

AGENDA

4:30 P.M.

CITY OF SEDONA, CITY COUNCIL MEETING

TUESDAY, NOVEMBER 27, 2018

NOTES:

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

www.SedonaAZ.gov

GUIDELINES FOR PUBLIC COMMENT

PURPOSE:

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

PROCEDURES:




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

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

2. CITY'S VISION

3. CONSENT ITEMS - APPROVE

LINK TO DOCUMENT = 

- a. Minutes - November 13, 2018 City Council Special Meeting. 
- b. Minutes - November 13, 2018 City Council Regular Meeting. 
- c. Minutes - November 14, 2018 City Council Special Meeting. 

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

5. PROCLAMATIONS, RECOGNITIONS & AWARDS - None.

6. PUBLIC FORUM/RECOGNITION OF OUTGOING COUNCILORS (Including any recognition

from the public) (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. SWEARING IN OF NEWLY ELECTED COUNCIL MEMBERS BY MAGISTRATE JUDGE



MICHAEL GOIMARAC

8. ROLL CALL

9. APPOINTMENTS

- a. AB 2444 **Discussion/possible action** regarding appointment of a Vice Mayor. 

10. REGULAR BUSINESS

- a. AB 2441 **Public hearing/discussion/possible action** regarding a Resolution and Ordinance updating the City of Sedona's Consolidated Fee Schedule. 
- b. AB 2443 **Discussion/possible action** regarding an ordinance amending the Sedona City Code Section 5.05.010 (Business Licensing Definitions) to clarify business license requirements on rental of real property. 
- c. **Reports/discussion** regarding Council assignments.
- d. **Discussion/possible action** regarding future meeting/agenda items.

11. 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.

12. 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.

AGENDA

4:30 P.M.

CITY OF SEDONA, CITY COUNCIL MEETING

TUESDAY, NOVEMBER 27, 2018

Page 2, City Council Meeting Agenda Continued

Posted: _____

By: _____

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

CITY COUNCIL CHAMBERS
102 ROADRUNNER DRIVE, SEDONA, AZ

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

Action Minutes
Special City Council Meeting - Executive Session
Vultee Conference Room, Sedona City Hall,
106 Roadrunner Drive, Sedona, Arizona
Tuesday, November 13, 2018, 3:30 p.m.

1. Call to Order

Mayor Moriarty called the meeting to order at 3:30 p.m.

2. Roll Call

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

Staff in attendance: City Manager Justin Clifton, Assistant City Manager/Community Development Director Karen Osburn, City Attorney Robert Pickels, Jr., City Clerk Susan Irvine.

3. Executive Session

Motion: Councilor Williamson moved to enter into Executive Session at 3:31 p.m. Seconded by Councilor Jablow. Vote: Motion carried unanimously with seven (7) in favor (Moriarty, Martinez, Currivan, Jablow, Lamkin, Thompson, and Williamson) and zero (0) opposed.

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

- a. **Discussion and consultation for legal advice with the City Attorney regarding rezoning Case No. PZ16-00009 (ZC). This matter is brought in executive session pursuant to A.R.S. § 38-431.03(A)(3).**
- b. **Return to open session. Discussion/possible action on executive session items.**

4. Adjournment

Mayor Moriarty 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 November 13, 2018.

Susan L. Irvine, CMC, City Clerk

Date

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Action Minutes
Regular City Council Meeting
City Council Chambers, Sedona City Hall,
102 Roadrunner Drive, Sedona, Arizona
Tuesday, November 13, 2018, 4:30 p.m.

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

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

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

Staff Present: City Manager Justin Clifton, Assistant City Manager/Community Development Director Karen Osburn, City Attorney Robert Pickels, Jr., Associate Engineer James Crowley, Assistant Engineer Ryan Mortillaro, Assistant Community Development Director Warren Campbell, Senior Planner Cari Meyer, Director of Financial Services Cherie Wright, Arts & Culture Coordinator Nancy Lattanzi, City Clerk Susan Irvine.

2. City's Vision/Moment of Art

A video of the City's Vision was played.

