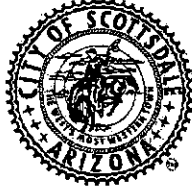


**SUMMARIZED MINUTES  
SCOTTSDALE CITY COUNCIL  
REGULAR MEETING  
WEDNESDAY, JULY 7, 2010**



**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 5:32 P.M. on Wednesday, July 7, 2010 in the City Hall Kiva.

**ROLL CALL**

Present: Mayor W.J. "Jim" Lane  
Vice Mayor Suzanne Klapp  
Councilmembers Lisa Borowsky, Wayne Ecton, Robert Littlefield,  
Ron McCullagh, and Marg Nelssen

Also Present: City Manager David Richert  
City Attorney Bruce Washburn  
City Treasurer David N. Smith  
City Clerk Carolyn Jagger

**PLEDGE OF ALLEGIANCE** – Councilman Littlefield

**INVOCATION** – None

**CITY MANAGER'S REPORT** – None

**PRESENTATIONS/INFORMATION UPDATES** – Mayor Lane announced that the Environmental Protection Agency accepted the City's water laboratory into the Water Laboratory Alliance and congratulated staff. Mayor Lane proclaimed July 7, 2010 as Michael Young All-Star Day in honor of Mr. Young's fundraising efforts benefitting Phoenix Children's Hospital. The Mayor noted that Michael's accomplishments are being recognized by Major League Baseball.

**PUBLIC COMMENT**

**Guy Phillips**, Scottsdale resident, stated that all large-scope projects should be placed on the regular agenda.

**NOTE:** IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN BY THE CITY COUNCIL. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

**Sonnie Kirtley**, Scottsdale resident, suggested expanding the project public notification process.

#### **ADDED ITEMS**

##### **A1. Added Items**

Regular Items No. 19 and 20 and Mayor and Council Item No. 21 were added to the agenda on July 1.

**Request:** Vote to accept the agenda as presented or to continue the added items to the next scheduled Council meeting, which is August 30.

COUNCILMAN LITTLEFIELD MOVED TO ACCEPT THE AGENDA AS PRESENTED.  
COUNCILWOMAN NELSSSEN SECONDED THE MOTION, WHICH CARRIED 7/0.

#### **CONSENT AGENDA**

##### **1. Downtown Infill Incentive District (1-II-2010)**

Item No. 1 has been moved from Consent to the Regular Agenda (Page 6).

##### **2. Construction Bid Award and Acquisition of Easements for South Scottsdale Road Drainage Improvements**

###### **Requests:**

1. Adopt **Resolution No. 8328** authorizing Bid Award No. 09PB061 in the amount of \$720,453.97 to Double D Construction, Inc. for the construction of the South Scottsdale Road Drainage Corridor Project.
2. Adopt **Resolution No. 8381** authorizing the acquisition of various easement interests located along the south Scottsdale Road drainage corridor storm drain alignment, including the authority to exercise eminent domain, if necessary.
3. Authorize payment to Salt River Project in an approximate amount of \$45,373 for the relocation and installation of power services required for the construction of the South Scottsdale Road Drainage Corridor Project.

**Staff Contact(s):** Dan Worth, Public Works Executive Director, 480-312-5555,  
[dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

##### **3. Construction Bid Award for Scottsdale Road Streetscape Improvements**

###### **Requests:**

1. Adopt **Resolution No. 8327** authorizing Bid Award No. 09PB060 to Achen Gardner Construction, LLC in the amount of \$5,845,009.10 for the construction of Scottsdale Road Streetscape, from Roosevelt Street to Earll Drive.
2. Authorize payment to Salt River Project in an approximate amount of \$14,000 for the installation of power services required for the construction of the Scottsdale Road streetscape improvements.
3. Authorize the creation of a new cost center, titled Scottsdale Road Streetscape-Grant, to record the related grant activity for the grant awarded by Maricopa Association of Governments (MAG) for the project totaling \$7,100,000.

**Staff Contact(s):** Dan Worth, Public Works Executive Director, 480-312-5555,  
[dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

## REGULAR AGENDA

### 1. **Downtown Infill Incentive District (1-II-2010)**

**Request:** Adopt **Resolution No. 8370** finding that the A.R.S. § 9.499.10 criteria to establish an Infill Incentive District have been met, authorizing the designation of the Downtown Infill Incentive District, and approving the Downtown Infill Incentive Plan.

