#### SCOTTSDALE CITY COUNCIL REGULAR MEETING MINUTES MONDAY, MAY 6, 2024



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

#### CALL TO ORDER

Mayor David D. Ortega called to order a Regular Meeting of the Scottsdale City Council at 5:00 P.M. on Monday, May 6, 2024 in the City Hall Kiva Forum.

#### ROLL CALL

<u>Present</u> :	Mayor David D. Ortega; Vice Mayor Solange Whitehead; and Councilmembers Tammy Caputi, Tom Durham, Barry Graham, Betty Janik, and Kathy Littlefield
<u>Also Present</u> :	City Manager Jim Thompson, City Attorney Sherry Scott, City Treasurer Sonia Andrews, and City Clerk Ben Lane

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Durham.

#### **MAYOR'S REPORT**

Mayor Ortega called attention to the ongoing wars in foreign countries as they fight to protect their democracy and freedom and asked for a moment of silent reflection for these war-torn countries and for the safety of our military personnel.

Mayor Ortega presented a proclamation to the 2024 Sustainable Scottsdale Award winner, the organization known as "Our City".

#### **CITY MANAGER'S REPORT**

• Fast Five Video Update Note: The Council may make comments or ask questions to the presenter(s); however, no Council action will be taken.

City Manager Jim Thompson introduced a "Fast Five" video produced by the City's Communications Office which provided updates on several City events and offerings.

<u>NOTE:</u> MINUTES OF CITY COUNCIL MEETINGS AND WORK STUDY SESSIONS ARE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF ARIZONA REVISED STATUTES. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN AND DIRECTION GIVEN BY THE CITY COUNCIL AND ARE NOT VERBATIM TRANSCRIPTS. DIGITAL RECORDINGS AND CLOSED CAPTION TRANSCRIPTS OF SCOTTSDALE CITY COUNCIL MEETINGS ARE AVAILABLE ONLINE AND ARE ON FILE IN THE CITY CLERK'S OFFICE. Scottsdale City Council Regular Meeting Monday, May 6, 2024

Mayor Ortega noted that Stephanie Hirata, who provided the on-air narration for the Fast Five Videos, was leaving the City and congratulated on her new position with APS.

#### **PUBLIC COMMENT**

Stephen Casares thanked the Scottsdale Police and Fire Departments for keeping the City safe.

#### MINUTES

#### Request: Approve the Regular Meeting and Work Study Session Minutes of March 19, 2024

#### MOTION AND VOTE - MINUTES

Mayor Ortega made a motion to approve the Regular Meeting and Work Study Session Minutes of March 19, 2024. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

#### **CONSENT AGENDA**

#### 1. Jamie's Bottle Shop Liquor License (13-LL-2024)

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 10 (beer and wine store) State liquor license for a new location and owner.

Location: 7033 E. Main Street, Suite 102 Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

#### Lane Park Scottsdale Liquor License (14-LL-2024) Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for a new location and owner. Location: 7232 E. 1<sup>st</sup> Street Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

#### 3. Basil's Booze Liquor License (15-LL-2024)

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 4 (wholesaler) State liquor license for a new location and owner. Location: 10501 N. 116<sup>th</sup> Street, Unit 1145 Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

4. El Carbon Liquor License (17-LL-2024)

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for an existing location with a new owner. **Location:** 7704 E. Doubletree Ranch Road, Suite 115

Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

#### 5. Sereno Canyon Phase 4F2 Final Plat (16-PP-2017#28)

**Request:** Approve the final plat to replat Sereno Canyon Plat Phase 4F2, on ±3.89 acres of a 350-acre site, as per Phase 4 of the Sereno Canyon Community Phasing Plan and Final Plat, to establish eight (8) resort units within the Resort/Townhouse Residential, Environmentally Sensitive Lands (R-4R ESL) zoning portion of the site. **Location:** Generally located between E. Alameda Road and E. Pinnacle Peak Road alignment (along N. 128<sup>th</sup> Street and E. Sereno Canyon Parkway) **Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, <u>eperreault@scottsdaleaz.gov</u>

#### 6. Reappointment of Pro Tem Judges for City Court

**Request:** Adopt **Resolution No. 13108** authorizing the following reappointments of Pro Tem Judges for a four-year term for the period of May 17, 2024, through May 16, 2028: Nathan Benedict, Catherine Gaudreau, Jacqueline Kochis-Chapman, Peter Reinstein, and Robert Ventrella.

