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#### **CALL TO ORDER**

[Time: 00:00:00]

Mayor Lane: That was my quiet gavel, I guess. The silent gavel. Thank you all for being here. It's always good to have a great enthusiastic crowd. So we have got our -- it's approximately 5 p.m. Actually, we are running a little late. I apologize for that. I would like to call to order our July 1<sup>st</sup>, 15, city council meeting. This is a regular meeting. We will start with a roll call, please.

#### **ROLL CALL**

[Time: 00:00:24]

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: Councilmembers 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: David Smith.

Councilman Smith: Present.

City Clerk Carolyn Jagger: Acting City Manager Brian Biesemeyer.

Acting City Manager Brian Biesemeyer: Here.

City Clerk Carolyn Jagger: City Attorney Bruce Washburn.

City Attorney Bruce Washburn: 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 very much. We do have cards if you would like to speak on any of the agenda items and/or public comment. Those are the cards that the city clerk is holding up over her head here. There are yellow card are for written comments for any items on the agenda that would you like to give us written comments on, we will read them through the course of the meeting. We have Police Officer Dave Shurr and Detective George King are here to assist. And we also have, if we have any medical emergencies, please see the Scottsdale fire representative for assistance and he is, I believe, right straight -- where am I looking? Right back here. Right back here. And so if you have any need for their assistance on any of those levels. The other areas behind the council dais are reserved for the councilmembers and staff. We have rest rooms under that exit sign here to my left for your convenience.

**PLEDGE OF ALLEGIANCE**

[Time: 00:01:45]

Mayor Lane: This evening, we have -- we are pleased to welcome the Special Olympians, Scottsdale Bobcats, a great group of athletes who participate in the city's adaptive recreation program. Today we have two that will be giving us -- or I should say -- say leading us in the Pledge of Allegiance. So if you would please move up to the microphone. And if you can, please stand. Any time you are ready.

Scottsdale Bobcat Special Olympians: 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. So if we could turn that microphone around, you can introduce yourself and tell us.

Scott Harkness: My name is Scott Harkness. I live in Bobcat. I'm a coach for the Special Olympics. And I do track and field, and I do sports and stuff. So thank you.

Martha Bersey: My name is Martha Bersey. I'm also with the Scottsdale Bobcats. I do swimming, basketball, track and field and bowling and you just want to say, go team U.S.A. for the World Cup soccer!

**INVOCATION**

[Time: 00:03:22]

Mayor Lane: Very good and thank you very much for all of that. And now Pastor Rob Gaschler of the Pinnacle Church, who has been very active with us in Operation Fix It, in helping those in need in our community. Thank you very much for being here pastor. Thank you. He will provide the invocation. Thank you.

Pastor Rob Gaschler: Would you bow your heads with me? God of all creation, we come before you today to give you honor and praise. You are worthy of our praise. You are the source of all that is good. You are the source of all of our blessings and you have ordained government to carry out justice in our communities. We thank you for every gift that you have given us and we thank you for the opportunity to come together today and make plans for our great city. We pray your hand of blessing on this meeting. We pray that you would guide and direct our meeting so that it is full of wisdom, productivity, and respect for one another. Thank you for helping us to accomplish our work and our goals for this day. In your mighty name, amen.

**MAYOR'S REPORT**

[Time: 00:04:44]

Mayor Lane: Amen. Thank you. I have a little bit of an early proclamation. August is considered the drowning impact awareness month. And since we will be going on our recess through the latter part of August, I thought it would be better to go ahead and talk about it now. In case you haven't noticed, summer has started. And so we -- each year, drowning incidents around the valley, remind us of the importance of water safety. Families will be cooling and promoting around the pool and by educating families by promoting drowning prevention programs we can avoid these types of tragedies.

In honor of drowning impact awareness month, which it will be in August officially, I would like to read this proclamation. Drowning impact awareness month will raise awareness that the number and the impact of child drownings in Arizona affect everyone. And where the drowning incidents in Arizona takes the lives of an equivalent of a classroom of children each year; and whereas, a child drowning can happen to any family, regardless of education, race, or socioeconomic background; and whereas, families can take simple steps to protect their children around water to avoid the tragedy of the unnecessary loss of life; and whereas, water safety remains a priority to Arizona families, communities and government, and the water watchers of Phoenix children's hospital; and whereas, keeping children healthy and safe is a great goal, of water watchers of Phoenix children's hospital, fire departments and other prevention institutions in Arizona, raising awareness will increase understanding and education of effective ways to prevent drowning.

So I am today proclaiming certainly that August is a drowning impact awareness month, but I certainly would like to extend these cautionary remarks and the words within this proclamation to the entire summer. Stay vigilant on that. And just be sure that children are always supervised around water. The city of Scottsdale does offer swimming lessons for all in our community. So we ask if there's a void in that capacity, we ask that that's something to be learned to avoid drowning. I wish you all a safe summer.

**PUBLIC COMMENT**

[Time: 00:07:26]

Mayor Lane: Next order of business we have is for public comment, and I need to make the announcement that public comment is reserved for citizen comments regarding non-agendized items with no official action taken on these items. The speakers are limited to three minutes. We reserve up to only for five speakers, three minutes each and there will be another opportunity at the end of the meeting if there's a need. At this point in time we have two requests to speak for public -- on public comment and we'll start with Enid Seiden.

Enid Seiden: Are we on? We are on. My name is Enid Seiden. I reside at 13436 East Desert Trail. I am a commissioner on the city of Scottsdale Human Services Commission. Mayor Lane, and members of the council, research shows that a sustainability factor for cities comes from an open and diverse environment, creative and talented people of all kinds use the LGBT inclusiveness of a city to

see how well they will acclimate to the city. Cities that are perceived to be LGBT inclusive have a higher measure of economic growth. Competition to attract new businesses to our community is fierce, as you well know. Most people today have a relative, a friend, an acquaintance or a business associate who is a member of the LGBT community. An antidiscrimination ordinance shows that Scottsdale is an inclusive, tolerant community. Our country is moving in a direction that more and more is bringing people together. Scottsdale needs to be in the forefront of this growth, not in the background. Scottsdale calls itself the most livable city. We use this expression in our advertising, or in the labeling of our signs. Let's make it the most livable city for all members of our community. Thank you.

[Time: 00:09:53]

Mayor Lane: Thank, Ms. Seiden. Next is Raoul Zubia.

Raoul Zubia: Good afternoon, mayor, members of council. My name is Raoul Zubia, I reside at 411 North Drinkwater. I come to you not only as a citizen today, but also as the chairman of the Human Services Commission. The Scottsdale Human Services Commission believes in protecting all citizens. Our mission is to ensure that this -- that those who need the support of the city council the most are valued members of the city. Yet nearly 65% of Arizonans still lack basic legal protections from discrimination at home, at work, and in public places. That includes both visitors and residents of Scottsdale. That is why the Human Services Commission respectfully requests that the council reconsider initiating the public outreach process for a fully inclusive nondiscrimination ordinance. As we all know, Scottsdale is a great city to live in. We are the envy of a lot of people as evident by the tourists that seem to come here between January and April. Having a nondiscrimination ordinance would ensure that the LGBT citizens and visitors of Scottsdale are protected equally under the law. It would fill the Scottsdale's promise as being as Enid said the most livable city and not just for some, but for everyone. On March 31<sup>st</sup>, you heard from the business community asking to be regulated on this. You heard from clergy and Scottsdale residents as to why a nondiscrimination ordinance in Scottsdale is important. Today you are hearing from the community leaders appointed by this council to serve on the Scottsdale human services commission in that we need this ordinance. We need it because we need real policy in Scottsdale, one that holds everyone accountable, from hotel receptionists to landlords to restaurant servers. No one deserves to be treated differently simply because of who they are or whom they love. Citizens of Scottsdale deserve the opportunities to have a public dialogue about this. Thank you.

