

SCOTTSDALE CITY COUNCIL  
WORK STUDY MINUTES  
MONDAY, SEPTEMBER 19, 2016



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

### CALL TO ORDER

Mayor W.J. "Jim" Lane called to order a Work Study Session of the Scottsdale City Council at 5:02 P.M. on Monday, September 19, 2016, in the City Hall Kiva.

### ROLL CALL

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

Also Present: Acting City Manager Brian Biesemeyer, City Attorney Bruce Washburn,  
City Treasurer Jeff Nichols, City Auditor Sharron Walker, and City Clerk Carolyn  
Jagger

### MAYOR'S REPORT

Mayor Lane requested a moment of silence to honor the passing of former Governor Rose Mofford.

### PUBLIC COMMENT

Christine Kovach, D. Patrick Lewis, and Steve Helm spoke in opposition to the citizen petition. Howard Myers and Jason Alexander spoke in support of the citizen petition.

- 1. Citizen Petition Regarding Construction on the Preserve and Use of Preserve Tax Funds**  
**Request:** Discuss, consider, and provide possible direction to staff on a citizen petition, as provided by the City Charter, asking the Council to pass a resolution, or submit to the voters a change to the Charter, that would require either of the following to occur only with approval by public vote: 1) Construction of anything in the Preserve, other than trails, minimal facilities required for trail heads used for trail access, and the land bridge over Dynamite Boulevard; and 2) Use of Preserve Tax Funds for anything other than land acquisition, the building of trails, minimal facilities required for trail heads used for trail access, and the land bridge over Dynamite.  
**Presenter(s):** Bruce Washburn, City Attorney  
**Staff Contact(s):** Bruce Washburn, City Attorney, 480-312-2405, [bwashburn@scottsdaleaz.gov](mailto:bwashburn@scottsdaleaz.gov)

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

Preserve Director Kroy Ekblaw gave a PowerPoint presentation (attached) on typical improvements made in the McDowell Sonoran Preserve. City Attorney Bruce Washburn outlined the citizen petition requests and options for implementation.

### **MOTION NO. 1**

Councilman Phillips made a motion to direct staff to: (1) Initiate a text amendment to the Scottsdale City Charter pertaining to the Preserve Ordinance, Section 11, based on the draft language he provided at the meeting (attached), and bring back to Council for vote to bring before the electors at the next City scheduled or special election; and (2) agendaize a vote for a moratorium on any construction within the Preserve excluding trails and trailheads until after said charter election. Vice Mayor Littlefield seconded the motion. No action was taken.

### **ALTERNATE MOTION NO. 1**

Councilwoman Milhaven made an alternate motion to take no action at the current time. Councilmember Korte seconded the motion.

### **ALTERNATE MOTION NO. 2**

Mayor Lane made an alternate motion to direct staff to draft Charter amendment language consistent with the citizen petition, and to give consideration to the items on Mr. Ekblaw's list of typical Preserve amenities, trails and trailheads, and maintenance as possible exceptions. The second alternate motion failed for lack of a second.

### **ALTERNATE MOTION NO. 3**

Vice Mayor Littlefield made an alternate motion to direct staff to draft language consistent with the citizen petition and require any public vote for the use of Preserve tax funds for anything other than those already approved by the citizens, including land acquisition, trails, minimal trailhead facilities, land bridge over Dynamite Boulevard, and maintenance, to be a binding vote. Mayor Lane seconded the motion.

### **MOTION NO. 2 AND VOTE**

Councilwoman Milhaven made a motion to call the question. Councilmember Korte seconded the motion, which carried 7/0.

### **VOTE ON ALTERNATE MOTION NO. 3**

The Council vote on the alternate motion to direct staff to draft language consistent with the citizen petition and require any public vote for the use of Preserve tax funds for anything other than those already approved by the citizens, including land acquisition, trails, minimal trailhead facilities, land bridge over Dynamite Boulevard, and maintenance, to be a binding vote failed 2/5, with Councilmembers Klapp, Korte, Milhaven, Phillips, and Smith dissenting.

### **VOTE ON ALTERNATE MOTION NO. 2**

The Council vote on the alternate motion to take no action at the current time carried 4/3, with Mayor Lane, Vice Mayor Littlefield, and Councilman Phillips dissenting.

**MAYOR AND COUNCIL ITEMS – None**

**ADJOURNMENT**

The Work Study Session adjourned at 7:00 P.M.