**Staff Contact(s):** Marianne Bayardi, Presiding Judge, 480-312-2775, c/o <u>cphelps@scottsdaleaz.gov</u>

#### 7. Housing Choice Voucher Program Software Services Contract

**Request:** Adopt **Resolution No. 13098** authorizing Contract No. 2024-069-COS with Emphasys Computer Solutions, Inc., doing business as Emphasys Software, in the amount of \$18,046, for an additional one-year extension period beyond the five years administratively authorized through Administrative Contract No. 17RP028-A. **Staff Contact(s):** Judy Doyle, Community Services Assistant Executive Director, 480-312-2691, <u>idoyle@scottsdaleaz.gov</u>

#### 8. Post COVID Education and Social Isolation Intergovernmental Agreement (IGA) Amendment

#### Request: Adopt Resolution No. 13120 to authorize:

- Agreement No. 2023-124-COS-A1, the first amendment to the IGA with the Maricopa County Department of Public Health, extending the term of the IGA to December 31, 2024, to provide services and education related to social isolation experienced by seniors and disabled adults.
- The City Manager, or designee, to execute any other documents and take such other actions as necessary to carry out the purpose of this Resolution and IGA.
  Staff Contact(s): Judy Doyle, Community Services Assistant Executive Director, 480-312-2691, jdoyle@scottsdaleaz.gov
- 9. Scottsdale Family Advocacy Center Intergovernmental Agreement (IGA) Amendment Request: Adopt Resolution No. 13101 authorizing Agreement No. 2010-074-COS-A4, the fourth amendment to the IGA with the Arizona Department of Child Safety, extending the term of the IGA to May 31, 2029, for use of the Scottsdale Family Advocacy Center. Staff Contact(s): Jeff Walther, Chief of Police, 480-312-1900, jwalther@scottsdaleaz.gov

#### 10. Groundwater Well Infrastructure Real Property Acquisition Request: Adopt Resolution No. 13117 to authorize:

 That certain fee simple and easement interests in certain real properties be acquired by dedication, donation, or purchase, or the exercise of the power of eminent domain as a matter of public necessity, for the public purpose of infrastructure installation to convert Well PG-41 to a production well, to bring new off-project water into the Scottsdale Water portfolio. 2. The City Manager, or designee, to approve revised or substituted legal descriptions and specify additional or other property interests to be acquired for this project; provided, however, that the City Manager may not increase the total area of all property taken as authorized by this resolution by more than twenty percent (20%) without further authority from the City Council.

**Staff Contact(s):** Brian Biesemeyer, Water Resources Executive Director, 480-312-5683, <u>bbiesemeyer@scottsdaleaz.gov</u>

## 11. Nuisance Parties and Vacation Rental Code Amendments Requests:

- Adopt Ordinance No. 4626 amending Scottsdale Revised Code, Chapter 18, Public Nuisance and Property Maintenance, Article VIII, by amending Section 18-122, Definitions; amending Section 18-131, Unlawful for a promoter to advertise, permit or organize a nuisance party or unlawful gathering; unlawful for a promoter to advertise a special event at a residence within the city without having first obtained a special event permit; civil penalties; adding Section 18-132, Scottsdale police officer authority to order persons to leave a nuisance party or unruly gathering; notice; and penalty for failure to leave or entry after notice; and adding Section 18-133, Other remedies, relating to nuisance parties and unlawful gatherings.
- Adopt Ordinance No. 4627 amending Scottsdale Revised Code, Chapter 18, Public Nuisance and Property Maintenance, Article IX, by adding Section 18-178, Rental of vacation rentals and short-term rentals by juveniles prohibited; penalty.
  Staff Contact(s): Brent Stockwell, Assistant City Manager, 480-312-7288, bstockwell@scottsdaleaz.gov

(Moved to Regular Agenda, see page 5)

- 12. Nationwide General Insurance Company v. City of Scottsdale Settlement Agreement Request: Adopt Resolution No. 13116 to authorize:
  - 1. Agreement No. 2024-072-COS with Nationwide General Insurance Company, in the amount of \$190,187.67, to settle all claims in *Nationwide General Insurance Company v. City of Scottsdale*, Case No. CV2023-052475, currently pending in Maricopa County Superior Court.
  - 2. The City Manager, City Treasurer, City Attorney, and their respective staff, to execute such documents and take such other actions as necessary to carry out the purpose of this Resolution.

