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CALL TO ORDER

[Time: 00:00:01]

Mayor Ortega: Hello good evening I call the February 14, 2023 city Council regular meeting to order. City Clerk Ben Lane would you please conduct the rollcall?

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: Here.

City Clerk Lane: Councilmembers Tammy Caputi.

Councilwoman Caputi: Here.

City Clerk Lane: Tom Durham.

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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 Attorney Scott: Here.

City Clerk Lane: City Treasurer Sonia Andrews.

City Treasurer Andrews: Here.

City Clerk Lane: And the Clerk is present. Thank you, Mayor

[Time: 00:00:39]

Mayor Ortega: We have firefighter Jake Laurent. If anyone should need assistance. So happy Arizona statehood Day and happy Valentine's Day as well. So the state of Arizona is 101 years old. What I will ask is if the scout troop one forty seven would come forward. First lead us in the pledge and then we will hear what some of your favorites. So let's stand for

Scout Troop 147: 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.

Scout Mark: My name is Mark Fitzeroa and my favorite subject in school is math.

Scout Lucas: My name is Lucas and my favorite subject is math.

Scout Paul: My name is Paul and I don't really have any favorite subjects.

[Laughter]

Scout Paul: I like all of the classes.

Scout Felix: My name is Felix and my favorite subject is math.

Scout Max: My name is Max and my favorite subject is also math.

Scout Barry: My name is Barry longer and in my favorite subject is English.

Scout Giovanni: My name is Giovanni and my favorite subject is math.

Scout Luis: My name is Luis and my favorite subject is history.

Mayor Ortega: Thank you one and all, appreciate it.

[Applause]

[Time: 00:02:46]

Mayor Ortega: So we continue to keep the people of Ukraine in the forefront of our thoughts. Let's pause in silence as we pray, hope for their safety and peace of the Ukraine people. Thank you. I want to think Councilmember Durham he served as vice me for 8 months and will come vice mayor Kathy Littlefield who is remote today. But she certainly is in attendance. I want to complement the entire city staff, or public safety officers, firefighters, everyone who were all hands-on deck for our successful Phoenix open waste management open at the Scottsdale TBC. As well as the Super Bowl activities which we had in Scottsdale. So over million people previewed the beauty of Scottsdale in a safe environment. So thank you to all of the special event staff. You know who you are. And thank goodness again that we have those so dedicated to contact us. Thank you.

[Applause]

Mayor Ortega: I also want to point out that this last weekend, Phil Mack, a City of Scottsdale employee sadly passed away. Phil became part of the Scottsdale family in 2018. Phil's teammates made his employment at the city very enjoyable. He valued his team and the time he worked for the City of Scottsdale. Please keep the Mack family, his wife and children and his colleagues in your thoughts as they cope with his loss and please join me for a moment of silence. Clear thank you. I call on city manager Jim Thompson to provide the City Manager's Report.

City Manager Thompson: Thank you mayor and city Council, I think we have a video this evening. Just a short one. Thank you.

Audio from video: Hello, I'm public specialist Stephanie with five things around the city you need to know. Starting us off at number 5, Scottsville fire department they viewed its first fire watch, taking us behind the scenes to meet the firefighters and show how they tackle the hazards of our growing urban environment and mitigate complex life safety problems. The episode showcases how our firefighters showcase safety at the large-scale events like the W M Phoenix open. Subscribe and listen on your favorite podcast app or visit scottsdaleAZ.gov and visit fire watch. Coming in at number four, Scottsdale hits out of the park with a new spring training exhibit.

Take a thought-provoking journey through the 5 areas of the Scottsdale Stadium highlighting the rich spring training history at the civic trainer library. Artifacts, memorabilia to transport the fans back to the launch of the Scottsdale spring-training. Learn more at Scottsville easy-- scottsdaleAZ.gov. Next up number three, have you seen the old town old cowboy lately? Kayla Newman had it back to its original design. The artist deep wide created. It is 1 of Scottsdale's most recognizable landmarks any popular spot to take a salty. At number two, this is your chance to let us know how you feel about living in Scottsdale. Working with the national community survey we are asking read the-- residence to rank their overall quality of feedback and feedback about miscible services, safety and customer service and their level of participation in the community event and activities. In January the survey went to fifty five hundred randomly selected Scottsdale house gold.-- household.

This will represent the entire committee within no margin of error and this is provided through the survey to help the city prioritize city services and programs. It is easy and anonymous. Visit scottsdaleAZ.gov and search community survey. Wrapping things up at number 1, the western two thirds of Scottsdale Civic Center are now open. Come check out the upgrades, snap a photo with the Robert Indiana love sculpture and rediscover why the Civic Center is 1 of Scottsdale's favorite public spaces. The entire project will be complete in late March and the city is planning a community celebration in April. Scottsdale's voters approve most of the thirty three point five million dollar project funding through the 2019 bond election. For more information and to find out what events are coming up at Civic Center, go to scottsdaleAZ.gov and search Civic Center. And that is Scottsdale's past five for February. Thank you for watching.

City Manager Thompson: Thank you Mr. Mayor.

[Time: 00:09:02]

Mayor Ortega: Thank you, I will make this announcement during tonight s meeting that the Council may make a decision to recess into executive session into any applicable item on the agenda if authorized by the Council, Executive Session will be held immediately and will not be open to the public. The public meeting will resume following the Executive Session. Also per hour Council rules of procedure, citizens attending city Council meetings shall observe the same rules of order. And the quorum applicable to members of the Council and city staff. Unauthorized remarks or them from the audience such as applause, stamping of feet, whistles, yells or other demonstrations shall not be permitted. Violation of these rules will result in the removal of the meeting by security staff.

So things move a lot faster and we don't have disruptions, thank you so much. The next item is public comment. Public comment is reserved for Scottsdale citizens. Scottsdale business owners and or property owners to comment on non-agenda highest items that are within the culturalism jurisdiction. Advocacy for or against the candidate or ballot measure during the Council meeting is not allowed pursuant to state law and is therefore not deemed to be within Council's jurisdiction. No official counsel action can be taken on these items, the speakers are limited to 3 minutes to address the Council. We did receive 2 request for public comment, as you come forward state your name and address and you have 3 minutes. I will begin with Jeanette Bennett. And then Cody Reim.

[Time: 00:11:02]

Jeanette Bennett: Hello everyone, I am Jeanette Bennett, I live at 715 E. Ridge -- Drive in Scottsdale, 8251. Which is the north side of fashion square mall in the community complex there. The purpose today is to reduce the noise level permitted in downtown and Oldtown Scottsdale from one hundred and ten decibels to a more reasonable level of 95 dB after 10 PM. I am not just an old lady complaining. I want everyone to stay in business and continue giving us the revenue that we deserve. We all just want the noise to be more reasonable. In the evening hours from 7 until 7 AM individuals and families are regularly disturbed the loud noises coming from the entertainment areas. Sleep is interrupted through the night which has a damaging effect on livability. And here are 2 examples. The first 1 is the noise complaints that were given to the nonemergency police department this past November and regarding December 22 regarding the bar area and road work on or after 12:30 PM. The person was told that there was no investigation necessary because the decibels for the area is 110. Decibels. Therefore the noise continued indefinitely for those nights. The second 1 is the city approved Verizon to do work wrote-- road work on Highland in Scottsdale from 9 AM until 3 PM. For 3 weeks, and I have the manager's phone number here answer you, said the city approve this work to alleviate traffic congestion around the mall during the holidays.

However it was done right in front of a residential complex with 700 units and the residents were never notified of this being approved. And getting an e-mail from Brent Stockwell today explaining about Verizon and how it works. It was not the city that approved it but the staff. But the city Council members should know what is going on. I also had a conversation and an email with Lieutenant Gill her in January. And he gave me what the police department is using to determine what the decibels are. And as I said there is residential living is 68 dB. The immediate vicinity of bars is 95 and the bar workplace standards for workplace safety is 110. There are a number of residents surrounding entertainment areas in the downtown and Oldtown Scottsdale that are affected by this ordinance as it stands. And therefore we are requesting with the attached petition to reduce the current noise to a more reasonable level of 95 dB after ten PM. The level of noise this past weekend was very loud. However it is because of Super Bowl and PPC events. Knowing that the revenue generated is necessary wanted and there was an end to it so it would not go on daily after it. It was okay. There should have been no complaints made on that. But otherwise it seems that the noise ordinance is going on a daily basis. I think that is--

Mayor Ortega: Thank you very much into be noted we have received the petition in your name and it was registered at the Clerk's office and will be taking action later in the meeting as noted. Thank you Miss Bennett.

Jeanette Bennett: Thank you everyone.

Mayor Ortega: Mr. Cody Reim.

[Time: 00:15:17]

Cody Reim: Hello my name is Cody Reim. My family owns a business here in Scottsdale. Specific sheet-metal, 607 E. Tacoma Drive in Scottsdale 82560. It is good to see you again thank you for hearing me. I first want to congratulate the city of Scottsdale on a successful Phoenix open and Super Bowl, the level of planning that the city displayed was spectacular, thanks to this counsel, Scottsdale PD and leaders today. I come to you on behalf of Liberty foothills and the crisis we continue to face. I plead with you and respectfully request the Council motion to bring to the agenda a solution that would not negatively affect the City of Scottsdale or its residents. And would allow water to flow to Rio Verde Foothills. We are now 45 days without water to about 750 households with children and livestock. And Rhea Verity foothills. Any assistance in this would be greatly appreciated. I thank you for your time.

Mayor Ortega: Thank you, with that it closes public comment. And next we will move on to the minutes. I have a motion for approval of minutes. Consisting of special meeting minutes January 10th, 2023, regular meeting and work-study minutes that January 10th, 2023. Special meeting minutes of January 24, 2023. Executive Session minutes of January to fourth, 2023. And regular meeting and work-study session minutes of January 24, 2023.

Councilwoman Janik: So moved.

Councilmember Durham: Second.

Mayor Ortega: Thank you we have a motion of second. Any discussion, please register your vote. Thank you, and vice mayor Littlefield. Thank you we are unanimous. Moving on.

We will now go to our consent agenda items. Consent Agenda items are fully of record and require a vote and generally are taken is a vote for the Consent Agenda items. However, at this point we are able to, I want to mention the item number 14 will not be considered in the vote for consent agenda items. We will be discussing item 14 on a regular agenda platform so that will be more of a presentation and so forth. Does anyone in the public have any public comment on items 1 through 16, excluding item number fourteen, I see none therefore I will close public comments. Councilmember Graham.

Barry Graham: Thank you mayor, I'm not asking to take an item off the consent agenda, I want to invite Chief Walther to the podium if he wants to remark on the 2 items of the victim notification technology system and family advocacy Center grant optional for Chief Walther, not to speak on those, but he's it invited. Thank you mayor.

Mayor Ortega: Thank you very much I will give him more than 3 minutes. [Laughter] no.

Police Chief Walther: Mayor I appreciate more than 3 minutes but my boss city manager said no way. So also member grant thank you for the discussion on those. The 289 numbers 89 and number 8 really speaks to the family advocacy center and 26,000 ish grant provided by the Attorney General's office which is fantastic. As most of you know the Scottsdale family advocacy center was constructed in 2002 and really serves a population of victims that come through our special victims unit, or violent crimes and domestic crimes unit and human exploitation and trafficking unit. That facility that has been really the kind of power for the course and really adopted throughout the Valley. We are seeing 2 more family advocacy centers come up, one in Gilbert and one in Tempe that are following our model. So this grant very much appreciate the grant from the Attorney General's office.

That will really help those detectives and or persons crime section go through the more advanced training. Forensics interviewing, interviewing and interrogation. And also really kind of help those victims of crime. Especially again social crimes and domestic violence. And so the family advocacy Center is part of the Scottsdale Police Department. Run by the Scottsdale police department but some great partnerships on our health and forensics, nurses, nurse examiners. So it really is kind of the model. So I appreciate that and I appreciate councilmember Graham bringing that forward and then to me talking about that.

