =

- a. Minutes - September 8, 2020 City Council Regular Meeting.
- b. Minutes - September 9, 2020 City Council Special Meeting.
- c. AB 2610 Approval of a recommendation regarding an application for a Series 10 Beer and Wine Store Liquor License for Courtyard located at 4105 W State Route 89A, Sedona, AZ (File #116810).
- d. AB 2614 Approval of Amendment #2, Final Plat Foothills South, Unit 5, PZ20-00003 (SUB).
- e. AB 2616 Approval of a letter of support for International Dark-Sky Association Dark-Sky Parks Designation for Montezuma Castle and Tuzigoot National Monuments.

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



- a. AB 2606 **Discussion/possible action** regarding an Ordinance repealing and replacing Ordinance No. 2020-02 related to parking in-lieu fees in the Uptown Sedona Business District. This Ordinance would provide that the in-lieu fee is subject to administrative approval.
- b. AB 2597 **Discussion/possible action** regarding the award of a construction contract for the Thunder Mountain/Sanborn Roadway, Shared Use Path, and Drainage Improvements Project to Tiffany Construction Company in the approximate amount of \$2,058,728.

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.



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- c. AB 2615 **Discussion/possible action** regarding a letter of support for Forest Service acquisition of the Tobias/Flynn properties. 
- d. AB 2571 **Discussion/possible direction** regarding issues surrounding the COVID-19 pandemic and the City's response. 
- e. **Reports/discussion** regarding Council assignments.
- f. **Discussion/possible action** regarding 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:

- 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.

10. ADJOURNMENT

Posted: 09/17/2020

By: DJ

Susan L. Irvine, CMC
City Clerk

Note: Pursuant to A.R.S. § 38-431.02 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 materials 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
Regular City Council Meeting
City Council Chambers, Sedona City Hall,
102 Roadrunner Drive, Sedona, Arizona
Tuesday, September 8, 2020, 4:30 p.m.

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

Mayor Moriarty called the meeting to order at 4:31 p.m.

Council Present: Mayor Sandy Moriarty, Vice Mayor John Martinez, Councilor Bill Chisholm, Councilor John Currivan, Councilor Scott Jablow, Councilor Tom Lamkin, Councilor Jessica Williamson.

Staff Present: City Manager Justin Clifton, Assistant City Manager/Director of Community Development Karen Osburn, City Attorney Kurt Christianson, Senior Planner Cari Meyer, Senior Planner Mike Raber, City Clerk Susan Irvine.

2. City's Vision

A video of the City's Vision was played.

3. Consent Items

- a. **Minutes - August 11, 2020 City Council Special Meeting - Executive Session.**
- b. **Minutes - August 11, 2020 City Council Special Meeting.**
- c. **Minutes - August 11, 2020 City Council Regular Meeting.**
- d. **Minutes - August 24, 2020 City Council Special Meeting.**
- e. **Approval of Proclamation, Constitution Week, September 17-23, 2020.**
- f. **AB 2601 Approval of a recommendation regarding an application for a Series 12 Restaurant Liquor License for Hilltop Deli located at 2655 W State Route 89A, Sedona, AZ (File #114915).**
- g. **AB 2605 Approval of FTA Title VI Implementation Plan and ADA Policy required to receive 5311 ADOT funds in the Rural Public Transit Program FFY2020 Funding Cycle.**
- h. **AB 2607 Approval of a resolution authorizing an Intergovernmental Agreement between the City of Sedona and the Arizona Department of Transportation, replacing the IGA originally approved through Resolution 2016-24, for the Sanborn Drive – Thunder Mountain Road Overlay Project.**
- i. **AB 2551 Approval of a Resolution authorizing two (2) separate Real Estate Purchase and Sale Agreements for the City of Sedona to purchase the properties located at 215 W. State Route 89A (APN 401-38-001L), 65 Brewer Rd. (APN 401-38-002B), a portion of 121 Brewer Rd. (APN 401-38-013E) and a privately owned section of the Brewer Rd. right-of-way, all located in Coconino County, City of Sedona, Arizona, for the combined sum of \$947,500 for potential use as a roadway connection, transit hub, or other suitable public purpose.**

Motion: Councilor Williamson moved to approve consent items 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h, and 3i. Seconded by Vice Mayor Martinez. Vote: Motion carried unanimously with seven (7) in favor (Moriarty, Martinez, Chisholm, Currivan, Jablow, Lamkin, and Williamson) and zero (0) opposed.

Sedona City Council
Regular Meeting
Tuesday, September 8, 2020
4:30 p.m.

4. Appointments – None.

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

Councilor Chisholm advised that the Marine Corps League would be putting the flags up on 89A on Thursday and removing them on Monday in honor of Patriot's Day on September 11th.

6. Public Forum - None.

Tony Priore, Sedona, requested a meeting regarding the community pool and the use by organized teams which lessens the access for community members. He requested that the City hire 4 permanent lifeguards for the pool or use something like Indeed to recruit lifeguards. He stated that he is willing to volunteer for Parks & Recreation in any capacity that might be useful.

7. Proclamations, Recognitions, and Awards – None.

8. Regular Business

- a. **AB 2602 Public hearing/discussion/possible action regarding the approval of a Resolution and Ordinance amending the text of the Sedona Land Development Code (LDC). The proposed text amendments include typographical and clerical corrections, changes for clarity, elimination of redundancies and other more substantive revisions to better reflect the intent of the LDC and goals of the Sedona Community Plan. Case Number: PZ 20-00004 (LDC Revisions).**

Presentation by Mike Raber, Cari Meyer, Karen Osburn, Kurt Christianson and Justin Clifton.

Questions from Council.

Opened the public hearing at 4:59 p.m.

The following spoke regarding this matter: Luke Sefton, Sedona.

Additional questions from Council.

Closed the public hearing and brought back to Council at 5:25 p.m.

Additional questions and comments from Council.

Break at 7:04 p.m. Reconvened at 7:27 p.m.

Additional questions and comments from Council.

Reopened the public hearing at 7:33 p.m.

The following spoke regarding this matter again: Luke Sefton, Sedona.

Closed the public hearing and brought back to Council at 7:42 p.m.

Additional questions and comments from Council.

Motion: Councilor Williamson moved to Resolution 2020-16, establishing as a public record, "Exhibit A – Sedona LDC Corrections/Clarification/Other revisions – September 8, 2020" as revised. Seconded by Councilor Chisholm. Vote: Motion

carried unanimously with seven (7) in favor (Moriarty, Martinez, Chisholm, Currivan, Jablow, Lamkin, and Williamson) and zero (0) opposed.

Motion: After 1st reading, Councilor Williamson moved to approve Ordinance 2020-04, consistent with the approval criteria in Section 8.6.C.4. of the LDC, amending the LDC, adopting by reference that document known as “Exhibit A – Sedona LDC Corrections/Clarification/Other Revisions – September 8, 2020” as revised, providing for a savings clause and repealing all ordinances or parts of ordinances or code provisions in conflict herewith. Seconded by Councilor Chisholm. **Vote:** Motion carried unanimously with seven (7) in favor (Moriarty, Martinez, Chisholm, Currivan, Jablow, Lamkin, and Williamson) and zero (0) opposed.

- b. AB 2571 Discussion/possible direction regarding issues surrounding the COVID-19 pandemic and the City's response.**

Presentation by Justin Clifton.

Questions and comments from Council.

Presentation and discussion only.

- c. Reports/discussion regarding Council assignments - None.**

Councilor Chisholm stated that Sedona Recycles did not lose money in the month of August which hasn't been the case for a while. He attended a NACOG meeting and there is a big push for everyone to complete their census forms by the end of September. Councilor Jablow had lunch with Ed Rose the new manager at the Sedona Airport, and he feels he is a forward-thinking individual.

- d. Discussion/possible action regarding future meeting/agenda items**

Councilor Chisholm requested an agenda item to discuss building security issues in an Executive Session, and Councilors Currivan and Jablow supported this request. This will take place in early October so the Chief of Police can attend. Councilor Jablow requested an agenda item for all of Council to receive the daily police report and Justin requested that this be discussed at the Council retreat in January.

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 8:54 p.m. without objection.

I certify that the above are the true and correct actions of the Regular City Council Meeting held on September 8, 2020.

Susan L. Irvine, CMC, City Clerk

Date

Sedona City Council
Regular Meeting
Tuesday, September 8, 2020
4:30 p.m.

**Action Minutes
Special City Council Meeting
City Council Chambers, Sedona City Hall,
102 Roadrunner Drive, Sedona, Arizona
Wednesday, September 9, 2020, 3:00 p.m.**

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

Mayor Moriarty called the meeting to order at 3:01 p.m.

2. Roll Call

Roll Call: Mayor Sandy Moriarty, Vice Mayor John Martinez, Councilor Bill Chisholm, Councilor John Currivan, Councilor Scott Jablow, Councilor Tom Lamkin, Councilor Jessica Williamson.

Staff Present: City Manager Justin Clifton, City Attorney Kurt Christianson, Sustainability Coordinator McKenzie Jones, Deputy City Clerk Cherise Fullbright, City Clerk Susan Irvine.

3. Special Business

a. AB 2598 Discussion/possible direction regarding development of Sedona's Climate Action Plan.

Presentation by McKenzie Jones and Justin Clifton.

Questions and comments from Council.

Opened to the public at 5:37 p.m.

Michael Schroeder, Sedona, spoke regarding this matter.

Brought back to Council at 5:40 p.m.

By majority consensus, Council directed staff to focus on the next phase of the plan and bring the components back to Council for consideration for future action. Council further agreed to defer a debate regarding whether climate change is real or not.

b. Discussion/possible action regarding future meetings/agenda items - None.

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 5:50 p.m. without objection.

I certify that the above are the true and correct actions of the Special City Council Meeting held on September 9, 2020.

Susan L. Irvine, CMC, City Clerk

Date



**CITY COUNCIL
AGENDA BILL**

**AB 2610
September 22, 2020
Consent Items**

Agenda Item: 3c

Proposed Action & Subject: Approval of a recommendation regarding an application for a Series 10 Beer and Wine Store Liquor License for Courtyard located at 4105 W. State Route 89A, Sedona, AZ (File #116810).

Department	City Clerk
Time to Present	N/A
Total Time for Item	
Other Council Meetings	N/A
Exhibits	Liquor License Application is available for review in the City Clerk's office.

City Attorney Approval	Reviewed 9/15/2020 KWC	Expenditure Required	
		\$	0
City Manager's Recommendation	Approve a Series 10 Beer and Wine Store License for Courtyard.	Amount Budgeted	
		\$	0
		Account No. (Description)	N/A
		Finance Approval	<input checked="" type="checkbox"/>

SUMMARY STATEMENT

Background: State liquor laws require Sedona's City Council to forward a recommendation for approval or denial of applications for liquor licenses.

The City received an application for a new Series 10 Beer and Wine Store Liquor License for a Series 10 Beer and Wine Store Liquor License for Courtyard located at 4105 W. State Route 89A, Sedona, AZ (File #116810). The application is available for review and inspection in the City Clerk's office or by email.

A Series 10 Liquor License (Beer and Wine) is a non-transferable, off-sale retail privileges liquor license that allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises. A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of delivery.

Community Development, Finance, the Sedona Police Department (SPD), and Sedona Fire District (SFD) have conducted a review of the application. No objections regarding its approval were noted.

Community Plan Consistent: Yes - No - Not Applicable

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s): Recommend denial of a new Series 10 Beer & Wine Store Liquor License for a Series 10 Beer and Wine Store Liquor License for Courtyard located at 4105 W. State Route 89A, Sedona, AZ (File #116810). Reasons for a recommendation of denial would need to be specified.

MOTION

I move to: recommend approval of a new Series 10 Beer & Wine Store Liquor License for a Series 10 Beer and Wine Store Liquor License for Courtyard located at 4105 W. State Route 89A, Sedona, AZ (File #116810).



**CITY COUNCIL
AGENDA BILL**

**AB 2614
September 22, 2020
Consent Items**

Agenda Item: 3d
Proposed Action & Subject: Approval of Amendment #2, Final Plat Foothills South, Unit 5, PZ20-00003 (SUB).

Department	Community Development
Time to Present	N/A
Total Time for Item	
Other Council Meetings	September 25, 2018 (Preliminary Plat) March 12, 2019 (Final Plat)
Exhibits	A. Amendment #2, Final Plat Foothills South, Unit 5

City Attorney Approval	Reviewed 9/15/20 KWC	Expenditure Required	
		\$	0
City Manager's Recommendation	Approve Amendment #2 Final Plat Foothills South, Unit 5.	Amount Budgeted	
		\$	0
		Account No. (Description)	N/a
		Finance Approval	<input checked="" type="checkbox"/>

SUMMARY STATEMENT

Background: Foothills South Unit 5 is a nine (9) unit residential subdivision located on the eastern side of Racquet Road within the Foothills South subdivision and is zoned RS-18 (Single-Family Residential).

The site is the location of the former Sedona Racquet Club. The property was the subject of a Major Community Plan Amendment and Zone Change in 2016 to re-designate and rezone the property to its current residential designations. These applications were followed with a 2017 subdivision submittal. The City Council approved the Preliminary Plat for this subdivision on September 25, 2018 and the Final Plat on March 12, 2019, which was recorded with Yavapai County on March 20, 2020. In October 2019, the owner submitted an amended plat to update the owner information and other minor changes ensure the readability of the plat and text. It was determined that these changes did not require Council approval and the amended plat was recorded with Yavapai County on December 12, 2019.

The property owner has now submitted another amendment that does require City Council approval. As the applicant has been planning for construction, it was determined that constructing the access roads to the lots as platted would result in steeper grades than

anticipated, and negatively impact the adjoining lots. This amendment will adjust the lot configurations, access points, and utility easements for Lots 7, 8, and 9, reducing the total number of curb cuts and consolidating the utility easements for a more streamlined subdivision design, reducing the slopes/grades of the driveways, and minimizing impacts on adjacent lots. All of the amended lots meet minimum zoning requirements for size and width. No changes are proposed to Lots 1-6.

Public Works/Engineering Staff have reviewed the amended Final Plat and determined that it meets all City requirements.

Community Plan Consistent: Yes - No - Not Applicable

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s):

MOTION

I move to: approve Amendment #2, Final Plat Foothills South, Unit 5, PZ20-00003 (SUB).

SHEET INDEX

- 1 AMENDED FINAL PLAT COVER SHEET
2 AMENDED FINAL PLAT

AMENDMENT #2, FINAL PLAT Foothills South, Unit 5

A SUBDIVISION OF A PORTION OF TRACT A OF FOOTHILLS SOUTH, UNIT ONE AMENDED PER PLAT RECORDED IN BOOK 19 OF MAPS AND PLATS PAGES 18,19, YAVAPAI COUNTY RECORDERS OFFICE LOCATED WITHIN A PORTION OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 17 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE, WITHIN THE CITY OF SEDONA, YAVAPAI COUNTY, ARIZONA

ORIGINAL ASSESSORS PARCEL NUMBER 408-11-243A CONTAINING ±4.43 ACRES ZONED SINGLE FAMILY RESIDENTIAL (RS-18) CASE NO. PZ17-00016 (SUB) (ORIGINAL PLAT) CASE NO. PZ20-00003 (SUB)

DECLARATION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

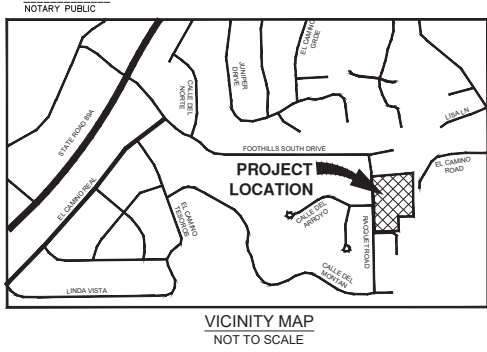
THAT NOVA BUILT HOMES, A LIMITED LIABILITY CORPORATION ("TRUSTEE"), HAS SUBDIVIDED UNDER THE NAME OF "FOOTHILLS SOUTH, UNIT 5", A PORTION OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 17 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY ARIZONA, AS SHOWN PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF SAID "FOOTHILLS SOUTH, UNIT 5" ("THE PLAT").

