AGENDA 4:30 P.M.

CITY COUNCIL MEETING — TUESDAY, SEPTEMBER 12, 2023

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. For additional information on pulling a Consent Item, please contact the City Clerk's Office staff, preferably in advance of the Call to Order. 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

THE MEETING CAN BE VIEWED LIVE ON THE CITY'S WEBSITE AT WWW.SEDONAAZ.GOV OR ON CABLE CHANNEL 4.

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.
- No disruptive behavior or profane language will be allowed.

PROCEDURES:

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

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

2. ROLL CALL/MOMENT OF ART

3. CONSENT ITEMS - APPROVE

LINK TO DOCUMENT =

a. Minutes - August 22, 2023 City Council Special Meeting - Executive Session.
b. Minutes - August 22, 2023 City Council Regular Meeting.
c. Approval of National Constitution Week Proclamation, September 17-23, 2023.

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

a. National Constitution Week Proclamation, September 17-23, 2023.

8. REGULAR BUSINESS

a. AB 2992 **Presentation/discussion** regarding the Northern Arizona Council of Governments (NACOG) activities, including roles, responsibilities, and advocacy programs and projects on behalf of the City of Sedona and other Northern AZ communities.
b. AB 2986 **Discussion/possible action** regarding an Ordinance amending the Sedona City Code Title 13 (Public Services and Utilities) Division II (Storm Water) by amending Chapter 13.50 (Stormwater Discharge). (*Second Public Meeting*).
c. AB 2950 **Discussion/possible action** regarding an Ordinance amending the Sedona City Code Title 10 (Vehicles and Traffic) by adding Chapter 10.30 (Improper Motor Vehicle Equipment) and a voluntary agreement with local OHV rental companies.
d. AB 2993 **Discussion/possible direction** regarding roles and responsibilities and work program for the newly established Tourism Advisory Board.
e. **Reports/discussion** regarding Council assignments.
f. **Discussion/possible action** regarding future meeting/agenda items.

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.

10. ADJOURNMENT

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.

Page 2, City Council Meeting Agenda Continued

Posted: 9/7/23 _____

By: DJ JoAnne Cook, 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.

NOTICE TO PARENTS AND LEGAL GUARDIANS: Parents and legal guardians have the right to consent before the City of Sedona makes a video or voice recording of a minor child, pursuant to A.R.S. § 1-602(A)(9). The Sedona City Council meetings are recorded and may be viewed on the City of Sedona website. If you permit your child to attend/participate in a televised City Council meeting, a recording will be made. You may exercise your right not to consent by not allowing your child to attend/participate in the meeting.

Action Minutes
Special City Council Meeting
Sedona City Hall
102 Roadrunner Drive, Sedona, Arizona
Tuesday, August 22, 2023, 2:00 p.m.

1. Call to Order

Mayor Jablow called the meeting to order at 2:00 p.m.

2. Roll Call

Council Present: Mayor Scott Jablow, Vice Mayor Holli Ploog, Councilor Melissa Dunn, Councilor Brian Fultz, Councilor Pete Furman, Councilor Kathy Kinsella, and Councilor Jessica Williamson.

Staff Present item: City Manager Karen Osburn, Deputy City Manager Andy Dicky, City Attorney Kurt Christianson, City Clerk JoAnne Cook, and Deputy City Clerk Marcy Garner.

3. Executive Session

Motion: Councilor Williamson moved to enter into Executive Session at 2:02 p.m. Seconded by Vice Major Ploog. Motion carried unanimously with seven (7) in favor (Jablow, Ploog, Dunn, Fultz, Furman, Kinsella, and Williamson) and zero (0) opposed.

Kurt Christianson gave the admonition.

a. AB 2992 Discussion and consultation regarding the applicants and interview process for the appointment of Tourism Advisory Board members. This matter is brought in executive session pursuant to A.R.S. § 38-431.03(A)(1).

b. Return to open session. Discussion/possible action regarding executive session items.

Discussion and revision took place regarding the Tourism Advisory Board roles and responsibilities and the interview questions.

Reconvened in open session at 4:11 p.m.

4. Adjournment

Mayor Jablow adjourned the meeting at 4:13 p.m.

I certify that the above are the true and correct actions of the Special City Council Meeting held on August 22, 2023.

_____ _____
Marcy Garner, Deputy City Clerk Date

Action Minutes
Regular City Council Meeting
City Council Chambers, Sedona City Hall,
102 Roadrunner Drive, Sedona, Arizona
Tuesday, August 22, 2023, 4:30 p.m.

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

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

Council Present: Mayor Scott Jablow, Vice Mayor Holli Ploog, Councilor Melissa Dunn, Councilor Brian Fultz, Councilor Pete Furman, Councilor Kathy Kinsella, and Councilor Jessica Williamson.

Staff Present: City Manager Karen Osburn, Deputy City Manager Andy Dickey, City Attorney Kurt Christianson, Assistant City Attorney Doug Drury, Director of Community Development Steve Mertes, Director of Financial Services Cherie White, Accounting Supervisor Renee Stanley, Assistant Public Works Director and City Engineer Sandy Phillips, Associate Engineer Hanako Ueda, Deputy City Clerk Marcy Garner, and City Clerk JoAnne Cook.

2. Roll Call

3. Consent Items

a. Minutes - August 8, 2023 City Council Special Meeting - Executive Session.
b. Minutes - August 8, 2023 City Council Special Meeting.
c. Minutes - August 8, 2023 City Council Regular Meeting.
d. Minutes - August 9, 2023 City Council Special Meeting.
e. AB 2984 Approval of a recommendation regarding a Series 12 Restaurant for Tortas De Fuego Mexican Food, located at 1630 SR 89A, Sedona, AZ (License # 249934).
f. AB 2987 Approval of a Linking Agreement with PFM Asset Management, LLC, pursuant to the City of Mesa, Arizona's Cooperative Contract No. 2021142, for the provision of investment management services for an amount not to exceed $225,000.00 through June 30, 2026, with the option to extend through June 30, 2028.
g. AB 2989 Approval of the award of a Streets Maintenance Job Order Contract extension to Cactus Asphalt, Inc. and J. Banicki Construction, Inc.

Motion: Councilor Williamson moved to approve consent items 3a-3g. Seconded by Councilor Furman. Vote: Motion passed with seven (7) in favor (Jablow, Ploog, Dunn, Fultz, Furman, Kinsella, Williamson) and zero (0) opposed.