It is exciting that I shared with him that finally I think I became a patrol officer in 1994. And we were, I know you are looking at me like 1990 for this guy is terribly old. In 1994 we were handwriting our victims notification. Fast forward to this. Of time, most police forms are still handwriting their victims notification forms and still dealing with a lot of paper. The spider technology the spider tech that you see in front of you on the Council action report is to automate that for us with full reimbursement by the state. Also offers talking about the fast 5, community survey. Offers community survey for us to put out to those people that we interact with that are victims of crime to make sure that we are providing great service to them. So those are both of those. And councilmember grant thank you for allowing me to bring those up. I'm happy to answer any questions.

[Time: 00:21:34]

Mayor Ortega: Thank you Chief very much twenty years ago I was a councilman when the family advocacy came about. And visited Laster as other councils were invited to visit and see the effectiveness of it. In fact, the partnerships that you mentioned to help reduce the trauma and then at the same time compassionately being able to help the victims come forward. And seek justice. So thank you so much.

Chief Walther: Thank you mayor. Thank you councilman.

Mayor Ortega: At this point I am open to a motion, are there any other questions? On any particular how? Okay at this point I am open to a motion to approve Consent Agenda items one through sixteen for item 14 which will be heard on the regular agenda.

Councilwoman Whitehead: I will move to approve consent item 1 through sixteen with exception of 14.

Mayor Ortega: Thank you.

Councilwoman Janik: Second.

Mayor Ortega: Any discussion on? Okay please record your vote. And I heard a yes from Kathy Littlefield. Thank you, unanimous.

ITEM 14 – FIRE DEPARTMENT TRAINING FACILITY CONSTRUCTION PHASE SERVICES CONTRACT

[Time: 00:22:54]

At this point we will move on to item 14. Presentations in cases we will have and you know for scouts 147 this can all be found online as well. As you follow the agenda. Outline. Coming forward for item 14 is the city engineer.

Allison Tymkiw: Thank you, good evening mayor and member of the Council. What I have before you is item fourteen. It is the construction manager at risk contract for the new fire training facility. The action before you is to adopt resolution 12731 and that action is broken into 3 parts, the first 1 is basically awarding the GMP which is the construction manager at risk contract 2023 zero one three COS with core construction. The second portion is the budget transfer. That is FY 22 and 23 which appropriation transfer. Of \$10 million. And then the third portion is the Bell Road land sale proceeds. And that is amending previous resolution replacing allocation of seven million four hundred seven thousand for seven91 \$91 of the restricted portion of the 90 fourth Street and Bell Road land sale proceeds. Bunkhouse project to the bond 'tween nineteen project 38.

Okay this slide right here is just for some contacts. The project location, this is that the police and training facility located in the city of Tempe. It is south of Curry Road, north of the loop 202 to freeway. And just west of McClintock Drive. Their we go thank you. [Laughter] so this is the wrong description. Bond project 38 is to build a new fire department training facility. The project description is eight thousand to ten thousand square-foot fire Station building, includes large conference room to accommodate one hundred plus people, breakout rooms, twenty five percent locker rooms, after rooms, physical fitness room, administrative offices, kitchen and to burn apparatus phase, and also want to three-story basic skills building in a strip mall concept with ventilation props, forcible entry props.

And class B outside skills evolutionary that would include hazardous materials props, technical rescue props, aircraft rescue and firefighting props. And all of these I will show you in an upcoming slide. The location so you get a better understanding of what those three fire training props look like. So the project need, the current fire training facility is outdated and insufficient to meet the fire training needs. Elements of facility [computer alert] sorry about that, elements of the facility or at the end of their useful life.

Additionally we have an elevated need to the anticipated influx of new recruits. When a large portion of our workforce and the fire department reaches their return meant-- retirement eligibility in 2025. Okay this is the site plan that I was referring to. This proposed site plan shows the existing aerial with the new

proposed buildings on topic the north area, north arrow on this is actually rotated to the right. The blue building is not in the scope of this project. That is the police training facility. But the red buildings are what we are talking about here tonight. And the number 20 read building is the proposed new fire department training Academy. And then the number 34 and 5 in red there, are the proposed training bird props I described. You can see the fire training building in the fire props there prefabricated to be the training prop buildings. Okay so when I broke the action down into 3 parts earlier, this is part 1. It is a word of the GMP. And I would like to give you a little bit of a project history and timeline to show you where we have got, how we got to where we are today.

[Time: 00:28:14]

So in early 2019 the original project estimate of \$18,258,500 was based on the 2018 scope statement with a 10,000 square-foot building. And in 2020 we started programming and we did a conceptual design. To see what the needs were and how we would accomplish it. We got to thirty percent design and we determined that the ten thousand square-foot building that was originally programmed was not sufficient and the design increased to 27,000 square-foot. The 2021 is an estimate showed a \$5 million shortfall at that time. To complete the project with the increased scope. Then in June 2020, through the 2022/23 Fiscal Year approval, and additional five million dollars of general funds was applied and approved to this project. And in September of hour risk contract proposal give us a proposal of 22 million and that put the project at ten million overbudget. At that time the cost increase was determined to be or merrily due to inflation because the building size had not increased since 2021 estimate.

Then in November 2022 we presented to the city Council an update on the bond project estimates where it was noted that the construction inflation has resulted in a 44% increase in final construction produced price index from the summer of 2018. So we realize there has been quite a bit of inflation in the construction industry and elsewhere. And then in December 2022 Council approve the transfer of five million dollars of general fund to five million dollars of restricted use land sale proceeds. For this project. And then in June 2023 our cement risk contractor rebid the GMP in the proposal is still at 22 million. And that could be good news that it shows some cost stabilization between September and January of this year. Okay the next portion of the action is the budget transfer.

So as I have described this project needs an additional ten million dollars to allow the GMP award and project completion. So again I mentioned the construction cost inflation and our proposal for this funding is to come from two sources, first is the \$7,407,791.47 from the restricted portion of the 90 fourth Street and Bell Road land sale proceeds. And the remainder of the 2,000,595. 53 to come from the 2022, 23 general fund a billable valence. And then regarding the third portion of the action. The bell sale Rhodes proceeds. In December 2022, city Council approved 7000-- seven million from the restricted portion of the 90 fourth Street and Bell Road proceeds to go to the McCormick and Stillman one Coast project which is now renamed the Roundhouse instead of the bunkhouse.

So I will refer to it as the round out from here on Alice-- as the Roundhouse from here on out. There might be opportunities from the Roundhouse from Javid new-- revenue generating activities. Their for

the fire training facility is a better allocation of those funds because it allows us to use the restricted use funds. And then again the fire training facility has a fast pace timeline as I described earlier to meet the needs in 2025. And the restricted use funds have a time expiration of the summer of July 2024. So the fire training facility is a good match for those funds.

[Time: 00:32:33]

And then on November 21 of 2022 when we did the presentation to city Council, city Council asked that we involve the citizens bond oversight committee into input on projects that require additional non bond funds. So previously the city, the citizens bond oversight committee, their purview primarily was solely with the bond funds. And then they were asked to look at non bond funds and give a recommendation to city Council. So on February 6 of 20 between 3 we presented the need for the ten million dollars of additional funding. In the non bond funds to this is an bond oversight committee.

The express that they were more comfortable having city Council make decisions on non-bond funds. Since their purview had always been just regarding bond funds. And they made a motion, the motion was as follows. The citizens bond oversight committee is not adequately informed to make decisions on the use of non bond funding at this time. On project 38. So we had a sling to them that we would still be presenting this to you tonight for consideration and we would let them know whether communication to you was at that time. So that is the end of my presentation. I'm available for any questions. Cheap Shannon is also here. He is available for questions as well. He also has separate information on the workforce and the need for the fire training facility. As well as he has some information on the size of other training facilities throughout the Valley. In comparison to the 2020,000-- the facility we are proposing.

Mayor Ortega: Thank you at this point I would also open for public comment, I'm seeing on therefore I will close public comment on item number 14. Moving on to Council comments. So I see Councilwoman Janik which is to speak and I want to take a note also if Councilwoman Vice mayor Littlefield which is to speak let me know and I will get you in their. So councilmember Janik and then Barry Graham.

Councilmember Janik: Thank you, obviously this is a major increase in the cost of this facility in size and in price and I think it is realistic to say that many of us were surprised to see this increase and I went and checked construction cost increases from 2018 through 2022 in the chart I looked at indicated they were about 14%-- 24% with a bit of fluctuation to the end of 2022 when inflation eased up a bit for construction of project like this. So I would really I am very interested in seeing your comparison for different facilities. That provide the same service. The size of the project. And the additional uses of the project from Scottsdale staff as well as other cities in the area. Thank you.

Fire Chief Shannon: Thank you councilmember Janik and Mayor, historically Scottsdale compares ourselves to 5 cities, Glendale, Phoenix, Mesa and Scottsdale. I will move us forward a couple slides. Okay so what you are looking at here is the most recent data either by actual capital project source where the horses mouth as it were. As to what it cost specifically for these areas. And as you can see our most immediate comparators are Glendale and Gilbert and Chandler. Our friends at core construction

did an outstanding job building the Gilbert training center and is a sight to behold for sure. But as you can see, that police, fire training Academy only trains recruit firefighters but also incumbent firefighters and then also trains incumbent police officers and I will let Chief Walter described the police recruit training methodology but is an off-site situation. But as you can see, that site is substantial and it was a substantial investment by that community.

Our site is comparatively more similar to the Chandler, excuse me, the Mesa and the Phoenix location where the building size includes the classroom, the auditorium space, the fitness areas, the locker room space for both men and women. So what you're looking at here is what has been done in our comparative communities. The fact of the matter is that today's firefighter as a recruit requires about 20 weeks of training covering a myriad of things, covering a myriad of firefighting technologies and techniques as well as the hardening that is required to do that type of work as well as the emergency medical training that will also be included in the Academy. But what is very important to remember is that your incumbent firefighters require well over 1000 hours of continuous training to maintain their skill sets every day. And so and Scottsdale as you look at our section on the bottom we have been in literally a double wide notable building for quite some time. Never met any reasonable standard really only were formed in 2005. We have been making due with the hope that this project would see its day.

[Time: 00:39:04]

And the way that we train recruit firefighters is currently through a shared space is available method with the other training centers. What makes this project absolutely pivotal is that our attrition rate is so substantial culminating on July 1, 2025 when over half of our organization is eligible to retire as Allison pointed out. And that is something that just can't be overcome by shared space availability and other training centers. Those folks have their own attrition rates, the city of Phoenix the entire year has close the training center to outside agencies. Brings it down to 4 locations and everyone of those 26 Valley cities the operates in the system that many of you are aware of are all challenged by the same ongoing and recruit training needs so that we have. Certainly not the punch that we will receive on July 1. So I hope that helps kind of give you a context of what the training centers around us are.

One last comment on school. As Allison pointed out, and as you approved over previous Council actions. The scope of this project has been known since 2021. It has not changed. Since we were at 30% plans, it has remained at its current size. We are not asking for nice to have us. We are at the bare minimums of what is required to train staff in a contemporary way. It is a shared site with our partners in law enforcement. It is a city facility. So the auditorium space would be a shared space as made available. And so it is important to put in context that the size of this building has been well known for a few years now. And it is really going to be critical that Scottsdale sees this project.

Councilwoman Janik: Thank you.

Mayor Ortega: Thank you moving on to councilmember Graham and then councilmember Caputi.

Barry Graham: Thank you Chief, I have some questions for Allison if I may have? So can we talk a little bit about the bond oversight meeting on? And there was an article and it seemed to be confusion to the members of the oversight commission. What was kind of your experience and takeaways from the members of that commission?

Allison Tymkiw: Yes councilmember Graham there was confusion and a lot of it was the result of they felt like they were an unchartered territory basically because previously there pure view was on bond funds only and then we were representing them to make a recommendation to the city Council on the non bond funds and they felt like that was outside of their scope.

Barry Graham: Right and I saw a quote from the city attorney Sherry, you said that there was unchartered territory if I can use that phrase, what does that mean? Can you explain that a little bit more?

City Attorney Scott: Mayor and councilmember Graham, I'm sorry I can't remember saying unchartered territory or what context I may have said that. Can you be more specific?

Barry Graham: Where you at the bond oversight meeting?

City Attorney Scott: No I was not.

Barry Graham: Think there was an article that attribute that quote to you. It might have been a mistake.