"TRUSTEE" HEREBY DECLARES THAT THE EASEMENTS SHOWN UPON THIS PLAT SHALL BE ESTABLISHED AND RESERVED IN ACCORDANCE WITH THE NOTATION ON SAID PLAT AND SHALL PROVIDE TO THE PUBLIC THE USE THEREOF FOREVER FOR INGRESS, EGRESS PURPOSES AND FOR INSTALLATION, OPERATION, AND MAINTENANCE OF PUBLIC UTILITY LINES AND FACILITIES, INCLUDING WITHOUT LIMITATION, WATER, SANITARY SEWER, ELECTRIC, NATURAL GAS, TELEPHONE, CABLE SERVICES, WATERCOURSES AND/OR DRAINAGE FACILITIES.

FURTHER THE "TRUSTEE" HEREBY GRANTS TO "THE ASSOCIATION" AND TO THE CITY OF SEDONA, A MUNICIPAL CORPORATION, LICENSE TO ACCESS UPON THE ESTABLISHED EASEMENT AND STREETS PROVIDED AS DESCRIBED HEREON, FOR THE PURPOSE OF PERIODIC INSPECTION AND MAINTENANCE OF THE WATERCOURSES AND/OR DRAINAGE FACILITIES.

IN WITNESS WHEREOF: "TRUSTEE" HAS CAUSED THIS PLAT TO BE DULY EXECUTED AS OF THIS DAY OF 2020.

BY: TRUST OFFICER STATE OF ARIZONA COUNTY OF YAVAPAI SUBSCRIBED AND SWORN BEFORE ME ON THIS DAY OF 2019 BY: MY COMMISSION EXPIRES



UTILITY COMPANIES

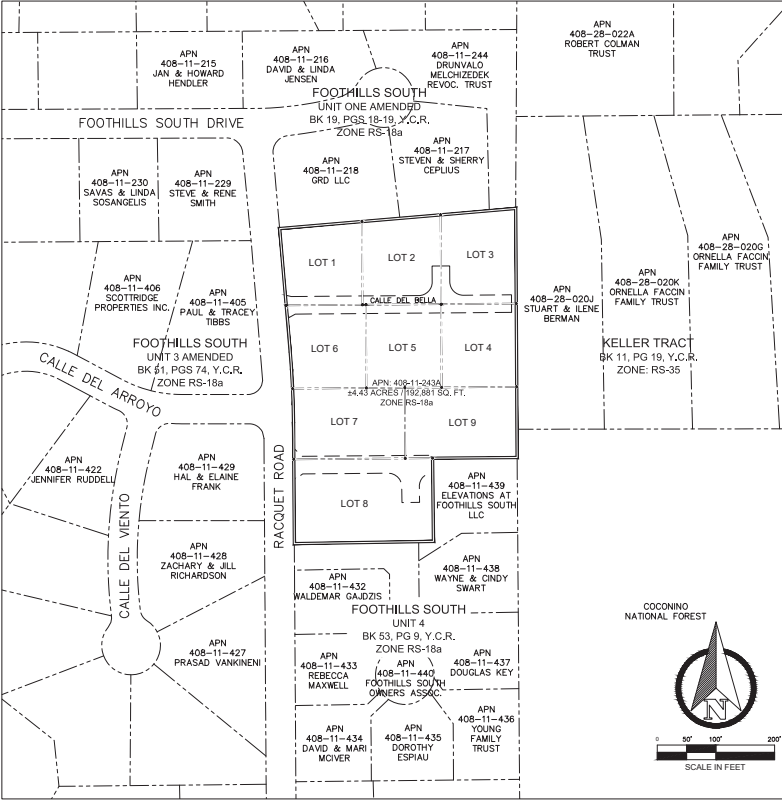
- ELECTRIC: ARIZONA PUBLIC SERVICE COMPANY
WATER: ARIZONA WATER COMPANY
SEWER: CITY OF SEDONA
CABLE/PHONE: CENTURYLINK
GAS: UNISOURCE ENERGY SERVICES
SOLID WASTE COLLECTION: PATRIOT DISPOSAL

HOMEOWNERS ASSOCIATION CONTACT INFORMATION

SPECTRUM MANAGEMENT ASSOCIATES PO BOX 20837 SEDONA, ARIZONA 86341 PHONE: (928) 284-9764 EMAIL: SPECTRUMAZ@GMAIL.COM

PARCEL ZONING RS-18

SINGLE FAMILY RESIDENCE MIN LOT SIZE = 18,000 SQ. FT. LOTS 1 - 9 SMALLEST LOT = 18,176 S.F. (0.41 AC) LARGEST LOT = 33,795 S.F. (0.68 AC) AVERAGE LOT SIZE = 21,431 S.F. (0.49 AC)



LEGAL DESCRIPTION OF FOOTHILLS SOUTH UNIT 5

TRACT "A" OF THE FOOTHILLS SOUTH, UNIT ONE AMENDED, ACCORDING TO THE PLAT OF RECORD IN BOOK 19 OF MAPS, PAGES 18-19, RECORDS OF YAVAPAI COUNTY, ARIZONA LOCATED IN THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 17 NORTH, RANGE 5 EAST OF THE GILA, SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA; EXCEPTING FROM SAID TRACT "A" THE FOLLOWING DESCRIBED PORTION THEREOF: BEGINNING AT A 1/2" REBAR WITH NO IDENTIFICATION FOUND AT THE SOUTHWEST CORNER OF SAID TRACT "A";

CERTIFICATE OF APPROVALS

Table with columns for Director, Fire Marshal, City Engineer, Mayor of Sedona, City Clerk, and President, each with a date field.

PLAT NOTES

- 1. NO STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN OR OVER THE 10' UTILITY EASEMENT EXCEPT WOOD, WIRE OR REMOVABLE SECTION TYPE FENCING, OR SUITABLE LANDSCAPING THAT DOES NOT INTERFERE WITH THE INTENDED PURPOSE OF THE EASEMENT.
2. NO STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN OR OVER THE 12' DRAINAGE EASEMENT EXCEPT STONE, GRAVEL, OR OTHER DRAINAGE CHANNEL MATERIALS OR SUITABLE LANDSCAPING THAT DOES NOT INTERFERE WITH THE INTENDED PURPOSE OF THE EASEMENT.
3. NO STRUCTURE OF ANY KIND SHALL BE PLACED IN EASEMENT "A" OR EASEMENT "B" EXCEPT UTILITIES, WOOD, WIRE OR REMOVABLE SECTION TYPE FENCING, ASPHALT PAVING, GRAVEL, CONCRETE, OR OTHER ROADWAY OR DRIVEWAY MATERIALS, OR SUITABLE LANDSCAPING THAT DOES NOT INTERFERE WITH THE INTENDED PURPOSE OF THE EASEMENT.
4. EACH OF THE LOTS SHOWN HEREON ARE SUBJECT TO COMPLIANCE WITH THE COVENANTS, CONDITIONS AND RESTRICTIONS FOR FOOTHILLS SOUTH UNIT 1 AMENDED AS RECORDED IN BOOK 3156, OFFICIAL RECORD, PAGE 826 OF THE YAVAPAI COUNTY RECORDS, AND AS AMENDED; ALL APPLICABLE CODES, REGULATIONS AND CONDITIONS OF APPROVAL BY THE CITY OF SEDONA AND YAVAPAI COUNTY.
5. ALL STREETS PLATTED HEREON ARE PRIVATE AND SHALL NOT BE MAINTAINED BY THE CITY OF SEDONA. STREET MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE ADJACENT PROPERTY OWNERS.
6. ALL FUTURE HOMES BUILT IN THIS SUBDIVISION SHALL BE EQUIPPED WITH 1-INCH NFPA 13D AUTOMATIC FIRE SPRINKLER SYSTEMS.
7. FOUR VISIBILITY EASEMENTS AS SHOWN ON THE SUBDIVISION LAND DEVELOPMENT PLANS SHALL BE MAINTAINED BY THE ADJACENT PROPERTY OWNERS ON BOTH SIDES OF ENTRANCE ROAD. VEGETATION WITHIN SHALL BE PRUNED AND MAINTAINED AT A HEIGHT LESS THAN 2'. TREE BRANCHES LOWER THAN 6' WITHIN THE TRIANGLES SHALL ALSO BE PRUNED.
8. FRONT PROPERTY LINES FOR LOTS 1 - 6 ARE THE CENTER LINE OF THE INGRESS/EGRESS EASEMENT, (EASEMENT "A").
9. ALL FRONT BUILDING SETBACKS SHALL BE MEASURED FROM THE EDGE OF THE INGRESS/EGRESS EASEMENTS, (EASEMENTS "A" AND "B").
10. LOT CORNERS WITHIN THE SUBDIVISION SHALL BE SET WITHIN 90 DAYS OF THE APPROVAL AND RECORDED OF THE FINAL PLAT AND WILL BE MONUMENTED IN ACCORDANCE WITH THE ARIZONA BOUNDARY SURVEY MINIMUM STANDARDS BY THE REGISTERED LAND SURVEYOR OF RECORD. THE MONUMENTS SHALL BE 1/2" REBARS SET WITH PLASTIC CAPS INSCRIBED WITH "LS26925" AT EACH NEW LOT CORNER OR MISSING CORNER. ADDITIONALLY, LOT CORNERS LOCATED IN THE ROADWAY ASPHALT SHALL BE SET WITH 3" ALUMINUM CAPS INSCRIBED WITH "CITY OF SEDONA - LS26925".
11. THE FOUND MONUMENTS SHOWN HEREON ARE FROM THE NOTES OF THE ACTUAL FIELD SURVEY CONDUCTED BY DUGAN LEG MCDONALD RLS #26925 ON NOV. 29, 2018.
12. ALL RECORDED EASEMENTS ARE SHOWN AS PART OF THESE DOCUMENTS.
13. THE WORD "CERTIFICATION", AS SHOWN HEREON, MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS DEPICTED ON THIS PLAT AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.
14. THE LAND BEING SUBDIVIDED HEREON IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA.
15. EXIST 22" INGRESS/EGRESS EASEMENT FOR "TRACT A" TO BE VACATED UPON THE APPROVAL AND RECORDED OF THE FINAL PLAT.

AMENDMENT NOTES

THE FINAL PLAT OF FOOTHILLS SOUTH UNITS AS RECORDED IN RECEPTION NO. 2019-0012692 RECORDS OF THE YAVAPAI COUNTY RECORDERS OFFICE, BEING AMENDED AS SHOWN HEREON; TO REFLECT THE CHANGES MADE IN THE SECOND PARAGRAPH OF THE DEDICATION BLOCK REGARDING THE OWNERSHIP OF TRACT A, TRACT B AND THE PRIVATE STREETS DESCRIBED THEREON; TO SHOW THE DIMENSIONS MORE CLEARLY ALONG THE LOT LINES THAT WERE OCCUPIED BY THE HATCHING OF TRACT A (NOW EASEMENT A) AND TRACT B (NOW EASEMENT B) ON THE ORIGINALLY RECORDED PLAT; TO SHOW A RECONFIGURATION OF LOTS 7-9; AND TO SHOW NEW OWNERS.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS SOUTH 89 DEGREES, 39 MINUTES, 00 SECONDS, EAST (PER B.L.M. PLAT) ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 4 EAST G.&S.R.M., YAVAPAI COUNTY, ARIZONA.

LAND SURVEYOR CERTIFICATION

THIS FINAL PLAT AND SURVEY ON WHICH IT IS BASED WHERE CONDUCTED UNDER MY DIRECT SUPERVISION AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS MAP IS PUBLISHED SUBJECT TO ALL CONDITIONS, RESERVATIONS AND RESTRICTIONS OF THE PUBLIC RECORD ON THIS Sep 08 2020 DATE.



SEFTON ENGINEERING CONSULTANTS 40 STUTZ BEARCAT DR. SEDONA, ARIZONA 86336 PHONE: (928) 229-9270 FAX: (928) 229-9270 L.S.B.FEING.CO.COM

AMENDED FINAL PLAT COVER SHEET FOOTHILLS SOUTH UNIT 5 BILLY CASTRONOVA - NOVA BUILT HOMES

SHEET TITLE: PROJECT TITLE: DRAWN BY: RJB SCALE: 1" = 30' DATE: 09-09-2020 PROJECT NO: 170105 SHEET NO. 1 OF 2

DUGAN L. MCDONALD RLS 26925

AMENDMENT #2, FINAL PLAT

FOOTHILLS SOUTH, UNIT 5

A SUBDIVISION OF A PORTION OF TRACT A OF FOOTHILLS SOUTH, UNIT ONE AMENDED PER PLAT RECORDED IN BOOK 19 OF MAPS AND PLATS PAGES 18, 19, YAVAPAI COUNTY RECORDERS OFFICE LOCATED WITHIN A PORTION OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 17 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE, WITHIN THE CITY OF SEDONA, YAVAPAI COUNTY, ARIZONA ORIGINAL ASSESSORS PARCEL NUMBER 408-11-243A CONTAINING ±4.43 ACRES ZONED SINGLE FAMILY RESIDENTIAL (RS-18) CASE NO. PZ17-00016 (SUB) (ORIGINAL PLAT) CASE NO. PZ20-00003 (SUB)



SEATON ENGINEERING CONSULTANTS
40 STUTZ BEARCAT DR.
SEDONA, ARIZONA 86336
TEL: (888) 729-2970
LSP@SENG.COM

FOOTHILLS SOUTH UNIT 5

BILLY CASTRONOVA - NOVA BUILT HOMES

AMENDED FINAL PLAT

SHEET TITLE: PROJECT TITLE:
DRAWN BY: RJB
SCALE: 1" = 30'
DATE: 09-09-2020
PROJECT NO: 170105
SHEET NO:

2 OF 2

EASEMENT A				EASEMENT B			
LINE #/CURVE #	LENGTH	BEARING/Delta	RADIUS	LINE #/CURVE #	LENGTH	BEARING/Delta	RADIUS
C5	36.06	89° 50' 31"	23.00	C11	36.13	90° 00' 00"	23.00
C6	36.08	89° 53' 15"	23.00	C12	36.07	89° 50' 46"	23.00
L29	368.64	N89° 32' 18"E		L57	20.16	S46° 22' 35"E	
L30	30.00	N0° 20' 12"W		L58	222.04	N89° 32' 35"E	
L31	82.06	S89° 34' 38"W		L59	30.00	S0° 38' 34"E	
L32	27.11	N0° 20' 12"W		L60	27.14	S0° 38' 34"E	
L33	30.00	S89° 32' 35"W		L61	30.00	S89° 32' 35"W	
L34	27.05	S0° 20' 12"E		L62	27.14	N0° 36' 34"W	
L35	217.56	S89° 32' 37"W		L63	145.55	S89° 32' 35"W	
L36	10.30	N75° 37' 11"W		L64	18.43	S54° 59' 28"W	
L37	40.12	S4° 54' 04"E		L65	35.45	N0° 23' 15"W	
L38	15.51	N61° 12' 19"E		L66	19.03	N0° 23' 15"W	

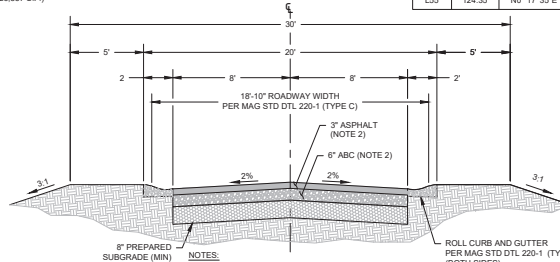
LEGEND

- EXISTING MANHOLE
 - EXISTING WATER METER
 - EXISTING WATER BOX
 - EXISTING GAS SERVICE
 - EXISTING FIRE HYDRANT
 - EXISTING APS TRANSFORMER
 - EASEMENT LINE
 - SUBDIVISION PERIMETER PROPERTY LINE
 - INTERIOR LOT LINE
 - ADJACENT PROPERTY LINE
 - SURVEY MONUMENT - FOUND AND NOTED
 - SURVEY MONUMENT SET - 1/2" REBAR WITH PLASTIC CAP INSCRIBED WITH "L.S. #02625"
 - SURVEY MONUMENT SET - 1/2" REBAR WITH 3" ALUMINUM CAP INSCRIBED WITH "CITY OF SEDONA - L.S. #02625"
- (R1) INDICATES RECORD DIMENSION FOUND ON THAT PLAT OF "FOOTHILLS SOUTH (UNIT ONE AMENDED)", RECORDED IN BOOK 19, PAGES 18-19, IN THE RECORDS OF YAVAPAI COUNTY, ARIZONA
(R2) INDICATES RECORD DIMENSION REMAINING OF TRACT "A" AFTER EXCEPTION, FOUND IN THAT DOCUMENT RECORDED IN RECEPTION #2017-002647 IN THE RECORDS OF YAVAPAI COUNTY, ARIZONA
NET ACRESAGE OF PUBLIC EASEMENTS: 0.617 AC. (26,857 S.F.)

