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CALL TO ORDER

[Time: 00:00:01]

Mayor Ortega: I call the September 5th, 2023 City Council Regular meeting and Work Study session to order. City Clerk Ben Lane, please conduct the roll call.

ROLL CALL

[Time: 00:00:13]

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

Mayor Ortega: Present.

City Clerk Lane: Vice Mayor Kathy Littlefield.

Vice Mayor Littlefield: Present.

City Clerk Lane: Councilmembers Tammy Caputi.

Councilwoman Caputi: Here.

City Clerk Lane: Tom Durham.

Councilmember Durham: Here.

City Clerk Lane: Barry Graham.

Councilmember Graham: Here.

City Clerk Lane: Betty Janik.

Councilwoman Janik: Here.

City Clerk Lane: Solange Whitehead.

Councilwoman Whitehead: Here.

City Clerk Lane: City Manager Jim Thompson.

City Manager Thompson: Here.

City Clerk Lane: City Attorney Sherry Scott.

City Manager Thompson: She's walking down now, she's here.

City Clerk Lane: She's present for the record. City Treasurer Sonia Andrews.

Sonia Andrews: Here.

City Clerk Lane: Acting City Auditor Lai Cluff.

Acting City Auditor Cluff: Here.

Clerk Ben Lane: And the Clerk is Present. Thank you Mayor.

[Time: 00:00:45]

Mayor Ortega: We have Patrick -- Dustin Patrick, and firefighter Skylar Boyd, if anyone needs assistance. I will also point out that the public restrooms are at that -- at the upper level through that rectangular opening to my left. Let's begin with the Pledge of Allegiance. I will ask Councilwoman Betty Janik.

Councilwoman Janik: 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.

MAYOR'S REPORT

[Time: 00:01:40]

Mayor Ortega: Well, I will ask us to take time tonight to think about the country of Ukraine. We have just made many appointments to parks and rec and other areas in our city where people could volunteer to better our city. But in Ukraine, over 220 hospitals have been destroyed. And nearly a thousand schools destroyed, including their libraries. So I will ask for us to pause in silence, considering the fight for their freedom and democracy. Thank you.

Well, we have an annual competition known as a Constitution Day Contest. It's back, and we have invited schools from kindergarten through 12th to submit your entry, their entry by September 29th for their favorite bill of rights issue or -- and illustrate or write poetry commemorate constitution day. This is, of course, the bedrock of our federal, state and local government.

Next, I do want to point out that September we do commemorate cancer awareness in our country. There are many forms and this case, I have a proclamation regarding ovarian cancer. Whereas the American Cancer Society estimates this year approximately 19,710 women will be diagnosed with ovarian cancer, which is the fifth leading cause of death among women; whereas, due to vague symptoms and the lack of reliable early detection test, most women are not diagnosed until stage three or later, when the cancer has already begun to spread outside of the pelvis; and whereas, although the five-year survival rate for stage one ovarian cancer is over 90%, only 15% of ovarian cancers are diagnosed at this early stage.

And the five-year survival rate for stage three ovarian cancer is below 30%. Whereas, medical specialists across the country are currently conducting clinical trials and research, for the time being, awareness, through education is the best tool for early detection and an increased chance for survival.

Therefore, I David D. Ortega, the 12th Mayor of Scottsdale do proclaim September, 2023 as Ovarian Cancer Awareness Month in Scottsdale. We -- I would call forward Rachel Putnam. She is an advocate and also survivor to accept this proclamation.

[Applause]

Next, I will call on the City Manager, Jim Thompson to provide the City Manager's report.

CITY MANAGER'S REPORT

[Time: 00:06:21]

City Manager Thompson: Thank you, Mr. Mayor. This evening, we have a short video to enjoy.

Thank you.

Audio from video: Hi, I'm public affairs specialist, Stephanie Hirata with Five Fast Things happening around the city you need to know. Starting us off at number five, the city's first ever story walk is now open. This is a fun and educational way for people of all ages to combine books with physical activity at Rio Mantegna Park. Books will be changed out on a regular basis. And first book is the Juarez books. It's presented by Scottsdale public library, in cooperation with Scottsdale parks and recreation.

Coming in at number four, you may be surprised to learn that Scottsdale's street operations crews spent a lot of time off road. In addition to street maintenance, the transportation and streets department clears 220 acres of city washes annually. Crews remove light vegetation, shrubs, tree limbs and small trees and illegally dumped trash from washes. 125 tons of debris are removed every year which is enough to fill 100 roll-off dumpsters. The work is important because it clears the wash flow line and establishes a natural fire break.

Next up at number three, September is Library Card Sign-up Month. Get in your element this month by signing up for a library card. Did you know your Scottsdale Public Library card gives you access to not only physical materials like books, music and movies but also museum passes, seeds, board games and so much more! Sign up for library card today online or in person at any Scottsdale public library branch. If you already have a library card share the love and encourage your friends, family and neighbors to sign up for one. The official theme from the American Library Association is get in your element and features graphics from the Disney Pixar movie "Elemental" we'll have coloring sheets for kids in the libraries and stickers and bookmarks to give away too. Learn more at Scottsdalelibrary.org.

At number two, Scottsdale students are invited to participate in Mayor Ortega's "We the People Constitution Day Contest". It's a great opportunity to learn more about the U.S. Constitution, signed on September 17th, 1797, that established our constitutional democratic republic to protect our basic individual freedoms and promote justice through the rule of the law.

Students grades 1 through 12 can compose an essay, create a piece of art and in I medium, write, perform a video, or act. Prizes will be awarded in different categories for various age groups. The submission deadline is 5 p.m. Friday, September 29th. Learn more at Scottsdaleaz.gov and search constitution contest.

Wrapping things up at number one, our Scottsdale Civic Plaza improvement has earned prestigious state and regional awards. The Engineering News Record Southwest recognize the renovation of this voter approved 2019 bond election project.

[Time: 00:09:30]

The community's signature special event and public gathering space. A.P.R.A.'s outstanding

facility award recognizes the Scottsdale Civic Center as the state's best newly constructed facility for populations of more than 100,000. The publication E.N.R. Southwest also announced Scottsdale Civic Center as the best landscape urban development project in the region, which includes Arizona, Nevada, and New Mexico. Plus, Parks and Recreation Magazine, the official magazine featured the urban desert park in a recent issue.

And that's Scottsdale's Fast Five for September. Thanks for watching.

PRESENTATIONS/INFORMATION UPDATES

[Time: 00:10:10]

Mayor Ortega: Thank you very much. Well, there's two announcements I will make. First of all, one of our Judicial Appointments Advisory Board is a -- is a board that makes recommendations for just that, are judicial appointments. However, two of the positions are appointed at the state level.

So I would like to announce the following reappointments to the Judicial Appointments Advisory Board for 3-year terms beginning October 1st, 2023, to September 30th, 2026. The Arizona Superior Court reappointed Judge Joseph Kiefer as stated in Arizona Superior Court Administrative Order, 2023-115, and the Arizona Supreme Court reappointed Judge Suzanne Marwil as stated in the Arizona Supreme Court Administrative Order number 2023-58. So that's provided for information, and we appreciate that.

Next, I will mention that pursuant to Arizona law, during tonight's meeting, the Council may make a motion to recess into executive session to obtain advice on any applicable item. If authorized by the Council, the executive session will be held immediately and not open to the public. The public meeting will follow immediately following the executive session. Also per our Council rules of procedures, citizens attending city Council meets shall observe the same rules of order and decorum applicable to members of the city Council and to our staff. Unauthorized remarks or demonstrations from the audience, such as applause, stamping of feet, whistles, boos, yells, and/or other demonstrations shall not be permitted. Violation of these rules could result in removal from the meeting by security staff. So we abide by this just to keep our meeting running smoothly.

PUBLIC COMMENT

[Time: 00:12:35]

Finally, we're moving on to public comment. Public comment is by statute reserved for Scottsdale citizens, Scottsdale business owners, and/or property owners to comment on non-agendized items that are within the city Council's jurisdiction. Advocacy for or against a candidate or ballot measure during a Council meeting is not allowed pursuant to state law and is therefore not deemed to be within the Council's jurisdiction. No official Council action can be

taken on the public comment items, and speakers are limited to three minutes to address the Council. If you wish to speak on a non-agendized or agendized -- a non-agendized topic, please see the city clerk.

Now, I'm asking and checking if there was a non-agendized request. I show one. And therefore, I will call forward Andy D. Dell. Please state your name and place of residence, and you have three minutes. Thank you so much. Okay. I had a request shown for Andy D. Dell. Going once? Going twice. I don't see anyone approaching.

Just for your information, there is -- anything that is on the agenda, you can also check with the clerk if there is something you would like to address on a particular item number. So we have the opportunity for public comment and seeing none, therefore, I will close public comment.

ADDED ITEM – 12A

[Time: 00:14:33]

Mayor Ortega: Next, we're moving on to item number 12a. Item number 12a was added to the agenda on August 30th, 2023, and requires a separate vote to remain on the agenda as presented, or to be continued to the next scheduled Council meeting on September 19th, 2023. I will now entertain a motion.

Councilwoman Whitehead: Mayor, I motion to add item number 12a to tonight's agenda.

Vice Mayor Littlefield: Second.

Councilmember Durham: Second.

Mayor Ortega: We have a motion and a second. Any discussion? Please record your vote. Okay. Thank you. It is unanimous. Therefore, that item 12a will be heard in the regular agenda part of our program.

CONSENT AGENDA

[Time: 00:15:24]

Mayor Ortega: Next, we have our consent agenda. Consent agenda items are posted as items 1 through 10 and everything is -- has a backup file for information. I see Councilmember Whitehead and Durham. If you have any questions about consent items, request to move a consent agenda item to a regular agenda. Also, did I receive -- well -- so go ahead, Councilwoman Whitehead.

Councilwoman Whitehead: Yeah, I just want to move agenda item number 8 to the regular agenda because there are speakers for that item. And so while I was not planning on it, I have

been following that case for some time. Thank you.

Mayor Ortega: Thank you. So noted. Item number 8 is moved. Councilmember Durham?

Councilmember Durham: Thank you, Mayor. I'm a little bit concerned by item number 7, which is the addition of a roof top deck to the Goodwood Tavern and there would be speakers there. There's no commentary or objections to that, but I do have concerns over speakers on top of a roof top, because we already have some of those in town, and they have caused problems. And I think the materials that came with this have said steps have been taken to ameliorate the issue but if there's someone that could speak to that, that would be interested in hearing what's been done to make that an acceptable level. This is a C.U.P., so too much noise would be an issue. Thank you.

Mayor Ortega: Thank you. So Council is asking for clarification on that and proceed.

Greg Bloemberg: Thank you, Mayor Ortega, Vice Mayor Littlefield and Councilmembers and Councilmember Durham. So that was a concern for staff as well because this location, this establishment is basically 90 feet from an apartment complex to the east. The original allowed for two speakers on the patio. Those two speakers are still allowed and they are directed downward.

And they are requesting to put some additional speakers on the roof deck. We asked if it would be okay if that was limited to a maximum of two speakers and those speakers would be mounted so they are facing west away from the residential and downward. To ameliorate noise. There's a noise stipulation that requires no greater than 68 decibels measured from the other side of Wells Fargo where the residential is. So we feel with those stipulations and those performance measures that this -- that the addition of this roof deck should be relatively minimal in terms of impacts.

Councilmember Durham: Great. Thank you. That's the kind of information I was looking for. So I appreciate it.

[Time: 00:18:44]

Mayor Ortega: Very good. At this point, we have one consent agenda item, number 8, which will be moved to our regular agenda. Do I have a motion for consent agenda items 1 through 10, excluding 8.

Councilwoman Whitehead: So moved.

Vice Mayor Littlefield: Second.

Mayor Ortega: We have a motion and a second. Any other discussions? Seeing none, please

record your vote. Thank you that is unanimous.

