

**SCOTTSDALE CITY COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, JANUARY 21, 2020**



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

**CALL TO ORDER**

Mayor W.J. "Jim" Lane called to order a Regular Meeting of the Scottsdale City Council at 5:07 P.M. on Tuesday, January 21, 2020, in the City Hall Kiva.

**ROLL CALL**

Present: Mayor W.J. "Jim" Lane; Vice Mayor Kathleen S. Littlefield; and Councilmembers Suzanne Klapp, Virginia L. Korte, Linda Milhaven, Guy Phillips, and Solange Whitehead

Also Present: City Manager Jim Thompson, City Attorney Sherry Scott, City Treasurer Jeff Nichols, City Auditor Sharron Walker, and City Clerk Carolyn Jagger

**PLEDGE OF ALLEGIANCE** – Cub Scout Pack 221, Webelos 2, Pack Leader Joe Searle

**INVOCATION** – Chaplain Bob Frost, Detachment 1439, Marine Corps League, Scottsdale Honorary Poet Laureate

**MAYOR'S REPORT** – Mayor Lane read a proclamation in honor of the 25<sup>th</sup> Anniversary of Accreditation with the Commission on Accreditation for Law Enforcement Agencies for the Scottsdale Police Department.

**PRESENTATIONS/INFORMATION UPDATES**

- **APS Peak Solutions Rebate**  
**Presenter(s):** Brian Biesemeyer, Water Resources Executive Director; Patricia McLaughlin, Arizona Public Service; Anthony Aguilar, Arizona Public Service

Water Resources Executive Director Brian Biesemeyer gave a PowerPoint presentation (attached). Arizona Public Service representatives Patricia McLaughlin and Anthony Aguilar presented the City with an APS Peak Solutions rebate check in the amount of \$114,639.

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

## PUBLIC COMMENT

- Sandy Schenkat expressed appreciation for the recent Scottsdale Experience publication.
- Tom Frenkel commented on the political process and thanked Scottsdale Police officers for their assistance in painting over offensive graffiti that had been written on the walls of his commercial property.
- Y. Michelle Zhang expressed concern about a traffic citation that she received in a construction zone in which the barricade plan had expired one week prior to the October 24, 2019, citation date; and submitted a citizen petition (attached) urging the City Council to investigate, come up with a solution, and issue apologies to all drivers involved.
- David Ortega commented on referendum checks and balances and zoning changes.
- Patti Badenoch reported that the Parada Del Sol board rejected the "Stand Up for Old Town" float entry because it was too political.

## ADDED ITEMS

### A1. Added Items

The supporting materials for Item No. 23 were added to the agenda less than ten days prior to the meeting and will require a separate vote to remain on the agenda.

**Request:** Vote to accept the agenda as presented or to continue the added item(s) to the February 4, 2020, Council meeting.

## MOTION AND VOTE – ADDED ITEMS

Councilmember Korte made a motion to accept the agenda as presented. Councilwoman Milhaven seconded the motion, which carried 5/2, with Mayor Lane and Councilmembers Klapp, Korte, Milhaven, and Phillips voting in the affirmative and Vice Mayor Littlefield and Councilwoman Whitehead dissenting.

## CONSENT AGENDA

### 1. Snooze Liquor License (69-LL-2019)

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

**Location:** 8612 E. Shea Boulevard, Suites 105 and 110

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

### 2. J Town Liquor License (98-LL-2019)

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

**Location:** 7341 E. 6<sup>th</sup> Avenue

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

### 3. Yama Sushi & Asian Cuisine Liquor License (100-LL-2019)

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

**Location:** 7704 E. Doubletree Ranch Road, Suite 105

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

- 4. Frashers Steakhouse Liquor License (101-LL-2019)**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for an existing location with a new owner.  
**Location:** 4180 N. Drinkwater Boulevard  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 5. How Convenient Liquor License (102-LL-2019)**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 10 (beer and wine store) State liquor license for a new location and owner.  
**Location:** 7014 E. Camelback Road, Suite 2244  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 6. Oak St Convenience Liquor License (104-LL-2019)**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 10 (beer and wine store) State liquor license for an existing location with a new owner.  
**Location:** 7123 E. Oak Street  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 7. Hotel Valley Ho Liquor License (105-LL-2019)**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 6 (bar) State liquor license for an existing location and owner, new license series.  
**Location:** 6850 E. Main Street  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 8. Vito's Pizza and Italian Ristorante Liquor License (106-LL-2019)**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for an existing location with a new owner.  
**Location:** 10999 N. Frank Lloyd Wright Boulevard  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 9. Westland 10 Final Plat (4-PP-2000#2)**  
**Request:** Approve the final plat for a new 4-lot residential subdivision, modifying a 10-acre portion of the existing Westland 25 Subdivision, with Single-Family Residential District, Environmentally Sensitive Lands (R1-43 ESL) zoning and amended development standards.  
**Location:** Northwest corner of E. Westland Drive and N. 84<sup>th</sup> Street  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

