

**SCOTTSDALE CITY COUNCIL  
REGULAR MEETING MINUTES  
THURSDAY, AUGUST 26, 2021**



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

**CALL TO ORDER**

Mayor David D. Ortega called to order a Regular Meeting of the Scottsdale City Council at 5:03 P.M. on Thursday, August 26, 2021.

**ROLL CALL**

Present: Mayor David D. Ortega; Vice Mayor Betty Janik; and Councilmembers Tammy Caputi, Tom Durham, Kathy Littlefield, Linda Milhaven, and Solange Whitehead

Also Present: City Manager Jim Thompson, City Attorney Sherry Scott, City Treasurer Sonia Andrews, City Auditor Sharron Walker, and City Clerk Ben Lane

**PLEDGE OF ALLEGIANCE – Mayor Ortega**

**MAYOR'S REPORT**

Mayor Ortega invited Scottsdale students to participate in the City's "We the People Constitution Day" contest. This contest promotes civic engagement, community reflection, and understanding of the principles that guide our participation in this representative form of government. Entries are due September 17<sup>th</sup>, which commemorates the formation and signing of the Constitution in 1787. Mayor Ortega directed interested students to [www.Scottsdaleaz.gov](http://www.Scottsdaleaz.gov) for instructions on how to participate. There will be a celebration in October and entries will include a variety of art projects and essays submitted by children of all ages.

**PUBLIC COMMENT**

- Debbie Lovas presented a citizen petition (attached) asking that concerns related to noise and light abatement be heard and acted on after one year of the Miller Road expansion project completion or as deemed necessary.
- Mary Brockman spoke about a planned multi-use trail from Pinnacle Peak Road to the future Rawhide Wash Bridge.

**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.**

## CONSENT AGENDA

1. **Ling's Wok Shop Liquor License (53-LL-2021)**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for an existing location with a new owner.  
**Location:** 20511 N. Hayden Road, Suite 100  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
2. **Arizona Canal Banks Land Use License Agreement**  
**Request:** Adopt **Resolution No. 12234** authorizing:
  1. Land Use License Agreement No. 2021-128-COS with the Salt River Project Agricultural Improvement and Power District for the continued recreational use of the Arizona Canal Banks from 60th Street to just west of Pima Road.
  2. The City Manager, or designee, to execute any other documents and take such other actions as necessary to carry out the intent of this Resolution.**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
3. **Pool Construction Job Order Contract**  
**Request:** Adopt **Resolution No. 12236** authorizing Contract No. 2018-136-COS-A2 with Shasta Industries, Inc., for a one-year contract extension in an amount not to exceed \$5,000,000 for pool construction projects throughout the City.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
4. **Preserve Trails Construction Services Job Order Contracts**  
**Request:** Adopt **Resolution No. 12237** authorizing the following job order contract modifications for a one-year contract extension in an amount not to exceed \$2,000,000 per contract, for McDowell Sonoran Preserve trail projects throughout the City:
  1. Contract No. 2017-138-COS-A3 with American Conservation Experience
  2. Contract No. 2017-139-COS-A3 with Cuddy Mountain Trail Company**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
5. **Aquifer Storage and Recovery Wells Project Construction Phase Services Contract**  
**Request:** Adopt **Resolution No. 12242** authorizing Contract Manager at Risk Contract No. 2020-136-COS-A1 with MGC Contractors, Inc., in an amount not to exceed \$5,950,104.04, for the construction (drilling) of the City of Scottsdale's Aquifer Storage and Recovery Wells 159, 160, and 161.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
6. **Electrical Instruments and Controls Systems Design Engineering Services Contracts**  
**Request:** Adopt **Resolution No. 12238** authorizing the following one-year contract extensions in an amount not to exceed \$1,000,000 per contract for electrical instruments and controls systems design at various project locations throughout the City:
  1. Contract No. 2018-128-COS-A2 with Arcadis U.S., Inc.
  2. Contract No. 2018-129-COS-A2 with Brown and Caldwell, Inc.
  3. Contract No. 2018-130-COS-A2 with Black & Veatch Corporation**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)

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

Councilwoman Littlefield made a motion to approve Consent Agenda Items 1 through 6. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.

## **REGULAR AGENDA**

### **7. Bartlett Dam Modification Feasibility Study Memorandum of Understanding**

**Request:** Adopt Resolution No. 12232 to authorize:

1. Memorandum of Understanding No. 2021-126-COS with Salt River Valley Water Users' Association, Salt River Project Agricultural Improvement and Power District, and other participating entities to support the Bartlett Dam Modification Feasibility Study.
2. The Water Resources Executive Director, or designee, to amend Exhibit A of Contract No. 2021-126-COS to reflect changes in participating entities and to execute any other documents and take such other actions as are necessary to carry out the intent of this Resolution.

**Presenter(s):** Brian Biesemeyer, Water Resources Executive Director and Gretchen Baumgardner, Water Policy Manager

**Staff Contact(s):** Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, [bbiesemeyer@scottsdaleaz.gov](mailto:bbiesemeyer@scottsdaleaz.gov)

Water Resources Executive Director Brian Biesemeyer gave the PowerPoint presentation (attached) on the Bartlett Dam Modification Feasibility Study Memorandum of Understanding.

## **MOTION AND VOTE – ITEM 7**

Mayor Ortega made a motion to adopt Resolution No. 12232 approving Contract No. 2021-126-COS, a Memorandum of Understanding between the City and Salt River Valley Water Users' Association, Salt River Project Agricultural Improvement and Power District, and other participating entities to support the Bartlett Dam Modification Feasibility Study. Vice Mayor Janik seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.

### **8. Sewer Line Extension Program Changes**

**Request:** Adopt Ordinance No. 4507 amending portions of Scottsdale Revised Code, Chapter 49, Article V, Water, Sewer Extensions and Reimbursement Agreements.

**Presenter(s):** Brian Biesemeyer, Water Resources Executive Director

**Staff Contact(s):** Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, [bbiesemeyer@scottsdaleaz.gov](mailto:bbiesemeyer@scottsdaleaz.gov)

Water Resources Executive Director Brian Biesemeyer gave the PowerPoint presentation (attached) on the proposed sewer line extension program changes.

## **MOTION AND VOTE – ITEM 8**

Vice Mayor Janik made a motion to adopt Ordinance No. 4507 authorizing changes to the City Code for sewer line extension participation and line payback agreements. Councilmember Durham seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.

**9. Temporary Housing**

**Request:** Presentation, discussion, and possible direction to staff regarding a possible coalition of participants, including the State of Arizona, Maricopa County, Valleywise Health, and the Cities of Scottsdale, Mesa, and Tempe, to address solutions related to homelessness in the East Valley.

**Presenter(s):** Greg Bestgen, Human Services Department Director

**Staff Contact(s):** Greg Bestgen, Human Services Department Director, 480-312-0104, [gbestgen@scottsdaleaz.gov](mailto:gbestgen@scottsdaleaz.gov)

Human Services Department Director Greg Bestgen gave the PowerPoint presentation (attached) on a possible coalition of participants to address solutions related to homelessness in the East Valley.

**MOTION AND VOTE – ITEM 9**

Mayor Ortega made a motion to direct the City Manager, City Attorney, and other relevant staff to speak with their counterparts to construct a framework to address solutions related to homelessness in the East Valley, which would come back to Council for review, and to provide updates as appropriate. Vice Mayor Janik seconded the motion, which carried 6/1, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, and Whitehead voting in the affirmative and Councilmember Milhaven dissenting.

**10. Public Safety Plan Ordinance**

**Request:** Presentation, discussion, and possible action to direct the City Manager in consultation with the City Attorney to return to Council with recommended amendments to the Public Safety Plan Ordinance (Scottsdale Revised Code Chapter 23, Article 4) and conduct related public outreach in advance of doing so. This item was added to the agenda at the request of Mayor Ortega, Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead.

