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CALL TO ORDER

[Time: 00:00:07]

Mayor Lane: I would like to welcome you to the Tuesday, June 5th, 2018 City Council Work Study session, and we'll start with a Roll Call, please.

ROLL CALL

[Time: 00:00:14]

City Clerk Carolyn Jagger: Mayor Jim Lane.

Mayor Lane: Present.

Carolyn Jagger: Vice Mayor Guy Phillips.

Vice Mayor Phillips: Present.

Carolyn Jagger: Councilmembers Suzanne Klapp.

Councilwoman Klapp: Here.

Carolyn Jagger: Virginia Korte.

Councilmember Korte: Here.

Carolyn Jagger: Kathy Littlefield.

Councilwoman Littlefield: Here.

Carolyn Jagger: Linda Milhaven.

Councilwoman Milhaven: Here.

Carolyn Jagger: David Smith.

Councilman Smith: Present.

Carolyn Jagger: City Manager Jim Thompson.

Jim Thompson: Here.

Carolyn Jagger: City Attorney Bruce Washburn.

Bruce Washburn: Here.

Carolyn Jagger: City Treasurer Jeff Nichols.

Jeff Nichols: Here.

Carolyn Jagger: City Auditor Sharron Walker.

Sharron Walker: Here.

Carolyn Jagger: And the Clerk is present.

MAYOR'S REPORT

[Time: 00:00:39]

Mayor Lane: Thank you. This is not a regular Council meeting but I would like to note that this is the first meeting that the new Vice Mayor, no former Councilman, Guy Phillips is our Vice Mayor. It's nice to have you starting at this time. So welcome in that position.

PRESENTATIONS/INFORMATION UPDATES

[Time: 00:01:02]

Mayor Lane: We have first order of business as this is a work order, or rather a Work Study we have a presentation. Patricia Rippe, FEMA Senior Floodplain Management Specialist, will be presenting the FEMA Community Rating System, Class 5 Community Recognition Award, for exceptional floodplain management practices, and which resulted in a 25% insurance premium savings for 8,000 of our Scottsdale residents or policyholders effective May 1st. And for that, we are very honored to be able to receive this and Patricia, if you would like to....

[Time: 00:01:45]

Patricia Rippe: Thank you very much. I'm pleased to represent FEMA today in thanking and recognizing the city of Scottsdale in your ongoing efforts to provide an exemplary floodplain management. It's a voluntary incentive program that recognizes and encourages community floodplain management activities. It provides a reduction in flood insurance premium rates for property owners in communities that implement activities that go above and beyond the minimum required national flood insurance program. These reduced rates reflect the reduced flood risk resulting from the actions that the community is taking. Communities receive credits for implementing floodplain management activities. They submit documentation to the national flood insurance program, and according to the types and the numbers of credits that are received, they are assigned a community rating system class.

There are ten classes in the system. A community rated as a class 10 community is meeting the minimum requirements of the national flood insurance program, and in those communities, property owners pay a standard flood insurance rate with no deduction. A community rated as a class 5 has accumulated between 2500 and 3,000 points or credits. This means a property in a high-risk floodplain in Scottsdale receives a 25% reduction in flood insurance premium rates. The city of Scottsdale has just over 8,000 flood insurance policies with about a little under \$4 million in premiums. The average premium of flood insurance policy in the city of Scottsdale is about \$493, \$490. The class 5 rating represents a total savings of about \$1.1 million in flood insurance premiums for the, for the city, and an average savings of about \$150 per policy for those structures and properties located within a high-risk flood zone.

The city of Scottsdale has undertaken a number of actions and activities that have led to this success, I will enumerate a couple of them. Adopting and regulating development in areas that are not included on the flood insurance rate maps that exceed the minimum mapping standards, enforcing regulations that require development limitations, free board for new and substantially improved construction, foundation protection, local drainage protection, and the adoption and the enforcement of building codes.

Scottsdale's preserved about 49% of the high-risk areas in, as open space and credit is also provided for regulations and incentives that minimize development in this high-risk flood zone. Enforcing regulations for stormwater management, soil and erosion control and water quality, are also

recognized. The city's water shed master planning efforts are exemplary. It provides public outreach, which includes a letter to the Realtors and an annual mailing to all properties located in the high-risk flood zone, participates in a trade show, and provides citizens with flood zone information. City staff offer one-on-one advice regarding property protection and makes site visits before providing that advice.

The city's acquired and relocated 20 buildings from the high-risk flood zone and the adoption and the implementation of Maricopa County Multi-Jurisdictional Hazard Mitigation Plan, another mouthful, Mayor, which formulates five-year plans to reduce flood damage through, through construction of flood control projects, floodplain identification, or mapping and planning programs throughout the county. The class 5 ranking of Scottsdale brings the city into the top four communities in Arizona and the top city in Arizona out of the 25, or 26 communities that participate in the community rating system in the state. FEMA Region 9 is pleased by the good work being conducted by the city of Scottsdale. This rating reflects the city's dedication to excellence in floodplain management. The city and its residents have taken important steps to enhance public safety, reduce damages to property and public infrastructure, avoid disruption and losses, and reduce human suffering and protects the environments. So congratulations for a job well done, Scottsdale. Mayor, could you please come up?

[Time: 00:07:16]

Mayor Lane: I will come up and we'll take that picture. Ashley Couch, he and his staff are instrumental in providing this type of additional service, and savings to our citizens. Every time the city is mentioned, we are talking about the individual homeowners whose policies are affected by this reduction. So we are grateful for all the work that the city and FEMA has done in order to get to this point. Thank you so very much. Thank you again. I know they are tedious and tough tasks, but they are well worth it for the community, from a safety and savings standpoint.

You know, did I start to mention that this is a work steady session versus a Council meeting and just so that it is perfectly clear and the reason we are down here on the floor is because this is a conversational type of arrangement, so that we can have interaction with the staff on a more specific and direct level, rather than sometimes adhering to the strict protocols of the Roberts Rules with our regular meeting. So it's a little bit more informal and thus, I think more productive and sometimes more productive. But provides a less formal settings for the Mayor and Council to discuss the specific topics at length and it provides the opportunity for staff to receive direction from the Council, and for the public to observe these discussions.

PUBLIC COMMENT

[Time: 00:09:08]

Mayor Lane: Public Comment in Work Study sessions is a little bit different than it is for a regular Council meeting. And most recent years but for quite some time now there's an ability for, in these sessions for the public to have some comments on it. It's restricted to five three-minute comment

attendees or individuals that would like to comment on the proceedings here. So that is, and if you would like to make any such comment, we do have cards for that purpose over here. The city clerk over here to my right, over her head for that purpose, and there's a yellow card. I also believe if you would like to give us some written comments, it can be read by the Councilmembers.

ITEM 1 - DOWNTOWN PLAN UPDATE (1-GP-2018 and 1-TA-2018)

[Time: 00:09:53]

Mayor Lane: So our one and only item of business on tonight's Work Study session is the Downtown Plan Update, 1-GP-2018 and 1-TA-2018 and our presenter here tonight, if you would move to the table, is Erin Perreault, our Long-Range Planning Manager.

Long-Range Planning Manager Erin Perreault: Thank you Mayor. I'm also here with Brad Carr, Current Planning, who will cover the campaigning zoning text amendment.

Mayor Lane: Very good. Welcome Erin and Brad. Thank you. So if you like, go ahead and proceed.