- 10. Rawhide Wash Flood Hazard Mitigation Project Intergovernmental Agreement**  
**Request:** Adopt **Resolution No. 11583** authorizing Agreement No. 2018-164-COS-A1, the first amendment to the agreement with the City of Phoenix and the Flood Control District of Maricopa County, to designate primary responsibility for right-of-way acquisition to the City of Scottsdale.  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
- 11. General Landscape Services Job Order Contracts**  
**Request:** Adopt **Resolution No. 11666** authorizing the following contracts for a two-year term, in an amount not to exceed \$4,000,000 per contract, for citywide general landscape services:  
  1. Contract No. 2020-004-COS with DBA Construction, Inc.
  2. Contract No. 2020-005-COS with Landscapes Unlimited, LLC
  3. Contract No. 2020-019-COS with Valley Rain Construction Corporation**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
- 12. Beer and Wine in City Parks Code Amendment**  
**Request:** Adopt **Ordinance No. 4437** amending Scottsdale Revised Code, Chapter 20, Parks, Recreation and Cultural Affairs, Article III, Sections 20-31, 20-33, and 20-34, regarding consumption of beer and wine in City parks.  
**Staff Contact(s):** Reed Pryor, Parks and Recreation Director, 480-312-1011, [rpryor@scottsdaleaz.gov](mailto:rpryor@scottsdaleaz.gov)
- 13. Parking Lease Agreement**  
**Request:** Adopt **Resolution No. 11688** authorizing Agreement No. 2020-013-COS with Scottsdale Healthcare Hospitals, dba HonorHealth, for the use of land for parking at Drinkwater Boulevards and Second Street.  
**Staff Contact(s):** Reed Pryor, Parks and Recreation Director, 480-312-1011, [rpryor@scottsdaleaz.gov](mailto:rpryor@scottsdaleaz.gov)
- 14. Friends of Scottsdale Public Library Agreement**  
**Request:** Adopt **Resolution No. 11694** authorizing Agreement No. 2020-017-COS with Friends of Scottsdale Public Library, Inc., for the support of the Scottsdale Public Library and its programs.  
**Staff Contact(s):** Kira Peters, Library Director, 480-312-2691, [kcpeters@scottsdaleaz.gov](mailto:kcpeters@scottsdaleaz.gov)
- 15. Noriega Livery Stable Lease Agreement**  
**Request:** Adopt **Resolution No. 11684** authorizing Agreement No. 2018-181-COS-A1, an amended and restated agreement with Parada del Sol, Inc. (Parada), to expand Parada's use to the entire premises at the Noriega Livery Stable as a rodeo and western-themed museum.  
**Location:** 3806 N. Brown Avenue  
**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)
- 16. Granular Activated Carbon Contract**  
**Request:** Adopt **Resolution No. 11654** authorizing Contract No. 2012-034-COS-A1, the first modification to the contract with Calgon Carbon Corporation, to reflect changes in pricing for Granular Activated Carbon under the Producer Price Indexes.  
**Staff Contact(s):** Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, [bbiesemeyer@scottsdaleaz.gov](mailto:bbiesemeyer@scottsdaleaz.gov)

17. **SkillBridge Veteran Employment Memorandum of Understanding**  
**Request:** Adopt **Resolution No. 11696** authorizing Agreement No. 2020-020-COS with the Office of the Under Secretary of Defense for Personnel and Readiness of the U.S. Department of Defense to participate in a skill-building and training program for veterans called "SkillBridge".  
**Staff Contact(s):** Donna Brown, Human Resources Director, 480-312-2615, [dbrown@scottsdaleaz.gov](mailto:dbrown@scottsdaleaz.gov); Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, [bbiesemeyer@scottsdaleaz.gov](mailto:bbiesemeyer@scottsdaleaz.gov)
18. **Age and Dementia Friendly Community**  
**Request:** Adopt **Resolution No. 11690** authorizing participation in the AARP Network of Age-Friendly Communities and the Dementia Friendly America Community Network.  
**Staff Contact(s):** Brent Stockwell, Assistant City Manager, 480-312-7288, [bstockwell@scottsdaleaz.gov](mailto:bstockwell@scottsdaleaz.gov)
19. **Emergency and Specialty Law Enforcement Mutual Aid Intergovernmental Agreement**  
**Request:** Adopt **Resolution No. 11672** authorizing Agreement No. 2015-047-COS-A1, the first amendment to the agreement with the Salt River Pima-Maricopa Indian Community, for emergency and specialty law enforcement mutual aid.  
**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-1900, [arodbell@scottsdaleaz.gov](mailto:arodbell@scottsdaleaz.gov)
20. **Monthly Financial Report**  
**Request:** Accept the FY 2018/19 Monthly Financial Report as of June 2019 (fiscal year-end).  
**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)
21. **Monthly Financial Report**  
**Request:** Accept the FY 2019/20 Monthly Financial Report as of November 2019.  
**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)

#### **MOTION AND VOTE – CONSENT AGENDA**

Councilmember Korte made a motion to approve Consent Agenda Items 1 through 21. Vice Mayor Littlefield seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, Phillips, and Whitehead voting in the affirmative.

#### **REGULAR AGENDA**

22. **Senior Living at McDowell Mountain Ranch Rezoning and Abandonment (8-ZN-2019 and 5-AB-2019)**  
**Requests:**
1. Adopt **Ordinance No. 4427** approving a zoning district map amendment from Single-Family Residential, Planned Community District, Environmentally Sensitive Lands (R1-35 PCD ESL) zoning to Commercial Office, Planned Community District, Environmentally Sensitive Lands (C-O PCD ESL) zoning; amending the Horseman's Park Development Plan; and approving a 40% parking reduction for a residential healthcare facility on a 5±-acre site.
  2. Adopt **Resolution No. 11603** declaring the document titled "*Senior Living at McDowell Mountain Ranch Development Plan*" to be a public record.

3. Adopt **Resolution No. 11597** authorizing the abandonment of the 33-foot-wide General Land Office Patent Easement (GLOPE) on the east side of Parcel No. 217-14-037A; and the 33-foot-wide GLOPE on the west side, the 33-foot-wide GLOPE on the south side, and the west 8 feet of the 33-foot-wide GLOPE on the east side of Parcel No. 217-14-038A.

**Location:** 9875 and 9909 E. McDowell Mountain Ranch Road

**Presenter(s):** Doris McClay, Sr. Planner

**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

Item 22 was withdrawn at the request of the applicant.

