

**SCOTTSDALE CITY COUNCIL  
REGULAR MEETING AND WORK STUDY SESSION MINUTES  
TUESDAY, SEPTEMBER 20, 2022**



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

**CALL TO ORDER**

Mayor David D. Ortega called to order a Regular Meeting of the Scottsdale City Council at 5:00 P.M. on Tuesday, September 20, 2022 in the City Hall Kiva Forum.

**ROLL CALL**

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

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

**PLEDGE OF ALLEGIANCE** – Vice Mayor Durham

**MAYOR'S REPORT**

Mayor Ortega asked for a moment of silent reflection for the people of Ukraine as they fight for their freedom, survival, and democracy.

Mayor Ortega stated that the Mayor and Council Breakfast is scheduled for September 22, 2022 at the Scottsdale Stadium Field House. He noted there will be a panel discussion on the topic of water and that water is a critical issue for Scottsdale.

**CITY MANAGER'S REPORT** – None

**PRESENTATIONS/INFORMATION UPDATES**

- **Scottsdale Arts Update**  
**Presenter(s):** Gerd Wuestemann, President and CEO

Scottsdale Arts President and Chief Executive Officer Gerd Wuestemann gave a PowerPoint presentation (attached) on the City's public art collection.

**NOTE:** MINUTES OF CITY COUNCIL MEETINGS AND WORK STUDY SESSIONS ARE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF ARIZONA REVISED STATUTES. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN AND DIRECTION GIVEN BY THE CITY COUNCIL AND ARE NOT VERBATIM TRANSCRIPTS. DIGITAL RECORDINGS AND CLOSED CAPTION TRANSCRIPTS OF SCOTTSDALE CITY COUNCIL MEETINGS ARE AVAILABLE ONLINE AND ARE ON FILE IN THE CITY CLERK'S OFFICE.

## **PUBLIC COMMENT**

- David Clouse spoke about homelessness, available services, and humanitarian efforts in other municipalities.
- Judith Clouse expressed concern about a homeless individual in her neighborhood and requested help for all homeless people in the City.
- Denise McCue voiced concerns about her personal safety and potential impacts to neighborhoods due to increased homelessness.
- Sonnie Kirtley asked that the Tourism Development Marketing Plan focus on more diverse groups of tourists and have a stronger commitment towards supporting existing business owners and distinct downtown districts.
- Dan Ishac commented on Council decorum at the September 13, 2022 Council Meeting.

## **CONSENT AGENDA**

- 1. Loco Patron Mexican Brewery Liquor License (68-LL-2022)**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 6 (bar) State liquor license for an existing location and owner, new license series.  
**Location:** 14950 N. Northsight Boulevard  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 2. Pescada Liquor License (70-LL-2022)**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for an existing location with a new owner.  
**Location:** 20707 N. Pima Road, Building, Suite 140  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 3. One Scottsdale PU III QuikTrip Conditional Use Permit (1-UP-2022)**  
**Request:** Find that the conditional use permit criteria have been met and adopt **Resolution No. 12572** approving a conditional use permit for a new gas station on a ±2-acre site with Planned Regional Center, Planned Community District (PRC PCD) zoning.  
**Location:** 19552 N. 73<sup>rd</sup> Street  
**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)
- 4. Aquifer Storage and Recovery Well 159 Municipal Use Master Site Plan Conditional Use Permit (3-UP-2022)**  
**Request:** Find that the conditional use permit criteria have been met and adopt **Resolution No. 12571** approving a municipal use master site plan to allow for a new aquifer storage and recovery well site on a ±1.3-acre site  
**Location:** 7440 E. Legacy Boulevard  
**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)
- 5. Sports Field Lighting and Installation Job Order Contract Extension**  
**Request:** Adopt **Resolution No. 12596** authorizing Contract No. 2020-168-COS-A1, the first extension to the agreement with Musco Sports Lighting, LLC, in an amount not to exceed \$2,500,000, for a one-year term, for sports lighting, installation, and related material construction projects throughout the city.  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)

- 6. Tapas Papa Frita Outdoor Dining License Agreement**  
**Request:** Adopt **Resolution No. 12609** authorizing Outdoor Dining License Agreement No. 2012-014-COS-A2, a five-year extension to the agreement with Masyno Canal Building, LLC; Amber Gutierrez doing business as TPF AZ, LLC; and Joseph Gutierrez for outdoor dining patio use on city and Salt River Project land, on the southside of the Arizona Canal between Goldwater Boulevard and Scottsdale road.  
**Location:** 7114 E. Stetson Drive, Suites 205 and 210  
**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)
- 7. Public Health Fellowship Program Intergovernmental Agreement**  
**Request:** Adopt **Resolution No. 12579** to authorize:  
  1. Agreement No. 2022-136-COS with Maricopa County Department of Public Health to participate in the Public Health Fellowship Program.
  2. The Human Services Director to execute any other documents and take such other actions as are necessary to carry out the intent of this Resolution.**Staff Contact(s):** Greg Bestgen, Human Services Department Director, 480-312-0104, [gbestgen@scottsdaleaz.gov](mailto:gbestgen@scottsdaleaz.gov)
- 8. McDowell Sonoran Preserve Trail Maintenance Grant**  
**Request:** Adopt **Resolution No. 12548** to authorize:  
  1. Agreement No. 2022-098-COS with the Arizona State Parks Board for the acceptance of a grant in the amount of \$47,300 for the maintenance of existing trails within the Scottsdale McDowell Sonoran Preserve.
  2. A budget transfer, in the amount of \$47,300, from the adopted Fiscal Year 2022/23 Future Grants Budget and/or Grant Contingency Budget to a newly created cost center to record the related grant activity.
  3. The City Manager, or designee(s), to accept the grant from the Arizona State Parks Board and execute all documents and other necessary instruments.**Staff Contact(s):** Kroy Ekblaw, Preserve Director, 480-312-7064, [kekblaw@scottsdaleaz.gov](mailto:kekblaw@scottsdaleaz.gov)
- 9. First Things First Grant Acceptance for the Scottsdale Family Resource Center**  
**Request:** Adopt **Resolution No. 12563** to authorize:  
  1. Agreement No. 2018-058-COS-A4, the fourth amendment to the grant agreement with the Arizona Early Childhood Development and Health Board (First Things First), to accept a grant, in the amount of up to \$200,000, for the Scottsdale Family Resource Center.
  2. The use of the grant retroactive to July 1, 2022.
  3. A budget transfer, in the amount of \$200,000, from the adopted Fiscal Year 2022/23 Future Grants Budget and/or Grant Contingency Budget to a newly created cost center to record the related grant activity.
  4. The Human Services Director to execute all documents necessary for the acceptance and administration of the grant.**Staff Contact(s):** Greg Bestgen, Human Services Department Director, 480-312-0104, [gbestgen@scottsdaleaz.gov](mailto:gbestgen@scottsdaleaz.gov)
- 10. Scottsdale Taste of Italy and Music Festival**  
**Request:** Adopt **Resolution No. 12604** to authorize:  
  1. Funding, not to exceed \$66,000, from the portion of the Fiscal Year 2022/23 Tourism Development Fund that is allocated toward event retention and development for the Scottsdale Taste of Italy and Music Festival.
  2. New Event Funding Agreement No. 2022-155-COS with The Italian Association.**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)

**11. Scottsdale Dia de los Muertos**

**Request:** Adopt **Resolution No. 12605** to authorize:

1. Funding, not to exceed \$70,000, from the portion of the Fiscal Year 2022/23 Tourism Development Fund that is allocated toward event retention and development for the Scottsdale Dia de los Muertos event.
2. New Event Funding Agreement No. 2022-156-COS with LORE Southwest Media and Arts, LLC.

**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890,  
[kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)

**12. Water, Sewers, and Sewage Disposal Code Amendment**

**Request:** Adopt **Ordinance No. 4567** amending Scottsdale Revised Code, Chapter 49, Water, Sewers, and Sewage Disposal, Article VII, Division 2, to add a new Section 49-260 to prohibit mandatory overseeding of turf or other mandatory turf requirements by property owner's associations.

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

**13. Adoption of Fire, Building, Plumbing, Mechanical, Electrical, Fuel Gas, and Other Codes**

**Requests:**

1. Adopt **Ordinance No. 4562** amending Scottsdale Revised Code, Chapter 36, Fire Prevention and Protection, Article II, Division 1, and adopting portions of the 2021 edition of the International Fire Code and various amendments thereto.
2. Adopt **Resolution No. 12583** declaring the documents entitled "The International Fire Code, 2021 Edition", including appendices, and "2022 City of Scottsdale Amendments to the International Fire Code, 2021 Edition" to be public records.
3. Adopt **Ordinance No. 4564** amending Scottsdale Revised Code, Chapter 36, Fire Prevention and Protection, Section 36-18 relating to automatic sprinkler systems.
4. Adopt **Ordinance No. 4550** to authorize:
  - a. Adopting part of the Building Code of the City of Scottsdale, including the 2021 editions of the International Building Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, International Existing Building Code, International Swimming Pool and Spa Code; the 2020 edition of the National Electrical Code; and the 2022 City of Scottsdale amendments to, or adoption of, as applicable, the International and National Codes.
  - b. Amending Scottsdale Revised Code, repealing and replacing Chapter 31, Building and Building Regulations, Article I, Articles III through VI, and Article VIII; renaming Chapter 31 as "*Building and Construction Regulations*"; adding a new article XIII; amending the violation and penalty provisions contained in Section 31-7; setting forth the enforcement and penalty provision contained in Section 31-85; and establishing an effective date.
5. Adopt **Resolution No. 12498** declaring the documents entitled "*The International Building Code, 2021 Edition*", including appendices, and "*2022 City of Scottsdale Amendments to the International Building Code, 2021 Edition*" to be public records.
6. Adopt **Resolution No. 12500** declaring the documents entitled "*The International Mechanical Code, 2021 Edition*" and "*2022 City of Scottsdale Amendments to the International Mechanical Code, 2021 Edition*" to be public records.
7. Adopt **Resolution No. 12501** declaring the documents entitled "*The International Plumbing Code, 2021 Edition*", including appendices, and "*2022 City of Scottsdale Amendments to the International Plumbing Code, 2021 Edition*" to be public records.

8. Adopt **Resolution No. 12502** declaring the documents entitled "*The International Fuel Gas Code, 2021 Edition*", including appendices, and "*2022 City of Scottsdale Amendments to the International Fuel Gas Code, 2021 Edition*" to be public records.
9. Adopt **Resolution No. 12504** declaring the documents entitled "*The International Existing Building Code, 2021 Edition*" and "*City of Scottsdale Adoption of the International Existing Building Code, 2021 Edition*" to be public records.
10. Adopt **Resolution No. 12506** declaring the documents entitled "*The National Electrical Code, 2020 Edition*" and "*2022 City of Scottsdale Amendments to the National Electrical Code, 2020 Edition*" to be public records.
11. Adopt **Resolution No. 12507** declaring the documents entitled "*The International Swimming Pool and Spa Code, 2021 Edition*" and "*2022 City of Scottsdale Amendments to the International Swimming Pool and Spa Code, 2021 Edition*" to be public records.

**Staff Contact(s):** Michael Clack, Chief Development Officer, 480-312-7629, [mclack@scottsdaleaz.gov](mailto:mclack@scottsdaleaz.gov)

**14. Police Code Amendment**

**Request:** Adopt **Ordinance No. 4563** amending Scottsdale Revised Code, Chapter 23, Police, Sections 23-51, 23-54, 23-55, 23-57, 23-62, 23-65, 23-66, 23-67, and 23-72; and adding Sections 23-74 and 23-75 relating to public safety plans.

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

(Removed at the request of staff)

**15. Offenses—Miscellaneous Code Amendment**

**Request:** Adopt **Ordinance No. 4565** amending Scottsdale Revised Code, Chapter 19, Offenses—Miscellaneous, Section 19-22 regarding camping in public spaces.

**Staff Contact(s):** Luis Santaella, Deputy City Attorney, 480-312-2405, [lsantaella@scottsdaleaz.gov](mailto:lsantaella@scottsdaleaz.gov)

**16. Monthly Financial Report**

**Request:** Accept the Fiscal Year 2022/23 Monthly Financial Report as of July 2022.

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

**17. Pima Road, Pinnacle Peak Road to Happy Valley Road and Happy Valley Road, Pima Road to Alma School Road Right-of-Way Acquisitions and Construction Intergovernmental Agreement; and Construction and Utility Contracts**

**Request:** Adopt **Resolution No. 12600** to authorize:

1. Construction Manager at Risk Contract No. 2022-062-COS-A1 with Haydon Building Corp., in an amount not to exceed \$12,369,491.90, for construction of the Pima Road regional drainage channel and joint trench within Pima Road, Pinnacle Peak Road to Happy Valley Road, and T-Mobile West, LLC macro site within Pima Road, Pinnacle Peak Road to Happy Valley Road (SC01) and Happy Valley Road, Pima Road to Alma School Road (SE02).
2. Intergovernmental Agreement No. 2022-063-COS with the Flood Control District of Maricopa County, in the amount of \$13,000,000, to allow partnership and cost sharing for the right-of-way acquisitions, construction, construction management, and operation and maintenance of Pima Road Regional Drainage Channel within Pima Road, Pinnacle Peak Road to Happy Valley Road (SC01).
3. Joint Trench Agreement No. 2022-142-COS, in the amount of \$714,862.71, with Qwest Corporation doing business as CenturyLink QC (Lumen) for the installation of 6 – 4" conduits; Cox Communications Arizona, LLC for the installation of 4 – 2" conduits; and Crown Castle Fiber, LLC for installation of laterals to be included within the roadway construction plans for Pima Road, Pinnacle Peak Road to Happy Valley Road (SC01).

4. Telecommunications Pole Construction Agreement No. 2022-144-COS with T-Mobile West, LLC, in the base amount of \$119,044.76, plus a contingency amount of \$11,904.48, for a total amount of \$130,949.24, for the installation of a future signal pole capable of supporting a future wireless communication facility to be included within the roadway construction plans for Pima Road, Pinnacle Peak Road to Happy Valley Road (SC01).
  5. A Fiscal Year 2022/23 Capital Budget Appropriation Transfer, in an amount up to \$6,500,000, from the Granite Reef Watershed Phase 2A (FI01) project to the Pima Road, Pinnacle Peak Road to Happy Valley Road (SC01) project to be funded by the Flood Control District of Maricopa County's contribution funding source.
  6. The City Manager and City Treasurer, or respective designees, to take such actions as may be necessary to carry out the purposes of this Resolution.
- Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov)

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

Vice Mayor Durham made a motion to approve Consent Agenda Items 1 through 17, except Item 14, which was removed at the request of staff and will be brought back at a later date. Councilwoman Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Durham; and Councilmembers Caputi, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

### **REGULAR AGENDA**

18. **Scottsdale Office Remodel Minor General Plan Amendment and Rezoning (1-GP-2022 and 3-ZN-2022)**  
**Requests:**
  1. Adopt **Resolution No. 12573** approving a Minor General Plan Amendment to the Scottsdale General Plan 2035 Future Land Use Map from Cultural/Institutional or Public Use to Suburban Neighborhoods land use designation on a ±0.65-acre site.
  2. Adopt **Ordinance No. 4561** approving a zoning district map amendment from Single-Family Residential (R1-43) District to Service Residential (S-R) District zoning on a ±0.65-acre site.

**Location:** 7339 E. McDonald Drive  
**Presenter(s):** Greg Bloemberg, Project Coordination Liaison  
**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)

Project Coordination Liaison Greg Bloemberg gave a PowerPoint presentation (attached) on the Scottsdale Office remodel minor general plan amendment and rezoning applications.

Applicant Representative Jaime Angulo, with RCAA Architects, Inc., gave a PowerPoint presentation (attached) on the Scottsdale Office remodel minor general plan amendment and rezoning applications.

Mayor Ortega opened public comment.

The following spoke in support of the remodel project:

- Bridget Hay, Scottsdale resident
- Larry Fink, Villa Palo Verde Homeowners Association Board of Directors

Mayor Ortega closed public comment.

### **MOTION AND VOTE – ITEM 18**

Councilwoman Whitehead made a motion to approve Scottsdale Office Remodel Minor General Plan Amendment and Rezoning (1-GP-2022 and 3-ZN-2022) to:

1. Adopt Resolution No. 12573 approving a Minor General Plan Amendment to the Scottsdale General Plan 2035 Future Land Use Map from Cultural/Institutional or Public Use to Suburban Neighborhoods land use designation on a ±0.65-acre site.
2. Adopt Ordinance No. 4561 approving a zoning district map amendment from Single-Family Residential (R1-43) District to Service Residential (S-R) District zoning on a ±0.65-acre site. Additionally, Councilwoman Whitehead noted the parties entered into a private agreement.

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

#### **19. Hazel & Azure – Camelback (37-DR-2021)**

**Request:** Pursuant to the requirements of Ordinance No. 3909 (65-ZN-1992#7), the property owner is requesting City Council review and approval of the Development Review Board application for the site plan, landscape plan, and building elevations for a new mixed-used development with approximately 532 residential units and 14,610 square feet of commercial floor area, and the location of public art, on a ±3.73-acre site with Downtown/Regional Commercial Office Type 2 Planned Block Development Downtown Overlay (D/RCO-2 PBD DO) zoning.

**Location:** 4605 N. Scottsdale Road

**Presenter(s):** Bryan Cluff, Principal Planner

**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)

Principal Planner Bryan Cluff gave a PowerPoint presentation (attached) on the Hazel & Azure – Camelback site plan.

Applicant representatives Jason Morris, with Withey Morris, PLC; Stephen Funk, with CallisonRTKL; and Chris Brown, with Floor Associates, gave a PowerPoint presentation (attached) on the Hazel & Azure – Camelback site plan.

### **MOTION AND VOTE – ITEM 19**

Councilwoman Whitehead made a motion to uphold the Development Review Board application for the site plan, landscape plan, and building elevations for a new mixed-used development with approximately 532 residential units and 14,610 square feet of commercial floor area, and the location of public art, on a ±3.73-acre site with Downtown/Regional Commercial Office Type 2 Planned Block Development Downtown Overlay (D/RCO-2 PBD DO) zoning. Councilmember Milhaven seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Durham; and Councilmembers Caputi, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

### **PUBLIC COMMENT**

- James Mercier spoke to the issue of homelessness, noting concerns with one specific individual and the possible impacts of homelessness on the tourism industry and the Greenbelt area.

## **CITIZEN PETITIONS**

### **18. Receipt of Citizen Petitions**

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

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

No citizen petitions were received.

## **MAYOR AND COUNCIL ITEMS**

### **21. Boards, Commissions, and Task Force Nominations (Note: Appointments scheduled for October 18, 2022)**

- Airport Advisory Commission (three vacancies) – The Council deferred nominations to a future meeting.
- Board of Adjustment (one vacancy) – Vice Mayor Durham nominated Travis Garcia and Councilwoman Caputi nominated Justin Laos.
- Building Advisory Board of Appeals (one vacancy) – Councilwoman Janik nominated Julian Anderson.
- Human Relations Commission (two vacancies) – Vice Mayor Durham nominated Tina Drews and Marcie LePine; Councilmember Milhaven nominated Matthew Keen; and Councilwoman Littlefield nominated Cynthia Romagnolo and Marietta Strano.
- Transportation Commission (two vacancies) – Mayor Ortega nominated Emmie Cardella and Mary Ann Miller and Councilmember Milhaven nominated Robert Marmon.
- Veterans Advisory Commission (two vacancies) – Vice Mayor Durham nominated Peter Palmer and Bethany Schilling; Councilwoman Janik nominated Gerald Conover and Patrick Mazzarella; and Councilwoman Littlefield nominated John McHugh.

### **22. Old Town Scottsdale Recycling and Old Town Alley Refresh campaigns**

**Request:** At the request of Councilwoman Janik, direct the City Manager to develop and implement an Old Town Scottsdale Recycling campaign and an Old Town Scottsdale Alley Refresh campaign prior to the holding of Super Bowl 2023 in Arizona.

## **MOTION AND VOTE – ITEM 22**

Councilwoman Janik made a motion to direct the City Manager to develop and implement an Old Town Scottsdale Recycling campaign and an Old Town Scottsdale Alley Refresh campaign prior to the holding of Super Bowl 2023 in Arizona. Councilwoman Littlefield seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Durham; and Councilmembers Caputi, Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative.

Mayor David D. Ortega adjourned the Regular portion of the City Council Meeting at 7:19 P.M.

Mayor David D. Ortega called the City Council Work Study Session to order at 7:30 P.M. and noted the Mayor, City Council, and Charter Officers were all present.

## **CITY COUNCIL WORK STUDY SESSION**

**PUBLIC COMMENT** – The following individuals spoke on Work Study Item #2 (City Code Amendments Related to Short-Term Rental Properties)

- David Mason spoke in support of proposed amendments to Ordinance No. 4566 and said the ordinance should not be diluted. He provided written comments (attached) on possible revisions to Ordinance No. 4566.
- Peter South noted concerns with the proposed background checks and violation system.
- John Hildebrand asked that regulations not to be so complicated and cumbersome as to prohibit individuals from following policies.
- Jonathan Wicks expressed concerns about the feasibility of background checks.
- Sonnie Kirtley requested the ordinance definition of short-term rentals be amended to include a detached casita, allowing only one casita per parcel, and allowing an option for owners to remain on the property, either in the main house or casita, during rental periods.

After Work Study public comment concluded, Mayor Ortega noted two written comments (attached) were submitted on Work Study Item #2 (City Code Amendments Related to Short-Term Rental Properties) from Linda Ambrose and Jerome Landau.

### **1. Colorado River Drought and Shortage Update**

**Request:** Presentation, discussion, and possible direction to staff regarding the Colorado River basin drought and shortage based on the United States Bureau of Reclamation August 2022 24-month study and the requirement of additional water savings by the Basin states.

**Presenter(s):** Gretchen Baumgardner, Water Policy Manager

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

Water Policy Manager Gretchen Baumgardner gave a PowerPoint presentation (attached) on the Colorado River drought and shortage.

### **2. City Code Amendments Related to Short-Term Rental Properties**

**Request:** Presentation, discussion, and possible direction to staff regarding the Vacation Rental Ordinance and other sections of the City Code related to short-term rentals.

**Presenter(s):** Brent Stockwell, Assistant City Manager

**Staff Contact(s):** Brent Stockwell, Assistant City Manager, 480-312-7288, [bstockwell@scottsdaleaz.gov](mailto:bstockwell@scottsdaleaz.gov)

Assistant City Manager Brent Stockwell gave a PowerPoint presentation (attached) on proposed City Code amendments related to short-term rental properties.

There was council consensus to:

- Adhere to health and public safety requirements.
- Retain strong, consistent verbiage that aligns with Arizona State Senate Bill 1168.
- Ensure neighborhoods are protected.
- Remain firm with the policies and enforcement of any short-term rental property ordinance.

Councilmembers made the following suggestions:

- Include detached casitas in the definition of short-term rentals.
- Notify the City Council if any changes are made to the proposed ordinance prior to future Council action.
- Do not include detached casitas in the definition of short-term rentals.
- Conduct additional public outreach, obtain feedback, and provide clarification about concerns related to background checks, neighborhood notification and enforcement.
- Have the ordinance require a listing of all occupants staying at the short-term rental.
- Provide better explanations about the number of short-term rental violations and penalties.

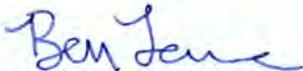
#### **MOTION AND VOTE – ADJOURNMENT**

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

#### **ADJOURNMENT**

Mayor David D. Ortega adjourned the Work Study Session at 9:14 P.M.

#### **SUBMITTED BY:**



**Ben Lane, City Clerk**

Officially approved by the City Council on October 18, 2022

## CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting and Work Study Session of the City Council of Scottsdale, Arizona, held on the 20<sup>th</sup> day of September 2022.