Erin Perreault: So with regard to the Downtown Plan, we currently operate under the 2009 Downtown Plan, which was an update, a 25-year update to a 1984 plan that we had for downtown. The existing plan consists of six chapters that you can see on the left of the slide there. In terms of the plan update, what we do with any long-range plan is do a plan assessment. So about halfway through the plan's shelf life, which is ten years, we assess for relevance and viability of that plan. We also look for any implementation that's been completed under that plan, and we also look to see what's been adopted since the plan was adopted itself for any new policies or initiatives that might need to be incorporated into that plan.

So part of that process started in 2016, with the long-range planning team doing an existing conditions study of downtown. Doing that implementation review I mentioned. We have also been working to not only assess the 2009 plan, but also provide updated plan content for you to consider, working with a number of different departments throughout the city. And you can see those listed in the middle of the slide. And then, of course, as I mentioned, we also looked to see any content that has been adopted since 2009, and you will see a number of plans that Council has adopted since then, or at least has initiated and heard including the Downtown 2.0 study that you heard last fall in November. Some of that content we also have considered, including in an updated plan for your consideration, which you have in your packet today.

The good news item coming out of the implementation from 2009 is the vast majority of the things we wanted to implement under the plan have been completed to date. So we need to, with the plan update, assess what we want to do for the next ten years. Council initiated this process in January of this year. We have met with a number of boards and commissions to get input from them with regard to the updated draft plan, and we have also held open houses with the community. We also had direct presentations and discussions with all of the different community groups you see listed on

the right side of the slide, as well as meeting with individual property owners and downtown stakeholders as requested.

So I will get into the plan update, and the biggest is the land use changes. First off, we are not proposing to change any of the types of land uses that you can have in downtown or the locations of those land uses. So those will remain the same. In terms of downtown districts, the existing plan, and you can see that on the map on the left have urban neighborhoods which no one refers to them as. They refer to them as districts. So we will go back to that nomenclature of downtown districts.

In addition, right now we have six urban downtown neighborhoods identified, since 2009, tourism, not only the city tourism department, but also Experience Scottsdale has identified a number of downtown districts that they use in their marketing and promotions, which you can see on the left of this new slide. What we tried to do is align the proposed downtown districts with the marking and promotional materials so everyone is talking about the same districts and talking about the same boundaries, with the exception of two areas.

[Time: 00:14:35]

The first one being the Arizona canal, in terms of the tourism marketing and promotions, they talk about south bridge on the south side of the canal. They refer to the waterfront on the north side of the canal. From a planning and urban design standpoint, we have kept the full canal length within the downtown boundary as one district as from a planning and design standpoint. It really operates that way. So that's one departure from the tourism documents.

The second one is the tourism documents do not cover this area in green. Just west of the Goldwater boulevard curve, that area is our mid-century modern garden apartments. So we have designated it as a garden district, so as not to leave them out of the plan. The next piece is existing development types. What you see on the left is the existing development types map in the plan. It has two types. Type 1, which is our lower density areas in downtown, in terms of development, and Type 2, which is our medium to higher density areas of downtown.

What the map on the left does not do is identify those areas that are the highest density and intensity in terms of height for downtown, currently under our zoning ordinance. What you see on the right, the purple areas designated north of the canal and around the medical campus in the southeast portion of downtown, those currently exist under the ordinance where if you amass enough land, almost five acres or 200,000 square feet, you can ask for 150 feet in height in those two areas now. But our Downtown Plan doesn't identify those areas as distinct from the other Type 2 areas. So what we are proposing with the update is to show this existing condition in the plan as a Type 3 area and color them purple so that it is definitely distinct, not only in the plan, but also aligns with what you can do now in the zoning ordinance today.

Moving on, when we were looking at development types, as part of the update, we have three areas for your consideration. Two areas are expanded purple or Type 3 development areas, and one area is an expanded Type 2.5 area. And you can see those in the harder black line outline and colored on

the map on the right. So why consider new 2.5 or Type 3 areas? In looking at the plan update and in talking to different people in downtown, first off, we had, I referred to the Downtown 2.0 tourism recommendations that came out last November. It really recommended feet on the street, more residents and more employees feet on the street specifically.

So in looking at that, more height could accommodate more feet on the street to support the tourism uses and the tourism recommendations that came out of the plan. So that was one consideration. We didn't want height, 150 feet all over downtown. So we have been strategic in looking at where it might make the most sense from a public benefit standpoint. And that's the second benefit as you can see on the map, that those areas for your consideration to expand to include green stars that are public spaces that are being recommended as part of the public spaces master plan for downtown which the Council has also been discussing for the past two years. So in aligning with those, if you consider not doing shorter and more horizontal buildings but doing taller buildings, you can have more public space at the ground level. So that's part of that consideration.

[Time: 00:18:41]

The third consideration is from an urban design and architectural standpoint, and that's proximity to either other Type 3 areas that already exist, again north of the canal and around the medical campus. From an urban design and architectural standpoint, you could level out that urban design so they don't have a really shorter, much shorter building next to a taller building, either across the canal or across Scottsdale Road, for example, where those two areas align. And then we have also heard land owner interest for additional height in downtown, and also offers revitalization opportunities, in particular in that 2.5 area, there's an abandoned hotel, an abandoned Village Inn and some abandoned offices in that area as well.

So what would it mean for a new, the proposed 2.5, would be proposed to only go to 120 feet. When we are looking at that particular area, it made sense for some additional height but 150 seemed to be a little bit too much in that area, because across the canal, it isn't a Type 3 area today. It's actually lower scale townhomes adjacent to that area. So we split the difference and thought that it would be worth considering possibly additional height but not all the way to the maximum of 150 in that area.

The other two proposed Type 3 areas we felt could accommodate 150 feet in those areas. So that would be the implication should you adopt any of these new areas under the zoning ordinance. In considering those areas again, it takes an amassing of land to ask for the maximum height under the zoning ordinance so what I will walk through is the two proposed areas. There are two different owners that own enough land to ask for the 150 feet should this area be designated as a Type 3. And the 2.5 area, we have one landowner that owns enough land that could ask for that 100, proposed 120-foot height limit if this would be added to the Downtown Plan. And then finally, along with the purchase sale agreement, the Council recently approved for the city-owned portions, in conjunction with the private development or private land, and owned in the area, 150 feet could be asked for in this particular portion of downtown should this Type 3 area be added to the plan.

I just want to mention, not only for the Council, but for the community, that the zoning ordinance has setbacks and step backs that provide buffers to the height that's being proposed. So what you see on the far right of the slide is a single-family home in a neighborhood adjacent to the downtown boundary. Moving to the left of the slide, the development has been designed under our downtown zoning ordinance requirements to show where you could get to 150 feet and that is 350 feet away from that adjacent neighborhood. Additionally our zoning ordinance also includes a buffer from Type 1 to Type 3, and we're not proposing to change these buffers in the zoning ordinance.

So what you see on the left is the Type 1 building at the maximum 48 feet that you can do in Type 1. You are seeing the middle scale or medium scale development at 90 feet in Type 2 in the middle and then the setback and the step back to the 150 feet in the proposed Type 3. Moving off of the land use chapter, in character and design, the largest add in terms of updating the plan is the public spaces master plan that Council has been considering for the past two years. And the community has been considering as well.

So what that does, it would incorporate that public spaces master plan into the Downtown Plan, which provides a home for it, if you adopt it into the plan and then that would be used really to develop these public spaces over time in downtown and the connections between them. In the mobility chapter, the biggest add is the whole focus on bicycling, which is not in the existing plan today. So goals and policies on a continuous bicycling network and infrastructure, providing education, safety and enforcement around bicycling and a new bike ways map.