4. Appointments – None.

5. Summary of Current Events by Mayor/Councilors/City Manager – None.

6. Public Forum

Opened to public at 4:33 p.m.

Tom Gilomen, Sedona, voiced his concerns regarding the construction work on medians and urged Council to consider the impact on businesses in Uptown when making decisions.

Brought back to Council at 4:36 p.m.

7. Proclamations, Recognitions & Awards

a. Recognition of Robert Albrecht for the artwork of retired K9 Dalon.

Due to outstanding circumstances, Robert Albrecht will be recognized at a future meeting.

8. Regular Business

a. AB 2985 Public hearing/presentation/discussion regarding the City of Sedona Development Impact Fee Audit Report for Fiscal Years 2020-21 and 2021-22.

Presentation by Cherie White, Renee Stanley, and Steve Mertes.

Questions and comments from Council.

Opened public hearing at 4:45 p.m.

No public comments heard.

Closed public hearing and brought back to Council at 4:45 p.m.

For presentation and discussion only.

b. AB 2953 Presentation/discussion regarding the June 2023 Sales and Bed Tax Report.

Presentation by Cherie White.

Questions and comments from Council.

For discussion and presentation only.

c. AB 2950 Discussion/direction regarding an Ordinance amending the Sedona City Code Title 10 (Vehicles and Traffic) by adding Chapter 10.30 (Improper Motor Vehicle Equipment) and a voluntary agreement with local OHV rental companies.

Presentation by Kurt Christianson and Mayor Jablow. Representatives from the local OHV businesses were available for questions.

Opened to public at 6:47 p.m.

Carl Jackson, Sedona, spoke in favor of a permitting system through the Forest Service that includes vehicle volume limits.

Guy Lamunyon, Sedona, spoke in favor of the voluntary agreements. He thanked Council for their efforts.

Craig Swanson, Sedona, spoke in favor of tabling the ordinance. He stated that he believes the Greater Sedona Recreation Collaborative (GSRC) process to reach out to the Forest Service with recommendations will solve the noise and permitting issue. He

suggested Tread Lightly be utilized to complete routine inspections of the OHVs to ensure implementation of the agreement.

Michael Wright, Sedona, spoke in favor of the agreement and acknowledged both sides of the issue for their work and collaboration.

Sarah Watts, Sedona, thanked Council and staff for their efforts. She voiced concerns regarding citizen stakeholders and the OHV impacts to their quality of life.

Brought back to Council at 7:03 p.m.

Questions and comments from Council.

By majority consensus, Council directed staff to continue with the consideration of the commitment letter from the OHV businesses and to continue working on the OHV ordinance language.

Break at 7:54 p.m. Reconvened at 8:16 p.m.

d. AB 2986 Discussion/possible action regarding an Ordinance amending the Sedona City Code Title 13 (Public Services and Utilities) Division II (Storm Water) by amending Chapter 13.50 (Storm Water Discharge). (First Public Meeting).

Presentation by Hanako Ueda and Sandy Phillips.

Questions and comments from Council.

No action taken.

e. Reports/discussion regarding Council assignments – None.

Discussion regarding ideas for future meeting/agenda items.

Mayor Jablow advised that Council will be attending the LACT Conference on starting Tuesday, August 29, 2023.

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 Jablow adjourned the meeting at 8:18 p.m. without objection.

I certify that the above are the true and correct actions of the Regular City Council Meeting held on August 22, 2023.

_____ _____

JoAnne Cook, CMC, City Clerk Date

Office of the Mayor
City of Sedona, Arizona

Proclamation

CONSTITUTION WEEK
September 17 through 23, 2023

WHEREAS, September 17, 2023 marks the two hundred and thirty-sixth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

WHEREAS, it is fitting and proper to officially recognize the patriotic celebrations that will commemorate the occasion; and

WHEREAS, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through 23rd as Constitution Week,

NOW, THEREFORE, I, SCOTT JABLOW, MAYOR OF THE CITY OF SEDONA, ARIZONA, ON BEHALF OF THE SEDONA CITY COUNCIL, do hereby proclaim September 17 through 23, 2023 to be **CONSTITUTION WEEK** in Sedona, Arizona, and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

Issued this 12th day of September, 2023.

_____
Scott M. Jablow, Mayor

ATTEST:

_____
JoAnne Cook, CMC, City Clerk

City of Sedona Proclamation Request Form

Full Name of Contact Person	Roberta Rust
Contact Phone Number	480-294-7241
Contact Mailing Address	bertier1@earthlink.net
Contact Email Address	
Group, Organization, Activity or Event Being Recognized (Please make sure you provide complete and current information about the group or event)	National Daughters of the American Revolution Oak Creek Chapter Daughters of the American Revolution National Constitution Week
Website Address (if applicable)	
Name of the sponsor(s) of the Proclamation (2 Council members or the City Manager)	Scott Jablow HolliPloog
What is the proclaimed day, days, week or month? (e.g. 10/11/12, October 11-17, 2012, October 2012)	September17-23 2023
Would you like to attend a Council meeting for formal presentation of the Proclamation or would you like to pick it up?	☑ Presentation at Meeting ☐ Pick up Proclamation
If you would like the Proclamation presented at a Council meeting, please provide the full name and contact information (phone number and email address) of the party who will accept it on behalf of the group.	Carol LaPorte Chapter Regent 928-554-5862 claporte423@gmail.com

Provide information about the organization/event including a mission statement, founding date, location and achievements.

The National Society of the Daughters of the American Revolution (Oak Creek Chapter), wish to address "Proclamation" application with the City of Sedona, to recognized "National Constitution Week" (September 17-23 2023). Public law 915 guareantees the issuing of a Proclamation each year. National Constitutional Week is recognized by our President of the United States each year designating (September 17- 23 2023) as "Constitution Week". We are asking our citizens to reaffirm the "Ideas" the framers of the "Constitution" had in 1787. The Daughters of the American Revolution, Oak Creek Chapter members place a display on the Constitution in the Sedona library September 17-23 2023. Our chapter provides a avenue of American Flags and banner at the Pine cemetery honoring our Veterans on Memorial Day each year. We fund and participate in the placement of National Wreaths Across America, honoring our Veterans. Our chapter provides "American Spirit" magazine for the Sedona and Cottonwood libraries. Chapter volunteers will place American flags at the entrance of the Sedona Heritage Museum on Veterans Day. Oak Creek DAR chapter endeavors to provided our services to the community, as we continue to grow our membership.