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

**DATED** this 18<sup>th</sup> day of October 2022.



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**Ben Lane, City Clerk**

Presentation

# arts scottsdale

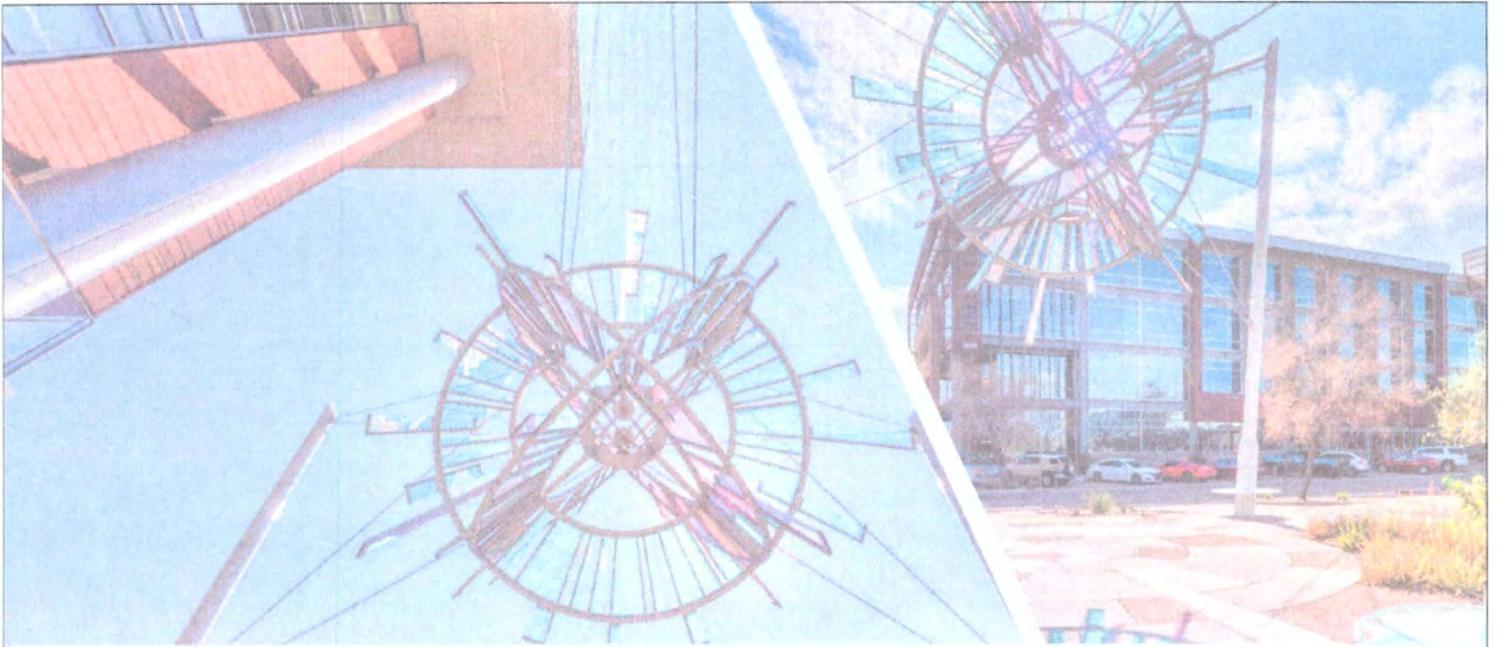
Public Art

Art for everyone, everyday, everywhere

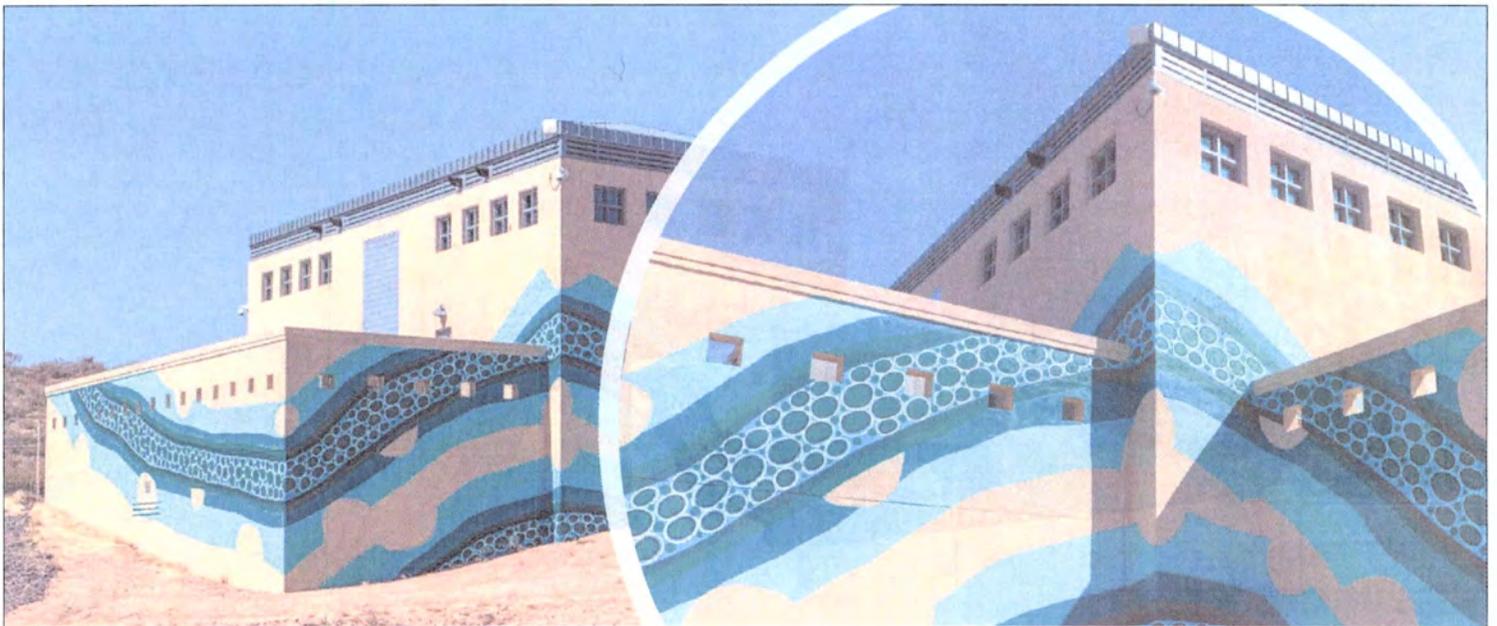
Public Art

Fall & Spring - Cycle the Arts Tours

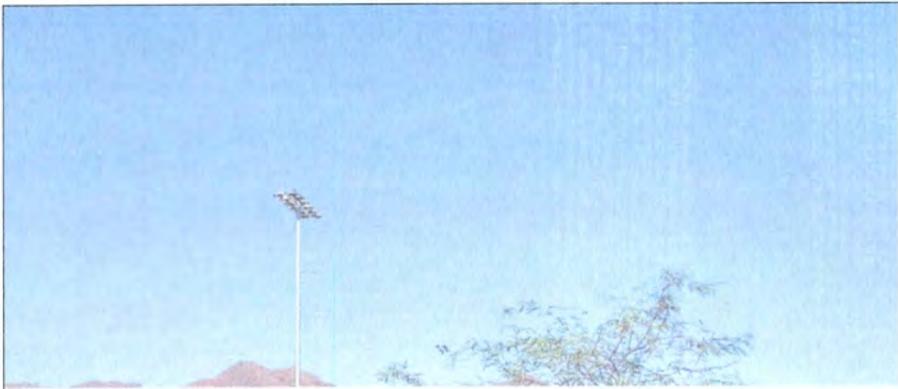




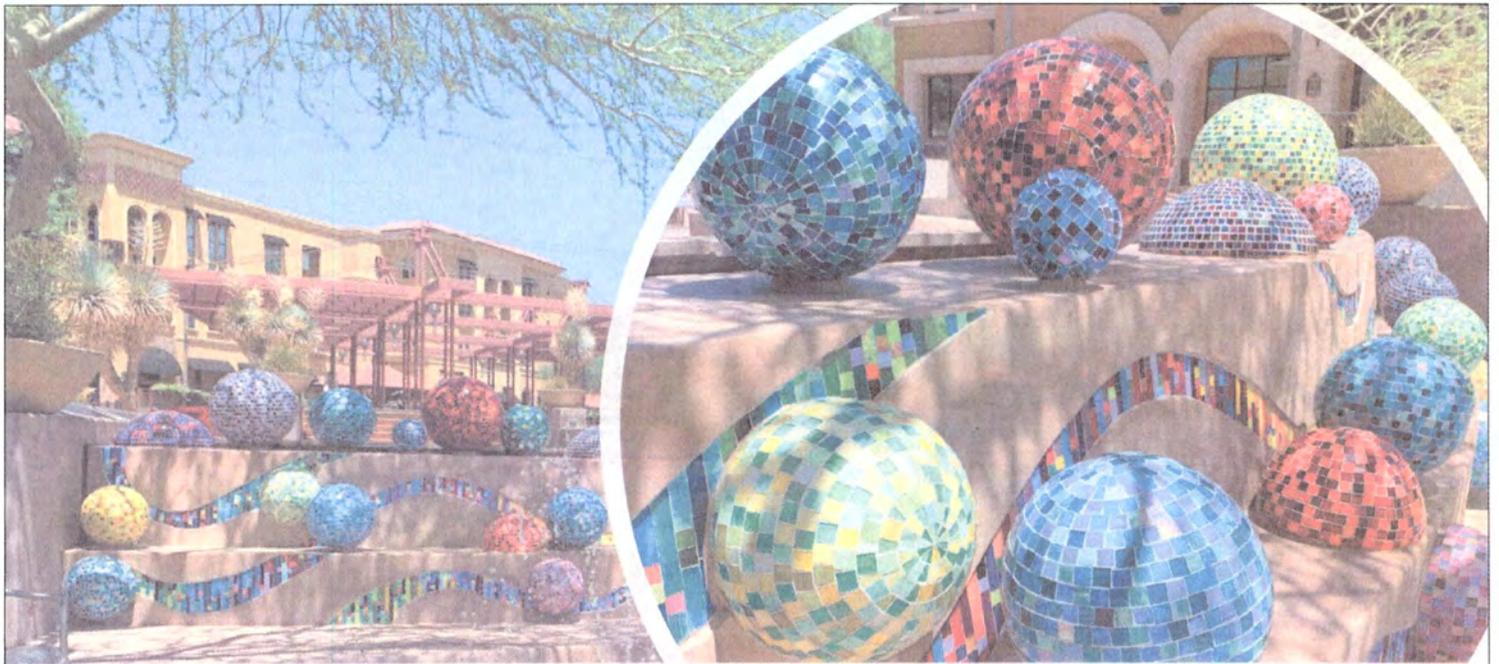
Iconic: Pima Freeway Walls, Soleri Bridge, Watermark, LOVE  
Significant: Fountains, The Doors, Windows to West  
Recent: SunBurst @ Skysong - 168 major works and counting.....



New Installations | Kyllan Maney - Water Resources Cholla Canal Mural



New Installations | Mary Shidell - Mesquite Bosque @ Soccer Fields



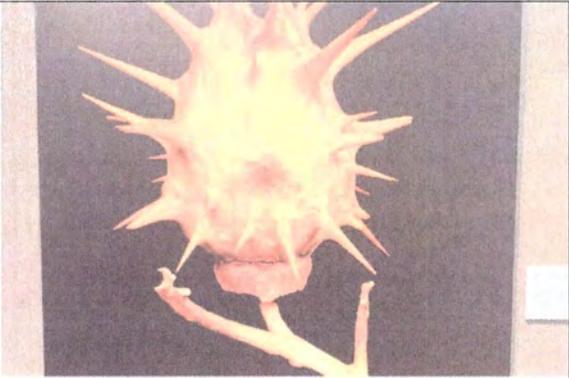
New Installations | Annette Coleman - Pinball Wizard Splash Pad @ Southbridge



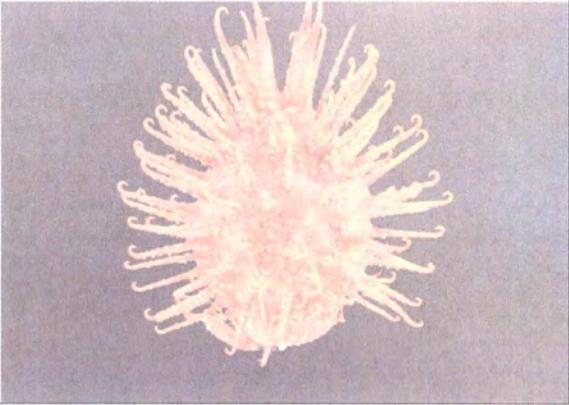
IN FLUX Temporary Works | Shirley Wagner – Zenith, Surge, Bliss



IN FLUX Temporary Works | Hector Ortega, Christopher Luper, Yuke Li



Public Art Exhibits | Jeff Zischke- Sonoran Seedpods



**DESIGNED TO MOVE:**  
Seeds that Float, Fly or Hitchhike Through the Desert Southwest

**July 7 – September 30, 2022**  
Civic Center Public Gallery

How do seeds inspire designs for self-activated robots or more efficient wind-turbine blades? Featuring work by photographer Taylor James, *Designed to Move: Seeds That Float, Fly or Hitchhike through the Desert Southwest* is a surprising, up-close look at the history and functional diversity of desert seed designs.

James's photographs illustrate the ingenious design of desert seeds that employ different methods for dispersal and propagation. They can float in the air and water, fly far from their mother plant, and hitchhike on the fur of animals.

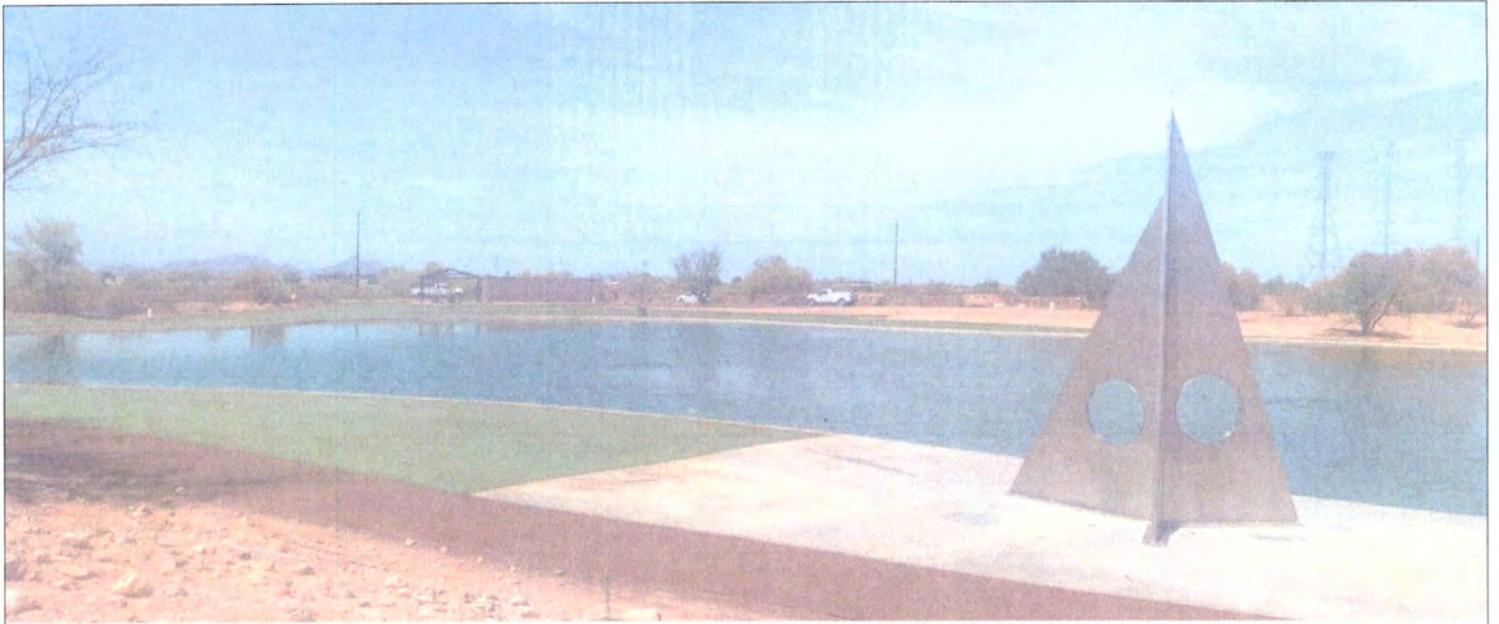
Exhibition organized by the Discovery Center at Arizona State University in collaboration with Desert Botanical Garden, ASU's Herbarium, and ASU's Design School.

Addressed, supported, *Arizona Seed/Flora*, the public artwork by Jeff Zischke will display at George "Doc" Cowley Park in Scottsdale, without leaving its roots. Using the Herbarium and inside a QR code on one of the *Designed to Move* seed pods, in your phone or tablet, the public can follow seeds through the park, and see the sculpture of the *Pinus Coulteri* tree, in Scottsdale.

**emte**  
**scottsdale**  
scottsdalepublicart.org  
480-278-6666

Large-scale seedpods in desert landscape — QR Code leads to Virtual Reality images of seedpods

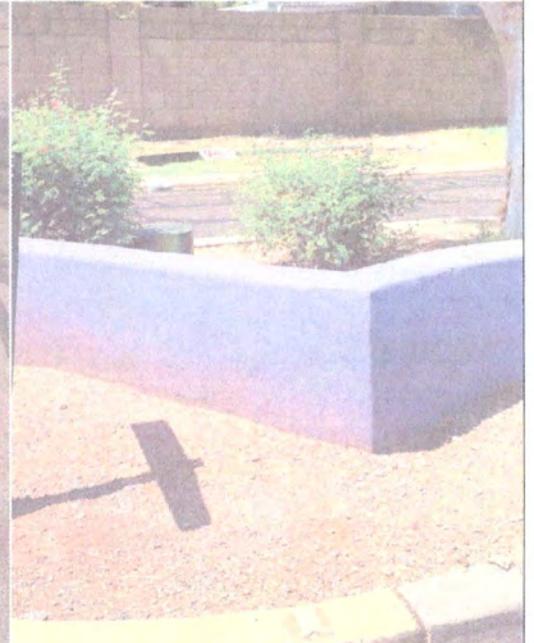




Relocation | Jose Bermudaz 'McDowell Mountains' now near DC Ranch



Maintenance | Tonolea Neighborhood before and after





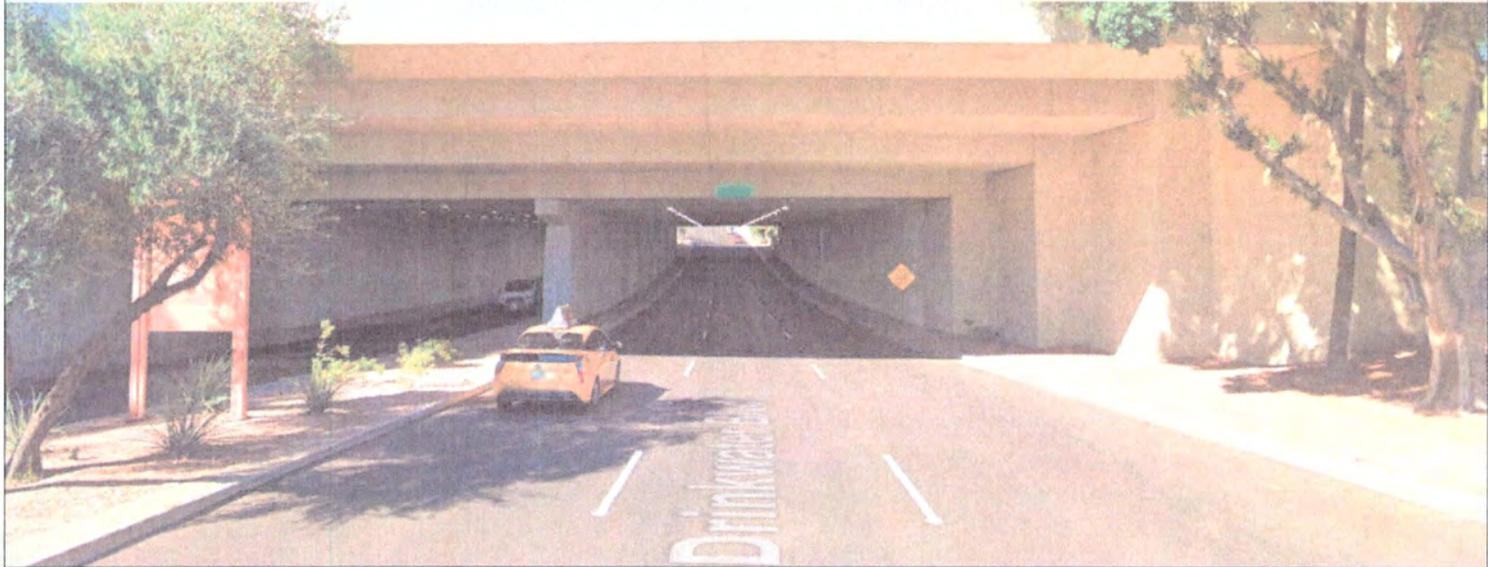
### Challenge: Maintenance Needs

- \$126K annual conservation funding
- Collection likely valued at \$160M+
- Pima Freeway conservation alone will require \$1M+



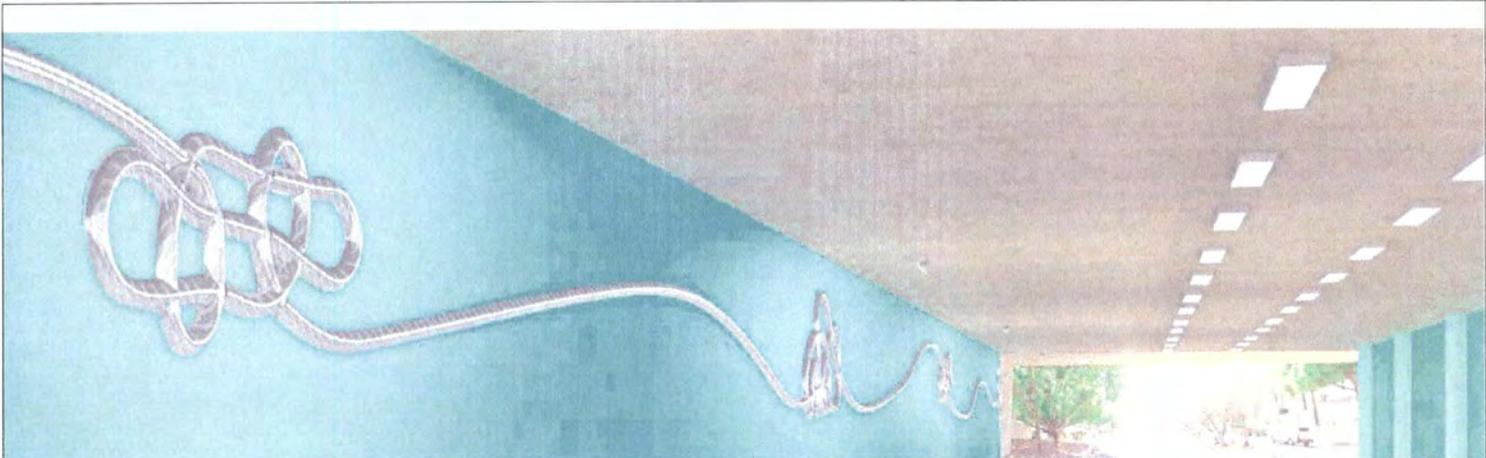
New Civic Center – restoration of iconic works, resighting of first public sculpture

Drinkwater Tunnel Transformation

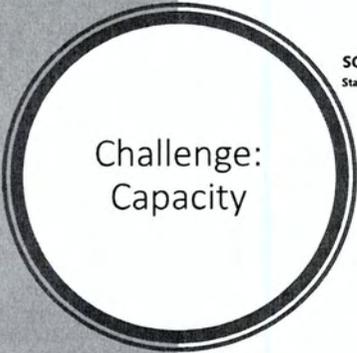


Public Art Project - AZ Artist Barbara Grygutis





Roping together Scottsdale's Western Past and Creative Future



**SCOTTSDALE PUBLIC ART**  
Staffing and Projects, Year-By-Year

	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010
TOTAL AIPP PROJECTS BY YEAR:	10	9	11	11	11	8	8	11	13	14	11	7	8
TOTAL AIPD PROJECTS BY YEAR:	8	10	6	4	3	3	2	3	3	1	1	1	2
<b>TOTAL AIPP and AIPD PROJECTS BY YEAR:</b>	<b>18</b>	<b>19</b>	<b>17</b>	<b>15</b>	<b>14</b>	<b>11</b>	<b>10</b>	<b>14</b>	<b>16</b>	<b>15</b>	<b>12</b>	<b>8</b>	<b>10</b>
STAFF MEMBERS WORKING ON AIPD/AIPP PROJECTS:	2	2	2	2	3	2	2	2	2.5	3	3	4	4

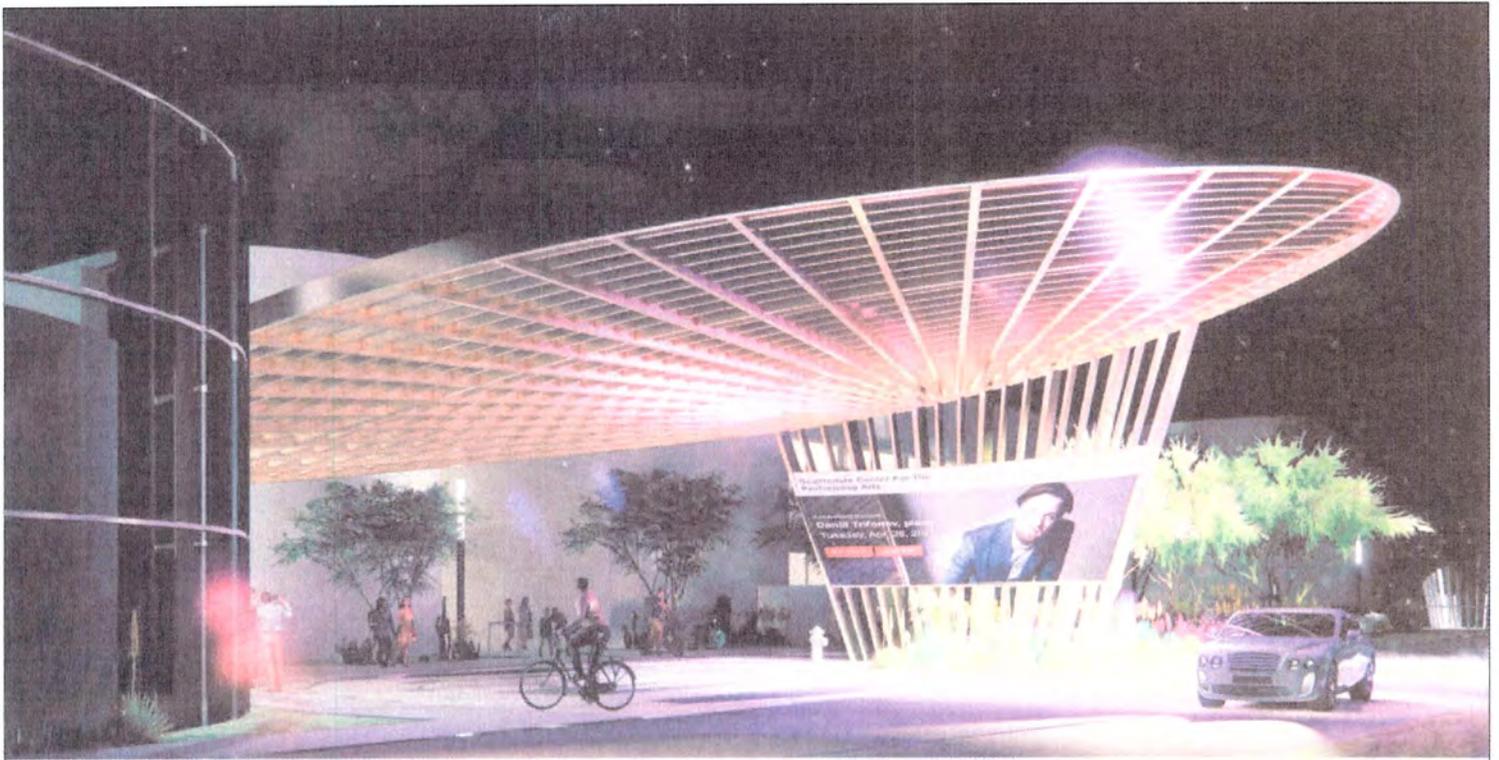




Second Street – Scottsdale's Arts Avenue



Proposed Gateway 2024: anchors streetscape, draws patrons into Civic Center



LED lights change with season, create ambiance; digital board promotes Civic Center events



Marquee protrudes into street for visibility; generates shade, VIP drop off



Opportunity: New Public Art Ordinance, Council workshop Dec 7th



## Canal Convergence 10<sup>th</sup> Anniversary

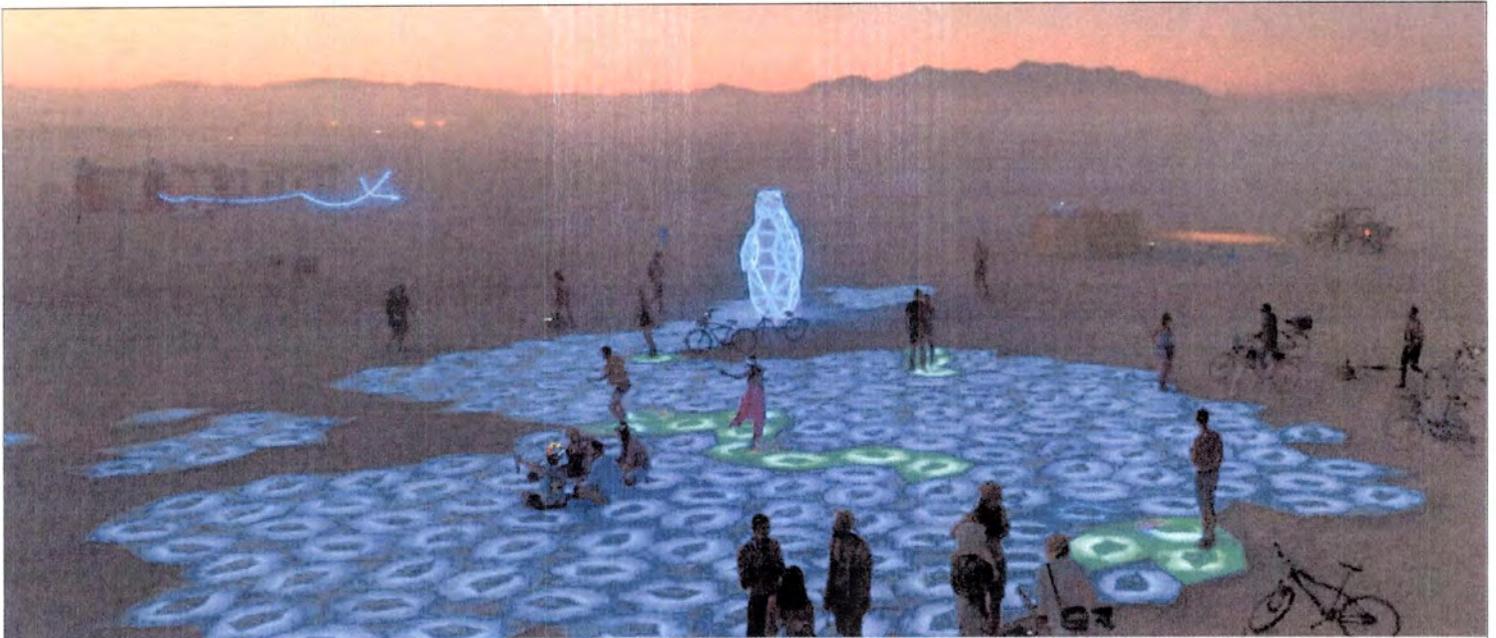
November 4-13, 2022  
297,000 visitors in 2021  
2019 Gold Grand Pinnacle Award



