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CALL TO ORDER

[Time: 00:00:01]

Mayor Ortega: I call the October 12th, 2021, city council special meeting to order. Clerk Ben Lane, please conduct the roll call.

ROLL CALL

[Time: 00:00:15]

Clerk Ben Lane: Thank you, Mayor. Mayor David Ortega.

Mayor Ortega: Present.

Clerk Ben Lane: Vice Mayor Tammy Caputi.

Vice Mayor Caputi: Here.

Clerk Ben Lane: Councilmembers Tom Durham.

Councilmember Durham: Here.

Clerk Ben Lane: Betty Janik.

Councilmember Janik: Here.

Clerk Ben Lane: Kathy Littlefield.

Councilmember Littlefield: Here.

Clerk Ben Lane: Linda Milhaven.

Councilmember Milhaven: Here.

Clerk Ben Lane: Solange Whitehead.

Councilmember Whitehead: Here.

Clerk Ben Lane: City Manager Jim Thompson.

Jim Thompson: Here.

Clerk Ben Lane: City Attorney Sherry Scott.

Sherry Scott: Here.

Clerk Ben Lane: City Treasurer Sonia Andrews.

Sonia Andrews: Here.

Clerk Ben Lane: City Auditor Sharron Walker.

Sharron Walker: Here.

Clerk Ben Lane: And the Clerk is present. Thank you.

Mayor Ortega: I would ask Councilmember Littlefield to lead us in the pledge.

Councilmember Littlefield: 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.

MINTUES

[Time: 00:01:17]

Mayor Ortega: Well, our first item on the agenda is the approval of minutes which is posted special meeting minutes of September 14th, 2021, regular meeting minutes of September 14th, 2021. Do I have a motion to approve the minutes?

Councilmember Whitehead: So moved.

Councilmember Janik: Second.

Mayor Ortega: I see a motion and a second. Any discussion? Please record your vote. Thank you. Unanimous.

PUBLIC COMMENT

[Time: 00:01:58]

Mayor Ortega: Next we have consent agenda item number one. And actually, I have to clarify from the script here. We will open public comment if there is any public comment. Which can be made remotely or in person. Therefore, I'm opening public. Are there any registered requests at this point, clerk?

Clerk Lane: Mayor, there's a public comment for item number 1.

Mayor Ortega: Yes. Well, this is just general public comment for any item that is not on the agenda. So we -- if we have purview on it, then you are welcome to speak as a member the one pick. I see none.

ITEM 01 – PIMA MCDOWELL NON MAJOR GENERAL PLAN AMENDMENT AND REZONING (4-GP-2021 AND 11-ZN-2021)

[Time: 00:02:51]

Mayor Ortega: So accordingly, I will close public comment and move on to consent agenda item someone one. And in this case, explain consent agenda items may move a little quicker, however the public is always called upon to come forward and speak.

We have one person who wishes to speak in person and I think it's best if I mention what the case is, which is the Pima McDowell number 4-GP-2021 and 11-ZN-2021 case. This was -- there is an accompanying resolution and ordinance. So Mr. Frankel, are you available?

Tom Frankel: Mayor Ortega, Tom Frankel, 7340 east main street, Scottsdale. I'm also the applicant in the case, but if it was going to go through on consent I didn't think I would have the opportunity to speak on it. That's the reason I guess I'm speaking now.

Rezoning process, general amendment, it's not always a wonderful process to go through and as a veteran of maybe going through these pros have generally not liked them, nor does council often get to hear a wonderful story and a nice outcome.

So I guess I will take two minutes to share my experience on this and express, I guess my appreciation for how it went. I have owned the parcel. It's 5 acres on the corner of McDowell and Pima for probably the last six or seven years. We had the Army Corps of Engineers there. It's the old Bill herd Chevrolet dealership, came vacant six or seven months ago. We put it up for lease.

C-4 zoning, a little unusual in the city of Scottsdale and we got -- much to my surprise, we got an awful lot of c-4 users, automotive, recreational vehicle, et cetera, that were interested in the spot. A very late comer to the game. All of them fit into the zoning.

[Time: 00:05:27]

The a late comer was Noah health which is a community-based provider, and it's associated with banner health loosely. They needed a zoning change because -- change because they do not fit in c-4 zoning which is a little bit more dense zoning than c-3 but they don't fit in. I was ready to forgo the people who do fit in the zoning and concerned how that process that might go.

Decided to pursue it and met with Councilman Caputi and she discussed with her what we were trying to do. She organized staff, set up a meeting with Jim Thompson and at least encouraged me to go through the process which was not something -- I didn't know how it would go.

Rezoning, even if it's a down zone, it doesn't always go according to plan but we had tremendous cooperation from all the way to the top, to the bottom and at the time Honor Health -- or excuse me, Noah was looking for a site up and down Scottsdale Road or McDowell and there was nowhere to locate and they were moving to Tempe.

And as a result of this, if it's on consent, I'm hoping it passes and I think it will, but we were able to keep a local organization that's valuable to the community, selfishly on my end, I end up with a wonderful tenant and the process went -- it's easy if it's a beautiful thing to have rezoned, I guess.

But the process went flawlessly and my appreciate goes out to everyone who helped with it. My coordinator, Jeff Barnes, Randy Grant, Tim Kurtis, everyone on council and staff. So thank you. And hoping it passes and I think it will be a nice addition. They made a 15-year commitment to Scottsdale and they will build a campus there. Thank you.

Mayor Ortega: Thank you Mr. Frankel. I see a hand from Councilwoman Whitehead.

Councilmember Whitehead: I just want to thank staff and Councilwoman Caputi. Noah -- Tom, you didn't say what Noah is. It's a clinical it's a beautiful all services clinic that serves everybody.

It's so important, especially during what we have just gone through and to keep that -- to keep them here and to provide that service for our citizens is just really valuable. So thank you Tom, for doing that.

I know it was a last-minute decision and I'm glad you took the plunge. And as always, our staff supported you. So that's good. Thanks to staff as well.

[Time: 00:08:27]

Mayor Ortega: Thank you. Would someone make a motion reciting the two action items so that we can take action?

Councilmember Whitehead: Sure.

Vice Mayor Caputi: Motion to approve consent agenda item, Pima McDowell nonmajor general plan amendment and rezoning.

Mayor Ortega: Second. So we have a motion and a second. Thank you. Please register your vote. It passed unanimously. Thank you, sir.

ITEM 02 – JUDICIAL APPOINTMENT ADVISORY BOARD INTERVIEWS AND APPOINTMENT

[Time: 00:09:11]

Mayor Ortega: Next, we will move to the judicial appointment advisory board. And the boards and commission and task force nominations. So the first item, number 2, is the judicial appointment advisory board. I would turn the meeting over to Vice Mayor Caputi for the judicial appointments advisory board and those interviews and appointments on the other boards, as well as commissions and task forces.

Vice Mayor Caputi: Thank you, mayor. The Scottsdale City Council is Responsible for establishing city policies and enacting laws in support of those policies. The Council relies on volunteer, citizen-based boards and commissions to research issues and make recommendations in support of the Council's mission and goals.

The information and recommendations provided by council-appointed advisory boards is a valuable tool in helping Councilmembers in their deliberations. This afternoon, the City Council will be appointing a Scottsdale resident interested in serving on the Judicial Appointments Advisory Board.

I want to thank the three individuals for their willingness to volunteer their time in service to this community. Following the set of interviews, we'll vote on an appointment for the board. So as I call your name, please approach the podium and briefly cover the following: For the record, please state your name and address and how long you have lived in Scottsdale. Please tell us

how your education, employment, or volunteer experience relates to this board or commission. What is the top issue facing this board or commission? Please limit your comments to two minutes or less. We have a timer by the screen to help you manage your time.

Following each nominee's response, I'll ask councilmembers if they have any follow-up questions for you. The Judicial Appointments Advisory Board (JAAB) makes advisory recommendations to the City Council regarding the appointment and reappointment of full-time city judges.

There is one Scottsdale Bar Association representative position vacancy, and the Scottsdale Bar Association has forwarded the names of three Nominees. However, nominee Tybor has withdrawn his name from consideration. So the remaining two Scottsdale bar association members are: John Gilbert. Robert Gruler, Jr. Mr. Gruler's term expired in September and is eligible for reappointment. So Mr. Gilbert, if you would like to please approach the podium.

John Gilbert: Good afternoon mayor, and Vice Mayor. I worked in Scottsdale for oh, over 20 years. I have lived here for 15 plus years. I am an attorney at Radix Law, which is a law firm situated in Kierland. I have practiced law in Arizona for 45 years.

[Time: 00:12:27]

I started my career clerking for a judge, honorable D.H. Hayes on the honorable Supreme Court. And I went into private practice for 44 years. I have been commercial litigator and done other stuff also. I have been a commercial litigator an in that capacity, I have been in front of -- in courts and in judges, at every level.

The top issue is simply getting and retaining competent, unbiased and perhaps most importantly, respectful judges. Judges need to be firm, impartial but courteous and not Tyrannical. So I would like to be appointed. Thank you. Any questions?

Vice Mayor Caputi: Thank you, Mr. Gilbert. Does anyone on the council have any questions? Thank you.

John Gilbert: Thank you.

Vice Mayor Caputi: And if Mr. Robert Gruler would approach the podium, please.

Robert Gruler: Good evening honorable councilmembers, Mr. mayor, Ms. Vice mayor. My name is Robert Gruler. I have been in Scottsdale since 2006. It's an honor and privilege to be here against before this council to seek reappointment to the judicial advisory appointments board.

Last time I was in front of this body, I was asked about the most important issue facing JAAB and my answer then was independence and about the need to have representation on this board that includes voiced people who represent people charged with crimes.

