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CALL TO ORDER

[Time: 00:00:00]

Mayor Ortega: Good evening everyone I call the October 25, 2022 City Council regular meeting to order. City Clerk Ben Lane would you please conduct the role call.

CALL TO ORDER

[Time: 00:00:13]

Clerk Ben Lane: Thank you Mayor. Mayor David Ortega.

Mayor Ortega: Present.

Clerk Ben Lane: Vice Mayor Tom Durham.

Vice Mayor Durham: Present.

Clerk Ben Lane: Councilmembers Tammy Caputi.

Councilmember Caputi: Here.

Clerk Ben Lane: Betty Janik

Councilmember Janik: Here.

Clerk Ben Lane: Kathy Littlefield.

Councilmember Littlefield: Here.

Clerk Ben Lane: Linda Milhaven.

Councilmember Milhaven: Here.

Clerk Ben Lane: Solange Whitehead.

Councilmember Whitehead: Here.

Clerk Ben Lane: City Manager Jim Thompson.

Jim Thompson: Here.

Clerk Ben Lane: City Attorney Sherry Scott.

Sherry Scott: Here.

Clerk Ben Lane: City Treasurer Sonia Andrews.

Sonia Andrews: Here.

Clerk Ben Lane: City Auditor Sharron Walker.

Sharron Walker: Here.

Clerk Ben Lane: And the Clerk is present.

[Time: 00:00:35]

Mayor Ortega: Excellent. We do have a full house, or nearly a full house. I want to point out we have Scottsdale Police Sergeants Sean Ryan and Brian Hiner as well as Randy Cuntas as the firefighter should anyone need assistance. The restrooms are down the hall to the left.

At this point we will begin with the Pledge of Allegiance. I call on Councilwoman Whitehead.

Councilwoman Whitehead: I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands: One nation under God, indivisible, with liberty and justice for all.

Mayor Ortega: Well at this point I would like to lead off part of the contingent and City Hall today. Our code enforcement officers. So I do have a proclamation and then I will ask them to join me down at the main screen there. As you know code enforcement is something that crosses our e-mails every day. And certainly we are high maintenance city and that requires an excellent staff to do the best job possible.

So accordingly I would read this proclamation. Whereas the American Association of code enforcement was established in 1988 for the purpose of providing ongoing support for code enforcement professionals in the United States. And whereas code enforcement officers provide for safety, and welfare of all stakeholders by enforcing local codes and ordinances facing various issues of building, zoning, housing, animal control, environmental, health, and life safety. And whereas code enforcement officers often have a challenging and demanding role. And should be recognized for the job they do in improving living and working conditions, for residents and businesses in Scottsdale. And whereas code enforcement officers are called to provide quality customer service and excellence because they care about the communities in which they live and serve. Therefore I David Ortega do announce today as national code compliance month and I encourage all Scottsdale residents to recognize and appreciate the hard work and dedication of Scottsdale code enforcement officers notarized today.

Please come forward. We have with us the manager Alyssa Yanis, and supervisors David Peno as well as Rick Valenzuela as well.

[Applause]

Mayor Ortega: I thought of them first because they have a job to do [Laughter] and will continue to monitor each part of our city. You know at this time I want to mention our deep concern for Ukraine, the people of Ukraine and their fight for freedom and democracy so I ask us to pause in silence. Thank you very much

[Time: 00:05:40]

Earlier in the crowd I saw our Scottsdale police chief and I want to mention that the desert dogs canine competition and trials was held at Westworld and it was a tremendous group of skilled companions and certainly Scottsdale relies on our six canine assistants as well as the officers themselves. And they all complement also the mounted horse patrol that we have. The other final mentioned so thank you very much Chief, we hosted that regional and it was a large national group of over 40 jurisdictions.

Also I want to mention that we are approaching Día de Los Muertos, which is a celebration honoring that we always keep in mind the spirits of those that have gone before us. And there's a major presentation in front of the Mission Church here on Brown and everyone is welcome and should be a beautiful evening and I would like you to consider that. It's got all of the music, entertainment, sights and sounds that I think we will all enjoy.

Next we will move on to the city manager's report and I call on our city manager, Jim Thompson. go ahead.

City Manager Thompson: Thank you Mayor, members of Council, this evening Bianca Lochner our chief information officer will do a short presentation for you all. Thank you.

Bianca Lochner: Thank you mayor, esteemed counsel members, city manager, colleagues and guest I'm grateful for the opportunity to speak to you on the enterprise system modernization efforts in Scottsdale. So first I want to start with the IT missions and as you can see our IT mission is aligned with

the city mission to provide simply better service for world class community. And the city's General 2035 Plan serves as a foundation for our IT strategic plan and the outlined here are the actionable solutions we are planning for to support your priorities and your goals. And to bring the city to success with the technology we deliver.

So as I mention here to brief you on several modernization system efforts. Did you know that seventy five percent of our enterprise systems are more than ten years old? And fifty percent of those are rebuilt or implemented in the early 2000's. Or even earlier than that. So technology changes rapidly and we need to keep up with it and learning as fast as we can. And a lot of the city was able to maintain those solutions and to optimize some of the cost for their operations and it is time for us to adopt new digital solutions to gain new capabilities in terms of increase efficiencies and also the enhanced customer service and engagement for our residents and other stakeholders as they interact with the city.

[Time: 00:09:12]

In the next slides I will go over how the work of the IT community impacts seven of the business areas in the city. And I want to make sure that you sit down and focusing on my presentation on the value that the system is providing. We want to talk about tangible outcomes that the new system will provide for our city community, employees and our residents. Also I want to highlight that the city departments are truly one team and albeit the efforts that we are discussing are a partnership among IT in all the other departments that are leading those initiatives. And we have great technology time, we have a great vision from our organization on also very motivated to keep pace with the fast changing technology.

I also want to share that my colleagues from other departments, the directors and I are available to answer any questions that are beyond what I present. So when I attend sessions or conferences in state, out of state I always hear how everybody speaks highly of the City of Scottsdale. Our brand has global recognition and our public safe teams make considerable contribution to ensuring that stays that way. And the new Public Safety system which is a bond founded initiative which will provide our law enforcement officers and community members to better respond or faster respond to safety issues and while keeping themselves safe or as well. So whether you are talking about a new platform spatial integration subsystems or the new radio service or any modernized platform for evidence logging or evidence tracing or any dispatch system, the goal is to use technology to allow our Public Safety teams to do more of what they do best.

So the next system I want to talk about is our financial system. So we depend on our taxpayers funds for our operations. And we want to be responsible stewards of those funds. So this is for us to the utmost importance. Our current system has served us well but it is time to modernize that we can because the growth of the city demands more sophisticated and more integrated tools. So the city has a long tradition of innovation and we have impressive engineering promise. We built many of the systems that we currently use ourselves. However now it is time to really leverage the value of the data information from this legacy system so that we can integrate them and connect them in ways that go beyond just merging spreadsheets. So replacing the 2005 ERP system with a modern one we are really on the path to optimize business processes to make our employees more productive and in turn increase our customer service or enhance our customer service.

So phase one of the acquisition for the new ERP system is underway and we are leveraging experts to really assess the requirements and needs for a new system and develop RFP to meet those needs. Okay the community development and code enforcement systems are also the result of in-house development. And they are by far outlasted any commercial software on the market so that is again impressive feat of our team and resilience. And it has grown a little in the past millennium so it is time for us, there is a need to implement new enforcement system. I'm sure if sometimes you hear from our constituents that sometimes it takes some time to receive approval for a new permitting, for a new build or house remodel, we are not alone in this. Other cities have this problem. So with the growth and the new system our planning and development teams really will be able to continue to improve on their efficiencies on the response times on those kind of issues.

So record management system. When our previous records management system was implemented many, many years ago and again more than 15 years ago, computer storage was much more expensive and managing digital documents was more cumbersome and we wanted to take advantage of a new initiative that will help us replace the system with the modern cost-effective solution and we already due to our improve throughout the city, more than sixty percent of the cities more than 8 million documents, record's have been moved to the new state-of-the-art management and workforce, workflow system. So that is an impressive effort and as I mentioned goes beyond IT and all the other departments have been embracing this platform because of the benefits it will bring to the city. And have been working tirelessly to convert their documents to the new digital platform.

[Time: 00:15:48]

Okay so. As I am sure you are very much aware, all online contacts points with the public-- are highly visible, right I'm sure you hear about all the time, their experience with our website and IT in partnership with the communications office have been updating our online face for the city so implementing new design and now in the process of implementation new web content management system and this is funded by a bond initiative. And we were planning to take the customer service experience to the next level for all those who need to interact with the city who need to access city services or resources. So some of the benefits are listed here and providing capabilities in terms of better search, but also access of resources. And being able to again track that to customer experience and continually improve it.

So most of us have used electronic service I'm sure at least once if you have signed any mortgage or any documents, legal documents you have had the opportunity to sign an electronic format so the same with increased complexity that came with now hybrid work and mobile workforce the city is also leveraging a new electronic signature platform and I am happy to report that more than 200 of our city users have logged more than two thousand signatures and I know every day there is more of our employees that are signing up on this platform of our business unit are using this to become more efficient and also the other benefit is that we are more sustainable in terms of the paper and paper work.

For example the contract before might have taken days or weeks to be signed so I would have to print it and then find the responsible party to approve it and go to the office and have them sign it and then maybe find two or three other people who would need to approve and review it. And some of them

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might have been out in the office and taken a long time. Now I can just e-mail it an email the link in an email and days or even minutes if it is and not a complex contract and I can give that back and said it to purchasing to process so obviously we can become more efficient but also more sustainable with the solution. And it is available for all in the city so please let us know if you would like to try it as well.

Okay we are coming full circle from the first solution I mentioned for the police safety this is our new prosecution management system and this is also another in-house build our IT team is building this in collaboration with the prosecutor office so they are able to give us feedback as we build it and also validate the configuration, the customization for this system so the benefit is that there is three departments city prosecutor, city court and the police and will be able to more efficiently link their case management for a better change for those who have to interact with those departments. I came to the end of my presentation but again the takeaways that we want to leverage technology to make our employees more productive. We want them to be happier to come to work.

[Time: 00:19:33]

So what makes a happy employee? The fact that they are able to help someone or able to provide customer service as well. We all want to go home and put our head on the pillow and think today was about something I helped some people. So we want to ensure that everyone in the city has the appropriate technology to do that so we want them to be empowered, to feel efficient and in turn provide better service and be happier. And what does a happy employee mean? It means that we have happier customers and that means that they have more excellent experience which is the goal of the city this is what we want to represent and continue to represent. And our city a has long track record of being innovative, performance, of being very mindful of taxpayers funds and how we spend those. So we want to keep those traditions. Thank you for your trust in your IT department and I want to thank you for your engagement, for your support and funding of the initial initiatives pics I really want to thank you for helping us make Scottsdale a better place and also I want to ask you to help me thank all of the departments that have really actively and enthusiastically embraced the IT modernization processes. It is not easy to do, change is not easy so I'm very grateful for that and thank you for the opportunity to share.

Mayor Ortega: Thank you very much we appreciate that report and we do rely on you so thank you Bianca.

Next I want to point out during tonight's meeting the Council may make a motion to recess into executive session. This happens from time to time and is very rare but when member asked to obtain legal -- on any applicable item on the agenda, if the authorization by council is voted on. And approved then we would go immediately into an executive session. And which would not be open to the public. This is just for your information tonight and the public would be asked to stand by and then we would return out of executive session. Again should that happen.

Finally we will move on with the rest of the agenda which includes public comment. Public comment is an opportunity for any stakeholder to come forward and state their name and subject matter. Which is not on the agenda. And we ask for, we allow for that at our charter. And certainly there is opportunities if there is an agenda item for one to speak when the item comes forward. However a non-

agenda item is not something that we would discuss or take action on. But it would have to be within the jurisdiction of the Council and we would allow three minutes for a public comment. Now open public comment, the Clerk tells me there are no people requesting to speak for public comment, therefore I would close public comment.