**Presenter(s):** Jeff Walther, Chief of Police

**Staff Contact(s):** Jeff Walther, Chief of Police, 480-312-1900, [jwalther@scottsdaleaz.gov](mailto:jwalther@scottsdaleaz.gov)

Chief of Police Jeff Walther gave a PowerPoint presentation (attached) on possible amendments to the Public Safety Plan Ordinance.

**MOTION AND VOTE – ITEM 10**

Councilwoman Littlefield made a motion to direct the City Manager in consultation with the City Attorney to return to Council with recommended amendments to the Public Safety Plan Ordinance and conduct related public outreach as expeditiously as possible. Mayor Ortega seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.

**11. Financial Update – Preliminary Fiscal Year (FY) 2021**

**Request:** Receive, discuss, and provide possible direction for City Treasurer's financial presentation on preliminary FY 2021 results.

**Presenter(s):** Sonia Andrews, City Treasurer

**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)

City Treasurer Sonia Andrews gave the PowerPoint presentation (attached) on the City's financial status and quarterly investment report as of June 30, 2021.

**PUBLIC COMMENT – None**

**CITIZEN PETITIONS**

**12. Receipt of Citizen Petitions**

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

**Staff Contact(s):** Ben Lane, City Clerk, 480-312-2411, [blane@scottsdaleaz.gov](mailto:blane@scottsdaleaz.gov)

**MOTION NO. 1 – ITEM 12**

Mayor Ortega made a motion to take no action but acknowledge receipt of the petition. The motion died for lack of a second.

**MOTION NO. 2 – ITEM 12**

Councilmember Milhaven made a motion to ask the City Manager to respond to the petition with a copy to the City Council. The motion died for lack of a second.

**MOTION NO. 3 AND VOTE – ITEM 12**

Councilwoman Littlefield made a motion to direct the City Manager to investigate the matter and prepare a written response to the Council, with a copy to the petitioner. Mayor Ortega seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.

**MAYOR AND COUNCIL ITEMS**

**13. Boards, Commissions, and Task Force Nominations (Note: Appointments scheduled for September 14, 2021)**

- Building Advisory Board of Appeals (three vacancies) – Councilwoman Caputi nominated Brian Brose and Michael Kravit.
- Citizens' Bond Oversight Committee (one vacancy) – Councilwoman Whitehead nominated Laraine Rodgers.
- Historic Preservation Commission (one vacancy) – Councilmember Milhaven nominated Rose Smith.
- Human Relations Commission (two vacancies) – Mayor Ortega nominated James Eaneman and Emily Hinchman.
- Human Services Commission (three vacancies) – Councilwoman Littlefield nominated Nancy Cantor, Jeff Jameson, and Tricia Serlin; Vice Mayor Janik nominated Diane Lester; Councilmember Durham nominated Dawn Abel; and Councilwoman Caputi nominated Neal Shearer and Paula Sturgeon.

- Judicial Appointments Advisory Board (two vacancies; one-Scottsdale bar representative and one-citizen representative) – Vice Mayor Janik nominated Susan Galpin-Tyree for the Citizen representative position and Robert Gruler, Jr. for the Scottsdale Bar Association representative position.
- Tourism Development Commission (two vacancies; one-industry representative; one-Scottsdale Hotelier representative) – Councilmember Durham nominated Chris Montgomery for the Industry representative position and Richard Newman for the Scottsdale Hotelier representative position.
- Transportation Commission (one vacancy) – Councilwoman Caputi nominated Kerry Wilcoxon and Councilwoman Whitehead nominated B. Kent Lall.

**Note: The only Council action to be taken on Item No. 13 is to select nominees for appointment consideration at a future Council meeting.**

#### ADJOURNMENT

#### MOTION AND VOTE – ADJOURNMENT

Councilwoman Littlefield made a motion to adjourn the Regular Meeting. Vice Mayor Janik seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Janik; and Councilmembers Caputi, Durham, Littlefield, Milhaven, and Whitehead voting in the affirmative.

The Regular City Council Meeting adjourned at 7:29 P.M.

#### SUBMITTED BY:



Ben Lane, City Clerk

Officially approved by the City Council on September 21, 2021

**C E R T I F I C A T E**

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 26<sup>th</sup> day of August 2021.

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

**DATED** this 21<sup>st</sup> day of September 2021.



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**Ben Lane, City Clerk**

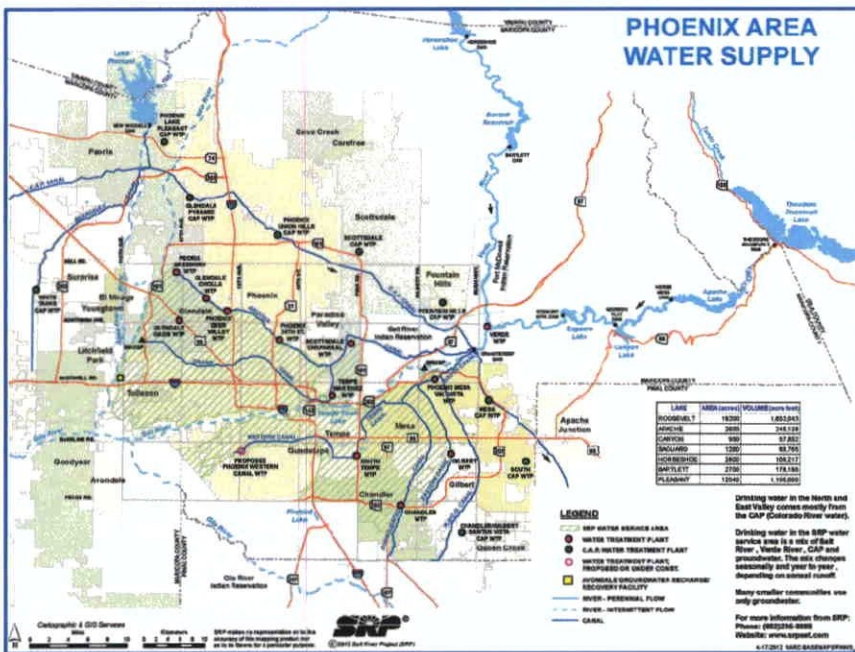
# Bartlett Dam Modification Feasibility Study



Brian Biesemeyer, PE  
Executive Director



## SRP System Overview

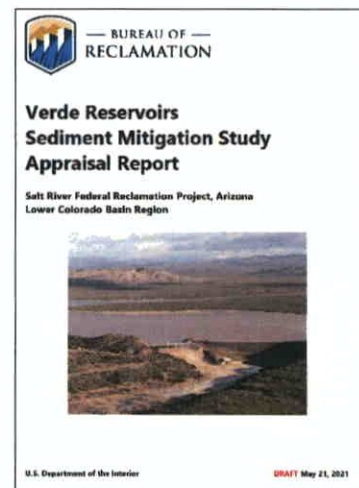


- The Verde and Salt River water supplies via the Salt River Project (SRP) are a component to Scottsdale's diverse Water Resource portfolio.
- Currently our SRP supplies make up approximately 12-15% of our water deliveries and approximately 20% of our surface water allocation.