**SUBMITTED BY:**



**Carolyn Jagger  
City Clerk**

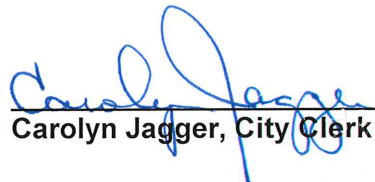
Officially approved by the City Council on October 10, 2016

### CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Work Study of the City Council of Scottsdale, Arizona held on the 19<sup>th</sup> day of September 2016.

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

**DATED** this 10<sup>th</sup> day of October 2016.

  
\_\_\_\_\_  
Carolyn Jagger, City Clerk



Sept. 19<sup>th</sup>, 2016

## Scottsdale's McDowell Sonoran Preserve Typical Improvements

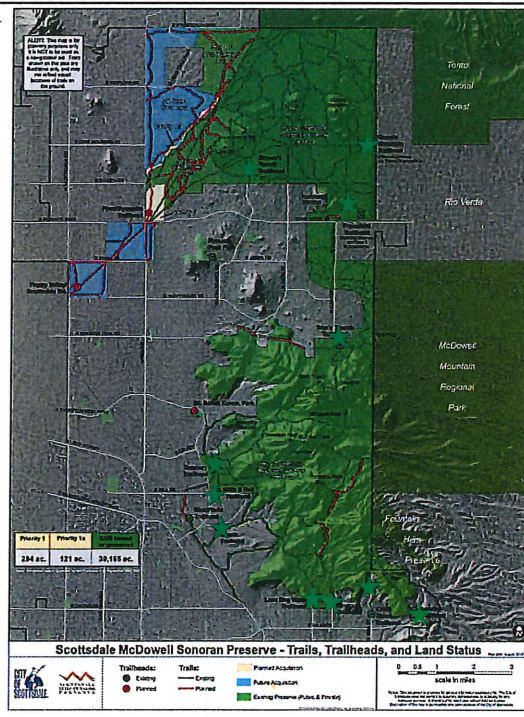


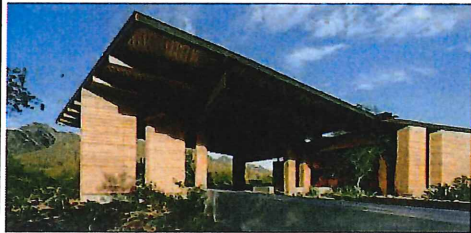
*Kroy S. Ekblaw, Preserve Director*

*City of Scottsdale*

## Preserve Improvements

- 2016
- ▣ 180 miles of Trails
  
- ▣ 11 Trailheads





## Trailheads

- Gateway
- Lost Dog
- Brown' Ranch
- Tom's Thumb



## Typical Amenities at Trailheads

- Parking w/driveways
  - ▣ Equestrian
- Building
  - ▣ Restrooms
  - ▣ Covered/Shaded Waiting area
  - ▣ Education/Interpretive space/amphitheater
  - ▣ Office/Pathfinder (volunteer) space
- Utility, Service , Maintenance/Yard

## Other Preserve Improvements

- Fencing/Access Control/Gates, etc.
- Restoration
  - Old roads, trails, disturbance areas
  - Past and/or future wildland fire areas(\*)
- Wildlife Watering sites
- Protection/restoration/interpretation of Cultural Sites
- Safety Considerations:
  - Old Mines, water holes (dams), etc.
- Wildlife Land Bridge

**CITIZEN PETITION RE:  
VOTER APPROVAL FOR PRESERVE  
CONSTRUCTION OR EXPENDITURES  
CITY COUNCIL WORK/STUDY SESSION  
September 19, 2016**

## PETITION REQUEST

- METHOD
  - RESOLUTION
  - CHARTER AMENDMENT
- PUBLIC VOTE
  - CONSTRUCTION IN PRESERVE
  - USE OF PRESERVE TAX FUNDS

## CONSTRUCTION IN PRESERVE

CONSTRUCTION OF ANYTHING OTHER THAN:

- (a) Trails
- (b) Minimal facilities required for trail heads used for trail access
- (c) The land bridge over Dynamite Boulevard



## USE OF PRESERVE TAX FUNDS

### USE OF PRESERVE TAX FUNDS FOR ANYTHING OTHER THAN:

- (a) Land acquisition
- (b) The building of
  - (i) Trails
  - (ii) Minimal facilities required for trail heads used for trail access
  - (iii) The land bridge over Dynamite Boulevard

## SCOTTSDALE CITY CHARTER ARTICLE 10, §1(PART)

ALL CITY MATTERS ON WHICH THE  
COUNCIL IS OR SHALL BE EMPOWERED  
TO LEGISLATE MAY BE SUBMITTED TO THE  
ELECTORS FOR ADOPTION OR REJECTION  
AT A GENERAL OR SPECIAL ELECTION IN  
THE SAME MANNER AND WITH THE SAME  
FORCE AND EFFECT AS MATTERS  
SUBMITTED UPON PETITION.