Next move on to our consent agenda items. Consent agenda items are all posted publicly and we also allow for comment on any of the consent agenda items. We have the consent agenda items one through 15. And I would again welcome any public comment on those. Seeing none that is there is no public comment. Would then close public comment on consent agenda items 1 through 15. At this point if there is any question from council, otherwise I'm open to a motion and second. Councilwoman Whitehead?

[Time: 00:24:11]

Councilwoman Whitehead: I motion to approve Consent Agenda items one through 15.

Vice Mayor Durham: Second.

Mayor: We have a motion and a second. Thank you, any discussion? Seeing none. Please record your vote. Okay unanimous affirmative that items one through 15 are passed.

At this point we would move on to the regular agenda items. 17 and 18. And 16. To point out that those attending the agenda meeting will observe the same rules as we accept dash might expect of ourselves as council members. Accordingly we would ask as comments are requested on particular regular items. That there be no one authorized-- no unauthorized remarks and I can go through the meeting quicker and I try to cue people next to make a public comment. Violations of these rules could result in removal, time out outside the building I guess is what it is. But that is our direction.

ITEM 16 – ASHLER HILLS PARK MUNICIPAL USE MASTER SITE PLAN CONDITIONAL USE PERMIT (18-UP-2021)

[Time: 00:25:38]

Next we will move on to regular agenda items again the public is welcome and has expressed some request to speak and we will start with item number 16 which is Ashler Hills Park municipal use master site plan conditional use permit is case 18-UP-2021. We have two presenters, we have Katie Posler senior planner and you can continue with the applicant.

Katie Posler: Good evening Mayor and city Council members, I am the senior planner with the current planning department and I'm here to present 18-UP-2021 which is Ashler Hills Park municipal use master site plan. The site is located at the northwest corner of East Ashler Hills Drive and north 74th Way. It is currently vacant and home to two washes. To the West is a commercial shopping center and the North is a single-family subdivision and to the east is vacant land and to the south is a golf course.

The site is zoned R5-ESL which is multifamily environmentally sensitive lands. It was rezoned to this designation in 2001 and also designated as a park at that time. The request in front of you today is to adopt resolution number 12560 approving municipal use master site plan for a new city Park on 15 acre

site. And this case goes through this additional municipal use process because it is larger than 1 acre. So the design will go back to DRB after this process.

Here is the proposed site plan on the left side is the south end of the site and the right side is the North end. So designed intentionally that the park is on the south side of the site closest to the shopping center and the natural area open space is on the north side of the site to buffer it from the single family residential. There is a 6 foot sidewalk on the street frontage and a 6 foot DG path connected to that subdivision to the north. As you enter the site there is one entrance on the southwest corner and then there are 70 parking spaces, a bridge to cross the wash and then 8 pickle ball courts, one basketball court, a large shaded canopy around 8000 square feet that houses a restroom, picnic area, playground and then 2 lawn areas.

[Time: 00:28:20]

Just to recap the previous hearings this case was heard by the Parks and rec commission on June 15 and recommended approval with 3-1 vote. And then development review Board on July 7th recommended approval with a 4-1 vote and then planning commission on August 10th where it was continued with a 4-3 vote and continued for three main reasons in the first was concerned with traffic and the applicants engineer was able to respond to those neighborhood concerns and the city of Transportation Department approved the traffic impact analysis. The second was noise. And the city did a noise study and found that the noise produced by the park would be between not perceptible and just perceptible. And then the third reason was for court lighting. Originally at Planning Commission, it was suggested that he canopy be added over the sport court but unfortunately there is no room in the budget for that currently. So some of the items they did to address the lighting was adding additional trees around the sport court area and all the lighting is directed downward and full cut off. Additionally the handles zero out couple hundred feet for the subdivision to the north.

And then the case went back to planning commission on September 28 and recommended approval with a 6-0 vote based on those changes and the Planning Commission added a stipulation involving active space and the parking entrance which is clarified stipulation number one and number nine on your packet. Some key items of this case is that it is municipal use and city Park is an allowed land use in this district and is consistent with general plan 2035 which designates this area as developed open spaces or parks and the park was approved by the voters and funded in the 2019 bond election.

The city Council initiated the municipal use master site plan back in November 2020. Staff has received comments of support and concern. And then the site plan elevations landscaping and lighting design will be reviewed by the DRB separately on a separate case once this municipal site plan is approved. The recommendation for city

Council is to adopt resolution number 12560 approving municipal use master site plan for a new park and then any recommendation or determination tonight to adopt changes to stipulation number one and the additional stipulation number nine. That concludes the presentation and Alison Tymkiw is here with the park public works city department, thank you.

Alison Tymkiw: I don't see the next presentation. Okay thank you.

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Good evening Mayor, members of the Council, Alison Tymkiw city engineer and I'm here to present the applicant as the city as the applicant for this project. Okay brief park history, the development of the site as a city park has been planned for over 20 years and initially part of the bond 2000 project and part of the whisper rock master plan, Park was included at this location and to include a library and also include the Scottsdale Art silty as well as a part. The project was paused due to funding and cost escalations. And then the project came back and was approved by the voters again and bond 2019 as the Ashler bond neighborhood park and this has less traffic, noise and lighting impact.

Okay so this is the project overview and is a bond 2019 project so I do want to read the description and it is built a 17 acre neighborhood park to include a turf area for unscheduled recreational activities, multi use sports court. A playground ages 2 to 5 and restroom building and lighted parking area at Ashler Hills Drive and 74th way.

This is an overview of the site plan for this park, and this is oriented with the north arrow to the right. So the area on the top of the screen is actually the West and then the area on the bottom of the screen is at the east. So more than 9 acres of undisturbed natural area open space are included and as Katie mentioned that is at the north end of the park and that is to provide a buffer to the existing residences. There's preservation of large desert washes and sustainable design including rainwater harvesting. There is a playground, adult exercise equipment, open turf areas, restrooms, lighted sports court both basketball and pickle ball, walking paths and trails and then a lighted parking lot of 70 spaces. This is just a little bit enlarged that shows the active area including the parking lot, and then the sport court.

Okay this shows the area of native undisturbed area which is again at the north end of the park and that is in the light green. We have 9.24 acres of NAOS and we also have some native revegetation in the dark green and then the tan is the project programming area so it's about 3.36 acres of the entire park is the usage.

[Time: 00:35:09]

Okay so we did quite a bit of public involvement for this project and we did hold 2 virtual public meetings and you see that the public has really influenced our design of this through the process. So the first, this map here shows where we mailed the publication to for the first public meetings. We mailed the over hundred thousand homes and businesses and in proximity to the park and as well through update cut digital newsletters and contacting area homeowners associations. The first meeting was held in September and October of 2021 one where we introduced to the project and the details of the proposed plan.

We received 234 comments from the community including consolidated comment letter of representing 55 residents at the last address community and as a result of this meeting we made the following changes to the site plan and we added five shade structures around the sports courts. We added adult exercise equipment and we added a pet drinking fountain station. The second public meeting was held in spring of 2022. We represented updated conceptual plan and we responded to the comments we received in the initial meeting.

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Sixty three comments were received from the community and responded with a consolidated letter as a result of this meeting the following changes were made to the site plan. We removed the entry drive location and existing traffic circle and incorporated a left-hand turn at the entry and updated the traffic-- and then the master plan process started in the fall and summer of 2022 and as a result of the public hearing process it was further refined to include the following. We commissioned a noise study. We lowered the lighting height at the sports court from 24 to 20 feet. And the pedestrian path from 16 feet to 12 feet. We revise all the photometric analysis and revised of the traffic report to address public comments. We added trees at the sports courts to screen the lights. We change the color of the pickle ball court to reflectivity and blend more into the natural desert.

This summarizes our hearings to date. We received approval from the Parks commission in June and the development review Board in July and then the planning commission in September. The topics of public interest that we have heard through this process have been primarily concerning noise, traffic and lighting. And we have listened and reasonably accommodated. Regarding noise we commissioned a sound study as a result of public concern. The findings were that the overall noise levels would be not perceptible to just a perceptible. And no mitigation would be required. We also increased visitation along the sport court's to create additional buffer. This is an expert-- excerpt from our noise study in the first table size is the project plus ambient levels at the residential areas in the findings are that the project plus the ambient noise levels aren't dissipated to raise by 1 dB at the morning and evenings. And per table 2, changes intensity level of 1 dB not perceptible and changes up to 3 dB are considered just perceptible. And then the picture to the right the third figure shows the maximum noise contours from pickle ball court so this is a maximum noise that will be experienced and the light green contour is the forty five to fifty decibel and that extends just beyond the roadway that surrounds the park and doesn't reach any of the existing homes, the dark green noise contour is the one where all the existing residents are. And that is under forty five decibels which is consistent with the ambient noises in the area.

[Time: 00:39:43]

Regarding traffic we received public comments on the traffic study and the public traffic engineer has responded to the public comment with a letter in addition the traffic study has been reviewed and validated by our city Transportation Department. We did listen to comments and we relocated the park entrance as a result and emphasize the parking lot to avoid overflow onto the street is that was a concern of the residence.

And then regarding lighting, we were requested to investigate solutions to potential Blair from the courts and we did develop a realistic rendering of potential reflected light and I will show you those figures in a moment. As I mentioned earlier we had lowered the sport court lighting from 24 to 20 and in the general park lighting from 16 to 12. And also increase the number of trees and plants and planted the natural sport court colors to minimize glare. And this is a cross section through the park from east to west and it demonstrates that this park is a depression in the DePauw group and that lends itself well to minimizing the impact of the light and the noise on the neighboring area.

This is the perspective that we had created. So the red line shows, the circle shows where we established the perspective and it is a cul-de-sac just outside the last PS community. It is a distance of 570 feet to the sports courts. And it is additionally 17 feet above the level of what the sports courts

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will be. And then keep in mind the nearest residence is an additional 200 feet the on we took this perspective. So this first is that sundown in existing you without any of the park amenities and basically the area around the smaller cactus in the rear round is where you will see that park as we superimpose it onto this. This is sundown with the park without any new trees so you can see some of the light standards down in the background but then with a new trees it essentially blocks the view of the lights. And now this is the same at dusk and is circled in blue so you can see that is the existing view. This is the park with no new trees so you can see some of the lighting. And then that park with the new trees so it essentially blocks the sport court.

And then to finish up I just have a couple of aerial renderings, this is the view from the Southwest you can see the pickle ball court, basketball courts and the restroom building. This would be an aerial view from the Northwest again highlighting the pickle ball courts that are located to the west. And then this is a view of the lawns, the two turf areas and then a view of the entry bridge. And thank you and we are able to answer any questions you might have.

Mayor Ortega: Thank you I see no hands up from council so I will move to public comment at this point we have four speakers and that is Mitchell Karen and Chris Cummings, we have 35 speakers for tonight's items so I will ask that please come forward and state your name but we will time for two minutes per testimony. At this time calling for Mitchell Karen and Chris Cummins.

[Time: 00:44:08]

Mitchell Karen: Okay I would like to thank the mayor and the city Council for allowing me to share a few common. And I promise I will not take up much of your time. As mayor has said my name is Mitchell Karen and I live in a committee called Winfield at 3453 N. 75th Way which is less than a mile from the proposed park. It is very walkable and very accessible for us. I am not an engineer, politician or a lawyer. But I am a citizen of Scottsdale who plays pickle ball and sees a need for a neighborhood park and close boxes need to where I live. That has pickle ball courts and the children's play area for my kids and grandkids when they come to visit. I have the privilege to attend the meeting of the Scottsdale city planning commission last month. And explain our community has only two pickle ball courts and we have about 150 pickle ballplayers and during the fall, winter and spring months when most of our residents are there in active, we often have long waiting times to play during prime hours. So I personally find myself often having to travel down to Thompson peak Park. Ten miles from where I live in each direction which is clearly a waste of time. And there are other players from Thompson peak Park that I have spoken with or have expressed support for the park because they live closer to its site.

After listening to the presentation both at the city planning commission meeting and by Allison and I believe which is a wonderful presentation and I appreciate it, and daughters a civil engineering so I appreciate the work that you do. That presentation I think thoroughly addressed traffic noise and lighting issues which you all heard tonight. Really helps address the proximity of neighbors to the park and then the planning commission, agreeing to a couple of the legal and doable stipulations of the commission as you know voted unanimously to approve the project work I would like to say that Ashler he'll park will improve the life and value for those of us living in Scottsdale. My wife and I and neighbors are hopeful to see this project improved and look forward to see the construction begin as soon as possible thank you.