Nancy Lattanzi introduced Joy Sinott, member of the Advisory Committee and Treasurer of SedonaKind. Ms. Sinott spoke about SedonaKind whose mission is to promote kindness and introduced Lucy Paradise. Ms. Paradise talked about the process of creating the 15 Kindness Benches. These mosaic benches with messages of kindness on them have been gifted to the City and placed at various locations throughout Sedona.

3. Consent Items

- a. **Minutes - October 23, 2018 City Council Regular Meeting.**
- b. **Minutes - October 24, 2018 City Council Special Meeting.**
- c. **AB 2435 Approval of a recommendation regarding a new Series 12 Restaurant Liquor License for Fiesta Mexicana located at 1950 W SR 89A, Sedona, AZ (File #32809).**
- d. **AB 2437 Approval of a recommendation regarding a new Series 19 Remote Tasting Room Liquor License for Flying Leap Vineyards, Inc. located at 390 N. SR 89A, Suite 3, Sedona, AZ.**

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

4. Appointments

- a. **AB 2438 Discussion/possible action regarding appointment of commissioners to the Planning & Zoning Commission.**

Presentation by Mayor Moriarty.

Motion: Councilor Williamson moved to appoint Randy Barcus and Charlotte Hosseini to the Planning & Zoning Commission with terms beginning immediately and ending October 31, 2021 or until successors are appointed, whichever is later. Seconded by Councilor Jablow. Vote: Motion carried unanimously with seven (7) in favor (Moriarty, Martinez, Currivan, Jablow, Lamkin, Thompson, and Williamson) and zero (0) opposed.

Mayor Moriarty recognized Mr. Barcus and Ms. Hosseini for their willingness to serve.

- b. AB 2439 Discussion/possible action regarding reappointment of commissioners to the Historic Preservation Commission.**

Presentation by Mayor Moriarty.

Motion: Councilor Williamson moved to reappoint Kurt Gehlbach and Steve Segner to the Historic Preservation Commission with terms ending November 30, 2021 or until successors are appointed, whichever is later. Seconded by Councilor Jablow. Vote: Motion carried unanimously with seven (7) in favor (Moriarty, Martinez, Currivan, Jablow, Lamkin, Thompson, and Williamson) and zero (0) opposed.

Mayor Moriarty recognized Mr. Gehlbach and Mr. Segner for their continued willingness to serve.

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

Vice Mayor Martinez stated that the Sedona Heritage Museum held a celebration for all veterans on Sunday with Mayor Moriarty and World War II veteran Fred Piper as guest speakers. Councilor Currivan advised that the Sedona Community Center hosted a donor appreciation event with Mayor Moriarty as a speaker. Vice Mayor Martinez stated that Breakfast with Santa and a Friday concert are upcoming and suggested people check the City's website for details. Mayor Moriarty advised that she and Rachel Murdoch attended a Marine Corps dinner celebrating the birthday of the Marine Corps.

6. Public Forum

Matthew Mansfield, Flagstaff, spoke about the proposed uptown traffic projects and the potential impact on his client Polar Bear, Inc. dba Cowboy Club.

Elliot Greenburg, Sedona, spoke about the Forest Road project.

7. Proclamations, Recognitions, and Awards

- a. Presentation of plaque to outgoing Planning & Zoning Commission Chairman Marty Losoff.**

Mayor Moriarty recognized outgoing Planning & Zoning Commission Chairman Marty Losoff for his years of service and presented him with a plaque. Mr. Losoff thanked Council for their support and expressed his appreciation to staff for their professionalism and assistance throughout the years.

8. Regular Business

- a. AB 2372 Public hearing/discussion/possible action regarding a request for approval of a Zone Change and Development Agreement to construct a new hotel (Marriott Residence Inn) with up to 90 rooms at 4105 W State Route 89A. The property is zoned Lodging (L) and Open Space (OS). The zone**

change could increase the number of permitted lodging units from 121 to a maximum of 211. A general description of the area affected includes but is not limited to the southeast corner of W State Route 89A and Upper Red Rock Loop Road. APN: 408-11-430B Applicant: Sunridge Hotel Group (Paul Welker) Case Number: PZ16-00009 (ZC).

Presentation by Cari Meyer.

