

**SCOTTSDALE CITY COUNCIL  
REGULAR MEETING AND WORK STUDY SESSION MINUTES  
TUESDAY, DECEMBER 6, 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 5:56 P.M. on Tuesday, December 6, 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 (participated telephonically)

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

**PLEDGE OF ALLEGIANCE** – Councilwoman Janik

**MAYOR'S REPORT**

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

Mayor Ortega invited everyone to attend the Holiday Lights event at McCormick-Stillman Railroad Park, which is a Scottsdale holiday tradition.

**CITY MANAGER'S REPORT**

- **Scottsdale Fast Five Video Update**

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

- **\*\*\*Current Events and Scottsdale Super Season Presentation  
Presenter(s): Karen Churchard, Tourism & Events Director**

Tourism & Events Director Karen Churchard gave a PowerPoint presentation (attached) on current events and Scottsdale's upcoming Super Season.

**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 – None**

**ADDED ITEMS**

**A1. Added Item**

Item No. 16A was added to the agenda on November 30, 2022 and requires a separate vote to remain on the agenda.

**Request:** Vote to accept the agenda as presented or continue Item No. 16A to the next scheduled Council meeting, which is December 7, 2022.

**MOTION AND VOTE – ADDED ITEMS**

Councilwoman Janik made a motion to accept adding Item No. 16A to the agenda. 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.

**CONSENT AGENDA**

**1. PuttShack Liquor License (71-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 a new location with a new owner.

**Location:** 15059 N. Scottsdale Road, Suite 100

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

**2. Paris Liquor License (84-LL-2022)**

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an owner transfer of a Series 6 (bar) State liquor license for an existing location with a new owner.

**Location:** 4280 N. Drinkwater Boulevard, Suite 100

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

**3. Lighthouse Artspace Liquor License (85-LL-2022)**

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a location/owner transfer of a Series 7 (beer and wine bar) State liquor license for a new location with a new owner.

**Location:** 4301 N. Scottsdale Road, Suite RC-150

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

**4. Bitters Bar & Food Liquor License (86-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:** 1455 N. Scottsdale Road

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



- 5. Home2 Suites Scottsdale Liquor License (87-LL-2022)**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 10 (beer and wine store) State liquor license for a new location with a new owner.  
**Location:** 20001 N. Scottsdale Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 6. Arcadia Farms Liquor License (88-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 a new location with a new owner.  
**Location:** 7025 E. 1<sup>st</sup> Avenue  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 7. Clearwater Pinnacle Peak Liquor License (89-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:** 23733 N. Scottsdale Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 8. Modern Oyster Chophouse Liquor License (90-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:** 17001 N. Scottsdale Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 9. Permanent Extension of Premise for Neiman Marcus Café Extension (10-EX-2022)**  
**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a permanent extension of premise for a Series 7 (beer and wine bar) State liquor license for an existing location to expand the service area to all of the first, second, and ground floors of the ±150,000 square foot department store.  
**Location:** 6900 E. Camelback Road  
**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)
- 10. Rancho Vista Alley Abandonment (1-AB-2020#2)**  
**Request:** Adopt **Resolution No. 12668** authorizing the abandonment of the 16-foot of right-of-way alley located between Lots 4, 5, 6, 7, 8, and 9 of the Rancho Vista subdivision with Single-Family Residential (R1-7) district zoning.  
**Location:** E. Chaparral Road and E. Mariposa Drive, West of N. 69<sup>th</sup> Place  
**Staff Contact(s):** Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, [eperreault@scottsdaleaz.gov](mailto:eperreault@scottsdaleaz.gov)

Mayor Ortega opened public comment.

Frederick Dettmann, Scottsdale resident, expressed concern about the abandonment.

Mayor Ortega closed public comment.



**11. Sereno Canyon Phase 4E Final Plat (1-PP-2022)**

**Request:** Approve the final plat to replat Sereno Canyon Plat Phase 4E to establish 10 resort units on ±21 acres of a 350-acre site, per Phase 4 of the Sereno Canyon Community Phasing Plan and Final Plat.

**Location:** Between E. Alameda Road and the E. Pinnacle Peak Road alignment (at the intersection of N. 124<sup>th</sup> Street and N. 125<sup>th</sup> Street, internal to the Sereno Canyon site)

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

**12. Audit Committee Recommendation for the Transportation Commission Sunset Review**

**Request:** Accept the Audit Committee's recommendation and authorize the continuation of the Transportation Commission.

**Staff Contact(s):** Sharron Walker, City Auditor, 480-312-7867, [swalker@scottsdaleaz.gov](mailto:swalker@scottsdaleaz.gov)

**13. Audit Committee Recommendation for the Transportation Commission's Paths and Trails Subcommittee Sunset Review**

**Request:** Accept the Audit Committee's recommendation and authorize the continuation of the Transportation Commission's Paths and Trails Subcommittee.

**Staff Contact(s):** Sharron Walker, City Auditor, 480-312-7867, [swalker@scottsdaleaz.gov](mailto:swalker@scottsdaleaz.gov)

**14. Driving Under the Influence Enforcement and Education Grant**

**Request:** Adopt **Resolution No. 12672** to authorize:

1. Acceptance of, if awarded, a grant from the State of Arizona, on behalf of the Oversight Council on Driving Under the Influence (DUI) Abatement, to receive \$100,000 in grant funds to support DUI enforcement and education.
2. The City Manager, or designee, to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with the acceptance of the grant.
3. A budget transfer, in the amount of \$100,000, 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.

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

**15. General Obligation Bond Issuance**

**Request:** Adopt **Ordinance No. 4579** authorizing the issuance and sale of not-to-exceed \$120,000,000 aggregate principal amount of General Obligation Bonds, Projects of 2019, Series 2023 in one or more series; providing for the annual levy of a tax for the payment of the bonds; providing certain terms, covenants and conditions concerning the sale of the bonds including, as applicable, the delegation to the City Treasurer the authority to prepare one or more Notices Inviting Bids and to award the sale of the bonds to the lowest responsible bidder or, if more than one series is sold with separate notices, bidders, or to enter into a Bond Purchase Contract or Bond Purchase Contracts with one or more underwriters and to determine whether a portion of the bonds are sold on a taxable basis; providing for the disposition of the proceeds of such bonds; approving the form and authorizing the execution of an agreement for the services of a Bond Registrar, Transfer Agent and Paying Agent; approving the form and authorizing the completion, execution, and delivery of certain documents; delegating the authority to approve and deem final a form of Official Statement; and ratifying all actions taken and to be taken with respect to the bonds in furtherance of this ordinance.

