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CALL TO ORDER

[Time: 00:00:03]

Mayor Ortega: I call the May 4th, 2021 city council regular meeting to order. City Clerk, Ben Lane, will you please conduct the roll call?

ROLL CALL

[Time: 00:00:19]

City Clerk Ben Lane: Thank you, Mayor. Mayor David Ortega.

Mayor Ortega: Present.

City Clerk Ben Lane: Vice Mayor Betty Janik.

Vice Mayor Janik: Present.

City Clerk Ben Lane: Councilmembers Tammy Caputi.

Councilmember Caputi: Here.

City Clerk Ben Lane: Tom Durham.

Councilmember Durham: Here.

City Clerk Ben Lane: Kathy Littlefield.

Councilmember Littlefield: Here.

City Clerk Ben Lane: Linda Milhaven.

Councilmember Milhaven: Here.

City Clerk Ben Lane: Solange Whitehead.

Councilmember Whitehead: Here.

City Clerk Ben Lane: City Manager Jim Thompson.

City Manager Jim Thompson: Here.

City Clerk Ben Lane: Deputy City Attorney Joe Padilla.

Deputy City Attorney Joe Padilla: Here.

City Clerk Ben Lane: Acting City Treasurer Judy Doyle.

Acting City Treasurer Judy Doyle: Here.

City Clerk Ben Lane: City Auditor Sharron Walker.

City Auditor Sharron Walker: Here.

City Clerk Ben Lane: And the Clerk is present. Thank you, mayor.

Mayor Ortega: We have Scottsdale Police Officer Tony Wells and Firefighter Rod Thompson, if anyone needs their assistance. Councilman Linda Milhaven, would you please lead us in the pledge.

Councilmember Milhaven: 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.

Mayor Ortega: Well, here's some good news! This week it was announced that out of 200 most populous cities, Scottsdale ranked ninth in the U.S. for working women and while women are most successful. Women in Scottsdale range high in median earnings. Women-owned businesses and more

than 57% of women 25 years and older have a bachelor's degree or higher. Hopefully by this time next year, we will have moved to number one. Okay.

At this point, we would open up for public comment. However, we have not received any requests for public comment. That would be call to the public for items that were not or are not on the agenda. Accordingly, I will close public comment.

MINUTES – MOTION AND VOTE

[Time: 00:02:33]

Mayor Ortega: Next, we have the approval of the minutes. Are there any revisions? If not, I would request a motion to approve the minutes as posted.

Vice Mayor Janik: I move to approve the minutes as posted, Vice Mayor Janik.

Councilmember Whitehead: I will second it.

Mayor Ortega: Thank you. We have a motion and a second. Please register your vote.

CONSENT AGENDA – MOTION AND VOTE

[Time: 00:03:03]

Mayor Ortega: Next, we will move on to our consent agenda items, 1 through 5. Now, we also have an opportunity to receive public comment on consent agenda items, however, there were no public comments or requested to speak on items 1 through 5. Do we have a motion to approve the consent agenda?

Councilmember Caputi: Motion –

Mayor Ortega: Good. I have a tie. So we have -- we have Councilwoman Caputi moving and Councilmember Durham second. Any discussion? All in favor, please register your vote. Well, thank you very much.

ITEM 6 – PARKING TEXT AMENDMENT (6-TA-2020)

[Time: 00:03:57]

Mayor Ortega: Next, we will move to item number 6, which is the parking text amendment. The presenter will be Bryan Cluff, the principal planner and we will have three public comments which will occur later after the presentation.

Planner Bryan Cluff: Good evening, Mayor Ortega, Vice Mayor Janik and members of the council. This is

Bryan Cluff with the city's planning department. I will be giving you an overview of the marking text amount under 5-TA-2020. Next slide, please.

So to start off with a little bit of background, on February 11th, 20, 20 the city council held a work study session to discuss parking in the downtown area, in response to public concerns that many of the new developments that are being processed may not have enough parking and that much of the existing public spaces are being used up by private businesses.

At this work study session, staff presented a comprehensive overview of the existing parking conditions, programs, and parking ordinance requirements that are currently in place. As a result of the meeting, the city council directed staff to look into a number of parking related items.

Additionally, staff received a citizen petition receiving specific changes, related to multifamily residential, hotel, and office, and other public parking relates concerns. Next slide, please. So here's -- this is a summarized list of the items identified by the city council as a result of the February 11th work study session. Next slide, please.

[Time: 00:05:31]

And out of that list of items, highlighted here are the items that are within the purview of the zoning ordinance and therefore, are appropriate to address through this text amendment. The other items you see here that are not highlighted are parking management-related items that staff will continue to evaluate.

This text amendment is focused on the amount of parking that should be required for new developments, to make sure that projects are adequately parked. There are some items such as enhanced way finding that you see on the list here that staff was already able to begin implementing over the last year by adding some signage and improving existing signage around the Museum of the West and stage brush theater, public parking areas.

As conditions continue to normalize, staff will continue to evaluate and come back with any other recommendations in the near future. Next slide, please.

So the planning commission initiated this text to address the specific zoning-related items. That was in October of 2020. Subsequently, staff presented a draft of the proposed ordinance changes to the planning commission for feedback in March of this year. Shortly after the planning commission nonaction hearing, staff conducted two virtual open house meetings which were well attended.

In addition to the public outreach meetings, staff made information available through our planning and zoning subscriptions, our case information page on the web, and notifications to our interested parties list and advertisements in the newspaper. Staff also conducted individual outreach efforts as necessary and kept interested parties informed through email.

Staff did gain a substantial amount of input from the community over the last several months.

It's extremely difficult to summarize the input in a few sentences or even paragraphs. So we have made sure to provide access to our detailed public outreach summaries, including access to the full recordings of the two open house meetings and planning commission meetings. Those were available on our website throughout the process.

I'm a little bit at risk of oversimplifying here, but what we have heard mainly -- we have heard mainly from two distinct perspectives, those coming from many of the downtown business owners and merchants, and then those coming from the development industry. So a lot of what we heard from downtown business owners is that more public parking is needed in old town, and that new developments are not being required to construct enough parking for their demand.

This is geared towards multifamily residential and office users and certain areas of old town and employee parking for hotels. On the industry side, we have heard that trends and recent data support a reduction in the hotel parking requirements and that the existing requirements we have for multifamily are sufficient. Next slide, please.

[Time: 00:08:48]

So the specific request this evening is for adoption of ordinance 4500, approving a text amendment to the zoning ordinance related to the parking requirements for these six items that you see on the screen here.

So this is focused on travel accommodations, which are hotels, multifamily residential, office and specifically to call-center-type offices, downtown overlay waivers, in lieu parking and some special parking requirements. As we discussed each of these items in more detail.

It's important to note that the proposed changes evaluate existing projects and represent a balanced effort to reasonably increase specific parking requirements while also addressing some current trends. The text amendment is focused on the amount of parking that should be required for new development with a focus on downtown to make sure that projects are adequately parked. Next slide, please.

And before we get into the details of changes, I wanted to go over a few fundamental policies in guiding downtown parking requirements and management of parking in Scottsdale. These guiding principles are key when considering parking requirements and management of parking within the city and staff has tried to keep these fundamentals at the forefront through this process. So first, we have maintaining free parking.

So periodically the discussion of charging for parking arises but the city's always maintained the principle that free parking is essential to our downtown. Providing free parking adds a dynamic to parking supply and management that can bring new challenges. Next, providing options and flexibility for small property owners to be able to re-invest in their property. Many of the properties in downtown specifically in the core area are more than 50 years old and on small lots.

It's important to provide these property owners with options that they can acquire parking if they are

not able to provide it on their lot. Specifically, in those small lot situations. Next is bringing more people downtown to support businesses. This is a primary function to promote the vitality of businesses and owners in downtown. Next, to promote efficient use of parking. Recognizing that it's an increasingly expensive and valuable resource, it's important to make full use of what we have available, providing parking within a reasonable walking distance, while also promoting walkability with active street frontages can also help with that efficient use of parking.

Next, acknowledgment that parking needs in downtown do exist and we need to anticipate future needs without excessively overparking or underparking in the downtown area. Also acknowledging that events and circumstances like spring training, canal convergence, art fest and other special events in the downtown area might create short-term parking shortages in some areas during those periods. Also, considering revitalization and redevelopment as a potential source of additional public parking, can be very efficient, and public spaces within a private project, a lot of time can be much more cost efficient than standalone parking.

And then next here, behavior and enforcement or management, sometimes the perception of a parking shortage in a particular area of town or at a specific development can be the result of convenience or management of the parking supply that's available on the property. So there may be more than enough parking for a specific demand, however, people may park in public parking spaces because they are more convenient than parking in the spaces that are available to them at their businesses or apartment building.

And some instances, private garages may be occupied by personal belongings that are leaving no room for parking or residents may park on the street for easier or more direct access to their unit. Whatever the underlying cause, it's important to acknowledge that more parking supply might not be able to solve every issue. Next slide, please.

[Time: 00:13:13]

So now getting into the specific changes that are proposed within the scope of the text amendment, travel accommodations is up first here. So within this text amendment, the proposal would reduce the per room requirement from 1.25 spaces per room to one space per room. There's also a performance requirement that's added on parking master plans that's specific to employee parking and clarifying some of the requirements associated with conference space and auxiliary commercial uses and then an exemption for first 5,000 square feet of those uses which I will go into a little bit more detail here.

So generally with regard to travel accommodations there's been a number of changes in the industry that's resulted in reduced parking needs in old town for hotels. These include ride share services like Uber and Lyft, bike share and scooter services and recent trolley service improvements. These services have had a significant impact on parking demand reduction.

Based on data available to the city, it's estimated that the current parking demand for hotel uses in the hold town areas and most cases not more than .8 spaces per room. So the proposed requirement of one space per room also considers that this ratio is not limited to the old town area, and that also applies

hotels outside of the old town area in more suburban areas of the city.

So we anticipate that hotel use is in the old town area, may continue to request parking reductions through a parking master plan, which is currently allowed by the zoning ordinance and this would allow each of these to be evaluated on a case-by-case basis if they want a deal lower than 1.0.

There's also been concerns with commercial uses that may be included with a hotel development and the associated employee parking demand. The base parking requirement for travel accommodations is always intended to account for employee parking that's needed to serve for the use however with the reduction there's a concern that the demands associated with the additional commercial uses may not be fully addressed.

So to help with that is the -- a new performance requirement for those parking master plans that requires the parking analysis to specifically address employee parking including employees associated with conference and other commercial space. This would also require that the employee parking be provided on site, and it's important to note that the demand for employee parking can vary substantially based on the type of hotel.

For example, a limited service hotel will have a much lower number of staff per room, than a full service or resort hotel. So the parking demand associated with employee parking would be reviewed as part of a parking master plan in accordance with industry best practices and that would be on a case-by-case basis to being for those variables.

So the text amendment also clarifies that the ancillary uses associated with the hotel also have a parking demand and associated requirement in addition to that base hotel requirement. There's an exception included there, which allows the first 5,000 square feet of associated uses to be provided without any additional parking required. That's intended to accommodate models that cater to the hotel guests rather than the larger facilities that are anticipated to draw patrons from off site. Next slide, please.

[Time: 00:17:05]

So the next item here would be the changes associated with multifamily residential. So the changes here would be to add a guest parking requirement of one space per eight units. That would be applicable citywide.

And there's been some additional text added to address some of the recent comments received. So that requires that those guest spaces shall be located so they are easily accessed by the guests and that would be as determined by the development review board through that process. And then specific to the downtown area or the old town area would be modifying the per unit requirement to match the current requirement that's outside of old town.

So you can see, a, b, c, and d, what the current ratios are on the left -- or I'm sorry, what the current ratios are on the right and then the new ratio, which is consistent with outside of town on the left. We have received a broad range of feedback regarding multifamily residential.

We are hearing from the old town businesses and property owners that parking requirement does not adequately address the demand and there should be an additional requirement for guest parking. Most of these concerns are related to the anticipation of future development impacts. We are also hearing existing requirements are sufficient and they are not experiencing parking supply issues.