I explained then my background in law. I'm a practicing criminal defense lawyer. I am the founding partner at the R & R law group. We are a law firm located right up the street. We have six lawyers.

We serve courts all over the state of Arizona, including the city of Scottsdale, where we spend a lot of time representing many good people facing criminal charges. But in addition to my legal background, I'm also somebody with experience in some of the underlying causes of criminality. I understand trauma. I understand addiction.

I lost somebody very important to me due to addiction and suicide and I'm somebody who identifies as being in active recovery myself. The last time we met, was hopeful that my experience and voice would be useful on JAAB and I was afforded the opportunity to be appointed to that board.

[Time: 00:15:14]

Since then, I was nominated to be the chairman of the board on JAAB -- excuse me on JAAB and I believe during my time we conducted business efficiently and effectively. We completed investigations reviewed surveys, conducted interviews. We made two recommendations to this council to reappoint. Judge Jana and Judge Blake.

We have two more important decisions to make and our board at this time has a very good working relationship. We have experience now. We are conducting deep and serious inquiries. I think we will be able to make strong recommendations to help this body. That's why I'm asking for a second term. And I appreciate your consideration.

Vice Mayor Caputi: Thank you, Mr. Gruler. Does anyone on the council have a question for Mr. Gruler? Seeing none, I will entertain a vote for the judicial appointments advisory board. Each council.

If we could please say a name instead of already mentioned or whatever, that would be super helpful. I will go in order for ease. I will start myself. I nominate John Gilbert. Councilwoman Whitehead.

Councilmember Whitehead: John Gilbert.

Councilmember Milhaven: Mr. Gilbert.

Mayor Ortega: John Gilbert.

Councilmember Littlefield: John Gilbert.

Councilmember Janik: John Gilbert.

Councilmember Durham: John Gilbert.

Vice Mayor Caputi: Thank you, everyone. That concludes the judicial appointment. For today. I want to thank all our nominees for their interest in serving on the Judicial Appointments Advisory Board.

ITEM 03 – BOARD, COMMISSIONS AND TASK FORCE NOMINATIONS

[Time: 00:16:57]

Vice Mayor Caputi: We will now move on to our board and commission nomination process. This afternoon, the City Council will be nominating Scottsdale residents interested in serving on citizen advisory boards, commissions, and committees. Nominations will be made for positions on the following boards, commissions, and committees tonight. Appointments for these positions will be made on Tuesday, November 9th. So we'll just get started.

The board of adjustment. The Board of Adjustment is a quasi-judicial body that hears variance requests, appeals of the Zoning Administrator's interpretation/decisions, and decides on administrative decisions or zoning requirements, which create unnecessary hardships in the development of property because of exceptional or extraordinary conditions. Tim Stratton resigned from the board in August. There is one vacancy and four applicants. The applicants are: Julian Anderson, Daniel Ishac, Jay Leopold, Gary Steinback.

I will now entertain nominations For the Board of Adjustment. Each Councilmember can nominate one applicant. And I will just keep going to my left. So we will start with Councilwoman Whitehead.

Councilmember Whitehead: Daniel Ishac.

Councilmember Milhaven: No additional.

Mayor Ortega: No additional.

Councilmember Littlefield: Julian Anderson.

Councilmember Janik: [Inaudible] Daniel Ishac.

Councilmember Durham: Daniel Ishac.

Vice Mayor Caputi: And I nominate Julian Anderson.

So we will now move to the building advisory board of appeals. Are we all set?

Mayor Ortega: Madam vice chair, just a quick question, if I may.

Vice Mayor Caputi: Okay.

Mayor Ortega: I just noticed on Julian Anderson that the address appears to be perhaps in Phoenix. The other one appears to be Scottsdale addresses.

As long as that can be verified -- perhaps it's a location of the office versus an actual residence.

Vice Mayor Caputi: Yeah, I didn't catch that.

Rommel Cordova: Mayor, Vice Mayor, yes, we'll verify the address requirement. That is something that we do initially when the application is received, but we will certainly do that for this applicant.

Vice Mayor Caputi: Thank you, mayor. Building advisory board of appeals has two openings; however, no applications have been received at this time. As such, we will move on to the next committee.

The Citizens' Bond Oversight Committee receives reports on the City's progress in implementing the Bond Program, reviews any proposed project changes to the program and provides comments to the City Council with respect to the bond Program as the Committee deems Appropriate.

Kadambari Prasad resigned from the Committee in September. There is one vacancy and one applicant. The applicant is: Janice Eng.

I will now entertain a nomination for the Citizens' Bond Oversight Committee. I will start with Councilwoman Milhaven.

[Time: 00:20:07]

Councilmember Milhaven: Janice Eng.

Mayor Ortega: No additional.

Vice Mayor Caputi: We are good now? We're good?

The Environmental Advisory commission provides guidance on the prioritization of future environmental activities and recommends environmental policies to the City Council. SPECIAL QUALIFICATIONS: As specified in the Scottsdale City Code, the membership of the Board shall reflect both scientific and non-scientific Interests.

Terms for David Abranovic and Steven Schlosser expire in October. Mr. Schlosser is ineligible for

reappointment. Mr. Abranovic is eligible for reappointment; however, he did not submit an application for consideration. There are two vacancies and 15 applicants. I will start this time with Councilwoman Littlefield. Am I right, or am I at the mayor?

Mayor Ortega: Heather Abrahimi and Suzette Gibson.

Councilmember Littlefield: Larry Marchman and Alisa McMahon.

Councilmember Janik: Alisa McMahon and Andrew Scheck.

Councilmember Durham: Donna Hartz.

Vice Mayor Caputi: Ute Brady and Donna Hartz.

Councilmember Whitehead: Jordan Miller and Victoria Kauzlaric.

Councilmember Milhaven: And I have no additional.

Vice Mayor Caputi: Thank you.

The Historic Preservation Commission oversees the development and management of Scottsdale's Historic Preservation Program. Melissa Fedock resigned from the commission in September. There is one vacancy and one applicant. The applicant is: Courtney Lage.

I will now entertain a nomination for the Historic Preservation Commission. I believe we are up to Councilwoman Littlefield.

Councilmember Littlefield: Courtney Lage.

Councilmember Janik: Courtney Lage.

Vice Mayor Caputi: I think we're good. All right. Moving on.

[Time: 00:22:37]

Vice Mayor Caputi: The McDowell Sonoran Preserve Commission provides citizen oversight for acquisition, preservation, management, and stewardship of the McDowell Mountains and related Sonoran Desert for the benefit of this and future generations. Mark Hackbarth's term expires in October. He is eligible for reappointment and has submitted an application for consideration. There is one vacancy and four applicants. I will entertain nominations for the McDowell Sonoran Preservation commission. Each councilmember nominate one.

Councilmember Janik: Mark Hackbarth.

Councilmember Durham: No additional.

Vice Mayor Caputi: Robert Fishman for myself.

Councilmember Whitehead: No additional.

Councilmember Milhaven: No additional.

Mayor Ortega: No additional.

Councilmember Littlefield: No additional.

Vice Mayor Caputi: Okay. Moving on to the next. The Parks and Recreation Commission advises the City Council on the acquisitions of lands and facilities for use as parks or recreation centers; and on the operation, use, care and maintenance of these parks and recreation areas. Alexandra Albert's term expires in October; she is eligible for reappointment and has submitted an application for consideration. There is one vacancy and four applicants. We will start this time -- where are we? Councilman Durham, I believe.

[Time: 00:24:10]

Councilmember Durham: I nominate Alexander Albert.

Vice Mayor Caputi: No additional for myself.

Councilmember Whitehead: No additional.

Councilmember Milhaven: No additional.

Mayor Ortega: Steve Masear.

Councilmember Littlefield: No additional.

Councilmember Janik: No additional.

Vice Mayor Caputi: Thank you.

The Paths and Trails Subcommittee advises the Transportation Commission and provides a public forum for issues surrounding paths and trails. Kyle Davis' term expires in October; he is eligible for reappointment and has submitted an application for consideration. There is one vacancy for a Citizen Representative position and two applicants. The applicants are: Kyle Davis, Josh Winston. I will now entertain nominations for the Path and Trails Subcommittee. Each Councilmember can nominate One applicant.

I think I'm back up to myself. I nominate Kyle Davis.

Councilmember Whitehead: No additional.

Councilmember Littlefield: No additional.

Mayor Ortega: No additional.

Councilmember Littlefield: No additional.

Councilmember Durham: No additional.

Vice Mayor Caputi: Very efficient. The Veterans Advisory Commission advises the City Council on Veteran programs, policies and practices and serve as a community connection point for veterans and the community where they live. Marie Monroe resigned from the Commission in September. Terms for Michael Ragole, Joel Stempil, and Steve Ziomek expire in October. All are eligible for reappointment, however, only Mr. Stempil has submitted an application for consideration.

[Time: 00:25:52]

There are four vacancies and six applicants. I will now entertain nominations for the Veterans Advisory Commission. Each Councilmember can nominate four applicants. Councilwoman Whitehead.

Councilmember Whitehead: Steven Jackson, Joel Stempil, -- sorry, I'm checking. It's Mr. Stempil that is being reappointed or going to be reappointed, I think. Mark Ashley and Sean Asmus.

Councilmember Littlefield: No additional.

Mayor Ortega: Only one additional would be land Anderson.

Councilmember Littlefield: Mark Ashley, Sean Asmus, Raymond Sillari, Joel Stempil.

Councilmember Janik: No additional.

Councilmember Durham: No additional.

Vice Mayor Caputi: And no additional from myself either. So that concludes our nomination process for today. Individuals nominated will be contacted by city staff with additional information.

