

**SCOTTSDALE CITY COUNCIL
REGULAR MEETING MINUTES
TUESDAY, JULY 1, 2014**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor W.J. "Jim" Lane called to order a Regular Meeting of the Scottsdale City Council at 5:18 P.M. on Tuesday, July 1, 2014 in the City Hall Kiva.

ROLL CALL

Present: Mayor W.J. "Jim" Lane
Vice Mayor Guy Phillips
Councilmembers Suzanne Klapp, Virginia L. Korte, Robert W. Littlefield,
Linda Milhaven, and Dennis E. Robbins

Also Present: City Manager Fritz Behring
City Attorney Bruce Washburn
City Treasurer Jeff Nichols
City Auditor Sharron Walker
City Clerk Carolyn Jagger

PLEDGE OF ALLEGIANCE – Scottsdale Youth Corps Volunteers

INVOCATION – Pastor Neil Montgomery, Scottsdale Bible Church

MAYOR'S REPORT

Mayor Lane proclaimed July as General Aviation Appreciation Month. Sarah Ferrara, Public Information Officer for Scottsdale Airport, accepted the proclamation on behalf of Airport Director Gary Mascaro.

PRESENTATION/INFORMATION UPDATES – None

NOTE: MINUTES OF CITY COUNCIL MEETINGS AND WORK STUDY SESSIONS ARE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF ARIZONA REVISED STATUTES. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN AND DIRECTION GIVEN BY THE CITY COUNCIL AND ARE NOT VERBATIM TRANSCRIPTS. DIGITAL RECORDINGS AND CLOSED CAPTION TRANSCRIPTS OF SCOTTSDALE CITY COUNCIL MEETINGS ARE AVAILABLE ONLINE AND ARE ON FILE IN THE CITY CLERK'S OFFICE.

PUBLIC COMMENT

- Richard Nickum submitted a citizen petition (attached) requesting a rebate of approximately \$20,000 in wastewater development fees that were paid in September/October 2013.
- Jennifer Nore spoke in support of Richard Nickum's citizen petition.

ADDED ITEMS

A1. Added Items

Consent Item No. 20B was added to the agenda on June 26, 2014.

Request: Vote to accept the agenda as presented or to continue the added item(s) to the next scheduled Council meeting, which is August 18, 2014.

MOTION AND VOTE – ADDED ITEMS

Councilman Robbins made a motion to accept the agenda as presented. Councilwoman Milhaven seconded the motion, which carried 7/0.

MINUTES

Request: Approve the Regular Meeting Minutes of May 13, 2014 and June 3, 2014; Work Study Session Minutes of May 13, 2014; 4:00 p.m. Special Meeting Minutes of June 3, 2014; and 7:30 p.m. Special Meeting Minutes of June 3, 2014.

MOTION AND VOTE – MINUTES

Councilmember Korte made a motion to approve the Regular Meeting Minutes of May 13, 2014 and June 3, 2014; Work Study Session Minutes of May 13, 2014; 4:00 p.m. Special Meeting Minutes of June 3, 2014; and 7:30 p.m. Special Meeting Minutes of June 3, 2014. Vice Mayor Phillips seconded the motion, which carried 7/0.

CONSENT AGENDA

1. RSVP Liquor License (23-LL-2014)

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a Series 6 (bar) State liquor license for an existing location and owner.

Location: 4301 N. Civic Center Plaza

Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

2. RSVP (aka Mixx) Conditional Use Permits (2-UP-2014 and 3-UP-2014)

Item 2 was moved to the Regular Agenda (see Page 6).

3. Metropolis Liquor License (53-LL-2014)

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for an existing location with a new owner.

Location: 7137 E. Rancho Vista Drive, Suite B33

Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

4. Sushi J Liquor License (56-LL-2014)

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for an existing location with a new owner.

Location: 4320 N. Miller Road

Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

5. Permanent Extension of Premises for Cowboy Ciao (10-EX-2014)

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Permanent Extension of Premises for a series 12 (restaurant) State liquor license.

Location: 7133 E. Stetson

Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

6. Boondocks Patio and Grill Conditional Use Permit (42-UP-2011#2)

Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 9805** approving a Conditional Use Permit for live entertainment at an existing bar with Downtown District, Office/Residential Type 2, Downtown Overlay (D/OR-2 DO) zoning.

Location: 4341 N. 75th Street

Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

7. GLO Abandonment (9-AB-2010#2)

Requests:

1. Adopt **Resolution No. 9784** to abandon the General Land Office (GLO) easements contained within the recorded Pueblo Bonito Subdivision.
2. Adopt **Resolution No. 9799** to abandon the General Land Office (GLO) easements contained within the recorded Desert Hills of Scottsdale Subdivision.
3. Adopt **Resolution No. 9800** to abandon the General Land Office (GLO) easements contained within the recorded Sierra Foothills Subdivision.

Location: Generally located in an area bounded by N. 120th Street on the west, E. Gail Road on the north, N. 128th Street on the east, and E. Mountain View Road on the south

Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

8. GLO Abandonment (9-AB-2010#3)

Requests:

1. Adopt **Resolution No. 9785** to abandon the General Land Office (GLO) easements contained within the recorded Bella Montagna and Paradise Drive Estates subdivisions.
2. Adopt **Resolution No. 9801** to abandon the GLO easements contained within the recorded Sweetwater Ranch Estates and Sagewood subdivisions.
3. Adopt **Resolution No. 9802** to abandon the General Land Office (GLO) easements contained within the recorded Montage subdivision.

Location: Generally located in an area bounded by N. 92nd St. on the west, E. Paradise Lane on the north, N. 106th St. on the east, and E. Cholla Road on the south.

Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

9. Hayden and Northsight Rezoning (2-ZN-2014)

Request: Adopt **Ordinance No. 4160** approving a zoning district map amendment from General Commercial (C-4) to Highway Commercial (C-3) zoning on a 5± acre site and finding that the proposed zoning map amendment is consistent and conforms with the adopted General Plan.