The proposed changes take many existing and approved developments into consideration. And represent a balanced effort to increase parking requirements while addressing guest parking. The proposed per unit rate for multifamily matches the rate applicable outside of Downtown, which results in an increase of parking spaces.

This is a ratio that's been tested throughout Scottsdale for more than 20 years and has worked well. We benchmarked against 11 other valley cities which ranch excluding those that don't have a requirement at all, approximately one space per 6.3 units. And the proposed unit ratio in combination with our guest parking requirement on average would result in 15% increase in the required parking for a multifamily development in old town and that would result in average of 1.65 spaces per unit and that ratio does exceed the parking supply ratio that's outlined in the I.T.E. parking generation manual which identifies a ratio of 1.1 space per unit, for downtown cores and so it's more in line with a suburban model in which that annual calls for 1.6.

The ratio is also in line with what the urban land institute ratio for multifamily residents in a suburban setting would call for. So over the process with this proposed ratios, there has been scrutiny over the requirement for two and three-bedroom units being reduced slightly from what is currently allowed in old town. You can see c and d there, the 1.7 and 1.9, for two and three-bedroom units. So, you know, there is a possibility that if a development that had a 50/50 split of one and two bedroom units would potentially result in a wash there.

However, based on the information that we have seen and looking at 12 of our existing multifamily developments in the old town area, the average unit breakout is closer to 63% for studio and one beds and then 33% for two and three beds. Those are heavier towards the studio and one-bedroom units which would result in more spaces being required, and then on top of that, you would have the guest parking requirement of one space per eight units. Next slide, please.

[Time: 00:21:28]

So the third item here is office. This would be specifically towards call center, higher demand type offices where you have a lot more employees in a certain area. So we have heard concern where we have call centers in areas that may have been standard office before and they are much more intense than a standard office. There's many other jurisdictions that already have a separate category for these types of office uses and the three standard generally seeks to provide five spaces per thousand square feet.

So our existing is three spaces for 100 square feet and that's two spaces per 200 square feet and that's in line with the anticipated demand. Next slide, please. So getting into the downtown overlay. The

downtown overlay was created in 2003. At that time there was a need to simplify parking requirements and stimulation in the old town area, particularly for second stories above retail.

This allows a property owner to add up to 2,000 square feet of commercial floor area and up to four dwelling units without additional parking being required. The downtown overlay also simplifies the process of determining parking requirements for existing properties. So the proposed change here are strategically reducing the scale of what a property owner can do to reuse the waiver to 500 commercial space and only one gel dwelling unit. It's anticipated that limiting this will reduce the strain on public parking over time. In the old town area and a lot of those smaller properties on main street. Next slide, please.

So the fifth topic is the in lieu parking. Started in 1985, similar to the downtown overlay, the in lieu parking program is intended to provide an option for many of our smaller main street-type properties who may be in a non-conforming situation and are unable to provide parking on their site this program allows them to make small improvements to their property without parking being a problem that they didn't overcome, and to do that, by purchasing parking credits from the city. So you can see initially, the cost of a space in 1985 was \$7,500 and that was surface parking and the current cost is \$14,000.

[Time: 00:24:26]

And that's pretty far off from the actual cost which is closer to \$45,000 typically in a structured format. Historically, the program has received a lot of scrutiny, since there's not say physical space associated with each credit, however, over time the funds received through the program has resulted in a significant amount of new parking, new public parking.

So since the program has been started, about 496 in lieu spaces have been sold and permanently credited to properties over that time about \$2.9 million was generated by the program, and that money was used this capital projects to construct approximately 855 spaces using those in lieu funds. Next slide, please.

So the proposed changes to the in lieu parking program would be to eliminate the option to purchase new permanent in lieu spaces. And leaving leasing as an option. And then also adding a new property size limitation of 25,000 square feet for those that can participate in the program. So the concept of getting behind the purchase in lieu, is to eliminate the permanent parking credits. The lease option would still bring money into the funds for use on parking.

However, the parking credit is only applied to a property for as long as they need the space and then it would go away. The proposed limitation on property size is geared towards the intent of the program which is to help smaller property owners that don't have room to construct parking on the site. And if you have a property that's greater than 20,000 square feet, you would have a few more options to work with than a property that didn't have 20,000 square feet. Next slide, please.

So the last topic is the special improvement requirements. So the proposed changes are related to providing public parking as part of the private development. This is applicable for developments that

are requesting bonus development standards such as height, density or floor area, through a zoning district map amendment.

So there's costs associated with so bonus development standards which are required to be dispersed with special improvements. And this is one option to disperse the funds. So this change would provide equal credit for enhanced define and below ground parking and thereby increasing the probability that a developer provide public parking within their development. So this is already an option. The main difference is changes to how the funds would be credited.

Currently, if you used this program, they would only get 25% credit of the actual cost that it would require to construct the parking above ground. So this would equalize that with below ground parking and allow 100% of the costs that it actually takes to build the structure to be credited as part of that special improvement program. Next slide, please.

[Time: 00:28:10]

On April 14th of this year the planning commission reviewed the proposed text amendment, and after in-depth discussion on each of the proposed changes they did recommend denial of all the proposed ordinance changes except the special improvement requirements section which they recommended approval on that section.

The motion passed 5-1 and the planning commission wanted to forward on with their recommendation the discussion on each of the text amendment sections which provide the basis for the action that they took. So these are detailed further in the staff report but I tried to highlight some of the key points here.

So the commission agreed that many of the concerns are valid and changes to the code may be necessary, however a parking study and analysis is crucial to confirm the proposed changes the result in a sufficient parking supply. They added that the scope should be specific to each of the topics included in the ordinance changes. Then they also commented that Scottsdale and its demographic is unique and are not easily compared with other communities' parking demands and Scottsdale's specific data would help to define these specific needs. For hotels they commented that employee parking needs to be based on peak demand, and administrative reductions should be limited to 10%. Next.

The commission expressed concern that changing the requirement for multifamily residential specifically the two and three-bedroom units to 1.7 and 1.9 doesn't seem appropriate. The guest parking for multifamily residential is important and must be accessible to the residents. One space per eight units may or may not be enough and more data is needed to confirm the right ratio. And then generally, the in lieu parking is a good program but the costs should be representative of the actual cost to construct a space. And there should be a physical parking supply associated with the sale of in lieu spaces. Next slide, please.

So in conclusion, parking in Scottsdale has many different components. And this amendment is not to address all the complex parking needs in downtown Scottsdale. It's focused on the amount of parking that should be required for new development in downtown to make sure that projects are adequately

park, and it reflects evaluation of existing projects and really represents a balanced effort to reasonably increase parking requirements.

Parking needs are largely data driven and trend driven so requirements should be further evaluated periodically to respond to those future changes, maybe -- and future trends in growth. So that concludes staff's presentation. I would be happy to answer any questions that council may have. Thank you.

Mayor Ortega: Thank you, Mr. Cluff. At this point, I think we will have the public comment on item number six and then move forward with any questions that the council may have before we take a motion. So let's turn it over -- there are three requests for comment on item 6.

[Time: 00:31:49]

Shane Stone: Thank you, Mayor Ortega, this is Shane Stone from the city manager's office. Our first public comment is coming from Mr. Thompson to be followed up by Ms. Kirtley. You should now be able to press star six on your device and begin your public comment.

[Time: 00:32:05]

French Thompson: Good evening Mayor Ortega and city councilmembers our desire to improve the requirement for parking with the multifamily development is to mitigate the future damage to overflow parking. I seriously urge you to not delay this and wait for a study that is a delay tactic used by the developers and by city staff. I urge you not to do this.

I would increase these parking requirements right now this is for the future of Scottsdale. The staff's recommendations are not nearly tough because they are compromising in favor of the developers. And I really have a hard time where they are favoring the developers over the existing businesses that have been here and are on the ground and tell you these are issues.

When city staff says developers won't come in, it's evidence with the Kimsey, that good developers will provide enough parking for their guests and tenants and employees. By increasing the parking requirements. It will make the staff's negotiations so much easier with the developers because in the planning meeting, Randy grant basically said every developer wants to have a waiver on parking requirements and the city staff have given it to them 100% of the time.

So at the Kimsey vote, the city council had some statements and showed a few things and one the things that I noticed was that Councilwoman Milhaven said she was listening to the surrounding people for the Kimsey development, that they were in favor of it. I urge you Councilwoman Milhaven to do the same thing for us.

We gave you a petition a year and a half ago almost of 130 names requesting that these parking requirements be increased. So by not -- by not doing this, you are going to undermining the confidence in the city council and the city staff and right now, I just don't believe that it's a good thing to be undermining of the confidence when the general plan is coming.

So I urge you to say action now and if you want to do a study, do the study later. This is very important right now. Please do not delay this and kick it further down the way. That's what the developers want. It's a delay tactic. We all know it's a delay tactic. So I urge you to take action now. And thank you for the time.

[Time: 00:35:02]

Shane Stone: Our next public comment will be coming from Ms. Kirtley, to be followed up by Mr. Pejman. You should be able to press star six and begin your public comment. Ms. Kirtley, it looks like you are unmuted but we can't hear anything.

Sonnie Kirtley: Does that help?

Shane Stone: We can hear you now. Thank you.

Sonnie Kirtley: Good afternoon Mayor Ortega and hon honorable board members. I'm with COGS. COGS is total support that you received from the 100 plus downtown business owners. They need the city council support to solve the parking. COGS has three topics and three related questions to share with you.

Number one, several years ago, the currently outdated parking code has not required enough on-site parking spaces for tenants in apartments and condo complexes. COGS shared pictures and showed tenant cars parked outside of the totally full and gated parking lot. They spilled into adjacent neighborhood residential streets and the city's solution was to set up permit-only parking on the public street after specific hours.

As you can imagine, it spilled into other neighborhoods. There's not enough on-site parking on many multifamily parking complexes. There's many current multifamily developments didn't provide enough tenant parking, where will the guests park in the consequences in old town is when it happens adjacent to our businesses, the revenue suffers.

Number two. Some office employment centers and hotels charge parking fees which is our current code. Employees simply take up the pa public parking garage and city parking spaces to avoid the cost. Where is the city enforcement.

My follow-up question number three is why would any city consider paying thousands of dollars for 2021, 2022 parking study? This is a totally abnormal pandemic. There is no value in hiring a consultant for a 2020-2021 parking analysis. We support the business owner recommendations for an updated parking code 2021. Why not? You know, city council can make any needed changes left if a 2023-24 study validates or invalidates them.

Shane Stone: We now go to Mr. Pejman. You may begin your public comment.

[Time: 00:38:49]

Bob Pejman: Hello, can you hear me?

Shane Stone: Yes.

Bob Pejman: Okay. Thank you, Mayor Ortega councilmembers, my name is Bob Pejman the address is on the record. So a few weeks ago, the majority of the planning commissioners acknowledged that our parking code is insufficient. But they couldn't advise the council on the right numbers but how can they vote on the new projects going forward knowing that the existing code is under parking. Now the council has the opportunity to fix the parking code and fix this problem.

So right now our current parking code is one space for one bedroom, two space for two bedroom. The proposed text amendment is changing the one bedroom to 1.3 reducing the two bedroom to 1.7. It's essentially a wash. Nothing is gained.

We need to increase the one bedrooms to one and a half since many of them have couples living in them with two cars. And right now there's no guest parking requirement in our code, which is absolutely absurd. Guests and visitors exist and they have cars. Downtown Scottsdale is not an urban area since it doesn't even have a grocery store and makes everyone car dependent. So when looking at the other valley cities that require guest parking and eliminating those that are in transit oriented areas, the average guest parking per unit is one per -- I'm sorry, is one space for 4.5 units.

But then we have to factor in the guest parking demand for tourism. Unlike all the other valley cities, downtown Scottsdale is a major tourist draw and it needs to be expanded beyond the occasional visitors and to account for people that come and stay with somebody for a week to visit Scottsdale and spend money and generate tax revenue.