Questions from Council. Questions answered by applicant counsel Jeff Blilie and applicant Paul Welker, and traffic engineer Kevin Horton with Lyon Engineering.

Opened the public hearing at 6:30 p.m.

The following spoke in favor of this item: Dave Norton, Sedona, Bob Maxwell, Sedona, Savas Sosangelis, Sedona, Tania Simms (Verde Valley Habitat for Humanity), Cottonwood, John Finch, Sedona, and Joe Lee Frank, Sedona.

The following spoke in opposition to this item: Ernie Strauch, Sedona.

Closed the public hearing and brought back to Council at 6:46 p.m.

Break at 6:47 p.m. Reconvened at 7:05 p.m.

Further questions and comments from Council.

Motion: Councilor Thompson moved to approve Resolution No. 2018-32, creating a public record entitled “PZ16-00009 Marriott Residence Inn, Zoning Map, Legal Description and Conditions of Approval” as modified. Seconded by Councilor Lamkin. Vote: Motion carried unanimously with seven (7) in favor (Moriarty, Martinez, Currivan, Jablow, Lamkin, Thompson, and Williamson) and zero (0) opposed.

Motion: After 1st reading, Councilor Thompson moved to approve Ordinance No. 2018-11 regarding Case Number PZ16-00009 (ZC), rezoning the property identified herein, increasing the total number of permitted lodging units from 121 to 211, based on conformance with the requirements for approval of a zone change, consistency and conformance with the Community Plan and subject to all applicable ordinance requirements. Seconded by Councilor Lamkin. Vote: Motion carried unanimously with seven (7) in favor (Moriarty, Martinez, Currivan, Jablow, Lamkin, Thompson, and Williamson) and zero (0) opposed.

Motion: Councilor Thompson moved to approve Resolution No. 2018-33 authorizing the Development Agreement between the City of Sedona and Sedona Hospitality Group, LLC as modified. Seconded by Councilor Lamkin. Vote: Motion carried unanimously with seven (7) in favor (Moriarty, Martinez, Currivan, Jablow, Lamkin, Thompson, and Williamson) and zero (0) opposed.

b. AB 2436 Discussion/possible action regarding approval of a Professional Services Contract for preparation of the Wastewater Rate Study to Willdan Financial Services in the approximate amount of \$73,970.

Presentation by Cherie Wright and Willdan Financial Services Project Manager Kevin Burnett and Deputy Project Manager Pat Walker.

Questions and comments from Council.

Motion: Councilor Jablow moved to approve a professional services contract with Willdan Financial Services in the approximate amount of \$73,970 for preparation of the Wastewater Rate Study subject to approval by the City Attorney. Seconded by Councilor Williamson. Vote: Motion carried unanimously with seven (7) in favor (Moriarty, Martinez, Currivan, Jablow, Lamkin, Thompson, and Williamson) and zero (0) opposed.

c. AB 2440 Discussion/possible action regarding a Resolution supporting medical aid in dying.

Introduction by Justin Clifton. Presentation by Councilor Thompson and Leesa Stevens of Compassion and Choices.

Questions from Council.

Opened to the public at 9:11 p.m.

The following spoke in favor of this item: Ernie Strauch, Sedona, Karen Truskowski, Village of Oak Creek, Pamela Drake, Sedona, Ronald Mohoney, Sedona, George Bein, Sedona, Tadeusz "Taz" Ciesla, Cornville, and Matt Werner, Village of Oak Creek.

Brought back to Council at 9:25 p.m.

Comments from Council.

Motion: Councilor Thompson moved to approve Resolution 2018-34, a Resolution of the Mayor and Council of the City of Sedona, Arizona recognizing the practice of aid in dying as a desirable medical choice for many terminally ill, mentally competent adults. Seconded by Councilor Williamson. Vote: Motion carried unanimously with seven (7) in favor (Moriarty, Martinez, Currivan, Jablow, Lamkin, Thompson, and Williamson) and zero (0) opposed.

d. Reports/discussion on Council assignments - None.

e. Discussion/possible action on future meeting/agenda items

Mayor Moriarty advised that there is a special meeting tomorrow at 3:00 p.m.

