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CALL TO ORDER

[Time: 00:00:05]

Mayor Lane: No gavel necessary for this crowd! Good evening, everyone. It's nice to have you all here. I would like to go ahead and call to order the May 3rd, 2016, council meeting. This is the regular meeting. And we'll start with a roll call.

ROLL CALL

[Time: 00:00:18]

City Clerk City Clerk Carolyn Jagger: Mayor Jim Lane.

Mayor Lane: Present.

City Clerk Carolyn Jagger: Vice Mayor David Smith.

Vice Mayor Smith: Present.

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: Linda Milhaven.

Councilwoman Milhaven: Here.

City Clerk Carolyn Jagger: Guy Phillips.

Councilman Phillips: Here.

City Clerk Carolyn Jagger: Acting City Manager Brian Biesemeyer.

Brian Biesemeyer: Here.

City Clerk Carolyn Jagger: City Attorney Bruce Washburn.

Bruce Washburn: Here.

City Clerk Carolyn Jagger: City Treasurer Jeff Nichols.

Jeff Nichols: Here.

City Clerk Carolyn Jagger: City Auditor Sharron Walker.

Sharron Walker: Here.

City Clerk Carolyn Jagger: And the Clerk is present.

Mayor Lane: We do have some items of business. We do have cards if you would like to speak on public comment. If would you like to give us some written comment on any item on the agenda, they are the yellow cards she's now holding up over her head and we will be reading those during the course of the proceedings.

We have Scottsdale police officer Tom Cleary and Jason Glenn here almost directly in front of me if you have need for their assistance. If have you any medical emergencies, please see the Scottsdale fire representative for assistance and he's directly in front of me on the mezzanine. The areas behind the council dais are reserved for council and staff. We have facilities under the exit sign here to my left

for your convenience.

PLEDGE OF ALLEGIANCE

[Time: 00:01:32]

Mayor Lane: And tonight, we are honored to have the Brownie Troop 1667, and their troop leader, Anita Elco lead us in the pledge. Ladies, if you want to come forward, please. Any time you are ready.

Brownie Troop 1667: 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 very much. If you want, we can get that microphone turned around for you, so that you can face the crowd and introduce yourself. There you go. Very good. Is that the happy camper that did that?

Colleen: Hello, my name is Colleen, and I'm from Liberty Elementary School and I love reading.

Lila Craig: Hello, my name is Lila Craig, and I go to Liberty Elementary School and my favorite subject is science.

Genevieve: Hello, my name is Genevieve and I go to West Lake Elementary School. My favorite subject is science.

Ella: Hello, my name is Ella and I go to Liberty Elementary. My favorite subject is reading.

Sophia: Hello, my name is Sophia and I'm -- I go to Liberty Elementary and my favorite subject is science.

Addison: Hello, my name is Addison and I go to Liberty Elementary School and my favorite subject is science.

Mia: My name is Mia and my favorite subject is reading.

Cadence Jones: Hi, my name is Cadence Jones. I go to Liberty Elementary and my favorite subject is reading.

Payton: I'm Payton and I go to Sandpiper Elementary School and my favorite subject is math.

Kitori: Hi, my name is Kitori, I go to Liberty Elementary School and my favorite subject is math.

Addison: My name is Addison. I go to -- I can't remember what school I go to. What school am I in?

I don't remember. I go to Madison and my favorite subject is math.

Mayor Lane: Thank you very much. Thank you very much, ladies. It was great to have you here again.

INVOCATION

[Time: 00:04:39]

Mayor Lane: For this evening's invocation we have Neil Montgomery of Scottsdale Bible Church here for us. Pastor?

Associate Pastor Neil Montgomery: Let's pray together. Father, we thank you so very much, just for the joy of children that reminds us of just the zest and the hope that we have in life. Many of the things that we discussed -- that we'll discuss here in this meeting tonight are of a serious nature and often emotions are strong. And so, Lord, we pray for your wisdom to guide us tonight. We pray for your blessing to be upon our honorable Mayor and his staff and council. Father, we pray that you would be honored in our discussions tonight for those that will come and present as speakers, we pray that you would give them an ease, a confidence and even a joy in doing the work of this great city. And then Father, we just pray that you continue to bless us as a nation that's so free and has so much hope and great things to live for. And we thank you for Scottsdale and we pray that you continue to shine your blessing on us and we're grateful for it and we ask your blessing beyond this meeting tonight, we pray in your Son's name amen.

Mayor Lane: Amen. Thank you, pastor.

MAYOR'S REPORT

[Time: 00:05:51]

Mayor Lane: Just a couple of items to report. First, I would like to thank all of the volunteers would supported the For Our City event on Saturday, April 23rd, at the Old Town Farmer's Market. It's a great connectivity and what the purpose of this organization, which we have been working on for a number of years is to make sure that we are collaborative and we are connective with regard to all the resources that are available from a charitable organization and our community. We would like to commend all of those would brought it together and specifically a good friend and a former councilman, Dennis Robbins who heads that organization up now for us and he's doing a fantastic job already on that.

So it's my privilege this evening, in addition to that, is to honor the Scottsdale winners in this year's Bench the Bag contest, in which 11 Scottsdale elementary school and middle schools selected more than 3 tons of thin film plastic, mostly in the form of those plastic grocery bags. And I'm supposed to have one here, but I'm lacking a prop. I think I know what they look like. In any case, those plastic

bags are the biggest contaminant within our sanitation department. They do a lot of damage to the sanitation department but they cause other environmental problems. In those areas where we try to sort through recyclables. We encourage everyone to bench the bag. Instead of putting them in the recycling or trash. Take them to your local grocery store where they will generally have a special recycling bin for you.

The 2016 contest winner is Lexis Preparatory School of Scottsdale who collected on average, 8 pounds of material per student. Honorable mention also goes to Hohokam traditional school whose students collected more than 1600 pounds of recyclable plastic over the five weeks.

Now we have a particularly interesting surprise with regard to the winners -- for the winners of Lexis Preparatory School. If you could come to the front of room, the city of Scottsdale would like to congratulate you and present a beautiful new bench made out of... recycled plastic bags!

PRESENTATIONS/INFORMATIONS/UPDATES

[Time: 00:09:29]

Mayor Lane: Okay. The next item of note we have a presentation, Environmental Quality Advisory Board for Environmental Achievement Recognition Program. Our presenter is our chair, of the EQAB board, Dr. Alisa McMahan, she serves as the board chair. She's coming forward to give us a presentation on that recognition program.

EQAB Chair: Good evening. I'm Dr. Alisa McMahan, the chair of the Environmental Quality Advisory Board and I'm here to present EQAB's environmental achievement recognition award. The award program was established last year at the Hyatt regency Scottsdale is our first recipient.

Why buildings? Buildings operations consumes about 42% of all energy consumed in the U.S. This represents a huge opportunity. Energy conservation in the building operations sector begins with the building environment. And that's exactly where the Hyatt began.

The Hyatt was not built green. The green makeover began in 2009 when the replacement of three key systems. First, the top of the envelope or the roof. Hyatt's new cool roofs reduced interior temperatures inside the envelope by 8 to 10 degrees and that translates into a much lower demand on the cooling system. Whoever stays, there are benefits. I don't know energy savings guest rooms that surround the vegetative roof which overlooked a stone ballasted roof. There's a return in value. The six and a half payback is noted in green throughout the presentation.

Not surprisingly, the other two systems flagged for replacement in the initial analysis were cooling and hot water. These solar thermal panels present 100% of the hot water used in the resort. The optimal design of this system conflicted with the city's mechanical screening requirements but the green building staff was instrumental in resolving this conflict.

The Hyatt's green transformation continued with renovation of the guest rooms and other interior

spaces using green building practices to save both energy and water. City rebates provided an incentive to use water saving fixtures. Of particular interest, temperature controls in the guest rooms are linked to occupancy, vacancy sensors. So when the guest leaves the room, the temperature is adjusted so it's not wasting energy.

The Hyatt is continuously expanding the green initiatives and these are two recent capital improvements. 28,000 square feet of grass was replaced with artificial turf. In addition to the 3.8 million gallons of water saved annually, the conversion has made these areas more marketable as event spaces and thus increased revenue opportunities. Waste reduction is a huge part of Hyatt's green portfolio. This very cool food digester turns the Hyatt's food waste into water. Why is that significant? Because organic landfill waste produces methane, a greenhouse gas more potent than CO₂. Methane is also an issue with ground level ozone. We have an ozone issue here in the valley.

Conversely plastic water bottles are not available at the resort. Instead, the canyon market offers refillable beverage containers and filtered water is available throughout the resort. More recycling means less trash.

The food digester, recycling compactor and a variety of operational initiatives reduced trash pickup at the Hyatt from four days a week to one. Why does that matter? The city is the Hyatt's solid waste service provider. Fewer trips to the landfill means less fuel, less labor, less vehicle wear and tear and less pollution. Moreover, landfills only have so much space. So less volume going in extends the landfill's life span. Why does that matter? Well, right now the city primarily uses the Salt River landfill. The travel distance is 43 miles round trip from the transit facility, alternative landfills are 80 and 155 miles round trip. These are some of the many benefits of diverting recyclable materials from the landfill and it's an aside, I hope you will remember these points as you consider the proposed commercial recycling rate increase later this month.

This is Hyatt's recycling tree logo and the inspiration for the award that Tim is holding. The award was designed and created by artist Paul Deifenderfer from rock, scrap paper and pulp. This is as a result of the L.E.D. retrofitting. L.E.D. lighting is evenly distributed. Over the past seven years Hyatt has reduced consumption of electricity by 20% and natural gas by 30% and water by 25%. They have increased recycling by 15%. Scottsdale's own Hyatt regency is the model for Hyatt Global, the showcase of what is possible in the industry. In recognizing Hyatt's achievements EQAB aims to encourage others to follow Hyatt's lead.

Mayor Lane, if you will join me, please. I would like to introduce Daniel Cooperschmidt and the Jennifer Mueller, we're very pleased to award the environmental achievement recognition award to Hyatt regency at Gainey Ranch.

Mayor Lane: You know, one thing I have to add no this is the fact that our Environmental Quality Board is one excellent board of citizens would do a great job in considering and thinking about sometimes a little outside the box, but this recognition today is also for a great business here in Scottsdale, has been for many years and has worked on this path for quite some time. But it's wonderful to see. It is an example that can easily spread and does.