### 23. **Fiesta Ranch Rezoning (6-ZN-2019)**

#### **Requests:**

1. Adopt **Ordinance No. 4434** approving a zoning district map amendment from Single-Family Residential, Environmentally Sensitive Lands (R1-70 ESL) zoning and Single-Family Residential, Environmentally Sensitive Lands (R1-190 ESL) zoning to Planned Community District, Environmentally Sensitive Lands (PCD ESL) zoning, with comparable zoning of Single-Family Residential (R1-43 and R1-18) and Open Space (OS) districts, including a development plan with amended development standards on a 273±-acre site located on the south side of E Rio Verde Drive, east of N. 136<sup>th</sup> Street (including Parcel Nos. 219-39-010G, 219-39-010M, 219-39-010N, 219-39-010V, 219-39-010U, and 219-39-010P).
2. Adopt **Resolution No. 11683** declaring the document titled "*Fiesta Ranch Planned Community District Development Plan*" to be a public record.
3. Adopt **Resolution No. 11691** authorizing Agreement No. 2020-015-COS with Wildcat Ridge, LLC, to terminate and release Development Agreement No. 2004-033-COS.

**Location:** South side of E Rio Verde Drive, east of N. 136<sup>th</sup> Street

**Presenter(s):** Doris McClay, Sr. Planner

**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

Senior Planner Doris McClay gave a PowerPoint presentation (attached) on the Fiesta Ranch rezoning request.

Applicant representative John Berry gave a presentation on the Fiesta Ranch rezoning request.

Mayor Lane opened public testimony.

The following spoke in support of the Fiesta Ranch rezoning request:

- Suzanne Dreher, Technical Solutions

The following spoke in opposition to the Fiesta Ranch rezoning request:

- Robert Anderson, County resident
- Christine Frank, Scottsdale resident
- Robert O'Neil, County resident
- Patty Badenoch, Scottsdale resident
- Karen Nabity, County resident
- Sharon Newhill, County resident
- Joseph Munno, County resident
- Betty Janik, Coalition of Greater Scottsdale
- Allison Eckholm, County resident

- Robert Bauman, County resident
- Jacquie Fox, County resident
- Francine Alhadeff, County resident

Mayor Lane closed public testimony.

### **MOTION NO. 1 – ITEM 23**

Councilwoman Milhaven made a motion to: (1) Adopt Ordinance No. 4434, approving a zoning district map amendment; (2) adopt Resolution No. 11683, declaring the document titled “Fiesta Ranch Planned Community District Development Plan” to be a public record; and (3) adopt Resolution No. 11691, authorizing Agreement No. 2020-015-COS with Wildcat Ridge, LLC, to terminate and release Development Agreement No. 2004-033-COS. Mayor Lane seconded the motion.

### **ALTERNATE MOTION AND VOTE – ITEM 23**

Councilwoman Whitehead made an alternate motion to continue this item (Fiesta Ranch Rezoning) in order to resolve the major amendment question and to have all other questions asked, such as the list of all of the deviations from the documents that pertain to this project, and in hand before a vote. Vice Mayor Littlefield seconded the motion, which failed 2/5, with Vice Mayor Littlefield and Councilwoman Whitehead voting in the affirmative, and Mayor Lane and Councilmembers Klapp, Korte, Milhaven, and Phillips dissenting.

### **VOTE ON MOTION NO. 1 – ITEM 23**

The Council vote on the motion to : (1) Adopt Ordinance No. 4434, approving a zoning district map amendment; (2) adopt Resolution No. 11683, declaring the document titled “Fiesta Ranch Planned Community District Development Plan” to be a public record; and (3) adopt Resolution No. 11691, authorizing Agreement No. 2020-015-COS with Wildcat Ridge, LLC, to terminate and release Development Agreement No. 2004-033-COS carried 5/2, with Mayor Lane and Councilmembers Klapp, Korte, Milhaven, and Phillips voting in the affirmative and Vice Mayor Littlefield and Councilwoman Whitehead dissenting.

### **PUBLIC COMMENT**

- Bob Cappel presented a citizen petition (attached) asking the City to consider applying to the Arizona Corporation Commission to be granted intervention for the Liberty Utilities (Black Mountain Sewer) Corporation’s application to increase sewer rates from the current \$79.20/residence/month to \$104.94/residence/month.

### **CITIZEN PETITIONS**

#### **24. Receipt of Citizen Petitions**

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

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

**MOTION AND VOTE NO. 1 – CITIZEN PETITIONS**

Councilman Phillips made a motion to direct the City Manager to investigate the citizen petition submitted by Bob Cappel asking the City to consider applying to the Arizona Corporation Commission to be granted intervention for the Liberty Utilities (Black Mountain Sewer) Corporation's application to increase sewer rates from the current \$79.20/residence/month to \$104.94/residence/month and prepare a written response to Council with a copy to the petitioner. Councilwoman Klapp seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, Phillips, and Whitehead voting in the affirmative.

**MOTION AND VOTE NO. 2 – CITIZEN PETITIONS**

Councilwoman Milhaven made a motion to direct the City Manager to investigate the citizen petition submitted by Y. Michelle Zhang urging the City Council to investigate [the traffic citation that she received in a construction zone in which the barricade plan had expired one week prior to the October 24, 2019, citation date], come up with a solution and issue apologies to all the drivers involved and prepare a written response to Council with a copy to the petitioner. Councilman Phillips seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, Phillips, and Whitehead voting in the affirmative.

**MAYOR AND COUNCIL ITEMS**

**MOTION AND VOTE – MAYOR AND COUNCIL ITEMS**

Councilwoman Milhaven made a motion to have staff bring forward a recommendation for mural guidelines following a review and recommendation by the Development Review Board. Councilman Phillips seconded the motion, which carried 7/0, with Mayor Lane; Vice Mayor Littlefield; and Councilmembers Klapp, Korte, Milhaven, Phillips, and Whitehead voting in the affirmative.

**ADJOURNMENT**

The Regular City Council Meeting adjourned at 7:40 P.M.