12' DRAINAGE EASEMENT			10' UTILITY EASEMENT		
LINE #	LENGTH	BEARING	LINE #	LENGTH	BEARING
L73	86.73	N0° 20' 12"W	L67	5.00	N0° 38' 34"W
L74	12.04	N85° 08' 08"E	L68	192.64	N89° 32' 35"E
L75	87.68	S0° 20' 12"E	L69	10.01	S0° 20' 13"E
L76	12.00	S89° 39' 48"W	L70	136.16	S89° 32' 35"W
			L71	5.00	N0° 36' 34"W
			L72	56.43	S89° 32' 35"W

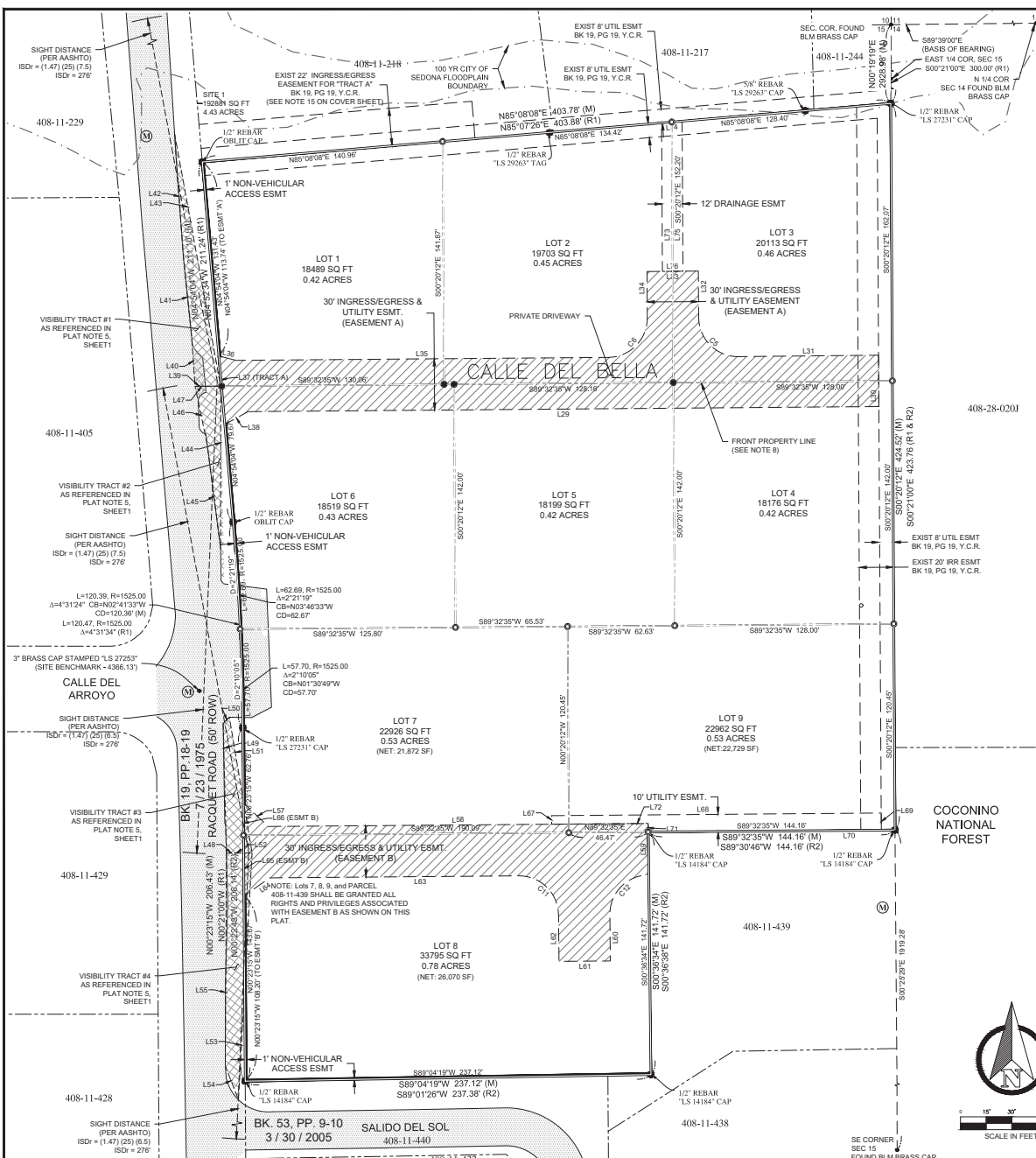
VISIBILITY TRACT #1			VISIBILITY TRACT #2		
LINE #	LENGTH	BEARING	LINE #	LENGTH	BEARING
L39	15.00	S89° 32' 35"W	L44	94.69	S0° 02' 03"W
L40	29.92	N3° 55' 51"W	L45	61.29	N7° 23' 05"W
L41	44.96	N5° 55' 19"W	L46	34.51	N11° 46' 41"W
L42	72.90	N4° 04' 48"W	L47	15.00	N89° 32' 35"E
L43	149.60	S10° 21' 53"E			

VISIBILITY TRACT #3			VISIBILITY TRACT #4		
LINE #	LENGTH	BEARING	LINE #	LENGTH	BEARING
L48	15.00	N89° 14' 19"E	L52	15.00	N89° 14' 19"E
L49	75.83	S1° 28' 04"E	L53	144.49	S3° 09' 40"W
L50	5.06	S45° 39' 11"W	L54	21.17	N21° 14' 03"W
L51	80.25	N9° 31' 32"W	L55	124.35	N0° 17' 35"E



NOTES:
1) INSTALLATION, SEPARATION, AND COVER OF UTILITIES IN TRENCHES TO MEET UTILITY COMPANY STANDARDS.
2) PAVEMENT AND BASE COURSE THICKNESS PER SOILS REPORT.

ROAD SECTION
NOT TO SCALE





**CITY COUNCIL
AGENDA BILL**

**AB 2616
September 22, 2020
Consent Items**

Agenda Item: 3e
Proposed Action & Subject: Approval of a letter of support for International Dark-Sky Association Dark-Sky Parks Designation for Montezuma Castle and Tuzigoot National Monuments.

Department	City Manager’s Office
Time to Present	N/A
Total Time for Item	
Other Council Meetings	N/A
Exhibits	A. Draft Letter of Support

City Attorney Approval	Reviewed 9/15/2020 KWC	Expenditure Required	
		\$	0
City Manager’s Recommendation	Authorize the Mayor to sign a letter supporting dark sky designation for Tuzigoot and Montezuma Castle	Amount Budgeted	
		\$	0
		Account No. (Description)	N/A
		Finance Approval	<input checked="" type="checkbox"/>

SUMMARY STATEMENT

Background: Council is being asked to issue a letter of support for an application by Tuzigoot and Montezuma Castle National Monuments for International Dark-Sky Association Dark-Sky Parks Designation.

Many communities in the Verde Valley and northern Arizona have been designated as Dark-Sky communities by the International Dark-Sky Association. Sedona, Cottonwood, Camp Verde, and the Village of Oak Creek already have a Dark-Sky designation. This request for support comes from Dorothy Firecloud, Superintendent of the Tuzigoot and Montezuma Castle National Monuments, so that those monuments can receive the Dark-Sky Park designation.

Community Plan Consistent: Yes - No - Not Applicable

The Sedona Community Plan includes Chapter 5 “Environment” which includes Policy #9 to, “Support community efforts to be dark sky compliant.”

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s): Council could choose to not support this request.

MOTION

I move to: authorize the Mayor to sign a letter of support for International Dark-Sky Association Dark-Sky Parks Designation for Montezuma Castle and Tuzigoot National Monuments.



102 Roadrunner Dr.
Sedona, AZ 86336
(928) 204-7127
sedonaaz.gov
FAX (928) 282-5671

Office of the Mayor

September 23, 2020

Board of Directors
International Dark-Sky Association
5049 E Broadway Blvd, #105
Tucson, AZ 86711

Dear Board of Directors Members,

The City of Sedona is writing to support the application of Montezuma Castle and Tuzigoot National Monuments for a designation as IDSA Dark-Sky Parks.

Our Vision statement says that Sedona is “a city that is constantly vigilant over the preservation of its natural beauty, scenic vistas, pristine environment, and cultural heritage”. One of our most precious assets is our beautiful night skies, so we are very proud to have the designation as an official IDSA city. We are happy that so many other IDSA designations are part of our beautiful Verde Valley, since dark skies are increasingly rare these days. The entire Verde Valley relies on tourism to support our region and having the addition of our local National Monuments designated as Dark-Sky Parks can only benefit all of us, so we look forward to them joining our Dark-Sky communities.

Sedona has recently adopted a Sustainable Tourism Plan in coordination with the Sedona Chamber of Commerce, and a Dark-Sky designation with Montezuma and Tuzigoot National Monuments will offer collaborative opportunities for all of us. Astro-tourism is an environmentally friendly activity which is a great fit for sustainable tourism. Such a designation can only add to educational opportunities for the two monuments as well and is certainly in the tradition of the night skies observed by their original inhabitants.

We respectfully urge the Board of Directors to formally designate Montezuma Castle and Tuzigoot National Monuments as Dark-Sky Parks.

Sincerely,

Sandra J. Moriarty
Mayor
City of Sedona



**CITY COUNCIL
AGENDA BILL**

**AB 2606
September 22, 2020
Regular Business**

Agenda Item: 8a

Proposed Action & Subject: Discussion/possible action regarding an Ordinance repealing and replacing Ordinance No. 2020-02 related to parking in-lieu fees in the Uptown Sedona Business District. This Ordinance would provide that the in-lieu fee is subject to administrative approval.

Department	Community Development
Time to Present	5 minutes
Total Time for Item	15 minutes
Other Council Meetings	December 10, 2019, February 25, 2020, June 9, 2020
Exhibits	A. Proposed Resolution B. Proposed Ordinance C. Ordinance 2020-02 with Resolution 2020-08

City Attorney Approval	Reviewed 9/15/20 KWC	Expenditure Required	
		\$	0
City Manager's Recommendation	Approve the Ordinance reestablishing the parking in-lieu fees within the Uptown Business District.	Amount Budgeted	
		\$	0
		Account No. (Description)	N/A
		Finance Approval	<input checked="" type="checkbox"/>

SUMMARY STATEMENT

This agenda item is for discussion/possible action regarding the Parking In-Lieu Fees within the Uptown Sedona Business District. This would provide that the Parking In-Lieu Fee is subject to administrative approval to maintain an appropriate balance of onsite and offsite parking for any particular business activity.

Background: On December 10, 2019, the City's consultant team, Walter P. Moore Associates, presented the draft final report for the Uptown Sedona Parking Facility Needs, Siting, and Design Concept Assessment to the City Council. The adoption of in-lieu fees was also discussed on December 10th. Before moving forward with further consideration of an in-lieu fee option to meet parking requirements, Council wanted to ensure that if parking fees were assessed and collected, the City had definitive plans to expand the parking supply sufficient to meet whatever new demand the new development or redevelopment generated.

On February 25, 2020, Council expressed support for a parking structure option at North Forest Road. Council was also supportive of moving forward with the adoption of the Parking In-Lieu Fee for Uptown. The City Council adopted the in-lieu fee on June 9, 2020.

The Parking In-Lieu Fee offers an option to pay a fee “in-lieu” of providing a portion of the number of on-site parking spaces required by the Land Development Code. The City would then be responsible for providing central or common parking facilities. The in-lieu fee is \$35,000 per parking space and is a strictly voluntary assessment.

Within the boundaries of the Uptown Sedona Business District, up to 100 percent of the parking requirements generated by new development or additions for all uses except lodging may be satisfied by the payment of in-lieu fees. For lodging uses, up to 10% of the parking requirement generated by new development or additions may be satisfied by the payment of in-lieu fees.

Funds collected by the City from in-lieu fee payments would be used by the City to finance one or more of the following:

- Expansion of public parking supply through construction of new facilities.
- Expansion of public parking supply by leasing existing and available space from private property owners.
- Implementing and expanding mass transportation alternatives.
- Trip reduction strategies, including, but not limited to, improvements to parking utilization rates by means of improved wayfinding, signage, information systems, management, circulation, access, and enhancement of bicycle and pedestrian facilities.

During the discussion on June 9th, several Councilors expressed concerns over what might happen if a property owner were to buy out of a large number of parking spaces with all available parking at or near capacity. To alleviate this concern, by majority consensus, Council directed staff to come back with additional language that would give staff the opportunity to reject an application to participate in the in-lieu fee program if it was inconsistent with the program’s purpose. The City Attorney’s office has proposed language stating that the in-lieu fee is “...subject to administrative approval by the Director of Community Development to maintain an appropriate balance of onsite and offsite parking for any particular business activity.” The map is unchanged from the version adopted on June 9, 2020.

Community Plan Consistent: Yes - No - Not Applicable

The Parking Study and recommendations to add parking are consistent with Circulation Policy #4 – “Help alleviate traffic congestion in Uptown by transforming Uptown into a “park once” district through improved wayfinding and parking availability.” Implementation of parking recommendations from the most recent parking study is also one of the top four priority Circulation actions in the Community Plan.

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s): The Council can decline to adopt the proposed Parking in-lieu fee or modify the proposal.

MOTION

I move to: approve Resolution No. 2020-__ creating public records entitled “Exhibit A - Parking In-Lieu Fees within the Uptown Sedona Business District” and “Exhibit B – Uptown Sedona Business District”.

(After First Reading)

I move to: approve Ordinance No. 2020-___, adopting by reference those records entitled “Exhibit A - Parking In-Lieu Fees within the Uptown Sedona Business District” and “Exhibit B – Uptown Sedona Business District”.

RESOLUTION NO. 2020-__

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA,
ARIZONA, REESTABLISHING AS A PUBLIC RECORD PARKING IN-LIEU FEES
WITHIN THE UPTOWN SEDONA BUSINESS DISTRICT AND THE UPTOWN
SEDONA BUSINESS DISTRICT.**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA that the provisions set forth in the documents attached hereto as Exhibit A entitled "Parking In-Lieu Fees within the Uptown Sedona Business District" and Exhibit B entitled "Uptown Sedona Business District" constitute public records to be incorporated by reference into Ordinance No. 2020-__.

At least one (1) paper copy and one (1) electronic copy of this public record shall be kept in the office of the City Clerk for public use and inspection.

PASSED AND ADOPTED this 22nd day of September, 2020 by the Mayor and Council of the City of Sedona, Arizona.