Please explain why this Proclamation and any events accompanying it are important to the Community and are consistent with the City's vision statement and Community Plan goals. What is the clear reason for the Proclamation and why are you requesting this honor? What activities/events are planned around this Proclamation and how do you plan to promote this to the community?

The National Society of Daughters of the American Revolution was founded 1890 and is headquartered in Washington D.C. The NSDAR is a non-profit, non-political, and a volunteer women's service organization dedicated to promoting patriotism, preserving "American History" and securing America's future for a better education for or community. The Oak Creek Chapter DAR was founded June26,2006. The Chapter was preceded by the Kachina Chapter, which was established 1970. Several of the original members are still acitive in the chapter.
We will be displaying the exhibit on the Constitution in the Sedona Library on September 15-26 2023. We will have hand outs to anyone interesting reading about the Constitution.
Thanks Roberta Rust Oak Creek Chapter

Please include a draft of the proposed Proclamation with this request, preferably a Word file in electronic format.

CITY COUNCIL AGENDA BILL

AB 2992
September 12, 2023
Regular Business

Agenda Item: 8a
Proposed Action & Subject: Presentation/discussion from the Northern Arizona Council of Governments (NACOG), regarding NACOG's activities, including roles, responsibilities, and advocacy programs and projects on behalf of the City of Sedona and other Northern AZ communities.

Department	City Manager
Time to Present	15 minutes
Total Time for Item	15 minutes
Other Council Meetings	N/A
Exhibits	N/A

City Attorney Approval	Reviewed 09/05/23 KWC
City Manager's Recommendation	Presentation/discussion only.

Expenditure Required	
$	N/A
Amount Budgeted	
$	N/A
Account No. (Description)	
Finance Approval	☒

SUMMARY STATEMENT

Background: Executive Director, Chris Fetzer will give an update on the Northern Arizona Council of Government's (NACOG) activities, including roles, responsibilities, and advocacy programs and projects on behalf of the City of Sedona and other Northern AZ communities.

Climate Action Plan/Sustainability Consistent: ☐**Yes** - ☐**No** - ☒**Not Applicable**

Board/Commission Recommendation: ☐**Applicable** - ☒**Not Applicable**

Alternative(s): None

MOTION

I move to: presentation/discussion only.

CITY COUNCIL AGENDA BILL

AB 2986
September 12, 2023
Regular Business

Agenda Item: 8b
Proposed Action & Subject: Discussion/possible action regarding an Ordinance amending the Sedona City Code Title 13 (Public Services and Utilities) Division II (Storm Water) by amending Chapter 13.50 (Storm Water Discharge). (*Second Public Meeting*).

Department	Public Works/Engineering/City Attorney
Time to Present	5 minutes
Total Time for Item	10 minutes
Other Council Meetings	August 22, 2023
Exhibits	A. Draft Ordinance

City Attorney Approval	Reviewed 9/5/23 KWC
City Manager's Recommendation	Adopt an ordinance amending Sedona City Code Title 13 Public Services and Utilities) Chapter 13.50 (Storm Water Discharge).

Expenditure Required	
	$ 0
Amount Budgeted	
	$ 0
Account No. (Description)	N/A
Finance Approval	☒

SUMMARY STATEMENT

Background:

Sedona City Code Chapter 13.50 provides guidance for review and administration of illicit and permitted stormwater discharge. Although stormwater runoff is a permitted discharge, it does not specify a property owner's responsibility to maintain the historic manner of discharge or flows. There has been an increase in complaints to the City by residents who have been negatively impacted by unpermitted changes to their neighbors' properties. Although damages or issues resulting from private lot-to-lot drainage is generally a civil matter in which the City does not generally provide enforcement, this code provides clearer guidance to all involved including reviewers and residents.

The addition of Section 13.50.070 (Lot Drainage) more clearly defines the prohibition to alter surface runoff and lot-to-lot drainage by erecting fences, walls, berms, and other modifications or new development that would change the manner by which surface water enters and exits real property.

There is also an addition to Section 13.50.100 (Plan review, inspections, access, and reports), Item G., which is a liability waiver absolving the City of Sedona from insufficient design or construction.

This is the second public meeting on this ordinance. After the first meeting, the proposed ordinance was updated to comply with SCC numbering/lettering conventions and parts of the ordinance that are not being amendment were not included and will remain unchanged.

Climate Action Plan/Sustainability Consistent: ☐**Yes -** ☐**No -** ☒**Not Applicable**

Board/Commission Recommendation: ☐**Applicable -** ☒**Not Applicable**

Alternative(s): None

MOTION

I move to: adopt Ordinance No. 2023-__ an ordinance of the Mayor and Council of the City of Sedona, Arizona adopting amendments to the Sedona City Code Title 13 Public Services and Utilities) by amending Chapter 13.50 (Storm Water Discharge).

ORDINANCE NO. 2023-___

AN ORDINANCE OF THE COUNCIL AND CITY OF SEDONA, ARIZONA, ADOPTING AN AMENDMENT TO THE CITY CODE TITLE 13 (PUBLIC SERVICES AND UTILITIES) BY AMENDING CHAPTER 13.50 (STORM WATER DISCHARGE); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS the City seeks to provide for the general health, safety, and welfare of the public; and

WHEREAS the City has become aware that some property owners have altered their properties to affect storm water and non-storm water runoff; and

WHEREAS such alternations sometimes negatively affect adjacent properties and the need for safe and efficient runoff drainage; and

WHEREAS the City needs to ensure proper storm water and non-storm water runoff; and

WHEREAS, the City deems it necessary to adopt certain Amendments to the City Code and to protect the health, safety, and welfare of the City residents and the public.

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

Section 1. Amendment of Sedona City Code Chapter 13.50 (Storm Water Discharge)

Title 13 (Public Utilities and Services) of the City Code of the City of Sedona is hereby amended by amending Section 13.50 (Storm Water Discharge) as follows:

Chapter 13.50
STORM WATER DISCHARGE

Sections:

13.50.010 **Finding of fact.**
13.50.020 **Purpose and intent.**
13.50.030 **Definitions.**
13.50.040 **Applicability.**
13.50.050 **Responsibility for administration.**
13.50.060 **Severability.**
13.50.070 **Lot Drainage.**
13.50.~~070~~ 080 **Discharge prohibitions.**

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13.50.~~080~~ 090 Permitted non-storm water discharges.
13.50.~~090~~ 100 Plan review, inspections, access, and reports.
13.50.~~100~~ 110 Suspension of MS4 access.
13.50.~~110~~ 120 Industrial or construction activity discharges.
13.50.~~120~~ 130 Suspension due to the detection of illicit discharge.
13.50.~~130~~ 140 Watercourse protection.
13.50.~~140~~ 150 Notification of spills.
13.50.~~150~~ 160 Enforcement.