Location: 15600 N. Hayden Road and 15750 N. Northsight Boulevard

Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

10. First Avenue Townhomes Rezoning (5-ZN-2014)

Requests:

1. Adopt **Ordinance No. 4161** approving a zoning district map amendment from Central Business, Downtown Overlay (C-2 DO) zoning to Downtown/Downtown Multiple Use-Type 2, Planned Block Development, Downtown Overlay (D/DMU-2 PBD DO) zoning, including approval of Amended Property Development Standards and a Development Plan; finding that the Planned Block Development Overlay criteria have been met; and determining that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan on a 28,698± square-foot site.

2. Adopt **Resolution No. 9806** declaring "First Avenue Townhomes Development Plan, 5-ZN-2014" as a public record.

Location: 6901 E. 1st Avenue

Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

11. Via de Ventura Apartments Rezoning (7-ZN-2014)

Request: Adopt **Ordinance No. 4162** approving a zoning district map amendment to amend the Development Plan and the density stipulation of Case 15-ZN-1972 to increase the permitted residential density for the site from 16.0 dwelling units per gross acre to 16.6 dwelling units per gross acre for a property; finding that the Planned Community (P-C) zoning district criteria have been met; and determining that the proposed zoning district map amendment is consistent and conforms with the adopted General Plan for a site with Multiple-Family Residential, Planned Community (R-5 PCD) zoning.

Location: 8375 E. Via de Ventura

Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

12. Booster Pump Stations 36-3 and 36-5 Construction Bid Award

Request: Adopt **Resolution No. 9768** authorizing Construction Bid Award 14PB031 to MGC Contractors, Inc., the lowest responsive bidder, at the unit price bid of \$3,715,211, for construction improvements to Booster Pump Stations 36-3 and 36-5.

Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

13. Citywide Sewer Rehabilitation Construction Services Job Order Contracts

Request: Adopt **Resolution No. 9779** authorizing the following construction services job order contracts for citywide sewer system rehabilitation:

1. Contract No. 2014-070-COS with Achen Gardner Construction, LLC.
2. Contract No. 2014-071-COS with Insituform Technologies, LLC.

Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov

- 14. Silverado Golf Course Drainage Improvements Budget Transfer**
Request: Adopt **Resolution No. 9797** authorizing a FY 2014/15 General Fund Capital Contingency budget appropriation transfer in the amount of \$140,000 to a newly created CIP project to be titled Silverado Golf Course Drainage Improvements to be funded by the Inlet/Silverado Golf Surcharge Special Revenue Fund (\$126,000) and General Fund (\$14,000).
Staff Contact(s): Daniel Worth, Public Works Executive Director, 480-312-5555, dworth@scottsdaleaz.gov
- 15. Chaparral Water Treatment Plant Engineering Services Contract**
Request: Adopt **Resolution No. 9798** authorizing Engineering Services Contract No. 2014-083-COS with Black and Veatch Corporation to develop communication upgrades for the membrane filtration control system at the Chaparral Water Treatment Plant in an amount not to exceed \$87,120.
Staff Contact(s): Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov
- 16. Water Service Agreement Amendment**
Request: Adopt **Resolution No. 9818** authorizing Contract No. 1998-106-COS-A1, Amendment One to the Water Services Agreement with White Buffalo Golf, LLC.
Staff Contact(s): Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, bbiesemeyer@scottsdaleaz.gov
- 17. Fiscal Year 2014/15 Event Venue Fee Program**
Request: Adopt **Resolution No. 9760** authorizing \$20,000 in bed tax funding to be used for development of events to be identified per the FY 2014/15 Event Venue Fee Program, and authorizing the Mayor to execute individual agreements with each event producer.
Staff Contact(s): Paul Katsenes, Community and Economic Development Executive Director, 480-312-2890, pkatsenes@scottsdaleaz.gov
- 18. World Food Championships Event**
Request: Adopt **Resolution No. 9812** to authorize:
1. Funding, not to exceed \$75,000, from the City portion of bed tax allocated toward one-time commitment capital, event, and administration for the "World Food Championships-Scottsdale Super Regional" event.
2. New Event Funding Agreement No. 2014-084-COS with MMA Creative, Inc.
Staff Contact(s): Paul Katsenes, Community and Economic Development Executive Director, 480-312-2890, pkatsenes@scottsdaleaz.gov
- 19. Community Fishing Program Intergovernmental Agreement**
Request: Adopt **Resolution No. 9794** authorizing Intergovernmental Agreement No. 2014-080-COS with the Arizona Game and Fish Department to allow the Community Fishing Program at Chaparral Park and Eldorado Park North Lakes.
Staff Contact(s): William Murphy, Community Services Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov

20. Fiscal Year 2014/15 Scottsdale Endowment Allocation

Request: Adopt **Resolution No. 9775** approving the distribution of interest income from the City's endowment program for FY 2014/15 and authorizing the allocation of funds to recommended activities.

Staff Contact(s): William Murphy, Community Services Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov

20A. Naming of Pond

Request: Adopt **Resolution No. 9826** authorizing the pond at the southwest corner of Hayden Road and Indian School Road to be named "Schrader's Pond" in honor of Bill Schrader and his family.

Staff Contact(s): William Murphy, Community Services Executive Director, 480-312-7954, bmurphy@scottsdaleaz.gov

Mayor Lane opened public testimony.

- Paul Messinger, Scottsdale Citizen, discussed the history of the pond and the Schrader family.

Mayor Lane closed public testimony.

20B. Trolley Operations and Maintenance Contract Extension

Request: Adopt **Resolution No. 9827** authorizing Contract No. 2009-187-COS-A5, an extension of the Trolley Operations and Maintenance Service Contract with Dunn Transit (formerly Atypical Transportation Company), for the period of July 1, 2014 through September 30, 2014, in an estimated amount of \$750,000.

Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov

MOTION AND VOTE – CONSENT AGENDA

Councilman Robbins made a motion to approve Consent Agenda Items 1 through 20B, absent Item 2. Councilwoman Milhaven seconded the motion, which carried 7/0.