So Dr. McMahon, thank you very much for the work you do at EQAB. It's always been cutting edge as far as the city of Scottsdale is concerned and we are carrying on a great tradition. Thank you.

So with that, we completed our presentations and announcements. So we'll move to our public comment period.

PUBLIC COMMENT

[Time: 00:17:30]

Mayor Lane: And public comment is reserved for citizens comments regarding non-agendized items of which no action will be taken. We have three requests at this point in time to speak on public comment and, again, these are not agendized items and there is no action to be taken. This is strictly to receive the comment from the public. We will start with Howard Myers.

Howard Myers: Thank you. Howard Myers 6631 East Horned Owl Trail in Scottsdale. Here today to present a petition, actually initiated by COGS but on behalf of citizens of Scottsdale who are concerned about what the city wants to put in their Preserve. These are not just people who live around it at the gateway. These are people from all over the city, and you will see we have about 640 signatures on it.

The petition reads we the undersigned citizens of Scottsdale, Arizona, hereby petition the council to pass a resolution or to submit to the voters a change to the city charter that would require either of the following to occur only with approval by a public vote. Number one, construction of anything at the Preserve other than trails, minimal facilities for trailheads and used for trail access and the land bridge over Dynamite Boulevard. Two, the use of Preserve tax funds for anything other than land acquisition, the building of trails, minimal facilities required for trailheads used for trail access and the land bridge over Dynamite Boulevard.

The reason for this is pretty simple. They are pretty concerned about the fact that this was sold as a Preserve. They want it to remain as a preserve and they believe they should have some kind of a voice in what happens to it if you are going to deviate from it. It belongs to all the citizens of Scottsdale, not just a few. They deserve a say in what happens in the Preserve and they formed and they actually paid to buy -- paid taxes to buy it. They deserve to decide all tax proceeds collected through those taxes to buy land and provide public access should be spent. We urge you to give them what they deserve and they should lightly have a vote of what happens in their own preserve. Thank you.

Mayor Lane: Thank you, Mr. Myers. Next is Dr. Scott Calev.

[Time: 00:19:45]

Scott Calev: Thank you. Here again, God bless America. Scott Calev, 27 years a resident. I was

going to talk about the airport today, but whether you want to believe it or not, something happened outside when I was sitting on the benches and listening to the gentleman who just talked about the people of Scottsdale. There seems to be a large sector of Scottsdale that our politicians, whether it's local or national have forgotten about. A man sat down in a dark suit with dark shoes, dark glasses dark hats and said city council. I said yes. And then all of a sudden he gets up and he leaves this envelope behind. So I decided once I looked in it to bring it in and I was surprised, believe it or not. There were envelopes. I didn't open them.

Ban all limits in Scottsdale bar and restaurant areas. Light rail yes. Incumbents yes. Pass increase to northeast corner Scottsdale 101 project. I'm not sure about that but it says increase from 1100 residential to 4400 residential and four-stories to eight stories. Say yes to large commercial planes at airport. No limitations. Say yes to permits for high density apartment complexes. Unfortunately, I only have -- I would like to say -- I would like to give my money to the people of Scottsdale who voted for Scottsdale to stay smaller town. A town that's a little bit quieter, a town that we can drive down Scottsdale Road most times of day and make it at least a three-mile stretch from cactus to the 101 less than 15 minutes. Apartments are coming. You keep approving apartments. High density, high density means everything that that wonderful lady that talked about the environmental action of the Hyatt did gets negated by cars sitting generating pollution.

Hospice of the Valley. That's where this is going. Thank you very much for your time.

Mayor Lane: Thank you. I would ask just for future reference, we try to not applaud or boo in this theater. I do appreciate the sentiments but I would appreciate the adherence to that.

Next is Karen Voris.

[Time: 00:23:17]

Karen Voris: I'm Karen Voris, 9117 East Foothills Drive. Mayor Lane and city councilmembers, I'm a 20-year resident of Scottsdale and an 18-year volunteer docent at the Scottsdale Museum of Contemporary Art. Thank you for allowing me highlight Art Start, here on the slide over here is a program for 3 to 5-year-olds in which we introduce the basic principles of art through visits to SMOCA. We create our lessons based on the Arizona arts standards and work on transitioning our early learners to English fluency. In their three trips to the museum, we cover paintings, photography and sculpture. The students create a hands-on art project at each visit. We have an outreach program where we take examples of various kinds of arts to their classes. Our students come from such varied program as head start classes, special needs classes referred to as Panda on the slide, a neighborhood cooperative preschool in this neighborhood who actually walk to SMOCA and the school for homeless kids in Tempe. For most of our students, this is their first opportunity to visit a museum. This is one of the many educational programs under the umbrella of the Scottsdale Cultural Council. Think include performing arts, visual arts and public art.

Thank you Mayor Lane and city councilmembers for your foresight and continuing support of one of Scottsdale's greatest assets. We share your goal of providing opportunities in Scottsdale to create

lifelong learners and citizens. Thank you.

Mayor Lane: Thank you, Ms. Voris. That concludes the public comment time that we have set aside for that. And thank you all for your comments and your contributions.

MINUTES

[Time: 00:25:30]

Mayor Lane: Next order of business is the request to approve the minutes of the regular meeting minutes of April 5, 2016, special meeting minutes of April 12th, 2016 and the work study session minutes of April 12th, 2016.

First, I would ask if there was any questions or adds or deletes to any of those that have been provided to us. And if not, I would accept a motion for approval of those minutes.

Councilmember Korte: So moved.

Councilman Phillips: Second.

Mayor Lane: The motion has been made and seconded. We are then ready to vote. All those in favor please indicate by aye and register your vote. Those opposed with a nay. Aye. It's unanimous the approval of the minutes. Thank you. Okay.

CONSENT AGENDA

[Time: 00:26:12]

Mayor Lane: Next order of business is our consent items 1 through 12a. I would ask if -- unless there are any questions, there's no requests from the audience on any of those items, unless there's any questions from council, I would ask for a motion to approve at consent items 1 through 12a.

[Inaudible]

Mayor Lane: Pardon me, I'm sorry, Councilwoman. It's already in there. It's continued as part of the consent item. So it doesn't need to be excluded.

Councilwoman Littlefield: Okay. Then I move that we accept as written all of consent.

Mayor Lane: Thank you.

Councilmember Korte: Second.

Mayor Lane: The motion has been made and seconded. I'm seeing there's no further comments.

We are ready to vote. All those in favor please indicate with an aye. Those opposed with a nay. Aye. It's unanimous, acceptance of consent items as has been moved.

So we then move on to our regular agenda items.

ITEM 13 – HUNKAPI FARMS CONDITIONAL USE PERMIT (2-UP-2015)

[Time: 00:27:28]

Mayor Lane: Now, the item -- the regular agenda items are 13 through 17. And the first item in the regular agenda item 13 which Hunkapi farms, the conditional use permit, 2-up-2015 has been removed from the agenda is and is stayed until a related board of adjustment case can be heard and decided. So not to a date certain. It simply has been removed.

**ITEM 14 – AIRE ON MCDOWELL NON-MAJOR GENERAL PLAN AMENDMENT AND REZONING
(4-GP-2015 AND 15-ZN-2015)**

[Time: 00:28:00]

Mayor Lane: So we'll start with our first of the remaining regular agenda items and that is item 14, Aire on McDowell, non-major general plan amendment and rezoning, 4-GP-2015 and 15-ZN-2015. Presenter Greg Bloemberg is at the podium.

Senior Planner Greg Bloemberg: I'm here to give you a brief introduction to the Aire on McDowell project, 4-GP-2015 and 15-ZN-2015. It's at 68th street and McDowell. It was previously occupied by Scott Toyota and it's been empty for seven years. This project will take up the entire site if it goes forward. To the south is existing auto dealerships and to the north is single family residential.

The applicant proposes a single family attached subdivision, which will consist of 81 fee title lots. This is not a condominium. It's plats. There is access off of McDowell and 68th Street. One of the key features is open space. One is at the southeast corner and one at the southwest corner. That will not be enclosed. They will be publicly accessible and there will be some good streetscape improvements consistent with the McDowell road streetscape.

This graphic just kind of shows you what could happen. Obviously if this case and the one on the agenda after it go forward, this is the location of the Aire project and to the south would be the Skye project, which I will get into on the next agenda item. And then over here, next to the canal is the Los Aquas project.

There's a transition occurring along McDowell Road and residential is becoming more prominent. In terms of discussion, policy implications, again, this project would convert existing commercial to residential along the McDowell corridor. It introduces alternative residential option, which is consistent, and the planning mission recommended approval with a unanimous vote of 6-0.

That concludes my presentation. I'm available for questions but for now I will turn it over to the applicant.

Mayor Lane: Thank you, Mr. Bloemberg.

[Time: 00:30:28]

Applicant Representative John Berry: Mayor, members the council, for your record, John Barry, 6750 East Camelback Road in Scottsdale. This council and councils before you have targeted McDowell road for its continuing revitalization and made that a top priority for our city. Well, there have been over a decade of task force character area plans strategic plans, consultant studies all of whom are unanimous in saying we need to bring pore residential to McDowell Road. With more residential and the demographics associated with that, we will continue to revitalize and get the retail, restaurants and other service uses if the existing resident in the area want.

Mayor, members of the council, there is a first on McDowell Road that all of those studies over the last decade and more have agreed on. This is the first for sale residential product on McDowell Road. Pat yourselves on the back. This is an important step forward in the continuing revitalization of McDowell Road. This request is a down zoning taking from commercial an abandoned auto dealership for seven years and developing a community. It's enhancing the stability of our community.

Mayor and members of the council, it's a pleasure to be here representing them. This is an important building block in the continuing revitalization in southern Scottsdale and on McDowell Road. I'm happy to answer any questions that you have and I would note for the record I'm not aware of any opposition for this case. In fact, there are support letters that you have in your package or that have been handed out this evening. I'm happy to answer any questions.

[Time: 00;32:37]

Mayor Lane: Thank you, Mr. Berry. We may have questions but we do have one request to speak from the audience on this item. And it's Dana Close.