City Attorney Scott: That would be a mistake, I believe Kim Campbell from my office would be at the bond oversight committee but there was certainly no legal issues really mixed up into this matter whether or not the Council wants to approve this or not. It is really a policy decision for the Council.

[Time: 00:43:20]

Barry Graham: I agree with councilmember Janik, when you see this project you see the inflationary costs, and that is coupled with a sickly the scope has been tripled for to much from 10,000, to 27,000, is that right?

Allison Tymkiw: Councilmember Graham that is right, the original bond description was 8 to 10,000 ft. ² and typically our single fire stations themselves are twelve to thirteen thousand ft. ² so it would be hard to have a fire station in it with a training academy in it of that size.

Barry Graham: And also the bonds, can you pull up the map of the training enter on Stadium Drive? I think it was probably 1 of your first slides. So and bond twenty nineteen there was also question 27 which was funds for the old training facility, \$8 million. Can you talk about that as it relates to this site?

Allison Tymkiw: I will advance the slide to the one that shows the project. Sorry. Okay so are you referring to the police and fire training facility which is a bond project 27? So that is the blue, that is

what is highlighted in blue on this site plan. So that as a separate project and is currently being designed. It is at ninety percent plans and we are ready to go with a GMP here really soon. But that is on a separate track.

Barry Graham: Was that subject to any inflation cost increases?

Allison Tymkiw: Councilmember Graham, yes that project has seen inflation as well again once we get the updated GMP we will know the exact effects of that. But it also, the bond project description and the bond estimate were not quite and align with each other. And again programming with that project as well and that was also back in 2021 where we looked at the 30% design. And did an estimate and realize that we had a shortfall.

[Time: 00:45:47]

Barry Graham: So for that project no

Allison Tymkiw: Similar to we went through the process Lester with a fire training facility.

Barry Graham: Are you expecting about 44% cost increase do you have any preliminary estimations?

Allison Tymkiw: I don't have the information with me tonight, I apologize but that is in the current CIP right now for 23 and 24 and I believe it is a \$7.9 million request for that project.

Barry Graham: In additional?

Allison Tymkiw: Additional yes.

Barry Graham: So 7 point 9 plus the 8 plus this is turned into 33 right? The other project.

Allison Tymkiw: Yes that is right, this one is 33 million.

Councilmember Graham: So what does that add up to her? Over 50?

Allison Tymkiw: Yes if you add the 2 projects.

Barry Graham: Okay what are we getting from the project 27? Are we getting things from the project 27 that can be incorporated in the project 38, are they so distinct and separate that they are seen as completely you can't get anything out of one or the other?

Allison Tymkiw: Councilmember Graham, are you referring to shared use? They are planning to do I think probably Shannon could talk better about that but they are planning to the original bond project for the fire training facility had included 100 plus person conference room. And we are at about 170 person auditorium and that is plan to be used for police and fire training. I believe earlier there were

talks about sharing some of the fitness area. Possibly classrooms.

Barry Graham: So we are at about fifty million dollars so in the bond we had 18 plus 8 so \$26 million. So it's looking like about 100% increase. The project that is before this council, and the project that went to the voters 3 years ago, you can say are pretty much nothing alike. Is that a fair statement?

Allison Tymkiw: Councilmember Graham, no the project description is pretty accurate. The one difference I would say is that 10,000 square-foot part of it, as I had alluded to before most of the fire stations themselves are a 13 to 14,000 ft. ². So to add classrooms and auditorium and all the other training facilities and then when you looked at Chief Shannon's spreadsheet that showed the sizes of fire training facilities across the valley, I believe they were about twenty thousand square feet, I think it's pretty typical for a fire training facility to be that size in order to meet all of the needs that are in it.

Barry Graham: It sounds like you are saying that is pretty standard size for a training facility right no

Allison Tymkiw: According to the information that cheap Shannon shared, that would be my--

Barry Graham: So if it is so standard knowledge that we put this for voters why didn't we know it three years ago a?

Allison Tymkiw: Councilmember Graham I can't say and 2018 when it went into the decision-making.

[Time: 00:49:10]

Barry Graham: Are you also saying that an 8 to 10,000 square-foot facility is the same as a 27,000 square-foot facility?

Allison Tymkiw: No I am not, I'm just saying that the discretion of the project and the amenities in their. You know if you look at the description it's hard to fit all of that into you to 10,000 square-foot building.

Barry Graham: I will differ it to my colleagues for the time being but thank you Allison for answering my questions. Thank you mayor.

Mayor Ortega: Okay councilmember Janik and then Councilmember Whitehead.

Councilmember Caputi: I don't find it shocking that we are over budget, we are in a nicely different world than we were in 2018 is most people recognize, I work in construction, I don't think I have had a project in the last 2 years that has been wildly over budget, I can relate to this, it is not just the inflation rate for the construction products but is also labor, shortages, it is everything, supply chain issues and we are all very aware of --this. So that over and over run doesn't surprise me and we are in a vastly different world than we were and twenty eighteen. I would like to ask a question of cheap Shannon. Since we are in a very different world, there must be a great need or we would not be asking for such an

increase in the facility. Could you just walk us through what the operational consequences would be for the firefighters to not build this facility for both new and existing firefighters?

Chief Shannon: Yes Councilmember Caputi thank you for the question. If you will bring up the slide, not to be appearing to be hyperbolic or dramatic, the fact that 140 people walk out of the door out of 280 something sworn members is significant. If we don't have the capacity to train the replacements and it would not surprise you to know that most of those folks who are senior members who have attained rank, attribute and most importantly skill level to do the things that we asked them to do in the city, great performance levels. Quite simple truth is, is that if we do not have a place to train firefighters, we will not be able to staff fire trucks and that is just a flat out facts. We will be subject to the available space in those other training academies.

That I have previously mentioned. And as I mentioned the chunks of 20 and 30 and 40 and 50 personnel leaving at a time would not be accommodated by anyone of them. And probably all for at any given time. For example we are sending 8 recruits to the Glendale Academy right now and we had to bag to get 2 more in and that is a fifty person class. So the reality is that my generation of firefighters is retiring. And the next generation is coming. And so the consequences of not having a place to train are catastrophic to the performance of our duties. And quite honestly you know I fear that we would be closing fire stations because we would not be able to staff fire trucks. That is not hyperbolic, that is fact.

Councilmember Caputi: I can't remember where this particular item on the bonds fell, but I sort of remember the voters expressing that this was of great interest and I mean I know that it has gone over what it was fairly high up on the list of items that the voters cared passionately about right?

[Time: 00:53:11]

Chief Shannon: It was, my recollection is the public safety questions the lowest rated one was 83% and the majority of them were in the high eighties and low nineties. And we enjoy wonderful support from our citizens and the Council. And the cost of this project is not lost, the reality of our inflation impacts is not lost. The scope consideration quite honestly is a counter flayer, I appreciate what was posted and published in terms of square footage size is shock but as you have just seen through the comparison with our, the great work that was done in Gilbert being kind of the high and probably our facility as sequenced and as scoped being the low, this is only going to train 25 to 30 people at a time. Max. So I can honestly tell you that I think that both capital projects in recent days is what certainly the fire department has done nothing but lean this project down and our partners at CORE an architect have done that with a mind.

Councilmember Caputi: And it is in a complete different universe than drawing as well, I'm comfortable at this point. Thank you cheese.

Mayor Ortega: Next Councilman.

Councilmember Whitehead: Whitehead and then myself. Thank you mayor. I'm appreciative of all the numbers and the remarks of Councilman Graham. When I first joined this Council I approved of consent and increase, a significant increase for fire station I don't remember which one. While I appreciate that there has been inflation, this is not first time. This is now a second time. So we as the Council asked our voters to approve the bonds and they trusted us that we were at least in the ballpark of what the cost were going to be and so I am very bothered that when a fire station is 12,000 ft. ² that somehow our team put a project that was eight to 10,000 ft. ² as the project description, is clearly an error on our part which translated into an unreasonable cost. Which undermines the trust our citizens have in us. And again, I was approving overruns of costs previously for other fire stations. So I'm deeply disappointed and I don't believe inflation.

I think as I just pointed out. Inflation as part of the equation but certainly not at all the whole equation. And it puts us in a Catch-22. Councilwoman Caputi rightly noted, everyone wants firemen when their houses are burning down. That is always a priority laugh that is not rocket science, we want to be saved, that's what the taxpayers pay for, we are being put in a Catch-22 because we are being asked to use money that could be spent on so many other priorities. In the city. We are having to tell the Southwell we thought we had money for pickle ball courts and then we don't. And then other things that are quite frankly life-and-death.

So I have some questions. I won't go into the same information that councilmember Graham provided. But they shared uses, the auditorium, the fitness equipment, where are we on those?

[Time: 00:57:14]

Chief Shannon: Well just like every city facility, they are not owned by anyone division. So the fire department currently beg, borrow and steal space to hold classes at libraries, at any of our other city departments and so it would be presumptive on my part to think that this auditorium just because it says fire would only be used by fire. So that is kind of where it sits.

Councilwoman Whitehead: Let me rephrase that. So what is going to happen is that we are asked to approve significantly more money, money that was really a once-in-a-lifetime money for our constituents. Because we sold the public land. We will be asked to approve initial money for this fire training facility which we clearly need. But then coming up soon, will be a request to spend more than was planned for the police fire training facility and so what I'm wondering is between the CIP folks and the police and the fire, I can't remember who mentioned maybe you mentioned it. There is some fitness requirements for both sides, some auditorium, some other spaces, is there any cost savings they are between blue and I think it was red, the other, those 2 facilities?

Chief Shannon: I speak to Mayor Ortega, Councilmember Whitehead, I speak to both police and fire, that fitness location in this building as proposed, could be used by both police and fire. I don't believe the current time Hans building has much of a fitness location in it. And so in terms of use, shared use, absolutely. In terms of cost savings, we need the fitness center. So I don't see it--

Councilmember Whitehead: Maybe I should bring Allison up. Because she is covering both of these projects. Thank you so much Chief. So Allison, what is in both of these buildings that might help, maybe could be shared no

Allison Tymkiw: Councilwoman Whitehead is a mentioned the auditorium is definitely something that can be shared. Out just speaking with Chief Waldron he had some information on reasons why some things might be able to be shared. And why some others cannot.

Chief Walther: Thank you Allison, Mayor, members of Council, Councilwoman Whitehead, can you bring up the slide that has both the blue and the red on it of the actual site how? The site map and then we can talk about that little bit. I believe councilmember Graham brought up shared views and kind of what is going on with the site and if you see on the blue side, the light blue section is the existing training facility as it sits today. This training facility was built in 1995, solely for the police side of the house because if you remember back then rural mature was our service provider in the city. 1995 so twenty years ago this site was built when Scout still PD was less than half of the organization that is today. Had less than half of the officers and professionals. Sonatas organization of almost 700 people. That building is responsible for all of the training related to Scott still PD. And I would love to say that we share that because we do have a small auditorium that will hold about 70 people.

To be honest with you I'm excited to see that there was more classrooms and a larger auditorium on the fireside because we were busting at the seams. We have the auditorium currently in three very small classrooms and the DT classroom you can touch the ceiling on which is not ideal for us at all. In a defensive tactics typesetting. The other part of that in the larger darker blue section is the plans for the expansion of the training facility. And that is largely because the largest portion of that is in your range. Our old range is auto motion compliance. It is old enough that we are having, it is literally falling apart. And so we need a new, and it only holds about 9 officers in a line. So imagine I'm training annually about 450 officers and firearms multiple times throughout the year.

[Time: 01:01:55]

I can do nine at a time. And you can see in terms of sharing space, a majority of our redemption addition-- a majority of our addition, is MO storage, 2 new classrooms we were desperate to get because so many classes that we have and think Chief-- could tell you hear that the Chief architect the hours is a fairly small fitness facility, it is enough for those working on there and those who want to use it. But shared spaces a little bit more difficult simply because I'm operating in a twenty eight-year-old training facility built for when we have 300 total, roughly total employees. So that becomes a little bit more problematic. That number is also going to be in the CIP. And councilmember Graham and Allison was about spot on about \$7.9 million in addition to that to build out a lot of that is range cost.