ITEM 08 – ON-CALL ENGINEERING SERVICES CONTRACTS FOR SEWER REHABILITATION

[Time: 00:19:14]

Mayor Ortega: Next, we will move on to the regular agenda portion of our program. And just to point out, again, that that we will hear the complete presentation on item number 8. And of course, we have amended the agenda including 12a. Jeff Barnes, please proceed.

Jeff Barnes: Good evening Mayor Ortega, Vice Mayor Littlefield and members of the Council, I'm Jeff Barnes with the city's Planning department. I will give you a brief presentation on 10-PP-2022 and then answer any questions you may have.

So this site is located in the highlighted yellow area here, which is Tract D of the Sweetwater Ranch Manor subdivision, generally located north of Sweetwater Avenue, between 94th and 96th Street.

Getting a little closer in here you can see that's an existing developed tract there's a drainage channel along the eastern portion of it. There's a pool, amenity area along the northern portion of it, and then this is an older aerial photo here, that shows some tennis courts that have been removed under approval and action through -- through us a few years back, but the tennis courts are probably helpful in this slide because those are the approximate location of the two additional lots that are proposed as the result of this planning action.

Moving to the zoning slide, this one is a little bit newer aerial photo, we have it right in the transition there, but you can see those tennis courts were removed, replanted with some trees and some decomposed granite. This entire site is zoned R4-PCD and actually covered a much larger -- much larger area that includes the Sweetwater Ranch Manor subdivision, on the east side and the west side is the enclave at Sweetwater Ranch, which is just the other side of 94th Place, that would be the homes on the west side there.

There he would go. So the -- there we go there. So the action requested is the approval of the final plat for tract d to add those two additional lots following the preliminary plat that was approved at the Development Review Board in February of this year. Just for quick reference this shows the preliminary plat that was approved by the Development Review Board, Tract D exists generally in that area with the two additional lots being down here where I mentioned those tennis courts were, retained with the results Tract D is still that drainage and the pool amenity space along the north.

The final plat that was submitted and is wrapping up the review with our staff looks very similar to that, achieving the stipulations that the Development Review Board approval set. Just touching on maybe some of the DRB action so that you will have a little bit of history,

understanding that there are some speakers and that may be helpful and I mention this is part of a larger zoning boundary. And so this is the dashed yellow on the screen here, which covers the entirety of both Sweetwater Ranch Manor and the enclave at Sweetwater Ranch and this just sort of gives you a bit of a breakdown of where those two exist. So this went to Development Review Board in January.

There was some discussion as part of that meeting ultimately, they continued it, requesting a little bit more breakdown of the density and open space calculations amongst not just the total area but each subdivision individually, and so we came back with that for that February meeting. And they approved it unanimously there. That's the overview.

I'm happy to answer any questions or if you would like to take the speakers first, I can certainly come back.

[Time: 00:24:14]

Mayor Ortega: Thank you very much. We will go on with public comment, those who requested to speak. Please come forward. We have three speakers. State your name, place of residence, and you will see the shot clock up there for three minutes. Kip Gero.

[Off microphone comment]

Mayor Ortega: Okay. Thank you. Heidt Flexman. You are okay too.

Councilmember Graham: Mr. Mayor, what are -- Mr. Mayor, what are they communicating you to?

Mayor Ortega: Excuse me, I called them forward and they spoke affirmatively but there's also a J.D. Smith.

Councilmember Graham: You've got to be on the microphone.

Mayor Ortega: Are you J.D. Smith. So I have you down. Up to the podium.

J.D. Smith: Hello. Thank you, my name is J.D. Smith and I think what happened was some of us that are supporting this reported that we wanted to speak but we didn't explain that we only wanted to speak if this was opposition. So I think the only ones that asked to speak were ones that were supporting it. Just wanted to clarify that for Councilman Graham.

Mayor Ortega: Thank you.

Councilmember Graham: Thank you.

Mayor Ortega: You stated your name, place of residence and that you are in support.

J.D. Smith: What was last thing?

Mayor Ortega: Thank you very much. He logged in with the Clerk so we are okay. And next Councilwoman Whitehead and then Janik.

Councilwoman Whitehead: Thank you for clarifying. I walk by there and I'm so pleased with the trees but then I found out that they were going to go away. I understand why. As long as nobody is in opposition, then I'm fine. Thank you.

Mayor Ortega: Councilwoman Janik.

Councilwoman Janik: I wanted to clarify, did we get any opposition to this request? And if there was, did we resolve the issues?

Jeff Barnes: Mayor Ortega, Councilwoman Janik, we did not receive any public comment relative to the final plat case submittal, no.

Councilwoman Janik: Okay. Thank you. With that, I guess I'd like to make a motion to approve the final plat/replat of Tract D of Sweetwater Ranch Manor for the creation of two new residential lots with townhouse residential, planned community district, R-4PCD zoning.

Vice Mayor Littlefield: Second.

Mayor Ortega: We have a motion and a second. Seeing no further discussion, please record your vote. Passed unanimously. Thank you very much.

**ITEM 11 – BIMER RESIDENCE CARPORT CONVERSION TO GARAGE AND CARPORT ADDITION
(83-HP-2022) APPEAL**

[Time: 00:27:12]

Mayor Ortega: Next, we will go to item 11. 11 is on our regular agenda. It involves the Bimer residence carport conversion to garage and carport addition, 83-HP-2022. We have Jesus Murillo making the presentation.

Jesus Murillo: Good evening, Mayor Ortega and Vice Mayor Littlefield and members of City Council. Jesus Murrillo, a planner here with the city. Today, I will be presenting in front of you, 83-HP-2022, also known as the Bimer residence.

This was an application heard by the Historic Preservation Commission in January. They approved a Certificate of Appropriateness with the attached stipulations. The applicant didn't fully agree with the stipulations so they appealed the decision to the City Council. City Council

heard this case in February, on Valentine's day and voted to continue the case after some discussion to see if the staff and the applicant could apply some of the general consensus from the Council. So we will continue that tonight.

Just a quick overview again. As you can see the site is generally located on the southwest corner of East Oak Street, and North 68th Street. It is located within the Village Grove Historic Community and that dashed yellow line that you see there is the boundary of the Village Grove Historic Community itself. And you can see the site is located at the northwest corner of this community. Sorry about that.

Closer look at the site, you can see it's more directly located on the southeast corner of North 66th Place and East Oak. The community you see to the north is Oak Park development. They are not within the historic preservation boundary, but they have inquired to the city about potentially joining that. This is the zoning map, as you can see the site is zoned R1-7 HP, which allowed the Historic Preservation Commission the authority to approve at items on the property.

Some key items. This was an appeal of the decision made by the Historic Preservation Commission in January. There was a code enforcement violation, how this came to light in October of 2022, and then again the Council voted to continue the case at the February hearing. So these are the stipulations that you found in your packet now. Yes, they are a little hard to read, especially since there are strikethroughs and double strikethroughs, et cetera. What staff did to make it easier.

We broke it down per each stipulation. We also removed the language that had been struck through and double struck through, and created in orange, the language that was added since the last time you heard this case but we wanted to make sure it was this for your reference. We will look at the cleaned up version here in the next couple of slides.

[Time: 00:30:29]

So the first slide here deals with the part to the stipulation that looked at applicable documents and plans, and so what was changed here, prior to -- prior to the meeting, it was the Bimers themselves that provided some of the graphics for the request. Since then they contracted with precise drafting to update some of the graphics based on some of the direction given by the counsel, and so that was updated to provide that and the date for today, in case Council approved some of those improvements.

We added 1C that also reinforced the fact that any changes made should be to those documents as well in the Council so sees fit. So now on to the actual stipulations located within the architectural design. As you can see this stipulation has not changed. This is the stipulation that staff proposed to the Historic Preservation Commission when they heard the case.

This was the stipulation that the Historic Preservation Commission approved as part of the certificate of appropriateness and this was the stipulation that was presented to the city Council back in February. Staff felt and read from the general consensus and direction from the Council that this was one of those items that potentially should -- a stipulation that should remain the same.

What the stipulation reads is that the existing farm style barn door that you see on the right-hand side be replaced with more of a cross-panel grid design as you see in the image on the left, which is an image that is pulled from the actual guidelines themselves. The Bimers would like to have further discussion and consideration from the city Council on this stipulation, and I will leave it for their presentation for them to have that discussion. But this is how staff is proposing the stipulation be approved.

[Time: 00:32:26]

As for the second stipulation, when it was presented to the Historic Preservation Commission, it was presented that the addition and enclosure of the carport, which is now a garage, that the -- that there should be both brick and mortar and the size of block added to these areas that you see in the orange to match what was existing on the building. Staff felt that this was general consensus from the Council at the last meeting that this -- that this could potentially work the way it was.

The Bimers did provide some examples from the area and so staff changed the stipulation to agree that how the improvements are currently existing would work. So we updated the stipulation to agree to leave things as they are. Going on to the third stipulation. When staff proposed the stipulations to the Historic Preservation Commission, at the time the design of the proposed carport that the Bimers had proposed did not have a roof degree that mirrored or was like that of the existing structure.

And so the Historic Preservation Commission kept the stipulation that if there was going to be -- well, they denied the carport based off the fact that the slope of the roof did not match the existing structure. Since then as you can see the Bimers consulted and creates and took the comments from the city Council and though contracted precise drafting and created the graphic that you see here today.

So now the proposed carport does have a slope that matches the existing house and then per direction from the Council elevated the roof line to match the bottom portion of the gabled roof located just to the east of the structure. And so staff finding that this met both the discussion had between staff and the applicant and the direction given by the Council, staff changed the stipulation to state to approve the carport addition as long as it matched to these graphics that you see here.

When the project went before the Historic Preservation Commission, because the carport was

denied, so were the proposed pavers underneath. There was a brief discussion had with the Historic Preservation Commission that potentially if there were going to be pavers that they weren't the proposed earth tone colors that the Bimers had proposed and they be gray to match the existing sidewalk.

That seemed to be also the consensus of the Council at the last hearing and the staff has updated the stipulations that if the carport addition is approved that there also be the allowance of the pavers and they be gray in color to match the existing sidewalk. So, again, the request is for the -- for the appeal of the certificate of appropriateness as approved by the historic preservation.

Now staff is presenting the stipulations as you see them today and the Bimers will provide their input on how they feel about the stipulations. Having said that the Council has a couple different ways they can vote on the -- on the request. One, they can deny the request in its entirety, by the Bimers and approve the stipulations as approved by the Historic Preservation Commission. Approve the request and overturn the Historic Preservation Commission in the manner seen as requested by the owner, or as presented today in number three bullet point approve the request with the stipulations specifically the stipulations that we provided tonight.

You can also modify those as you wish, or once again continue the case for additional information. And this concludes staff's presentation. Staff is here to answer any questions and the Bimers are also here to provide their presentation as well.

[Time: 00:36:37]

Mayor Ortega: Good. Yes, we will be calling the Bimers up to make a presentation. I see Councilmember Durham. Did you have a question at this point?

Councilmember Durham: Yes, thank you, Mayor. Is the garage door the only thing that's in dispute now? It sounds like the staff has agreed to everything else.

Jesus Murillo: Mayor Ortega and Councilmember Durham, that is correct. As far as staff is concerned, that is the last item we would need to have decided upon that's different from last time from the Council.

Councilmember Durham: All right. Thank you.

Jesus Murillo: Thank you.

Mayor Ortega: Well, thank you. I will call forth the Bimers for -- as the applicant. What was it Valentine's day last time we saw you all?

Deanna Bimer: That was it. Yeah. Okay so we're back again. I'm Deanna, this is Chris. This is our

property. As Jesus had stated, it's that we did go back and met with him and Nick and we tried to get to some kind of a resolution on the roofline over the carport.

