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CALL TO ORDER

[Time: 00:00:02]

Mayor Lane: Good evening, everyone. Just want to call to order our September 17th, 2019, City Council meeting. This is a Regular meeting. It's approximately 5:05.

ROLL CALL

[Time: 00:00:20]

Mayor Lane: And we'll begin with roll call, please.

City Clerk Carolyn Jagger: Mayor Jim Lane.

Mayor Lane: Present.

Carolyn Jagger: Vice Mayor Linda Milhaven.

Vice Mayor Milhaven: Here.

Carolyn Jagger: Councilmembers Suzanne Klapp.

Councilwoman Klapp: Here.

Carolyn Jagger: Virginia Korte.

Councilmember Korte: Here.

Carolyn Jagger: Kathy Littlefield.

Councilwoman Littlefield: Here.

Carolyn Jagger: Guy Phillips.

Councilman Phillips: Here.

Carolyn Jagger: Solange Whitehead.

Councilwoman Whitehead: Here.

Carolyn Jagger: City Manager Jim Thompson.

Jim Thompson: Here.

Carolyn Jagger: Acting City Attorney Joe Padilla.

Joe Padilla: 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.

[Time: 00:00:48]

Mayor Lane: Thank you. Just a couple of items of business. We do have cards, if you would like to speak on any of the agenda items and/or for Public Comment. Those are the white cards the city clerk is holding up to my right. We have yellow cards for written comments that she is now holding up over her head for any of the agenda items. We have Scottsdale police officers Mike Malecha and Dustin Patrick. If you have need of their services, they're there for you to assist. We have Mike Maccrone from the fire department here. The areas behind us is for staff and for Council access only. There are restrooms on my left, if you have a need, they're there for your convenience. If you have difficulty hearing anything, the proceedings, we do have hearing assisted aids over here at the clerk's desk over here again to my right. Just ask, they'll be happy to provide you with one.

PLEDGE OF ALLEGIANCE

[Time: 00:01:59]

Mayor Lane: Today for the pledge of allegiance, I'm going to ask Councilwoman Littlefield to lead us in the pledge.

Councilwoman Littlefield: I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

INVOCATION

[Time: 00:02:30]

Mayor Lane: We have an invocation here. We have Pastor Brian McAnally of the Scottsdale Bible Church. Pastor, welcome, it's nice to have you here.

Pastor McAnally: Thank you, it's an honor to be here. I invite you to bow your hearts with me. Lord, God, I do thank you for today, you've given us a great day. It gives me great joy to be able to come before you and ask for your blessings upon this gathering. Lord, for all who are assembled here I ask for just provision of your providence, of your grace, of your wisdom, of your mercy. Lord, I do pray that you would anoint the Council, Mayor, entire Council to hear with listening ears, to be able to discern with great wisdom that is beyond their collective experience and intelligence and God that unity would be the noble ideal that would be pursued.

I pray for all of those that present and speak or write, I pray that you give them the ability to articulate their interests, thoughts clearly and accurately. So Lord, the best judgments can be rendered. Lord, we do pray that in all these things, goodness and order will be maintained and pursued for the benefit of Scottsdale and all who call it home. Ask this in the name of Jesus Christ, amen.

Mayor Lane: Thank you, Pastor.

MAYOR'S REPORT

[Time: 00:03:56]

Mayor Lane: Just a special item. Tonight we are joined by a special delegation from central Asia in connection with Global Ties Arizona. I'd like to point them out, if you could please stand, we would like to welcome you here. So thank you for being here with us. And we're honored that you're able to join us here in this session of our Council. We have got no presentations.

PUBLIC COMMENT

[Time: 00:04:31]

Mayor Lane: We do have Public Comment cards. Public comment is reserved for citizens comments regarding non-agenda items in which no official actions will be taken. Comments are limited to issues within the jurisdiction of City Council. Speakers are limited to three minutes each individually. There will be another opportunity at the end of the meeting, which should be coming along shortly as well. We do have available five cards, all of which has been filled. So five Public Comments, three minutes each. And we'll go ahead and start with that Public Comment now, with David Ortega. I should say former Councilman, David Ortega. Welcome, David.