WHAT CAN BE REFERRED  
TO THE VOTERS?

- Only legislative acts
- Sets a policy
- Must actually enact something – not advisory
- Provides means to accomplish policy

OPTIONS

HOW CAN THE CITY ESTABLISH THAT  
A MATTER WILL BE SUBMITTED TO THE  
VOTERS?

- RESOLUTION
- ORDINANCE
- CHARTER AMENDMENT

## RESOLUTION

- Can be adopted at any meeting where agendaized
- Usually less public outreach, but can have same amount as other options
- Can be changed by Council
- Generally not subject to referendum

## CHARTER AMENDMENT

- Approved by Council
- Submitted to voters
- Approved by Governor if not in conflict with, or it states it is subject to, the laws and constitution of the state – 30 day timeline
- Can only be amended using same process
- Practice on substantive changes has been for substantial public outreach

## WHEN COULD ELECTION BE HELD?

- Elections can only be held in the spring and fall --March, May, August (September), and November
- To insure all deadlines can be met, including approving ballot language, accepting ballot arguments, etc., best to start at least 140 days in advance

## DATES FOR 2017 AND 2018 ELECTIONS

- March 14, 2017 (call by October 25, 2016)
- May 16, 2017 (call by December 27, 2016)
- August 29, 2017 (call by April 11, 2017)
- November 7, 2017 (call by June 20, 2017)
- March 13, 2018 (call by October 24, 2017)
- May 15, 2018 (call by December 26, 2017)
- August 28, 2018 (call by April 10, 2018)
- November 6, 2018 (call by June 19, 2018)

## COST OF AN ELECTION

- An election held on any date other than the fall of even-numbered years will cost approximately \$500,000.
- There is no additional cost to hold a special election in conjunction with the City's primary and general elections.

## ORDINANCE

- The petition did not request an ordinance
- Usually have some level of public outreach
- Can be adopted at any meeting where agendaized
- If Council changed it later the change would be subject to a public referendum

## CITIZEN REFERRAL OF ORDINANCE AMENDMENT

- Citizens have 30 days after ordinance approved to gather signatures
- At this time would need 7,850 signatures
- If enough signatures collected then:
  - Council puts ordinance on next general election ballot or calls special election
  - Amended ordinance does not go into effect until after citizens vote to approve

**QUESTIONS?**

## Preserve text amendment to charter

Direct staff to initiate a text amendment to the Scottsdale city charter pertaining to the Preserve ordinance, section 11, as amended below, and bring back to council for vote to bring before the electors at the next city scheduled or special election. Further direct staff to agendize a vote for a moratorium on any construction within the preserve excluding trails and trailheads until after the charter election.

### Section 11: Removal of preserve land designation:

The council may remove the preserve designation from any parcel of land less than one (1) acre in area. (Add: For the sole purpose of trails and trailheads only) Such removal shall be limited to a maximum of six (6) parcels within any one (1) calendar year. (Add: Such removal cannot be contiguous or otherwise connected to any one (1) parcel except for connection of trails.)

Such removal shall not become effective until sixty (60) days after an affirmative vote of two thirds (2/3) of all members of the council and after resolution of any referendum concerning such removal. (Strike this paragraph completely)

Removal of the preserve designation from any other (Strike "other") parcel of land (Add: Except trails and trailheads) shall require approval of two thirds (2/3) of all members of council, but shall not become effective unless submitted by the council to electors and approved by vote of the majority of votes cast at the election.

Add: Article 12: To clarify Preserve Ordinance Article 11 so no misinterpretation or legal opinion may misconstrue or redefine: No made-made facilities, including public tax monies of any sort or convenience, other than those already contained in the Preserve before this article, are expressly prohibited without a public vote of the electors.

### Add: Article 13: Definition of Trailheads:

Trailheads to consist of up to one (1) acre parcel only, with appropriate parking facilities as determined by estimated visitor usage.

Scope of any specific trailhead will be approved by two-thirds (2/2)council vote before approval of such trailhead.