I would like to take this opportunity to sincerely thank all who applied to serve on a citizen advisory board or commission. Even if you were not nominated, your application will remain on

file for one year for consideration at a future date if there are additional vacancies. And now I will turn the meeting back over to you, mayor.

Mayor Ortega: Thank you very much. That concludes item number three. Item number 4 was vacated.

ITEM 05 – THE MILLER REZONING (1-ZN-2021)

[Time: 00:27:34]

Mayor Ortega: So we will move on to item number 5, the Miller project, and our presenter is Greg Bloemberg, project coordinator liaison and, of course, the applicant as well. Thank you.

Greg Bloemberg: I'm so used to seeing a monitor here. Sorry about that. Thank you, Mayor Ortega, Greg Bloemberg. This is for the Miller, rezoning 1-ZN-2021. The site is located at the northwest corner of east 6th avenue and Miller road.

To the east is two-story residential condominiums and townhomes. To the south is an office complex and to the north is a shopping center, a neighborhood shopping center and to the west is a small retail building. Next slide, please.

Here's a close-up view of the parcel. There is one error on this graphic that I want to clarify. The south yellow -- the yellow lines on the south part of the parcel is in the incorrect location. That yellow line casing the parcel boundaries should be in the center line of 6th avenue. Similar to Miller road. I wanted to make sure that that was clear. Next slide, please.

The existing zoning on the site is c-3 and if this application is approved. Zoning will become downtown multiple use type two, plan block development, downtown overlay. Next slide.

The land use character map, indicates mixed use. There's the red and white dashed line along the east boundary of the site that indicates the old town boundary. This is at the boundary of the old town area. Next slide, please.

And in terms of character area, the old town plan development types, it's type two as I mentioned as part of the zoning. In slide. Just a quick summary of what the applicant is asking for. They are looking for a rezone from highway commercial, to D/DMU-2, PBD DO. The applicant is seeking some development standards that are customized for those locations and the proposal is for a new multifamily development with subgrade parking. Next slide, please.

So in terms of the development standards, I will go through these as quickly as I possibly can. Left column indicates the actual development standard. The middle column indicates what the ordinance allows or requires currently. And the right column indicates what the applicant is proposing as part of their plan block development. So the first one is building height. The maximum building height allowed in the downtown area without any amendments is 66 feet,

plus six feet for roof top appurtenances which combine a total 72 feet. The applicant is seeking approval for 76 feet for roof top appurtenances and that is a bonus height request for 4 feet. 4 feet of bonus height is requested. Setback for roof top appurtenances.

15 feet from all sides of the building, the applicant is proposing to eliminate that requirement. Residential density. The standard density is 50 units per acre. There was an inquiry as to how long we have allowed 50 dwelling units per acre in the downtown area and that has been ongoing since 1985. So I wanted to make sure that that was on the record. And based on that 50 dwelling units per acre, and gross lot area, it's 85 units for site would be allowed normally. They are seeking 87 units per acre, which represents a pone us density of 37 units per acre, based on gross lot area and that comes out to 148 units. Private outdoor living space. Typically each unit would have a minimum of 6-foot in depth and 60 square feet for a balcony or patio. They maintain the 60 square foot and eliminate the 6-foot minimum depth. Next slide, please.

[Time: 00:32:33]

Stepbacks, I will try to explain these as expeditiously. In a type two area, the standard stepback is one to one. And all other property lines up to 45 feet and two-to-one thereafter. I will have graphics to support this. And then where the downtown boundary abuts the site, which it does at this case, the Miller road, it's one-to-one above the minimum step back and 1 to 3 thereafter. And that's rise over run. So what the applicant is proposing is on the right column and at the downtown boundary, no change is proposed.

They will maintain the stepbacks as required by the ordinance. They will maintain the requirement but they do seek an exception for up to 10% of the facade measured by the area above the third floor. I'm trying to read that screen. My apologies. And then at the best property line, they would be requesting a step back of 2 to 1 at 45 feet above the property line. And then on the north property line, 2 to 1 at 45 feet above the property line. And, again, I will show you some graphics that will hopefully clarify that for you. Next slide.

And finally exceptions to the billing location, prevailing setback and stepback. The standard requirement for -- or the standard allowance for an exception to the step back which means the building encroaches beyond the building envelope, maximum 15-foot exception to the stepback, above the first floor for projections tar less than 50% of the length of a facade's segment. The applicant seeks to increase that from 15 feet to 20 feet and instead of 50%, it would be 60% of the length of the facade segment. That concludes the summary of the development standards. Next slide, please.

So here's the site plan the applicant is proposing. You can see that there's a -- this is actually a combination site plan and landscape plan. It's a centralized amenity area. The building is recessed along 6th avenue and mitigates some of the height and massing and makes room for the amenity areas. One the things we had a lot ever conversations about with the applicant open this particular project was the garage entrance at 6th avenue. There was a concern about conflict with vehicles coming out of the garage, and the pedestrians walking along the sidewalk

on 6th avenue, and we worked on a design that we feel is workable for that entrance.

There will be a -- or the ramp will come up and there will be a transition area, minimum of 10 feet to allow cars coming out the garage to see the pedestrians that walking across. They will install a new sidewalk along 6th avenue, 6 feet in width and a double row of trees. Also trees on the north side of the building and on the west side of the building and on the east side of the billing. That should do it for this slide. Next slide, please.

[Time: 00:35:45]

There is no open space requirement in the old town area but the applicant is proposing a little bit over 15,000 square feet of open space and the graphic on the right portion of the slide indicates a publicly accessible plaza. That will include seating areas and shade elements for the seating area. And that's a little amenity for the public at this location. I mentioned the sidewalk that they are adding. Right now it's attached to curb. They will detach it and install a double row of trees. If a pedestrian wants to get from 6th avenue to 9 walk area, they have to go through the drive aisle. This will project would add a quack along the west edge. Project that would connect to a sidewalk across the drive aisle. It's a much more safe pedestrian action that connects pedestrians to that plaza. And also, a sidewalk on the north side of the building that will connect residents and pedestrians to that plaza. Next slide, please.

Here is the conceptual elevations: This is facing sixth avenue. The faded portion of this elevation in case where that recess is, it takes the height and massing away from the street and the trees along 6th avenue. Next slide, please.

This is the north elevation and there's trees along that elevation. Next slide, please. The stepback here. This is the stepback from 6th avenue and as I mentioned there's no amendment requested for that particular stepback but only encroachment. So you can see that encroachment just above those trees. That's where the encroachment is occurring and that's what they are trying to include in their development standards. The stepback at the bottom is at the drive aisle. Yes, this is the drive aisle, the west edge of the project.

What you can't see real well there and I wish I could point it out to you. There is a green line that shows the required stepback that would normally be applicable here and then the plaque line. Thank you very much. And this is the proposed area. Next slide, please.

The sixth avenue, you can see the encroachment, no change to the actual stepback and then along the north elevation -- can you go ahead and use your cursor and then the black line is the proposed stepback. And then the final one down there at the bottom is where the recess is. That shows that obviously there's no change to the stepback there and then the north elevation, you can see the change requested. Next slide, please.

And then this is a good depiction of context in terms of this project via -- versus what is across the street this shows the required stepback at the boundary. The one-to-one at 30 feet and then

one-to-three thereafter. No change is proposed to that but you can see how it relates to the two-story residential across the street. This is a good graphic to look at for context purposes. Next slide, please.

So just a few considerations. Some of these I have already mentioned but I will reiterate. This is a request for bonus height, 76 feet and density, 87 dwelling units per acre. No change to the stepback at the old town boundary. I went through the relationship of the garage entrance to the pedestrian realm I feel like that's been sufficiently addressed. There is an 800 square foot plaza with seating elements and we received public comment, all of which is included in your report. Next slide, please.

[Time: 00:40:07]

Now this project did go back before the development review board for a recommendation on the development plan and development standards and that was approved by a vote of 6-0 and it went to planning commission on September 22nd for consideration and they recommended approval 6-1. Next slide.

That concludes my presentation. If there are not any immediate questions for me, I will turn it over to the application for their presentation.

Mayor Ortega: Yes, let's go to the politic and then public comment after the applicant.

John Berry: Mayor members of the council, John berry, 6750 east Camelback Road in Scottsdale. Today, together, we can begin to reopen doors that have historically been opened but now been slammed shut for our first responders our teachers and healthcare workers and we can do this tonight at no cost to our taxpayers with no city subsidies and no city incentives and no tax breaks that damage our schools and city.

To reopen these doors we need builders who care. On behalf of a builder would cares, toll brothers, I'm pleased to discuss with you the Miller. The Miller is part of a larger neighborhood center, and this neighborhood center is truly a neighborhood center and this neighborhood loves its shopping center but in the age of Amazon as we all know, these neighborhood centers are at risk of extinction.

Now this owner and toll have joined together, the opportunity to bring 148 residences literally to the front door of these small local businesses. Thankfully six months ago the mayor and the city council unanimously adopted a five-year strategic plan and first on the list was recognizing the importance of retaining business and assisting them in expansion and putting them first now this site is a vacant building. It's been vacant for years a large asphalt parking lot. This does nothing for the small businesses located immediately next door to this shopping center.

Now what about our architecture? Our architect is Larry Heiny and given his training in Taliesin. And major setbacks and stepbacks. Now, with that inspiration, Larry has developed this building.

You are not approving architecture in this design. You can see the strong horizontal element and the stepbacks along Miller road on the right. Those stepbacks are so good, and so prevalence that there's no request for amended standards along Miller road, unlike other projects have you seen that have been on the edge of downtown.