REGULAR AGENDA

2. RSVP (aka Mixx) Conditional Use Permits (2-UP-2014 and 3-UP-2014)

Requests:

1. Find that the conditional use permit criteria have been met and adopt **Resolution No. 9803** approving a Conditional Use Permit for a bar at an existing 3,298± square-foot establishment with Highway Commercial, Parking District and Downtown Overlay (C-3/P-3 DO) zoning for Case No. 2-UP-2014.
2. Find that the conditional use permit criteria have been met and adopt **Resolution No. 9804** approving a Conditional Use Permit for live entertainment at an existing 3,298± square-foot establishment with Highway Commercial, Parking District and Downtown Overlay (C-3/P-3 DO) zoning for Case No. 3-UP-2014.

Location: 4301 N. Civic Center Plaza

Staff Contact(s): Randy Grant, Planning, Neighborhood, and Transportation Administrator, 480-312-2664, rgrant@scottsdaleaz.gov

MOTION AND VOTE – ITEM 2

Councilmember Korte made a motion to find that the conditional use permit criteria have been met and adopt Resolution No. 9803 approving a Conditional Use Permit for a bar at an existing 3,298± square-foot establishment with Highway Commercial, Parking District and Downtown Overlay (C-3/P-3 DO) zoning for Case No. 2-UP-2014; and find that the conditional use permit criteria have been met and adopt Resolution No. 9804 approving a Conditional Use Permit for live entertainment at an existing 3,298± square-foot establishment with Highway Commercial, Parking District and Downtown Overlay (C-3/P-3 DO) zoning for Case No. 3-UP-2014, with the amended stipulations that were presented by staff. Councilwoman Milhaven seconded the motion, which carried 7/0.

21. Camelback Road Traffic Control between Scottsdale Road and Miller Road

Request: Presentation, discussion, and possible direction to staff regarding modifications to Camelback Road between Scottsdale Road and Miller Road.

Presenter(s): Paul Basha, Transportation Director

Staff Contact(s): Paul Basha, Transportation Director, 480-312-7651, pbasha@scottsdaleaz.gov

Transportation Director Paul Basha gave a PowerPoint presentation (attached) on the proposed modifications to Camelback Road between Scottsdale Road and Miller.

There was general consensus was for the transportation staff to move forward with the plans to modify Camelback Road.

MAYOR AND COUNCIL

22. Request to Agendize an Ordinance to Regulate the Use of Personal Digital Assistants While Driving

Request: At the request of Vice Mayor Phillips, direct staff to agendize an ordinance to limit the use of personal digital assistants while driving.

MOTION AND VOTE – ITEM 22

Vice Mayor Phillips made a motion to direct staff to agendize an ordinance to limit the use of personal digital assistants while driving. Councilman Littlefield seconded the motion, which failed 3/4, with Mayor Lane and Councilmembers Klapp, Milhaven, and Robbins dissenting.

PUBLIC COMMENT – None

CITIZEN PETITIONS

23. Receipt of Citizen Petitions

Request: Accept and acknowledge receipt of citizen petitions. Any member of the Council may make a motion, to be voted on by the Council, to: (1) Direct the City Manager to agendize the petition for further discussion; (2) direct the City Manager to investigate the matter and prepare a written response to the Council, with a copy to the petitioner; or (3) take no action.

Staff Contact(s): Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov

MOTION AND VOTE – ITEM 23

Councilman Littlefield made a motion to direct the City Manager to consider the matter and report back to the Council regarding the petition submitted by Richard Nickum requesting a rebate of approximately \$20,000 in wastewater development fees that were paid in September/October 2013. Vice Mayor Phillips seconded the motion, which carried 6/1, with Councilmember Korte dissenting.

MAYOR AND COUNCIL ITEMS – None

ADJOURNMENT

With no further business to discuss, the Regular Meeting adjourned at 6:06 P.M.

SUBMITTED BY:



**Carolyn Jagger
City Clerk**

Officially approved by the City Council on August 18, 2014

C E R T I F I C A T E

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 1st day of July 2014.

I further certify that the meeting was duly called and held, and that a quorum was present.

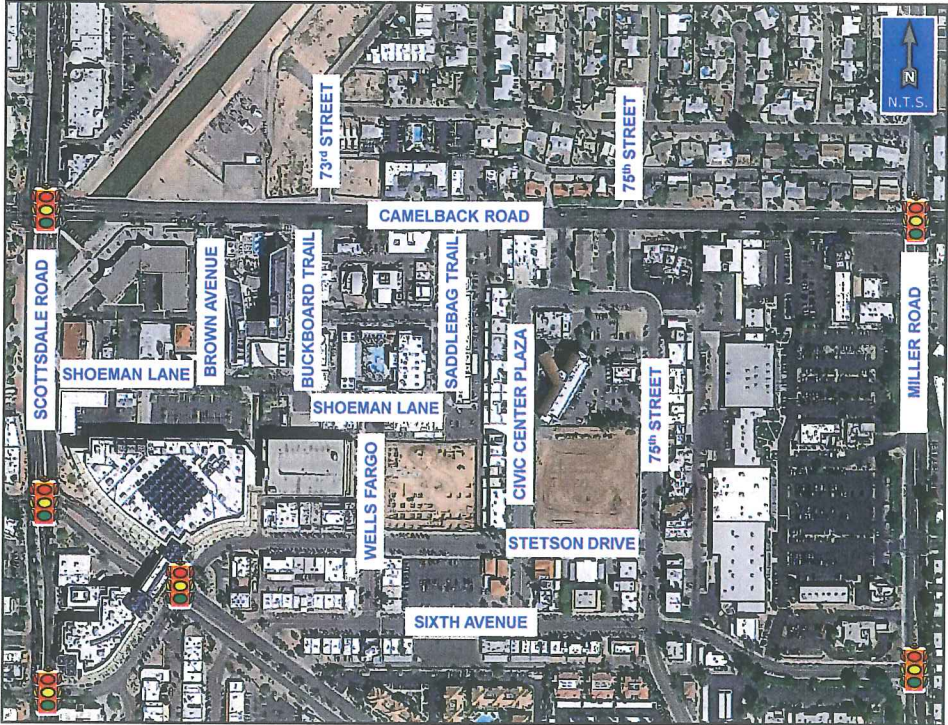
DATED this 18th day of August 2014.