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Mayor Ortega: Thank you next we have Chris Cummings and then Scott Grigor.

Chris Cummings: Chris Cummings I am a manager at Wingfield homeowner association I have been there for about 25 years and I host the initial public meeting with the 203 + people. The developers have developed and they don't leave much space in the communities and it's very difficult to find that space and -- across the street has had the same concern for over five years I believe so we do need a place to go and play with our neighbors in I would wish that you keep the normal park hours, I know that they are looking to make them shorter but in the summer it can be super hot already we want to be out there at 6 AM, the sun is up and it doesn't go down until 8 PM so if you limit those park hours in the summer it will be very difficult. On the waiting I appreciate the lighting and the people not wanting to see the lights. They had signs up that are ten feet tall for decades in both directions on the hills and 74th Way and saying that they Park location we are not young in that area, our lighting is important, we do not see better at night as we get older as I can attest to 55 foot candles is nominal for tennis and pickle ball is even closer so I would say it is a safety concern to do go lower than that.

Traffic concerns, two thousand homes are north of the park so we would be turning right there is a big congestion going left out of that supercenter. And I would ask that you know the city has done a fantastic job, they have really listened and they have extended this time for public comment and they have incorporated many of the ideas and push this park as far away from the homes as they possibly can. Closer to another set of homes that has no objections to them by the way. And I hope that you fulfill your twenty-year promise and build us a park, thank you.

[Time: 00:48:58]

Mayor Ortega: Thank you, Scott Gardner and then Kurt Jones.

Scott Gardner: Thank you I am Scott Gardner I only home directly across the street and I'm also a real estate broker and I have sold something about over 2000 homes within 2 miles of this area. Over the last thirty years and I write for the scouts still north -- for the Scottsdale North newspaper which this zip code by the way is the hottest percentage of AB boomers in the United States. Literally get this group is active, they have been so participative and been in every meeting with Triska with the city overwhelmed with homey people showed up because they really wanted this park. They did not get everything they wanted but the city was fantastic. Working to get to a compromise but after all of that work we thought that it was done and the middle of September there was Scottsdale progress that a very small group of people were trying to make changes. So we have come back and trying to have the people who can't be here have their voices be heard. And I also sent a copy to the Council and over 500 people sign that change.org. We would like you to keep the park the way that it was built before some people tried to change it and proceed with this park. Thank you for hearing.

Mayor Ortega: Thank you. Kurt Jones.

Kurt Jones: Mayor and city Council and zero two nine five East Salvador and Scottsdale. Upside down? Also the cities chair of the parks and recognition here to support this case. Looking at the site plan and has been looked through several open houses and inputs and the site plan is getting smaller and smaller it's supposed to be and always us in the desert. We have yet to turf pads here that I don't know if you can throw a ball around and have enough space to do it I'm just suggesting that the city Council did not

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– make the stipulations and planning in the turf areas are big enough and something that the citizens can decide on and make a decision on the move forward. The city has worked on the lighting and half of this area was to be used for library and cultural center and now it's basically any of us, think the city park is appropriate side and should be able to make it larger if necessary. Wholeheartedly support this project and the plan commission simulations don't stick and thank you for your time.

Mayor Ortega: Thank you very much at this point I will close public comment and thank you Miss Posler, if there is any questions and discussion the architect standing by and no questions on council. I'm open to a motion? Councilmember Janik.

Councilwoman Janik: Thank you Mayor I received an email, very detailed email from-- community concerning a few more just to be lace and they would like to consider at this time. The preferences that we don't have to go back to the board of commission to get changes, let's get it locked in and that's get it done. First of all I need to say I am very happy that we are nearing the building process for a pickle ball courts which are very much needed and were promised in the bond which I worked quite a bit on. So that is the good news.

Now as far as stipulation nine, I would hope that we can put that up on the screen at this point so that we can all read it through. But some of the issues that were brought up and I would like to see where the Council is. With a handshake or raise your hand if you think these stipulations should be included at this point in time? The first one I will start with is the basketball court shall not be used for pickle play? How many think that is a reasonable request?

Mayor Ortega: Well you know let's clarify, I just want to assuming regular scheduled use of the park. Which means the staff or someone manages when pickle ball is played and people show up at certain times and others would have operation use of the basketball course perhaps because they asked for a timeslot to work. So I don't know how if we can perhaps answer that question from an operations standpoint how that would work.

[Time: 00:54:28]

Nick Molinari Good evening Mayor and Council I am Nick Mollinari the Parks and Rec director cut neighborhood parks are typically unscheduled parks that is a consideration of the activities space in the neighborhood parks. So we are proposing eight pickle ball courts and one basketball court. We are not proposing to strike the basketball court for pickle ball so at this point the proposal used for that pace is basketball. And that's what we intend for it to be.

Councilwoman Janik: Okay thank you for the clarification.

Nick Molinari Absolutely.

Councilwoman Janik: Okay another point that was made up and most of these I believe are just simply to tighten what is in stipulation nine. Rather than change anything. And the next one that was requested the lighting shall be no greater in height, number of fixtures than shown in the lighting plan and city Council twelve and we referenced and know there were a couple of changes in previous reports and I believe what they just want is to identify the one that will be followed.

Nick Molinari Mayor and Council we have lowered the lighting, all of the lighting in the park based on the park recommendations that we received from the community. The case does go back to DRB so after this meeting stipulating the lighting that would be something that could consider for the Council the technology for lighting and recommendations and I don't know that stipulating the exact type for lighting would make sense to bind us to that in the future but those are the plans that we are moving forward with which as I mentioned have been lowered from the original plans.

Councilwoman Janik: Okay thank you and that is in writing that will be followed as the park evolves? The lower standards?

Nick Molinari The lower standards are after hopeful adoptions by city council will be taking those plans back to DR where they will ultimately approve those.

Councilwoman Janik: Okay thank you. The next issue that was brought up is that lights will be controlled by an active timer that automatically shuts off after a set time after the push timer activates the lights. I believe that has been included in the plans.

Nick Molinari That has been included in the plans absolutely.

Councilwoman Janik: I think it is good to memorialize it now to. Okay noise issues, I think you did a great job with your studies and addressing all of those will thank you with that. A few more native trees and plants be included and they felt that two trees and 10 shrubs at the northeast corner of the court could be enhanced and that is exhibit B.

Nick Molinari Yes I can respond to exhibit B. What was submitted and that last address and we want to highlight that in this figure here, this graphic to the right which is we have more trees, there are 10 shrubs, they were not identified in information that last had sent to the city Council which I think is important to consider. These 10 shrubs here will grow to be 10 feet high. So yes there are two additional trees right here in addition to the trees that were already presented. These two additional trees are right within the site line of the-- resident but they will be significant shrubs along the barrier of the sport courts. The pickle ball courts. We have added a lot of trees. The total site plan and landscape when we have 180 new trees and 1173 new shrubs and yes there is two trees in this little spot that was identified and lots of shrubs. But there will be a considerable amount of new vegetation.

[Time: 00:59:10]

Councilwoman Janik: Okay and what you are planting they won't be 12 inches tall perhaps come in a little bit more mature and we would hope that they would grow to 10 feet within may be two to three years?

Nick Molinari: Yes we would do our absolute best to buy the most mature tree as possible and revegetate with trees that have been moved from other sites and we have been successful and most of the other recent plans.

Councilwoman Janik: Okay than the other request is that the city shall not form a public-private partnership or except for that money to pay for the park.

Mayor Ortega: I thank you for that but let me ask for a legal on this because this is relating to contractual issues and not in our discussion. Go ahead city attorney.

City Attorney Scott: Thank you yes Mayor that type of stipulation is more of a city operations stipulation. It is really not about site planning or the municipal use master site plan that you are taking action on tonight. I don't think that would be appropriate legally for a stipulation on this item. Norwood the requested stipulation about hours of the park. The hours of the park are set forth of the parks ordinance. We have a parks ordinance that sets out many operational requirements for city parks including the spark. And so it gets very complicated for the city to try to enforce rules and regulations for parks that every municipal site plan for a park had different requirements and operational procedures set out, it makes it very difficult for the police department to know when somebody is allowed to be in the park and when they are not allowed to be in the park and so for that type of reason I think that the next stipulation you're probably getting ready to address is likely not legal as well.

For the same reasons that commercial use Ashler Hills being able to have commercial use area permits which I believe is also addressed in the parks ordinance would likely be in conflict with the parks ordinance. Having pickle ball classes, clinics and learning leagues, those are parks operational items that should be placed in the parks ordinance not any municipal master site plan so I hate to be the cold water thrower here, I would like to see these citizens get some additional buffering that they are comfortable with but those items simply are not appropriate to add as a stipulation for the municipal use master site plan.

[Time: 01:02:14]

Councilwoman Janik: Thank you I appreciate that clarity.

Mayor Ortega: Continue.

Councilwoman Janik: That was pretty much the list that I received. You have done a very good job of addressing these issues and I do appreciate it so thank you very much and thank you Mayor for the opportunity.

Mayor Ortega: Thank you to Councilwoman Whitehead and then Councilwoman Littlefield.

Councilwoman Whitehead: Thank you Mayor I am so impressed and our planning department and our city the evolution of this park in the details and listening to all of our residents I am just so impressed and allowing to talk about hours of operation what are the city parks hours for pickleball courts?

Nick Molinari: It is sunrise until ten thirty PM.

Councilwoman Whitehead: Okay excellent thank you with that I am very supportive of the project, thank you.

Mayor Ortega: Councilwoman Littlefield.

Councilwoman Littlefield: Thank you Mayor I'm also supportive of this project and has been a long time coming and I'm glad to see that it is here, it is exciting. The questions that I had and the issues that were brought to me have been addressed and answered pretty much. One of them I will bring up and I think it has been answered, it is 10:30 PM. But there were some people concerned about the hours of the park. The because this is part of the dark skies up north. And dark skies are supposed to end at 9 PM. So lights and things like that. So this is in a conflict with another ordinance from Scottsdale. So I'm just wondering how do you determine which one takes precedent? Sorry Sherry.

City Attorney Scott: I'm so sorry I was trying to get a printed out copy of the added to believe number nine, which one takes precedent I'm sorry?

Councilwoman Littlefield: Dark skies, close date time and night when the lights are supposed to be dimmed and out or parks ordinance which is different time? 9 o'clock versus 10:30

City Attorney Scott: When the lights go out can be different from when the park closes so I don't know how the park handles the operationally in the think there will be times when especially when you have courts that are well lit that they will be, that lighting if the courts not being used is going to be turned out prior to the park actually closing. When the park is closed nobody's been allowed inside the park. Right? So I think those are two separate issues and not necessarily in conflict with one another.

Councilwoman Littlefield: That really have use of the court so much as a lighting. Because this is part of our dark skies area up north. And so the citizens that were talking about this is the kind of first bite of the apple that would go into the dark skies ordinance. To do we have a conflict that needs to be ironed out?

City Attorney Scott: So the lights go out at 10:30 PM and that is my understanding that all the lights in the park and that is when the lights get darkened when the park closes. Separate from any extra court lighting. As to an issue of whether there is an ordinance that requires those lights in certain areas of the city to be out sooner, I would have to look into that and report back. I don't have the answer of the top of my head.

Councilwoman Littlefield: Thank you.

Mayor Ortega: Councilmember Milhaven.

Councilmember Milhaven: I would like to make a motion to adopt resolution number 12560 approving a municipal use master site plan for a new park on 15 +/- acres. I think that should do it.

[Time: 01:06:19]

Councilwoman Whitehead: I'll second.

Mayor Ortega: Second

Mayor Ortega: Thank you I will speak to my second I believe this site has been thoroughly explored and then I don't see any pending stipulations. City attorney did you have another comment?

City Attorney Scott: I just want to clarify for the record that the motion and the second does not include the added stipulations. But the planning commission recommend it, I just want to clarify that for the record thank you.

Mayor Ortega: Thank you and again I clarify we had a good hearing of those points. Councilman did you have a follow-up?