Now very important to the neighborhood, and very important to the city council as was in the case in the Kinsey project. Short-term rentals are prohibited. Now, the unique aspect of this site is its location. And you can see the downtown boundary here. Indian School Road on south and camelback on the north and our site is located right here, and 6th avenue is the only access point between all of this area in downtown and the gentry on green, future bike centric development and public Paseo and the Indian bend wash.

Now this is the current gateway. This is what the visitors and residents who move back and forth in these areas at that one location between Indian School and camelback, a sidewalk, and two drive thru lanes and a boarded up vacant building for the last several years. We want to transform this into this.

[Time: 00:45:20]

This is looking west, into the old town area, on the corner is just a segment of the public plaza that was described by staff, as you can see the sidewalk has been replaced where there is now the sidewalk operated by landscaping, with a new sidewalk, and a double row of trees that will be 48-inch box trees when they are planted, which will provide a great canopy and pedestrian amenity at that location.

There will be \$400,000 of public art located into this public plaza. I know very important to the, that the Miller is over parked even as it relates to the most recent adoption of the parking ordinance. Speaking of cars this is zoned c-3 which has certain uses under the current zoning and only going to development review board. This proposal as residential generated substantially less automotive traffic but very importantly -- very importantly to these businesses located immediately next door as part of this center, it generates more pedestrian traffic. A quick summary of the community benefits, it's first ever voluntary workforce housing. It implements the strategic plan to assist business and creates a public gateway and shade and a public plaza.

No short-term rentals are allowed. This is a \$60 million reinvestment in the forgotten and forgettable edge of downtown and it's an investment in Miller plaza with more investment to come in this area.

This will indeed be a rising tide, strong new pedestrian connections with staff identified, and bringing people right to the front door of these struggling small businesses. No previously we reduced the density by 19%. The traffic counts are reduced compared to what could go there under the current zoning.

There is meaningful open space including a public plaza at this location, and the additional height that's being requested here is 48 inches. 4 feet over what could go there today and that's only for 22% of the area. Public art contribution, \$400,000. It's over parked and importantly Miller plaza is over parked with 275 spaces. It will enhance bicycle and pedestrian connectivity, and the Indian bend watch.

And there's almost \$1 million in community benefit contributions that will go to the city and importantly it must be used offsite. It cannot be used onsite and that amount will be paid immediately not when building permitted are issued. This' a property tax benefit for our Scottsdale schools. It does reduce the urban heat island impacts by eliminating that asphalt parking lot and there are trees, trees and more trees. What do I mean?

[Time: 00:48:29]

The existing pedestrian shade trees on that site today is a lonely one. It's like a tree grows in Brooklyn. The proposed pedestrian shade trees when we are done with this, there will be 52 of them. We utilize the international green construction code, local business owners strongly support this effort. You have in your packages written support from 183 individuals and businesses as staff noted. The planning commission did recommend approval and the development review board was unanimous in their recommendation to you for approval.

Now, I started with this slide. In conclusion, so address this crisis, we can do better. The community can do better. To address our housing crisis and builders can do better and they should do better. Now, together, we can be better for the benefit of our first responders, our essential workers, our teachers, our healthcare workers.

This builder believes in better. It believes in doing something for the community and it's leading by example with no subsidies, nothing out of the pocket of the taxpayer. 100% of the cost of this -- 100% is borne by this builder. And we hope and we believe that if this is approved this evening that this will send a very strong message to the builder community that they need to follow unite and hopefully do better. Now as the saying goes, from small acorns great oaks do grow. Together, tonight, let us plant one of those acorns. Mayor, after public testimony, I'm happy to answer questions.

Mayor Ortega: Thank you, Mr. Berry. We will now go to public comment and then get to our council comments. As you come forward, please state your name address and then confine comments to three minutes or less. Appreciate it. We'll start with Clayton Dicksbury and then Julie Newel.

Clayton Dicksbury: Mayor Ortega, my name is Clayton Dicksbury. I live on north Scottsdale road, Scottsdale. I support the proposed project for Miller, because I personally believe that it will ensure the success of Scottsdale retail, local Scottsdale retail and I also think that it will provide much needed housing for Scottsdale. I strongly encourage you guys to support it as well. Thank you.

Mayor Ortega: We have Julie Newell and then Sarah Bentley.

Julie Newell: Good evening and I want to thank the mayor and the councilmembers for allowing me to speak to you about this project. My name is Julie new ell and I do reside in Scottsdale. I assume not to put that on the record if I may. I support this proposed project because I think the economics requires it. My understanding is as of July, there were only 4,500 residents -- residences in the entire Phoenix metro area that were available for sale. That is an extraordinarily low number for houses to be for sale. Which means happily for me, the value of my property has gone up, because we all know supply and demand. The greater the supply, the more the prices go down. But the less the supply, the greater the demand the higher the values go.

They can set their property with no problem but then it's harder to find a place to buy. Residences are needed desperately. This started back in '08 with the financial crisis and after that financial crisis which was created in part by real estate issues and property issues, the developers didn't build as much as they had been prior to that and as a result, we have an extraordinary loss in residence generally speaking and that's why, because it has not caught up. We need to get residences otherwise the message from the city is you are not welcomed here. This is a project that will help to send the message that we want good people with good projects to come live in Scottsdale, work in Scottsdale, live your life in Scottsdale, and spend your money in Scottsdale.

[Time: 00:54:00]

Otherwise the messages -- it's a closed door. And we don't want to send that message. Part of this is not anybody's fault. It's just a matter of economics and lack of residences that are available, that require that we have got to get going on getting more residential projects. We don't want to ask someone that we hire here to work and serve us, to drive an hour, having lived someplace else to come to Scottsdale because it will turn away a lot of employees. We don't want that.

We want them welcomed here in Scottsdale to live here. I feel strongly that this project is important to build. I understand it's not going -- if you start building tomorrow it won't happen for two or three years. I don't think this economic crisis and this amount of supply is going to last. It's going to improve all that much in the next two or three years. That's why it's imperative we is approve this project and I thank you for your time. Thanks.

Mayor Ortega: We have Sarah Bentley and then Jamie Toma. Followed by Caitlin Whittaker. Sarah Bentley.

Sarah Bentley: Hi, Mayor Ortega and councilmembers, my name is Sarah Bentley and I live at 1545 north Scottsdale Road. Today I'm on behalf of the Scottsdale firefighters association and the police officers of Scottsdale association. First I will read a letter from the Scottsdale

firefighters. Dear Mayor Ortega and Scottsdale city council. On behalf of the Scottsdale firefighters association, I'm submitting this letter in strong support for the Miller tock located on Miller and Camelback Roads.

By transforming a long-time barn site. Project seems to address and help Scottsdale's growing challenge to obtain critical housing options especially for the city's workforce. Over the years the city council has maintained a strong dedication to providing essential resources to its community, workers and residents. We commend you for these actions to improve the city of Scottsdale.

However, the ever increasing rents and home values in Scottsdale pose a unique problem within our city as the teachers, police healthcare workers and firefighters struggle to work and live within the communities they serve.

Thanks to the dedicated efforts by toll brothers, a company with an excellent track record in the city, a critical component is designed to help teachers, police, nurses and firefighters such as ourself, a first in the city of Scottsdale.

We hope this pioneering project will lay the groundwork and encourage future development to create similar programs that provide solutions to the growing attainable housing dilemma in Scottsdale.

[Time: 00:57:45]

For these reasons we urge you to support the innovative project and help make a better Scottsdale for those that work and live in the city they love. Sincerely Sasha Weller, the president of the Scottsdale firefighters association. From the police officers of Scottsdale association. As the head of POSA, I'm writing to voice our full support for the Miller. We believe in the creation and the preservation of attainable housing in or community.

The Miller project would help to do this, as well as offer a much needed boost to the local neighborhood retail center. With rising rents and property values our city's workforce is finding it very difficult to locate suitable and affordable residences, in the communities they serve. Thanks to toll brothers the Miller would provide a number of these units structured to benefit teachers, healthcare workers and firefighters and police officers. We are living in the age of Amazon and retail centers and small businesses are struggling to keep up.

This redevelopment project will create new shoppers next door and maintain a substantial tax revenue of the local retail center anchored by an important grocery store. For these reasons we strongly urge you to support this important project, that can aid your commitment to providing essential resources tonight community. Sincerely Damian Mendoza, president of the police officers of Scottsdale association. Thank you.

Mayor Ortega: Thank you. And Jamie Tolma and then Caitlin Whittaker.

Jamie Tolma: Good evening, mayor, city councilmembers my name is Jamie Toma and I reside at 9438 east Dreyfuss place in Scottsdale. I support this the proposed Miller project. It will ensure that the local Scottsdale businesses can survive with new residents within walking distance of their location. It will be a positive addition to the downtown and our community. I ask you to please support this proposal. Thank you.

Mayor Ortega: Thank you very much. Caitlin Whittaker and then Scott Stewart.

Caitlin Whittaker: Hello, my name is Caitlin Whittaker and I reside at 7144 east Stetson. I'm here to read two letters on behalf of merchants located near the Miller site. So first I will start with Brighton Jewelry.

Dear mayor and councilmembers, as a business owner in camelback Miller plaza, I'm writing to ask you for your support for toll brothers proposed the Miller project, and Miller road and 6th avenue. The Miller will add to the vibrancy of this area and adding a much needed residential use. A sensitive and appropriate development such as this one is welcomed for this area. I urge you to support this project. Sincerely Brighton Jewelry, Stephanie Stefanowski.

And next, I will read a letter by Wilson camera. Dear mayor and councilmembers. Please support the Miller project located at 6th avenue and Miller. I work nearby and believe that adding this luxury residence is great for this area. This beautifully designed high-end project will be a great asset to the local businesses, restaurants and the city as a whole. Please vote to approve this request. Sincerely Brandon Appy of Wilson camera.