**SUBMITTED BY:**



**Carolyn Jagger  
City Clerk**

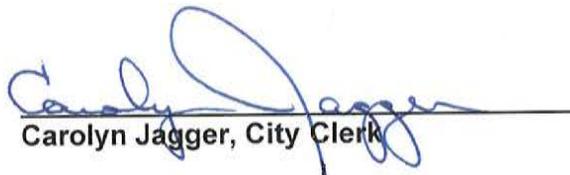
Officially approved by the City Council on February 18, 2020

## CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 21<sup>st</sup> day of January 2020.

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

**DATED** this 18<sup>th</sup> day of February 2020.

  
Carolyn Jagger, City Clerk



## APS PEAK SOLUTIONS FOR BUSINESS

**6,056 Kilowatt hours  
reduced in 2019**

Largest load reduction by any  
program participant in 2019



2019:	\$114,639
2018:	126,565
2017:	107,984
2016:	109,328
2015:	95,259
2014:	105,322
2013:	108,667
2012:	153,557
2011:	157,016
2010:	75,087

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**Total: \$1,153,424**



# Fiesta Ranch

6-ZN-2019

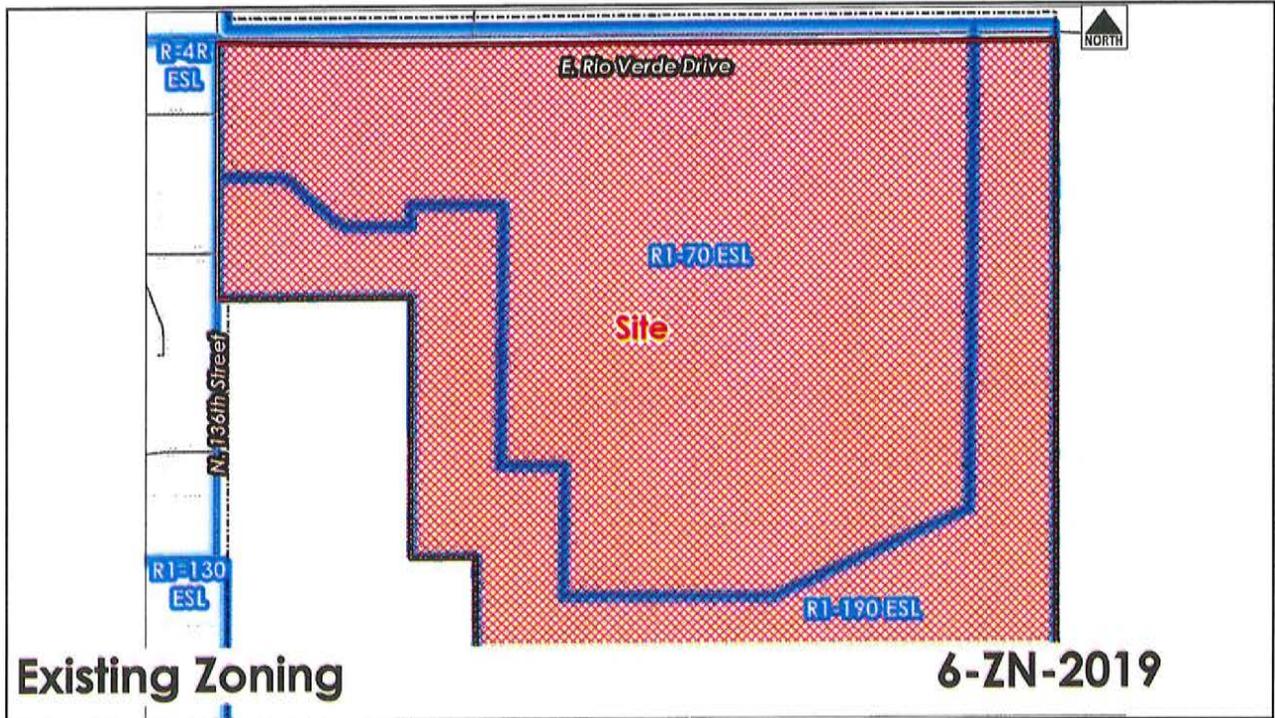
City Council  
January 21, 2020

Coordinator: Doris McClay

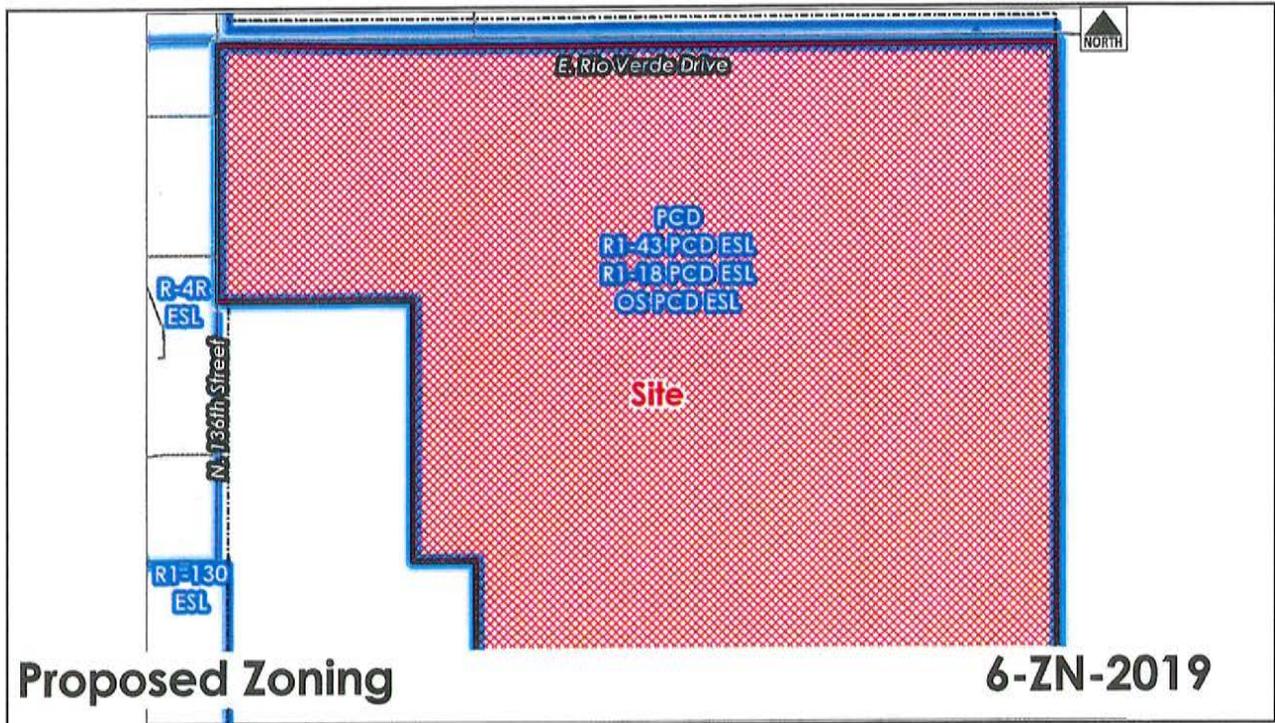




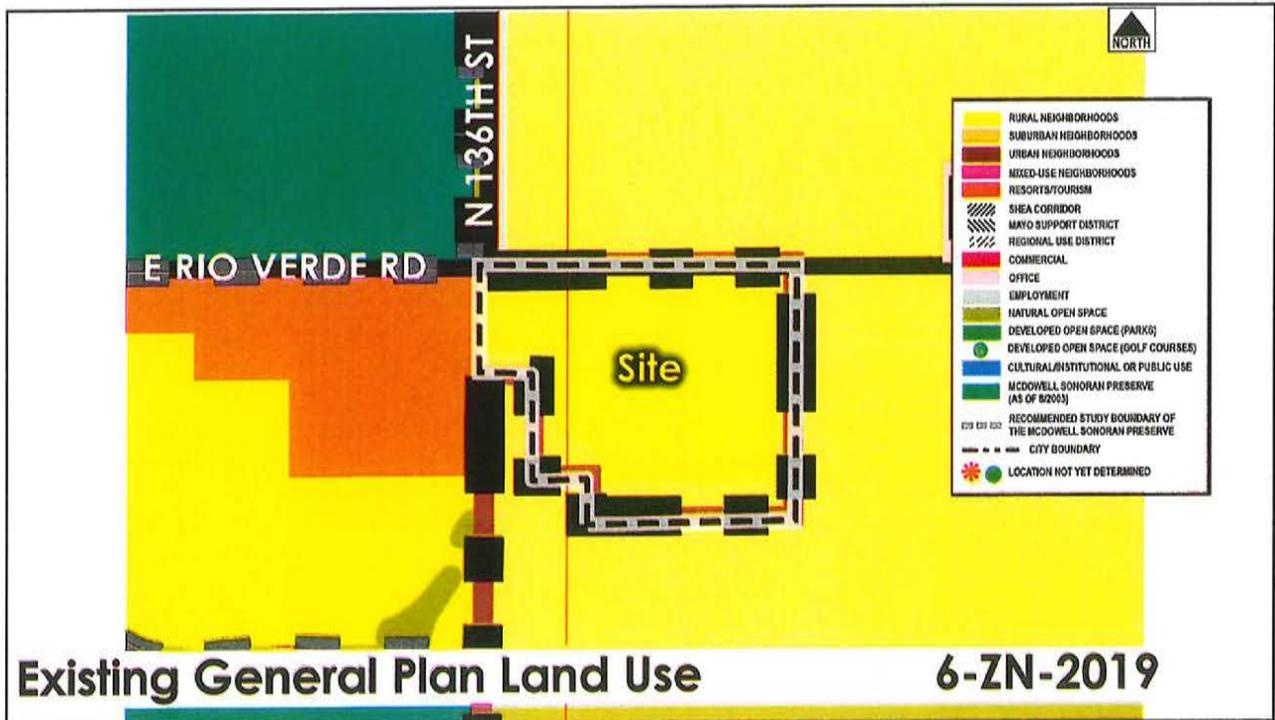
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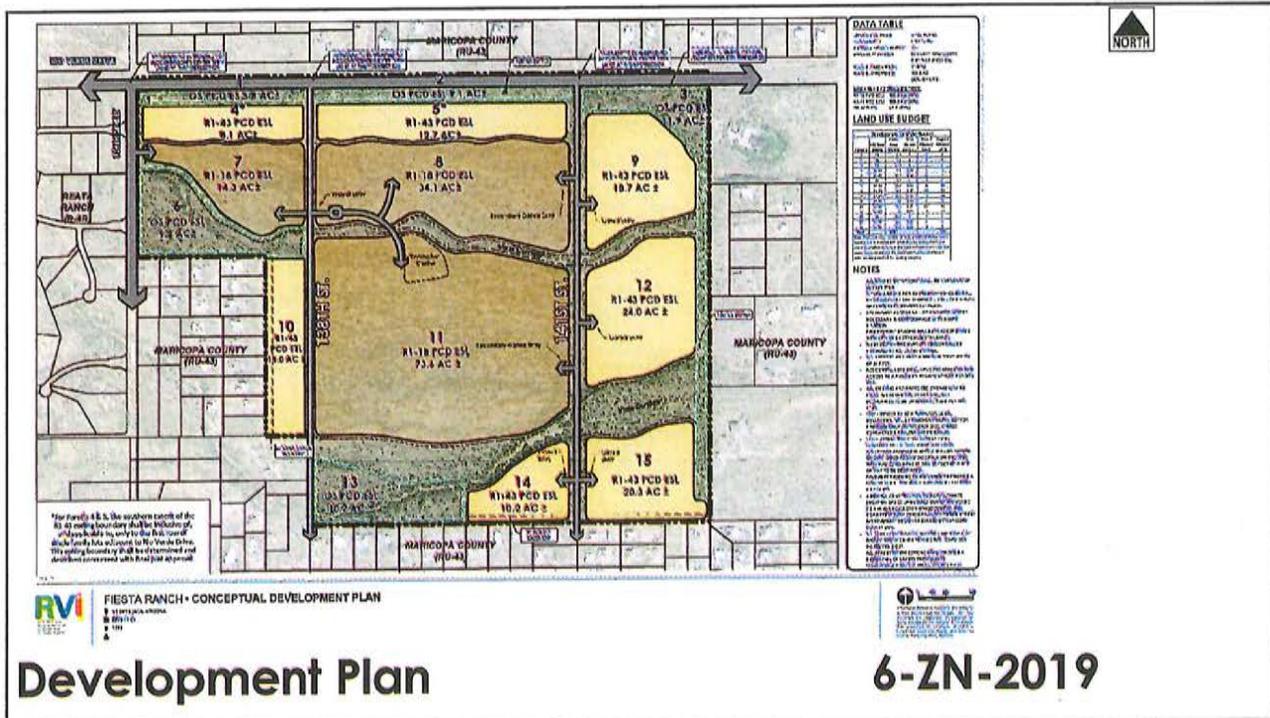