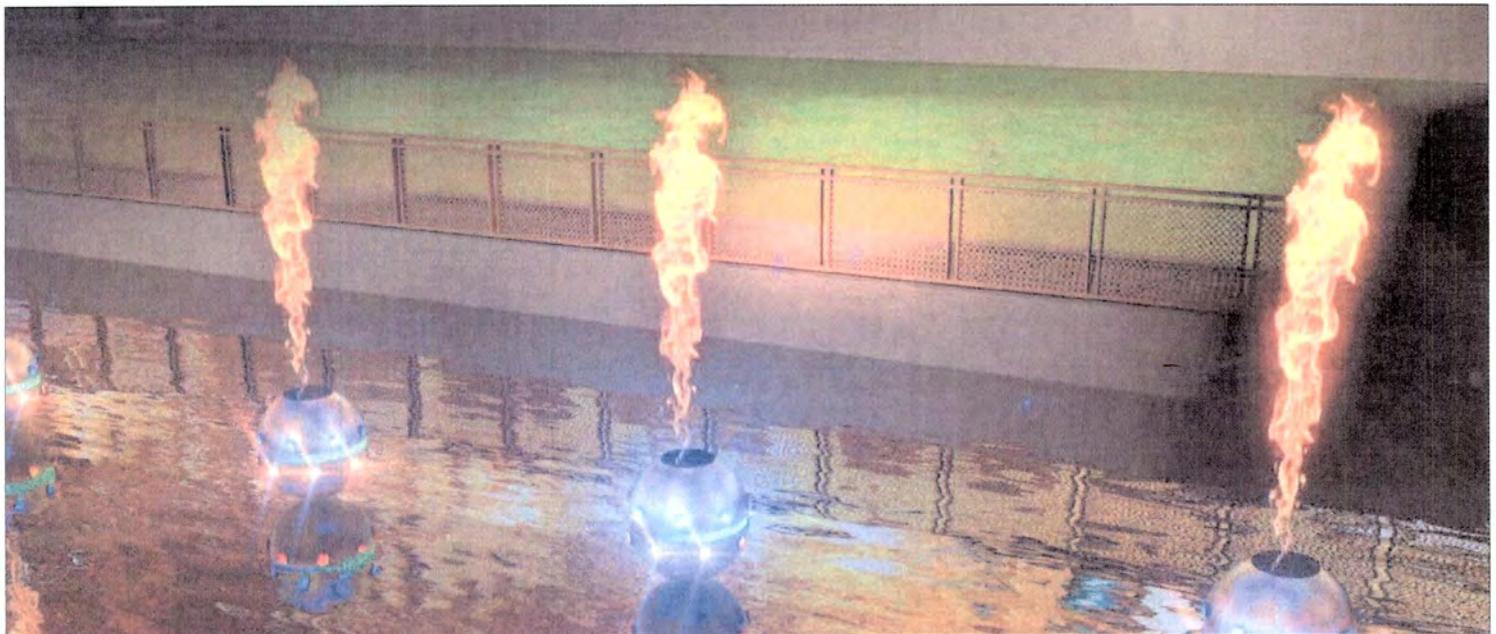
Free & family friendly  
Workshops, lectures, music, speakers, food & drink, fun  
ALL of Scottsdale Arts TOGETHER for ALL of Scottsdale



Canal Convergence 2022 | MAPP by AlexP

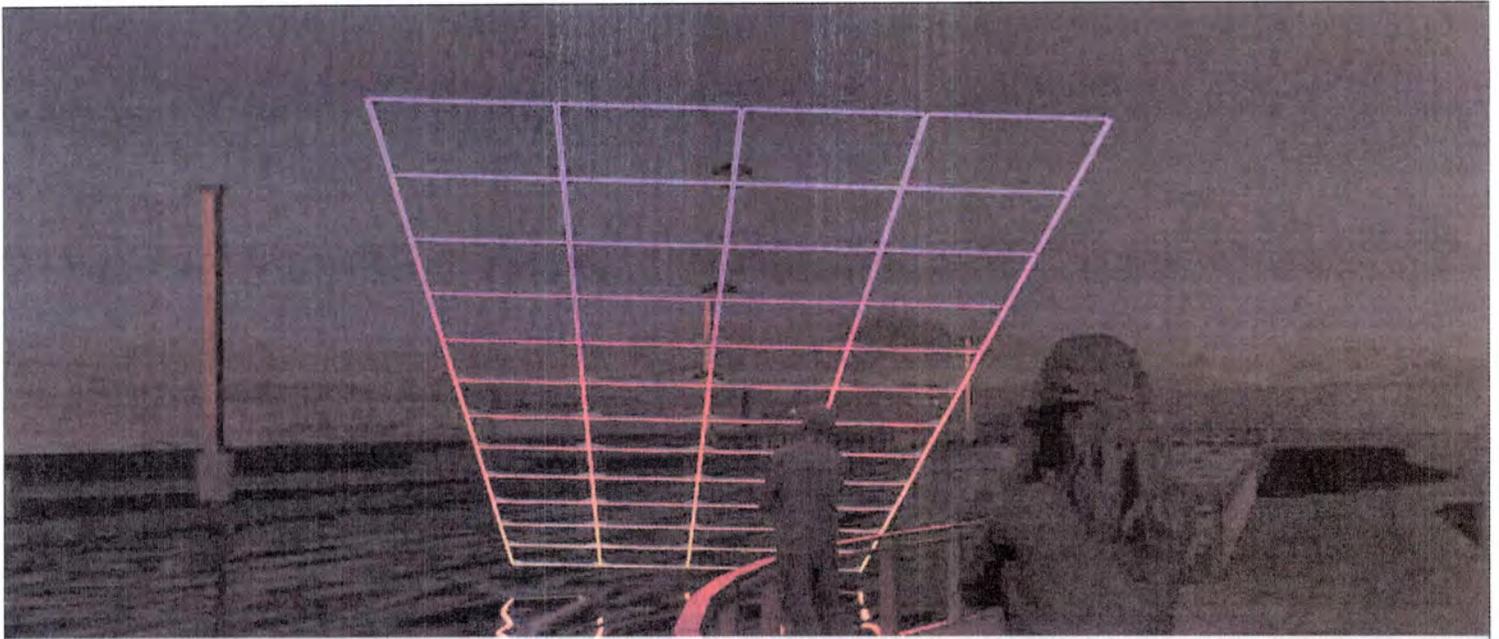


Canal Convergence 2022 | The Last Ocean by Jenlewin Studio



Canal Convergence 2022 | ORB by Walter Productions

Conceptual rendering by  
Alex Kohli



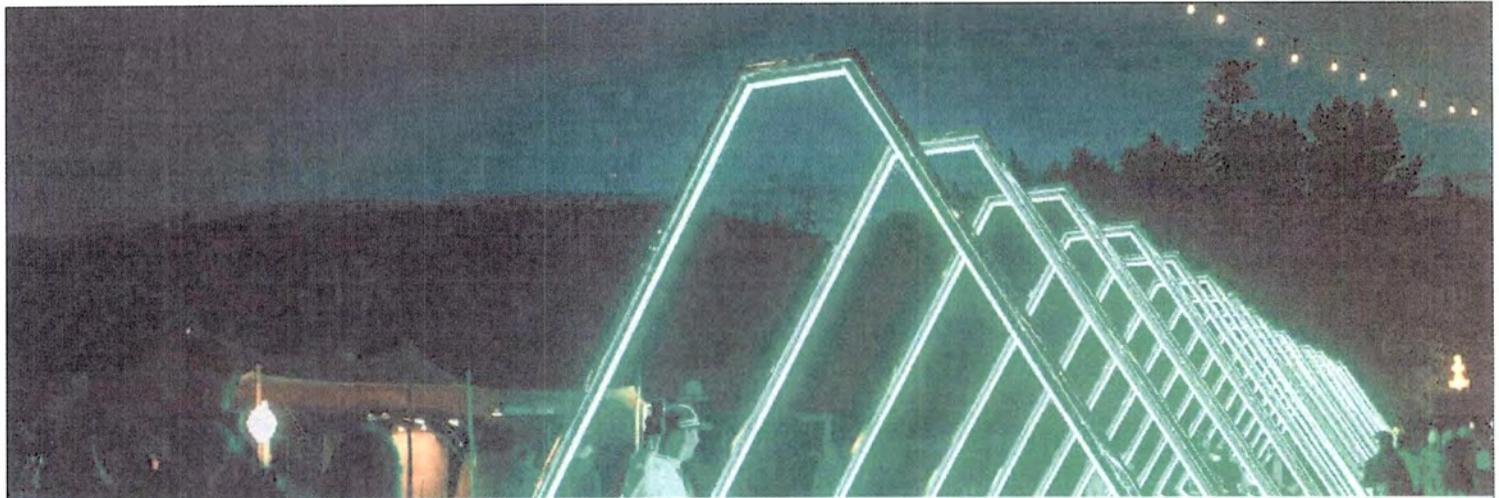
Canal Convergence 2022 | Reflections by Immerge Interactive



Canal Convergence 2022 | Sound the deep Water by J. Miller and A. Fraileigh

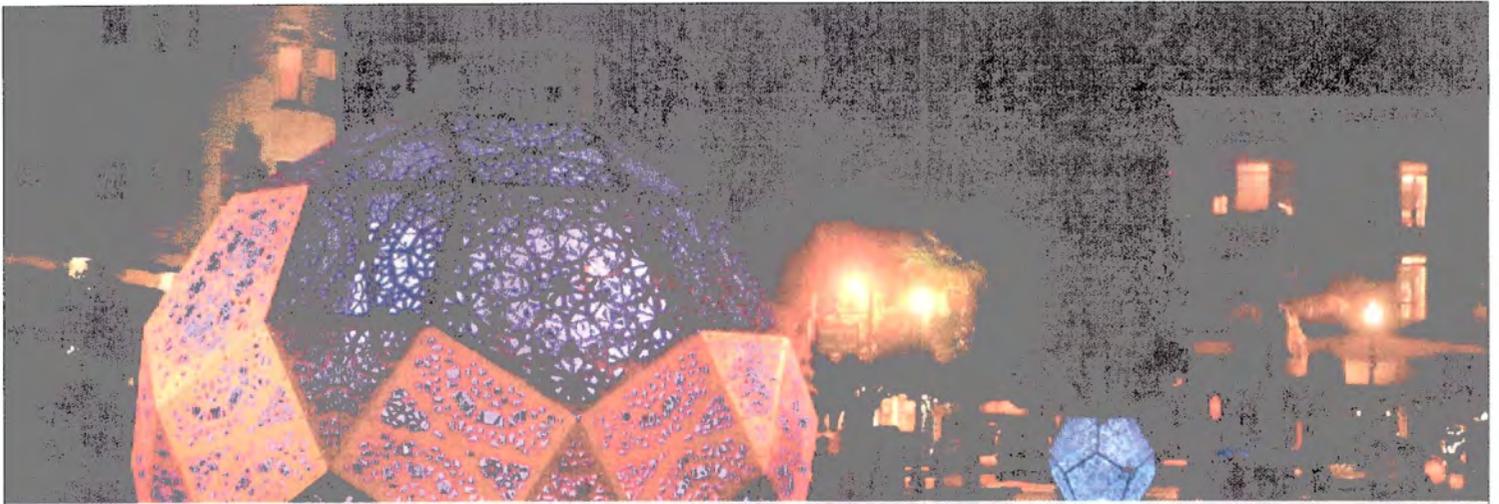


Canal Convergence 2022 | Starquarium by Chinook Blast



Canal Convergence 2022 | The Tunnel by Big Art





Canal Convergence 2022

| Trillian by HYBYCOZO



Canal Convergence 2022

| Sundrops by Jeff Zischke



# Scottsdale Office Remodel

## 1-GP-2022 and 3-ZN-2022

City Council  
September 20, 2022

Coordinator: Greg Bloemberg

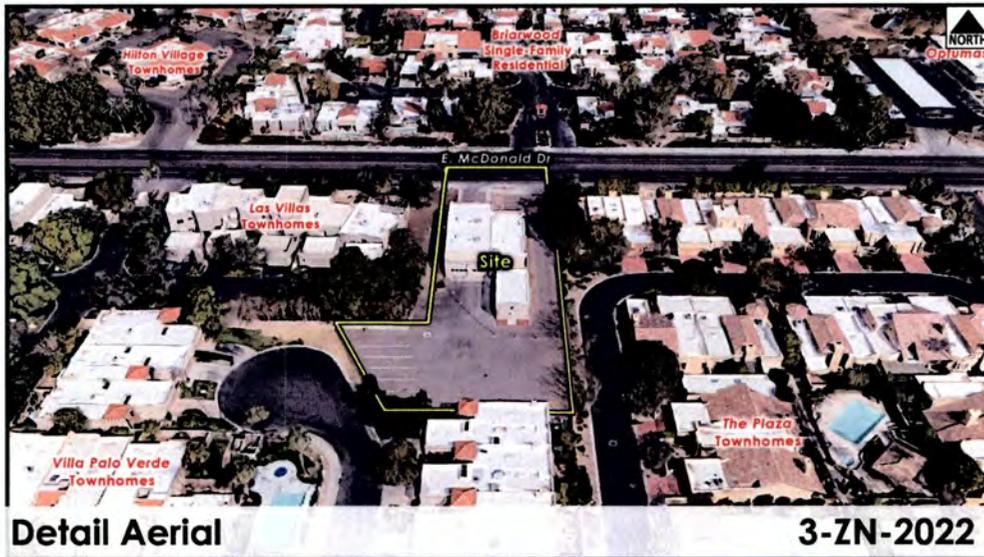
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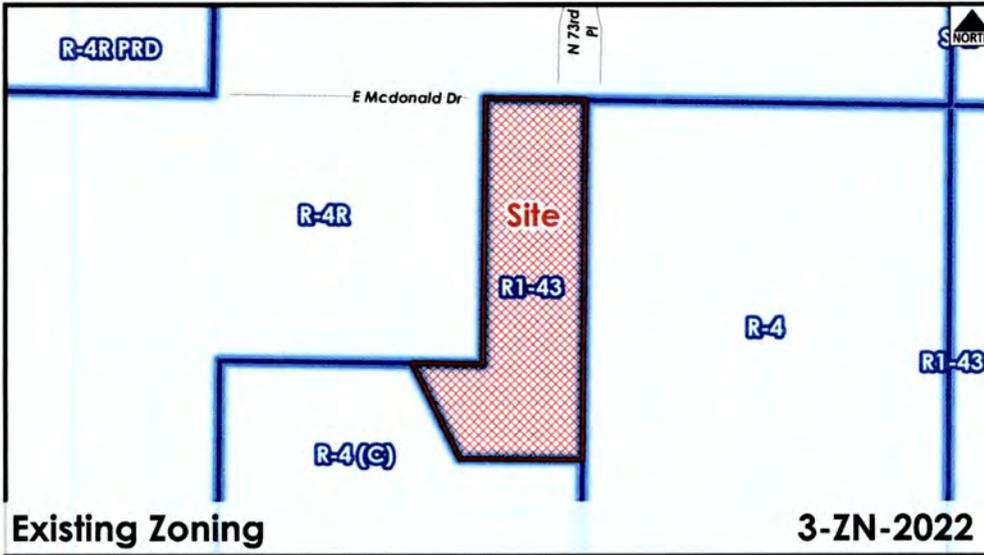
Context Aerial

3-ZN-2022

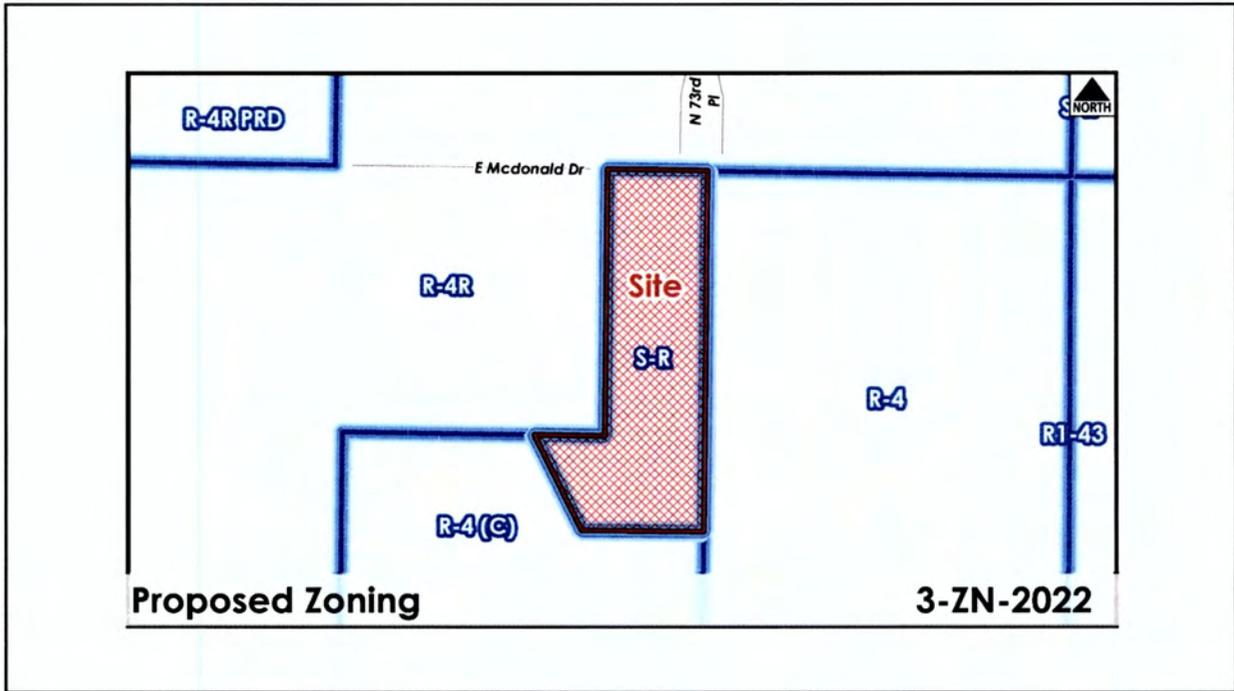
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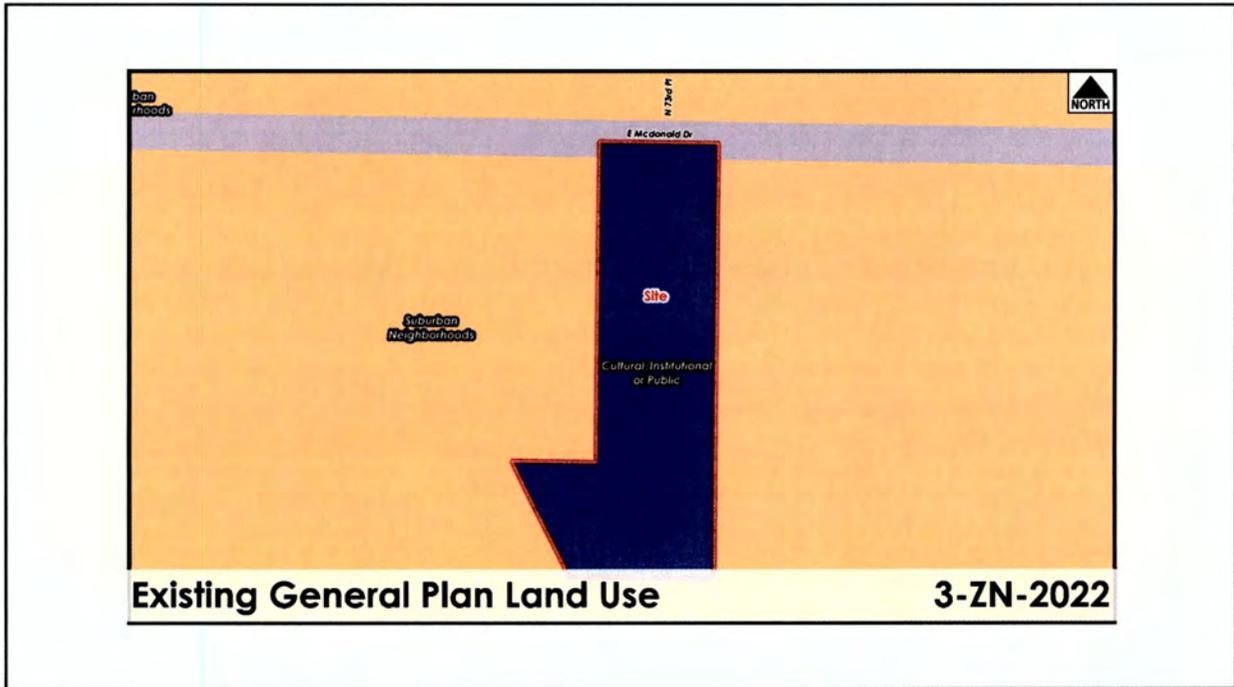
3



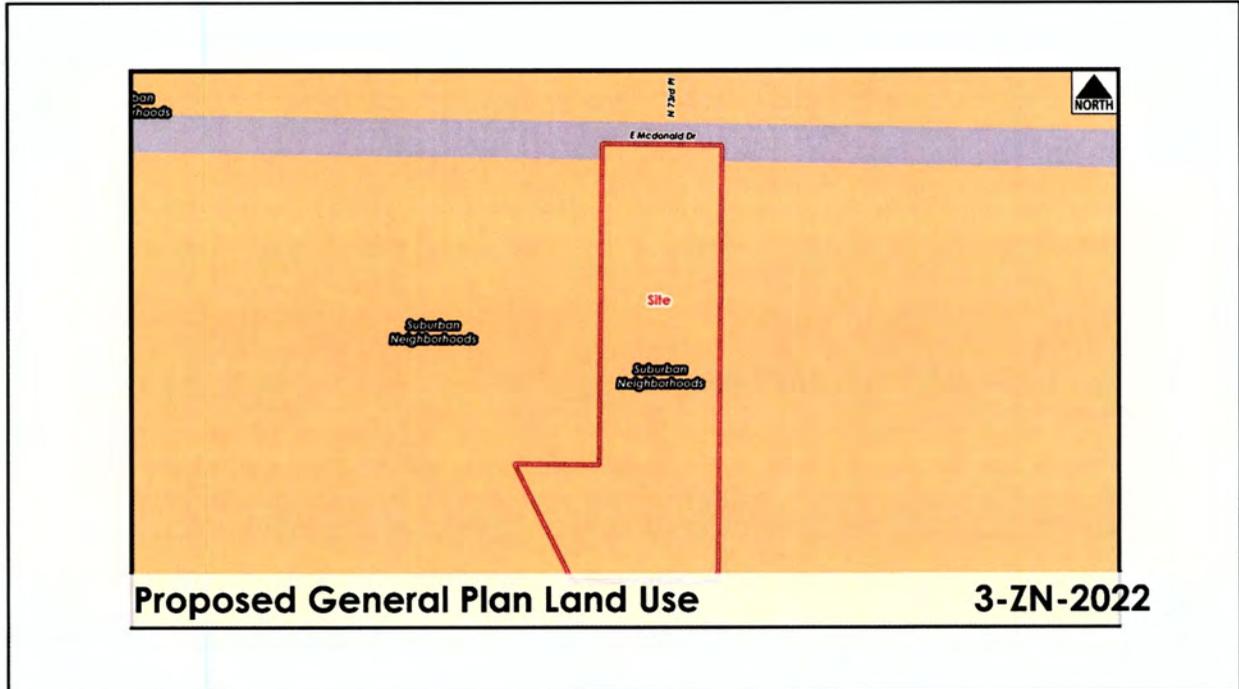
4



5



6



7

### Request Summary/Background

- Minor GP amendment from “Cultural/Institutional or Public Use” to “Suburban Neighborhoods”
- Rezone from R1-43 to S-R
- Repurpose of an existing vacant fire station into office use
- No additional floor area or building height proposed
- Public Comment received

8

### Neighborhood Feedback

- General support for proposed land use w/ following requests:
  - Enhance building design without additional height
  - Enhance landscaping around the perimeter
  - Raise perimeter walls
  - Mitigate trespass from site lighting

9

### Planning Commission

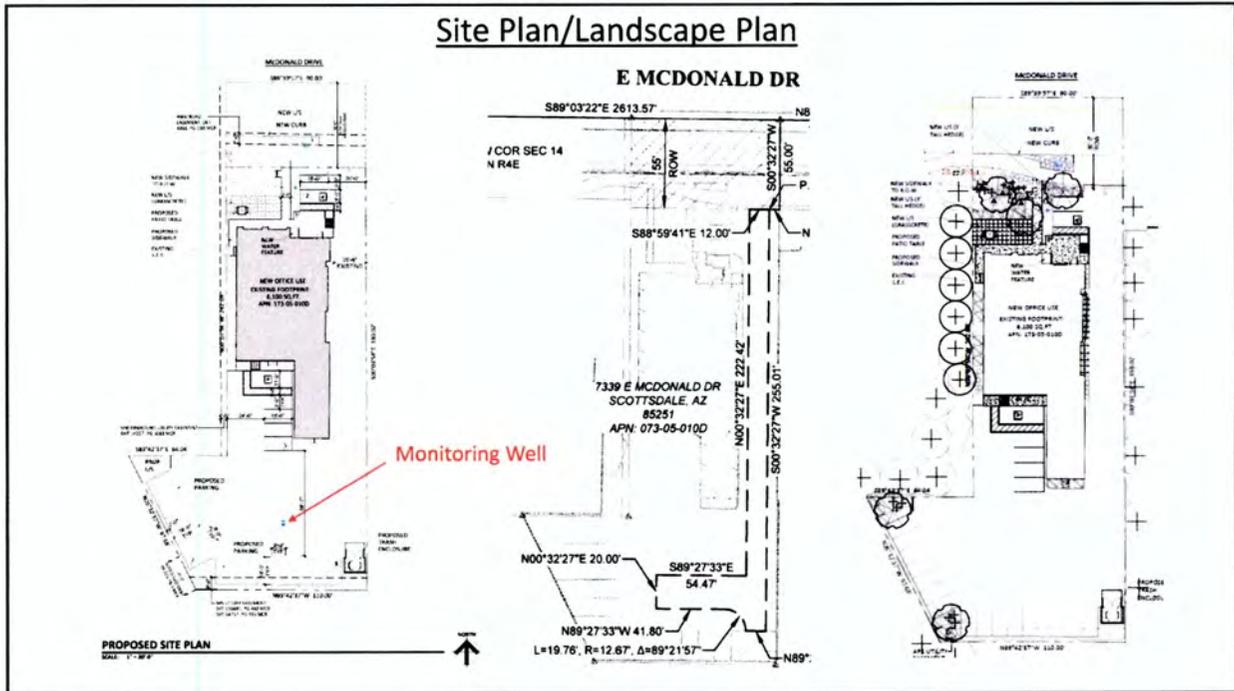
PC considered this case on 8/24/22 and recommended approval with a voted of 7-0

### Post-Planning Commission

- Applicant met with representatives from both communities
- Agreement reached on several items

10

## Site Plan/Landscape Plan



11

## Action Recommended

- Adopt Res. No. 12573 approving a minor amendment to the General Plan 2035 and,
- Adopt Ord. No. 4561 approving a rezone from R1-43 to S-R