Carolyn Jagger, City Clerk

**COUNCIL MEETING
1 JULY 2014
ITEM #21**

**CAMELBACK ROAD TRAFFIC CONTROL
SCOTTSDALE ROAD TO MILLER ROAD**



TRANSPORTATION DEPARTMENT DECISIONS

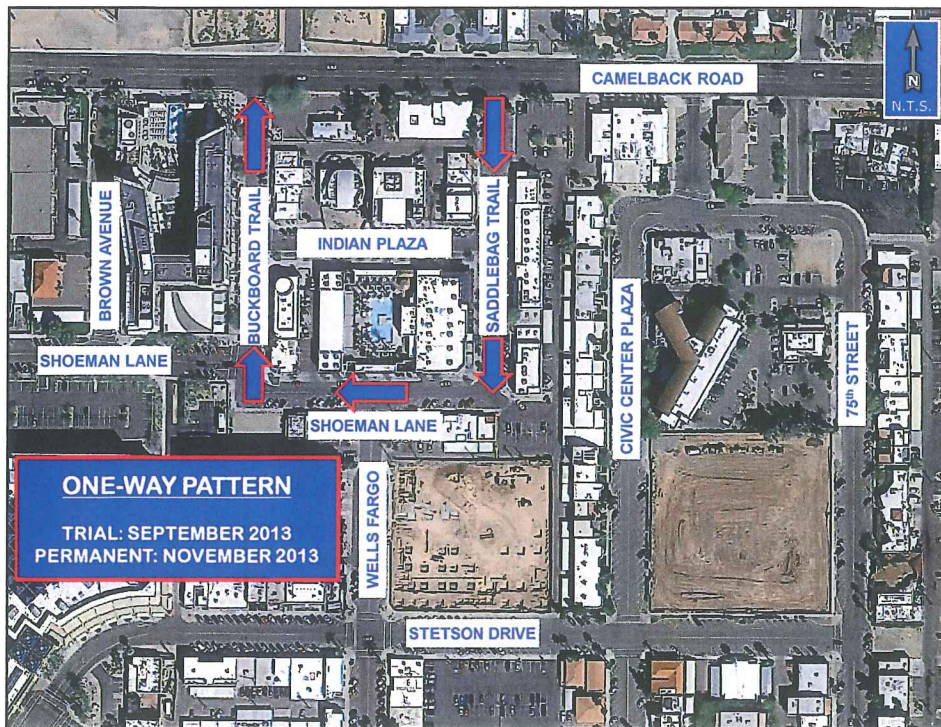
TRAFFIC SIGNAL

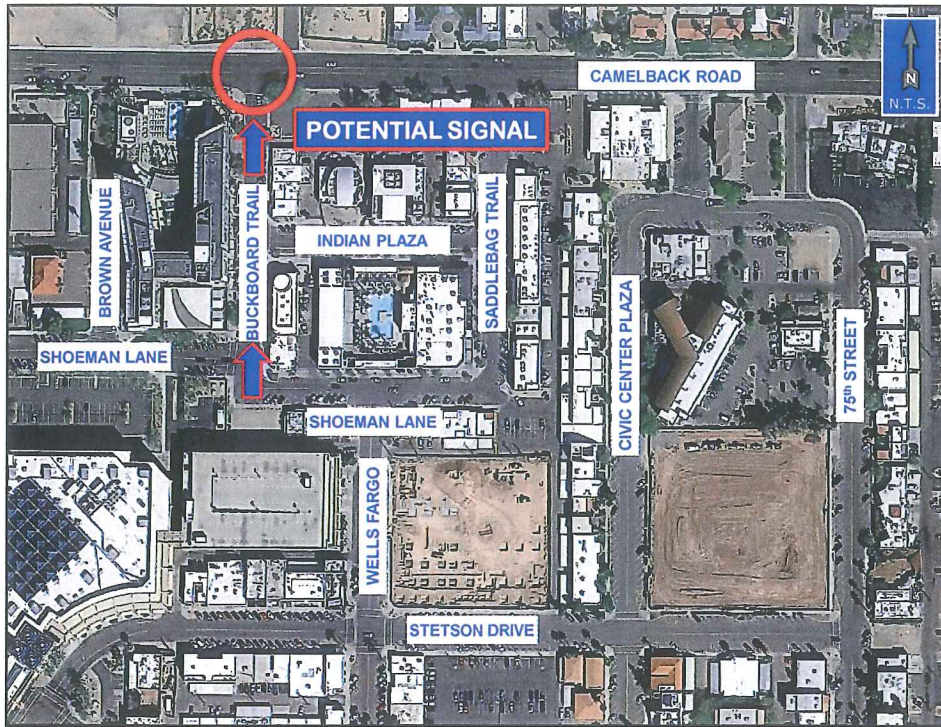
Camelback Road & Buckboard Trail