Sandra J. Moriarty, Mayor

ATTEST:

Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:

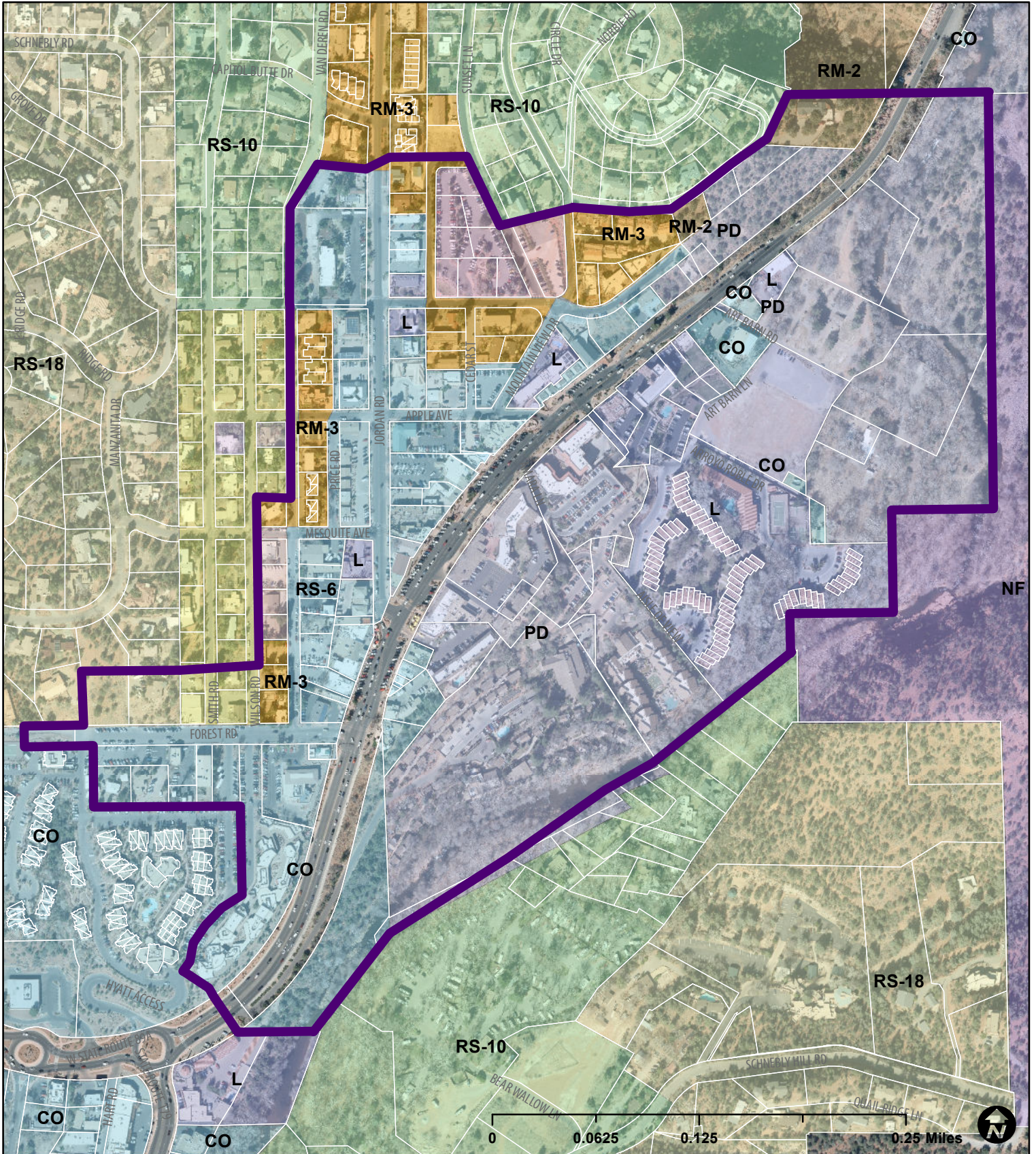
Kurt W. Christianson, City Attorney

Exhibit A
Parking In-Lieu Fees within the Uptown Sedona Business District

1. Purpose: An in-lieu parking fee assists property owners in reinvestment, development, and redevelopment and fosters a pedestrian-oriented environment by offering an option to pay a fee “in-lieu” of providing a portion of the number of on-site parking spaces required by the Sedona Land Development Code (LDC). The City would then be responsible for providing central or common parking facilities which will be substituted for and satisfy the property owner’s obligation. The in- lieu fee program is also another method by which the City can support other transportation policies, projects, and programs.
2. Parking requirements for uses, as established by Section 5.5.D. of the Land Development Code (Minimum Off-Street Parking Spaces Required), or as otherwise established by procedures under the Land Development Code, within the Uptown Sedona Business District may be met by payment of an in-lieu parking fee as provided by this ordinance.
3. The parking in-lieu fee shall be a per parking space fee, and strictly voluntary in nature- and subject to administrative approval by the Director of Community Development to maintain an appropriate balance of onsite and offsite parking for any particular business activity.
4. The amount per parking space of the parking in-lieu fee shall be \$35,000 per space consistent with Section 5.5(C) of the LDC.
5. The parking in-lieu fee shall be tied to the National Construction Cost Index as reported by the Engineering News record and adjusted automatically on January 1st of each fiscal year, beginning on January 1, 2021.
6. The parking in-lieu fee may be paid in a one-time payment or in installments with a regular monthly amortization schedule to include interest on any principal amount.
 - a. If a one-time payment is utilized, the total in-lieu fee amount shall be paid prior to the issuance of building permits for the project or property subject to the minimum off-street parking requirement or if there is no construction subject to a building permit, the applicant shall pay the in-lieu fee prior to the issuance of a Certificate of Occupancy for the project or property subject to the minimum off-street parking requirements.
 - b. For installments:
 - i. The first installment shall be due prior to the issuance of building permits for the project or property subject to the minimum off-street parking requirement or if there is no construction subject to a building permit, the applicant shall pay the in-lieu fee prior to the issuance of a Certificate of Occupancy for the project or property subject to the minimum off-street parking requirement.
 - ii. The owner shall enter into an “In Lieu Fee Financing Agreement” provided by the City of Sedona which will include an interest rate based on the Arizona Department of Revenue rates as prescribed by the US Internal Revenue Code (IRC), Section 6621, which is the federal short-term rate, determined by the IRC plus four percentage points. A one-time \$50 set-up fee will also be charged.

- iii. If the unpaid balance is paid in advance of its due date, interest accrued will be calculated from the most recent payment to the payoff date. Any portion of the in-lieu parking fees which is not paid prior to the issuance of the building permit or Certificate of Occupancy for the project or property subject to the minimum off-site parking requirement shall be adequately secured via the execution of a deed of trust on the property conveyed by the owner of the property to the City for the duration of the loan. Costs associated with the execution of the deed of trust shall be paid by the property owner.
7. Within the boundaries of the Uptown Sedona Business District (Exhibit B to this Resolution), up to 100 percent of the parking requirement generated by new development or additions for all uses except lodging may be satisfied by the payment of in-lieu fees. For lodging uses, which cumulatively includes the lodging use and all other land uses on the same property as the lodging use, up to 10% of the parking requirement generated by new development or additions may be satisfied by the payment of in-lieu fees.
8. The parking in-lieu fee may be applied to all development projects within the Uptown Sedona Business District that are in the development review process but have not received a building permit.
9. Funds collected by the City from in-lieu fee payments shall be used by the City to finance one or more of the following activities:
 - a. Expansion of public parking supply through construction of new facilities.
 - b. Expansion of public parking supply by leasing existing and available space from private property owners.
 - c. Implementing and expanding mass transportation alternatives.
 - d. Trip reduction strategies, including, but not limited to, improvements to parking utilization rates by means of improved wayfinding, signage, information systems, management, circulation, access, and enhancement of bicycle and pedestrian facilities.
10. Payment of the parking in-lieu fee shall be subject to the following City and payer rights and obligations:
 - a. In combination with the spaces provided on-site, payment of the fee shall be considered full satisfaction of the off-street parking requirement as determined by Section 5.5.D. of the LDC.
 - b. The fee shall be non-refundable, and payment of the fee does not carry any other guarantees, rights, or privileges to the payer.
 - c. Payment of the fee does not represent an obligation of the City to provide Uptown area parking spaces within any particular proximity to the project for which the payment was made.
 - d. Payment of the fee does not represent an obligation of the City to make available parking spaces within any particular amount of time.
 - e. Payment of the fee does not entitle the applicant, his or her tenants, or his or her clients to exclusive or private use of any public parking spaces.

Exhibit B
Uptown Sedona Business District



ORDINANCE NO. 2020-____

AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, REESTABLISHING PARKING IN-LIEU FEES WITHIN THE UPTOWN SEDONA BUSINESS DISTRICT AND THE PARKING IN-LIEU FEE DISTRICT - UPTOWN SEDONA, ADOPTING BY REFERENCE THE DOCUMENTS KNOWN AS “PARKING IN-LIEU FEES WITHIN THE UPTOWN SEDONA BUSINESS DISTRICT” AND “UPTOWN SEDONA BUSINESS DISTRICT”; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF ORDINANCE 2020-02 AND ANY ORDINANCE OR PARTS OF ORDINANCES OR CODE PROVISIONS IN CONFLICT HEREWITH.

WHEREAS, the City Council adopted Ordinance 2020-02 on June 9, 2020, establishing Parking In-Lieu Fees within the Uptown Sedona Business District and;

WHEREAS, it is the intention of the City Council to provide that the Parking In-Lieu Fee is subject to administrative approval to maintain an appropriate balance of onsite and offsite parking for any particular business activity.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA THAT:

Section 1. Adoption

The documents known as Exhibit A “Parking In-Lieu Fees within the Uptown Sedona Business District” and Exhibit B entitled “Uptown Sedona Business District” which were declared to be a public record established by Resolution No. 2020-___, and are referred to, adopted, and made a part hereof as if fully set out in this ordinance.

Section 2. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section 3. Repeal

That Ordinance No. 2020-02 is hereby repealed and replaced by this Ordinance. All other Code provisions, ordinances, parts of ordinances in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict as of the effective date hereof.

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this 22nd day of September, 2020.

Sandra J. Moriarty, Mayor

ATTEST:

Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:

Kurt W. Christianson, City Attorney

ORDINANCE NO. 2020-02

AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, ESTABLISHING PARKING IN-LIEU FEES WITHIN THE UPTOWN SEDONA BUSINESS DISTRICT; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF ANY ORDINANCE OR PARTS OF ORDINANCES OR CODE PROVISIONS IN CONFLICT HEREWITH.

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

Section 1. Parking In-Lieu Fees within the Uptown Sedona Business District

That the documents made a public record by Resolution 2020-08 and entitled "Parking In-Lieu Fees within the Uptown Sedona Business District" and "Parking In-Lieu Fee District – Uptown Sedona" are hereby approved.

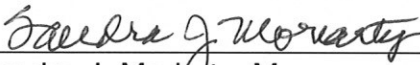
Section 2. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section 3. Repeal

All other code provisions, ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict as of the effective date hereof.

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this 9th day of June, 2020.



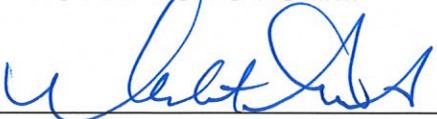
Sandra J. Moriarty, Mayor

ATTEST:



Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:



Robert L. Pickels, Jr., City Attorney

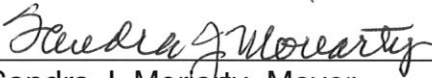
RESOLUTION NO. 2020-08

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA,
ARIZONA, ESTABLISHING AS A PUBLIC RECORD PROPOSED ESTABLISHMENT
OF PARKING IN-LIEU FEES WITHIN THE UPTOWN SEDONA BUSINESS
DISTRICT.**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA that the provisions set forth in the documents attached hereto as Exhibit A entitled "Parking In-Lieu Fees within the Uptown Sedona Business District" and Exhibit B entitled "Parking In-Lieu Fee District – Uptown Sedona" constitute public records to be incorporated by reference into Ordinance No. 2020-02.

At least one (1) paper copy and one (1) electronic copy of this public record shall be kept in the office of the City Clerk for public use and inspection.

PASSED AND ADOPTED this 9th day of June, 2020 by the Mayor and Council of the City of Sedona, Arizona.



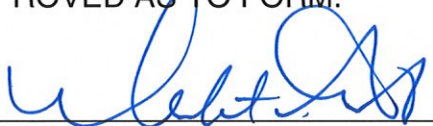
Sandra J. Moriarty, Mayor

ATTEST:



Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:



Robert L. Pickels, Jr., City Attorney

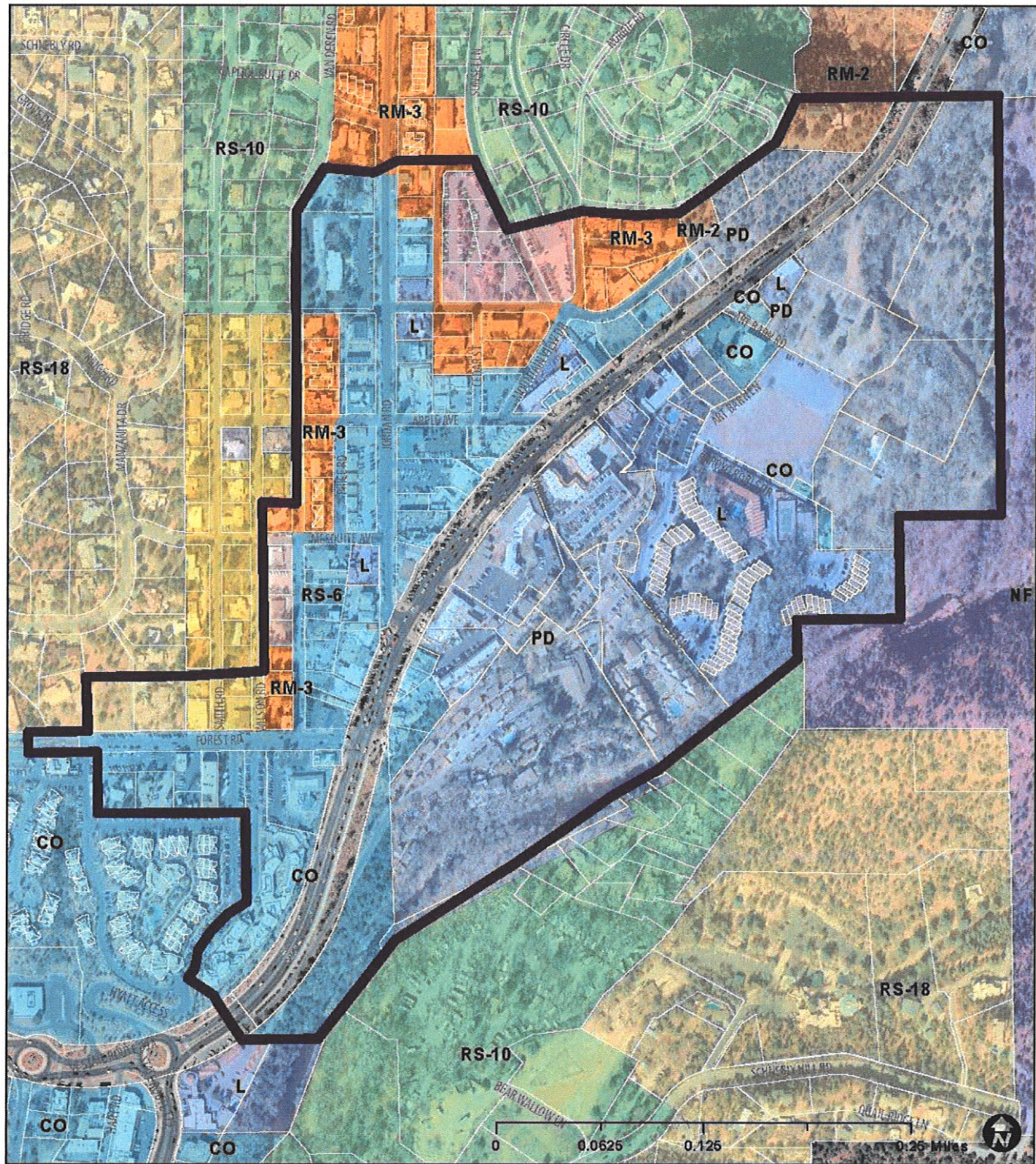
Exhibit A
Parking In-Lieu Fees within the Uptown Sedona Business District