Mayor Ortega: Thank you. We have got Stewart and then bill Crawford.

Scott Stewart: Good evening, Mayor and council people. My name is Scott Stewart. I own Wok 'N' Roll, the Chinese food sushi restaurant in that plaza. The best Chinese food in Scottsdale. I fully support the project. It will increase receive new to the center. People will be able to walk over versus driving and create additional traffic in the area. And increase the business to our shops and other businesses that are there.

Our revenue increases, the tax revenue increases and that means more money can be spent on beautifying Scottsdale and increasing people to come into our area. Thank you very much. And don't get, Arthur night, drag bingo. Wok and roll. Thank you.

[Time: 01:01:30]

Mayor Ortega: Thank you, sir. Bill Crawford and then Mary turner.

Bill Crawford: Greetings, mayor and council. My name is Crawford and I have my address on record. I have lived in downtown Scottsdale for 25 years and had a business in downtown for 25 years for 16 of those years my wife Debbie and I have offered basic training med ex, strength

training and fitness center in this plaza.

So we're stakeholders we are part of the deal and we have gotten to know everything that there is know about that shopping center, the fellow merchants who are our friends and the neighbors who shop in the shopping center. Over the past few years we survived a lot of things. We survived three different owners. We survived a pandemic. We survived a shutdown and a lockdown and a few ear things. So to quote my dog for a lot of the merchants in that center, its been rough. Rough.

So we this project on horizon as great news for this shopping center. It's best thing that could possibly happen. That corner, by the way, has been a bank. It's been a geriatric nightclub. Those two things didn't work. It was a Risatti's pizza. It doesn't work. And it doesn't connect into the shopping center and this is absolutely perfect. What could be better for the merchants who live in this shopping center than putting 149 residences in the parking lot? I'm not talking about tents.

I'm talking about nice, quality development by one of the most respected builders in the valley. And speaking of that builder, we need to jump all over this concept. Of attainable housing. This should be above the fold front page news. You should adopt this for every similar project going forward. This is the best thing that you can do to integrate these kind of people, service providers desperately needed to live in our community. What could be better than that? Nothing. I can't think of a thing.

So these people that live and work in the shopping center, they are my friends. They have children. They have grandchildren. That shopping center supports hundreds of jobs. It feeds lots of families and the best thing that you could do to ensure the vitality of this shopping center. Not only for the people who live and work and have businesses in there but also the people in the neighborhood. They love that center. It supplies them with critical needs, services, products and dining experiences.

[Time: 01:04:33]

It's within walking distance to lots and lots of people. So by reinforcing this, this is the best thing that you could possibly do to keep the life flowing in downtown Scottsdale and I urge that you support this and don't delay it. Let's move on. Thank you for your time.

Mayor Ortega: Next, Mary turner and then Kathleen Livingston.

Mary Turner: Good evening, my name is Mary turner I live at 5131 north granite reef road. I live very close to the project site. I have come to love and enjoy many of the shops and businesses, the small businesses that are in the area. They feel a lot like family. Come to really enjoy that area and know that they have been going through struggling times with the age of Amazon and struggling with the pandemic.

It's great to see a wonderful project to come to the area and not only help the center survive but also thrive. I think it's a beautiful project. I think this he put a lot of thought, a lot of work and a lot of the effort and community outreach to help see what the neighbors really want in the area. And to listen and to hear and to hear what we have to say. I think it will be a great addition.

I'm very proud of the project to help provide the first work for housing. I think that's incredibly important as we try to support our teachers and nurses and first responders that are so critical to our community and have given so much to us during this hard time. It's time we give something back to them.

I think this project sets a really good precedence for other projects coming into Scottsdale and lay the great foundation for what is expected to come to Scottsdale to be successful. So thank you, toll, for providing such a wonderful project. I look forward to it coming to the center, and think at the will be a great addition to the plaza and the city as a whole. Thank you for your time.

Mayor Ortega: Thank you, Kathleen Livingston and David gross.

Kathleen Livingston: Good evening. My name is Kathleen Livingston. I live at 8449 east Columbus avenue, Scottsdale, Arizona. I'm a native from Phoenix, and I have lived in Scottsdale for many decades. So I have seen a lot of change and growth in the area.

This Miller project, I feel, will be a large benefit to the community and particularly the merchants at the Miller camelback area. By the toll brothers retaining ownership, of the property, and leasing, they can ensure that what is being proposed isn't going to be changed, particularly one thing that I don't like about a lot of things happening is all the short-term rentals and they -- that's one the things they said there isn't going to be.

[Time: 01:07:51]

There's going to be minimal traffic and because all of these people are going to be there, they can easily walk to help support so many of the small businesses, the grocery stores and the restaurants and they can walk to all of that and they don't need to be driving to all of that. So I hope that you will approve this project to help support the area. Thank you.

Mayor Ortega: Thank you, Kathy. David Gross and Daniel Winans.

David Gross: David Gross, 8400 33rd street. I have been here for a while. Mayor and council thank you for listening. I think as community sort of ages we need to evolve and be dynamic and Scottsdale needs to be aspirational so that people feel they want to be there and it's evolving and it's developing and that we're on that -- a little bit of that edge.

And so I think we need to always be growing and feel free. And so something that's always

something that is new and evolving and making things better so the people are always looking to Scottsdale for that and it's better that we are the aspiration of the whole metro community than another spot. I think it should be added.

In I think it should serve the local community and I think it should also be adding in wonderful things in the future and always add in something that is a little bit better and setting our standards a little bit higher. Thank you very much.

Mayor Ortega: Thank you. Daniel Winans and then Jessica Orosco.

Daniel Winans: Good evening, council. Mayors. Daniel Winans. Winans is the pronunciation. Never to -- to be mistaken for the Winans family. listen, I'm glad to be here about the Miller because when they first heard about it, my wife and I, we got excited because we have been residents here for well over 11, nearly 12 years. That's 4215 north Drinkwater boulevard. My wife Cybill is back there and she services her business in old town on main street. For I would say almost eight.

[Time: 01:10:35]

When we first heard about it. -- because we're bike riders. We are walkers. This is our -- this is our city. And we are glad about our city. When we heard about the vision that would tack place, we want to support it and we want you to turn around and take a good look at the possibilities of where it is now and where it can be I have traveled in music.

I have never, ever turned down an upgrade. It makes traveling a whole lot better. Will have a good evening.

Mayor Ortega: Thank you, Jessica Orosco and Michael Nordocci.

Jessica Orosco: Hello mayor and city council, my name is Jessica Orosco and I live on East Minnezona Avenue. I live walking distance from the Miller shopping center. I'm familiar with the businesses and the kind of traffic that it gets and I frequent a lot of those places. Sprouts is my favorite place to shop. So it's very convenient to be so close by. I'm in full support of this proposal. I think it's great. It will be a new addition to that area. It looks gorgeous.

It's no surprise that we have a big inventory shortage here and it will help mitigate that shortage here in the valley. And toll brothers is probably the most reputable developer in the valley right now. It does seem like this project would be in good hands. As someone would is actually on my runs it does seem to be a big waste of space to put it lightly. There's nothing going on over there. From what I understand that building has been vacant for years. It's not as if we are taking anything away from anyone. It seems like we will be enhancing the community. So I'm if full support of this project.

I'm very pleased it will be more pedestrian friendly and aesthetically pleasing in that area.

I think that's all I have to say. Thank you for your time.

Mayor Ortega: Thank you, Michael Nardocci and then Pomossil.

[Time: 01:13:28]

Michael Nardocci: Good evening, mayor and members of the council. My name is Michael Nardocci, and I live at 7507 east McKinley street, very close to this project. I support this project as it will bring new housing opportunities, including workforce housing to this neighborhood and it will help the existing businesses at the Miller plaza continue to stay in business, and serve all of us.

The project will also add much needed landscape to the corner and make it more friendly pedestrians which I think is incredibly important in our old town area. I think it will be a beautiful addition to our area that will raise the bar for multifamily projects as it's built by toll brothers, a company known for the excellent craftsmanship and the attention to detail. I hope you support this great project. Thank you.

Mayor Ortega: Thank you. And we also have Danielle Pommilzol.

Danielle Pommizol: Thank you, mayor and councilmembers. My name is Danielle Pommizol and I live on Minnezona Avenue. Ten 550 feet from the shopping center. The sifting shopping center has been serving our neighborhood. And there's small businesses that I frequent and love to see thrive especially the hardships that all local businesses had to face during COVID. Having the new residents will help to ensure the center is successful for many more years and continuing to be a resource for the entire area.

It would be a great improvement over the vacant building currently on site and it will reinvigorate that side of old town. I can tell you it's really ugly. I ask that you please support this proposal. Thank you.

Mayor Ortega: Thank you that. Concludes the list of in-person, as far as I know of and I see a not from our clerk. So I will just ask Mr. Berry to have some closing remarks and then we will get to council deliberation. Thanks.

John Berry: Mayor, excuse me members of council, John berry again. I want to thank those folks who took the time to come out and support this project, including those very close to the project and to the shopping center. I think you got a little taste of when I said the neighborhood loves this neighborhood center. I enthusiasm you got a little taste of that.

I think the owner of wok and roll would like you to get a taste of his food soon. When I said there's 183 letters and signatures in your pack fret area residents and businesses, this is just a sampling of them. I would note, I'm a little star struck by seeing the Winans here. And Mr. and Mrs. Winans, I don't know if you are still here or not, but, boy, it really was fun to see them. I'm

sorry I couldn't shake their hands earlier. But anyway, with that aside, I don't have any questions from the public. I'm happy to answer questions from mayor and the council.