In with the appropriate filters etc. With that current range. You imagine in Arizona does not have air conditioning, it is not climate controlled all. There is an old, those of you who grew up in the valley, a swamp cooler essentially that no longer functions properly, HEPA filters that no longer function properly because we were moving forward this. That shared space, it is tough and we went up right now using

like Tom does we end up using different sites, Mustang Library, Civic Center Library for training throughout the organization and this gives us the ability to do more training and house. I'm happy to take any other questions on the police side.

Councilmember Whitehead: Thank you and any member of the public who hasn't been down there we have got our moneys worth out of these trailers. [Laughter] so I do appreciate that, I think I saw bumped up quite high a view in the fire Harris --firehouse I wonder if this was so urgent, we approve these bonds in 20192 why have we waited so long? That is not really any question worth answering at this point. But are we going to bump back other projects in order to reduce the cost for taxpayers how? And the one that comes to mind is a-- station which is pretty much fine.

Allison Tymkiw: Councilwoman Whitehead to answer your question we have about \$60 million of CIP and will fund available. So the 10 million that we are requesting would be from that 60 million. And if we did a provision it would be the number one project going forward for twenty three into four. It is the number 1 project right now and recently can't wait until July of 2023 to start this construction. For a couple of reasons. First we have a restricted use sale processes timeline as well as we have a timeline and the time Shannon had explained to you with 2025 meeting the new training recruits.

Councilmember Whitehead: That is fine I just wondered what it wasn't sooner. But go on, I will discuss with the staff and city manager about other projects that are urgent. Thank you. Thank you Allison.

[Time: 01:05:35]

Mayor Ortega: I am next. There are 3 urgent pathways that we are dealing with tonight. The first 1 is we act as a body so that or public safety will have the tools and training to keep us safe. That is the most urgent requirement. We trust that the tools and the training will come together and that is our responsibility to make sure that they do on a timely basis. Now we have a dual certified Police Department. And this both nationally and in the state and this facility campus is totally unworthy of Scottsdale. So what is there right now is so worn out and so obsolete, that in my opinion it is not the tools and the training that we have.

So this satisfies that urgent pathway. As far as dual use or whatever, that is 1 of the best outcomes that has happened in the last 20 years. Because when I was Councilman we did not have a fire department. We had a -- fire department, it was rural Metro and they did not even have the same communications radio, they do not even have the same tools, they spoke different linkages, it was very confusing and it was wrong. So we then have into thousand 5 the new fire department. And again, and this facility and trying to make that work was very awkward. So our prime responsibility and the urgent pathway to get this done absolutely should be done tonight. There can be no delays and now that is one pathway. The second pathway is according to the sale of the property at the 40 acres on Bell or 41 acres, we have 17 months until July 2024 to spend that money. If we don't then we are in the fog of the funding that was required to you be used at the Bell property at that point. 17 months I mean try to build have of that project in 17 months it does provide an urgency.

So 1 of the matters that we are building on is that resolution for the transfer of that money. That is not if, and or but we have to maintain the bond rating. We are to show that we are you know responsible for those. The third 1 obviously is the new recruits and again if you look into 1 of the police vehicles that they are recruiting with out at Jackson or showing off our finest vehicles and equipment. We are tied into ICE, and homeland security get they are right here in Scottsdale, you have all this great communication and then you have like you say it looks like a double wide out there. So it does not meet the expectations or the quality that we expect and that we would give cut not only our new recruits but the constant training that is required to stay certified.

And you know for those reasons and then we have a major attrition, retirements coming up. It really as I look at accounting. We can either have money in the bank sitting there saying gee I have an extra forty million dollars or I put money to work in a facility that is serving the people and our safety. It is not a net loss, whether it cost us more today or not, it is being used for the purpose that is required. Many people don't even know, many civilians don't even know what fifteen thousand square feet means or 10,000 square feet means. I mean most, I'm an architect so I know. But the scope of the work, the narrative, we will have something that meets our needs and is not deceptive to say that and the expectations of the public are pretty solid. And we are not going to whittle them down and say well geez, maybe there was a narrative that should have been messed. Because at the same time you have to realize some of the requirements are escalated because of requirements you know for fire or police that we have to look at as well. I'm not saying that, you know I have not looked at it that directly. But I would say whatever they are doing to stay in operation here, right now, will not work we need 140 new firemen and when they are coming to, going to other competitive locations or other jurisdictions.

For that reason I would move to approve the items which are construction manager at risk contracts. With core construction in the amount of 22,000,00172 plus the city project contingency, to earn 77,000155 for total contract price not to exceed 22,000,449 \$504 to provide complete construction services for a new fire department facility.-- \$22,449,504 to provide complete construction services for a new fire department facility. And number 2 is in our budget, appropriation transfer of ten million dollars from available to appropriations to adopt FY 22 and 23 capital improvement plan CIP the bond between 19 project number 38 old a new fire Department training facility to be funded with so only 7,407,791.47 and then the 2,592,208 and then the revision of resolution number 12644. To replace allocation of seven point four million of the restricted portion of the 90 Fourth Street and Bell Road landfill proceeds with McCormick Stillman bunkhouse project to the bond between 19 project 38 and to restore the previously authorized general fund capital funding to the McCormick Stillman bunkhouse project which shall now be identified as McCormick Stillman roundhouse project.

Councilwoman Caputi: Second.

[Time: 01:12:58]

Mayor Ortega: We will now go into discussion, I see Councilmember Durham and councilmember Graham. City councilmember you asked to speak.

City Attorney Scott: Yes just one clarification I wanted to make sure it include adoption of resolution number 127312

Mayor Ortega: Okay I show 12644. But perhaps.

City Attorney Scott: There is a general resolution at the very top.

Mayor Ortega: Okay see, okay adoption resolution 12731. Including those subitems.

City Attorney Scott: Very good.

Mayor Ortega: Thank you and any discussion? Councilmember Durham and councilmember Graham please go ahead.

Councilmember Durham: Thank you, is this ten million in addition to the 5 million from December 2022

Allison Tymkiw: Yes Councilman Durham that is correct

Councilmember Durham: Right. So a total of the proceeds going to it--

Allison Tymkiw: The restricted use land proceeds is 5 million and then this request is for 7 million of restricted use and then the 2 million. Yes and then 2.5 of the general.

Councilmember Durham: Okay this thing one might be more for Chief Shannon, I'm still bothered by how we went from 10,000 ft. ² to 27,000 ft. ². I thank you referred to it as a clerical error. It is free delivery and space but weird how that happened.

[Time: 01:15:02]

Chief Shannon: Let me clarify if I can Mayor and Councilmember Durham. The way the capital project formation occurs at least in my experience within the city. Is the wanting division or department will work with capital projects personnel. On the intended use of the project. That is where the narrative was crafted. And that is what appeared in the bond language. So the fire department provided the narrative that you saw which included classrooms and fitness centers and auditoriums and locker rooms. The process that occurred resulted in 8 to 10,000 square-foot declaration of space. As Allison has pointed out.

That was the error because as you have well heard our fire stations are that plus and they are very modestly bills. So it won't make you happy and you will hate the answer but the reality is that the narrative and the scope is intended and written as a project is now seen. And the bond commission got there very quickly as well. When you see ten thousand square feet and then you see twenty seven

thousand square feet. You scratch your head. No doubt. My only explanation to you is that there is no training center that could be built at 10,000 ft. ² that would solve our problem.

Councilmember Durham: That is just where we are at. I understand that I just can't quite-- but I understand your need for the 27,000. Thank you.

Mayor Ortega: Let me go to vice mayor Littlefield by satellite.

Vice Mayor Littlefield: Thank you, and the bonds, [muffled audio] and reflect their concerns and consideration--

Mayor Ortega: Mayor point of privilege, can you ask vice mayor Littlefield to reposition the microphone.

Mayor Ortega: We are receiving a little bit of echo maybe you might rotate closer and or further and let's do a check microphone.

Vice Mayor Littlefield: Does this help?

Mayor Ortega: Okay there is still a bit of an echo it might be the volume perhaps. But I would say we are, I heard most of it. But let's try again. Continue and retrace a little bit here. Can you retrace? Please.

Vice Mayor: Littlefield: The public safety is the most important to the citizens, we are going to move 140 firefighters in 3 years. And 3 years to build this facility so that we can start training our people-- and to create an admin-- as the citizens. If not we are going to struggle a lot and the firefighter and the need of our city. We need to expedite this as soon as possible, now. None of us-- the inflationary factor of-- and any of us realize what is going to do. But right now we need to do this and we can go-- still [muffled audio]

Mayor Ortega: Thank you I did get that, councilmember Graham and then Councilmember Whitehead and then concluded.

[Time: 01:20:02]

Barry Graham: Thank you mayor, as I read through this and the analysis and no have some questions for you and also questions for Sonia if I asked the city treasurer some questions. 2019 the bond \$319 million right no

City Treasurer Andrews: Mayor, councilmember Graham that is right.

Barry Graham: With inflationary costs and adjustments to projects, how much, we estimated 3 years ago project would cost \$319 million. How much do we estimate all the projects might cost us now?

City Treasurer Andrews: Mayor, councilmember Graham, the last update we had was on November 9, and the estimate at that time is about 443 million for the 58 project so that would be 114 million more than the \$319 million.

Barry Graham: So are we going to be able to buy all the things that we promised residents when we voted to approve those who?

City Treasurer Andrews: Mayor, councilmember Graham that is exactly what we are trying to work out with staff and council. So we are looking for every option that is on the table. Additional funding, you know resizing projects and all of that.

Barry Graham: So it is that increase, percentage comic

City Treasurer Andrews: It is like--

Barry Graham: 35%. So are the revenues increasing from sales collections and all of that by 35%

City Treasurer Andrews: No, they are not increasing by 35%.

Barry Graham: Are the increasing by 5%?

City Treasurer Andrews: This year our sales revenue increases by 5%. However we do fund our capital projects with 50% of construction sales tax. Interest income and any available one-time monies that we have. So to the extent that we have one-time funds we might be able to cover some of the cost overages.

Barry Graham: Will we be able to afford the roundhouse facility, I wasn't on here but this Council approved that in December and that was for \$7 million. We are setting that aside now. With this vote.

City Treasurer Andrews: Mayor, councilmember Graham, Allison spoke to us having 60 million available, so we have over 300 million of projects that we have to prioritize. So the roundhouse or bunkhouse will be put in that prioritization.

Barry Graham: So without additional revenue streams we will have to say no to a lot of the projects from the 2019 bonds if things don't change. Is that a fair statement?

[Time: 01:23:01]

City Treasurer Andrews: Mayor, councilmember Graham yes it is a prioritization process based on the available funds that we have.

Barry Graham: Okay let me see what else I have here. The restricted funds, we talk about the restricted funds, between four-month timeline and now we have to spend that, we have other projects we could

spend that on? Because it almost seems like we are creating a narrative that if we don't spend on this then we lose it and we forfeit it, we are doing quit and pay penalties, do you have other projects we can spend that on her?

City Treasurer Andrews: Mayor, Council member Graham, there could be other projects it's important to know based on the IRS restrictions the 21.5 million and restricted funds have to be spent by July 2024 and has to be spent on government projects with no private activity.

Barry Graham: Okay. Sonia I appreciate you answering those questions. I have been down there to the facility on Stadium Drive and went for this, still leadership and then for the fire training. It is not, still quality, they deserve better. Just 3 years we told voters we promise one thing and now we are asking for something that is 3 times the size and a significant amount of money. So can I ask a little bit, it was stated from Chief Shannon about the error that was made.

I think I wrote down a clerical error. Is Chief Shannon still here? There he is. Can you shed a little bit more light on that and what was the thinking behind this, we are talking about 3 short years ago. You said that there is no training facility, that can be that size how? What was the mistake that was made and who do you think made the mistake?

Chief Shannon: I really could not, I cannot fathom a guess as to why 8 to 10,000 ft. ² appeared in the bond. Publications. I can tell you that the process was collaborative and we work together with the prior city engineer and capital projects folks to talk about the amenities and elements of a training academy that would be required to training incumbent and recruit firefighters. And I don't want to hang every bit of the urgency on this project on the Exodus that we are referring to. There is a lot of it.