Dana Close: Hello, Mayor Lane and members of the Council. I'm Dana close I live at 1837 North 78th Street one block north of McDowell Road. I believe you are aware that I have been working for the past several years to bring a positive voice to the McDowell Road corridor as well as doing what I can to encourage investment and support in our area. I'm here this evening to support two exciting housing proposals by K. Hovnanian homes called Skye and Aire.

The first things to point out is that these properties are for sale. You can purchase these homes and for a price point, that will increase our property values as well. This is the balance we need in southern Scottsdale, attacking new neighbors are people who will be involved in the local schools and have a rested interest in supporting our businesses and being part of the community for long term. People who will work together for the future of southern Scottsdale. I would like to thank K.

Hovnanian homes for offering high quality products in this area. They are contemporary, and elegant without being too trendy. I appreciate the added touch of art at the entrance of the properties. We deserve that extra touch and it's something that's reflective of the area on the rise. So obviously, I support these projects themselves but I would also like to express your appreciation to K. Hovnanian. They have shown they are quickly building a building and moving on. They have been an active member of our community and I very much appreciate that. I would like to thank you for making the McDowell corridor your attention. Thank you very much.

Mayor Lane: Thank you, Ms. Close. That concludes the public comment. We have Mr. Berry at the podium and the applicant if there are any questions.

Applicant Representative John Berry: I have no rebuttal to that.

Mayor Lane: Okay. I didn't figure. I didn't mean to -- I didn't deny you that opportunity but -- Councilman Phillips.

[Time: 00:35:47]

Councilman Phillips: Thank you, Mayor. Mr. Berry, you might want to sit down for this I actually like this. I have seen K. Hovnanian projects. These are single family homes. This is what we are looking for. Single family homes where the people have a vested interest in the city and I think this is much appreciated and I wish you the best of success.

So with that, I will move that we adopt resolution number 10387 and ordinance 4243.

Councilmember Korte: Second.

Mayor Lane: The motion has been made and seconded. Would the second like to speak toward it? Not necessary then. Seeing to further questions on this item, then I think we are ready to vote. All of those in favor please indicate by an aye, nay if you are opposed. Aye. Unanimous. Thank you, Mr. Berry.

Applicant Representative John Berry: Mayor, I will stand here in a little bit and bask in this. I will ask for this clip and play it over and over.

**ITEM 15 – SKYE ON MCDOWELL NON-MAJOR GENERAL PLAN AMENDMENT AND REZONING
(6-GP-2015 AND 18-ZN-2015)**

Mayor Lane: Well, at least make room for Mr. Bloemberg. So Mr. Bloemberg on item 15, Skye on McDowell non-major general plan amendment and rezoning 6-GP-2015 and 18-ZN-2015.

[Time: 00:37:17]

Senior Planner Greg Bloemberg: Thank you again, Mayor Lane and City Council. This is going to be

a similar presentation to my previous one. I will try to be quick with this.

This particular location is located just south of the Aire project to the north. Currently occupied by automobile dealerships. And runs from 70th Street over to the west, not quite to the corner. There's another parcel at the corner that the applicant is also, I think, has ownership of. That could be a phase two to this subdivision if it goes forward.

There's the site plan for this project. This one consists of 58 fee title lots again with private streets, private internal streets and gated primary access off of McDowell Road and McDowell streetscape improvements. Again, there's that same graphic I showed you for Aire. Of course this site should be down here now. And then the same discussion that I mentioned before from the previous presentation. And that concludes my presentation. I will open it up for questions if there are any.

And also if I could I want to remind the council that if there is a motion to approve these cases, that there should be included in the motion an amendment to stipulations number 2 and 10, I believe you have a memo and a description of those amendments in front of you. So just a reminder to include that in your motion.

Mayor Lane: Thank you, Mr. Bloemberg. Yes, I'm sorry. I thought you would go ahead and take initiative.

[Time: 00:39:00]

Applicant Representative John Berry: No, I wait for the instruction from the center of the dais. I'm still John Berry, in Scottsdale. Mayor and councilmembers the only thing I would note with this case is that this is a different product than the homes across the street to the north that you just approved. Thank you again.

This is a different product type. This is a lower density product on the southern side of the street than approved on the northern side of the street and it's larger lots and different product to the. With that, Mayor and members of the council, I'm happy to answer any questions. Thank you.

Mayor Lane: Mr. Berry, if you would, mention what's being replaced on this site.

Applicant Representative John Berry: Mayor, members of the Council, these are some existing dealerships that are moving, unfortunately to the city of Phoenix. So these are dealerships that will be closing and moving. So thankfully you are being proactive and not putting the community and immediate neighbors of the trying times and uncertainties of an abandoned car dealership like across the street to the north that was abandoned and empty for seven years. In this instance, it will be a seamless transition between the closing of these dealerships and bringing this neighborhood to the McDowell Road corridor.

[Time: 00:40:22]

Mayor Lane: Thank you, Mr. Berry. We have no questions or no request to speak on this item at all. So we will go right to questions and it looks like our city attorney has advanced to the priority position of number one. He has something important to tell us. Mr. Washburn.

City Attorney Bruce Washburn: I want to make it clear on the record that the requested amendments to the stipulations are the stipulation 2, where the graphic instead of saying proposed number of units per lot and maximum units per lot is 55 would say that it's 58, and also stipulation 10 would be amended to say the that no building on the site should exceed 28 feet in height, rather than 26 feet in height.

Mayor Lane: If we get to a point of the motion, is it fair to insert what Mr. Bloemberg has sent over to us.

City Attorney Bruce Washburn: Yes. Since that was not part of the public record, that's I didn't want to read it into the public record. I'm not making any changes.

Mayor Lane: Very good. Thank you. Okay. Vice Mayor.

[Time: 00:41:32]

Vice Mayor Smith: Thank you, Mayor. Mr. Berry, compare and contrast these two properties in terms of average unit size or price point. Somebody mentioned the price point as a good number for south Scottsdale. Can you ramble on about that a little bit? Your client would be more than happy to pay you.

Applicant Representative John Berry: Mayor, Vice Mayor, thank you for the opportunity to ramble on. I appreciate that. These two products are a little bit different. The proposal across the street to the north were lots that were smaller and were three story in height. These lots on the south side and the average size of those units was about 1250, 1300 square feet Chuck, or higher. 1500. 1500 square feet is the average size of those and that appeals to one segment of the market. The project you are considering now is an average of about 2500. About 2500 square feet and they are larger lots and they are two stories in height, not three.

So they are very different product for different demographics on McDowell road and one of the things all of those studies and task force talked about was bringing a diversity of housing choices to the McDowell Road corridor. So rather than all multifamily which is what we have seen recently, now we're moving away from the multifamily and into the single family for sale product, again with two different types of product right across the street from each other. So rather than having something that would be uniform or vanilla, you will have something that's a little bit different on both sides of McDowell road.

Vice Mayor Smith: Thank you for the explanation and I think it's -- I would have the commendations to K. hovanian for coming to town with a quality product. I think we are more responsive to a for sale product rather than apartments, because they create the enhancement that the community valley

that the public speaker mentions but they also create a sense of ownership and hopefully community neighborhood. My own personal hope is that, too one day these multiple housing units that we're putting in will bring to the community what they wanted all along which is community, retail, shopping restaurants and the vibrancy of the neighborhood that they once enjoyed. So I challenge staff and others to focus on how we can fulfill the second half of the equation. We have brought housing. So how can we now bring other amenities that create the vibrant neighborhood? But for the moment, we are looking at this housing project and I think it's a good project.

I'm happy to make a motion that we accept whatever it is, 6-GP-2015 and 18-ZN-2015, with the attendant stipulations as mentioned by the city attorney.

Councilwoman Littlefield: I will second it.

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

[Time: 00:44:53]

Councilwoman Littlefield: Yes, thank you, Mayor. I had a question for you, John, if you are not careful, you may have a string of 7-0 votes here. I wanted to know if there are any plans or thoughts about what they want to do with that contingent property on the side of the development.

Applicant Representative John Berry: Mayor, Councilwoman Littlefield. Assuming things go well with this motion. They would likely move forward with the option to purchase that property as well. And look to bring forward a case to expand phase two on to that property as well. So that would be their intention, assuming that this hearing goes well this evening.

Councilwoman Littlefield: Thank you.

Mayor Lane: Thank you, Councilwoman. Councilman Phillips.

Councilman Phillips: Thank you, Mayor. I don't want to look that I'm too eager to get housing in here. I want to say thank you. I really appreciate it. This is aggressive 2500 square foot homes on McDowell. I think the community appreciates it and best of luck to you. Thank you.

Mayor Lane: Thank you, Councilman. Let me just chime in a little bit as far as some of the things that were said by Ms. Close earlier on. This is all a part of at least a reasonably planned kind of approach to the revitalization and we certainly do appreciate the builders and what they are doing here but we all know this is a matter of private enterprise and private property and the building of an area of town in a very good way. We are very appreciative of that but it is all part of how do we revitalize it.

These things don't happen overnight, but as value is built in a neighborhood, it is seen by people who want to invest in the community and certainly I applaud you for that great decision, because I think it is a good one for you. But nevertheless, it's also just a part of the marketplace as well.

So I think this is -- these are some continuing strides on the revitalization of McDowell road and we have emphasized for some time on this. This has been a long time, but it has come in pieces and when say that, obviously over nearly -- over ten years ago now, with the city's major investment, with A.S.U. foundation, and what was the -- rather Scottsdale technology and innovation center which is strictly -- well, it was meant to be strictly a commercial enterprise for technology and innovation companies and it has done exactly that and it's done it in good form, but it was an instigator to bring changes. We knew that the automobile dealerships were not going to stay. The car manufacturers weren't going to allow that to happen. So this transition is somewhat plotted and planned as much as it can be in any kind of free market system with the downturn in the economy. All of those things played into a significant play by the city in order to make sure that we had an attractive platform and we could continue to build on it.

But SkySong with the -- with the A.S.U. foundation, we have invested the city -- the city has invested a significant amount of money in that instigator if you will, and bringing not only the jobs into the area, but also the jobs which bring in the neighbors and the neighborhoods which support all of the other private amenities and public amenities that go into the area. This is a wonderful thing to see and there are other things that are developing on McDowell Road corridor as we have come to though it, that are going to be following on this as well. But I thank you too. I think this is a very nice step and it's timely and as Mr. Berry just indicated, for once, it's very nice to be able to transition from something we know is not going to be with us much longer and that's the car dealerships, directly into something that replaces it.