Mayor Ortega: Sure. Let me lead off with a couple of questions because there's a deed covenant that is in our packet regarding so-called workforce housing rates. And it apparently places the city of Scottsdale in a direct position as enforcer of this new deal. You have explain how that will work to the city's benefit?

[Time: 01:17:42]

John Berry: Mayor Ortega. You use the term new deal. We can only hope that this first ever workforce housing effort is as successful as other new deals in the past. As you really know I'm not a real lawyer. I stayed at a holiday inn express one night. But my law partner, Hugh Hallman worked with the city attorney's office to put that agreement and covenant together. So I will let him answer that question.

Hugh Hallman: You point to the item in your packet as a restrictive covenant which gets recorded against the property involved that can the means by which the obligations of the developer get enforced. The restrictive covenant suggests that there will be supplied eight units of workforce housing each year for five years. It does more than that, in fact.

It says that there will be 480 months so that the developer has some flexibility as families are occupying the units to be provided as new ones might come on just before others might leave that you have some nice, smooth transition.

I think what you are really asking is this restrictive covenant, how is it that the city gets to enforce it? Well, in fact, this city has long had as a value in your code, the supply of workforce and affordable housing. But this would be the first council to actually put feet to that policy and adopt it. So your own zoning code allows this council to spend the bonus money that would otherwise be paid to the city on getting this kind of opportunity but in this instance, toll brothers, a nationally recognized builder of quality, that has a reputation to maintain as a publicly traded company, it will have the incentive to supply that without worrying about enforcement but your code first provides for that opportunity, and toll has agreed to supply that housing unilaterally without payment, but to ensure that it's enforced we start first with Mr. Mayor and members the council, and I'm not sure what I have to push here. There we go.

You knee the Arizona revised statutes, we are all familiar with the state legislature trying to restrict municipalities things to do things. Section A tries to restrict cities from doing the opportunity of what we are about to see. But then Section B provides the means by which the legislature gave cities the full power and in order to do this, the city has the authority to adopt and enforce a voluntarily created season for the approval and implementing an increase in the supply of moderate or low-cost housing. Now, this is a value being presented to the city, so that it can attract and retain people who you would like to see here. For example, police officers, firefighters, nurses and the like.

This provision by state law gives you the power and the authority to enforce such a provision. In the we have two contracts. You have the development agreement, that requires this developer if it builds to record the restrictive covenant and the contract is the restrictive covenant as well. If toll doesn't move forward and supply the workforce housing that's been promised, the city does have the right to enforce it directly. Why does that make sense? Because you don't actually expect residents to come forward and insist on their rights to get a workforce or affordable housing.

[Time: 01:21:39]

Would you like to have the city be able to do that. Your city staff your legal staff and your city attorney, once they gave us direction on how they would like to see document put to go made sure that you had many different kinds of tools to seek its enforcement if toll, again a publicly traded builder of quality didn't supply what it promised. And the first, is of course, a lawsuit for breach of contract.

You can have a breach of contract for the development agreement, or you could even have a breach of contract for the restrictive covenant which is a recorded lien against the property. But beyond that, you could as speak what is called specific performance. I know Mr. Durham is sort of remembering all of these things from his practice of law and law school and that bar exam we all took too long ago.

But specific performance allows to you seek a court order requiring the delivery of that housing. But finally to make it really easy, we actually crafted together with your legal team, what is called liquidated damages. It's a damage. It's the parties agreeing to an amount of money that in the workforce housing is not supplied, the city gets a check and this contract, this restrictive covenant says that the city manager or his designee gets to estimate the amount of loss in the reduction in rents and then multiply it by 1.5.

To get 1.5 times the amount of workforce housing you were supposed to get in a collect. That's pretty good.

Mayor Ortega: Okay. So the city would have to sue in superior court. The city would have to expend our legal funds in the effect of a default which is one of the listed items on agreement and that's the worst case scenario that's stated the other question -- I don't see any other hands up.

I have a question, though of the builder or the toll brothers and that pertains to whether or not a discount are ever given on other properties of toll brothers and for firefighters, teachers or others. That's my first question. And then let's just say why not? Why not hardless of this case?

Hugh Hallman: So Mayor Ortega, I will answer. Because we included the liquidated damages clause, its a pretty easy fix, but in addition, you get your attorney's fees under two provisions

one in the agreement itself, but under state law as well under A.R.S.12-341.01, the winning party gets the attorney's fees because we drafted this document to be so clear. One reason to do that is to never enforce a breach. So the attorney's fees get covered as well.

Mayor Ortega: Thank you.

John Berry: Mayor, members the council. You can tell that he truly does get paid by the hour. Hugh, thank you. Mayor and members of the council, I did check with Todd Bowden as to toll's -- Mr. Bowden is not a national -- he didn't work on these issues nationally for toll. He's focused on Arizona.

It's our understanding that toll does participate around the country in other places in inclusionary housing efforts. Many times that is a requirement of either law or municipal ordinance. Our state legislature, as Mr. Hullman showed with you his slide does not allow this city or the state to require workforce housing to be involved in any type of approval for housing in the state. What is unique about is that this is done voluntarily.

[Time: 01:25:54]

There is not even as I understand it, a tax benefit to toll for doing this. The cost of this out of toll's pocket for these units over these five years is near \$1 million. That's real money and that's a real commitment to our community to set the standard and set the bar for the balance of the builder's community which I hope they will step up as well. Mayor, I'm happy to answer any other questions.

Mayor Ortega: I don't see anyone, so -- I see Councilwoman Whitehead.

Councilmember Whitehead: My colleagues are being kind of shy. I think we're going to hear from them. Thank you, mayor and thank you, the whole team that's here on this project. You know, we're seven very strong-headed people with very different positions on items but with unity on our desire to make sure that our city is prosperous and safe today and tomorrow. And sometimes we have different ideas on how to get there.

So I think we can all question that having a vacant lot and, I think a entire empty bar, I have think is what I was told, in the center of our downtown is absolutely not what we need for a vibrant internationally renowned city. So I think we can agree that that's not good for our city and I think we also can probably agree that we don't want a project that's just Anytown U.S.A. project.

Because we are our brand, our Scottsdale brand is not Anytown U.S.A. So what we have here is an exceptional project. But we have a lot of concerns about apartments. So I want to tackle that too. But before I get to the apartments, I want to talk about our job as city council is to attract the very best. And when the very best comes forward with a project, our job is then to negotiate a whole lot more out of them. That's our job and we have been successful.

I think that's why for many, many decades we have retained our brand. So on this project, Mr. berry, you mentioned the architect and I didn't remember his name. Are architects are important when we try to distinguish. Can you remind me?

John Berry: Mayor Ortega and Councilwoman Whitehead, it's Larry Heiny. Larry has been in area air a long time. Larry was trained at Taliesin, and they do not exist any more, unfortunately. So the legend continues with people like Larry Heiny.

Councilmember Whitehead: Thank you, Mr. Heiny. I'm very impressed and excited about the architecture. Also, again being back to the number of apartments. We are talking 148. Mr. Berry tried to get more. And we went ahead and knocked him down. We are talking about 148 apartment units. In a downtown area. This is not an extensive number of units in my opinion. We are in an area, we are talking a six-story building as well. We have a number of 90, 120, 150-foot buildings in the pipeline. So this -- again, the height is not an issue in this area. So there is a bonus and that's a trigger point for our community and I -- you know, I get it. There's a bonus of 48 inches. Correct? 48 inches. What do we get from the 48 inches?

[Time: 01:30:08]

We get almost \$1 million and that might not sound like a lot of money put it is because what we are trying to do with the bonus height. In this case, it's 48 inches. What we are trying to do is trade in, trade up. Some height for added open space. And what I hope to do is pay project to create a new park in downtown, a new canalside park and this council can decide to use that money to make that park a reality.

So that's something that I'm pretty excited about. So let me talk about a couple of other things. Oh, the idea of -- there was a jogger and there was a bicyclist that came. In that's always a priority. This is kind of -- I don't want to say a dead zone. We have a walkable downtown and we have a greenbelt and this adds a really important connection between those two. And I certainly am a cyclist myself.

We will have -- we will have bike lanes on 6th street and a wider sidewalk and I love the connection between this apartment complex and the stores. I'm also a long-time Wilson camera customer and I really do feel strongly that it's up to cities to protect the small businesses. That's our job and this is an opportunity to do that. Then I want to talk -- well, in my almost three years, I think this is the first project that the fire union and the police union have weighed in and in this case, they weighed in positively. So that helped. So we are still asking for a zoning change.

The project has to serve a need which this project does. We desperately need housing. We just had a work study on the fact that we have a -- an issue with workforce housing. Everybody on this dais said the only way to solve it is to provide more so housing. So this project provides housing. The project has to benefit the community.

I just listed a few ways, very significant ways that this does benefit the community. And it has to have community support. So Scottsdale residents aren't shy, and every one of us up here knows that because when they don't like something, we hear about it hasn't this project has not had any significant opposition, where it's had a lot of support. To two and may half years ago, three years ago, whenever I came on board, I also started meetly talking about the community about workforce housing and I found out immediately from the attorney's office I can't demand it.

I prefer to demand things but I found out I had to get the development community to volunteer. I spoke with many people. This is first project that is delivers. I'm very excited about that. I think it will set the bar higher, just as the -- many of the other criteria we included in this development agreement. Public open space, five-year performance. You done deliver, we take away the zoning. Green building construction codes.

So and, of course, the public investment in art, and I will go ahead and let many berry talk about the artist has been chosen to provide this public art.

John Berry: Mayor give me a moment here, councilwoman. Asking this lawyer about art is probably not -- well, asking him to opine on architecture as well. We're very pleased to let folks know that since the onset of this project we felt that public art was very important. I had the privilege of serving on the boar of what is now Scottsdale arts -- the board of what is now Scottsdale arts for many years.