But the reality is that Scottsdale is a substantially sized city that is all hazards fire service response system as you well know. And we are operating a double wide trailer and spread out all across the city and inconsistent and certainly not contemporary training methodologies. And so I would say that the urgency or the interest in the size of this facility to be the size it is today was conveyed during that time. And certain just don't know I'm going to give you the answer that you appreciate that where was limits? I can tell you that the intent of the project is in the narrative. The scope of the entirety of the building is not.

[Time: 00:00:19]

Barry Graham: Chief Shannon you are unsure of who was responsible?

Chief Shannon: Of course, no sir I am not.

Barry Graham: Okay Mayor I think I would like to, is because I'm hung up we are talking about going from what I wrote down was we started at 18 million plus 8 million for the 2 projects. And now has mushroomed to \$50 million. A thing that is humongous increase for us for the Council to consider both in light of the fact that \$319 million of bonds that were approved by the citizens has now mushroomed

to Sonja what did you say Mike

City Treasurer Andrews: 443 based on the estimate in November.

Barry Graham: This Council has a lot of items to consider in this. I don't think making a rushed decision is in the best interest of the citizens and what we promised in writing to voters when we sent them a bond package to vote up or down on. And so with that I think taking a little bit more time to understand what the mistake was. And then understanding where we are with our CIP. And our budgets and the restricted funds. I think that would be very prudent for this Council.

And nobody, nobody is doubting the slightest that's, still firefighters and Scottsdale public safety deserve the best, the facilities they deserve, they deserve Scottsdale quality top-notch facilities and there is no doubt about that whatsoever. But the residents and the residents deserve for this Council to move prudently especially when we are talking about such a drastic scope increase. I would make an alternate motion, and respectfully Mayor to continue this to in a meeting whether it be February 21 or 28th. So can get more of a handle I may be that error that happened at that time. This 3 years ago. And where we stand with all of our capital projects. Thank you.

Mayor Ortega: And with that motion to continue dies for a second, we have one motion on the floor and Councilwoman Whitehead and then myself to take a vote.

Councilwoman Whitehead: I don't think anything will change in a meeting, I certainly appreciate everything you said Councilman Graham. Why are we being asked to pull \$2.5 million out of the general fund instead of the CIP fund?

Allison Tymkiw: Councilwoman Whitehead we are requesting from the general funds CIP yes.

Councilmember Whitehead: So it is CIP. Okay thank you.

Allison Tymkiw: Yes.

[Time: 01:29:44]

Mayor Ortega: At this point we have no further comments. I would just give you a little history here when the bond 2000 was passed, that was 22 years ago when I was on board, there was a police helicopter in that deal. And we ended up writing a helicopter around-- writing a helicopter around to final if the Scottsdale PD should have a police helicopter. And we found that item was too expensive to maintain and get parts for and I was taking on different vendor helicopters around and that was removed by bond committee. Another project was Ashford Hills. Ashford Hills Park. That was also considered you know again 22 years. And looking and chasing prices and so forth. Well now it is being built. So you know we have a pocketbook just like everyone else. In a family operation. So that's why I think we are very transparent and so at this point please record your vote. And vice Mayor Littlefield?

Vice Mayor Littlefield: Yes.

Mayor Ortega: The motion passes 6 to 1.

ITEM 17 – BIMER RESIDENCE CARPORT CONVERSION TO GARAGE AND CARPORT ADDITION (83-HP-2022) APPEAL

[Time: 01:31:13]

Mayor Ortega: Next we go on to item number 17. And or presenter this has to do with a carport conversion to garage and carport addition is number 83 HP 2022 appeal presenter Jesus Murillo, Senior planner thank you.

Jesus Murillo: Good evening Mayor Ortega and members of the Council. Again Jesus, planner here with the city although today I will be acting as historic preservation officer for the city. Tonight I will be presenting in front of you 83 HP 2022. This is an appeal to a certificate of appropriateness that was approved by the historic preservation commission back on January 5. And I do apologize ahead of time, I think there is some criteria here that might bore you a little. I did condense and consolidate the criteria. But if you want to the criteria in its entire text you will find it in your packet both in regards specifically to the project and then the entire guidelines as well. So as you see here it is located just to the west of South Street and West. Here is a must and East Oak. The project is located in the northwestern corner of the village. Grove historic community.

And like other communities and presentations you have heard before, this does not have HOA. So it is up to either staff at preservation commission or the Council to enforce the guidelines of this committee. Because they do not have an active HOA. And as you can see this site is zoned R1 HP, that is a single-family residential zoning with the historic copies overly and that is the same zone you will find to the east, west and south and the property, the project to the north does not have HP overlay. So the action requested is from the applicant, we are asking for the Council to appeal. The stipulations that were approved to the certificate of appropriateness. So can it in this stipulation for the carport to exist for the order to remain as is. All of the improvements have been already completed on the property. And this comes for the code enforcement relation. And if the Council so choose to improve any of these improvements it would still have final plans and permitting. This is the site of a picture elevation of the site of what looked like prior to the improvements. One improvement that the applicants did make the everyone appreciated was that is you can see here there is some wooden siding that was moved to expose the original board and batten on the building.

What the site looks like now as you can and completed. I will direct you to the board and batten you can see. The applicant will have provided this what we call a farm style barn door, this is a carport that was enclosed and then added a carport here to the side. This is more head-on look to the closure and the carport. Givers we will discuss heated right in front of the carport. And again the board and batten on the enclosed part of the enclosed part or turned in the barn style forms proposed, lines. I did want to point out that as the certificate appropriateness denied the carport, so went the request for the pavers. Now there was a little bit. During the HPC did not necessary appreciate the color of the paver. So if

counsel were to lean towards the approval of the pavers, consideration of stipulating a great paver instead. I have spoken with the applicants and they appear to be appreciative of that.

They remove the addition of the barn doors, keeping the weeping brick and mortar and then the addition of the carport and again the pavers. And the status report to the historic preservation commission the first was that the 4 most-- farmhouse door will be replaced with a rectangular door as described in the guidelines that the weeping mortar will be raised to match the existing historic preservation, mounted on that as well. And staff had suggested that if a carport was to be allowed at the slope of the roof would be continuation of the slope or match the slope as the original house as the guidelines described. The historic preservation commission modified those stipulations as you see here.

Forgive me this should say stipulation number 1. Steep elation number one they agreed it should not be the farm style, it should be the rectangle or window. And the weeping mortar to be raised to meet the height of the existing weeping mortar. That the carport be completely removed and that the block be switched out instead of 8 x 8 x 16 to be 8 x 4 x 16 the applicant has provided pictures showing that is the similar block that is here and is a little difficult to see on a shorter and because of the span of the block but you can see it on what would be the westernmost elevation.

So the Council has a couple of options. The first 1 is to support and uphold the historic preservation commission stipulations. In its entirety and deny the request. They can approve the request lately and overturn all the stipulations as identified. Or approve it in part. Or continue the case to allow for more information. And that concludes staff s presentation, the applicant is here to provide their own presentation and staff is here for any questions or comments. Thank you.

[Time: 01:41:59]

Deanna Bimer: Good evening I am Deanna and this is my husband Chris. This is our project in our favorite subject is historical preservation. So I will just get to it. Leave may we wish we had started at the city 5 month ago as they inserted us to go to the historical preservation for short, I never sold a home in a historical neighborhood or about 1, so we take full responsibility and apologize for doing this process backwards. As it has increased the work for all involved. And add insult to injury during the process we found out we could have applied for funds to the tune of up to \$7500 to help restore the front of this home. Tonight we hope to show you how our project does fit the guidelines and were property legally allows for a. We have a lot of ground to cover so let's just get started. I'm not sure what is going out the slides because that is not how we submitted them at all. So this is going to be difficult. Can I put a jump drive in? Because this is not all my presentation. That is not the slide deck that we submitted.

Mayor Ortega: Thank you we do have a handout to correspond – makes 2

Deanna Bimer: Oh we don't have 1 of those.

Mayor Ortega: It's okay I agree with you what is projected isn't quite what the handout was.

Deanna Bimer: Can we get that we can go through this.

Mayor Ortega: We can go through the overhead until we catch up. So this is exactly what you have got.

Deanna Bimer: I do, yes. Okay.

Mayor Ortega: So just flip the pages as you go.

[Time: 01:44:06]

Deanna Bimer: Okay let me get to where we are. The stipulation number 1. This will be difficult. This is actually just a copy of Jesus is presentation that goes through the stipulation. They gave us the three stimulations but in reality there is 6 because there is 2 parts to each stipulation. In the first relation a traditional size garage door with raise panels arranged in rows shall be used and rectangle windows are optional. The next slide deck is this is actually not a guideline, it is not, it does not say it shall be used. On January 5 our meeting with HPC they specifically said about our garage door because we have allowed these in the past got not going to make a big deal about your garage door.

Then at the end of the meeting decided that we could not have this garage door. Okay. All right. So I have looked through Navy probably 20 times now the gallons for the village Groves, a couple sentences under this picture right here is the only thing that states anything about the style of the door and I have many interpretations. Single panel garage door with rectangular windows. Blends well. That is it. That's all that is in the guidelines. Ones well and does not mean shall be used, is required, only door allowed. Who is to judge what ones well? This is open to interpretation and that verbiage is then changed into our stipulations to now say shall be used. Not sure how the committee can arbitrarily. Different words and make them a stipulation. As shall be used is not in any guideline when discussing a door style.

Maybe it all comes down to a general guideline. On page two that states these historic preservation guidelines do not dictate design solutions. We go back to stipulation number 1 again. And on the second part of it garage door shall not be farmhouse. I'm sorry let me back up really quick. We would like to ask for your consideration to improve a door that blends well for our style of house. X matches the historical importance of the front porch on the top panels mimic the window pattern. I don't know that there is any other garage door out there that would blend for our house than the one that we have chose and put a lot of thought into. Stipulation number 2, farmhouse should not be used and not allowed. This is not a guideline, it is meant to look like a guideline but nowhere to be found in the 56 pages. I'm not sure why we have 56 pages of guidelines when the committee can capriciously add verbiage to a renovation for a homeowner to follow. But is not in the guidelines.

To reiterate, on the record on the fifth when we met with the HPC, the committee stated they have allowed these in the past. And then we can go through. These are current houses in our neighborhood. Many of them have garages that do not have rectangular windows. Many have different doors. They do have decorative hardware. Several are farmhouse. In our neighborhood does not conform to the stipulation used for us but maybe, as may be the all blend well. This door right here is very interesting

door. This actually was approved by the city. This has a flat panel, it is contemporary and look and has all the windows down the side. This is clearly not a traditional door with raised panels a different standard than what we are being held to. Maybe it is in this instance the guide of one's well would be why the store. The next one is stipulation 2 is weeping mortar. What they are asking is in the weeping mortar when you close a carport the blocks on the side of the garage should meet the original weeping mortar height.

Again I don't know what to say about this because again it is not a guideline. It is not a guideline. Does not exist. The neighborhood does not have the standard. They do have standards however, they have four of them when it talks about weeping mortar. And we have complied with every single 1 of them. A site to preserve it, we preserve the original weeping mortar picnic's 1 if the carport is to be enclosed using wall finishing material that complements the historic wall materials. We complied and added the weeping mortar, Warden Batten and the would impose. Retain the weeping mortar as I stated we did do that. We kept the original mortar on the front and we feel we went above and beyond adding two rows of weeping mortar to the garage on the north side of the home and inside the carport area. We did that because that also makes us good on the fourth guideline. And the fourth guideline says retain the pattern of using more than one material and/or method at the Masonry construction so we felt we did that. We added the weeping mortar, not seen Harley in this neighborhood around the garage, we did the board and Batten and we added the wooden post.

Here's a sampling of some of the houses in our neighborhood. And you can clearly see that they have weeping mortar in the front, nothing by the garage. Time and again and these are dozens of homes and I think Jesus and Nick might say they would agree and that finding. But there was not a height restriction that was actually added on very many of these homes if maybe 1 or 2 but all of the rest have no size height of the weeping mortar around the garage. Okay so then the next stipulation. Stipulation number 2. It says construction to be modified to provide a by 4 x 16 block instead of the proposed existing 8 x 8 block. Our existing material is not eight by eight. The existing material was 8 x 6 x 16. As you can clearly state that the original home was built with the bottom 2 rows of block at 6 inches and all other rows on toppled before. Our-- on top before. And the carport they said no to our carport. We see this is a remarkable ruling as our property allows for this legally through the City of Scottsdale ordinance.