Because most of us in this room know that McDowell Road corridor has remained opened and vacant, a lot of properties vacant which does not inspire anything other than potential blight and we don't think we got there and we don't want to be there, nevertheless it's nice to see that type of transition as well. So thank you very much on that.

We have a further comment. Councilwoman Korte.

[Time: 00:49:22]

Councilmember Korte: Well, I wish to thank the vision of K. hovanian also. You know, I grew up on McDowell Road so to speak, at one of those dealerships that went away many years ago. And witnessed the rise and the fall of McDowell road, and people ask, well, what drove McDowell road back in the '70s and '80s and what kept Los Arcos vibrant and what kept the amenities that are not there now? What kept those vibrant? Well, it was the cross through traffic. It was the fact that McDowell road was the only east-west thoroughfare from the far east valley to the far west valley, before our freeways. And when the 202 came in and the 101, that is when the traffic counts dropped significantly. McDowell and Scottsdale Road was the second busiest intersection in the entire valley. Only second to 24th street and camelback back in the '70s and '80s.

The only thing that will bring the vibrancy back to our loved southern Scottsdale are residents and the whole residential component. This is just a great statement and the trust and the belief that

McDowell Road and that whole corridor is a place to be. And thank you. I think that's what is just great about this. So thank you.

Mayor Lane: Thank you, Councilwoman. We have the motion and a second on the table and there seems to be no further comments on it. I would ask Mr. Washburn is it sufficient as we indicated in reference to your earlier comment as far as the changes that were stipulated?

City Attorney Bruce Washburn: Yes, Mayor, I believe it makes it clear what the council is voting on.

Mayor Lane: Very good. I think we are ready to vote. All of those in favor please indicate by aye. Those opposed with a nay. Aye. It's unanimous again.

Applicant Representative John Berry: Thank you very much.

ITEM 16 – ASSUMPTION GREEK ORTHODOX CHURCH REZONING (2-ZN-2016)

[Time: 00:51:41]

Mayor Lane: We will still need to have you move along, though. Okay.

The next item is item 16, the assumption Greek Orthodox church, rezoning 2-ZN-2016 and the presenter is Mr. Carr. Welcome.

Senior Planner Brad Carr: Good evening, thank you Mr. Mayor and members of the Council. Item 16, 2-ZN-2016, Assumption Greek Orthodox Church. This is assumption that permitted the church on the site, back in the late '80s. As you can see here, the church is located at 8202 East Cactus which is just east of the intersection of Cactus and Hayden roads, highlighted here. A little bit closer up, you can see the existing church located near Cactus. Some administrative facilities located on the eastern part of the church and currently vacant parcel on the western side near Cactus Road which is the location of a proposed fellowship hall for the church. Surrounding the site is single family homes to the north and large office complex is located to the west, additionally single family homes are to the south and the west of the site. Currently zoning r1-35 and the parking zoning district.

The applicant site plan as you can see here, the request is to amend a stipulation to allow additional building height for that fellowship hall to be located near Cactus Road on the western portion of the site. The current stipulation allows maximum height of 25 feet and they are requesting 30 feet. In addition, there's also some amendments to the stipulations to clarify DRB requirements for the application when that fellowship hall comes forward to the DRB. Some conceptual building elevations showing the height of the building at 30 feet and two-story building for the facility.

Real quickly, again, the site is about 6 gross acres. Existing building height is for the sanctuary is 38 feet, 25 feet allowed currently for the multipurpose building and 30 requested for the multipurpose building with this applicant requests. Again, the floor area ratio and all of the open space are within requirements and the planning commission recommended approval on March 23rd of this proposal.

One final note, you have some additional stipulations or amendments to stipulations in front of you. Specifically those amendments are for a 6-foot trail under items 10 and 11, and versus a 10-foot trail as was originally proposed. Happy to answer any questions and the applicant is also here to present and answer any questions for you.

[Time: 00:54:38]

Mayor Lane: Thank you, Mr. Carr. We have some requests from the public to speak on this. So we will move to that first and we may have questions afterwards. I will start with Rocky Sisson.

Rocky Sisson: Mr. Mayor, Rocky Sisson of Assumption Greek Orthodox Church, 8202 East Cactus Boulevard. I wanted to make a few comments. I'm with the church. I'm cochair of this program. My responsibility is the capital campaign, paying for all of this. So within the church.

We spent several years. We spent several years looking hard within our community of what the needs of our community are, what we really needed to serve the membership of Assumption Greek Orthodox Church. From that we went and visited a lot of churches in Scottsdale and throughout the valley. We went as far as California looking at how they met the needs of their community through classrooms, community center, book store, different elements of that and we went through an awful lot of study and work to get to this project that we have today.

It's been a collaboration of the entire community. As a matter of fact, we presented the project, the concept, the building, the idea to the community and the financing, it was passed unanimously by the community of Scottsdale. So it's a project that has been created with all of us. We are very excited about continuing, you know, the worship and the work we have done for the Greek Orthodox community in Scottsdale on this property. So it's -- I just want to express how much a community effort this is from our group, and very conscious of the neighborhood that we are in and really trying to enhance the property that we currently occupy. Thank you.

[Time: 00:56:35]

Mayor Lane: Thank you Mr. Mr. Sisson. Next is -- I believe it's Robert Yoder.

Robert Yoder: Thank you Mayor Lane and members of the Council. I'm a resident. I live one house from the project. I have been -- the proposal, and I have lived here for 25 years. So I have seen a lot of progress within the church and the community and the neighborhood.

I'm asking today that this matter be remanded back to planning so there can be additional outreach for the neighborhood. The stipulations that you have got before you and that are at issue in this case really stem from a long history between the neighborhood and the church. The church started out as operating out of a house that was within our subdivision. And it was pursuant to a use permit and the neighbors supported that use and it was a cooperative effort. The neighbors also supported the building the current structure that you saw on the presentation slide, but it hasn't been all without

controversy. At one point, the church in order to raise funds attempted to enter into a contract with U.S. west to have a cell tower site on their property. Another time they had tried to amend the CCRs to exempt them from the other neighborhood requirements. So there are issues and it's a delicate balance between the church and the neighborhood.

I'm asking today that it be remanded because there's been inadequate outreach. The community that was referred to in the I initiative, was the Greek Orthodox but not the neighborhood community that the entire project was within zoning. Well, that's how it was represented to the neighbors. It wasn't just within zoning, though. It's stipulations that need to be changed. Stipulations that would be associated years ago.

There wasn't anything at the January 25th outreach committee meeting. We asked them but it wasn't there. That was not an issue that was communicated with the neighborhood. At the planning committee neighborhood, we were told to show up at 5:00. We did. Lots of neighbors did. When I showed up, I asked for a card to comment. Sit down. The meeting will begin. The meeting was an accelerated agenda. From start to finish, it was three minutes. There was no opportunity for comment. Here today in this meeting, you asked if there were -- after the meeting started, you asked are there comments. In fact, there were comments taken on non-agenda items. And there's an opportunity for those of us to speak. There was no such opportunity at the planning commission stage there. Was insufficient information with the neighbors.

I'm not saying to accept or reject the project. What I'm saying is the neighbors deserve a chance to participate in meaningful communication with the church, just like we did for years on the other two major projects that were undertaken. I'm saying since the last meeting the fact that there hasn't been a single meeting since the planning commission meeting. The church is well aware that there were neighbors that wanted to speak and were not given an opportunity because we were told to be there at five and the meeting was over by 5:03. Yet there's been no outreach effort from the church in the one month span since that effort.

And what I'm asking for is for the city council to respect the neighborhood and just say I'm not saying it's a good project, a bad project, reject it or accept it. What I'm saying is the neighborhood deserves the opportunity to meet, consider and have meaningful input on how it may impact the neighborhood. So I'm asking that it be remanded for planning so we have a good opportunity to really seek the input that is deserved on this type of project. I thank you for your time.

[Time: 01:00:40]

Mayor Lane: Thank you Mr. Yoder. Next is Dan Sommer.

Dan Sommer: Good evening Mayor Lane and City Council, my name is Dan Sommer, and I live at 12005 North 84th Street, which is just east of the church. When I heard about the project, I had initially some concerns about the height, about the density, but it's interesting we have a different perspective. I reached out the church was more than happy to have multiple conversations with me and other members of Desert Hills North community.

And one of the concerns I had was originally the height of the building, but after talking to the church members they have agreed to some compromises. What were the compromises? They have agreed to add additional vegetation, additional trees to cover the height, so there would be tall trees growing quickly. We worked on how we labeled the offices in the new building. Every time I had a question, they had been very responsive.

So as a neighbor, I take a little bit different approach and I support this project wholeheartedly. And I want to thank the church for being so understanding and so willing to have a conversation. Thank you for your time.

[Time: 01:02:22]

Mayor Lane: Thank you, Mr. Summers. Next is Rita Kilgore.

Rita Kilgore: Good evening, Mayor, and members of City Council. I'm Rita Kilgore, a resident of Scottsdale for 22 years. My house is directly to the east of the Greek church compound across a wash. My home is one among many at the edge of Stone Ridge Estates. I'm here today to strongly protest any construction of a two-story building anywhere within the Greek church compound, a 28 or 30-foot building goes against residential zoning rules. Neither commercial nor private business owner in our neighborhood should be allowed to create a highly visible structure. We residents follow those rules. Everyone should.

A tall nonresidential structure will negatively alter the character of our neighborhood, the Stone Ridge Estates. It will alter our sky scape. As it is now, there is a bright Greek dome church that shines upon my backyard and I can't even see the skies in the evening. I just -- the lights of the dome are glaring at my backyard. I don't mind the structure itself because I'm Catholic. I grew up with many churches around my neighborhood. Certainly in America, I don't want to flaunt my religion or any religious structure, but that's besides the point. I'm afraid now that they will now further try to construct another building of the same height as the church. The Greek church community has a choice to elect -- to build a two-story by building down. The same square footage can be achieved without creating an eye sore or a visual nuance. The commercial offices at the corner of Cactus and Hayden did this. They built down. And they have not caused any nuisance to our neighborhood and has not altered our appearance.