12

# **Scottsdale Office Remodel**

**1-GP-2022 and 3-ZN-2022**

**City Council  
September 20, 2022**

**Coordinator: Greg Bloemberg**

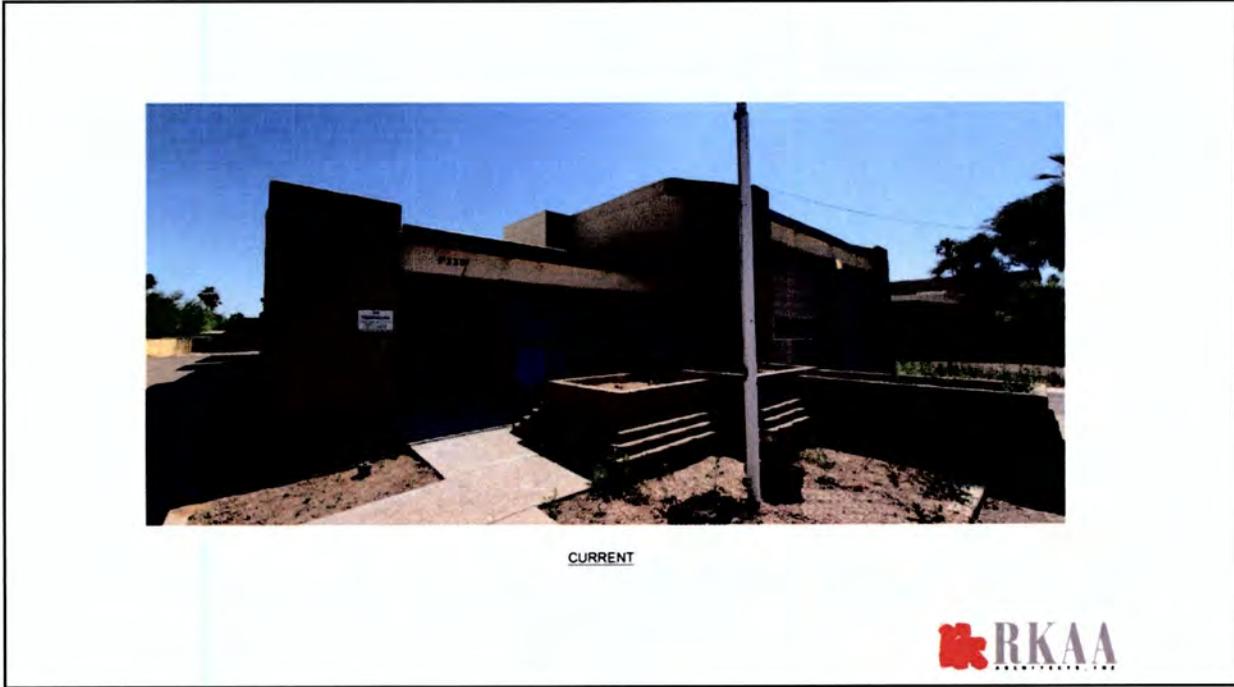
# Item 18



**SCOTTSDALE OFFICE REMODEL**  
7339 E. McDonald Drive



1

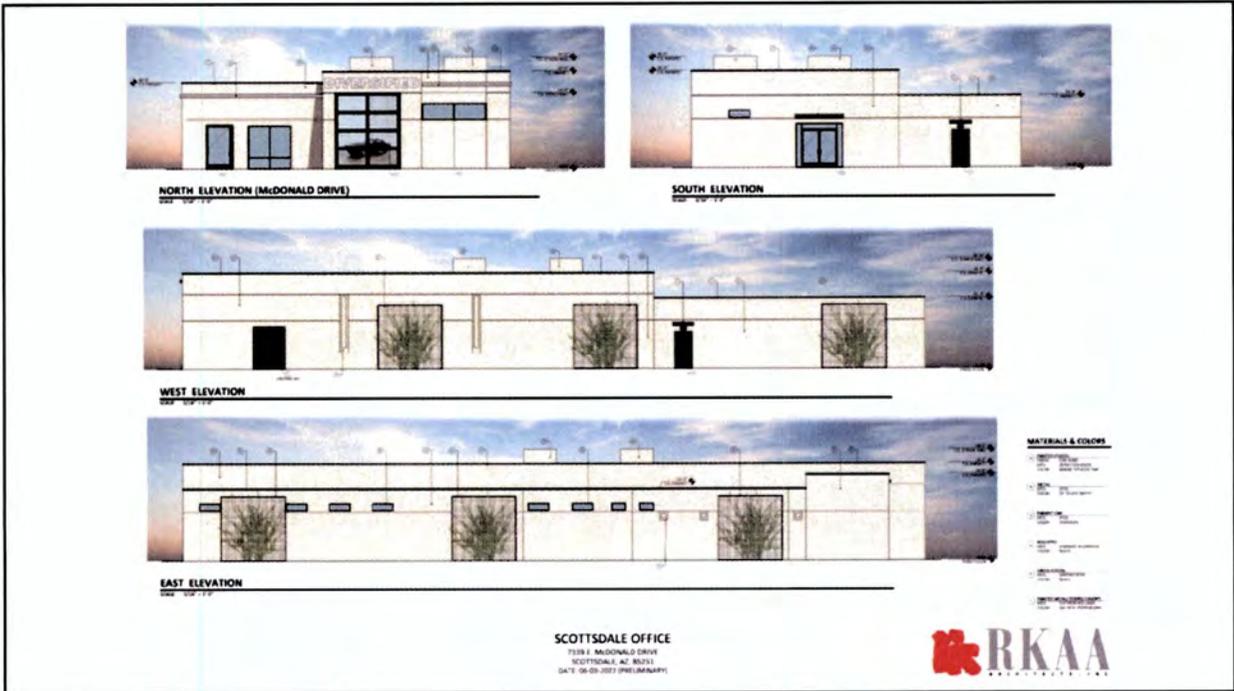


CURRENT

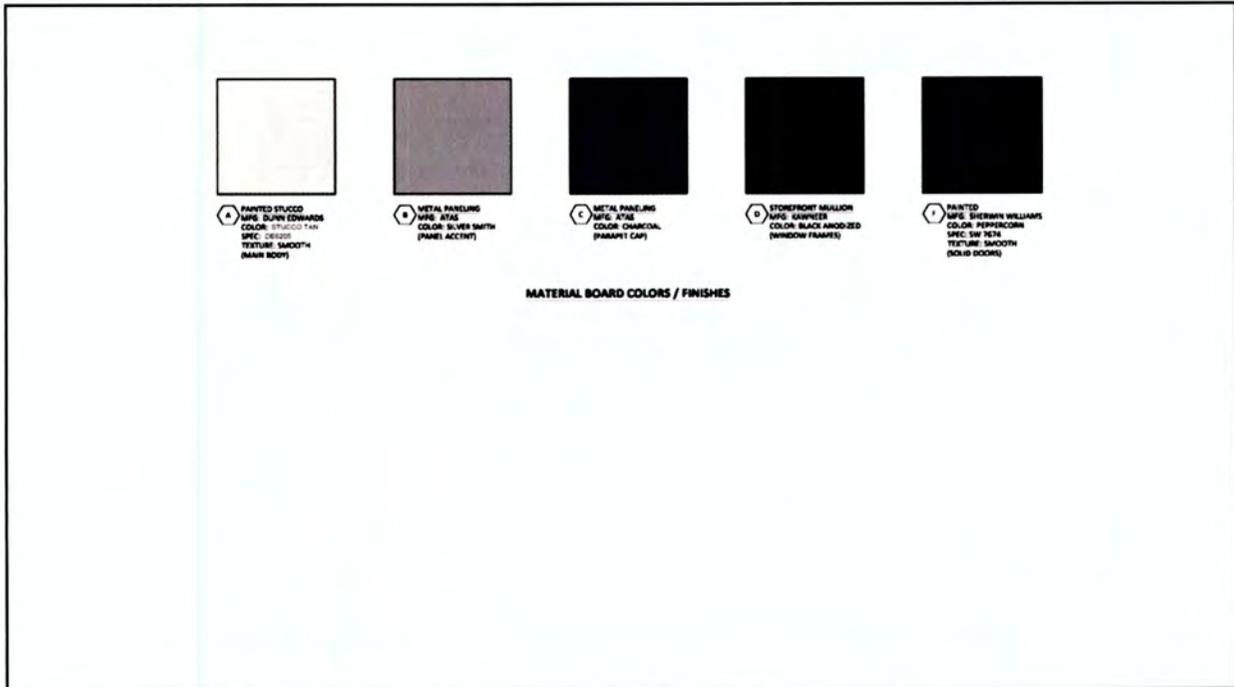


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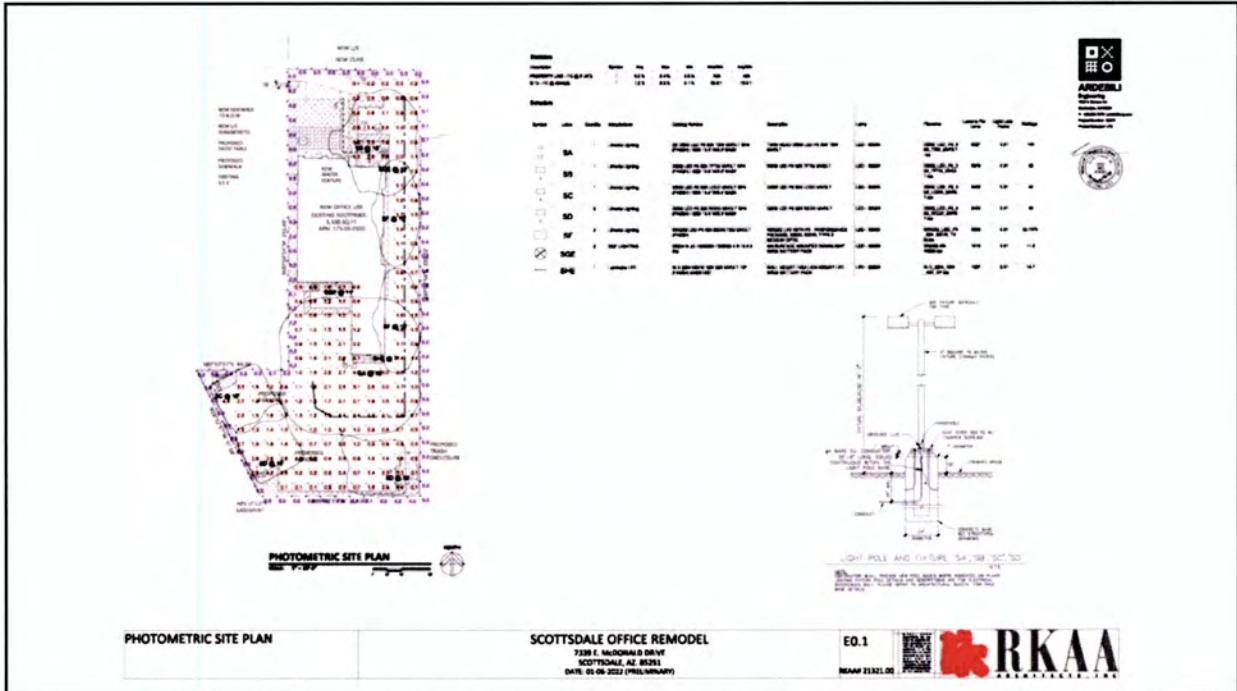




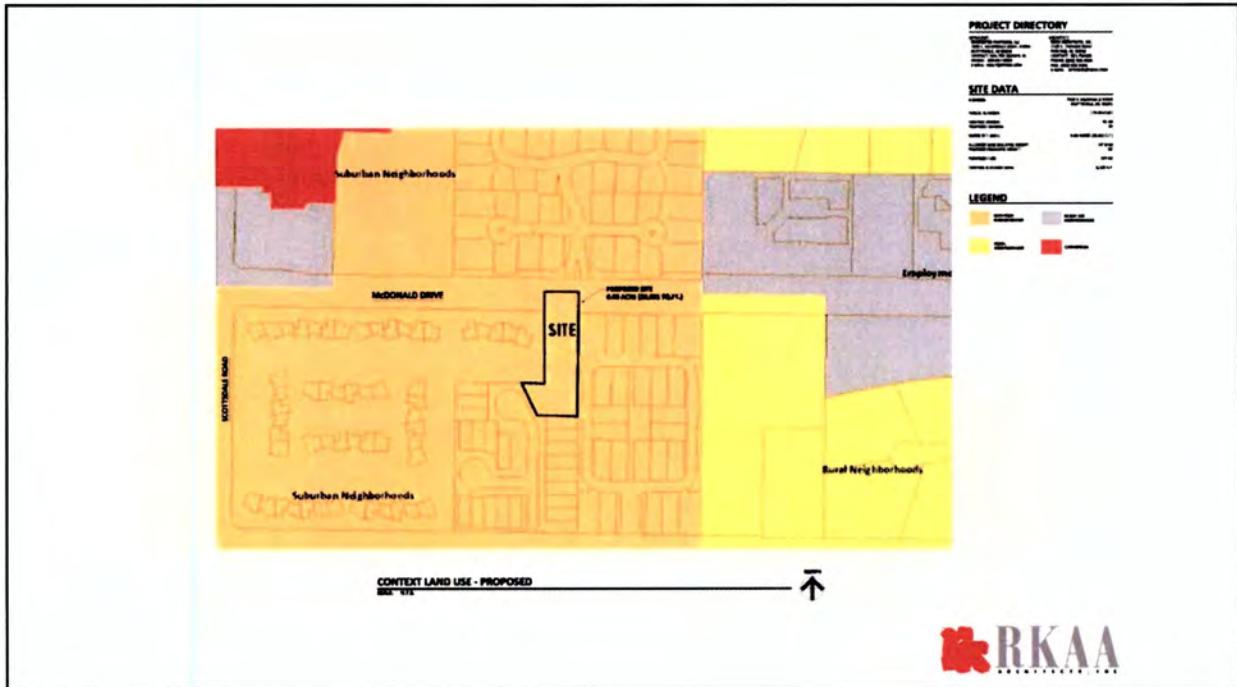
5



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8

**Hazel & Azure - Camelback**

**37-DR-2021**

**City Council  
September 20, 2022**

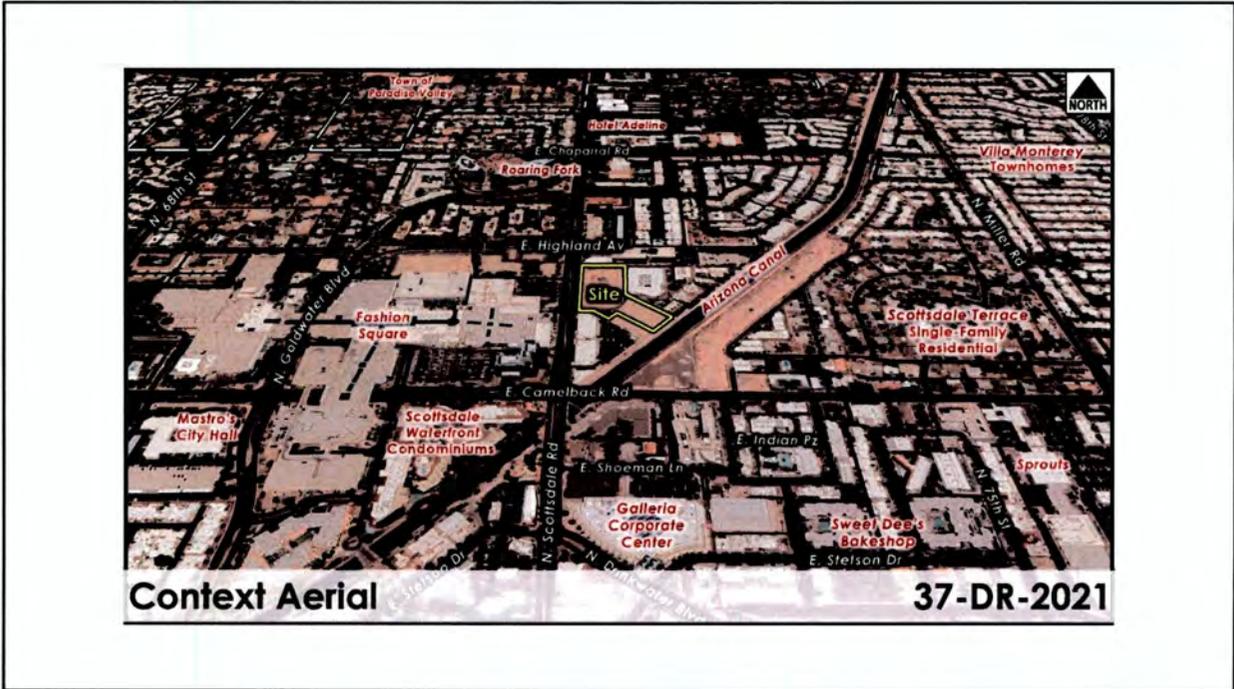
**Coordinator: Bryan Cluff**

1

**Request**

1. Uphold the Development Review Board's approval of the site plan, landscape plan, and building elevations for a new mixed-use development with approximately 532 residential units and 14,610 square feet of commercial floor area on a +/- 3.73-acre site, and the location for Public Art in accordance with the City's Cultural Improvement Program.

2



3



4



5

## Zoning Highlights (65-ZN-1992#2 & 2-II-2010)

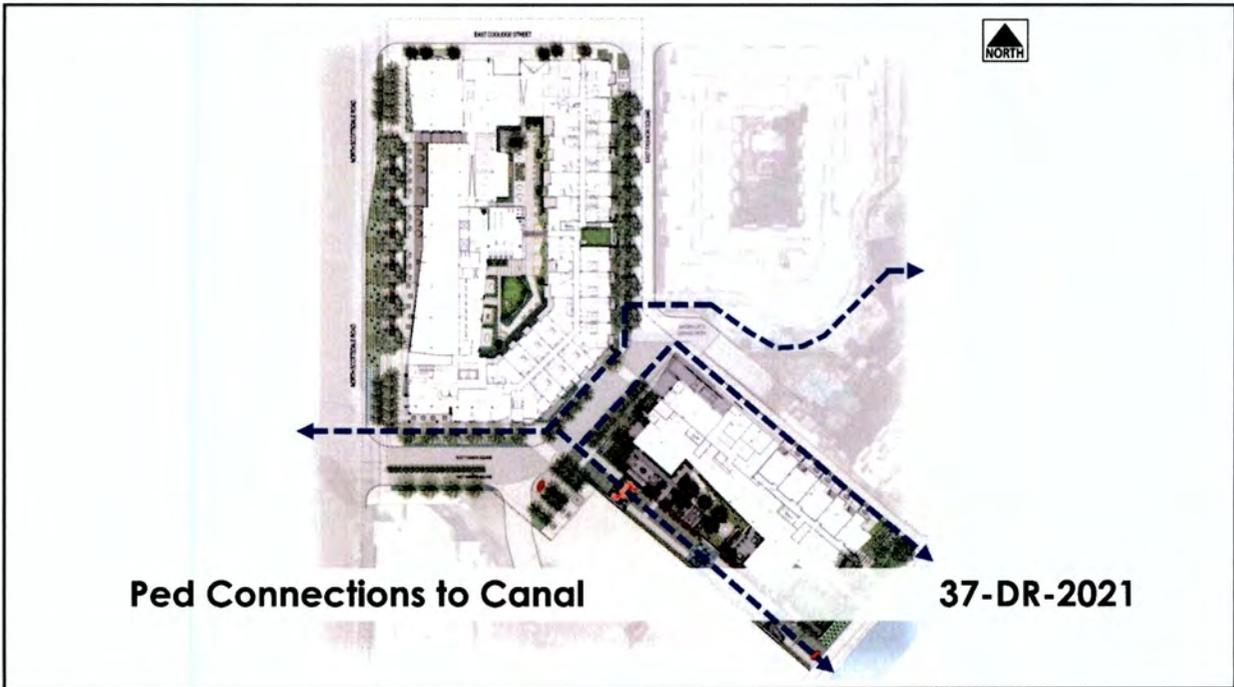
Project Data	BlueSky	Hazel & Azure
FAR	3.79	3.78
Density	152 du/ac	142 du/ac
Dwelling Units	749	532
Commercial Area	Flexible per FAR	14,610 SF
Building Height	128' + 5'-4" Mech.	95'-2" / 128

- Amended development standards (setbacks & massing)
- Canal bank improvements
- City Council approval required for final design

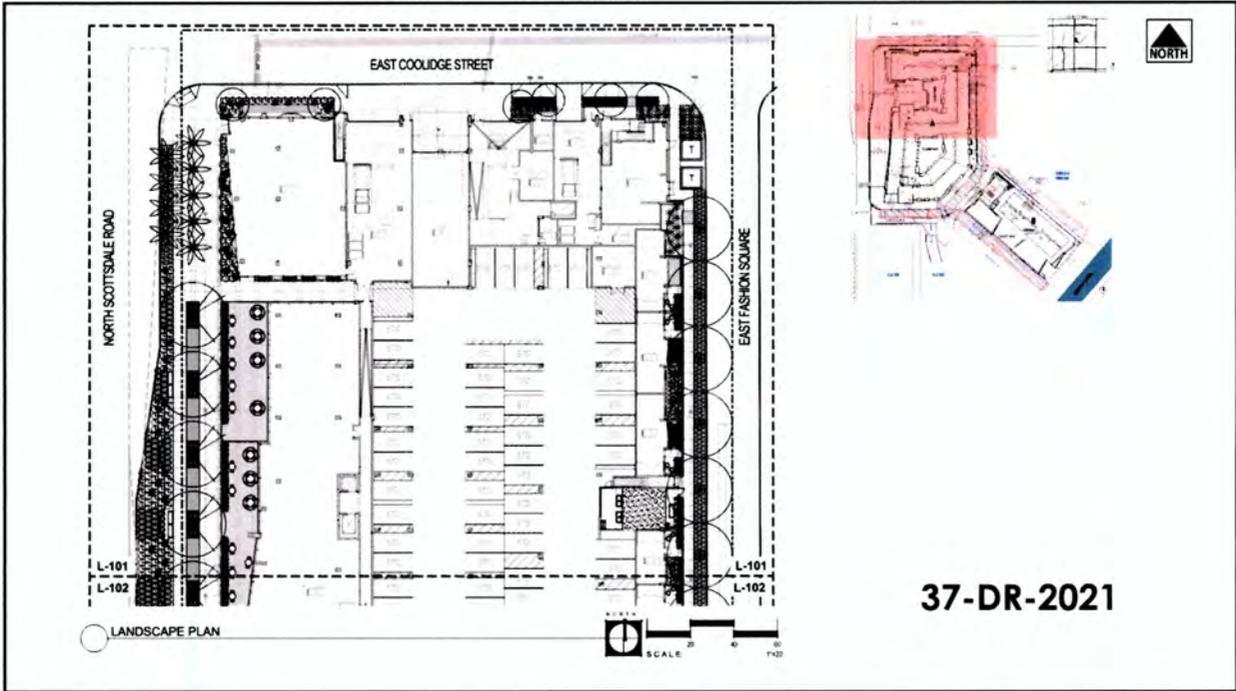
6



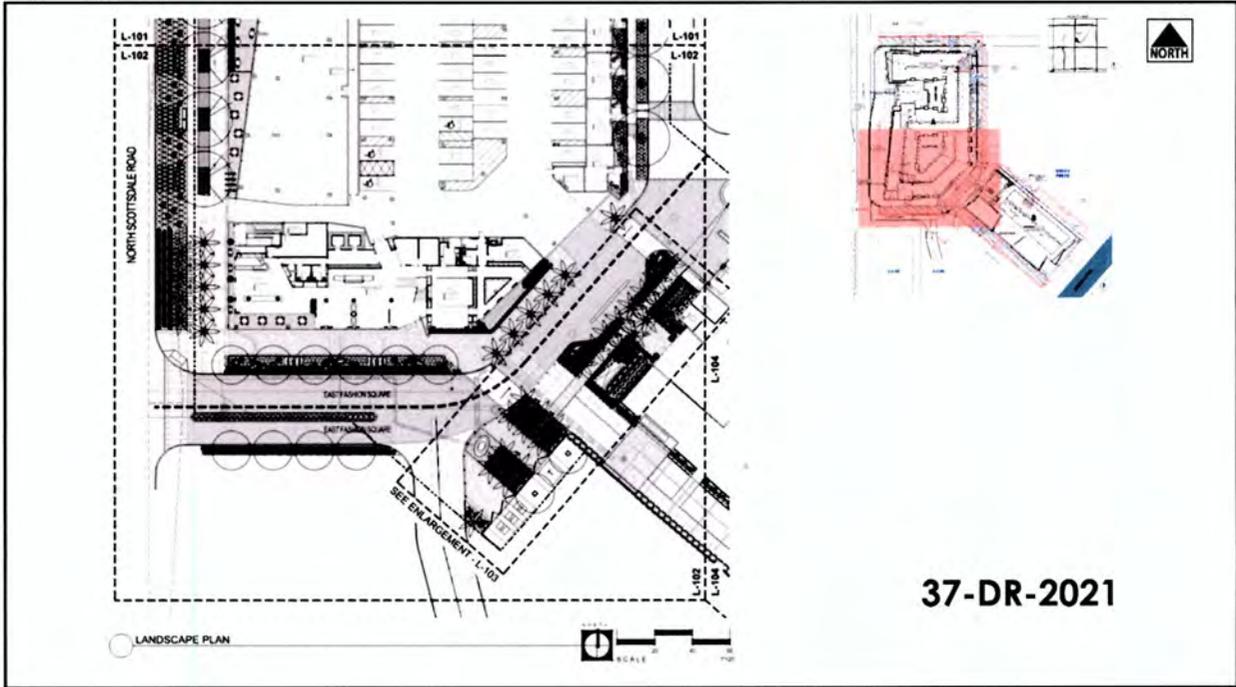
7



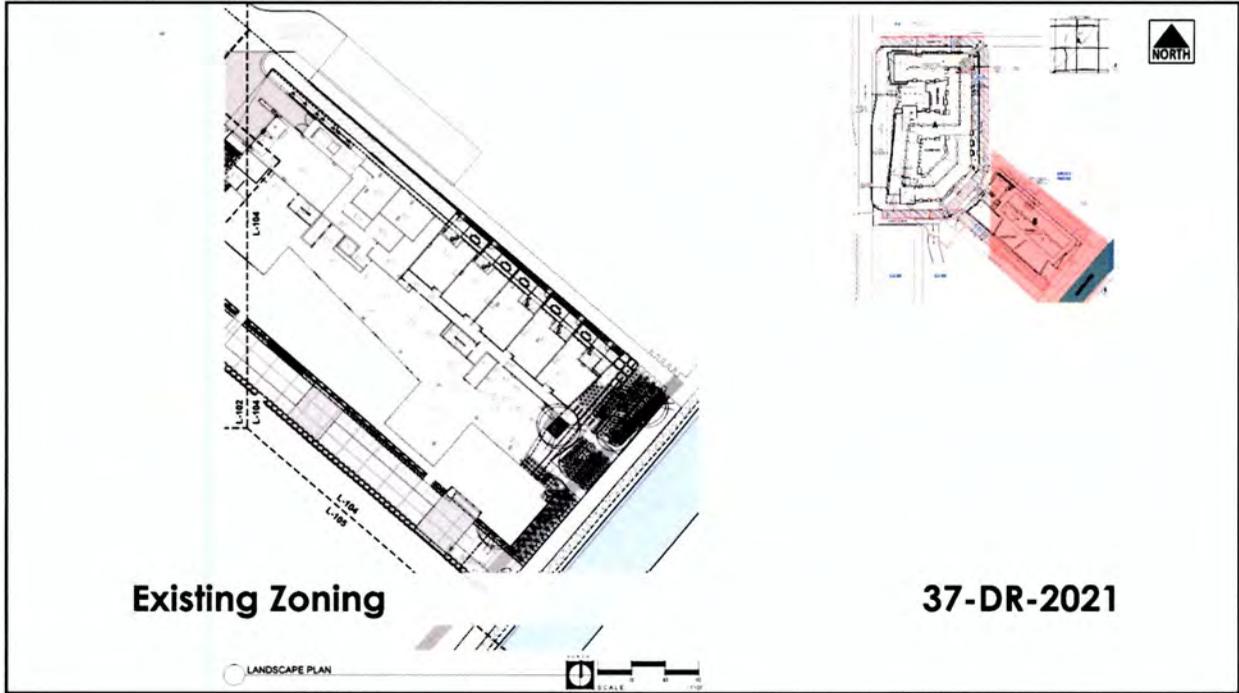
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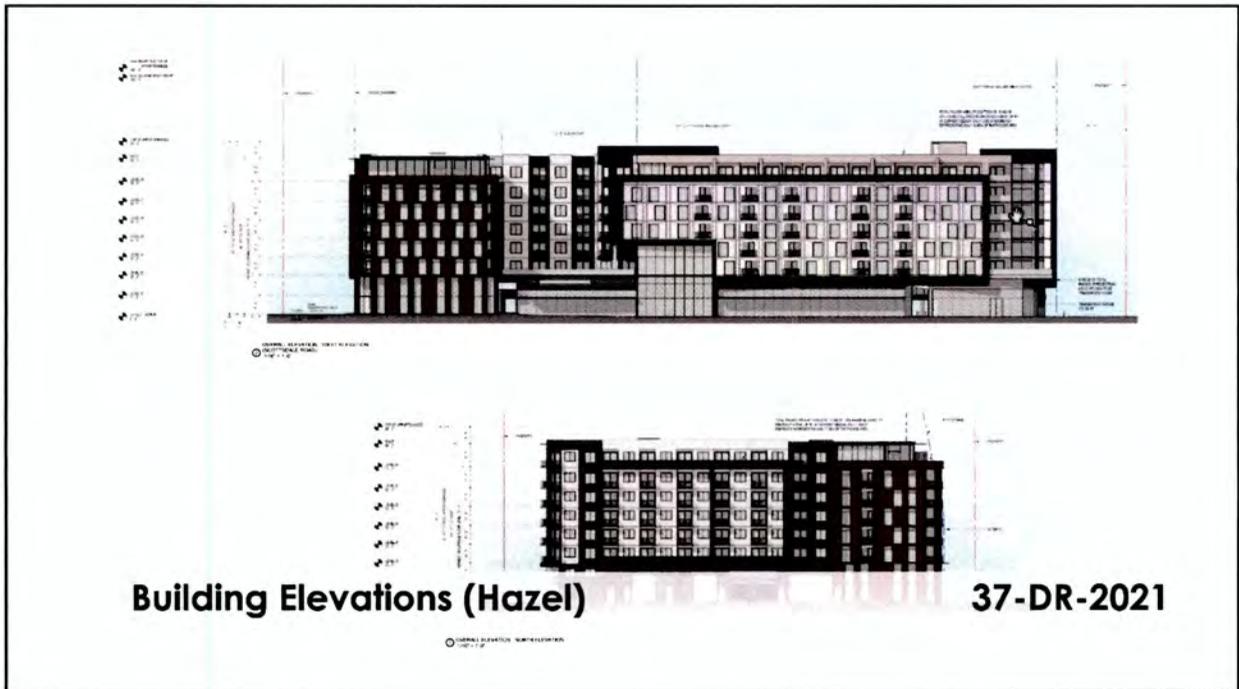
9