Councilwoman Janik: I was going to make the same comments view motion did not include stipulation number nine.

Mayor Ortega: Thank you any other further discussion we have a motion and second?

Councilwoman Whitehead: I think perhaps I wonder if Councilwoman Milhaven would consider a friendly amendment to add stipulation number 9?

Councilmember Milhaven: If I could ask a question of staff so nine is requesting any changes to the site plan would need to come back to city Council. If there were changes to the site plan without the stipulation what would the process be?

Nick Molinari Yes if there were significant changes to the site plan we would go back to the public process.

[Time: 01:07:38]

Councilmember Milhaven: So it is not necessary. Okay thank you.

Councilwoman Whitehead: Thank you.

Mayor Ortega: Okay so we have a standing motion and a second and seeing no other discussion please record your vote. It is unanimous and thank you very much and we will see this proceeding.

Next we have item number 17, however since so many are here, I am going to my discretion ask for item number 18 to come ahead. This is an important issue regarding the water and Scottsdale. And we have a large crowd for you and then we will immediately go to item 17.

ITEM 18 – COLORADO RIVER BASIN MUNICIPAL AND PUBLIC WATER PROVIDERS MEMORANDUM OF UNDERSTANDING

[Time: 01:08:40]

Brian Biesemeyer: Thank you Mayor executive for Scottsdale water and I have a short presentation of a memorandum of understanding by and among basin municipal public and water providers. Quite a title and I'll have to shorten MOU when I keep talking about memorandum of understanding.

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This MOU was put together to respond to the shortage decoration where the municipal providers developed MOU to adjust the height collaborative approach as well as demand, the need to reduce the man and the need to water efficiency. The municipal participants are listed here and while there is no Arizona participation here these providers just wanted to start the conversation and push out this memorandum of understanding to others.

So what about Arizona? Currently the Valley City is considering that all the cities and that just the ones I have listed below but all the cities as well as the central Arizona project. So what is MOU call for five things. Continued and expanding programs to increase indoor and outdoor water use efficiencies. Something counsel has been supportive of and continues to support. Introduction of introduced a program to reduce the quantity of non-functional grass turf by thirty percent to replace a drought and climate resilient landscaping is what we call landscape. We have a program to remake that but this is a rule that is set and should Council approve this, staff would propose coming back to discuss how we would go about such a plan and there is not a timeframe stipulated in this use and increased water reuse and recycling programs feasible, yes you heard our master plan and how we plan to do that so yes we already have plans to do so.

Implement best practices and sharing lessons learned to help one another as something discussed and water has been doing for decades. Collaborate other water uses in the Colorado water basin and that is what we have been doing an approved conservation agreement in August where we are going to keep 4000 acre-feet of Scottsdale's CEP location behind Lake Mead is our part of trying to shore up the reservoir. Also there is a list of best practices and this is just a list, there is no requirement that we do each and everyone of these best practices but it is a list as we recognize the as best practices.

[Time: 01:11:45]

So transforming our outdoor environment in a manner that improves climate resiliency and promotes an ethic of wise water use through mandatory water schedules got compliant enforcement incentivized turf removal and limits on new turf. We talk about and when this talks about watering schedules and enforcement this is not a discussion about Monday, Wednesday, Friday watering. This is really a discussion about limits on watering during certain times of the day. At least that is my interpretation of that. So this would be a discussion to have with counsel again we come back and have a session on watering schedule so it would limit it in the hot summer days, watering at certain times at midday because that can actually hurt your turf as well as -- water. So that would be the discussion we brought back to Council.

But again this is just a list of things that should Council desire to impose are listed here. Increasing efficiency of indoor fixtures and appliances, counsel has been supporting that and employing best practices from industrial practices and gestural operations and we do audits of both commercial and industrial customers and voluntary audits where we try to help those customers improve their efficiencies. And as a matter of fact with evaporative cooling within the city we approve the technology and five different water cooling towers to date and I know our facilities it plans to continue those improvements so that all of our water cooling towers have advanced technology and is proven to save WaterPik adopting conservation oriented rate structure we have had that for over a decade. Accelerated water loss control and prioritizing supply considerations and asset management program, something that we have been laser focused on again for a number of years

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to ensure we are as efficient as possible with our WaterPik including water conservation and water planning efforts, this is something that did with the water sustainable principles and an issue of councils already taken. And then employing other strategies tailored to the unique needs of each community. So those are the best management practices into that MOU.

And finally staff recommendation for adoption of resolution number 12649. And that concludes my briefing pending your questions Mr. Mayor.

Mayor Ortega: Good at this point we have vice mayor and at this point we have one public comment.

Vice Mayor Durham: You had a slide early on that talked about removal of non-functional turf. Turfgrass. What is non-functional turfgrass?

Brian Biesemeyer: It is grass that is not walked on, not played on and really just eye candy to you drive by and you see it. Grass and the median would be non-functional turf. So really that turf that people are not walking on, dogs are not walking on, nobody is playing on it is just there to make it look nicer.

Vice Mayor Durham: One issue we discussed in the past about removal of turfgrass is that I think we would like it not to be replaced with something that would cause a heat island. Artificial turf can be there something that we can talk about the types of material it would be replaced with?

Brian Biesemeyer: Mayor and Vice Mayor, not in this it is just setting that goal and we will set the school at 30% and again the timing and details of that we have to come back and talk to counsel about but this is merely saying we would like to reduce the non-functional turf.

Vice Mayor Durham: Thank you.

Mayor Ortega: I would like to open public comment. I see Alex and we will keep it to two minutes. Alex good to see you.

[Time: 01:16:36]

Alex McLaren: Good to see you thank you Mister Mayor. Members of the Council. Here to support you adoption of the resolution and full faith and confidence and Brian in the city water resources Department. This is probably the most important issue that we have as a city and region to consider and they think we have already the newspapers how the Bureau of Reclamation is ready to drop the hammer but it is important that we continue doing what resources are suggesting. And work with others as well.

I would just like to, I did speak to one earlier, this evening as well. I think a pump back system that we have of pumping our sewage affluent to the north and treating it and injecting it is something that needs to be continued and assures me that is happening as well. And also on an individual basis, sure if I need to have the-- working apparently. This is my backyard-- [audio cut out] I put in dry grass you can see-- and this is the backyard after I dug out all the grass and put in some -- and built that little bridge as well. And then I added some additional green and I thought it was to let some artificial grasses-- so I

think individuals can take action and I support the city in doing this and hopefully others in the community will do that as well, thank you.

Mayor Ortega: My comments are that I think we should stay ahead of the curve and coordinate with other municipalities so I would move to adopt resolution 12649 authorizing the executive director of water can sign onto the memorandum understanding MOU by and among Colorado River basin municipal and public water providers for similar documents.

Councilwoman Whitehead: I will second that. Motion.

Mayor Ortega: Thank you for do you want to speak?

Councilwoman Whitehead: No.

Mayor Ortega: Thank you please record your vote. Unanimous and proceed we will see that resolution tomorrow for signature.

ITEM 17 – VACATION RENTAL CODE AMENDMENT

[Time: 01:19:37]

Mayor Ortega: Next we will move to item number 17 which is posted the vacation rental code amendment. And request to adopt that. Here is Brent Stockwell.

Brent Stockwell: Hello mayor and city Council members it has been great to see you again since we talked about the short term rentals thirty five days ago, we have had a busy month the same to feedback in the community, and we are back with a revised version of 4566. We are here on behalf of extensive team of city staff and we have Deputy city Attorney as well as the police department and fire Department, Public Works and the city treasurer's office all around if they can just give a quick wave some of those that are here you will hear from some of them later tonight as well. This team is dedicated and works diligently to continuously improve the monitoring and enforcement and communications to ensure that Scottsdale is doing all that we can to manage any negative impacts first short-term rentals.

So let me start first with some background and context we estimate that as of last month there were at least 4300 short-term rental property citywide. Mostar South of the Indian Bend, but sixty percent of those provided contact information to the city. And again in 2020 when you asked us to work with a group of residents to ensure the city was doing all we could to manage the impacts of short-term rentals. Staff has been implementing recommendations that you need unanimously approved. We updated the nuisance ordinance last December and back to update the rental code tonight. It can be summarized this way. To increase the likelihood that impacts can be prevented and minimized, that enforcement is timely when violations occur in that residents are informed about how to address and resolve the problems. And that the ordinances reflect the authority granted under state law.

That last statement is key got the elements of the ordinance considered tonight are compatible with SB 1168 passed by the legislature inside by the governor this July. And they reflect the full authority

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granted to cities under state law. The key elements of the 1160 are summarized on the screen. Allowed to require properties to obtain and maintain local license and those licenses can only be denied or expended for a limited number of reasons and in addition SB 1160 requiring background checks and require liability insurance and require notification. Ordinance number forty five sixty six drafted by staff to reflect that authority granted to cities under state law. The draft was presented in the work-study session on September 20. Public comment was submitted and feedback was received from the city Council. And has continued to be received from industry and residents.

[Time: 01:22:50]

So here's an overview of the key provisions that ordinance number 4566. Effective January 8th 2023 all short-term rentals will have to have a license to operate in the city. So they will need to cease operating if they do not have a license. SB 1168 allows them not to exceed the actual cost of issuing the license or two hundred fifty dollars whichever is less because we have not issued any licenses yet we had to estimate what the cost was and city staff is recommending setting the fee at \$250 because is lower than the anticipated actual cost of the city issued. Estimating the cost city staff estimated the cost of additional license to the city's license system and the city database has to be credited-- created and review and approve licenses within the seven business day. It required under SB eleven sixty eight. We checked in these costs will be incurred annually and city staff recommends each license renewed annually.

Proposed ordinance also institutes the SB eleven sixty eight requirements regarding what is required for license application, license issuance and the limited conditions under which a license can be denied. Proposed ordinance also includes section that allows for license revocation and staff finds out the grounds for denial exist for a license. After it was already issued because of the shortage of business day.

In addition it includes the SB eleven sixty eight for a limited conditions in which a license can be suspended. They are certain conditions where violation could trigger a suspension and other more serious conditions for a single incident would suffice. Whenever application is denied or a license is revoked or suspended, there will be a hearing process either administratively most cases or through the courts with the more serious incidents involving any attempted or completed felony act arising from the occupancy use of the vacation rental, that results in the death or actual or attempted serious physical injury.

Non-residential uses continues to be prohibited from the ordinance that the city Council adopted back in 2019. A requirement that the emergency contacts in the public safety and places well. A new requirements for short-term rentals to maintain sex offender background checks and notification process in SB 1168 authorizes each of these items work state law also allows cities to regulate certain short-term rentals if the city demonstrates that the rural oral regulation is for the primary purpose of protecting the public's health and safety. These additional requirements and ordinance are based on this authority and the city staff team has met to review complaints and review state law and other ordinances and make recommendation upon provisions necessary for the primary purpose of protecting the public s health and safety.

I will be asking the number of staff to come appear and that is part of the effort to demonstrate to you

but this is for the primary purpose of protecting public health and safety. So including the recommended requirements related to trash and garbage, trash issues are one of the most common complaints involving vacation short-term rentals and the time addressing these. And these requirements are applicable to all single-family properties revise and the skull still load and do not require authorize Asian under the state law. Inclusion in the proposed ordinance additionally requirements in chapter twenty four will make it easier for code enforcement staff to enforce these recommendations as well director Dave Bennett to speak to the user requirements.

Dave Bennett: Thank you Brent. Good evening Mayor, city Council, as Brent was saying I'm here to speak about the trash and recycling issues related to short-term rentals. Annual basis we receive about nine hundred calls to our department. Time relating to these calls we spend about one hour. Major issues that relate to public health and safety is accessed trash and we are seeing in our collection and see where accessed trash is being thrown over the walls where it is being placed, piled next to the containers which slows down our production but also creates a public health issue as far as animals getting into it and so forth. And also leaving it inside the container so much that the lids are open. Which also creates -- control and public health issue.

[Time: 01:27:55]

On the streetside collection we are seeing around the same issues of the trash are overflowing containers [audio cutting out] collection day or they are not taking them in on that day of scheduled collection for the requirement that they were after remove it from the property, from the street at 9 PM that night. And so forth.