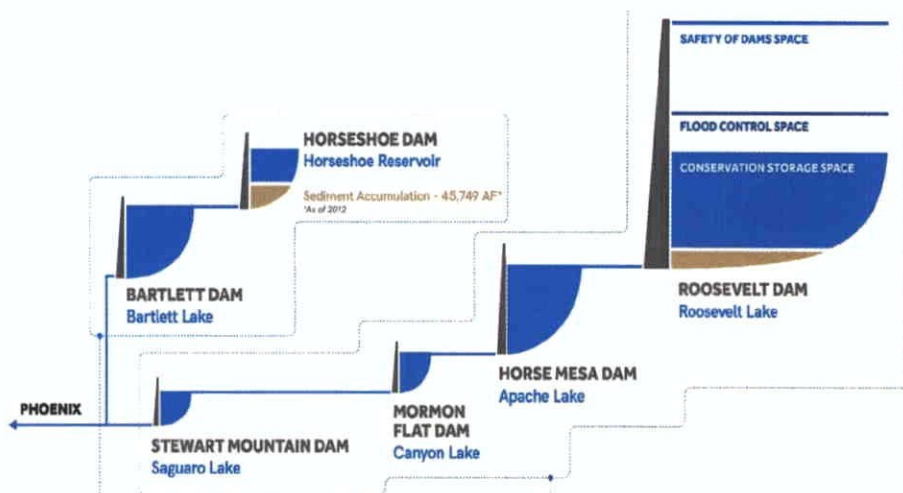
# Bartlett Dam Modification Feasibility Study

- Over the last year the Bureau of Reclamation has been undertaken a federal level Appraisal study to evaluate mitigation strategies of sedimentation on the Verde River reservoir system.



# Bartlett Dam Modification Feasibility Study

- The accumulation of natural sedimentation in the Verde River basin has significantly impacted the water storage capacity of Horseshoe Reservoir.
- The Verde Reservoir system is currently ~7% of the storage of the total SRP system, but 40 % of runoff flows.
- Study evaluated mitigation strategies and potential increase storage.



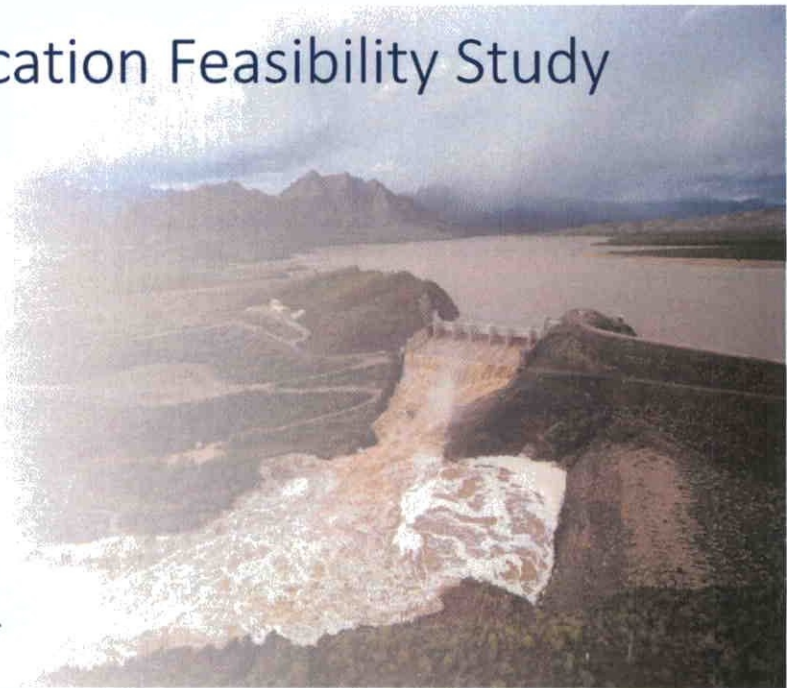
# Bartlett Dam Modification Feasibility Study

Alternatives that were reviewed during appraisal:

- No Action
- Sediment Removal
- Bartlett Modification 1 (97' Raise)
- Bartlett Modification 2 (62' Raise)

## Bartlett Dam Modification

- Restores past and future loss due to sedimentation buildup
- Creates additional new surface water supplies by capturing current spill water

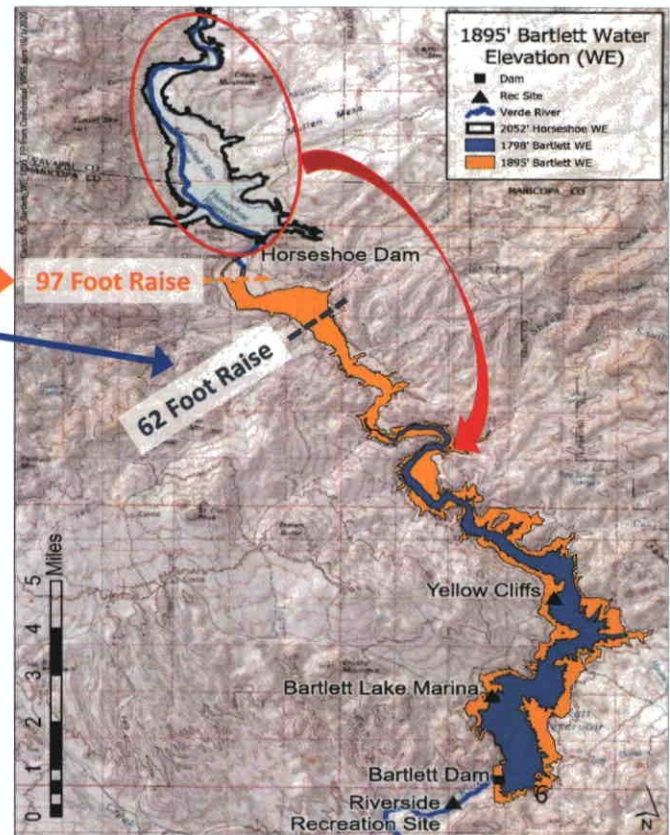


## Bartlett Dam Modification Feasibility Study

**Option 1: Increase dam height=97 Feet**

**Option 2: Increase dam height=62 Feet**

- Use Horseshoe Reservoir as sedimentation management facility.
- Relocate Horseshoe capacity to a modified Bartlett Reservoir.
- Modify Bartlett Dam restores lost capacity and Potential New Conservation Capacity.





# Bartlett Dam Modification Feasibility Study

## Project Milestones

- Appraisal Study
  - **1-2 Years:** Final in Fall 2021
- Feasibility Study and Cost Share Agreements
  - **2-4 Years:** 2022-2025
- Congressional Authorization
  - *Timing Contingent on "Finding of Feasibility" and available authorities*
- Construction
  - *Contingent on Congressional Authorization*
  - **5-10 Years:** 2028-2035

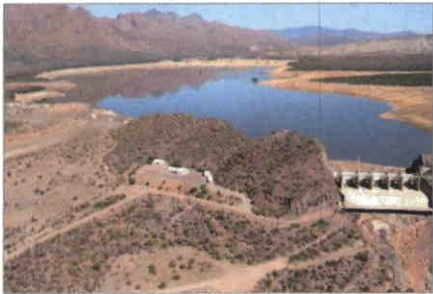


# Bartlett Dam Modification Feasibility Study

## Staff Recommends:

**Adopt Resolution No. 12232** approving Contract No. 2021-126-COS, a Memorandum of Understanding between the City, Salt River Valley Water Users' Association and Salt River Project Agricultural Improvement and Power District (SRP), and other participating entities to support the Bartlett Dam Modification Feasibility Study.

Thank You



# Sewer Line Extension Program Changes



Brian Biesemeyer  
Executive Director



## Sewer Line Extension Program Changes

This is a continuation of the discussion from July 1, 2021 (Agenda item 21)

Previous discussions:

- March 9, 2021 (Study Session)
- February 23, 2021 (Council Retreat)
- October 22, 2019 (Study Session)

## What is a sewer line extension?

An extension of a sewer line to serve additional properties. In the residential context, it is done to allow a homeowner/developer of a single-family residence to extend a sewer line to their property.

## Why do we have a sewer line extension program?

Scottsdale General Plan, Public Services and Facilities Element, paragraph 12 (Water Resources) has the following bullets:

- Recognize the value of water and wastewater as resources to be managed in order to contribute to a sustainable community.
- Make sure that new service delivery costs are borne by those desiring the service without costing or adversely impacting existing customers.
- Encourage the use of alternative sewer systems instead of private septic systems.