[Time: 00:05:20]

David Ortega: Hello, Mayor and Council. Thank you for your service. My address is on record. I am speaking today about the Southbridge project and specifically, city land or city property. I addressed a letter to Council and Mayor asking for clarification about the property called Rose Garden. And whether or not that property was actually in default with an agreement. I heard back from staff and they confirmed that in 2015 that developer did default on that. It was not necessarily publicly known. But it is true. And that was a default on the 2005 agreement. Which would have allowed and preserved public parking at that site.

However, here we are, 14 years later. And we're looking at a project with the same developer who is able to propose on a no bid exclusive rights to buy that property, when they have not or failed to perform for the last 15 years. And I speak because there are so many property owners and the potential of that property, as public parking should not be wiped out. The proposal as proposed would wipe out 126 public parking spaces and proposes to put in 171 condos in their place. But worse than that, they're also proposing to scrape 5th avenue, which would basically be extending from the Rose Garden area all the way up to Barrio Queen. They would propose to go into the street and eliminate over 100 parking spaces that are presently used by merchants and so forth. And the public.

This is shown in the example. Again, I will repeat, this is the area from Rose Garden all the way to Barrio Queen, demolishing the existing parking and then magically reappearing in two years and rebuilding that parking. The decision on this negotiation has to begin with you. And I am here to ask you that you, as a Council preserve public parking. And not sell out that property. We're approaching a bond issue, about infrastructure. And we're approaching a situation where this property and this excavation will tear up public utilities, which is an important part. But more than that, you're also in a position where we want public trust for infrastructure and there is no need to jeopardize or up-zone that property. It can be cut off or carved out of that South Bank bridge project. And that is what I would ask you to do. Delete that and have them respect public streets and not excavate into them. Thank you.

Mayor Lane: Thank you, Mr. Ortega. Next would be Barney Gonzales.

[Time: 00:08:54]

Barney Gonzalez: Thank you for the opportunity of being able to address the Council. I appreciate your efforts and your duty. The thing that I was going to bring up was that around 2002, I was a member of the Historical Society which the city of Scottsdale had put together. At the time we were looking at a particular thing with the 5th Avenue merchants and how that landscape and everything kind of blended in with the city of Scottsdale. It has a southwest theme, you know, quite frankly, most people of an

older age remember that area very fondly. At that time period, there was an application to possibly proceed on doing a historical certification for that area.

Now, I understand that didn't happen the way that the planners and everybody decided. They kind of wanted to basically kind of keep everything out so that they could develop it or do something with it, with the city. After that fact, everything kind of went away and in 2005, the application was made to do something over in this Rose Garden area. The Rose Garden is right now being used as public parking. If we look at the area and discuss what is needed for the merchants and what their needs are, I find it hard to believe that they're going to be very happy with excluding approximately 125, 127 parking lots. There is not that much parking in that area of town as it is. You can look at Craftsman Court, everything else like that, the public parking in those areas, behind buildings and everything. It's a struggle.

Often many times, and I do have clients that have businesses in that area. Parking is a problem. Maybe not all of the time and maybe not always in the summer. But the wintertime, it gets a very difficult situation. I have a hard time parking there myself and I know the area pretty well. I keep circling until I find something open. I can't believe a development of this size, not just the Rose Garden itself, but the rest of the development that Mr. Ortega is alluding to is going to be able to solve that situation. I think the Council needs to look at this very hard and make a decision that will benefit the merchants in that area. Thank you.

Mayor Lane: Thank you Mr. Gonzalez. Next would be Sonnie Kirtley.

