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CALL TO ORDER

[Time: 00:00:03]

Mayor Ortega: I call the September 14th, 2021 city council regular meeting to order. City clerk, Ben Lane, will you please conduct the roll call?

ROLL CALL

[Time: 00:00:16]

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

Mayor Ortega: Present.

Clerk Ben Lane: Vice Mayor Betty Janik.

Vice Mayor Janik: Present.

Clerk Ben Lane: Councilmembers Tammy Caputi.

Councilmember Caputi: Here.

Clerk Ben Lane: Tom Durham.

Councilmember Durham: Here.

Clerk Ben Lane: Kathy Littlefield.

Councilmember Littlefield: Here.

Clerk Ben Lane: Linda Milhaven.

Councilmember Milhaven: Here.

Clerk Ben Lane: Solange Whitehead.

Councilmember Whitehead: Here.

Clerk Ben Lane: City Manager Jim Thompson.

Jim Thompson: Here.

Clerk Ben Lane: City Attorney Sherry Scott.

Sherry Scott: Here.

Clerk Ben Lane: City Treasurer Sonia Andrews.

Sonia Andrews: Here.

Clerk Ben Lane: City Auditor Sharron Walker.

Sharron Walker: Here.

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

[Time: 00:00:44]

Mayor Ortega: Well, terrific. We have Scottsdale police officers Tony Wells and Dustin Patrick as well as firefighter Amanda Vanermolen here if anyone needs assistance. Please stand for the Pledge of Allegiance.

[Council and attendees]: 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.

MAYORS REPORT

[Time: 00:01:36]

Mayor Ortega: Well, thank you. We will begin. September is Hispanic heritage month, and it's recognized nationally. So we have a proclamation as well. And I will read the proclamation and the contributions of the Hispanic Latino community in our world. Proclamation. Whereas Mexico celebrates Independence Day on September 16th, and September 15th is the official independence day in Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, which also gained independence in 1821, 200 years ago.

Whereas each year Scottsdale observes national Hispanic heritage month, understanding that this region was a part of Mexico until 1848 and whereas Hispanic Americans enrich the state of Arizona and our nation with their rich and vibrant traditions of faith, family, patriotism, work ethic, arts and culture; and whereas Hispanic Americans are an important part of the culture and the history of Scottsdale, Arizona, and continue to make significant contributions to the allure of Scottsdale.

And whereas, Hispanic heritage month recognizes the contributions of Hispanic and Latino Americans and the many way their culture has shaped America. Therefore, I David D. Ortega, mayor of the city of Scottsdale do hereby proclaim September 15th through October 15th, 2021, as Hispanic heritage month in Scottsdale. And I encourage Scottsdale to recognize national Hispanic heritage month and celebrate the history, culture, and contributions of Hispanic Americans.

I would like to thank the members of Scottsdale, their diversity task force committee, as well as invite assistant police chief, Helen Gondalla and Luis Santella and the solid waste administrator, Manny Castillo, and the C.I.P. budget manager, Sylvia Ilot forward and thank you for being here tonight. I want to join you all.

[Applause]

Mayor Ortega: It's not quite Cinco De Mayo, but it's a good midterm celebration.

PUBLIC COMMENT

[Time: 00:05:39]

Mayor Ortega: At this point, I will open public comment. Public comment is posted, is an invitation for Scottsdale citizens to come forward and speak about any non-agendized item that is within the jurisdiction. So if it is a topic that's on the agenda, that's not open for that. You can speak at that point for that item. I was looking for a public comment and at this point, I am told that Don -- excuse me, Dan Lundberg has an in-person. So if you could please come forward,

state your name and address and so forth. And thank you, Dan. Yes.

Dan Lundberg: Am I limited to a certain amount of time.

Mayor Ortega: Yes, three minutes or less.

Dan Lundberg: My name is Dan Lundberg. I'm a homeowner of pinnacle reserve. I'm here to appeal to the city council and ask that our request for concessions and modifications outlined in the petition presented to you today, that we will -- that we believe are reasonable and necessary to help maintain the quality, safety, and quality life and the property values of our community be considered, accepted and approved by the city council and be integrated throughout the project for the bridge over rawhide wash and the extension of Miller road.

We request continued ongoing open productive dialogue between the city and our homeowners and the homeowners association of pinnacle reserve. We are asking for traffic calming speed limiting and traffic safety along Miller road and Juan Tabo road near the school bus stops, the mail boxes, sidewalks, on Miller and Juan Tabo road. We are requesting noise and light abatement.

Where numerous homes with view fencing back up to the location where bridge and the road are to be constructed, and along Miller road and Juan Tabo road, and it will see a huge increase in traffic and light once the Miller road extension project is completed. We ask the city council to integrate these solutions as we have requested in the petition and thank you for your consideration in this matter.

[Time: 00:08:10]

In addition to the petition request we had a look at the transportation general plan and we learned that when Miller road is continued north of Happy Valley road, it changes from a major collector to a minor collector just on the other side of Happy Valley road and pinnacle reserve Miller road is designated as a four lane major connector is only a quarter mile long and presents and presently determinates at Happy Valley road, we would like to see if we can discuss this further and if you would change this to a minor collector. As a minor collector, there is decorative landscaping more consistent with the architectural design and it provides better safety for the pedestrians and cyclists.

We don't know why there's a four-lane collector from Pinnacle Peak road to Happy Valley road and ask that Miller follow the same architectural design and ensure safer traffic flow through our community and be consistent with the Miller road north of Happy Valley road and ask the council for further consideration. Thank you.

Mayor Ortega: Thank you. We are in receipt of the petition and we will take action in item 32 in the program.

Dan Lundberg: Thank you.

Mayor Ortega: The next in-person is from Sonnie Kirtley, and then we will have French Thompson.

[Time: 00:09:59]

Sonnie Kirtley: Good afternoon, mayor and councilmembers. Sonnie Kirtley, on east highland. Scottsdale is a unique community because many of our homeowners have guest houses and casitas on their property.

They take these standalone buildings and they rent them for the Arabian horse show, Barrett-Jackson, short-term people that are going to Mayo Clinic, and other special events. The rent can be from one week to several winter months. This is very different from the other short-term rentals that we have because the homeowner stays in the property, and so it's much more stable than what we are experiencing in our other 5,000 short-term rentals.