## Previously Requested July 1, 2021

1. Adopt Ordinance No. 4507 authorizing changes in the city code for sewer line extensions, extension participation and line payback agreements
2. Direct staff to initiate the rate setting process for an Aquifer Protection Fee and associated code changes to place a cost cap on residential sewer line extensions

## Present Request

1. Adopt Ordinance No. 4507 authorizing changes in the city code for sewer line extensions, extension participation and line payback agreements
- ~~2. Direct staff to initiate the rate setting process for an Aquifer Protection Fee and associated code changes to place a cost cap on residential sewer line extensions~~

# Low Cost Options for Residential Septic to Sewer Conversion

## Low Cost\* Options

1. Payment over time
  - Customer must agree to a lien on property
  - Down payment with up to 5 years to pay remaining balance with a separate billing (external to utility bill)
  - Annual administrative cost of 1% added
2. Interest rate reduced from Prime plus 1 percent to latest Scottsdale Water/Sewer bond interest rate (currently 1.5%)

\*Low cost to the sewer fund



# Request of Council

Adopt Ordinance No. 4507 authorizing changes in the city code for sewer line extensions, extension participation and line payback agreements



## **East Valley Homeless Partnership: Cities of Scottsdale, Tempe, Mesa & Maricopa County**

**City Council Meeting – August 26, 2021**

### **Categories of those experiencing homelessness to be served:**

Recently evicted individuals/families  
Chronically Homeless  
Seniors  
Veterans  
Serious Mental Illness (SMI)



## **Potential Service Models for those experiencing homelessness:**

Emergency Shelters

Bridge Models

Non-Congregate Housing

Permanent Supportive and Rapid Re Housing units

Substance Abuse and Behavioral Health related programs

202 Properties

HCV, EHV, and Mixed-Use Developments

## **Scottsdale's Current Homeless Program Partners:**

Phoenix Rescue Mission

Community Bridges (CBI)

ELAINE

New Faces Partnership

From the Ground Up



**Funding Sources for Homeless Programming in  
Scottsdale:**

CARES/CDBG CV 1 & CV3

Tribal Communities

General Funds

**Proposed funding streams for East Valley  
Homeless Partnership:**

CoS General Contingency Funds

County/Tempe/Mesa contributions

Private (business & NGO's) contributions

**Proposed Timeline for completed project:**

One to Four years, depending on model



**Council Discussion and possible direction**

# **Public Safety Plan Ordinance**

**Overview of Ordinance Proposed Changes**

**Scottsdale City Council**

**August 26, 2021**

## **PUBLIC SAFETY PLAN ORDINANCE UPDATE**

- Background
- Purpose
- Proposed Updates

## **Public Safety Plan - Background**

- January 27, 2013: Tyrice Thompson, a civilian security officer at Martinl Ranch was stabbed and later died of his wounds.
- January 28, 2013: City staff from The Mayor's Office, City Attorney's Office, Police Department, Fire Department, Code Enforcement & Planning met to discuss bar and nightclub safety.
- City staff and the Mayor's Office conducted multiple individual meetings with interested stakeholders for public outreach. This included three (3) public meetings to solicit input from the residents and affected business owners on the original ordinance. City staff also mailed a copy of the draft ordinance to over 100 potentially affected business owners inviting them to comment on the proposed ordinance via a public meeting or through the city website.
- Current Public Safety Plan (PSP) adopted September 10, 2013
- Went into effect October of 2013

## **Public Safety Plan - Background**

Who does the plan apply to?

Assembly Group A-2, A-3 or A-4 Occupancy pursuant to Chapter 36 of Scottsdale Revised Code and engage in one or more of the following activities:

- a. Age verification is requested for admittance
- b. Provide a DJ
- c. Provide an adult service as defined in Section 16-237
- d. A teen dance center as defined in Section 16-391
- e. Or, utilize a promoter.

## **Public Safety Plan - Background**

Established a required ratio of security personnel to patrons

- Staffing of at least one (1) security officer per fifty (50) patrons for the first five hundred (500) patrons and at least one (1) additional security officer per seventy-five (75) patrons thereafter during peak hours.
- Some exceptions to the ratios are allowed with Chief of Police and/or Fire Chief approval based upon percentage of total gross food sales, size, type, and safety conditions of the venue.

## **Public Safety Plan - Background**

Required hiring of off-duty peace officers after a specific number of public safety plan incidents. Number of off-duty officers and duration of hiring requirement can vary based upon cessation of incidents and at the discretion of the Chief of Police

- Business with two (2) or more public safety incidents within one (1) week period or three (3) or more public safety incidents within one (1) month period will be required to retain the services of a minimum of two (2) off-duty peace officers to supplement security personnel during peak hours for established durations outlined in the ordinance.
- Business with one (1) or more public safety incidents involving the use or threatened use of a deadly weapon or deadly instrument or a death or catastrophic bodily injury will be required to retain the services of a minimum of two (2) off-duty peace officers to supplement security personnel during peak hours for established durations outlined in the ordinance.



## **Public Safety Plan - Purpose**

- Increase communication; SPD and SFD provide free training to all required businesses
- Promote compliance while developing positive working relationships; assisting in liquor law knowledge, legal issues, and customer service
- Reduce the chance of an emergency incident
- Minimize the impact of an incident should it occur
- Improve safe and effective handling of an emergency when it occurs

## **Public Safety Plan – Proposed Change #1**

### *Update Definitions*

1. Introduce a definition for *control* of a business
  - *Control* means the power to direct or cause the direction of the management and policies of an applicant, licensee or controlling person, in any way.
2. Introduce a definition for *controlling person*
  - *Controlling Person* means a person directly or indirectly possessing control of a business.

*These definitions will help identify who is responsible for the business. Their additions proposed in multiple sections of the PSP to ensure controlling persons can be held accountable for the business they control.*

## **Public Safety Plan – Proposed Change #1**

### *Update Definitions*

3. Introduce a definition for *significant bodily injury*
  - *Significant bodily injury* means an injury that causes permanent or temporary substantial disfigurement, permanent or temporary substantial loss or impairment of any body organ or part or a fracture of any body part excluding a fractured nose.

*This definition provides clarity for portions of the PSP that refer to different types of violent acts.*

## **Public Safety Plan – Proposed Change #2**

### *Update Sec. 23-55; Public Safety Plan Submittal*

Sec. 23-55 lists documents required for the submittal of a public safety plan. They include but are not limited to hours of operation, crowd management, floor plans, employee lists, and evacuation routes amongst other items.

1. Introduce a requirement for a line management plan.
2. Introduce the requirement to disclose locations of surveillance equipment and surveillance data storage.
3. Introduce a requirement for employees to attend court when the business, or patrons are involved in a criminal matter.

*These proposed requirements are intended to improve patron safety and to provide victims/suspects/investigators with more comprehensive evidence for court.*

## **Public Safety Plan – Proposed Change #3**

### ***Add failure to comply with uniform requirements to Sec. 23-72***

Security uniforms have been identified as a public safety challenge. Unmarked or poorly marked security personnel often lead to escalated physical altercations due to lack of apparent affiliation with the business.

1. Updates to acceptable security attire is proposed and only acceptably dressed security can be counted as on-duty.
  - *This is important because Sec. 23-72 already includes required ratios of security to patrons. Only acceptably dressed personnel can count towards those ratios.*
2. Except as otherwise authorized by law, a business required to have a public safety plan pursuant to this article shall not allow its personnel to act as security personnel unless first meeting the uniform requirements of Section 23-57(f).
  - *This will mitigate instances of unmarked staff from getting into physical altercations unless otherwise authorized by law.*

## **Public Safety Plan – Proposed Change #4**

### ***Introduction of Sec. 23-74 Failure to preserve evidence of a potential public safety incident***

It has proven to be a challenge for public safety to obtain video evidence from businesses with PSPs. This proposed section introduces the need for businesses to disclose where surveillance is located, how it is stored, retention periods, and it requires businesses to provide surveillance footage to Scottsdale Police.