We are also seeing a higher frequency of hazardous waste found in our program. The most common item was actually fireworks. In their and we are seeing a lot of chemicals related to cleaning these properties which obviously if any of you guys knows causes issue with the trash collection trucks and possibly catching them on fire and so forth.

In regards to the recycling program we are seeing the same issues as container placement putting the containers out too early or not taking them in on the scheduled day of collection we are also seeing concerns about high contamination. And that does, it will in the end possibly affect our ratepayers because we negotiated contracts based on our low determination rate for the last two decades. We have Scottsdale's has been known to have the lowest contamination rate in the Valley. So that that's all I have to speak about this and that's if you have any questions for me I'm available.

Mayor Ortega: I see no hand so let's keep it moving.

Brent Stockwell: In addition there are several life and fire acquirements the rentals are not as familiar with these homes as they would be under being in their own home park requiring working smoke alarms and a map of how to digress.

Fire Marshall Kristine Gagnon: Thank you evening Mayor and Council. I won't take too much time, as I believe that the life safety benefits of smoke alarms in homes are well known and understood. And certainly provide occupants with early notification in the event of a fire allowing time for evacuation. The data is clear that the number of deaths in the home caused by drastically decline in the nineteen

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eighties when fire alarms were installed in homes. Smoke alarms have been required in homes since the 1970s. We can surmise the majority of homes in Scottsdale a rating of smoke alarms installed.

Finally to address consistently an application this proposal and ordinance is no more restrictive than what we already are requiring an single-family residence and have been for decades. And the maps got evacuation maps are in addition to the smoke alarms so that when you have early notification they are already pre-existing understanding of where your exit route will be. Thank you.

Brent Stockwell: Thank you. There also public health reasons to ensure that properties are cleaned between bookings and that there is regular pest control treatment and these are necessary to prevent the spread of disease and ensure a healthy expansion Scottsdale. The health code chapter 10 section 2 requires certain cleanliness and past standards for transient drawings in our county for public health reasons. The same public health reasons applicable to transient dwellings such as hotels and motels and traditional bed-and-breakfast. And also be found in vacation rentals and short-term rentals and that is why we have included it in this ordinance.

For both, I want to be clear. The city is not requiring the owner to hire an outside, contractor to do the cleaning or treatment or the owners could do one or both themselves if they chose. Just asking for requirement that it be cleaned between stays and also regular pest control so that there doesn't become infestation in the home or property. An infestation is already illegal under the chapter 18 property maintenance code so is already applicable to other single family dwellings anyway.

Also if the rental includes a swimming pool spot or hot tub that is accessible to the renters and they get a cheap building -- they must comply with the barrier acquirements required with any new restriction -- construction. This was a concern as I told you last time there was a death of a child in a short-term rental with a pool. There are rentals in Scottsdale that create these requirements and have not been updated and is renters are not as familiar with the properties as they would be at their own home. Including -- is recommended as well.

[Time: 01:33:10]

Michael Clack: Thank you good evening city Council my name is Michael Clack I'm the Chief Development and Building Officer for the City of Scottsdale part I want to let you know as far as the requirements for pool barriers are concerned they are found in our -- codes and Summit recently adopted back in September and I want to stress that these are minimum requirements that provide for reasonable level of safety of property protection. Some of the requirements for these pool barriers a lot of people seek fences and requirements for the height of the fences and keeping forefoot if it is wrought iron fence such as 4-inch sphere cannot pass through it and so that a child can't get up there. Basically trying to keep it to where it is not flammable or easy for a small child to climb over. Also design of homes if you didn't want a separate fence the home can act as a barrier and when you have that your doors and your windows have to be alarmed so that when they are open it alerts you that a small child has gone out there and those alarms can get pretty loud, I have inspected and tested some of those alarms. You can hear them throughout the house so that you can get out there and prevent a drowning.

So those are just some of the things that the code requires and some of those are pretty easy to comply with and there is other factors that we can also consider but the important thing I want to stress that

she you is that this is nothing new that we have been requiring for a number years here in Scottsdale and so it is not going to increase as far as our workload is concerned because this house should already have these if they have a pool there. And I will be available for any questions if you have any.

Brent Stockwell: Thank you Mike. Finally for my safety purposes briefly discussed already, that they provide a map of the floor plan for emergency access as to familiarize renters, enters with the access and location of any safety equipment within the home. Finally, a requirement has been added for display in all renters to make enters we are of the rules and information about the property including a license number and local contact information that requirement is required to be and certain font size and also authorized under state law. The city will provide a model posting simplified compliance as with every code enforcement issue or the goal is not to enforce putatively but to gain voluntary compliance for the benefit of the community.

So since the work-study session the staff has reviewed and updated the ordinance for effective implementation after adoption and after that feedback we received from public comment, the key changes I will highlight weekly. These are not all of them but some of them. They are included in the version of ordinance brought forward for your approval tonight.

[Time: 01:36:35]

First thing is this, the date upon which short-term rental owners must be licensed extended by 15 days to January 8 two thousand twenty three. That was based on industry feedback from what they have seen in other communities that have done requirements also beneficial for city staff because given additional time for applications to be received after the holidays.

Next one is that the language making the violation of operating a rental without a license is a class one misdemeanor was removed also because based on industry feedback a it was the only thing in the ordinance that would actually make a criminal citation and everything else was civil and we felt through discussion that ongoing violations would be handled through the court as civil violations and sufficient to get complies. And also added to require to certify the -- on the owner's behalf. Based on the feedback that at the -- of the owner or owners designate contact information can be required on the application. But because SB 1168 requires or states city can require owner to obtain and maintain license. The city needs both the owners name and contact information and meets certification that the designee can act on the owner's behalf.

In addition to requirement to provide evidence of liability insurance has been moved to a later section, eighteen dash one seventy three as it was pointed out this was something that was not required to be included in the license application and the SB eleven sixty eight. And this representatives also requested the removal of the proof of lawful presence section but it was not removed because it is already required for all licenses issued by under state law.

And also clarified that the property must be cleaned between stays rather than bookings, it just makes sense. Language referencing Maricopa County environment the whole code was to give better guidance requiring minimum cleaning standards.

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We also inserted language giving all properties six months to come into the requirement compliance with the pool spot and hot tub area requirements. It was pointed out and we recognize a can take time to hire contractors and there will be additional costs coming into compliance so additional time is warranted for that.

And also to address industry concerns and background check section has been updated in several different ways. First of all to clarify that this requirement applies only to the booking party. The booking guest because that is consistent with SB 1160. So that is a restriction that is on their. And when I talk to you back on the 20th I said we ran on all guest because that's because we hadn't updated the language to make sure it was closed with SB 1168 picks only on the booking guest. We also changed it so that the check has to occur no later than 24 hours prior to this day before it was after twenty four hours within booking so that gives a lot more time for that. And also clarified that the use of the Department of Justice online national sex offender public website will satisfy this requirement. You are treated to that at the September 20 meeting and approved that was not a sex offender. Also added the language in subsection C about booking on behalf of the sex offender.

And so let me walk you through, I'm getting close on these. The ordinance will take effect 30 days after adoption. So that is November 24, 2022. We will have the application portal ready to go by that day but November twenty fourth is Thanksgiving. And we have a two day holiday that we want to make sure that staff are actually available to answer any questions that people have about the website. So we will actually start accepting applications the following Monday which is November 28. We are required to issue licenses within seven business days suggest walking you through the math. If you apply on Monday November twenty eighth it will be issued by Wednesday December seventh. If you want to make sure that you have your license in place by the January 8 deadline. You would need to apply by Tuesday, December 27 so you can still do the day after Christmas, you can still do that and then the next day go out and fill out your application to ensure that there is seven business days before the deadline because we are dealing with a lot of holidays for this time.

[Time: 01:41:30]

The ordinance also requires the neighbors be notified within 30 days of being license oh if you apply on November 28 you to get it issued seven business days later you have a full 30 days to notify by January 2023 so the time frames all work here. And update any advertisements and any barriers need to be in place by May 23, 2023. To implement ordinance, if you adopt it tonight the staff will take the following necessary action including preparing the business licensing system and except fully online applications from all the short-term rental owners. Preparing a written notice to send out to all properties that we are aware of. To inform them of the need to apply for a license from the city. And generate deadline and preparing a web form regarding the neighborhood notification and the-- to finalize a residence guide to living next to a short-term rental based on the new requirements so that everyone knows what the law requires and they should contact the Police Department and how to contact the police department and code enforcement and all of that and also update the short-term owner and guests documents that are on the website. We will prepare the posted template and also apply the-- for sharing the contract information out of the licensing system with the police department and code enforcement so that if there are problems that they can respond, one more slide if I can and then I will be done.

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So we are recommending that you adopt ordinance number 4566 and as you know I talked to a lot of people and listen to people in the last month and also responded to a lot of emails and I just want to be clear. If you want the city to-- terminals it is not allowed. If you think we are trying to ban short-term rentals it is also not allowed under state law. And looking forward to hearing the additional comments that we hear and that concludes my presentation and I am available to respond to any questions.

Mayor Ortega: Just a quick comment here. So we will get to public testimony. To clarify if someone is already registered with the city, do they need to reregister for a license under other terms or the terms just applicable to them and they are duly in compliance?

Brent Stockwell: Great question, we were not allowed to have any registration with the city or any license prior to September 24 so what people have done is they provided contact information in the past and we had about 2600 properties provide that. We will be notifying love them that they have to come in and get a license and follow all these requirements new as of the days that I just mentioned.

Mayor Ortega: Thank you so that has a new compliance requirements and notification or heartedly. I don't see any other hands up for my colleagues. So I think we should go right into public comments. We have over 30. I would ask that please come forward as to state your name and then also limit comments to two minutes, two minutes or less. And let's start with Chianne Gething and then Matt Davies. Followed by-- so Cheyenne a go-ahead.

[Time: 01:45:30]

Chianne Gething: Good evening Mayor, members of the city Council to I reside at 8505 E. Peppertree Ln.. My husband and I wear many hats in both and small business owners and I as a realtor, and mortgage broker it also together as vacation rental host speak to you today from my position as a board member of the short-term rental alliance and the state coalition for Arizona tourism we can definitely agree that the past for years has evolved into a more saturated market in Scottsdale for short-term rentals but we are balancing out due to SB 1168 and also from supply and demand. The short-term rental alliance is a professional group of providers and interested stakeholders who want to see this industry thrive and flourish. We want to be good neighbors and continue to do good for the City of Scottsdale. And several relations a requirement suppose we simply asked today that we ensure that these measures we are taking are being done to solve specific problems rather than simply overburden a property owner with the intent of scaring them from the service. We support reasonable and fair and essential requirements and transparent and what problem they comply and mastermind conferences and boards and ultimately our success is based on guest reviews and overall experience.

We think the Council and city staff are holding meetings as mentioned in the last 12 weeks and we do feel as if some of the members today show the components to the language have been tweaked based on the comments and we appreciate the open dialogue. But I'm here today to voice my support for continued conversation on some of these points. For example, notifying neighbors that you are operating a short-term rental could seem like an innocent task and 1168 does allow for cities to make this requirement if they choose but ask you to wonder if this is right for the City of Scottsdale, as mentioned there is a robust, proactive steps being taken by the City of Scottsdale to have an online registering system and we feel that neighbors will easily be able to find short-term rentals with all of these that they are putting in place so it is not necessary for us to have conflict and tension

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conversations with neighbors and hard to prove whether that has been done. And I probably will keep running out of time for all of my point so I want to say that the City of Scottsdale can and is a leader in navigating the rules and requirements for allowing short-term rentals however short term before adopting this one-size-fits-all licensing system and when we are so unique here in Scottsdale and how we treat visitors and make it easier for guests to comply. Thank you.

[Time: 01:48:27]

Mayor Ortega: Thank you Matt Davies and then-- about half a minute over so let's keep to the timer. Let's go with Matt Davies. Going twice Matt Davies. Not attending. Followed by Faud Vassi and then Chad Pastiak. Okay going twice. Faud Vassi and Chad Pastiak not available not here. Next we will go with Robert Wilson and Jeff Lancer. That was quick. Robert Wilson going twice. Gone. Jeff Lancer. Twice. Not available. Not here. How about Laura McClure and Tad Clawther? Okay Laura McClure going twice. Tad Clawther. Also not attending. We will move on to speaker number nine would be Felix Hart and then Keith Armstrong. Mr. Hart please state your address and proceed. Thank you.