VARIABLE SPEED LIMIT

35 mph typically

25 mph high-volume, low-speed times





TRAFFIC SIGNAL WARRANTS

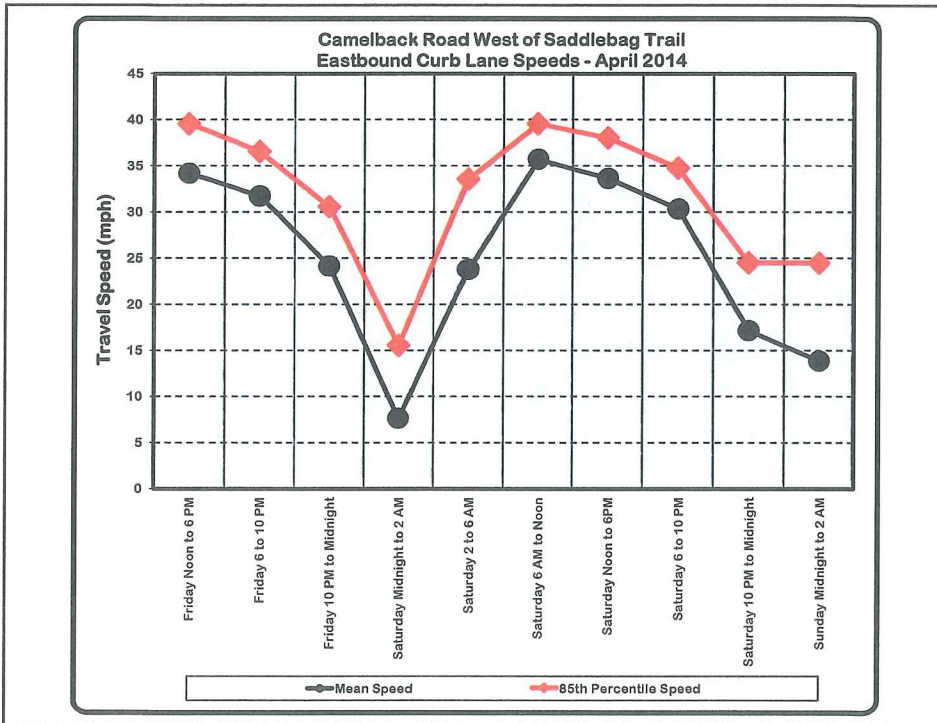
5 Volume criteria – All met

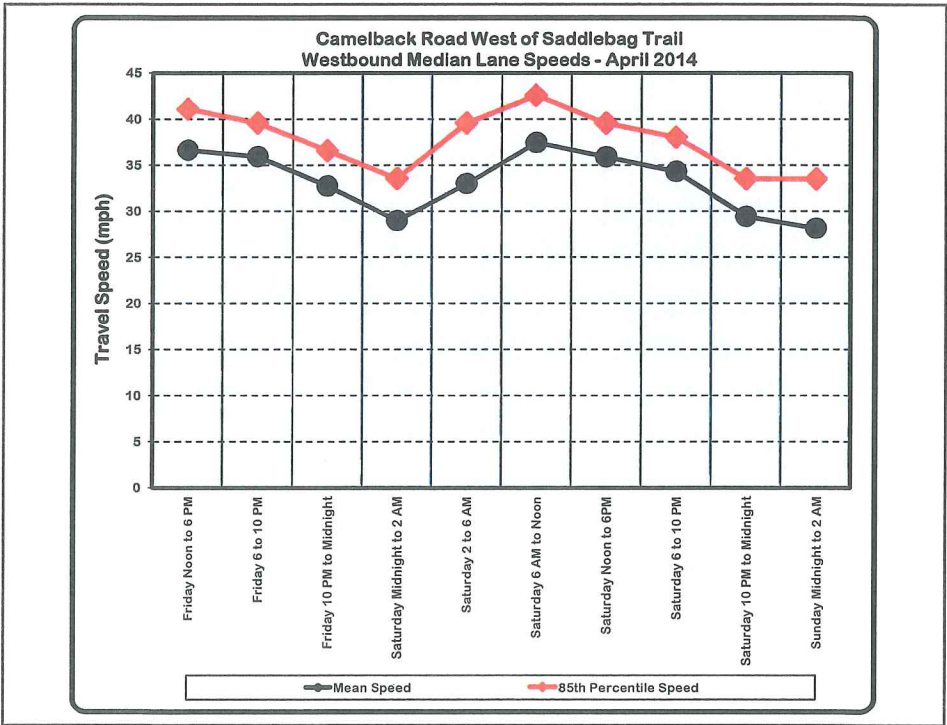
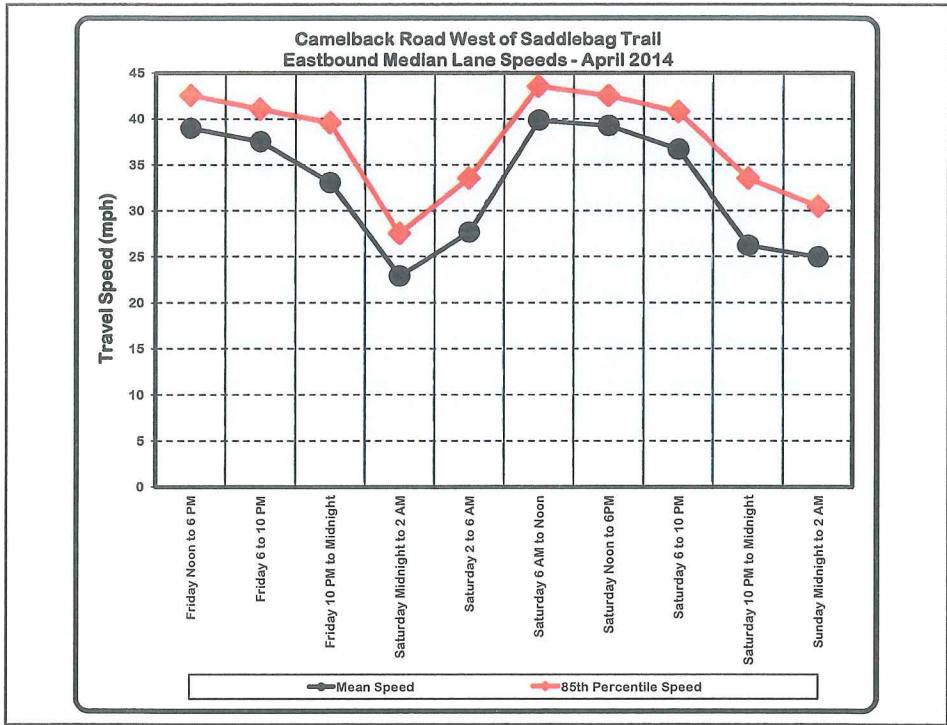
Pedestrian criteria – Not met