I believe that we have done that but that's stipulate number three. So we still had stipulation number one and number two. We didn't have any of this information that Jesus just presented. So we had no idea that the garage door was the only hang-up at this point. But I do want to -- before we start -- and I will address that next but before we start, I want to tell you that village grove is governed by 56 pages of single-spaced guidelines and on page 2, there's only one sentence in the 56 pages that's underlined and that one underlined phrase says this "these historic preservation guidelines do not dictate design solutions. Rather they define a range of appropriate responses to various speak design issues."

I feel like they probably gave it some weight because it's the only sentence that is underlined and I believe kind of what is happening with our property is we are getting hung up on a couple words and a couple of sentences and it's stigmatizing our property.

Let's get into stipulation number one and I will go down -- I don't know how to go down on this slide show. This? Okay. Here we go. I'm at it.

[Time: 00:39:03]

So stipulation one, traditional style garage door with raised panels, arranged in rows shall be used. Rectangular windows are optional and then it goes to see garage door cannot be farmhouse and barn. This is not a guideline nowhere in the 56. It's made up out of whole cloth and it's acting like a guideline and now stigmatizing our property. The only mention and I think Jesus mentioned this last Valentine's day when we were here, although failed to mention it tonight, only sentence that actually talks about our garage doors in this 56-pages is at the very bottom and it says simple paneled garage door with rectangular window that blends well with the front facade.

There's nothing more that talks about garages maybe because these guidelines were created in 2005, and they were probably basic garage doors since then, but we evolved and we are now in 2023. What I do know, the stipulation and the only guideline in our guidelines it doesn't take "traditional garage door it doesn't say raised panel, arranged in row shall be used. It doesn't say rectangular windows are option and nothing like farm-like, can't have farm-like, et cetera, in the guideline.

And honestly, that is the reason we appealed this, because when we met with the HPC back on January 5th, they specifically told us I may not like your garage door, but we've approved them in the past. So my -- then we were actually mortified by the end of that meeting they ended up telling us that, no, I'm sorry, but your garage door cannot exist. And, again, I would just like you to listen to this.

Audio from Presentation: It changes everything. Because we've allowed these in the past, I'm not going to make a big deal about the garage door. I'm not in favor of it. But we have allowed these in the past. What --

Denna Bimer: Okay. So once again, those are not my words. That's what was discussed with us. I'm sorry. This just went nuts. And so, again, that's why we felt we had to appeal this process because for these reasons, I don't know how legally you can say you can accept certain doors, but you can't accept other doors.

This seems to be giving me a little bit of a difficulty here. We included the garage doors and this is a sampling of some of the garage doors in our neighborhood. This looks pretty farm-like to me. Has a lot of door hardware on it. None of these have rectangular windows. There's a lot of various of the windows used.

Decorative hardware is being added to these garage doors and the more expensive garage doors, the wooden overlay, are being added into this neighborhood. And this interestingly enough is not the traditional one quote/unquote Jesus showed to you. This was approved by the HPC. This is a flat paneled contemporary door. I don't know how legally we can be denied our door when other doors of variation are allowed in this neighborhood.

Now maybe not all of them were permitted but because there's no enforcement arm, they now become a new guideline. And this is ours. We think it blends well. We specifically chose this door because the Xs match the historical front porch of the Xs, the rectangular tops match the window package of this house.

I don't think there's a better garage door per our only guideline that it should blend well. Moving into the weeping mortar, he said he doesn't have a problem with that. And then they did talk about our pavers. We will go through this. I won't add more slides, but this was just a quick walk down our neighborhood.

[Time: 00:43:04]

All of these people do not have the weeping mortar height and there's no guideline for it either. Again that was attached to our property. It's good to hear that Jesus is now okay with that or recommending that he's okay with that. And, again this shows the block size. Because we will have to address all of these stipulations because we did use the correct block size, and that's a nonissue.

Now the biggest one. The last stipulation of the roof ridgeline over the carport. We spent over \$1,000 with somebody to draft it. One that we took to Jesus and nick, they thought maybe this is what you guys were kind of insinuating you wanted our roofline to look like. We are getting caught up on the roof and the carport to the extent where the pitch goes to the existing roof. This' one down here at 2.3, the roof should use low pitch sloping forms and we did all that. So,

again, we're picking a sentence and there's two and a half pages of carport things that we adhered to.

We matched the shingles and the matched the wooden posts and the batten down the side. It's gray and it is what it is, but this is what is found in our neighborhood. Interestingly, the one on the left is our next door neighbor, he feathered ours in like ours is feathered. In before we started this project, we walked around the neighborhood. We are not trying to make it contemporary or Spanish or the Taj Mahal.

We picked up everything in our neighborhood and that's how we constructed this. Really our outcome for tonight, we really need a ruling. This has been going on way too long. It's a year. I know you don't want to see us again and we don't want to be here again.

And quite honestly, we are asking that you approve stipulations one, two, and three, either with the existing carport the way it is or the new proposed draft, which the new proposed draft is this one, and that's the ridgeline that Jesus did. And we thank you for your time. And the last one was the pavers, but Jesus just now said that those are okay. And they are okay because we do have a guideline that says they are okay although they were turned down at the historic committee as well. So thank you for your time and that's my presentation.

[Time: 00:45:24]

Mayor Ortega: Excellent. I see Councilwoman Whitehead would like to speak.

Councilwoman Whitehead: Yes, I would like to motion to approve item 11, the Bimer residence carport conversion to garage and carport addition, 83-HP-2022 with the changed roofline.

Vice Mayor Littlefield: Second.

Mayor Ortega: Thank you. We have a motion pane a second. Would you like to -- motion and a second. Would you like to sit down?

Deanna Bimer: Yes, I would love to sit down. So it was approved or are we still?

Mayor Ortega: Now we will go to a vote. Councilmember Graham, did you have a question?

Councilmember Graham: I had a question for city staff and Jesus was motioning to make a comment. So go ahead.

Jesus Murillo: Yes, Mayor Ortega and Councilmember Graham. The question from staff was just to have direction whether the garage door was going to be the rectangular or the farm-style door. So if would you include that.

Councilwoman Whitehead: I would like to amend my motion that the garage door selected by the Bimers are fine so their choice of garage door.

Vice Mayor Littlefield: I'm okay with that as the second.

Mayor Ortega: Thank you. Councilmember Graham and Councilmember Caputi.

Councilmember Graham: Thank you, Mayor. Jesus, what was the basis for -- what were you looking at, as far as the garage door and the design there. Can you take us through that briefly?

Jesus Murillo: Yes, Mayor Ortega and Councilmember Graham. Thank you for the opportunity. So the audio was just a portion of the context. This was some other discussion that was had in there about what the style of door was. When staff went around the entire site, we noticed that out of the 253 units in village grove, only 41 of them had garage doors and of the 41 of them, only three had a style door that you saw here tonight.

None of those were approved by the Historic Preservation Commission or by the city -- by the -- by staff at an administrative and the -- and it was true as stated in the previous hearing there isn't a lot that was written on it, but this was one of the guidelines that did have an example of what a garage door was and that's what staff used as an example of what should be approved.

[Time: 00:47:45]

Councilmember Graham: What was the 56-page document that the Bimers referenced? What was that document? That was a CC&Rs or some sort of regs. What that called.

Jesus Murillo: The Village Grove Historical guidelines that were approved with the zoning and HP case.

Councilmember Graham: Did you read though when you came to the determination that the garage doors was disallowed.

Jesus Murillo: Correct. That's one of the guideline it's that had a graphic with it and that style of door, the harm house style of door was not -- farmhouse style of door was not found anywhere on any of the designs, when it was being developed.

Councilmember Graham: But did you see that door design prohibited from the design standards of that document other than -- it sounds like the basis of your decision was what the existing doors you saw in the neighborhood.

Jesus Murillo: Well, Councilmember Graham, the document itself doesn't on any of the guidelines necessarily prohibit. It's more of on inclusionary, what it -- what it approves and staff

used the design that was available and used at the time that this community was developed.

Councilmember Graham: Thank you, Bimers household, for coming to talk to us. I approve the motion as well.

Mayor Ortega: Thank you. Councilwoman Caputi.

Councilwoman Caputi: I had the same question. I wondered what the justification was to deny the farmhouse doors. I thought they blended quite nicely. This reminds me of a DRB case where everyone is -- I don't like this color. I don't like that color and then it becomes very subjective. So if there's no actual basis in our code, I don't, as well, have any problems. I think it looks really nice and blends well with the rest of the house. Thank you.

Mayor Ortega: Thank you. I see no other comments and I like the submittal as shown with the ranch style. Many houses had a split rail fence that usually rotted off by now too, in those days. So please record your vote. We have a motion and a second. Unanimous. Thank you. Good luck. Enjoy Thanksgiving.

ITEM 12 – REPEAL OF THE DOWNTOWN INFILL INCENTIVE DISTRICT AND PLAN (1-II-2010#3)

[Time: 00:50:05]

Mayor Ortega: Okay. Next we will go to item number 12. It's number one II-2010 Number 3 possible repeal of the downtown infill incentive district and plan. Our presenter, thank you so much. Okay.

Brad Carr: Thank you, Mayor Ortega and vice --

Mayor Ortega: Repeat that. The mic didn't pick up the first part.

Brad Carr: Good evening, Mayor and the Vice Mayor. Brad Carr with the city's Planning department. Here to give you the information on the repeal of the downtown infill incentive district. Some background on what infill incentive districts are. Within the Arizona Revised Statute, there's a provision that allows municipalities in Arizona to establish what are called infill incentive districts.

Those districts are required -- or to establish one of those districts, you are required to identify that you meet certain criteria, within the -- as noted within the revised statutes. And what they're intended to do is encourage redevelopment within that designated district. It allows the Council to establish a number of different things which may be amended development standards for properties within that district, or special allowances like fee waivers or expedited plan reviews.

The Council did take that action back in 2010 to establish the downtown infill incentive plan, as

a redevelopment tool within our downtown area. And what it did was establish the ability for our applicants to request from the city Council amended development standards as a part of their rezoning request. It also allowed them to make requests for waivers of fees and other development tool -- other development requirements such as expedited plan review.

Scottsdale does have two infill incentive districts. The first that was established in 2003 was specific to a single site, which is that waterfront site. So the waterfront infill incentive district was tied to that specific development in 2003, and then again as I mentioned, Council took the action to establish the downtown infill incentive district for the whole of downtown 2010, excluding the waterfront site.

Some of the expressed goals of that district at the time were to maintain integrity and character of Old Town and its built environment, and, again, allow case-by-case discretion, review by the city Council to amend standards and other items not normally permitted under the zoning ordinance, including fee favors and expedited plan reviews which to this date have not been utilized those two items.

So in total, between 2010 and present, there have been a number -- there have been 13 total applications that have been approved by the city Council for the infill incentive district, or the application of the infill incentive district. They were in the amended development standards realm and additional floor area ratio, building height, density, an amendment to the step back plane along the boundary of the Old Town as well reductions in parking as part of the parking master plan.

[Time: 00:53:30]

You can see those 13 sites listed on the -- or shown on the screen here. So the general plan update, a year or two ago, city Council removed the references to the infill incentive district as part of their updates to the Scottsdale General Plan 2035. The infill incentive district was created prior to some of the most recent updates to the plan block development overlay district which occurred in 2018.

A lot of those updates with -- in the 2018 update basically did the same thing that would -- the infill incentive district did back in 2010, which is allow a pathway for development applications to request amended development standards. And so a lot of those same allowances are still present within the planned block development and there's still a pathway for discretionary decision by city Council to do what the instill incentive district was intended to do in 2010.

And so as a result, most of the infill incentive district becomes redundant with the exception of the ability to ask for fee waivers or reduction in time spans for review of plan reviews. 2021, just again another reference here, city Council directed staff to begin an outreach effort to reexamine the Old Town plan and that being the associated documents and the infill incentive district plan.

