
This document was created from the closed caption transcript of the August 28, 2019 City Council Regular Meeting and has not been checked for completeness or accuracy of content.

A copy of the agenda for this meeting, including a summary of the action taken on each agenda item, is available online at:

<https://www.Scottsdaleaz.gov/Assets/ScottsdaleAZ/Council/current-agendas-minutes/2019-agendas/08-28-19-regular-agenda.pdf>

An unedited digital video recording of the meeting, which can be used in conjunction with the transcript, is available online at:

<http://www.Scottsdaleaz.gov/Scottsdale-video-network/Council-video-archives/2019-archives>

For ease of reference, included throughout the transcript are bracketed "time stamps" [Time: 00:00:00] that correspond to digital video recording time.

For more information about this transcript, please contact the City Clerk's Office at 480-312-2411.

CALL TO ORDER

[Time: 00:00:02]

Mayor Lane: Good afternoon, everyone. Nice to have you here with us. I would like to call to order our August 28th, 2019, city council meeting. It's approximately 5:00. Let's start with roll call.

ROLL CALL

[Time: 00:00:14]

City Clerk Carolyn Jagger: Mayor Jim Lane.

Mayor Lane: Present.

City Clerk Carolyn Jagger: Vice Mayor Linda Milhaven.

Vice Mayor Milhaven: Here.

City Clerk Carolyn Jagger: City Council Members Suzanne Klapp.

Councilwoman Klapp: Here.

City Clerk Carolyn Jagger: Virginia Korte.

Councilmember Korte: Here.

City Clerk Carolyn Jagger: Kathy Littlefield.

Councilwoman Littlefield: Here.

City Clerk Carolyn Jagger: Guy Phillips.

Councilman Phillips: Here

City Clerk Carolyn Jagger: And Solange Whitehead.

Councilwoman Whitehead: Here.

City Clerk Carolyn Jagger: City Manager Jim Thompson.

City Manager Jim Thompson: Here.

City Clerk Carolyn Jagger: Acting City Attorney Joe Padilla.

Acting City Attorney Joe Padilla: Here.

City Clerk Carolyn Jagger: City Treasurer Jeff Nichols.

City Treasurer Jeff Nichols: Here.

City Clerk Carolyn Jagger: City Auditor Sharron Walker.

City Auditor Sharron Walker: Here.

City Clerk Carolyn Jagger: And the clerk is present.

Mayor Lane: Thank you. Couple items of business for us to know. We do have cards if you want to speak on the subject or for public testimony. The white card that the City Clerk is holding up over her head right here to my right, if you want to speak on any of the agenda items and/or public comment. There is now a yellow card above her head for written comments. You can write on any agenda items which we will read during the proceedings. This afternoon we have Police Officers Jerry Makai and Tony Wells as well as Ned Greenley from the Scottsdale Fire Department. And here to assist you in any matter but they're here in front of me up there. And the fire department is over here as well. Thank you for being here, gentlemen. The areas behind the council dais are for the council access only. There are restrooms are to my left for your convenience. If you have any difficulty hearing the proceedings, we have hearing assisted aids here at the clerk's desk here. You can ask any one of the staff or the city clerk if you have a need there.

PLEDGE OF ALLEGIANCE

[Time: 00:01:49]

Mayor Lane: So tonight for tonight's pledge of allegiance, we have the Daughters of the American Revolution with us. Welcome, ladies. Thank you for being here for us. And so this is the Winfield Scott Chapter. I will tell you that following the invocation, we will be reading a proclamation for them in regard to the Constitution Week taking place in September. We will go with the pledge and the invocation, we'll get to that later. If you would, ladies. If you're able, please rise.

Daughters of the American Revolution: 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 Lane: Thank you, ladies. Want to make some introductions. You can do that or we can -- let's do that with the proclamation. We'll do that. So stand by for that.

INVOCATION

[Time: 00:03:02]

Mayor Lane: We have Reverend Cathy Clark of Saint Stephens Episcopal Church here to give us the invocation. Pastor, please or reverend.