Staff Contact(s): Sherry Scott, City Attorney, 480-312-2405, sscott@scottsdaleaz.gov

#### **MOTION AND VOTE - CONSENT AGENDA**

Mayor Ortega stated Item 11 [Nuisance Parties and Vacation Rental Code Amendments] was moved to the Regular Agenda.

There was no public comment on the Consent Agenda items.

Councilwoman Janik made a motion to approve Consent Agenda Items 1 through 12 except Item 11 [Nuisance Parties and Vacation Rental Code Amendments] which was moved to the Regular Agenda. Vice Mayor Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

#### **REGULAR AGENDA**

## 11. Nuisance Parties and Vacation Rental Code Amendments Requests:

- Adopt Ordinance No. 4626 amending Scottsdale Revised Code, Chapter 18, Public Nuisance and Property Maintenance, Article VIII, by amending Section 18-122, Definitions; amending Section 18-131, Unlawful for a promoter to advertise, permit or organize a nuisance party or unlawful gathering; unlawful for a promoter to advertise a special event at a residence within the city without having first obtained a special event permit; civil penalties; adding Section 18-132, Scottsdale police officer authority to order persons to leave a nuisance party or unruly gathering; notice; and penalty for failure to leave or entry after notice; and adding Section 18-133, Other remedies, relating to nuisance parties and unlawful gatherings.
- Adopt Ordinance No. 4627 amending Scottsdale Revised Code, Chapter 18, Public Nuisance and Property Maintenance, Article IX, by adding Section 18-178, Rental of vacation rentals and short-term rentals by juveniles prohibited; penalty.
  Staff Contact(s): Brent Stockwell, Assistant City Manager, 480-312-7288,

#### bstockwell@scottsdaleaz.gov

Assistant City Manager Brent Stockwell introduced Management Associate Will Brooks who gave a PowerPoint presentation (attached) on the proposed Nuisance Parties and Vacation Rental Code Amendments.

There was no public comment on this item.

#### MOTION AND VOTE - ITEM 11

Councilwoman Janik made a motion to:

- Adopt Ordinance No. 4626 amending Scottsdale Revised Code, Chapter 18, Public Nuisance and Property Maintenance, Article VIII, by amending Section 18-122, Definitions; amending Section 18-131, Unlawful for a promoter to advertise, permit or organize a nuisance party or unlawful gathering; unlawful for a promoter to advertise a special event at a residence within the city without having first obtained a special event permit; civil penalties; adding Section 18-132, Scottsdale police officer authority to order persons to leave a nuisance party or unruly gathering; notice; and penalty for failure to leave or entry after notice; and adding Section 18-133, Other remedies, relating to nuisance parties and unlawful gatherings.
- 2. Adopt Ordinance No. 4627 amending Scottsdale Revised Code, Chapter 18, Public Nuisance and Property Maintenance, Article IX, by adding Section 18-178, Rental of vacation rentals and short-term rentals by juveniles prohibited; penalty.

Vice Mayor Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

#### 13. Public Hearing on the Community Development Block Grant (CDBG) Program Fiscal Year (FY) 2024/25 Annual Action Plan and the Allocation of CDBG and HOME Investment Partnership (HOME) funds Requests:

1. Solicit public testimony regarding the FY 2024/25 Annual Action Plan for the use of \$1,599,633 in CDBG funds and \$355,614 in HOME funds.

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2. Adopt **Resolution No. 13099** to approve the FY 2024/25 Annual Action Plan and authorize the:

- a. City Manager, or designee, to submit the Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD).
- b. Use, award, and allocation of federal CDBG and HOME funds for eligible programs and services and associated contracts.
- c. Creation of one (1) full-time temporary Human Services Case Worker Grant Funded position at the Granite Reef Senior Center funded by CDBG funds.
- d. Reprogramming of prior years' remaining funds and program income in the amount of \$379,960.
- e. Return of revolving loan program income, in the amount of \$174,420, to Belleview properties.
- f. Execution of associated HUD certifications and contracts.
- g. Mayor to execute associated CDBG contracts with identified non-profit subrecipients.
- h. Community Assistance Manager to adjust recommended funding awards as necessary based upon final funding allocations.
- i. Mayor, City Manager, and Community Assistance Manager to execute any other documents and take such other actions as necessary to carry out the purpose of this Resolution.