[Time: 01:51:03]

And also we feel that to allow for us to add another carport. During our meeting with the HPC, on the fifth, January fifth there is a couple of sentences on here that came Word for Word from the recording. As you drive down these neighborhoods you see that there is a uniform setback on each side. Then they proceed to say that with your addition of your carport it is changing the gap and making your house a bigger block, a solid block. That's why they were opposed to the carport. A sickly because of the uniform setbacks on each side. Again I would have to tell you this is not the case. We bought a property that has a linear foot in the front that is 83 feet wide. As you move south down the historic village Grove, you end up on all Marriott, the property line linear feet at the front of their house is 74 foot. That makes a difference of 9 feet. So we feel we are getting punished for the extra 9 feet of property that we bought

and we would have to maybe tell you that adding that carport which is 9 feet now actually takes us back to a uniform setback.

There is some other guidelines that are extremely important in here for this carport area. And that is general guidelines. Let me just repeat some of these. The historic reservation guidelines do not dictate design solution. HP ordinance is not intended to prohibit alterations, additions or new constructions to existing homes. Important to place these guidelines for the 19 fifties homes into the context of the 20 first century. Design any new feature to be distinctive form yet compatible with this historic resource. This slide and pulled out off of the U.S. Department of Transportation, increasing amount of vehicles per household number of households with 2 or more cars has increased substantially from 22% in the sixties to 59% in 2022.

For this reason we are a 3 car household, we need the extra carport to address that area. Then we move into carports. There is a ton of guidelines for carports. We have followed every single 1 of these guidelines to the T. The main guideline we want to send your focus to an would be in an individual slide hearing would be eight point six so I gave it its own slide. I will read this to you verbatim. If a carport is to be enclosed and a new carport is to be added to a primary façade use the same roofing type as the original roof. The use of the word and in 8 point 6 in legal terms means ANB can exist. It does not say a or B. So the guideline does clearly state that I can close and add a carport. Again complete no to the addition of our cohort. These are all codes pertaining to carports. You can go back and reference those.

We have complied to all of them. A roof has a slight pitch to be able to keep the front fascia board in line with the original roof. Guideline 1 point 6. Maintain the orientation of the front house facing the street. We felt we complied with this. This is a slide that shows all of those reference slides that I give you for codes and guidelines more importantly. They all exist here and we have complied to every single 1 of them. So here are some other homes in here and we will get to those in a minute but the guidelines clearly state we can have a carport, or property allows for the addition. We meet the City of Scottsdale zoning, and other homes have both garage/carport combinations. If you are going to talk about gaps between houses, I would have to question that. You can clearly see this as built to the property line. To the property line to the property line.

This is a flat roof, flat roof, these are metal roofs, not allowed. This is a 3 car carport and I didn't see that anywhere in the guideline. Again the roof is not matching. To the property line, to the property line, we have a 5 foot setback because that is the City of Scottsdale ordinance so once again we are coming back to the whole thing of initially our carport which shut down because there is a uniform set up I would have to deny that and say that I don't believe that to be true.

[Time: 01:55:41]

Mayor Ortega: Let's do this okay because we have 2 speakers wanting to come forward. So you will be able to continue but let me get to the public comments.

Deanna Bimer: Okay.

Mayor Ortega: For the sake of time you are over. So let's let two individuals, Brin Sherrin and the other one is Peter Osmel, please come forward and state your name and you have 3 minutes. Thank you very much Ms. Brin Sherrin.

Brin Sherrin: Thank you for letting me speak, can you hear me? Okay you can hear me now. Thank you Mayor and Council My name is Brin Sherrin, I met 2030 N. Second Street on the preservation commission, I don't know if turn that thing towards me. Having read over the homeowners appeal I have only been doing this for think 10 months but it seems similar to some of the other cases we have seen. People know they live in a historic neighborhood and are excited about it but the first interaction with the commission is coming before us because they did not know they needed to get a certificate for starting work, instructions started the homework-- homeowner or contractors who also did not know they needed a certificate. One we bought our home here 9 years ago we had to sign disclosure forms for a sky Harbor flight path and a-- to performed a site. So we knew before we bought the home, what we would be dealing with. And I just thought maybe we could do something so that people know if this is not already being done so that people know right from the beginning that they are moving into a historic neighborhood. And what they are going to be dealing with if they want to make changes to their home. Or maybe from buyer to buyer this can be passed down so that people are not unaware. Maybe realtors could have copies of the historic neighborhood guidelines. For people to look at when they are selling the house. Something so that people would have or awareness. Of this program. And also the homeowners said if they could have learned about the funding that we offer for renovations as well. I just wanted to say if we took some of those steps, somehow, it would increase awareness in our program and help keep the building somewhat original, thank you very much.

Mayor Ortega: Thank you.

Councilmember Graham: Excuse me mayor can I ask--

Mayor Ortega: Just a question from the councilmember please.

Councilmember Graham: I will keep it brief first I want to thank you for serving on the commission. How did you go on this case?

Brin Sherrin: I voted yes to deny.

[Time: 01:58:54]

Barry Graham: It was unanimous as Councilmember Durham told me. Thank you for serving.

Mayor Ortega: Please state your name and place of residence, thank you very much.

Peter Hosmer: Good evening Mayor Ortega and members of the Council, My name is Peter Hosmer. Mayor I live at 14-- 418-- two four five one. I also in the historic preservation commission but acting on my own and this is just as a resident. The village Grove historic community was designated historic by the residence. They elected as a whole to be part of this historic community. The decisions to appeal the ruling undermines the value of upholding the historic nature of this district. And does not support the interest of the community as a whole. This case was a result of a neighborhood complaint. The historic nature of each resident is very fragile. It only applies to the front façade, it does not do the sides, it is just the front façade. So anything that a homeowner does to that portion of the building detracts from the original character of the home in the historic district. Our guidelines clearly indicate the proportions and window openings are the critical part of the façade. Altering the façade is delicate enough but enclosing with a garage and adding additional carport is very unlike the character of the original build.

And I will state that there are photographs that the applicant has showed you, many of those were not approved by the city and certainly not by historic preservation commission and I could not stay exactly which ones were which. The concern I have is if this gets approved it will open the door to allow all of the other neighbors to suddenly want to start to add a side carport, different pavers, different siding, as it is unfortunate that the applicant never filed for a building permit. And I see from the photographs it appears as update completed all of the construction on it without getting approval from the Council here. They played ignorance to the fact that they are in a historic district and one certainly would not be able to say whether they knew or not. But it is their duty to know the rules, abide by them and make changes after they have understood what the policy is. Supporting this appeal takes away from the neighbors electing to be historic and expecting to have the city to protect their interest. This appeal would have an impact on the expectation of the entire district. It is the citizens right to expect the enforcement of these guidelines through the PNC and HPC. The cities planning staff analysis was supported by the commission, please support the neighborhood city staff and the historic preservation commission and deny this appeal. Thank you very much.

Mayor Ortega: Thank you at this point I will close public testimony. And allow the applicant 3 more minutes. 5 more minutes. Maximum.

Deanna Bimer: Thank you.

Mayor Ortega: Actually it took a couple before I cut you off last time, let's just go with 3, that is fair.

[Time: 02:02:49]

Deanna Bimer: I do think it is our right to appeal. That is our right. I think we have clearly showed you that these guidelines exist and that we can enclose a carport and add a carport. It specifically states in the guidelines that govern this historic Society. Did not write the guidelines but I tell you that we definitely follow the guidelines. So the guidelines clearly state we can have the carport, or property allows for this addition but still leaves us the five foot setback and I was so have to tell you that we so have a uniform setback because we have more properties frontage the most of these properties do. So

when he says we are taking away that space that is not exactly accurate. We have 9 foot more than many of these properties already.

Also I guess in conclusion that our project we believe that it meets the guidelines for village Grove. We are requesting the carport be approved and the lien be removed from our house. As it fits the City of Scottsdale zoning and it meets the HPC guidelines. The garage door to be accepted as it blends well, the only guideline that is and 56 pages. And the weeping mortar Tuesday at the current level where there is no guideline that mandates that height, only 2 or more materials are to be used, we complied. And the gray pavers to minimize the driveway and impact from the street. We are not asking for special consideration. We are asking to be treated fair and equitable. The never-- a couple more items here, I'm not sure how we can have 56 pages of guidelines when the committee can capriciously add Burbage to our renovation and then those stipulations are nowhere in the guidelines.

He said we continued the construction that is not entirely true and yet some of it is true. Had a supply and train-- supply chain issue in October, that was a supply chain issue and we never had a per work on it, it never came in so it did not get damaged, we installed it also for the safety and security of our cars. We kept hitting more rain, it has been the most rain we've ever had this season so all of the wood was starting to get mold pics we bleached all of that back out and we put down the asphalt shingles. Again this carport matches the same shingles and it matches the eaves and the whole frontline is in guidelines and we feel that this project should absolutely be approved of the way it is.

Mayor Ortega: Thank you now we will go to council discussion. If there is any question of the applicant, you can sit down.

Deanna Bimer: Okay.

Mayor Ortega: I'm sorry Councilmember Durham has a question for you.

Councilmember Durham: Thank you. Our papers say that a code enforcement violation was issued on October 18, 2022 for work without permit. But it sounds like you continue doing work on the property and then you have the hearing on January 5 and it sounds like after the hearing on January 5 you continue doing work on the property. Can you just sort of give us a timeline on where you were on October 18 when you were first told there was a violation and then where you were on January 5?

[Time: 02:06:42]

Deanna Bimer: Okay so they came up and he gave me verbal. Say verbally code violation that just go back to the, I don't even think he knew about the historical preservation committee because he does -- said go back to the city and make sure this is within the ordinance. I said okay no problem we submitted the application thereafter to the city to go through this process at which point they are like well, you have to go through, we don't have HOA really kind of it is HOA I guess. The HPC. So we had to go through them. And that process has taken us to hear where we are.

So when he says we have done a little bit of extra work, the extra work was installing the garage were to protect our investment and cars and not get it danged, we put it in and it was ordered at the beginning of October and also put up the asphalt shingles because all of our wood was getting wet. So those things we have done. But what I will tell you is that we did stop work on the following. We have done installation, installation, Morton Batten, carport header, so we did stop a lot of the construction putting the electrical and lighting.

We started the corporate at the end of September. This whole project started at the end of September. October 18, maybe it was middle also timer. On October 18 only-- he came up we already had the carport in and the front fascia on.

Councilmember Graham: Speak in the microphone for--

Chris Bimer: We both work full-time so we are doing this on nights and weekends. We did not obviously go out and hire a architect or designer or anything like that. Following the code and guidelines--

Councilmember Durham: I know but looking at the carport and particular kind of jumps out at me. But it is really not in line with the roofline of the rest of your house.

Deanna Bimer: One of the guidelines is you have to follow the fascia board across, so for that guideline that I had stated, yes it does meet that appropriately. And when you say if you were to come straight down on your roof and do the hip, did you want to talk about that Chris? With the eaves stomach

Chris Bimer: When you follow the fascia board across the front that as a guideline that we followed and thus we tied into the existing hip roof to put a sub hip roof onto the hip roof and it does go up most of the way. But since the carport only covers the front half of the hip roof, you could not follow that all the way back into the backyard. If that describes it for you.

Deanna Bimer: Off the same side of that stipulation that the city had. There is not enough room to put a truck, then an SUV underneath that. And then you also don't follow the other guidelines that says you have to keep the fascia straight across the top and not disturb the front low, there is some gray in there if you will.

Councilmember Durham: I understand there is practical difficulties. It's why there are rules to govern those. Thank you.

[Time: 02:09:58]

Deanna Bimer: Thank you.

Mayor Ortega: Okay just a couple quick questions. You to ever take pictures of your folders for your post?

Deanna Bimer: Yes.

Mayor Ortega: And what is rebar?

Chris Bimer: Rebar is the metal piping in which you using concrete and then obviously we did follow the city guidelines on that as far as code enforcement, as far as on the bottom rebar and then the--

Deanna Bimer: Eighteen by twenty four inch and the rebar goes inside it to make it stronger.