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 9:31 p.m. without objection.

I certify that the above are the true and correct actions of the Regular City Council Meeting held on November 13, 2018.

Susan L. Irvine, CMC, City Clerk

Date

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**Action Minutes
Special City Council Meeting
City Council Chambers, Sedona City Hall,
102 Roadrunner Drive, Sedona, Arizona
Wednesday, November 14, 2018, 3:00 p.m.**

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

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

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

Staff Present: City Manager Justin Clifton, Assistant City Manager/Community Development Director Karen Osburn, City Attorney Robert Pickels, Jr., Senior Planner Mike Raber, Senior Planner Cari Meyer, Associate Engineer James Crowley, Assistant Engineer Ryan Mortillaro, City Clerk Susan Irvine.

2. Special Business

a. AB 2408 Public hearing/discussion/possible action regarding a Resolution and Ordinance adopting the draft Land Development Code.

Presentation by Mike Raber, Karen Osburn, Justin Clifton, Robert Pickels, Jr., and Clarion Associates Planners Matt Goebel and Tareq Wafaie.

Questions from Council.

Opened the public hearing at 4:44 p.m.

The following spoke regarding this item: Russell Fox, Village of Oak Creek, and David Tracy, Sedona.

Closed the public hearing and brought back to Council at 4:56 p.m.

Additional questions and comments from Council.

Councilor Currivan stated for the record that, although he would be voting to approve the proposed Land Development Code, he had four objections to its content: (1) allowing chickens to be kept and raised in the City, (2) allowing bees to be kept and raised in the City, (3) treating small dwelling units as a fraction of a unit for purposes of computing density, and (4) removing the prohibition on the rental of detached guest houses.

Motion: Councilor Thompson moved to approve Resolution No. 2018-35, establishing as a public record, the Draft Land Development Code and the associated draft City of Sedona Zoning Map. Seconded by Councilor Williamson.

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

Motion: After 1st reading, Councilor Thompson moved to approve Ordinance No. 2018-12, adopting by reference, the Draft Land Development Code, the Associated draft City of Sedona Zoning Map and including any modifications identified in the public hearing, and any additional clerical revisions and graphics, providing for a savings clause and repealing the Land Development Code as adopted through Ordinance 94-08 and all amendments and supplements thereto, and repealing all ordinances or parts of ordinances or code provisions in conflict herewith.

Seconded by Councilor Lamkin. Vote: Motion carried unanimously with seven (7) in favor (Moriarty, Martinez, Currivan, Jablow, Lamkin, Thompson, and Williamson) and zero (0) opposed.

b. Discussion/possible action on future meeting/agenda items - None.

3. 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.

4. Adjournment

Mayor Moriarty adjourned the meeting at 5:29 p.m. without objection.

I certify that the above are the true and correct actions of the Special City Council Meeting held on November 14, 2018.

Susan L. Irvine, CMC, City Clerk

Date



**CITY COUNCIL
AGENDA BILL**

**AB 2444
November 27, 2018
Appointments**

Agenda Item: 9a
Proposed Action & Subject: Discussion/possible action regarding appointment of a Vice Mayor.

Department	City Clerk
Time to Present	N/A
Total Time for Item	10 minutes
Other Council Meetings	N/A
Exhibits	N/A

City Attorney Approval	Reviewed 11/20/18 RLP	Expenditure Required	\$ 0
City Manager's Recommendation	Appoint a Vice Mayor.	Amount Budgeted	\$ 0
		Account No. (Description)	N/A
		Finance Approval	<input checked="" type="checkbox"/>

SUMMARY STATEMENT

Background: Per our City Code Section 2.10.020, "At the first meeting of the council following an election, the council shall designate one of its members as vice mayor, who shall serve at the pleasure of the council."

City Council will nominate from the six eligible Councilors and a vote will be taken to select a new Vice Mayor.

Community Plan Consistent: Yes - No - Not Applicable

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s):

MOTION

I move to: appoint _____ to fill the office of Vice Mayor.

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**CITY COUNCIL
AGENDA BILL**

**AB 2441
November 27, 2018
Regular Business**

Agenda Item: 10a
Proposed Action & Subject: Public hearing/discussion/possible action regarding a Resolution and Ordinance updating the City of Sedona's Consolidated Fee Schedule.