Why would we require anything less than the valley average of one space for 4.5 units. I have heard staff say that if we require too much parking, the developers won't build here. Let's look at the Kimsey. They developed one guest parking for every four units and they even went over that. Another one that didn't go anywhere.

They probably knew that with insufficient parking they would not build a quality project. If they built to our existing code, the projects will be severely underparked. On the hotel parking be the one space per one room in my opinion is sufficient, understanding that it includes designated employee parking spaces. With the 20% staff reduction which is granted every time, we are watering it down to .8 and then with the newly added 5,000 square foot exemption for the dining and conference uses. It would reduce the employee parking spaces to an even lower number.

So I urge to you remove or reduce these exemptions and lastly, I hope that the council votes on these items tonight and a nondecision is a decision that affect thousands of new apartments.
Thank you.

Shane Stone: And that concludes the public comment on this item.

Mayor Ortega: Very good. We are closing public comment. There may somebody questions from council to staff, and clarification requests before we make a motion. So does anyone show any comment or question? Well, then I have several. But I see Councilwoman Caputi has a question. May have a question.

[Time: 00:42:50]

Councilmember Caputi: Yes, this is for staff. So I have a bunch of questions. This is a complicated project as we all know. The standards for providing on-site parking shall apply at the time of erection of a main building or when on-site parking was applied. I was having a hard time understanding that language. I'm going to need someone to explain that. I feel like that timing would be really difficult.

We would never know when building construction would begin. Maybe it should have been something like standards for providing on-site parking shall apply at the time of issuance of building permit for construction of the main building or construction of the on-site parking, but even the time of issuance of a building permit, to me would be problematic.

Because the design would have to be completed before the issuance of a permit. So the developer would only be able to start design if they knew what the required parking would be, right? I think a better time for parking requirement determination would have to be at city council approval of the use or the zoning of the proposed building, because the use would determine the parking requirements, right?

I mean, we are talking needing to change for like a call center verses an office, but how would you possibly know the use of the building or who the tenants are going to be the way it's worded. It sort of doesn't make sense to me. I don't know how that would ever be enforced. That's my first question. Thank you.

Randy Grant: Mayor Ortega, Councilwoman Caputi, that's a great question and it is one of the difficulties, particularly when we have a building that changes use. And the reason we tie it to the building permit, we know exactly what the square footages are for ex-use and how many units are being requested and that can change from the time of council approval. It can be modified a little bit. They may actually change from a retail to an office component, which would affect parking but wouldn't affect the overall zoning. And so that's why we tie it to the -- the thing that we feel the most comfortable with as a commitment to what is going to be built on the property.

Councilmember Caputi: But then how do we address the space becoming a call center, like the galleria. If you approve parking for a office building and then you have a problem later, how do you address that?

Randy Grant: At the time that they come in for tenant improvements we evaluate the amount of square footage that's being requested and the time of occupancy that's being requested. Clearly, we can't anticipate when a shell of a building is approved how it might be divided, but at the time of tenant

improvements we do see those plans.

So it makes it a little bit difficult if somebody comes in with standard office space and then divides it into a call center. That's why we tried to anticipate that and make the parking requirement for the type of office use that's being requested, but I will tell you there's not challenges when a use changes and a property owner may need to require additional parking, construct additional parking or provide other arrangements such as in lieu or remote parking for that use and that does happen. We don't have a way to prevent that from happening, but we accommodate it as best we can with the permit.

[Time: 00:46:38]

Councilmember Caputi: Can I continue asking questions. Why don't we have a different requirement for old town hotels versus like the four seasons in far north Scottsdale. I know for me if I was not traveling to a hotel that is nowhere near anything, you might want to rent a car. But if you are staying in old town, I can't imagine that you would bother. So it does seem weird to me that we have one requirement, no matter whether you are in old town or outside of old town. What was the logic behind that?

Randy Grant: Another great question. The hotels can vary widely, which they are suburban or urban and it depends whether they are focusing on a business traveler in which case you don't have the same sized rooms. You don't need the same amount of meeting space. You usually have a small coffee bar instead of a restaurant, or whether they are going for a resort type of facility. What we have seen and what is happening nationally is that in urban hotels, people are generally bringing Uber or other ride sharing services in. It's more common for resort hotels to have people driving in or have rental cars. We could make a distinction between downtown and out of downtown.

The result, if we tried to do that probably would be downtown would require less because of the ride sharing. We think it's an appropriate balance to consider hotels in general and look at the amount of conference space and the amount of event space in determining additional parking requirement.

Councilmember Caputi: Okay. The comment that Mr. Pejman made, that we are a tourist town and there we would need more parking. It seems look a really strange comment to me. It's my opinion and of course a lot of this is all anecdotal and conjecture, anyway which I will comment on that in a minute, but it would seem to me if you were a tourist, you would be happy to park once and walk around the city.

I think it would be the exact opposite. Does the data not bear that out that a tourist town would require less parking because, I mean you will park and walk and be a tourist. I can't remember being a tourist in any city and driving from spot to spot to spot. I would be curious to know what the data has.

Randy Grant: I don't have any data but I can tell you when the construction of the couplet was being proposed and that was to take transient traffic away from downtown and then provide parking is that people could come in and walk.

It's certainly reflected in the desire to move through traffic more efficiently and provide opportunities

for tourists to park and walk.

Councilmember Caputi: I think Scottsdale is a unique city and that's why we need to have data. I don't know that I necessarily agree means that because we don't have data that we are kicking the can down the road.

I don't know how you can make a decision this important without having factual data to base our decisions on. So I will let some other folks talk and I I'm not saying that I don't necessarily agree with some of the changes that we are making but I think it's very strange to make decisions that have real consequences for everyone, just sort of because a group of folks feel like we don't have enough parking or it seems like things are kind of crowded at certain times. I agree with the planning commission's comments that I don't know how you would possibly make a city-wide ordinance without having factual data that relates to, you know, an full documented parking difficulty in particular areas.

So I will be curious to see what my leagues say and I have a item more comments but we will rest there for a moment. Thank you.

Mayor Ortega: Thank you. Councilmember Durham.

[Time: 00:51:06]

Councilmember Durham: I think I have a number of comments that you can address after I'm done. They are more comments and not necessarily questions. As Ms. Kirtley mentioned, I was sort of surprised to learn when we got into that there are so many places that allegedly charge for parking when this is supposed to be free. I have heard numerous stories about the w charging for parking. Also the galleria.

One of the stories is people don't want to park in the galleria and pay and they move over and park in the third avenue, the Fifth Avenue garage. And also, that there's some apartment buildings which charge for parking. This -- I mean if this is true, to any extent, it really throws off a lot of our assumptions.

When we were looking at the Kimsey, we had a parking study that was based on the w's parking experience. If any of that experience is based on charging for parking, then that really throws off the assumptions about what hotels need. I'm the hotel.

I think we are moving in the right direction but the 5,000-foot exemption to me, is way too large. Because 5,000 feet would accommodate a good sized restaurant, I think. And so if you have a 4,500-foot restaurant and you are not taking into account the parking that is needed for that, that seems to me problematic.

So I think we should be specific about that time of space would be subject to that requirement and it seems to me, it would be bars, restaurants business spaces, convention spaces, et cetera. We need to aggregate those, and I think we need a considerably smaller exemption than 5,000 feet. Also, I think I would rather set a pretty three rule on the hotel allowance and not indulge in this 20% allowance

anymore.

The council could look at that as necessary and take advice from the staff, but I think we should eliminate the normal practice of 20% allowance. Regarding waiting for data on a parking study. I don't really want to wait.

I think we need to move but I think we probably need to move incrementally. I'm not sure that we will ever get a good set of data which gives us a clear answer. There's an old joke about the definition of a consultant and that's someone who takes away your watch and charges you to tell what time it is. I don't think parking consultants for data is going to be very helpful.

I don't think the situation is going to settle down clearly enough after COVID and, of course, things are changing constantly with Uber and other services and I'm concerned that next year is going to be a very, very big tourist year because tourism appears to be coming back. I think spring break and the other events of next year I believe are going to bring a lot of people here.

I think we need to deal with this sooner rather than later. I don't think we can wait for a parking study, but by not waiting. I think that means we need to make smaller adjustments which we can adjust down the road. A few other ideas I had, the guest rule is we stated it would require a guest parking spot for development, for example, one with six town houses or six units. And so possibly there should be an adjustment for very small developments, such as six townhouses. I'm not sure that they would need a guest space.

And possibly there should be other adjustments for smaller developments. I'm not sure what those would be, but I think that's something that possibly ought to be considered. And I agree with what many people have said that old town is unique. That's one of the reasons that I don't think any parking study will ever tell us the answer on what exactly is right, and we have to rely on the experience of people who live there and work there to a very large extent more than we would from some generic parking study. Thank you.

Mayor Ortega: Thank you. Councilwoman Whitehead.

[Time: 00:56:58]

Councilmember Whitehead: Thank you. I will try to remember all that others have said so I'm not repeating. First off, I think that I agree with councilman Durham that we want to move forward, but I think that we need to break apart the text amendment. I'm not making a motion yet.

I will see what everybody else has to say, but I think the timing to make decisions on hotels, the timing to make decisions on in lieu and some -- and the some of the other -- the overplay, and certainly office is not now, because I think things could change a lot over the next year or two as we fully come out of this pandemic and see what that other side looks like.

And so I would be very interested in doing a text amendment for residential, multifamily residential and I do have a couple of questions and then attacking -- outside of the text amendment, some of the items

that are identified in this list, for instance, looking into -- well, enforcement as Councilman Durham suggested.

If there enforcement -- and, again, I spent time in the parking garage of the galleria, and this is empty. This is pre-pandemic. The four flights were empty, and I spoke to the president of a company that shuttles -- was paid by Yelp to shuttle Yelp employees from a public parking garage at the library to yelp

And multiple times, this is a shuttle that was running quite a bit in the morning and the evening. You have to consider the costs that yelp was paying for the shuttle service and wonder what is the cost that the landlord of the galleria is charging the company. And if that is, in fact, violation, just solve that one issue could change the parking International Space Station that we have -- the parking situation that we have in that large part of downtown.

I think enforcement needs to happen before we make changes to hotels and to office and then wait for post-pandemic to see what workplaces look like and then give staff to do other things other than enforcement, and look at shared paid parking component for events.

The -- improving our trolley service for events that connect people that are going to a game with the parking garages that we already have, and also looking at strategic partnerships with the city, that can completely change our view of the parking situation downtown, but I think that one component that won't change and does need to be updated sooner rather than later -- later is the residential. On non-downtown, can you repeat what the parking requirements are for multifamily outside of the downtown?

Randy Grant: Councilwoman Whitehead.

Bryan Cluff: Mayor Ortega.

Bryan Cluff: I'm sorry, Randy. Mayor Ortega, Councilwoman Whitehead, so outside of downtown, those ratios are 1.25 for a studio, 1.3 for a bedroom, 1.7 for a two bedroom and 1.9 for a three-bedroom.

[Time: 01:01:11]

Councilmember Whitehead: Okay. I'm sorry. I kept getting confused, but the current downtown is one for studios and one bedrooms but two for two and three, and then in your numbers that you gave, in your presentation, the average guest parking requirement is one to 6 point something for -- in the region?

Bryan Cluff: Yes, Councilwoman Whitehead, based on the 11 valley cities that we looked at, after taking out the cities that don't have a guest parking requirement at all, the average of those that do have a requirement was 1.63 per unit. Or sorry, one space per 6.3 units.

Councilmember Whitehead: Okay. And there's a lot about our downtown being unique. One the things about being unique, it's pretty big. I would like to see more walkability. I'm certainly always promoting

that, but I was here this weekend in my kid and we were in one part of downtown and honestly to get where we wanted to go on Fifth Avenue, we got in the car.