**Presenter(s):** Mary Witkofski, Community Assistance Manager **Staff Contact(s):** Judy Doyle, Community Services Assistant Executive Director, 480-312-2691, <u>idoyle@scottsdaleaz.gov</u>

Community Assistance Manager Mary Witkofski gave a PowerPoint presentation (attached) on the proposed Community Development Block Grant (CDBG) Program Fiscal Year (FY) 2024/25 Annual Action Plan and the Allocation of CDBG and HOME Investment Partnership (HOME) funds.

Mayor Ortega opened the public hearing on this item.

Neal Shearer, Scottsdale resident, spoke in support of the Resolution, noting the varieties of ways the CDBG program benefits the community and the overall importance of human services.

Mayor Ortega closed the public hearing on this item.

#### MOTION AND VOTE - ITEM 13

Vice Mayor Whitehead made a motion to adopt Resolution No. 13099 to approve the FY 2024/25 Annual Action Plan. Councilmember Durham seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

#### PUBLIC COMMENT

No public comments were received:

#### **CITIZEN PETITIONS**

#### 14. Receipt of Citizen Petitions

**Request:** Accept and acknowledge receipt of citizen petitions. Any member of the Council may make a motion, to be voted on by the Council, to: (1) Direct the City Manager to agendize the petition for further discussion; (2) direct the City Manager to investigate the

matter and prepare a written response to the Council, with a copy to the petitioner; or (3) take no action.

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

No citizen petitions were received.

#### MAYOR AND COUNCIL

\*\*\*15. Agendize Review of the Zoning Ordinance's Minor Development Application Approval and Appeal Process at a Future Council Work Study Session (Item removed at the request of Councilwoman Janik)

Mayor Ortega noted this item was removed from the agenda on April 30, 2024 at the request of Councilwoman Janik.

#### 16. Boards, Commissions, and Task Force Nominations

- Board of Adjustment (two vacancies) Councilwoman Caputi nominated Carlos Gantchoff and Randy Griffin; Councilwoman Janik nominated Paul Garry, and Councilmember Graham nominated Jay Leopold.
- Citizens' Bond Oversight Committee (one vacancy) Councilwoman Janik nominated Darryl Komesu; Councilwoman Littlefield nominated April Holland; Councilmember Durham nominated Robert Simmons; and Councilmember Graham nominated Tami Smith.
- Environmental Advisory Commission (one vacancy) Councilwoman Littlefield nominated Scott Newell; Vice Mayor Whitehead nominated Nathan Nutter; Councilmember Durham nominated Judah Waxelbaum; and Councilwoman Caputi nominated Alexandra Sellers.
- Historic Preservation Commission (one vacancy) Mayor Ortega nominated Mark Estes; Councilmember Durham nominated Kat Djordjevic; and Councilmember Graham nominated Brandon Fadden.
- Human Relations Commission (three vacancies) Vice Mayor Whitehead nominated Veronica Aguilar, Kris Cano, and Sarah Yaron; Councilmember Durham nominated Muhammad Babur and DeMarco Cason; Councilwoman Janik nominated Jeannie McKenna; and Councilwoman Littlefield nominated James Somerville.
- Human Services Advisory Commission (one vacancy) Councilmember Durham nominated Roger Lurie; Councilmember Graham nominated Ralph da Costa Nunes; and Councilwoman Caputi nominated Lee Cooley.
- Library Board (one vacancy) Councilmember Graham nominated Carrie Cox; Councilwoman Caputi nominated Janice Shimokubo; Councilwoman Janik nominated Suzanna Gutierrez Colby; Councilwoman Littlefield nominated Dawn Abel; Mayor Ortega nominated Kathy Lane; and Vice Mayor Whitehead nominated Roselyn O'Connell.
- Loss Trust Fund Board (one vacancy) No applications were received.