**Staff Contact(s):** Sonia Andrews, City Treasurer, 480-312-2364, [sandrews@scottsdaleaz.gov](mailto:sandrews@scottsdaleaz.gov)



**16. DCGS, LLC, Settlement Agreement**

**Request:** Adopt **Resolution No. 12692** to authorize:

1. Settlement Agreement No. 2022-211-COS with DCGS, LLC, in the amount of \$116,083.79, to settle claimant's claims against the City and its employees.
2. The City Manager, City Treasurer, City Attorney, and their respective staff, to execute such documents and take such other actions as necessary to carry out the purpose of this Resolution.

**Staff Contact(s):** George Woods, Risk Management Director, 480-312-7040, [gwoods@scottsdaleaz.gov](mailto:gwoods@scottsdaleaz.gov)

**16A. Fiscal Year (FY) 2022/23 Capital Improvement Plan (CIP) Budget Adjustments**

**Request:** Adopt **Resolution No. 12644** to authorize:

1. That a minimum of \$21,507,791.47 of the proceeds of the sale of the property (and any interest earned by the City thereon) be restricted to use for City capital/bond eligible projects with no private use therein ("Restricted Proceeds").
2. The Restricted Proceeds, as presented and discussed at the November 21, 2022 City Council Work Study Session, be allocated as follows to create, replace and/or supplement the portion of the General Fund component of the following capital projects:
  - a. \$7,407,791.47 to McCormick-Stillman Bunkhouse (PJ02)
  - b. \$1,100,000 to Chaparral Pool Renovation (new)
  - c. \$8,000,000 to 2019 Bond Project No. 27 – Modernize and Expand Police & Fire Training Facility (BH02)
  - d. \$5,000,000 to 2019 Bond Project No. 38 – Build a new Fire Department Training Facility (BH01)
3. A FY 2022/23 General Fund Capital Contingency Budget Appropriation transfer of up to \$119,883 to the McCormick-Stillman Bunkhouse (PJ02) CIP project to be funded by the 94<sup>th</sup> Street and Bell Road land proceeds.
4. A FY 2022/23 General Fund Capital Contingency Budget Appropriation transfer of up to \$2,240,447 to the Bond 2019 Project No. 27 – Modernize and Expand Police & Fire Training Facility (BH02) CIP project to be funded by the 94<sup>th</sup> Street and Bell Road land proceeds.
5. A FY 2022/23 General Fund Capital Contingency Budget Appropriation transfer of up to \$1,100,000 to a newly created CIP project titled "*Chaparral Pool Renovation*" to be funded by the 94<sup>th</sup> Street and Bell Road land proceeds.
6. The City Manager and City Treasurer, or designees, to take such actions and execute such documents as necessary to carry out the intent of this Resolution.

**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [daworth@scottsdaleaz.gov](mailto:daworth@scottsdaleaz.gov) and Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)

**MOTION AND VOTE – CONSENT AGENDA**

Vice Mayor Durham made a motion to approve Consent Agenda Items 1 through 16A. Councilwoman Caputi 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

### 17. Fiscal Year (FY) 2021/22 Annual Financial Audit

**Request:** Accept the FY 2021/22 annual financial audit reports submitted by the City's external auditors, Heinfeld, Meech & Co., P.C., and accept the staff report of compliance with Arizona Revised Statutes §41-1494.

**Presenter(s):** Sharron Walker, City Auditor and Brittney Williams, Heinfeld, Meech & Co., P.C.

**Staff Contact(s):** Sharron Walker, City Auditor, 480-312-7867, [swalker@scottsdaleaz.gov](mailto:swalker@scottsdaleaz.gov)

City Auditor Sharron Walker and Audit Partner Brittney Williams, with Heinfeld, Meech & Co., gave a PowerPoint presentation (attached) on the Fiscal Year 2021/22 Annual Financial Audit.

### MOTION AND VOTE – ITEM 17

Councilwoman Littlefield made a motion to accept the Fiscal Year 2021/22 annual financial audit reports submitted by the City's external auditors, Heinfeld, Meech & Co., P.C., and accept the staff report of compliance with Arizona Revised Statutes §41-1494. 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.

### 18. Adoption of Residential, Energy, and Green Construction Code Updates

#### Requests:

1. Adopt **Ordinance No. 4575** adopting the 2021 editions of International Residential Code and the International Energy Conservation Code, and the 2022 City of Scottsdale amendments to the International Codes, repealing and replacing Articles II and VII of Chapter 31, Building Regulations of the Scottsdale Revised Code with new Articles II and VII of Chapter 31 and establishing an effective date.
2. Adopt **Resolution No. 12499** declaring the documents entitled "*International Residential Code for One and Two-Family Dwellings, 2021 Edition*", including appendices AA, AB, AC, AH, AJ, AK, AR, AS, AT, and AU, as published by the International Code Council, Inc., and as amended by the "*2022 City of Scottsdale Amendments to the International Residential Code, 2021 Edition*" to be public records.
3. Adopt **Resolution No. 12503** declaring the documents entitled "*International Energy Conservation Code, 2021 Edition*", including appendices CB and RB, as published by the International Code Council, Inc., and as amended by the "*2022 City of Scottsdale Amendments to the International Energy Conservation Code, 2021 Edition*" to be public records.
4. Adopt **Ordinance No. 4576** adopting the 2021 International Green Construction Code as mandatory; adopting the 2022 City of Scottsdale amendments to the International Code; amending the Scottsdale Revised Code, repealing and replacing Chapter 31, Building and Building Regulations, Article X with a new Article X; and establishing an effective date.
5. Adopt **Resolution No. 12505** declaring the documents entitled "*The International Green Construction Code, 2021 Edition*", as published by the International Code Council, Inc., and as amended by the "*2022 City of Scottsdale Amendments to the International Green Construction 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)

Chief Development Officer Michael Clack gave a PowerPoint presentation (attached) on the Residential, Energy, and Green Construction Code updates.



Mayor Ortega opened public comment.