We are still car driven. I would favor -- I think that's interesting it's 1.25 for studio and 1.3 for one bedroom. I would favor something like a flat 1.3 for studios and one bedrooms, but I really hate to lose the two parking spots for two and three-bedrooms and I would like to see our guest parking at least be with the average. I would say 1 to 6. I know that the coalition of greater Scottsdale was recommending 1 to 4.

I have talked to a lot of other businesses that didn't favor that and, you know, I think -- I'm willing to compromise, but I think the 1 per 8, I spent too much time visiting friends and I just can't park. And they tell me, it's stressful. They want to have a little dinner party, maybe once every three months and they have to completely stress out about which parking lot can they tell their friends to park in. So we absolutely have a guest parking problem.

And sadly, there's so many townhome communities and so many communities already built where people don't have the ability to have guests over and that absolutely hinders the property values of -- it reduces the property values of that community and it makes Scottsdale less livable. So I'm very motivated to do something with guest parking and something with multifamily tonight but I think I would like to take administrative action on some of these other items and kind of bump out these other items in this text amendment until we have a more normal time to gauge what we need. Thank you.

[Time: 01:04:25]

Mayor Ortega: Well, I have been involved in an architect in Scottsdale for over 40 years and a comprehensive parking review and ordinance change is very significant and I think we do have to draw from experience to look at what conditions actually occur.

So I have four basic areas that I would like to approach here. First one is the use or the definition of the word "mixed use." And mixed use is defined and encouraged in the downtown, and it -- it's defined as, I believe, it can be residential, commercial, office, more intense, let's say, restaurant. Any mix of those, but at least two of those is the definition in our code. The problem that we have.

If you look at the mixed use, the mixed use in different conditions, however, there's no minimum if there were two uses in a mixed use -- let's say commercial and residential. The glossary does not specify that one of those uses must be a minimum of, for example, 20%. And the case of canal side, their so-called mixed use and use of that term, it was 98.2% residential and 1.8% commercial.

They only had 900 square feet and over 50,000 square foot project. That is not the definition of mixed use in my book. I believe we have to start with that and I believe that the definition of mixed use in the case of having two or more -- well -- of two, that one of those uses should at least be 20%.

There becomes such an imbalance in the code by writing that, for instance, that project could have been 50 square feet of commercial. It could have been a vending area. And that is not the definition of what

mixed use is intended or is it the common use of -- practice of projects?

So I believe that there's two areas where this can be addressed. One is in the glossary, where you have the definition. I believe Mr. Cluff could read that definition to us, but I think any motion that comes forward has to clarify that because, again, it could be 99.9% residential, and half a percent commercial. And it would actually meet the test of that.

I would ask for Mr. Cluff to look into that and I believe it could be defined further. The term employee parking I don't see employee parking and I remember the old code in '78 and there were certain codes for restaurants and they would take the area of the kitchen and divide that out and say, oh, you have to have five places or -- five or six spaces per kitchen because that was calculated out. So I believe that, again in the glossary, in some form, it should have that.

So those definitions right now are spoken for and I believe this is our opportunity to do that. So I would look for a motion that would include those two. So that they could be defined. The other thing in speaking to the use factor. So with office use, with residential use, with restaurant or bar use, there's an intensity of occupancy and use. Yes, it's all bundled together in one car per 350 square feet in a mixed use downtown element.

The old code said 1 per 50, right for a bar or restaurant, and all of that got washed out somehow, and when, in fact, if you have an office use, generally, you actually have a high employee ratio, let's say. There are high employee ratios. If you had a high use restaurant, you would have a pretty good number of employees, but then the visitors have a higher ratio in terms of who is using that.

The other areas in between will vary, and the old code said, of course, for an art studio it was 1 per 800 because they had larger pieces and the code recognized those things. For the galleria and that question of changing the 1 per 350, that is on page 16 of our report, it's shown in our -- in our submittal, why one car per 200, I think is the right move.

[Time: 01:10:22]

And it's shown as a proposal. It's a start. Right now, the -- the gallery was going to be commercial with little or no other than a management office. That's what it was used for. Then it shifted to office and then now a more intense use. I believe their use for a call center has been washed out by COVID, and somebody will have to come back and submit on that. So in this case, unless they have a continuous use that's grandfathered, it would still -- we would still require or could inspect that they have to comply with the code.

The other factor has to do with the hotel designated parking space, again for employees. Now the problem with that is although we have been quoted, the tree says we only have so many people bringing their car or driving here and then requiring guest spaces, is there a study to say how many employees Uber to the hotel to work? Or take Lyft? Of course not.

So when the rationale is used, well, because of lift and Uber, we don't need as many car spaces, that

doesn't change the challenge of having, you know, supervisors, managers and so forth, that is required. So when you look at the reduction to point eight, that, in my opinion, is totally unacceptable based on the criteria of interviewing -- you know, you can interview guests and say did you drive or not? But it doesn't change the number of people running their banquets, accountant and then if they throw in a restaurant, that's an -- also another area which is not accounted for.

What this leads to is a very awkward situation. The awkward situation is that if it's not written in the code and the glossary and accounted for, then we have to pull teeth in a development agreement and do this tug of war and somehow have to build that in, or if it's overlooked then the developer may say, oh, gee, we got off Scott-free. So simply saying it's bundled in a study and sure enough, it's 20% administrative reduction.

So when you combine that, I believe that for the hotel having a -- a reduction of to point eight is well, I would grant that per room. One way or another, to it's still going to be 1.25 on the count. If we actually recognize that we don't have ghost employees. It's one thing to enjoy a restaurant and be very sociable and have an attendant take our order and all of that goes great, but then you realize and we may have a nice tick being right?

That's courtesy and everything, but you realize that that person is attending is struggling and may have squeezed you out of that space. And that a common, repetitive thing. So it leaves us without on-site parking that's really the liability that you get when you build a project. It's not the city -- it becomes the city's problem. We have the people running around with chalk lines and chalking tires. And all of that is a burden with us.

[Time: 01:14:12]

I would definitely recommend that there always be an employee component. When you are on a crew ship, there's one crew member to every passenger. Sometimes they have 1,000 employees with all they have got for every 1,000 people on board. So the hotels must provide on-site free parking. This point has been brought up.

I brought it up last week as well, what is happening, if you go to their website, the w will say, it's \$35 a night for parking. Have a great time. And the Marriott has a \$20 charge per night. Now, for some people, even whether it's free valet or not, that's going to discourage anyone, even a visitor coming because only room key people get to go past the gate.

So all of a sudden all of those factors are cumulative, and start to burden the small businesses and the traffic that we have. So that's prima facie evidence that they are not providing parking and they are not providing the employee parking that's required. And when we have those examples over and over again. It's not empirical. I saw this when the Galleria first opened in 1990 where we had employees at the restaurant, parking on the street, on Fifth Avenue, going in for a three-hour shift and leaving, right at rush hour, right when all of those things were happening. So I would say that it's not just a surplus thing, but it's not enough in the hotel business. Why? Because they must provide it.

Now, it's very quantifiable if it's a remote resort where there will be you know, no adjacent properties to park at and they must park and accountable. I remember when the Princess opened up, they ran charter buses to get the maybe that they need. The final thing has to do -- so we have hotel. We have mixed use and the galleria and the apartment guest parking, saying one bedroom would require 1.25. That's on page 15.

And then the other ones were two spaces for a two bedroom. Well, the 1.25 seems to allocate for the users and I also agree that we should have guest parking. And I think the comment was made it should be either -- whether it's behind the gate or in front of the gate, it has to be accessible to the public and visible to the public. So I saw that notation, but I was looking for it in the ordinance. I think what I would like to do by the time a motion comes forward, I'm hoping that we -- I could get some assistance with staff to look at these areas that I just mentioned because I think those have to be -- they are deeper conditions that are not addressed so far through the process. Right now I see Vice Mayor Janik wanting to speak.

[Time: 01:18:10]

Vice Mayor Janik: Yes thank you, mayor. First of all, I spoke with a prominent development attorney in Scottsdale, and he said to me, if the development committee sets the standards, the developers will meet those standards and I believe that to be true. And I think it's for us to set the standards with all the future growth that we anticipate as COVID ends. I don't feel we need another data.

The data from any study is fluctuating rapidly, if not by day, by month, by six months because COVID is still evolving. There's still fears. There's still challenges. We are still meeting those fears and challenges, but that data is not valuable. So the study is a way to kick the can down the road. I believe what Mr. Pejman that no decision tonight is a decision.

It's a decision not to move forward, not to face the challenges and not to agree to add a quick parking for the various areas that we have been discussing. I feel it's a very, very large task to try to cover everything tonight. What I would like to see is we are limited to multifamily residential, and hotels. And the other thing that I think is important is, yes, we want less cars downtown. Yes, we want more people to bike, but you can't force it by limiting the parking. Usually people revolt when they are tried to force to go in a certain direction. So these would be my comments.

Mayor Ortega: Councilwoman Littlefield and then we can return to Caputi, if you would like.
Councilwoman Littlefield.

Councilmember Littlefield: Thank you, mayor. First off, I would like to acknowledge this is an extremely difficult, complex and convoluted question we are trying to solve. I would like to thank Mr. Grant and his staff for all the time and work you have put in to making this presentation for us, a review and the update that has been needed for a long time, and I really appreciate your efforts to put it all together for a presentation tonight. Thank you.

First, looking forward from where we are today, I believe the people who will come to our downtown to

stay in our hotels and rent our apartments and our condos to major extent will continue to drive their own cars.

And will want to have personal transportation where they are confident that it has not been contaminated by others or any other virus that could come along in the next few years. Our attitude has changed over the past year.

And I think this has been proved because cars across the country are being purchased in record numbers, higher than ever before. And that's not going to stop. Whether they will require electric fueling nations, or continue to use gasoline, is independent of the fact that they will need a parking space.

So I think we need to take that in account. Things have changed, and I don't think they will stay the way they are currently. I think there already higher demand. There are many moving parks in the parking ordinance and I cannot in one night go through and solve all the problems. I'm sorry. I wish I could, but I can't. But I would like to outline what I see as the basic problems in the code. First of all, I agree with what people have said up here on council. I think their comments are very good and very accurate and very much to the point.

[Time: 01:22:19]

My comments are as follows. Our parking ordinance, our parking is free in Scottsdale. I assume that all city-required parking for hotels, apartments, condos, businesses, et cetera, is included and should be free. Therefore, by definition, only the parking spots over and above those required by our city code can or should be charged for. Our current code does not require any guest parking.

A requirement for guest parking needs to be added. And currently, we do not enforce free parking code. Therefore, we need to establish perhaps with the assistance of the affected businesses an easy, effective and ineffective way to enforce our codes. This has been done in many other cities. There's no reason we can't do it also.

Many hotels use temporary color-coded tags to hang from rear view mirror, that says customer owned or employee owned vehicles and it allows them to park in appropriately designated spaces which are also color coded so they can match. Simple things can cause a lot of problem disappear.

Clearly much of our free on-street parking is being appropriated by employees who either cannot afford or do not want to pay for parking as demanded by their employers. Enforcing our laws is critical. This is especially true for Fifth Avenue area where the parking spaces are full before the stores even open.

By enforcing our free parking criteria, I am hopeful that we can relieve at least some of the problem, congestion in this area. I believe this will help returning customers and will bring in new ones as word spreads. It would be a huge benefit over time for our downtown businesses.

And finally, the merchants who are most directly affected by this issue have told us over and over again

that the parking codes we do have are not sufficient to meet our current needs. Especially when considering the construction that is being built in downtown since these codes were created. One of the best ways we have to protect and grow our downtown businesses is to ensure that their customers and shoppers can park easily and in close proximity to the stores they wish to visit.

That's pretty much common sense, especially in the summertime. So what do we need in our downtown parking code going forward. The merchants themselves have told us specifically what changes are required to bring us up to date with current needs. We received hundreds of emails, news brochures from them.