[Time: 00:12:02]

Sonnie Kirtley: Good afternoon, Mayor and Councilmembers. My name is Sonnie Kirtley. My address is on file. I have a chilling story to share with you. Up in the Scottsdale Airpark area, Scottsdale Road, Butherus, the homeowners on both our Scottsdale side of the road and the Phoenix side of the road for many months have been greatly concerned about the noise impact from a particular bar, heavy metal outdoor venue restaurant. I want to thank Councilwomen Solange Whitehead, Suzanne Klapp, Virginia Korte and Kathy Littlefield for working along with the community group as well as COGS to try to get a resolution to the problem. Code enforcement stepped in, they had an illegal stage, over-sized that was built without a building permit, that was to come down. Their speakers were out of compliance. That has gone the route of civil court and four violations for not only the management there, but the landowner.

Bottom line, the chilling part, this week individual homeowners who complained have been hit with a five million dollar lawsuit. Needless to say that is gut wrenching. Very few people have coverage of that type. Just being a common homeowner. Here is the chilling part. Scottsdale has now and continues to have, the most flexible noise ordinance of anywhere in the valley. 68 decibels for 15 minutes at a certain distance from a venue outside of the Downtown area is supposed to be a violation. That is by far the highest number. Where is our protection for our residents? And where is our protection not only for Councilmembers now, who are going to get summons, if you haven't already been summoned, but for our homeowners, really give it a deep, deep thought. When we look again at the noise ordinance. Thank you.

Mayor Lane: Thank you, Ms. Kirtley. Next is French Thompson.

[Time: 00:14:13]

French Thompson: Good evening, Mayor Lane, Councilmembers. I am, my address is on file. I am the president of Scottsdale Gallery Association. It's a membership that has been involved with the art walk and the Downtown area for over 40 years. I've been reading an awful lot of things in the paper, having a lot of discussions and I know that we're coming up with a bond that I completely support. I saw the amount of work that you all did and put it together. And the three parts that you put it together, I thought were very, very thoughtful.

Right now we've got a situation where the Museum Square that I think has so many moving parts in it that I really would hate to see any of those moving parts do anything that could jeopardize the bond. And so I seriously would like to ask you to consider all of those moving parts and be very careful with what goes on with the Museum Square. I would love to see the Museum Square be built. I've withdrawn all of my objections to it. I would like to see the hotel be built first because I personally believe that the hotel would have a positive impact on the Downtown area. That it would bring people to the area.

That it wouldn't have a negative impact on the area with the parking that the developers worked with us for quite a period of time, conversations have been, you know, very in-depth. They made compromises. We made compromises. So I would like to see that go through. But I would like to see the bonds go through even more. So I'm just asking you to be very careful on what your decisions are going forward with this Museum Square project. I think parts of it are going to be very, very good for the Downtown. I still have reservations about the amount of density of the residential that is going to go in there.

I was recently up in Portland, I saw an entire area revitalized in Portland. Beautiful high-rise residential areas, lots of restaurants, hair salons, lots of gyms, lots of coffee shops. Didn't see a single gallery in there. And the Museum Square developer says we would really like to see the arts district still be in business and be there as a thriving entity for their development. Be really careful on all of these moving parts that we have going on before the bond that they don't get in the way of what I feel is even more important, is the bonds for the city of Scottsdale. So thank you for your time. And all of the work you did putting together the bonds. I think you did a really good job with that.

Mayor Lane: Thank you, Mr. Thompson. Mr. Bob Pejman.

[Time: 00:17:14]

Bob Pejman: Good evening Mayor Lane, Councilmembers. Bob Pejman, owner of Pejman Gallery. Address is on record. I want to take a chronological view of Museum Square. So first we were told about this great project and we all supported it and we all support it today. So when it was introduced to us, we all loved the project, over time we found that there is going to be a lot of parking overflow. Primarily because of our deficient parking code. Nevertheless, we worked with staff and the developer for the next six, eight months and they finally solved the parking problem. We met with the developer, attorney, City Manager and they presented us with a really good plan that solved it. That plan carried through to the Planning Commission. At the Planning Commission, I was stunned that it was all there and we walked out of the Planning Commission very happy.