1. Purpose: An in-lieu parking fee assists property owners in reinvestment, development, and redevelopment and fosters a pedestrian-oriented environment by offering an option to pay a fee “in-lieu” of providing a portion of the number of on-site parking spaces required by the Sedona Land Development Code (LDC). The City would then be responsible for providing central or common parking facilities which will be substituted for and satisfy the property owner’s obligation. The in- lieu fee program is also another method by which the City can support other transportation policies, projects, and programs.
2. Parking requirements for uses, as established by Section 5.5.D. of the Land Development Code (Minimum Off-Street Parking Spaces Required), or as otherwise established by procedures under the Land Development Code, within the Uptown Sedona Business District may be met by payment of an in-lieu parking fee as provided by this ordinance.
3. The parking in-lieu fee shall be a per parking space fee and strictly voluntary in nature.
4. The amount per parking space of the parking in-lieu fee shall be \$35,000 per space consistent with Section 5.5(C) of the LDC.
5. The parking in-lieu fee shall be tied to the National Construction Cost Index as reported by the Engineering News record and adjusted automatically on January 1st of each fiscal year, beginning on January 1, 2021.
6. The parking in-lieu fee may be paid in a one-time payment or in installments with a regular monthly amortization schedule to include interest on any principal amount.
 - a. If a one-time payment is utilized, the total in-lieu fee amount shall be paid prior to the issuance of building permits for the project or property subject to the minimum off-street parking requirement or if there is no construction subject to a building permit, the applicant shall pay the in-lieu fee prior to the issuance of a Certificate of Occupancy for the project or property subject to the minimum off-street parking requirements.
 - b. For installments:
 - i. The first installment shall be due prior to the issuance of building permits for the project or property subject to the minimum off-street parking requirement or if there is no construction subject to a building permit, the applicant shall pay the in-lieu fee prior to the issuance of a Certificate of Occupancy for the project or property subject to the minimum off-street parking requirement.
 - ii. The owner shall enter into an “In Lieu Fee Financing Agreement” provided by the City of Sedona which will include an interest rate based on the Arizona Department of Revenue rates as prescribed by the US Internal Revenue Code (IRC), Section 6621, which is the federal short-term rate, determined by the IRC plus four percentage points. A one-time \$50 set-up fee will also be charged.
 - iii. If the unpaid balance is paid in advance of its due date, interest accrued will be calculated from the most recent payment to the payoff date. Any portion of the in-lieu parking fees which is not paid prior to

the issuance of the building permit or Certificate of Occupancy for the project or property subject to the minimum off-site parking requirement shall be adequately secured via the execution of a deed of trust on the property conveyed by the owner of the property to the City for the duration of the loan. Costs associated with the execution of the deed of trust shall be paid by the property owner.

7. Within the boundaries of the Uptown Sedona Business District (Exhibit B to this Resolution), up to 100 percent of the parking requirement generated by new development or additions for all uses except lodging may be satisfied by the payment of in-lieu fees. For lodging uses, which cumulatively includes the lodging use and all other land uses on the same property as the lodging use, up to 10% of the parking requirement generated by new development or additions may be satisfied by the payment of in-lieu fees.
8. The parking in-lieu fee may be applied to all development projects within the Uptown Sedona Business District that are in the development review process but have not received a building permit.
9. Funds collected by the City from in-lieu fee payments shall be used by the City to finance one or more of the following activities:
 - a. Expansion of public parking supply through construction of new facilities.
 - b. Expansion of public parking supply by leasing existing and available space from private property owners.
 - c. Implementing and expanding mass transportation alternatives.
 - d. Trip reduction strategies, including, but not limited to, improvements to parking utilization rates by means of improved wayfinding, signage, information systems, management, circulation, access, and enhancement of bicycle and pedestrian facilities.
10. Payment of the parking in-lieu fee shall be subject to the following City and payer rights and obligations:
 - a. In combination with the spaces provided on-site, payment of the fee shall be considered full satisfaction of the off-street parking requirement as determined by Section 5.5.D. of the LDC.
 - b. The fee shall be non-refundable, and payment of the fee does not carry any other guarantees, rights, or privileges to the payer.
 - c. Payment of the fee does not represent an obligation of the City to provide Uptown area parking spaces within any particular proximity to the project for which the payment was made.
 - d. Payment of the fee does not represent an obligation of the City to make available parking spaces within any particular amount of time.
 - e. Payment of the fee does not entitle the applicant, his or her tenants, or his or her clients to exclusive or private use of any public parking spaces.

Exhibit B Parking In-Lieu Fee District - Uptown Sedona





**CITY COUNCIL
AGENDA BILL**

**AB 2597
September 22, 2020
Regular Business**

Agenda Item: 8b
Proposed Action & Subject: Discussion/possible action regarding the award of a construction contract for the Thunder Mountain/Sanborn Roadway, Shared Use Path, and Drainage Improvements Project to Tiffany Construction Company in the approximate amount of \$2,058,728.

Department	Public Works
Time to Present	15 minutes
Total Time for Item	90 minutes
Other Council Meetings	June 25, 2019 (AB 2494 – Project Design Contract) February 25, 2020 (AB 2553 – Drainage Job Order Contract) September 8, 2020 (AB 2607 – \$353,454 ADOT IGA Funding)
Exhibits	A. Construction Contract B. Map C. Frequently Asked Questions

City Attorney Approval	Reviewed 9/15/20 KWC	Expenditure Required	
		\$	2,058,728
		Amount Budgeted	
		\$	2,075,000
City Manager's Recommendation	Approve a contract with Tiffany Construction for construction of the Thunder Mountain Sanborn Roadway, Shared Use Path, and Drainage Improvements.	Account No. (Description)	22-5320-89-6811 42-5320-89-6811 (SIM-11g, Thunder Mountain/Sanborn Shared Use Path and Drainage Improvements) \$1,275,000 22-5320-89-6839 (ST-02, Thunder Mountain/Sanborn Overlay) \$800,000
		Finance Approval	<input checked="" type="checkbox"/>

SUMMARY STATEMENT

Staff is requesting City Council approval of a Construction Contract in the amount of \$2,058,728 for the Thunder Mountain/Sanborn Roadway, Shared Use Path, and Drainage Improvements Project with Tiffany Construction Company, Inc. The scope of work for this project includes a mill and overlay of an approximate one-mile section of Thunder Mountain Road/Sanborn Drive with new curb and gutter to be constructed along the south side of the roadway. A colored concrete shared use path of varying width (8-feet to 10-feet) with accessible ramps will be constructed along with associated retaining walls and residential driveway reconstruction throughout the project corridor. The project also includes construction of drainage improvements at certain locations throughout the project area.

Background: Over the past 25 years, many plans have supported the increased availability of bicycle and pedestrian routes. Some of these plans specifically supported improving the Thunder Mountain/Sanborn route between Dry Creek Road and Coffee Pot Drive. These plans include the following:

- 1994 Red Rock Pathways Plan
- 1996 Trails and Urban Pathways Plan
- 2007 Sedona Bicycle Plan
- 2017 Community Survey
- 2018 Transportation Master Plan (Strategy 11)
- FY2020/2021 Budget Survey
- 2020 GO Sedona, Trails and Pathways Master Plan Update

By investing in bicycle and pedestrian infrastructure, the City of Sedona is showing a commitment of providing safe and convenient alternatives (or “active”) transportation options. In addition, accessibility to active transportation infrastructure encourages healthier lifestyles.

The photograph below provides an example of the non-motorized uses that Thunder Mountain Road and Sanborn Drive receive during a typical day. It has also been witnessed, on more than one occasion, a baby stroller being pushed along the roadway.



The contract for Thunder Mountain/Sanborn Roadway, Shared Use Path and Drainage Improvements Project includes:

- A 2" milling of existing roadway surface and a 2" overlay of new asphalt paving on the one-mile segment between the east end of the Thunder Mountain Subdivision and Coffee Pot Drive
- New 6" vertical curb & gutter along the south side of the road from the east end of the Thunder Mountain Subdivision to Rodeo Road and new rolled curb & gutter along the south side of the road between Rodeo Road and Coffee Pot Drive
- A 10' wide Sedona Red concrete shared use path along the south side of the road from the east end of the Thunder Mountain Subdivision to Rodeo Road and an 8' wide shared use path along the south side of the road between Rodeo Road and Coffee Pot Drive
- Centerline striping and signage along the shared use path for safety
- Accessible ramps at all street intersections
- Residential driveway reconstruction as needed to match the new elevation at the south edge of the new shared use path and smooth out the transition
- Retaining walls to contain fill that supports the shared use path
- Miscellaneous drainage improvements and culvert extensions between Andante Drive and Coffee Pot Drive to provide the area needed for the shared use path (some existing culvert ends are too close to the road edge). Drainage improvements are also needed to collect runoff from the new curb & gutter and convey it to existing drainage courses.
- Crushed red rock hardscaping along the shared use path
- Existing mailboxes on the south side of the road will be moved to the north side

Project Area Outreach Efforts:

- On July 9, 2019, letters were mailed to property owners north of SR 89A, between Coffee Pot Drive and Southwest Drive. This letter described this project and invited the public to share ideas and comments for the design of the project. The letter also showed the project's design/construction timeline.
- Pre-pandemic: Knock & Talk was performed for all project corridor properties west of Rodeo Road during late January and early February.
- Post-pandemic: Precautions were taken and packets containing letters, project information, and plans were hung on doorknobs throughout the project corridor east of Rodeo Road during late March and mid-May.
- Site specific plans and letters requesting temporary construction easements were sent by certified mail to 21 property owners in the period between early June and early July.
- Of the 90 total developed properties along the proposed pathway corridor, whether temporary construction easements (TCE's) are being requested or not, 28 have expressed support, 11 have expressed opposition, 5 had no opinion, and 46 have not responded to outreach efforts. Of the 11 objectors, 8 are on the south side of Sanborn, between Rodeo and Coffee Pot (5 of the 8 are contiguous neighbors). Of the 21 properties for which TCE's have been requested, 10 have expressed support, 7 have expressed opposition, and 4 have not indicated support or opposition.
- A four-page document with 16 frequently asked questions regarding the project was developed by City staff and Kimley-Horn Engineering and sent to property owners throughout the project corridor.

Schedule and Access:

- The construction timeframe is set at 270 days and is anticipated to begin in early October 2020 and be complete by early July 2021.

- It is not expected that any permanent easements or additional rights-of-way will be necessary to construct this project.
- A total of six TCE's were requested from property owners for the construction of retaining walls and removal/reconstruction of residential driveways on June 4, 2020. Five of these TCE's have been signed and returned to the City.
- A total of 15 TCE's were requested from property owners for removal/reconstruction of residential driveways on July 9, 2020. Five of these TCE's have been signed and returned to the City.
- Throughout the construction period, it will be the contractor's responsibility to coordinate directly with owners/residents regarding impacts to property access.

Procurement Method:

Sealed Bid: This construction contract was advertised for bids on July 3 and 10, 2020 and bids were opened on August 24, 2020.

Six bids were received. They are listed as follows:

Bidder, (Office Location)	Base Bid	Bid Alt #1: Filter Fabric under landscaping rock	Bid Alt #2: Pavers in lieu of stamped concrete at driveway crossings	Bid Alt #3: Revised driveway plan for 2305 Sanborn Drive	Total: Base Bid + Alternates
ENGINEER'S ESTIMATE	\$1,700,932.00	N/A	N/A	N/A	N/A
TIFFANY CONSTRUCTION (Sedona, AZ)	\$2,053,550.00	\$8,692.00	<\$5,440.00>	\$1,926.00	\$2,058,728.00
MOUNTAIN HIGH EXCAVATING (Flagstaff, AZ)	\$2,227,735.00	\$7,420.00	\$10,880.00	\$9,443.00	\$2,255,478.00
COMBS CONSTRUCTION (Phoenix, AZ)	\$2,282,618.38	\$9,540.00	\$12,512.00	\$6,000.00	\$2,310,670.38
BANICKI CONSTRUCTION (Phoenix, AZ)	\$2,399,874.85	\$11,660.00	\$6,120.00	\$12,000.00	\$2,429,654.85
STANDARD CONSTRUCTION COMPANY (Avondale, AZ)	\$2,666,801.60	\$12,720.000	\$544.00	\$10,500.00	\$2,690,565.60
FANN CONTRACTING (Prescott, AZ)	\$2,881,516.40	\$10,070.00	\$18,632.00	\$13,000.00	\$2,923,218.40

The low bid by Tiffany Construction is the only bid that is less than our budget. It is also reflective of the current bid environment. Bid Alternate #1 includes placing a filter fabric weed barrier under the landscaping rock. Bid Alternate #2 replaces stamped concrete with pavers along the shared use path at driveway crossings. The pavers will allow residents to enter their properties without needing to wait for the pathway concrete to cure. Bid Alternate #3 reduces the planned driveway reconstruction slope and adds a driveway trench drain at 2305 Sanborn Drive. Staff is recommending award of the base bid and all three bid alternates, for a total contract amount of \$2,058,728.

Budget:

The amount budgeted for the project is \$2,075,000.

- A \$1,000,000 portion of the budget will be funded from the Transportation Sales Tax

- A \$353,454 portion of the budget will be grant funded through Surface Transportation Program funds. These are federal funds administered by the Arizona Department of Transportation through the Northern Arizona Council of Governments. This funding was approved during the September 8, 2020, Council Meeting.
- A \$85,000 portion of the budget will be funded through an IGA with the Yavapai County Flood Control District
- A \$1,900 portion of the budget will be funded from Development Impact Fees
- The balance of the project’s cost will be paid from Capital Reserves

History:

During FY20, the Thunder Mountain Drainage Improvements Project and the Thunder Mountain/Sanborn Roadway, Shared Use Path and Drainage Improvements Project were designed by Shephard Wesnitzer, Inc., with an investment cost by the City of \$213,935. Through a Job Order Contract, Tiffany Construction Company completed the Thunder Mountain Drainage Improvements Project during FY20 at a cost of \$1,226,526. These FY20 drainage improvements involved installing an underground drainage system and removing the large open channel that existed along a significant southern portion of Thunder Mountain Road. These improvements set the stage for having the area needed to construct the shared use path during FY21. Due to the lag in time between this initial work and the work proposed with this contract, the improvements along the west end of the project have been incomplete to avoid rework costs and to allow area to accommodate surface drainage if needed during the monsoon season. The proposed improvements will include surface drainage facilities that allow the area to be complete and improve aesthetics.

Community Plan Consistent: Yes - No - Not Applicable

Chapter 4 of the Community Plan discusses Circulation. One of the six major goals of this chapter is to create a more walkable and bike-able community. Key issues cited here include addressing safety concerns of pedestrians/bicyclists and lack of sidewalks or shoulders on many neighborhood streets. Page 13 of the Community Plan is dedicated to our vision of walkability. Page 65 of the Community Plan provides a dedicated discussion on walking and biking in Sedona. Page 76 of the Community Plan provides a dedicated discussion of the importance of stormwater management and the prioritization of drainage improvements.

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s): Not approving this project will result in not taking a major step in addressing the need to create a more walkable and bikeable community as discussed in many plans and citizen surveys. Not approving this project will also result in necessary roadway and drainage improvements not being made.