And they were consistent in what they said three needed. We do not need another parking study to see the problems and know how to address at least some of them. And we certainly cannot afford any further delay in fixing a problem that has been festering for years and gets worse with every new development. I do not have the answers to all of the problems and all the questions of parking in our downtown. I wish I did. If I did, I would give it to you. I do have, however, a suggestion. For some of it.

For multifamily housing, studios, and one bedrooms, one and a half spaces per unit. Two bedrooms and up, two spaces per unit. Guest parking, one space for every five units. An additional -- this includes additional family members, repairmen, guests that may be coming to them. Including even possible customers if they have a business at the residential housing unit.

[Time: 01:26:30]

Guest parking should be the same as downtown. It should be located outside of negated area. In other words it should be free. Hotel parking, keep to current levels, however, don't remove the conference parking space, unless the hotel allows only their guests to attend conferences or dine in the restaurants. The 5,000 square feet should be reduced to a lesser amount. More a realistic number, 1500 to 2,000 square feet.

Employee parking should be required and include parking for additional employees associated with any conference or meeting facilities and additional commercial uses. All employee parking should be provided on site and should be free. For office, no change for the general office. I think one space for 300 square feet is quite adequate. However, we should add the staff suggested call center space of 1 space for 200 square feet gross area. We should include free parking for all employees, for all of this code for all of this space and again it could be done very simply, and very easily. And there should not be -- in lieu parking.

I have a hard time getting my head around in lieu parking. My car doesn't fit in it. We should add in the code a maximum lot size for any business that's applying for any new in lieu parking as determined by staff and it should be only available to small lots without the ability to put spaces on their own properties, and I think injure 20,000 square foot limit is quite a good place to start with that.

Also we should keep our promises to businesses for the current in lieu parking spaces that they have already paid for. This, I know, does not solve all of the problems. There are many, many other issues and

many, many other areas that we need to address, but I do have a couple of other comments just to make in general.

If the current code doesn't require free parking in apartments, condos, offices and hotels, we need to change the code to specifically include that. Parking that owners may provide over and above the free ones that are required by code could be charged for but physically designated as such. Staff should not have the ability to unilaterally associate a reduction of the required parking from the city's required parking code up to 20%.

This significantly changes the terms and the conditions of a project and puts it in a non-conformance to our code. Any such request that materially affects the conformance of a contract to our city codes should have to be shown as such and committed to council for consideration and vote. I believe the overall goal of the new parking text amendment should be that all new and revitalized developments should self-park and not be cannibalizing public parking to meet their needs.

Whenever that happens, the actual net effect is that the public had is paying for and subsidizing the development's parking needs and that to me is not acceptable. And I do have a -- and I do have an ordinance request when everyone else has had a chance speak or talk. Thank you.

[Time: 01:30:35]

Mayor Ortega: Thank you. Councilwoman Milhaven.

Councilmember Milhaven: Thank you. We have heard a lot about the business owners. We heard two of them speak about the parking requirements or concerns about parking and this is a conversation that's been going on for many, many, many years.

I am -- since we are speaking anecdotally and from personal within, it is my personal opinion that we don't have a parking problem downtown. We have seen many, many studies over the years that show we have more an adequate parking all throughout our downtown with the exception of the northeast quadrant that people refer to as the entertainment district. It's interesting Randy used the expression of park and walk.

I was talking to somebody about this today, we want a walkable downtown but we don't want to walk it. We want to park in front of the door we want to go to. I had the occasion to go downtown. I went to Rose Garden and parked at Schmoo's. We talk about a walkable downtown. It is going to be park and walk. It's not parking right in front of our stores.

I have heard and I did hear one of the speakers said listen to the stakeholders. I have heard from stakeholders, business owners and property owners downtown who said I wish we had a parking problem. And their concerns are by increasing the parking requirements will really dampen investments in our community. So if we are going to be anecdotal, I will tell a story about I have been to several events at apartment buildings and never had a problem to park. I was at a community event with -- in a community room, and some of the residents the apartments downtown told me, gee, my car lease came

up and I decided to see if I needed a and a turned in my car and I bicycle where I can go.

And if I have to get too dressed up, I Uber and, oh, my gosh, I saved an awful lot of money and I'm not leasing a car and I'm walking around downtown. So I think that my experience anecdotally is we don't have a problem and my experience is that people are moving away from cars. I disagree with the statement that says there's a higher demand for cars. I also disagree with looking at what other cities are doing now. I think that's backward.

The things are changing quickly and we need to look at current trends and looking at what moves forward. So I would agree with my colleagues that -- what I heard -- let me put it this way, what I heard from some of my colleagues was look at multifamily and hotel, and what I would say -- so I will limit my remarks to that, and assume that the rest is off the table for the moment. If we are going to revisit multifamily and hotel, I do think that we need to look at downtown separately from suburban. And so I would like to have more of the data that the staff used behind making these specific recommendations so I can get more comfortable, although as I said I don't think we have a problem today.

The other thing, the other advice I would give to my colleagues is that it's been my experience if we try to really tweak the finer details of the ordinance from the dais, we wind up spending a lot of time and not getting very good policy. And what I would suggest is perhaps we narrow down the focus of what next steps might be and ask staff to come back with revisions that reflect the comments that were made or perhaps shop the council for additional comments before we come back to the public meeting. Because I did hear lots of detailed tweaks folks want to make and I'm not sure that's best served doing that from the dais. So thank you for the opportunity to comment.

[Time: 01:34:35]

Mayor Ortega: Councilwoman Whitehead and then Councilwoman Caputi.

Councilmember Whitehead: So my comments are changing a little bit, based on Councilwoman Milhaven and that's fine. I wanted to identify, again, before -- and perhaps the best idea is to go back to staff but bring this back really quickly with some of the comments because I agree that we have a lot of questions.

It seems to me and it seems that Councilwoman Milhaven is in disagreement, but there seems to be a lot of unity about residential, but there's a lot of questions about hotels. For instance should we -- should exceptions be based on square feet or should it be based on function? So a lot of questions on hotels and based on the timing. So I would not at all be comfortable moving forward with changing hotels.

The mayor brought up an excellent point. We left off an entire definition of a category, mixed use and that's a problem a couple of places in our code. So that's it. I mean, I had some different ideas, but I think what my colleagues said is that we still need to direct staff and then come back, but I would hope to focus on residential separately from the others.

Oh, possibly mixed use, but I just think there's too many variables right now with hotels and with the other items on the list in lieu, and the idea of allowing smaller property owners to develop apartments and added retail without parking. I would rather not touch that one right now either. So I'm really focused myself on residential and possible mixed use and looking for more definitions to narrow down the other categories. Thanks.

Mayor Ortega: Councilwoman Caputi.

Councilmember Caputi: I think there's a lot of great things being said on the dais tonight, but I keep coming back to what Councilwoman Milhaven said, I think so much of what we are talking about is anecdotal. I mean, comments were made about people are buying way more cars. I mean, I heard people say that the reason car sales are up is because the inventory was choked during COVID and then there's some sort of background and no cars to be had.

That if you are trying to rent a car in different cities right now, there's actually a problem because there's no inventory post COVID. So I have also got numbers from Sky Harbor showing ride share usage has been through the use of COVID. So the theory of people don't want to be in a germ-filled cars is not bearing out. People are using ride share in a far greater amount than they ever have before. So that's defying expectation. It's just conjecture. I talked to the C.E.O. of bird, the company that brings scooters into our downtown and they told me today that they are averaging 750 trips a day in Scottsdale now, since COVID. I mean, usage is way, way up.

[Time: 01:37:52]

So people are looking for ways to park and then get around our downtown in a better way. Of course, we can't force people to do that. Nor should we be forcing people -- well, we should never force people to do anything. That's not our job. But this idea of, you know, a certain group of people thinks this and a certain group of people think that. We have that a lot up here. We said it many, many times. We talk to different people.

A few business owners have called in tonight, but I have spoken to many other business owners would don't feel we have a parking problem as has been brought up. I heard from many hotel owners that recent projects that have been built might not have been built if had we required the parking. There's a balance. We want residents happy. We want business owners happy. There was this -- I feel like the callers were pitting, you know, evil developers versus our residents and I hate that attitude. We are all here. We are all living in the city. We need every part of that equation for our city to be in balance.

We want everyone to be happy, but the point is, of course, you are going to skew numbers based on your own personal conjecture, because that's your own experience. I don't understand where the sphere is about actually knowing the numbers before we make a decision. I am I'm hearing this, that's kicking the can. I don't know what this sort of don't trust of the experts attitude is coming from -- that I keep hearing. I don't know that I necessarily agree with that. Scottsdale is a unique city and we do need to have parking data that's specific to our city, in order to make a good decision here. I'm not saying we shouldn't move forward. Maybe we should move forward incrementally.

We have all expressed some agreement on certain things that are certainly problems and we could do small fixes. I agree the world is changing and we certainly don't want to get stuck with a fix that is permanent and then we can't adapt to. I think if we do do a study, we need to involve experts who are familiar with our city specifically. We need to be asking people all the stakeholders not just people from the arts district or certain merchants but all of the merchants and business owners in our downtown need to be a part of this, and we need to understand the COVID impacts and, yeah, I mean maybe we move forward incrementally, but we absolutely can't move forward in a big way blindly.

That seems completely ridiculous to me. I don't know where the fear of a study comes from. I don't see that as delaying. I think we can do both of those things together. And I also wanted to throw out there that we did just pass a bond, right that included some parking. So no one has really mentioned that. Maybe we should throw that on the table as well as long as we are having a conversation because maybe that's an option. Okay. Thank you.

Mayor Ortega: Thank you. Councilmember Durham?

[Time: 01:41:06]

Councilmember Durham: I think we're probably pretty close on the multifamily housing, enough that we can get something done but I don't think that we are that far apart in the hotel. I think the -- the hotel issue needs to be broken down into rooms and, you know, we figure out how many spaces per room or per key and then we also have to look at the staffing, which can be very different in a limited service hotel versus a luxury service hotel.

So it seems to me that the answer to hotels is figure out the room number, the key number and then work with the hotel to figure out what their maximum staffing an employee numbers are going to be. And then also look at the spaces that are going to create, whether it's hotels -- I'm sorry, whether it's restaurant, bar, business services or so on and then do some calculations for that.

Probably specific to each hotel and maybe this goes into a development agreement. Maybe there's no easy way to do it. Other than, you know, getting specific numbers from the hotel, working those into a development agreement, and, you know, getting commitments to cover you know, the maximum employees at any one point in time, using all of those places, the hotel -- I'm sorry, the restaurant, the bar, the business services and then also to being for the number of guests that will be at those places. So, you know, we may need a different calculation for every hotel because the hotels and their services are quite different.

Mayor Ortega: Thank you. Councilmember Milhaven.

ITEM 6 – MOTION #1

[Time: 01:43:07]

Councilmember Milhaven: Let's see if I can't help move things forward. Since it seems like most of my colleagues are interested in how they will and multifamily. I would like to direct staff to do hotels and multifamily properties that would include recognition of differences between downtown and suburban locations, as well as hotels of differing formats, perhaps business traveler versus resort formats. I did hear from councilman Caputi. She's still interested in a study. If we were to do a parking study, what would we study and what is the question we want answered?

Maybe a little bit more context about what that study might be and what it would tell us and what it would cost. And then perhaps in working on that, we might also include briefings with councilmembers to get their -- make sure we have captured all of their concerns and thoughts. I heard lots of stuff about allowances and parking master plans and things like that. So perhaps staff could make themselves available for individual council briefings to make sure none of the folks' concerns have been overlooked.

Mayor Ortega: Well, I will help in that discussion. Our discussion is as posted on an ordinance, and we have three choices. Approve, deny, or continue. So having a secondary motion about whether or not empowering the staff to come back with a study is not the -- is not on the agenda for --

Councilmember Milhaven: I would like to ask the city attorney if my motion was in order.