Code enforcement has been knocking on doors and delivering code violations for renting out their casitas and guest houses. They already registered they registered at both the city and the county. So they did declare they have a rental on the property.

Unfortunately, we have ordinance 5.02 that says you can only rent the whole house, the whole property. You cannot rent outbuildings, guest buildings casitas. It has tonight whole property. One way around that is to rent the casita and then the people left you rent the house for nothing but that's not the way it works.

So may I respectfully recommend that this city council re-evaluate the inconsistency of the rental ordinance when absolutely no record of public nuisance or lack of public safety has been reported on casitas and guest homes being rented. These are responsible homeowners and they deserve the right to rent their casitas and guest house. Thank you.

Mayor Ortega: Thank you. Now French Thompson.

French Thompson: Good afternoon, Mr. Mayor and city councilmembers. Most of the time when I come up here, I'm reacting to something, and as a private citizen, unfortunately what happens is we don't know all the things that are going on in the background before it comes in front of you and I just want to say that I have a great deal of respect for your office, the fact that you were elected by the citizens of this city it's not a job that I want.

It's not a job that I want to do I very much appreciate that you all want to do that, and you were all voted in to do this job. And I really do want to thank you for that. Many times I might disagree with you, but I still respect the office that you have. There was a former councilwoman that I would go have breakfast with, and I just want to tell you what I disagreed with almost 95% of what she had to say. But also know that she was trying to do what she thought was the best

thing for the city.

I disagreed with her but as a one-to-one conversation between the two of us, we had so much more in common than those things that we disagreed on. I think we all would like to see a very vibrant, wonderful, dynamic city of Scottsdale. I disagree with the density that's coming. I disagree with a lot of other things that will come with the density and the pollution and the heat island and the water we won't have in the future.

I really think right now, if somebody says we don't have issues with water, that is like somebody in California ten years ago saying we don't have a problem with wildfires. There's just things I see that are going in the future, and I can disagree with you, and you can disagree with me. I do totally respect your office. I do respect that you are there, trying to do the best thing that you can and I just want to let you know that there's an awful lot of citizens that don't come up here that don't speak in front of you, and that felt very strongly about the things going on in this city and I -- I talk to these people and I try to come up here and represent what those people are saying.

[Time: 00:14:33]

So I will disagree with you. I'm reactive. I don't know all the things going on in the background. And the jewelry competition, many times I look at this stuff and I said how come this junk won first place? But I never got to see all the really terrible stuff that they were competing with for them to be able to get first place.

So I do know that there's projects that don't ever come here. That are so much worse than the ones I disagree with. Thank you, and city staff everybody that is putting in their time and energy trying to keep Scottsdale a wonderful place to live. Thank you.

Mayor Ortega: Thank you very much. I see no other online or in person. So I will close -- excuse me, is there any other in-person? I believe not. So I will close the public comment. Excuse me, did you have -- sir?

[Off microphone comment]

Mayor Ortega: We will have the clerk double check and get right back to you. Okay. So I will close the public testimony on non-agendized items.

APPROVAL OF MINUTES

[Time: 00:16:09]

Mayor Ortega: Next, we have the approval of the minutes, which were for the August 24th, 2021 regular council meeting. Do I have a motion?

Vice Mayor Janik: I make a motion to approve the minutes.

Councilmember Whitehead: Second.

Councilmember Durham: Second.

Mayor Ortega: We have a motion by Vice Mayor and a second by Solange Whitehead. Please register your vote. Okay. It's unanimous. Okay.

CONSENT AGENDA

[Time: 00:16:41]

Mayor Ortega: Next we have the consent agenda items, originally posted from 1 to 31, and there are two opportunities one is for a possible change of a consent agenda item to move it to regular discussion. Which would be the regular agenda. I understand that item number 16 has been requested and I will move that on the regular agenda.

Also this is an opportunity to get any public comment on the other items. I can also clarify that item number 25, which was posted has been pulled by staff. I believe it was 25. So yes, 25 is not going to be heard today on either agenda and it was vacated.

At this point, we do have the opportunity to open any comment which the council may have about consent, the remaining consent agenda items. I will point out that I have received -- so let me ask, first of all, if council has any questions of any of the items and I see Councilwoman Whitehead and then Councilwoman Milhaven.

Councilmember Whitehead: Thank you, mayor. Due to the number of speakers on item 21, I would like to see that pulled on to the regular agenda. And I had a comment on item 12, but I don't see any reason to pull that, but I can weather wait for the public -- either wait for the public comment on item 12 or speak to now.

Mayor Ortega: We are open to hearing, because we will -- excuse me, asking for public comments on any consent items. If you have just a general comment on item number 12, please do so.

Councilmember Whitehead: Yes, and I see the development team is here. Anyone who developed in Scottsdale knows that our residents aren't exactly wall flowers. If we don't like something, we usually speak up. Such was the case with item 12. There was a lot of open significance to the project.

I'm so pleased with how the development team handled it, not only the development team but our staff, every issue as -- as always, there are legitimate issues that residents have when a development is impacting their neighborhood and this development team handled those issues

beautifully.

The neighbor, as our neighbors usually are, they were very reasonable and then there was one final adjustment we needed at the staff side, and staff within a few hours approved that as well. It was a great pleasure to be part of that project. Thank you.

Mayor Ortega: Okay. Sticking with item number 12, Hawkins when Councilwoman Whitehead spoke of, we have one request to speak. From Frank Castillo. If you are in person, please come forward and -- thank you. State your name and so forth.

[Time: 00:20:15]

Frank Castillo: Good evening mayor. My name is Frank Castillo. I live at 11348 east north lane here in Scottsdale. I'm one of the three properties that is adjacent to the Hawkins project. And I must take I purchased my property in 2008. From 2008, to present, we still do not know who or what our neighbors are going to be. I have been exposed to three possible developers. I use the term "exposed" because the experience was not very pleasant. That's the only thing I could say. One the developers asked for a donation of property so he could complete a section of the project.

The second actually dictated everything he was going to do, how he was going to do it. And how I was going to like it. The third was even better. At the end of his dictation to me, he told me that he did not hope that I used my second story balcony too much. It was not a good experience.

This current developer, Hawkins took the time, made the effort, to work with the neighborhood. Due to some unforeseen circumstances, a very negative initial response came from the neighbors. I'm not sure why. I'm still not sure why. However, the company worked with all neighbors, worked in particular with the three adjacent neighbors. And we were available to develop a development restriction agreement which was signed and agreed upon and we're all very pleased with what has transpired.