1. **Introduction of Sec. 23-74 Failure to preserve evidence of a potential public safety incident**
  - All businesses required to have a public safety plan pursuant to this article are required to preserve any and all evidence of a public safety incident for one (1) year. This evidence includes but is not limited to all surveillance footage, photos, video captures, audio/video recordings, and/or logbooks. Such evidence shall be provided to the Scottsdale Police Department upon request by the Police Department within twenty-four (24) hours or if applicable within the time specified in any court order.

# **Public Safety Plan – Proposed Change #5**

## ***Introduction of Sec. 23-75 Line Management***

The lines outside of businesses with PSPs can often get extremely long and unruly presenting dangers to public safety.

### **1. Introduction of Sec. 23-75 Line Management**

- It shall be unlawful for any business required to have a public safety plan pursuant to this article or its employees to do any of the following involving a line of patrons queuing for entry into the business:
  - fail to maintain orderly lines of patrons;
  - allow a line of patrons to obstruct traffic or pedestrians;
  - fail to have security personnel present and engaging in routine line checks once a line has more than fifty (50) people in line; or
  - fail to remove and/or trespass disorderly patrons when authorized by state law to do so.

## **Public Safety Plan - Contacts**

Staff Contacts:

Jeff Walther, Chief of Police  
jwalther@scottsdaleaz.gov

Luis Santaella, City Attorney's Office  
lsantaella@scottsdaleaz.gov

Detective Christian Bailey  
chbailey@scottsdaleaz.gov

Detective Dan Safsten  
dsafsten@scottsdaleaz.gov

**Questions?**

## **Financial Update – Preliminary FY2021**

City Council Meeting – August 26, 2021

1

## **Economic Factors in Fiscal Year 2021**

- Federal Pandemic Aid - \$32 Billion to Arizona
- Personal Income - highest growth in 35 years
- Capital Gains - stock market, home prices
- Spending - pent up demand, services vs goods

3

# State of Arizona - Fiscal Year 2021

## Record Growth Over Prior Year

- Sales Tax - 16%
- Individual Income Tax - 44%
- Corporate Income Tax - 66%
- General Fund total revenues - 29%

2

# City of Scottsdale - Fiscal Year 2021

## Strong Growth Over Prior years

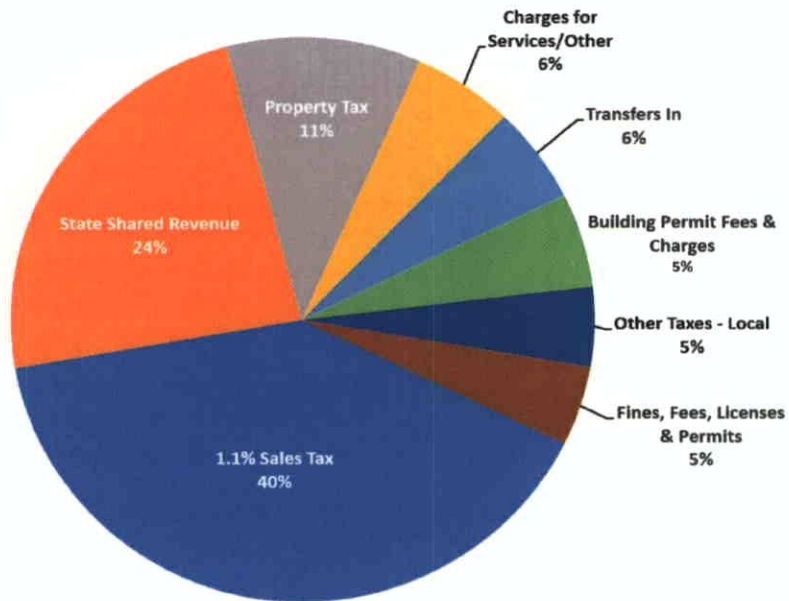
- Local Sales Tax - 11%
- State Shared - 13%
- General Fund - 6%

## Federal Aid

- American Rescue Plan \$15 M

3

# FY21 General Fund Operating Sources



YTD Actuals	YTD Budget	Difference Fav/(Unfav)
\$346.8	\$306.4	13%

Rounding differences may occur.

Note: YTD Actuals are preliminary results and subject to year-end adjustments.

4

## General Fund - Significant Sources Variances

(\$ in millions: rounding differences may occur)

	FY20 Actuals	FY21 Actuals	FY21 Budget	Actual vs Budget Fav/(Unfav)	FY21 Forecast
<b>Sales Tax</b>	\$135.0	\$149.9	\$122.6	22%	\$138.8
<b>State Shared</b>					
<b>Sales Tax</b>	\$26.4	\$30.6	\$24.5	25%	\$27.1
<b>Auto Lieu</b>	\$10.8	\$12.2	\$10.6	16%	\$11.8
<b>Charges for Services</b>	\$14.7	\$16.5	\$13.6	22%	\$14.7
<b>Licenses, Permits &amp; Fees</b>	\$6.9	\$7.6	\$6.4	19%	\$6.6
<b>Fines, Fees &amp; Forfeitures</b>	\$7.3	\$6.6	\$7.5	-12%	\$6.7
<b>Transfers In</b>	\$11.3	\$11.9	\$10.0	19%	\$11.7

Note: FY21 Actuals are preliminary results and subject to year-end adjustments.

5



# General Fund 1.1% Sales Tax – June 2021

(\$ in millions: rounding differences may occur)

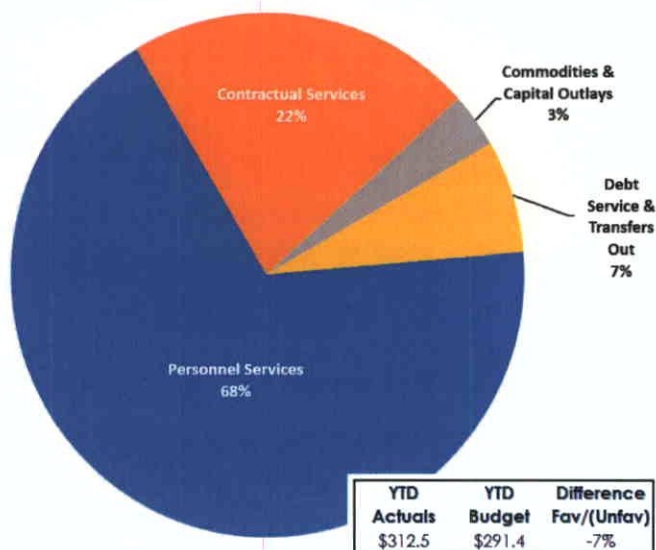
	FY20	FY21	FY21	Actual vs	FY21
	Actuals	Actuals	Budget	Budget	Forecast
				Fav/(Unfav)	
<b>Retail</b>	\$37.4	\$44.4	\$34.6	28%	\$39.1
<b>Automotive</b>	\$19.3	\$21.1	\$16.9	25%	\$20.6
<b>Rental</b>	\$19.6	\$19.2	\$19.8	-3%	\$19.5
<b>Construction</b>	\$11.7	\$13.5	\$9.8	38%	\$12.9
<b>Dining/Entertain</b>	\$11.4	\$12.9	\$8.8	47%	\$11.0
<b>Food Stores</b>	\$9.4	\$9.7	\$9.9	-1%	\$9.8
<b>Hotel/Motel</b>	\$6.5	\$5.9	\$4.0	46%	\$5.4
<b>Other</b>	\$19.7	\$23.2	\$18.9	23%	\$20.5
<b>Total 1.1% Sales Tax</b>	<b>\$135.0</b>	<b>\$149.9</b>	<b>\$122.6</b>	<b>22%</b>	<b>\$138.8</b>

Note: FY21 Actuals are preliminary results and subject to year-end adjustments.