**ADDED ITEMS**

[Time: 00:12:34]

Mayor Lane: Thank you, Raoul. That completes the public comment at this time. So we've got a couple of other items that we will likely need to -- we have a consent item, 27A, irrigation water distribution systems pipeline capacity agreements. That, I believe, requires to have a vote to be included on the agenda as indicate. Am I correct, Ms. Jagger?

City Clerk Carolyn Jagger: We have A1, and we have two items that were added.

Mayor Lane: 27Aa and 27B too.

City Clerk Carolyn Jagger: Yes, your Honor.

Mayor Lane: So that comment follows the second item. Taking one at a time, we do have that consent item as just mentioned. Do I have a motion to accept the agenda as presented or to continue the items?

Councilmember Korte: So moved to accept.

Councilwoman Littlefield: Second.

Mayor Lane: And -- and if it's already, there is a first and a second on that. Was that understood to be both items?

Councilmember Korte: Yes.

Mayor Lane: Yes. Okay. All right. Then we have the motion and the second and I think we are then ready to vote. All those in favor of keeping these items on the agenda as presented, as per the motion, please indicate by aye and register your vote. And nay if you are opposed. It's unanimous, as indicated. So those items will remain on the agenda as has been indicated.

## **MINUTES**

[Time: 00:14:02]

Mayor Lane: Next order of business is if there are any adds or deletes to the minutes presented to us previous to the meeting. Seeing none and no indication, do I have a motion to approve the special meeting minutes of June 2<sup>nd</sup> and 3<sup>rd</sup> of 2015 and regular meeting minutes of June 2<sup>nd</sup> and June 3<sup>rd</sup> of 2015.

Councilmember Korte: So moved.

Councilwoman Klapp: Second.

Mayor Lane: A motion has been made and seconded. A motion to approve those minutes as indicated. I see no further comment on it. We are already then to vote. Please indicate by aye if you approve and nay if you oppose. And register your vote. It's unanimous to accept the minutes.

## **CONSENT AGENDA**

Mayor Lane: Okay. Then we have a consent item, one 27b, and we have a request to remove item

21, I should say items 1 through 27b, and we do have a request to remove item 21, the college football game championship event. That's a request by staff and it doesn't require a vote from us. That's removed from our consent items. So if you are here for that item, please be noticed that it will not be heard today. All right. So we do have the remaining consent items 1 through 27b. I do have requests to speak on a couple of these items. And I probably should mention to excuse me -- that I'm going to ask move item 24 to the regular agenda for a separate vote and a separate presentation. And for presentation. So consent items 1 through 27b, accept a motion -- well, let me first hear from the items on 14. Pardon me.

**ITEM 14 – WILDCAT HILL REZONING (17-ZN-2014)**

Mayor Lane: We have two requests to speak on item 14 and item 14 is the Wildcat Hill rezoning, 17-ZN-2014 and this is a request to adopt ordinance 4214 to approve the zoning district map amendment from single family residential, environmentally sensitive lands R1-190/ESL, zoning to single family residential environmentally sensitive lands R1-70/ESL. So requests to speak, let's start with Steve Miley, is it?

[Time: 07:17:04]

Steve Miley: Mayor Lane and members of the city council, good afternoon. My name is Steve Miley. I live at 38127 North Boulder View Drive. I also own an undeveloped residential lot at 3815 North Boulder View Drive. Both of those properties are adjacent to the Wildcat Hill project. I support the project for a number of reasons. There's very adequate buffers between the eight lots in wildcat hill and residential lots on boulder view drive. There's a 200-foot buffer. In addition, there's a 60-foot rear setback for those homes in those eight lots. So as a result of that, there's very reasonable buffers for the project. Additionally, on Cave Creek Road, there's a scenic buffer that's been increased to 300 feet. There's been a conservation easement set aside for the wildcat hill outcropping, which will keep that in conservatory-type ownership. There will be 11 viewer driveway crossings of existing washes in the wildcat hill property. The members of the wildcat hill team have been very open and forthcoming to the neighbors. They had a residential neighborhood meeting in September, and additionally, they attended our Vista Via H.O.A. in December, describing the project and having a Q&A session for those who did not attend the September meeting. All things considered, I believe this will be a high quality subdivision that will add value to the local area and I fully support it. Thank you.

[Time: 00:19:10]

Mayor Lane: Thank you, Mr. Miley. On the same item is Felix Shaskan.

Felix Shaskan: Hello, Felix Shaskan, I live in Carefree. I do own property also within the confines of the proposed Wildcat Hill development. I have owned this property for almost 18 years. I have been unsuccessful in developing it and marketing it. We have seen various developers come along over the last 15 or so years. Fortunately, the principals of Wildcat Hill are very decent to communicate with, and I'm in full support of the development as I feel that city water, city service will

enhance my position. Thank you.

Mayor Lane: Thank you Mr. Shaskan. That completes the testimony on that item. And so we are about that item, and those two indications of support for item 14. We do still have consent items 1 through 27b. I would ask to remove item 24 and item 21 was removed at staff's request. Do I have a motion on the remaining consent items?

Councilmember Korte: Mayor? I would move to approve consent items 1 through 27B, without items 21 and 24, and 24 being moved to the regular agenda.

Councilman Phillips: Second.

Mayor Lane: We have a motion and a second on that item. I think we are ready then to vote. All those in favor please indicate by aye. Those opposed with a nay. It's unanimous acceptance of those consent items. If you are here for any of those consent items, certainly you are welcome to stay with us for the rest of the evening. We plan to go long. No. But in any case, if you would please leave quietly so we will continue our work. That does complete the consent items.

**ITEM 24 – MOBILE INTEGRATED HEALTHCARE PRACTICE PROGRAM PROFESSIONAL SERVICES AGREEMENT**

[Time: 00:21:38]

Mayor Lane: We will move on to the regular agenda, which has the added item of 24. Everybody can move forward if they would like. All right. We have Chief Shannon here to talk to us about item 24. Thank you, chief.

Fire Chief Tom Shannon: Thank you, mayor and council. My contributions to the conversation should probably come after Michele Pabis, as they are the applicant for this opportunity. So if I can have Michele come up and talk a little bit about community medicine.

HonorHealth Intergovernmental Relations Director Michelle Pabis: Good evening, mayor, members of the council. For the record, my name is Michele Pabis, on behalf of HonorHealth, the healthcare and hospital provider for our community and also the largest employer. I'm pleased to be here to talk to you about the mobile integrated health care practice contract which we seek with the Scottsdale fire department. I know Chief Shannon and I had an opportunity to meet with many of you and introduce the program to you.