I would just like to make that known that they did work with us very well and we, the three who have the agreement, are very, very much in favor of this project.

Mayor Ortega: Thank you, sir, very much. Just sticking with the same subject project. Did I observe it as it went through D.R. and planning. It did retain the commercial aspects and have a substantial buffer to the residential. So it maintained at least a to-thirds -- a one-third commercial use. I thought that was very good. With that, I also have a request from Councilwoman Milhaven, I believe item number 11.

Councilmember Milhaven: I just have a question to staff. So item number 11 is the sports fields municipal use master site plan. It's my understanding that in addition to this site plan, we continue to work on drainage issues in this area, and I just want to confirm that we are working

collaboratively with the nearby property owners to find a solution to the property issues.

City Manager Jim Thompson: Councilwoman Milhaven and members of the city council, the answer is yes, we are. We will continue. We have multiple phases the project, not only that but then upstream and downstream and we are coordinating all of those and we are working with some of the neighbors now on the downstream portion.

Councilmember Milhaven: Thank you very much.

Mayor Ortega: And just to clarify, that's item number 11, WestWorld sports fields municipal use master site plan. I do have a gentleman, Mike leery who wishes to speak on item 11 on the consent agenda. Go ahead, Mike.

[Time: 00:24:41]

Mike Leery: Can I get the overhead turned on, please. Can you read it? My name is Mike leery, I'm a Scottsdale resident. I live in McDowell mountain ranch for the last 22 years. I have been involved in commercial real estate for exclusively for 40 years. I have been driving by this property for over 22 years wondering when is this underutilized or non-utilized asset going to be turned into something.

I'm so thrilled that finally, the property is being put under a really positive development. There's one thing that's really missing, though. And if that thing had been working, I could actually show you we had historically over half that time, the water is not draining. The drainage of that basin is almost as large as two and a half soccer fields. And the water does not dissipate. It used to do a pretty good job but now it can stand for months.

There's requirement for the city that it evaporate or be dealt with in 36 hours. That's standard. We have not seen that. There's been complaints about mosquitoes and every time ADOT comes out, they say we don't have any evidence of mosquito larvae on it. It's more than an attractive nuisance.

It's the under utilization of another big piece of property, but more so is that the only time I took a picture of this beautiful lake and three weeks later, I took another picture how it had dissipated almost to nothing. It was one reason it wasn't there for months, the city was pumping the lake dry and putting it into the city's sewer system. Now, I don't know if that's copacetic or not.

I couldn't do it as a commercial developer, but as part of the park development this seems like a perfect opportunity to address it. I'm sure that the bond money is all tapped but at the same time, it's leaving this one big piece unaddressed. So what I would hope from the town sill that there be some type of direction saying we are not going to just kick that can down the road. We are going to fix the problem and hopefully find something else to put in there that, again, can be a real benefit to the community.

One last item is the exit on to Thompson peek. You have to take a U-turn. There's a lot of tire rubbing on the curve. I was hoping too as part of the development, park side, that that could be addressed as part of the park development. It's not a fatal flaw but now the number of trips coming down there, the issue is -- the issue is not going to get any better.

So I'm just hoping that this issue doesn't die with my drawings and that something will come ever it. Thank you very much.

[Time: 00:27:57]

Mayor Ortega: Thank you for your suggestions. Once again, we are on the consent agenda. I have just want to clarify that at the request of the council, item 16 and 21 will be moved to the regular agenda. There are individuals that wish to speak to those. At this point, I show Councilman Littlefield and then Vice Mayor Janik, if you had a comment on any consent items?

Councilmember Littlefield: Thank you, mayor. That's what I wanted to request, was moving 16 and 21 to regular.

Mayor Ortega: Thank you. Vice Mayor Janik.

Vice Mayor Janik: I wanted to thank councilperson Milhaven, and Mr. Leery for bringing up the drainage problems in the area where the soccer fields are going in. I live in that area. And there is a huge problem with mosquitoes.

So I will promise to you that I will work on this issue so that we can get a good resolution, and I know -- I know that we can solve it, and so let's hope that it's solved in the near future. Thank you. -- the near future. Thank you.

Mayor Ortega: At this point, I would request a motion to approve items 1 through 30. Excuse me. -- consent items except for number 16 and number 21, and item number 25 was vacated. Do I have a motion on consent items?

Councilmember Littlefield: So moved.

Mayor Ortega: Thank you. I have a motion.

Vice Mayor Janik: Second.

Councilmember Durham: Second.

Mayor Ortega: And a second from Mr. Durham. Please register your votes. Thank you. We will go to the regular agenda. And in particular, we will hear the case for item number 16 and then 21.

ITEM 16 – RIGHT OF WAY ACQUISITION FOR CAMELBACK ROAD SIDEWALK IMPROVEMENT PROJECT

[Time: 00:30:07]

Mayor Ortega: 16 is the right-of-way acquisition for Camelback Road sidewalk improvement project and the presenter is Mr. Dan Worth with capital improvements director.

Dan Worth: Good evening mayor and council. Just a very quick presentation on the camelback sidewalk project. You can see the extent of the project and the graphic. We are building a sidewalk or approving a sidewalk on the north side of Camelback Road from 73rd street on the west to Miller road on the east.

And the improvements I'm going to show you some shortcomings that we will be addressing, but what we intend to have when we are done is an 8-foot wide sidewalk with appropriate accessibility features at all the driveways and intersections. Next slide, please.

This is what I mentioned, some the shortcomings. We have -- you can see on the left, some areas where the sidewalk is insufficient in midst. Most of the sidewalk on the north side of this segment of camelback was built with individual houses and individual development over a period of 30 plus years. So different standards apply to different times.

And some cases we have 4-foot wide sidewalks and we did not require home builders to build a segment of sidewalk in front of their property when -- when the property originally developed. One of my favorites is on the lower right where we have a sidewalk to nowhere. Sidewalk across one house's frontage and nothing on either side of it.

So that's what we are looking to address, and it's an important issue because we do get a lot of pedestrian traffic on camelback, particularly on weekends and we want to keep 'em on the sidewalk and not on the street. Next slide, please.