Reverend Cathy Clark: Thank you, Mayor. Thank you for the invitation. Pleased to offer the invocation this evening. Divine wisdom, as we gather here today as members of city council, we pray that we are ever mindful of opportunities to render our service to fellow citizens and to our community, keeping in mind always the enduring values of life, exerting our efforts in those areas and on those things upon which future generations can build with confidence. Let us continue to strive to make a better community. We are thankful for this day, for its blessings, its opportunities, its challenges. May we appreciate and use each day that it comes to us. May we be given strength and guidance for each as it comes, for each day's duties and problems. May we be challenged to give our best always. Let us continue to strive to make a better world. May it be so.

MAYOR'S REPORT

[Time: 00:04:35]

Mayor Lane: Thank you, reverend. Moving along to Mayor report, which I just gave some little insight into. We had the Daughters of the American Revolution, Winfield Scott Chapter here for constitution week proclamation. I'll ask if they would come forward here to the front, but I will read the proclamation and join you down there for a picture with that as well.

The proclamation is, of course, for Constitution Week. Whereas September 17, 2019, marks the 232nd anniversaries of the drafting of the Constitution of the United States of America bit constitutional convention. Whereas it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation and whereas at the request of the Daughters of the American Revolution Winfield Scott Chapter, Scottsdale officially recognizes the celebration which will commemorate the

occasion and whereas Public Law 915 guaranty the issuance of a proclamation each year by the President of the United States of America designating September 17th through the 23rd as the Constitution Week. Now, therefore, I W.J. "Jim" Lane, Mayor of Scottsdale, Arizona, proclaim the week of September 17th as Constitution Week and ask our citizens to reframe the ideals and framers of the Constitution. Remembering that lost rights may never be regained. In witness whereof, I have here unto set my command cause to be affixed of the seal of the City of Scottsdale Arizona proclamation.

So I will like to make the presentation to you. If you could, Kelli, if you could position yourself accordingly.

PUBLIC COMMENT

Mayor Lane: Okay. So we have -- this is a point of time for public comment. We do not have any public comments being requested at this time. But just for note, the public comment is reserved for citizens' comments regarding non-agendized items for no official council action taken the on the items, limited to the issues of the jurisdiction of the city and speakers are restricted to three minutes. There are no cards now but there is another time at the end of the meeting if, in fact, it's requested again. You're on notice for that.

CONSENT AGENDA

[Time: 00:08:00]

Mayor Lane: Moving along from there, are consent items one through 16. We have one request to speak on Item 2. And Item 2 is Harper's Place Abandonment 4-AB-2019, request to adopt resolution 11538 authorizing the 2 feet of public right-of way along the eastern boundary of parcel number 131-02-110N. A request has been made to speak on the item by Ambria Hammel.

Ambria Hammel: Hi. As a resident, the proposed project area I'm following up on the comment I made and submitted to the Design Review Board in spring 2018. and a comment I e-mailed this past June when I couldn't attend about the project in person. It's not specifically regarding the easement alley thing but about the project and idea for the project in general. Each time I express concerns about safely getting traffic from the proposed new residence to access southbound Hayden Road it's doable but risky. [inaudible].

Mayor Lane: Miss, I'm sorry. Be mindful of using the microphone.

Ambria Hammel: Here's the project area. It's concerning for traffic coming out this way to go south or there's going to be an exit driveway here and get in the left turn lane and make a U-turn. Meanwhile, competition from traffic coming here who want to go northbound. This is a central meeting point. There's been accident like in the Springish 2018 before that meeting. And then you also have traffic coming from Wilshire heading south on Hayden as well. Now they got to watch this traffic and the darting across U-turn traffic here. I think it's something to keep in mind. The wait times to exit there, they can be two and three cars back at peak traffic hours. Even last night running an errand, I had to come at 6:30 on the dot, within the center lane. Sure enough, a car came in the center lane to turn to Virginia. they were heading southbound, had to wait for me to clear. A police officer was there. I don't

know if they're specifically noticing it or not, but there was one there. I just want to suggest strongly a traffic study in the area and share the results. I happen to encounter a somewhat similar intersection in Gilbert - it's signal regulated. You have Baseline Road and some small side streets and a central meeting point and you have the whole proposed project area here. This is the overview in the Gilbert area. This is a review here that they did -- i don't know at what point. But this is my first time at the intersection. they did make it signalized there. Maybe check with them just to see what it looks like. I'm not sure. But be proactive in the whole traffic area rather than reactive. Thank you.