Felix Hart: Thank you for the opportunity my name is Felix Hart I'm at 6831 East Portland St. Down the street from New Hampshire. Thank you for the opportunity. A couple things and I wasn't nearly prepared as the other lady that just gone in terms of a speech by want to turn and call out a few things in the narrative and I'm also realistic -- licensed real estate agent here in the state of Arizona and a lot of the presentation is some of the proposals being present told this evening by some of the people that have gone before me. The narrative just seems a little bit off to me in terms of the bad things that occurred was short-term vacation rentals and certainly needs to be regulated. The rules and regulations in place but at the same time we need to understand what this short-term vacation rental does to the state of our Beatles well-- you for City of Scottsdale. On the website what I was able to locate there was over \$5 million from tax payers and that is a big factor for us. I would like to point out the economic impact that the short-term rental business has in general. I'm not sure if there is to study or not but certainly in a big impact that I don't think we want to lose track of because that subsidizes our schools, our parks and all of these different areas. In terms of what is being proposed with that new regulation hear.

A couple of items and I'm just a little bit concerned about are the aspects of this certified violations and potential suspension. I am a little bit concerned about the aspect of having a neighbor that might be bitter about something and might be making unreasonable request and calls to the police hopefully there is some type of validation that there are no full accusations made by a neighbor. If it is a valid violation than absolutely let's get the bad apples out of your but that is one of the concerns. And the other when I had about some of the comments made earlier about trash and the additional costs associated with trash and things like that. And get that understanding. But at the same time also revenue piece that the city is collecting. The costs associated to trash separation is being offset by some of the revenue that the city collects thank you for your time.

Mayor Ortega: Peter South, yes sir.

Peter South: There is a few items I want the council to consider moving forward on this short-term rental ordinances and first just make sure we all pause and considered do we have, have we done our due diligence with regards to the state powers granted to the city? Specifically one example might

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be regarding the annual licensing fee. We have some concerns towards that. Background checks. I would just recommend the language go instead of 24 hours just prior to last-minute chickens and also with foreign travelers because they are not subject to sex offender chickens and -- is a burden to owners considering we might make a year to take those adjustments as opposed to a contract and borrowing money and all those things. Lastly I want you to consider to how this will continually affect our communities and how we address complaints. You have asked us to abide by a lot of rules and you are expecting us to be responsible for the actions of hundreds of guests every single week and we need to explain to the guest how the garbage works, quite hours Kasumi things you are expecting us to tell the guest. And we are down, we want to educate our gastric and we put in how to be a good neighbor and we are making and doing our due diligence. What we want to challenge the Council that you will come alongside us and that you will help educate neighbors and what do you do when there is a false -- and we are fine we want to keep our house clean cut garbage gone and friendly guest that is good for us and the city but you as the council to come alongside us and protect us as business owners who might be angry and frustrated who just don't like rentals. And that you share in the burden and protect our rights to provide what is he really needed and desired service for our community, thank you very much.

Mayor Ortega: Thank you Mister South. Jimmy Erickson and Marianna Marslow. She had to go? Thank you if you can please come forward and state your name and address. And you will be speaking for Mariana Marslow?

Eric Stroud: Yeah, or myself.

Mayor Ortega: Yes go ahead and tell us your name and address.

Eric Stroud: My name is Eric Stroud and my address is 3325 N 63rd street I live next door to, I own four rental properties here locally and most of them in Phoenix but I reside in Scottsdale. And they are long-term rentals. I actually live next door to air B and B the last four years and now I'm next door to twenty five and for this regulation and I think it is due and the one thing I would say is I'm not completely against AirBnB and I agree with what some are saying. Is having these responsible host show up on Thursday to Sunday and check the guest in face-to-face it seems to make a huge difference and I can tell you that never really goes on. When it does have seen it happen a few times over the years. And lewd behavior, weekends can't go back outside with the kids, so I'm for this regulation and I think education is important and I do think that this is a good start. So thank you.

Mayor Ortega: Thank you. Next we have Herb Ritter and then Byron Clough.

Herb Ritter: Thank you we own to vacation rentals in Scottsdale on fifth Street and seventy fourth. Thank you for your service and I have been a planning Commissioner and the city of Pleasanton for eight years and before that I was four years of the parks and rec commission. So my son went to ASU and my daughter went to UofA. I went to WSU so interesting dynamics there. But we love coming down to Scottsdale. We fell in love with Oldtown and I'm focused on finding the best candidates and taking care of the neighbors, we have 77 reviews all but one five stars, really trying to make sure that we take care of the neighbors and we upgrade the properties with drought tolerance and we watch that, and we actually have good neighboring engagements, I'm very in favor of it I want to keep us there is 2600 of us that are probably compliant I think is good to weed out the ones that are not so I really am in favor of

getting good vacation rental people. Brings businesses to Scottsdale and past chairman of the Chamber of Commerce in Pleasanton and I really see vacation rental driving business in a very positive way in finding the right vacation renters to come down. We do screen them. I am in favor of the background checks and I do think that there is an opportunity to educate just like the gentleman at itrip said I totally agree with him and I think if we can do more education of the neighbors of showing them it is okay, the actually can benefit to the tax dollars that are brought in. It is important that we as owners do take care of the property can we have upgraded it and increase the values of the neighborhoods also. And I do appreciate all of your service. So thank you very much and I do support it. One thing I would like to add, I do think December is a little soon to get this done. I think it is unrealistic and I think March will be better and that's go for the four thousand not just the twenty six hundred that we are targeting. So thank you.

Mayor Ortega: Thank you, Brian Clough and Kai neighbors, going twice. We have Janie Michelle. Danielle Crow. Jamie Michelle. Suzanne Brown after Patrick.

[Time: 02:02:00]

Patryck Gawlak: Good evening, Mister Mayor, counsel, my name is Patrick residing at forty six thirty North sixty eighth St. On behalf of the cleaning service. We are cleaning short-term rental servicing here in town currently employing 50 team members and growing. I am a Scottsdale member myself. And so my team being here and sharing on the voice of other companies like ours. And I want to thank you for the opportunity to speak today we believe that the sum of the legislation will interrupt our industry particularly the licensing fee and requirement and this will affect individuals operators and other small businesses and as a result this will result in-- and I think this lots of conversation and done on that, we do agree that certain regulation does need to be in place to maintain order between neighborhoods and short-term rental gastric we do think that a lot of the items addressed here are incredibly valuable and correct however many of the which I think is really up to the core of a lot of these issues and inappropriate guess behavior seems to be driving the concerns being policed by Scottsdale neighbors. So adding unnecessary fees and red tape will simply cause a decline in the industry and in limiting jobs and impacting negatively the economy in Scottsdale and hurting small businesses like ours. We hope that those changes will be reconsidered and considerations to be continued and a larger focus placed on the guest behavior. So we are against the ordinance that as currently written.

Mayor Ortega: Thank you, next we have Suzanne Brown and Cyrus Manley.

Suzanne Brown: Good evening Mayor and Council members I am Suzanne Brown director of community and government affairs for this, still Association of realtors. To start off I wish to thank you and staff are all your hard work in drafting the revisions for the short-term rental ordinance. We value that you have taken the time to collect and consider input throughout the whole process. Earlier today Scottsdale realtors provided me a copy of recommendations to the Council regarding that provide ordinance and the quick response by your staff to the quick response of concerns and we are thankful for the revisions made.

We understand that the recommendations for the mint remainder of the requested revisions is to not be incorporated but to wait for future amendments. However we respectfully request that the following

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minor changes we approved this evening as part of the final ordinance. Number one, section eighteen – 175F under health and public safety regulations remove the wording at least bimonthly regarding pest control maintenance and to stay as regular pest control treatments.

Number two section 18 – 176,B under sex offender Akron checks to be consistent with part a which states," for every booking guest not each guest or renter." Number three section 18151D under vacation rental license required invalid license penalties add " SB eleven sixty language owners have 30 days after receiving written notice from the city." This will be in addition to be reinstated in the next section for clarity and compliance.

Number four cut section 18 – 170 a. Under compliance with the laws. To state the legal authority allowed for legal enforcement under the ordinances applicable to all federal state and local vacation or short-term rental laws. Rules and regulation and not leave it as written which pulls in the additional enforcement and compliance of all federal state and local rules coat regulations regardless of the applications to the operating of the short-term rental. Thank you for your time and consideration.

[Time: 02:06:42]

Mayor Ortega: Thank you have Cyrus Manley, and Rod Schrengohst. And repeating we have Cyrus and Rod. Rod Schrengohst.

Rod Schrengohst: I live at 6830 E.-- and I live in the old town neighborhood for almost 40 years. But who is counting? I do not, I am not a landlord and I do not own any rental property got all I own is the home that I live in. And in that home I raise a family and now I have no family there, I am a years old, disabled veteran and ill health. I would like to stay there the rest of my life so what I'm trying to do is get some rental income by having guests. I tried roommates and we probably all had experiences with roommates and we were young, college deadbeat, bad roommates. I discovered that airbnb will put people in my home, vet them and handle the money and they won't stay there forever so it helps me and I don't feel at this helps people who want to have renters in their own home.

My home is my personal residence and not a rental property. I have not seen anything about this ordinance that addresses me directly. I have to get a business license for my private home, I have to get a license with the Department of revenue for my own home. I have to tell the county that the property is a rental. They said your property is not a rental rod is your private residence we don't consider that a rental. So I just feel that there has been a major oversight in this ordinance unless I missed something in my hearing is not very good and I did not hear a lot of what went on here tonight but I don't feel that my situation has ever been probably addressed and I think that buying a business license from discuss still and PPT license with Department of revenue is overkill.

Mayor Ortega: Thank you sir. Next we have Angela Lyle and Susan Edwards.

Angela Lyle: Good evening, my name is Angie Lyle and I live at 6136 East Windsor Avenue Scottsdale. I am originally from Seattle, Washington and my family had rented short-term rentals here in Scottsdale for 10 years. My daughter learn to ride a bike for the first time at the short-term rental just a few blocks south of here. She also had her stitches in the ER but we enjoyed the short-term rental so much that we

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packed up and moved to Sundays because still if you years ago. I would not be a city resident if it would not be for short-term rentals.

I actually have a question so I will get to my question now. A question is why aren't hotels being held to the same new proposed ordinances? Hotels are embedded in the neighborhoods as well. For example my eight-year-old daughter and I live near a hotel value dash Mike they are not required to provide sex offender or background checks other guest but this is easy for a sex offender to book a hotel. In fact in my opinion it is easier. As a responsible AirBnB host I've that every single guest I make sure I receive confirmation that they abide by my house rules before they even make their stay. Hotels do not but their guests and do not perform Akron chest or any rules. -- perform any background checks or rules. And how will you address hotels? That is my question. Strongly believe in removing the bad apple air B&Bs and I know they are out there but these proposed changes seem to impose irrational restrictions and oversight.

[Time: 02:11:43]

Mayor Ortega: Thank you. At this point I believe we have concluded the public comment. I'm sorry. This is Susan Edwards. This is Susan Edwards okay. Hello. I apologize.

Susan Edwards: Mr. mayor and council members I am president of the Arizona neighborhood alliance which is protecting residential integrity of Arizona's neighborhoods. And thank you are wonderful and I think this is spectacular and I'm jealous. You are a model for the state. And on behalf of about two hundred forty thousand neighbors of short-term rentals across the state, they thank you as well. And our members show that there is 60,000 rental units nationwide which is by the way a 39% increase between March and August this year. That doesn't and in August your DNA showed Scottsdale is having fifty nine hundred and one short-term rentals but that doesn't include 2700 additional merging platforms and you have been turnabout the -- told about the economic benefits but you haven't seen the other side.