This particular property is one of those gaps, and I show this one specifically because I know the Vice Mayor forwarded an email to us last week about a particular -- an individual resident that was concerned about the project and the right-of-way that we were looking for this is that particular parcel. And you can see there's a gap. The city owns the right-of-way. About 6 or 7 feet back, actually 8 feet back from the curb.

So we have got the right-of-way to build the sidewalk. What we don't have is room for the construction workers to actually do their work. And that's what this action is mostly about, it's acquiring temporary construction easements so we can place the form work and we can stand next to the sidewalk as we're building it and be able to get that done.

What we're looking for on this particular property is to get a 5-foot wide strip of temporary construction easement adjacent to where the sidewalk is going to go, and that temporary easement is just that temporary, we will not put any improvements in it. If we have to remove

any features.

Residents property, we will put them back, particularly the raised edge to the planter that you can see there and that's how we treat all of these temporary easements along the property. We have a small amount of right-of-way that we are acquiring for permanent improvements. Next slide, please.

You have already actually approved right-of-way acquisition for this project. We had an action in January, and as part of that approval, you can see the quantities, the resolution that you approved, granted us the ability to make changes. This is a standard practice that we do. We include in the resolution, but it limits our ability to make changes and that's because we don't want to drastically change the nature of the project in the right-of-way that we are acquiring for it without letting you have a say.

So the resolution says if we have to acquire 20% or more greater square footage than the resolution that you approved in January granted us, then we have to come back. That's what we are doing because of those temporary construction easements, we bump the number up greater than 20% more than what you approved in January. And then at the bottom of the last bullet, if you approve this, we are still going to negotiate with every individual property owner.

[Time: 00:34:42]

We reimburse the property owners for the easement rights that we get. We address specific issues like in that picture that I showed you. We are going to address the issues of the vegetation that we might have to remove and replant or the edge of the planter that we may have to move. We actually have had a conversation with that property owner.

It happened yesterday, our project manager and he's arranged an appointment for the project manager and our contractor to go out on site and talk specifics every brick, every piece of vegetation with that property owner.

And we'll extend the same courtesy to anybody else that -- that is concerned that we're going to be doing damage to their property. That's the last thing we want to do. So that's the end of my presentation. I would be happy to address any questions.

Mayor Ortega: Thank you Mr. Worth. I do not see any hands up from the council. So I will go to public comment. We have Jane Peterson, and then -- no. Please come forward, and tell us your name and address and we have three minutes.

Jane Peterson: Good afternoon, Mayor Ortega and councilmembers. My name is Jane Peterson. And I am that property. My family has lived at 7408 east Camelback Road for over 40 years. The city passed resolution 120-14 authorizing the right-of-way acquisition for the Camelback Road sidewalk improvement project and is planning to put an 8-foot sidewalk in front of my property.

Being a part of this community, I have a desire to see the city make improvements, however, the initial replacement offer doesn't reflect what's needed to rectify this improvement by replacing the security, privacy, driveway use, accessibility, and landscaping on my property. These changes would impact me as a homeowner by increasing security and privacy issues with more foot traffic, decreasing the turning radius for the -- excuse me, driveway and parking, limiting the area for landscape by removing brick work, sprinklers and 40-year-old trees.

It would also decrease the square footage for restricting the ability for future improvements. The replacement offer doesn't consider what's needed to rectify this improvement. To do that, what needs to be replaced is a wall for security and privacy, gates to remedy the decreased turning radius, landscaping to replace the trees and brick work and the sprinklers. Thank you for your consideration.

Mayor Ortega: Thank you, we have Jude Now hotelier extraordinary.

[Time: 00:37:42]

Jude Nau: Mayor, city council, my name is Jude Nau. I own and live at the best western plus sun dial at 7320 east Camelback Road, 100 yards or so just west of Ms. Peterson's property. Earlier on in the meeting, I heard a comment, a significant buffering to the residential. And Ms. Peterson has a fairly significant buffering to the largest nightclub district in the southwest of the United States, and that is the trees that you saw on the earlier image.

Right from the beginning of this project, there was no outreach. Similar to a development project. So the city of Scottsdale is the developer here. It would have been -- it would have saved it meeting, if we would have had a stakeholder meeting, of all the property owners got together in a room and said this is the plan and how is it going to impact you property owners and get that input at that time.

I know with COVID, the staff has reached out in other ways. This time, it just fell a little bit short. As a business, we support pedestrian access, and the more the better. There needs to be free flow and safe movement of people on foot, however, unfortunately in front of Ms. Peterson's property, with this improvement, it will degrade that significant buffer to the largest nightclub district in the United States.

And as much as we support this sidewalk going in, and this improvement, we have to hold back and wait until this is addressed. She did mention wall, gates, whatever is required to remedy the situation. So there is a significant buffer there. So, you know in, final, I think the city needs to make some sort of change and earlier on, the temporary easement, that's not the issue and we can talk about that all day and we can throw three slides up on the screen where this thing is not working, but the location in front of Ms. Peterson's house, I think that needs to be reevaluated and where she has her trees, she mentioned they were over 40 years old.

I'm sure the Peterson household was there since Camelback Road was a dirt road. That has to be

taken into consideration and if the city were to incorporate that into the plan, then we could really support this 100%. Thank you.

Mayor Ortega: Thank you. That concludes public comment. I have a request from Councilwoman Whitehead to discuss and then I will look for a motion.

Councilmember Whitehead: Thank you. I'm curious about the trees. I think there's more to this. The idea of making camelback A.D.A. compliant, we want pedestrians to be able to flow easily and this is not the case now, but it does seem like we might have to make some adjustments in order to take into account the property.

I think we can accomplish the goal of the city, and A.D.A. compliance but possibly with some adjustments. I actually would like to make a motion to continue item 16 and so that the council has more information about possibility opportunities to save the trees and protect the property and build a walk. That's my recommendation and that's my motion.

Vice Mayor Janik: I second that motion.

Mayor Ortega: Okay. Let's have some discussion. That was seconded by Councilman Littlefield. I -- and I see Councilmember Durham wants to discuss as well. Councilwoman Littlefield, did you have something to add to your second?

[Time: 00:41:59]

Councilmember Littlefield: Yes, I think Vice Mayor and I kind of seconded it together at the same time. But that's basically my concern with this, is not putting in wider sidewalks. That's fine.