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- Meets the Definition of Rural Neighborhoods
- Provides 100' Scenic Corridor and 50' Desert Scenic Roadway setbacks
- R1-43, R1-18, and OS PCD ESL will allow for clustered development, and large, continuous tracts of NAOS – 33% more than required by ordinance (+/- 28 acres more)

## General Plan & Dynamite Foothills Character Area Plan Conformance

7



8



- Provision of multiple street and trail access into and through residential neighborhoods
  - Applicant is providing through-access by way of 136<sup>th</sup>, 138<sup>th</sup>, and 141<sup>st</sup> Streets
  - Applicant is providing publicly-accessible trail access
  
- Recommends consistent net density and character of clustered areas within DFCAP
  - Requested density is +/- .83 dwelling units per acre
  - Storyrock (13-ZN-2014) – allowed for .96 dwelling units per acre
  
- Clustering for topographic considerations, increased open space, and desert preservation
  - Storyrock
  - Sereno Canyon
  - Fiesta Ranch

### **Dynamite Foothills Character Area Plan**

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- Document is not policy or regulatory – provides methods to advise implementation of Plan
  
- Recognizes regulatory changes would need to be undertaken to implement such:
  - Implementation Program states that creating an overlay district to specify development standards such as lot dimensioning – Effort was never initiated in this area of the City
  - Legislative changes, such as Prop 207 (approved in 2006) post-dates the adoption of the Dynamite Foothills Character Area Plan
  
- +/- 167 lots in Dynamite Foothills that are ≤ 26,000 Sq Ft
  - All are located within subdivisions that were recorded after 2000, including:
    - Storyrock (R1-18 / R1-35 PCD ESL) – 110 lots
    - Sereno Canyon (R-4R ESL) – 52 lots

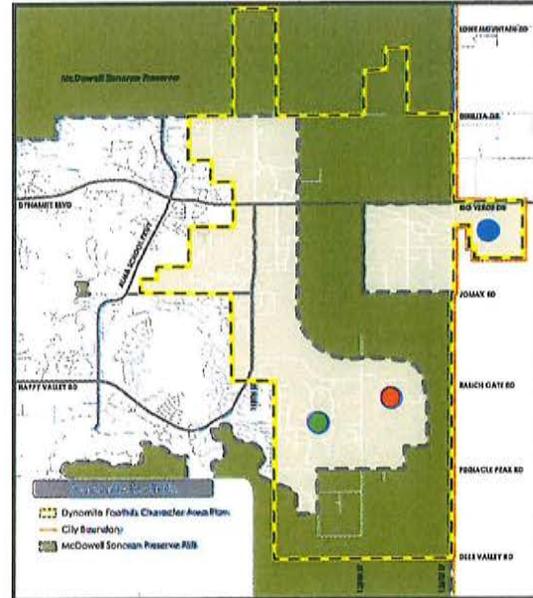
### **Implementation Program – Dynamite Foothills Character Area Plan**

12

- +/- 167 lots in Dynamite Foothills that are ≤ 26,000 Sq Ft
  - All are located within subdivisions that were recorded after 2000, including:
    - Storyrock (R1-18 / R1-35 PCD ESL)
    - Sereno Canyon (R-4R ESL)

Rural Desert Character

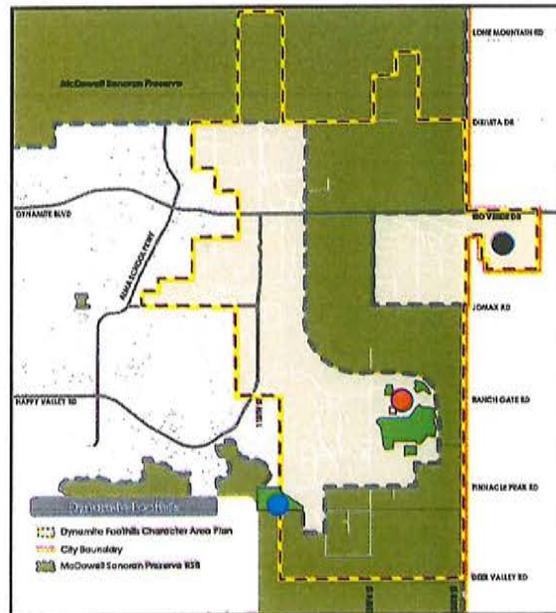
- Storyrock – Increased NAOS
- Sereno Canyon – Resort /Buffering
- Fiesta Ranch – Increased NAOS, buffering, tract open space, Scenic Roadways



**Dynamite Foothills & ≤ 26,000 Sq Ft Parcels**

13

- Subject Site
- Storyrock – R1-18 PCD ESL
- Troon Highlands Estates – R1-18 ESL



**Existing R1-18 in Dynamite Foothills**

14

PETITION

Petition

I feel obligated to come here today to share with you what happened to me 3 months ago.

PPT 1 I was ticketed by police on Oct 24 at Osborn & Scottsdale Rd construction zone for violating a temporary no right turn sign. At that time I had some doubts about the height and spacing of the sign, because PPT 2 multiple vehicles made the same right turn after my citation and one more driver got pulled over by police. After the incident, I contacted city transportation department, looked up sign standards and eventually submitted public information request.