MOTION

I move to: approve award of the construction contract with Tiffany Construction Company, Inc. for the Thunder Mountain/Sanborn Roadway, Shared Use Path and Drainage Improvements Project in an amount not to exceed \$2,058,728, subject to approval of the written contract by the City Attorney’s Office.

CONSTRUCTION CONTRACT

THIS CONTRACT, made and entered into this ____ day of _____, 2020 by and between the City of Sedona, Arizona, hereinafter called the "Owner", and **Tiffany Construction Company, Inc.**, hereinafter called the "Contractor."

WITNESSETH:

WHEREAS, the City has caused Contract Documents to be prepared for the construction of the **Thunder Mountain/Sanborn Roadway & SUP Improvements Project (the "Project")**, City of Sedona, Arizona, as described therein; and

WHEREAS, the Contractor has offered to perform the proposed work in accordance with the terms of the Contract; and

WHEREAS, the Contractor, as will appear by reference to the minutes of the proceedings of the City Council was duly awarded the work.

NOW, THEREFORE, the parties hereto hereby stipulate, covenant and agree as follows:

1. The Contractor promises and agrees to and with the City that it shall perform everything required to be performed and shall provide and furnish all the labor, materials, necessary tools, expendable equipment, and all utility and transportation services required to perform and complete in a workmanlike manner all of the work required in connection with construction of the Project all in strict accordance with the Specifications and Drawings, including any and all Addenda, and in strict compliance with the Contractor's Proposal and all other Contract Documents, which are a part of the Contract; and the Contractor shall do everything required by this Contract and the other documents constituting a part thereof.
2. The Contractor agrees to perform all of the work described above in accordance with the Contract Documents and comply with the terms therein for the initial estimated Contract price of **\$2,058,728.00**, subject to increase or decrease in accordance with the Contract Documents, and the Bid Schedule set forth therein; and the City agrees to pay the Contract Prices in accordance with the Bid Schedule for the performance of the work described herein in accordance with the Contract Documents.
3. The Contractor and the City agree that the terms, conditions, and covenants of the Contract are set forth in the Contract Documents and the Plans and Technical Specifications, and the Drawings numbered C1 through C38, all defined as the Contract Documents, and by this reference made a part hereof as if fully set forth herein.
4. The Contractor and the City agree that each will be bound by all terms and conditions of all of the Plans and Technical Specifications, and Contract Documents, as if the same were fully set forth herein, and hereby incorporate all of the foregoing into this Agreement.
5. The Contractor shall abide by all the laws of the United States of America, State of Arizona, Coconino/Yavapai Counties, and the City of Sedona, including a requirement that Contractor obtain an annual Sedona Business License for every year that they do business with Sedona or within the City limits.

6. The Contractor shall carry Workers' Compensation Insurance and require all Subcontractors to carry Workers' Compensation Insurance as required by the Law of the State of Arizona, and all other insurance as set forth in the General Conditions.
7. Contractor, its agents, employees, and subcontractors, shall not discriminate in any employment policy or practice. "Discrimination" means to exclude individuals from an opportunity or participation in any activity or to accord different or unequal treatment in the context of a similar situation to similarly situated individuals because of race, color, gender, gender identity, sexual orientation, religion, national origin or ancestry, marital status, familial status, age, disability, or veteran status. (Ordinance 2015-10 (2015)).
8. Work under this Contract shall commence on the date specified in the written Notice to Proceed from the City to the Contractor. Upon receipt of said Notice, the Contractor shall diligently and continuously prosecute and complete all work under this Contract within the time specified on Page 2.
9. The Contract Document consist of the following component parts, all of which are a part of this Contract whether herein set out verbatim, or attached hereto:

Advertisement for Bids
 Information for and Instructions to Bidders
 Bid Proposal and Bid Guaranty Bond
 Contract (this document)
 Change Orders
 Addenda
 Performance Bond, Labor and Material Payment Bond
 Special Conditions
 General Conditions
 Technical Specifications
 Notice of Award
 Notice to Proceed
 Plans and Drawings
 Design Reports
 Standard Specifications
 Insurance Certificates

The above-named documents are essential parts of the Contract, and a requirement occurring in one is as binding as though occurring in all. They are intended to be complementary and to describe and provide for a complete work. In case of discrepancy, the order of precedence is as follows:

1. Change Orders
2. Contract (this document), including addenda
3. Payment and Performance Bonds
4. Advertisement for Bids
5. Information for and Instructions to Bidders
6. Notice of Award
7. Notice to Proceed

8. Special Conditions
9. Bid Proposal
10. Technical Specifications
11. Plans and Drawings
12. General Conditions
13. Bid Guaranty Bond
14. Standard Specifications

In the event there is a conflict between any of the above listed documents, the provision of the document with the lower numerical value shall govern those documents with a higher numerical value. Within a category, the last in time is first in precedence.

The Contractor shall not take advantage of any apparent error or omission in the Plans or Specifications. In the event the Contractor discovers such an error or omission, he shall immediately notify the Owner. The City will then make such corrections and interpretations as may be deemed necessary for fulfilling the intent of the Plans and Specifications.

10. As part of the inducement for City to enter into this Agreement, Contractor makes the following representations:
 - A. Contractor has familiarized himself with the nature and extent of the Contract Documents, work, locality, and with all local conditions and federal, state and local laws, ordinances, rules and regulations that in any manner may affect cost, progress, or performance of the work.
 - B. Contractor has studied carefully all reports of investigations and tests of subsurface and latent physical conditions at the site or those reports that otherwise may affect cost, progress or performance of the work, which were utilized by Design Engineer in the preparation of the Drawings and Specifications and which have been identified in the Contract Documents.
 - C. Contractor has made or caused to be made examinations, investigations and tests, and studies of such reports and related data as he deems necessary for the performance of the work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents; and no additional examinations, investigations, tests, reports or similar data are or will be required by Contractor for such purposes.
 - D. Contractor has correlated the results of all such observations, examinations, investigations, tests, reports and data with the terms and conditions of the Contract Documents.
 - E. **Contractor has given the City Engineer written notice of all conflicts, errors or discrepancies that he has discovered in the Contract Documents** and the written resolution thereof by City Engineer is acceptable to Contractor.
 - F. Contractor has attended mandatory pre-bid meetings and walk-throughs.
11. A. No assignment by a party hereto of any rights under or interest in the Contract

Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, monies that may become due and monies that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

- B. City and Contractor each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, and its partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.
- C. Pursuant to Arizona Revised Statutes Section 38-511, the provisions of which are incorporated by reference as if fully set forth herein, all parties are hereby given notice that this Agreement is subject to cancellation by the City if any person significantly involved in initiating, negotiating, securing, drafting, or creating the Contract or Contract Documents on behalf of the City is, at any time while the Contract or Contract Document or any extension thereof is in effect, an employee or agent of any other party to the Contract or Contract Documents in any capacity or a consultant to any other party to the Contract or Contract Documents with respect to the subject matter of the Contract or Contract Documents.

12. During the performance of this Agreement, Contractor may also be under contract with the City for performance of work on other projects. A breach in the performance of any of Contractor's obligations under this Agreement shall constitute a breach of Contractor's obligations under any other agreement with the City and the breach by Contractor under other agreement with the City shall also constitute a breach of Contractor's obligations under this Agreement. The City may offset any amounts owed by Contractor under any such other agreement from any amounts owed to Contractor under this Agreement.

13. The Contract Documents constitute the entire Agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement which shall be deemed an original on the date first above written.

CITY: City of Sedona, Arizona

BY: _____

NAME: _____

TITLE: _____

(SEAL)

ATTEST:

BY: _____

NAME: _____

CONTRACTOR:

BY: _____

NAME: _____

TITLE: _____

(SEAL)

ATTEST:

BY: _____

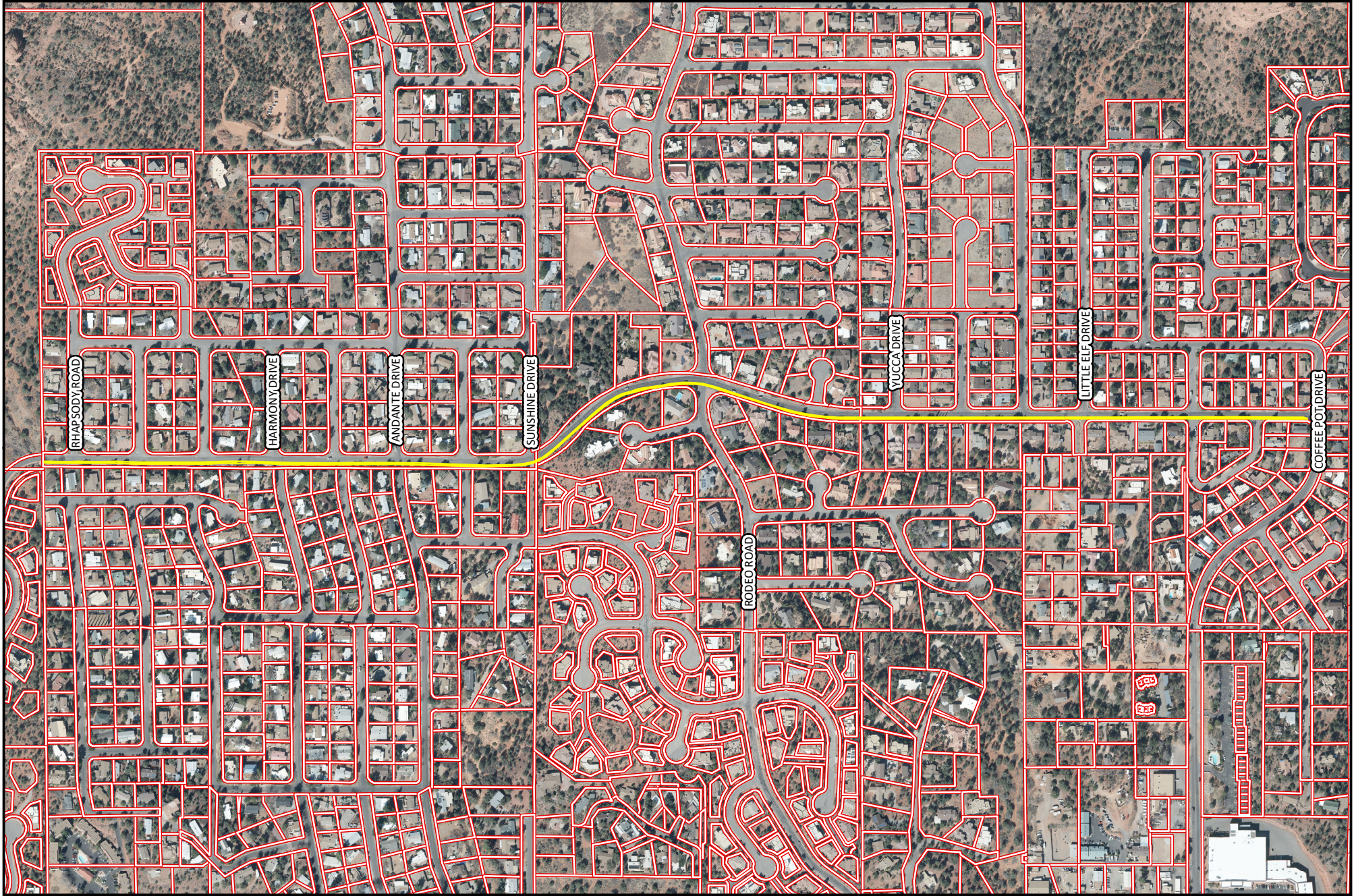
NAME: _____

APPROVED AS TO LEGAL FORM:

BY: _____

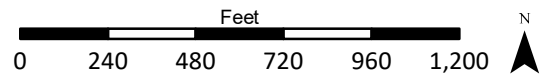
(City Attorney)

DATE: _____



**PROJECT LOCATION MAP:
THUNDER MOUNTAIN/SANBORN ROAD
SHARED USE PATH AND DRAINAGE IMPROVEMENTS**

Parcels	Project



This map is designed to provide as-is information only. The data is not accurate to engineering or surveying standards. The City of Sedona is not liable or responsible for loss or damages rising from the data contained on this map.

EXHIBIT C

Thunder Mountain/Sanborn Shared Use Path FAQs:

Q: What is the difference between a sidewalk and shared use path?

A: A sidewalk is an ADA accessible paved or concrete walkway parallel to the street. Sidewalks are intended to accommodate pedestrians and are typically five-feet wide in Sedona. While bicyclists are allowed to ride on sidewalks, they are discouraged from doing so because pedestrian traffic moves much slower than wheeled traffic.

Shared use paths are bikeways/walkways physically separated from motor vehicle traffic, typically between 10-14 feet in width, and designed to accommodate non-motorized users, such as pedestrians, bicycles, roller skaters, etc.

Q: Why does the shared use path need to be so wide?

A: The minimum recommended width of a two-directional shared use path is ten-feet. However, when constraints make a wider path infeasible, a reduced width of 8-feet may be used. A 10-foot wide path is planned west of Rodeo Road where there is sufficient right-of-way width; however, the path width will narrow to eight-feet to the east of Rodeo Road due to reduced available right-of-way area.

Q: Why doesn't the City just install a five-foot wide sidewalk with bike lanes on the roadway?

A: This would require a wider roadway prism and the existing drainage ditches on the north side of Thunder Mountain would need to be relocated. The cost of a project of this scope would be considerably higher than the current design. Also, a shared use path provides a physical separation from motorized vehicular traffic.

Q: Why do some of the driveways need to be reconstructed into private property as part of the shared use path construction?

A: The cross slope of the shared use path will be relatively flat to meet ADA requirements and the path will be elevated to accommodate new curb. For driveways with slopes starting near the edge of the existing roadway, this means those driveways will need to be reconstructed with slopes that begin at the south edge of the shared use path.

Q: What is a temporary construction easement (TCE) and why is it necessary?

A: A TCE is a legal document that allows the City to perform construction work on private property during a specified period of time. It is the City's desire to obtain TCE's and pay for the reconstructed driveways. Without the City having a TCE, that property owner would be responsible for constructing their driveway transition to the new grade. TCE's will be necessary

in some cases for the construction of short retaining walls along the edge of the City rights-of-way as well.

Q: How is pedestrian and bicyclist safety considered when I pull out of my driveway?

A: In the existing condition, pedestrians and bicyclists are either A) in the roadway or, B) along the shoulder, where it exists. The shared use path will be along the south shoulder area, but will provide a better walkable surface than what exists today. Driveways will stand out to the path users by having brick patterned stamped concrete and sight triangles within the existing right-of-way will be cleared to the extent possible. As always, vehicle operators, pedestrians and bicyclists should always be aware of their surroundings and use caution.

Q: How is pedestrian and bicyclist safety considered at intersections?

A: The project includes safety improvements to alert vehicles and path users in areas where potential conflict could occur. The City has also provided a third-party independent design review to ensure needed safety elements are included in the project. Pathway design is consistent with design guidelines recommended by the American Association of State Highway and Transportation Officials (AASHTO) and the National Association of City Transportation Officials.

Q: How is the safety of users being considered when mixing people walking and biking on the same pathway?

A: The pathway is being constructed to be 10' wide where possible, to provide sufficient spacing between pedestrians and bicyclists. The pathway construction will include a package of wayfinding and path use signs. These signs will contain guidelines related on how to use the path properly and safety. For example, bicycles are required to yield to pedestrians and passing occurs on the left, etc. In addition, a dashed centerline stripe will be added to signify direction of travel.

Q: Why is the City investing in bicycle and pedestrian infrastructure along Thunder Mountain Road and Sanborn Drive?

A: The City of Sedona is investing in bicycle and pedestrian infrastructure to provide safe and convenient alternative (or "active") transportation options. In addition, accessibility to active transportation infrastructure encourages healthier lifestyles.

In a Budget Survey for Fiscal Year 2020/2021, with 476 Sedona residents responding, 68 percent support additional funding for walking and biking improvements. Further support can be found in the following documents: Transportation master plan (SIM), www.Sedonaaz.gov/sim GO Sedona, www.Sedonaaz.gov/go and the community survey,

www.sedonaaz.gov/your-government/departments/city-manager/citizen-engagement/community-survey

Q: Are there concerns that this project will attract more tourists to our neighborhood?