10



11



12



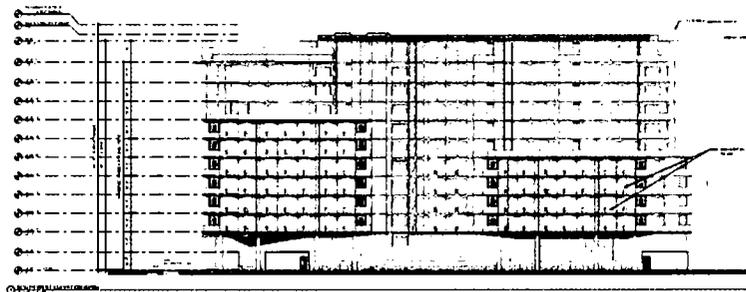
01/27/2021



**Building Elevations (Hazel)**

**37-DR-2021**

13



01/27/2021

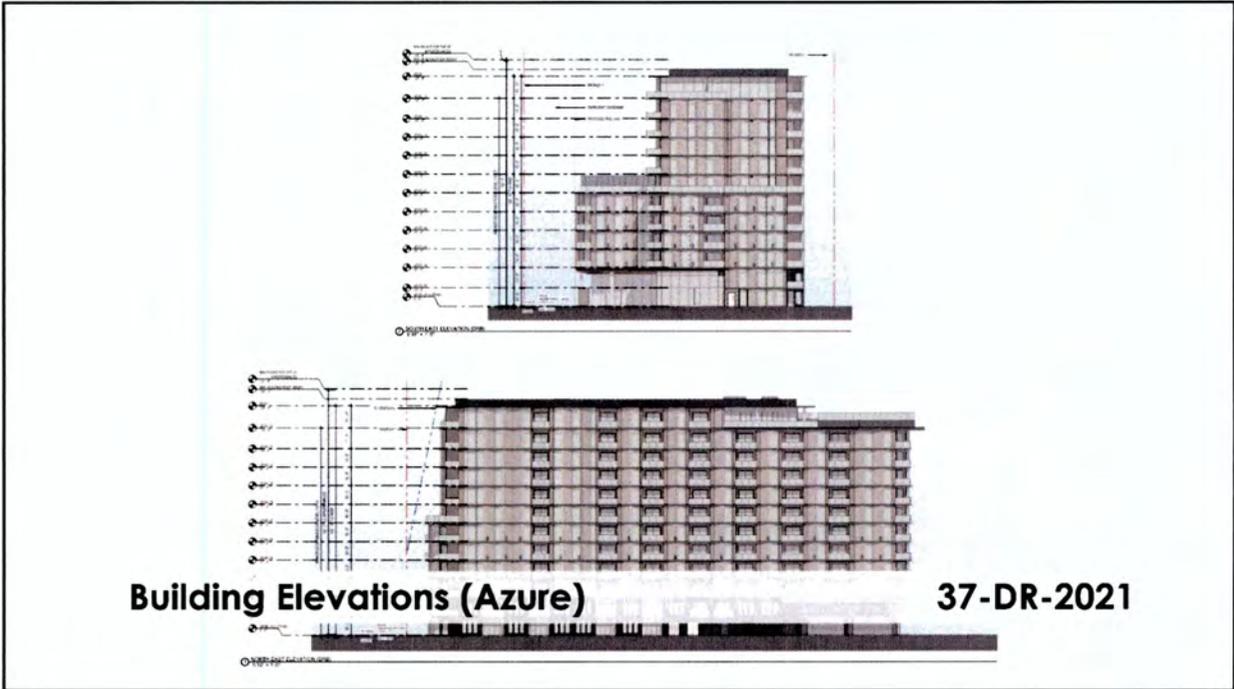


**Building Elevations (Azure)**

**37-DR-2021**

01/27/2021

14



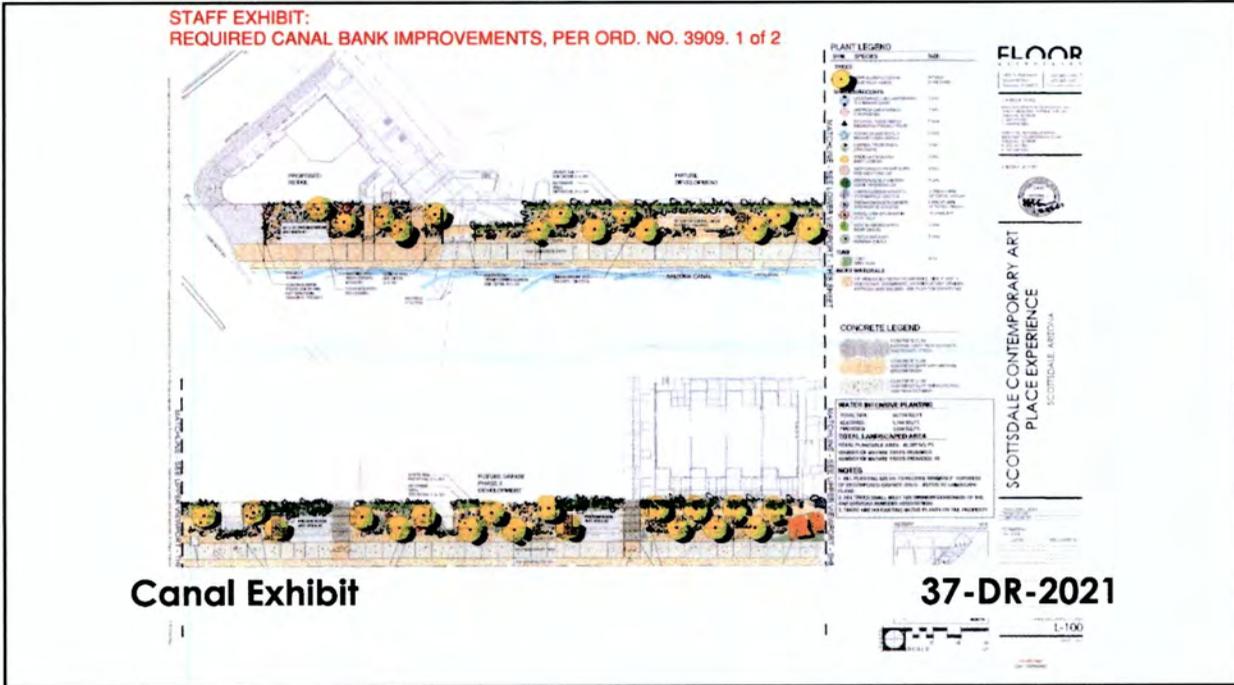
15



16



17



18



## **Development Review Board**

1. The Development Review Board heard this case on August 18, 2022 and recommended approval with a 6-0 vote.

*The Development Review Board approval included stipulation amendments specific to the canal bank improvements, requiring that the entire scope of canal bank improvements return to the Development Review Board review and approval, instead of granting a segmented approval of the canal bank improvements.*

21

## **Action Requested**

1. Uphold the Development Review Board's approval of the site plan, landscape plan, and building elevations for a new mixed-use development with approximately 532 residential units and 14,610 square feet of commercial floor area on a +/- 3.73-acre site, and the location for Public Art in accordance with the City's Cultural Improvement Program.

22

# **Hazel & Azure - Camelback**

**37-DR-2021**

**City Council  
September 20, 2022**

**Coordinator: Bryan Cluff**

## NWC of Scottsdale & Camelback

Stephen Funk - *CallisonRTKL*  
Chris Brown - *Floor Associates*  
Nick Rahman - *ZOM Living*  
Jason Morris - *Withey Morris, PLC*

*Project #37-DR-2021 / Development Review Application*

**Scottsdale City Council**  
September 19, 2022

**CALLISONRTKL**  
A DESIGN CONSULTANCY OF ARCADIS



**CALLISONRTKL**  
A DESIGN CONSULTANCY OF ARCADIS

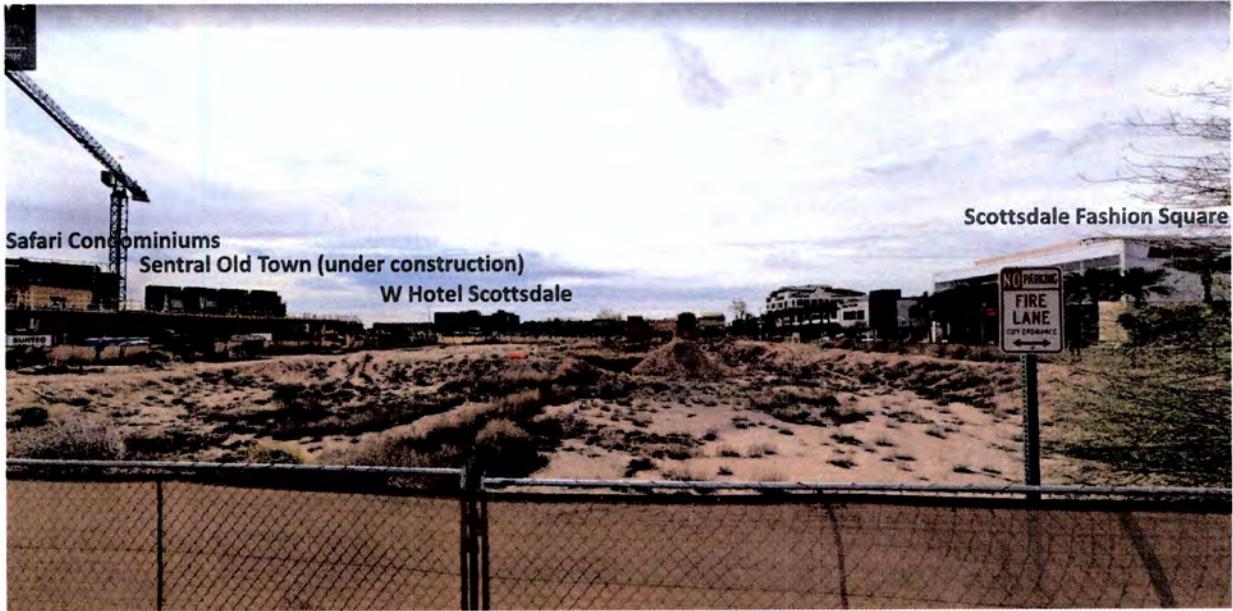


**CALLISON|RTKL**  
A DESIGN CONSULTANCY OF ARCADIS



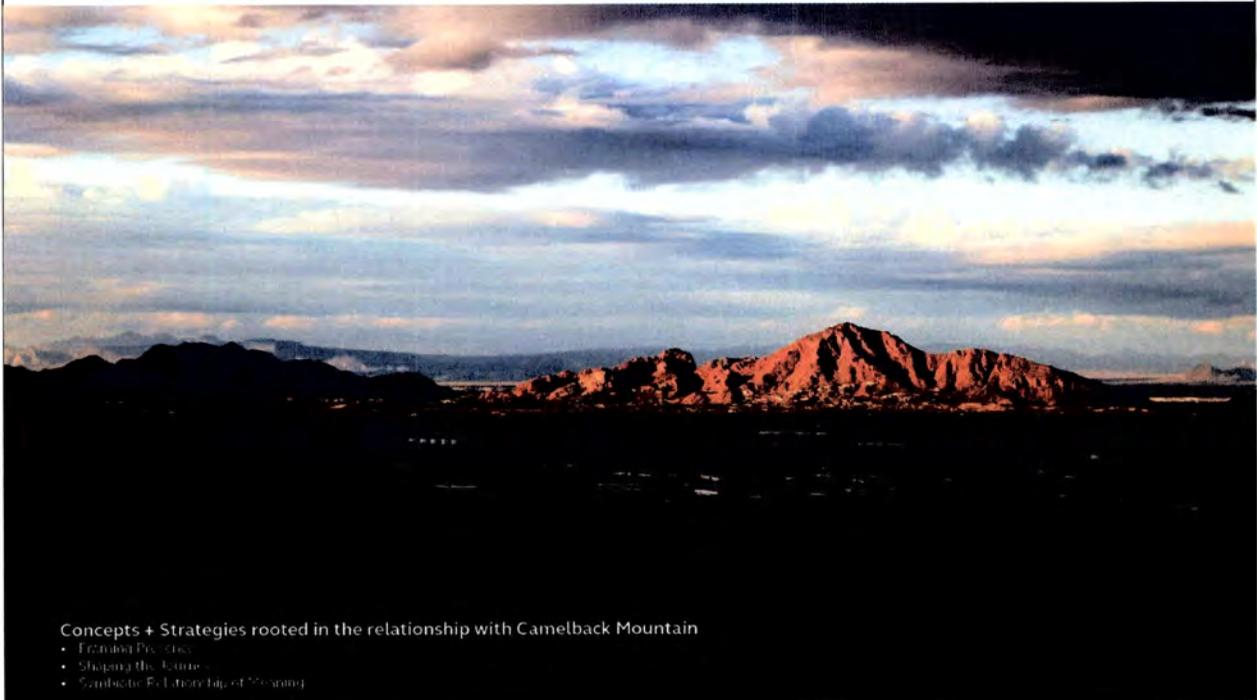
EXISTING SITE FROM SCOTTSDALE ROAD

**CALLISON|RTKL**  
A DESIGN CONSULTANCY OF ARCADIS



LOOKING SOUTH INTO EXISTING SITE

**CALLISON|TKL**  
A DESIGN CONSULTANCY OF ARCADIS



**Concepts + Strategies rooted in the relationship with Camelback Mountain**

- Preserved Precincts
- Shaping the Future
- Synthetic Relationship of Planning

Broad moves in orientation future emphasize the view to and approach from the two distinctive characters of the site.



Camelback is, of course, a visual focus and has been since the beginning. At the ground level, the canal plays an equal role of focus.

**CALLISON|RTKL**  
A DESIGN CONSULTANCY OF ARCADIS



**Azure + Hazel**  
*A simultaneous occurrence*

There is a certain level of cohesion only the mountain can give us. Camelback presents itself as a concrete focal point of awe, a lens magnifying the environment in a way that captures attention throughout the day. The Mountain's ability to capture shadow and sun, almost directly in contrast to what is happening within the city, at any given time, makes it a focal point of interest.

At a personal level, it is often the ambition for our home to capture these qualities of our environment through name and view. No matter the context, it is about a certain level of capturing the essence of a place in our built environment.

What we wish to do is to give it a simple and the understanding of using bold materials in a manner that uses them to their fullest potential. With the Mountain stone carving captures shade, shadow, sun, sky, reflection, and other attributes through our elevated form in the scenes we love. It becomes about framing and honoring views and connections. It does not take much to do so.

For ZOM Scottsdale, our ambition is to capture the spirit of place, the warmth of Arizona and allow it to be as well as the coolness of sky and reflection simultaneously and evocatively.



ZOM RESIDENTIAL  
Scottsdale, Arizona

Materials

June 12th, 2021 **ZOM** **CRTKL**

**CALLISON|RTKL**  
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**CALLISOR TKL**  
A DESIGN CONSULTANCY OF ARCADIS

**Pedestrian Connections**



  
 **CALLISOR TKL**  
 A DESIGN CONSULTANCY OF ARCADIS

HAZEL

**CALLISON|RTKL**  
A DESIGN CONSULTANCY OF ARCADIS



The full massing is varied the most on the Scottsdale Road facade, with ribbons of massing weaving the life and scale of the street into the project.

The weaving creates optimal, enhanced views from the project and toward it.

**CALLISON|RTKL**  
A DESIGN CONSULTANCY OF ARCADIS



The image of this architecture has a symbiotic relationship with Camelback Mountain using static and simple materials to capture the environment.

Facade becomes a series of apertures that, through simplicity in materiality and pattern will create interest through capturing reflections and light.



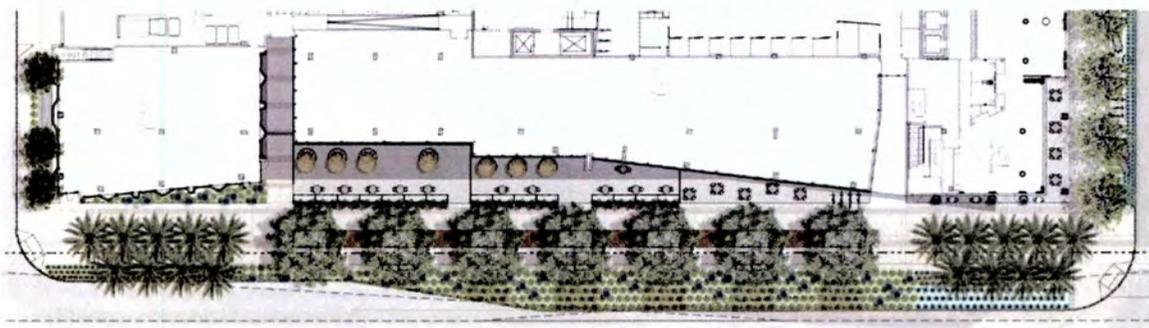
Palo Verde Library is an example in Phoenix, similar in orientation. The use of iridescent panels evolves the aesthetic through a minimal and beautiful way.

**CALLISON|TKL**  
A DESIGN CONSULTANCY OF ARCADIS





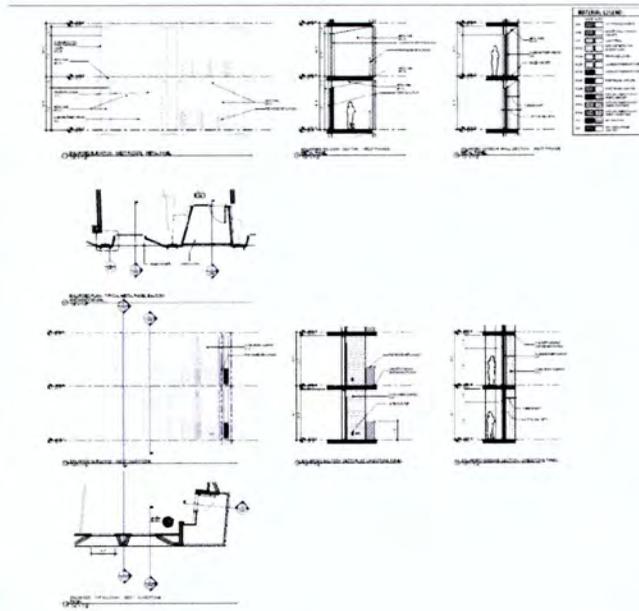
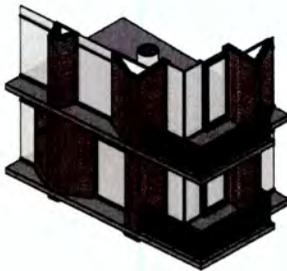
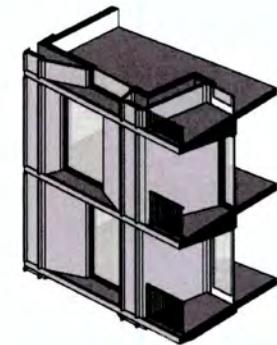
**LANDSCAPE PLAN:** Scottsdale Road



*Scottsdale Road*

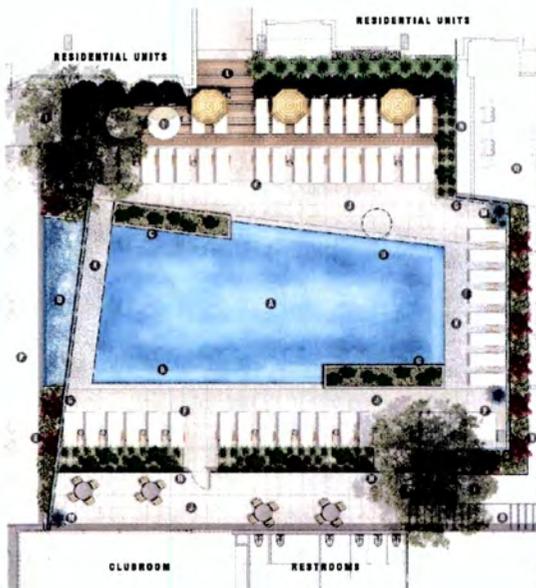


**CALLISON|RTKL**  
A DESIGN CONSULTANCY OF ARCADIS



**CALLISON|RTKL**  
A DESIGN CONSULTANCY OF ARCADIS





**CALLISONRTKL**  
A DESIGN CONSULTANCY OF ARCADIS

AZURE

**CALLISONRTKL**  
A DESIGN CONSULTANCY OF ARCADIS



**FLOOR**  
ARCHITECTURE



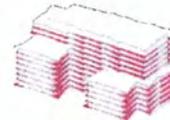
Building is envisioned as a series of strata, a topography of form that responds to scale and context.



Typical Building massing as a stack of plates.



Generating irregularity in the building massing creates better views for units.



Extended slab edges provide larger balcony spaces without diminishing unit-to-unit area. Furthermore, shading is improved from direct sun exposure.



The image of the architecture has a symbiotic relationship with Camelback Mountain, using scale and simple materials to capture the environment.



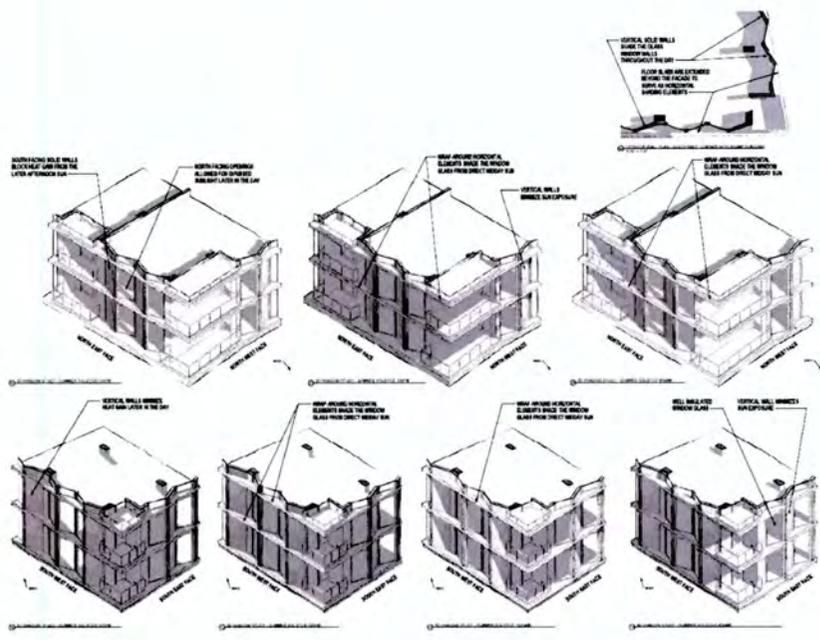
Seventeenth-century corrugated metal panel.  
• Corrugation and finish layer to create a texture and rhythm to the facade.



Balcony and glass appear as integrated, holistic expression.

**CALLISONRTKL**  
A DESIGN CONSULTANCY OF ARCADIS



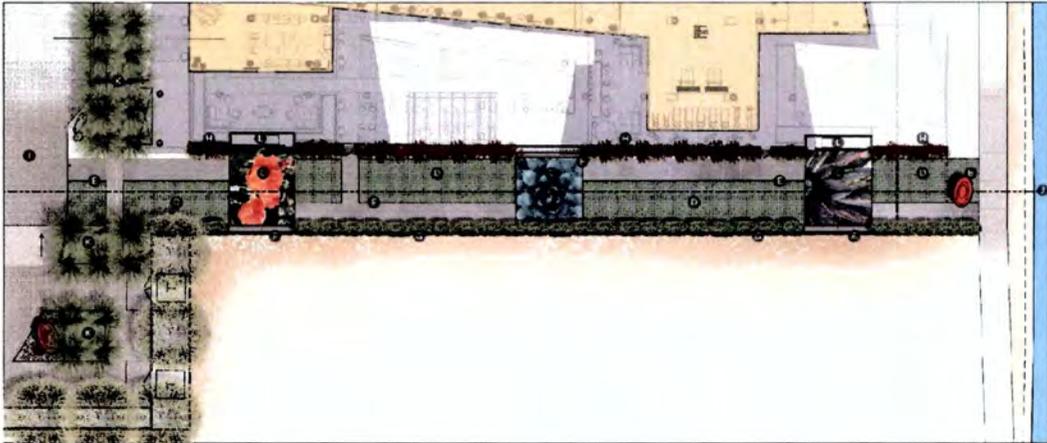


**CALLISON|RTKL**  
A DESIGN CONSULTANCY OF ARCADIS









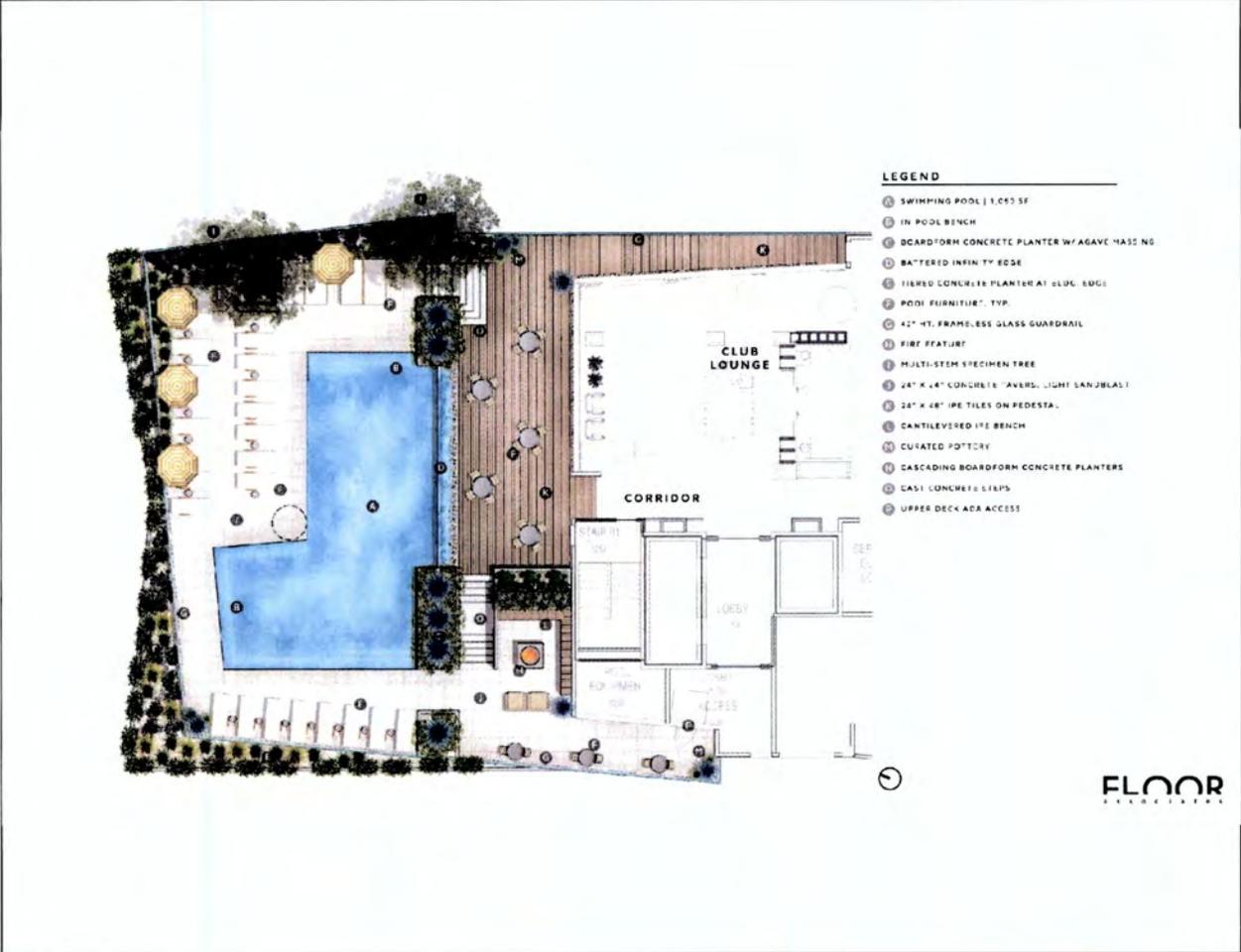
**LEGEND**

- |   |  |
|---|--|
| 1 PUBLIC SCULPTURE AT FASHION SQUARE DR ENTRY | 6 CONTINUOUS SCREEN HEDGE AT PROPERTY LINE     |
| 2 PUBLIC SCULPTURE AT TERMINUS OF BIKE LANE   | 7 AGAVE PLANTING IN FRONT OF BREEZE BLOCK WALL |
| 3 MOSAIC TILE ART STATUES                     | 8 CONCRETE PAVES AT FASHION SQUARE DRIVEWAY    |
| 4 CELLULAR GLASS PAVING                       | 9 ARIECNA CANAL TRAIL                          |
| 5 CONCRETE W/ SANDBLAST FINISH                | 10 DATE PALM ALLEE                             |
| 11 CAST CONCRETE BENCH                        | 12 GARAGE STAIRWELL W/ VERTICAL ART EXTENSION  |

**FLOOR**  
Landscape Architecture



**FLOOR**  
Landscape Architecture



THANK YOU!