It's meaningful to the community and myself and it was important to find a local artists to work with the community, particularly at this gateway location. We talked to an artist named Kevin Berry. No relation. He's got talent. So no relationship at all to Kevin Berry. But you are familiar with his work.

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When I put this up, because the city has hired him and it's the proverbial -- it's the fish wall on Goldwater, which I think you are familiar with and then up here on the upper left, it's called hummingbird park, which unfortunately not enough people know about, but I think as more projects come to fruition, more residents and more activity in the southern part of downtown, or old town this park will become better utilized and more appreciated and this is actually located on Drinkwater, just south of city hall here.

As you cross Osborn, going doubt and the road starts to curve a little bit, on your left, or on the east hand side is this hummingbird park. The other images are from other locations in the valley. And we asked Kevin Berry to reflect on what did he want to express with his art. And I know it may be too long of an answer.

It's named the Miller, not because it's on Miller road, but it's named after Charles Miller. Charles Miller, along with the Kinsey is part of the modern Scottsdale and Mr. Miller was one

the two or three people that sounded Scottsdale power and light, that actually turned on the lights in Scottsdale for the first time.

Back in the 1920s, I think, someone would know better than I, but it was in that time frame. So Mr. Kevin Berry's comments was his initial thoughts for designing art work are inspired by Charles Miller bringing electricity to Scottsdale. So a well-known reputable local artist for doing highly appreciated art that Scottsdale citizens know and love.

Councilmember Whitehead: Thank you. I love the fish. I always have. I was excited that that will be the artist. I just -- I will end with one other point that I would like to make. And that is that I am so proud to be part of this administration, with the mayor who has reached out to mayors around southeast valley here, to start working on transitional housing for homeless and those types of issues but government cannot prevent homeless and they can't afford to prevent homelessness.

What government can do best is help make sure that homelessness doesn't happen, but we have to balance it. We can't build wall-to-wall apartments. I won't support that. But we do have to enable the free market to build what is needed and right now, housing is needed. We don't need a bar on that corner. We don't need a commercial building. I feel like we have balanced it.

We have provided housing and housing, even luxury housing reduces the cost to live in a community. We are building -- if approved, we are building a project that doesn't reduce the value of our city. It raises it by bringing, beauty. I know all of us want the same goal and I hope that my colleagues will join me and support this project and we can move forward with it. So thank you.

Mayor Ortega: Thank you. Councilwoman Janik, and then Councilwoman Littlefield.

Councilmember Janik: First of all, thank you for a very enlightening presentation, much appreciated. What I have to say is this is the right place. This is the part of our downtown area that needs a facelift. And it's a good opportunity for work, live, play, which I think is a very good concept. But it hasn't been tested much. So I think this is the perfect time to do that. Again, it's the right time because the businesses have suffered with the pandemic. And with Amazon and we support small businesses.

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That is what distinguishes Scottsdale from most other cities. And that's what our tourists love when we come here is the uniqueness. We also have a shortage of housing and this helps alleviate that. It's forward thinking. We finally have an opportunity for attainable workforce housing. I think this is a wonderful opportunity. Yes, it's an experiment. I think it's going to be a very successful experiment.

It was approved almost unanimously by D.R.B. and planning. And they are a tough crowd to

please. The fact that you made it through those two commissions and boards is to your credit. It's a very, very appealing design by a very accomplished architect and it's a very bold step forward for Scottsdale, and I'm very much in favor of a move towards this. Thank you.

Mayor Ortega: Councilwoman Littlefield and then Councilmember Durham.

Councilmember Littlefield: Thank you, mayor. Mr. Berry, I would like to thank you for remembering our conversation of several years ago, regarding this workforce housing need here in Scottsdale. And for helping to put this together for us and make it happen. I was the chair of the D.R. when this came through and, of course, the things you look at on D.R. are different than here. D.R. is the look, the touch, the feel, the paint, the color, the trees, the shrubbery, the landscaping and all of that fit within the city's code. So I voted yes, pass it on. Let's move it to the next step.

I think this has proven that that was a good decision on the part of D.R., to move it to the next step. Because you with have moved it on, Mr. Berry, and you have made it better. This is workforce housing which we wanted so badly, I think it was Councilwoman Whitehead and I sat down and talked with you for an hour or two or three, about how to do that. And here it is. It's wonderful. This has 148 units. It is a little more dense than I would prefer, but I think we're getting a lot for that density and I think it's going to pay off for us.

I will just kind of read a few thoughts. I don't have a formal speech, but this includes three stories of underground parking which is wonderful. It also has a pool, a fitness center and a club house for the residents there. The same owner as the hotel -- I'm sorry, as the was also going to have owned the plaza. He also owned the plaza and there's a synergy missing in a lot of our projects that I think will be great over time, because it will be for the developer's advantage to make sure that they work in tangent with each other and bring both of them along and make them both good.

I drove through the plaza, this afternoon on my way here. It's a plaza that I shop in by the way. It's a very great one. And then I drove by and just stopped in the parking lot where this building is, where the hotel will be. Its going to make a huge, huge difference on this entire corner. I would like to bring to your attention the difference in the mail that we have gotten as a council between this project and other development projects that have come before us lately. The neighbors want this. The businesses want this.

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That was not there for the other things and this makes a huge, huge difference because everyone is pushing for this to happen. The shopping center is very busy. It's very successful. It has a lot of really great stores in it and it has leases which Mr. Berry told me still have 15 years to run. It's not going anywhere. When they have a -- it's not a hotel, a rental place like this, where they have apartments.

Next to a plaza that is successful, this is going to have synergies that will go to Villa Monterey. It is sense which is not my favorite things but they have to make money on this hotel. I'm sure they have figured out that area.

But 4 feet is all they are asking for in what they can get and doing what they want. I think we are getting 4 feet of benefit way above and beyond in what we are getting back from these folks. It's -- the workforce housing, 8 units, this is for our working people. This is for four firefighters, our police, our nurses. They want to live in the area where they work. If they are family, they want to take their kids and have them go to the schools in the neighborhoods where they live so that the neighbors have friends and they all live there and it's a neighborhood.

This is what people are looking for. This is the kind of housing that people want. I think is something that I can do nothing but support. Hopefully this will be repeated in other locations in the future. We can't force it, but I hope it comes to us. This has some pretty unique characteristics and I think those characteristics, some of which I have already mentioned, they justify the modification of our building standards. So I think that's great. I like the look, the feel, and the architecture. I think it will make the entire area spruce up. I drove around the area for informational burns for those would be listening tonight.

There are several buildings within visual sight of this one, that are 5, 6 stories high. So it's not going to be the lone sore thumb sticking up in the sunset. This is something that is in this area. It actually has the sidewalks that go into old town. It goes into the shopping center, the plaza. It has places to go.

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And it has people walking to particular areas where he this want to be as opposed to kind of dead end in a circle around the hotel, or the apartment complex. So that is kind of really neat, I don't think it's infringing in or destroying our old town. I think it will augment it and help it to grow. I will support this.

Oh, and one other final thing which I really would like to stress which I like a lot and it was a turning point for me. There are no short-term rentals here. No S.T.R.s. These are people who are going to be living in these apartments. Thank you.

John Berry: Thank you.

Mayor Ortega: Vice Mayor Caputi.

Vice Mayor Caputi: I have a question and then I have shh comments. Why the five years?

John Berry: Mayor, Vice Mayor Caputi, this is a beta test and when we originally filed this application, there was a different city council and we originally filed this location, the approach was to use that almost \$1 million community contribution requirement which is specifically

called out to be allowed to be used for workforce housing. It's never been used before, any of these community contribution bonus payments. And we were originally going to do that. And that would have allowed for units for a longer period of time.

But in essence, as members of this council and staff pointed out to us, with the new council, that we were essentially paying ourselves to provide this workforce housing and that's the model in the state of Arizona. That's the model in the valley.

Most people -- all people that are providing workforce housing are getting -- can get tax benefits including these Giblets, these government -- these property lease tax, which the council has put in place which results in fewer property taxes being paid by the developer. And those property taxes are put back in the project and the term correlates to the terms of the developer. Again, it's kind of picking out of pocket into the other from the city.

So this council made it clear that that would not be acceptable and any community benefit bonus monies this almost \$1 million would need to be paid immediately to the city and could be used for whatever the it I council decided it wanted to spend it on. We continued to believe as a tribute to toll that providing workforce housing and doing this beta test and inspiring other builders to do the same it was worth coming out of their own pocket. To my knowledge, that's a first.

[Time: 01:49:06]

Vice Mayor Caputi: Thank you.

John Berry: Given the risk associated with that, five years seemed very good. And we're hoping that that is enough time to test the beta and we can go from there if it's as popular as we hope it will be.

Vice Mayor Caputi: I do approve the project and my colleagues have done such a good job of listing all the wonder if reasons and I don't want to overwrite everything they said and waste everyone's time. So I will try to just make a few comments of support. On things that people haven't mentioned.

Definitely it's currently a vacant site which is great, as Councilwoman Whitehead pointed out, we want to redevelop these vacant sites. We need more people living in our downtown area as we have seen in all of our studies, downtown 2.0, et cetera, using our shops, our restaurants, our pedestrian amenities, it needs to be a downtown -- so do the police and the fire union, check off all the boxes.

Most importantly, though, the housing element of our existing general plan, never mind the updated 2035 version supports the well-being of our community, and it says that our goal is to support diverse, safe resource efficient and high quality housing options. This project checks the boxes that we laid out as a city and council. It's a growth area where we are encouraging higher

density.