PPT 3 It turns out the barricade plan has expired for more than a week at my citation date, on top of the wrong operation hours. This is city ordinance on its own words, why operating without barricade plan is illegal and subject to fine. Our city, funded by taxpayer, gave contractors free pass to break the law on our critical street for 7 days. At the same time, go hard handed on drivers to collect hundreds of hundreds of dollar fines. I want to ask our city executive team: are you proud of this behavior?

And this is just one incident resulted from one public information request. If not because of freedom of information act, our government will never ever admit any wrongdoing. During the entire process, I have talked to Police Department, Transportation Department and Inspection Service. No one apologized to me, no department admitted its responsibility, and no one has said what can be done to prevent future violations. I am amazed by how arrogant, negligent and self-serving our city has become, from the very top to the very bottom.

PPT 6 The incident indicates our city's systematic violation against drivers' rights and shady scheme to achieve financial gain. I urge city council to investigate, come up solutions and issue apology statements to all the drivers involved. Ms Sherri Scott has all my information.

Yue Michelle Zhang

480-371-8559

yuezhang24@gmail.com

747 E Princeton Ave

85257

# PETITION

## Petition to Mayor Jim Lane and the Scottsdale City Council

January 21, 2020

I'm here tonight as the President of the Board Of Directors of the Winfield Owners Community Association and our 511 residences to request the City of Scottsdale to consider applying to the Arizona Corporation Commission (ACC) to be granted Intervention for the Liberty Utilities (Black Mountain Sewer) Corp.'s application to increase its rates from the current \$79.20/residence/month to \$104.94/residence/month.

Liberty Utilities/Black Mountain Sewer Corp. provides sewer lines to approximately 2,210 residential customers in the Town of Carefree and the City of Scottsdale. Over 1,100 (50%) of these residences are in the City of Scottsdale. Because the City of Scottsdale provides treatment of all the wastewater from these customers, Scottsdale's intervention can not only support its residents but also provide critical information to the ACC to make a fair determination on Liberty Utilities/Black Mountain Sewer Corp.'s rate increase application.

Some of the critical information that Scottsdale could provide would include the actual average monthly charge/1000 gallons of wastewater treatment from the City, Scottsdale's estimated value of the sewer line assets located in Scottsdale and Carefree as these lines are mostly over 20 years old, Scottsdale's estimate of the monthly maintenance costs for these sewer lines, and finally what Scottsdale's monthly charge would be if Scottsdale were actually charging these residents to treat their wastewater.

The Public Notice on this rate application is included with the ACC DOCKET NO. SW-02361A-19-0139. The deadline to file a request to Intervene is February 14, 2020 and the Hearing is scheduled to begin on May 11, 2020 at 10:00 am at the ACC's offices at 1200 West Washington Street, Phoenix, Arizona 85007.

Also included is a brief information sheet describing what these Scottsdale residents have experienced since the development of their communities which began in the late 1990's.

Thank you for your consideration of this petition request.



Robert Cappel, President  
Winfield Owners Community Association Board of Directors  
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## Liberty Utilities/Black Mountain Sewer Corp. Information Sheet

When the Boulders was originally developed including the resort, north golf course and custom homes in the northern section of the Boulders land, the development included a wastewater treatment plant and wastewater discharge lines from the resort and homes to this treatment plant. The ACC gave the operation of this treatment plant and sewer lines to Black Mountain Sewer Corp. The Boulders land included undeveloped land south of the resort and north of Westland Road between Scottsdale and Hayden Roads, along with the undeveloped land between Westland and Dove Valley Roads and between Scottsdale and Hayden Roads. These lands had been annexed by the City of Scottsdale and now contain the homes in the Boulders South, Enclave on the Eight, and Winfield. While Black Mountain Sewer Corp. put in the sewer lines in these new communities, their treatment plant could not treat the new wastewater from these developments and a 20-year agreement was signed in 1996 with the City of Scottsdale to treat this wastewater.

Liberty Utilities, part of the Canadian company Algonquin, had purchased Black Mountain Sewer Corp. and in 2016 was required by the ACC to close and remediate the treatment plant and its site in the Boulders, so a new 20-year agreement was signed with the City of Scottsdale to receive and treat all the wastewater coming into their wastewater lines and flowing to Scottsdale for treatment.

Basically, Scottsdale has always charged Liberty Utilities/Black Mountain Sewer Corp. the same residential rate that Scottsdale charges their own residents to treat each 1000 gallons of wastewater each month. Scottsdale monitors the monthly wastewater flow, sends one monthly bill to Liberty Utilities who then bills each customer a fixed rate each month. In 2016 the average Scottsdale monthly residential sewer charge was \$22.52. The monthly sewer charge Liberty Utilities sent to each resident in 2016 was \$74.94 and is currently \$79.73. This new rate application is to raise the rate for each resident attached to Black Mountain Sewer lines to \$104.94. This is providing Liberty Utilities/Black Mountain Sewer Corp. with an average monthly profit of \$82.42/resident home or \$182,148,20/month or \$2,185,778.40/year. This seems totally unfair and is having a negative price impact on our homes compared to the other Scottsdale communities around us, such as Terravita, Sandflower, and Scottsdale Heights. The Town of Carefree and the Residential Utility Consumer Office have already filed applications to intervene. Hopefully the City of Scottsdale will join them.