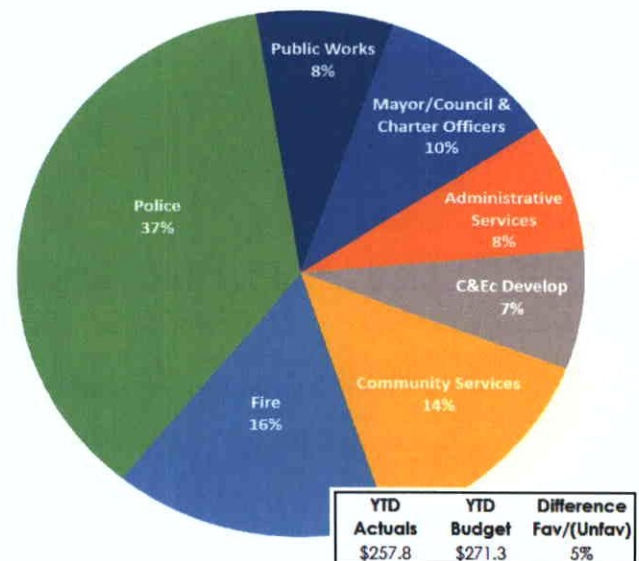
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## FY21 General Fund Operating Uses

By Category



By Division



Rounding differences may occur.

Note: YTD Actuals are preliminary results and subject to year-end adjustments

7

## General Fund - Significant Uses Variances by Category

(\$ in millions: rounding differences may occur)

	FY20	FY21	FY21	Actual vs	FY21
	Actuals	Actuals	Budget	Budget Fav/(Unfav)	Forecast
<b>Personnel Services</b>	\$191.8	\$187.3	\$196.7	5%	\$193.4
<b>Contractual Services</b>	\$59.6	\$56.6	\$64.8	13%	\$56.7
<b>Transfers Out</b>	\$29.4	\$54.3	\$19.7	nm	\$54.2

Note: FY21 Actuals are preliminary results and subject to year-end adjustments.

8

## General Fund - Significant Uses Variances by Division

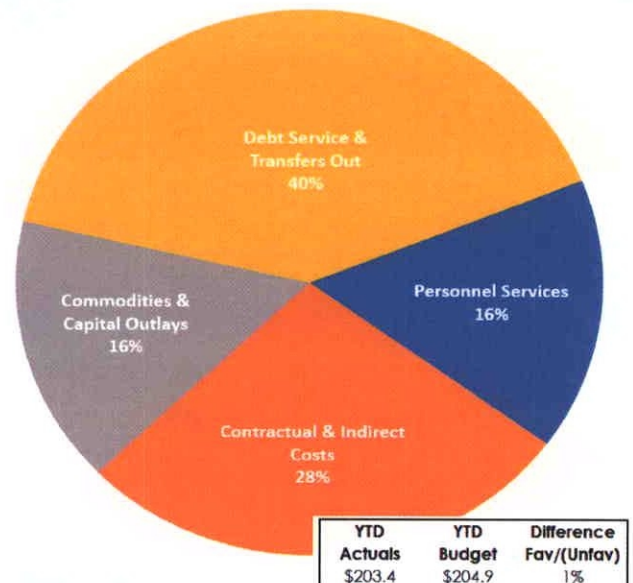
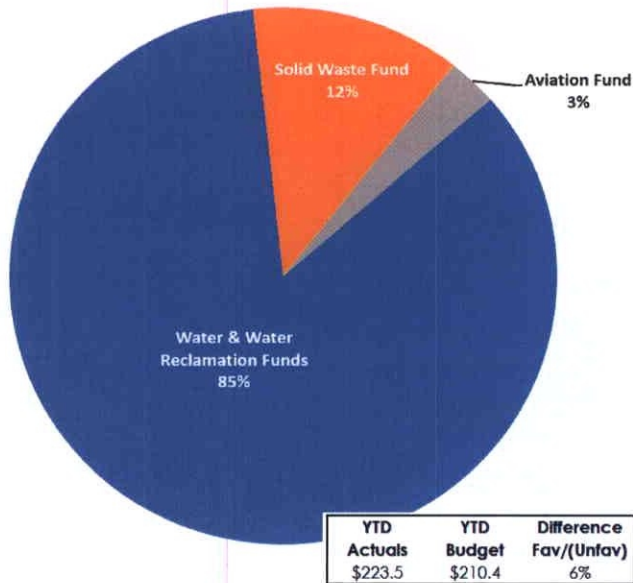
(\$ in millions: rounding differences may occur)

	FY20	FY21	FY21	Actual vs	FY21
	Actuals	Actuals	Budget	Budget Fav/(Unfav)	Forecast
<b>Mayor &amp; Council &amp; Charter Officers</b>	\$28.3	\$26.0	\$28.2	8%	\$26.6
<b>Administrative Services</b>	\$14.9	\$19.3	\$20.1	4%	\$14.8
<b>Community &amp; Economic Development</b>	\$20.4	\$19.7	\$19.9	1%	\$19.8
<b>Community Services</b>	\$39.9	\$34.0	\$38.7	12%	\$38.2
<b>Public Safety - Fire</b>	\$39.9	\$41.6	\$41.9	1%	\$40.6
<b>Public Safety - Police</b>	\$97.2	\$95.6	\$100.0	4%	\$99.9
<b>Public Works</b>	\$20.3	\$21.5	\$22.6	5%	\$19.2
<b>Total</b>	\$261.0	\$257.8	\$271.3	5%	\$259.3

Note: FY21 Actuals are preliminary results and subject to year-end adjustments.

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# FY21 Enterprise Funds



Rounding differences may occur.

Note: YTD Actuals are preliminary results and subject to year-end adjustments.

# FY21 Water & Water Reclamation Fund

SOURCES	FY20	FY21	FY21	Actual vs	FY21
	Actuals	Actuals	Budget	Budget Fav/(Unfav)	Forecast
Water Charges	\$105.6	\$116.0	\$106.1	9%	\$106.1
Water Reclamation Charges	\$41.4	\$42.0	\$42.5	-1%	\$42.5
Non-potable Water Charges	\$14.9	\$14.7	\$17.1	-14%	\$17.1
Other Sources	\$15.1	\$15.9	\$13.3	19%	\$13.3
<b>Total Sources</b>	<b>\$177.0</b>	<b>\$188.6</b>	<b>\$179.0</b>	<b>5%</b>	<b>\$179.0</b>

USES	FY20	FY21	FY21	Actual vs	FY21
	Actuals	Actuals	Budget	Budget Fav/(Unfav)	Forecast
Personnel Services	\$22.7	\$22.2	\$23.5	6%	\$23.4
Contractual & Indirect Costs	\$37.0	\$36.6	\$39.1	6%	\$38.5
Commodities & Capital Outlays	\$32.9	\$28.8	\$31.8	9%	\$32.4
Debt Service & Transfers Out	\$75.7	\$85.9	\$80.3	-7%	\$80.7
<b>Total Uses</b>	<b>\$168.3</b>	<b>\$173.4</b>	<b>\$174.7</b>	<b>21%</b>	<b>\$174.9</b>

Rounding differences may occur.

Note: FY21 Actuals are preliminary results and subject to year-end adjustments.