- Natalie Chrisman Lazaar, spoke in support of the Scottsdale Environmental Advisory Commission recommendations, which included making the International Green Construction Code mandatory.
- Julian Anderson, spoke in support of the Building Advisory Board of Appeals recommendations, which included opposition to the mandatory adoption of the International Green Construction Code.
- Raejean Fellows spoke in support of installing electric vehicle charging stations in multi-family residential and making the International Green Construction Code mandatory.
- John Martinson spoke in support of installing charging infrastructure in multi-family residential and making the International Green Construction Code mandatory.
- Linnea Brudenell spoke in support of making the International Green Construction Code mandatory.
- Gerald Leenerts expressed support of making the International Green Construction Code mandatory.
- Suzanne Brown expressed support for electric vehicle charging infrastructure.
- Barney Gonzales spoke in opposition to mandatory electric vehicle charging infrastructure.
- Caryn Potter spoke in support of the code changes and electric vehicle charging infrastructure.

Mayor Ortega closed public comment.

#### **MOTION NO. 1 – ITEM 18**

Councilwoman Janik made a motion to adopt Ordinance No. 4575, Resolution Nos. 12499 and 12503, which adopts the 2021 International Residential Code (IRC) and the 2021 International Energy Conservation Code (IECC), including all amendments in attachments 2 and 3 with an effective date of January 7, 2023 and adding Option A [Add Electric Vehicle capable charging infrastructure requirement for new single-family homes (attachment 4)]. Mayor Ortega seconded the motion.

#### **ALTERNATE MOTION NO. 1 – ITEM 18**

Councilwoman Caputi made an alternate motion to adopt Ordinance No. 4575, Resolution Nos. 12499 and 12503, which adopts the 2021 International Residential Code (IRC) and the 2021 International Energy Conservation Code (IECC), including all amendments in attachments 2 and 3 with an effective date of January 7, 2023 and adding Option B [Retain minimum ceiling insulation value of R-38 instead of R-49 for new single-family homes (attachment 5)]. Councilmember Milhaven seconded the motion.

#### **ALTERNATE MOTION NO. 2 AND VOTE – ITEM 18**

Vice Mayor Durham made a second alternate motion to adopt Ordinance No. 4575, Resolution Nos. 12499 and 12503, which adopts the 2021 International Residential Code (IRC) and the 2021 International Energy Conservation Code (IECC), including all amendments in attachments 2 and 3 with an effective date of January 7, 2023 and adding Option A [Add Electric Vehicle capable charging infrastructure requirement for new single-family homes (attachment 4)] and Option B [Retain minimum ceiling insulation value of R-38 instead of R-49 for new single-family homes (attachment 5)]; and requesting staff to report back to the City Council in six months about the



success of increasing enforcement to ensure use of R-38. Councilmember Milhaven seconded the motion, which failed 3/4 with Vice Mayor Durham and Councilmembers Janik and Milhaven voting in the affirmative and Mayor Ortega and Councilmembers Caputi, Littlefield, and Whitehead dissenting.

**VOTE ON ALTERNATE MOTION NO. 1 – ITEM 18**

The Council next voted on Councilwoman Caputi's alternate motion to adopt Ordinance No. 4575, Resolution Nos. 12499 and 12503, which adopts the 2021 International Residential Code (IRC) and the 2021 International Energy Conservation Code (IECC), including all amendments in attachments 2 and 3 with an effective date of January 7, 2023 with Option B [Retain minimum ceiling insulation value of R-38 instead of R-49 for new single-family homes (attachment 5)], which failed 2/5 with Councilmembers Caputi and Milhaven voting in the affirmative and Mayor Ortega; Vice Mayor Durham; and Councilmembers Janik, Littlefield, and Whitehead dissenting.

**VOTE ON MOTION NO. 1 – ITEM 18**

The Council then voted on Councilwoman Janik's original motion to adopt Ordinance No. 4575, Resolution Nos. 12499 and 12503, which adopts the 2021 International Residential Code (IRC) and the 2021 International Energy Conservation Code (IECC), including all amendments in attachments 2 and 3 with an effective date of January 7, 2023 with Option A [Add Electric Vehicle capable charging infrastructure requirement for new single-family homes (attachment 4)], which carried 5/2, with Mayor Ortega and Councilmembers Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative and Vice Mayor Durham and Councilwoman Caputi dissenting.

**MOTION NO. 2 – ITEM 18**

Councilwoman Janik made a motion to adopt Ordinance No. 4576 and Resolution No. 12505, which adopts the 2021 International Green Construction Code (IgCC), including all amendments in attachment 7 as a mandatory code for all new commercial building projects with an effective date of the later of July 1, 2023, or the date the City zoning ordinance is amended in response to Ordinance No. 4576. Vice Mayor Durham seconded the motion.

**ALTERNATE MOTION NO. 3 – ITEM 18**

Councilwoman Caputi made an alternate motion to adopt Ordinance No. 4576 and Resolution No. 12505 with amendments to make the 2021 International Green Construction Code (IgCC) and city amendments to the IgCC mandatory for zoning and planning bonuses and voluntary for all other commercial projects with a January 7, 2023 effective date. The motion died for lack of a second.

**VOTE ON MOTION NO. 2 – ITEM 18**

The Council then voted on Councilwoman Janik's original motion to adopt Ordinance No. 4576 and Resolution No. 12505, which adopts the 2021 International Green Construction Code (IgCC) including all amendments in attachment 7 as a mandatory code for all new commercial building projects with an effective date of the later of July 1, 2023, or the date the City zoning ordinance is amended in response to Ordinance No. 4576, which carried 6/1, with Mayor Ortega; Vice Mayor Durham; and Councilmembers Janik, Littlefield, Milhaven, and Whitehead voting in the affirmative and Councilwoman Caputi dissenting.

**PUBLIC COMMENT – None**



## CITIZEN PETITIONS

### 23. 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 David D. Ortega adjourned the Regular portion of the City Council Meeting at 8:14 P.M.

Mayor David D. Ortega called the City Council Work Study Session to order at 8:15 P.M. and noted the Mayor, City Council, Charter Officers were all present.

## CITY COUNCIL WORK STUDY SESSION

**PUBLIC COMMENT** – None

### 1. Fiscal Year End 2022 Financial Report

**Request:** Receive, discuss, and provide possible direction on the Fiscal Year End 2022 Financial Report.

**Presenter(s):** Sonia Andrews, City Treasurer

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

### MOTION AND VOTE – ITEM 1

Councilwoman Janik made a motion to continue Work Study Item 1 [Fiscal Year End 2022 Financial Report] to the January 10, 2023 City Council Meeting. 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.

### MOTION AND VOTE – ADJOURNMENT

Councilwoman Janik made a motion to adjourn the Work Study Session. 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.

### ADJOURNMENT

Mayor David D. Ortega adjourned the Work Study Session at 8:16 P.M.