Mayor Lane: Thank you that does complete the public testimony. Seeing no other cards, I will entertain a request from council. I would accept a motion for the consent items one through 16.

Councilmember Korte: Mayor, I move to accept consent agenda items one through 16.

Councilwoman Littlefield: Second.

Mayor Lane: Motion made by Councilwoman Korte and seconded by Councilwoman Littlefield. No further requests for any comment from the second. Okay. We're ready then to vote. All in favor, please indicate by aye. Unanimous. Items one through 16 have been voted 7-0 unanimously. So if you're here for any of those consent items, certainly feel free to stay if you'd like. otherwise, if you would, leave quietly.

ITEM 17 – AT&T PIMA INN (P217) CONDITIONAL USE PERMIT (38-UP-2011#2)

[Time: 00:12:45]

Mayor Lane: Moving along to our next item, which is in Regular Item 17. This is the AT&T Pima Inn P217 conditional use permit 38-UP-2011 number 2. Could you move the conversation outside, please.? Excuse me. Thank you. Our regular agenda item is AT&T Pima Inn conditional use permit 38-UP-2011 our presenter being at the podium.

Telecom Policy Coordinator Keith Niederer: This is case 38-UP-2011 number 2, AT&T site P217. It's a conditional use permit for a type four wireless communication facility. The site is located at the Days Inn and Suites at 7330 North Pima Road, request for a type four conditional use permit, alternative concealment facility in the form of an existing 60-foot tall artificial palm tree.

The palm tree has been in place at the facility since it was installed in 2013. The facility was approved with case 38-UP-2011 on September 11, 2012. Conditional use permits are valid for a period of five years. This particular wireless facility was allowed to lapse because this Days Inn was approved to be redeveloped. That would have impacted the location of the cell site. The owner decided not to redevelop the property, so AT&T or Crown Castle wishes to leave the facility in its current location.

The site is located at the northwest corner of Inner Circle and Pima Road. To the north you have the Pima Inn Condos. To the south, the Sand Scottsdale Townhomes. To the east, you have the new Great Wolf Lodge, a resort, on the Salt River Indian Community scheduled to open next month.

Here's a close-up birds eye view of the facility. The 60-foot fall artificial palm tree is shown here near where I have the yellow star. The zoning on the property is R5-PCD, which is a multifamily district. The district does allow for hotels with a conditional use permit. It also allows for wireless communications facilities.

This facility, this type four facility requires a conditional use permit because it exceeds the maximum allowed height of the zoning district, in which case is 36 feet and the existing tower is at 60 feet. Here's an existing forecast of the site looking west from Pima Road. Again, the facility is 60 feet in height. If the facility is approved tonight and allowed to stay, AT&T has agreed to replace all the fronds that are on the tree as they've faded from the sun over the years and damaged it from monsoon winds and so on.

Here's a photograph of the new Great Wolf Lodge. This is directly on the other side of Pima Road on the Salt River Indian Community. Here's a photograph of the facility. This is looking from the southeast corner of the subject property. This is the -- as I mentioned earlier, this property was approved to be predeveloped into a high-end place hotel that would have impacted the existing location the artificial palm tree is at. At that time the plan was to relocate the facility from this area at the southern portion of the site up to the northeast corner of the site. There's currently a Verizon artificial palm tree going in right where I have the cursor. AT&T was supposing to directly south of that and then Sprint's, which is in a flag pole in front of the hotel, there was also going to have a palm tree here. As I mentioned, the owners put the redevelopment on hold. So all the existing sites are, at least at some point, planned to remain where they are with the exception of the Verizon site which is currently under construction.

Again, here's just a simulation or streetscape elevation of what the hotel would have looked like looking from Inner Circle and Pima. As I mentioned, there are existing cell sites on this property. You have the subject AT&T site on the south side of the property indicated with the yellow star. you have T-Mobile up here on the roof of the condo development, which has been in place since 2002. then you have Sprint which is an artificial -- or -- it's in a flagpole, which has been in place since 2000. Then where the red star is you have the Verizon palm which is currently under construction.