A brief recap, Scottsdale fire and HonorHealth has had a rich history. We worked on fall prevention for most vulnerable citizens to a recent purchase a few years ago of the transport monitors that allow us to transmit ekgs from the field to the hospital. We have a history of working together to be innovative and providing the best care to the community possible.

We have talked about how healthcare is changing. In the future, hospitals will no longer wait for you



to come to us. We are going to come find you, so that we can keep you healthy and keep you well. Part of this means looking at what our population is and what it needs and we have come to find that many of our citizens are frequent utilizers of the 911 services and our emergency department for primary care needs. There's a variety of reasons why that happened but we have come to find they are not getting the right care in the right place and costing the system more money and not getting the care they need.

So we approached Scottsdale fire with the opportunity to partner together, on a 12-month pilot, known as mobile integrated health care practice in which we are going to identify residents of Scottsdale that are high utilizers of the 911 system, as well as our hospital patients at risk for readmission. We then will have a nurse practitioner employed by honor health, as well as a captain paramedic from Scottsdale fire, working together to visit those residents and patients and developing a care management plan. The hope is that we will actually graduate folks from this program knowing that they now know how to navigate the system. We have them with the right resources and perhaps some wrap around services which social services will also be at the table to help provide.

HonorHealth decided we wanted to partner with the best and when we wanted to partner with the best, we found a Scottsdale provider. They are the preeminent provider and we feel like they are the valued partner. With that, I'm happy to answer any questions or give Chief Shannon the hard ones.

[Time: 00:25:12]

Mayor Lane: We will try to keep that in mind, Michele. I asked, actually to put this on to the regular so we could discuss it for a couple of reasons. One is principally, because I would like the public to know that just exactly what it is that we are working together on and what I consider to be an improvement and how we each individually not being the fire department in our emergency medical services along with honor health on their side, have both addressed this from separate and isolated positions, and to bring it together and to coordinate it I think that's a big positive when it comes to the accessibility of healthcare and the quality of it and its responsiveness as a community and as a health care provider.

There is only a couple things that I would also like to sort of mention and maybe get an affirmation of. So this may take the form of a question, but really from the standpoint of letting it be known. The understanding is that we will be working in a collaborative manner, and that the fire department is going to be continuing to do some of the things that they already do right now. But with a more effective way to transition from the E.M.S. services of the city to the healthcare provider and to make sure that it's proper follow-up when it's needed. All of things that Michele, as you did just happen to mention. This contract is, from what I understand, really there's own one additional component of cost and that is a compensation or a should say a reimbursement of what three-quarters of a fire captain, something along that line.

Fire Chief Tom Shannon: Mayor, members of the council, it will be the entirety of that captain/paramedics personnel cost.

Mayor Lane: Tough to divide them up. Yeah. So the entire. So that contract does indicate that. The only thing that I -- I wanted to make sure is that in the contract, that we -- it's definitive as to the division of liability and when I say that, I mean from the standpoint of services provided and whether there ever is a situation where we would be looking to be -- to make sure that the city is protected from something that might be more on the order of the healthcare provider. I don't know exactly how that's divided. I have not looked at the contract, but I did want to just get your assessment of that.

Fire Chief Tom Shannon: For the city's perspective, I might defer to the city attorney to further describe that and I think Michele can help to give you a sense what the honor health is doing.

City Attorney Bruce Washburn: Thank you, mayor. From the city's perspective, the contract provides that the city personnel be providing services that are already within their existing scope of service. And so therefore, while they might be engaged in more activities, they would be engaging in activities that are already essentially activities that the services of the city provides and therefore we would have the same liability coverage for those services that we have, that any circumstance that they provide them.

Mayor Lane: So we will be held to the same standards we are held to right now for the services that we currently provide?

City Attorney Bruce Washburn: Correct. Yes. In terms of the standard of care and things like that, yes, it should be the same standard of care.

Mayor Lane: And knowing your profession and certainly how these kinds of things go, as far as indemnification for one side or the other, is there a need for anything on that order or is it addressed?

City Attorney Bruce Washburn: Well, you know, mayor, from the city attorney's position, you know, we just prefer that all city employees went home and stayed in bed all day so that we never get sick. I don't mean to be flip about this but nobody can guarantee that we'll never have any exposure for anything. But, you know, we have taken a look at the way in which risk is managed in this contract, and we believe that it's a -- the risks are manageable from the city's perspective.

Fire Chief Tom Shannon: And Mr. Mayor, members of the council, it's important to probably point out that the medical director for this program is our very own medical director for our current out-of-hospital services and that's Dr. Castor Marin. Our E.M.T.s or technicians, they don't operate under a license. They don't practice anything. They are really an extension of the hand of Dr. Castor Marin and they will not operate outside his scope of practice, whether they are on emergent calls or this planned care which is an emerging part of out-of-hospital care.

[Time: 00:30:01]

Mayor Lane: Very good. And I think that's at least -- I do understand that just about anything can happen when it comes down the pike, but as Michele said, certainly wanting to work with the best,

obviously, minimizes some of it coming in their direction and I think we probably feel the same way, that those circumstances will undoubtedly come up, but that's the cost of doing business sometimes, and frankly, to perfect some things. So on the outside, there is no real change in budgeting for our capacity that the fire department needs to increase or otherwise expand.

Fire Chief Tom Shannon: Mr. Mayor, members of council, there are obviously operating and maintenance costs associated with providing the vehicle and the fuel associated with this program, however, it's important to remember its existing fleet and it's fleet that has been used over the last year, not only for pool purposes but also to do the recognizance that was required to really kind of frame up conceptual design of this program and any future programs. We essentially had light duty personnel, folks who were on transitional duty going out and finding out who -- who this client base is, and what their needs are and interacting with not only the clinical setting but also Bill Murphy's folks and the folks at the senior centers and really trying to understand who it is, what -- who is this population, and so I anticipate no additional impact to the budget associated with this program, in terms of O&M. We are already utilizing those items in a similar fashion.

Mayor Lane: It will be subject to operational maintenance items. I appreciate that answer, even at that. And incidentally, just so -- for anybody who is watching, again, congratulations on your tenth anniversary at the Scottsdale Fire Department.

Fire Chief Tom Shannon: Thank you.

[Time: 00:31:56]

Mayor Lane: Thank you, Michele. Councilman Smith?

Councilman Smith: Well, I think when I met with both of you, I told you I applaud this program. I think it has the potential to be a win for HonorHealth, a win for the city of Scottsdale and most importantly, a win for the citizens, those that will be served by this program.

I did express one reservation when I met with you and since this is now a matter of public discussion, I will express that reservation publicly. And that is if we get to the end of the year and find that the program has indeed saved money for honor health, for the city and for citizens, I don't want to be in the position of someone saying now, councilmembers, I want you to fund a person for this program for the next year in the police department, a captain or a paramedic or whatever it may be. If we have savings, those savings should fund whatever the personnel requirements may be in the future.