A: This amenity is being built for whomever would like to use it. It will be a great addition for residents along this corridor who enjoy getting outdoors to get some exercise and fresh air. Tourists who are staying in this general area may make use of it, but it is mainly being built with Sedona residents in mind. Also, the support reflected in the surveys referenced above was support from residents.

Q: Who will maintain the shared use path and associated striping/signage?

A: The City of Sedona Public Works Department.

Q: How will potential trash and pet waste be addressed?

A: If needed and welcomed by the property owners in the area, a few trash receptacles and pet waste stations may be installed along the new path. If these are installed, they will be routinely serviced and maintained by the Public Works Department.

Q: How is residence property and privacy being considered?

A: The improvements are being made within the City right-of-way. Front yard space is not decreasing with this project.

Q: Considering the average age of Sedona residents is 58, what is the anticipated usage of the new path?

A: There is significant support for bicycle initiatives in the Sedona area. Again, the survey support referenced above was by Sedona residents.

Q: How will this project address storm drainage flows to my property?

A: With the installation of curb and gutter along the south side of the roadway, street drainage will be intercepted and conveyed to appropriate existing drainage channels. This should significantly reduce the amount of nuisance stormwater that flows onto private property (including driveways).

Q: Will this project improve the condition of the roadway surface?

A: Yes. The top two-inches of the existing roadway will be milled off and replaced with two-inches of new asphalt.

Q: With the installation of the shared use path, will mailboxes need to be moved?

A: Yes. The existing mailboxes along the south side of Thunder Mountain Road and Sanborn Drive (within this project's corridor) will need to be moved to the north side of the road. This is necessary to keep the mail carrier from needing to drive onto the shared use path.

Q: Will the shared use path meet ADA accessibility guidelines?

A: Yes. The shared use path was designed and will be constructed to meet ADA accessibility guidelines. Residential driveways do not have ADA accessibility requirements.

Q: Where will trash bins be placed for collection for properties along the shared use path?

A: Trash bins can be placed adjacent to the curb on the shared use path for collection. Residents should be courteous to their neighbors and remove the bins in a timely manner after collection.

Q: How is it anticipated that this project will impact the environment?

A: It is our intent that these new improvements will create an environment where people can have safe and convenient alternative (or "active") transportation options, potentially reducing carbon emissions within the City of Sedona.

Q: What, if any impact will this project have on property values?

A: While property values are dependent upon factors which the City cannot speculate, these types of paths are desired throughout our country, are common in many areas in Arizona, and considered an asset. The new curb/gutter, roadway asphalt, and drainage improvements on Thunder Mountain Road and Sanborn Drive will be a definite asset to the area.

Q: Why is the area along the south side of Thunder Mountain Road between Rhapsody Road and Andante Drive disturbed and what is going to happen in this area?

A: The City recently completed a large underground drainage project to protect homes and properties in the area. This project also eliminated many unsightly above ground drainage structures and channels.

This recently disturbed area is in a dormant phase in anticipation of the shared use path construction and landscaping rock placement.



**CITY COUNCIL
AGENDA BILL**

**AB 2615
September 22, 2020
Regular Business**

Agenda Item: 8c
Proposed Action & Subject: Discussion/possible action regarding a letter of support for Forest Service acquisition of the Tobias/Flynn properties.

Department	City Manager
Time to Present	15 minutes
Total Time for Item	45 minutes
Other Council Meetings	April 5, 2007, October 23, 2007, January 8, 2008, February 12, 2008, December 13, 2011, September 12, 2017, July 10, 2018, July 23, 2018
Exhibits	A. Area Map B. Draft letter of support C. Forest Service Proposal Summary D. Project area photos E. Letter from City Council 2017 F. Letter from City Council 2018

City Attorney Approval	Reviewed 9/15/20 KWC	Expenditure Required	
		\$	0
City Manager's Recommendation	Authorize the Mayor to sign a letter supporting the Forest Service's application to acquire the Tobias Flynn properties.	Amount Budgeted	
		\$	0
		Account No. (Description)	N/A
		Finance Approval	<input checked="" type="checkbox"/>

SUMMARY STATEMENT

The Forest Service has asked the City to issue a letter of support for the Forest Service's application to secure funding to purchase the Tobias/ Flynn properties.

Background: The Tobias/Flynn properties are comprised of three, privately-owned parcels totaling 27 acres located west of Oak Creek behind Poco Diablo and the Oak Creek Cliffs subdivision. The subject parcels are identified on the enclosed map (Exhibit A). The parcels were acquired by private parties (Tobias and Flynn) from the Forest Service many years ago despite lack of public access. The properties were refused access from Oak Creek Cliffs Drive, a private road with an existing low water creek crossing controlled by Oak Creek Cliffs Homeowners Association. Council has weighed in on the access issues dating back to 2007. The history includes:

- The City Council began discussing this item in 2007, continued discussions in 2008, and then again considered this item in 2011.
- Previous City Councils made formal comment to the Coconino National Forest (USFS) in 2007 and 2011 regarding the proposed alternatives identified at that time.
- After 2011, the USFS continued its Environmental Assessment (EA) process required by the National Environmental Protection Act (NEPA) and released an updated EA on August 17, 2017.
- The updated EA proposed three alternatives for access. Alternatives B and C contemplated taking access from SR 179, requiring construction of a new bridge over Oak Creek. Alternative D contemplated a new 1.4-mile access road through open Forest Service land, tying into Chavez Ranch Rd. Alternative A was a standard “no action” alternative that was not possible in this situation but is included all EA’s.
- Council disliked all plans for access as the access (and development itself) was thought to have broad negative visual and environmental impacts. However, Alternative D was considered the worst of the three.
- In September 2017, City Council authorized the Mayor to issue a letter indicating Alternative D should NOT be considered and recommended a hybrid of Alternative B and C. That letter is attached as Exhibit E.
- In March 2018, the Forest Service issued the Final Environmental Assessment. The Draft Decision in the Final EA selected Alternative D. The Final EA, is available at the following link: <https://www.fs.usda.gov/project/?project=15870>.
- In April 2018, City Council authorized the Mayor to sign another letter formally objecting to the Draft Decision. That letter is enclosed as Exhibit F.

Despite the formal objection from the City, the Forest Service ultimately finalized the NEPA process by approving the 1.4-mile road access. However, recently the Forest Service has decided to pursue purchase of the property. The purchase would take any private development, including the proposed access, off the table. There are no imminent plans by the Forest Service to do anything specific with the parcels. Rather, they would be managed in a way consistent with the surrounding Forest Service land.

Enclosed as Exhibit B is a draft letter for Council’s consideration. The Forest Service will have someone present at the meeting to answer any questions about this proposal. Enclosed as Exhibit C is a Forest Service Proposal Summary that provides additional detail about the project. Exhibit D includes photos from the area and brief descriptions of some of the area’s assets. Exhibits E and F are letters from the City that provide additional context for the City’s previous positions on the proposed access.

Community Plan Consistent: Yes - No - Not Applicable

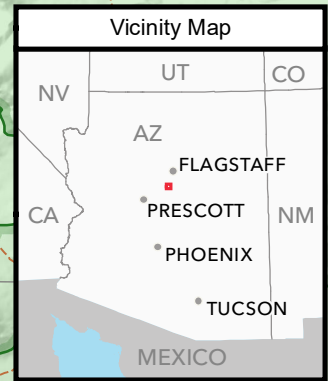
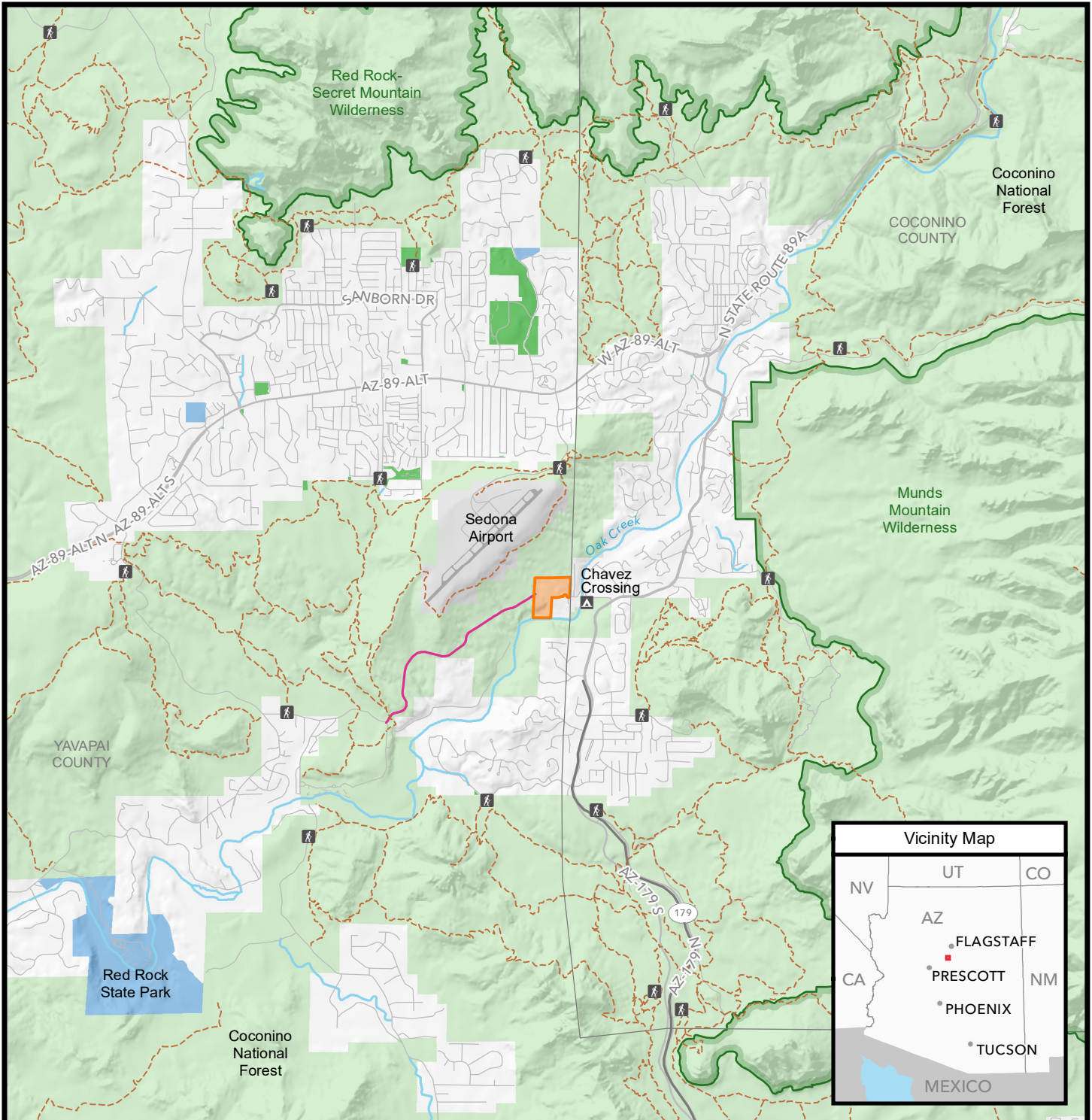
The Community Plan dedicates two of six desired outcomes to “Commitment to Environmental Protection” and “Access to Oak Creek” and one of six Vision Themes to, “Environmental Stewardship.”

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s): N/A

MOTION

I move to: authorize the Mayor to sign a letter supporting the Forest Service’s application to acquire the Tobias Flynn properties.



References

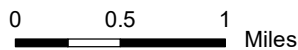
Land surface ownership data provided by BLM, 2015.

* Spikedace and Loach Minnow critical habitat along Verde River and Beaver Creek throughout extent of map.



Disclaimer

The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.



Map Creation Date - August 31, 2020



- Oak Creek project
- Permitted road alignment
- Trail
- Trailhead
- Campground
- National Scenic Byway
- Wilderness boundary
- US Forest Service
- State
- Yavapai County
- City of Sedona

VERDE RIVER STRING OF PEARLS - SEDONA OAK CREEK

27 acres located in Section 14
T17N, R5E
Yavapai County, Arizona

U.S. Forest Service Region 3
Coconino National Forest
Congressional District: AZ-1

Copies of this map are available for public inspection in the Office of the Regional Forester, Region 3, Albuquerque, New Mexico.



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FAX (928) 282-5671

Office of the Mayor

September 23, 2020

Laura Jo West
Forest Supervisor
Coconino National Forest
1824 S. Thompson Street
Flagstaff, AZ 86001

RE: Support for Oak Creek Acquisition Project

Dear Supervisor West:

The City of Sedona is pleased to support a plan proposed by the U.S. Forest Service and The Trust for Public Land to purchase and protect the 27-acre property on Oak Creek near Chavez Crossing from a willing seller and add the property to the Coconino National Forest. We understand that such a project would protect the scenery in the area from the development of the property and from construction of an associated access road and also may offer opportunities to create additional recreation trails for the public and tourists to experience Oak Creek.

These project goals are supported by the Sedona Sustainable Tourism Plan, a community-based tourism plan which the City completed in 2018 in partnership with the Sedona Chamber of Commerce and Tourism Bureau. This Plan recognizes the high importance of tourism to our economy in which over half of our businesses consider themselves to be in the tourism business, which is an industry that contributes an estimated \$370 million to the local economy and provides over 7,000 local jobs.

The City Council understands that the Forest Service will request the use of funds from the federal Land and Water Conservation Fund (or LWCF) to use for the acquisition and protection of this property and which is not derived from taxes but is a portion of the federal government's share of offshore oil and gas royalties that are reinvested in our country's natural resources. We support the request for LWCF funds to acquire and protect this property as an addition to the national forest and believe that it is an important project in furthering the business and tourism goals of Sedona.

Sincerely,

Sandra J. Moriarty
Mayor
City of Sedona

Proposed Federal Land Acquisition
Coconino National Forest and Trust for Public Land

Project: Verde River String of Pearls - Sedona Oak Creek - Coconino NF

Proposal: The Coconino National Forest (CNF) is seeking support from the City of Sedona in the acquisition of 27-acres of private land along Oak Creek in the City of Sedona. Trust for Public Lands is partnering with the Forest on the acquisition as part of the Verde String of Pearls Project.

Federal acquisition would protect habitat for threatened and endangered species, protect the watershed and water quality, and provide additional areas that could provide recreation opportunities in the future. If acquired, a 1.4-mile road accessing private property through the national forest would not be constructed.

Location:

Parcel 408-27-003F: 345 Oak Creek Cliffs Dr

Parcel 408-27-003E: 355 Oak Creek Cliffs Dr

Parcel 408-27-003C: 385 Oak Creek Cliffs Dr

Contacts:

Amy Tinderholt
District Ranger, Red Rock Ranger District
amy.tinderholt@usda.gov

Michael Patrick
Senior Project Manager, Trust for Public Lands
michael.patrick@tpl.org

About the Verde River String of Pearls Project

The Verde River String of Pearls Project is a multi-forest initiative to acquire strategic properties on the Verde River and its major tributaries that provide multiple benefits for the Forest Service and public, particularly for protecting important riparian habitat and providing new recreational opportunities for the public.

CNF and Prescott National Forest (PNF) had previously (in 2011) purchased the 139-acre Packard Ranch containing both Verde River and Sycamore Creek, which provided a major trailhead into the Sycamore Canyon Wilderness area. PNF recently purchased the 84-acre Rio Verde Ranch which is one of the few private inholdings on the Upper Verde River and should provide a unique public recreation access point to the river. CNF is working to complete purchase of a 58-acre property in the Middle Verde River at the confluence of the river and Beaver Creek.