There are five conditional use permit criteria I have on the screen which is what it's reviewed for or against when granting conditional use permits. Many have to do with the views and the size of the facility. There are existing palms on this site, existing live palm trees on the site as well as there's some height in the area with Great Wolf Lodge to the east.

There has been neighborhood outreach done on this. Back on April 19th of this year, the applicant mailed notices to property owners within 750 feet of the property. Then after the conditional use permit application was made May 17th, staff mailed out postcards to property owners within 750 feet letting them know that the application was submitted. I believe there were 369 postcards sent out. June 19th of this year, staff received a petition from nearby residents opposing the application and the copy of that petition is attached to the council report. I believe it was also submitted to the city clerk yesterday as well as some additional notification, and that was put on before tonight's meeting. that happened yesterday. Ms. Demato brought that petition in.

That concludes staff's presentation. The applicant is here to give their presentation, and I'm happy to answer any questions you may have.

Mayor Lane: Thank you, Keith. Yes, we'll go ahead and hear from the applicant, yes.

[Time: 00:20:20]

Applicant Representative Scott September: Good evening, Mayor, Council. My name is Scott September. I'm the zoning manager for Crown Castle. 2055 South Steerman Drive, Chandler, 85286. Crown Castle is the company that now owns the palm tree that AT&T is located on. That's why we're here this evening to secure this conditional use permit and present this proposal to you.

I'd like to start with explaining who Crown Castle is. Not everybody's heard of us. Crown Castle is more than just a tower company. There are companies out there that do just own towers. Crown Castle is a shared communication infrastructure provider. We actually have a full staff in-house legal team to make sure our sites are in compliance with all state and federal EPA, FAA, and FCC requirements. We have a safety program that includes yearly ground-based safety inspections of all our towers and an incident response disaster recovery program to help put sites back online in the event of a catastrophe or emergency and 24/7 network operations center monitoring all critical systems at our sites and accepts calls 24 hours a day.

Why is the use permit necessary? Why are we here tonight? Quickly, in 2011, Scottsdale approved a conditional use permit for AT&T to install and operate a wireless communication facility at the address under certain conditions of approval on Pima Road. I actually worked at AT&T in 2011 when the site was originally approved and was standing at this exact podium. In 2014, Crown Castle purchased a nationwide portfolio of towers from AT&T and became the owner of this site. In 2017 while working with the Pima Inn owner and staff, Crown Castle allowed their CUP to expire in anticipation of moving the site. Today the Pima development is on hold as explained already.

Crown Castle seeks to renew the CUP to remain in compliance with the originally approved CUP. The site is an allowable use and in compliance. Wireless communication facilities are conditionally permitted in R5 zoning districts. The characteristics of this tree are designed to blend in with the other trees in the area. This existing communication facility has been in compliance with the city ordinance since built in 2013. Other than our currently expired CUP, it continues to meet the requirements as stipulated.

The shape of the site blends in with the live palms in the facilities facility. We have agreed to replace all fronds as you saw from the previous photo. They're starting to gray a bit and don't look like they should. We want to have good examples of palm products or any tree product. We've agreed to replace all and add an additional six or eight palm fronds to give it a better look and use something different. A mix of 10-foot and 8-foot long fronds to give it a more natural look. That's new technology in the themed environment.

Why is this site important? Well, today 90% of households have at least one mobile phone. 48% rely exclusively on mobile phones. 70% of 911 calls are generated from mobile phones. In the past, when you talk about a cell site, macro tower like this, we were talking about just coverage. Today it's different. We're talking about coverage and capacity because the way we use our phones has changed

dramatically in 20 years. This site would have a significant impact on neighborhoods and business if it were to go away.

Here are coverage objectives. The neighborhoods west of Pima road, and there's over 1,000 homes and businesses east of Pima Road. Salt River Fields, along with Pavilions, are all coverage objectives to provide coverage. The site also has capacity offload objectives to support the other neighboring sites around it. Highway 101 has 168,000 cars a day. Pima road, 4700. Indian Bend, 17,000 and change. These statistics are from the Arizona Department of Transportation.