Department	City Clerk
Time to Present	5 minutes
Total Time for Item	15 minutes
Other Council Meetings	12-13-11, 11-27-12, 12-10-13, 11-25-14, 06-23-15, 11-24-15, 08-09-16, 11-22-16, 11-28-17, 04-24-18
Exhibits	A. Proposed Resolution B. Proposed Ordinance

City Attorney Approval	Reviewed 11/20/18 RLP	Expenditure Required	\$ 0
City Manager's Recommendation	Approve the changes to the consolidated fee schedule.	Amount Budgeted	\$ 0
		Account No. (Description)	N/A
		Finance Approval	<input checked="" type="checkbox"/>

SUMMARY STATEMENT

Background: On December 13, 2011, the City Council adopted Ordinance No. 2011-13. This ordinance set forth procedures governing the adoption and updating of a consolidated fee schedule. Per this ordinance, all City departments are required to review the consolidated fee schedule annually and recommend proposed changes to the schedule. Proposed changes are to contain an explanation for the need for the newly proposed fees and identify any fees that may be mandated by law and any requests for deletions or increases. The City Manager shall then place on the regular agenda of the City Council at least annually an action item and public hearing on the fee schedule.

Publication on the City's internet site of proposed fee changes shall take place at least 60 days prior to adoption of any new fees or increases. The proposed changes to the consolidated fee schedule have been published on the City's website since September 20, 2018. The proposed revisions to the consolidated fee schedule are set forth in the resolution submitted with this agenda bill. These revisions include the following:

City Clerk's Office

- a) Change in the fee for New Liquor License Applications from \$50 to \$150. Fee is inadequate to cover costs of review by staff. Average for area cities is \$249.16. Average for Phoenix area is \$854.97. This is a one-time fee to the City.
- b) Liquor License Modifications is a new category, but the fee remains the same.

Finance Department

- a) New Business License Fee increases from \$50 to \$70 which represents 100% cost recovery.
- b) Annual Renewal Business License Fee increases from \$25 to \$35 which represents 100% cost recovery.
- c) Special Event Business License Fee increases from \$7 to \$10 which represents 100% cost recovery.

Parks & Recreation Department:

- a) New \$30 fee for 1-week swim lesson session with 4, 45-minute classes is proposed. Shorter commitment for families planning vacations.
- b) Various fees and categories related to the Posse Grounds Hub are proposed as shown on the schedule. These fees are based on current customer expectations and fair market value. Customer feedback was considered and incorporated where possible.

Wastewater Department:

- a) This reflects an increase of 3.19% for capacity fees which is based on the Engineering News Construction Cost Inflation Factor increase from January 2017 to January 2018 as recommended in the wastewater rate study.
- b) Categories were also added and or revised.

If adopted, the proposed changes will take effect on January 1, 2019.

Community Plan Compliant: Yes - No - Not Applicable

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s): The Council can decline to adopt the proposed changes to the Consolidated Fee Schedule and the schedule would remain unchanged.

MOTION

I move to: approve Resolution No. 2018-__ creating a public record entitled "2018 Amendments to the Sedona Consolidated Fee Schedule."

(After First Reading)

I move to: approve Ordinance No. 2018-__, adopting proposed changes to the Consolidated Fee Schedule.

RESOLUTION NO. 2018-__

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA,
ARIZONA, ESTABLISHING AS A PUBLIC RECORD PROPOSED AMENDMENTS TO
THE CONSOLIDATED FEE SCHEDULE.**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA that the terms set forth in that document attached hereto as Exhibit A and entitled "2018 Amendments to the Sedona Consolidated Fee Schedule" constitutes a public record to be incorporated by reference into Ordinance No. 2018-__.