# G.O. Bond 2019

(in millions: rounding differences may occur)

<b>Bond 2019 Program 3 Questions</b>	<b>Projects</b>	<b>Voter Authorized</b>	<b>ITD Expenditures (July 2021)</b>	
1 Parks, Recreation and Senior Services	14	\$112.6	\$16.5	15%
2 Community Spaces and infrastructure	20	\$112.3	\$3.1	3%
3 Public Safety and Technology	24	\$94.1	\$5.6	6%
Totals	58	\$319.0	\$25.2	8%

Los Portones Townhomes / Miller Road Expansion Petition

We, the homeowners in Los Portones Townhomes, whose property is adjacent to Miller Road, will be greatly affected by the Miller Road Expansion Project. Our enjoyment of outdoor patio lifestyle will be diminished with noise and lights. The degree of infringement may not be known initially. Thus, we are petitioning the Scottsdale City Council to hear and address our current and future concerns regarding noise/light abatement, security, landscaping options including berms and over all aesthetics of the Miller Road Expansion.

We, understand that according to an initial Draft Noise Analysis Technical Report of stated area submitted on April 12, 2021, that was based on the COS Roadway Noise Abatement Policy, section 11.0, Statement of Likelihood, no barriers were evaluated or are recommended for this project. Also the report states that a final determination of noise abatement measures will be made upon completion of the project design, the public involvement process, concurrence with the COS RNAP, and City approval.

It is Our understanding, based on the Roadway Noise Abatement Policy Options, that the Cost Cap per benefited developed property based on 2010 dollars is \$60,000. (60k x 25 Miller Rd/Los Portones Townhome Owners = 1.5 mil). Therefore it is expected that these monies be applied to cover additional landscape options including a berm and or wall and long term maintenance of such.

We, also are aware that the current design calls for a sidewalk and a multi-use trail on each side of the road. This design does not designate any space for additional landscape in the Southern area both for now or in the future. We believe that the trail space on the West side be best utilized for landscaping now and be available to provide noise abatement strategies in the future . We believe the trail on the East side along with sidewalks on both sides can meet user's needs from Pinnacle Peak Road to the bridge.

Our ASK of the below signed petitioners is that our concerns be heard, acted upon and revisited after one year of project completion or as deemed necessary. If initial heavy planting of desert trees, plants and berms does not mitigate noise and soften lights to an acceptable level we ask that future design wall improvements be evaluated and that the impacted Los Portones homeowners be included in future decisions.

2021 AUG 26  
OFFICE OF THE  
CITY CLERK

	PRINTED NAME	SIGNATURE	ADDRESS	LOT#	DATE
1	Debra Lovas	<i>Debra Lovas</i>	23765 N 75th PL Scottsdale, AZ 85255	36	7/29/21
2	Mary Brookman	<i>Mary Brookman</i>	23625 N 75th PL Scottsdale, AZ 85255	42	7/29/21
3	Michael Rader	<i>Michael Rader</i>	CJL 23745 N 75th PL Scott, AZ 85255	37	7-30-21

## Los Portones Townhomes / Miller Road Expansion Petition

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	PRINTED NAME	SIGNATURE	ADDRESS	LOT#	DATE
4	MIKE WABOWITZ	<i>[Signature]</i>	23785 N. 75th Pl	35	7/31/21
5	Hala Nakasha	<i>[Signature]</i>	23665 N 75th Pl	42	7/31/21
6	Sandy Foss	<i>[Signature]</i>	23705 N. 75th Pl	41	8/1/21
7	Jordan Ruyke	<i>[Signature]</i>	23895 N 75th	27	8/1/21
8	Shay Phillip	<i>[Signature]</i>	23885 N. 75th	28	8/1/21
9	MERLYN SUE FULKS	<i>[Signature]</i>	24000 N. 75th St. 85255	#26	8/1/21
10	Glenda Davis	<i>[Signature]</i>	23735 N. 75th Pl.	38	8/1/21
11	KATHERINE PETERSON	<i>[Signature]</i>	23655 N. 75th PL SCOTTSDALE AZ 85255	43	8/1/21
12	LARRY WILSON	<i>[Signature]</i>	23845 N. 75th PL	31	8/1/21
13	CATHY BORTHAM	<i>[Signature]</i>	23985 N. 75th PL	34	8/1
14	SUZANNE WAGNER	<i>[Signature]</i>	23835 N. 75th Place	32	8/1
15	<del>FERESA</del> DIAN ERKKILA	<i>[Signature]</i>	23555 N. 75th PL	51	8/2
16	Conna Pile	<i>[Signature]</i>	23645 N. 75th PL		8/2
17	DAVID COFFENHILVER	<i>[Signature]</i>	23585 N 75th Pl	48	8/8
18	NORMAN BELLA	<i>[Signature]</i>	23595 N 75th PL	47	8/10
19	Sandra K Fefes	<i>[Signature]</i>	23575 N 75th PL	49	8/13

## Los Portones Townhomes / Miller Road Expansion Petition

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	PRINTED NAME	SIGNATURE	ADDRESS	LOT#	DATE
20	Rochelle Millman	<i>Rochelle Millman</i>	23625 N. 75th Pl.	46	8/16/21
21					
22					
23					
24					
25					








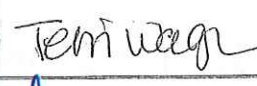

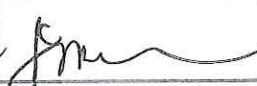


### Below are Additional Signatures of Concerned Los Portones Residents

26	Patrick Gibbons	<i>Patrick Gibbons</i>	23620 N 75th St	5	8/1/21
27	Teresa Jester	<i>Teresa Jester</i>	23828 N 75th St	16	8/1/21
28	KEVIN PETER	<i>Kevin Peter</i>	7521 E. CAMINO REAL	67	8/1/21
29	Candice Weisman	<i>Candice Weisman</i>	23740 N. 75th Pl	83	8/3/21
30	TURID SABIA	<i>Turid Sabia</i>	23842 N. 75th ST	17	8/4/2021
31	Loreen Leitzen	<i>Loreen Leitzen</i>	23756 N. 75th ST	2	8/5/21
32	MICHELLE ENBSTROM	<i>Michelle Engstrom</i>	7510 E. CAMINO REAL	89	8/5/21
33	Barbara Woodall	<i>Barbara Woodall</i>	23576 N. 75th ST	102	8/5
34	ANTHONY ACTIERI	<i>Anthony Actieri</i>	23730 N 75 ST	84	8/5

## Los Portones Townhomes / Miller Road Expansion Petition

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### Below are Additional Signatures of Concerned Los Portones Residents

	PRINTED NAME	SIGNATURE	ADDRESS	LOT#	DATE
35	Gigi Doyle		23556 N 75th St Scottsdale AZ 85255	59	08/04/21
36	Simone Gede		23575 N 75th Pl Scottsdale AZ 85255	49	08/04/21
37	Karen Lee		23714 N. 75th St. Scottsdale, AZ 85255	8	08/05/2021
38	Catherine Russo		23205 N. 75th St SCOTTSDALE AZ 85255	69	08/06/2021
39	Abram McCabe		23765 N. 75th St Scottsdale, AZ 85255	72	8/6/21
40	Robbannah Oh		17530 E. Camino Real Scottsdale, AZ 85222	90	8/11/21
41	Petrek Gibbs		23670 N 75th St 85253	5	8/17/21
42	TERRI WAGNER		7520 E CAMINO REAL SCOTTSDALE AZ 85255	68	8/17/21
43	Dave Steward		2539 E. Camino Real Scottsdale, AZ 85255	93	8/18/21
44	Jane Mazurek		23540 N. 75th Pl Scottsdale AZ 85255	98	8/19/21
45	Camille Neeson		23558 N. 75th Street Scottsdale, AZ 85255	101	8/19/21
46	D. Vildosola	DIANE VILDOSOLA	23640 N. 75th Place Scottsdale, AZ 85255	95	8/10/21
47	PATRICIA SMITH		23798 N 75th St SCOTTSDALE, AZ 85255	14	8/10/21



## Los Portones Townhomes / Miller Road Expansion Petition

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### Below are Additional Signatures of Concerned Los Portones Residents

	PRINTED NAME	SIGNATURE	ADDRESS	LOT#	DATE
48	Joseph Neri	<i>Joseph Neri</i>	23525 N. 75th Pl Scottsdale, AZ 85255	<del>91</del> 54	8/16/21
49	JEFF MORRIS	<i>JM</i>	7527 E. CAMINO Real	91	8/11/21
50	Becky MORRIS	<i>Becky Morris</i>	7527 E. CAMINO Real	91	8/11/21
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### What does berm mean in construction?