Mayor Ortega: Excuse me. I'm just trying to say it may be what you are suggesting is that you are not ready to vote and this is more of a continuance. This is another sub motion which is not necessarily -- you know, in order, as I'm trying to explain in a friendly way. That -- that it sounds to me like you are not prepared to vote aye or nay, but you are in favor a continuance with more information. That's not the way you stated it and that's consider why I don't see a motion for that purpose of empowering the staff to come back as necessarily where we are at right now. Let me get to Councilman Littlefield.

[Time: 01:45:53]

Councilmember Milhaven: I would like to hear from the city attorney if my motion is in order or not. Thank you.

Joe Padilla: Mayor, members of council that motion in reality is a motion to continue with direction to city staff to bring back an item with the -- with the changes, and/or discussion of the topics that you included in your motion.

Councilmember Milhaven: Thank you.

Mayor Ortega: So -- Accordingly, I didn't hear a second. That was not a continuance motion directly. Let me ask for councilwoman Littlefield, I'm not saying you can't come back or reconstruct. Councilwoman Littlefield?

ITEM 6 – MOTION #2 AND VOTE

[Time: 01:46:40]

Councilmember Littlefield: Thank you, mayor. I would like to make an alternate motion.

Mayor Ortega: No, you have to make a main motion. You have to make a main motion to -- there's no alternate. There's no motion on the floor right now.

Councilmember Littlefield: I'm sorry. That's right. Okay. I make a motion. I move to adopt ordinance number 4500, amending the city of Scottsdale's zoning ordinance and resolution number 12141, declaring the parking text amendment legislative draft as a public record, with the following changes to resolution number 12141.

[Time: 01:47:15]

In table 9.103a in the section beginning with, quote, travel accommodations with conference and meeting facilities or similar facilities, unquote, change the phrase exception no additional parking shall be required for the first 5,000 feet of associated commercial uses or meeting facilities, to no additional parking shall be required for the first 1500 square feet of associated uses or meeting facilities.

In table 9.103. b, change the requirements for dwellings and this is quote, dwellings multifamily, unquote to 1.5 spaces per unit for studio and one bedroom units and 2.0 spaces per unit for two or more bedrooms an change the guest parking to one space for every five units.

Add the sentence required employee parking shall be required onsite and shall be free, unquote to all references to employee parking. Programs and incentives to reduce parking requirements, unquote, throughout this section, add language to specify that any reductions to parking requirements must be approved by a vote of the city council. And finally, all terms mixed use and employee parking should have definitions. Thank you.

Mayor Ortega: I hear a motion. Is there a second?

Vice Mayor Janik: I will second that motion.

Mayor Ortega: Would you like to speak to that second?

Vice Mayor Janik: Sure. I feel that this is a reasonable approach. It's not overreaching, and I think that we have pretty much agreement from a lot of us that this is where we want to go with the multifamily housing. So I think this is a good option that we could begin the process to adjust the parking. Thank you.

Mayor Ortega: Councilwoman Whitehead?

Councilmember Whitehead: I guess I would like to make an amendment to the motion to exclude some categories. I don't know if that is a friendly -- I think I'm not ready to vote on the changes on number 4 office, downtown overlay, in lieu parking or -- well, I'm okay with the special public improvements.

I'm probably okay with the hotel. I would rather continue that, but I would like to see the multifamily wrapped up and I think that's reasonable what my colleague has proposed.

Mayor Ortega: Okay. As the chair of this meeting, I don't think that your friendly amendment is specific enough in terms of -- you are saying to exclude it, and I'm saying I'm listening to that. One to exclude it and another one that you are not ready to approve it because there may be some change to it, that could be acceptable. So that's why it's difficult to extract what you are saying. I don't hear a second.

Councilmember Milhaven: You don't need a second if it's a friendly request.

[Time: 01:51:13]

Mayor Ortega: If it's a friendly request, you are asking them to exclude things that they have already put in the motion, and I don't know that that's going to happen, but that was a request to exclude things. That would mean that there would have to be a meaning and a second action in order to infill that because it's north specific enough. So I don't know that we -- if you would like to clarify that a little bit, but, again, I don't have a --

Councilmember Whitehead: I am going to --

Mayor Ortega: You will withdraw it.

Councilmember Whitehead: I will withdraw it and add a friendly amendment to alter the motion on the table to change the downtown overlay waiver to -- to continue at the 2,000 square foot waiver and up to two units. Right now Councilwoman Littlefield, it reduces it to 500 square feet and one unit.

Mayor Ortega: I would refer to the maker of the motion, is that acceptable. Second would have to accept it as well. Do you have any comment on that?

Councilmember Littlefield: Which of the issues you are concerned about table 9.103 with reducing the 5,000 square foot to 1500.

Mayor Ortega: It's on page 26 and it's the item -- at the present time, it's written as 2,000 gross square feet. They are reducing that. So allowing an addition. Formally the code says you could add up to 2,000 square feet and four units and she, I believe, is saying that she would like that to be changed to leave the 2,000 alone, and add one unit. So not changing the square foot is -- two units, but to allow -- without additional parking. And that -- I will clarify that again. Page 26, the current code says 2,000 gross square feet of new building or four units, without adding parking.

And it was suggested in your motion that it would be 500 square feet maximum add and only one unit. Now the request is for 2,000 -- excuse me, could you repeat that?

Councilmember Whitehead: Yeah, and can I speak to it? The idea of this is that, for instance, on craftsman court, you have landowners who have perhaps a tile store or some small business, and

perhaps they want to invest in their property and put an additional bookstore on top of that, and then perhaps, you know, two residential units.

So it's a way for a small business or a small landowner or business owner to invest in their property without being impacted and so for a -- to add a retail space, I think 500 square feet is pretty small. So to add 2,000 square feet, I think is reasonable.

These businesses aren't going to invest in that space unless they feel that people can get there and can, you know, come and be patrons of that business and then I think one thing that we have been looking for is that middle housing where we -- this is something we heard a lot in the Kimsey is these businesses want to have residents that live there full-time.

So this one item, allows a -- again, a small landowner. It's not big developer, but the small landowner to add a couple of apartments on top, within their 36-foot allowance to bring those residents in without having a big monster apartment complex. So I really feel pretty strongly about protecting that to some degree.

[Time: 01:55:35]

Councilmember Littlefield: I got you now. Yeah, I'm fine with that.

Mayor Ortega: Is the seconder okay with that change or friendly request?

Vice Mayor Janik: Yes, I am.

Mayor Ortega: Too Legal now. Mr. Padilla.

Joe Padilla: Thank you, mayor, and members of council. I thought it was to adopt resolution 4500 and resolution 12141, but one the things I thought I heard and maybe I -- I wrote this down was that you also wanted to include some either definition or to address mixed use? Did I mishear that?

If that's true, that will require in essence -- right now, you don't have any definition or language that you have agreed upon on what would be a proper definition for mixed use. So realistically, your motion --

Councilmember Littlefield: What I'm trying to get to is dwellings and multifamily. I don't think that's mixed use.

Joe Padilla: I was trying to clarify what that last item was that you were talking about. So that we -- we will understand how to revise and handle the changes.

Councilmember Littlefield: Program for reducing parking requirements and add language to specify any reductions in parking requirements must be approved by the vote of the -- approved with the vote of the city council. That has to do with the 20%.

Joe Padilla: I'm not saying you need to take that out. I'm just trying to make sure I understand. Was there any other item related to this motion that -- beyond that last item that you just talked about? I want to make sure that I didn't mishear something.

Councilmember Littlefield: No.

Joe Padilla: Okay.

Mayor Ortega: Well, we have Councilwoman Caputi and Whitehead and then I have a motion.

Councilmember Caputi: A question and a comment. Do we have a -- I wasn't thinking about this, but now that it's been brought up, do we have a definition of multiuse? I know Mayor Ortega had asked -- make Bryan Cluff can read it out loud for us or Mr. Grant.

[Time: 01:58:17]

Randy Grant: We don't have a great definition of mixed use. I mean, the definition is a mix of uses.

Councilmember Caputi: Right, it doesn't have to be within one building, right? It's just that area has a mix of uses and some of them are commercial. It's not like each unit -- each development doesn't need to have mixed uses. It's the area that is a mixture of use.

Randy Grant: Correct. In the event that there's a mix of uses, the uses have to part themselves independently and there is the opportunity for shared use if you have off peak times, but the mixed use really doesn't play in as much to the parking requirement, I think as -- as it does to a land use.

Councilmember Caputi: Okay. Well, then in that case, I'm going to make another motion. Since we -- it looks like we won't have any consensus on actually having studies in, fact, I actually think that the way that staff has prepared this is fairly reasonable, if we are just going on mainly what other cities have done and lots here saying conjecture.

Why don't we make a motion to approve ordinance 4500, the only thing I would like to change for sure is the guest parking requirement. I agree with Councilwoman Whitehead, I think one space per six would be appropriate and maybe that would make everyone happy. So that's my motion.

Mayor Ortega: Well, we had a friendly motion request, and we had a consent from the maker and the second. So that did not require a vote. Now we have a request to change the -- I believe the guest parking from one per five to one per six. And she phrased it as a motion. Not as a friendly request. So is there a second to that motion? Go ahead, legal.

Joe Padilla: I hate to interrupt but that was to adopt ordinance 4500. The item is -- if you are going to adopt ordinance 4500, then it also requests that you adopt ordinance 4500 and resolution 12141, which is the document that adopts all the changes in the code. So your motion should include adopting ordinance 4500 and resolution 12141 --

Mayor Ortega: But that's the motion from the presenter of the motion. Okay?

Joe Padilla: Did I misunderstand the motion?

Councilwoman Caputi: You didn't.

Mayor Ortega: There is a second motion on a main motion. But --

Councilmember Caputi: I'm not making a motion [Off microphone comments]

Mayor Ortega: Okay. Excuse me. You can turn your mic on, it will be better.

Councilmember Caputi: Sorry, I wasn't seconding the motion on the floor. I'm bringing a new motion.

Mayor Ortega: And that's what I mean. We can only have one motion on the floor.

Councilmember Caputi: Okay. Let's address that one.

ITEM 6 – ALTERNATE MOTION AND VOTE

[Time: 02:01:41]

Mayor Ortega: I'm going to make a motion myself. And that motion is that there is a bit. Confusion on some of the terminology and the motion for continuance takes precedence over all other motions. If -- which means I would move for a continuance until May 18th so that all of these questions can be directly answered.

I'm not taking a offense or giving offense to the motion itself, but I think that there's a bit of incompleteness, especially on the definition of mixed use, and the 20%. So I move to continue but only for two weeks. I'm not calling for a study or otherwise on this. Is there a second for a continuance?

Councilwoman Milhaver: Sill second that.

Mayor Ortega: We have a motion and a continuance for only two weeks so May 18th and it will get all the clarifications that are needed. Any discussion? Okay. All in favor to continue, please register your vote. Thank you. The matter will be continued and to a date specific with all of the contacts required both to the industry as well as clarifying our motions.

ITEM 7 – PUBLIC HEARING ON THE CDBG PROGRAM FY 2021/22 ANNUAL ACTION PLAN

[Time: 02:03:21]

Mayor Ortega: With, that we will move to the next item, which is the item number 7, which is public

hearing on the community development block grant program fiscal year 2021, to 2022 annual action plan, and the allocation of CDBG and HOME Investment Partnership Funds. I will now open the public hearing. And our presenter is Irma Hollamby, community assistance manager.

Irma Hollamby: Thank you. Good evening, Mayor and city councilmembers. My name Irma Hollamby, and I'm here on behalf of the community assistance office. This is the system set aside for a public hearing on the '21/22 annual action plan and the allocation of the CDBG and HOME Investment Partnership Funds next slide, please.

The community development block grant was designed to reinforce several important values and of community development. For example, flexibility that empowers people and communities such as ours, to design and implement strategies tailored to their own needs and priorities. The program's emphasis consolidated planning expands and strengthens partnerships among all levels of government and the private sector in enhancing community development and we also provide technical assistance activities and set asides for grantees that builds the capacities of our partners.