But it's the -- the lack of buffering here for the house. And the possibility of danger because you are removing a lot of the safety that's in front of her house by putting this sidewalk in, and you are basically inviting people in by doing this. So I think that there needs to be some more consideration on that. I think this is -- this project could degrade her home and her value. It actually is a taking of land from her.

And I think that needs to be a higher priority and a consideration that the city has done so far. We're talking about right across from the bar district here. And there's I'm sure activities that go on in the dead of night that is interesting, but possibly she doesn't want to have more of them.

I would like to put this on a continue basis, where we can talk with her and wait to see what changes we can come up with to make this safer and that's one of my biggest concerns is safety at night. And also, where she feels like she is more comfortable in this, and that the project will not degrade or lower the value of her home.

Mayor Ortega: Councilmember Durham.

Councilmember Durham: The pictures Mr. Worth showed was much more helpful than the materials we have in the agenda. They weren't particularly helpful in trying to figure out what is -- or did you show the pictures? No. No. That's okay. But those were -- I'm just saying those much more useful than the materials in our packet. Because it's very difficult.

I can never read the architectural drawings and the pictures would be much more useful in figuring out possible solutions here. If I understand correctly that there hasn't been very much from both Mr. Peterson and Mr. Nau. It sounds like there has not been enough communication on possible alternatives.

So I would support the motion for the continuance also, because I think that it sounds to me as if there needs to be more communication, although I -- I'm sure we would like to hear that from Mr. Worth also. And I would also like the next presentation have more pictures and so that we can understand exactly what's going on here in terms of where -- I mean, obviously, we need to have a sidewalk.

I think that's true, but we also need to find a way to make that necessary sidewalk less of a detriment to the property. Thank you, mayor.

[Time: 00:45:28]

Mayor Ortega: Thank you. I will just insert my own opinion here. And then we have Councilwoman Caputi asking. So there are several properties that are involved and those adjoining properties appear to not have fly objections.

So as we're -- have any objections. So as we are looking at a corner lot, or this lot, it's certainly a unique case. At the same time we have a liability as the city where the further down you go, closer -- you know, going west on camelback and they trip and fall and they will sue the city all the time. And they say why didn't you get that part down.

It would be my recommendation to continue this one section but really proceed we can get this thing rolling and get this accomplished as soon as possible. That's what I would prefer to do, rather than put a hold on that entire section.

There's some other very awkward areas that could easily be alleviated and all we are really looking at is the acquisition of the right-of-way to complete the other sections. And I think we have to have some sort of urgency when there is a liability situation. That's my two cents. Councilwoman Caputi and then Councilwoman Whitehead.

Councilmember Caputi: Thank you, mayor. I think that was a pretty good point. Mr. Worth, I think you said this is really just -- you are going to take the trees away and then we're going to construction what needs to happen and then everything is going to be replaced, correct? It's not that we are removing the buffer for the neighbor.

We are just taking it out, doing the necessary construction and moving everything back. So it's a temporary annoyance but it will be replaced?

Dan Worth: Councilwoman Caputi, in this particular case, I will be able to confirm this in a few days when we walk on site with a contractor, and take a look at it, but I don't think any trees have to come out.

I think that there's some -- the smaller plants that are behind that brick edging, may have to. Again, I have to verify it on the ground. If they do, we will replace it. We will replace something of substantial size so they still have the same kind of shielding.

Councilmember Caputi: Right. Of course we would never advocate for taking value from a resident. The way I heard this, it's more of a construction issue that we need to adjust for and then place back. Okay. Thank you. That helps.

[Time: 00:48:14]

Mayor Ortega: Thank you. Councilwoman Whitehead and then Vice Mayor Janik.

Councilmember Whitehead: First of all, that's good news, Dan, and the reason I want to continue it is because Dan is incredibly creative and we don't want to be pulling out 40-year-old trees because though actually can't be easily replaced, but I will accept the mayor's friendly, I guess amendment to my motion, and I would ask to continue just this one section so we can have a bit more information and have more dialogue, but continue with the rest of the item.

Mayor Ortega: Thank you. Do we have a second, Ms. Littlefield is that okay with you?

[Off microphone comment]

Mayor Ortega: Okay. So we would hold the entire one just because of this one section. Okay. Well, the -- the form is that the motion has been made to continue item number 16 and the second is as such, and we will -- Councilwoman Whitehead, did you still have --

Councilmember Whitehead: I just don't want things to go slow. How quickly can we turn this around and get it back on if we are going to hold the whole item until we -- we review it? Can we get it back pretty quickly? That's a question I guess for our city manager and for Mr. Worth?

Dan Worth: I'm hoping we can resolve the issues in the next two weeks.

Councilmember Whitehead: Okay. Can we get it back on the agenda for the next meeting?

City Manager Thompson: Yes, we can add it to the October meeting. It won't be prepared before next week. I would suspect we would come back for one the October meetings. We do

have three scheduled in October. So we would try to hit one of those depending on timelines associated with it. But that would be the -- the soonest we could bring it back.

Councilmember Whitehead: Is that going to slow things down much, Mr. Worth?

Dan Worth: It doesn't kill the project by my stretch of the imagination. We can live with that.

Councilmember Whitehead: Perfect.

Mayor Ortega: I have a request from Councilwoman Littlefield.

Councilmember Littlefield: I'm good with that, if we can bring it back in of course and have these issues resolved.

Mayor Ortega: Thank you. We have a motion and a second. Discussion is completed. Please register your vote. It's unanimous to continue. Thank you.

ITEM 21 – HAYDEN ROAD/MILLER ROAD: PINNACLE PEAK ROAD TO HAPPY VALLEY ROAD CAPITAL PROJECT INTERGOVERNMENTAL AGREEMENT

[Time: 00:50:53]

Mayor Ortega: Next, we will move on to item number 21. Item 21 has to do an with acceptance of funding which is an intergovernmental agreement with the Maricopa County association of governments for a project administration and reimbursement to the city of Proposition 400 regional transportation sales tax funds for the eligible costs that have been outlined. Mr. Worth will continue with that presentation. Thank you.

Dan Worth: Yes, mayor. The -- I don't have any slides for this one, but this is dealing with the extension of the road and the Miller Hayden road alignment between Pinnacle Peak and Happy Valley. You have heard a lot about it over the L.A. six months. This is just one of the necessary steps to further the project.