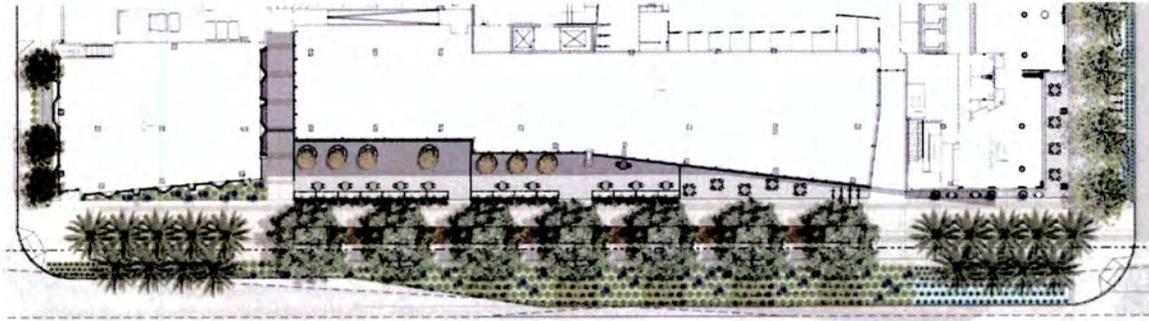
**CALLISONRTKL**  
A DESIGN CONSULTANCY OF ARCADIS



**PEDESTRIAN SHADING – HAZEL**  
ZOM SCOTTSDALE CAMELBACK  
SCOTTSDALE ROAD  
09.15.2022

**CALLISONRTKL**  
A DESIGN CONSULTANCY OF ARCADIS

**LANDSCAPE PLAN: Scottsdale Road**



**CALLISON|TKL**  
A DESIGN CONSULTANCY OF ARCADIS

**VIEW FROM SCOTTSDALE ROAD (North)**



**CALLISON|TKL**  
A DESIGN CONSULTANCY OF ARCADIS

VIEW FROM SCOTTSDALE ROAD (South)



CALLISONRTKL  
A DESIGN CONSULTANCY OF ARCADIS

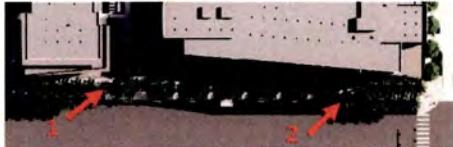
SCOTTSDALE ROAD

SHADING: March

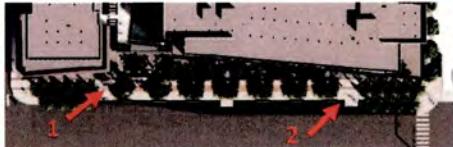
MARCH 1, 9:00AM



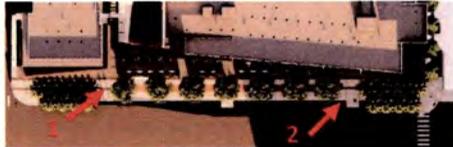
MARCH 1, 12:00PM



MARCH 1, 3:00PM



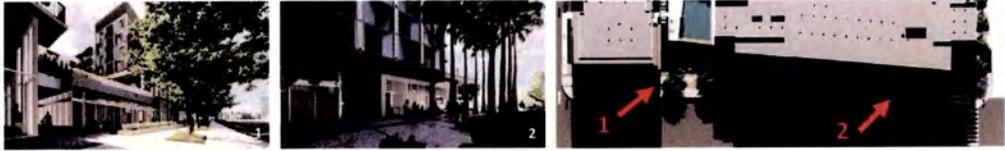
MARCH 1, 6:00PM



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**SCOTTSDALE ROAD  
SHADING: June**

JUNE 1, 9:00AM



JUNE 1, 12:00PM



JUNE 1, 3:00PM



JUNE 1, 6:00PM



**CALLISONRTKL**  
A BRATON CONSULTANCY OF JACOBS

**SCOTTSDALE ROAD  
SHADING: September**

SEPT. 1, 9:00AM



SEPT. 1, 12:00PM



SEPT. 1, 3:00PM



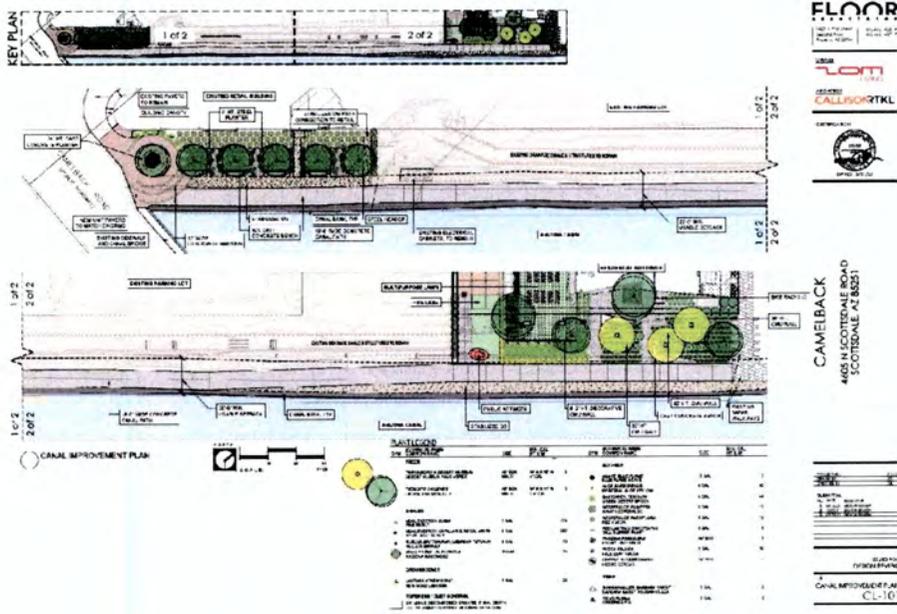
SEPT. 1, 6:00PM



**CALLISONRTKL**  
A BRATON CONSULTANCY OF JACOBS

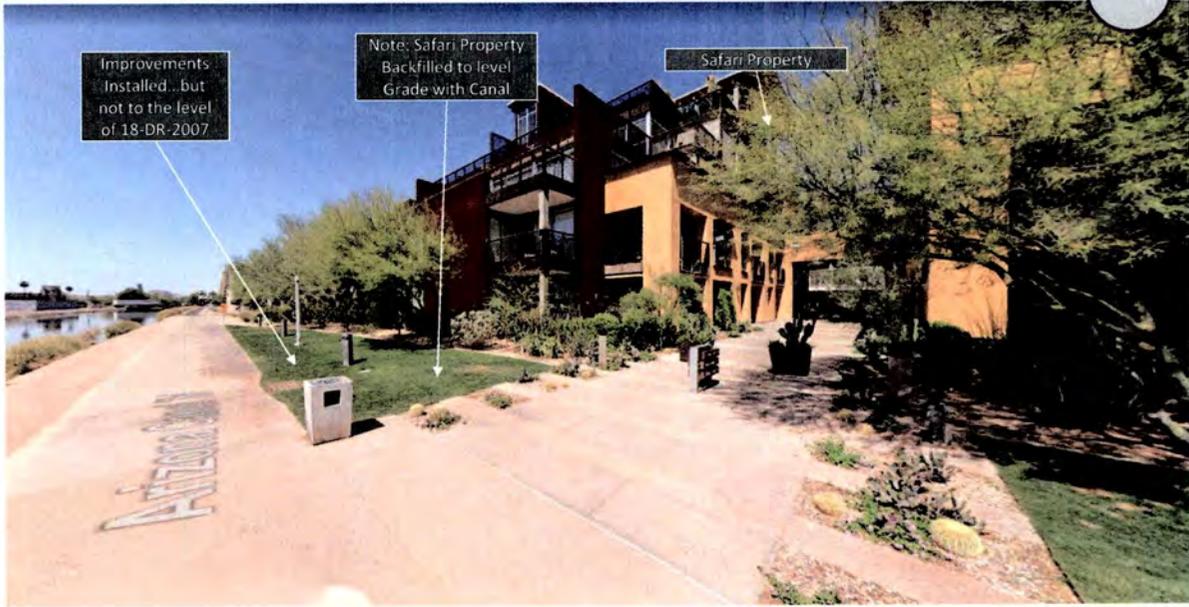
# CANAL FRONTAGE

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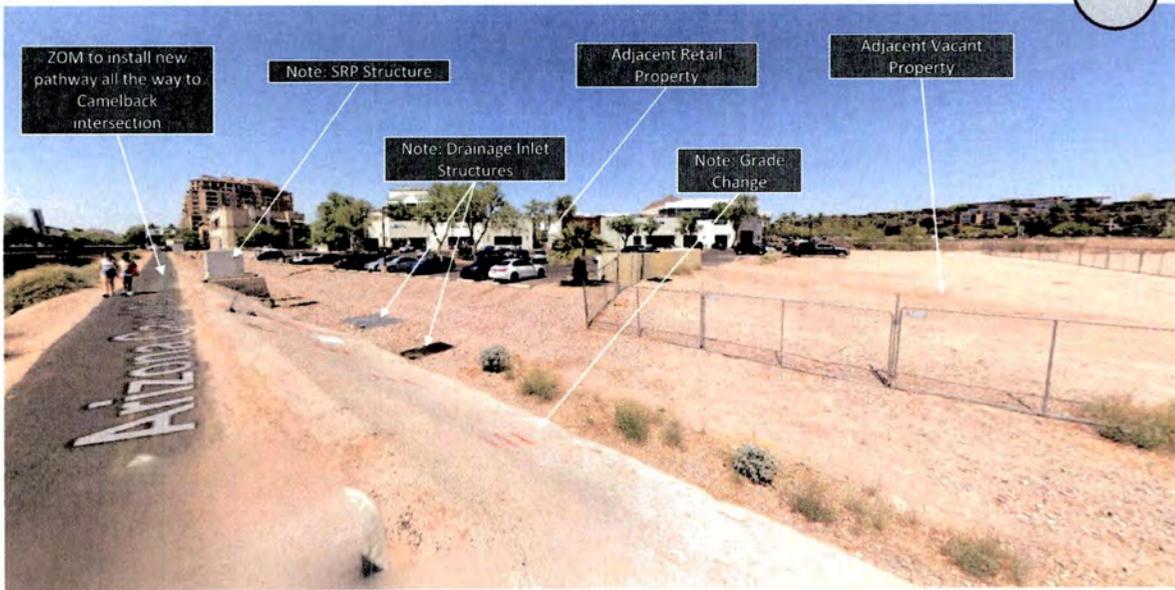
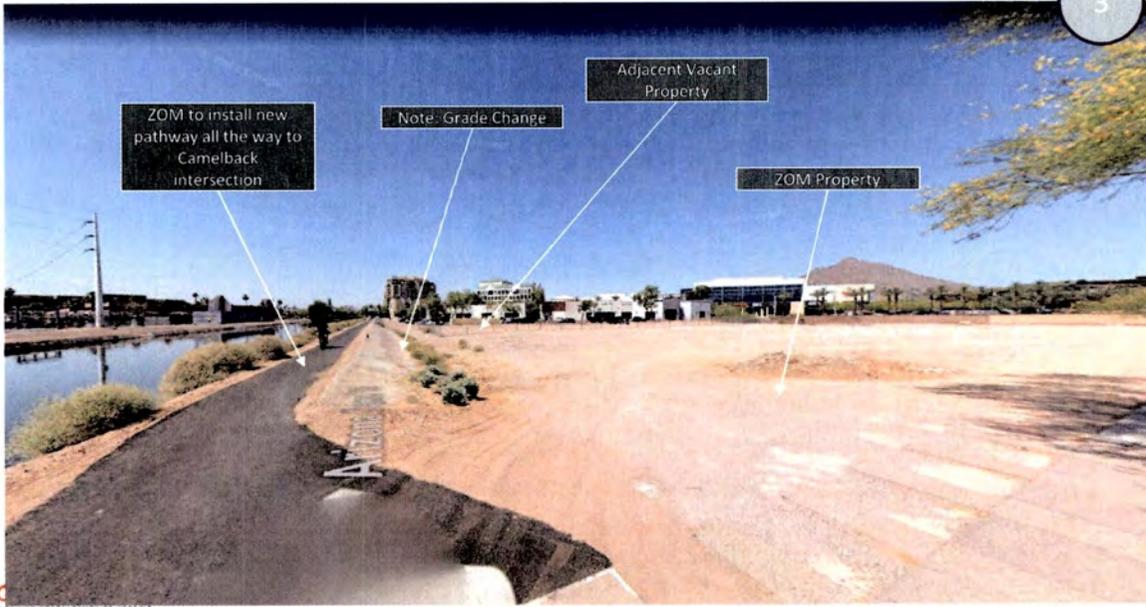
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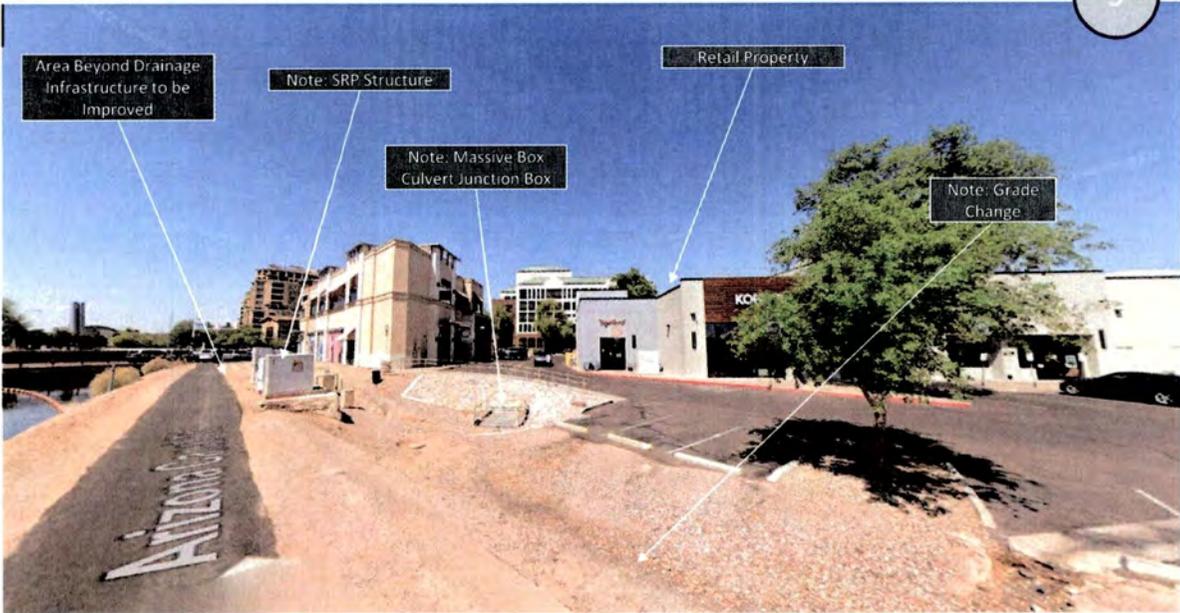


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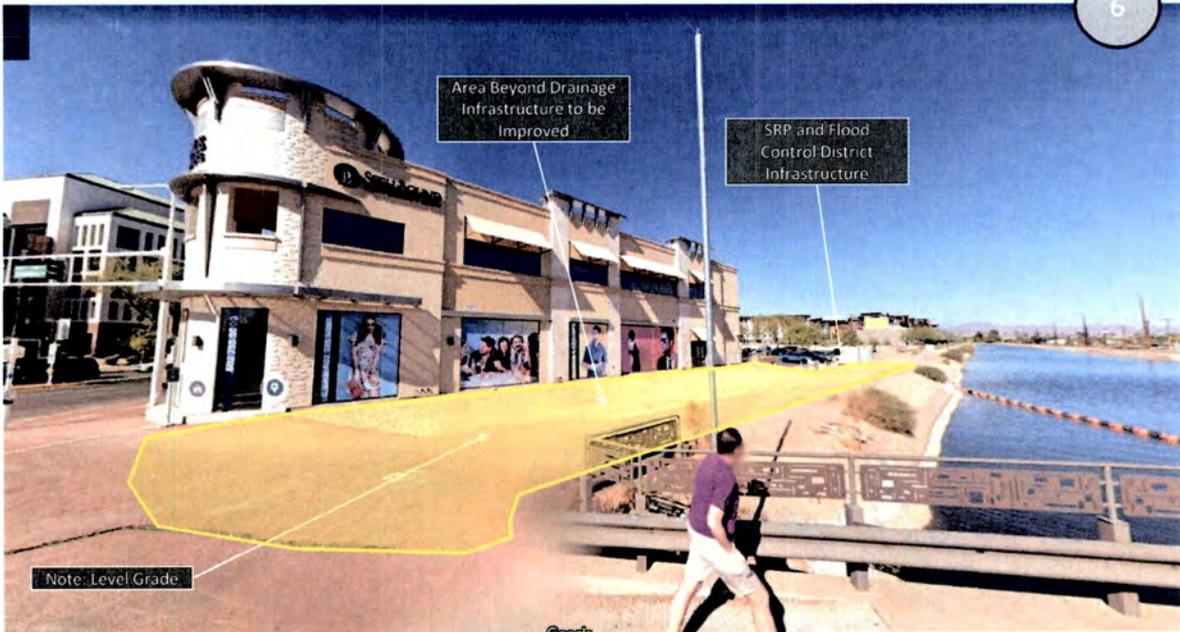




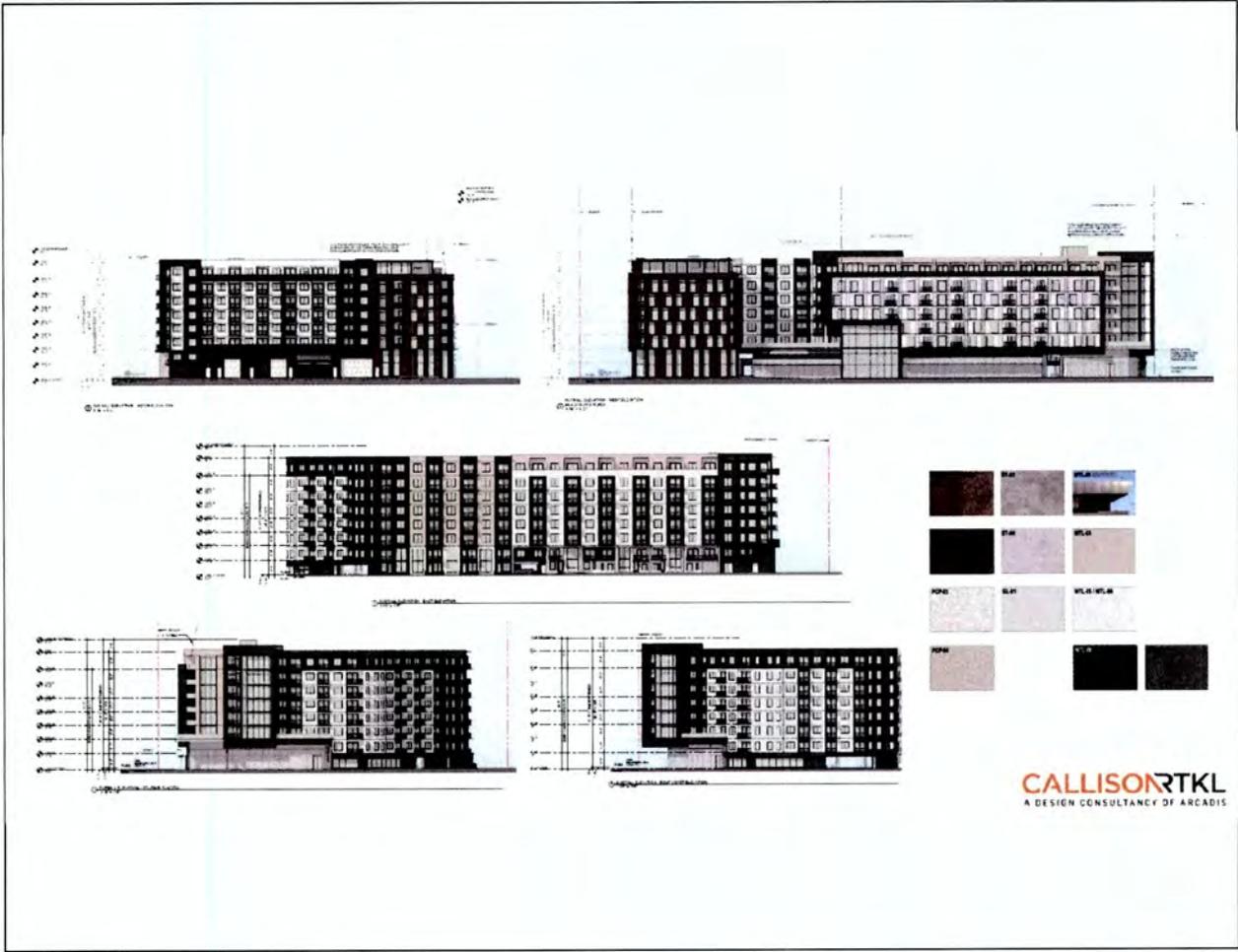
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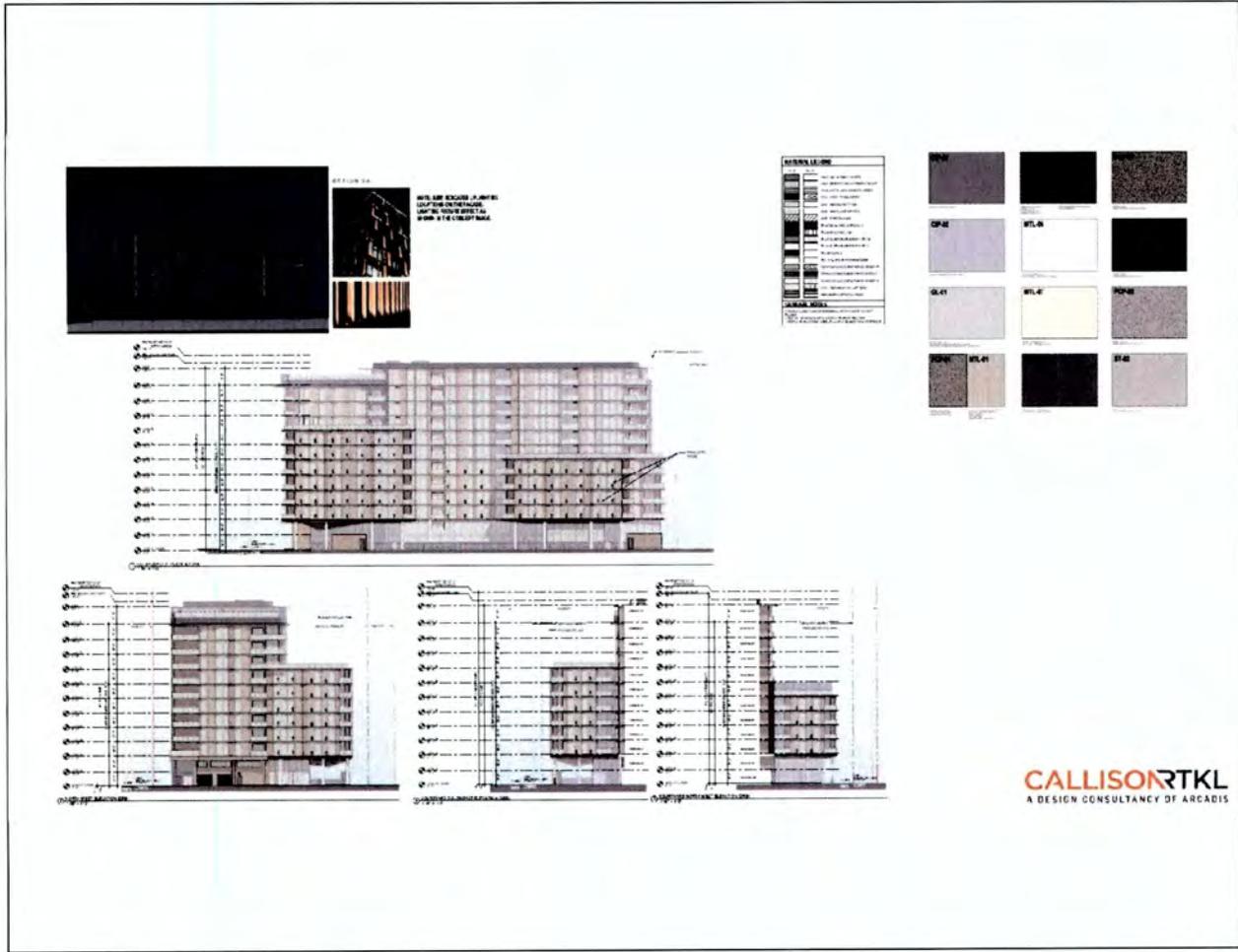
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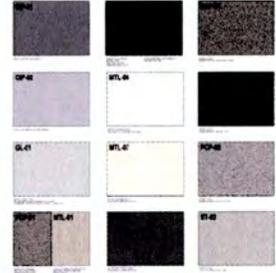
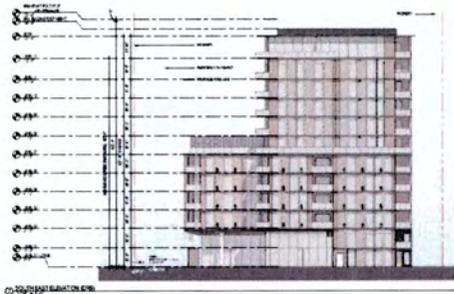




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A DESIGN CONSULTANCY OF ARCADIS



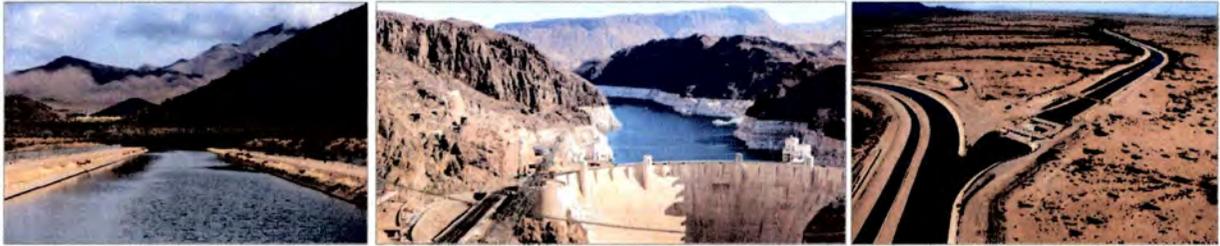
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A DESIGN CONSULTANCY OF ARCADIS