I'm also here to raise concerns about the consequences of their expansion that will affect the quality of our neighborhood. A new large structure will evidently bring in more members, more -- more activities day and night, and more noise, as it is now I endure the noise blasting through their microphones that penetrates my home with close windows and doors. I can't hear a quiet conversation at our dinner table because they have activities on the evening and weekend. I like that they stop exactly at 9:00 or 10:00, but I'm still bothered by the noise. I'm concerned about the bright security lights. I cannot see the desert sky tonight. I'm staring at the security light behind their building on the dome. The Scottsdale city is really the citizens homeowners association and I hope that you will consider our views in the neighborhood and protect our residential life. I would like to

say it's a very livable place to stay in and I don't mind working with the Greek church, but I wish they would consider also the sentiments of neighborhoods. Thank you.

[Time: 01:05:47]

Mayor Lane: Thank you, Ms. Kilgore. Next is Nashie Prouty.

Nashie Prouty: Mayor, council, I too am a resident. I have been a resident of Scottsdale for about 38 years. We have been in that neighborhood for ten years. We chose that neighborhood because at the time, it was a nice, quiet neighborhood. We had been looking at that area for 18 years and when something opened up, we jumped at it.

What my neighbor has stated is absolutely true -- neighbors have stated is absolutely true. There has not been the outreach. The community that the church speaks of is not the neighborhood. We have gone to meetings at the church and a couple of which were called and no one showed up. We have been told by church members that we like all of their plans.

We don't like their plans, just because you tell people that they like what they are doing doesn't mean that they like what they are doing. We have to live in that neighborhood. And that height is -- is another abuse or development has gone through our neighborhood like a runaway train. We have the increase in air traffic, the size of the airport noise is crazy. The freeway went in. We had increased traffic. If there's any problem on any roads, the freeway or Hayden or Cactus, the traffic goes through our neighborhood.

This church growing is not something that many of us are welcoming. It is a very noisy church. The church -- the noise from the church just radiates up the washes. The height increase is just another slack. We have already gone through enough. We can't open our doors at night anymore. It's just noisy. It's a very busy neighborhood and we do not welcome these changes. We need to be heard and we need to explain to our neighbors exactly what the impact is going to be on the neighborhood. That's it.

[Time: 01:08:38]

Mayor Lane: Thank you, Ms. Prouty. Next is Brian Klimes.

Brian Klimes: My name is Brian Klimes, thank you Mayor and Councilmembers. I'm also a resident of Stone Ridge Estates 12331 North 83rd Street and I guess just dealing with what is on agenda today about the height amendment, it would just completely alter the whole area in my opinion. There's nothing that is a two-story commercial, even a two-story residence from the 101 going all the way best to pretty much Paradise Valley Mall. The residence of this would set probably in the future, because the one residence that's on the property right now, five years, ten years, that whole rest of that area, it could come before you again where now that has changed, the house is demolished, some other structure is put in that place at 30 feet. No matter how much you are going to try to dampen the noise, if you put desert, Palo Verdes, whatever you have, that will be very minimal. Those trees are

just -- nothing is going to prevent not an eye sore but it will stick out like a sore thumb.

In addition, I guess pretty much from doing that, the increased traffic on cactus is going to be -- it's going to really industrial developer that area. It is as was already stated, this is turning into -- Cactus -- any problem is turning into a main vein into Phoenix and the additional stress that it will put on Cactus and Hayden intersection. There's already probably an accident there every two weeks. If you have additional things at night, adding to the commute time and everyone is going to work or going home, this will stress it out even more. That is pretty much -- the overall size, as was mentioned, you can build down as Odyssey professional center did just to the west of the property. But I don't think even doing that, you are going to create the same footage, adding the additional stress in the area. Thank you.

[Time: 01:10:53]

Mayor Lane: Thank you, Mr. Klimes. Next and final is Salem Prouty.

Salem Prouty: Thank you, Mayor and City Council. My name is Salem Prouty. I live on 83rd Street, not 84th street which is a block and a half away. We face -- we back on to the channel. There's a drainage channel that runs to the east of the church and to the west of our property. We used to be able to enjoy our backyard most parts of the day. Occasionally on Sunday evening it got a little loud but that was not that bad. It was just one day a week. It is now the church has continued to grow. It's now got to be where five days or six days a week, we can't go into the backyard after 6:00 in the afternoon, because the church is having some activity and we can't hear anything.

We came to a city planning and zoning commission meeting that the city planning and whatever they are sent out a notice on. We were told to be here at 5:00. We got here at five minutes to five. The commission was heading up the stairs. The commission meeting was already over. We were given no opportunity to make comments. The city personnel was at the meeting was very stand offish to us. I mean, they had already told the developer what he wanted to hear. Why talk to the members the community? We would -- I will agree with Mr. Yoder, I believe this should be remanded to the planning and zoning commission. I believe the planning and zoning commission should inform the residents of the subdivision that is going to be affected what time the meeting is starting and what time we could -- we should be here.

The problem with this church is that all of the people in this church do not live in the general area. Most of them live to the north of us and heaven forbid they bill a church up there. This church will cause a lot of traffic problems. They are already from 3:00 in the afternoon until 6:00, you can hardly get on cactus road. It's a very busy road and it will just add to that. Thank you again and I would like request council to remand it.

Mayor Lane: Thank you, Mr. Prouty. That completes the public testimony on this item. If the applicant would like to come forward. We have any questions to respond to.

[Time: 01:14:25]

Applicant Representative Irene Clary: Mayor Lane, members of the City Council, my name is Irene Clary, Scottsdale. I would like to address some of the concerns that the residents have expressed. I would like to start by just telling you further that we have been working on this project for about three years now. And as Mr. Sisson said, we have visited many community centers. We have gone far and wide. We visited other cities to look at community centers for churches. And so a lot of thought and process has gone into this community center.

Part of that thought and process has been reaching out not only to our own community, but also to our surrounding neighborhood. I have been in this business of development for about 30 years now and I know how important it is to reach out to the community. And I may add that we have had a couple of neighborhood meetings not just one, but a couple. We were able to go door to door and talk to people about our project.

And we have sat with Mr. Yoder several times and his concern with the project -- and if I can put Brad to put up the sigh -- site plan, I would appreciate it. Mr. Yoder's concern with the project was when we were proposing a two-story building open the east side of the property, which would be on the east side of the church. It was two stories. He asked us to bring it down to one story and he felt that he would in support of, you know -- of the entire project if we brought it down to the one story and we did, because we wanted to compromise with our neighbors.

The building on the west side was not an issue and I might add for the record that we have always proposed this height. And it has always been 30 feet and it's not quite 30 feet but it's been a little less than 30 feet. What we see here today is what we showed the neighborhood, over two and a half years ago. We are not expanding the church. The church has a membership that's already at capacity. We are only -- and simply providing a community center for our children, for our members and it will consist of a hall, a banquet hall if we are celebrating weddings and cremations, as well as Sunday school classes and educational Bible study and that sort of thing. So I don't see or foresee a problem with traffic.

And for the record, did I reach out to Mr. Yoder. I called him on the phone number that was in his letter and I did leave a message about two and a half weeks ago, just to simply explain to him that we -- what we proposed to him over two and a half years ago is the exact same height.

And by the way for the record, the height that we are proposing it is a height of 30 feet that's allowable in the current zoning ordinance of the city of Scottsdale. Not only for community centers but also residential -- residences that could go up to two to three stories. We are in compliance with the zoning ordinance and not requesting something more than what we are allowed. Any questions, I'm here to answer.

Mayor Lane: Thank you, number one. And I don't see any questions right at the moment for yourself. If you would like to stand by, there may be. We do have a question. I don't know whether it's for yourself or for staff, but Vice Mayor Smith?

[Time: 01:18:25]

Vice Mayor Smith: Thank you, Mayor. And I don't know that it's necessarily for you Irene. To staff, I have a request. One of the speakers made the comment that the public outreach, the postcards that went out said that -- the proposal was within zoning or wards to that effect. Can you comment on what that speakers' remarks --

Planning and Development Services Director Randy Grant: Mayor Lane, Vice Mayor Smith. It is within the zoning. What happened at a previous point in Scottsdale history, as in many other communities where churches were required to get use permits.

This church got a use permit and in previous decades and because that use permit contained stipulations that stay with the property, they are looking to amend the maximum for height.

It's within the zoning but it was more than they stipulated to at the time the use permit was approved.

So it's a little unique that a church would not come in for a use permit today because they are allowed by right but because a stipulation had been approved that is essentially an agreement between the city and the neighbors and the property owner and it required an amendment even to achieve what the zoning district now allows.

Vice Mayor Smith: I'm aware of that nuance between the -- the zoning allowance and the allowance in their stipulation. I just wonder what was the actual notification that went out to the neighbors.

Planning and Development Services Director Randy Grant: Vice Mayor Smith --

Vice Mayor Smith: Everybody seems to be rushing with an answer. So perhaps that's -- that's much too small to read. Why don't you just go to the microphone and tell us.

Senior Planner Brad Carr: Mr. Mayor, Mr. Vice Mayor, this is the letter that the church sent out to the neighborhood. And you can see here it just notes the date of the hearing but as it gets down here, it talks about how the property has been rezoned and many of the original 19 stipulations have been satisfied. It just says please join us for January 25th.

Vice Mayor Smith: That's what I wanted to know. The second question to staff, the comment was made that surrounding residential has height restrictions zoning height restrictions that are equal to or greater than this 30 feet. What is the height restriction for the surrounding residential?

Senior Planner Brad Carr: Yes, again, Mr. Mayor and Mr. Vice Mayor, the restriction for residential in that area is 30 feet maximum height.

[Time: 01:21:20]

Vice Mayor Smith: Okay. Well, those are the only comments I have or the only questions I have,

rather. The comments that I have, and by the way, you may get tired of standing there --

Applicant Representative Irene Clary: I'm totally fine.

Vice Mayor Smith: I think the church, when they originally went in here agreed to certain stipulations. One stipulation is important to tonight's case was that the height of ancillary buildings like this would be 25 feet. And that was an agreement presumably hammered out with the neighbors at the time, and the city council at the time.