[…]

13.50.020 Purpose and intent.

A. The purposes of this chapter ~~is~~ are:

1. ~~t~~To provide for health, safety, and general welfare within the city through the regulation of non-storm water discharges to the MS4 to the maximum extent practicable ("MEP") as required by federal and state law. To this end this chapter requires that unless expressly authorized or exempted by this chapter, no person shall cause, participate in, or allow the discharge to a public right-of-way or public storm drain system of any substance that is not composed entirely of storm water. To further this end, this chapter establishes authority to conduct and require inspection, monitoring, reporting, and enforcement activities to address the prevention, identification, and remediation of illicit discharges to the MS4.

2. To provide for the health, safety, and general welfare within the city through regulation of stormwater runoff and lot drainage.

B. It is the intent of this chapter to comply with AZPDES regulations for storm water discharges, to be consistent with the storm water quality provisions of the Federal Clean Water Act (33 U.S.C. Section 1342), and to enable the city to comply with all applicable storm water quality provisions of federal, state, and local laws and regulations to ensure the future health, safety, and general welfare within the city, as well as the protection and preservation of the local environment.

C. It is the intent of this chapter that the standards promulgated by this chapter are minimum standards; therefore, it is not intended or implied that compliance with the provisions of this chapter by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

[…]

13.50.070 Lot Drainage.

A. It shall be unlawful for any person or entity to alter any natural drainage course, topography, or existing drainage facility in such a way as to damage or endager by flooding, erosion, nuisance water or any other means, any public or private property or improvements

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without written approval of the City Engineer. For purpose of this subsection, "alter" includes to change any surface sheet flow by obstruction or diversion through the erection of fences, berms, curbs, or any other excavation, fill, or structure, if such modification will change flow in any existing drainage course or facility.

~~A.~~B. It shall be unlawful to change the quality, flow rates, or flow patterns of surface runoff where it enters or exits a parcel, unless authorized in writing by the City Engineer.

[…]

13.50.~~090~~100 Plan review, inspections, access, and reports.

A. The city shall require that any person submitting a grading, building, or other improvement plan disclose if illicit discharge, storm water, or permitted non-storm water discharge of any type to the MS4 may occur as a result of, or in conjunction with, the implementation of the plan. To the extent that the discharge would be an illicit discharge, if connected to the MS4, the plan shall include BMP measures to remove or prevent the illicit discharge during and after construction of the improvement or project. The BMPs shall be subject to approval of the city engineer.

B. Persons shall maintain the BMPs during and after construction. This shall apply to persons initiating a project and to heirs and assigns. Changes to the BMPs approved at the time of a project implementation shall be sent to the city in writing. The revised BMPs shall be at least as effective in preventing pollution as the original BMPs or as then currently required by the city. The city reserves the right to require changes in BMPs as necessary to assure that discharges to the MS4 are of a quantity and quality that the city will not be in violation of the permits under which it is allowed to discharge storm water.

C. The city shall be granted access to all facilities and lands discharging any water or other material to the MS4.

D. Persons further developing parcels and/or lots that are part of a larger development, regardless of the time elapsed, shall utilize current BMP methods that are at least as effective as those identified in the storm water pollution prevention plan for the larger development or necessary to comply with regulations, laws, and codes current at the time of further developing, whichever is more stringent. Appropriate permits required by the state shall be acquired by further developers.

E. Site-specific storm water pollution prevention plans shall be developed for all construction projects one acre or greater in size. The site-specific plan shall identify the minimum BMPs to be utilized upon further development of the project area, when the person submitting the plan will not

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develop the entire project though building occupancy or other full development intent. Smaller areas may develop a site-specific plan or provide a notice of intent to abide by the city's general storm water pollution guidelines. The notice of intent shall be of a format approved by the city engineer and shall at minimum contain the following:

1. The name of the development as applicable;

2. The name of the property owner;

3. The name of the person responsible for compliance with the pollution prevention plan;

4. The anticipated time frame for constructing the project;

5. A statement to be signed by the responsible person and the property owner stating:

The responsible person and the person owning the property for which this notice of intent is submitted agrees to require that all construction work and related activity be conducted in accordance with the Sedona City Code requires and the requirements of the city of Sedona General Storm Water Pollution Prevention Guidelines. Persons further understands that failure to meet the mentioned requirements will be sufficient cause for the City to restrict or stop work on the property until the requirements are met. Also Persons shall additionally be subject to other actions under law.

F. The city engineer shall develop, publish, and update from time to time general storm water pollution guidelines. These guidelines shall at minimum address pollution caused by soil erosion, motor oil, trash, and landscape debris.

G. Drainage reports and construction plans for development and/or improvement of properties within the City of Sedona are reviewed and approved by the City for general conformance with the Sedona City Code, Land Development Code, City policies and standards. The City assumes no responsibility or liability for insufficient design and/or improper construction. Review and approval by the City does not absolve the owner, developer, design engineer, or contractor of liability for inadequate design or poor construction. The design engineer has the responsibility to design graded Improvements and drainage facilities that meet the standards of practice for the industry and promote public safety. Compliance with the regulatory elements, policies, and design standards documented herein, does not imply a guarantee that properties will be free from flood, geologic, and geotechnical related damage and failures. The City and its officials, employees, and contract reviewers, assume no liability for information, data, or conclusions prepared by private engineers and makes no warranty expressed or implied in its review/approval of grading and drainage projects.

[…]

Section 2. Savings Clause

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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. Except as expressly amended herein, the provisions of the Chapter 13.50 shall be, and remain in full force and effect.

Section 4. Effective Date
The effective date of this Ordinance shall be 30 days following adoption by the City Council.

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this 12th day of September, 2023.

_____
Scott M. Jablow, Mayor

ATTEST:

_____
JoAnne Cook, CMC, City Clerk

APPROVED AS TO FORM:

_____
Kurt W. Christianson, City Attorney

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Agenda Item: 8c
Proposed Action & Subject: Discussion/possible action regarding an Ordinance amending the Sedona City Code Title 10 (Vehicles and Traffic) by adding Chapter 10.30 (Improper Motor Vehicle Equipment) and a voluntary agreement with local OHV rental companies.