We can see the counter arguments. And also neglect the fact that hotels pay eighty percent more in property taxes than these homes do. And hotels pay for their own security. We pay for the police. We pay for the extra trash, we pay for the stress on the infrastructure. When you have got thirty people in a house instead of a house of six people or four people or whatever. And or members don't see the benefits to the neighborhoods and communities of Scottsdale becoming the bachelorette party capital of the U.S. and that is a -- I'm not jealous of that. We have nothing against on-site owners because they are there watching over the property. However not one of our members understands what our property rights are superseded by a corporation that buys the house next door or the condo next door and converts it into a business and wields our property rights because they get all the property rights got that is our issue, thank you very much, thank you, thank you.

Mayor Ortega: Thank you very much and at this point we are concluded and thank you for your patience. I will just to respond to some points made ask for legal to weigh in on a couple perhaps questions about whether or not residence will be excluded and of course the other point that was made with some people having long-term rentals you know something over 30 days and that is certainly not applicable to this ordinance. Can you speak to some of that, just some of those points that were made up.

Luis Santaella: Mayor and members of the Council yes I can. A short-term Acacian rental is a stay of 30 days, less than 30 days consecutive days. This ordinance does not apply to long-term rentals. Under state law we can apply laws to short-term vacation rentals that are different than long-term rentals are owner occupied under certain limited circumstances. Most cases we have to apply the same laws to all types of occupancies with a short-term vacation rental or long-term or owner occupied. What we have done with this proposed ordinance is craft what state law allows us to do such as requiring a regulatory license.

[Time: 02:15:42]

So the question of the young lady had about why we don't require hotels to do a sex offender check is because we are not authorized by state law to do that. The state legislature authorizes us to do that for short-term vacation rentals, they did not authorize us to do that for hotels. Big difference to his hotel generally are not in residential neighborhoods. And short-term vacation rentals are. And something about sex offenders is that if a sex offender moves into your neighborhood you get notification from the local authorities if they move into your neighborhood. So there is a different standard point when it comes to that.

When it comes to the other specific questions there you might have I would be happy to answer those.

Mayor Ortega: Sure just generally in terms of responding to the general scope of what we are looking at thank you have defined it pretty well. That we are following the parameters. There was another point about whether or not the city should be enforcing all federal and state laws. I think that is pretty much a given where there is a domestic violence situation or theft or otherwise happening is pretty much a given and even in our jurisdiction that the law enforcement would be responding to whatever is required. The statute on STR's doesn't limit those that we expect to protect.

I want to ask if there is any observations and I'm just filling in as other city Council member Milhaven wants to speak as well. I think it is important that we know that these tools are limited. The main thing is everyone who has spoken here has talked about really the security and value of their own investment. That is whether it is STR and how they want to be good neighbors and this works both ways in terms of STR. Whether there is a bad actor or good actor. It is about I think Mister Smith said that pretty well, about protecting your investment, we believe that if URS concerned about towels and dishes and all of that. Certainly the question about the sex offender is way up there as well. In terms of being responsible owner. Without I see councilmember Milhaven has a question or comment.

Councilmember Milhaven: Thank you have a list of things that people have and I want to start out by saying we will absolutely continue this conversation. This will be an ongoing conversation to improve it and refine as we go along so no worries there. One of the speakers talked about the notification and I can certainly respect the tension that she said the conflict intention about knocking on a neighbors door. Can you speak Mr. Stockwell about what would, what would constitute notice on how they would approve it? Good they just mail the notice to the property owners does that suffice?

Brent Stockwell: Yes Mayor Ortega, councilmembers, the notification requirements and evidence 4566 are identical to the requirements in SB 1168 and there is flexibility in how that is done. You can go

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personally to do it, you can do it by electronic means. You can mail it to you have flexibility and how to do that.

Councilmember Milhaven: And then the attestation that says I did it without be suffice?

Brent Stockwell: The attestation spells exactly what the city can require to be done and that will be through an online form.

Councilmember Milhaven: False accusations I just want to address that. We have got lots of times when people complain about stuff unless there is evidence that their accusation is in fact happening, police are responding you know to these calls and so it would be in their opinion that an actual violation happen. And I know that sometimes the neighbors will say will the police don't get here in time and so we say take video, so they need to be some form of evidence so people can make full stop accusations. Nelkin a neighbor be a real pain in the neck and call police a lot, uh huh what they won't be able to make false accusations are unfounded. And talking that within the 24 hour check but said you know the last minute booking might be within that 24 hour guideline. How might that be handled the food they have a booking that came in seemed the essentially?

Brent Stockwell: If the booking came in the same date as soon as they receive that they should go do that background check. And if they want to do not because it came into sure they can certainly do that as well. One of the things we heard as testimony from the industry representatives on the best practice was that last second, last-minute rentals especially those within the region are those most likely to cause problems and so that was one of the things that we learned when we were doing all that testimony back in the working group and that is something that stuck with us as well. So we had a lot of discussion about does it just have to be before this day before you let them in the door? It came to a point where 24 hours before the -- was reasonable. It was moved from two for hours to booking all the way to four hours to state. If someone checks as soon as they get in there is no problems and they let them into I don't think it is only when there is going to be a problem you know we are doing a nuisance party and find out who is there and find out that there is a sex offender there and staying overnight that we will really do due diligence won't find out that was the person booking that. That is going to be the situation where we go to them.

Councilmember Milhaven: So the problem will be that they didn't check but the problem will be that they ran into a sex offender and should not have. Okay someone made a comment about international exception but I think if you check the registry and they are not there then they're not there whether they are international or not.

Brent Stockwell: That is right.

Councilmember Milhaven: So there would not be interviewed national exception.-- international exception. The gentleman renting a room in his house. That is very different economic model and is there a way to make an exception or what would your thoughts be about trying to address that specific situation?

[Time: 02:15:42]

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Luis Santaella: Mayor and members of the Council of think the problem with the gentleman renting two different people is there are no longer operating as a single family unit and converting that single-family residence to multifamily. So it is the same issue you have with renting out the status separately and that would open up a whole different issue in terms of other types of uses that we know would be a loadable at that location.

Councilmember Milhaven: So it would not be appropriate to make an exception.

Luis Santaella: Not at that point it is something we can study and get back to you on.

Councilmember Milhaven: Okay. Then Ms. Brown from the realtors had several different, I'm not sure I was trying to follow from the e-mail you sent us and I think you spoke in a different order so I lost track but I think Mister Stockwell also saw that email, could you address some of the minor suggestions that Miss Brown and the realtors brought forward?

Brent Stockwell: Yes certainly. And as you mentioned and appreciate that working with her and so I'm trying to remember they submitted a hold bunch of them today and I was trying to run through there and catch them pretty quickly. We have no objection to the removal of the quote at least bimonthly requote because the pest control treatment is sufficient but we just didn't feel that it warranted coming out and changing ordinance at this late hour. So the other thing we could be done we talked about this when we met last Friday as you know let's watch that and see if there is any problems with it and if we need to strike that we will strike that in the future date.

[Time: 02:24:33]

There was another one oh yes, yes and the mayor kind of address this earlier and wanted to loop back around to this. One of the concerns I have with adding the phrase I'm trying to look at it on my list. So the section that the Association of realtors were talking about is a section that is in the existing ordinance today. So it was passed I can 2019. It has been the lost for the -- law for the past two years. We don't think it needs to be limited to only short-term rental laws because all laws relating to all properties and persons of cities still need to be adhered to in the short term negation rentals. When we go further. Louise just said a couple minutes ago that the state law allows us to pass rules specifically at short-term rentals only for the reasons of a demonstrated public health and safety need. The second section right after that and state law allows us to hold them accountable for things as long as long-term rentals and-- single-family properties got owner-occupied properties are held accountable to the same standard. So one really big organ is that we have, the nuisance party and unlawful gathering ordinance is one that does not specifically apply for two short-term rentals and vacation rentals. It applies to all single-family properties and so I would not want you to add that to their and exempt all short, rentals. That is one reason but there are others as well. It is one of the challenges I think we are trying to make last-minute changes especially with the organist that has been out at least in some form for the last two months.

Councilmember Milhaven: Thank you.

Mayor Ortega: Thank you we have vice Mayor Durham and then Councilwoman Janik and Councilwoman Littlefield.

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Vice Mayor Durham: Thank you I want to thank you for the work you have done and I know you have done a huge amount of work on this and I think it is a good result. I had a couple comments and mom was echoing councilmember Milhaven's concerned about Mr. Schrengohst, I'm sorry if I did not get your name right that seems like a second situation that we should try to fix if we could. I thought I remember that in the past that some type of regulation that related to spare rooms or something like that. What was that?

Brent Stockwell: Yes vice Mayor Durham you are in meetings where we were discussing draft versions of SB 1168 for it went further. And one of the things that we actually discussed with the league working group and remember that will league working group was negotiating with the industry lobbyist that is air B&B and state legislators, and as we were trying to build the support for the ability for cities and towns to licensed properties. One of the things we proposed was an exemption for the grandmother that run so a room in her house because we thought that might make it more palatable to the industry or to the state legislature. Even though we had proposed that is part, that did not make it into the final law. But I also have checked and based on all of the advertisements that are going on right now. In Scottsdale for ninety eight percent of the rentals are fully unit rentals and less than 30 commercial rental unit. So for this gentleman there are also twenty nine other units that are doing something similar in Scottsdale today.

Now I think the key policy question there is that we do need some time to take a look at this and analyze this because this is not some of that was covered under SB eleven sixty eight but if we have direction from you we can look at this and look at the impacts of that and then come back with something else. The other thing I will add to that is this. You have less than 30 of them doing it today and how many more do you want to have if you make it so that you don't have two get a license and don't have to follow certain provisions of this.

[Time: 02:29:10]

The other thing I will add is even though that the license requirement \$250 annual or licensing requirement, we are not allowed to exempt people from paying transaction tax or from people registering for the-- property so those requirements are still going to be there and we are still going to have to enforce that even if we say if you are only renting a room in your own home that you are occupying you don't have to get a license. I do anticipate that we will still have to do some enforcement activity on that. You because we will have, you will still have people saying this property was advertising on the website we don't see them listed so maybe some combination where they don't have to get a license but still have to do a no fee registration or something like that.

Again it is bad policy to draft things on the fly if it is your direction to try to resolve that situation for this gentleman and thirty other residents we will do some additional work and then we can bring back a very narrowly constrained ordinance that would address that or we could tell you the reason why we think it would be bad public policy.

Vice Mayor Durham: I also had a comment about Ms. Brown's comments, I think she noticed a place where we were requiring all guests to be checked and the sex registry and not just the booking guests. Is that something that needs to be fixed?

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Brent Stockwell: So Mayor and Vice Mayor and members of the Council we had looked at the earlier today and it had already been changed so one of the balances when you're reviewing something in that time period is something that actually she and I talked about and immediately following the meeting on September twenty essay we will look into that and get it fixed period in case I'm missing it we did thoroughly look at not only the one tonight but also all of the one she had mentioned and she met with me on Friday.

Vice Mayor Durham: Thank you.

Mayor Ortega: Councilwoman Janik.

Councilwoman Janik: Thank you to those who worked on this and I know how much time you put in and I know how very patient he was with most of the people when he hit a respond and I really appreciate that so thank you. My question revolves around pools. I thought I heard someone say that most of the pools already have the safety measures. And then I thought I heard someone else say well there is issues and they don't. And this request is unreasonable. Could you clarify that for me a little bit?

Brent Stockwell: Yes Mayor, Vice Mayor, members of the Council caught a couple things there it has been a requirement since nineteen eighties. Has been a requirement since the 1980s. The things to think about though is about sixty nine percent of our short-term rentals are located south of the bend so that is precisely the part of the community that in large part was developed prior to those types of requirements going into effect and so that is one thing to think about but we did hear we met with people that had concerns about the ordinance and it was hey I'm concerned about the labor shortage we have going on right now and the supply chain issues that the city is facing right now as well as everybody else and we thought giving the additional time about six months to be able to comply would be regional and I heard someone ask for all well all to a year and I would be cautious about something that has a demonstrated public safety need not implementing it even longer. So that is the other issue I would be really concerned about.

[Time: 02:33:08]

Councilwoman Janik: Thank you.

Mayor Ortega: Councilwoman Littlefield and then Councilwoman Whitehead.