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 27th day of November, 2018, 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
2018 AMENDMENTS TO THE SEDONA CONSOLIDATED FEE SCHEDULE

City Clerk's Office			
Fee Description	Current Base Fee	Additions and Limits	Proposed Fee Increase
New Liquor License Application	\$50	Background check and administrative work is required for each application received.	\$150 – at least 7 City employees are involved in processing and review of the application. Average from survey of other area cities is \$249.16. Average for Phoenix area is \$854.97.
Liquor License Modifications	\$50	Background check and administrative work is required for each application received.	Fee is unchanged but is under a new category. New category was created to separate modifications to existing liquor licenses from new license applications which require more staff time.

EXHIBIT A
2018 AMENDMENTS TO THE SEDONA CONSOLIDATED FEE SCHEDULE

<u>Finance</u>			
Fee Description	Current Base Fee	Additions and Limits	Proposed Fee Increase
New Business License ¹	\$50 New License Fee		Increase to \$70 based on calculation of time and costs involved – represents 100% cost recovery
Annual Renewal Business License	\$25 per year		Increase to \$35 based on calculation of time and costs involved – represents 100% cost recovery
Special Event Business License ²	\$7.00 per event		Increase to \$10 based on calculation of time and costs involved – represents 100% cost recovery

¹ This business license will be required of all businesses within the Sedona City limits and not just those subject to the transaction privilege tax.

² This special event business license is for a temporary special event and is valid for only 7 days from the date of issuance.

EXHIBIT A
2018 AMENDMENTS TO THE SEDONA CONSOLIDATED FEE SCHEDULE

<u>Parks and Recreation</u>			
Fee Description	Current Base Fee	Additions and Limits	Proposed Fee Increase
<ul style="list-style-type: none"> Swim Lessons 	2-week session, 8 classes, 30 minutes long, \$35 Private half-hour session, \$15 per child		1-week session, 4 classes, 45 minutes long, \$30
Posse Grounds Hub (4,522 SF)			These fees were from 4 years ago. They are going to change dramatically because our new fees are based on what current customers are used to and fair market value.
Classes, Workshops, Rehearsals			
Renter Providing Free to Participants or Donations Only			
<ul style="list-style-type: none"> Non-profit/Individual 			\$10 per hour \$100 refundable deposit \$50 refundable per key deposit
<ul style="list-style-type: none"> Profit/Business 			\$15 per hour \$100 refundable deposit \$50 refundable per key deposit
Renter Charging Cost to Participants or Required Donations			

**EXHIBIT A
2018 AMENDMENTS TO THE SEDONA CONSOLIDATED FEE SCHEDULE**

<u>Parks and Recreation</u>			
Fee Description	Current Base Fee	Additions and Limits	Proposed Fee Increase
<ul style="list-style-type: none"> • Non-profit/Individual 			\$18 per hour \$100 refundable deposit \$50 refundable per key deposit
<ul style="list-style-type: none"> • Profit/Business 			\$23 per hour \$100 refundable deposit \$50 refundable per key deposit
Performance		10% discount on up-front payments on a series (4 or more) of the same category of event	
Free to Spectators or Donations Only			
<ul style="list-style-type: none"> • Non-profit/Individual 			\$17.50 per hour; \$210 per day \$200 refundable deposit \$50 refundable key deposit
<ul style="list-style-type: none"> • Profit/Business 			\$26.25 per hour; \$315 per day \$200 refundable deposit \$50 refundable key deposit
Renter Charging Cost to Spectators			

**EXHIBIT A
2018 AMENDMENTS TO THE SEDONA CONSOLIDATED FEE SCHEDULE**

<u>Parks and Recreation</u>			
Fee Description	Current Base Fee	Additions and Limits	Proposed Fee Increase
<ul style="list-style-type: none"> • Non-profit/Individual 			\$31.50 per hour; \$378 per day \$200 refundable deposit \$50 refundable key deposit
<ul style="list-style-type: none"> • Profit/Business 			\$40.25 per hour; \$483 per day \$200 refundable deposit \$50 refundable key deposit