**PUBLIC NOTICE OF HEARING**  
**ON LIBERTY UTILITIES (BLACK MOUNTAIN SEWER) CORP.'S**  
**APPLICATION FOR A DETERMINATION OF THE FAIR VALUE OF ITS**  
**UTILITY PLANTS AND PROPERTY AND FOR INCREASES IN ITS RATES**  
**AND CHARGES FROM UTILITY SERVICE BASED THEREON.**  
**(DOCKET NO. SW-02361A-19-0139)**

**Summary**

On June 27, 2019, Liberty Utilities (Black Mountain Sewer) Corp. ("Liberty Black Mountain" or "Company") filed an application with the Arizona Corporation Commission ("Commission") for a determination of the fair value of its utility plants and property and for increases in its rates and charges for utility service based thereon. Liberty Black Mountain asserted that for the test year ending December 31, 2018 ("TY"), Liberty Black Mountain had adjusted operating income of \$397,226, an original cost rate base ("OCRB") and fair value rate base ("FVRB") of \$14,408,605, resulting in a rate of return of 2.76 percent. The Company proposed rates and charges that would produce an overall revenue increase of \$878,785 or approximately 35.53 percent, to produce a 7.31 percent rate of return on Liberty Black Mountain's FVRB.

Liberty Black Mountain's proposed rates and charges would result in the following monthly bills for a residential customer served by a 5/8" x 3/4" meter,

	<b>Current Rates</b>	<b>Proposed Rates</b>
Liberty Black Mountain	\$79.20	\$104.94

**NEITHER THE COMMISSION'S UTILITIES DIVISION ("STAFF") NOR ANY INTERVENOR HAS YET MADE ANY RECOMMENDATION REGARDING LIBERTY BLACK MOUNTAIN'S APPLICATION. THE COMMISSION IS NOT BOUND BY THE PROPOSALS OF THE COMPANY, STAFF, OR ANY INTERVENORS. THE COMMISSION WILL DETERMINE THE APPROPRIATE RELIEF TO BE GRANTED IN RESPONSE TO THE COMPANY'S APPLICATION BASED ON THE EVIDENCE PRESENTED IN THIS MATTER. THE FINAL RATES APPROVED BY THE COMMISSION MAY BE HIGHER, LOWER, OR DIFFERENT THAN THE RATES PROPOSED BY COMPANY OR BY OTHER PARTIES.**

If you have questions concerning how the Application may affect your bill or other substantive questions about the Application, you may contact Liberty Utilities (Black Mountain Sewer) Corp. at its offices, 12725 W. Indian School Road, Suite D101, Avondale, Arizona 85392; 1-844-367-2027; Email: CustomerServiceAvondale@libertyutilities.com.

**How You Can View or Obtain a Copy of the Application**

Copies of the application are available from Liberty Utilities (Black Mountain Sewer) Corp. at its offices, 12725 W. Indian School Rd., Suite D101, Avondale, Arizona 85392; and on the Internet via its website, [www.libertyutilities.com](http://www.libertyutilities.com); at the Commission's Docket Control Center at 1200 West Washington Street, Phoenix, Arizona, and the Commission's office at 400 West Congress Street, Suite 218, Tucson, Arizona, during regular business hours; and on the Commission's website ([www.azcc.gov](http://www.azcc.gov)) using the e-Docket function.

**Arizona Corporation Commission Public Hearing Information**

The Commission will hold a hearing on this matter beginning **May 11, 2020, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of hearing.

Written public comments may be submitted by mailing a letter referencing **Docket No. SW-02361A-19-0139** to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington Street, Phoenix, Arizona 85007, or by submitting comments on the Commission's website ([www.azcc.gov](http://www.azcc.gov)) using "Cases and Open Meetings" and "Make a Public Comment in a Docket." If you require assistance, you may contact the Consumer Services Section at 602-542-4251 or 1-800-222-7000.

**If you do not intervene in this proceeding, you will receive no further notice of the proceedings in this docket unless you sign up to Follow the Docket. However, all documents filed in this docket are available online (usually within 24 hours of docketing) at the Commission's website ([www.azcc.gov](http://www.azcc.gov)) using the e-Docket function. Information on how to Follow a Docket is available on the Commission's website by clicking on "Cases and Open Meetings" and "Follow a Docket."**

## **About Intervention**

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene. An interested person may be granted intervention if the outcome of the case will directly and substantially impact the person, and the person's intervention will not unduly broaden the issues in the case. Intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other parties' witnesses. **Intervention is not required for you to appear at the hearing and provide public comment, to file written comments in the record of the case, or to receive emailed notice of each filing made in the case by following the docket.**

**Information about what intervention means, including an explanation of the rights and responsibilities of an intervenor, is available on the Commission's website ([www.azcc.gov](http://www.azcc.gov)) by clicking on "Cases and Open Meetings" and then clicking on "Intervene in a Case."** The information includes a Sample Intervention Request and a Fillable Intervention Request Form.

To request intervention, you must file a written request to intervene, either (a) by filing a hard copy request (meeting filing requirements) with Docket Control (Docket Control, 1200 West Washington Street, Phoenix, AZ 85007), or (b) by eFiling the request. Your request **must be filed or eFiled no later than February 14, 2020**. Instructions and restrictions for eFiling are available on the Commission's website at <http://azcc.gov/hearing/efile-for-utilities-instruction>. You also **must** serve a copy of the request to intervene on each party of record, on the same day that you file the request to intervene with the Commission.

Your request to intervene **must** contain the following:

1. Your name, address, and telephone number;
2. The docket number for the case in which you are requesting to intervene;
3. A short statement explaining:
  - a. Your interest in the proceeding (e.g., a customer of the regulated company involved, a property owner in an area to be affected by the case, etc.),
  - b. How you will be directly and substantially affected by the outcome of the case, and
  - c. Why your intervention will not unduly broaden the issues in the case;
4. If a hearing has not been scheduled, whether and why you believe a hearing is needed;
5. A statement certifying that you have sent a copy of your request to intervene to the regulated company or its attorney and to all other parties of record in the case; and
6. If you are not represented by an attorney who is an active member of the Arizona State Bar, and are not representing yourself as an individual, sufficient information and any appropriate documentation to demonstrate compliance with Arizona Supreme Court Rules 31, 38, 39, and 42, as applicable. This only applies if you are NOT representing yourself and you are not a licensed attorney.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before February 14, 2020.

## **ADA/Equal Access Information**

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Kaci Cannon, E-mail [KCannon@azcc.gov](mailto:KCannon@azcc.gov), voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.