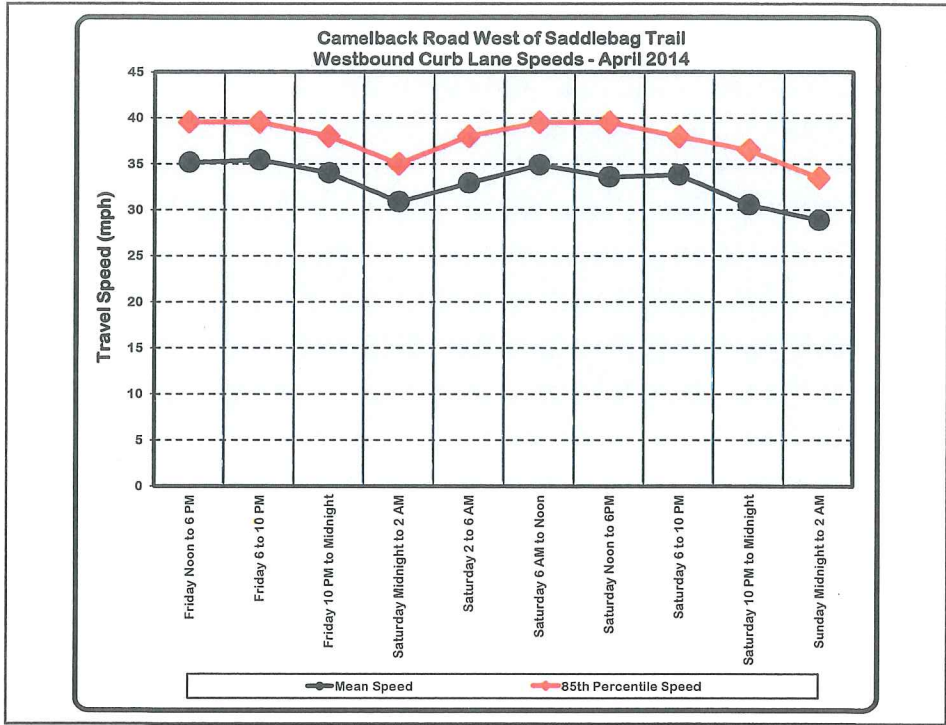
Crash criteria – Not met

SPEED LIMIT DECISION

- Prevailing travel speed
- Road surface
- Adjacent development
- Parking practices
- Pedestrian activity
- Crash experience