I think it's very generous of HonorHealth to offer to subsidize the city's cost for first year of trial, and I applaud them publicly as I did privately for doing that. But I by no means am signing up for a program of expanding the head count, the personnel, whatever of the fire department. If this program is going to pay for itself, then it must do so. I look forward to hopefully positive results in all regards a year from now. Thank you.

[Time: 00:33:36]

Mayor Lane: Thank you, Councilman. Councilman Phillips.

Councilman Phillips: Thank you, I move we adopt Resolution 10176, mobile integrated healthcare practice program professional services agreement.

Councilwoman Klapp: Second.

Mayor Lane: Thank you. We have the motion to approve. Would the second like to speak toward it?

Councilwoman Klapp: Yes. I agree with Councilman Smith about this. This is a great program and I very much am looking forward to seeing the results of it. I first became aware that the -- even the fire department itself was considering something like this before I heard that there was going to be a partnership between honor health and the fire department. In a meeting that we had, a community meeting related to the aging initiative in Scottsdale, the aging in place initiative and found some of the people from your department, chief, came to that meeting to listen to the concerns of the community about the people that are aging in Scottsdale and how we can better serve them. And then I heard about the light service duty people that were doing some of the things that you are planning on doing in this program and I just see those programs working together so well that I look forward to looking at the results of this program after the year.

You had noted that, yes, we have to tie up a vehicle for this program, but it would seem to me that we would, over the course of time, by using a smaller vehicle probably be saving money, not using the larger vehicles that are currently delivering people to hospitals, et cetera, because now you are going by a proactive approach, find ways to reduce the number of trips to the hospital, reduce the number of trips that are generated by 911. So ultimately, it would seem to me, it will be proof -- proved out over the course of the year, that we probably will be saving some money for utilization of our own vehicles and our own manpower and this kind of a program, to me, is a model for other cities to consider, in my estimation only, that we are working proactively with a healthcare system.

I think there's other cities that are considering doing similar things, but they are not doing it in partnership with a health care system. So this is new and this is really exciting, I believe, and it's something that I believe that we can be very proud that -- to the city and the honor health organization are planning to work together to bring forward something that can be looked at as a -- as a program that could be applied in other places. So I applaud your effort and I'm very happy to second the motion. Thank you.

Mayor Lane: Thank you, Councilwoman. I have no other requests to speak. Thank you again very much for making the presentation and explaining it to the public. So with that then, I think we are then ready to vote. And those in favor, please indicate by aye. Those opposed with a nay. It's unanimous in passage. Okay.

**ITEM 28 – DIAMOND MOUNTAIN ESTATES REZONING (1-ZN-2011)**

[Time: 00:36:55]

Mayor Lane: Next item on the regular agenda is item 28, it's Diamond Mountain estates rezoning 1-ZN-2011, it's a request to adopt ordinance 4197 to approve a zoning district map amendment from single family residential environmentally sensitive lands R1-190/ESL to single family residential environmentally sensitive lands R1-35/ESL on 25.62 acres and single family residential environmentally sensitive lands R1-43/ESL on 11.38 acres. So we have two items within that ordinance and then you find the zoning district map amendment is consistent and conforms with the adopted general plan. So we have Jesus here.

Senior Planner Jesus Murillo: Good evening mayor, members of the council, my name is Jesus Murillo, one of your planners with the city. I will apologize in advance for -- my presentation may seem lengthy. There's a lot of information that they want to have for the discussion on this case. It's 1-ZN-2011, also known as Diamond Mountain estates. It's been around since 2011. That's why it has a lot of history and a lot of information for it.

I will start by saying that when it first came in, it extended over two parcels which equaled 50 acres and the applicant was requesting 34 lots. Through discussions and through site visits, that eventually was dropped to 30. There were concerns with the neighbors as you will see in the presentation and hear from. So eventually the applicant amended the application to exclude the eastern most 13 acres from the application.

As you can see here, the site is located just east of the northeast corner of North Alma School Parkway and Jomax Road. We have the Desert Summit community located to the east. The recently approved Cavalliere Flats to the west and the Windy Walk Estates and Troon Village. You can see the area in yellow is the area that the applicant is requesting to rezone from the existing zoning to the two proposed zoning and excluding the 13 acres that you see this to the east. This was a large wash that was located on the site that's no longer part of this discussion, but there is a peak there that has been called out by the general plan, that character area plan that is a part of this discussion.

The general plan designated this area as rural neighborhoods and open space. The rural neighborhoods looks to have large lot residential units be it in subdivision or metes and bounds and the open space asks for permanent open space to be dedicated over those areas that have been deemed environmentally sensitive. The applicant has -- is requesting the density of .6 units to the acre. The rural neighborhoods designation allows for up to one unit -- one dwelling unit per acre and they will be dedicated permanent open space over the area, designated as open space, therefore they did not make a change in the land use. Therefore, there was no requirement. There was no requirement to amend the general plan that was a concern from some of the residents.

The site is also located within the Dynamite Foothills Character Area and what the character area does is it prides itself on trying to establish feelings of openness and protecting natural features and establishing a good trail connection. The Dynamite Foothills Character Area also states that the existing allowable densities as per of the existing general plan designation and zoning at the time of the adoption of the plan are appropriate for the area. Having said that, the council has approved six

different projects that have amended the densities within the area with the Desert Summit being the only one within that character area that was approved before the adoption of the character area.

And as you can see, I should point out, I'm sorry, the site of this orange square that you see just inside the boundary. So the site is zoned R1-190/ESL single family residential. And it has R1-30, and R-35 located to the east and that's all within the desert summit community. Recently, the recently approved R1-110/ESL to the west and to the south. So the applicant is requesting on those 37 acres to do the northern approximately 11 acres at R1-43/ESL and the southern approximately 26 acres at R1-35/ESL.

This is the proposed preliminary plat that is being provided with the zoning requests. I do want to mention that this case is tied to a 7-pp-2014, which is a preliminary plat. Since the preliminary plat has been submitted this project has changed severely. So right now this is not consistent with that application. So if approved, that application is going to have to change. If denied that application would have to be reconsidered.

There are also some concerns about the lands being located within the high NAOS priority areas. That's correct. Most of the northern portions of the city of Scottsdale are. The areas that you see here range from 9 lesser sensitivity to the more sensitive and as you can see here, usually the gray areas are areas that were already developed at the time that the ESL maps were put in place. As you can see here, it does state that it should be noted that these maps are review guides and are not mandates of are not NAOS. It's the ordinance and the design policy manual to figure out where things go.

In this case, the Desert Foothills Character Area states there should be no development over slopes of 15%. So staff have included a stipulation that this red area, shown here, which would coincide with those 15 -- those over 15% should be protected. Staff has stipulated that whatever that shape looks that these lots that you see here, these three lots be reduced to exclude those areas and not be its own tract. The applicant has not as of yet agreed to that. Obviously, we wanted to have the conversation in front of you have. But that's a stipulation that the staff has added to the report.

This is how the applicant chooses to lay out the NAOS. So in conclusion, for the technical side here, currently, there's .23 dwelling units per acre allowed on the property. The applicant is requesting .60. Another important thing to point out is that currently, for those 37 acres, the ordinance would require 14.25 acres of NAOS to be dedicated and the applicant has proposed dedicating 24.65. They are requesting .60, with .23 acres in the single family 5-acre lots that you see there. Recently there was a 1.7 dwelling units per acre approved to the west and northwest. The Desert Summit to the east has a .84 dwelling units per acre and to the south, 1.09.