So again key items for consideration this evening, this would implement the repeal -- the repeal would implement the ratified plan and remove the infill incentive districts and therefore it would encourage the use of the downtown planning zoning paired with the block development overlay to maximize the area.

And fees could be accommodated and they would occur instead of through the infill incentive district, they would occur through a development agreement with Council. So the recommended approach by staff this evening is for Council to adopt resolution number 12746 repealing the original Resolution 8370 and thereby terminating the downtown incentive district and the plan.

Our next steps, you will see Mr. Yaron and myself, future amendments to the Old Town Scottsdale area plan will be in front of you later this year and early into 2024, for additional updates as -- as directed by Council. That concludes my presentation. I'm hammy to answer any questions -- I'm happy to answer any questions you may have.

Mayor Ortega: Thank you, Brad Carr. We also asked for public comment there's none on this particular case. Therefore, I will close public comment. Next, I have Councilwoman Whitehead and vice Mayor Littlefield to speak.

Councilwoman Whitehead: Yes, so we've received a few emails on this item, probably because COGS sent out a newsletter. Thank you, COGS. I want to clarify, one of the questions is why wasn't this done years ago? We are following a process. I believe I made the recommendation to remove this from the general plan because 2010 versus a couple of years ago are very different times.

The vast majority of the city Council agreed. I want to thank all the voters who ratified the general plan and that's what got us here today. And I also want to point out that last project that requested and was approved of -- approved use of this infill incentive district was the collection. I guess I should point out that the only two people that were on the Council then voted no.

[Time: 00:57:22]

And the infill incentive district was one of those because it was a fee waiver and a change in our development standards. It allowed amended standards. So I'm very pleased to be here tonight and I'm pleased to remove this. This is not -- we have developers that want to build here and want to adhere to our high design standards. Thank you.

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

Vice Mayor Littlefield: Thank you, Mayor. I would just like to adopt, make a motion to adopt resolution number 12746 to authorize the repealing of the previously adopted resolution number 8370, which authorized the establishment of the downtown infill incentive district and the adoption of the downtown infill incentive plan.

Councilmember Durham: Second.

Councilwoman Whitehead: Second.

Mayor Ortega: I see Councilwoman Janik on your second?

Councilwoman Janik: I wanted to speak to it. Thank you, Mayor. I worked extensively on general plan 2035 along with Solange. Tom did, Kathy did, I did and we spent a lot of time on it. I think the best news is we don't need it anymore! That was 2010. We are a thriving downtown. We have builders knocking on our door that want to build in our downtown, that want to build beautiful projects.

So I'm very happy that this has finally come forward after removing it from the general plan 2035 that we can formally remove it. Thank you. And I will be supporting it.

Mayor Ortega: Councilmember Graham and then Councilwoman Caputi.

Councilmember Graham: Thank you, Mayor. Brad, what are some of the projects that were approved under the program over the years?

[Time: 00:59:13]

Brad Carr: Certainly, Mayor Ortega and Councilmember Graham. First was blue sky, followed by Scottsdale Angus on the southern part of the Old Town area. Safari condominiums and often the Sonoran village, industry west and east, which are now the Stetson near the entertainment area. Houston investments which is in that same area, number seven there.

Scottsdale fashion square had an application several years back. Windfield hotel, which is number nine there, Third Avenue and Scottsdale Road. Canopy, which is another one that was recently constructed number 10. Don and Charlie's hotel, which is Asena house now on Camelback Road. And Goldwater and then Scottsdale collection was the final application.

Councilmember Graham: Yeah, I remember some of -- I was on Planning Commission when collection came before us. I was in opposition to that. It was a massive project. So I support this. I'm excited for the deletion of this program, and, you know this is kind of overlay. It kind of overlays an area for better or worse, and I think it has a destabilizing effect or it can. It altered traffic patterns.

It can invite chaotic construction which I'm thankful that our city staff right now are working on construction mitigation plans, actually, because of some of the stuff we have seen from some of these projects. So I will be supporting this motion. And I want to give credit to my colleagues for pushing this. The Mayor has done a lot to make sure -- see this through. And so I do want to give credit to my colleagues. Thank you.

Mayor Ortega: Councilwoman Caputi.

Councilwoman Caputi: And you I talked about this a little bit already, Brad. So my feeling is if it's actually redundant, I don't know that it would necessarily water, right, if we removed it or not. I know I asked you, is it actually redundant. What are we giving up if we remove it?

Brad Carr: In a lot of ways it's redundant. There are other pathways within the zoning ordinance that would allow the same things that are typically requested during the infill incentive application. Those requests being additional building height or additional density, some amendments to typical step back or setback requirements. You can achieve those type of items without the II.

What is being given up is the fee waiver or expedited plan review. But Council could entertain those type of requests through the development agreement instead of II. The II also allows for maybe some stuff that is not really thought of typically. I don't know it could be something very creative that an applicant could bring forward and the Council could consider through an II application that maybe wouldn't be there now. But for the most part, what we have seen on the application on the screen there, those type of requests that were approved would be accommodated through the zoning ordinance now.

[Time: 01:02:38]

Councilwoman Caputi: I'm okay supporting rest of my colleagues on this because I suppose it's mostly redundant. But my feeling is I don't really understand the downside. Again, if it's redundant, why not keep the tool in the toolbox? I know we had talked about once you remove something, it's practically impossible to put it back in. And so since it's not actually impacting anything, I don't know why we feel such a desire to take it away.

I was reading through in the packet, the original purpose of this district and it says, the flexible application of flexible development standards can be used to encourage the private sector to assign a high level of development, and us this establishing and utilizing a variety of tools for new development, redevelopment, and infill development, that strengthens downtown's mix of land uses should be strongly encouraged.

I would just want to double down on that. I think that that goal hasn't really changed. You know, the original purpose is still there. This district was created during a time in which there was a great amount of economic uncertainty, projects were stalled. The downtown was full of dirt

lots. And one might argue that we're actually coming back into that same situation. So I don't know that I necessarily agreeing that we've got developers knocking down our doors. I'm going to say that in contrast, I think we're actually very much resembling that time back when this district was originally needed.

Everyone on this Council says that they want quality development, and I just want to caution that in our zeal to control development, we not go overboard and turn away good investment in our city, which we are desperately trying to do. We are talking about unfunded needs in our city and we are going to ask about whether we should increase or continue taxes. And I've said this a thousand times from the dais and elsewhere. In order for this city to have the highest possible amenities and the most open space and keep our property taxes low, we have to continue to encourage economic vitality and good quality development. And, again, if this is simply an extra tool in our toolbox, I don't know what the pressure is to necessarily rid us of it.

But, you know, certainly if six of us are in agreement, I will -- I will join my colleagues but it -- I'm not 100% happy with the need to necessarily remove it today. Thank you.

Mayor Ortega: Councilwoman Whitehead.

[Time: 01:05:20]

Councilwoman Whitehead: I do want to follow up with Councilwoman Caputi's comments because there are reasons. So is this a tool in the toolbox or is it an invitation to bring projects that have lower development standards, lower design standards? And I think it's the latter. So any developer can come to us and ask to put the Eiffel Tower at Pinnacle Peak. That's their right.

But this Council has the right to vote no. But by putting invitation in the general plan, and in our guidelines saying, hey, would you like to come and put a building that's too tall for this transition area and will negatively impact the historic neighborhood across the street on camelback, that's different.

So, yes, that developer can still say, they don't want to abide by transition heights that we require on border areas for different character times. They can still do it. But this is not an invitation to do it. Because of state laws, the bulk of the cost of development are still on the taxpayers.

So I just want to stress that what we're removing is an invitation, an encouragement to amend our development standards and encouragement to ask for lower fees and encouragement to change those transition heights and items like that. So, yes, every developer can still come forward and ask for that Eiffel tower. But we're not encouraging it. So thank you.

Mayor Ortega: Okay, Council, let me just -- you are on again. You asked to be on again? Go ahead, Councilwoman Caputi.

[Time: 01:07:09]

Councilwoman Caputi: I'm just going to respond, that that's an interpretation. I don't see an incentive as being an invitation at all. That's your interpretation of it. So respectfully disagree. Thank you.

Mayor Ortega: Thank you. I see no one else wishes to speak. So I shall. I've had a lot of experience with the successes and failures of the infill district. And when you see the projects that have already been approved, they will continue. They are not impacted by our action today. In the case of south bridge two, that was a case where every infill and incentive was asked for for instance, height, and the cost of the additional height was \$1.3 million and then the request was to waive \$1.3 million. So there was no benefit from that. That's part of the success failure rate of that project. It was too excessive and it asked everything, showed that we should provide that height and then waive the cost of that. Another one was blue sky. If you look at that mapping there, blue sky was entitled for 260 units. And it asked for 1,250 units under that provision about 12 years later, it came before us at about 530 units.

So it struggled through all of this blue sky and excessive heights and in a dreamland of excess and they came through with a high-quality project that made sense to everyone. With that, we call for the vote. Please record your vote. Thank you, unanimously passed.

ITEM 12A – TEMPORARY WATER SUPPLY INTERGOVERNMENTAL AGREEMENT (IGA)

[Time: 01:09:16]

Mayor Ortega: Next 12a, temporary water supply intergovernmental agreement. Brian Biesemeyer our water resources executive director will make the presentation. And I see that we have one person wishing to speak who has recorded with the clerk.

Brian Biesemeyer: Brian Biesemeyer, Scottsdale Water Director and I have a brief slide show for you on this. A little bit of history. Oh, a beg your pardon here. I thought it would be helpful to kind of talk through where we have been with Rio Verde Foothills.

It's an unincorporated area in Maricopa County, east of the city of Scottsdale along the Dynamite/Rio Verde corridor. In 2016, water hauling that was occurring along Rio Verde Drive was relocated to a filling station based on complaints from Scottsdale citizens about traffic issues, and at that time we had a discussion with the water haulers and the concerned citizens that Scottsdale was the long-term water resource for the Rio Verde community.

In May of 2020, I wrote letters to Maricopa County Supervisor Chucri, and State Representative Kavanaugh stating basically the same that the city of Scottsdale was not the long-term water supply for the Rio Verde Foothills. And then in 2021, city Council provided consent to the formation of a domestic water improvement district for that area.

In May of '21, I wrote similar statements to Supervisor Chucuri and Representative Kavanagh that Scottsdale was the long-term solution for Rio Verde Foothills water. And in 2021, Scottsdale activated the drought management plan as a result of CAP water cuts. And Scottsdale water haulers were notified that water hauling outside of the city of Scottsdale would cease as of December 31st, 2022.

So 14 months advanced notice. In August of 2022, Scottsdale Water sent a second notice to water haulers that water hauling outside the city of Scottsdale would cease. And then in August of -- that same August, Maricopa County rejected the formation of the domestic water improvement district for Rio Verde. In December of 2022, water hauling outside of the city of Scottsdale was stopped.

And '23, City Council approves the general structure for an IGA with Maricopa County, and then in June of 2023, Governor Hobbs signed Senate Bill 1431 authorizing the standpipe district for the Rio Verde Foothills and then this August, the Rio Verde Standpipe District stood up and began discussions with city staff on an IGA.

Summary of the proposed IGA, it terminates on December 31st, 2025, per the state law. IGA is with the Rio Verde Standpipe District only, and that's our only customer agreement. There's no city responsibility after water is delivered at the Pima Road fill station. It's contingent on the district finding its own water resource, not the city of Scottsdale.

They are limited to serving 750 residents as stipulated. The district will have a single account with subaccounts limited to 100. The cost basis is \$1,000 per month base fee as well as 17.96 per thousand gallons delivered. The fee is to increase annually as Scottsdale rates increase. I would say also with the cost the large part of that cost is due to capital recovery for the operation and maintenance of that fill station.