Department	City Attorney
Time to Present	15 Minutes
Total Time for Item	30 Minutes
Other Council Meetings	May 23, 2023; April 11, 2023, August 22, 2023
Exhibits	A. Ordinance B. Local OHV Rental Companies Letter

City Attorney Approval	Reviewed 9/5/23 KWC
City Manager's Recommendation	Consider the adoption of the attached ordinance vs. entering into a voluntary agreement with the OHV industry for certain concessions.

Expenditure Required	
$	N/A
Amount Budgeted	
$	N/A
Account No. (Description)	N/A
Finance Approval	☒

SUMMARY STATEMENT

Background:

In February 2023, the City was made aware of serious safety issues with the widespread practice of Not for Highway Service (NHS) tires being mislabeled and marketed as compliant with Federal Motor Vehicle Safety Standards (FMVSS).

Additional safety concerns have arisen from information published by the major OHV, UTV, and ATV (collectively called "OHVs") manufacturers (Can-Am, Honda, Kawasaki, Polaris, Yamaha, etc.). The owners' manuals and/or certificates of origin on OHVs clearly state that they should never be used and/or that it is hazardous to operate them on paved or public roads. Some even state they are not to be registered for on-road use. OHVs do not have standard FMVSS safety equipment designed to keep passengers safe like: airbags, anti-lock brakes, crumple zones, stability control, and bumpers. Safety testing of OHVs, UTVs, and ATVs is generally completed on dirt roads using NHS tires and not on paved roads or with DOT approved tires.

Additionally, there have been four rollover OHV accidents within City limits in the past 3 years. See Exhibit B.

The major OHV manufacturers sponsor and are members of the Specialty Vehicle Institute of America (SVIA for ATVs) and Recreational Off-Highway Vehicle Association (ROHVA for OHVs/UTVs). ROHVA is an American National Standards Institute accredited not-for-profit trade association that develops equipment, configuration, and performance standards for off-highway vehicles. It was formed to promote the safe and responsible use of off-highway vehicles.

ROHVA's position is that OHVs and UTVs "are designed, manufactured and sold for off-highway use only." ROHVA supports efforts to limit on-road use of OHVs. See Exhibit C.

On August 22, 2023, by majority consensus, Council directed staff to continue with the consideration of the commitment letter from the OHV businesses and to continue working on the OHV ordinance language. A copy of the OHV Rental Companies commitments is attached as Exhibit B.

This is the fourth public meeting on this issue.

Potential Voluntary Agreement:

City officials and staff have discussed a potential voluntary agreement with the local OHV rental companies to reduce the City's and resident's safety concerns. Some potential elements of the voluntary agreement include:

1. OHV rental companies would install the following safety equipment on their OHV fleets:
    a. Turn signal indicators
    b. Vehicle speed governors
    c. Safety flags
    d. GPS monitors
    e. Quieter mufflers
2. OHV rental companies will support limits, guided tours, and permitting on local off-road trails.
3. OHV rental companies will continue to educate each customer on environmental and safety issues with OHVs, including on paved/public roads.
4. OHV rental companies will work with GSRC, RROCC and USFS with trail maintenance, signage, and correcting damaging OHV behavioral trends among all OHV users.

At the August 22, 2023 meeting, various Councilors expressed concerns and/or desired changes to the OHV commitment letter. Those changes, while not addressed in the current letter attached to this Agenda Bill, are expected to be more fully resolved before the September 12, 2023 council meeting.

Improper Vehicle Equipment Ordinance:

The proposed ordinance is attached as Exhibit A. Based on the above safety concerns and others outlined in previous Council meetings, the ordinance would make it unlawful to drive, on a paved public road within the City of Sedona, a motor vehicle that is unsafe, does not proper safety equipment, including in violation of FMVSS, or that is not approved by the manufacturer to be operated on paved or public roads.

The first violation would result in a warning or repair order. Failure to repair the equipment violation or a second violation would result in a civil fine not to exceed $500. A third or subsequent violation of the ordinance would be a Class 1 Misdemeanor.

Climate Action Plan/Sustainability Consistent: ☐**Yes -** ☐**No -** ☒**Not Applicable**

Board/Commission Recommendation: ☐**Applicable -** ☒**Not Applicable**

Alternative(s): N/A

MOTION

Move to:

ORDINANCE NO. 2023-___

AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, ADOPTING AN AMENDMENT TO THE CITY CODE TITLE 10 (VEHICLES AND TRAFFIC) BY ADDING CHAPTER 10.30 (IMPROPER MOTOR VEHICLE EQUIPMENT); PROVIDING FOR PENALTIES, A SAVINGS CLAUSE, AND FOR REPEAL OF CONFLICTING ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, adhering to Federal and State safety regulations related to motor vehicles reduces the chances of serious injury and death; and

WHEREAS, Utility Terrain Vehicles ("UTV"), All Terrain Vehicles ("ATV"), Off Highway Vehicles ("OHV"), collectively called "OHVs," are designed, tested, and manufactured solely for off-road use on non-paved surfaces partly because OHVs are equipped with high centers of gravity and tires that have large ridges on them, making them ill-suited for turning and traction on asphalt surfaces; and

WHEREAS, the Consumer Product Safety Commission recommends persons never ride OHVs on public or paved roads; and

WHEREAS, the National Highway Traffic Safety Administration ("NHTSA") has said, "The use on public roads of off-road vehicles and tires that do not meet the [Federal Motor Vehicle Safety Standards] FMVSS places occupants and other road users at a greater risk of harm"; and

WHEREAS, the United States Department of Transportation ("DOT") has said, "We share [the City of Sedona's] concern about the operation of off-road vehicles on public roads. NHTSA has developed various FMVSS over the years through research and testing to establish minimum safety standards for vehicles and equipment intended for use on public roads. The use of off-road vehicles and tires on public roads, which do not meet those minimum safety standards, places the occupants and other road users at a greater risk of crashes and injury or death in a crash"; and

WHEREAS, all manufacturers of OHVs are sponsors and members of the Recreational Off-Highway Vehicle Association ("ROHVA") and the Specialty Vehicle Institute of America ("SVIA"), and both ROHVA and SVIA urge that on-highway use of OHVs be prohibited and that law enforcement efforts be strengthened to eliminate the dangerous practice of on road use and sponsor model legislation that prohibits OHV use on any public street, road, or highway and as recently as March 2023 ROHVA and SVIA lobbied the Oregon legislature in opposition to making OHVs street legal; and

WHEREAS, all manufacturers of OHVs state that OHVs should not be driven and/or that OHVs are unsafe to be driven on paved and/or public roads.