And as the mayor mentioned, what this particular action does, it doesn't have anything to do with the design or the construction, or anything to do with what the project looks like itself. It's merely a formality that allows us to get reimbursed on designing and the eventual construction of the project and the Maricopa County association of governments is going to include roughly \$460,000 of design costs that we have already spent. Without this agreement, we don't get that reimburse, we spend our own money and only our own money.

I want to make sure that that was -- you know, everybody shared the understanding of exactly what this action is and I would be happy to answer any questions.

Mayor Ortega: Thank you. I see no council requests. At this point, I will ask for public comment.

We have two by telephone and -- and three in person at this point. So I would turn it over to our -- Shane Stone or the manager's office handling the remote comments. We show Lori Ann Lundberg and Matthew Tinti, are you there?

Shane Stone: Yes, Ms. Lundberg, you should now be able to press star six on your device to press your comment.

Mayor Ortega, it appears we do not have Ms. Lundberg on the line currently and Mr. Tinti has not been able to join us. So that concludes virtual public comment and I will turn it back over to you. Thank you.

[Time: 00:54:16]

Clerk Lane: Mayor, I apologize. We can move to the in-person now.

Mayor Ortega: Okay. Let's go to in-person. I show Frederick White, followed by Scott Smith in person. Please state your name, address and then three minutes. Appreciate it.

Frederick White: My name is Frederick White. I'm 7424 east Christmas cholla drive in Scottsdale. Good evening, council, we have submitted a petition this evening to keep our pinnacle reserve community safe and peaceful in the event that you do decide to proceed with the Miller road extension. I have collected a lot of signatures.

If it wasn't in the middle of the pandemic and 200 degrees, I could have 200 degrees. I have been in contact with this group many times via email and attended numerous city Zoom meetings in relation to the project.

It seems like the city is taking an impact of how it affects the quality of lives. We feel it's better to have measures when the budgets are being set. The noise and traffic studies that we have seen don't make sense and don't appear to be applicable to the reality of the situation that the city intends to build a brand new Scottsdale Road through the middle of pinnacle road.

We have heard about flood insurance and condemnation that make us concerned. A lot of homeowners have been told numerous times that this project would never come to fruition. Just as recently as the spring of 2021, in a transportation committee meeting, we were told that we would have an opportunity to protest the property before a city go/no go vote and once it was at 60% there would be another transportation committee meeting and that's where we thought we would need a legal representation.

We didn't find out about this meeting until recently and we scrambled to get the petition to go and retain legal counsel. Our attorney has prepared a statement for us. Our attorney client goodman with goodman, Holman and Smith. He was not able to be here to attend but it's my impression that he did submit this to you guys in a normal manner. He wanted me to let you no he that the board has approved opposition and his office supports our opposition to that. This is

his statement from Clint.

To whom it may concern, this firm represents pinnacle pick reserve homeowners association, recently our members expressed their grave concerns regarding the proposed Miller street connection project and the negative impacts it will have on our entire community. The association's board of directors authorized additional action on behalf of the board and the community to oppose the project. We are currently reviewing all available records and engaging with outside council to proceed with that corrective. At this time, we respectfully request that the city council continue any agenda items related to this project to allow for addition time to negotiate.

We feel additional time is necessary to address the substantial issues that our members have brought to the city's attention. Including traffic control and calming, noise abatement, flooding, general safety, privacy of adjacent residential property and the natural area open space concerns.

We also understand that the city has suggested that additional right-of-way or easements on association property may be necessary as part of the project's design. It is concerning that the city's real estate department has not contacted the association's representatives at this point in the project to discuss this potential infringement on association property. One last sentence, thank you for consideration of our request to continue this agenda item, we look forward to working with the city on appropriate solution to these issues in a manner that is beneficial to all. Signed client goodman. Thank you.

Mayor Ortega: Next we have Scott Smith and then Nicole Forbes.

[Time: 00:58:46]

Scott Smith: Mr. Mayor, councilmembers, my name is Scott Smith and I'm one of the many countless north Scottsdale residents that will be impacted by the proposed Miller road expansion.

First off, I want to acknowledge I know that public outreach is difficult to begin with, let alone in the COVID world we live in. However, the city's outreach on this project has simply fallen short. I'm typically an informed north Scottsdale resident. I know very little about this project. I should also note that the initial meeting and the transportation commission on this topic occurred in May, on the same evening as graduation for pinnacle high school. So lots of parents that would have wanted to attend simply couldn't.

I can safely say the same thing applies to the proposed expansion that's under discussion as well with Happy Valley between Scottsdale and Pima. Very few residents and I happen to know many residents in the Happy Valley ranch neighborhood and none of them are aware of these proposals, simply unaware. Moreover, at the May 20th meeting, the commission agreed to move forward with design, and return to the commission with an update. I'm not aware that

this update has occurred.

Yet the council is here considering approving the use of prop 400 monies for this project. I would submit that we should have a better understanding of these projects and their impact on our communities and neighborhoods before authorizing the use of any monies. We live in north Scottsdale, these are our neighborhoods.

And we recognize that both the city and the state are growing at a tremendous clip, and that progress comes at a cost. But that growth and progress needs to occur in proper fashion, and needs to consider the impact these projects will have on your constituents, our neighborhoods, the city's future planning, our home values, traffic, noise, the list goes on. None of this has happened in this instance and I'm disappointed and the residents I have spoken to are disappointed about that.

Also we don't understand the sense of urgency to move forward with these projects. These capital improvements are shifting dumping traffic from pinnacle happen to Happy Valley. I'm not aware of any end pending action. I would like to learn more about the funding sources for the Miller expansion process and I know they look to seek the prop 400 monies but I can't recall these projects being listed as projects in the city's previous bond elections.

Respect that you give serious consideration on the impacts they have on our communicates before authorizing these funding. I ask that you vote no against this authorization. In closing, thank you for allowing me to speak and the kind consideration of my remarks.

[Time: 01:02:10]

Mayor Ortega: Thank you, sir. We also have Nicole Forbes.

Nicole Forbes: Good evening, everyone. Nicole Forbes proud resident of pinnacle reserve at 7561 east Alameda road. I come to you this evening unprepared, unknowing I would speak this evening but so proud that my fellow neighbors have become so aware and made the rest of us aware at such a last minute to be able to be in front of you today. So thank you.