[Time: 00:23:57]

In addition, we heard from the community they wanted to see parking management and a public parking map in the plan, and those have been added as well. In terms of arts and culture, the biggest add has been in terms of text to incorporate Downtown 2.0 implementation items, not only in the implementation chapters but also referencing those in the goals and policies of this chapter, to incorporate the ideas about the events and the festivals, temporary art, art parks, art trail and monumental art that we heard about in November of last year.

And finally, working with Danielle's group, we have added a focus on target growth industries for economic vitality chapter, and also looking at some goals and policies on the quality of life of downtown, not just from a resident standpoint but from an employee attraction standpoint. We are proposing to eliminate one chapter of the plan and that's the Public Services and Facilities chapter. Mostly because a lot of the goals and the policies in the existing plan are redundant with others that are mostly in Character and Design already.

So what hasn't been, what wasn't redundant in terms of content, we moved to Character and Design. We also moved some of that content to the implementation program because they were very action-oriented for implementation items. It's just we don't need a whole chapter focused on that any longer. Then finally, we have a new robust implementation plan to take us through the next ten years for downtown. Again, this was a multi-departmental effort to create this implementation program, based on the different plans and policies that Council has adopted since 2009 and based on

updates to the plan itself. So with that, I will turn it over to Brad to go over the text amendment.

Mayor Lane: Well, before you go to that Brad, any questions on, of anything that's been presented at this point in time by any of the Councilmembers? Okay. Go ahead.

[Time: 00:26:13]

Principal Planner Brad Carr: Good afternoon to you Mayor and members of the Council. As Erin mentioned there's a text amendment to primarily implement a lot of these things proposed in the Downtown Plan, mostly on the land use front and the regulatory front so we can get that character and that design that we are looking for out of the land use portion of the Downtown Plan. So we will be updating the downtown district, the downtown overlay district and the planned block development overlay district as a result to implement the proposed changes to the Downtown Plan.

Just a little background. Myself and Mr. Grant were here a little over a year ago to discuss some items with regards to the zoning ordinance, primarily the bonus provisions and the cultural improvement programs, similar to this. We got some direction from the City Council at that time to review those bonus provisions just to continue to ensure that there was an alignment with the community goals and that the development community was still providing meaningful benefits in exchange for the increased benefit. We also got the direction to review the cultural improvements program and make any potential changes and finally, knowing that there could be a potential update to the Downtown Plan, we were given direction to align the downtown overlay and PBD districts with the new Downtown Plan.

That's the focus of this most recent effort as mentioned. We will be updating those three districts. The main change to the zoning district, as well as the changes to the zoning ordinance to introduce that Type 3 to replace certain areas of Type 2. We also are changing some things in the zoning ordinance to create a hierarchy of development standards and unify those application of development bonuses. We have made some refinements to the Public Art on that section in the zoning ordinance and as always, we look at other parts of the zoning ordinance to maintain consistency any changes that are necessary with, throughout the zoning ordinance to make sure that the implementation of those three main sections do occur.

So as Erin mentioned here this is kind of crux of the main changes you will see in the zoning ordinance, the new introduction of the Type 2.5. That will follow most of the design development standards of the Type 2 district, with the exception of the application of bonus height that could be a potential, again if you have a 200 square foot or more site, there's a potential to reach 120 feet, and as Erin showed, that location, you can see it here again on the map is shown in tan on the far western portion of downtown and within that area, there was a portion that was shown in yellow that could reach that 120-foot in height.

[Time: 00:29:15]

The remaining changes that you can see here is a renaming so to speak of certain areas of Type 2 to a

Type 3. None of those development standards change with this update. It's simply a renaming to match the Downtown Plan. In addition, we have addressed the bonus section, the bonus provisions of the zoning ordinance. We have gone through an effort to consolidate and hopefully streamline the bonus development standards in a way that we can now apply those equally to not only the downtown but also areas in the airport, and maybe even some potential areas outside of those two in the future. What you see here is there is an introduction, I should say the calculations on how to gain additional height and floor density do the same. The cost to do so remains the same at this time.

However we introduced an area here that will force a maximum site coverage on that bonus height, and that's in direct correspondence with some, some feedback we got back when we were here a little over a year ago, about how far someone could cover a site with that bonus height. And so there's a calculation here, it's rather lengthy here in words but basically what it works out to is the site is allowed to cover up to 90% for a small site, of 2 acres. As that site gets larger, it reduces the amount of coverage that's allowed by 1%.

So, for instance, a site that's maybe 20 acres would be allowed to cover 70% versus the 90% of the smaller site. The goal is to limit the maximum coverage of this bonus height to ensure that it's not allowed to encroach on the entire site but it's more focused on the smaller portion of the site. Again, it's processed, the Planning Commission initiated this particular text amendment back in September of last year along with more comprehensive look at all the other planned districts. Again, as we identify that this update to the Downtown Plan was going to be coming soon, we branched out this particular text amendment from that one into its own text amendment.

We had some reviews and updated with city commissions including the Planning Commission most recently, and we have done a lot of public outreach Erin showed on her slides. A lot of that public outreach, those didn't always coincide with the text amendment outreach, but they did converge on a number of open houses a month or two ago. And, again, Planning Commission has recommended this, well, consider this recommendation of City Council next week and then finally City Council action....

[Time: 00:32:06]

Mayor Lane: Excuse me one second. I didn't want to interrupt that stream of thought there, Brad. But if I might, I just, I think I may have just missed, it but some clarification as to what the, it goes back to the slide with regard to the bonus height issues and the maximum site coverage starts at 90% for two acres or less and reduces proportionally for every acre increase. I think you cited an example, but I just was wondering how that maxes out, reduces proportionally, does that mean to say that on the basis of 10% or exactly how does that translate beyond 2 acres? If I have 90% coverage on 2 acres, if I have 3 acres.

Brad Carr: You have 89% coverage.

Mayor Lane: And so for every additional acre, there's 1%. Is there a top end?

Brad Carr: You can go no farther than a 30%.

Mayor Lane: I think that's the example you gave.

Brad Carr: Sorry, I should have.....

Mayor Lane: No, it's quite all right.

Brad Carr: Sorry about that. I moved a little too far forward here. The next steps, as we mentioned here is Planning Commission June 13th, and then the option here, the potential adoption hearing with City Council on July 2nd. That concludes our presentation. Again, we are happy to begin the discussion with you on anything you have here.

Mayor Lane: Well, thank you, Brad. Thank you, Erin. Do we have any questions from the Councilmembers on, on this? Yes, Councilman Smith?

[Time: 00:33:49]

Councilman Smith: Thank you, Mayor. Erin, I guess the, a lot of what you are talking about doing is bringing this Downtown Plan or Old Town Scottsdale character area plan into compliance with the plan 2.0. Was that presented to Council? Did we approve that or did we look at that?

Erin Perreault: Mayor and Council, to my knowledge, you only saw it in a Work Study session.

Councilman Smith: And regarding the, the other plan, the plan for public spaces, is that the same thing? Did we approve something or just look at it?

Erin Perreault: You looked at it, and so with both of those, we are taking pieces that we heard, based on those Work Study sessions, and incorporating them into this plan, so that they find a home for you to consider adoption of some of those elements of both of those plans.

Councilman Smith: Well, then I will just, I will give an opinion. I think some of the sections that you are changing for, you know, to give greater recognition to bicycle and arts and culture, even perhaps the economic development piece, I'm fine with, that but I'm, I think I'm stuck back on the land use mixture or the pretty pictures that you drew that have three new areas that qualify for the, either Type 3 or Type 2.5 development. And I would say that the, so there you have it on the screen.