Acquired to date: 223 acres

- Packard Ranch in 2011
- Rio Verde Ranch in 2020

In Process: 58 acres at the Verde River/Beaver Creek Confluence

Acquisition of this land by the Coconino National Forest will have many benefits for the public and residents of Sedona:

Protection of Threatened and Endangered Species and Habitat:

The 140-mile long Verde River, with its major tributaries like Oak Creek, is one of the last free-flowing rivers in Arizona and a critical flyway for migratory birds with high breeding bird density, over 200 species of resident and neo-tropical migratory bird species and twelve species of native fish.

The tract contains riparian forest (Sycamore-Fremont Cottonwood-Willow) with frontage along Oak Creek. The protection and proper management of the tract has a strong tie with Section 5 of the Endangered Species Act and advance FS efforts to aid in the recovery of threatened (T) and endangered (E) species as well as birds of conservation concern and Southwest Region Sensitive Species. The tract contains designated critical habitat for loach minnow (E), spikedace (E), Mexican spotted owl (T), Western yellow-billed cuckoo (T), and narrow-headed garter snake (T). The acquisition of the property would result in a beneficial effect by protecting the riparian, streambank and stream habitat. The tract also contains occupied habitat for three endangered fish species - Gila chub, spikedace, and loach minnow - in addition to that for two fish species listed as proposed threatened - roundtail chub and headwater chub. An Environmental Assessment completed by FS for the tract lists 25 additional USFS Sensitive Species that will benefit from its protection.

As further evidence of ecological importance of Oak Creek, the tract is just three miles upstream from the start of the Lower Oak Creek Important Bird Area (as designated by Audubon) which runs along Oak Creek and its watershed through the national forest and lands owned by Arizona State Parks and Arizona Game and Fish to the creek's confluence with the Verde River.

Watershed Protection:

The Verde River, of which Oak Creek is a major tributary, is a vital resource for Arizona. It provides habitat for multiple federally listed species and is a major drinking source for the nearly 4.5 million residents of Maricopa County (which includes the Phoenix metroplex). Approximately 2/3 of the watershed for the river is on the national forests (Coconino, Prescott and Tonto NF's).

Oak Creek, on which the tract is located, is one of only three streams designated by the State of Arizona as outstanding state resources and classified as Outstanding Arizona Waters. Therefore, protection of undeveloped creekside tracts from additional residential development is of high importance.

The Verde River Watershed is in the state's highest class for climate change vulnerability, according to Arizona's 2010 Forest Resource Assessment. This ranking is due to abundant species of concern and a rapid historic temperature rise.

Acquiring properties such as the proposed tract that are threatened with residential and commercial development adjacent to the Verde River and its tributaries will reduce stresses on the riparian systems and protect water quality from nearby incompatible development.

Recreation and Recreational Access:

The national forest lands surrounding Sedona are an international and national destination for recreation and scenery. Residents and visitors alike come to Sedona to view dramatic red-rock formations, visit spectacular Oak Creek and hike on some epic trails. According to the 2014 Sedona Community Plan, an estimated 2 to 4 million tourists visit the Sedona area annually. The National Visitor Use Monitoring conducted on Coconino NF shows respondents identifying hiking and viewing natural features as 34% and 22%, respectively, of their main activity. Additionally, the tract is in the heart of the City of Sedona in an area referred to as "Sedona's backyard" and an area designated by CNF Plan as the Neighborwoods Management Area. The acquisition of the proposed tract will both enhance recreational opportunities and avoid private road development (described below).

The acquisition of the tract would provide opportunities for the area to either remain undeveloped, or for future recreational access. The tract is located near the Chavez Crossing Group Campground, a popular campground on Oak Creek less than 1/4 mile away. It is also very near the "swimming hole" an informal recreational area at wide pools along Oak Creek that has become a very popular site for local residents. If trails, recreations sites or other developments were proposed after federal acquisition, these actions would require environmental analysis and public input.

As described in #7, the landowners have the right to construct a 1.4-mile road through the national forest to provide road access to the tract and which would certainly happen if the tract is developed. This would certainly detract from the scenery and views from both some of the outstanding recreational trails in the CNF Red Rocks Ranger District and from the major roadway into Sedona from the Phoenix metroplex, which is the route taken by most of the visitors. More detail on this is provided in Additional Information page. Acquisition of the tract by FS will eliminate the possibility of this road being constructed across the national forest.

**VERDE RIVER STRING OF PEARLS PROGRAM
SEDONA OAK CREEK PROPERTY (COCONINO NATIONAL FOREST)**



Photo on property shows Oak Creek; a major tributary of the Verde River. This is one of only two undeveloped private properties in City of Sedona with such creek frontage. Acquisition would create opportunities for new FS trails along the creek.



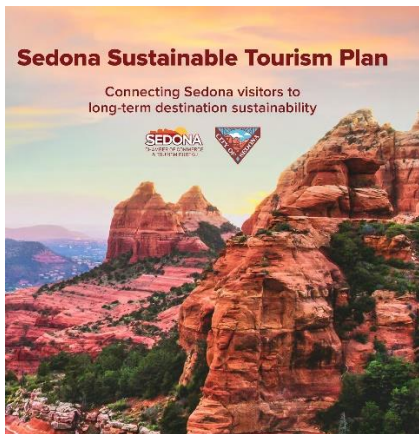
The property has designated critical habitat for loach minnow (E, shown), spikedace (E), Mexican spotted owl, southwestern willow flycatcher (E, shown), and narrow headed gartersnake (T) in addition to occupied habitat for Gila chub (E). The property is 3 miles upstream from start of Lower Oak Creek Important Bird Area which runs for 10 miles through NF to confluence of creek & Verde River.



Property is in the immediate area of epic hiking trails in FS Red Rock District such as Cathedral Rock (shown). The property owners can construct a 1.4-mile access road across national forest; impact would be visible from 6,400 acres of NF incl scenic highway and numerous FS trails.



The property is just downstream from this very popular FS Chavez Crossing Group Campground (also on Oak Creek) in Sedona and just upstream from group of informal swimming holes on the creek used by residents & tourists.



Acquisition supports goals of recent community-based Sedona Sustainable Tourism Plan. Over half of the City's businesses are tourism-based, with 3 million visitors per year. Main tourism activities (per polling) are hiking and viewing scenery.



This property acquisition by Forest Service is supported by a broad group of stakeholders. The Trust for Public Land is a project partner with an option agreement to acquire the property, and will be funding the real estate due diligence in collaboration with FS.



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

Laura Jo West
Supervisor, Coconino National Forest

This letter is written to submit comments to the Draft Environmental Assessment for the Tobias-Flynn Private Land Access.

The City believes strongly that there are two priority considerations that should determine the preferred alternative for achieving access to the Tobias-Flynn property. The first priority consideration is that the final alternative should be the one that best mitigates environmental impacts. The second priority consideration is for the alternative that best mitigates aesthetic impacts to the view shed in and around the project.

It should be noted that the city's comments come after very little time to fully review and vet three alternatives. Similarly, while the Draft EA is thorough, questions remain about environmental and aesthetic impacts. For instance, it is challenging to compare the environmental impacts of a much longer road to impacts to riparian areas associated with a bridge. Similarly, it is difficult to assess the aesthetic impacts of the two bridges of different height and length and different proximity and orientation to SR 179 and surrounding neighborhoods.

Additionally, it is not clear if the three action alternatives outlined are exhaustive of the access options available. The City's comments below reflect the thought that a combination of certain components from more than one alternative may be better than any one alternative on its own. There also continues to be suggestions that other access may be possible. While it appears from public comments that many residents of Oak Creek Cliffs are not interested in granting access through a private drive, and technical details about that possible access are not fully understood, some continue to advocate for the proposition that such access could presumably be negotiated in the future. However, such access, while primarily involving private land, could impact small portions of forest land. It appears as though that impact has not been studied as part of the Draft EA, likely because it depends on the cooperation of private property owners. This results in a situation where if an agreement were ever reached with private property owners, the lack of an EA would preclude participation by the Forest Service, even if it were a far superior option.

To ensure the best possible outcome for legal access, the City encourages the Forest Service to consider any and all potential scenarios where access could be accomplished and to review them thoroughly to better understand negative impacts. Doing so will further ensure an alternative that best minimizes environmental and aesthetic impacts is accomplished.

Based solely on the information contained in the Draft EA, the city has formulated the following position based on what appears to best mitigate negative environmental and aesthetic impacts:

1. **Alternative D should not be considered.** Alternative D has by far the longest road at approximately 7,500 feet (1.4 miles). The route of this road would cut through pristine forest. Similarly, the routing of the road would be visible to numerous residents and recreationists, exacerbating aesthetic impacts. This alternative also poses greater risk to health and safety of potential residents by drastically increasing response time to any emergency situation.
2. **Access from SR 179 as contemplated in Alternative C should not be considered.** Consolidated highway access is always preferable to separate access as intersections are already a point of conflict. Similarly, access to SR 179 from Oak Creek Cliffs Drive is provided by a full movement intersection. The access to SR 179 in Alternative C is limited to right in, right out turning movements. Northbound travelers exiting the property will need to first travel south and either use residential streets to turn around or travel 3,360 feet (.64 miles) to the nearest roundabout at Chapel Rd. Northbound travelers returning to the property would have a similar issue, having to travel beyond the access at SR 179 and turning around utilizing residential streets or traveling 3,300 feet (.63 miles) to the closest round a bout at Morgan Rd.
3. **Extending an access road to the west of the property as contemplated in Alternative B appears to have excessive negative impacts.** The access road in Alternative B is 4,500 feet (.85 miles) and crosses two ephemeral drainage ways. Conversely, the road contemplated in Alternative C is shorter (2,600 feet) and only crosses one ephemeral drainage way. Similarly, the longer road in Alternative B wraps around the property from the east, south and west, creating visibility to a larger area of potential residents and recreationists.
4. **Combining elements of Alternative B and C appears to best mitigate negative impacts.** Utilizing the point of origin for access off of Oak Creek Cliffs Drive as contemplated in Alternative B and the point of terminus for access at the south end of the property as contemplated in Alternative C appears on its face to best mitigate environmental and aesthetic impacts. In this scenario, full movement access to SR 179 via Oak Creek Cliffs Drive is preserved, the length of the road is reasonably constrained (estimated at 3,400 ft) and requires crossing of only one ephemeral drainage way.

Thank you for the opportunity to submit comment. The City remains hopeful for the best possible outcome.

Sincerely,



Sandy Moriarty
Mayor
City of Sedona



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

Laura Jo West
Supervisor, Coconino National Forest

This letter is written to object to the draft Decision Notice (DN) and Finding of No Significant Impact (FONSI) for the Environmental Assessment (EA) for the Tobias-Flynn Private Land Access.

The City believes strongly that there are two priority considerations that should determine the preferred alternative for achieving access to the Tobias-Flynn property. The first priority consideration is that the final decision should be the alternative that best mitigates environmental impacts. The second priority consideration is for the alternative that best mitigates aesthetic impacts to the view shed in and around the project.

After considering alternatives A-D city council determined that the only option that should not be considered is Alternative D. The city submitted the following on Alternative D in its original comments:

Alternative D should not be considered. Alternative D has by far the longest road at approximately 7,500 feet (1.4 miles). The route of this road would cut through pristine forest. Similarly, the routing of the road would be visible to numerous residents and recreationists, exacerbating aesthetic impacts. This alternative also poses greater risk to health and safety of potential residents by drastically increasing response time to any emergency situation.

The DN provides reasons for selecting Alternative D that primarily focus on the value of riparian areas and the impact to riparian areas associated with a bridge over Oak Creek. However, it is not clear how the Forest Service considered short term vs. long term impacts to riparian areas associated with Alternatives B and C compared to the permanent aesthetic impacts associated with Alternative D. City Council discussed impacts from all alternatives with Forest Service staff. Impacts to riparian areas were generally described as most significant in the short term and associated with construction of the bridge. The long term impacts were generally described as limited to an area where bridge abutments would be located. While the Reasons for the Decision in the DN reference the estimated 60-80 foot height of the bridge in the context of construction oversight and cost, there is no information that suggests the long term impacts from abutment structures is more significant than described to council by Forest Service staff. It further seems that all alternatives that provide access to the property can be controlled by a gate to limit general public use, further mitigating some of the environmental impacts cited in the DN.

While City Council established environmental concerns as the first priority consideration for selecting an alternative, mitigating aesthetic impacts was also very important. The DN acknowledges the aesthetic impacts of Alternative D but does not describe them in quantitative or qualitative ways like the description of riparian impacts. Alternative D would seem to have the most significant negative aesthetic impacts given the 1.4 mile road. It should further be noted that the proposed alignment of Alternative D cuts through an area of pristine forest designated as Semi-Primitive Non Motorized (SPNM). While environmental impacts associated with construction of Alternative D may be appropriately mitigated through best management practices, the impact to Recreational Opportunity Spectrum (ROS) and scenic viewsheds will be permanent. This area of open forest is one of the largest within city limits and associated with some of the most iconic rock formations, including cathedral rock. The DN only makes brief reference to "mitigation measures to reduce the results of road and bridge construction to scenery." This creates the appearance that these impacts were not given appropriate weight in the DN.

During discussion with Forest Service staff, City Council expressed concerns that the EA was not thorough in analyzing scenic impacts of Alternatives B-D and recommended further study. It appears no further study was conducted. It seems even more appropriate now, with the rendering of the DN, that greater understanding of scenic impacts and the effectiveness (or ineffectiveness) of "mitigation measures" should be considered. Similarly, the aesthetic impacts from Alternatives B and C (or a hybrid as suggested by the City) are proximate to other developed property and SR 179. Alternative D, on the other hand, appears to be exactly half way between developed property at the airport to the northwest and residential development and SR 179 to the southeast. It is not clear how permanent impacts of this alignment in the middle of a large open area of forest designated SPNM can be mitigated. Rather, it would appear that this impact will forever change the landscape of one of Sedona's most pristine areas and will be visible from all directions to a large number of residences and recreationists.

The City remains supportive of any Final Decision that appropriately accounts for environmental and aesthetic concerns. Based on the information contained in the DN, however, it is not clear that those concerns have been fully addressed. The City recommends greater consideration of the short and long term impacts to the environment and area viewshed prior to issuing a Final Decision.

Thank you for the opportunity to submit this objection. The City remains hopeful for the best possible outcome.

Sincerely,

A handwritten signature in black ink that reads "Sandy Moriarty". The signature is written in a cursive, flowing style.

Sandy Moriarty
Mayor
City of Sedona



**CITY COUNCIL
AGENDA BILL**

**AB 2571
September 22, 2020
Regular Business**

Agenda Item: 8d
Proposed Action & Subject: Discussion/possible direction regarding issues surrounding the COVID-19 pandemic and the City's response.

Department	City Manager
Time to Present	15 minutes
Total Time for Item	45 minutes
Other Council Meetings	March 24, 2020, April 14, 2020, April 28, 2020, May 12, 2020, May 26, 2020, June 9, 2020, June 23, 2020, July 14, 2020, July 28, 2020, August 11, 2020, September 8, 2020
Exhibits	None

City Attorney Approval	Reviewed 9/15/2020 KWC	Expenditure Required	
		\$	0
City Manager's Recommendation	For discussion and possible direction only.	Amount Budgeted	
		\$	0
		Account No. (Description)	N/A
		Finance Approval	<input checked="" type="checkbox"/>

SUMMARY STATEMENT

Background: This item was added to ensure opportunity to discuss the latest updates with the COVID-19 pandemic and the City's response.

The City continues regular communication with state and county health departments, hospitals, other healthcare providers, emergency responders, emergency managers, and policy experts.

City staff continues to evaluate how the economic slowdown will impact City finances. Staff will be prepared to discuss the latest data and forecasts for declining revenue.

During the meeting staff will present up to date information on COVID-19 related data, regulatory changes and news on city finances.

Community Plan Consistent: Yes - No - Not Applicable

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s): N/A

MOTION

I move to: for discussion and possible direction only.