Mayor Ortega: You know about the city provides a standard details, the real problem is you know, the responsibility and inspection which is what Scottsdale inspectors do. Building inspectors. So unfortunately you circumvented that aspect and you know we are here today. So that was basically the question you know as far as did you put in the hurricane ties? Is there anything --

Chris Bimer: We have not done that yet because we were told to stop on the carport as far as that goes. But yes I know that is code and we need to put in hurricane tie. Yes.

Mayor Ortega: So you know enough about those things and yet you did not get a permit. So that strike one and strike 2.the questions today are based on athletics and development review. Story-- sorry historical preservation review. At the same time that portion of Public Safety as to whether the carport would blow away or crashed down on your neighbor or whether you had a substantial beam between the columns. And whether you used a green pressure-treated post because it needs to be, I see you are nodding, you did not quite come forward with the orderly application.

So is there any other question, if not I thought I would get that clarified. To a certain extent pointing out maybe deficiencies or I guess the only other question I had a really for staff is when the Grove instituted their criteria for historic. Does anyone happen to know what your for instance? Okay so perhaps those carport or whatever were done before 2005 before the guidelines I just don't know. I know that there was several contractors putting up 10 roof corrugated carports back in 1990s and such. So I think those are the only questions I had.

Deanna Bimer: Can I respond to that?

Mayor Ortega: What portion of the approval, is it outright denial, I read the stipulations, I just want to get clarification on that.

Deanna Bimer: Can I respond to that?

Mayor Ortega: Let me do that and then perhaps the commissioner can answer or Jesus. Let me ask Jesus first please. So we can clarify and then you know the other problem is a fix, a problem with code enforcement and other aspects of structural integrity. Go ahead Jesus.

[Time: 02:13:36]

Jesus Murillo: Mayor, the offices of the Council has tonight to approve the stipulations to exactly how they were written by the historic reservation commission. To either amend them all as-- and then approve a portion of what the historic reservation commission for or you could say you need more information.

Mayor Ortega: Okay so those are the choices councilwoman Janik.

Councilmember Janik: When you give the presentation these are some of the things that wanted to clarify, some of these changes were made when you went through the neighborhoods, they were only 5 houses that made these changes and they did not seek approval. Could you review that for me?

Jesus Murillo: Yes Mayor Ortega and councilwoman Janik there were a couple images on there, they were especially re-structures or addition to the house, we did not want to include those in the discussion because of apples and oranges. The carports that would match what was constructed on this property we only found 5 of them and if we can go to my very last slide you can see them. And those were all done without a permit. And the reason they were done without a permit was because they don't even meet the underlying zoning of a 5 foot setback to the property line. So as you can see all of them go straight to the property line. So they would not have been approved even if this was a historic district overlay. It still would have not been approved because it don't meet the setback requirement.

Councilmember Janik: Thank you.

[Time: 02:15:22]

Mayor Ortega: Or we call it a side yard requirement of 5 feet. Okay any other comments? Thank.

Councilmember Caputi: You, councilwoman Caputi. I'm struggling with this a little bit because I do thank you made a fairly compelling case in terms of is a little bit whimsical. What they are saying that the historic preservation commission is stipulating things that are not necessarily you know written out. We have struggled with this before on multiple cases on this council so it always seems to come down to you know what people prefer. [Laughter] as opposed to it being black-and-white and as we have seen and you explain it when you're building something, you know it looks a certain way on paper as we all know and then you start building and is a living and breathing thing that has to change with building circumstances.

Again it is really hard to say whether we like something or we don't like something, we made a good faith effort, it's not like you came into the neighborhood and said I will build this incredibly modern home in an incredibly historic neighborhood. I think the changes you have made have certainly improve the property and it would be hard to argue that it is not a beautiful contribution to the neighborhood.

So we will split hairs over you know whether it is and/or if you know and again we appoint our historic preservation commission so we of course respect that they want to keep the neighborhood historic but

on the other hand I think that the key point here and I meant to write down your phrase exactly but I will just paraphrase and say you know we want to respect the past but we also need to acknowledge that the world changes. And that the most interesting point you made to me is you know people have more cars now. [Laughter] things change. You have a vehicle that you might not necessarily want to pull in on a dirt path. I personally don't understand how people can buy in a historic neighborhood because man you have a lot of restrictions and things are going to prevent you from making improvements that you want.

[Time: 02:17:39]

But again I think we will end up being asked to make a decision on personal preference as opposed to whether you were legally or you know guideline entitled to make these changes. And it is always very tricky. So I know I'm struggling a little bit myself. I don't know if other people have further comments but I would have a hard time denying because you did a very good job explaining how there is really no legal or factual basis for the denial. So that's where I am. Thank you.

Mayor Ortega: Okay I will make a suggestion because I think your hip group-- roof is not good it is too shallow and I think you can solve that by raising the aesthetics of the and hip. And I thank you have to redo the roof so it ties in better. And you can see it on this little quick drawing I have done. So maybe take a look at it Jesus. I think that it is a typical bad design when they just add on to where the fascia is. Especially so might be able to match that area. I thank you have got to respect the rooflines and the hip treatment. So you will have to build up that roof so that it matches the front, the front slope and reach out to the body of the house. Right now is a failure. I would say that is a deny unless you at least respect the front slope of the hip. So you might be able to certify your beam, that is already there and even your roof that is already there. You have to build up so that it matches the line of the house.

That would be my athletic-- aesthetic solution so that it would tie in with the roofing as it receded. The other question about you know, the punishment is double fine, double building fine. That is not enough. I mean somehow you will have to make sure you get some extra inspection on this thing to verify that it was done correctly. It is not parameters and you know admitted you went ahead with it. It is exposed enough I guess underneath that they can verify. Is this a party room that you are putting in over here?

Deanna Bimer: No.

Mayor Ortega: Just kidding, so you know there is some expending to do. I really don't except that you know I can't accept it, I have to support the HP. I would suggest that you amend that and I think it might be aesthetically it would fit in better. You made an anonymous attempt to it, a shallow joist feathering into it. We not have even been structurally sound wherever you matched up. And so with that I would just move that you come back with a suffice drawing for a suitable roof that matches. Your not having to go all the way up, all the way up to the ridge but I think it could work. Did I get response on that and can we see something how?

Yes so that is just feathered in and is a little better but you pretty much put it on where the existing block is. And feathered it into the side and that is not really as clinically good--aesthetically good. You would go from this side, instead of a flat look you would go upslope a little bit. ABI understand it this way from looking at it. In other words the core of your post, where the costar in respect to the side yard which is good. But does not do enough to respect the frontage that needs to, in other words put a hip on your carport so that it does. That is my recommendation. And if you have probably brought it forward to the HP it probably would have--

Deanna Bimer: Lord I wish we would have, I really do.

Mayor Ortega: Anything else?

[Time: 02:22:44]

Councilmember Whitehead: Was going to weigh in it is so heartbreaking to see the work that you have done in that village is so gorgeous and it is a shame to show that you have shown other homes that have violated the guidelines that would have protected this neighborhood when you go into neighborhoods that really everybody sticks with the guidelines and the value added is amazing. Just the experience. And so you know I don't know what the repercussions are when a house does break our rules and no one calls them on it.

But if we as a body agree to it than we do, we open up, we basically give up the historic preservation nature. With that said I do think that there will be some perhaps some funding to help. To try to help you get your beautiful home into us, you know a planned renovation that will pass the HPC. So I really appreciate everything you did and like I said working full-time. But I wont support it tonight. That does not mean it is a forever. So I'm going to actually motion to go ahead and deny item number 17 and encourage you to go back working with the HPC and the city. So deny the Bimer residence carport conversion to your garage and carport addition 83 HP 2022 to appeal.

Councilwoman Janik: Second.

Mayor Ortega: Councilmember Janik and Councilmember Durham. City attorney.

City Attorney Scott: The request for the request and uphold the preservation decision is that right?

Councilwoman Whitehead: It is would you like me to read the whole request?

City Attorney Scott: No, that is fine.

Councilwoman Whitehead: Uphold HPC thank you.

Mayor Ortega: Councilwoman Janik and then Councilmember Durham.

Councilmember Janik: I appreciate all you have done but when you don't get a building permit, why would you do anything like this and for that reason I will be denying this request. I hope that you can overcome this. And I strongly urge you to get a certified building inspector to look over everything you have done to make sure it is in compliance with the rules to protect you and your community as far as safety goes. Thank you.

Mayor Ortega: Councilmember.

Councilmember Durham: Durham. Thank you mayor. I thought you were suggesting a motion to continue on this.

[Time: 02:25:47]

Mayor Ortega: I was suggesting a design more favorable and they are certainly welcome to come back, so you would propose something as shown as built, I don't think it aesthetically meets what the HP has voted to deny. But also a solution more compatible with the frontage we are talking about.

Deanna Bimer: Those are six areas, all of those are denied?

Mayor Ortega: The question about the paving and the individual stipulations is why I was trying to verify which ones were partially approved and which ones were not, go ahead.

City Attorney Scott: Mayor, my understanding just from reading the Council report is that the historic preservation commission approved their application with limited stipulations but denied the addition of the proposed carport. Denied the placement of pavers and the front yard, required the building block to be amended to a different dimension and required the weeping mortar located on the proposed garage closure to match the height of the existing weeping mortar on the primary façade.

Mayor Ortega: Well I did start with a motion I guess or a suggestion that the concept of not having a carport when you have enough side yard. I believe you could have a carport as shown. The problem is I don't like the design of the carport, it is not compatible. So for that reason I would agree with the denial. Not because you can't have one but because it doesn't reinforce the historic nature of it. So I'm explaining what I would approve or come back suggesting would be better had it gone through a committee. Now, Councilman Durham you had questions so I was just making a suggestion. Certainly HP you can go back to them and suggest perhaps something that might be more compatible. The other points would be only so I believe you do have a right for a carport. But I don't like the aesthetics of it. That's why at this point it is a denial. And then as Councilman Janik said nature someone will certify it you know again you had some picture someone will have to say that it was built accordingly.

Deanna Bimer: We had every intent but we were told we had to go through this first.

Mayor Ortega: I believe that can be discussed with staff. But cannot approve it on the grounds of the aesthetics at this point. You are right to have a carport I would agree with but not on this not in the style. Councilman Caputi, Councilmember Durham.

Councilmember Caputi: City attorney, or maybe I'm not sure who this question would go to, can we see the list of options that were allowed to do tonight, it wasn't about just saying whether we liked or did not like something I know we had some options. Councilmember Durham suggested we had some options. There is options right?

City Attorney Scott: You could approve the applicant's request, you could uphold the HPC has done, you could continue the case to allow for additional information or work. Or you could approve the request with additional stipulations of the councils overturning the historic preservation commission's stipulation. So yes there are many options and continuing the matter is certainly an option if you wanted to see some additional work from the applicants about tying in the roof a little bit better. Etc.

[Time: 02:30:13]

Councilmember Caputi: I don't feel compelled to deny this applicant, I would not feel confident approving everything but it does seem capricious for us to deny outright. I would like to make an alternate motion to continue and see if we cannot get to a better place, I don't feel like I have enough information I am certainly not an architect so I do not have a --knack enough expertise to tell you if this roof makes sense or not. All I can tell you is we have hit the guidelines and you know there is no legal reason for you not to be allowed to do these things. It is for hard for me to say you are not allowed to do so is a private homeowner. I want to make a motion to try to work with this homeowner but I don't know if there is a second --up here. But that's where I am.

Councilmember Durham: Is there a second? I think the motion dies for lack of a second. Kathy seconded. Any further discussion?

Councilmember Graham: The mayor is back.

Councilmember Durham: I wanted to adjust there are a list of issues here and the applicant needs guidance on the other 2. I think the style of the garage door kind of detracts from the rest of the house but I don't know how everyone else feels about it. The weeping mortar guess what they are suggesting is the weeping mortar should be on each side of the garage the same level.

Deanna Bimer: That is right.

Councilmember Durham: As the main house.

Deanna Bimer: Yes.

Councilmember Durham: That also doesn't strike me that is a requirement. But I'm just concerned that if we just deny this that you are not going to have guidance on what might be approved.