The southern most part, the one with the star on it, I think we all know what that site is. And we are currently in negotiations with the land buyer to provide meaningful open space and whatever in return for the 150-foot potential height, maybe less than that. But the other areas we, we don't have a plan, we don't have negotiations. We don't really have anything, and I think my reaction is that if I, if I approve those other areas, I am giving away what might be a strategic bargaining tool with a new developer. I can envision a situation where a new developer might come to us and say, I would love to do something on what we call the, the Rose Garden property, the tan area there. And he might

say, I would love to go up to 120 feet and at that point, we could say, well, I might grant you that.

What's in it for my citizens? What is in it for my client? But if I have already written this down as being allowed use, I don't have that as a bargaining tool. So I'm reluctant to approve these for areas where I have not yet met with the developer or bargained with them for what they want to do and what concessions they need. I would point out just mathematically, for the new purple areas up there that we don't yet have a development plan, that anyone is talking about, you would be going from the potential of 90 feet to a potential of 150 feet; is that right?

Erin Perreault: That's correct.

Councilman Smith: And that's a 66% increase in height. I mean, ignoring the fact that it's an enormously tall building, that's a 66% increase in height, and I, I guess I visualize that I could get something bargaining with that as a chip if I'm sitting across the table. And if we memorialize this, I lost that bargaining chip. The reason I asked the question whether we have approved the Downtown Plan 2.0 or the public spaces plan, is because I, I think we may be getting the cart before the horse here. Until we have approved those plans, I don't want to change the character area plan to conform to them.

Maybe as a group if we were voting on it, maybe we would have a lot of issues with the Downtown Plan 2.0, but to just, well. I will leave it at that and see what other people have to say, but I'm, bottom line, I would be in favor of doing what we call the Loloma site, since that's consistent with current negotiations, but the others I would not. Thank you, Mayor.

[Time: 00:38:35]

Mayor Lane: Thank you, Councilman, Erin. Obviously for everyone's benefit, this is a Work Study. So this is a, where we would consider if there are changes that the Council agrees to make as a group, a consensus, it would be a pushback for a number of runs at this. We have looked at this and this is the product of the direction that you perceived and frankly, I think that we directly in what we see before us.

Just for my own clarity and maybe for everyone else's, the Type 2 and may half where you do have the star, my understanding is we are already talking about that's a bonus situation, if it were to go to 120 feet. And it's specifically indicated with the star for that option and that area that's away from the canal front because there's a, even though that's available, it's not really available in that. Now that's by some design within the code as we are going to interpret it or no?

Erin Perreault: Yes.

Mayor Lane: My understanding from the slide is that the star indicates somewhere in that area, there is an option for 120 feet?

Erin Perreault: So Mayor Lane and Council, the star indicates that the public spaces master plan

identifies wanting public space somewhere in that area. So in doing that when you consider a taller height of a building, you get more public space at the ground levels because the building is taller and leaner, and not as horizontal. So you have more public space and potentially more public realm and connections. So that's what the star is. The triangle piece that's proposed for Type 2.5 does not include the Rose Garden site. That's just on the north side of 5th Avenue and the triangle piece is on the south side of 5th Avenue.....

Mayor Lane: Adjacent to the canal.

Erin Perreault: So it doesn't include that city property at this time. Additionally, if these areas were included in the Downtown Plan and someone came in to ask for that bonus height, there are bonuses, provisions in the zoning ordinance that, that we have worked with on other projects in downtown already, with essentially Type 2 or Type 3 that they provide public benefits. It could be that public space is identified. It could be other public benefits that Council deems appropriate for that area.

Mayor Lane: I guess what I was trying to say we have provisions within this, to negotiate on the basis of a bonus situation, if it were in Type 2 and a half to go to 120 feet.

Erin Perreault: That's correct.

Mayor Lane: And what you added to that component is the star requires that up with of those provisions may be part of the bonus situation be for the open space?

Erin Perreault: That's correct.

Mayor Lane: Okay. Yes, Councilwoman Korte.

[Time: 00:41:33]

Councilmember Korte: Erin, can you speak to, if we go back to the, thank you. Right there. If you go back to, so can you speak to the northern sector violet purple areas and why that is Type 3?

Erin Perreault: Mayor and Council, northern sector meaning north of the canal?

Councilmember Korte: North but also the entertainment district that's, that's to the east of the canal.

Erin Perreault: So we have two separate things going on with Type 3. One, we want to show existing quote/unquote Type 3 now, where you can do 150 feet under the downtown zoning ordinance and that exists currently in the ordinance north of the canal and around the medical campus. Unfortunately, that 150-foot height happened after 2009, when the Downtown Plan was approved.

So we never went back and adjusted to show that really north of the canal and around the medical

campus operates different than other Type 2 areas in downtown. Right now, they just show as blue or Type 2 but they really separate as purple Type 3s under the zoning ordinance today. So those two are just to show existing conditions under the ordinance today. The purple areas that have the dark black line around them, are proposed new Type 3 areas for Council to consider.

And in the case of the entertainment district, and just south of the canal and west of Scottsdale Road, a lot of that was to align with the public spaces master plan where there is quite a bit of, as you can see, a number of stars in that area, showing where we want a number of different public spaces to be developed over the next ten years in downtown. And so some of those under that entertainment area. In addition, across the canal, we already have Type 3. So it's not, you know, across or adjacent to single-family in that particular area, west of Scottsdale Road.

North of Camelback is the only place where the Type 3 is across from single-family residential, but it's really sort of one lot in, because those lots that face Camelback are SR zoned and have gone to the, they look like homes but they have small businesses operating out of them. So just behind that one lot is a single-family development. Again, we showed that from that downtown boundary there's built in setbacks. So you couldn't develop that height right adjacent to Camelback. You would have to be about 350 feet in before you could get up to the 150-foot height level in the entertainment district.

Councilmember Korte: Thank you.

Mayor Lane: Yes, Councilwoman Klapp.

[Time: 00:44:48]

Councilwoman Klapp: When you now refer to Civic Center mall, it's now Civic Center. What are the boundaries of that Civic Center that you are referring to in the plan?

Erin Perreault: So you can see it, you can't see. It's just west of the red that you can see, the red on the district map is historic Old Town and then it's sort of a lime green yellowish, just west of there, the Civic Center boundary which aligns with what the tourism documents are designating as the Civic Center.

Councilwoman Klapp: So you are calling Civic Center down to Osborn and including the stadium?

Erin Perreault: Yes.

Councilwoman Klapp: I read in the character and design that you would promote the Civic Center, canal and Museum of the West as public open spaces as events and my thought was well, you didn't include the stadium in that but if you are considering that part of Civic Center, then it's addressed, is that what you are saying?

Erin Perreault: We could add that language into.

Councilwoman Klapp: I think the stadium is identified as an opportunity for more public events.

Erin Perreault: That's a great point.

Councilwoman Klapp: And then the other comment I have to make about the things I read in the various sections of the plan and I know you have addressed them here and there and maybe there's more in the implementation section, but I would like to see as much as possible emphasis on shade and trees. There's one section that says Public Art will be required on private development and I would like to see a line that says trees are required as well, somehow in that, in that verbiage. And the reason I bring that up is that we had actually a really excellent meeting, between the Planning Commission and the DRB.

And we discussed a variety of issues that, you know, that are important between the two bodies, but at the end of the meeting, we went through projects that have been developed and a lot of slides and this was a lot of comment from the people in both bodies that said, probably more than anything else, where are the trees? The projects are done and there's no trees. Why don't they plant trees? And so unless we emphasize tree planting, it won't happen. I would like to see if possible, as much incorporation of trees.