**CALLISON|RTKL**  
A DESIGN CONSULTANCY OF ARCADIS

# Work Study 1

## Scottsdale Water Colorado River Shortage Update



Scottsdale Council Work Study Session  
September 20<sup>th</sup>, 2022

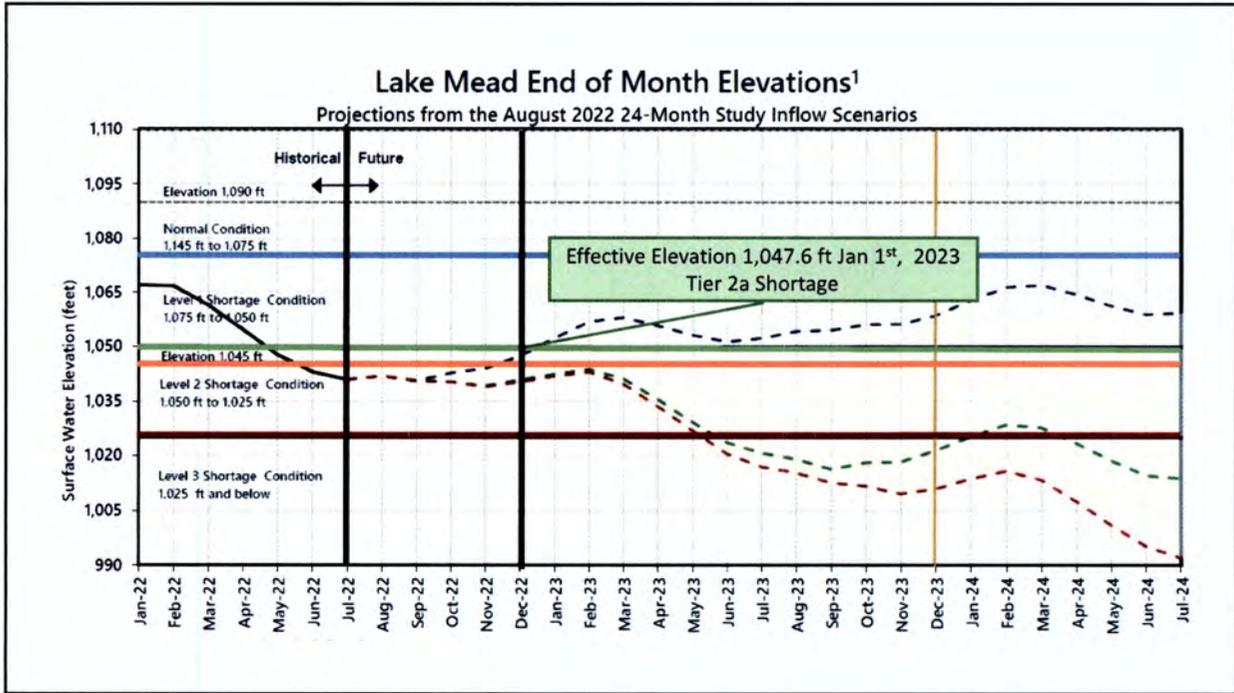


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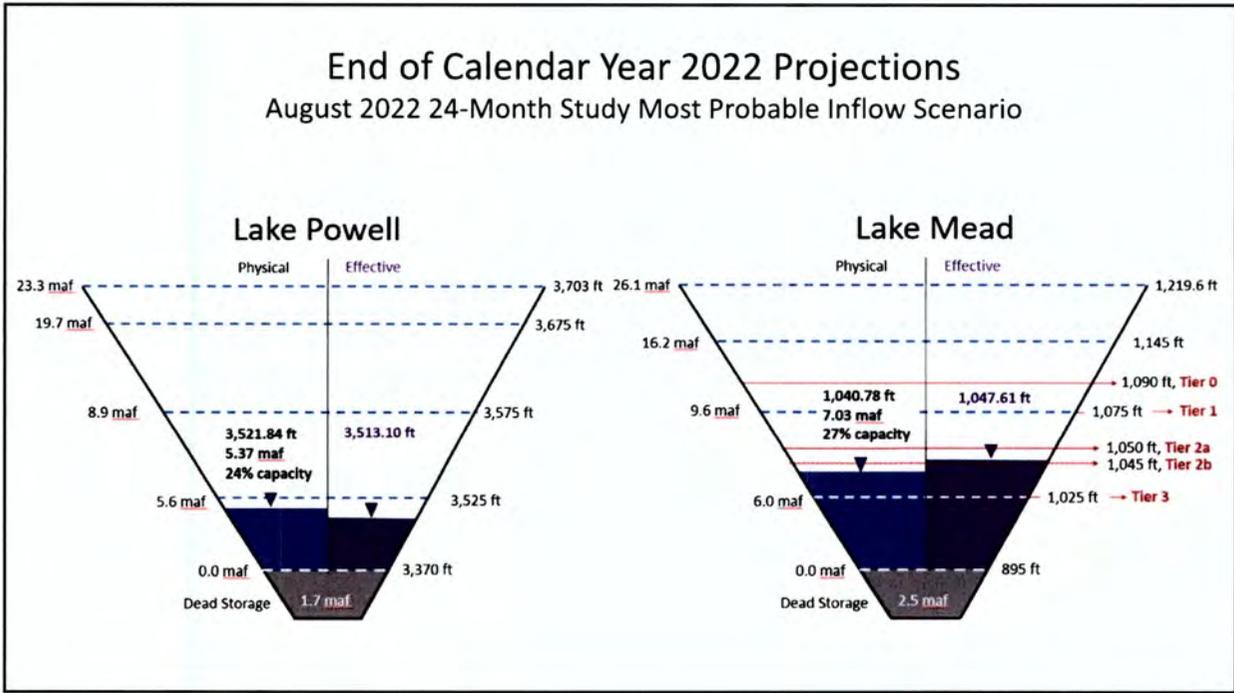
### Agenda

- Bureau of Reclamation 24-month projections
  - Tier 2a shortage
- Bureau of Reclamations announcement and update
- Conditions on the Colorado River
- Call to action
- Conservation program update

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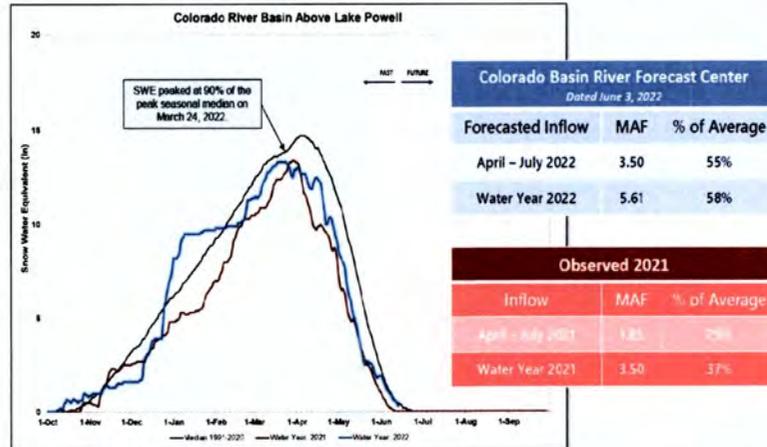


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## Recent Hydrology

Percent of Average Precipitation in comparison to runoff or stream flow into the system.

- 2021
  - Precipitation = 84%
  - Runoff = 37%
- 2022
  - Precipitation = 91%
  - Runoff = 58%



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## Reclamation's June 14<sup>th</sup> Announcement

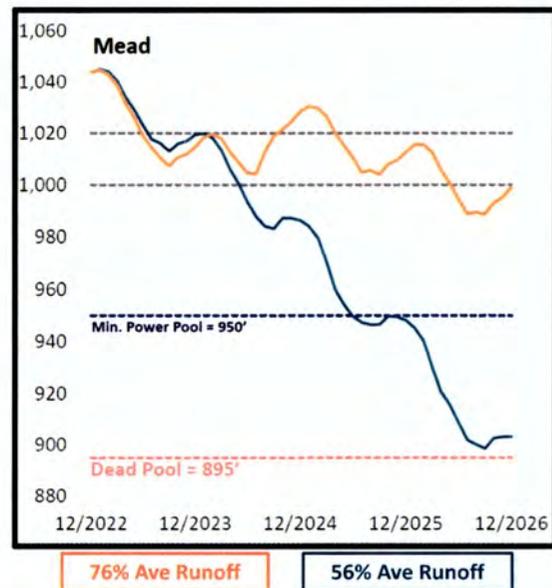
- Colorado River conditions continue to worsen
  - Historic mega-drought, hotter & drier climate, aridification from year to year drastically reducing inflows
- Emergency action beyond current framework is necessary to protect reservoir storage and prevent Lakes Mead and Powell from declining to critical elevations
- USBR Commissioner Touton called for extraordinary reduction in water usage by 2 to 4 MAF in 2023



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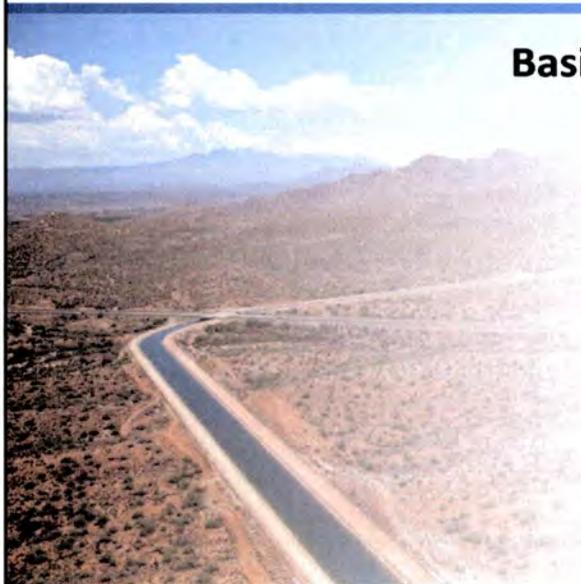
## Bureau of Reclamation June 14<sup>th</sup> Announcement

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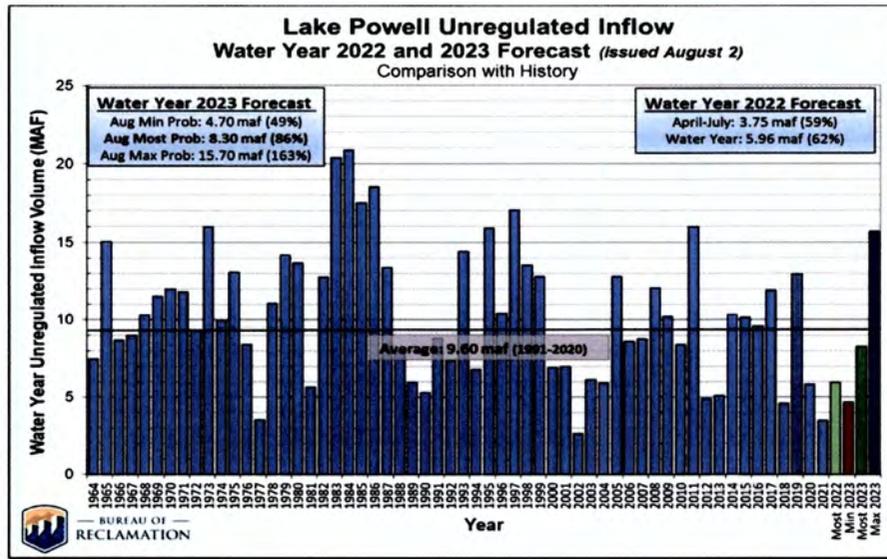
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## Basin States 60-Day Response



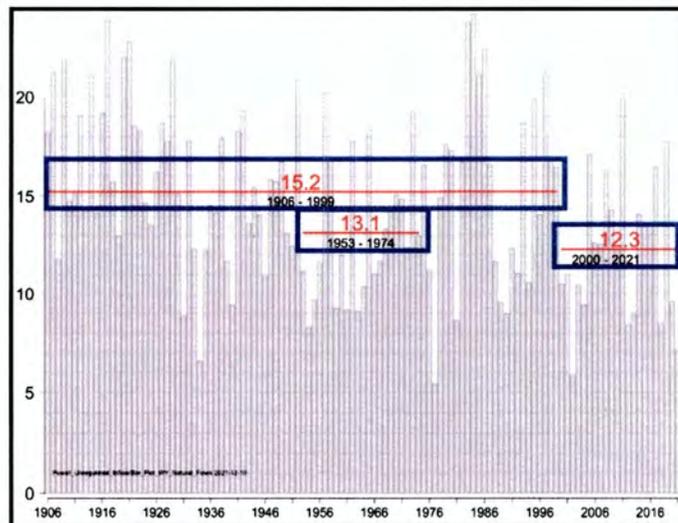
- Intense negotiations during the 60-day period to develop a plan of action
- Arizona's position –
  - CAP cannot dry up - Basin-wide measurable, enforceable reductions – not voluntary
- By the August 15<sup>th</sup> deadline, the Basin States were unable to reach an agreement.
- At this point the BOR has not given direction on how to approach the 2-4 MAF mandate, nor any roadmap to achieve reductions.
- Further reductions are expected, the timing and amount are still uncertain

8



9

- Flows over the first almost 100 years of the system are not like the last 22 years\*.
- Climate patterns indicate there is a shift to a drier system.



\*Source: CRWUA 2021 Conference, Brad Udall  
 Colorado State University, Senior Scientist

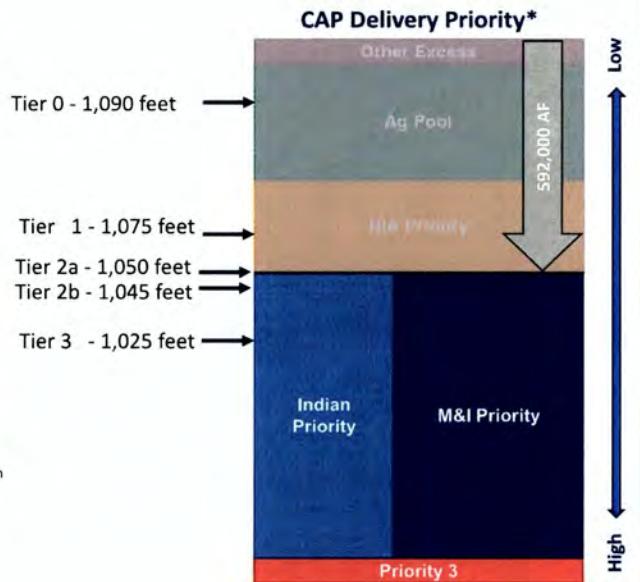
10

# Impacts to CAP Water

- CAP shortage based on priority stack
- Scottsdale CAP Allocation:

Priority	AF	% of supply
NIA	3,306	4%
M&I / Indian	77,870	96%
P3	85	0.1%
<b>Total</b>	<b>81,271</b>	<b>100%</b>

\*Shortage reductions are based on water right priority and total volumes ordered in each priority pool. Tier representations are approximations and are for purposes of visual graphic reductions.



11

# Potential affects of Shortage Tiers<sup>(a)</sup> to Scottsdale

CAP Water Shortage Tiers	TIER ZERO	TIER 1	TIER 2A	TIER 2B	TIER 3	PROTECT LEVEL
Lake Mead Elevation (in feet)	1,090	1,075	1,050	1,045	1,025	<1,025
Corresponding City Water Shortage Stage	Stage 0 Shortage Preparation	Stage 1 Minimum Shortage	Stage 1 Minimum Shortage	Stage 2 Moderate Shortage	Stage 3 Severe Shortage	Stage 4 Critical Shortage
Potential City Water Supply Reduction (MGD) <sup>(a)</sup>	0	2.0	3.0	6.5	13.5	24
Potential City Water Supply Reduction (AF/year) <sup>(a)</sup>	0	2,300	3,400	7,300	15,200	26,900

<sup>a)</sup> Shortage reductions are based on water right priority and total volumes ordered in each priority pool. The tabulated values are estimates for planning purposes based on generally acknowledged potential reductions, do not account for mitigation potential and subject to change.

12

## Long Term Storage Credits for shortage

	2016	2017	2018	2019	2020	2021	Average
CAP	10,241	12,506	8,070	13,695	6,345	3,672	9,088
Effluent	3,902	4,737	4,799	5,241	5,429	6,252	5,060
<b>TOTAL (AF) =</b>	<b>14,143</b>	<b>17,243</b>	<b>12,869</b>	<b>18,936</b>	<b>11,773</b>	<b>9,923</b>	<b>14,148</b>

**TOTAL Recharged (Long Term Storage Credits) = 225,000 AF or 73,317,000,000 gallons**

13

## Answering the Call to Action

Despite no agreement from Basin states, Scottsdale continues to prepare for the continued challenges on the river by:

- Accessing Drought Management Plan next steps and activating mitigation strategies
- Expanding messaging
- Increasing groundwater well capacity
- Continuing to deploy AMI meter network
- Sustainable Water Management Principles
- Committing to conservation & efficiency programs

14

## Scottsdale's Drought Management Team

Team's responsibilities include:

- Coordination and communication internally and externally
- Evaluate the severity of the drought/shortage and its impact on Scottsdale
- Goal of 5% reduction in City water use
- City efforts
  - Parks → 15% under ADWR conservation allotment = 3 billion gallons saved over 20 years. Continues to evaluate reduction of turf areas and optimal irrigation practices.
  - Facilities Water Audits
    - Cooling Tower Controller – 7 purchased
    - Internal audits and cooling tower controller upgrades saved 8%

15

## Focus on Improving Efficiency

- In time of shortage, need to focus on results-driven programs with increased messaging
- Precision conservation – right program for the right customer
- Focus on consumptive use, water that is not returned through the sewer system
- Addressing inefficiencies is both financially and environmentally beneficial to the customer, without impacting customer choice
- Goal is to create sustained water savings, not reduce water use in short interims

16

# Scottsdale's Conservation Program

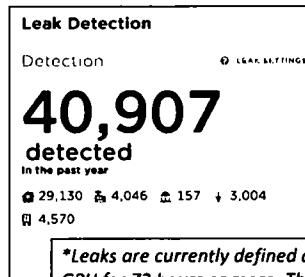
One of the most robust program in the valley:

- Monetary Incentive Rebates
  - Toilets
  - Urinals
  - Showerheads
  - Smart Irrigation Controller
  - Water Management & Efficiency Technology
  - Pool/spa removal
  - Water softener removal
  - Turf removal / conversion
- On-line training videos
- Commercial Water Audits
- HOA Program
  - Water Budgeting
  - Irrigation Consultation
  - Budgets aim to consistently reduce use by 5%
- Residential Outdoor Water Efficiency Checks
  - On-site individualized irrigation assessment.
- Customer WaterSmart Portal
  - Leak detection and alerts

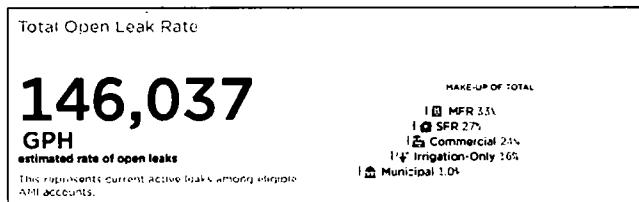
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## WaterSmart Leak Detection

- Currently 58,280 accounts have access to hourly data
  - 9.3% of eligible accounts registered
- Working to bolster awareness and use
  - Supply chain difficulties for infrastructure
  - Simplifying access for multi-meter accounts
  - Knitting WaterSmart platform into the fabric of current city platforms for seamless service

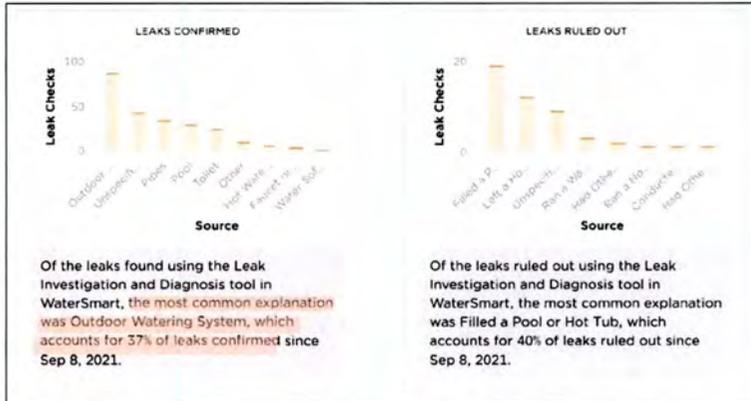


*\*Leaks are currently defined as continuous use at 10 GPH for 72 hours or more. This could be normal use for multifamily or commercial facilities.*



18

## Leaks Are Often Outdoors (Consumptive Use)



- Of the data collected so far, over a third of leaks originated in outdoor watering systems.
  - Pools are also common course of leaks.
- Customers can self help – staff can reach more people.
  - Since December 2020, 3,795 customer-initiated leak checks.
- Customers can also set customized usage alerts.

19

## Customers Thankful for Leak Alerts

JAN 13, 2021  
 [REDACTED]  
 Turned off the sprinkler valve that was leaking. Thanks for this system. We would not have known about the leak so fast.  
 Leak Found - 14 Gallons Per Hour  
 Confirmed as Outdoor Watering System

MAR 10, 2022  
 [REDACTED]  
 There was a water leak in the water line to the icemaker in the refrigerator that has been repaired.  
 Leak Found - 18 Gallons Per Hour  
 Confirmed as Other

DEC 22, 2020  
 [REDACTED]  
 Replaced valve and parts inside tank  
 Leak Found - 20 Gallons Per Hour  
 Confirmed as Toilet

20

## **Drastic Increase in Program Participation**

Three months into this Fiscal year - already exceeding historic numbers

- 89 residential in-person OWEC requests - 154% increase FYTD
- 45 HOA visits = 450% increase in the last year
- 392 Rebate incentive applications FTYD (289 SFR turf conversion)
  - This time last year 63 rebates had been processed
  - 5-year average of rebate funds expended = \$195,000
    - \$450,000 currently being processed
  - Commercial HOA turf conversion, potential 76,000 sqft conversion to desert adaptive landscape
- Water waste complaints 200% increase YTD

21

## **Sustainable Path Forward**

- Don't overseed campaign (voluntary)
- New – Water Management & Efficiency Technology rebates
  - Single HOA Water Efficiency Technology Project estimated to save 1,000,000 gallons
- Code and ordinance updates.
  - Strip turf prohibition (less than 8 feet)
  - Smart Irrigation Controllers
  - Irrigation system requirements: master valves, isolation valves, pressure regulators
- Sustainable Water Management Principles (ch4)
- Precision conservation, right program for the right customer
  - Focus on efficiency, outdoor use, and leaks

22

# Questions



# Work Study 2

## **City Code Amendments Related to Short-Term Rental Properties**

**City Council Work-Study Session**

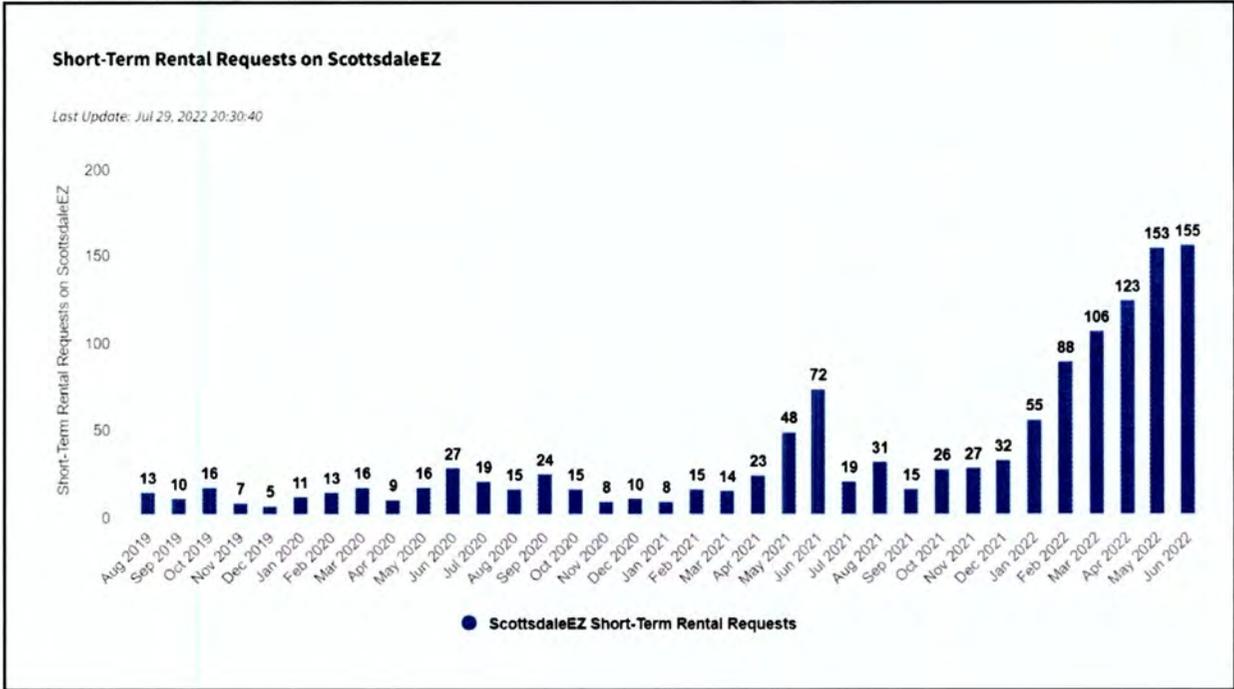
**September 20, 2022**

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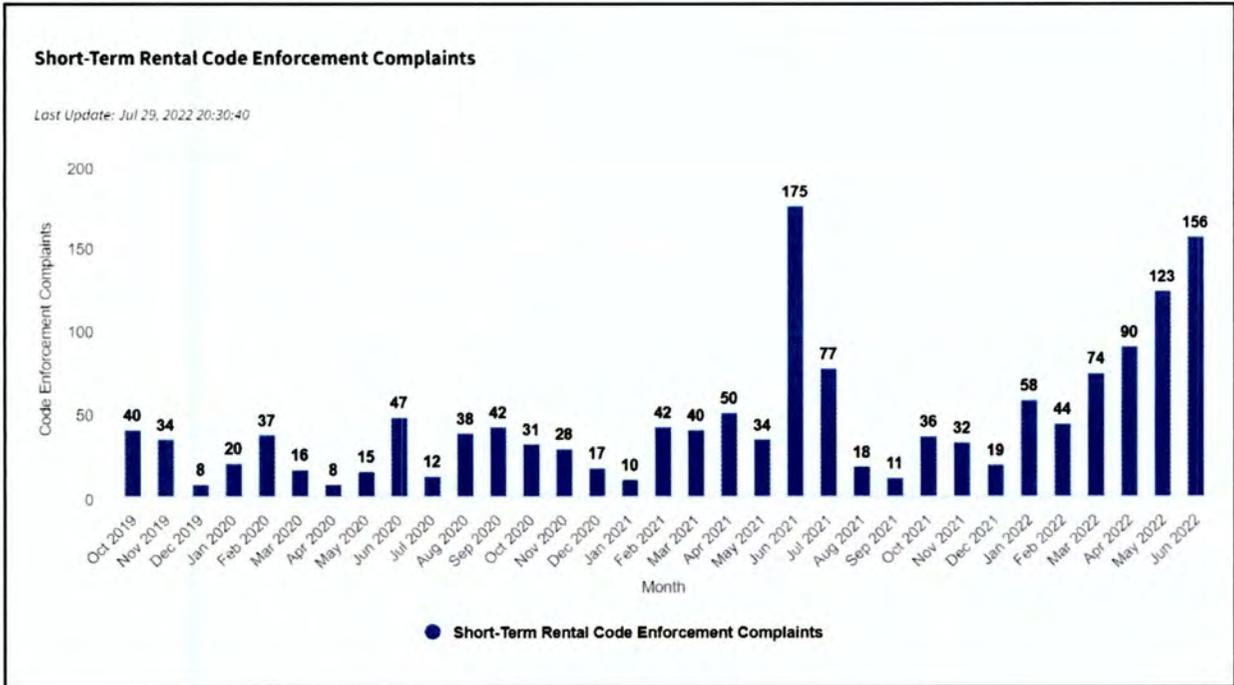
### **Background**

- **Short-Term Rental Working Group**
  - 9 Recommendations adopted by the City Council on July 1, 2021
- **Ordinances 4527 & 4528**
  - Required emergency contact to respond within an hour to the short-term rental (4527)
  - Updated Nuisance and Unruly Gathering Ordinance to better define excessive noise and replaced administrative penalties with civil penalties (4528)
  - Adopted by the City Council on Dec. 8, 2021
- **2022 Legislative Session**
  - State Legislative Agenda
  - Senate Bill 1168 effective September 24, 2022

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## **Ordinance No. 4566 Preview**

- Repeals and Replaces the Vacation Rental and Short-Term Rental Ordinance (Chapter 18, Article IX) with an Updated Ordinance
- Requires a regulatory license to operate a vacation rental or short-term rental in Scottsdale and neighbor notification
- Sets fines, fees, procedures and regulations related to vacation rentals and short-term rentals

5

## **Ordinance No. 4566 Preview – Fines and License Fees**

Annual licensing fee	\$250
Failure to apply for a license after written notice	\$1,000 every 30 days
Failure to respond to an emergency	\$500
Failure to respond to an emergency in one hour	\$250
Noncompliance with emergency contact requirement	\$500
Inadequate liability coverage	\$500 (can be reduced to \$100 upon compliance)
Advertising without a license number	\$500 (can be reduced to \$100 upon compliance)
Failure to comply with sex offender requirements	\$1,000
Verified violations	1 <sup>st</sup> – Greater of \$500 or one night's rent 2 <sup>nd</sup> – Greater of \$1,000 or two nights' rent 3 <sup>rd</sup> – Greater of \$3,500 or three nights' rent
Violation of neighbor notification requirements	\$500 (can be reduced to \$100 upon compliance)

6

## **Requirements to Obtain a License**

- Location of the property
- Contact information for the owner of the property, 24-hour emergency contact, and designee if applicable
- Agreement to comply with laws, regulations and ordinances
- Attestation that owner/designee(s) are not registered sex offenders or felons of certain types
- Proof of transaction privilege tax license, liability insurance (coverage of at least \$500,000) and lawful presence in the United States (if the applicant is an individual) unless an exception applies

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## **Licenses Will be Denied When...**

- Applicants fail to provide required information.
- Applicants fail to pay license fee and any penalties.
- The property already has a suspended or revoked license.
- Applicants provide false information.
- The owner or designee is a registered sex offender or has committed a felony either with a deadly weapon or resulting in death or serious injury.
- Grounds exist at the property to revoke or suspend a license.