This is an RF propagation map. We can't see RF in the air. If we could, this is what we think it would look like. A computer generates this to give an idea of what the coverage would look like. This map is designed to show the indoor signal strength and currently the Pima Inn site is not carrying traffic and it will be the site that ends with 1217 right in the middle. Right now, they're showing the site not carrying traffic. Let me explain the colors quickly. Red, hot - that would be the best level of coverage. Then you go into the orange and yellows and the level of coverage continues to become weaker and weaker.

Here's the same map with the signal strength of Pima Inn turned on. I'll toggle back and forth. Without Pima Inn, with. Without, With. You can see how significantly the coverage improves. One thing notable is the coverage appears to improve more on the east side of Pima Inn. Pima road. This is so complex, it has a database of the homes and the buildings and the structures. So if you look west of Pima Road, you'll see a bunch of dots, orange and red, yellow and red dots. It's trying to show us what the coverage could look like inside the homes versus outside the homes to the east of Pima Road when the data was gathered. There was nothing there it simply shows the highest level of coverage.

Now, this shows the Pima site performing without other neighbor sites turned on. I'll go back one. you can see the other site numbers around the Pima inn site are performing. You can see they're red closest to where the numbers are. Here everything's turned off except for Pima Inn. You can clearly see the coverage and capacity it provides. So the RF search area for the site was created and the candidate selection process is fairly specific.

You have to meet certain criteria. The circle you see is from an engineer who said this is where we need a site to meet our network requirements. A candidate has to be in the search area. We can't look outside the area to meet the gap. The candidate inside has to meet the objectives. The engineer tells everybody how tall it needs to be, what direction it needs to face. There can't be anything around it blocking it, buildings or trees or topography. The candidate must be leasable, zonable, buildable. If you meet the criteria, you have a peen candidate.

I want to share the alternate candidate analysis. East of Pima road is SRPMIC. We, Crown Castle, have not been able to come into a mutual agreement with SRPMIC on any of their properties. We can't come to terms. So we could not lease on the east side of Pima Road. The land west of Pima Road is residential, so it's not zonable. The roof of Pima Inn is something we looked at. However, the structural capacity was not sufficient and it also wasn't high enough to meet the RF engineer's objectives. It was not buildable or meet the RF objectives. Those are the potential candidates we looked at years ago before we chose this particular location.

In summary, the existing wireless communication facility is and has been in compliance with all applicable zoning codes since 2013. Without this site, there would be a significant gap in the coverage and capacity for AT&T, their customers, and your constituents. This continues to be the least intrusive means to meet the coverage and capacity needs of the community. Thank you very much for your time. I'm available for questions. I have time to spare.

[Time: 00:30:06]

Mayor Lane: Thank you, Scott. Appreciate that presentation and the information. We do not have any cards on this particular topic at this time. And so I'll look toward the council for either their comments and/or a motion. Vice Mayor Milhaven.

Vice Mayor Milhaven: Thank you. I make the motion to find the conditional use permit criteria have been met and adopt resolution number 11537.

Councilwoman Klapp: Second.

Mayor Lane: Motion made by the Vice Mayor and seconded by Councilwoman Klapp. And with that, no further comment on this. I will say we are ready to vote. Those in favor, please indicate by aye. Oppose with nay. It is unanimous, 7-0 in favor of it. Thank you very much for the information and presentation. and that does complete that item.

That does actually complete our business for this meeting, believe it or not. I don't have any further indications for public comment. We have a citizen's petition that's been presented before us before the meeting.

City Clerk Carolyn Jagger: Your Honor.

Mayor Lane: Yes?

City Clerk Carolyn Jagger: That was not presented as a citizen petition, otherwise we would have had the citizen here to present it, plus it's an item already on the agenda. I think it was just expressing opposition to Item 17.

Mayor Lane: Understand. So under that basis, there really is not a need to -- yeah -- to -- it's a nonissue. Okay. Well, then, with that set aside, then. Any further Mayor and Council items?

ADJOURNMENT

[Time: 00:32:09]

Mayor Lane: Seeing none. I would ask for a motion to adjourn.

Councilwoman Klapp: Move to adjourn.

Councilman Phillips: Second.

Mayor Lane: Can we get a second? Or are we all going to be here. Okay. No. I'm sorry. Motion to adjourn made by Councilwoman Klapp and seconded by Councilman Phillips. All in favor please indicate by aye. We are adjourned. Thank you very much for being with us.