EXHIBIT A
2018 AMENDMENTS TO THE SEDONA CONSOLIDATED FEE SCHEDULE

<u>Wastewater</u>			
Fee Description	Current Base Fee	Additions and Limits	Proposed Fee Increase
Wastewater Capacity Fees:			All increases proposed below are based on the Engineering News Construction Cost Inflation Factor 3.19% increase from January 2017 to January 2018.
<ul style="list-style-type: none"> • Residential • Capacity Units = Connection 	\$10,304.91		\$10,633.64
<ul style="list-style-type: none"> • Multi Family/Apartments • Capacity Units = Dwelling Unit 	\$7,962.25		\$8,216.25
<ul style="list-style-type: none"> • ADU – Accessory Dwelling Unit • Capacity Units = Dwelling Unit 	\$5,152.47		\$5,316.83
<ul style="list-style-type: none"> • Resort – Cottages, Villas • Capacity Units = Connection 	\$12,660.38		\$13,064.25
<ul style="list-style-type: none"> • Car Wash with Recycle • Capacity Units = Bay 	\$16,711.69		\$17,244.79
<ul style="list-style-type: none"> • Car Wash without Recycle • Capacity Units = Bay 	\$25,067.54		\$25,867.19
<ul style="list-style-type: none"> • Fitness Center/Beauty Salon • Billing Unit = 100 sq. ft. 	\$1,012.83		\$1,045.14
<ul style="list-style-type: none"> • Private Tour Jeep & Rental OHV/Jeep Washing • Billing Unit = Vehicle 	\$674.11		\$695.61
<ul style="list-style-type: none"> • Mortuaries • Billing Unit = Connection 	\$24,940.93		\$25,736.55
<ul style="list-style-type: none"> • Offices, Medical Building, Manufacturing, Contractors • Billing Unit = 100 sq. ft. 	\$253.21		\$261.29

EXHIBIT A
2018 AMENDMENTS TO THE SEDONA CONSOLIDATED FEE SCHEDULE

Wastewater			
Fee Description	Current Base Fee	Additions and Limits	Proposed Fee Increase
<ul style="list-style-type: none"> • Laundromat (efficiency) • Billing Unit = Machine 	\$7,469.62		\$7,707.90
<ul style="list-style-type: none"> • Laundromat (12-18 lb.) • Billing Unit = Machine 	\$9,621.88		\$9,928.82
<ul style="list-style-type: none"> • Laundromat (25-35 lb.) • Billing Unit = Machine 	\$13,419.99		\$13,848.09
<ul style="list-style-type: none"> • Laundromat (50 lb.) • Billing Unit = Machine 	\$19,623.58		\$20,249.57
<ul style="list-style-type: none"> • Restaurant • Billing Unit = 100 sq. ft. 	\$3,744.64		\$3,864.09
<ul style="list-style-type: none"> • Restaurant with Patio Seats (Seasonal) • Billing Unit = 100 sq. ft. 	\$1,872.31		\$1,932.04
<ul style="list-style-type: none"> • Restaurant Take-out (Food Prep Area) • Billing Unit = 100 sq. ft. 	\$1,136.69		\$1,172.95
<ul style="list-style-type: none"> • Bar/coffee/tea/tasting room without Dining Facility • Capacity Units = 100 sq. ft. 	\$1,380.81		\$1,424.86
<ul style="list-style-type: none"> • Bar/coffee/Tea/Tasting Room without Dining with patio seats (Seasonal) • Capacity Units = 100 sq. ft. 	\$690.41		\$712.43
<ul style="list-style-type: none"> • Department, Retail Stores • Capacity Units = 100 sq. ft. 	\$221.24		\$228.30
<ul style="list-style-type: none"> • Market • Capacity Units = 100 sq. ft. 	\$1,033.45		\$1,066.42