**Location:** Between North 68<sup>th</sup> Street and North Miller Road, and between East Earl Drive and East Chaparral Road

**Staff Contact(s):** Connie Padian, Acting Planning, Neighborhood, and Transportation Executive Director, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

Acting Planning, Neighborhood, and Transportation Executive Director Connie Padian gave a PowerPoint presentation (attached) outlining the Downtown Infill Incentive District and providing details on the Downtown Infill Incentive Plan.

Ms. Padian explained that the Downtown Task Force extensively discussed amended development standards for height when considering the Downtown Infill Incentive District. The Task Force recommended 150-foot height allowances for Type 2 Regional and Medical areas within the Downtown Boundary. She said the Downtown Infill Incentive District provides a mechanism to implement the updated Downtown Plan, which allows for increased height.

Mayor Lane opened public testimony.

**Nancy Cantor**, Scottsdale resident, said she was not opposed to the formation of a Downtown Infill Incentive District; however, she did not believe all affected residents were notified nor was information provided in a timely manner. Ms. Cantor asked how staff determined the boundary for the District.

**Neal Pascoe**, of the law firm Beus Gilbert, spoke in support of forming the Downtown Infill Incentive District, and said the District will provide a mechanism to carry out the Council-approved Downtown Plan.

**Cindi Eberhardt**, Scottsdale resident and Executive Vice President of the Scottsdale Chamber of Commerce, spoke in support of forming the Downtown Infill Incentive District.

**Michael Kelly**, Scottsdale resident, expressed concern that the City has not provided enough public outreach and opportunities for public participation on proposed projects in general, and the Downtown Infill Incentive District specifically.

### **MOTION NO. 1 – ITEM 1**

COUNCILMAN LITTLEFIELD MOVED TO TABLE THE ITEM FOR THREE MONTHS TO GIVE STAFF TIME TO DO PUBLIC OUTREACH AND EDUCATION. COUNCILMAN MCCULLAGH SECONDED THE MOTION.

#### Discussion:

- Some Councilmembers spoke in support of the motion and in opposition to the Downtown Infill Incentive District because: (1) it would result in a huge change in the character of downtown Scottsdale, which the residents do not want; (2) the district is in

conflict with the General Plan and the Council's mission to build trust; (3) there has not been enough public outreach; and (4) it is common knowledge that one or two developers are planning to submit applications for 150-foot buildings this week, if the item is approved.

- Some Councilmembers spoke in opposition to the motion, stating that: there had been sufficient public outreach; the Downtown Infill Incentive District provides a mechanism to carry out the Council-approved Downtown Plan; and the district will provide a level of certainty to those investing in Scottsdale.
- A Councilmember pointed out that the act of submitting an application for a 150-foot building does not guarantee Council approval. There are criteria that must be considered in regard to the Downtown Plan, the Downtown Overlay, and the General Plan, as well as Council objectives. If the Council does not find that the criteria have been met, then the application will not be approved.

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

THE COUNCIL VOTE ON THE MOTION TO TABLE THE ITEM FOR THREE MONTHS TO GIVE STAFF TIME TO DO PUBLIC OUTREACH AND EDUCATION FAILED 3/4, WITH MAYOR LANE, VICE MAYOR KLAPP, AND COUNCILMEMBERS BOROWSKY AND ECTON DISSENTING.

#### **MOTION NO. 2 – ITEM 1**

COUNCILMEMBER BOROWSKY MOVED TO ADOPT RESOLUTION NO. 8370. VICE MAYOR KLAPP SECONDED THE MOTION.

#### Discussion:

- A Councilmember noted that the Downtown Infill Incentive District allows applicants to request: amended development standards, fee waivers, expedited processing, and expedited plan review. It was suggested that fee waivers, expedited processing, and expedited plan review are things the City should be doing already.

#### **VOTE ON MOTION NO. 2 – ITEM 1**

THE COUNCIL VOTE ON THE MOTION TO ADOPT RESOLUTION NO. 8370 CARRIED 4/3, WITH COUNCILMEMBERS LITTLEFIELD, MCCULLAGH, AND NELSEN DISSENTING.

#### **17. SRP Telecom Beeline Substation Wireless Communication Facilities Appeal of Development Review Board Hearing (29-DR-2010)**

**Request:** Appeal by the owner/applicant for the reconsideration of the Development Review Board denial of Case 29-DR-2010.

**Presenter(s):** Keith Neiderer, Senior Planner

**Staff Contact(s):** Connie Padian, Acting Planning, Neighborhood, and Transportation Executive Director, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov)

Senior Planner Keith Neiderer gave a PowerPoint presentation (attached) reviewing Case No. 29-DR-2010, which had been denied by the Development Review Board. Mr. Neiderer stated that the property owner opposing the case had withdrawn his opposition. The applicant, SRP, appealed the decision.