WHEREAS, the ADOT MVD Off-Highway Vehicle Decal Application requires owners of OHVs to certify under penalty of perjury that the OHV "has been modified to meet all applicable safety and equipment requirements of Arizona Revised Statutes Title 28, Chapter 3, Article 16, ***as well as all…other federal requirements***" (emphasis added); and further includes the applicant's acknowledgement that "I understand that I may receive traffic tickets and court fines if local ordinances prohibit operation of this vehicle"; and

WHEREAS, OHVs lack numerous standard FMVSS required for on road motor vehicle use including: airbags, stability control, crumple zones, rear bumpers, and DOT approved tires; and

WHEREAS, every year tire failure causes approximately 11,000 vehicle crashes and 200 deaths nationwide and adhering to DOT tire regulations reduces the chance of tire failure, and according to NHTSA, in 2020 there were 664 traffic fatalities in tire-related crashes; and

WHEREAS, only DOT approved tires are safe to be used in highway service; and

WHEREAS, NHTSA Interpretation 1985-04.16 explains and FMVSS Standard 109 requires that all motor vehicles manufactured after 1948 have DOT approved tires for on road use; and

WHEREAS, OHVs are equipped with Not for Highway Service (NHS) tires and no OHV tires are currently DOT approved for highway or on street use (see NHTSA June 3, 2022 letter re: Improper Certification of UTV/ATV Tires to FMVSS; U.S. Tire Manufacturers Tire Information Service Bulletin TISB 07); and

WHEREAS, visitors to the City rent OHVs to be driven on paved public roads largely unaware of the foregoing safety concerns; and

WHEREAS, statewide, several OHV rental companies have gone out of business because their rental OHVs were wrecked faster than the OHVs could be repaired (Arizona Off-Highway Vehicle Study Committee Meeting July 21, 2023); and

WHEREAS, Sedona has experienced 710 motor vehicle accidents between 2017 and 2021, resulting in 150 injuries and 5 fatalities; and

WHEREAS, in the past three years, there have been four rollover OHV accidents within City limits and in 2021, statewide there were 187 OHVs involved in accidents with 16 fatalities in 2021 resulting in a 8.55% fatality rate; and

WHEREAS, OHVs are the third leading cause of injury in children in Arizona (Arizona Off-Highway Vehicle Study Committee Meeting July 21, 2023); and

WHEREAS, plaintiffs routinely make claims against the City of Sedona for allowing or maintaining unsafe highway or road conditions; and

WHEREAS, traffic accidents and traffic congestion is a serious concern in the City and the City spends millions of dollars annually to improve traffic safety and congestion believes requiring safe motor vehicles on paved public roads will further improve safety; and

WHEREAS, A.R.S. §28-626(B)(3) delegates motor vehicle safety enforcement to municipalities stating that municipalities "***shall*** adopt ordinances or regulations relating to the control and movement of traffic…" (emphasis added); and

WHEREAS, pursuant to A.R.S. §28-1174(B), the City of Sedona has never indicated by rule or regulation that its highways or streets are open; and

WHEREAS, the City finds that driving OHVs on paved or public roads in contravention to their design and the manufacturer recommendation constitutes reckless disregard for the safety of persons and property pursuant to A.R.S. §28-1174(A)(1); and

WHEREAS, the City deems it necessary to adopt certain OHV restrictions and certain regulations regarding improper motor vehicle equipment to protect the health, safety, and welfare of the City residents and travelling public.

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

Section 1. Amendment of Sedona City Code Title 10 (Vehicles and Traffic)

Title 10 (Vehicles and Traffic) of the City Code of the City of Sedona is hereby amended by adding the following Chapter:

Chapter 10.30 – IMPROPER MOTOR VEHICLE EQUIPMENT

10.30.010 - Definitions.

In this chapter unless the context otherwise requires:

"Driver" means a person who drives or is in actual physical control of a motor vehicle.

"Highway" or “road” mean the entire width between the boundary lines of every paved street or way if a part of the street or way is open to the use of the public for purposes of motor vehicle travel.

“Manufacturer” means a person or entity—

(A) manufacturing or assembling motor vehicles or motor vehicle equipment; or

(B) importing motor vehicles or motor vehicle equipment for resale.

"Motor vehicle" means a self-propelled vehicle, including OHVs. It does not include electric bicycles, motorized wheelchairs, or an electric mobility assist device.

“Off-highway Vehicle” or “OHV” means a self-propelled vehicle that is designed and manufactured primarily for off-highway use. It includes Utility Terrain Vehicles, All Terrain Vehicles, Off Highway Vehicles (collectively “OHVs”). It does not include electric bicycles, motorized wheelchairs, or an electric mobility assist device.

“Owner” means the person in whose name such motor vehicle is registered.

"Public employees" means any federal, state, county, or City employees.

“State or Federal motor vehicle safety standards” means all motor vehicle standards listed in A.R.S. Title 28 or the Federal motor vehicle safety standards (“FMVSS”) contained in Title 49 of the Code of Federal Regulations.

10.30.020 – Operating Motor Vehicle with Improper Motor Vehicle Equipment Prohibited.

1. A person shall not drive or operate on a highway or road a motor vehicle that:
    A. Is in an unsafe condition that endangers a person.
    B. Does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter.
    C. Is not equipped in the manner required by State or Federal motor vehicle safety standards for motor vehicles that are intended for on-highway operation.
    D. Is not intended to be used, is unsafe, or is not designed or approved by the manufacturer to be operated on highways or roads as declared in the motor vehicle’s certificate of origin or owner’s manual.

2. An owner shall not rent to or allow a person to drive or operate on a highway or road the owner’s motor vehicle that:
    A. Is in an unsafe condition that endangers a person.
    B. Does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter.
    C. Is not equipped in the manner required by State or Federal motor vehicle safety standards for motor vehicles that are intended for on-highway operation.
    D. Is not intended to be used, is unsafe, or is not designed or approved by the manufacturer to be operated on highways or roads as declared in the motor vehicle’s certificate of origin or owner’s manual.