[Time: 01:13:56]

Taking on that fill station and ensuring that station is improved and maintained over the life of the agreement. With that, the request is for adoption of number 12892, authorizing the intergovernmental agreement, with the Rio Verde Foothills Standpipe District for a temporary raw water supply. That is my briefing.

Mayor Ortega: Thank you. We move on to public comment and we have one speaker requesting, Michael Miola. Please come forward, state your place of residence, and three minutes. Appreciate you being here.

Michael Miola: Thank you, Mayor. My name is -- and city Councilmembers, my name is Michael Miola, I'm a resident of the Rio Verde Foothills. I've lived in Scottsdale for over 22 years. The reason I am speaking is because I want to implore -- employ the committee to please adopt the

IGA. We have over 700 residents that are depending on this. You've done the job of creating an IGA.

And I'm also a member of the board of the standpipe district, and I look forward to getting the water to Scottsdale so that you can purify it so that our residents don't have to make a decision as to whether or not they're going to flush their toilets or have enough water to cook food that night. So I thank you for all of your consideration.

Mayor Ortega: Thank you. With that we will close the public discussion. And I see Councilmember Graham.

Councilmember Graham: I was going to make a motion. I don't have any questions. Okay. Well, if my colleagues are okay with that. I will move to adopt resolution number 12892 and I'd like to make a modification to that resolution, that would be in the intergovernmental agreement, between Scottsdale and the Rio Verde Foothills Standpipe District, there is a section, Section 14 -- I'm sorry, paragraph 14 -- I'm getting a nod from the city attorney, that's the correct terminology.

Paragraph 14 is the term of the agreement, and I would like to move to just delete the -- there's two sentences there. And my motion includes deletion of the second sentence, which reads "the agreement may be administratively extended for a period of one additional year. Upon mutual agreement of the City Manager and the chairman of the district board, should the district be legally authorized to exist beyond December 31st, 2025." And with that, is that an appropriate motion, city attorney?

City Attorney Scott: Mayor and Councilmember Graham, yes, it is.

[Time: 01:17:22]

Councilwoman Whitehead: I will second that motion enthusiastically. I just want to thank all of my colleagues and especially the Mayor who I think Councilmember Graham said took a lot of arrows, I think was one of your comments. This was a long process to get here. And I want to thank the residents of Rio Verde Foothills for their patience.

A lot of parties were involved, people at the legislature, but I think we have a solution here that I support for the first time the residents of Rio Verde Foothills will be -- will have a water source that is not Scottsdale's water source. They will have an entity, a government entity, the standpipe district that is in charge of getting, securing water for these folks and what we do for other towns, we will do for these folks which is have an intergovernmental agreement that treats their water, that they provide to us at cost, so the city doesn't subsidize it.

It's just how governments share resources. So, again, enthusiastic second and I just extra appreciative for the Mayor and all of my Council colleagues.

Mayor Ortega: Thank you. I'm speaking next. Last February, this Council unanimously put an I.G.A. on the table. And that was sent to the jurisdiction of authority, and that was the County Board of Supervisors. This Council did it with -- in good faith. And the deal points and the stipulations that we made seven months ago hold true today. We must have a responsible party. We must have insured carriers. We must have single billing. We must have some simplicity to protect our water facilities, our water resources, and the integrity that our residents expect.

We have a world-class water facility and system. We have a mixed portfolio of water resources and we have a professional staff who do an outstanding job. We could not just let things continue the way they were. And upon taking office, we were faced with COVID and the mega drought faced us all. These are the realities that our water system was prepared for and we have continued to ask for sacrifices and competence, be competent with our resources. The other concern that I have has to do with the traffic that is caused by self-haulers. And I believe the professional insurance requirements for all have to stand.

[Time: 01:20:47]

So I do support the motion and the amendment -- well, the motion included the -- the word change but I would ask that we amend the base motion with just asking that the district provide a traffic mitigation plan. So we don't want 70 people showing up on Tuesday, right? That it can be done in an orderly way.

That's what our HOAs and our houses would expect. So that is a requirement as far as I'm concerned that they -- that would be added. So I would move for an amend to that, just to add a mitigation plan on traffic so that things could run more smoothly and respectful of the HOAs. Do I have a second?

Councilmember Graham: Point of order. Are you asking that I amend my motion.

Mayor Ortega: Your motion was read out. This would be to add to that, that we would have a mitigation, a traffic mitigation.

Councilmember Graham: Yeah, that would be fine.

Mayor Ortega: If you could -- it's a friendly motion. I would ask the maker and the second to do that.

Councilmember Graham: Sure, okay. Allow me to ask my colleagues to allow me to restate the motion. To adopt Resolution 12892, and with the amendment to delete the second sentence of paragraph 14, and with the request to -- with the request, with the other party to come to an agreement with Scottsdale city staff on traffic mitigation. Would that be satisfactory?

City Attorney Scott: Yes, that would be fine.

Councilwoman Whitehead: I will second the amended motion.

Mayor Ortega: Okay. With that, I see Councilmember Durham and then Councilwoman Caputi wishing to speak.

[Time: 01:23:13]

Councilmember Durham: Thank you, Mayor. This agreement is a great deal for Rio Verde. It solves the problems that they've had and gives them an assurance of a water supply. It's also a great deal for the City of Scottsdale because it disentangles us from supplying water to Rio Verde and provides us protection from becoming engaged with Rio -- I mean, we will be engaged with Rio Verde, but it allows us to sell them the water and then to have no -- no further relationship with them once the water leaves our hands.

And be a lot of people have worked hard to bring this to the table. It's a win/win. Mayor Ortega stood strong in protecting our water supply and disentangle us from Rio Verde and all of the Council supported him on that. And our staff -- Jim Thompson, our legal staff, worked on the documents to get this together. So it's really a -- it's a good day for both Rio Verde and the city of Scottsdale. Thank you, Mayor.

Mayor Ortega: Next, Councilwoman Caputi.

Councilwoman Caputi: It's an excellent deal for all, I'm very happy to find us at this point at the moment. My biggest concern, I guess maybe your question for the city attorney, as we sit up here and say this is a great deal, but we want to start loading other things in, I'm a little bit worried about -- I like the idea of a traffic mitigation plan.

But I'm a little bit worried that we will start loading this back up with things and I think the key is to get the water to the folks of Rio Verde quickly. I wonder how does that delay the process? Can we put a time frame on it? How does that work?

City Attorney Scott: Mayor Ortega and Councilwoman Caputi, I don't think it's going to be a problem. The agreement already anticipated the city's ability to build in policies and rules such as traffic mitigation requirements. So that shouldn't be a problem to incorporate. Also, the state law has the agreement terminating at the end of December 2025. And that's what the agreement is going to provide. I don't understand how the standpipe district could argue with that. I think these are fairly minimal changes that we can handle.

Councilwoman Caputi: Great. Then I'm comfortable with it too. I don't want to delay this process any longer. Thank you.

City Attorney Scott: Thank you.

Mayor Ortega: Thank you. It looks like we are ready for a vote. I also want to commend our Scottsdale water. I want to commend our legal staff, and, you know, actually the Rio Verde Standpipe District, they are civilians trying to understand a novel government entity. They are doing so, five people, despite the fact that the Board of Supervisors did not step up on this. I believe as everything moves forward, the water solutions long-term, he will be looking to the east, not to the west.

You will be looking at Rio Verde and assets there and another company that you are contracting with. We have our hands full with all the business of Scottsdale, and we will continue to keep contact and hope that their board would still have to accept our motion and -- as amended. With that, please record your vote. Thank you. It's unanimous. Good luck.

[Time: 01:27:50]

Mayor Ortega: We will move on to the work study. Excuse me. Okay. Next we -- okay, just so you know, I'm going to finish up and then we'll go to work study, but we'll take a break at work study. The next part of our agenda would involve public comment. Public comment is a second opportunity for members of the public to bring forward issues that are non-agendized.

I see that we have no public comment. Therefore, I will close public comment. The next item has to do with citizen petition per our charter. It allows citizens to bring forth a petition, record it with the clerk. Seeing none, therefore, I will close that public comment. At this point, we will be using the next part of our regular scheduled meeting for a work study. Do some of my colleagues want to push through or take a little break?

Councilmember Graham: Five minutes.

Mayor Ortega: Let's take a little break and we'll resume at 6:36. Thank you.

[Break]

WORK STUDY 01 – PROTECT AND PRESERVE SCOTTSDALE TASK FORCE PROGRESS REPORT

[Time: 01:36:42]

Mayor Ortega: So we have returned from a short recess. We concluded our regular meeting agenda, but we're continuing with the work study portion of our regular meeting. I want to note that all Councilmembers are here and charters as well. So at this point, we will bring forward the work study item. Work study sessions provide a less formal setting for the Mayor and Council to discuss specific topics with each other and city staff and provide staff with an opportunity to

receive direction from the Council.

We have a special evening tonight. We have a -- a discussion and certainly appreciate the input that we'll be receiving on our topic. I also have an opportunity for the public to speak regarding, in this case to Protect and Preserve Scottsdale Task Force progress report. We provide for the public to comment on our posted item, and we will actually have the presentation first, and then we will get some public comment. I show that there's one speaker requested at this time.

So we will proceed with the presenter as Sonia Andrews, our esteemed City Treasurer. We also have Cynthia Wenstrom chair, and Raoul Zubia vice chair of the Protect and Preserve Scottsdale Task Force. So please proceed.

City Treasurer Andrews: Thank you, Mayor. Thank you, Council. I'm actually going to turn this presentation over to the task force chair and vice chair, Cynthia and Raoul. I wanted to mention we have quite a few members of the task force in the audience to support this presentation tonight. Thank you.

Mayor Ortega: Is it blue?

Cynthia Wenstrom: It was green. There we go. Now we're on. Good evening and thank you very much, Sonia. We appreciate your support and working with you. Good evening, Mayor Ortega and Vice Mayor Littlefield, Councilmembers. And members of the audience, both live and virtual with us.

Right off the bat, I want to tell you that we have 10 incredible subject matter experts with us. We are the task force, but we depend greatly and mightily on our subject matter experts, including our City Treasurer Sonia Andrews, legal City Attorney, Sherry Scott, for Survey Assistant City Manager Brett Stockwell and City Clerk Ben Lane, Fire Chief Tom Shannon and Police Chief Jeff Walther, Preserve Director Kroy Ekblaw, and WestWorld Assistant City Manager is going to be covered by Kroy Ekblaw. And we have the Communications Director, Kelly Corsette.

Protect and Preserve Scottsdale Task Force is comprised of nine Scottsdale residents equally distributed from south to central and to north. I am chair, Cynthia Wenstrom and with our vice chair, Raoul Zubia, we are pleased to present our progress thus far and we thank you for this the work study opportunity.

As Ms. Andrews said, we have almost all of our task force members with us this evening. Next slide. November 2021, voters approved the general plan 2035 and in 2022, the City Council established a priority to consider renewing a two-tenth of 1% sales tax to fund key elements of the central general plan. Specifically perpetual maintenance, protection and preservation of the McDowell Sonoran Preserve, Indian Bend Wash, public safety and other needs. Next slide, please.

It's important to note renewing the two-tenth of 1% sales tax at or below this current rate does not increase the tax rate of 1.75 city tax. For those who may not know, Scottsdale has one of the lowest city tax rates in the valley. The last time I checked I believe we were second to the lowest. Next slide. Creating the task force was created through a city Council resolution in September of 2022, a year ago already.

Mentioned earlier ten citizen members -- nine citizen members were selected and appointed by the city Council in December of 2022, and in January 2023, the City Council passed a resolution to establish a work plan for this task force. Next slide, please.

The task force's mission is to serve as an advisory body to City Council on a financial strategy to protect, preserve, Scottsdale's open spaces and quality of life through identification and quantification of unfunded needs for protection, preservation, and perpetual maintenance of the city's open space, Indian Bend Wash, and green belt, and public safety and other identified needs: Next slide, please.