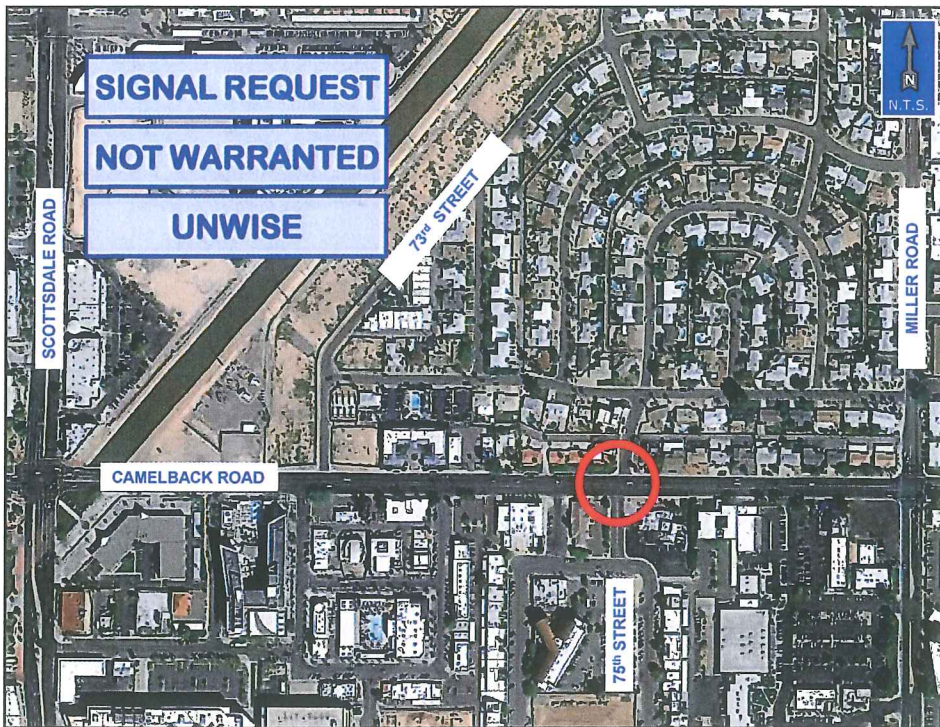




**COUNCIL MEETING
1 JULY 2014
ITEM #21**

**CAMELBACK ROAD TRAFFIC CONTROL
SCOTTSDALE ROAD TO MILLER ROAD**

**PAST
ACTIONS**



SIGNAL WARRANT ANALYSIS DETAILS

TRAFFIC SIGNAL WARRANTS

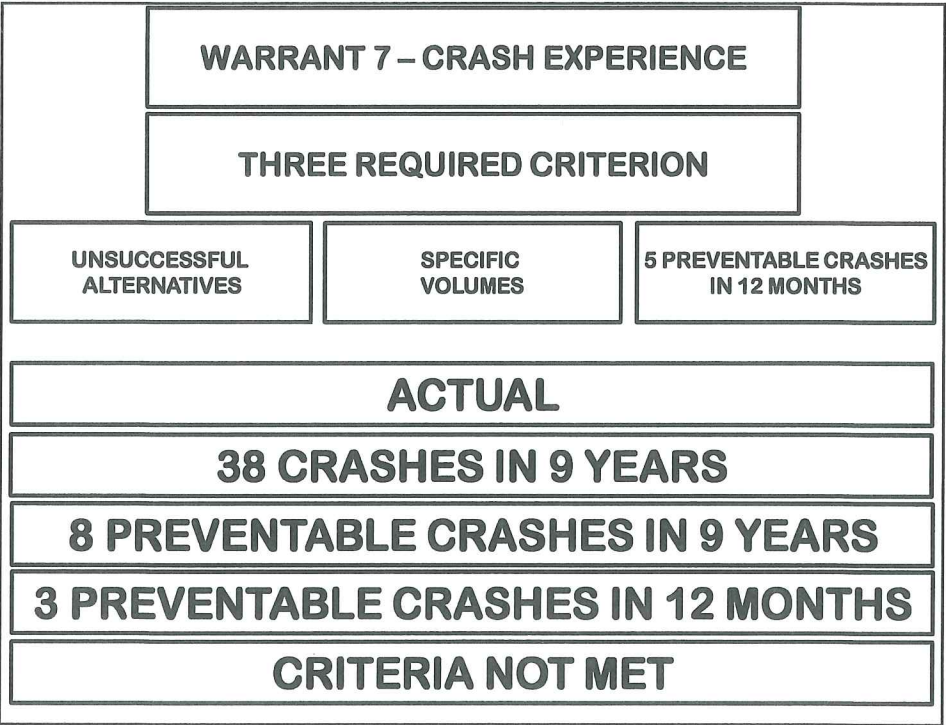
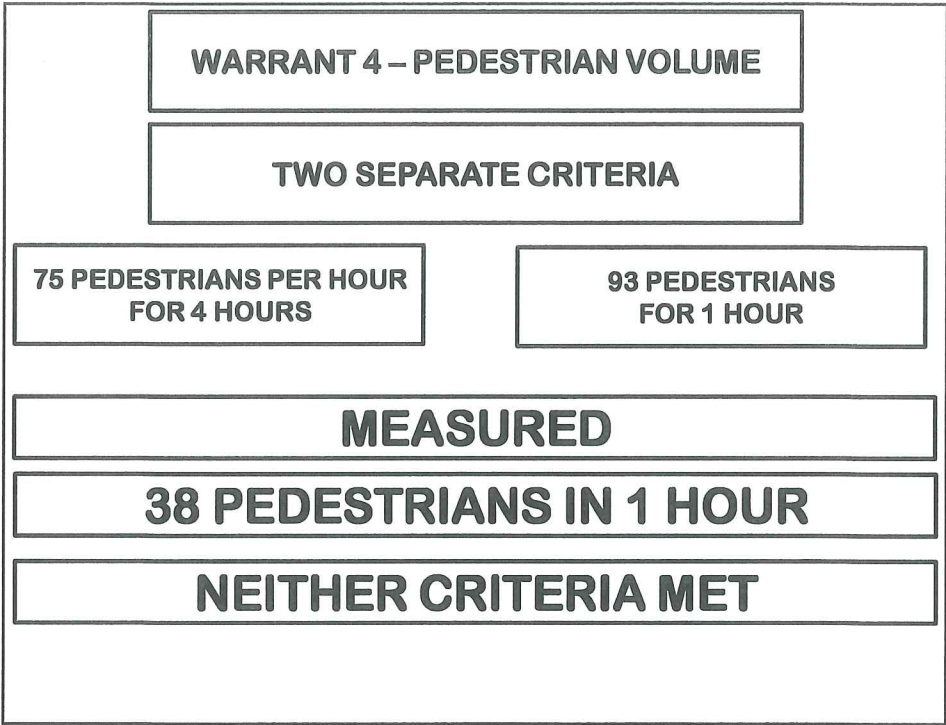
1A: 8 hours required, 13 hours satisfied

1B: 8 hours required, 14 hours satisfied

1 A & B: 8 hours required, 14 hours satisfied

2: 4 hours required, 16 hours satisfied

3B: 1 hour required, 12 hours satisfied



**COUNCIL MEETING
1 JULY 2014
ITEM #21**

**CAMELBACK ROAD TRAFFIC CONTROL
SCOTTSDALE ROAD TO MILLER ROAD**

CITIZENS' PETITION TO THE SCOTTSDALE CITY COUNCIL
OFFICE OF THE
CITY CLERK

July 1, 2014

2014 JUL -1 PM 4:33

Petitioners:

Mr. and Mrs. Richard Nickum, Mr. and Mrs. David Nore, Dr. and Mrs. Nevin Savage, Mr. and Mrs. Jim Munier, Mr. and Mrs. Paul Malin, Mr. and Mrs. Ken Richardson, Mr. and Mrs. Steve Rohacz, Ms. Ruth Nahom

Request:

Petitioners request a rebate of wastewater development fees paid in September/October 2013 totaling approximately \$20,000. See attached schedule for specific individual rebate amounts.

Background:

Petitioners own homes in the Paradise Meadows subdivision located on Paradise Pkwy and the North 69th Street cul-de-sac. The homes were built in 1958 and were serviced by septic. Several of the homeowners bought their homes in 1958 and are now in their 80's. After unsuccessful efforts over the years to have the City construct a sewer line, Petitioners and others in the neighborhood built a sewer line at their own expense last summer. Richard Nickum spearheaded the effort and worked closely with City staff. The sewer line was completed in September/October 2013. See Mr. Nickum's attached letter detailing the process.

Petitioners hooked up to the new sewer in September/October 2013. The City charged them \$4,274.15 or \$4,641.03 for wastewater development fees, depending on lot size. The City, by Arizona legislative mandate, has reduced those same fees by more than 50% to \$2,046.00 effective July 1, 2014. A new property owner in the neighborhood who intended to hook up to sewer service was told by staff six weeks ago when she went to pull a permit that the fees were going to be reduced. That property owner, of course, elected to wait until the reduced fees go into effect. Petitioners were given no such heads up, despite the fact that they were working closely with water department staff throughout the sewer line construction process and despite the fact that a City representative met twice with the neighbors in Mr. and Mrs. Nickum's home to discuss project details, including costs. While it is possible that the exact amount of the July 1, 2014 wastewater development fees had not been determined as of September 2013, the fact that they would be substantially reduced because of Arizona legislative mandate certainly was known by staff. See attached time line.

CITIZENS' PETITION TO THE SCOTTSDALE CITY COUNCIL

July 1, 2014

Petitioners, the majority of whom are retired, believe that the upcoming development fee reduction should have been disclosed to them so that they could have made an informed decision regarding the timing of their sewer hook up. Each and every one of the Petitioners would have waited until after July 1, 2014. By failing to disclose that critical information, the City added about \$20,000 to its coffers at Petitioners' expense. Petitioners therefore request that the Council direct appropriate staff to refund to each Petitioner the difference between the wastewater development fees they paid and the July 1, 2014 rate schedule. The amount of each Petitioner's requested refund is set forth on the attached schedule.