3. For purposes of this section, a motor vehicle is deemed to be in an unsafe condition that endangers a person if it is equipped with tires that do not contain the DOT tire symbol that reflects compliance with FMVSS contained in 49 C.F.R. §574.5.

10.30.030 – Applicability; Closure of Highways to Certain Vehicles; Exceptions.

1. This chapter applies to all highways and roads within the Sedona City limits.
2. Pursuant to A.R.S. 28-1174(A)(3), all highways and roads within the Sedona City limits are closed

to OHV use.

3. This chapter does not apply to:
    A. Public employees or their designees in the performance of their official duties with appropriate safety training, or to any motor vehicle owned or operated by any federal, state, or local governmental entity.
    B. Motor vehicles manufactured prior to 1948.

10.30.40 – Inspections.

If at any time there is reasonable cause to believe that a motor vehicle is unsafe or is not equipped as required by this chapter or that a vehicle's equipment is not in proper adjustment or repair, any peace officer may require the driver of the motor vehicle to stop and submit the vehicle to an inspection and such test with reference to the inspection as may be appropriate.

10.30.050 – Authority to Impound Vehicles.

Vehicles operated in violation of this chapter may be impounded in the same manner as provided for by the provisions of SCC 10.15.150.

10.30.060 – Enforcement; Liability.

1. Any AZPOST certified peace officer may issue a written warning or citation for the violation of this chapter.
2. Persons Liable. If any motor vehicle is found in violation of any provision of this chapter, the owner, the person in whose name such motor vehicle is registered, as well as the driver of the vehicle at the time of the violation, shall be jointly and severally responsible for such violation and are subject to the penalties therefor. If the vehicle is not attended by a driver, the owner, or person in whose name such vehicle is registered, shall be held prima facie responsible for such violation and is subject to the penalties therefor. Proof that a person other than the owner was operating the vehicle at the time of the violation shall not constitute a valid defense to the offense.

10.30.070 - Separate Offenses.

Each violation pursuant to this chapter shall constitute a separate offense and each day a violation remains unabated may constitute a separate offense.

10.30.080 - Penalties.

A. Upon a first violation of this chapter with the motor vehicle, an officer shall issue a written warning or repair order. If a repair order is issued, a certificate of correction or adjustment of illegal or faulty equipment shall be obtained by the owner and shown to the police department within 14 days.
B. If there is a violation of this chapter and the owner fails to provide the City with a certificate of correction or adjustment within 14 days or the person has previously been issued a warning within one hundred eighty (180) days from the date a warning was issued, the violation is a civil offense punishable by a fine not to exceed five hundred dollars ($500.00), plus any other penalties, assessments or surcharges authorized by law.
C. If there is a violation of this chapter and the person has previously been convicted two (2) or more times of violating this chapter under subsection B, the new violation is a class 1 misdemeanor, plus any other penalties, assessments or surcharges authorized by law.

Section 3. 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 4. 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.

Section 5. Effective Date

The effective date of this Ordinance shall be 60 days following adoption by the City Council.

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this _____ day of _____, 2023.

_____
Scott M. Jablow, Mayor

ATTEST:

_____
JoAnne Cook, CMC, City Clerk

APPROVED AS TO FORM:

_____
Kurt W. Christianson, City Attorney

Sedona OHV Commitments

Based upon recent discussions, below are commitments to be made by the local OHV rental companies to enhance the on-pavement vehicle safety completed in a timely manner:

1. Install turn signal indicators on most of our fleet within 90 days from the date of the agreement with 100% within 180 days. This does take time to complete and we pledge to work hard on getting them installed within the timeframe. Please note that while some vehicles are held for short durations, we pledge to do our best to keep our new vehicles up to date with turn signals indicators.

2. We commit to continue to implement education for each customer including use on paved and public road travel. We have and will continue to work directly with GSRC, RROCC and USFS with trail maintenance, signage and behavioral trends in a positive manner.

3. We commit to govern the speed of vehicles to 35 mph within our fleet as much as possible based upon the type and age of the vehicle immediately as technology, economically and feasible. We will work towards having all vehicles monitored by GPS systems within 180 days.

- Sedona ATV/Red Rock – 20% of vehicles are currently speed restricted. 60% of vehicles to be speed restricted by 12/01/2023.
- Safari Jeep/ATV – 80% currently speed restricted with 100% speed restricted when newer vehicles added within the next 6 months.
- Sedona CanAm – 100% of vehicles currently restricted.
- Outback ATV – 4 vehicles currently restricted and 25% of vehicles will be restricted by 11/01/2023. All new vehicles will be speed restricted which will completed over the next six months.

4. We commit to installing quieter mufflers on all OHVs in our fleets as they become available by the manufacture. The mufflers are only available on certain model vehicles and cannot be installed on all vehicles. We pledge to acquire and install quieter mufflers where applicable. Current timeline per company:

- Sedona ATV/Red Rock – 1 vehicle installed with quieter muffler currently with approximately 50% of fleet to have quieter mufflers installed by 12/01/2023.
- Safari Jeep /ATV – Most of the fleet of vehicles have quieter mufflers (Honda) and will install quieter mufflers on any new inventory by 12/01/2023.
- Sedona CanAm – Entire fleet is currently CanAm vehicles and are quieter than most UTVs
- Outback ATV – Currently has 1 vehicle with a quieter muffler installed and will have 70% of the current fleet by 12/01/2023 with quieter mufflers.

5. We will continue to limit our usage and discourage the use of Morgan Dr to a bare minimum and will not promote their usage. However, there may be environmental conditions such as wildfire, snow or rain that would temporarily increase usage only for those days. We will support collaborating with the City of Sedona and the forest service on a use system for forest access roads. (i.e. permit systems, entry gates and daily limits per trail).

6. All outfitters will install tall, distinctive flags or other distinctive markings to differentiate the private OHV owners from the OHV business operators. Photo attached for each company color of current in use flags.

Color Code:
Outback ATV - Green flags, Sedona ATV - Blue flags, Red Rock ATV - Red flags, Vortex ATV - Yellow flags

7. We have asked to be included in the discussion on forest trail usage in the Red Rock District now and in the future with the GSRC, USFS and RROCC. We are willing to collaborate based upon the current recommendations

and provide our feedback. We commit to work in unison with the city to promote safe use of OHVs within the city limits and on forest trails. We will continue to explore options for changing traffic patterns on paved roads used to access the forest to limit paved road usage.