- McDowell Sonoran Preserve Commission (two vacancies) Councilwoman Caputi nominated Kerry Olsson and Ryan Rybarczyk and Councilwoman Littlefield nominated Michael Pomarico.
- Neighborhood Advisory Commission (one vacancy) Councilwoman Janik nominated Bridget Schwartz-Manock.
- Parks and Recreation Commission (one vacancy) Councilwoman Littlefield nominated Teresa Kim Quale and Councilmember Graham nominated Jamie Alford.
- Planning Commission (two vacancies) Mayor Ortega nominated Barney Gonzales ٠ and Michal Ann Joyner; Vice Mayor Whitehead nominated Pamela lacovo; and Councilmember Durham nominated Doug Craig.

Note: The only Council action to be taken on Item No. 16 is to select nominees for appointment consideration at a future Council meeting (appointments scheduled for May 14, 2024).

#### MOTION AND VOTE – ADJOURNMENT

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

#### ADJOURNMENT

Mayor Ortega adjourned the Regular Meeting at 6:25 P.M.

#### SUBMITTED BY:

Ben Lane, City Clerk

Officially approved by the City Council on June 4, 2024

#### CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona, held on the 6<sup>th</sup> day of May 2024.

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

DATED this 4<sup>th</sup> day of June 2024.

re

Ben Lane, City Clerk

# Nuisance Parties and Vacation Rental Code Amendments

Will Brooks, Management Associate to the City Manager

## Feedback Received in November Work Study

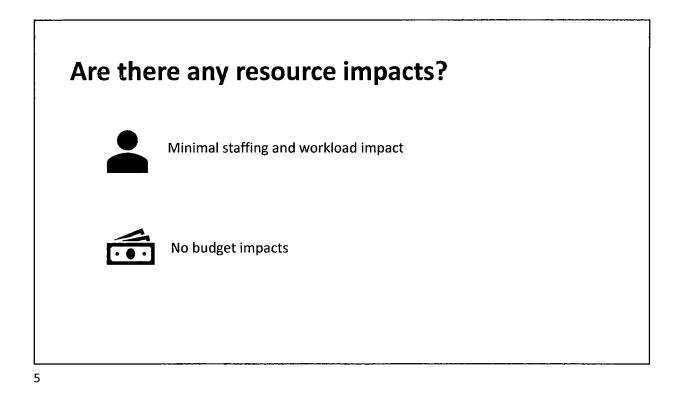
- · Received City Council support for recommended changes to the ordinances
- Staff worked on draft language based on Council feedback
- Ordinances are compliant with state law and are necessary to protect public health and safety

## Three proposed changes

- 1. Adding promoters as a responsible party for nuisance parties
- 2. Prohibiting minors from renting STRs
- 3. Giving police authority to remove non-residents from a property after a nuisance party is declared.

### **Gained Public Feedback in March 2024**

- 2,175 responses
- **92% strongly agree or agree** that Scottsdale is moving in the right direction with all three of these proposed ordinance changes.



## Action

Adopt Ordinance No. 4626 amending Scottsdale Revised Code, Chapter 18, Article VIII concerning nuisance parties and unlawful gatherings, and Ordinance No. 4627 amending Scottsdale Revised Code, Chapter 18, Article IX concerning vacation rentals and short-term rentals.

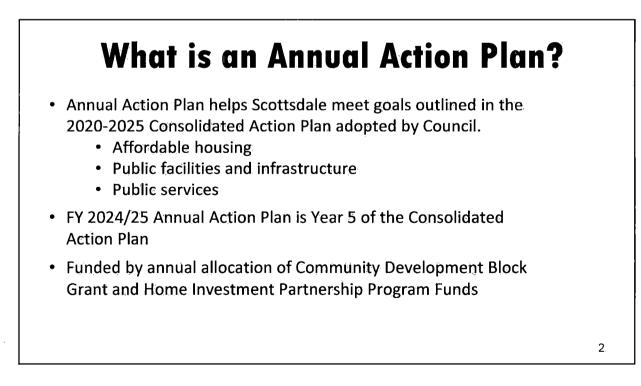
# Item 13

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City Council Meeting May 6, 2024

Community Development Block Grant Program Fiscal Year 2024/25 Annual Action Plan

Adopt Resolution No. 13099



## **Community Development Block Grant (CDBG)**

Develop viable urban communities by providing decent housing, a suitable living environment, and expanding economic opportunities through national objectives.