This grant is a noncompetitive grant to cities over 50,000. Eligible expenditures include public services, housing activities, public facilities, economic development, a minimum of 70% of the funds must be used to benefit low and moderate income Scottsdale households and expenditures must be consistent with the five-year consolidated plan adopted by this body about a year ago. Next slide, please.

The intent of the HOME program is to provide decent affordable housing to lower income households to expand the capacity of nonprofit housing providers, and to strengthen the ability of state and local governments to provide housing. This grant does require a local match of funds of no less than 25%. Next slide, please.

[Time: 02:05:51]

HUD requirements for accepting these funds includes a five-year consolidated plan and public participation and public hearings prior to the adoption of the plan, and this annual action plan is due to HUD by May 15th of 2021 and July 1st is the start date for the fiscal year '21 and 22 funds expenditures. So this slide outlines this year's process, and today's public hearing and the annual adoption plan. This year's process. So the community development block grant, this year we received an allocation of approximately \$1.2 million.

We also earned \$95,889 in program income and reprogrammed funds totaling approximately \$1.3 million. Our award recommendations are for a little over \$1 million for programs and services. 242,983 goes to planning and administration of this grant for a total award of approximately \$1.3 million. And just so you know, 10,380 will be programmed into fiscal year '22 and '23. Next slide, please.

For the HOME Investment Partnership Program, we were allocated a total of \$344,125,000 for this year. We did earn \$323 in program income, making available funding total of 344,448. This year's award recommendations include \$321,485 to be awarded to a nonprofit: 21,507 for planning and

administration for a total funding award of 343 -- 342,922. 1,456 will be reprogrammed into the next fiscal year. Next slide, please.

The human services commission was facilitated through a process of grant proposal reviews and funding recommendations based on that competitive process. The recommendations before you include public services, which include services focused on youth, domestic violence victims, seniors, disabled and homeless, and that amount is \$190,022. Additionally, we have awarded recommended award for nonpublic services in housing, for the amount of \$786,051. That will go towards housing rehabilitation emergency, and roof repair programs that we administer here at the city.

[Time: 02:09:06]

And then there's also an award for nonpublic services, specific to facilities improvements and those improvements will be for Apache park, to -- in the amount of \$81,376. Program administration total will be \$242,983 for a total funding award of \$1,003,432. Thank you. Next slide.

Again, the human services commission was facilitated through a process of grant proposal reviews and made their funding recommendations based on that competitive process. The recommendation before you is \$321,485 towards housing acquisition, 21,507 towards program administration for a total award of \$342,992.

So today we seek your adoption and approval of resolution 12080 to approve the fiscal year '21/22 annual action plan and authorize the use award and allocation of the CDBG and HOME funds for eligible programming as they are recommended, reprogramming prior years remaining funds and the return of program income. An amendment to our roof repair and replacement program guidelines, associated HUD certifications and contracts and then finally to authorize the mayor, city manager and myself to take certain actions to further this resolution. This concludes my presentation. Thank you for your time and consideration.

Mayor Ortega: Thank you very much. There is no public comment. I will close public comment. Do we have any questions from the council before I request a motion? I see Vice Mayor Janik.

Vice Mayor Janik: Yes, I do. Very nice presentation. Thank you. And I have one question. Are these numbers pretty much in agreement with fiscal year '19/20?

Irma Hollamby: Yes, the awards are very similar.

Vice Mayor Janik: Thank you.

ITEM 7 – MOTION AND VOTE

[Time: 02:11:54]

Mayor Ortega: Thank you. I see no other comment from the public or additional comment, so I will close

and request a motion to adopt, 12080 to approve the F.Y. 2021/22 annual action plan, as presented.

Councilmember Milhaven: So moved.

Councilmember Caputi: Second.

Mayor Ortega: We have a motion and a second. All in favor please register your vote. Thank you. Unanimous. We will now move to boards and commission nomination process.

ITEM 8 – BOARDS AND COMMISSIONS TASK FORCE NOMINATIONS

[Time: 02:12:20]

Mayor Ortega: At this time, I will turn the meeting over to Vice Mayor Betty Janik for the board and commission nomination process. It is a two-step process.

Vice Mayor Janik: Thank you, Mayor Ortega. This evening, the City Council will be nominating Scottsdale residents interested in serving on citizen advisory boards, commissions, and committees. The Scottsdale City Council is responsible for establishing City policies and enacting laws in support of those policies. The 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 provided by Council-appointed advisory boards is a valuable tool in helping Councilmembers in their deliberations. Nominations this evening will be made for positions on the following boards and commissions: Board of Adjustment, Environmental Advisory Commission, Historic Preservation Commission, Human Services Commission, Library Board, Loss Trust Fund Board, McDowell Sonoran Preserve Commission, Neighborhood Advisory Commission, Parks and Recreation Commission, and Planning Commission. Appointments for these positions will be made at the City Council Meeting on Tuesday, May 18th. Let's get started.

ITEM 8 – BOARD OF ADJUSTMENT

[Time: 02:13:58]

Board of adjustment, two openings. The Board of Adjustment is a quasi-judicial body that hears variance requests, appeals of the Zoning Administrator's interpretation/decisions, and decides on administrative decisions or zoning requirements, which create unnecessary hardships in the development of property because of exceptional or extraordinary conditions.

Terms for Michael Gonzalez and Jay Leopold expire in May. Both are eligible for reappointment and have submitted applications for consideration. There are two vacancies and six applicants. The applicants are: Julian Anderson, Thomas Barrett, Michael Gonzalez, Jay Leopold, Gary Steinback, Ryan Wagner. I will now entertain nominations for the Board of Adjustment. Each Councilmember can nominate two applicants. And I will start with Councilwoman Caputi.

Councilmember Caputi: Thank you, Vice Mayor. I'm going to nominate Michael Gonzalez and Ryan Wagner.

Vice Mayor Janik: Councilwoman Whitehead.

Councilmember Whitehead: No additional.

Councilmember Milhaven: No additional.

Vice Mayor Janik: Mayor.

Mayor Ortega: No additional.

Councilmember Littlefield: Julian Anderson and Michael Gonzalez.

Vice Mayor Janik: Okay. No additional. And councilman Durham.

Councilmember Durham: I nominate Thomas Barrett.

ITEM 8 – BUILDING ADVISORY BOARD OF APPEALS

[Time: 02:15:46]

Vice Mayor Janik: Thank you. Building advisory board of appeals, three openings. The Building Advisory Board of Appeals has three openings; however, no applications have been received at this time. As such, we will move on to the next commission.

ITEM 8 – ENVIRONMENTAL ADVISORY COMMISSION

[Time: 02:16:01]

Vice Mayor Janik: The Environmental Advisory Commission, one opening. The Environmental Advisory Commission provides guidance on the prioritization of future environmental activities and recommends environmental policies to the City Council.

SPECIAL QUALIFICATIONS: As specified in the Scottsdale City Code, the membership of the Board shall reflect both scientific and non-scientific interests. Natalie Chrisman Lazarr's term expires in May. She is eligible for reappointment and has submitted an application for consideration. There is one vacancy and eight applicants. The applicants are: Heather Abrahami, Suzette Gibson, Brian Hall, Donna Hartz, Victoria Kauzlarich, Natalie Chrisman Lazarr, Larry Marchman, Andrew Scheck. I will now entertain nominations for the Environmental Advisory Commission. Each Councilmember can nominate one applicant. I will start with Councilwoman Whitehead.

Councilmember Whitehead: Natalie Chrisman Lazarr.

Councilmember Milhaven: No additional.

Mayor Ortega: Natalie Chrisman.

Councilmember Littlefield: No additional.

Vice Mayor Janik: No additional.

Councilmember Durham: No additional.

Vice Mayor Janik: Thank you.

Councilmember Caputi: No additional.

Vice Mayor Janik: Thank you, Tammy. Sorry. Councilwoman Caputi.

Councilmember Caputi: It's all good. It's all good.

ITEM 8 – HISTORIC PRESERVATION COMMISSION

[Time: 02:17:34]

Vice Mayor Janik: All right. Historic preservation commission, one opening. The Historic Preservation Commission oversees the development and management of Scottsdale's Historic Preservation Program. SPECIAL QUALIFICATIONS: As outlined in the Scottsdale City Code, each member shall have demonstrated special interest, knowledge, or experience in at least one of the following: Building construction, history, architectural history, real estate, historic preservation law or other historic preservation related field. Linda Davis' term expires in May; she is eligible for reappointment and has submitted an application for consideration. There is one vacancy and two applicants. The applicants are: Linda Davis, Rose Smith.

I will now entertain nominations for the Historic Preservation Commission. Each Councilmember can nominate one applicant.

Vice Mayor Janik: And I will start with councilperson Milhaven.

Councilmember Milhaven: Linda Davis.

Mayor Ortega: Linda Davis.

Councilmember Littlefield: No additional.

Vice Mayor Janik: No addition.

Councilmember Durham: No additional.

Councilmember Caputi: No additional.

Councilmember Whitehead: No additional.

ITEM 8 – HUMAN SERVICES COMMISSION

[Time: 02:18:52]

Vice Mayor Janik: Thank you. Moving on to the human services commission. There are two openings. The Human Services Commission provides advisory recommendations to staff and the City Council on human services priorities and programs; and funding allocations for Scottsdale Cares, Community Development Block Grants, HOME, Human Services Emergency and General Funds. James Campbell and Cambria Bowman resigned from the commission. There are two vacancies and five applicants. The applicants are: Diane Lester, Roger Lurie, Tricia Serlin, Paula Sturgeon, Raoul Zubia.

I will now entertain motions for the human services commission, and each councilmember can nominate two applicants and I will start with the mayor.

Mayor Ortega: Raoul Zubia and Roger Laurie.

Councilmember Littlefield: Diane Lester, Tricia Serlin.

Vice Mayor Janik: Myself will be Roger Laurie and Raoul Zubia. Councilmember Durham.

Councilmember Durham: No additional.

Councilmember Caputi: Paula Sturgeon and Raoul Zubia.

Councilmember Whitehead: No additional.

Councilmember Milhaven: No additional.

ITEM 8 – LIBRARY BOARD

[Time: 02:20:25]

Vice Mayor Janik: Thank you. The library board. One opening. The Library Board advises the City Council on general policy relating to the programs, services and future development of the Scottsdale Public Libraries. Janet Smigielski's term expires in May. She is eligible for reappointment. And has

submitted an application for consideration. There is one vacancy and seven applicants. The applicants are: Ashley Burr, Christiane Freer-Parsons, George Hartz, Michael Kronenfeld, Vernon Noronha, Janet Smigielski, Jennifer Tucker.

I will now entertain nominations for the Library Board. Each Councilmember can nominate one applicant. And we will start with Councilwoman Littlefield.

Councilmember Littlefield: Janet Smigielski.

Vice Mayor Janik: No change.

Councilmember Durham: No additional.

Councilmember Caputi: No additional.

Councilmember Whitehead: No additional.

Councilmember Milhaven: No additional.

Mayor Ortega: No additional.

ITEM 8 – LOSS TRUST FUND BOARD

[Time: 02:21:44]

Vice Mayor Janik: Thank you. Loss trust fund. One opening. The Loss Trust Fund Board is responsible for recommendations to the City Council regarding the administration of the loss trust fund. SPECIAL QUALIFICATIONS: As specified in the Scottsdale City Code, the City Council shall appoint five joint trustees, of whom no more than one shall be a member of the City Council and no more than one trustee may be a City employee. Dominic Bilotti resigned from the board. There is one vacancy and one applicant. The applicant is: Linda Wannie.

I will now entertain a nomination for the Loss Trust Fund Board. And we will start with myself, and it will be Linda Wannie.

ITEM 8 – MCDOWELL SONORAN PRESERVE COMMISSION

[Time: 02:22:39]

Vice Mayor Janik: I think we can move on to the next appointment. The McDowell Sonoran Preserve commission has two openings. The McDowell Sonoran Preserve Commission provides citizen oversight for acquisition, preservation, management and stewardship of the McDowell Mountain and related Sonoran Desert for the benefit of this and future generations. Steve Dodd's term expires in May and is ineligible for reappointment. Tawana Parker's term expires in May. She is eligible for reappointment;

however, she did not submit an application for consideration. There are two vacancies and five applicants. The applicants are: Robert Borsch, Robert Fishman, Kerry Olsson, Todd Shaffer, Jeffrey Smith.