Beginning with phase one, and working within the Council's adoptive work plan structure, the task force chose to forgo phase one, that preliminary survey, devoting our meetings to studying materials, identifying, quantifying and prioritizing unfunded needs. That's phase two. We are now in phase three. And we are in preliminary stages of a community survey, which will provide further information so we may develop a financial strategy to present to City Council in the next several months. Next slide, please.

[Time: 01:43:02]

This task force has seven dedicated members and I emphasize dedicated with very few missed meetings and some members meeting remotely from as far away as Turkey. So again, very dedicated to this mission. From February through August, we have held 14 meetings, reviewing unfunded needs for Indian Bend Wash and other public parks. The McDowell Sonoran Preserve maintenance, fire mitigation in the wildland urban interface, police activities and public parks and McDowell Sonoran Preserve.

We also reviewed human services activities in public parks, art in open spaces and WestWorld. Just a note, the task force is not and was not tasked with supporting the root cause of homelessness and after much consideration and review, the task force members chose not to include art in public spaces for consideration at this time.

Raoul Zubia: Next slide. Restore aged Indian Bend Wash parks. The task force is looking primarily at funding needs of the five Indian Bend Wash parks that are the most aged and those parks as you can see on the slide are Vista Del Camino, Eldorado, Camelback and Chaparral. And they range in years from 56 years down to 20. Funding is needed to address parks, deterioration from age, master plan improvements and life cycle replacements. Next slide.

The two pictures you see on the screen are examples of age and deterioration of the Indian Bend Wash. The one is deterioration at Chaparral Park and then the one on the right is concrete cracks at Indian School Park which is located at Club SAR. Next slide. As I mentioned earlier, we were talking about the five Indian bend wash parks, however, there are systemwide deferred maintenance needs due to lack of funding. For each of the five Indian Bend Wash parks there's a significant improvement needed with no identified funding. Currently only lakes and irrigation repairs at Vista Del Camino and Eldorado parks which are identified, which was also approved by Council in 2020 have any funding through the bond 2019 program. There's no identified funding as shown on the slides. Next slide.

Cynthia Wenstrom: Dedicated funding is needed to expand maintenance, protection and preservation. McDowell Sonoran Preserve, 30,000 acres, currently it's funded through the general fund, which ebbs and flows from year to year. This is a critical and high priority need because this is general maintenance and operations, preservation and education, habitat protection, critical to keep this precious 30,000 plus acres a natural habitat of flora and fauna of the Sonoran Desert.

[Time: 01:46:17]

The natural animal movement from the land and the Tonto Forest to the north. It's comprised of historical ranching sites and, of course, the Sinagua people before us. Next slide, please.

Prioritizing and expanding the critical fire mitigation efforts for the wildland urban interface was made ever so real. This summer when nearly 2,000 acres burned inside and adjacent to McDowell Sonoran Preserve. An organized concerted effort by Scottsdale Fire and their wildland and other fire colleagues is a must. Fortunately, timing and fire professionals proximity to the ignition point worked in our favor, the McDowell Sonoran land, the animals in our Preserve, the firefighters and the neighbors outside of the preserve and city boundaries. Next slide, please.

The top left photo shows one of the Scottsdale's Fire brush trucks and fuel in the form of brush along north Pima Road, which abuts the preserve. Below that is the same swath of roadside after fuel abatement efforts by a cadre of professionals who cleared the brush. This is shown on the blue lines on the diagram on the right. Areas such as Pima Road's shoulder are mostly cleared with machinery, which interestingly enough leaves a bit of a lip. Think of plowing snow and leaving a little crest or edge of snow, same idea happens here, although it's gravel or soil. As it is.

This little lip, left intact has become an unintended assistant to these fire mitigation efforts. It's difficult to change human behavior, however, these lips have -- of gravel and soil have actually acted as catch-alls for things that have been thrown out of vehicles, mostly cigarette butts. We are not getting the message out there. That's tough. That's why we have to stay on top of this. Next slide, please.

Raoul Zubia: Enhancing park and preserve security. Additional park and preserve security is needed and there's currently limited funding for this, however, three park rangers will transfer from their current assignment on September 10th to become the new park ranger. Three of them will be new park rangers but new funding would allow for expanding of park ranger students with equestrian and additional patrol with additional security cameras at the park and trailheads. Next slide.

Addressing the needs of WestWorld. WestWorld is considered to be a park and open space. In addition to being an event center. In fact, 50% of events at WestWorld are held outdoors. WestWorld is a significant and critical economic engine for Scottsdale, as well as the county and state. It provides benefits to our citizens such as employment, and it also generates G.D.P. for the city, county and state.

Investment in WestWorld is needed to ensure that it continues to be a world-class event center and an economic engine for the city. Some of the needs -- some of the needs that we're studying are drainage improvements, parking lot improvements, the paving of house halls, covers for arena 6 and 7, and resurfacing Polo field perimeter road. Next slide.

And you see on the screen two pictures. The WestWorld flooding that's the Polo field. And then the second picture is the WestWorld pavement cracks. Those are the needs -- those photos are showing the improvements and paving needs. Next slide.

[Time: 01:50:07]

Cynthia Wenstrom: In summary, for the past seven months, the task force has studied myriad of documents and heard as many mentions regarding unfunded needs or an annual operating maintenance and capital improvements. You see on the slide that we have an annual operating needs again in Indian Bend Wash, and the McDowell Sonoran Preserve fire mitigation and police park rangers. Capital needs, five Indian Bend Wash parks and WestWorld. Next slide, please.

The task force has targeted December of 2023 to present its recommendation to you. With an anticipated consideration by city Council during the winter or early spring of 2024, this would tee up ballot language which is due to the county by June of 2024. In order to go to ballot, November 5, 2024, or 15 months from today. Next slide, please.

This evening, we seek your questions and there are about ten subject matter experts to assist with those questions. And we seek also your input so that we may be as deliberate as possible and succinct as we complete our mission to return with a recommendation to you on behalf and before the end of the year.

[Time: 01:51:37]

Mayor Ortega: Well, thank you very much. At this point, I will move to -- excuse me, we'll take public comment. Public comment is an opportunity to speak about the agenda item. We will have one speaker requesting. That is Linda Milhaven. Former Councilwoman Milhaven.

Linda Milhaven: Thank you, Mayor. Mayor and Council, my name is Linda Milhaven and I live on Belgian Trail here in Scottsdale. I have been able to attend most of the Protect and Preserve Task Force meetings and offer a few thoughts, but first I want to thank all of the task force members for all of their hard work and the hours and hours of time that they have already put into this project.

My first comment relates to the current Preserve tax. Some estimate that there may be as much as \$250 million in tax collections left over after all the Preserve bonds have been paid off. As you know, these monies can only be used for land acquisition and capital improvements. We should not be considering renewing any taxes until we have considered how these excess monies would be used and whether we should ask the citizens to allow us to repurpose future tax collections for maintenance and operations. Please direct the task force to consider what is to be done with the remaining tax and consider a ballot question to repurpose these funds.

Second, I was disappointed to hear some task force members share in a meeting that they had gotten direction from city Councilmembers on what should or should not be covered by the renewed tax. I've heard all of you talk about the importance of listening to citizens, so I'm surprised to think that some of you are trying to predetermine the outcome of this discussion without the full input of the task force or the results of the citizen survey. Going forward, I hope you will be open to the citizen input.

Finally, the item that was taken out of the presentation as a result of Councilmember feedback, was the preservation of public art in our open spaces and rights of way. Some argue that because we have a contract with Scottsdale Arts that we should not be considering funding the preservations of the art. Folks should keep in mind that public art funding is specifically allocated to public art only and is separate from the other arts funding. The city owns art and contracts with the Scottsdale Arts to manage these assets. Agreement would be similar to hiring someone to do work in your home. You pay for their time and for the materials needed to do the work. The same would be true with public art. To exclude this from the discussion because Councilmembers would not support it corrupts the process of citizen input and I hope that you will direct the task force to have a full discussion on this topic.

To summarize, I hope you direct the task force to consider how to use remaining tax dollars to including public art and be open to the thoughts and opinions of citizens on this task force and from the survey. Thank you.

[Time: 01:54:31]

Mayor Ortega: Thank you. With that, I will close public comment. We have a discussion.

Councilmember Durham?

Councilmember Durham: Thank you, Mayor. Former Councilmember Milhaven brought up one subject that I was interested in, and that was the funding related to maintenance of public art. I understand from your presentation, you sort of taken that off the wish list, and if that's so, I wanted to hear what the explanations for that were. Thank you.

Mayor Ortega: Please respond.

Cynthia Wenstrom: Certainly. Glad to respond. Thank you for that question. So a lot of discussion came around the arts in the fact that it has a five-year contract, which is renewed regularly. And we looked at the fact that we're right in the middle of that renewal. It's not here yet, but it's coming up soon. So the question became why are we putting more money into public art at this time in this way? As well as doing some astute learning on the Scottsdale of the Arts where they were heavy on the personnel and the programming side. So that was the other thing that really tipped the bucket for us. When it came to a vote it was not a unanimous vote, but it was a majority vote.

Councilmember Durham: All right. Thank you.

Mayor Ortega: Next we have Councilwoman Whitehead.

Councilwoman Whitehead: Of course, I want to thank all of you when we voted to put you on this committee. I don't even think we as a Council recognized how many meetings you were going to have and how much we were going to make you learn about our city and our needs. So huge thank you.

And I do want to address a couple quick -- well, first of all, I want to talk about the good news and former Councilman Milhaven brought this up. There's a lot of talk about inflation and how that's impacted some of our projects. Let's talk about the amazing deals we got buying the most expensive land in the state. And I will call out Karla, who was one of the originals and even I have been -- many of us were involved in protecting this Preserve in one way or another.

But what this -- what the voters did was they approved tax hikes for a very specific cause, and a cause that benefited everyone today and in the future. And those tax dollars were identified for a purpose and spent for that purpose. And because we were so prudent with the dollars and because we're good at wheeling and dealing, thank you, Kroy, and Mayor Lane, giving him a call out, we bought a lot of that land after we convinced the state to reclassify it for conservation and during the recession, during 2009-10, that time frame. We got a lot of land for very little money. So congratulations to the entire city for doing that.

And as a result, we do have possibly some money. We're going through it. I want to point out that we're not done with our needs. But we probably will have an excess. What does that mean?

It doesn't mean that we look for things to spend the money on. That's not how Scottsdale keeps the lowest taxes in the state. The way we do it, we will probably -- if I was going to bet money on it, we're probably going to be able to reduce the ask for the future tax. So we will be able to reduce taxes and still deliver what we need to do to maintain our city, to prevent wildfires like what we just saw in Hawaii, to protect our citizens when they are in our parks, and to make sure that every single park, whether it's in 85257, or up north by the preserve looks just as world-class as any other park. And that's missing right now. So we have real needs.

I also want to point out, it's easy to take it for granted that voters will approve what we send out to them, because, hey, guess what, they approved the general plan. And they approved the bonds. Both of them pretty, pretty -- with a good margin. But we have to remember that throughout the 2010s, voters rejected that which the Council asked them to approve. And we don't want to make that mistake again.

And so when I thought it was good guidance, chairperson Wenstrom asked the committee members, okay, we spent months and months and months talking, why don't you good et cetera some feedback before you go out -- you get some feedback before you go out to the public, because that's where the rubber hits the road. Why don't you get some feedback from the Councilmembers what will fly. And I like to win.

[Time: 01:59:54]

And I strongly believe that this committee came to the right conclusion, if we focus this tax on that which we said we were going to focus, parks, preserve, public safety, the voters, I believe, will trust us again and deliver. And I will tell you, again, being the door knocker that I am, and having knocked on thousands of doors in my few years, people are very upset about the parks particularly in the south.