So kind of in conclusion, because they did not request a density that was higher than the general plan, there was no need for a general plan amendment. The densities that they are requesting are just a little above midrange for what ordinance -- I'm sorry, the general plan allows for the area. The Dynamite Foothills does recommend that existing densities are appropriate. They have met the environmentally sensitive land ordinance required and even giving additional NAOS. They have done

that by proposing the clustering away from the peak to the less sensitive portion of the site. There's significant public comment. In fact, most of it opposition, and there has been a legal protest against this project. The preliminary plat as it currently exists does not -- is not consistent with what you are seeing tonight and the Planning Commission did recommend denial with the vote of 4-1. That concludes staff's presentation. The applicant is here to give their presentation and staff is here for any questions.

[Time: 00:45:31]

Mayor Lane: Very good. Thank you. And if the applicant would like to go ahead and make a presentation at this time.

Curt Johnson: Mayor Lane, my name is Curt Johnson, my address. I'm with the firm of Coe & Van Loo and I'm representing the applicant in this case. As you have seen, the issues here, the technical issues are met. And I could do a presentation to go into further detail on how we have met or exceeded the technical issues but this is not a technical issue discussion that we are going to have. It will be one of opinion. The technical issues have been met through city staff review.

It's the opinion of the adjacent neighbors that the professional staff in charge have created these documents that they are wrong in their opinion of their application and what we did to address their concerns, staff's concerns about the general plan, the Dynamite Foothills Character Area plan and the zoning ordinance requirements. It's also the adjacent neighbor's opinion that the concessions made by my client through the process of working through the -- as Jesus Murillo had mentioned, the 34 lots to 30 lots to 29, to 24 lots additional setbacks, readjustment of building envelopes, that those concessions that were made throughout the process also were not enough, and that in some cases, we have been asked to exceed, even though we are asking for r1-43 and r1-35, we have been asked to exceed the r1-190 standards and a lot of issues we had to deal with are the fact that the requirements being put upon us are greater than what the development requirements are for the neighbors around us, in most cases with setbacks and in some cases lot areas as well.

It was a the technical findings of city staff that we meet as I mentioned and as Jesus mentioned, the general plan, the Dynamite Foothills plan and the zoning ordinance. We are consistent with the current zoning adjacent to three sides of this project and we did provide a transition area to north because we do recognize that we have r1-190 on the north side. So we made attempts to provide a transition area with larger lots, with adjusted building environments. This application is also consistent with recently approved zoning politics in the same area.

My client has worked closely with city staff to make sure that all the conditions by staff were met or exceeded and that the fact that we have gone through many iterations of this plan over a long period of time and have had to meet staff requirements and have required -- or we are required to get staff approval each and every time, we were denied at Planning Commission and it was based not on the technical merits on this case but the opinions of neighbors' interpretation of the general plan, the Dynamite Foothills character plan and the zoning ordinance versus what city staff's opinion is of those same documents. We followed the process that was required by us for the zoning application.

We -- we support the efforts that city staff made in providing the direction necessary for us to meet these requirements or, indeed exceed them and we support their approval of this application and I'm going to make my comments brief because I understand there's probably going to be some people in the audience that also want to have a chance to speak. So I will be here for questions later. Thank you.

[Time: 00:49:23]

Mayor Lane: Thank you. And, yes, we will go to the public testimony on it. We do have a number of cards, probably about 10 and one with some donated time. So -- but I will start with Jeff Skoglund.

Jeff Skoglund: Mayor Lane, Vice Mayor Milhaven, distinguished council members, I appreciate this opportunity. My name is Jeff Skoglund, I reside at 11225, East Cavedale Drive in Desert Summit. I'm here on behalf of not only myself, but a number of neighbors that border this property on the east, who are out of town and could not be here tonight. When we purchased our properties, we were well aware of the current zoning, r1-190, which provides for one house for every 5 acres. We were also familiar with the general plan and the Dynamite Foothills character plan. Those things together gave us confidence that the magnificent property that was adjacent to us was going to be developed as it should be, one house per 5 acres. Now that confidence is shaken.

From our point of view, this plan is not in keeping with the policies of the general plan and Dynamite Foothills character plan. You have the general plan that suggests houses 1 to 5 acres. You have the character plan that suggests homes 2 to 3 acres being preferred and in the designation of rural neighborhood, it suggests that the landscape should be as untouched as it can be. What they are proposing, the numbers asides, math aside, is to triple the density that it currently is entitled to. We don't believe that's correct.

The other issue that concerns us is this is a very unique property. Those that are familiar with it will comment on its rarity and uniqueness. Some of the unique characters include it has on the eastern portion a significant hillside, known as Diamond Mountain. On the western side, there is a field of better than 100 Saguaros. I don't know the exact number because I counted the road, not wanting to trespass. There are several areas beyond the peak that have greater than a 15% slope. There are boulder fields throughout. And as mentioned by Mr. Murillo, there are washes on both sides of this property, the east and the west two that are 50cfs. From everything we understand, the amount of density that they want to have on this property will require blasting, cut and fill, that will lend this property unrecognizable when they are done. It's our belief that the current zoning is appropriate. We think this property is designed to have 10 nice homes on it, not 23, not 27, not 32, because the numbers haven't been decided yet since they cut out 13 acres from their proposal. We ask that you take all of these things into consideration and we appreciate your interest. Thank you very much.

[Time: 00:53:27]

Mayor Lane: Thank you Mr. Skoglund. Next is Jill Anderson.



Jill Anderson: Good afternoon, Mayor Lane, councilmembers. I am Jill Anderson. My husband is seated right there, Michael Anderson. We live at 10841 East Bajada Drive, Scottsdale, Arizona. We are one, together with a lot of our other bordering neighbors who have successfully filed a valid, legal protest against the applicant's proposal for changes of Diamond Mountain estates case 1-ZN-2011. Beginning in the mid-'80s we visited and had picnics on our dream property. We saved and waited until 1995 and literally put every dollar we had in the bank to purchase our property with the unique and beautiful desert. We were able to build our small home in 2004. Our home is positioned at the far south edge which we naturally chose for the most desirable view of not only mountains but the hilly green desert. This area was promised to be department protected for good reason. It is beautiful, nestled with its boulder peaks and plush green hills and naturally deep washes that run with the rain that often comes to this area which is about 280 feet in elevation. The applicant's proposal implies that they don't seem to see any value in keeping this unique, spectacular area protected from overbuilding. They want to cram as many lots as possible in hopes of making a larger dollar amount. This has been a disappointment for many of us who attended meetings to find a solution of reasonable compromise but to no avail.

Our surrounding neighborhood is in unity, as well as the constant flow of visitors that stop us along our walks and remember -- and remark on the exquisite beauty of this particular area and it would be poor stewardship to unnecessarily build on this land that is clearly unable to handle a much higher density with major -- without major destruction of the natural desert. It cannot and should not be treated like the vast amount of flat lands. We have always been aware that others would eventually build homes in what we like to call our desert that is our backyard, that 1 per 5 acres. This was to make sure that there would be protection from over building that would eliminate open desert views with -- and would destroy too much of the spectacular terrain.