Someone said I think we need to respect the neighborhood and we need to restrict the decisions of prior councils, whatever. In my mind, it's not a given that you can just go to 30 feet because the current allowance is 30 feet. This deal was made several years ago, preceding most of if not all of us on the council. I think to imply to the neighbors or the public that this is perfectly consistent with zoning. It is consistent with current zoning. It doesn't happen to be consistent with the agreement that they made.

The -- some of the other issues that we haven't talked about here is, you know, the variance that's requested in terms of the light which is not consistent with what we normally do. It's consistent that you will build a 30-foot building but putting exterior lighting on the building to allow visibility of hallways or whatever.

My concern is in supporting this over the objection of neighbors, no matter how many neighbors we're talking, about I would -- and I know the church has been working on it for whatever three years and going everywhere to see what other people are doing. It's really not so terribly relevant in my mind what other communities are doing, what other churches are doing, whatever. All that's really relevant in my mind is what was the deal that was signed? And the deal that was signed was a that 25-foot building agreed to by neighbors and the council at the time and the church. If we want to change that, I'm -- I'm reluctant to agree to change it and certainly reluctant to agree to support a change to it in the face of opposition and concern by some of the neighbors. So I won't be supporting the request as made tonight.

I would support a request that was made by somebody to send this back to a more transparent and open outreach, something that says we are approved by 25 feet but we dearly love to go to 30 and we love to have you come here and talk to us about it. It's not something that implies what we are doing is absolutely within zoning. Thank you, Mayor.

[Time: 01:24:39]

Mayor Lane: Thank you, Vice Mayor. Yes, I certainly -- Councilwoman Klapp?

Councilwoman Klapp: I have a question about the reference to the planning meeting. Did the planning meeting start on time that was held on this case?

Current Planning Director Tim Curtis: Yes, Mayor Lane, and Councilwoman Klapp. Tim Curtis with

the planning department. Yes, it was on time. Nothing occurred out of the order with the planning commission meeting. It started on time. The chairman did read through the script that included an invitation for speakers to fill out a card.

At the time of the -- that the piece that the planning commission made their motion, there weren't any cards submitted and so they made their motion and things happened pretty quickly but they made their motion and at the end of the meeting, then it was brought to our attention that they were some speakers who wanted to speak, but, again, nothing really occurred out of the ordinary at that planning commission meeting. The -- during the study session prior to the planning commission meeting, the planning commission was aware of Mr. Yoder's concerns specifically through a letter that was distributed to the planning commission prior to the meeting. But, again, the meeting did start on time and nothing really occurred out of the ordinary.

Councilwoman Klapp: Well, it would seem to me that the comments that were made regarding conditions that were placed on this property years ago, by a previous council through a conditional use permit, obviously have changed because the zoning has changed. And so that also was done by a previous council. So I don't think it's inconsistent for us to be considering a change to the -- to the stipulation and the conditional use permit to apply 30 feet to this property now, even though it was agreed to at 25 feet before. So I would not agree with the comments that were just made because the zoning has changed.

And so I don't believe it's reasonable to apply different standards to one building versus the neighbors next door which are allowed to build to 30 feet. I would not agree with that argument. So I will let others speak but I'm not inclined to deny the change to 30 feet.

[Time: 01:27:24]

Mayor Lane: Thank you, councilwoman. I just have one quick question with regard -- at this point in time, and that is in reference to the city's obligation to notify the neighbors within a certain area. The card that's referred to and then the letter that was put up, what -- what kind of response did we get to the city's notice on this issue?

Senior Planner Brad Carr: Yes, Mr. Mayor, as you note, the city also sends out notifications through a postcard to residents within 750 feet of the site. That notice did generate some feedback from the people that received that and other people that didn't receive it, I guess the others who may have heard of that card, and we sent out nearly 100 postcards to residents surrounding that site, notifying them of the hearing dates, the planning commission date and the city council date.

Mayor Lane: Okay. And what becomes of the responses to those cards. Were they directed to a planning commission and/or what other elements of input were they able to provide.

Senior Planner Brad Carr: Yes, Mr. Mayor, generally if the response is presented before the planning commission hearing, it will be within the planning commission packet that goes for them.

If that response comes after the planning commission hearing, it would go within the planning city packet if it occurred prior to us sending the packet out.

Mayor Lane: And so they were within the planning commission's packet? There were some comments that speak towards some of the subjects we're hearing?

Senior Planner Brad Carr: Yes, correct and to Mr. Curtis' point, the letter that was received by Mr. Yoder was sent out or -- it was received by the planning staff following that planning commission packet being sent out. So instead, it was not included in the packet but it was included on the dais on the day of the hearing.

Mayor Lane: Okay. So it was properly posted? It was properly noticed and you have got some information and that was communicated both to the planning and to our packet?

Senior Planner Brad Carr: Correct.

[Time: 01:29:47]

Mayor Lane: Okay. Councilman Phillips?

Councilman Phillips: Thank you, Mayor. Well, I guess this is kind of along the same line of questioning, but I think we had three residents testify that they got here at 5:00 because they noticed that the meeting started at 5:00 and it ended the at 5:00. The meeting started at 4:00. So why did they get a different notice?

Current Planning Director Tim Curtis: Mayor and Councilman Phillips, the notice always says that the meeting started at 5:00. The planning commission meeting starts at 5:00. After speaking with the residents after the planning commission meeting we reviewed the video and the meeting did start after five, I think it's 5:01 and the script was read. Shortly thereafter, and that included, again, invitation for standard cards and the standard script that the chairman reads through.

And when they made a motion on this item, it -- there were no cards submitted at that time. And so there was a study session at 4:30, prior to the 5:00 hearing date where we distributed Mr. Yoder's letter and reminded the planning commission that there's additional correspondence regarding this item and so they were made aware of those concerns.

Councilman Phillips: Okay. So it sounds to me if the meeting started at 5:00 and they were there at 5:00, and it was a fast meeting. It sounds to me like the residents just didn't know what to do and it was over before they realized what to do. And you can't always expect the people to understand the process because sometimes the process is quick.

For the applicant, I would say this building, you are -- the building, the two story we are talking about is on the east side.

Applicant Representative Irene Clary: It's the west side.

Councilman Phillips: I'm sorry, the west side. Yeah. And I heard a lot of residents were saying that there's a lot of noise going on. I'm thinking that if you have this building, it's going to contain the noise because they are going to be inside rather than outside if that's where the noise is coming from.

Applicant Representative Irene Clary: Correct.

Councilman Phillips: And you have a plaza which kind of -- if you are in the plaza that building will block the noise. So I would think the noise level would be down because of that, just because of that. The 30-foot variance, I have to agree with the Councilwoman Klapp that that's -- those changes over time, and you can't deny something that has changed over time because it allows it for everybody. You can go apply to the city and get a permit and build a two-story building. Nobody does. Nobody does it in any neighborhood. It's there if you wanted to do it.

I would like to ask the applicant if you are willing to have a continuance on this for 30 days and have one more public meeting that the residents can meet with you and try to maybe hammer out some of these issues with them. It seems like maybe they didn't understand the process so well, and it just kind of went through too quick for them. I realize your project has been going on for almost three years and you talked to people along the way. I understand how things happen like that and if that's possible, I would appreciate it.

Applicant Representative Irene Clary: Councilman Phillips, I would like to respond that. We have had several meetings with the neighborhood and then we have had individual meetings with some of the neighborhood members. We are taking the community center from the east side, which is where it is currently right now to the west side. I'm not sure if that understood but at the time when we did have the initial meeting, the residents very much appreciated that we were taking it on the west side.

They also appreciated that we were taking the east side building which is at a future time down to one story. It was also a two-story building but we reduced it on the request of Mr. Yoder and we brought it down to one story.

And I think we have spent a lot of time with everyone and as Mr. Summers said, any time we have been called and there have been calls since the notice went out. I talked to several residents. They have all been very, very happy. They are happy it's removed and closer to Cactus Road. So it's away from the north side, which is the parking lot and it's also taken from the east side and located to the west side.

But we are not enlarging our church. We are trying to contain our children. I happen to have three. I'm a member of the church. We're all very excited to get this project off ground.

Councilman Phillips: I understand. Is there any kind of buffer on the north wall from the neighbors to the north?

Applicant Representative Irene Clary: There is buffer and the building is set back significantly and closer to Cactus Road. We are putting in trees long the south side of the community center to further enhance the landscaping and, in fact, when we -- several years ago, when we consecrated church, we added landscaping. We liked having a lot of greenery around our community. So we try to be really good neighbors and address, you know, the residents' concerns and called back when they do have a concern.

So I think we have really done our part in talking to the residents and trying to be there with any kind of concern that they had but I will preface it by saying we always showed this building as a 30-foot building and it's not quite 30 feet. So the top of the roof, it's approximately 26 feet and then you have the parapet and the mechanical equipment. But it's not 30 feet. The way it's calculated is property line to property line, you have to take it from the curb and average it out. So, you know, we can very easily show you how the building is -- you know, the difference between 25 and 30 feet if you would like to see that. But it's not a significant amount.

[Time: 01:36:53]

Councilman Phillips: Okay. Well, to me, I think the applicant has done their due diligence. I think this is an unfortunate case of the residents not knowing the process. I can understand that because I used to not know the process. And it can come over you very quickly. You think you are going along with it and all of a sudden it's done.

I think the applicant has done their due diligence. I think this building -- you might find it will make it quieter because I think the people will be inside instead of the children playing outside in the lot. So I would appreciate that you would ask for a continuance but you don't have to do that and you have done your due diligence. So I guess I will have to go along with your application.

Applicant Irene Clary: Thank you.

Mayor Lane: Thank you, Councilman. Councilwoman Milhaven.

Councilmember Milhaven: Thank you, Mayor. You know, I agree with the neighbors that the opportunity to have public input into the public process is absolutely critical of a good go of the and making sure that we are responsive to what our citizens need and so I thank my colleagues for asking questions to clarify the process, and even if there is some misunderstanding about what happened, you are here today, and thank you for coming tonight to have your voices heard. While you may not have felt heard at a community meeting or you may not have felt heard at planning, thank you for coming tonight to be heard because this is really sort of the ultimate place for you to share your point of view.