### SUBMITTED BY:



**Ben Lane, City Clerk**

Officially approved by the City Council on January 24, 2023

## 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 6<sup>th</sup> day of December 2022.

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

**DATED** this 24<sup>th</sup> day of January 2023.



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**Ben Lane, City Clerk**



A promotional poster for the Scottsdazzle event. The background is a deep red with a subtle wood-grain texture. On the right side, there is a circular wreath made of green leaves, white and yellow flowers, and a red poinsettia. In the center of the wreath is a red gift box with a black ribbon and a white tag with a large letter 'S'.

*Scottsdazzle*

NOV 26 - DEC 31

f @ oldtownscottsdale | #SCOTTSDAZZLE

SCOTTSDAZZLE.COM

1

A promotional poster for a Santa Claus event. The left side features a close-up photograph of a smiling Santa Claus with a white beard and glasses, wearing a red suit with a white fur trim. The right side has a dark background with white text.

FREE

MEET *Santa* AT THE  
*Farmers Market*

SAT; DEC 3, 10, 17 · 9 AM

SCOTTSDAZZLE.COM

2



PRANCER'S  
*Puzzle Rides*

NOV 26 — DEC 31 · *Various Times*

SCOTTSDAZZLE.COM

3



MERRY  
*Make & Takes*

SAT; DEC 3, 10, 18 · *Various Times*

SCOTTSDAZZLE.COM

4





FREE

SCOTTSDAZZLE

*Stroll*

SAT; DEC 3, 10, 17 • 6:00 PM

SCOTTSDAZZLE.COM

5



MCCORMICK-STILLMAN  
RAILROAD PARK

*Holiday Lights*

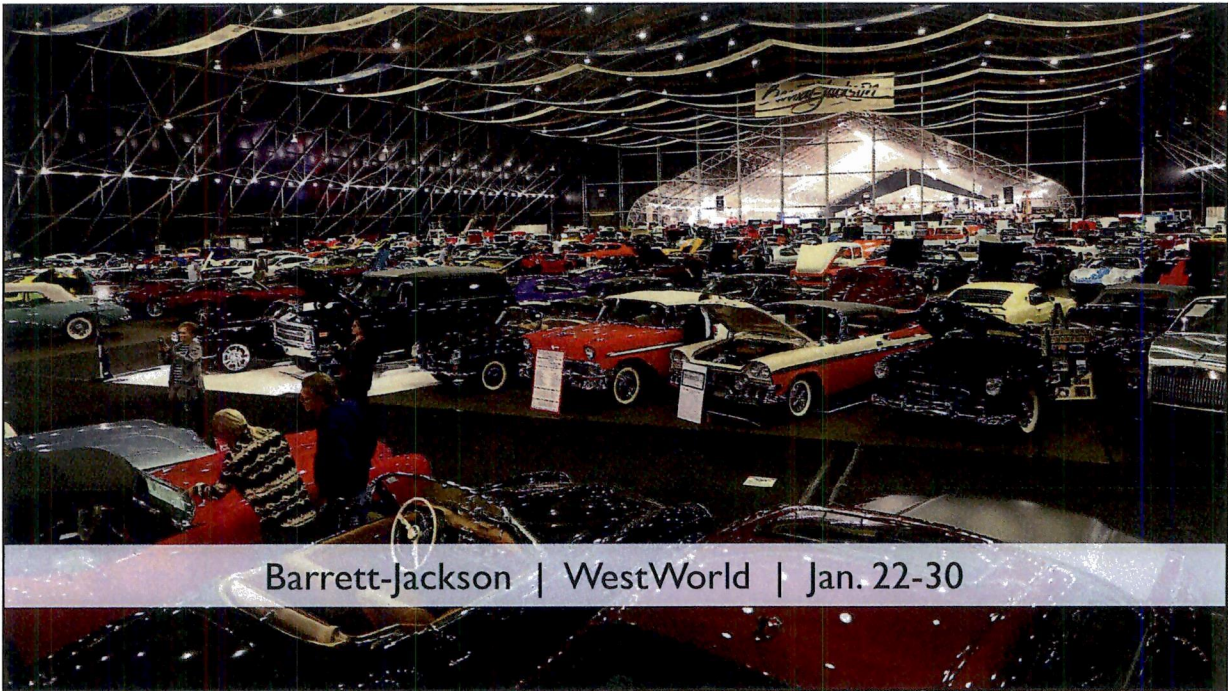
Through DEC 30 • 6:00 PM

SCOTTSDAZZLE.COM

6



7



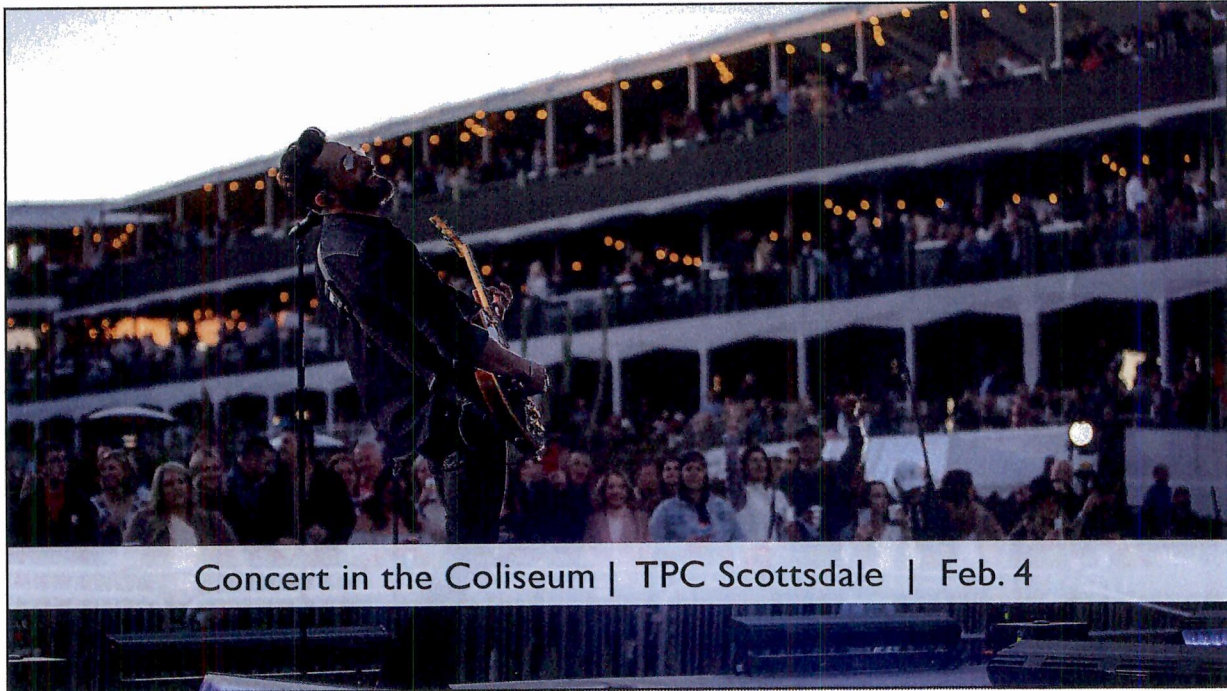
8





Western Week | Old Town Scottsdale | Jan. 29-Feb. 5

9



Concert in the Coliseum | TPC Scottsdale | Feb. 4

10





WM Phoenix Open | TPC Scottsdale | Feb. 6-12

11



Super Bowl LVII | Feb. 6-12

12



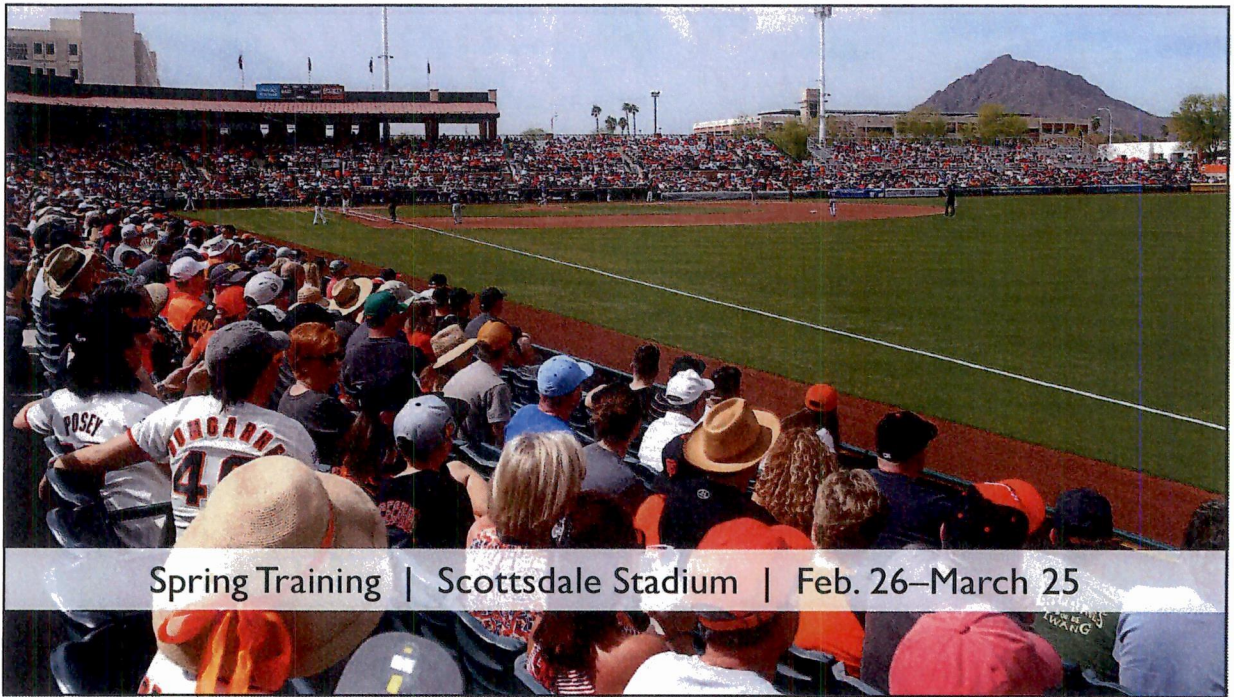


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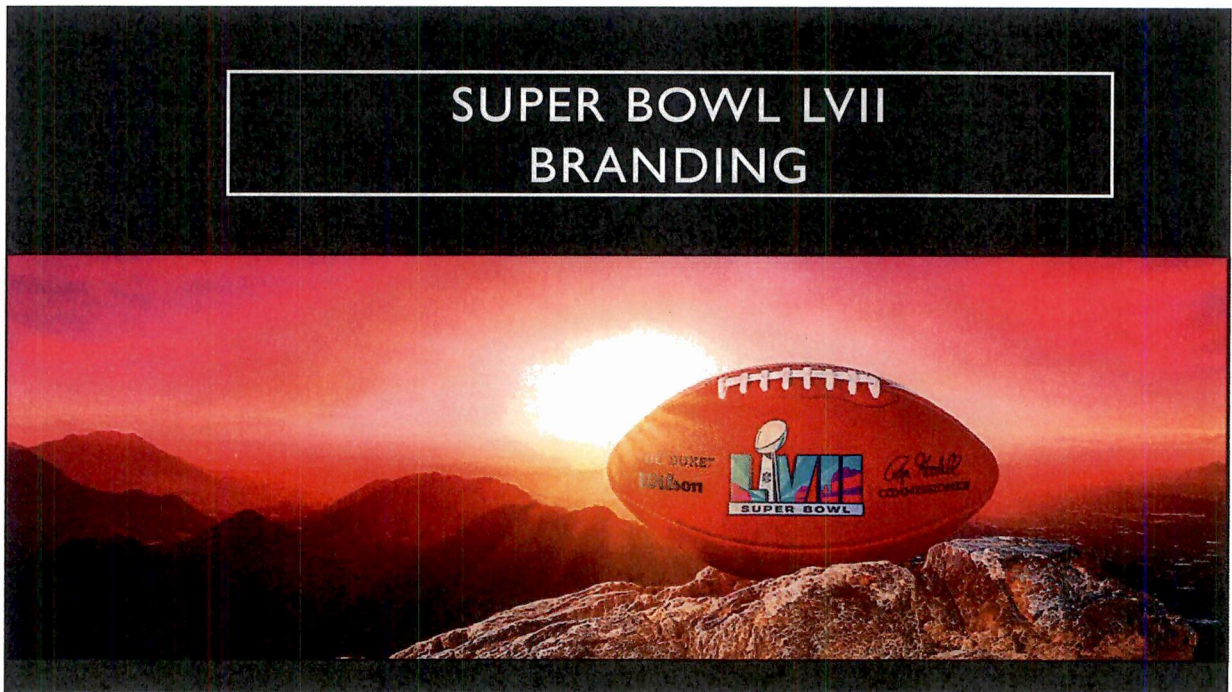
14





Spring Training | Scottsdale Stadium | Feb. 26–March 25

15



SUPER BOWL LVII  
BRANDING

16



# Item 17

## FY 2021/22 Annual Financial Audit City Council Meeting – December 6, 2022

Sharron E. Walker, CPA, CFE, City Auditor  
Brittney Williams, CPA, Heinfeld, Meech & Co., P.C.