Then last Friday, the Council report came out with the resolution and so forth. And very soon we found out that the hotel could be delayed up to 10, 12 years. And staff doesn't want to put the stipulation to say that the hotel gets built first. But therein is the problem. Because the majority of the extra parking that is proposed to us and committed to us lie as the underground extra parking level of that hotel. So let me put, I never had luck with this projector, by the way. But let's try it again. Good. So this is what, this is the exact sheet that was given to us when we met with the developer's team and City Manager. As you can see, 160 spaces of the total additional parking space is beneath the hotel. 133 for Stage Brush that is only if we have the money later, so let's take that out for now. But the 160 and 83 and the street parking is what remains.

If the hotel gets developed at a later date and not at the first stage of this, we're out of the 160 and about 25 of the public parking on the street. So all of a sudden we're not left with much. However the residential part of this goes on which is the major cannabilizer of the parking. I proposed a few solutions. I looked at the development agreement in detail. Why don't we ask for an option, option in there that says that if the hotel is built first the city has an option to then ask the developer to add the extra level. So we withhold the 7 million and the option is there for us to then exercise and ask them to build the extra level; alternatively, we can have the right that if it doesn't happen first, to then put it in to undergrounds of the Stage Brush. Number one.

And number two, these 83 parking spaces, that are on the street, there is no reason to hold them back indefinitely. There is nothing in the contract that says when they're going to be done, no reason that at least a city portion of that is not done in the first year. That will also help. I would hope that the recommendations are considered. Thank you.

Mayor Lane: Thank you Mr. Pejman. Mr. Pejman, the address that we have on your card is your business address? Do we have your residential address?

Bob Pejman: I can provide it to you.

Mayor Lane: What's that?

Bob Pejman: I can provide it to you.

Mayor Lane: It's not on here. So you said something about it's on record. Do we have it?

Bob Pejman: Do you want it? 8801 North 85th Place Scottsdale, Arizona.

Mayor Lane: Thank you. Very good. That completes the Public Comment at this time.

MINUTES

[Time: 00:21:36]

Mayor Lane: So we will move on to our Minutes and I would request that for the approval, a motion to approve the Regular Meeting minutes of August 27th, 2019, and August 28th, 2019. Unless there are

any questions or adds or deletes.

Councilwoman Littlefield: Second it.

Mayor Lane: Motion is made and seconded. All those in favor please indicate by aye. Register your vote. Unanimous. That was Councilman Phillips on the phone with his aye.

CONSENT AGENDA

[Time: 00:22:23]

Mayor Lane: We move right on to Consent items 1 through 18, no cards or testimony given on that, no questions from the Council. So I would accept a motion to accept Consent items 1 through 18.

Councilmember Korte: I move to accept Consent Agenda items 1 through 18.

Councilwoman Littlefield: Second.

Mayor Lane: Motion has been made by Councilwoman Korte and seconded by Councilwoman Littlefield. Same as before. So we are now ready to vote on those Consent items. All those in favor please indicate by aye and register your vote. Unanimous with Councilman Phillips' aye over the phone.

REGULAR AGENDA

[Time: 00:23:09]

Mayor Lane: I should have probably announced this earlier, but Regular Agenda item 19 was removed on the basis of staff request. Is that correct?

City Manager Jim Thompson: That is correct, Mr. Mayor.

Mayor Lane: And just in case you're looking at the agenda, this is not for the nominations. This is simply some work that we're doing with regard to boards and commissions and how it's structured. So that is a separate item. That item will not be, not on this agenda at staff's request. So they will bring it back when they're ready for that. No further Public Comment. No Citizen Petitions.

MAYOR AND COUNCIL

[Time: 00:23:56]

Mayor Lane: And so our last item is Mayor and Council item. Boards and Commissions. And Task Force nominations. For that purpose, I will turn it over to Vice Mayor Milhaven.