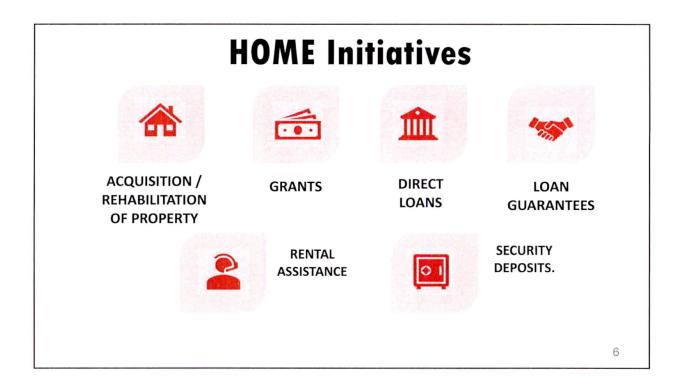




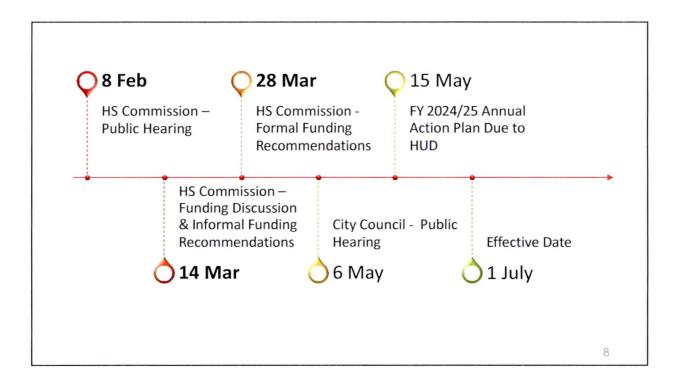
# Home Investment Partnership Program Funds (HOME)

HOME is designed to create affordable housing for low-income households.

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# **CDBG Grant Allocation**

Housing and Urban Development (HUD) determines the amount of each annual funding by a statutory formula using several measures:

- 1. Community needs
- 2. Population
- 3. Housing overcrowding
- 4. Aging of housing and population growth lag in relationship to other metropolitan areas

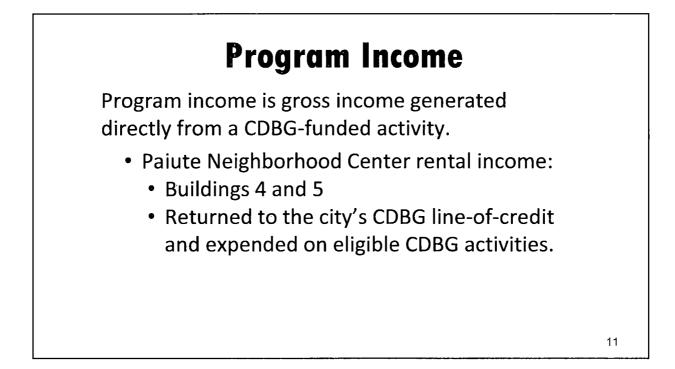
# **HOME** Allocation

Maricopa County HOME Consortium determines the allocation of HOME funding based on the following:

- Total Consortium CDBG Allocation
  - Total Consortium Allocation / Scottsdale Allocation = %
- Total HOME Allocation Maricopa County
  - Scottsdale receives average 8.37 % of total HOME Allocation

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# **Revolving Loan Income**

Revolving loan funds generate program income but this income is handled differently. Grantees establish revolving funds to support specific activities such as housing rehabilitation and rental activities.

- Green Housing Rehabilitation
  - Loan Program
  - 50% Forgiven After Three Years
  - Lien Placed on Home
- Belleview Properties
  - 8 Rental Units

# Subject of the second s

Public Services	\$307,155
Domestic Violence Victims, Seniors, Youth Menta Health, Disabled and Homeless	
Non-Public Services - Housing	\$857,879
Housing Rehabilitation, Emergency and Roof Rep Habitat for Humanity Ability 360	air Programs
Non-Public Services- Facilities/Improvements	\$200,000
Program Administration	\$ 232,637
Total Funds Awarded	\$1,597,671

# **HOME Investment Partnership Program**

Prior Year 2023 HOME Funds \$355,614

- Tenant-based rental assistance elderly population (62+)
- \$333,388 to tenant-based rental assistance
- \$22,226 for Program administration
- A formal IGA will be coming before the Mayor and Council in the next several months for approval and acceptance of these funds.

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