



**CITY OF SCOTTSDALE
McDOWELL SONORAN PRESERVE COMMISSION
Work Study Session**

January 22, 2015

**McDowell Mountain Ranch Park and Aquatic Center
15525 N. Thompson Peak Parkway
Scottsdale, AZ 85260**

PRESENT: James Heitel, Chairman
Fred Klein, Vice Chairman
Con Englehorn, Commissioner
Jace McKeighan, Commissioner
Robert Frost, Commissioner
Susan Wheeler, Commissioner
Mike Milillo, Commissioner

STAFF: Bill Murphy
Kroy Ekblaw
Scott Hamilton
Liz Hildenbrand
Yvonne Massman
John Loilette

1. CALL TO ORDER

Chairman Heitel called the meeting to order at 4:04 p.m.

2. ROLL CALL

Members present as noted above.

3. REVIEW & DISCUSS STATUS OF THE PRESERVE ORDINANCE AND PRESERVE RELATED MASTER PLANS, POLICIES AND GUIDELINES

Chairman Heitel opened the discussion with a review of the spreadsheet of discussion topics distributed by staff. He noted that Preserve Ordinance is broken into general purpose management objectives, in which it defines in Article II the Commission's structure, general rules, definitions, rules, and regulations and defines the role of the McDowell Sonoran Preserve Commission as advising staff and the director on their ongoing efforts to fulfill the management objectives.

Discussion ensued regarding the Preserve Master Plan the Preserve Ordinance, policies and guidelines.

Mr. Ekblaw explained that the size of the Commission was changed from 11 to seven when City Council decided to implement a seven-member maximum for all boards and commissions within the City. The Council ruling supersedes the Ordinance, so there is no need to amend the ordinance.

Mr. Hamilton noted that under General Rules Section 2112(b)(1) the statement stating that no person shall possess a deadly weapon was an accurate statement at the time that the Ordinance was written; however, state law has changed and now supersedes the Ordinance. Mr. Ekblaw implied that in cases where state or City law supersedes the Ordinance it is best to leave the ordinance as is, in case the law changes.

The Commission briefly discussed the necessity of the section regarding beer permits. Mr. Ekblaw noted that the Preserve rules say that no alcohol is permitted in the Preserve. The last time that a special permit for beer was issued in the Preserve was for the Gateway opening in 2009.

Discussion ensued on the Commission's purpose powers and duties. Commissioners indicated a desire to agendize a discussion regarding development of an education program geared towards gaining public support (Marketing). Mr. Ekblaw said that the Conceptual Master Plan is made up of the Land Acquisition Plan, the Access and Trails Master Plan, and the Resource Management Plan and that the ERP and Cultural Resources Plan are elements that are in progress and will be key elements of the comprehensive Resource Management Plan. The Conceptual Master Plan is continuously evolving and will require periodic updating.

Mr. Ekblaw said that Council is asking for a permanent solution for the Jeep Tours permitting. Discussion and recommendation to Council regarding the Jeep Tours will be agendized as part of the MSPC and TDC joint follow-up meeting.

Discussion ensued regarding the Commission's relationship with the MSC and the importance of agendizing a discussion about how to better support that partnership and others in their marketing efforts and how to perpetuate the concept of a website specific to the Preserve. It was noted that the MSPC acts as an advisor to City Council and that City Council in turn has a contractual relationship with the MSC.

Mr. Ekblaw recommended that further discussion regarding Commercial Permit and Special Use Policies be agendized for a future meeting so that the discussion can go

into specifics about passive recreational activities, jeep tours, and special use guidelines on the issue of competitive events. He noted that Section 2112(b) states "All persons using the Preserve shall comply EXCEPT where specifically authorized by a permit or permits provided for by this section or in sections later in the chapter." Any permanent solution allowing Jeep Tours in the Preserve would require an Ordinance amendment.

Ms. Hildenbrand said that staff would like to agendize a discussion to acquire input from the Commission on the implementation of permitting policies. Mr. Ekblaw noted that the goal of having the Commission recommend the Commercial Permit and Special Uses Policy to Council was to allow items to come to staff for direction as to whether or not activities conformed. The theory is that the Commission will be involved in the broader policy direction by providing input so that staff can put together a recommendation and the Commission makes a recommendation to Council.

Commissioners requested to agendize discussion regarding special use funds and whether they should continue going into the General Fund or be placed into a special fund specifically targeted for Preserve uses. Mr. Murphy said that past discussions with the City Treasurer about a special revenue indicated that the level of involvement in setting up and managing an account would not be reasonable, given the small amount of funds. Mr. Ekblaw indicated that he would agendize a presentation by Financial Services.

Ms. Hildenbrand discussed examples of types of special use permits that have been requested that are not clearly defined in the special use guidelines, permits for private non-commercial groups over 40, and how she has elected to respond to those requests. Mr. Ekblaw added that some of the requests are within the Preserve expectations and others are in a "grey zone." He suggested agendizing a discussion for input on special use guidelines and the definition of competitive, passive, and commercial special use activities.

Mr. Ekblaw noted that once the upcoming land acquisitions are completed he will give an update.

Mr. Ekblaw said that the Trail Access Area Report is an evolving document that was originally created in 1999 and last updated in 2011. It is anticipated that a discussion on updating the Trails Access Area Report will be scheduled sometime in the spring. He explained the importance of having adequate buffers from neighbors to the trailheads. He said he would include information about Gateway amenities as they relate to the potential Desert Discovery Center as part of the Trail Access Area Report discussion.

Mr. Ekblaw noted that the Trails Plan is progressing and that the Commission can expect a report on the Granite Mountain and Cholla Mountain areas in the near future.

Mr. Hamilton said that the Cultural Resource Master Plan gives non-specific information about data but will give guidance to the City on what types of archeological and old ranching sites are in the Preserve and whether they need to be completely avoided or are appropriate for an interpretive trail.

Mr. Ekblaw explained that the Trail Naming and Naming of Man-Made Features letters of intent, proposed naming testimonials, and petitions are included in the packets as part of the staff report when presented to the Commission.

The Emergency Response Plan and Research Permit Guideline Policy are ongoing. Mr. Ekblaw noted that the Research Permit Guidelines Policy has been followed since its approval in 2011; however, the process has been refined to work more smoothly.

5. ADJOURNMENT

The meeting adjourned at 5:14 p.m.

Respectfully submitted,
A/V Tronics, Inc. DBA AVTranz.