Paradise Parkway Homeowners that participated in initial city sewer line hook up.

#2046 NEW RATE AS OF 7-1-14

	Name & Address	Phone #	Parcel- Lot #	Lot Size	Fee Pd.	Credit Req.
1	6909 E. Paradise Pkwy. Mr. & Mrs. Nevin Savage	480-946-8618	173-34-072 24	13,952'	\$4,274.15	\$2,232.15
2	6901 E. Paradise Pkwy. Mr. & Mrs. Paul Malin	480-471-8081	173-34-073 25	16,626'	\$4,274.15	\$2,232.15
3	6841 E. Paradise Pkwy. Miss Ruth Nahom	480-424-3766	173-34-075 27	18,328'	\$4,641.03	\$2,599.03
4	6820 E. Paradise Pkwy. Mr. & Mrs. Ken Richardson	480-361-5203	173-34-050 2	18,007'	\$4,641.03	\$2,599.03
5	6840 E. Paradise Pkwy. Mr. & Mrs. Dave Nore	480-945-6134	173-34-052 4	17,587'	\$4,641.03	\$2,599.03
6	6850 E. Paradise Pkwy. Mr. & Mrs. Richard Nickum	480-949-8305	173-34-053 5	13,990'	\$4,274.15	\$2,232.15
7	4719 N. 69th. St. Mr. & Mrs. Jim Munier	480-945-1600	173-34-069 21	17,646'	\$4,641.03	\$2,599.03
8	4724 N. 69th. St. Mr. & Mrs Steve Rohacz	480-371-5615	173-34-067 19	17,901'	\$4,641.03	\$2,599.03

Total Cost to City = **\$19,691.60**

Richard B. Nickum

0-1-2-UNIT

8

06-04-2014

My name is Richard Nickum.

I am here to represent the 16 home owners on Paradise Parkway (known as Paradise Meadows) between 68th and 70th streets, one block north of Scottsdale Fashion Square. Our homes were built in 1958 and are on septic systems.

Most of the people on our block are retired and live on fixed incomes as costs are increasing daily.

The City of Scottsdale offers a revitalization program for communities like ours to put up the initial costs for improvements, and they would reimburse us for any one of the 16 homeowners that would not want to participate. *extension Participation Program for Public water and Sewer line*

We got together as a group and determined that, we could raise the \$150,000 dollars needed for construction including engineering and drawings.

We proceeded to hire an engineering firm to survey ^{the} our street and provide ~~the~~ blueprints. We also hired an underground construction co. to perform the work. We set up an escrow account and deposited funds in this account. In the fall of 2013

We felt as a neighborhood that this project was certainly an improvement to our community which was the intention of the neighborhood revitalization. The city should appreciate our willingness to stick our necks out and provide the initial cost. We know we were being good citizens and are an asset to the area. We do not want this neighborhood to fall into neglect.

In addition to the \$150,000 for the main sewer line 8 homes elected to hook up, paid an additional \$12,000 each to abandon the septic tanks and run a line to the main sewer. Part of this cost included a one time sewer improvement fee, or hook up fee, of approximately \$4,600 based on lot size.

As of July 1st 2014 that hook up fee is changing to \$2,046 based on water meter size.

Had we 8 owners been aware of this change, there is no doubt that most of us would have elected to wait and hook up after this new fee was effective.

We know this project was an asset to the city and the community. We are proud of the fact that our neighbors trusted each other enough to go forward with this south Scottsdale revitalization program. We are unaware of any other community in Scottsdale that attempted to do so and was successful. The city now benefits financially from our efforts.

The city had no initial cost or liability for this project, and assumed ^{ownership} control of the sewer line once it was completed.

We 8 homeowners feel as though we should be given consideration for a rebate, refund, or credit toward our water bill of approximately \$2,600. This is the difference between what we paid and what other people in our neighborhood will pay when they are ready to hook up.

This refund would cost the city about \$10,000, and we think this is a bargain for the city as we provided the basic cost of \$150,000 out of our pockets, and were ^{late} reimbursed only when the project was completed and signed off by the city. Dec. 2013

Richard B. Nickum
6850 E. Paradise Pkwy. Scottsdale, Az. 85251
480-949-8305

Cell# 623-476-6171

E. mail - marymom06@yahoo.com

1 Kevin Savage

2 Paul Malin

3 Ruth Nelson

4 James R. Ruhlberg

5 Trish Moore

6 Richard B. Nickum

7 James L. Munnier

8 A. H. McCall

TIMELINE

- 06/01/11 Arizona legislature enacts S.B. 1525, substantially revising A.R.S. 9-463.05 (governing how cities can calculate development fees and requiring cities to establish conforming development fees no later than August 1, 2014). Developers had argued that cities were using development fees to fund expenses that were unrelated to the infrastructure and other costs associated with proposed development. The revised statute required cities to trim the fat and align fees with reasonably factually based impact on affected city resources.
- 10/18/11 City's Water Resources and Financial Services Departments author Amendment C to the Infrastructure Improvements Plan noting that the City was in the process of updating its water and waste water master plans in order to amend the City's Infrastructure Improvements Plan "and any required City Code changes prior to August 1, 2014 to comply with the new legislative changes." See p. 3
- 01/16/13 Nickum and Richardson meet with City (Doug Mann) to discuss possibility of neighbors building a sewer line that will intersect with newly constructed sewer line built on N. 70th Street by a developer
- 02/08/13 Initial neighborhood meeting with Mann at Nickum home
- 06/05/13 Second neighborhood meeting with Mann at Nickum home
- 06/12/13 Neighbors open escrow to fund sewer construction
- 08/01/13 Dig permit for sewer issued (Performance Underground is contractor)
- Sept/Oct/13 Petitioners pay wastewater development fees
- 02/25/14 City Council adopts revised fee schedule reducing wastewater development fees by more than 50%. Although public records don't reveal precise timing, given the time and effort required to develop a fee schedule that complied with the Arizona legislative mandate, it's obvious that water department and other City staff had long been working on a revised fee schedule and were well-aware that wastewater development fees would be reduced.