1

### Background

- Charter requires City Council to designate CPAs to perform an independent audit of City's annual financial statements
- Council assigned financial audit contract responsibility to City Auditor
- Audit Committee received FY 2021/22 financial audit reports at its November 14 meeting



### ANNUAL COMPREHENSIVE FINANCIAL REPORT

City of Scottsdale, Arizona  
For the Fiscal Year Ended June 30, 2022



2

## Summary of Financial Audit Reports



Tucson • Scottsdale • Flagstaff  
heinfieldmeech.com

### Independent Auditor's Report

**Annual Comprehensive Financial Report**  
Unmodified opinion – financial statements are fairly presented in all material respects

### Component Units' Financial Reports

- Community Facilities Districts (5 CFDs)
  - Municipal Property Corporation (MPC)
  - Scottsdale Preserve Authority (SPA)
- Unmodified opinions on each

Honorable Mayor and Members of the City Council  
City of Scottsdale, Arizona

#### Report on Audit of Financial Statements

##### Opinion

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, the budgetary comparison information for the General Fund, and the aggregate remaining fund information of the City of Scottsdale, Arizona (City), as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, the budgetary comparison information for the General Fund, and the aggregate remaining fund information of the City of Scottsdale, Arizona, as of June 30, 2022, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

##### Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of City of Scottsdale, Arizona, and to meet other ethical responsibilities in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

##### Change in Accounting Principle

As described in Note 1, the District implemented the provisions of the Governmental Accounting Standards Board (GASB) Statement No. 91, *Conduit Debt Obligations*, Statement No. 92, *Onsibus 2020*, Statement No. 97, *Certain Component Unit Criteria and Accounting and Financial Reporting for Internal Revenue Code*, and Statement No. 98, *The Annual Comprehensive Financial Report* for the year ended June 30, 2022, which represents a change in accounting principle. Our opinion is not modified with respect to this matter.

##### Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

City of Scottsdale, Arizona

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## Related Communications



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October 26, 2022

To the Honorable Mayor and Members of the City Council  
City of Scottsdale, Arizona

Communication to Governance – for City and each Component Unit

Addresses key points such as:

- Accounting practices, significant estimates - **no issues**
- Audit adjustments or disagreements with management - **no issues**
- Other similar matters **no issues**

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information City of Scottsdale, Arizona (City) for the year ended June 30, 2022. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, *Government Auditing Standards*, and the Uniform Guidance, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our engagement letter provided to you during the planning phase of the audit. Professional standards also require that we communicate to you the following matters related to our audit.

##### Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by City of Scottsdale, Arizona are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the year. We noted no transactions entered into by the City during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

As described in Note 1 of the financial statements, the District implemented the provisions of the Governmental Accounting Standards Board (GASB) Statement No. 91, *Conduit Debt Obligations*, Statement No. 92, *Onsibus 2020*, Statement No. 97, *Certain Component Unit Criteria and Accounting and Financial Reporting for Internal Revenue Code*, and Statement No. 98, *The Annual Comprehensive Financial Report*.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected.

The most sensitive estimates affecting the financial statements were:

- Management's estimate of the useful lives of depreciable capital assets is based on the length of time management estimates those assets will provide some economic benefit in the future.
- Management's estimate of the allowance for uncollectible receivable balances is based on past experience and future expectation for collection of various account balances.
- Management's estimate of the insurance claims incurred but not reported is based on information provided by the entity's third party administrators and subsequent claims activity.
- The assumptions used in the actuarial valuations of the pension and other post-employment benefits are based on historical trends and industry standards.

The financial statement disclosures are neutral, consistent, and clear.

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## Federal funding/compliance reports

### Single Audit Report

- Report on Internal Control and Compliance based on the Financial Statement audit – one significant deficiency noted
- Schedule of Findings –  
Established policies and procedures for timely review and approval of procurement card transactions were not always followed.  
Management Response – will enhance documentation processing and enforcement of administrative regulations.



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#### Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards

##### Independent Auditor's Report

Honorable Mayor and Members of the City Council  
City of Scottsdale, Arizona

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Scottsdale, Arizona, as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise City of Scottsdale, Arizona's basic financial statements, and have issued our report thereon dated October 26, 2022. Our report included an emphasis of matter paragraph as to comparability because of the implementation of Governmental Accounting Standards Board Statements No. 91, *Conduit Debt Obligations*, No. 92, *Onsibus 2020*, No. 97, *Certain Component Unit Criteria and Accounting and Financial Reporting for Internal Revenue Code*, and No. 98, *The Annual Comprehensive Financial Report*.

##### Report on Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered City of Scottsdale, Arizona's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of City of Scottsdale, Arizona's internal control. Accordingly, we do not express an opinion on the effectiveness of City of Scottsdale, Arizona's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. We did identify a certain deficiency in internal control, described in the accompanying schedule of findings and questioned costs as item FS-2022-061 that we consider to be a significant deficiency.

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## Federal funding/compliance reports (cont'd)

### Single Audit Report (cont'd):

- Report on Compliance, Internal Control and Expenditures of Federal Awards – no issues noted
- Schedule of Expenditures of Federal Awards
  - Unmodified opinion
  - FY 2021/22 totaled \$42,501,559
- Schedule of Prior Audit Findings –
  - Internal control over financial reporting of a joint venture equity balance – fully corrected.



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#### Report on Compliance for Each Major Federal Program: Report on Internal Control Over Compliance, and Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

##### Independent Auditor's Report

Honorable Mayor and Members of the City Council  
City of Scottsdale, Arizona

##### Report on Compliance for Each Major Federal Program

###### Opinion on Each Major Federal Program

We have audited City of Scottsdale, Arizona's compliance with the types of compliance requirements identified as subject to audit in the *OMB Compliance Supplement* that could have a direct and material effect on each of City of Scottsdale, Arizona's major federal programs for the year ended June 30, 2022. City of Scottsdale, Arizona's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

In our opinion, City of Scottsdale, Arizona complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2022.