Mayor Ortega: Thank you and then Councilmember Whitehead. Just to clarify one thing we cannot do is remanded back to HP. It was appealed will come here and we will decide it tonight. And unless it were a new application you know, and that would be a separate one that could go back to HP. So just for clarification, we are weighing in on our aesthetic opinions are now so Councilwoman Whitehead.

[Time: 02:33:14]

Councilmember Whitehead: I don't think we can do that, nothing will destroy a historic neighborhood faster than a city Council of unqualified people making piecemeal decisions about your home. Obviously this is your private residence and you have invested money and I think that we do need to have you deal with the qualified people in the right people to get it correct and that will be staff. So perhaps it does not need to go through HPC, that was my question earlier to legal, is can a new application go through the HPC Mike I think that is the right commission for this.

Mayor Ortega: City attorney.

City Attorney Scott: Certainly if you uphold the HPC's approval with denial of portions of the request and added stipulations, this applicant could seek to file a new application with the HPC, I'm not familiar enough with the rules and procedure are to know if there is some other mechanism for them to get in front of the HPC again. On their application with some modifications. So that can certainly happen.
Councilmember Whitehead: Yes I think that is what I'm looking to do, I would hate to pretend that we are the right body to make that decision. Jesus do you want to add anything to that decision?

Jesus Murillo: Thank you mayor Ortega and Councilman Whitehead. There are two ways to proceed on this, the first one is going back to the certificate of appropriateness request from the historic preservation commission just amending the application we cannot take something that looks exactly the same if it was denied. Or we can do a certificate of no effect which goes to staff if you had direction for which 1 of these stipulations you wanted to uphold. And which ones you wanted staff specifically to work with.

Councilmember Whitehead: Is there a cost to them, they will have to make some changes because this does not fit our guidelines. Some of the aspects of this will have to change. So obviously if they go back to the historic preservation commission there will be some changes, is there some cost associated to that with them no

Jesus Murillo: As far as the drawing or designs I leave that up to the designer but as for as historic allegations there is no cost.

Councilmember Whitehead: Okay I think we are not saying that is that you are done, not tearing it apart in pieces you will have a better looking house in the long run, I think the request is to uphold the historic

preservation commission and to strongly urge you to go back there with some of the recommended fixes on your drawing. So I guess I'm going to stick with my original motion which is to deny because I know that you have an option to go back and make some changes and get it right.

Councilmember Durham: Mayor we did have a motion by Councilmember Caputi that was seconded by Vice Mayor Littlefield and I think that was motion to continue.

[Time: 02:36:47]

Mayor Ortega: Okay good we will roll with that one. I left for the drinking fountain. So thank you. The motion to continue takes precedent and any other discussion about the continuance how? Continuance for your information allows you to respond that maybe there is a little work that can be done and be presented to us. As the body here. So that is an explanation for that. And I see some nods over there. So that motion takes precedent over the other motion. Anyone wish to speak about the continuance? You do?

Councilmember Graham: Is the motion to continue a date to be determined or specific?

Mayor Ortega: We would rely to the Clerk and HP group, sorry no the continuation is the Clerk for us and the staff.

Councilmember Graham: availability. So to be determined. And is the motion to continue in order to work out the 3, not to work out but for the three items for the applicant to come back and make a proposed -- then we would rule on that is that how that works?

Mayor Ortega: Yes whatever modifications, we are the final body to decide. And should they come back with no changes that would be their choice. Or should they have other feedback and guidance.

Councilmember Graham: Thank you for the clarification.

Mayor Ortega: Okay thank you we have guidance there. I left the room [Laughter] but let's have the motion to continue. Please record your vote. I heard a yes I believe from Vice Mayor Littlefield so the motion to continue passes 5-2 work to do, thank you very much.

Deanna Bimer: Thank you.

ITEM 18 – PALO VIENTO I STREET LIGHT IMPROVEMENT DISTRICT (SLID)

[Time: 02:39:07]

Mayor Ortega: Next is item number 18 and 19. Item 18 and 19 will be presented as one presentation. However we will be voting on them separately. We furring to Palo Viento streetlight improvement district SLID and Palo Viento II and streetlight improvement district and call on the streets director to begin the staff presentation, Mark Melnychenko.

Mark Melnychenko: Thank you councilmembers I'm hoping this presentation will be less complicated than the last 2. I also want to point out that I have staff here who leads the ICF section for streetlights and fiber is also here for any additional questions after the presentation.

Tonight as mayor Ortega said we are providing a brief presentation on the Palo Viento streetlight improvement districts they are called SLIDs. And in the first really question is what is a SLID. and per the revised statutes residence and the committee may choose to form a streetlight improvement district for purchasing energy including a charge for the use of lighting facilities for lighting public streets and parks. The city SLIDs were established in 1971 to allow taxpayers residing in the area to pay for operation of the streetlights. Currently in the city there are 355 established SLIDs. [Computer alert noise]

[Time: 02:41:18]

The SLID formation process, first of all the residents for the landowner format petition to form a SLID and second they form a petition for compliance with state statute that over fifty percent of the real property owners within the proposed district must be in favor of forming the district. Next, residents obtain the streetlight plan from the appropriate utility company which is reviewed by the city staff. Next, the plan is submitted to the city staff for the city staff and counsel review and approval. And last, if resolution ordering work is approved by city Council city staff, sends the request to the Maricopa County assessor. For assessment.

This is a map that shows the location of the Palo Viento 1 and 2 subdivision McCormick Ranch off Scottsdale Road. Some existing background information, Palo Viento subdivision was filled in 1974 and 1976 respectively. With streetlights installed on the residential streets. No SLID was formed for either subdivision. There are 25 existing streetlights and Palo Viento 1 and 18 streetlights and Palo Viento 2. The energy bill and maintenance for the existing streetlights have been paid by the McCormick Ranch property owners Association and I'm part of that McCormick Ranch and I guess I don't really feel real great about that over the years but [Laughter] um, next slide.

This shows some of the progress that has occurred the spark. These are the steps taken in the formation of the SLID they McCormick Ranch property owners Association submitted the streetlight improvement plans and petitions to form SLIDs with over fifty percent of property owners for both subdivisions. City staff has verified the petitions contain the signatures of over 50% of the property owners within the proposed districts. City staff has reviewed and approved the streetlight improvement plans this far and then October, or on November 21, 2022 the city Council adopted resolution numbers 12594 and 12676 declaring intention to form SLIDs for Palo Viento one into. It was published and noticed the improvement was posted within the proposed district. No form of protest or objections have been filed.

And the resident questions were answered by staff. The next steps in the process, staffed send the request to the County assessor in Arizona Department of revenue for tax assessment. Staff will send the certified resolution to APS in the McCormick Ranch property owner Association. The McCormick Ranch property owner Association will order the removal of the existing streetlights. By a contractor and APS

will install new dusk to dawn lights at the same location of the plan removed lights per file with the city Clerk.

At the earliest Fiscal Year 23/24 the city can levy for the cost of electricity for this district to ad valorem taxes which is a tax added on assessed value. There is one question that was forward by Councilman Graham and to answer his question, Palo Viento has 109 properties and the estimated annual energy bill ranges from 35 to 300 for each property based on their net assessed value. Palo Viento II a has 98 properties and it ranges from one hundred forty five dollars, a tax levy will be assessed annually by the city treasurer's office once the districts are formed. The ends my presentation.

Mayor Ortega: Thank you, there is one request to speak from the public. Gentlemen Mark O'Toole wishes to speak on item 18. Well going once, going twice I believe he moved on. Any other speakers requested, I will close the public comment. Moving on to councilmember Graham.

[Time: 02:47:49]

Barry Graham: Thank you mayor. Good presentation, there was one question that got overlooked. This is, what is the term of the payment, how many years or months?

Mark Melynchenko: I don't have the answer to that

Councilmember Graham: I know Hong when I was on the Department of Transportation she schooled us many times.

Huo Hong: Good evening Mayor and Council members, councilmember Graham this will be ongoing. So it is just like any we established before. In total the city has I think 55-- yes I think so. So those existing SLIDs need to continue to pay the annual energy bill.

Councilmember Graham: That is estimated to be for the typical house there is 90 to 100 houses, 110 houses, you think that is per year going to cost ninety dollars, one hundred per year? I know is variable but--

Huo Hong: Yes it is variable. Based on the net assessed value. So if the property value is higher, then the portion is higher.

Barry Graham: Okay and estimated amount, if I lived there in the McCormick Ranch what I expect to pay per year?

Huo Hong: This project is a little bit special.

Barry Graham: What will they pay going forward each year?

Huo Hong: For this project the range is for Palo Viento 1 is \$35-\$300 and 4 Palo Viento to his \$42-\$405 per year.

Barry Graham: The last thing I believe there was a petition that circulated and 100% approval from people within the districts right?

Huo Hong: Actually both we received the petition and the petition for both districts are about 50%.

Barry Graham: Okay I'm not sure where I got that. Thank you very much.

Mayor Ortega: Very good Councilwoman Whitehead.

Councilmember Whitehead: I would like to motion to adopt Palo Viento Street by resolution 12734. And to also adopt Palo Viento streetlight to improvement district resolution number 12735.

Councilwoman Janik: Second.

Mayor Ortega: We might need to vote on those separately because they are separate.

Councilmember Graham: She said we could do the same. I will second.

Mayor Ortega: Second, sorry. The other it, I have is obviously the first part of the payment structure. Is to pay for the light posts and all of that. Once they pay off that cost and then they will continue to pay for the utility bill. And the portion so initially is higher but that is to retire the cost of the poster any other discussion? Thank you, please record your vote.

[Time: 02:51:44]

Mayor Ortega: Thank you, unanimous. Okay next we will move on to public comments. And public comment is reserved for Scottsdale citizens to comment on non-agendized item and speakers are limited to 3 minutes to address the Council. We have no request to address the second portion. If someone is shaking their hand out there, did you record with the Clerk? Okay. 2 [Speaker away from microphone]

Mayor Ortega: I just want to say that you must go to the Clerk right now. And but this is only for non-agendized items, so only things that are in our jurisdiction and official, no official action can be taken on these items. And as courtesy we will hear your 3 minutes, name and address. Thank you name and address and place of residence and proceed.

Stephen Jerarski: Beloved mayor and city Council of Scottsdale, I am lay brother Stephen Jerarski visiting the area, I am a pro-life speaker looking for future cities to move--

Mayor Ortega: Thank you sir but that is out of our jurisdiction and I thank you may submit other comment but this public comment is closed.

Stephen Jerarski: My apologies.

Mayor Ortega: Okay next we will move on with the next agendized item which is citizen petition item number 20. We are in receipt of a system receipt of a receipt of citizen petition cover letter for today and at this point we will post the selections which can be made on the duly submitted petition. And first of all I will acknowledge receipt of this petition by Miss Bennett. Any member of the Council may make a motion. To be voted on by the Council. First of all, one choice is direct city member to agendized, investigation and direct the city manager to investigate the matter and prepare a written response to the Council with a copy to the petitioner and then number 3 is taking no action.

[Time: 02:55:21]

Councilwoman Whitehead: I motion to direct the city manager to investigate and prepare a response to the Council however this is an important issue and I see this possibly being agendized, and even those who are business owners in the entertainment district and the surrounding areas are telling me they would like to have the noise quieter as well. So with that, that is my motion.

Councilwoman Janik: Second.

Mayor Ortega: Good, motion was item number 2 the city manager to investigate and we will motion second for further discussion, saying none, please record your vote.

City Clerk Lane: Mayor I apologize Vice Mayor Littlefield has her hand up.

Mayor Ortega: I apologize Vice Mayor Littlefield hello.

Vice Mayor Littlefield: [Speaker away from microphone] thank you.

Mayor Ortega: Okay.

Councilmember Graham: Could she repeat that?

Mayor Ortega: Can you repeat that Kathy.

Vice Mayor Littlefield: I was going to second the motion but I think that was already done.

[Laughter]

Mayor Ortega: She has spoken in support of the motion. So that is what we heard. Please record your vote.

Vice Mayor Littlefield: Yes.

[Time: 02:56:46]

Mayor Ortega: We have unanimous and thank you that concludes our agenda for today. Do I have a motion and second to with adjourn?

Councilwoman Janik: So moved.

Mayor Ortega: Please record your vote.

Vice Mayor Littlefield: Yes.

Mayor Ortega: Thank you we are adjourned.