The goals and the policies encourage future housing options to include a wide range of opportunities for people living and working in Scottsdale, and this is the type of project that we said we want. So I will read two things. The housing element 1.4, support the creation of mixed use projects primarily in growth and activity areas to increase housing supply within walking distance of employment, transportation options and services. And h1.5, encourage a variety of housing densities in context appropriate locations throughout Scottsdale to accommodate projected population growth. This is from our existing general plan. Nothing updated.

Project fits in these boxes and I want us to understand as a council this is what we do. We tell the developers what we want and we write a plan and then you come to us with the things we need and it checks the boxes and we're able to say, yes, which is a beautiful thing. Certainly eight units of affordable housing is not going to be solve our problem but it helps the supply and demand issue in general.

That's always a good thing. So just in conclusion, the reason I like this project is because we have said these are the things we want. Affordable housing, sustainability, decreased heat island, walkability, live, work and play options.

It's in our general plan and so I really support us putting our actions not just our words and so I absolutely will give support to this project. Thank you.

Mayor Ortega: Okay, Councilmember Durham and then I will weigh in.

[Time: 01:52:27]

Councilmember Durham: Thank you, mayor. I agree with most of what has been said here. I will be supporting this project. I always start off with the location. I think it's a good location. It's on the edge of old town. It's close enough so it will be part of old town but it's a little far enough south so that it's not going to obscure some of the lower characteristics of old town. It's close to shopping and it will reinforce the shopping. It will be very convenient for them. It has strong community support.

I think one of the things that was attractive to me is that it will help to serve as a gateway or sort of a beacon over to the green belt because if you are maneuvering your way from the green belt over to the old town, it's -- it's -- there are parts that are certainly not attractive. I think this and the landscaping in particular will sort of serve as a marker that will lead you over to the gateway -- over to old town.

The density is a little bit high and it's consistent with the height and the base, and I really appreciate the architecture of this. It's not another square block. Which we have seen too many of. It's got a lot of interest, particularly on the southeast side with the tapering over there. And I think the architecture is really attractive. I think it will look very nice in this spot. For all of those

reasons, of course the workforce housing and all the other things that have been mentioned, I will be voting for it. Thank you.

Mayor Ortega: Thank you. Thank you, and Mr. Berry, I don't think there's any more questions.

John Berry: Thank you, mayor.

Mayor Ortega: You are quite a stand-up guy there. So when a project comes forward, there is a check list. And in this case, of course, one of my major concerns is what is the property currently zoned as. And it is zoned as C-3. And it is a separate parcel next to SC-3 property. So it is very difficult to zone any parcel from a residential use or any other use to a c-1 or a c-2 or even a c-3. So generally, I will weigh what is the cost benefit and essentially the erosion of a commercial use.

So going from a c-3 downward changes the composition of our -- or mix of our land use. It's been pointed out, of course, that with COVID and with Amazon and all of these other things occurring. Certainly one could argue that there needs to be a balance and but that's one of my first questions. The second area that is very important is what is the ask? Right?

[Time: 01:55:59]

So the base zoning for changing it to 100% mixed -- it's not mixed use anymore. It's 100% residential. So you are shifting from c-3, to 100% residential. If that happens too often, it will pull a squeeze on our commercial property. So that's always one point to consider.

The other thing is that our code for the zoning allow if we are doing a commercial project what is called the floor area ratio to be only on the net lot area. And in this case, her asking us to zone to an apartment use where the gross lot is used to the center of Miller, and as you saw the exhibit had it misdrawn on 6th avenue.

That's an interesting thing and we'll have to consider when it says the base is 50, united per acre but if you look deeper the definition says oh, and by the way, count to the middle of the street in both directions and you end up with a base of 60 units instead of just 50 units. That's a little loophole that we will be looking at as we look at the ordinance changes and how we compose that question.

So that the public will understand what the real base is and what the next jump if that base is. We can't be detail oriented and I know we can agree that a vacant site or a blighted site is not productive in this site. I like the site plan. I like the connectivity and the shading that it has.

One thing I would like to clarify, it's not \$990,000 for four feet, okay? It's \$120,000 for the height change but rest of it is for density increase. So, again, we start with a point of 50 per acre but then, oh, you cheat over into the street and it ends up being 60 and then you multiply that out and then it ends up being 85 units which is base. The base is 85 and I come back to the question,

what is the ask?

So the ask is: They are asking for 51 units if you -- if you step it up and then step it up again. I think the public needs to understand what is the ask. So I did try to reach out to the applicant. I didn't get an answer to discuss these kinds of things. So I would like to put up the little illustration, 15 is the south elevation and I think you can cue that up. Just to be very clear. That is what they are asking for and then can you put up the a slide? I think that's 15a?

So if you could toggle back and forth, you see that's a four-apartment and the ask is for a six story. There you go. So they have jumped it up two floors and that's what they are asking for today. Now let's go to slide 16, there again, you have this structure that's -- that does respond, does respond to Miller road. But then it goes up six floors and then goes to b, 16b slide, and you will see the difference. So you are looking at a very imposing, if you look at it, toggling back and forth, there is a stepback that's shown, along Miller, and even a little on the back side. But this is a high density request.

[Time: 02:00:34]

They are asking for 87 units per acre, and then they are counting a half acre which is the street. That's the fact and it's not disputable. You can see the superimposing of that again own the edge of the downtown area.

So if you go to c, which is 17, you will see they also asked for -- well, this is where they asked for a variance with the six-story building and then you should have a c slide, which shows again where they asked for the extra two floors. So they basically, no matter how quality of a builder, you are, they have asked for a substantial, about a 80% increase in density. It's not about 4 feet, okay? And the builder is one of the wealthiest and able to do, that but essentially the signal is, gee, if you throw \$12,000 per unit to Scottsdale, they will grab it and you can pile on more units. Although the height requirement -- the height requirement may have been 66 feet and they have asked for 4 feet of parapet, they couldn't have filled it with the number of units except for this ask.

If you were to go back to either 15 again, perhaps and this is why I -- I always ask any applicant -- what is the delta? What is the difference between what the city expectation would be and what is going to result? So there's again 15 and then you go to the A. slide. You have the articulation and the horseshoe shape that's architecturally interesting and the stepback at Miller and when the applicant is not responsive, then we have to do it and we have to understand where that's coming from.

I do believe that having, quote/unquote workforce housing is -- is an aim that we can go for and should go for. I just don't understand how why the city would be administering or enforcing that. That is not a good government policy having to say, well, there is a firefighter and she got a good rate. And maybe boyfriend or somebody moves in and the income just increased or doubled and now she's not eligible, right, or the same with a law enforcement officer. So all of

that stuff gets really tricky as well as choosing or not.

I would rather have that million dollars for density than buy four units and let the city own them and make it -- call it a day. If that were -- it certainly is negotiable, but the idea that somehow this is going to be a workable thing where the cities trapped into it and if you look at the attraction of the -- of having 110 units or whatever, 100 units, it's certainly going to be compatible with the center, and it will not -- not violate the density criteria that we have. So I will not support the higher density basically at a price and that I don't know that a five-year stop with us checking who is there or deciding who is eligible is really where the city needs to be. It's muddled up, in my opinion.

[Time: 02:05:03]

There has not been a discussion of this higher density and that's where I'm mainly not in favor of it. Essentially the owner or the builder wouldn't have to go three stories down. Maybe only two stories. But there's a balance of cost in there. That can work to everyone's favor and I would prefer to see -- have seen this illustrated so I wouldn't have to do it and explain it to -- to everyone, because we will be sending a message that, you know, Scottsdale views are for sale. Our at a very, very nominal cost.

You can put 50 units in there for \$1 million and or \$900,000 and you can't buy an acre in Scottsdale downtown for \$1 million. So it's really a bargain for proposition. I see one other hand and then I will take a motion and Councilmember Milhaven.

Councilmember Milhaven: Thank you. So with regard to the comments my colleagues made in support of this project, I say that goes twice for me. I will leave my comments to be brief because I think they said it all very well.

And I would like to make a motion to adopt ordinance number 4517 approving the zoning district map amendment. Adopt resolution number 12263 declaring the document entitled the Miller development plan to be a public record and adopt resolution 12257 authorizing development agreement number 2021-139-COS.

Councilmember Whitehead: I am second that motion.

Mayor Ortega: Thank you. We have a motion and a second. Is there any other discussion? Seeing none, please -- oh, excuse me, vice mayor Caputi.

Vice Mayor Caputi: I want to make one last really fast comment. That comment about Scottsdale would be a place where people could just throw a little money and get whatever they want in terms of density and height, I just -- that doesn't really sit well with me, I just want to say for the record.

I have been sitting on this council for ten months now and we have approved one development

project up here in ten months. We have exceptionally high standards. We are the gold standard of development anywhere in the valley and we certainly don't let people throw a little money and get more out of it. We certainly have a very strict and stringent system for making sure that the value we get is -- is worth it. That's all I want to say. Thank you.

Mayor Ortega: Thank you. And all those bonus discussions need to be made very clear on what the give is and what the take it. And that was the purpose of that exhibit as well. Please register your vote. Thank you. That did pass with our concluding item, we will move on to public comment. Thank you. And good luck with your project. Appreciate it.

We will now move on to public comment and at this point, we asked for the public to come forward and make any comment, as long as it is not on the agenda. I see none and therefore, I will close the public comment. We have no petitions from the public. So that's another order of business. And then finally, any mayor or council items to discuss?

ADJOURNMENT:

[Time: 02:08:50]

Mayor Ortega: Good, I will entertain a motion to adjourn.

Vice Mayor Caputi: Second.

Mayor Ortega: Thank you. A motion and a second. Please register your vote. Thank you.