##### Basis for Opinion on Each Major Federal Program

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America (GAAS); the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States (*Government Auditing Standards*); and the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). Our responsibilities under those standards and the Uniform Guidance are further described in the Auditor's Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of City of Scottsdale, Arizona and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our work. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance for each major federal program. Our audit does not provide a legal determination of City of Scottsdale, Arizona's compliance with the compliance requirements referred to above.

##### Responsibilities of Management for Compliance

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules and provisions of contracts or grant agreements applicable to City of Scottsdale, Arizona's federal programs.

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## Other funding/compliance reports



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### State funding/compliance report

- Highway User Revenue Fund (HURF) uses - City complied with state requirements

### Other reports to be completed in January or February 2023

- HUD-required financial schedule - federal
- Annual Expenditure Limitation Report - state

#### INDEPENDENT ACCOUNTANT'S REPORT

Honorable Mayor and Members of the City Council  
City of Scottsdale, Arizona

We have examined the City of Scottsdale, Arizona's (City) compliance as to whether highway user revenue fund monies received by the City pursuant to Arizona Revised Statutes Title 28, Chapter 18, Article 2, and any other dedicated state transportation revenues received by the City, were used solely for authorized transportation purposes during the fiscal year ended June 30, 2022. Management is responsible for the City's compliance with those specified requirements. Our responsibility is to express an opinion on the City's compliance with the specified requirements based on our examination.

Our examination was conducted in accordance with attestation standards established by the AICPA. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the City complied, in all material respects, with the specified requirements referenced above. An examination involves performing procedures to obtain evidence about whether the City complied with the specified requirements. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risks of material noncompliance, whether due to fraud or error. We believe the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

We are required to be independent and to meet our other ethical responsibilities in accordance with relevant ethical requirements relating to the engagement.

Our examination does not provide a legal determination on the City's compliance with specified requirements.

In our opinion, the City of Scottsdale, Arizona complied, in all material respects, with the aforementioned requirements for the fiscal year ended June 30, 2022.

*Heinfield Meech & Co. PC*

Heinfield, Meech & Co., P.C.  
Scottsdale, Arizona  
October 26, 2022

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## Additional compliance requirements established in 2021

Amended ARS §9-481. Audits of cities and towns; posting; budget; accepting audit results

- New subsection H: "Within ninety days after completing [the annual financial audit, the CPA who performed the audit shall] present the audit results and any findings to the governing body in a regular meeting without the use of a consent agenda, and the governing body shall demonstrate compliance with section 41-1494."

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## **Requested Action**

As recommended by the City Council's Audit Committee:

1. Accept the FY 2021/22 financial audit reports submitted by the City's external auditors, Heinfeld, Meech & Co. P.C.
2. Accept the staff report of the City's compliance with ARS §41-1494

# Item 18

## **2021 Residential, Energy & Green Construction Codes Updates**

### **Scottsdale City Council Meeting**

December 6, 2022

1

### **Background: Building Codes**

Developed by US-based International Code Council (ICC)

Supported by:

- American Institute of Architects (AIA)
- National Association of Home Builders (NAHB)
- Building Owners and Managers Association (BOMA)
- Professional Trade Associations
- Building product and material manufacturers

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## Community Impacts and Benefits

- Clarify code provisions while enhancing life-safety
- Improve community value and quality of life
- Protect natural resources
- Accounts for new technologies

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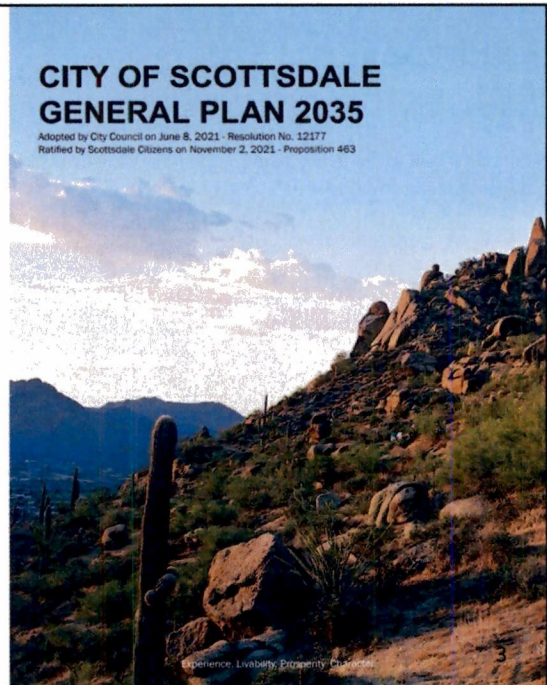
## 2021 Code Updates

### Consistent with General Plan

- Safety Element
- Housing Element
- Water Resources Element
- Energy Element
- Environmental Element

## CITY OF SCOTTSDALE GENERAL PLAN 2035

Adopted by City Council on June 8, 2021 - Resolution No. 12177  
Ratified by Scottsdale Citizens on November 2, 2021 - Proposition 463



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## 2021 Residential, Energy & Green Construction Codes Updates

### Aug 23, 2022: City Council Work Study Session Consensus

- Advance building & fire code amendments in September
- Conduct additional public outreach
- Advance IgCC for council consideration as **mandatory** before year-end

### Sept 20, 2022: City Council Adopted 8 Building & Fire Codes

### Sept 27, 2022: Community Open House (IRC, IECC, IgCC)

- More than 80 attendees (in person & virtual)
- Received majority comments in support

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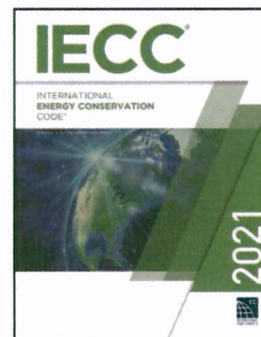
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## 2021 International Energy Conservation Code (IECC)

### Single Family, Multifamily and Commercial Buildings

#### Energy Components

- Thermal envelope
- Heating and cooling systems
- Service water heating
- Electrical power and lighting systems
- Solar-ready zones



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## IRC /IECC Amendment: Electric Vehicle Charging Capacity

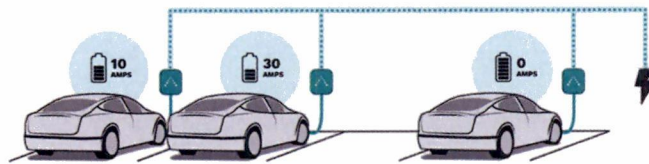
### New single-family homes

- EV-capable
- Install raceway for future wiring
- Reserve electrical service panel space