I come to you as a mother, a homeowner, an investment, a real estate agent who takes a lot pride in our home and what we consider our community, our neighborhood. In a time in the world where some of us, that's all we have and that's what we are leaning on. We ask you to keep us safe, our bus stop safe.

We want to attend the graduations that did keep me from being informed because my daughter did just graduate from Pinnacle Peak high school. Walked through this desert to take my children to Pinnacle Peak elementary. We have wonderful schools, residents and safe neighborhoods and we want to keep them that way.

What I would love is to get rid of this whole project, or to delay this so our neighborhood could

band together. I actually back to this wash. We see the Javelinas, the coyotes and the beautiful owls that sweep through this wash back behind my home and I'm the one with the view fencing that looks at those beautiful McDowells. I know I may be more directly impacted.

We want to attend graduation parties and not open houses because people are fleeing our neighborhoods. We want to attend birthday parties and not funerals because someone got hit by a speeding vehicle. Thank you for your time and consideration and please help us keep our community safe, and take a serious look at this project and the impact that it will have on everyone in the neighborhoods surrounding. Thank you for your time.

Mayor Ortega: Thank you. I will circle back because there were two telephone contacts. I don't know if they have gotten through. If not, we will move on to our own discussion and a motion. I ask Shane Stone if he's able to recontact those two on my list. Going once, going twice. Let's move to Vice Mayor Janik and then Councilwoman Whitehead.

[Time: 01:05:21]

Vice Mayor Janik: This question is for Dan Worth. I'm curious, the allocation of these funds is there a time restraint on the allocation of the funds or does it expire at a certain day in the future?

Dan Worth: There's no formal time constraint. But if we go X. number of years, the programming is coming to end, the Maricopa Association of Governments could look to re-allocate unspent funds at some point in funds and stop collecting these funds in 2025.

Vice Mayor Janik: So we probably have some time, six months, two years maybe even to work through the details.

Dan Worth: That's the stage we are at now. You heard some of the speakers talking about coming back to the transportation commission. You heard some talk about our real estate group not going out and talking with them. That's because we haven't gotten that far in the design. We have gotten a lot of input. We have been getting public input for eight months on this project and we are looking at ways to incorporate as much of it as we possibly can.

And as we continue to go through that process, of listening to the input, and coming back to the transportation commission, and coming back to open housing and public meetings and addressing visit comments that we get from residents concerned about this, we hope to make the project acceptable.

And that's -- that's the timeline that we are on, is to continue that design process so that we can potentially be building it in about a year.

Vice Mayor Janik: Can you continue with this design process without additional funds at this particular time?

Dan Worth: If this action is not approved, we could continue, but it would be spending the city's money. What we would be doing is delaying the opportunity to have the county keep its promise and pay 70% of the design and the construction costs.

Vice Mayor Janik: Okay. Thank you.

Mayor Ortega: Thank you. We did get two more comments come in by telephone. We will take them now.

Shane Stone: Sorry for the communication issues we are having. Ms. Lundberg, if you can press star six on your device, you should be able to begin your public comment. Ms. Lundberg, if you can hear me, you should be able to press star six on your device to begin your public comment. I apologize, it appears we do not have Ms. Lundberg right now and we have not received the call from the other commenter.

Lori Ann Lundberg: Okay. Can you hear me?

Shane Stone: Yes, Ms. Lundberg.

Lori Ann Lundberg: Great. Thank you. Well, my name is Lori Lundberg and I have been a homeowner in Pinnacle Peak reserve for 24 years and I signed the petition, and I believe that everything that we're asking for is reasonable and achievable. In response to Mr. Worth saying that they are in the process of reaching out, if you look on the timeline of the project itself, on their website, it shows that we are coming to the end of public comment.

So that's concerning because we clearly have a lot of public comments to be made. With some of the officials involved in the project, we sent emails. We sometimes get responses. We sometimes don't. And it seems like, a lot of the things we are asking for, you know, per our petition, have not been addressed and that's why we are at this point right now.

[Time: 01:10:09]

So again, I would like the city to consider our petition, and we are asking for the preservation of our neighborhood, safety of our neighborhood and consideration of our neighborhood. Thank you.

Shane Stone: Thank you, Ms. Lundberg. Mayor, that does concludes the virtual public comments on this item. Thank you.

Mayor Ortega: Okay. At this point, I have Councilwoman Whitehead and I may have some comment as well. Councilwoman Whitehead.

Councilmember Whitehead: Thank you, and thank you, Mr. worth. I didn't give you any

advanced notice that I would ask for a presentation. So this issue, while I understand that people would like it to be postponed because of questions about the road this is a financial issue. The road will be made to date.

We have made changes that are possible because everything you said, I agree with. So the speed limit, the proposed speed limit coming out of the chute is slower than it was originally. Design of the bridge over the wash is such that it will project wildlife. So that wildlife doesn't even know the road is there.

[Time: 01:11:35]

The medians with the trees have been protected but some of the suggestions that I'm continuing to hear do make sense and this is just the beginning of a process. It's getting the funding that we need and that we are owed as taxpayers. So I will make a motion to approve it but just assure the residents that I will continue to work with you. I spent a lot of time with staff and it's never enough.

I can tell you that staff has been meeting extensive with the neighborhoods and it's very difficult to reach everybody, but we'll continue to try. So with that, I would like to make a motion to approve consent -- or regular agenda item 21, Hayden road Miller road Pinnacle Peak road to Happy Valley road capital project intergovernmental agreement and adopt resolution number 12227. Thank you.

Councilmember Durham: Second.

Mayor Ortega: A motion and a second. Councilman Durham, do you want to speak to your second? And then Councilwoman Littlefield.

Councilmember Durham: Thank you, mayor. I have not yet taken a hard look at this project. I though Ms. Whitehead has spent more time with it. I will reach out to everybody who spoke on this tonight. I have your emails and I would like to communicate further with you because I think there needs to be additional discussion.

It's always possible make something better and we should continue on that project. But I am supporting the motion for the funding because this agreement does not actual -- does not start the construction.

It has nothing to do with the actual construction. It's a necessary element of the planning of this project and so I'm supporting the motion although, I will continue to look at this project. Thank you.

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

Vice Mayor Janik: Thank you. I have met with the people involved, with this project, and that

live in the community. And I do believe that they have very real concerns that we need to do a better job -- do a better job of addressing.