We are not opposed to making money from an investment of property by owners, but not at the expense of the other neighbors that have also invested in like property. The land is valuable as it is to increase the density, to nearly triple of the current zoning, while only bringing down the values of the adjacent and nearby properties. The destruction of this area would be devastating, premature and certainly bad stewardship of the high desert area and the representation for diversity. In no way can the current proposal be considered an enhancement to the surrounding community, just the opposite. The applicant's proposal is not good for this area of Scottsdale for so many reasons. Therefore, we ask the city council to unanimously vote no and deny the applicant's proposed zoning changes to the 1-ZN-2011 case. Thank you, mayor and councilmembers for your time and service.

[Time: 00:57:20]

Mayor Lane: Thank you, Ms. Anderson. Next is Jan Corbus.

Jan Perozeni Corbus: Mayor Lane, and councilmembers, my name is Jan Perozini Corbus and my husband and I own a 5-acre parcel on the northern border of Diamond Mountain Estates it's 11101 East Bajada drive. First of all, I would like to invite all of you to come out and experience the desert that all of us live in, really experience the desert, experience our magnificent pieces of property and

also Diamond Mountain, the piece of property that we are all concerned about. Come and see the peak and walk the washes and see the outcroppings and the contours of the land. Diamond Mountain is a very dramatic and special piece of land and the Sonoran desert, as everyone knows here is very unique. It's the only place on the planet that looks like this. Now many of us had property out there for many years. My husband purchased that piece of property in the early '60s. The Dynamite Foothills Character Area plan was adopted by the city of Scottsdale council in March of 2000 and with this document, it did seem that some of the beautiful desert Sonoran land would be preserved in some manner for many years to come.

Now, regarding the development of the Diamond Mountain estates, there has been the dance of the meetings with the developer, Kurt and the family members, and we have attended several Planning Commission meetings. We actually had two meetings at Cavalliere Park in April and many of the neighbors attended. I think we neighbors were involved and concerned about this proposed development and we attended the meetings in good faith and with the optimism that some of our ideas for a lesser density would be considered. And to be clear, the issue is not about developing the property and selling the property. A property owner does have the right to develop his land but the issue is about how this property is to be developed. Sad to say, outcome of the two meetings was really not much.

The most poignant and telling moment of these meetings occurred for me near the end of one of the neighborhood meetings. I asked the family representative about creating larger lots than was currently proposed because this is about money, and selling of property, and I am under the belief that there are people that would pay for larger lots for the magnificence of the desert and there are people like us, who moved out to the desert to actually live in the desert. Well, when I proposed this to the property owner, he indicated that the current high density proposal is, quote, the best use of the land. I disagree. I think the best use of this land is the conscience development that allows for the beauty of this magnificent piece of property to be seen and enjoyed and also allows the current surrounding neighbors to be able to love and appreciate their property. Thank you for your time.

[Time: 01:01:04]

Mayor Lane: Thank you, Mrs. Corbus. Next is Sonnie Kirtley.

Sonnie Kirtley: Good afternoon, Mayor Lane and councilmembers. My name is Sonnie Kirtley and I'm the proud chairman of the COGS, the Coalition of Greater Scottsdale. We ask you to vote no. A lot of reasons for that. We attended the Planning Commission meetings. There were three of them, the hearing. We also walked the northern area and the eastern area with the homeowners so that we could also view the property and, again, not trespassing. And we have been working with them through the city process.

You are hearing from the neighbors and you hear from additional speakers some of the major problems. There were failures on the part of the applicant or the applicant's representative to act in good faith with the neighbors. First of all, there were failures to communicate, negotiate, failures to respect the current rural density, failure to protect the slopes in any of the plans that we saw. Failure

to plan the entire 50 acres. This is 50 acres with a mountain in it. If you are looking at an environmentally sensitive area, you look at the whole area. And, of course, the most important thing when you look at it citywide is honoring an existing approved character area plan. The disregard for the character area plan seemingly in this project, and the guidelines has really alerted some of our previous city volunteers who worked hundreds of hours on this character area plan and other character area plans in the city.

We're asking how can this application qualify for staff approval? It is inappropriate, inconsistent and not supporting the character area plan guidelines, as written. Remember that the commissioners voted 4-2, a recommendation is for you to deny, that is history! I have a record of the Planning Commission for four years. The biggest denial has been a 5-1 and that was somebody that was new on that group and probably didn't know that he was supposed to vote yes. So four years we have never seen this before. So character area plan is not protecting these people. The density, not looking at the rural density is not protecting them. So what's going to protect them? They had to file a valid, legal protest. We hope this doesn't happen often. We hope that applicants work with the neighborhoods. Thank you.

[Time: 01:04:09]

Mayor Lane: Thank you, Ms. Kirtley. Next is Tim LaSota.

Tim La Sota: Thank you, mayor and council, and I'm Tim La Sota, I'm here on behalf of Ron Shertz. My address is 1702 East Highland in Phoenix. And I just -- I know Betty Drake is going to give a pretty detailed presentation on the land and everything around this area and why it's so special. But, you know, I was out there myself and I have to say, I wish I could live out there. One of the members of the Planning Commission said he thinks it's the best -- well, the absolute best example of high he Sonoran desert that he's ever seen and if you can make it out there, it's worth seeing.

But, you know, the one thing I wanted to point out that I think is selling is -- so we have the staff presentation and they talk about well, we have added some stipulations but we don't know if the applicant wants to accept that or not, and we didn't even hear from the applicant whether they accept it. And I think that's emblematic of just how poorly this whole matter has been presented, and how poor the outreach has been. So I think this is a proposal that is clearly not ready for prime time. It has not been -- it just has not been adequately vetted and you know in every case, you know, there are some people who say, well, there wasn't enough outreach, but in this case, you know, on the fly here, that we are hearing about stipulations and then really no response from the applicant I think that is just emblematic of why this should be turned down.

I would also mention that, you know, the business of about, well, we have met the technical -- we met the technical applications. I mean, that -- that may mean that you are free to improve it, but the notion -- it is your opinion that matters. That is why you get elected. You represent the community. I think the community has spoken and it's a resounding know with the 4-1 Planning Commission vote. So your opinion is absolutely what will control this. I hope that opinion is a resounding no. So thank you for your time.

[Time:

Mayor Lane: Thank you, Mr. Le Soto. Next, we do have Betty Drake and she has some donated time from Michael Anderson, Patricia Molano, Ken Windheim, Patricia Badenoch, and Fred Corbus. So I don't know how long you might want to go on, but --

Betty Drake: Oh, all night. All night.

Mayor Lane: We will go five minutes on this.

Betty Drake: It's not going to be that long. Mayor Lane, members of the city council, good evening. I'm Betty Drake. 8003 East Del Tornasol, Scottsdale, Arizona and pleased to be a member of our community. Yes, we have heard a lot about technical requirements and I would like to think that the city council and the city of Scottsdale goes I don't know the bare bones of technical requirements, and makes decisions with some soul, with some acknowledgment of our heritage and the unique things about Scottsdale. Thank you.