### New multi-family and hotels

- 20% EV-capable
- 4% installed



Source: EverCharge SmartPower

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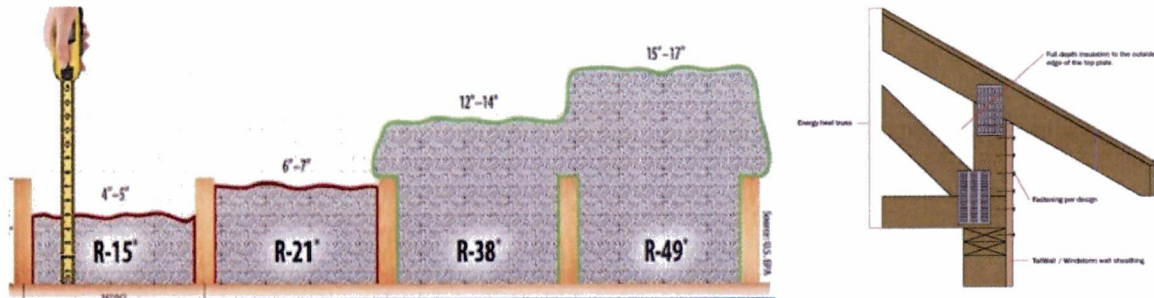
## Option A: Add EV-Capable Charging (IRC/IECC)

Benefits	Disadvantages
<ul style="list-style-type: none"> <li>• Residents can easily install EV charging stations</li> <li>• Supports a net zero emissions goal</li> </ul>	<ul style="list-style-type: none"> <li>• Technology may change and electrical circuit breaker size may not be used</li> <li>• Added minimal expense</li> </ul>

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## IRC/IECC Amendment: Ceiling Insulation R-38 (2015) vs R-49 (2021)



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### Option B: Retain R-38 vs R-49

R-38 Benefits	R-49 Benefits
<ul style="list-style-type: none"> <li>Continue annual energy cost savings</li> <li>R-38 will not increase upfront building cost that could result from higher exterior walls and roof heights (May conflict with zoning height restrictions)</li> <li>R-38 avoids additional complexity and construction constraints</li> </ul>	<ul style="list-style-type: none"> <li>R-49 will result in net savings over the life of home (30 years)</li> <li>Improved occupant comfort</li> </ul>

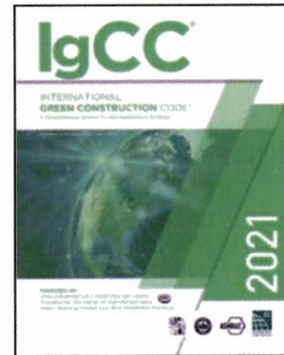
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## Major 2021 IgCC Provisions

- **Site** (existing in Planning & Stormwater SRC)
- **Water** (existing in IPC/SRC)
- **Energy** (existing in IECC/SRC)
- **Indoor Environmental Quality**
  - Low VOC interiors
  - Acoustics and Daylighting (IBC, IECC)
- **Material Resources**
  - Recycling infrastructure (IBC)
  - Reduced impact materials



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## IgCC Significant Changes

- Low VOC interior materials and finishes
- Heat island mitigation
- EV ready charging infrastructure
- Construction waste management
- Low impact building materials
- Water efficiency (indoor/outdoor)
- On-site PV solar



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## Mandatory IgCC for Commercial Buildings

Benefits if Mandatory	Impacts if Mandatory
<ul style="list-style-type: none"> <li>• Reduces energy, water use and waste over life of building</li> <li>• Improved indoor air quality</li> <li>• Consistency and certainty</li> <li>• Demonstrated continued regional and national leadership in green buildings</li> </ul>	<ul style="list-style-type: none"> <li>• Increased construction costs</li> <li>• Increased review and enforcement expenses to city</li> <li>• New requirements may be considered burdensome due to unfamiliarity to IgCC requirements</li> <li>• Some requirements may be difficult to achieve immediately</li> </ul>

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## Community Input

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Home Builders Association of Central AZ</li> <li>• Southwest Energy Efficiency Project</li> <li>• American Institute of Architects</li> <li>• Nelsen Partners Architects &amp; Planners</li> <li>• Scottsdale Area Association of Realtors</li> <li>• AZ PIRG (Public Interest Research Group)</li> <li>• AZ Multihousing Association</li> <li>• American Lung Association</li> </ul> | <ul style="list-style-type: none"> <li>• Experience Scottsdale</li> <li>• Environment Arizona</li> <li>• Southwest Gas</li> <li>• Vote Solar</li> <li>• Energy Raters</li> <li>• BABA</li> <li>• SEAC</li> </ul> |
|--|--|

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## **Building Advisory Board of Appeals (BABA) Recommendations**

Adoption of IRC/IECC with all amendments:

- Oppose EV capable charging for single-family homes
- Support EV charging infrastructure for multi-family and hotels
- R-38 ceiling insulation for single-family homes

Adoption of IgCC with all amendments:

- Mandatory for zoning & planning bonuses
- Voluntary for all other commercial projects

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## **Scottsdale Environmental Advisory Commission (SEAC) Recommendations**

Adoption of IRC/IECC with all amendments:

- EV charging capabilities (new single-family, multi-family & hotels)
- R-49 ceiling insulation for new single-family homes

Adoption of IgCC as a mandatory code for new commercial and multi-family buildings

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## **Residential, Energy & Green Construction Codes Updates**

Questions?

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### **Action 1: IRC & IECC**

“Adopt Ordinance No. 4575, Resolution Nos. 12499, 12503, adopting the 2021 International Residential Code (IRC) and 2021 International Energy Conservation Code (IECC) including all amendments in attachment 2 and 3 with an effective date of January 7, 2023.”

#### **Potential Additions:**

Option A: Add EV capable charging infrastructure requirement for new single-family homes (attachment 4) and/or

Option B: Retain minimum ceiling insulation value of R-38 instead of R-49 for new single-family homes (attachment 5)

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## **Action 2: IgCC as Mandatory**

“Adopt Ordinance No. 4576 and Resolution No. 12505, adopting the 2021 International Green Construction Code (IgCC) including all amendments in attachment 7 as a mandatory code for all new commercial building projects with an effective date of the later of July 1, 2023, or the date the City zoning ordinance is amended in response to Ordinance No. 4576.”

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## **Alternate Action 2: IgCC as Voluntary**

“Adopt Ordinance No. 4576 and Resolution No. 12505 with amendments to make the 2021 International Green Construction Code (IgCC) and City amendments to the IgCC voluntary, with a January 7, 2023 effective date.”

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