[Time: 00:47:41]

You mentioned shade structures which is good and I think those are necessary too, but trees help to soften the look of architecture, and what has happened apparently on certain parts of Scottsdale Road where we actually put in trees is that the trees are now gone. Somebody has removed them because they didn't like the fact that it might block the sign on the front of building. I think we need to address the fact that we want trees along these various streets and particularly in areas where we actually planted them ourselves, if a business has removed them and it's hard to, hard to pinpoint who removed them, but still, we need to emphasize that we want trees along, particularly Scottsdale Road but a lot of other roads that will help to soften the look of architecture, as well as provide shade.

And another reason for that is in just the last couple of weeks, I met with a group of visitors down at the Experience Scottsdale and they came from a desert climate in the Middle East. So they had to walk a couple of blocks to the galleria and the comment they made is you have a great downtown but where's your trees? There's no shade. There's no shade anywhere and it was a hot day. They immediately recognized that there's not enough emphasis on trees in our downtown area.

And so I think it's just important that we keep that in mind when we are doing an implementation as well as incorporating that language throughout that shade is just as important as Public Art, it's just as important as some other things that are incorporated in the plan. And I don't know how you do that. I would leave it up to you or where to place that emphasis on trees and shade but I think it needs to be incorporated throughout the document.

Erin Perreault: Thank you.

[Time: 00:49:41]

Mayor Lane: Thank you, Councilwoman. To that point, and I was just looking through some of the implementation issues on the streetscapes and that, there is some specific reference to not only shade structures but also trees in that implementation. It does go to the idea that if we put them in and then they are cut down, I'm not sure what control mechanism we might have for that, but I would certainly be an advocate of making sure that in that implementation and in the development of that cost, that we have some protection, even in planning them, maybe with some consideration for what it might impact, but there's got to be some way to protect that element, I think as well.

And I don't know exactly whether that fits into this but it may fit into the code in protecting assets that we paid for. You know, I had one question with regard to, and this is under the economic vitality. And it's item 44 in the implementation side of things and I just wanted to ask on this, just from the standpoint of definition, because I'm not sure exactly how this gets translated in the public's mind and frankly in the implementation of it, and it says a creative class growth, the creation of a program such as technical to aid in the growth of creative class businesses and retailers in Old Town. It goes with an all-encompassing and retailers, but is there some distinction and is there some definition for a creative class business that might be open to then some additional subsidies or, you know, how do we see that happening?

Erin Perreault: Mayor and Council, that was actually provided to us by Economic Development. So I will get with Danielle and get an answer for you when we bring this back to you with regard to how that could be implemented.

Mayor Lane: I mean, I think we have a general idea but when you get down to doing something about it, a definition probably would be this order.

Erin Perreault: Okay.

[Time: 00:51:47]

Mayor Lane: The undergrounding of utilities, I don't know what our program is currently with that, and I noticed that this says ongoing, as far as the under grounding of utilities and continue underground utilities. Is that always in concert with specific quality, because sometimes that's a difficult thing to accomplish if you get to a point of, unless they amass a number of lots or otherwise, is there some program or thinking as to how we might be able to facilitate as things happen moving that, particularly in some of these special areas in downtown and the transitional areas to even. Garden district and that, where there's not some furtherance we can, we can move in that direction?

Erin Perreault: So Mayor and Council, we have done both. We worked with the private sector to underground but when there's a property like the canal bank, in ready the canal development to have the water front and the south bridge and everything we have today, some of the hidden infrastructure that's gone on is the city actually paid for with some of our credits with SRP to underground those

cable lines that were along the canal banks. We have done both over time in downtown. I think we have been targeting with working with the private sector mostly at this point.

Mayor Lane: Well, probably everybody remembers the downtown, rather the undergrounding of the canal banks that came under, I'm trying to remember the name of the project before, it's currently with Tri-Yar and the hotel and the substation and it became so burdensome and the downturn it collapsed. It was a tremendous opportunity to do an awful lot of alongside both of those areas. So both are employed and obviously the economic conditions have something to do with whether there's actually a play for it.

You know, one example that we have and it's not in downtown or in Old Town, but up in the airpark, where we put together a district and it was quite a bit of work to get that done but it did get accomplished, I think to everybody's benefit up there. There's always a number of lines that are already up. We didn't underground something that existed but making sure that we came in new that case. Always for rest rooms. I noticed that's a few years out, but I think that's something that could be ongoing at this point. Yes, Councilwoman Korte.

[Time: 00:54:31]

Councilmember Korte: Thank you, Mayor. So I figure I will tell you what I like. I like this new character area plan. I think it updates to the present to what we envisioned for our Old Town. So I particularly like historical Old Town delineated so that, and the restrictions, the real hard restrictions that are places on historic Old Town, maintaining its western flare and boardwalks and, and little buildings and, you know, I think that's really strong. I like the fact that we have dropped Civic Center plaza or whatever we have called it or mall. We toyed with the idea of changing, it what a great idea to just call it Civic Center. So thank you for that.

I also like the entertainment district. We have talked about identifying and defining that area as an entertainment district, and everyone has referred to it as an entertainment district and well, gosh, now, we have an entertainment district. And I think that's important as we move forward to, you know, as that area transitions with time, and identify those specific needs and restrictions within that area. And, of course, the medical district, it is Honor Health that's such an important economic driver of our downtown and that whole medical use is huge for our downtown. So I'm glad to see that. My question, I do have a question on the downtown core boundary. Can you give me a reason for that?

Erin Perreault: Mayor Lane and members of Council, it currently exists in the plan today and the downtown core boundary is just to identify that Type 1 area, which is the lowest density and height for development. So it aligns with the downtown core language and the zoning ordinance and so historic Old Town, you can build up to only 40 feet in that area under the ordinance and then the remaining portions of the downtown core you can build up to 48 feet in that area.

Councilmember Korte: Okay. Thank you. Thank you, Mayor.

Mayor Lane: Thank you Councilwoman. I have to say on top of everything, incidentally, the way it's been presented is succinct and really to the point and I think it's been very clear and I very much appreciate that, but a special reference to the graphic illustrations of downtown development-type transition from Type 1, Type 2 and Type 3, really speaks volumes as they talk about a picture presenting a thousand words or replacing a thousand words and the other is from the Type 3 through the transition to the boarder side of it. It's not only an excellent illustration, but it really does a nice job of it all the way around. Yes, Councilman Smith?

[Time: 00:58:00]

Councilman Smith: First of all, I will add some of the accolades that others have made. I think it's a good update and there are many good features in here. I want to circle back to a comment that was made on the proposed development types and in particular, tell me in the, what we call the entertainment district or the canal district to the south there, before you colored it purple, what could a developer do there?

Erin Perreault: So before it was colored purple, it was blue and Type 2 under the Downtown Plan, and the zoning ordinance. If you have up to 200,000 square feet or more, could you do, you could ask for 90 feet in height.

Councilman Smith: And so I thought with regard to the little brown area there, which I mistakenly called the Rose Garden, but it's really south of the Rose Garden, what could a developer do there today without some special dispensation?

Erin Perreault: Again, if they have 200,000 square feet or more, they could ask for 90 feet in height for development.

Councilman Smith: Would there be any way for them to get 120?

Erin Perreault: Not at this time, no.