Our pledge is to continue to update the city in our regular quarterly meeting and be held to our commitments for the above actions to be taken be all four Stakeholders. This way the actions can be measured and confirmed. We are asking for the city ordinance to be tabled indefinitely to continue implementing these safety updates.

Thank you for taking the time to review our commitment proposal and feel free to contact any of us with any questions you may have.

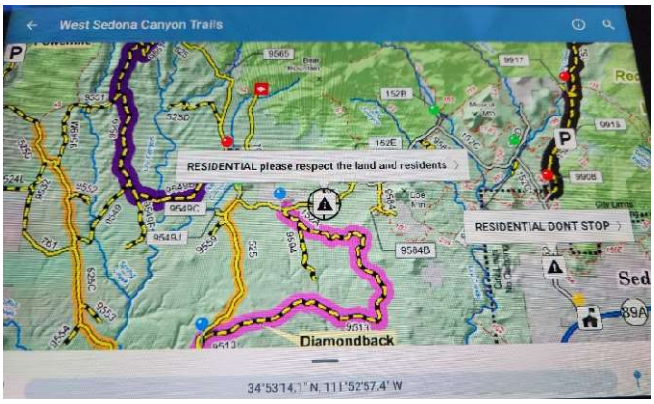
Thank You,

Dan Candler dan@outbackatv.com 760-807-3224 Dave Swartout dave@safarijeeptours.com 928-300-2955

Jimmy Custer stcuster@gmail.com 928-853-8737 Andrew Rippy sedonacanam@gmail.com 928-821-6691

Left rear blinker lights

Turn Signal Switch



GPS Tablet in each car with local area warnings

New Quieter Muffler

CITY COUNCIL AGENDA BILL

AB 2993
September 12, 2023
Regular Business

Agenda Item: 8d
Proposed Action & Subject: Discussion/possible direction regarding roles and responsibilities and work program for the newly established Tourism Advisory Board.

Department	City Manager
Time to Present	5 Minutes
Total Time for Item	30 Minutes
Other Council Meetings	May 24, 2023, Aug 22, 2023
Exhibits	NA

City Attorney Approval	Reviewed 9/5/23 KWC
City Manager's Recommendation	For discussion and direction only.

Expenditure Required	
$	NA
Amount Budgeted	
$	
Account No. (Description)	
Finance Approval	☐

SUMMARY STATEMENT

Background: On April 12, 2023, City Council designated the City as the official Destination Marketing Organization for Sedona's city limits. This gives the City the authority to partner with the Arizona Office of Tourism and to have a greater role in the future of tourism management and marketing on behalf of the destination. By bringing a tourism program in house, the City plans to create a Tourism Advisory Board (TAB), consisting of 11 members, appointed by the City Council, who represent a balance of perspectives from residents, businesses, and other City partners. The TAB will collectively strategize and provide input and recommendations regarding tourism management and marketing.

On May 24, 2023, the City advertised for TTAB applicants and received 37 applications. On August 22, 2023, City Council selected 21 applicants for in-person interviews. The interviews will be conducted on September 28th, October 4th, and October 5th.

This session will provide an opportunity for the City Council to discuss and finalize the roles and responsibilities of the TAB as well as establish their initial work program. Rules of Procedure for the Tourism Advisory Board will be coming forward to City Council for approval at a future meeting and will incorporate direction given during this discussion.

DRAFT- Tourism Advisory Board Roles and Responsibilities

The TAB:

- Serves in an advisory capacity, does not set policy
- Provides input and makes recommendations on matters involving tourism marketing and management initiatives, projects, and short and long-range plans
- Shares ideas, research, and information about feasibility or implementation to further the city's tourism efforts involving marketing, management, sustainability, increase tax revenue if/when applicable, and management of visitation, with staff, who report to the city leadership and the City Council

Advisory board members are expected to:

- Provide constructive insight based on their expertise in the area being discussed
- Provide constructive feedback on the ideas and/or content presented by staff or other outside consultants or hired subject matter experts
- Provide constructive feedback on content to be presented to council by staff or hired subject matter experts
- As required, participate in brainstorming of ideas on topics provided by staff or hired subject matter experts
- Come prepared to advisory committee meetings with ideas, feedback and insights that are germane to the topic
- Stay on topic during the meeting unless asked to provide other areas of concern or topics to be considered
- Submit ideas or comments during the advisory board meeting, either verbally or written, unless specifically asked to do otherwise by staff or hired experts
- Work with and through the TAB as a whole and staff rather than attempting to influence work product or decision-making individually or outside the TAB process

Members of the advisory board do NOT:

- Make final decisions on any idea, expenditure, opportunity, promotion or campaign, hired professional services or usage of data collected
- Hold governance authority over any city employee, consultant or the public. City staff and hired experts do not report to the TAB members
- Manage any fiduciary responsibilities, including but not limited to grant or other financial opportunities, or program or project expenditures, unless expressly sanctioned by staff liaisons or the City Council
- As individuals, speak on behalf of the entire Board

DRAFT- 12 Month Suggested TAB Work Program

1. Work with the team of professional tourism consultants/facilitators and staff to offer input on the creation of a Tourism Strategic Plan which will lay the foundation for the further development of the City's Tourism Bureau and tourism marketing and management program. Ultimately make recommendations to the City Council on the adoption of said Plan. Expected to take approximately 120 days.

2. Work with the selected branding/marketing firm and staff to offer input on the development of a Sedona brand and associated marketing campaign. Make recommendations to the City Council on the brand itself as well as campaign strategies, tactics, content and communication/marketing tools. A request for proposal (RFP) has already been issued and a firm will be selected and ready to engage with the TAB once the TAB has completed their work relative to the development of a tourism strategic plan. This effort to commence upon completion of the Strategic Plan. Branding and marketing plan to be developed over approximately six months. Implementation of marketing strategies will be ongoing.

3. Work with the team of professional tourism consultants/facilitators and staff to offer input on a Sustainable Tourism Plan update or new Sustainable Tourism Plan if that is needed. Ultimately make recommendations to the City Council on the adoption of that plan. Expected to be initiated towards the end of year one of the TAB's work.

Climate Action Plan/Sustainability Consistent: ☐**Yes -** ☐**No -** ☒**Not Applicable**

Board/Commission Recommendation: ☐**Applicable -** ☒**Not Applicable**

Alternative(s): None

MOTION

I move to: for discussion and possible direction only.