In terms of this project, in listening to the neighbors, what I hear is I don't like having a church there. I heard there's lots of traffic. And there will be more. I heard that the lights are intrusive and concern over that and I heard that there's noise.

And while that may be concerning to the neighbors, the question here is about 5 feet. And as Ms. Cleary explained, it's really only a foot of building and a couple of feet of mechanicals that you probably won't see. I have heard some people say they would like to see the -- the building dug down. Well, if you dig down 5 feet, it's not going to change the size of the building or the traffic or the light or the noise.

Although I can see Councilman Phillips makes a good point if you can bring some of these events inside, it might reduce the impact, minimize the impact on the neighbors. And so I would like to remind neighbors that we have noise ordinances. We have light ordinances and if the church exceeds any of those. Please let them know or call nonemergency number and we will come out and make sure that folks -- neighbors.

I think five feet, that's already allowable is certainly reasonable. It's to the west of the church building. So it's further away. So that this impact is buffered and the church impact is 38 feet. So to give them the little bit that they are asking for, I really don't think is going to deteriorate your -- have any more impact on you than the church already has.

I would like to make a motion to adopt ordinance 4249.

Councilmember Korte: Second.

Robert Yoder: May I make a comment.

Mayor Lane: No, I'm sorry.

[Off microphone comment]

Mayor Lane: The comments were made and we are working with that information at this point in time. Sorry. That would be out of order. The motion has been made.

Councilwoman Klapp: Second.

Mayor Lane: I think it was seconded here. Councilwoman, would you like to speak to the second.

[Time: 01:40:40]

Councilmember Korte: Thank you, Mayor. A couple of questions. Ms. Cleary, what are the two build on the eastern side? Is that the community center that you are using now? That's -- yes.

[off microphone comment]

Councilmember Korte: You need to get to the microphone, I'm sorry.

Applicant Representative Irene Clary: Councilmember Korte, it's where we have our children right

now attend Sunday school and Greek dance. There's Bible studies that are held there and, yes, they are shabby and shabby shacks as Mr. Yoder indicated. So we want to take that away and create a nicer building away from the neighbors that are, you know, in opposition here tonight. We are taking it and we are moving it to the west side. You won't even be able to see it from Ms. Rita's backyard because it will be hidden by the church.

And we proposed to take away some of those building that are dilapidated because we have no other place to put our children and move them to a newer place which is going to be a much better environment for our church.

Councilmember Korte: Thank you.

Mayor Lane: Thank you, councilwoman.

Mr. Washburn, did you have a comment you needed to make?

City Attorney Bruce Washburn: Thank you, Mayor. Do I understand correctly that the motion includes the amendments to stipulations 10 and 11 regarding the width of the multiuse trail welcome 6 feet instead of 10 feet?

Mayor Lane: The motion makers accepted that.

City Attorney Bruce Washburn: Thank you.

Mayor Lane: And the second -- excuse me, sir! Excuse me. You are out of order. This is not the way we operate here. I'm sorry. Councilwoman. Thank you.

[Off microphone comment]

Mayor Lane: Mr. Yoder, if you persist, I will have to have you removed. Councilwoman Littlefield.

Councilwoman Littlefield: Thank you.

[Off microphone comments]

Mayor Lane: Mr. Yoder, please!

[Off microphone comments]

[Time: 01:43:16]

Mayor Lane: Councilwoman Littlefield.

Councilwoman Littlefield: Could you tell me, are you going to remove those older buildings?

Applicant Representative Irene Clary: Yes.

Councilwoman Littlefield: And what is going to go in that area? Anything?

Applicant Representative Irene Clary: We have not planned it out. Initially or as a third phase, we have talked about doing like an exclusive Sunday school at that location. It may also be, you know, a house for the elderly. We have not quite gotten in there yet. We are just taking the west side and that's what we are trying to afford right now and then worry about the east side later.

Councilwoman Littlefield: So for the time being that would just be empty?

Applicant Representative Irene Clary: We would remove the buildings -- the north side and then we have plans to demolish the other building. We haven't gotten that far yet to really honestly tell you what we are going to do.

Councilwoman Littlefield: Okay. One of the things that did concern me was the comments about the planning commission, that they knew there was -- there were neighbors who were concerned and they didn't wait around for any -- any few minutes to see if anyone showed up. That's a little bit concerning to me and I think they should have stayed a little while.

Applicant Representative Irene Clary: May I respond, Councilwoman Littlefield? I do believe Ms. Rita was there but perhaps she didn't fill in a card. Mr. Yoder came in late. I believe it's televised so you can see the meeting. There was no rush to that meeting. Mr. Yoder was late.

Councilwoman Littlefield: I usually do watch them on television. I don't always come down here. But when I turned it on, it was about 10 after five and nobody was there. I thought, oh, I have the wrong day.

I wanted to ask a couple of things that the neighbors had said. On the new building that you want to build, I really don't have a problem with adding an extra foot and then putting the mechanicals on top of that. But I was wonder if you had any thoughts about the lighting so that it doesn't shine out into the neighbor's area and also soundproofing the building so that it adds a little bit more protection in the surrounding areas and the neighbors against sound and what's going on inside?

Applicant Representative Irene Clary: If I may answer your first question, the lighting will be internalized. It's going to be a courtyard and the lighting will be on that second level which is really going to be internalized and it will be lowlighting, just so that people can see when they are coming in and out of those rooms after dark. And in terms of noise attenuation, we may take measures with windows. Usually the low e windows serve both the purpose of noise attenuation, as well as sun -- the elements coming through and heating the building.

Councilwoman Littlefield: Thank you. I'm familiar with the church and the area. I lived there for 25 years and I want to make sure that the neighbors and the neighborhood area is protected and that

the standards don't go down in the development, and the zoning areas in there. Thank you.

[Time: 01:46:32]

Mayor Lane: Thank you, Councilwoman. There is a motion and a second on the table for acceptance. I have just wanted to make a couple of additional comments with regard to the process that we employ here on the council and in these chambers and we very much appreciate all input and we would like to have our citizens heard, but in order to facilitate that, and the best and most orderly way, we have an order in Robert's rules of how we go about that. We have to adhere to that. We do not applaud. We do not boo. This is not the theater. This is an orderly process and we try very hard to make sure we are analyzing the best of information that comes to us.

We certainly always want our neighbors to be involved and understand when things are happening in their community. And we go to, I think, very strenuous or very strict lengths to do exactly that. In fact, we are noted throughout the valley as being probably the one that's most adherence to that kind of transparency and disclosure to our community. Is it fool proof? No, its not but it's not also foolproof in how any outreach is to the community and whether people recognize it when a card gets on at kitchen table and whether it's something that is relevant and it's something they are responding to. It's always a matter of concern. The absence of somebody being able to recognize and take action immediately. We have to go with the videos. We have to go with the record that we employ. We try very, very hard to make sure that we adhere to that.

So I'm probably only concerns that somebody coming late with a meeting that may have only taken a few minutes might have missed it. That's an unfortunate consequence of running late. I will say that we are very concerned about that. I think you witnessed this council thoroughly trying to go through what our process is and what our adherence was to it. So I appreciate the efforts of this council and evaluating all of those aspects of it and I think even some of the questions I was going to ask were asked by others and I think we have got it pretty well covered.

The final throw on this is that even though there may be some objections to having the church there in the first place, that's not what we are here to determine tonight. It's a matter of a 5-foot variance and it's not a variance from the current zoning as has been indicated but nevertheless, I think the big issue that I hope is being considered by anyone who is affected by this, is that moving this building from the east side -- and I'm very close to this area. I'm just across Hayden from this area. From where the church is. I'm familiar with the traffic. Moving that from the east side to the west side adjacent to commercial property, I would think is a very significant issue as it relates to most of the objections I heard and thought were annunciated by some of the folks in the neighborhood.

So with that I will support the motion. We have done our best on this and I do appreciate the input and I hope you can understand and I think the church -- I hope the church, it seems to have been to this point in time from all indications a good neighbor. I hope that it continues to be and that this actually improves the situation for your neighbors.

So with that, I don't think we have any further items to discuss. We are now ready to vote. All of

those in favor of the motion as stated please indicate by aye. Those opposed with a nay. The motion is 6-1 with Vice Mayor Smith opposing.

Applicant Representative Irene Clary: Thank you very much.

ITEM 17 – WESTWORLD TENT AGREEMENT

[Time: 01:50:37]

Mayor Lane: Thank you. Next item is item 17. The WestWorld tent agreement. I can see that Mr. Worth has already moved into position as the presenter. Our public works director. Mr. Worth?

Public Works Director Dan Worth: Good evening, Mayor and Council. I am here to present to you a proposed agreement concerning continued use of the tent at WestWorld. Briefly review a little bit of recent events that happened concerned the tent. We talked to you about it at a council work study as part of a discussion on our development of our C.I.P. in January at that pleating, you gave us directly to make the tent disappear.

Since that time we have been advertising or soliciting bids to have somebody come in and buy the tent. We have actually gone through two advertising periods, the second one closed yesterday. Although we had inquiries, we didn't end up getting anybody submitting a proposal to buy tent as a result of those two efforts. And lacking any further direction, our intent is to comply with that direction that you gave us in January and make the tent disappear in the summer of this year.

This is the site. And I will also remind you that actually the reason that we discussed that in the context of the C.I.P. discussion in January is because the removal of the tent necessitates a capital project, \$700,000 project for the disassembly of the tent or removal of the footings repair of the asphalt in the parking area, and taking electrical facilities and putting them below grade so that we can continue to use the site for other tent configurations and further events. And that project is in the proposed C.I.P.

The next two slides, I'm going to describe to your proposal, after you gave us that direction in January, shortly after that, I believe that several of you were contacted by the Barrett Jackson organization, and heard a proposal that would allow limited capacity use of the tent by Barrett Jackson and others and achieve the objectives for the city. Based on that proposal, we have been talking with Barrett Jackson. We have put together the agreement that you have before you.

Before we get into the details of, that I want to point out that several of you have been approached in the recent past by one or two interested parties about possibly changing what's in this agreement. I won't be talking about a changed agreement. I will be talking about the agreement that we negotiated over the last three months and that we published with the agenda two weeks ago and I think you have before you although I believe that either of the two interested parties that may have spoken to you about changing some of these terms are here and willing to speak about -- about what

they propose. This is the agreement we negotiated, and this was discussed with Barrett Jackson.