And I will tell you that these residents over and over and over again tell me one thing. It was my vote that bought that preserve. And it's true. We would not have the McDowell Sonoran Preserve without the votes of those who live in the south. And it's time to deliver money to their part of town and to make our parks beautiful again because they are not. So I'm excited about the progress and support everything you have done.

Mayor Ortega: Thank you. Councilwoman Janik.

Councilwoman Janik: Thank you, Mayor. I have a favor to ask. Could we be introduced to all the people who are serving on this committee that is taking up a whole lot of your time?

Cynthia Wenstrom: Absolutely. Let's just go around the room, I will call off names and you can stand is that okay?

Councilmember Graham: You can go to a microphone. Can we pass the mic.

Cynthia Wenstrom: So Karla. You can continue standing. Nicholas Hartmann. Daniel Schweiker, John Zikias, Raoul Zubia, James Eaneman, Jace McKeighan, and Mark Winkelman.

Councilmember Graham: Is one of them in Turkey?

Councilwoman Janik: Thank you, so, so much for your time and effort and your knowledge that you have used to make all of these decisions. And then I have a couple other comments. I do believe that Linda Milhaven made some very good suggestions. We are aware that it looks like this will be excess funding at the end of -- when the bonds terminate.

[Time: 02:02:19]

And I think it is incumbent upon us as a Council and our treasurer to actually say what we think these funds will be used for. I think we all know that we need to be very, very specific with every one of these projects we mentioned, and we do need guidelines, pretty strict guidelines on how much each one of will cost. I think that there's a little bit of a -- I shouldn't bring this up, but there's a bit of a bad taste in the mouths of most of our citizens because of the cost overruns on the big bond issue that was passed.

We don't want that to happen again and hopefully inflation doesn't accelerate to the level it did in the past couple of years. So my big ask would be very, very specific when you get down to the line item detail, I think that will help quite a bit in getting this passed. I firmly believe that we need -- now that our parks are older, we need to make sure that we keep them up to date and I think we failed a bit, especially in our parks in the southern area.

As our time goes on, our Preserve needs more and more work. And I think it's really, really important that we work on the fire mitigation and the protection of our open spaces. I've had so many emails on unsafe conditions that are existing in parks and in the Preserve. And I think we really, really need to support our police so that they can travel through these areas regularly on bike, on horseback, to make sure they're safe areas. We do not want our parks to be avoided by the very people that they are supposed to use for enjoyment. So that's really, really critical to this effort.

The other thing and I don't want to be a nay sayer, but I really need more justification on the needs of WestWorld and why does it have to come from the bond? Is it the appropriate place for it to come from? Or should it come from other funds that the city has? So for me, I would really like a little bit more explanation on -- I get drainage. I get parking. Somewhat paving. But the covers for the arenas and the resurfacing fields, I really, really need more detail on that. So those are kind of my comments. But I love everything else you've done. I think it's wonderful. I think it's right on target. And, again, I thank you for all the time and effort and thought.

Cynthia Wenstrom: Thank you.

Mayor Ortega: Thank you. Really appreciate constructive comments and Vice Mayor Littlefield and then -- and then Caputi. Councilwoman Caputi.

Vice Mayor Littlefield: Thank you, Mayor. I would like to thank you all for all the time you've spent, the hard work you've done, the research you've looked into, the studying you've done, the analysis. I really appreciate all the hard work. We -- it makes a difference when you come to talk to us. I would like to echo Councilwoman Janik's points.

[Time: 02:05:33]

It's part of the park system, if you will, and that poor tent has been up there for so many years and all the way back when Bob was on the Council, they were talking we need to change it out. We need to strip it and put a permanent one on and we have never done that. And the thing is still hanging on by its fingernails. So I really believe that this is an important thing for the longevity of WestWorld itself.

But I agree with all of the things that she has said and that you have said. I think we need to look at the bond money very, very carefully and structure it very, very carefully, because if we don't, citizens are going to notice. I can guarantee if we just kind of throw money out, there oh, we'll do this here and that, there we need a structured plan that will take into account the most desperately needed things and I think your fire prevention is part of that.

I'm also wondering if perhaps one thing that you could talk about, just for fun -- you've got to have fun in this, right? How about some things to fly overhead and check out things where you don't have to go in person. You don't have to send horses in. You don't have to send dogs in. You know, you can -- you can have some things like that, that have eyes and maybe that would be an alternative, especially if fires are already happening and you don't want to endanger anybody's life. The protection of the preserve is huge. I think most everybody in Scottsdale is very, very proud of that preserve. For what they have done and they know what they have done.

And I think we need to make sure that we do what's necessary to keep it in good shape. If we don't, we're not being good custodians to that. Parks in South Scottsdale, that's another thing. We need to put that on a high priority list and it's been too low. We need to mark that up. The parks need to be maintained.

[Time: 02:07:58]

They need to be reseeded for grass. The lake -- reseeded for grass. The lake, and the underground piping needs to be fixed from scratch, so it lasts for another 20, 30 years. We don't want for one thing want to lose water in leaks. That gets a little expensive after a while. So I

agree with all of these things.

I'd like to see a comprehensive list of projects, Preserve projects, park projects, open space, and I would like to see a comprehensive realistic analysis of how much money are we going to have when those bonds are paid off. What are we going to have to work with? And what do we need to do if we need more? What is the best road to take? Is it ask for more bonds right now? I'm not sure that that would be real popular.

But how can we manage to get the most bang for the bucks, for the bucks that we have. Let's start there, you know? That's not difficult. And then see where do we need to go from that point on? And I think that would be a real good working position to take because I'm -- I'm a realist, I'm practical. Right now people are hurting.

I'm not sure it's going to get better. I'm not sure it's going to get worse, but whatever it does, we need to look at what's happening in the physical world of Scottsdale and what do we need to do to maintain that world at a high level? I think you guys do a tremendous job at that, and you are fantastic. And I want to thank you very, very much for all that you do do. Firemen, policemen, we all play a part. We all play together to try and make Scottsdale wonderful.

Cynthia Wenstrom: Absolutely. Thank you.

Vice Mayor Littlefield: Thank you.

Mayor Ortega: Thank you. Next, we have Councilwoman Caputi and then Councilmember Graham.

Councilwoman Caputi: Thank you, Mayor. I really have been struggling in general with this topic. I think that, you know, we're asking the citizens to continue with a tax whose purpose is done. We've acquired all the land in the preserve and that was the purpose of this tax. And so, again, the struggle for me is, you know, how do we ask our residents to continue with a tax that, again, purpose is gone.

On the other hand, this is Scottsdale. We are gold -- we are a golden city and our citizens want the highest possible amenities. We want all the open space that we have. And certainly, we have unfunded needed particularly in the south of the city, which thank you task force for pointing that out because even I was really amazed to actually see some of the discrepancy. I think it's really important that we understand that we are entering into a future that's uncertain.

[Time: 02:10:57]

It's my opinion that we are going to be having decreased revenues going forward. I think most of the economic activity that we're seeing today was generated in previous years and approved by previous Councils. We all know that the residential tax is going away. The legislature is also

going to be rolling out a flat income tax. We have state shared revenues that are going down because we have a decreasing -- I'm sorry, the rate of our population is not increasing as fast as it has in the past which is going to result in lower state shared revenues.

We're also losing young families with children and that's the exact demographic that tends to spend the most amount of money. So, again, when you look at all of those things together, we are for sure looking at a future where we have decreased revenues. And, again, as I say all the time, we can't maintain this situation where we have the most open space, the most incredible amenities, and the lowest taxes without having a vibrant and robust economy. So I think that we're on the right track.

We definitely want to go and ask the residents. I think they need to decide if they are willing to maintain a tax in order to keep the things that we love about our city. I tend to agree. I don't think we should shut down the options. That was the whole point of making a task force, to come up with a whole menu of, you know, what would it be if we were going to continue with this tax, which, again, I'm conflicted with. I don't necessarily know that we need to continue a tax that is no longer needed for that purpose. But having said that, we owe it to the residents to ask them.

And I think part of the questions need to be -- and maybe this has to be ironed out before it actually goes to a ballot. It's .2%. Maybe we need to come one a figure that's something else. Maybe some of these needs don't actually require us to continue with that large of an amount. And I also want to just throw out there, that, of course, maintenance and preservation of our preserve and possibly open spaces has to be number one. That was the whole reason for the tax in the first place.

We have a second tax that's going to be expiring into the future, 2035, I believe that's .15% tax. I would like to see us actually consider using that leftover money as well to maintain and preserve our preserve into perpetuity, because I'm almost positive after many conversations with our city treasurer that we should have plenty of funds left over. And, again, that's what the purpose of those funds were originally.

We've made this amazing investment and we absolutely have the responsibility to maintain it, but, again, I would -- I would ask our task force to please not limit the options. Let's see what we are going to do with this money, if, indeed the residents decide they want to continue to tax themselves and maybe it's not .2, maybe it's some other amount. Let's definitely -- I think my theme is let's stay flexible and keep all of our options open. Why do we diminish them if we don't have to. That would be my suggestion. Thank you.

Cynthia Wenstrom: Thank you.

Mayor Ortega: Thank you. Next Councilmember Graham and then Councilwoman Whitehead and Durham. So Councilmember Graham.

[Time: 02:14:38]

Councilmember Graham: Thank you, Mayor. Same appreciation as my colleagues for all that the task force is doing. Very talented group and just been very impressed with the scrutiny that they have given to the subject matter and keeping their charge. The -- to be a little more critical about the overall mission here, and kind of echo some of my colleagues' doubts. The -- I agree with the sentiment that there's kind of distrust in some of the things local government has done and -- and I think there's also anxiety or trepidation about where the economy is going.

So I do want to kind of level set and say that I don't think this is an extension of a sales tax. It cannot be considered an extension because it's for an entirely different purpose. When they proposed this tax that's under topic or under discussion, the .2, that was promised, that it's temporary, we will raise the money. We'll execute the intended purpose, and then we will let it expire. We promise. And we did that. The city did that.

We also had a second tax and the mission was completed. So I think anything that we consider, whether we raise it .05, .1, whatever it is, it must be considered a tax increase. And we should frame it that way, against the very narrowly tailored and clear benefits that we get from the tax increase. We -- we raise taxes recently. We raised fees. We raised utilities.

People have their own budgets and so when we come in and we raise their taxes, that eats from anywhere budgets. So we just have to be sensitive of that. I think there's also some distrust and some of my colleagues were talking about this, with -- we haven't made delivery on the 2019 bonds. And that -- a lot of that was outside of our scope, as far as -- or outside of our hands, I would argue as far as inflation and some. Supply chain and who knew what -- nobody knew then what would happen subsequently. But some of that was also, you know, not inflation. And this was some scope changes and there was some switching up projects and that has led to some distrust or unease from some of the residents. So I think as we move forward, I think taxpayers are going to want assurances as far as what specific problem will these fix?

They -- you know, clarity -- simplicity and clarity is going to be crucial. You know, for example when we look at Indian Bend Wash, the southern section, Vista Del Camino, and El Dorado and Camelback Park, and Chaparral Park, residents are looking and saying we built all of this other stuff and we invested all of this money and we are building this and that. How do we know that that just wasn't neglect or that wasn't what the city chose to -- to prioritize the existing resources?

[Time: 02:18:14]

We've spent millions of dollars on new parks and we neglected some of our existing parks and I know that a new park is flashier than, you know, fixing steps at an existing park, but I think being able to answer those questions to residents and saying -- and just leveling with them and saying

here's the deal.

So the question is: Can we tell residents and our taxpayers that we are spending their money wisely and that we're not just coming back and asking for more? So that's one question. I think a lot of residents are going to be asking and wondering. And those are just sort of, I guess some items that I'm pondering. The -- and some questions I have sort of financially, then I talked about this with the treasurer a little bit.

But it would be nice -- and many of my colleagues have already mentioned this. We don't know how much tax is going to be left over from the .15 that's expiring, whichever year it's going to be expiring. What year is that? 2035. It's got a lot of runway left. So we -- we don't know how much -- because part of that is, you know, it is a budget. We don't know how much we will take in.