Councilwoman Littlefield: Thank you mayor. I would like to thank you for all of the work that you have done and that your associates have done with you. You've done a tremendous job here and it is obviously work in progress. But you have really put it together and I am very impressed and I think while it still needs work and we so have questions and we still have things to do I would like to request a motion to adopt ordinance number forty five sixty six repealing and replacing article nine of chapter 18 of the Scottsdale revised code concerning vacation and short-term rentals. The reason I want to do that is to bring us in compliance and in alliance with state law. And then we can move forward from there. Thank you.

Councilwoman Janik: Second.

Mayor Ortega: Thank you we have a motion and a second. Others have spoken so we will continue with Councilwoman Whitehead, Councilwoman Caputi and myself so also councilwoman Whitehead.

Councilwoman Whitehead: I will be brief I want to ask them what Luis said to assistant city manager Stockwell, wonderful job and I certainly learned a lot in the process meeting with the actual operators and a lot of clarifications without the help of the operators I think I would not understand the ordinance as well as I do. But I am very supportive of it so thank you.

Mayor Ortega: Councilwoman Caputi.

[Time: 02:34:47]

Councilwoman Caputi: I just want to say we have spent years listening to complaints and it was incredibly refreshing and relieving to finally be able to say okay now we can do something to people would call us and complain and all we would ever say was can't do anything the state won't let us do anything and it was incredibly frustrating so I want to applaud us because the minute the state allowed us to actually make an ordinance and help solve some of these problems we did it, immediately. And I told them before the meeting started I actually think we did an amazing job of threading the needle. So I feel like we got the same amount of comments of people who did not think we have gone far enough and people who think we went too far. And so to me that means that we actually got to the right place and we have tried to rehire the balance the needs of people whose neighborhoods have been severely impacted and then also of course the private property rights of people who want to run their businesses and again I just think we have all done a fantastic job and I'm fully in support of this as well and really grateful that we finally have something to say that we are able to help solve some of this problem. Thank you.

Mayor Ortega: If everyone has spoken I do want to add that I do support completely the motion and you worked very hard with the task force, myself and the legislature and we are empowered to enact everything that we can. Also I want to mention that we do have presentation earlier from the IT department mentioned that all the provisions that would need to be made both to keep the system's current but also in preparation to see what kind of timing and overload of our system so that we can manage that in a responsible way.

I think with that we are ready for a vote. Please indicate your vote. It is unanimous and thank you very much and thank you also for being very respectful of one another as we came through this.

Now the next portion has to do with public comments. We have another opportunity for some for people to come forward if they have something not on the agenda. And we see that there are none. Yes. We ran them ahead. Yes we ran them ahead. So accordingly closing public comment.

And we move on to citizen petitions and that is an opportunity in our charter for anyone to come forward. And follow that with the clerk and we see none so the matter is closed.

And next we will go on to Mayor and Council item. And I will address this myself as I brought this forward. Regarding the case five DR, 2022 and I will make a brief presentation on the subject. You know

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there is many positive things to say about the project. It ran through both zoning and DR board several times in the aspect need to request some discussion and had to do with the setbacks on both six Avenue and Miller. They were substantial and they made the project look good. However my concern related to the restriction on Miller where the stoop was pulled out substantially away from the building line and it restricted the passage of down to 10 feet or so. Of pedestrians so that was my concern. That major pad extension also interrupted the tree canopy so there is a tree canopy along Miller that was obstructed by this and that is a concern which I have then raised and subsequently had discussion with the applicant and the applicant's representatives as well as the architect. So the concern regarding the restriction along Miller. What we had the same setback on Miller and six Avenue was a substantial question.

[Time: 02:40:07]

I have received assurance from the applicant. That they are going to look at the issues that I raised and so that we can meet more directly on this an understanding that the tree canopy is important. As well as the possibility of moving raised platform to insert that out of the way so that we would have almost as equal opening or passage for pets, strollers, etc. Along Miller. So with that and as discussed I will be needing further with them and certainly proceeding with the construction documents. And the request for appeal that is on the agenda today. And I look forward to solving as we said the extension of the tree canopy and other things that will make this a good project. Councilman Whitehead, thank you.

Councilwoman Whitehead: Thank you I want to say it is nice to have an architect that is our mayor so I am pleased that the applicant and you are working together and we might have a longer tree canopy as a result so thank you.

Mayor Ortega: Thank you. At this point we are actually concluded with the Council item number 20. And I will therefore adjourn to the regular portion of the city Council meeting.

So at this point we will be able to convene a work-study session as posted. Is there any need for a break that we continue on its fine with me. Okay. Okay so accordingly I will call to order the October 25, 2022 city Council work-study session. Again calling us to order for the record. I note that the councilmembers of the Council [sneeze] for the record I will note that all members of the city Council are in attendance as well as our charters so we are ready to continue with the work-study. As posted.

Work-study is an opportunity for the subject to be discussed perhaps more informally and to acquire information from staff and also to provide an opportunity of somewhat of a consensus. So that we can see how we input to the subject. And officially in any particular resolution and the cow we have an opportunity also to open public comment on the work-study. Public comment allows the stakeholders to come forward and allowing two minutes to speak to the issue. I see that there are none. Therefore I will close public comment on our work-study item.

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WORK STUDY ITEM 01 – QUARTERLY FINANCIAL AND CAPITAL IMPROVEMENT PLAN (CIP) UPDATES

[Time: 02:43:58]

Mayor Ortega: Now we will proceed with the discussion or the presentation of the quarterly financial and capital improvement plan. That is CAP updates cut or presenter is distinguished Sonya Andrews City Treasurer and also we have Alison Tymkiw with the city engineer.

City Treasurer Andrews: Thank you mayor and city Council this is the quarterly financial update, we always focus on the general funds and since but it is our primary operating fund. Next slide. The good news is this is only the first quarter of our fiscal year so there is a not a lot of significant things to report so I can keep this very, very short and I just like to highlight if few observations for the first quarter. Next slide.

So what we are noticing is in the sales tax growth is starting to taper off to sales tax revenues are still growing, just not at the record pace we were experiencing last year. And we can see that to the right how revenues are starting to flatten out and as expected in our budget. Next slide.

Retail sales is still leading the chart in terms of the sales tax growth. Next slide. And the interesting observation I wanted to share here is our general fund revenues are still growing. The state shared revenues are many of you may have heard that the state is implementing the flat tax sooner than originally planned and they will implement the 2.5% flat tax starting in 2023.

And I want to speak to that. How we receive allocation of state shared income tax is distributed to the cities and two years in the rears that means what they collect today we don't receive until two years later. So even though they are implementing the flat tax early we will not see the impact of that until two years later. So 2025 or 2026. So it is not impacting our revenue today. Next slide.

In the observation, this is our expenditures. And I will, the only observation I wanted to share here is with inflation and over time we are seeing a tighter budget. If you can seek a we have a 1% positive budget variance. Hang on just a second. Typically a one percent budget variance got typically we see a 2 to 3 budget variance percent but seeing a smaller budget. So we have to monitor the budget closer and that is about all I wanted to report for this first quarter. Any questions? No, okay I can turn that over to our city engineer, thank you.

Alison Tymkiw: Hello again mayor and members of also so I am going to give you the CIP quarterly update of quarter one. Fiscal year 22 and 23. I will start off with an update on about 2019 and I will go over some other non--- projects in design and some under construction.

Okay this is a summary of bond question one that we have currently budgeted in the current fiscal year. Question one is Parks recreation and Senior services. A couple of things that I wanted to highlight on this slide are add the/pad and improve walkways at McCormick's Railway Park and that project is currently under design and will be delivered with the bunkhouse replacement project that is happening there as well. And another thing is the dog park at Thompson peak Park also currently under design. We are facing some challenges with some restrictions on being underneath the powerline quarter but we are

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working through those issues now. And then third is the Ashler Hills municipal park that was approved tonight and that actually will be going to development review Board next Month I think on the seventeenth so that is progressing as well.

And then I will just give a highlight again, a project fifty three which is the multiuse sports field in the area of Bell Road. The phase one of this project the Bell Road sports complex is complete. We held the grand opening on October 12. The first picture here shows just the completion of building their and you can see some of the public art feature that was installed there. And then the second picture is just the progression of the-- roles source complex with waterlines, concrete work and drainage and the GRP three which is to finalize the project with the restroom building and the other site amenities is scheduled to come to you for Council authorization. Next month. And then the entire project is set to finish in the wake of 2023.

And then this is a summary of question number two. And the community spaces and infrastructure cut the infra structure and again I will highlight the project and a couple of projects on here in forty five which will renovate the horse Barns and it is a pretty busy season with horror shows going on so we will squeeze in the installation of that in between events. And then project number 57 is install solar systems at the north court campus and that was on the agenda tonight and approved that GMP three which included the solar system portion at the North -- and I will highlight that project at the end. And this slide shows center to construct the Civic Center to better flow and performance areas. The landscape and irrigation are installed at the West entry and paver install is pending. We are working on the lighting along the east side of the performing arts. In the garden heart scape is nearing completion and see wills near the children's area are complete and continuing to work on the steelwork at both the 360 Performance Center and that east bowl stage.

[Time: 02:51:26]

And then question number three public safety and technology and again as I previously reported a bunch of these IT and technology related projects are scheduled to be completed by the end of this fiscal year. And this update I will give you a highlight of project number 28 which is to build a new fire station near Hayden Road and the loop 101. Just the second page of these projects and I would like to point out hereto that project number 36 provide the free Wi-Fi at the Civic Center Plaza is being delivered with the civic center plaza that I just highlighted. This is project Tony eat with the fire station near loop one-on-one to improve response times. We are now that we have acquired the land, we are able to continue with the design. The schematically design is complete and we will be starting the municipal use master site plan process and anticipate our first public meeting hopefully in November custom construction is targeted for fall of 2023 and the budget completion fall of 2024. So this is one that you will see sometime soon again as a municipal use master site plan profile.

And then just a summary of completed the projects to date again we have several court resurfacing and support rating at several civilities -- facilities and adding more sports lighting to this list soon and projects at Westworld several of them have been completed and we will be adding the PA system at Westworld to this as well that is finalized and is in the final stages of completion. And then we have several emergency response and emergency power projects that have been completed. And then other projects Pima Rd., Happy Valley to -- Road that is the next segment of Pima Road currently in the design, and that is down the road to current standards for the minor-- including plans take-- landscape

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you Centrale and lifecycle funded as well as federal funds. Working on 30% design and construction is into Cepeda to start in the fall of 2024. And then other projects under construction the Raintree Drive extension project up at the airport we are designing to construct a portion of the road, 76 place of Coleman Drive in a drive west of Hayden.. it includes a roundabout at 76th place and Redfield and when it Hayden in Raintree and then the picture here is one at 76 placed in Redfield. Which is complete which is concrete pavement and the center landscaping and the contractors working on storm drainage and painting between 76 place up to Haden. And us also working on grid work at Hayden and the Raintree roundabout. This project is scheduled to complete at the end of 2023.

And then the north corporation garage parking deck. This is a new deck of structured parking at the city's north courtyard and it does provide part of the infrastructure for bond 57 which is installing the solar system at north court campus. Some of the solar will be on top of the new parking deck and some of it will be over the existing parking deck and some of it will be over some existing surface covered parking. But the size of this project is the underground utility work is complete. Foundations are in progress in the precast structure is actually scheduled to be delivered on Monday, October 31 in the anticipate it takes 10 days to erect that in all of the other work that needs to be completed which was again part of GMP three which you approved tonight. And that is all I have. I'm happy to answer any questions.

[Time: 02:56:03]

Mayor Ortega: Thank you. Councilwoman Whitehead.

Councilwoman Whitehead: I resisted saying something about the consent agenda item because I thought we had a busy schedule but I'm glad that you highlighted at the end, I like the equipment being used in the picture. Thank you.

Mayor Ortega: Okay well I will mention that on the civic lawn or this project I noticed on social media that the contractor is saying we are on target and on budget. Seem to be announcing that and proclaiming that though we are going to hold them to that and certainly believe that it is going to be a great asset. I don't see any other comments so with that I think that I know we are concluded. With the work-study subject period I would request a motion and a second to adjourn. Thank you I see here a motion and second please record your vote. Unanimous, good evening to everybody.