I will now entertain nominations for the McDowell Sonoran Preserve Commission. Each Councilmember can nominate two applicants. I will start with councilperson Durham.

Councilmember Durham: Kerry Olsson and Todd Shaffer.

Councilmember Caputi: Robert Fishman and Kerry Olsson.

Councilmember Whitehead: No additional.

Councilmember Milhaven: Robert Borsch and Jeffrey Smith.

Mayor Ortega: No additional.

Councilmember Littlefield: Kerry Olsson, Jeffrey Smith.

Vice Mayor Janik: No addition

ITEM 8 – NEIGHBORHOOD ADVISORY COMMISSION

[Time: 02:24:11]

Vice Mayor Janik: Now we can move on. Neighborhood advisory commission, one opening. The Neighborhood Advisory Commission advises and makes recommendations to the City Council on policies, plans, strategies and programs for the preservation, improvement and revitalization of Scottsdale's housing and neighborhoods. Amanda Nash resigned from the commission. There is one vacancy and seven applicants. The applicants are: Dawn Abel, Sady Flynn, Ragan Grossman, Larry Hewitt, Joseph Mitchell, Bridget Schwartz-Manock, Suzanne Walker.

I will now entertain nominations for the Neighborhood Advisory Commission. Each Councilmember can nominate one applicant. I will start with Councilwoman Caputi.

Councilmember Caputi: Ragan Grossman.

Councilmember Whitehead: Bridget Schwartz-Manock.

Councilmember Milhaven: No additional.

Mayor Ortega: Dawn Abel.

Councilmember Littlefield: No additional.

Vice Mayor Janik: No additional.

Councilmember Durham: No additional.

ITEM 8 – PARKS AND RECREATION COMMISSION

[Time: 02:25:30]

Vice Mayor Janik: Thank you. Parks and recreation commission, one opening. The Parks and Recreation Commission advises the City Council on the acquisitions of lands and facilities for use as parks or recreation centers; and on the operation, use, care and maintenance of these parks and recreation areas. John Doering resigned from the commission. There is one vacancy and four applicants. The applicants are: Steve Masear, Jonathan Miller, Teresa Kim Quale, Neal Shearer.

I will now entertain nominations for the Parks and Recreation Commission. Each Councilmember can nominate one applicant. And I will start with Councilwoman Whitehead.

Councilmember Whitehead: Teresa Quale.

Councilmember Milhaven: No additional.

Mayor Ortega: Steve Masear.

Councilmember Littlefield: Teresa Quale.

Vice Mayor Janik: Myself no additional.

Councilmember Durham: No addition.

Councilmember Caputi: Teresa Quale.

Vice Mayor Janik: Tammy Caputi, Teresa Quale.

Councilmember Caputi: I have to watch her!

[Laughter]

ITEM 8 – PLANNING COMMISSION

[Time: 02:26:48]

Vice Mayor Janik: Planning commission, two openings. The Planning Commission holds public meetings and makes recommendations to the City Council on all matters relating to the creation of zoning

districts, the enforcement of zoning regulations, amendments to all zoning ordinances and any other planning and zoning issue. Paul Alessio's term expires in May and he is ineligible for reappointment. There are two vacancies and fourteen applicants. The applicants are: Donna Brighton, David Brotman, Laurie Coe, Mark Edelman, Barney Gonzales, Randy Haberl, Anthony Leavy, Daniel Lupien, Kevin Maxwell, Patricia O'Neil, Joshua Rush, Christian Serena, Timothy Stratton.

I will now entertain nominations for the Planning Commission. Each Councilmember can nominate two applicants. And I will start with Councilwoman Milhaven. Mark Edelman and Daniel Lupien.

Mayor Ortega: Joshua rush and Barney Gonzalez.

Councilmember Littlefield: Christian Serena and Anthony leavy.

Vice Mayor Janik: It will be Christian Serena and Patricia O'Neil.

Councilmember Durham: David Brotman.

Vice Mayor Janik: Okay. Councilwoman Caputi.

Councilmember Caputi: Mark Edelman, Kevin Maxwell.

Councilmember Whitehead: No additional.

Councilmember Milhaven: You started with me.

Vice Mayor Janik: I'm sorry. I didn't hear you.

Councilmember Milhaven: You started with me.

Vice Mayor Janik: Oh, sorry. That's right. I did. Thank you very much. This concludes our nomination process this evening. Individuals nominated will be contacted by city staff with additional information. I would like to take this opportunity to sincerely thank all who applied to serve 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 if there are additional vacancies. Thank you very much. I turn the meeting back over to Mayor Ortega.

ITEM 9 – OLD TOWN CHARACTER PLAN – MOTION

[Time: 02:29:26]

Mayor Ortega: Thank you very much. We will now turn to item number 9. An item which I brought forward and is agendized. We spent approximately two hours discussing the parking in downtown areas, and that's a significant issue. I'm bringing forward the examination and reopening the old town character area plan, and to cut it short, I move to request a work study session to review and discuss the

old town character area plan with focus on various types of height and density, land uses, buffering, traffic and infrastructure, and consider whether the council should initiate an amendment to revise the and update the old town character area plan. That's my motion. Is there a second.

Councilmember Whitehead: I will second it.

Councilmember Littlefield: I will second it.

Mayor Ortega: Thank you very much. I would ask for -- did you want to speak to your second. I didn't see -- go ahead, Vice Mayor.

Vice Mayor Janik: Okay. It was.

Mayor Ortega: I was looking down.

Vice Mayor Janik: Councilwoman Whitehead made that.

Mayor Ortega: You are the center fielder and I missed it. What can I say? Sorry. Please go ahead.

Councilmember Whitehead: I think it's a great discussion to have. I have nothing else to say. Thank you.

Mayor Ortega: Thank you. I see no other comments. We will -- councilman -- I see Councilwoman Caputi has requested.

[Time: 02:31:17]

Councilmember Caputi: I just want to make a quick comment before we move it over. I do actually have deep concerns about this. It's not that I don't think we should talk about it. I just feel like we just went through this with the Kimsey, with all the folks downtown telling us that they don't feel that it's a good idea to limit height and density in the area where it actually makes sense and certainly no one up here is a stranger to the fact that there are a lot of people in our community who don't agree with that. So I just want to read into the record a comment that a resident sent to all of us which I actually thought was fairly interesting and I want to have it in public here.

He says I have deep concerns about the unstated but obvious intent of the mayor to move away from the draft general plan by raising the possibility of an amendment to the OTCAP. To intervene against months and years of study about the need for density zones, including old town and its importance to Scottsdale's future revenues, defies logic and what has been determined by many to be the best course of action.

Using city staff to try to build the possible amendment case amounts to fiscal irresponsibility. I just want to agree with that statement. We have all seen in this council that the downtown is dying. I think that the city staff and the folks on our boards and commissions have spent years putting together this OTCAP, and I think it's actually the strangest of the ideas to think that we will suddenly undo it in

the worst possible moment. So I will not agree with the -- with the motion.

Mayor Ortega: Thank you. I did prepare an overhead which was given to each of the councilmembers. I would ask for that to be shown on the public overhead and mention that the notations as shown are indicated and noted in both height and the downtown area, depicted are going up Scottsdale Road, encountering 90-foot buildings and then 150-foot building on both sides of Scottsdale Road.

Then somehow finding the downtown core and -- or if you are coming southbound on Scottsdale Road, you would immediately encounter 150-foot buildings both sides of the street. This is part of the information that can be reviewed and properly discussed by all, and I will at this point, we have Councilwoman Whitehead. Thank you.

[Time: 02:34:00]

Councilmember Whitehead: So I guess I would like to speak to my second. I watched the 2018 meeting that approved this change to our downtown three times. So there was a lot of talk about the need to exchange height for open space. And to negotiate many benefits by allowing some height. And yet what was approved was just the height. And so each time a developer comes to me and my job is to represent the citizens of this city, and to negotiate the highest quality development, but each time, I have no tools. I have to beg for that developer to give what many of the people at the meeting mentioned that they wanted out of the height, such as open space. So I'm very interested.

When I negotiate -- and I'm here to negotiate on behalf of our residents, when I negotiate, I don't first give the person on the other side of the table everything that person wants, and then hope that they will volunteer to give something back. So I am very interested in fixing this. And there were some strange peculiarities and I think the Kimsey is exactly why I want to relook at this and have a work study session. The Kimsey was a beautiful project that was not a 100% give to the developer. It was a give and take. It brought in a -- the highest quality of project with open space, with pedestrian access, with design features.

It gave us more -- it was a fair exchange. Some height for some community give, and it's very exhausting to have to negotiate every single deal individually, and this will give us an opportunity to start from a position of power and then we can make each project perfect for that specific location. So I'm actually very optimistic, and I think this is the way to make sure that we are not any city, that we're Scottsdale. Thank you.

Mayor Ortega: Vice Mayor Janik.

Vice Mayor Janik: I too welcome the opportunity to look at this diagram and this designation. I think many of us have felt that that area along Fifth Avenue is very definitely misplaced. So I would welcome the opportunity to discuss it and consider it.

Mayor Ortega: I see Councilwoman Caputi.

Councilmember Caputi: I think that map is fairly misleading. I would need staff to maybe talk to that. But we don't automatically give the top maximum heights when a developer comes in; is that right, Randy? We have a range that we can negotiate with. That was the way it was set up so we could trade off as Councilwoman Whitehead suggested. That's the perfect scenario. We are able to negotiate each job based on what we are giving back and what we are going to go to; is that right?

Randy Grant: Mayor Ortega and Councilwoman Caputi this shows the maximum achievable with bonuses.

Councilmember Caputi: Right. We would not sit on the maximum amount. I think that was the logic behind having a sliding scale and I also just want to point out that downtown is the one area in our city where it is appropriate to have some additional height and density and if it doesn't happen here, I would -- I would throw out to the citizens where would you like it to go?

Should we put it in north Scottsdale or in a place where it wouldn't be appropriate? I mean there's a few growth areas that make sense. I just -- my last point I want to make is that we just sat over the Kimsey and listened to all the downtown business owners talk about being affected and we have also -- we're looking at changing land use up north and we have had that same comment about when we change things, people are going to get upset. I don't know how we would go about changing these character area plans after people already own properties.

I would want legal, actually to answer that, it's a great question now that I'm thinking about it. How would we -- how would we -- how would we go about and tell the property owners after the fact -- just kidding, you really can't have that height. How does that work?

[Time: 02:38:37]

Joe Padilla: Mayor, members of council, the character area plans are a component of the general plan. They are aspirational, they are not zoning documents. So how it would affect a particular property is hard to say because it would be a hypothetical situation in terms of me trying to guess at what that circumstance would be. So it would be very difficult.

Councilmember Caputi: Well, then hypothetically, I will send my comments saying I think we will unleash the wrath of fury from our business owners and leave it at that. Mayor Ortega: Thank you. I will mention that there are four growth areas on our general plan, the Shea corridor, the McDowell corridor, downtown and of course the 101 with all the transportation available.

ITEM 9 – OLD TOWN CHARACTER PLAN – VOTE

[Time: 02:39:36]

Mayor Ortega: So to think that we will -- that this is our last stand for any kind of opportunity is incorrect. I call for the vote. All in favor, register your vote. Thank you.

At this point, I will ask are there any other council items before we adjourn?

Councilmember Littlefield: I'm voting a yes, but it's not coming through there.

ADJOURNMENT

[Time: 02:40:06]

Mayor Ortega: And what is happen is we will adjourn -- we will recess, excuse me. I will adjourn the regular meeting and we will take a ten-minute recess and reconvene at 7:50, with our work study session. Thank you.