For general applications, a berm is a **physical, stationary barrier of some kind**. For example, in modern highway construction, a berm is a noise barrier constructed of earth, often landscaped, **running along a highway to protect adjacent land users from noise pollution**.

### How big is a berm?

Berms can be as deep as your customer desires, but typically, they are **no taller than 18-24 inches**. Berms can be made into pretty much any shape, which makes them handy for landscapes that might not have the most traditional measurements, but for a more natural look, stick with the curving shape.

### What is a berm?

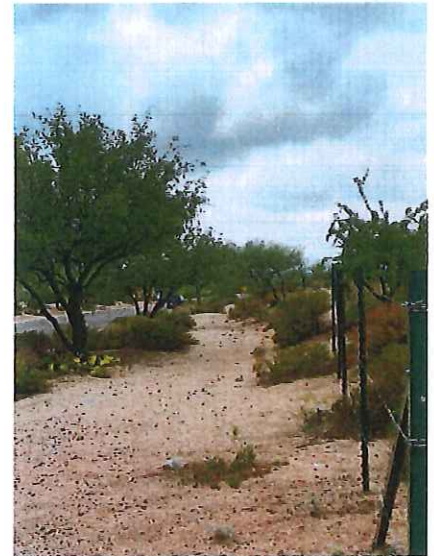
A berm is simply a rounded mound of soil (and, sometimes, fill) built upon an otherwise level patch of land to improve the design of a property. The

fact that a **berm is rounded** is what distinguishes it from a raised bed. The latter has a flat surface and a rectangular shape.

### What is the purpose of a berm?

Berms are simply mounded hills of soil that are constructed to serve a purpose in a landscaped area. They can be used for **aesthetics, excess rainwater drainage**, separating different areas of the garden, accent walkways, and as **foundations**

for privacy screens.

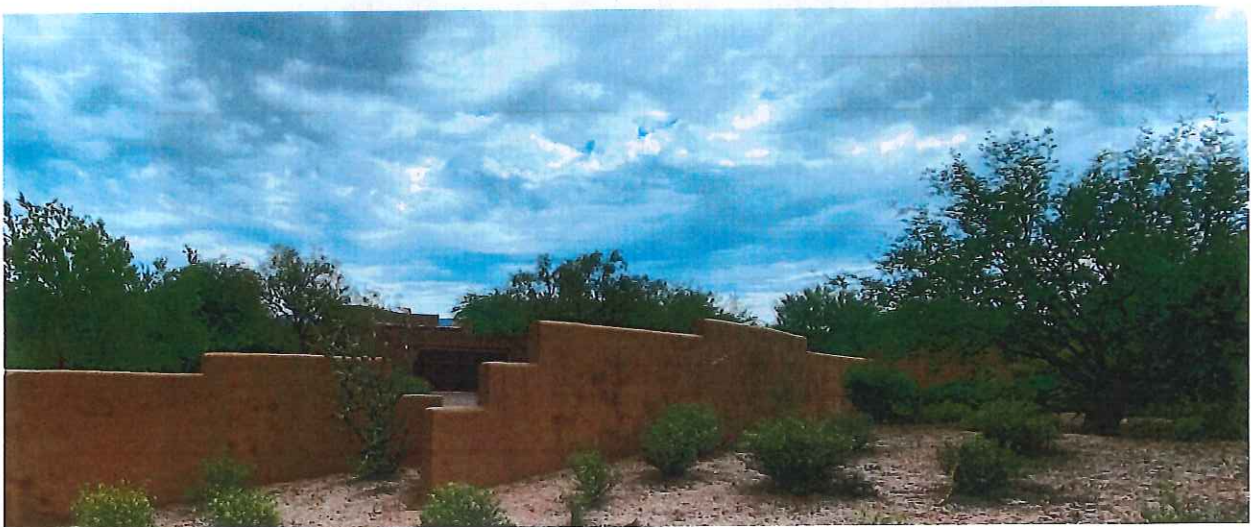


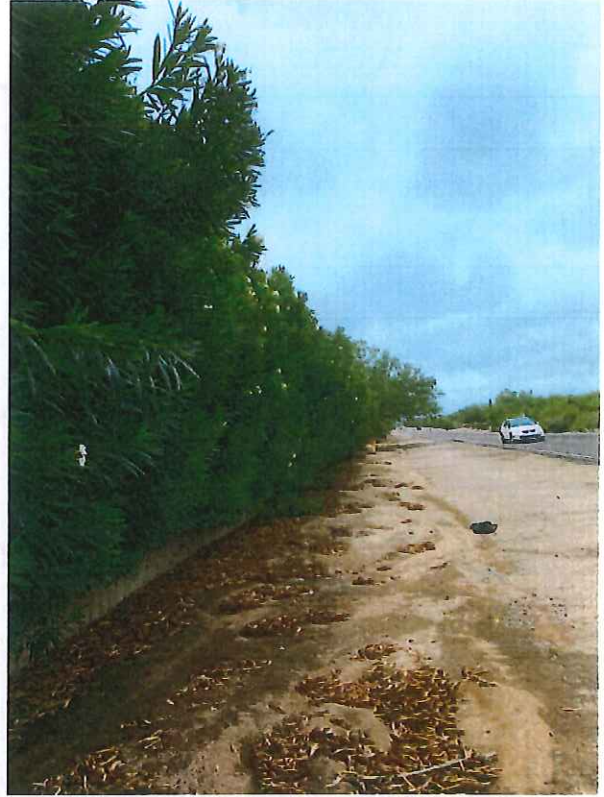
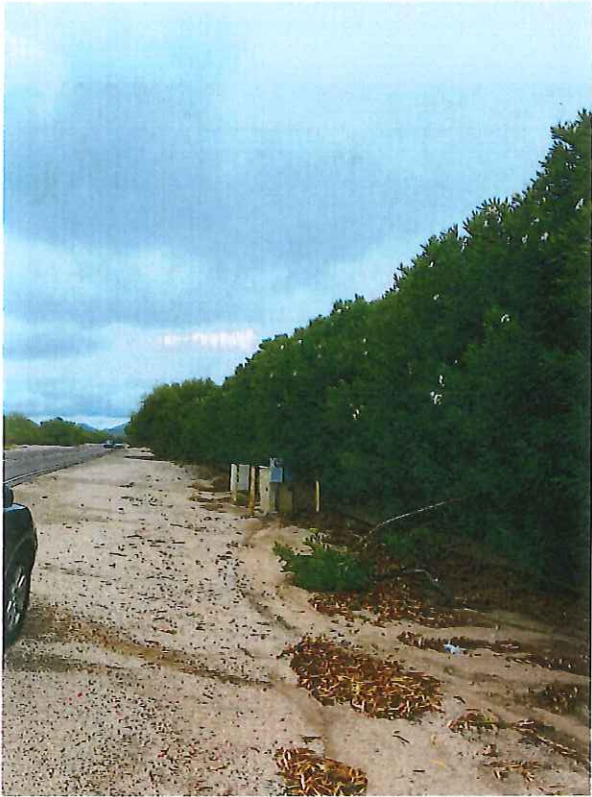
## Examples of Established Berms in North Scottsdale

**Example of Walls on Los Portones Drive ...**



**...and East Cave Creek Road.**





**Example of “Wall of Oleander” at Pinnacle Peak Road and Tom Darlington Road**