Councilman Smith: Okay. I thought I was hearing that somehow this was doing what they could already do. So I will repeat my comment for what it's worth. I think adding these areas, the brown area, which call it whatever you will, that can now go to 90 feet, I'm sorry to 120 feet and 9 south of the canal, as well as the entertainment district, I mean, I feel like we are giving something away and we haven't even sat down at the negotiating table. We have, we said you used to be able to go to only 90 feet, but even though I don't know who you are, or what you are going to do or what you propose to build, I will give you permission to go to 120.

And similarly in the Entertainment district, I don't know who you are or what you want to do or where you want to build, you used to be limited to 90 feet and I will let you go to 150. I just don't understand why we would want to give away a negotiating advantage in advance of having a negotiation. So that's again, why I would favor the Loloma site, but not the others. Thank you, Mayor.

Mayor Lane: Yes, Councilwoman Milhaven.

[Time: 01:00:37]

Councilwoman Milhaven: This is a bit of a follow-up. Can you explain what the process would be if this gets approved and there are areas that now have permission for additional height. Can you explain what the process would be for an existing, for a property owner to actually build to that new height?

Erin Perreault: Sure. Mayor and Council, similar to what they would have to do to ask for the 90 feet today, we would have to have a development plan that they came in for. They would be, depending on what the zoning is, potentially rezoning. If these are developed, it just means they can come in and make the ask. As part of that process, you would be looking at what public benefits you would like if, if you are considering allowing them to go to the 150 feet that they are asking for. So it's very similar to what you have done on other projects whether it's Scottsdale fashion square north of the canal or 90-foot projects that have been done in the entertainment district, in other areas of downtown with regard to residential and office, that you have recently approved.

Councilwoman Milhaven: So it wouldn't be automatically entitled to that additional. There would be a zoning case that would come forward and so where Councilman Smith is worried about, we might want to negotiate some additional things we would have that opportunity as part of the zoning case?

Erin Perreault: That's correct.

Councilwoman Milhaven: As part of the zoning case.

Erin Perreault: Yes.

Mayor Lane: I think that's a good clarification on this. One of the things we tried to do and a couple of work studies ago when we said let's define what the process would be in calculating what bonus situations are and what basis, as to get away from the one-off issues that were occurring, which created a lot of uncertainty in the marketplace for us and otherwise. I certainly favor the condition that you have drawn up and that you are suggesting here today with regard to defining that, codifying it as well and as well as defining those conditions or those issues of open space and those other things that may be part of that determination. Yes. Councilwoman Littlefield.

[Time: 01:02:48]

Councilwoman Littlefield: Thank you, Mayor. Well, I kind of looked at this as an opportunity to go through it in some detail and basically say what I didn't like, but before I do that, I would like to say what I do like about this. I like looking at this entire area as one unified piece, that should all fit together and blend together. I think one of the biggest problems Scottsdale's had in the past, is we have piecemealed too many properties, and they don't match. And then I think that this is an

opportunity and an attempt to fix that problem, and I think it's very well done. Obviously a lot of work has gone into this and I thank you for that. So I will just start in and say what I want to say about a number of different areas here.

I would also like to say, I did receive this afternoon a letter from the COGS and many of the things that they have put in here I agree with, especially I like as the Mayor said, we need to identify a specific value for awarding bonuses so that everybody knows the same platform is the same for everybody and we need to be able to base and balance the increases and make sure that they are equal and they do come out in an advantage to the public. So that's one thing I do like on this particularly.

I do like the entertainment district having an officially identified boundary. And then one of the things I don't want to see is an entertainment district such as we have to the south of Scottsdale Road, come and join us in the north. I do not want that and that's nonnegotiable as far as I'm concerned. That's something we don't want to spread around.

I do, I do like the idea of just calling it Civic Center. I think that makes a lot of sense. And some of the other things in here, I'm sure you got that letter so I'm just going to leave it for you. But I wanted to identify those things that I particularly liked. One of my main concerns is the request for more height and density. I know that the smaller hotel that's having to drop some of its original requested heights because of construction restrictions, you know, it looks to me that that's reasonable to, to replace that benefit that the developer would have somewhere else. But I think we have added too much height to do it, and we have kind of gone beyond of equality of it.

[Time: 01:05:44]

I'm okay with Loloma. I think that's okay. That's fine. I'm concerned about the new category of 2.5 to 120 feet from 90 feet, just because it's a new category. I'm not sure that that makes a lot of sense. The hotels along the canal would go from 90 feet currently to 150 feet and we all know if they could, they would. And, again, that's a lot of height that we are giving away to people, and we don't know what the benefit is even going to be if we say yes, and so that, I don't like saying yeah, you can have that if you just give us something because I think, again, you have to identify what is the value and what is it that you want in order to do something like that.

According to the paperwork that I went over, there's an additional 87 acres that automatically would be allowed to go up to 150 feet Type 3 in height, and more than 10 acres to go up to 2.5 for 120 feet. That's a total of 312 acres in the downtown that can automatically go up a lot other than what we have today. And I think that's an overindulgence in heights. That's a lot of land. I don't like the changes that automatic higher height allowances in so many places and we don't know what the financial compensation or anything like that is. I think using additional height in setbacks and stepbacks, that's fine but that's not part of what the public benefit. That's what we should require as a city. And I think basically leave it as it is and make them come to us and make them want it. We give away too much.

I don't want, as I said, the bar and entertainment district across Scottsdale Road to morph into Old

Town or downtown and I don't want a second bar district. I would like to see the strongest language possible be incorporated to keep that from happening, and to me, this is nonnegotiable. I just don't want that. If we can zone higher and denser, we can zone for no bar district and putting some hard and fast technology and terminology into this to make it, make it firm and nonnegotiable. I think if we can create zoning that prohibits this, that would be good. That's a possibility.

[Time: 01:08:42]

I would like to know how much discussion there has been with the neighbors that about this area, especially to the south and then to the north in the single-family homes and homes that are going to be affected by this. And I want to know if they are all okay with it, so that's something I would like you to come back and let us know what their comments were, both positive and negative, and how that works. I would like to also address the bike issue that's in this plan. There's a great deal of it, I noticed. A whole section on page 37 and it's 7 point, et cetera. I think that this is something that we are getting the cart before the horse when we are putting all of these things in the plan before the Council has even seen the ordinance that the staff is going to be coming back with on what is going to be allowed or not allowed with the bikes.

And I'm talking about the rental bikes. We haven't reviewed it. We don't know what's in it yet. Regarding the regulations or what we are going to allow or not allow and this should not go into a Downtown Plan until we know the specific agreements that we are going to have with the bike companies and what we are going to allow in downtown. We haven't set up the rules. Are we going to allow docking system or force a docking system or not? We haven't decided. It hasn't come back to us. If we do, that's going to affect this plan and it shouldn't be in there until we know what we are talking about.

Where can the bikes be left? Where can they be picked up? What fines are penalties are instituted? What about the scooters? We haven't addressed that. Does that fall into the bikes area? All the citizen complaints that we have gotten, and I'm sure staff has gotten to, they need to be addressed and they need to be publically addressed and not just folded into this plan and hope that everybody goes away. Are we getting, all we are getting is that we are in discussions with other cities, but other cities are doing different things. So we need to make a decision and get that back in front of Council before we put that in this plan. That would be something ahead of this that should happen.

Mayor Lane: Excuse me, I don't want you to interrupt you very much. One of the things we are not here really to discuss the codification or whatever agreements we might have with bikes or otherwise. And I don't think this master plan is meant to start to set in place laws to either restrict, either to outlaw or to legalize any of these things. Those are a separate discussion.