[Time: 00:24:04]

Vice Mayor Milhaven: Thank you, Mayor. This evening, the City Council will be nominating Scottsdale

residents interested in serving on citizen advisory boards and commissions, Airport Advisory Commission, Building Advisory Board of Appeals, Human Relations Commission, Transportation Commission, and the Veterans Advisory Commission. City Council is responsible for establishing city policies and enacting laws to support those policies. Council relies on volunteer, citizen based boards and commissions to research issues and make recommendations in support of the Council's mission and goals. The information and recommendations is a valuable tool in helping Councilmembers in their deliberations. Individuals nominated will be interviewed at a special City Council meeting on Tuesday, October 1st, with appointments following each set of interviews.

AIRPORT ADVISORY COMMISSION

[Time: 00:24:55]

Vice Mayor Milhaven: The first four tonight is the Airport Advisory Commission. There are openings. Airport Advisory Commission advises the City Council on policy matters relating to the operation of the airport, proposals for development, land uses, fees, and safety concerns. Three vacancies, so each Council member may nominate three people. I'll start with Councilwoman Littlefield.

Councilwoman Littlefield: Thank you, Vice Mayor. I nominate John Berry, Cory little and Kevin Maxwell.

Vice Mayor Milhaven: Councilman Phillips.

Councilman Phillips: I'll nominate Rob Higby.

Vice Mayor Milhaven: Did you have any additional?

Councilman Phillips: No additional.

Vice Mayor Milhaven: Thank you, sir. Mayor. Councilmember Korte.

Councilmember Korte: No additional.

Mayor Lane: I nominate Sharon Urias.

Councilwoman Klapp: No additional.

Vice Mayor Milhaven: I have no additional.

Councilwoman Whitehead: No additional.

BUILDING ADVISORY BOARD OF APPEALS

[Time: 00:26:02]

Vice Mayor Milhaven: All right. Next is Building Advisory Board of Appeals. The Building Advisory Board of Appeals has the jurisdiction to recommend that minor vacancies in the electrical plumbing and

mechanical application of the building code be granted and alternative construction methods and materials be allowed. There is one opening. Scott Rothman's term expired and he is eligible, however he did not submit an application. Beginning with Councilman Phillips.

Councilman Phillips: Julian Anderson.

Vice Mayor Milhaven: The single applicant has been nominated.

HUMAN RELATIONS COMMISSION

[Time: 00:26:41]

Vice Mayor Milhaven: We will move to the Human Relations Commission which has two openings. Human Relations Commission advocates and promotes all dimensions of diversity. Commission acts as advisory board to the Mayor, City Council and staff. They make recommendations on ways to encourage mutual respect and understanding among people. To discourage prejudice and discrimination and to work toward cultural awareness. There are two openings. So each Council member may nominate two people. I believe we start with Councilwoman Korte.

Councilmember Korte: I nominate Marty Day and Jeffrie Story.

Mayor Lane: No additional.

Councilwoman Klapp: Muhammad Babur and Conay Huizar.

Vice Mayor Milhaven: I have no additional.

Councilwoman Whitehead: I have no additional.

Councilwoman Littlefield: No additional.

Vice Mayor Milhaven: Councilman Phillips.

Councilman Phillips: No additional.

Vice Mayor Milhaven: Thank you, sir.

TRANSPORTATION COMMISSION

[Time: 00:27:38]

Vice Mayor Milhaven: Next is Transportation Commission. We have one opening. The Transportation Commission advises the City Council on matters related to transportation, commission considers transportation issues in the context of existing city ordinances and regulations. The policies and goals established in the city's General Plan as well as state and federal laws. There is one vacancy. We'll begin with the Mayor.

Mayor Lane: I nominate David Dubner.

Councilwoman Klapp: Mary Ann Miller.

Vice Mayor Milhaven: No additional.

Councilwoman Whitehead: Michael Penn.

Councilwoman Littlefield: No additional.

Vice Mayor Milhaven: Councilman Phillips.

Councilman Phillips: No additional.

Vice Mayor Milhaven: Thank you, sir.

Councilmember Korte: No additional.