This slide the things accomplished for the Barrett Jackson organization and for the city. Barrett Jackson gets continued use of the tent while they continue to do what they needed to do to procure what they are going to use to eventually replace it. At the same time, it allows the city to market that tent. We continue marketing it as long as we have it and then we get some revenue and then the third and the fourth bullet there go together, really.

Under the terms of this proposal, the city gets payments, \$100,000 in each of two years, if we keep the tent in place for another Barrett Jackson event, and these payments are not rent payments. They are not facility use payments. They are simply payments for us to keep the tent up, if Barrett Jackson uses, it then they will pay the going rate for the facility use fee as they have paid in the past.

Then the final bullet. It avoids us of paying the high-priced ticket item to replace the fabric on the tent. We think we can get two more years of use out of it. And in no event would we be keeping it longer than that. Regardless of whether the Barrett Jackson organization has procured a replacement, whatever the situation might be, we would remove the tent in the summer of 2018 before we have to replace the fabric.

Graphically this the timeline, moving from left to right in May, this month. There's a decision point. Barrett Jackson tells us if they have been successful in acquiring what they need to replace it, if they have, then we remove the tent the following -- or this coming summer, if they haven't, then we take a payment \$100,000 from Barrett Jackson and then we agree to keep the tent in place for the 2017 event. 2017 event happens, May of next year, we repeat the process.

Another decision point in May if the Barrett Jackson organization requests that we keep the tent in place, we get another check, another \$100,000 and we keep the tent in place for the 2018 event if they indicate to us in May of 2017 that they don't need it for another year then it goes away in the summer of 2017 and you can see all the way to the far right in no event do we keep it past the summer of 2018. So that's it in a nut shell and I would be happy to answer any questions.

[Time: 01:57:03]

Mayor Lane: If you could please stand by. We have a number of requests to speak on this subject. We can get started with Mr. Craig Jackson.

Craig Jackson: Thank you. The main reason we came to agreement with the homeowners association of D.C. ranch, so we are altering this and we would ask that we alter it to take it down in a year. When I came here previously for budget discussions, my main thing was to bring up that there are things that we are going to have to spend money on and we need to get replacement tents of Casey McDonald who is here has been working diligently on that. We haven't gotten the exact answers yet. Several of the tent companies have been reluctant to build the bigger tents that we're wanting but we are trying to work through that. We are also going to be meeting with Mr. Dygert and Mr. Worth. So this buys us some more time to try to come up with those solutions.

At the same time, we can work through the numbers and what it will take to decide, so what we will need for the future. Immediately after it comes down, the way we are trying to configure it, we will lose about 30, 40,000 square feet of space. We keep trying to play with this. It's like Rubik's cube trying to move stuff around and there's a lot of different variables.

So I think in the next year, we can get a lot more answers working together. And that's it. We will probably come in sometime in the future if this is granted to work on the solutions going forward. Thank you.

[Time: 01:59:00]

Mayor Lane: Thank you Mr. Jackson. I didn't see him here, Jason Rose. Casey McDonald. Fred Green?

Fred Green: Mr. Mayor, members of the Council I never thought I would be in agreement with Craig Jackson, but it looks like we finally reached a compromise. As most of you know, I have been engaged on this issue for four years. For those of you who don't know, I'm president of the D.C. ranch association and I have been trying to get the Quonset hut-type tent down ever since we agreed to support the erection of the Tony Nelszen equestrian center. The tent is an eye sore and it's an embarrassment to the city of Scottsdale and it's anything but world-class space. Mr. Jackson wanted the tent to remain up for an additional two years. I wanted the tent down yesterday.

But I proposed a compromise that would call for leaving the tent up for an additional year at least through the 2017 Barrett Jackson auction and I consider this a win/win. This proposal would provide us with the date certain for the removal of the tent, and it would give Barrett Jackson a good 20 months to obtain alternative replacement tent capacity for the 2018 auction.

So I think you have seen the email chain. We're in agreement. That's what we would like the council to be voting on tonight, an amendment to the contract that is on the agenda, an amendment calling for the tent, removal of the tent to begin no later than March 1st, 2017, after the Barrett Jackson auction and after completion of the Scottsdale Arabian horse show. So compromise may be a dirty word these days in politics but I think we actually got one tonight and I urge the council to approve it and let me conclude by thanking the members of the council for their support because without it, I don't think we could have reached this agreement. Thank you very much.

Mayor Lane: Thank you Mr. Green. That completes the public comment. I would like to start with some comments or questions from Councilwoman Korte.

[Time: 02:02:08]

Councilmember Korte: Thank you, Mayor. I move to adopt resolution 10420, with the following amendment, that the WestWorld tent be removed or removal begins March 1st, 2017, after the Barrett Jackson auto auction and the Scottsdale Arabian horse show.

Councilwoman Klapp: Second.

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

Councilwoman Klapp: I think compromise is a good thing. Thank you for working it out. It's a good resolution, but I will be looking forward to March 17th when the tent starts coming down. Thank you for the work.

[Time: 02:02:55]

Mayor Lane: Thank you, Councilwoman. Vice Mayor Smith.

Vice Mayor Smith: I do have a question to perhaps -- I guess to staff, to Mr. Worth. Will we continue to advertise the tent for sale? And will we issue RFPs? Will we be advised of this on an ongoing basis?

Public Works Director Dan Worth: Yes, we will. And you will be advised of any efforts in our progress to market and sell the tent.

Vice Mayor Smith: And assume if this motion passes, it would be, you know, subject to delivery if you will March of 2017 or whatever? In other words we have to keep it up until then?

Public Works Director Dan Worth: Vice Mayor, that's correct.

Vice Mayor Smith: The second question to the city manager or whoever wants to answer the question. Question had -- when we discussed this tent previously, we discussed the fact that there are ongoing costs that the city has. I'm not talking about replacement of the skin, but just ongoing annual costs of the tent. Refresh my memory of what those are, what will they be? Mr. Worth is getting anxious to punch the button. Maybe you remember what they were, Dan.

Public Works Director Dan Worth: It's about \$30,000 a year. It's largely in the form of a contract that we have for a company that comes in and inspects and makes -- minor repairs and adjustments.

Vice Mayor Smith: And I assume that this is an unrelated we but you can take this one as well. We will tip to enjoy it. We the city will continue to enjoy the right to rent the tent to others during this period until it comes down in March of 2017.

Public Works Director Dan Worth: That is correct.

Vice Mayor Smith: And you made a comment in your presentation that Barrett Jackson will continue to pay a separate use fee as will others for the tent, as long as it's there. What is -- is that a separately enumerated item for them and for others? I mean, we say, you know, big ugly tent, x dollars.

Public Works Director Dan Worth: I don't think it's described as the big ugly tent in the invoice. We have an amount for the total invoiced amount of the facility use that Barrett Jackson pays for their event.

Vice Mayor Smith: Meaning what? Is it not a separated enumerated item.

Public Works Director Dan Worth: It is separately enumerated.

Vice Mayor Smith: And so that will go away once the tent comes down and be replaced by something else.

Public Works Director Dan Worth: That's correct.

Vice Mayor Smith: Let the record indicate that you are shaking your head yes. Thank you very much. Those are my only questions.

[Time: 02:05:44]

Mayor Lane: Thank, Vice Mayor. Councilwoman Littlefield.

Councilwoman Littlefield: Thank you, Mayor. I have a question for Mr. Washburn. Doing what we want to do here. Do we need to omit item 3 and 5.2 from this contract?

City Attorney Bruce Washburn: Councilwoman thank you for that question.

Councilwoman Littlefield: You're welcome.

City Attorney Bruce Washburn: I was going to ask if I could raise a logistical point. I mean, I understand what the intent of the motion is but the resolution directs the city to enter into a contract that has a number of provisions in it that would have to be changed to carry out the effect of the motion. I think -- my preference would be if the -- this could be deemed direction to staff and we could go back and rewrite the contract, make sure the proper provisions are tape out and bring it back and we'll put it on a consent agenda in the immediate -- as soon as we can get it back to everybody and get things signed off on, rather than trying to do it on the fly today.

Councilwoman Littlefield: I would suggest that we do that, if that's all right with the motion maker that we come back and -- thank you.

Mayor Lane: Thank you, Councilwoman. So then it is that friendly change to the motion has been made to -- do we want to restate that for the record?

City Attorney Bruce Washburn: My understanding is the motion is to direct staff to make the amendment as referenced by Councilmember Korte in the original motion and then to bring the

revised contract back to council for final approval.

Mayor Lane: Okay. And that's what was agreed by the motion maker and the second?

Councilmember Korte: Yes.

Councilwoman Klapp: Yes.

Councilwoman Littlefield: To remove the sections that are in conflict with the original motion for one-year contract.

City Attorney Bruce Washburn: Yes, make all the changes that are necessary to accomplish the purposes of motion.

Councilwoman Littlefield: Exactly. Thank you!

Mayor Lane: Well, very good. It doesn't seem to be any further requests to speak on this subject so I think then we have a motion and a second. We may then be ready to vote. All of those in favor of the motion as stated please indicate by aye. Those opposed with a nay. Aye. It unanimous. It passes. So thank you very much for the input on that.

Moving on to the public comment, we have no further public comment I presume.

RECEIPT OF CITIZEN PETITION

[Time: 02:08:10]

Mayor Lane: We do have a petition that was presented to us earlier this evening that we need to consider for either action, or no action or to refer to the city manager for review of how this might be presented to us for consideration formally. I'm sorry, Councilman. I didn't see you. Councilman Phillips.

Councilman Phillips: Thank you, Mayor. I move to direct city manager to agendize the petition for further discussion in the nearest possible future.

Councilwoman Littlefield: I will second that.

Mayor Lane: The motion has been made and seconded. I have seen no further comment. All of those in favor of advancing this, please indicate by aye. Those opposed with a no. The motion passes 4-3 with Councilwoman Milhaven, Councilwoman Klapp and Councilmember Korte opposing.

So that is the petition. That's the last item of business unless there's a Mayor or council item.

ADJOURNMENT

[Time: 02:09:50]

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

Councilwoman Klapp: Move to adjourn.

Mayor Lane: Second. All those in favor of adjournment, please indicate by aye. We are adjourned.