Councilwoman Littlefield: Well, if it's in the plan, it's there. And I read in this plan, we are considering setting up a policy in the plan for lockers and shower facilities for bikers. Really? How about the homeless who might want to use them? Is that okay? Are we going to have someone there to make sure only bikers use the showers? We don't even have public rest rooms that are ADA

compliant but we can afford this. I don't think so.

I, you know, I have an idea. We have, I will come back to that idea. I received word from the Parada del Sol folks that we were denied the use of the Cavalier Blacksmith shop because there's no restroom nearby. Why couldn't we afford to build a restroom where we can put showers for bikers and a toilet so they don't have to use a drain. If we can afford shower facilities, we can afford a restroom in downtown and have it A.D.A. compliant and go from there but I don't think it's appropriate to have that type of facility in our downtown in general.

[Time: 01:12:54]

As a response, you know, one the things that was listed in this plan, and spoken of in this plan, was where the New West meets the Old West. And what does that mean exactly? How are we going to be doing that? Old West is going to, if it's not going to be in the old buildings of the west, of the old downtown, you know, what are we going to do to make the Old West meet the new? It's, it doesn't mean anything. The Old West is more than pictures and art galleries and art exhibits in the museum. Those are nice and they are beautiful, but that's not meeting anything. So I need to have a definition of what some of these terms are. As far as I can see, they don't mean anything. And I would like to know what it is that you have in mind to make those kinds of things happen.

We are hoping that this obviously brings more people to downtown to visit and spend money and enjoy our area. This translates to more parking requirements to my mind. Can we think about where we could put in another parking garage possibly in the back of the Sagebrush Theater since that will be able to be kept there, that would, the back of that parking lot needs to be redone, resurfaced any ways. Perhaps we can use some of the money that we are getting from this and put in a parking garage with maybe three stories with a rooftop level so that we can address some of that and then put our trolley system to connect to that so that we can have transportation throughout and have people be able to pick it up and go quickly.

Public Art, I had a comment about it, I noticed a lot of Public Art is spoken of in this, that we want to have Public Art, that we want to improve it, and have many little pocket parks with art, and sculptures and all of this, which I'm totally fine with. I think that's great. And we need it. But I also would like to make a recommendation to reinstate the policy of public open meetings and public comments on design and development of projects throughout the public areas, especially in the pocket parks and some of those things. It's a way to bring public support to our airports effort which has been a little bit on the decrease lately.

And I think that it was often used many years ago when we had open houses down in the public squares and they had pictures and examples and things of Public Art that emphasis could go and comment on and make written comments on, and it was extremely effective. I think that's something we could reinstate and use that as not only getting some very good ideas from our very talented public, but also bringing public support for our arts efforts and perhaps making that a happier situation in all of our downtown. So that's part of what I had. I do have a couple of other little things.

[Time: 01:16:22]

I noticed that the idea of artists in residence has come back in this. I thought that the Council had voted not to do that, or to support that under Council monies. So I would like to see that not be in there. The artist in residence supported by the city is not something I want to see in downtown. You had, in here, we were looking to put in new festivals about four a year in this area, and possibly making the public space areas available for some of that. I would like more information on what kind of festivals you are thinking about putting in and what they would be, when they would be. I take it they would be shoulder activities on the frame of the timing and the calendar year, but I would like to know what that is.

There was some concern that I heard from people about Scottsdale Road, and by increasing the pedestrian area, decreasing the roadway, and decreasing the number of lanes, again, I heard we with respect going to do that, but I would like that in writing, that Scottsdale Road is not going to lose any traffic lanes. Again, I had 150 feet only in the Loloma district. That would be my preference. Not along south of Main Street at all, it should not happen. So we need to keep Old Town Main Street Old Town and all of that area and not let it lose its character.

And we had a term in here "celebration of fine arts." I would like to know, was that a general term, or were we talking about the business celebration of fine arts? And is that going to be part of this downtown permanently? Is that something that you want or is this just the general term that we are celebrating fine arts? So I would like to know. And that, that's basically about it for the moment anyway. And, again, I would like to thank you, again. You did a good job on a lot of this stuff. Thank you.

Mayor Lane: Thank you, Councilwoman. Yes, go ahead, Councilman Phillips. Well, I was just going to say that number one, anything that we're, that has been discussed individually will have to, will have to determine as a consensus whether anything, whether they are complied with or not, so I mean whether we, even I suppose to a definition, but a lot of things that I ask. So I just want to make sure that when we talk about these kinds of things that certainly the direction is to be given, but it is to be given by consensus. Yes, Councilman Phillips.

[Time: 01:19:20]

Vice Mayor Phillips: Thank you, Mayor. I'm just wondering where we are at with this, what the next steps are going to be.

Erin Perreault: Okay, Mayor and Council. The next step is the Planning Commission would hear this as a recommendation hearing on June 13th. We have been with them this three study sessions and some of the items we heard about today, we talked through with them and some of them we have incorporated their direction into the draft that you have in your hands this evening. And then from there, this would come back for Council consideration on July 2nd. It's currently scheduled.

Vice Mayor Phillips: So we are all done, as far as public input and the merchants and all of that?

Erin Perreault: We continue to collect public input, all the way up to the Council meeting, and if we can address that, we would then present that, the differences from the plan that you have in front of you.

Vice Mayor Phillips: So the public and the merchants can submit it to you?

Erin Perreault: Absolutely.

[Time: 01:20:15]

Vice Mayor Phillips: The concerns I got from some people are basically what Councilwoman Littlefield brought up. The one, the policy, the policy M7.1, incorporate accessible bicycle infrastructure, and such as designated bicycle parking areas and racks and shower facilities. Yeah, I wouldn't be part of that either. If a private company wants to open his business up and make, I don't even want showers for the bikes or the people on the bikes or both of them together or what they are talking about, but I don't think that's something the city should be doing.

The other one was foster public/private partnerships to continue artists in residence programs. I believe so. I think the Council pretty much agreed that we weren't going to be doing that. Another point was made that page 1346 of the new Old Town Scottsdale south of Main Street, the museum square, is there a way we could point out or let me know if it does not affect Main Street itself, because they are worried that you are going to allow Main Street to be able to go to that height also and I know that wasn't the intention, but since it's not specifically spelled out, unless there's a border or boundary area.

Erin Perreault: Mayor Lane and members of Council, the Main Street area, both on the south side and the north side of Main Street is Type 1. Designated today, and we are not proposing to change that. So south of there is where the Type 3 proposed area would occur. And, again, that transition that you saw in terms of the graphic from Type 1 to Type 3 would also need to be applied, when looking at development in that area.

Vice Mayor Phillips: Okay. And then the last one, the one page three, changing the words focus on into celebration of, they have the concern that "celebration of" sounds like a celebration of fine art and so we might want to look at a different term.

[Time: 01:22:18]

Erin Perreault: Maybe I can clear up some of those. We heard some of those things from the community prior to going to a Planning Commission study session. So with regard to the celebration language, we retained the existing language, which says focus on. So the plan that you have in front of you this evening doesn't say that any longer. In, I will go through a couple of things, in terms of the bike issue, there is one new thing that was added with regard to educating people how to use bike

share. We can certainly take that out if it's too specific of language with regard to bike share. That is new.

The majority of the other biking is really focused on what we do today for biking, for our residents and also our biking commuters. So those showers and lockers aren't intended to be public showers or lockers that are provided but, for example, city facilities have showers and lockers in them, meaning city offices for the office workers that are actually bicycle commuters. So it's encouraging private sector to do that, in terms of offices and other employers to do that for their employees that choose to be a bicycle commuter. So it's not really intended to be a public restroom.