VETERANS ADVISORY COMMISSION

[Time: 00:28:22]

Vice Mayor Milhaven: All right. And one more. Veterans Advisory Commission has seven openings. The Veterans Advisory Commission is a newly-created commission and shall advise the City Council on veteran programs, policies and practices and serve as community connection point for veterans and communities. There are seven vacancies and 17 applicants. We'll begin with Councilwoman Klapp.

Councilwoman Klapp: How many names?

Vice Mayor Milhaven: Seven if you would like.

Councilwoman Klapp: I would like to nominate all of them.

Vice Mayor Milhaven: It's a tough choice.

Councilwoman Klapp: I mean, everyone is good. So I'll give you seven names. I'm sure people will add to the list. Blake Lindgren, Vernon Bagley, William Chamberlain, Jack Chase, John Doering, Don Ford. How many is that? And Marie Monroe.

Vice Mayor Milhaven: I will add Pete Palmer, Mike Gannon, Denise Pulk.

Councilwoman Whitehead. Thank you. No additional.

Vice Mayor Milhaven: Councilwoman Littlefield.

Councilwoman Littlefield: I'm going to list my seven and you can not mark them if it's already been chosen. Jack Chase, Don Ford, Michael Gannon, Marie Joy Monroe, B.J. "Peter" Palmer, Michael Ragole, Steve Ziomek. I think that is seven.

Vice Mayor Milhaven: Are you finished? I lost track of the count.

Councilwoman Littlefield: I think I got them all.

Vice Mayor Milhaven: Councilman Phillips.

Councilman Phillips: Okay. So I think of who is left is Ronald Cacini. And did someone say Michael Ragole.

Vice Mayor Milhaven: Not yet.

Councilman Phillips: Steve Ziomek. Blake Lindgren. Let's see. Joel Stempel.

Vice Mayor Milhaven: Thank you, Councilman.

Councilmember Korte: No additional.

Vice Mayor Milhaven: Mayor.

[Time: 00:31:43]

Mayor Lane: Vernon Bagley. Ronald Cacini. Incidentally, if they have been selected, I don't need to, I haven't kept track of this too.

Vice Mayor Milhaven: There you go. They're up on the screen, who is left. Councilman Phillips nominated Mr. Palozie. There is three left.

Mayor Lane: And mine are covered.

Vice Mayor Milhaven: Okay. So just to confirm, since we want to make sure we didn't miss anything. We'll do the ones that have not been, I apologize for being in the negative, but it's easier to do it this way. In case we got it wrong. The individuals who are not nominated are Mr. Rinchack, Mr. Stempel, Mr. Zuczek.

Councilwoman Klapp: Mr. Stempel has been nominated.

He is not on the list. Mr. Stempel was nominated. We missed him. Yeah. That is my list.

Management Assistant Rommel Cordova: I'm sorry. Who made that nomination?

Vice Mayor Milhaven: Mr. Phillips.

Councilman Phillips: Vice Mayor, I made the nomination for Stempil.

Vice Mayor Milhaven: Councilman Phillips just confirmed he nominated Mr. Stempil. Okay, the folks not nominated are Mr. Rinchack and Mr. Zuczek are the two. Okay. Hearing no further corrections, I think we're done with Veterans Advisory. This concludes our nomination process this evening. City staff will contact those nominated and provide them with additional information about the interview process. I would like to take this opportunity to sincerely thank all of those who applied to serve or assist on a citizen advisory board or commission. Even if you were not nominated, your application will remain on file for one year for consideration at a future date when there are additional vacancies. I will turn the meeting back to the Mayor.

Mayor Lane: Thank you, Vice Mayor. And that actually does complete our business for this Regular meeting.

ADJOURNMENT

[Time: 00:33:59]

Mayor Lane: So I will ask for a motion to adjourn.

Councilmember Korte: Second.

Mayor Lane: Motion is made and seconded. All those in favor in adjournment please indicate by aye. We are adjourned. Thank you all for being here with us.