Like some of the colleagues said, revenues and receipts may go down. We don't know what will be left in there. We also don't know what we want to buy with that money. Because the language is very specific. It says acquisition and capital improvements. Maybe we buy a land bridge or we fix or improve a trailhead. We don't know what the remaining balance is. We don't know what the receipts are going to be and what we will be doing with it, as far as what my colleagues decide going forward, meeting the intended purpose of that. But if there is an excess, getting a handle on how much that is, and what -- and then this Council and ultimately the residents decide what do we do with that?

Another question I really want to know and this is going to be hard is how much benefit are we going to get? How much -- how much in revenue are going to take in for every, you know, five basis points of tax that we increase? And we kind of talked about this a little bit, Sonia. If -- if we let it expire, then we -- and then we add a sales tax of .05, how much of that is -- how much is that going to be and what can we buy with that? Or if we want to go up to .10, just kind of these -- running these simulations so we can have a clear, more complex picture of what we are dealing with. And then -- so those are some of the ponderings I have and some of the questions that are before us.

I had one other thing is that I guess maybe just sort of my sentiment, and I don't speak for my colleagues here, but I do think that with the sentiment that I see and I hear from residents and residents talk to me about, I think keeping any hike, tax increase as minimal as possible is important. And I would prefer a temporary -- a temporary increase to a permanent one. Temporary one is expiring. We haven't brought that up. The distinction between replacing a temporary with a permanent, but for me, 20 years or whatever it is, would be preferable. So those are some of my musings and thank you for taking a moment to hear me. And thank you for allowing us to hear you. Thank you for your efforts. Thank you for your volunteerism. The city owes you a debt. And with that, I appreciate my colleagues. Mayor, thank you.

[Time: 02:22:09]

Mayor Ortega: Thank you. Next Councilwoman Whitehead and then Councilmember Durham.

Councilwoman Whitehead: Okay. Thank you, Mayor. I do agree with a lot that my colleagues have said. Councilwoman Caputi said that she's open to a tax other than .2. And I agree with Councilman Graham who says that it's not a continuance. This is a new tax. We're ending one tax and we're going to ask the voters to consider another tax and, again, that tax can be much lower than the current tax.

I also would like more information on temporary versus permanent. But I want to give some specific ideas for consideration, because now comes the hard part. You guys have kind of come up with a focus area and now we've got to really get specific. As I pointed out, the volunteers, when they realize that they will benefit, when they know what they're going to get and even -- and Councilman Graham is a little more pessimistic about the bonds, but we have done beautiful projects with the bonds, just as we did in 2001. If we tell voters what they are going to get after listening to the voters, they will approve it.

A couple of items I want to bring up. The tax, this is a sales tax. Not a property tax. And we get a lot of help from the visitors, snowbirds, visitors, even, you know, Paradise Valley people coming over to shop here. So I don't want to put you open the spot, Sonia, our city treasurer, but do you have a ballpark estimate of how much of the tax for the Preserve was paid for by visitors?

City Treasurer Andrews: Mayor, Councilmembers, I'm sorry, I don't have that off the top of my head.

Councilwoman Whitehead: You know what I think I might have asked you that and I forget. I think it's really important, though when you are doing your deliberations that visitors are paying for us to have in this last round a Preserve. And visitors will pay to rejuvenate our parks and it's a pretty significant chunk. I also think it's important, in addition to having voters know exactly what they're getting.

So we don't just say, oh, we're going to fix the parks. We force Nick to come up with a specific projects, prioritize those projects and tell us, you know, approximately how much it will cost and what's the timeline. So now, like I said, your job is harder. We need some specifics. We know these are estimates but we need to get really specific. Also, on the .15 tax that's expiring in 2034, there are still some needs.

We don't need trailheads, but we absolutely must have a land bridge and Councilman Graham brought that up. It is tragic what happens and I'm so grateful that around the nation communities are building these land bridges. Without it, we might not have a living Preserve. So that's key.

[Time: 02:25:21]

So, again, task force. Ask Kroy, let's get an estimate. How much is that land bridge? And I also want to talk about land acquisitions. We're -- I don't see us getting -- going all in with land acquisitions like we did for the 30,000 acres, but there will be a couple of key parcels here and there that we can negotiate out of a developer's hands. And that might be worth a few million dollars. So it's not that there aren't -- and why would we want these couple acres?

They might be key for a biodiversity reason. So I am thrilled and open to the idea of asking voters to expand the uses, but I think we still -- I want the committee members to keep in mind and to get pricing for the big needs that we do have that are already approved for that tax. One other thing I want to point out is that for years, we've had volunteers, like John who is in the audience, trying to upkeep our invasive plants. We just can't do it. It's backbreaking work. It's dangerous work. And it's deadly, if we don't deal with it.

So these are some of the very real needs that we have. And I think if residents realize how little they're paying, just like I don't think anybody would say, gosh, that preserve cost me a lot of money, but everybody is in this. Same thing. Nobody is going to pay a lot of money. That's the beauty. Taxes. We all pitch in a little bit. PWe don't even notice it but boy, do we get payback if we do it right and I'm sure we can do it right. So go forth and get some specifics out of our wonderful staff people and get input from the residents. Thank you.

Cynthia Wenstrom: Thank you.

Mayor Ortega: Thank you. Councilmember Durham and then myself.

Councilmember Durham: Thank you, Mayor. I disagree with Councilmember Graham and I think Councilmember Whitehead that we should raise this as a new tax. I don't see any reason to do that. It's almost certainly going to be lower than it is now. And people in Scottsdale are smart. You don't have to say, you know -- you don't have to say this is a new tax. If you tell them, you know, now it's .2 and it's going to go down to whatever, they'll say, okay. You know? It doesn't matter.

The key to this and I agree with what most everybody else said, is we've got to be very specific on how this is going to benefit people. And number one on that list is the emphasis on fixing the southern parks. I think that's got to be number one. Number two is possibly maintenance for the Preserve.

I think Council -- former Councilmember Milhaven pointed out, I think it's got to be an essential part of this, is that we allow the use of the remaining funds to be spent on maintenance and other things, which can't be done under -- under the current ordinances. I agree with Councilmember Janik on these arena covers. I'm not sure anybody is going to go wild over putting roofs over some of these arenas. Because I don't know how many people are ever going to utilize those and, you know, maybe go see the horse show, but it just doesn't strike me as one

that's big -- that's a big one.

[Time: 02:29:00]

So I agree, we have to focus in on how much money we expect to have left. What would be needed as possibly a sinking fund to create a maintenance preserve or a maintenance fund for the preserve. I think that's an important part of this, is to create something that's in perpetuity. Going to take care of the preserve and that probably means not capping the tax at 20 years or whatever it will certainly be a lot lower, but we need something to maintain that fund. But the most important thing is, I think, we've got to be very specific, as everyone has said about what you're going to get for this.

People understood that on the Preserve. And I think we need to be equally clear on this that these are the benefits that you are going to receive from this. Thank you.

Cynthia Wenstrom: Thank you.

Mayor Ortega: Okay. I have myself and then Councilwoman Janik. Thank you, task force, you are about a quarter of the way through, okay? And what's happening is they are helping us sharpen the focus, right? The focus is at this point, not about taxes per se, because we don't just take taxes and put them in the bank and say, great for taxes.

You know, the question is: How can value be brought in our community? And Scottsdale has always been known to have a reach, right? To have a reach. To be aspirational, by getting the land, by having the green belt, and then by dealing with wear and tear on everything. We have the best railroad park in the country and we're making it even better. There's another \$10 million going into that space. And it means that the events that nick and the staff put together elevate that park, that property even higher than where it is and what we've known. The real point of this discussion is how do we take ownership?

[Time: 02:31:36]

And ownership means that as a community, we can identify needs where there's wear and tear, because, you know, I don't like seeing it coming to me as a lawsuit where some bike cracked up and now we are looking at half a million dollars, because that area needed to be maintained. Once we have ownership, I would foresee that we would have the -- I don't want to say rangers. 44. We have 44 parks.

And people will take ownership of that, just as we have the wonderful McDowell Sonoran stewards. Well, think, someone will say, I'm one of the 44, park 44, I care about my neighborhood park, my pocket park, wherever that may be. That reach, you know, we are the only city with a part of 131 miles of SRP canal that has -- has a vertical bank on it. That has an event venue that no one else can touch.

That was aspirational that happened in '86 when Mayor Drinkwater signed an agreement. It was 35 years. Just last year, I signed a 35-year -- a 30-year renewal of that. So all of those are wide perspectives, right? They're longer than our lifespans and they are meaningful. I think we heard from a couple of people applying for our parks and rec that said, hey, I went to the same school that my mom did here in Scottsdale. I want my kids to go there too. I mean, think about that. That's durability. That's really a buy-in that we can look for.

Is it good to be skeptical? Of course, it is. There can be uncertainties all the time. But at the same time, our reach has to be focused for multiple results. For instance, in those 40-some parks, we have an opportunity to expand our tree canopy. Our tree canopy, right? And 40 years ago they were planting mulberries and they're horrible for allergies. A lot of them are the pistachio, out of the Middle East. And we know they have a good lifespan and the equipment. We upgraded our A.D.A. playgrounds but we need to have a survivable shade canopy, and that's consistent with the heavily used, what I would call, you know, our 44 parks.

We also, you know, have a big obligation for safety and that is where a lot of areas get worn out, and we're looking at 50 to 60 years of wear and tear that needs to be you know, replaced. Can we get that as we move forward in terms of identifying where the needs are? The needs and this is why however you all are doing and resourcing -- now we'll get to the financial end of it as well.

Because frankly, the lower third of Scottsdale has more needs at this point in terms of replacements and so -- replacements and so forth. We'll find out. That's my suspicion. I don't want to jump to conclusions. Scottsdale made a big reach going for 57 square miles. That's a lot of territory to cover. As long as we own it, we will be responsible up here to see how we can make the two ends meet, right? And it's a good task.

This is why we are here. This is why even when the packs and rec asked us to help redesign in Indian School park and they asked for community participation and all that. It's a good thing. We invite more participation. I think what we are going to be is responsible steward and I say that because some people will say you know, Council, why are you making me pull my turf out or whatever? Well we are encouraging you to, because there's a tradeoff. We have beautiful park areas. That's where we spend the money for the community social, you know, enjoyment. And that's a good thing. So that's how we have to deal with give and take and balance the checkbook as well. I look forward to the next report.

And I see Councilwoman Janik.

[Time: 02:37:00]

Councilwoman Janik: I totally agree with what your comments are. It's always nice to build new and shiny objects, new projects and plant new trees and new buildings but we need to maintain

them. I feel we have been remiss in the past that we have not provided funds to maintain what we're doing. When you buy a house, you know that you are going to have to clean the floors, replace the tile, put fertilizer down for the grass, et cetera. And I think now the reality has hit we're maturing as a city and it's important to know that we need to maintain what we have. I think with this task force, we have realized that and now it's time to act on it. I'm very much looking forward to what the final outcome is. So thank you.

Cynthia Wenstrom: Thank you.

Mayor Ortega: Vice Mayor, battling cleanup.

Vice Mayor Littlefield: Yes, final comment. I totally agree with what the Council is saying. I think this is the right track to take. I think maintaining what we have is one the most important things that we can look at right now. So thank you all very much. Thank you for all the work you've done.

[Time: 02:37:25]

Mayor Ortega: Okay. Councilmember Graham.

Councilmember Graham: Thank you to protect and preserve for all you are doing and with that I would move to adjourn.

Councilwoman Whitehead: I will second it.

Mayor Ortega: Thank you. We are concluded and enjoy the rest of the evening. Oh, let's record your vote. Excuse me. Please record your vote. Thank you. We are unanimous. We are adjourned.