Vice Mayor Phillips: Maybe we could clarify that a little bit better.

Erin Perreault: We will try to do that. We have that in the zoning ordinance where we encourage some of those lockers and bicycle showers to be provided on site as well, through the development process. So that's, we'll try and adjust that so it's not as confusing.

In terms of the New West meets the Old West, that came out of the previous 2009 downtown process. We held a Downtown Town Hall and that was one of the big quotes that came from the citizens that participated in that. At that time, being witness to some of that town hall and what went on at that time, it was really an intention to kind of preserve the historic Old Town that we have today, but also looking at new things that touch on our western spirit in Scottsdale.

So Scottsdale Museum of the West, I think those citizens back then that participated, would consider that the New West, if that helps give an example to some of the discussion that went on. So that's existing language in the plan that we have had since 2009. With regard to the Public Art, we can certainly look at adding language with regard to making that, you know, a public process and, we don't have language today in there. So that's -- that's a good suggestion.

I believe the artist in residence was existing language, prior to the 2.0, but I know did you have the 2.0 discussions so we could certainly look at deleting that, if that's the consensus of Council. In Scottsdale Road came up before, a Planning Commission study session as well. So we do have in the language, in the implementation item specifically that says transform Scottsdale Road. We went back in and did put the language in there that does say that we would retain the existing land around Scottsdale Road, and we have addressed that in the plan you have in front of you. And I think I already talked about the celebration of fine arts. So I think we tried to accommodate that, and we did hear some of those same statements from the Planning Commission that we also heard from the public.

Vice Mayor Phillips: Thank you.

[Time: 01:25:48]

Mayor Lane: Erin, just, I suppose, we have been through a couple of sessions where we have given some guidance and I think in defense of what we have here in front of us, not that it needs defending,

but I think it fairly closely reflects what the consensus of opinion and the direction has been. So for that, I appreciate that. And I will say that with minor exceptions and maybe some of the things that you just enumerated, I think it is a very good product, and it represents and reflects and shows what we have been talking about for the last couple of work studies before this.

And so I'm, you know, I would be looking from the Council here for consensus of opinion, with regard to what's in front of us here. Now, we don't take action but we do take, we can accept a motion to accept or to accept with modifications, and I would ask the Councilmembers to consider that at any time that they choose to do so. If they want to make a motion with all the exceptions they have, or if they can put it down or if they want to isolate on the things this they think would be helpful for all of us. Yes, Councilman Smith.

[Time: 01:27:10]

Councilman Smith: Well, I won't make a big list, but I think I would like to make a motion as far as the proposed development types. My recommendation would be that we approve it on what we call the Loloma site, but that we not approve it on any other site where we do not have a development plan that we are looking at, which is to say the entertainment area, south of the canal or area 2.5. I know that, I know that we have made the statement that, you know, nothing is done until we approve, it but I don't know that we have ever had somebody come to us with a bonus provision and say, you know, I want to do this up to 150 feet and we say, no, you can't do that. So I just, I say again, I think we are giving away a bargaining chip in advance, and my motion would be to approve for this only the Loloma site.

Erin Perreault: Mayor Lane and Councilmembers, if I could clarify with Councilman Smith, are you okay with showing the Type 3 on the existing areas that already operate that way under the zoning ordinance?

Councilman Smith: Yes, you are talking about the medical center and the.....

Erin Perreault: That's correct. Thank you.

[Time: 01:28:26]

City Attorney Bruce Washburn: Mayor, Mayor, I just, I would like to inject this point for the record and for clarification. That any motions that are made here or even the motion to accept something, are not binding. Because it's a Work Study session, it's just direction to staff. So they will have an idea of what they should be bringing back, but the final action won't be taken until July 2nd.

Mayor Lane: I appreciate that clarification. I think we are in tune for, that but I appreciate that being said for the public's benefit. This is always for guidance and it is a matter that it would come back and we could change our mind again. So, I mean, so, you know, I would prefer we sort of got to some settled business in this third round of this, but nevertheless, that's where it's at. So the motion is on the table. Yes, Councilwoman Littlefield.

Councilwoman Littlefield: Thank you. I would agree with Councilman Smith's ideas and guidance, as long as we incorporate, if that's alright with you, some of the definitions and language that changes that we already talked about as a Council. Thank you.

Mayor Lane: All right. The motion has been made and seconded. Any further comment by anyone? And I would ask if all those in favor please indicate by aye. The motion has been made. Any opposed with a nay? Nay. Motion fails. Do I have another motion? Yes, Councilman Phillips?

[Time: 01:30:06]

Vice Mayor Phillips: I just feel weird making a motion. I would rather say, I would recommend that we move forward with staff's presentation and some of the guidance that we have given them along the way.

Councilmember Korte: I will second that.

Mayor Lane: Okay. Motion has been made and seconded. Any further comments on that. Yes, Councilwoman?

Vice Mayor Phillips: I'm saying take into consideration comments that were made.

Councilwoman Milhaven: Because I don't agree with all the comments that were made.

Vice Mayor Phillips: I can understand that.

Councilwoman Milhaven: If they want staff to make some changes, I would like to be very specific about what those changes were.

Vice Mayor Phillips: Right, but like they said, it's not over yet. This is just to let staff go forward with it to the next time they come back for us.

Councilwoman Milhaven: Like, for example, excluding the artist in residence, I would not support, that it doesn't say who the plan, the plan doesn't say who is going to pay for that. I'm okay with the plan the way it is. It sounds like we are including things based on comment that I may or may not agree with. If there are specific changes would you like to see made based on the discussion, I would like to consider those individually.

Vice Mayor Phillips: I would recommend moving forward with staff's recommendations.

Mayor Lane: Thank you. The motion has been made and seconded. Unless there's any further comment, then we are ready for a vote. All those in favor, please indicate by aye. Those opposed with a nay. Okay. Now, again, certainly for the record, we'll say, again, this is for guidance and

what we move forward with, but I think it's, it's clear and certainly there are, there will be an occasion, if, in fact, there's at a point a vote, some things could be eliminated or added. All right. I'm presuming that then completes our business at hand this evening or this afternoon. Yes, Councilman.

MAYOR AND COUNCIL ITEMS

[Time: 01:32:31]

Councilman Smith: I think we have Mayor Council opportunity here if I'm reading it right.

Mayor Lane: Yes.

Councilman Smith: I would like to propose that we have staff come back to us with a presentation, not this staff, but that staff back there, come back to us with a presentation on the fine art tax elimination that we discussed and approved in a Work Study session I think almost a year ago. So I would like to have staff come back to us and tell us where that stands, what, what has been done and what needs to be done and where we go from here. And maybe we can do that on June 12 or June 19 or whatever.

Mayor Lane: The motion has been made to agendize a conversation with the staff with regard to that particular item.

Councilwoman Littlefield: I will second that.

Mayor Lane: The motion has been made and seconded.

City Clerk Carolyn Jagger: Your Honor, you would have any problem with us doing this on July 3rd? That's the next meeting that's really got the space.

Mayor Lane: Okay. Can we then stipulate, is that alright with you, July 3rd?

Councilman Smith: It's going to break my heart, but I'll do it.

Mayor Lane: I understand. So in any case, motion's been made and seconded, all those in favor please indicate by aye, aye. Motion passes. So that will be agendized for July 3rd.

ADJOURNMENT

[Time: 01:33:50]

Mayor Lane: And I believe now we are complete, as our business here. And thank everyone for their participation. And thank you to staff for what you've done.