EXHIBIT A
2018 AMENDMENTS TO THE SEDONA CONSOLIDATED FEE SCHEDULE

Wastewater			
Fee Description	Current Base Fee	Additions and Limits	Proposed Fee Increase
<ul style="list-style-type: none"> • Repair Shops, Service Stations • Capacity Units = 100 sq. ft. 	\$245.22		\$253.04
<ul style="list-style-type: none"> • Hotel, Motel, RV Park, Bed and Breakfast • Capacity Units = Room 	\$6,329.71		\$6,531.63
<ul style="list-style-type: none"> • Theaters, Libraries, Churches, Assembly • Capacity Units = Building Occupant Capacity 	\$126.42		\$130.45
<ul style="list-style-type: none"> • School, College with Gym Showers • Billing Units = 100 sq ft 	\$316.51		\$326.61
<ul style="list-style-type: none"> • School, College with Café • Billing Units = 100 sq ft 	\$253.21		\$261.29
<ul style="list-style-type: none"> • School, College without Gym or Café • Billing Units = 100 sq ft 	\$189.91		\$195.97
<ul style="list-style-type: none"> • Public Restroom • Billing Unit = per Toilet/Urinal (each) 	\$12,660.49		\$13,064.36
<ul style="list-style-type: none"> • Swimming Pool • Billing Unit = 1 cubic foot 	\$1.06		\$1.09

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ORDINANCE NO. 2018-__

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA,
ARIZONA, ADOPTING PROPOSED AMENDMENTS TO THE SEDONA
CONSOLIDATED FEE SCHEDULE.**

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

Section 1: Adoption of Consolidated Fee Schedule

That document made a public record by Resolution 2018-__, and entitled "2018 Amendments to the Sedona Consolidated Fee Schedule" is hereby and approved and all amendments to the Consolidated Fee Schedule set forth therein will become effective on January 1, 2019, or when as so indicated in the schedule.

Section 2: 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 27th day of November, 2018.

Sandra J. Moriarty, Mayor

ATTEST:

Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:

Robert L. Pickels, Jr., City Attorney

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**CITY COUNCIL
AGENDA BILL**

**AB 2443
November 27, 2018
Regular Business**

Agenda Item: 10b

Proposed Action & Subject: Discussion/possible action regarding an ordinance amending the Sedona City Code Section 5.05.010 (Business Licensing Definitions) to clarify business license requirements on rental of real property.

Department Financial Services

Time to Present 5 minutes

Total Time for Item 10 minutes

Other Council Meetings N/A

Exhibits A. Ordinance

City Attorney Approval	Reviewed 11/20/18 RLP	Expenditure Required	\$ 0
City Manager's Recommendation	Approve an ordinance amending the City Code relating to business license requirements.	Amount Budgeted	\$ 0
		Account No. (Description)	N/A
		Finance Approval	<input checked="" type="checkbox"/>

SUMMARY STATEMENT

Background: This is a housekeeping item to add clarification to the City Code that residential rentals of real property are exempt from the business license requirement.

The current language in Section 5.05.010 (Definitions – Casual Activity or Sale) is as follows:

5.05.010 Definitions.

“Casual activity or sale” means a single or incidental transaction of an isolated nature made by a person who neither represents himself to be nor is engaged in a business subject to a license fee imposed by this chapter. **The sale, rental, license for use, or lease transaction concerning real property shall not be treated, or be exempt, as casual...** (Emphasis added).

A.R.S. § 9-1304(B) prohibits business licenses for residential rentals. This action to revise the definition of “casual activity or sale” and delete the sentence referenced in bold lettering above to bring the City Code into compliance with state statutes.

Community Plan Consistent: Yes - No - Not Applicable

Board/Commission Recommendation: Applicable - Not Applicable

Alternative(s):

MOTION

After 1st reading:

I move to: approve Ordinance No. 2018-__ amending the Sedona City Code Section 5.05.010 (Business Licensing Definitions).

ORDINANCE NO. 2018-__

AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, AMENDING THE CITY CODE SECTION 5.05.010 (DEFINITIONS); PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF ANY ORDINANCE OR PARTS OF ORDINANCES OR CODE PROVISIONS IN CONFLICT HEREWITH.

WHEREAS, it is the intention of the City Council to provide further clarity and ease of administration of those provisions set forth in Section 5.05.010 related to Definitions.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA AS FOLLOWS:

Section 1. Amendment of Section 5.05.010 (Definitions – “Casual activity or sale”)

Section 5.05.010 Definitions of the Sedona City Code is hereby amended by striking out and removing from the definition of “Casual activity or sale” the following:

“The sale, rental, license for use, or lease transaction concerning real property shall not be treated, or be exempt, as casual.”

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 27th day of November, 2018.

Sandra J. Moriarty, Mayor

ATTEST:

Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:

Robert Pickels, Jr., City Attorney