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## License Suspensions

- Suspension grounds
  - Three Verified Violations in a one-year period not including those that are aesthetic, solid waste related or vehicle parking violations that are also not a serious threat to public health and safety.
  - One Verified Violation resulting in a felony by the owner/operator or serious injury/death due to reckless conduct
  - One Verified Violation for knowingly allowing special events, adult-oriented business or maintaining a sober living home
- Suspensions are one year but can be reduced to six months upon a finding that the owner of the vacation rental or short-term rental has taken substantial and significant steps to prevent the reoccurrence of the actions that led to the suspension.

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## Sections 18-170 – 18-177 (General Requirements)

18-170	STRs must comply with all federal, state and local laws
18-171	Non-residential uses are prohibited
18-172	Emergencies must be responded to within 1 hour
18-173	Liability coverage of \$500,000 must be maintained
18-174	Advertisements must display their city regulatory licensing number
18-175	Health and public safety requirements
18-176	Property owners must verify renters not to be sex offenders
18-177	Additional administrative penalties for verified violations

10

## **Health and Public Safety Requirements**

- Waste shall be placed in containers and properly managed.
- Short-term rentals must have working smoke alarms.
- Properties are to be cleaned between bookings.
- At least bi-monthly pest control required.
- Pools and hot tubs must comply with barrier requirements regardless of when the residence was built.
- STRs must display a floor plan, emergency information and a notice about restricted uses of the property as specified in the ordinance.

11

## **Neighbor Notification**

- Prior to renting for the first, time vacation rentals and short-term rentals must notify adjacent single-family neighbors or units on the same building floor in a multi-family setting.
- Notification must include the license number, property information, contact information and a 24-hour telephone number for the emergency contact.
- When information changes, must provide updated notification.

12

# **City Code Amendments Related to Short-Term Rental Properties**

**Comments for the September 20, 2022 work study session,  
“City Code Amends Related to Short-Term Rental Properties”, and  
DRAFT Ordinance No. 4566, in response to SB 1168,**

From: David Mason, 33217 N 61<sup>st</sup> Pl, Scottsdale, AZ 85266, 703-690-8000

Mayor, Council members, thanks for the opportunity to comment on this important topic. I was a member of the Scottsdale Short-Term Rental Working Group and I am glad to thank you, and the staff, for all your hard work on this issue.

Commendations for making Ordinance 4566 well thought out, with welcomed provision towards helping protect the public health and safety of the general public and of Scottsdale residents and their neighborhoods, and with provisions towards encouraging responsible short-term rental owners and discouraging the irresponsible or insensitive.

Ordinance 4566 is worthy of full support and passage and should not be diluted. It protects the residents and it's provisions help towards managing the growth of short-term rentals already threatening the meaning and character of Scottsdale as homes are replaced by short-term rentals.

**To strengthen Ordinance 4566, I offer suggestions provided in a markup of Ordinance 4566.**

Section 2 Owner's Designee: ADD: Owner's Designees are lodging property managers and must comply with state and city regulations for lodging property managers.

18-153: Add: (c) Penalties and fines are also associated with the property and transfer with transfer of ownership.

18-154 (a) (2) REVISE: If the owner is not a natural person or is a fictitious person . . .

18-155 (a)(3) ADD: or if the property has been associated with a license that has been revoked or suspended within the last 12 months or if there are outstanding fines.

18-157 ADD: Person includes natural persons, corporate entities, and natural person owners of corporate entities.

18-158 (c) ADD: Suspensions shall apply to the property and shall prevent short-term rental use for the suspension period.

18-173 and 18-174: REVISE: . . . may reduce the fine pursuant to this section by ~~to~~ one hundred (\$100.00).

18-175 (a) ADD: Failure to comply with the provisions of this section shall be a civil offense and shall be punishable by a minimum fine of five hundred (\$500.00) dollars. Upon showing the property has come into compliance, the court may reduce the fine by one hundred (\$100.00) dollars.

18-176 (d) ADD: The online lodging marketplace operator shall provide the city with the background check method and information source and shall maintain a full copy of each background check for twelve (12) months that can be readily accessed by the city.

18-177 (b): REVISE: . . . those violations ~~are~~ may, but are not required to, be considered one . . .

18-191 (f): REVISE: . . . may reduce the fine pursuant to this section by ~~to~~ one hundred (\$100.00).

Thank You for all your hard work.

David Mason

ORDINANCE NO. 4566

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SCOTTSDALE, REPEALING AND REPLACING ARTICLE  
IX OF CHAPTER 18 OF THE SCOTTSDALE REVISED  
CODE CONCERNING VACATION RENTALS AND  
SHORT-TERM RENTALS

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Chapter 18, Article IX is hereby repealed.

Section 2. Chapter 18, Article I, Section 18-2 of the Scottsdale Revised Code is amended and renumbered to conform by adding two new definitions as follows:

*Owner's designee* means a person authorized to act on behalf of the owner of a vacation rental or short-term rental. Owner's Designees are lodging property managers and must comply with state and city regulations for lodging property managers.

*'Verified Violation'* means a finding of guilt or civil responsibility for violating any state law or local ordinance relating to a purpose prescribed in A.R.S. Sections 9-500.39(8) or 9-500.39(K) that has been finally adjudicated.

Section 3. Chapter 18, Article IX of the Scottsdale Revised Code is hereby added as follows:

**ARTICLE IX. - VACATION RENTALS AND SHORT-TERM RENTALS. DIVISION 1. -**

**LICENSING.**

**Sec. 18-150. - Purpose.**

This article is necessary to protect the health, safety and welfare of the public.

**Sec. 18-151. - Vacation rental license required; invalid license; penalties.**

(a) Effective December 24, 2022, no person shall operate a vacation rental or short-term rental in the city without first having obtained a current vacation rental license from the city and paying the applicable fees. A separate current vacation rental license is required for each house or dwelling unit where a vacation rental or short-term rental is operated.

(b) No person shall operate a vacation rental or short-term rental in the city with an expired, suspended or revoked vacation rental license.

(c) Representations or advertisements including online listings that reference the property, house or dwelling unit location within the city is prima facie evidence that a vacation rental or short-term rental is operating in the city.

(d) A first violation of this section is a civil offense and shall be punished by a fine of not less than one thousand (\$1,000.00) per violation. A second or subsequent violation of this section

within one (1) year of conviction of a first violation is a class one misdemeanor and shall be punished, in addition to any other penalties authorized by law, by a fine of not less than one thousand dollars (\$2,000.00) per violation. The court shall not suspend any part of any fine required by this section.

**Sec. 18-152. - License fees.**

(a) Every application, including any renewal application, for a vacation rental license under this article shall be accompanied by a non-refundable two hundred fifty-dollar (\$250.00) license fee and penalties incurred pursuant to this section.

(b) If the applicant failed to apply for a vacation rental license upon receiving written notice from the city of the requirement to do so, the applicant shall pay an additional one-thousand-dollar (\$1,000) penalty for every thirty (30) day period the applicant failed to apply. Any penalty shall be non-refundable. For purposes of this section, written notice includes, but is not limited, to a notice sent by electronic means, US mail or hand delivered to the physical location of the vacation rental or short-term vacation rental or the address on file with the county assessor for the property. Written notice is deemed served on the date it is sent by electronic means, hand delivered or, if mailed, on the date it is deposited in the United States mail.

**Sec. 18-153. -Term of license; transfer.**

(a) A vacation rental license issued under this article shall be valid for a period of one (1) year from the date of issuance unless suspended or revoked.

(b) No license shall be transferable either as to location or as to person.

(c) Penalties and fines are also associated with the property and transfer with transfer of ownership.

**Sec. 18-154. -Application for license.**

(a) An applicant for a vacation rental license including for a renewal application shall file an application on a form prescribed by the city manager or designee and contain the following information:

(1) The physical address of the house or dwelling unit to be used as a vacation rental or short-term rental.

(2) The name, address, email and telephone number of the owner of the vacation rental or short-term rental. If the owner is not a natural person or is a fictitious person, the name, address, email and phone number of the owner's statutory agent.

(3) The name, address, email and telephone number of the owner's designee, if any.

(4) The name, address, email and twenty-four (24) hour telephone number of the individual who will serve as the emergency point of contact for the vacation rental or short-term rental. An individual pursuant to this subsection must be a real person and cannot be a fictitious person.

(5) Agreement by the owner and each designee to comply with all applicable laws, regulations, and ordinances.

(6) The owner and each owner's designee shall attest that they are not registered sex offenders, have not been convicted of any felony act that resulted in death or serious physical injury, and have not been convicted of any felony use of a deadly weapon within the past five years.

(7) Proof of a valid transaction privilege tax license.

(8) Evidence of liability insurance appropriate to cover the vacation rental or short-term rental in the aggregate of at least \$500,000 or evidence that each vacation rental transaction will be provided through a platform that provides equal or greater primary liability insurance coverage for the vacation rental.

(9) If the applicant is an individual, proof of lawful presence in the United States in accordance with A.R.S. §§ 1-502 and 41-1080 unless exempted by A.R.S. §41- 1080(8).

**Sec. 18-155. - License issuance; denial.**

(a) The city shall issue a vacation rental license within seven (7) business days after receipt of a complete application unless grounds for denial exist as follows:

(1) Failure to provide the information required by this article;

(2) Failure to pay the required license fee(s) including any penalties;

(3) At the time of application, the owner has a revoked or suspended license for the same vacation rental or short-term rental;

(4) The applicant has provided false information;

(5) The owner or designee of the owner: (i) is a registered sex offender; (ii) has been convicted of any felony act that resulted in death or serious physical injury; (iii) or has been convicted of any felony use of a deadly weapon within five (5) years of submitting the application; and

(6) Any grounds for revocation or suspension of a vacation rental license exist.

(b) The city manager or designee shall give notice of any denial of an application, and the right of appeal from the denial, as provided for in this article.

(c) Penalties and fines are also associated with the property and transfer with transfer of ownership.

**Sec. 18-156. - License revocation.**

The city manager or designee shall initiate revocation proceedings if any grounds for denial exist for a vacation rental license that already has been issued.

**Sec. 18-157. - Reapplication after denial or revocation.**

No person who has had a vacation rental license denied or revoked pursuant to this article may apply for another vacation rental license for one (1) year after the decision affecting the applicant's license has become final. Person includes natural persons, corporate entities, and natural person owners of corporate entities.

**Sec. 18-158. - License suspension; term of suspension.**

(a) The city manager or designee shall initiate suspension proceedings against a vacation rental license for any of the following:

(1) Three verified violations within a twelve (12) month period, not including any such violation based on an aesthetic, solid waste disposal or vehicle parking violation that is not also a serious threat to public health and safety.

(2) One verified violation that results in or constitutes any of the following:

(a) A felony offense committed at or in the vicinity of a vacation rental or short-term rental by the owner of the vacation rental or by the owner's designee;

(b) A serious physical injury or wrongful death at or related to a vacation rental or short-term vacation rental resulting from the knowing, intentional or reckless conduct of the owner of the vacation rental or short-term rental or the owner's designee;

(c) An owner of the vacation rental or short-term rental or the owner's designee knowingly or intentionally housing a sex offender, allowing offenses related to adult-oriented businesses, sexual offenses, or prostitution, or operating or maintaining a sober living home; or

(d) An owner of the vacation rental or short-term rental or the owner's designee knowingly or intentionally allowing the use of a vacation rental for a special event that would otherwise require a permit or license pursuant to this code or a state law or rule or for a retail, restaurant, banquet space or other similar use.

(b) The city manager or designee shall give notice of any suspension, and the right of appeal from the suspension, as provided for in this article.

Any final suspension shall be for a period of one (1) year except that a hearing officer may reduce the suspension period to a period of six (6) months upon a finding that the owner of the vacation rental or short-term rental has taken substantial and significant steps to prevent the reoccurrence of the actions that led to the suspension. Suspensions shall apply to the property and shall prevent short-term rental use for the suspension period.

**Sec. 18-159. - Judicial relief for certain grounds of suspension.**

(a) Notwithstanding section 18-158, any attempted or completed felony act, arising from the occupancy or use of a vacation rental or short-term rental, that results in a death, or actual or attempted serious physical injury, shall be grounds for judicial relief in the form of a suspension of the property's use as a vacation rental or short-term rental for a period that shall not exceed twelve (12) months.

(b) The city attorney may initiate proceedings in the city court or other court of competent jurisdiction to enforce this section.

**Sec. 18-160. - Information updates.**

All applicants and persons holding licenses issued pursuant to this article shall give written notice to the city manager or designee of any material changes in information submitted in connection with an application or application for renewal of a license. Any information required for an application pursuant to section 18-154 is deemed to be material for purposes of this section. This information shall be provided to the city manager or designee by the licensee or the effected person, as applicable, within ten (10) business days of any such change.

**Sec. 18-161. -Appeals.**

(a) Any person aggrieved by any decision with respect to the denial of or a refusal to issue a vacation rental license, the revocation of a vacation rental license, the suspension of a vacation rental license or a verified violation penalty imposed pursuant to section 18-177, shall be entitled to the review and appeal procedures provided in chapter 16, article I.

(b) This section is not applicable for judicial actions brought pursuant to section 18-159 or penalties including fines imposed by a court.

**Sec. 18-162. - City use of license information.**

Unless otherwise provided for by law, the city may use any information obtained from licensing applications including contact information pursuant to this article for any lawful purpose including, but not limited, to communicating or providing information regarding compliance with laws, public health and safety regulations, general city updates and reminders to keep required information updated with the city.

**Secs. 18-163 -169. - Reserved**

**DIVISION 2. - PROHIBITIONS AND OPERATIONAL REQUIREMENTS.**

**Sec. 18-170. -Compliance with laws.**

(a) A vacation rental or short-term rental must at all times comply with all federal, state, and local laws, rules and regulations including but not limited to public health, safety, sanitation, solid waste, hazardous waste, tax privilege licensing, residential rental property recording, traffic control, pollution control, noise, property maintenance, and nuisance abatement.

(b) No person including an owner or operator shall operate a vacation rental or short-term rental in violation of this section.

**Sec. 18-171. - Non-residential usage by vacation rentals or short-term rentals prohibited.**

(a) No vacation rental or short-term rental may be used for any non-residential use or purpose including but not limited to any of the following:

1. Any commercial, industrial, manufacturing, or other non-residential purpose; or
2. Operating a retail business, restaurant, event center, banquet center or similar use; or
3. Housing sex offenders; or
4. Operating or maintaining a structured sober living home; or
5. Selling liquor, controlled substances or pornography; or
6. Operating any adult-oriented business including nude and topless dancing.

(b) No person including, but not limited to, an owner, owner's designee, tenant, guest, business, vendor or operator shall operate a vacation rental or short-term rental in violation of this section.

(c) Representations or advertisements including online listings that advertise one of the prohibited activities pursuant to this section that reference a vacation rental or short-term rental property, house or dwelling unit location within the city is prima facie evidence that a vacation rental or short-term rental is operating in the violation of this section.

**Sec. 18-172. - Failure to respond to an emergency; penalties.**

(a) In the event of an emergency, any person designated as an emergency contact pursuant to section 18-154 upon the request of public safety personnel shall respond in-person within one

(1) hour to the physical location of the vacation rental or short-term rental for which they are a designated emergency contact.

(b) For the purpose of this section "in the event of an emergency" means any time police, fire or other public safety personnel respond to a vacation rental or short-term rental for a call for service including responding to a nuisance party or unlawful gathering.

(c) It shall be a civil offense for any person designated as an emergency contact upon request by public safety personnel pursuant to subsection (a) of this section to either fail to respond to the physical location of the vacation rental or short-term rental for which they are a designated emergency contact or fail to arrive within one (1) hour to the physical location of the vacation rental or short-term rental for which they are a designated emergency contact. Failure to respond shall be punished by a minimum fine of five hundred (\$500.00) dollars and failure to arrive within one (1) hour shall be punished by a minimum fine of two hundred fifty (\$250.00) dollars.

(d) It shall be a civil offense for the owner of a vacation rental or short-term rental to intentionally, knowingly or recklessly have the owner's emergency contact fail to comply with the requirements of subsection (a). A violation of this subsection shall be punished a minimum fine of five hundred (\$500.00) dollars. Evidence such as failure of an owner to keep contact information current may be considered when determining whether the owner acted intentionally, knowingly or recklessly.

**Sec. 18-173. - Failure to maintain insurance; penalty.**

(a) It shall be unlawful for the owner or operator of a vacation rental or short-term rental to fail to comply with the insurance requirements specified in section 18-154.

A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred (\$500.00) dollars. Upon a showing that the owner or operator has obtained the required insurance, the court may reduce the fine pursuant to this section by to one hundred (\$100.00).

**(b) Sec. 18-174. -Advertising license number required; penalty.**

(a) It shall be unlawful for the owner, operator or owner's designee of a vacation rental or short-term rental to fail to display or list a city vacation rental license number on each advertisement for a vacation rental or short-term rental located within the city.

(b) A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred (\$500.00) dollars. Upon a showing that the owner, operator or owner's designee has come into compliance with this section, the court may reduce the fine pursuant to this section by to one hundred (\$100.00).

**Sec. 18-175. -Additional health and public safety regulations.**

The health and public safety regulations in this section are for the primary purpose of protecting the health and safety of the public as vacation rentals and short-term rentals create unique public health and safety issues. Failure to comply with the provisions of this section shall be a civil offense and shall be punishable by a minimum fine of five hundred (\$500.00) dollars. Upon showing the property has come into compliance, the court may reduce the fine by one hundred (\$100.00) dollars.

(a) No person owning or operating a vacation rental or short-term rental shall:

- (1) leave trash or garbage within public view, except in proper collection containers for the purpose of collection in accordance with the residential collection schedule outlined in section 24-17.
- (2) collection containers shall not be placed for collection before 6:00 p.m. on the day preceding the date of collection, and after the containers are emptied, they shall be removed from the curblines on the day of collection.

(b) Any person owning or operating a vacation rental or short-term rental shall ensure that every vacation rental or short-term rental has working smoke alarms, which may require the installation and maintenance of several detection units and maintained annually as required under National Fire Protection Association (NFPA) 72. The owner or owner's designee shall keep and make available for inspection upon request by the city a record of all inspections and maintenance activities.

(c) The owner or owner's designee of a vacation rental or short-term rental shall provide and prominently display a map of the floor plan of the property showing the following information: safe routes of egress in the event of a fire or other emergency; the location of telephone(s) required under this section; the location of fire detection and suppression equipment; and any additional information relevant to such emergency preparedness measures. Such maps shall

include the full property address, emergency information (911), and owner/emergency contact information.

(d) The owner or owner's designee of a vacation rental or short-term rental shall have the property cleaned between bookings.

(e) The owner or owner's designee of a vacation rental or short-term rental shall ensure that the property receives regular (at least bi-monthly) pest control treatments to keep the interior of all buildings and structures and exterior area of the premises free from infestation of insects, rodents, and other noxious pests where such infestation threatens the health, safety, or welfare of a person or persons.

(f) The owner of a short-term rental that includes a swimming pool, spa or hot tub that is accessible to the renters, shall comply with the barrier requirements outlined in Scottsdale Revised Code § 31-68, AG105.

(g) The following notice must be completed in 14-point or larger bold font, on a laminated or otherwise similarly shielded paper, and prominently displayed on the inside of the front door and the primary door to the backyard or a conspicuous location near each such door. The notice shall include information regarding the location of any fire or life safety equipment such as fire extinguishers, and the City of Scottsdale nuisance waste disposal regulations.

#### NOTICE

USE OF THIS PROPERTY FOR ANY OF THE FOLLOWING PURPOSES IS PROHIBITED;  
VIOLATORS MAY BE SUBJECT TO SUBSTANTIAL PENALTIES:

1. Any commercial, industrial, manufacturing, or other non-residential purpose; or
2. Operating a retail business, restaurant, event center, banquet center or similar use; or
3. Housing sex offenders; or
4. Operating or maintaining a structured sober living home; or
5. Selling liquor, controlled substances or pornography; or
6. Operating any adult-oriented business including nude and topless dancing; or
7. Any uses prohibited under A.R.S. § 9-500.39, or federal, state or local law; or
8. Any use that constitutes a substantial disturbance of the quiet enjoyment, and peace, health, safety or general welfare of private or public property through a nuisance party or unruly gathering, including, but not limited to, excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace, litter, spirituous liquor served to, or in the possession of, or consumed by, any minor, or where illegal drugs are in the possession of, or consumed by, any person.
9. The occupancy of this premises is limited to a single family of one to six adults and, if any, their related dependent children as defined in Appendix B, Sec. 3.100 of the Scottsdale Zoning Ordinance.
10. None of the following may occur where such acts may reasonably be viewed by the public whether at ground level or from a reasonable vantage point of a nearby property, such as a deck or balcony:
  - a. Urination or defecation;
  - b. Nudity; or
  - c. Sexual acts.

UNLESS THE CITY EXPRESSLY PERMITS SUCH A USE IN WRITING, USE OF THIS PROPERTY FOR ANY OF THE FOLLOWING PURPOSES IS PROHIBITED; VIOLATORS MAY BE SUBJECT TO SUBSTANTIAL PENTALTIES:

Use for any nonresidential use, including:

1. For a special event that would otherwise require a permit or license pursuant to city ordinance, or a state law or rule; or
2. Operating a retail business, restaurant, event center, banquet space, or similar use. Your local contact person's name is \_\_\_\_\_ and can be reached by phone 24 hours a day, seven days a week, at \_\_-\_\_-\_\_\_\_\_.

**Sec. 18-176. - Sex offender background checks.**

(a) Within twenty-four (24) hours of every booking, the owner or owner's designee shall perform a background check on every guest or renter of a vacation rental or short-term rental to ensure that there are no sex offenders at the vacation rental or short-term rental.

(b) An owner or owner's designee shall retain a full copy of the background check on each guest or renter for twelve (12) months after the booking date. Records of each background check shall be made available for inspection by the city upon demand during normal business hours.

(c) It shall be a civil offense for owners or owner's designees to fail to comply with the requirements of this section and shall be punished by a mandatory minimum fine of one thousand dollars (\$1,000). The court shall not suspend any part of any fine required by this section.

The requirements of this section are satisfied and/or waived if the online lodging marketplace on which the vacation rental or short-term rental is advertised performs the background check. The online lodging marketplace operator shall provide the city with the background check method and information source and shall maintain a full copy of each background check for twelve (12) months that can be readily accessed by the city.

**Sec. 18-177. - Verified violation penalties.**

(a) In addition to any other penalty pursuant to this code, and notwithstanding any other law, the following civil penalties shall be imposed by the city upon the owner of a vacation rental or short-term vacation rental related to the same vacation rental property within the same twelve-month period:

(1) Up to \$500 or up to an amount equal to one night's rent for the vacation rental as advertised, whichever is greater, for a first verified violation.

(2) Up to \$1,000 or up to an amount equal to two nights' rent for the vacation rental as advertised, whichever is greater, for the second verified violation.

(3) Up to \$3,500 or up to an amount equal to three nights' rent for the vacation rental as advertised, whichever is greater, for a third verified violation and any subsequent violation.

(b) If multiple violations arise out of the same response to an incident at a vacation or short-term vacation rental, those violations are may, but are not required to, be considered one violation for the purpose of assessing the civil penalties provided in this section.

(c) Unless an appeal is filed in a timely manner pursuant to section 18-161, a civil penalty assessed pursuant to this section shall be due within thirty (30) days of the initial notice sent to the owner by the city. For purposes of this section, written notice includes but is not limited to a notice sent by electronic means, US mail or hand delivered.

**Secs. 18-178 -18-190. - Reserved.**

**DIVISION 3. -NEIGHBOR NOTIFICATION.**

**Sec. 18-191. - Neighbor Notification.**

(a) Prior to offering a vacation rental or short-term rental for rent for the first time, the owner or owner's designee is required to notify all single-family residential properties adjacent to, directly and diagonally across the street from the property, or in a multi-family residential building to all units on the same building floor. After providing such notification, the owner or owner's designee shall attest compliance on a form prescribed by the city manager or designee and contain the following information:

- (1) The vacation rental license number required by this article;
- (2) The address of each property notified;
- (3) How the notification was provided; and
- (4) The name and contact information of the person attesting to compliance.

(b) The notification required by subsection a above is also required anytime the contact information for the vacation rental or short-term rental changes. Notification pursuant to this subsection shall occur within fifteen (15) business days.

(c) The notice required by this section shall be in writing and include the following information: the vacation rental license number issued pursuant to this article, the physical address of the vacation rental or short-term rental, and the name, address, and twenty-four (24) hour telephone number of the emergency point of contact. For purposes of this section, written notice includes notice sent by electronic means, US mail or hand delivered.

(d) Vacation rentals or short-term rentals that are lawfully operating prior to the effective date of this section must comply with this section when the contact information for the vacation rental or short-term rental changes.

(e) It shall be unlawful to operate a vacation rental or short-term rental without complying with the notification requirements in this section.

(f) A violation of this section is a civil offense and shall be punished by a minimum fine of five hundred (\$500.00) dollars. Upon a showing that the owner or owner's designee has come into compliance with this section, the court may reduce the fine pursuant to this section by to one hundred (\$100.00).

Secs. 18-192 -18-195. - Reserved.

PASSED AND ADOPTED by the Council of the City of Scottsdale this\_\_ day of \_\_\_\_  
2022.

ATTEST:

CITY OF SCOTTSDALE, an  
Arizona municipal corporation

\_\_\_\_\_  
Ben Lane  
City Clerk

\_\_\_\_\_  
David D. Ortega  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Sherry R. Scott, City Attorney  
By: Luis E. Santaella  
Deputy City Attorney



This card is used to submit written comments to the City Council. Written comment cards may be submitted to the Clerk at any time. Cards submitted after public testimony has begun will be provided to the Council at the conclusion of the testimony for that item.

NAME (print) LINDA AMBROSE MEETING DATE 9/28/22

NAME OF GROUP/ORGANIZATION (if applicable)

ADDRESS 28700 N. Hayden Rd. ZIP 85266

HOME PHONE 480-993-7415 WORK PHONE

E-MAIL ADDRESS (optional) lambrose

AGENDA ITEM # Work Study # 2 [ ] SUPPORT [ ] OPPOSE

COMMENTS (additional space is provided on the back) Hopefully each of you has received our letter sent yesterday regarding our request/plea to allow property owners to live on their property (ours being 2 1/2 acres in desert of No. Scottsdale), while having the right to also rent, short term or long term, their separate casita, or small home (previously in-laws residence). (Since our "cease + desist" City order, tho. This card constitutes a public record under Arizona law. not advertising in any way, we've received numbers of calls from

Written Comment cards may be submitted to Clerk at any time. Cards submitted after public testimony has begun will be provided to the Council at the conclusion of the testimony for that item.

returning guests, two of them medical patients needing medical care in Mayo + the other in Cancer Treatment Ctr., all of whom we have been forced to decline. Both of them updated us w/ their finding short-term rentals in PHX. - Scottsdale's loss + our loss

(In closing, most medical patients seeking care are not accommodated by hotels or expensive resorts. They need short-term rentals, w/ property owner: on site to help manage their stay.)

Please make the decision to allow property owners the right to live on their property while renting an

REQUEST TO SPEAK: Citizens wishing to address the Council in person may obtain a Request to Speak card from staff located at the Clerk's table in the Kiva.

unattached casita on same property !!



# WORK STUDY WRITTEN COMMENTS

ITEM #2

This card is used to submit written comments to the City Council.  
Written comment cards may be submitted to the Clerk at any time. Cards submitted after public testimony has begun will be provided to the Council at the conclusion of the testimony for that item.

NAME (print) Jordan Allan LANDAU MEETING DATE 09/20/22

NAME OF GROUP/ORGANIZATION (if applicable) Silvan

ADDRESS 28700 N. HAYDEN ROAD ZIP 85266

HOME PHONE — WORK PHONE 480-203-9923

E-MAIL ADDRESS (optional) JAL@landaulaw.org

Short Term Rentals  
AGENDA ITEM # (Work Study)  SUPPORT  OPPOSE

COMMENTS (additional space is provided on the back)

1) Property Owners who live on their property should be permitted to rent an unattached Casita on the property (mom's casita and mom has died). 2) I have received almost weekly calls from investor groups wanting to buy my 2 1/2 Acres.

This card constitutes a public record under Arizona law.

Written Comment cards may be submitted to Clerk at any time. Cards submitted after public testimony has begun will be provided to the Council at the conclusion of the testimony for that item.

3) They would use for short term rentals. The "LLC's" mayor Ortega speaks of. They offer the highest price if we sold.

4) We do not want to move however the single casita rental helps us cover our expenses and is needed. presently Code prevents this <sup>and</sup> threatens financial penalties. Living on property prevents the noise & party challenges other parts of City has encountered.

5) For over 22 years we have been excellent citizens - been volunteers throughout - we own our property and live on it - we want to stay But...

REQUEST TO SPEAK: Citizens wishing to address the Council in person may obtain a Request to Speak card from staff located at the Clerk's table in the Kiva.