This is the property we're talking about. All of the neighbors on the north and the east, there's been no one come out in support of the project. There's unanimous opposition, and I will say that the east part was included on the day the project coordinator in the planning department had to get his report out, they filed the last version of the plan and they excluded the 13 acres clearly to head off the legal protest from the folks I worked with most closely on the east, in the desert summit area.

Well, why is this property special? We have heard about the fact that it is the natural space. Every single adopted policy document and plan that the city has produced and accepted talks about how parts of this property really are important. They matter. They have high priorities in NAOS, and they have protected ridge lines.

I chaired the desert -- the Dynamite Foothills Planning Commission, when I was on the Planning Commission, all those years ago. Clearly the intent of that character area plan has not been met. You know, we heard from the applicant about the density, density, density, but if you look, again, into the soul of this plan, which was adopted a key element is the predominance of the desert. You should look there and see desert. You shouldn't see suburban streetscape of houses. You should be able to see between the houses. There should be wonderful views as there has historically has been. I remember Tony Nelson and I pushing really hard to get some of those guidelines in, so that the houses still left us with that wide open desert feeling out there. Maintaining the environmental desert is a fundamental part of the Dynamite Foothills Character Area plan, and I think that's something that, you know is questionable in the plan that we have in front of us tonight. And let's face it, this is just a beautiful, beautiful site. It is special. It is a place you go to show visitors to Arizona. It's got the hundreds of Saguaro that Jeff mentioned. It has a massive boulder formation in the mountain that rivals and I think exceeds the boulders at the boulders and part of it is that the boulders aren't just here. They go on and on and on throughout the property. It's full of ups and downs and little washes and two big washes, lush vegetation and boulder outcrops all over the place.

It's just studded. It's gorgeous! And it's worth protecting, in my opinion.

So what are the constraints? Let's look at some of the technical things. There is a 50cfs wash in the southeast corner. There's another wash that spreads out. It's not the same cubic feet per second but it does have an impact on that part of the site. And I took the applicant's submittals, his boulder maps and others and tried to map these out. The brown blobs are the boulder outcrops and the green is the vegetation. I colored it in in Photoshop so I could see it too. I took the applicant's slope, which was much more detailed than the one showed earlier. You can see the blue areas are 15% slopes or higher. It's around that mountain and spreads out to the northeast, but there's a significant peak area that runs right through the middle of the west side of the property as well. So here's pulling out those slopes. So you can get a little clearer idea of where they are. And if you overlay all of this information, this is what you get. You have the washes, the vegetation, the brown or boulder outcrops, and you have boulder outcrops, steep slopes, and if you wanted to go the next level and look at the topographic map, it's just not -- it's just not a -- what is it? It's not the flat lands at all. Even the areas that are down from the mountain are not flat, they roll. There are boulders. There are little drainages through them and there's lush vegetation everywhere.

One of our major concerns has been really the reluctance of the applicant to talk in good faith with the neighbors. I met with Mr. Curt Johnson last summer.

Mayor Lane: You are going to have to wrap it up.

Betty Drake: Oh, I'm sorry. But we have gone through a lot of frustration because we have not been able to meet with him, to negotiate with him. We said all along that we really want to make this work, and we felt we have been stonewalled. He had one meeting after the first Planning Commission meeting when they were told that nothing had been done and basically very, very little since then. This is the last one, basically.

The Dynamite Foothills area is transitioning from, on one side you see the place where you can keep a horse and have a few acres, and live in the desert, I think as Jan said, live in the desert and feel that you are part of our Scottsdale's heritage. It goes against all the planning that we have done, to go from the model on -- from that to the model on the right which is what's been happening out there. And so we are unanimously asking for you to deny this case. Thank you.

[Time: 01:14:47]

Mayor Lane: Thank you, Ms. Drake. That completes the testimony, the public testimony on the topic. I would ask that the application may come back if he would like to take a few moments to -- if there's some specific element he would like to address that he would want us to know further on from the testimony, sorry.

Curt Johnson: Thank you Mayor Lane and members of the council. I guess I would start with most recent first and foremost. We have been available. We have met. We responded to every request whether it's been a meeting. I don't ever remember denying a meeting with you, Betty, ever.

So I regret that we have a difference of opinion on that.

Regarding the stipulations, they were first presented to us tonight but in looking at those, did I not stand here and disagree with them, but I am here to accept those stipulations. So if there was some concern out there about us not addressing the new stips, I do not see a challenge with accepting those stipulations.

With regard to the slopes, there is a major protected peak, which was always our intent to protect. It was always our intent to stay off the 15% slope lines. Betty had mentioned some slopes within the interior of the site. The purpose of a slope analysis is to protect peaks, protected peaks through the course of every site, you will have little anomalies of slopes. You will have boulders that would affect the slope, or top graphic anomalies but that doesn't in any way prevent us from protecting the peak. Our plan is to do custom building envelopes, to maintain as much of the vegetation and the boulder outcroppings as possible. We adjusted the street center lines to avoid all the major rock outcropping and the cacti on the site. We have done everything we can to protect the topographical and basically the visual elements at the site because we also recognize what a beautiful site it is.

I'm not sure where blasting came from either because we don't anticipate any blasting on the site. This will be custom graded, custom lots. It's not high density. It's going to be typical north Scottsdale custom lot development. I know that we're limited on time. I could remain here to answer any additional questions that you may have had through either my response or the testimony.

[Time: 01:17:40]

Mayor Lane: Thank you for that offer, and if you could, just go ahead and take a seat for right now. If it does come up, we can call you back. Thank you. Well, I'm certain that we will have some conversation on this, but I don't see any request to speak right now. I will ask Jesus, obviously you are here. There is one question that I guess has gone back and forth a little bit what is on the table tonight as far as the stipulations are concerned and are we talking about negotiating if, in fact, they were to be put into consideration? Is that something that would change the application?

Senior Planner Jesus Murillo: Mayor Lane and members of the council, what is up today is the proposal for 22 lots on 37 acres. And, again, at Planning Commission as well, we had stated that the reason staff stated that we hadn't received confirmation on the stipulations was because obviously the site plan proposed does not show it. If there's an issue, then the council decides whether they want to amend it or make it more strict and then the applicant then obviously agrees or disagrees with moving forward on the application. So from what I heard from the applicant, the stipulations as they are, they are agreeable to him. So unless the council wanted to amend it, the application is for the rezoning just on the 37 acres for 22 lots.

Mayor Lane: So as is stated right now?

Senior Planner Jesus Murillo: Correct.

[Time: 01:19:09]

Mayor Lane: Okay. Let me start with Councilman Smith.

Councilman Smith: Thank you, mayor. This is an interesting project, at least in my mind. First of all, I would say to Kurt Johnson, I think you have done some good things with this project, the transitioning from the northern part of the property with the lot sizes that are more or less comparable to the people there than to the south of the property. And I think you have certainly relied, as one could reasonably expect you would on staff opinion and staff guidance on this project. And you have relied on what's been done with neighboring projects, the Cavalliere project with the density to the west and so on.