I also agree with my fellow councilmembers that we need to proceed with the funding. How do we want to say that we want to proceed with the funding but we want to accept the ask from the petitioners?

Which pretty much involves talking to them about noise, light, berms, bushes, trees, to relook at the design to make sure that we have done what we can to mitigate noise and traffic safety coming. Is that two separate motions. I'm not sure how to proceed.

[Time: 01:14:57]

City Attorney Scott: Mayor.

Mayor Ortega: I believe we will be acting on the petition which you are just quoting. You are in agreement that it requires additional design and that effort is going to proceed.

Vice Mayor Janik: Yes.

Mayor Ortega: The specific ask of the petition is that, that we -- that they be heard. Westerly only dealing with the financial aspect. Other discussion, Councilwoman Littlefield.

Councilmember Littlefield: I have lived here a long, long time and I know almost all of my life that this street was going to go through, Miller. It has a sign on the road and it's been there, like, 20 years and it's big and it's red, and everybody through that was the plan for Miller road to eventually extend out, however -- and I don't have a problem getting the funding to pay for what the city has already done, but I do have a problem with the general feeling that the citizens are not being listened to.

If we are going to go merrily on our way and build what we want to build. That's not right. We need to work with the citizens. We need have meetings with them on a regular basis and listen to them. I will be a part of that. I'm willing to sit there and listen and make sure that we are hearing what they want to tell us. So I think this has a long way to go before we actually pour concrete.

I think we need to get with the citizens, with all. These people who have told us very plainly, they are not happy. Find out exactly why and what we can do to make it better. Because there's a lot of space out there. There's a lot of movement that can be made on this street. And I think that we need to do it, and Mr. Thompson, I would like you to make sure that that happens and as I say, I'm very happy to sit in on those meetings with them and listen to what they have to say and talk with Mr. Worth and talk with the citizens and see if we can't get together and make something that we can all live with. So thank you very much.

Mayor Ortega: Councilwoman Caputi.

Councilmember Caputi: Agree. Of course we need to listen to the residents. I have spoken with a lot of the residents already on this case. I actually live in that neighborhood myself. My children go to Pinnacle East and Pinnacle Peak high school. So I'm very concerned.

Councilwoman Whitehead said that she's spoken with residents and Vice Mayor Janik has spoken with residents. It seems like the city has done quite a bit of outreach even though we are so very early in the process. Mr. Worth how much outreach have we already done? I'm certainly not suggesting that we stop.

I just want to underscore the point that we have done a fairly good job already of reaching out and making sure we hear the concerns. I would probably list most of the items in this petition off the top of my head, just from speaking already with residents. I know that I even sat in on a couple, actually, of Zoom meetings in regards to this item already.

So it feels like we have done, we are doing a pretty good job already of reaching out and making sure we hear from our residents.

[Time: 01:18:37]

Dan Worth: Councilwoman Caputi, I appreciate that observation. You have heard a lot of examples of our outreach, the transportation commission agenda, and this is a separate standalone item to allow public comment and people did come.

We had a virtual public meeting that was open for resident input. We have taken a survey and found a significant number of residents who support the project because it is going to ease traffic in the area. And we do make an effort to address all of the questions that we get by email. And I know that the Lundbergs have committed many questions to us, and Mr. White has and several others. We do try to address all of those.

And as some of you have mentioned, we have made modifications to the design already to reflect some of the things that we have heard. There are some things that might be more difficult to do. But we are trying to do everything that we can within reason, within constraints.

Councilmember Caputi: Right. I want to underscore that. I agree of course we always have to do great outreach, we are doing a really good job as a city to make sure that we are hearing from residents and we will continue to do that. Thank you.

Mayor Ortega: Okay. I do support the motion and I just want to add one other thing. Whenever there is a dead end, for instance, Granite Reef has a canal that stops Granite Reef and people that -- or say Miller, when people are not familiar with that area, and they come to a dead stop, they tend to turn into neighborhoods, circulate around.

I know sometimes they get it on the way out because they are frustrated. They don't know

really where they are. And so there's -- by having a continuity in traffic, it's actually -- as anticipated, I think it will relieve that.

I can say that from a motorcycle guy that kept coming by and then gunning it and running through the neighborhood before he figured out he had -- he made the wrong turn at a dead end street. So at this point, please register your vote. Thank you. It is unanimous. And we will move on.

At this point, in our agenda, we reopened -- we reopened public comment for items that may not have been on the agenda -- excuse me, for citizens to speak on an item which is non-agendized. We had that at the beginning of the meeting, and we have it at the end. I have not seen any other cards for speakers to add to public comment. Therefore, I will close the public comment.

ITEM 32 – RECEIPT OF CITIZEN PETITIONS

[Time: 01:21:34]

Mayor Ortega: Moving on to item number 32, we have received a citizen petition, and as I have received it, and it does pertain to a petition which we are certainly obliged and have accepted on the part of citizens. And the citizens have -- excuse me, the council has three options in terms of making a motion. These are being displayed on the screen at the present time.

I would highly recommend item number two, to have the city manager to investigate the matter and prepare a written response to council with a copy to the petitioner. So I would request that -- I would make that motion, if we can get a second.

Councilmember Littlefield: I will second that.

Mayor Ortega: Okay. We have a motion and a second. Any other discussion on this? Okay. Please register your vote.

Councilmember Milhaven: What is the motion?

Mayor Ortega: The motion is to receive the petition -- the motion is to receive the petition and take the action, which was posted. We had one choice -- to direct the city manager to agendize the petition.

Number two, direct the city manager to investigate the matter and prepare a written response to the council. That's the one I read when --

Councilmember Littlefield: That's the motion.

Mayor Ortega: Yes, that is the motion. You're welcome. We have unanimous -- well, let's see, is

this the current one? Correct. Thank you. Thank you very much. And -- that may have been the old vote tally, and I apologize that some of our system is not working so.

Please according to item number 32, register your vote. As it happens, I can see it. So I can say it was unanimous. And so 7-0. Okay.

ADJOURNMENT

[Time: 01:23:43]

Mayor Ortega: At this point, we are on -- are there any mayor and council items for tonight? Seeing none, I will ask for a motion to adjourn.

Vice Mayor Janik: So moved.

Councilmember Caputi: Second.

Mayor Ortega: Thank you. Second by Councilwoman Caputi. Please register your vote. Unanimous. We are adjourned.