But -- and there is a big but in my comments here. And I have to admit first of all, my own bias or frame of reference, you know, I was born and raised on a farm down in southwest Missouri. And my idea of rural was a neighbor, a quarter of a mile away. So I probably have a definition of rural that's different than many other folks here in the Kiva tonight. But I think when the citizens of Scottsdale talked about rural neighborhoods, in north Scottsdale and it wasn't just north Scottsdale people that talked about that. It was all the citizens of Scottsdale as they approved the general plan. They wanted to maintain a feeling of rural neighborhoods, and that word in their mind, regardless of what the definition was, I think that word is it's an adjective that describes an end result. It is not a bargaining chip that we begin negotiations with. It is what they want that part of the city to look like, when it's developed, and it is not an aspiration that then can lead to higher density over here if you give me a little open space over there, or higher density if you promise not to build on the top of the mountain.

This project regardless of the efforts that Mr. Johnson has made to accommodate the -- the areas around it or blend with the areas around it, it does not end up being an area that is a rural neighborhood. And it can in nobody's mind look like a rural neighborhood after its development. Unfortunately, and I don't know what staff's approach to some of these things are, but unfortunately, I don't think staff shares this view of what the end result should be, being a rural neighborhood. If someone comes in proposing something that is basically at the minimum of what the general plan calls for, it seems to me like that that's an acceptable starting point. There's no major plan amendment, and a fact that an even more definitive neighborhood articulation of goals as defined in the character area plan, in this case, the Dynamite Foothills area character plan, the fact that that may stipulate something even more restrictive than the general plan is dismissed. Because it's not driving a major plan amendment. I think the applicant probably could rely. I think he could rely on the fact that we have a number of approvals around his project for greater density, even pointing to some like Cavalliere project that are extraordinary density.

And I just have to say for myself as a new member of council, the mistakes of the past will not guide my views on the future. I will continue to be striving to achieve with the citizens the rural neighborhood feel that they voted for so long ago. And may indeed get a chance to vote for again if we can get another general plan in front of them.

So my concern, my disappointment, my admonition, whatever you want to call it is really more to staff than it is to the applicant in this case, I think. I -- to them, I would say simply, you know, what is it about the word "rural" that you do not understand? Thank you, mayor.

[Time: 01:24:25]

Mayor Lane: Thank you, Councilman. Councilman Phillips.

Councilman Phillips: A moment of silence. Well, I think this is a good example of why we need staff or even the general plan guidelines to tell staff about such areas as the foothills character area, so they can advise potential developers and what is required and acceptable before moving forward. I don't think this should have come to us you reach a point, why did this even proceed in the first place, it's so out of character, in the character foothills area and you heard all the testimony why it's that way. So in my opinion, this parcel is mostly undevelopable. I know exactly what this property looks like. I drive out there every day. I think it's mostly undevelopable and therefore, I think this request is merely enough zoning to raise the property value which we see all the time. I for one will not be handing that out.

So I will move to deny ordinance number 4197, Diamond Mountain estates rezoning.

Councilwoman Littlefield: Second.

Mayor Lane: Motion has been made and seconded. Would the second like to speak to it?

Councilwoman Littlefield: Thank you. Well, I find myself in a position I never thought I would find myself in. I agree with the Planning Commission and I agree with what they said. The zoning that's on that land right now is appropriate for the land and the contouring of that land and for the character area plan that that land resides in. I will not be supporting this motion, and I agree when you are talking of rural, it has to be something that isn't it's not just a subdivision. You have to watch the contouring of the land, the development of the land, the mountains, the boulders, the river beds and make it a part of what that land is, and make it fit within it. I do not believe that this does that and I will not be approving it. Thank you.

Mayor Lane: Thank you, councilwoman. You know, I would just add a little bit to that, I suppose. I generally do consider very, very strongly what the Planning Commission considers and that's the reason I have a tendency -- a very strong tendency to agree with them here. With the possibility of repeating some other comments, I would say that the nature of the landscape and the character area for the area, what's being proposed would really require some major violation or denigration of that landscape. It just could not happen otherwise. And I think that's a major component and I think what the Planning Commissioners were thinking at the time and that's what I feel as well, it's also not something that I think that -- and depending upon the Planning Commissioner's opinion, it also goes to the idea that we're in the interested -- I'm not interested in trying to muscle through on some kind of compromise here at this point in time and figuring whether stipulations would work or not work. So I will be joining with the motion. Councilwoman Klapp.



[Time: 01:27:54]

Councilwoman Klapp: I have not seen a case since I have been on council where every neighbor along the property has been against it. There is -- there have been cases where there might be a neighbor or two potentially that didn't like the idea, but many of the neighbors were okay with it. And so I think that my personal opinion is that there's not been enough real consideration given to the fact that there is universal opposition to this project. The -- in the development process, I think public input is critical to coming up with projects that are acceptable to this council and in this case, there has not been -- maybe there's been some discussion, but there's not been proper recognition about the adamant opposition to this, up to and including the Planning Commission and so from my perspective, this is a case where I could not possibly support approval and I will agree with the denial, because there's just not been recognition of the neighbors and their desire to discuss what could go on the property and, you know in, reality, I believe that it's probably maybe 10 to 12 houses go on it, and I think with 11 or 10, something like that, based on topography and the sloping, et cetera, but certainly not 22. I think if that project had been proposed, then the neighbors would have considered it, if it had been just 10 or 12 homes. But you never got there.

So from that perspective, I think it's just -- it's too bad that we have to have a council meeting that's going to, I believe, deny your request, and I also recognize that -- I don't know about the rest of the council, but I have not been contacted by the applicant to discuss this case at all. I have not received a presentation from them or request for meeting so I could have asked questions and also given maybe some advice about the project. So sadly enough, I will be voting to deny the request.

[Time: 01:30:18]

Mayor Lane: Thank you, councilwoman. Councilwoman Korte.

Councilmember Korte: Thank you, mayor. I'm going to join my comrades in voting against this zoning change. Two reasons. Total lack of sensitivity to natural topography and the broad opposition by neighboring communities. It's a death sentence for this zoning case and I will not be supporting it.

Mayor Lane: Thank you, councilwoman. There appears to be no further requests to speak on the subject. So we have a motion and a second on the table. I think we're then ready to vote. All those in favor of the motion as has been described, please indicate by aye. And those opposed with a nay. Aye. The vote is unanimous. I thank everyone for their participation and their input. We very much appreciate it. And that concludes that item.

All right. That's actually, the last item for us. We have no further public comments and we have no mayor or council items but we do have continuing item, if the council is so moved, then I would accept a motion whether we should reconvene into our executive session.

**ADJOURNMENT**

[Time: 01:31:30]

City Clerk Carolyn Jagger: Your Honor, I'm so sorry to interrupt. Could we adjourn this meeting, and then take a motion to reconvene the special meeting that we started at 3:00?

Mayor Lane: Okay. So when we are out of this one. Okay. Sorry about that. Motion to adjourn?

Councilmembers: So moved.

Councilmembers: Seconded.

Mayor Lane: We are then readjourned.

Councilwoman Klapp: Move to reconvened.

Councilmember Korte: Seconded.

Mayor Lane: I tell you, right and left hand here. We will be reconvening into our special session. Thank you very much.